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November 2, 2009

DOCKET 08-AFC-8
DATE <u>NOV 02 2009</u>
RECD. <u>NOV 02 2009</u>

File No. 045049-0001

VIA FEDEX

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 08-AFC-08
1516 Ninth Street, MS-4
Sacramento, California 95814-5512

Re: Hydrogen Energy California Project: Docket No. 08-AFC-08

Dear Sir/Madam:

Pursuant to California Code of Regulations, title 20, sections 1209, 1209.5, and 1210, enclosed herewith for filing please find Applicant's Requests for Extensions of Time and Objections to Certain Data Requests by the Energy Commission Staff regarding Data Request Set One (Nos. 1-132).

Please note that the enclosed submittal was filed today via electronic mail to your attention and served on all parties to the above-referenced project.

Very truly yours,



Paul E. Kihm
Senior Paralegal

Enclosure

cc: 08-AFC-08 Proof of Service List (w/encl., via e-mail and U.S. Mail)
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STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of:)	Docket No. 08-AFC-8
)	
REVISED APPLICATION FOR)	REQUESTS FOR EXTENSIONS OF TIME
CERTIFICATION FOR THE HYDROGEN)	AND OBJECTIONS TO CERTAIN DATA
ENERGY CALIFORNIA POWER PLANT)	REQUESTS BY THE ENERGY
PROJECT BY HYDROGEN ENERGY)	COMMISSION STAFF REGARDING
INTERNATIONAL, LLC)	DATA REQUEST SET ONE (NOS. 1-132)

Pursuant to Title 20, California Code of Regulations, Section 1716(f), Hydrogen Energy International, LLC ("Applicant") requests extensions of time and objects to certain data requests by the Energy Commission Staff ("Staff") in its Data Request Set One (Nos. 1-132), dated October 12, 2009, regarding the Hydrogen Energy California Power Plant Project (08-AFC-8) ("Project").

As set forth below, Applicant objects to all or portions of Data Request Nos. 8, 9, 11, 42, 48, 78, 79, 102-104, 115, 117, 118 and 119-124, and requests specified extensions of time for responding to Data Request Nos. 1, 2, 6, 11, 14, 17, 19, 22, 31(b), 32, 33, 36, 64(F), 77, 85-90, 95, 101 and 125-132.

A. Data Request No. 1 (Request for Extension)

Data Request No. 1: Please describe the types of activities that emit combustion and fugitive dust emissions on the site currently and the quantities of the criteria pollutant emissions that occur from those activities.

Applicant's Request: Applicant requests a 30-day extension for responding to Data Request No. 1.

B. Data Request No. 2 (Request for Extension)

Data Request No. 2: Please describe whether those activities will be permanently discontinued from the entire project site when the project is completed and estimate the reductions from the current onsite baseline emissions.

Applicant's Request: Applicant requests a 30-day extension for responding to Data Request No. 2.

C. Data Request No. 6 (Request for Extension)

Data Request No. 6: Please revise the construction PM10 and PM2.5 emission modeling analysis to include these revised fugitive dust emission calculations.

Applicant's Request: Applicant requests a 30-day extension for responding to Data Request No. 6.

D. Data Request No. 8 (Objection)

Data Request No. 8: Please provide the list of ERC certificates or ERC banking activities that will be proposed to offset the project's emissions, along with each ERC certificate's quarterly amount, originating facility name and address, method of emission reduction, and date of reduction.

Applicant's Objection: Applicant objects to Data Request No. 8 to the extent that it calls for confidential or sensitive business information which may affect ongoing negotiations for emission reduction credits ("ERCs") if made public. Applicant will respond to Data Request No. 8 to the extent it has executed transactions for specific ERCs, and information about such transactions can be made available to the public without affecting ongoing negotiations to acquire ERCs.

E. Data Request No. 9 (Objection)

Data Request No. 9: Please identify the potential for the creation of new emission reductions, particularly new emission reductions near the project site. This should include a discussion of the potential to shutdown steam boilers owned by Occidental whose need may be displaced by this projects' carbon dioxide (CO2) injection.

