



TETRA TECH EC, INC.

California Energy Commission

**DOCKETED**

**11-AFC-3**

TN # 67836

OCT. 18 2012

October 18, 2012

Eric Solorio, Project Manager  
California Energy Commission  
Docket No. 11-AFC-3  
1516 9<sup>th</sup> St.  
Sacramento, CA 95814

**Cogentrix Quail Brush Generation Project - Docket Number 11-AFC-3, Responses to Data Requests 58 and 86**

Docket Clerk:

Pursuant to the provisions of Title 20, California Code of Regulations, and on behalf of Quail Brush Genco, LLC, a wholly owned subsidiary of Cogentrix Energy, LLC, Tetra Tech hereby submits the Responses to Data Requests 58 and 86 (11-AFC-3). The Quail Brush Generation Project is a 100 megawatt natural gas fired electric generation peaking facility to be located in the City of San Diego, California. The following issue area is addressed in this submittal:

- Worker Safety and Fire Protection

If you have any questions regarding this submittal, please contact Rick Neff at (704) 525-3800 or me at (303) 980-3653.

Sincerely,

A handwritten signature in blue ink that reads "Constance E. Farmer".

Constance E. Farmer  
Project Manager/Tetra Tech

cc: Lori Ziebart, Cogentrix  
John Collins, Cogentrix  
Rick Neff, Cogentrix  
Proof of Service List

TETRA TECH EC, INC.



**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 10/16/2012)**

**APPLICANT**

Cogentrix Energy, LLC  
C. Richard "Rick" Neff, Vice President  
Environmental, Health & Safety  
9405 Arrowpoint Boulevard  
Charlotte, NC 28273  
[rickneff@kogentrix.com](mailto:rickneff@kogentrix.com)

Cogentrix Energy, LLC  
John Collins, VP Development  
Lori Ziebart, Project Manager  
Quail Brush Generation Project  
9405 Arrowpoint Blvd.  
Charlotte, NC 28273  
[johncollins@kogentrix.com](mailto:johncollins@kogentrix.com)  
[loriziebart@kogentrix.com](mailto:loriziebart@kogentrix.com)

**APPLICANT'S CONSULTANTS**

Tetra Tech EC, Inc.  
Connie Farmer  
Sr. Environmental Project Manager  
143 Union Boulevard, Suite 1010  
Lakewood, CO 80228  
[connie.farmer@tetrattech.com](mailto:connie.farmer@tetrattech.com)

Tetra Tech EC, Inc.  
Barry McDonald  
VP Solar Energy Development  
17885 Von Karmen Avenue, Ste. 500  
Irvine, CA 92614-6213  
[barry.mcdonald@tetrattech.com](mailto:barry.mcdonald@tetrattech.com)

Tetra Tech EC, Inc.  
Sarah McCall  
Sr. Environmental Planner  
143 Union Boulevard, Suite 1010  
Lakewood, CO 80228  
[sarah.mccall@tetrattech.com](mailto:sarah.mccall@tetrattech.com)

**COUNSEL FOR APPLICANT**

Bingham McCutchen LLP  
Ella Foley Gannon  
Camarin Madigan  
Three Embarcadero Center  
San Francisco, CA 94111-4067  
[ella.gannon@bingham.com](mailto:ella.gannon@bingham.com)  
[camarin.madigan@bingham.com](mailto:camarin.madigan@bingham.com)

**INTERVENORS**

Roslind Varghese  
9360 Leticia Drive  
Santee, CA 92071  
[roslindv@gmail.com](mailto:roslindv@gmail.com)

\*Rudy Reyes  
8655 Graves Avenue, #117  
Santee, CA 92071  
[rreyes2777@hotmail.com](mailto:rreyes2777@hotmail.com)

Dorian S. Houser  
7951 Shantung Drive  
Santee, CA 92071  
[dhouser@cox.net](mailto:dhouser@cox.net)

Kevin Brewster  
8502 Mesa Heights Road  
Santee, CA 92071  
[lzpup@yahoo.com](mailto:lzpup@yahoo.com)

Phillip M. Connor  
Sunset Greens Home Owners  
Association  
8752 Wahl Street  
Santee, CA 92071  
[connorphil48@yahoo.com](mailto:connorphil48@yahoo.com)

