

CALIFORNIA ENERGY COMMISSION

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California Energy Commission

DOCKETED
11-AFC-3

TN # 66689

AUG 15 2012



August 15, 2012

Quail Brush Genco, LLC
Ms. Lori Ziebart
Project Manager
9405 Arrowpoint Boulevard
Charlotte, NC 28273

Regarding: **QUAIL BRUSH GENERATION PROJECT (11-AFC-3), Staff's Data Requests, 77 through 86**

Dear Ms. Ziebart,

Pursuant to Title 20, California Code of Regulations, section 1716, the California Energy Commission staff requests 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, and 5) assess potential mitigation measures.

These data requests, numbered 77 through 85, are being made to evaluate the Quail Brush Generation Project's potential contribution towards cumulative impacts in the areas of air quality, biological resources, land use, traffic & transportation, socioeconomics and other technical areas. Data request #86 is being made to clarify and reiterate staff's prior data request #58. Written responses to the enclosed data requests are due to the Energy Commission staff on or before September 17, 2012.

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 and me within 20 days of receipt of this notice. The notification must contain the reasons for the inability to provide the information or the grounds for any objections (see Title 20, California Code of Regulations, section 1716 (f)).

If you have any questions regarding the enclosed data requests, please call me at (916) 651-0966.

Sincerely,

Eric Solorio
Siting Project Manager

Enclosure (Data Request Packet)
cc: Docket (11-AFC-3)

PROOF OF SERVICE (REVISED 8/14/12) FILED WITH
ORIGINAL MAILED FROM SACRAMENTO ON 8/15/12
DLS

QUAIL BRUSH GENERATION PROJECT
(11-AFC-3)

Energy Commission Staff's Data Requests 77-86

August 15, 2012

Technical Areas: ALL

Authors: Energy Commission Staff

BACKGROUND

CEQA requires that a cumulative analysis include “related past, present, and reasonably foreseeable probable future projects” (Guidelines §15355(b)). A lead agency must use “reasonable efforts to discover, disclose, and discuss” related projects, even if they are under review by another agency.

Agencies must make case-by-case determinations of whether possible future projects are truly “reasonably foreseeable.” Because new projects are continually entering the environmental review process, lead agencies may set a reasonable cutoff date for which projects will be included.

DATA REQUESTS

77. Using the same format as the attached Master Project List (Attachment “A”), please populate the list with each project that meets all the following criteria: 1) is located within 6 miles of the proposed Quail Brush Generation Project (QBGP); 2) had an application filed with the relevant permitting entity prior to November 16, 2011 and that application was either approved or is pending final action; and 3) the project was not fully constructed, implemented, or operational prior to November 16, 2011.

78. Using Google Earth or a similar source, please provide an aerial photo of the 6-mile radius from the QBGP. The photo should identify the location of the proposed QBGP site and identify the location of each project on the populated Master Project List, produced in response to data request #77, above. Please also provide the GIS files and the kmz file types for the populated aerial photo, if available.

79. For consideration of cumulative impacts in the area of Socioeconomics, please provide a list of industrial and commercial projects located in San Diego County, and the cities within the county, that could have construction schedules overlapping with the QBGP. Please provide a list of residential development projects located in the cities of Santee, El Cajon, La Mesa and San Diego. The list of projects should be reported in the same format as shown in Attachment “A”, the Master Project List. If the information is available, please identify the amount and type of workforce needed by each project during construction and operation.

Please provide a comprehensive map showing the location of these projects and provide the GIS files and the kmz files if available.

80. For consideration of cumulative impacts in the area of **Traffic & Transportation**, using the populated Master Project List, please identify whether or not a traffic study has been initiated or completed for projects located within a 5-mile radius of the QBGP. If a traffic study is complete and available via the internet then please provide the URL. If the study is not complete or not available via the internet then please provide the contact info for the government agency with oversight of the CEQA review for each project.

81. For consideration of cumulative impacts in the area of **Land Use**, please identify which projects on the populated Master Project List that are being proposed on parcels zoned “open space”. Also please identify which projects, if any, have proposed a Boundary Line Adjustment to the City of San Diego’s Multi-Habitat Planning Area (MHPA).
82. For consideration of cumulative impacts in the area of **Biological Resources**, for each project on the populated Master Project List that is proposed on undisturbed lands, please identify the total acreage of the proposed disturbance area and any environmental review (e.g. EIR, Neg. Dec., EA) that is underway. If an environmental document has been prepared and available via the internet then please provide the URL. Also please provide the contact information for the project manager at the lead agency.

Technical Area: Air Quality
Author: Joseph Hughes

BACKGROUND: CUMULATIVE AIR MODELING

Pursuant to staff’s data requests 16 and 17 the applicant provided a list of potential emission sources. The list was obtained from the San Diego Air Pollution Control District (SDAPCD) and intended to be included in the air quality cumulative impact modeling analysis. Because the City of San Diego issued a Public Notice of a Draft Environmental Impact Report, May 11, 2012, for the Sycamore Landfill Master Plan Expansion that would allow an increase in potential operational emissions and these increases are not included in the ambient background monitoring data nor is the proposed expansion identified on the list of potential sources, staff is concerned there may be other reasonably foreseeable projects that were not included in the source list. The reasonably foreseeable, increased emissions from the proposed expansion need to be included in the air quality cumulative impact modeling analysis for QBGP.

Related, it is unclear whether or not the existing landfill is operating at full capacity under their current permit or whether it has capacity to increase its waste acceptance rate which could result in a higher generation rate of landfill gas, with potential increased emissions that are not yet reflected in ambient background concentrations.