Applicant's Objection: Applicant objects to Data Request No. 9 to the extent that it calls for confidential or sensitive business information which may affect ongoing negotiations for emission reduction credits ("ERCs") if made public. Applicant will respond to Data Request No. 9 to the extent it has executed transactions for the creation of new ERCs, and information about such transactions can be made available to the public without affecting ongoing negotiations to develop or acquire ERCs. Applicant further objects to Data Request No. 9 to the extent that it calls for information regarding ongoing operations of Occidental Petroleum that is not within the

possession, custody or control of Applicant. Applicant notes, however, that it has been informed that there are no boilers owned by Occidental that will be displaced as a result of the Project.

F. Data Request No. 11 (Objection and Request for Extension)

Data Request No. 11: Please provide energy and mass balance data for the gasification process for both petroleum coke and coal. The mass balance data should clearly show carbon, water, sulfur, volatile organic compounds (VOC), toxic air contaminants (TACs), and total solids contents throughout the process.

Applicant's Objection and Request: Applicant objects to Data Request No. 11 to the extent that it calls for confidential information about the mass balance data for the gasification process which Applicant is prohibited from providing pursuant to its non-disclosure agreement with General Electric. Applicant will respond to Data Request No. 11 to the extent possible with non-confidential information. Applicant believes this information will suffice for Staff's review of the Project because it meets or exceeds the type of information typically provided in connection with an AFC. Applicant requests a 60-day extension for responding to Data Request No. 11.

G. Data Request No. 14 (Request for Extension)

Data Request No. 14: Please provide the maximum heat input rate, for each fuel type if different, for the combustion turbine generator (CTG) and the heat recovery steam generator (HRSG) duct burner.

Applicant's Request: Applicant requests a 30-day extension for responding to Data Request No. 14.

H. Data Request No. 17 (Request for Extension)

Data Request 17: Please indicate if there are VOCs created as intermediate products in the gasification process and calculate the potential fugitive VOC emissions from piping components (flanges, valves, pumps, compressors, etc.).

Applicant's Request: Applicant requests a 60-day extension for responding to Data Request No. 17.

I. Data Request No. 19 (Request for Extension)

Data Request 19: Please revise the cooling tower operating data as needed to address the reduction in the maximum heat rejection load due to the removal of the LMS100 turbine.

Applicant's Request: Applicant requests a 30-day extension for responding to Data Request No. 19.

J. Data Request No. 22 (Request for Extension)

Data Request No. 22: Please indicate if the applicant is willing to reduce the CTG/HRSG PM10/PM2.5 emission factor (18 lbs/hour) to values that would be similar to those used for other recent Frame F gas turbine projects (approximately 9 lb/hr for non-duct fired operations and 10.5 to 12 lbs/hr for duct fired operations), either through a general reduction in the stipulated emission factor, or by modifying the full time duct firing operating assumption that would allow a reduced non duct firing emission factor to be used for a substantial portion of the year.

Applicant's Request: Applicant requests a 30-day extension for responding to Data Request No. 22.

K. Data Request No. 31(b) (Request for Extension)

Data Request 31(b): Alternatively, or provide information for any proposed onsite gasoline storage and refueling facilities including throughput information and permitting requirements.

Applicant's Request: Applicant requests a 60-day extension for responding to Data Request 31(b).

L. Data Request Nos. 32 and 33 (Request for Extension)

Data Request No. 32: Please provide a list from the SJVAPCD of large stationary source projects with permitted emissions, for projects with greater than 5 tons of permitted emissions of any single criteria pollutant, located within six miles of the project site that have been recently permitted, but did not start operation prior to 2009, or are in the process of being permitted.

Data Request No. 33: Please provide a cumulative impacts modeling analysis in consultation with Energy Commission staff based on the project list provided by SJVAPCD

Applicant's Request: Applicant requests a 60-day extension for responding to Data Request Nos. 32 and 33.

M. Data Request No. 36 (Request for Extension)

Data Request 36: Please revise the operating emissions modeling, as appropriate, to include all of the revised onsite operating emission estimates.

Applicant's Request: Applicant requests a 60-day extension for responding to Data Request No 36.

