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**DOCKET**

**08-AFC-13C**

DATE	MAY 16 2011
RECD.	MAY 16 2011

May 16, 2011

Mr. Daniel J. O'Shea  
Managing Director  
Calico Solar, LLC  
2600 10 Street, Suite 635  
Berkeley, California 94710  
[dano@kroadpower.com](mailto:dano@kroadpower.com)

[US MAIL & E-MAIL]

Re: Docket No. 08-AFC-13C, Calico Solar Project Amendment, Compliance Proceeding,  
Patrick C. Jackson Data Request Set 1 (Nos. 1-13)

Dear Mr. O'Shea:

As permitted under Title 20, section 1716(b), of the California Code of Regulations, I am requesting Calico Solar, LLC, provide me, a Party in this proceeding, with information about the Calico Solar Project (Project). The requested information is necessary for me to:

- (1) more fully understand the Project,
- (2) assess whether the Project will be constructed and operated in compliance with all laws, ordinances, regulations and standards,
- (3) assess whether the Project will be constructed and operated in safe manner and not pose a health hazard to private property owners near the Project,
- (4) determine if the Project will have an adverse impact on adjacent private properties,
- (5) assess whether the Project will result in significant environmental impacts and
- (6) assess potential mitigation measures.

This set of data requests (Nos. 1–13) pertains to areas of:

- (1) Soil and Water Resources (Nos. 1-5),
- (2) Traffic and Transportation (Nos. 6-7), and
- (3) Public Health and Safety (Nos. 8-13).

Section 1769(a)(1)(I) of the California Energy Commission's Rules of Practice and Procedure

Mr. Daniel J. O'Shea

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Power Plant Site Certification and Designation of Transmission Corridor Zones (Siting Regulations) requires a petition to amend include, "A discussion of the potential effect on nearby property owners, the public and the parties in the application proceedings." The following data requests are in keeping with Section 1769(a)(1)(I) and Title 20, California Code of Regulations, Chapter 5, Article 6, Appendix B.

Pursuant to section 1716(f) of the Energy Commission's Regulations, please provide written responses to these requests within 30 days. 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 the Committee; Craig Hoffman, the Staff Project Manager; and me within 20 days.

I reserve the right to submit additional data request sets on any topic in order for me to make important decisions about the Calico Solar Project and my property.

Thank you for your cooperation to responding to this and all future data requests.

Sincerely,



Patrick C. Jackson

Intervenor & Adjacent Property Owner

## **TECHNICAL AREA: SOIL AND WATER RESOURCES**

### **BACKGROUND:**

Section 4.5.1 of the Petition to Amend Calico Solar Project (Amendment) states:

Characteristics of the Modified Project that have the potential to impact water resources differently than the Approved Project include the following:

- replacement of a majority of the SunCatchers with PV modules (coverage, orientation, location, spacing and size of posts);
- addition of inverter pads;
- grading configuration and disturbance;
- number and types of access roads; and
- relocation of the main services complex and on-site substation south of the railroad.

In Section 4.5.2.1, the Amendment states in part:

Hydrology, hydraulic, and sediment transport/scour analyses will be prepared to reflect effects of the movement of stormwater under the Modified Project. These reports will quantify the hydrologic, hydraulic, and sediment transport/scour conditions for existing (without Project) and proposed (Modified Project) conditions, and will assess any need for debris/sediment basins. These reports will also quantify the effects of the Modified Project on hydrology, hydraulics, and erosion/sedimentation on-site and at the railroad and BNSF ROW, and draft versions of the reports will be submitted to the CPM and BNSF for review and comment.

### **DATA REQUESTS**

1. Please provide the hydrology, hydraulic and sediment transport/scour studies for the Modified Project AND adjacent private properties affected by the studies.
2. Please provide revised grading and drainage plans for the Modified Project showing the perimeter access roads required by the Approved Project.
3. Please provide revised grading and drainage plans for the Modified Project AND adjacent private properties affected by the revised grading and drainage.
4. Please provide letters of authorization from the adjacent property owners modifying drainage onto or off their properties.
5. Please provide a revised Drainage, Erosion and Sediment Control Plan (DESCP) for the Modified Project AND adjacent private properties affected by the revised DESCP.

