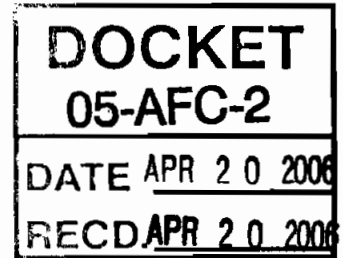


## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512

April 20, 2006

Mr. Tom McCabe  
Regional Vice President, Environmental Health & Safety  
Edison Mission Energy  
18101 Von Karman Avenue, Suite 1700  
Irvine, CA 92612-1046



Dear Mr. McCabe:

**RE: WALNUT CREEK ENERGY PARK (WCEP) SUPPLEMENTAL DATA REQUESTS (98-99)**

Pursuant to Title 20, California Code of Regulations, Section 1716, the California Energy Commission staff 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, and 4) assess potential mitigation measures.

These data requests (#98-99) are being made in the area of Noise. Written responses to the enclosed data requests are due to the Energy Commission staff on or before May 22, 2006, or at such later date as may be mutually agreeable. Staff asks that you be prepared to discuss your initial responses to these requests at the Data Response and Issue Resolution Workshop scheduled for April 25, 2006.

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 10 days of receipt of this notice. The notification must contain the reasons for not providing the information, the need for additional time and the grounds for any objections (see Title 20, California Code of Regulations, section 1716 (f)).

If you have any questions, please call me at (916) 653-1850 or email me at [eknight@energy.state.ca.us](mailto:eknight@energy.state.ca.us).

Sincerely,

Eric Knight  
Project Manager

Enclosure

cc: Docket (05-AFC-2)  
Proof of Service List

PROOF OF SERVICE / REVISED 2-23-06 FILED WITH  
ORIGINAL MAILED FROM SACRAMENTO ON 4-20-06

## **Walnut Creek Energy Park (05-AFC-2) Data Requests**

**Technical Area: Noise**

**Author: Shahab Khoshmashrab**

### **BACKGROUND**

As described on page 39 of the Initial Study prepared by the City of Industry for the demolition of the warehouse on the WCEP site, the City has adopted the Noise Control Ordinance of the County of Los Angeles. Title 12, Chapter 12.08, Section 12.08.390A-B (Exterior Noise Standards) of this ordinance restricts nighttime noise levels to 45 dBA L<sub>50</sub> at residential properties. However, based on AFC Table 8.7-3 and staff's calculations, the average existing ambient noise levels at the sensitive residential receptors near monitoring locations M2 and M4 have exceeded this limit, 47 dBA L<sub>50</sub> at M2 and 48 dBA L<sub>50</sub> at M4, for the four quietest consecutive nighttime hours (12:00 a.m. through 4:00 a.m.). According to this ordinance, because these existing ambient nighttime noise levels exceed the 45 dBA limit these ambient levels now become the new standards that can not be exceeded.

AFC Section 8.7.3.3.3 states that noise attributable to the project is predicted not to exceed 52 dBA at M2. Based on standard industry calculations for noise attenuation, this value of 52 when combined with the measured nighttime level of 47 will result in 53 dBA at M2, which would be 6 dB above the level allowed by the noise ordinance. Furthermore, the project-related noise level of 52 when adjusted for the distance to M4 will result in a 48 dBA noise level. When combined with the nighttime ambient noise level of 48 at M4, the noise level would be 51 dBA at the M4 location. This new noise level is 3 dB above the level allowed by the noise ordinance.

The noise ordinance also restricts daytime noise levels to 50 dBA L<sub>50</sub> at sensitive residential receptors. Based on AFC Table 8.7-3 and staff's calculations, the average existing daytime ambient noise levels at M2 and M4 have exceeded this limit, 56 dBA L<sub>50</sub> at M2 and 55 dBA L<sub>50</sub> at M4. According to this ordinance, these ambient noise levels now become the new standards that can not be exceeded. Based on standard industry calculations for noise attenuation, the project-related noise level of 52 when combined with the measured daytime level of 56 will result in 57 dBA at M2, which would be 1 dB above the level allowed by the noise ordinance. Similarly, the project-related noise level of 48 at M2 when combined with the measured daytime level of 55 will result in 56 at M2, which would be 1 dB above the level allowed by the noise ordinance.

These increases in ambient noise levels would violate the County noise standards and would need to be mitigated to levels specified in the ordinance.

### **DATA REQUESTS**

98. Please compare the expected project noise levels to the Los Angeles County Exterior Noise Standards as described above and provide the pertinent analysis and conclusions.

**Walnut Creek Energy Park (05-AFC-2)**  
**Data Requests**

99. If this analysis concludes that the County standards will be exceeded and mitigation is warranted, please describe the steps the Applicant proposes to take to mitigate the impact.

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION  
OF THE STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION  
FOR THE WALNUT CREEK ENERGY PARK  
(WCEP)

DOCKET No. 05-AFC-2

(Revised 2/23/06)

PROOF OF SERVICE LIST

**DOCKET UNIT**

*Send the original signed document plus the required 12 copies to the address below:*

CALIFORNIA ENERGY COMMISSION  
DOCKET UNIT, MS-4  
\*Attn: Docket No. 05-AFC-2  
1516 Ninth Street  
Sacramento, CA 95814-5512  
docket@energy.state.ca.us

\* \* \* \*

*In addition to the documents sent to the Commission Docket Unit, also send individual copies of any documents to:*

**APPLICANT**

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18101 Von Karman Avenue, Suite 1700  
Irvine, CA 92612-1046  
[lkostrzewa@EdisonMission.Com](mailto:lkostrzewa@EdisonMission.Com)

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**COUNSEL FOR APPLICANT**

Scott Galati  
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555 Capitol Mall, Suite 600  
Sacramento, CA 95814  
[sgalati@gb-llp.com](mailto:sgalati@gb-llp.com)

**INTERVENORS**

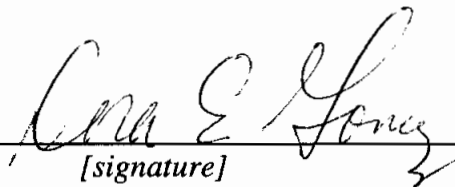
\*California Unions for Reliable  
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Gloria D. Smith  
Adams Broadwell Joseph & Cardozo  
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South San Francisco, California  
94080  
[mdjoseph@adamsbroadwell.com](mailto:mdjoseph@adamsbroadwell.com)

**INTERESTED AGENCIES**

No agencies to date.

**DECLARATION OF SERVICE**

I, **Dora E. Gomez**, declare that on **April 20, 2006**, I deposited copies of the attached **RE: Walnut Creek Energy Park (WCEP) Supplemental Data Requests (98-99)** in the United States mail at **Sacramento, CA** with first class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above. Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. I declare under penalty of perjury that the foregoing is true and correct.

  
[signature]

\* \* \* \*

## INTERNAL DISTRIBUTION LIST

**FOR YOUR INFORMATION ONLY!** Parties **DO NOT** mail to the following individuals. The Energy Commission Docket Unit will internally distribute documents filed in this case to the following:

JACKALYNE PFANNENSTIEL  
Vice Chair & Presiding Member  
MS-33

JOHN L. GEESMAN  
Associate Member  
MS-32

GARRET SHEAN  
Hearing Officer  
MS-9

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