N. Data Request No. 42 (Objection)

Data Request No. 42: Please indicate if the applicant has obtained rights to the specified sources of petroleum coke and if that will restrict the operation of other power generation facilities in California, or require them to obtain fuel from other more distant sources.

Applicant's Objection: Applicant objects to Data Request No. 42 to the extent that it requests information about ongoing confidential or sensitive business negotiations. Applicant further objects to Data Request No. 42 to the extent that it requires Applicant to evaluate whether Applicant's purchase of petroleum coke would restrict other power facilities in California from purchasing petroleum coke. This information is not normally required for natural gas facilities and should not be required for the Project. The information would also be highly speculative and not a reasonably foreseeable consequence of the Project because it would depend on future market conditions and decisions by third party plant operators. CEQA does not require an analysis of speculative impacts or impacts outside the scope of a project. *See* 14 Cal. Code of Regs. § 15144-14145; *Anderson First Coalition v. City of Anderson*, 130 Cal. App. 4th 1173, 1182 (2005). *See also El Dorado Union High School Dist. v. City of Placerville*, 144 Cal. App. 3d 123 (1983) (CEQA only requires the analysis of impacts that are a reasonably foreseeable consequence of the project). Consistent with the foregoing objections, and without waiving the same, Applicant will respond to Data Request No. 42 to the extent that responsive information can be made available to the public without affecting ongoing negotiations.

O. Data Request No. 48 (Objection)

Data Request No. 48: Please provide an estimate of the additional petroleum production that will be enabled by the project's CO2 sequestration.

Applicant's Objection: Applicant objects to Data Request No. 48 on the basis that it calls for information that is highly speculative and outside the scope of the environmental review of the Project. Potential oil production that may result from Occidental's Enhanced Oil Recovery ("EOR") activities are outside the scope of the Project and are highly speculative, and thus need not be analyzed under CEQA. *See El Dorado Union High School Dist.*, 144 Cal. App. 3d 123 (CEQA only requires the analysis of impacts that are a reasonably foreseeable consequence of the project). Furthermore, to the extent that responsive information exists, it is not within the possession, custody or control of Applicant.

P. Data Request No. 64(F) (Request for Extension)

Data Request No. 64(F): Please provide under confidential cover, a series of maps (based on USGS 7.5-minute topographic maps enlarged to a scale of 1" = 1,000 feet) that include the project site and all proposed alternative routes of linear facilities. In addition to the project components, please depict the following:

- (F) The proposed installation locations of transmission line tubular support structures.

Applicant's Request: Applicant requests a 60-day extension for responding to Data Request No. 64(F).

Q. Data Request No. 77 (Request for Extension)

Data Request No. 77: Please have the approved geoarchaeologist provide a discussion, based on the available Quaternary science and geoarchaeological literature, of the historical geomorphology of the project ROWs.

A. Describe the development of the landforms on which the ROWs are proposed, with a focus on the character of the depositional regime of each landform since the Late Pleistocene epoch.

B. Provide data on the geomorphology, sedimentology, pedology, hydrology, and stratigraphy of the ROWs, and the near vicinity. The discussion should relate landform development to the potential in the ROWs for buried archaeological deposits.

C. Provide overlaying the above data on the project ROWs.

Applicant's Request: Applicant requests a 90-day extension for responding to Data Request No. 77.

R. Data Request Nos. 78 and 79 (Objection)

Data Request No. 78: In the absence of sufficient extant Quaternary science and/or geoarchaeological literature pertinent to the reconstruction of the historical geomorphology of the project area, please have the approved geoarchaeologist design a primary geoarchaeological field study of the project ROWs. Submit a research plan for staff approval, and conduct the approved research. The purpose of the study is to facilitate staff's assessment of the likelihood of the presence of archaeological deposits buried deeper than 3 feet in the project's ROWs. The primary study and resulting report should, at a minimum, include the following elements:

A. A map of the present landforms in the project area at a scale of not less than 1:24,000; the data sources for the map may be any combination of published maps, satellite or aerial imagery that has been subject to field verification, and the result of field mapping efforts;