\*Helping Hand Tools  
Gretel Smith, Esq.  
P.O. Box 152994  
San Diego, CA 92195  
[gretel.smith79@gmail.com](mailto:gretel.smith79@gmail.com)

HomeFed Fanita Rancho, LLC  
Jeffrey A. Chine  
Heather S. Riley  
Allen Matkins Leck Gamble  
Mallory & Natsis LLP  
501 West Broadway, 15<sup>th</sup> Floor  
San Diego, CA 92101  
[jchine@allenmatkins.com](mailto:jchine@allenmatkins.com)  
[hriley@allenmatkins.com](mailto:hriley@allenmatkins.com)  
[jkaup@allenmatkins.com](mailto:jkaup@allenmatkins.com)  
[\\*vhoy@allenmatkins.com](mailto:*vhoy@allenmatkins.com)

Preserve Wild Santee  
Van Collinsworth  
9222 Lake Canyon Road  
Santee, CA 92071  
[savefanita@cox.net](mailto:savefanita@cox.net)

Center for Biological Diversity  
John Buse  
Aruna Prabhala  
351 California Street, Suite 600  
San Francisco, CA 94104  
[jbuse@biologicaldiversity.org](mailto:jbuse@biologicaldiversity.org)  
[aprabhala@biologicaldiversity.org](mailto:aprabhala@biologicaldiversity.org)

**INTERESTED AGENCIES**

California ISO  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

City of Santee  
Department of Development Services  
Melanie Kush  
Director of Planning  
10601 Magnolia Avenue, Bldg. 4  
Santee, CA 92071  
[mkush@ci.santee.ca.us](mailto:mkush@ci.santee.ca.us)

Morris E. Dye  
Development Services Dept.  
City of San Diego  
1222 First Avenue, MS 501  
San Diego, CA 92101  
[mdye@sandiego.gov](mailto:mdye@sandiego.gov)

\*indicates change

**INTERESTED AGENCIES (cont.)**

Mindy Fogg  
Land Use Environmental Planner  
Advance Planning  
County of San Diego  
Department of Planning & Land Use  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123  
[mindy.fogg@sdcounty.ca.gov](mailto:mindy.fogg@sdcounty.ca.gov)

**ENERGY COMMISSION –  
DECISIONMAKERS**

KAREN DOUGLAS  
Commissioner and  
Presiding Member  
[karen.douglas@energy.ca.gov](mailto:karen.douglas@energy.ca.gov)

ANDREW McALLISTER  
Commissioner and  
Associate Member  
[andrew.mcallister@energy.ca.gov](mailto:andrew.mcallister@energy.ca.gov)

Raoul Renaud  
Hearing Adviser  
[raoul.renaud@energy.ca.gov](mailto:raoul.renaud@energy.ca.gov)

Eileen Allen  
Commissioners' Technical  
Adviser for Facility Siting  
[eileen.allen@energy.ca.gov](mailto:eileen.allen@energy.ca.gov)

Galen Lemei  
Advisor to Commissioner Douglas  
[galen.lemei@energy.ca.gov](mailto:galen.lemei@energy.ca.gov)

Jennifer Nelson  
Advisor to Commissioner Douglas  
[jennifer.nelson@energy.ca.gov](mailto:jennifer.nelson@energy.ca.gov)

David Hungerford  
Advisor to Commissioner McAllister  
[david.hungerford@energy.ca.gov](mailto:david.hungerford@energy.ca.gov)

Pat Saxton  
Advisor to Commissioner McAllister  
[patrick.saxton@energy.ca.gov](mailto:patrick.saxton@energy.ca.gov)

**ENERGY COMMISSION STAFF**

Eric Solorio  
Project Manager  
[eric.solorio@energy.ca.gov](mailto:eric.solorio@energy.ca.gov)

Stephen Adams  
Staff Counsel  
[stephen.adams@energy.ca.gov](mailto:stephen.adams@energy.ca.gov)

**ENERGY COMMISSION –  
PUBLIC ADVISER**

Jennifer Jennings  
Public Adviser's Office  
[publicadviser@energy.ca.gov](mailto:publicadviser@energy.ca.gov)

DECLARATION OF SERVICE

I, Constance Farmer, declare that on October 18, 2012, I served and filed copies of the attached Responses to Data Requests 58 and 86, dated October 18, 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](mailto: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](mailto: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.





