

DOCKET

09-AFC-3

DATE FEB 28 2010

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Date: Feb 28, 2010

From:

Rajesh Dighe
395 W Conejo Avenue,
Mountain House, CA 95391

To:

Mr Bohdan Buchynsky
Diamond Generating Corporation
333 S. Grand Ave., Suite 1570
Los Angeles, CA 90071

RE: MARIPOSA ENERGY PROJECT (MEP) (09-AFC-3)
DATA REQUEST SET 2 (Nos. 5-14)

Dear Mr. Buchynsky:

Pursuant to Title 20, California Code of Regulations, Section 1716, Rajesh Dighe seeks the information specified in the enclosed data requests.

The information requested is necessary to:

1. More fully understand the project.
2. Assess whether the facility will be constructed and operated in compliance with applicable regulations.
3. Assess whether the project will result in significant environmental impacts.
4. Assess whether the facilities will be constructed and operated in a safe, efficient and reliable manner.
5. Assess potential mitigation measures.

This set of data requests (Nos. 5-14) is being made in the areas of:

Mariposa LLC's discussions with Alameda county's around:

1. Use of large parcel agricultural land for commercial power plant construction
2. Applying carbon storage techniques to achieve zero pollution
3. Emission health consequences on children studying in Wicklund Elementary school, Bethany Elementary school in Mountain House. Close proximity of to the proposed the power plant make these locations as sensitive receptors.
4. Pollution to Mountain House/San Joaquin County residents and Power to Alameda county. Mitigation terms used for many policy compliances in the applicant's AFC to CEC
5. Mountain House/ San Joaquin county growth hampered. - Mountain House residents, Home builders and land owners effected.

If you are unable to provide the information requested, need additional time, or object to providing the requested information, please send a written notice to both the Committee and me within 20 days of receipt of this notice. The notification must contain the reasons for not providing the information, and the grounds for any objections (see Title 20, California Code of Regulations, Section 1716 (f)).

AREA: Use of large parcel agricultural land for commercial power plant construction
BACKGROUND

Mariposa is clearly breaking the 158 acre Lee property into two zones- 10 acre area for

MEP site for doing commercial infrastructure development of power plant and remaining 148 acre for non-agricultural purpose. MEP is trying to mitigate the ECAP and Williamson act by stating:

"Mariposa Energy to increase the agricultural output on the parcel by supplying year-round cattle watering capability and re-seeding the 5-acre temporary construction laydown and parking area will be consistent with the ECAP goal of maximizing long-term productivity of East County's agricultural resources."

DATA REQUEST 5:

Please provide documented emails, memos and memorandums with Alameda county and their acceptance of ECAP program specific sections listed below:

1. ECAP program 40, which specifies "A-160" zoning district program classified as "Wind Resource Area". The proposed site is a border case and "nearly" falls under this zoning law because of high wind availability on the site. Provide documents from Alameda county approving this site as falling outside the ECAP program 40 and allowing the land use for natural gas power plant construction and not for Wind Power Generation.
2. Communications around Alameda county's acceptance of using A-District zone for commercial purpose
3. Provide a copy of the "Alameda county conditional use permit" for the proposed site parcel.
4. How does providing help in increasing the agricultural output on the A-District zone parcel by supplying year-round cattle watering capability and re-seeding the 5-acre temporary construction laydown and parking area consistent with the ECAP goal of maximizing the productivity of East County's agricultural resources ? Please provide all emails and correspondence with Alameda county approving applicant's efforts and allowing the 10 acre section of the whole 158 parcel which falls currently under ECAP A-District zoning permit.
5. Section 5.6.1.6 Population and Growth Trends for ECAP, you mention the growth of Alameda county only on the west section of Alameda county - Livermore, Dublin and Pleasanton. Provide communications if any from Alameda county on their concerns around MEP project affecting residential community growths inside Alameda County and their neighbouring San Joaquin county- specifically Mountain House community? The reason for asking this specific question is to allow the certification committee to understand the inherent view of this project from MEP and Alameda county's perspective since Mountain House city falls under San Joaquin county which has no jurisdiction over this parcel but is a sensory receptor of this project.

DATA Request 6: Applicant has made conflicting comments in Section 5.6.2.2.2 and 5.6.2.2.4.

In section 5.5.2.2.2 Applicant is making use of mitigation strategy by providing year round cattle-watering capability and saying that will enhance agriculture production. But immediately down the paragraph the applicant is taking a stand in section 5.6.2.2.4 that he is not converting farmland to non-agricultural use but in reality the applicant is actually going to reduce the parcel acres into non-agriculture land. Applicant is requested to provide details on their communication and documented approvals from Alameda County and EACCS heads on dividing an agriculture parcel by shear mitigating on the remaining 5 acres of the parcel?