B. A sampling strategy to document the stratigraphy of the portions of the landforms in the project ROWs where the construction of the proposed project will involve disturbance at depths greater than 3 feet;

C. Data collection necessary for determinations of the physical character, the ages, and the depositional rates of the various sedimentary deposits and paleosols that may be beneath the surface of the project ROWs to the proposed maximum depth of ground disturbance. Data collection at each sampling locale should include a measured profile drawing and a profile photograph with a metric scale, and the screening of a small sample (3 5-gallon buckets) of sediment from the major sedimentary deposits in each profile through ¼-inch hardware cloth. Data collection should also include the collection and assaying of enough soil humate samples to reliably radiocarbon date a master stratigraphic column for each sampled landform; and

D. An analysis of the collected field data and an assessment, based on those data, of the likelihood of the presence of buried archaeological deposits in the project ROWs, and, to the extent possible, the likely age and character of such deposits.

Data Request No. 79: Please have the approved geoarchaeologist prepare a report of the primary field study and submit it to staff under confidential cover.

Applicant's Objection: Applicant believes that its response to Data Request No. 77 will render Data Request Nos. 78 and 79 moot. To the extent that is not the case, Applicant objects to Data Request Nos. 78 and 79 on the basis that they call for information beyond what is required by CEQA and which would be overly burdensome for Applicant to develop. CEQA only requires an evaluation of potential impacts to the extent that it is reasonably possible to do so. *See In Re Bay-Delta*, 43 Cal. 4th 1143, 1175 (2008); *see also Residents Ad Hoc Stadium Comm. v. Board of Trustees*, 89 Cal. App. 3d 274, 286 (CEQA "does not demand what is not reasonably possible given the limitations of time, energy, and funds"). Despite Applicant's objections to Data Request Nos. 78 and 79, to the extent that these data request are not rendered moot by Applicant's response to Data Request No. 77, Applicant is willing to work with Staff to define an agreeable approach to achieve key information requested by Staff.

S. Data Request Nos. 85-90 (Request for Extension)

Data Request No. 85: Please provide DPM emissions factors from construction activities, the AERMOD air dispersion results (Chi/Q in ug/m³ per g/sec) at the PMI, MEIR and MEIW (as defined in data requests 86, 87 and 88 below), and a health risk assessment for diesel construction equipment emissions.

Data Request No. 86: Please provide the location (in UTM coordinates), the AERMOD air dispersion results (Chi/Q in ug/m³ per g/sec) at that location, and the estimated cancer risk, chronic hazard index and acute hazard index at the Point of Maximum Impact within the Project Site area, within the Controlled Area, and outside of both areas.

Data Request No. 87: Please provide the location (in UTM coordinates), the AERMOD air dispersion results (Chi/Q in ug/m³ per g/sec) at that location, and the estimated cancer risk, chronic hazard index and acute hazard index at the Point of MEIW within the Project Site area, within the Controlled Area, and outside of both areas.

Data Request No. 88: Please provide the location (in UTM coordinates), the AERMOD air dispersion results (Chi/Q in ug/m³ per g/sec) at that location, and the estimated cancer risk, chronic hazard index and acute hazard index at the nearest residence located at the intersection of Station Road and Tule Park Road.

Data Request No. 89: Please provide an updated list of all sources of TACs in tabular format listing the source, the identity of the TAC, and the emission factor. Please include all fugitive emissions of TACs from valves and flanges (especially hydrogen sulfide) and from all mobile sources (such as DPM from the trucks that would deliver petcoke and coal feedstock to the facility). Please use the maximum number of truck deliveries expected to and from the facility. (Mobile sources can be modeled as an area source in the facility fenceline and when within 0.1 mile of the facility.)

Data Request No. 90: Please provide a discussion to support the choice of emission factors and explain why emission factors from a similar facility were not used.

Applicant's Request: Applicant requests a 60-day extension for responding to Data Request Nos. 85-90.