## **TECHNICAL AREA:       TRAFFIC AND TRANSPORTATION**

### **BACKGROUND:**

The Approved Project included a proposed temporary railroad crossing during construction and a proposed bridge over the Burlington Northern Santa Fe (BNSF) railroad tracks for operation of the Project. Access to land north of the BNSF railroad tracks is now in dispute. The Amendment states on page 1-1:

The Amendment proposes to alter the phasing of the Approved Project, to allow time to resolve access issues to the northern portion of the site involving the BNSF Railway Company (BNSF).

Acting on behalf of BNSF, Cynthia Burch stated at the April 20, 2011, Informational Hearing:

And we would note that we sat through many hearings last summer. And Mr. Jackson repeatedly asked about access to his facility. And the applicant at that time explained numerous ways for Mr. Jackson to get to his property, not for the railroad track, that did not require him to go over the railroad track. Those same possibilities are there for this applicant.

On July 29, 2010, Tessera Solar submitted the “Applicant’s Submittal of Rebuttal Testimony.” This document included several exhibits including Exhibit 82-B consisting of two maps:

Figure No. 1, “Current Public Access Routes and Pre-Construction Route Designations Calico Solar Project” and

Figure No. 2, “Proposed Public Access Routes and Post-Construction Route Designations Calico Solar Project.”

These figures show “Public Access Routes” to the Project from the communities of Newberry Springs and Ludlow.

### **DATA REQUESTS**

6. Please identify the “Public Access Routes” Calico Solar proposes to use to access the portion of the Project north of the BNSF railroad tracks in the event Calico Solar is unable to obtain BNSF’s approval for a railroad crossing.
7. Please provide the necessary environmental impact studies in show the “Public Access Routes” comply with the California Environmental Quality Act (CEQA).

**TECHNICAL AREA: PUBLIC HEALTH AND SAFETY**

**BACKGROUND:**

Page C.15-18 of the California Energy Commission Supplemental Staff Assessment for the Calico Solar Project (SSA) states in part:

Given the available scientific and medical literature on Valley Fever, it is difficult for staff to assess the potential for VF to impact workers during construction and operation of the proposed Calico Solar Project with a reasonable degree of certainty. However, the higher number of cases reported in Kern County indicates that the project site, in adjacent San Bernardino County, may have an elevated risk for exposure. [Emphasis added]

The Project is in a *Coccidioides immitis* endemic area.

Worker Safety, pages 3 and 4, of the Commission Decision (Decision) on the Calico Solar Project states in part:

Coccidioidomycosis or "Valley Fever" (VF) is primarily encountered in southwestern states, particularly Arizona and California. It is caused by inhaling the spores of the fungus *Coccidioides immitis*, which are released from the soil during soil disturbance (e.g., during construction activities) or wind erosion. The disease usually affects the lungs and can have potentially severe consequences, including hospitalization and death. The eastern side of San Bernardino County, including the Mojave Desert where the plant will be sited, experiences high rates of Valley Fever. [Emphasis added]

I own property adjacent the Project. In September 2010 I became very ill and in January 2011 diagnosed as having contracted Valley Fever.

I have reason to believe I contracted Valley Fever when I visited my property during the Applicant's soil disturbing activities in grading Hector Road and the access roads to Wells #1, #2 and #3 and the Applicant's geotechnical excavations.