DATA Request 7: Table 5.6.3 - Policy 52. The conformity to this policy is not justifiable since it is clearly in close proximity to neighbouring residential communities and has high natural resource wind power generation ability. Applicant is requested to provide his correspondence, memorandums, memos with Alameda county and documented approval on this policy 52 from Alameda county

Data Request 8: Table 5.6.3 - Policy 76. The applicant's conformity for this policy is not justifiable since it is clearly breaking the Mountain House Community. Note that the entire residence of Mountain House are against the MEP project. The residents are looking for a greener no-pollution solution aligned to state's reduce pollution targets. Please provide all communications with Mountain House Community Service District (MHCS D) and Mountain House Home builders and Trimark Communities LLC, around their approval and support for the applicant's project.

This is being requested since Mountain House community has already been under the foreclosure umbrella as a part of general California state foreclosure issues. The MEP project will further aggravate the situation and will cause the community characteristics from being changed by driving home buyers and home builders because of air pollution threats from the MEP power plant.

Data Request 9: Table 5.6.3 Policy 85 - Williamson Act. and Policy 93 The applicant is violating the act since it is not supporting agricultural use clearly. The applicant's statement of providing year round cattle watering capability does not make him compliant since they will be using 10 acre of the parcel which will be violating the act. Please provide detail approvals and communications (emails, documents, memos and memorandums) from Alameda county and any state authorities.

Data Request 10- Table 5.6.3 Policy 218 - The applicant is clearly not complying with Warren-Alquist act since the ECAP A-District parcel is getting abused by clear division of the 158 parcel. The applicant is requested to provide documented conditional permits approving this policy and certification compliance respecting the Warren-Alquist Act.

Area: Technical Design

Europe and even developing countries like India are on the path of designing power plants with carbon storage allowing zero emissions.

Data Request 11- Applicant is requested to provide cost analysis for carbon storage as a part of the design for cutting down health consequences because of emissions. This request is being made considering California state and federal agencies efforts around cutting down pollution and stepping towards greener implementations.

Area: Pollution

Data Request 12- Applicant is requested to provide detailed communications (emails, documents, memos, memorandums) with Mountain House Elementary schools a) Wicklund Elementary School and b) Bethany Elementary School since the kids are sensitive receptors to the emissions from the project. Have they been communicated of the potential health hazards since the wind is going to blow the pollution right into these locations which is just 2.3 miles from the proposed site.

Data Request 13- Applicant is requested to provide details around any meetings, presentation sessions it has made to Mountain House residents and their feedbacks about the support or concerns about MEP ? Mountain House residents are going to be victims of the pollution and are sensitive receptors over which Alameda county is counting on earning tax and power generation benefits. Applicant's feedback will throw more light to the certification committee.

Area: Pollution to Mountain House- San Joaquin County and Economic Advantage to Alameda County

The strategic location of the proposed site on the border of Alameda county and on the east of the Altamont Mountains shields the entire Alameda population from emission effects. The project is going to help Alameda county in power and tax sector. Mountain House is going to get no benefits. Infact, the Mountain House residential community development will be hampered because of lowering of home

STATE OF CALIFORNIA
State Energy Resources
Conservation and Development Commission

In the Matter of:

[DOCKET NUMBER 09-AFC-03]

[MARIPOSA ENERGY PROJECT]

DECLARATION OF SERVICE

I, [Rajesh Dighe](#) declare that on Feb-28-2010, I served and filed copies of the ***RajeshDighe-DataRequests-Nos-5-14*** dated Feb-28-2010. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent *Proof of Service* list (most recent version is located on the proceeding's web page at: <http://www.energy.ca.gov/sitingcases/mariposa/index.html>)

The document has been sent to both the other parties in this proceeding (as shown on the *Proof of Service* list) and to the Commission's Docket Unit, in the following manner:

For service to the applicant and all other parties:

sent electronically to all email addresses on the Proof of Service list;

by personal delivery or by depositing in the United States mail at [Sacramento, California](#) with first-class postage thereon fully prepaid and addressed as provided on the *Proof of Service* list above to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. [\[09-AFC-03\]](#)
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512

docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.

Rajesh Dighe

Feb 28- 2010

Name

Date



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

APPLICATION FOR CERTIFICATION
FOR THE **MARIPOSA ENERGY PROJECT**
(MEP)

Docket No. 09-AFC-3

PROOF OF SERVICE
(Revised 2/8/2010)

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