T. Data Request No. 95 (Request for Extension)

Data Request No. 95: Please provide a draft DESC that contains elements “A” through “T” below outlining the site management activities and erosion/sediment control Best Management Practices (BMPs) to be implemented during site mobilization, grading, construction, and operation of the proposed project (including linear features). The level of detail in the draft DESC should be commensurate with the current level of planning for site grading and drainage. Please provide all conceptual erosion control information for those phases of construction and operation that have been developed or provide a statement identifying when such information will be available.

A. Vicinity Map – Provide a map(s) at a minimum 1”=100’ indicating the location of all project elements, including depictions of all significant geographic features including swales, storm drains, and sensitive areas. (Note: Smaller map scales may be used for linear features due to the large distances covered by some of the features. Large scale inserts may be used to highlight detail for areas of concern, etc.)

B. Site Delineation – Identify all areas subject to soil disturbance (i.e., project site, lay down areas, all linear facilities, landscaping areas, and any other project elements) and show boundary lines of all construction/demolition areas and the location of all existing and proposed structures, pipelines roads and drainage facilities.

C. Watercourses and Critical Areas – Show the location of all nearby watercourses including swales, storm drains, and drainage ditches. Indicate the proximity of those features to the project construction, laydown, and landscape areas, and all transmission and pipeline construction corridors.

D. Drainage Map – Provide a topographic site map(s) at a minimum scale 1”=100’ showing all existing, interim and proposed drainage systems and drainage area boundaries. On the map, spot elevations are required where relatively flat conditions exist. The spot elevations and contours should be extended off-site for a minimum distance of 100 feet in flat terrain. (Note: Smaller map scales may be used for linear features due to the large distances covered by some of the features. Large scale inserts may be used to highlight detail for areas of concerns, etc.)

E. Narrative Discussion of Project Site Drainage – Include a narrative discussion of the drainage management measures to be taken to protect the site and downstream facilities. The narrative should include the summary pages from the hydraulic analysis prepared by a professional engineer/erosion control specialist. The narrative should state the watershed size(s) (in acres) that was used in the calculation of drainage control measures, and include discussions justifying selection of the control measures to be used. Information from the hydraulic analysis should also be provided to support the selection of BMPs and structural controls to divert off-site and on-site drainage around or through the project construction and laydown area, as well as post-construction and operation areas.

F. Clearing and Grading Plans – Identify all areas to be cleared of vegetation and areas to be preserved. Provide elevations, slopes, locations, and extent of all proposed grading using contours, cross sections and other means and include locations of any disposal areas, fills, or other special features. Illustrate existing and proposed topography tying in proposed contours with existing topography.

G. Clearing and Grading Narrative – Include a table that identifies all of the following: all project elements where material will be excavated or fill added; the type and quantities of material to be excavated or filled for each element; whether the excavation or fill is temporary or permanent; and the amount of material to be imported or exported.

H. Construction Best Management Practices Plan – Identify on the topographic site map(s) the location of the site-specific BMPs to be employed during each phase of construction (initial grading, project element excavation and construction, and final grading/stabilization) The BMPs identified should include measures designed to prevent wind and water erosion in areas with existing soil contamination. Any treatment BMPs used during construction should also allow for testing of storm water runoff prior to discharge to receiving water.

I. BMP Narrative – Provide a narrative discussion on the selection, location timing and maintenance schedule for all erosion and sediment control BMPs to be used prior to initial grading, during project element excavation and construction, at final grading/stabilization, and for post-construction. A narrative discussion with supporting calculations should also be included addressing any project specific BMPs. Separate BMP implementation schedules should be provided for each project element for each phase of construction. The maintenance schedule should include post-construction maintenance of structural control BMPs or a statement when such information will be available.

Applicant's Request: Applicant requests a 60-day extension for responding to Data Request No 95.

U. Data Request No. 101 (Request for Extension)

Data Request No. 101: Please provide detailed construction water use estimates for project site construction needs, as well as project horizontal directional drilling (HDD) activities and any other water uses for project linear construction. The construction water use estimates should be submitted both in narrative format and in a table that clearly shows estimated water use for each of the main project construction activities (i.e., grading, dust suppression, HDD, trenching, hydrotesting, or other major water use activities, etc.), water source, and method of delivery to be employed to transport the water to the use site.