Page 4 of Public Health section of the Commission Decision on the Calico Solar Project states in part:

Because assessment of chronic (long-term) health effects assumes continuous exposure to toxic substances over a period from eight to 70 years, the Applicant did not estimate the health risks resulting from the short duration of the construction activities. Similarly, Staff did not conduct a quantitative assessment of construction impacts on public health given the distance from the site to the sparsely populated area surrounding the site and based on its prior experience using quantitative risk assessment tools showing that construction vehicle emissions impacts are generally less than significant. [Emphasis added]

## DATA REQUESTS

8. Please provide soil studies showing the level and distribution of *Coccidioides* in the Project area.
9. *Coccidioides* arthroconidia can be dispersed by wind. Please provide the wind data from the Project's meteorological station.
10. Please provide a summary of all employees, contractors and sub-contractors who have visited the Project and have Valley Fever symptoms as required by Worker Safety-7 of the SA/DEIS.
11. Table 4.5-1 on page 4.5-2 of the Amendment indicates the Project soil disturbance will include 737,700 cubic yards of cut and fill. Please provide a detailed analysis of the impact soil disturbance will have dispersing *Coccidioides*.
12. Page C.15-18 of the SSA states in part, "To minimize potential exposure of workers and also the public to coccidioidomycosis during soil excavation and grading, extensive wetting of the soil prior to and during construction activities should be employed and dust masks should be worn at certain times during these activities."
  - (a) Worker Safety-9 pertains only to workers. Please provide a detailed analysis of how Worker Safety-9 will minimize the potential exposure risk to the public (including the owners of adjacent properties) from contracting Valley Fever.
  - (b) Please describe how and when the adjacent property owners will be provided dust masks and trained to use the masks.
  - (c) Water promotes the growth of *Coccidioides*. Please provide a detailed analysis of the impact wetting of the soil prior to and during construction has on *Coccidioides*.
  - (d) *C. immitis* arthroconidia are very buoyant and may be readily moved by sheet-wash water during rainstorms. Please provide a detailed analysis of how Project grading and drainage will affect the dispersal of *Coccidioides* arthroconidia.
  - (e) Please provide a detailed analysis of the dispersal of *Coccidioides* arthroconidia when water used for dust control evaporates.
  - (f) The Project proposes to use water from Well #3 for dust control. The arsenic level of Well #3 is 0.811 mg/l, more than eight (8) times the primary Maximum Containment Level (MCL). Arsenic is a carcinogen and does not evaporate. Please provide a detailed analysis describing the impact water from Well #3 will have on the health and safety of workers, owners of adjacent properties and the public.
13. Please provide a soil study showing the level of arsenic in the Project soils.

STATE OF CALIFORNIA  
Energy Resources Conservation  
and Development Commission

In the Matter of:

The Application for Certification for the  
Calico Solar Project Amendment

Docket No. 08-AFC-13C

**DECLARATION OF SERVICE**

I, **Patrick C. Jackson**, declare that on **May 16, 2011**, I served and filed copies of the attached **Patrick C. Jackson Data Request Set 1 (Nos. 1-13)**. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent *Proof of Service* located on the web page for this project at:

<http://www.energy.ca.gov/sitingcases/calicosolar/>

The document has been sent to the Commission, as well as all parties in this proceeding as shown on the *Proof of Service*, in the following manner:

**FOR SERVICE TO THE APPLICANT AND ALL OTHER PARTIES:**

- XX sent electronically to all e-mail addresses on the Proof of Service list and  
XX by depositing in the United States mail at **San Dimas, California**, with first-class postage thereon fully prepaid and addressed as provided on the attached *Proof of Service* to the mailing addresses shown on the Proof of Service NOT marked "E-mail Service Preferred."

**AND**

**FOR FILING WITH THE ENERGY COMMISSION:**

- XX sending the original signed document and one electronic copy, mailed and e-mailed respectively, to the address below:

CALIFORNIA ENERGY COMMISSION  
Attn: Docket No. **08-AFC-13C**  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

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

May 16, 2011

\_\_\_\_\_  
Date



\_\_\_\_\_  
Patrick C. Jackson



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

**FOR THE CALICO SOLAR PROJECT  
AMENDMENT**

**Docket No. 08-AFC-13C  
PROOF OF SERVICE  
(Revised 5/11/2011)**

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\*indicates change



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