## TECHNICAL AREA WORKER SAFETY AND FIRE PROTECTION

58. Data Request: Please 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. This should consider new funding of the Department through property tax revenue changes resulting from the project.

Or, in the absence of a letter or communication confirming agreement between the applicant and the SDFRD, 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.

**Response:** See response to Data Request #86.

86. Data Request: 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.

**Response:**

The San Diego Fire-Rescue Department (SDFD) has provided a letter (Letter from Javier Mainer, Fire Chief of San Diego Fire-Rescue Department regarding Fire and Emergency Medical Services, docketed June 4, 2012) stating it will be able to serve the Project with fire protection and emergency medical services during both construction and operation of the facility with its current level of personnel and material assets. The Applicant acknowledges the letter also states the SDFD calculated response times to this location will not meet the City’s adopted response time goals. The Applicant does not believe the response time goals constitute a LORS noncompliance for several reasons. First, we are not aware of any official action that has ever been taken by the City of San Diego or any other governmental body adopting response times as mandatory requirements. Second, the SDFD Fire Marshal has informed us that the City’s designated response times are goals that are presented in guidance documents and he does not believe that they are mandatory. Finally, as demonstrated by the City’s recent approval of the Sycamore Landfill Expansion Project, the City of San Diego’s legislative body also does not view the response times as being mandatory. In the Sycamore Landfill Environmental Impact Report (EIR), it was noted that the SDFD response times to the Sycamore Landfill would be the same as, or slightly longer than, those for the Quail Brush Project. Despite the fact that the response times would be longer than the City’s described goal, the EIR did not identify any non-compliance with a City requirement or even an established General Plan policy related to response times. This demonstrates that the response times are not a mandatory established LORS.

The Fire Marshal has stated that gas-fired intermediate/peaking electrical generation facilities have a very good track-record regarding fire related call-outs and that he is more concerned about emergency medical response services for the Project. The design of Quail Brush will be in accordance with the applicable sections of the National Fire Prevention Association (NFPA) and all LORS listed under Worker Safety and Fire Protection on the CEC website. Several of the Project design features that are in excess of these LORS, include the following:

- a. A fire detection and wet sprinkled fire suppression system,
- b. A Brush Management Plan that includes:
  - a. protective zones around the fuel gas metering station and
  - b. protective zones around the facility transformers,
- c. A 10 foot tall block wall that shields the windward side of the facility,
- d. A Wildfire Emergency Response Plan including:
  - a. A shelter-in-place class 3 safe room with communications,
- e. A comprehensive suite of construction and operation hazard controls and associated programs as listed in AFC Section 4.10 Worker Health and Safety,
- f. Staff trained in first-aid/EMS on-site at all times, and
- g. An on-site Automatic Electric Defibrillator (AED) including the necessary staff training in its use.

Regarding the SDFD Fire Marshal's concern regarding EMS, the Applicant believes having staff trained in EMS/AED will effectively bridge the gap between the calculated SDFD response times and the City's response time goals. Additionally, please note that the Project will have the option of calling for local ambulance transport.

The Applicant acknowledges there will inevitably be some drawdown of SDFD staff and assets if the SDFD responds to a call from the Project. To address this concern, and after several discussions with the SDFD, the Applicant proposes to conduct a fire-rescue call-out study, in conjunction with the SDFD, for the existing regional electrical generation facilities. The results of this study will be used to quantify the expected financial impacts placed upon the SDFD due to drawdown.

The proposed fire-rescue call-out study will be performed in conjunction with the SDFD. The scope of the study will be to list the call-out history for each regional electrical generation facility. Using the call-out history, the SDFD will be able to calculate the average frequency and cost per call-out over the construction and operational life of the Project. The results of the study will be used to quantify the financial implications for the Project.

In conclusion, the Applicant asks the CEC to conclude that there is no LORS violation related to this issue. Additionally, the Applicant also asks the CEC to accept the proposed fire/rescue call-out study, completed in conjunction with the SDFD, of regional electrical generation facilities to determine the financial implications for the Project.