Applicant's Request: Applicant requests a 30-day extension for responding to Data Request No. 101.

V. Data Request Nos. 102-104 (Objection)

Data Request No. 102: Please provide a copy of the completed document, or most recent draft, of the following report: “A Baseline Water Quality Analysis of the Buena Vista Water Storage District”, prepared by Sierra Scientific Services, Bakersfield, California, dated 2009.

Data Request No. 103: Please provide a copy of the completed document, or most recent draft, of the following report: “An Evaluation of the Geology, Hydrology, Well Placements and Potential Impacts of the Buena Vista Water Storage District’s proposed Brackish Groundwater Remediation Project”, prepared by Sierra Scientific Services, Bakersfield, California, dated 2009.

Data Request No. 104: Please provide copies of any available draft or final Environmental Impact Reports or other environmental documents or materials developed or in development for the BVWSD’s Groundwater Management Plan and the associated Brackish Groundwater Remediation Project.

Applicant’s Objection: Applicant objects to Data Request Nos. 102-104 to the extent they call for information that has not been made available to the public, or is not within the possession, custody or control of Applicant. Applicant will respond to Data Request Nos. 102-104 to the extent that it has within its possession, custody or control responsive public documents.

W. Data Request No. 115 (Objection)

Data Request No. 115: Please provide a summary table of information on proposed businesses that would purchase gasification solids from the project. At a minimum, please include the following information for each facility: facility location, distance from project site, frequency and method of delivery, capacity, materials accepted, acceptance limits (if any), volume they would purchase or accept, and terms of agreement under which they would purchase or accept gasification solids from the project.

Applicant’s Objection: Applicant objects to Data Request No. 115 to the extent that it calls for confidential or sensitive business information which may affect ongoing negotiations for the sale of gasification solids from the Project if made public. Applicant will respond to Data Request No. 115 to the extent it has executed transactions for the sale of gasification solids from the Project, and information about such transactions can be made available to the public without affecting ongoing negotiations to sell gasification solids from the Project.

X. Data Request Nos. 117 and 118 (Objection)

Data Request No. 117: Please provide a Phase I ESA, or equivalent information, addressing the past and present uses of property along, adjacent to, or in proximity of the project’s transmission line, natural-gas pipeline, water line, and carbon dioxide pipeline. The requested information should include an evaluation addressing whether or not past or present site conditions may have resulted in contamination or potential contamination that could impact construction and/or operation of the proposed project.

Data Request No. 118: Where the alignments traverse properties where there has been agricultural land use, the Phase I ESA shall identify the type of crops grown over as long a period as records indicate, the historical use and identity of pesticides (including organic and inorganic pesticides, and herbicides), and a statement of the likelihood of finding levels of pesticides along the pipeline/transmission routes that might present a risk to workers and/or the public.

Applicant's Objection: Applicant objects to Data Request Nos. 117-118 on the basis that they call for information which would be overly burdensome for Applicant to develop. CEQA only requires an evaluation of potential impacts to the extent that it is reasonably possible to do so. *See In Re Bay-Delta*, 43 Cal. 4th 1143, 1175 (2008); *see also Residents Ad Hoc Stadium Comm. v. Board of Trustees*, 89 Cal. App. 3d 274, 286 (CEQA "does not demand what is not reasonably possible given the limitations of time, energy, and funds"). Despite Applicant's objections to Data Request Nos. 117-118, it is willing to work with Staff to define an agreeable approach to achieve key information requested by Staff.

Y. Data Request Nos. 119-124 (Objection)

Data Request No. 119: Please provide results of field sampling and analysis which adequately characterize the presence of harmful chemicals or conditions at the site if any, and identify whether there will be any risk to construction or plant personnel due to the presence of these chemicals.

Data Request No. 120: Please confirm that there is no site contamination related to underground storage tanks located on the proposed project site.

Data Request No. 121: Please provide an estimated date for the demolition of the fuel oil tanks on the proposed project site, along with a schedule and work plan for investigation and possible remediation of soils in the vicinity of the tanks.