It is also unclear how the current emission plumes from the existing point and area sources at both the Sycamore Landfill and the associated cogeneration power plant would interact with the emission plumes from the proposed QBGP. Although current emissions from the Sycamore Landfill and the associated cogeneration power plant are assumed to be accounted for in the ambient background concentrations as discussed above, staff is concerned about the plume mixing and cumulative impacts.

DATA REQUESTS

83. For consideration of cumulative impacts in the area of **Air Quality**, please identify which projects on the populated Master Project List have emission sources and identify the source category for each.

84. Please identify whether or not the Sycamore Landfill is operating at full capacity under their current permit or whether it has capacity to increase its waste acceptance rate under the current permits. If the landfill has unused, permitted capacity then please quantify that capacity.

85. After researching and responding to staff's data requests above, if applicant does not identify any additional projects with emission sources (beyond those listed applicant's data response, dated May 20, 2012) then:

- a. please submit the results of a cumulative air quality impact analysis using current emission sources and levels from both the Sycamore Landfill and the associated cogeneration facility, operating at current or historical levels;
- b. please also submit the results of a second air model run which assumes the Sycamore Landfill operating at maximum permit levels, if those permit levels would allow greater acceptance rates (increased operating levels) than the assumptions used in the model run conducted in response to data request #85(a), and
- c. please also submit the results of an air model run which assumes the Sycamore Landfill operating at maximum permit levels, as proposed in Sycamore' application to expand the landfill.

Technical Area: Worker Safety and Fire Protection

Author: Rick Tyler

BACKGROUND

The Quail Brush Generating Project will bring a large scale industrial facility into the jurisdiction of City of San Diego Fire-Rescue Department (SDFRD). First responder and fire protection services will be required for the project and will be provided by the SDFRD. Construction and operation of the project will increase the assets that the fire department must protect and potentially increase call frequency for emergency first aid and medical services.

In previously issued data request #58, Energy Commission staff requested the applicant "provide a Fire and Emergency Services Risk Assessment and a Fire Protection and Emergency Services Needs Assessment for the construction and operation of the project" or "provide a letter, email, or record of conversation with the SDFRD that confirms the absence, or mitigation, of any expected impacts on the local fire district resulting from construction and operation of the proposed project". The applicant responded with a letter from the Fire Department however, the letter appears to indicate an inability to meet established response times. Therefore staff is reissuing the data request below.

DATA REQUEST

86. Please provide a Fire and Emergency Services Risk Assessment and a Fire Protection and Emergency Services Needs Assessment for the construction and operation of the project that provides an objective estimate of both equipment and staffing shortfalls (if any) and the associated recommended mitigations (if any) that

would be required by SDFRD to maintain adequate level of readiness to respond to the public.

The Fire and Emergency Services Risk Assessment and a Fire Protection and Emergency Services Needs Assessment should take into account the guidance provided by NFPA 1710: Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments and by NFPA 551: Guide for the Evaluation of Fire Risk Assessments. The Fire Protection and Emergency Services Needs Assessment should address emergency fire and medical response and equipment, staffing, and location needs while the Risk Assessment should be used to establish the risk (chances) of significant impacts occurring. The Fire Protection and Emergency Services Needs Assessment and Risk Assessment should evaluate the following: (a) the risk of impact on the local population that could result from potential unmitigated impacts on local fire protection and emergency services (i.e. “drawdown” of emergency response resources, extended response times, etc.) and (b) recommend an amount of funding that should be provided and used to mitigate any identified impacts on local fire protection and emergency medical response services.

ATTACHMENT "A"

MASTER PROJECT LIST Past, Present and Reasonably Forseeable Projects

#	Project Name	Project Type (e.g. office, residential, industrial)	Location (street address or APN)	Status (i.e. existing, planned, under construction)	Expected or actual construction start date / duration	Distance from QBGP (miles)	Traffic study available	Zoned Open Space	Propose BLA to MHPA	URL (link) to source data if available	Point of Contact for lead agency
1	(e.g.) Sycamore Landfill Expansion	Industrial	Xxxx Sycamore Landfill Road, San Diego, CA	Existing; Proposed Expansion	00/00/00	0.0	Yes	No	No		
2											
3											
4											
5											
6											
7											
8											
9											
10											
Etc.											



**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 *QUAIL BRUSH GENERATION PROJECT***

**DOCKET NO. 11-AFC-03
PROOF OF SERVICE
(Revised 8/14/2012)**

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DECLARATION OF SERVICE

I, Diane L. Scott, declare that on August 15, 2012, I served and filed copies of the attached **QUAIL BRUSH GENERATION PROJECT (11-AFC-3), Staff's Data Requests, 77 through 86**, dated August 15, 2012. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at: <http://www.energy.ca.gov/sitingcases/quailbrush/index.html>.

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

(Check all that Apply)

For service to all other parties:

- Served electronically to all e-mail addresses on the Proof of Service list;
- Served by delivering on this date, either personally, or for mailing with the U.S. Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses marked ***"hard copy required"** or where no e-mail address is provided.

AND

For filing with the Docket Unit at the Energy Commission:

- by sending an electronic copy to the e-mail address below (preferred method); **OR**
- by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT
Attn: Docket No. 11-AFC-03
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.ca.gov

OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:

- Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission
Michael J. Levy, Chief Counsel
1516 Ninth Street MS-14
Sacramento, CA 95814
michael.levy@energy.ca.gov

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

Originally Signed By:

Diane L. Scott
Siting, Transmission and Environmental Protection Division