Data Request No. 122: Please identify what constituents are in the PO fertilizer plant's contaminated soil and tailing piles located on the proposed project site.

Data Request No. 123: Please provide a schedule and work plan for investigation and possible remediation of soils and tailing piles that may pose a health and safety risk.

Data Request No. 124: Please provide information on any soil sampling and analysis or regulatory enforcement action that may have been taken related to the discharge pictured in Photo 21 of the Phase 1 ESA or other discharges related to the PO operation.

Applicant's Objection: Applicant objects to Data Request Nos. 119-124 on the basis that they call for information which would be overly burdensome for the Applicant to develop. CEQA only requires an evaluation of potential impacts to the extent that it is reasonably possible to do so. *See In Re Bay-Delta*, 43 Cal. 4th 1143, 1175 (2008); *see also Residents Ad Hoc Stadium Comm. v. Board of Trustees*, 89 Cal. App. 3d 274, 286 (CEQA "does not demand what is not reasonably possible given the limitations of time, energy, and funds"). Despite Applicant's objections to Data Request Nos. 119-124, it is willing to work with Staff to define an agreeable approach to achieve key information requested by Staff.

Z. Data Request Nos. 125-132 (Request for Extension)

Data Request No. 125: Please summarize for the gas turbine/HRSGs the exhaust conditions to complete or correct data in the table below.

Parameter	CTG/HRSG Exhaust					
	Stack Height*	65 meters (213 feet)				
Stack Diameter*	6.1 meters (20 feet)					
Ambient Temperature*	30F°		65F°		100F°	
	Non-Duct Fired					
Fuel Type	H ₂ -Rich	Nat Gas	H ₂ -Rich	Nat Gas	H ₂ -Rich	Nat Gas
Full Load Exhaust Temperature (°F)						
Full Load Exhaust Flow Rate (1000 lbs/hr)						
Full Load Exhaust Moisture Content (wt %)						
	Duct Fired					
Fuel Type	H ₂ -Rich	Nat Gas	H ₂ -Rich	Nat Gas	H ₂ -Rich	Nat Gas
Full Load Exhaust Temperature (°F)						
Full Load Exhaust Flow Rate (1000 lbs/hr)						
Full Load Exhaust Moisture Content (wt %)						

* Stack height and diameter are from Appendix D of the AFC. Limited exhaust data is available for Appendix D but does not provide the ambient conditions assumed.

Data Request No. 126: Please summarize for the main power block/gas cooling tower the conditions that affect vapor plume formation including cooling tower heat rejection, exhaust temperature, and exhaust mass flow rate. Please provide values to complete the table, and additional data as necessary for staff to be able to determine how the heat rejection load varies with ambient conditions and also determine at what ambient conditions cooling tower cells may be shut down.

Parameter	Main Power Block/Gas Cooling Tower Exhausts					
Number of Cells	17 cells (1 by 17)					
Cell Height *	16.76 meters (55 feet)					
Cell Diameter*	9.14 meters (30 feet)					
Tower Housing Length*	259.20 meters (850 feet)					
Tower Housing Width *	18.29 meters (60 feet)					
Ambient Temperature*	30° F		65°F		100°F	
Ambient Relative Humidity	90%		40%		15%	
Duct Firing	Yes	No	Yes	No	Yes	No
Number of Cells in Operation						
Heat Rejection (MW/hr)						
Exhaust Temperature (°F)						
Exhaust Flow Rate (lb/hr)						

* Cell height and diameter and tower length and width are from air quality modeling files, where the tower height is somewhat different than the value given in the SACTI visible plume modeling files.

Data Request No. 127: Additional combinations of temperature and relative humidity, if provided by the applicant, will be used to more accurately represent the cooling tower exhaust conditions. Please include appropriate design safety margins for the heat rejection, exhaust flow rate and exhaust temperature in consideration that the air flow per heat rejection ratio is often used as Condition of Certification confirmation of design limit.

Data Request No. 128: Please summarize for the main power block/gas cooling tower the conditions that affect vapor plume formation including cooling tower heat rejection, exhaust temperature, and exhaust mass flow rate. Please provide values to complete the table, and additional data as necessary for staff to be able to determine how the heat rejection load varies with ambient conditions and also determine at what ambient conditions cooling tower cells maybe shut down.

Parameter	ASU Cooling Tower Exhausts		
Number of Cells	4 cells (1 by 4)		
Cell Height*	16.76 meters (55 feet)		
Cell Diameter*	9.14 meters (30 feet)		
Tower Housing Length*	60.70 meters (199 feet)		
Tower Housing Width*	18.29 meters (60 feet)		
Ambient Temperature*	30°F	65°F	100°F
Ambient Relative Humidity	90%	40%	15%
Number of Cells in Operation			
Heat Rejection (MW/hr)			
Exhaust Temperature (°F)			
Exhaust Flow Rate (lb/hr)			

* Cell height and diameter and tower length and width are from air quality modeling files, where the tower height is somewhat different than the value given in the SACTI visible plume modeling files.

Data Request No. 129: Additional combinations of temperature and relative humidity, if provided by the applicant, will be used to more accurately represent the cooling tower exhaust conditions. Please include appropriate design safety margins for the heat rejection, exhaust flow rate and exhaust temperature in consideration that the air flow per heat rejection ratio is often used as Condition of Certification confirmation of design limit.

Data Request No. 130: Staff is concerned that the very high air flow rates per heat rejection values provided in the applicant's SACTI modeling files will be difficult to meet if they are required as a design condition. Please review the air flow rate and heat rejection data and confirm that following values used in the SACTI modeling are correct.

- A. main Power Block/Gas Cooling Tower – 27.8 kg/s air flow per MWh of cooling.
- B. ASU Cooling Tower – 30.9 kg/s air flow per MWh of cooling.


Data Request No. 131: Please provide the cooling tower manufacturer and model number information and a fogging frequency curve from the cooling tower vendor for the two cooling towers, if available.

Data Request No. 132: Please identify if the cooling tower fan motors will be dual speed or have variable speed/flow controllers for either of the two cooling towers.

Applicant's Request: Applicant requests a 60-day extension for responding to Data Request Nos. 125-132.

DATED: November 2, 2009

Respectfully submitted,


Michael J. Carroll
LATHAM & WATKINS LLP
Counsel to Applicant

**STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

In the Matter of:)	Docket No. 08-AFC-08
)	
APPLICATION FOR CERTIFICATION,)	PROOF OF SERVICE
FOR THE HYDROGEN ENERGY)	
CALIFORNIA PROJECT BY HYDROGEN)	(September 3, 2009)
ENERGY INTERNATIONAL, LLC)	
_____)	
)	
)	

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HYDROGEN ENERGY CALIFORNIA PROJECT
CEC Docket No. 08-AFC-08

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HYDROGEN ENERGY CALIFORNIA PROJECT
CEC Docket No. 08-AFC-08

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DECLARATION OF SERVICE

I, Paul Kihm, declare that on November 2, 2009, I served and filed copies of the attached:

**REQUESTS FOR EXTENSIONS OF TIME AND OBJECTIONS TO CERTAIN DATA
REQUESTS BY THE ENERGY COMMISSION STAFF REGARDING DATA REQUEST
SET ONE (NOS. 1-132)**

to all parties identified on the Proof of Service List above in the following manner:

California Energy Commission Docket Unit

- Transmission via electronic mail and by depositing one copy with FedEx overnight mail delivery service at Costa Mesa, California, with delivery fees thereon fully prepaid and addressed to the following:

CALIFORNIA ENERGY COMMISSION
Attn: DOCKET NO. 08-AFC-08
1516 Ninth Street, MS-4
Sacramento, California 95814-5512
docket@energy.state.ca.us

For Service to All Other Parties

- Transmission via electronic mail to all email addresses on the Proof of Service list; and
- by depositing one paper copy with the United States Postal Service via first-class mail at Costa Mesa, California, with postage fees thereon fully prepaid and addressed as provided on the Proof of Service list to those addresses **NOT** marked "email preferred."

I further declare that transmission via electronic mail and U.S. 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. Executed on November 2, 2009, at Costa Mesa, California.



Paul Kihm