

State of California

California Energy Commission

In the matter of

Quail Brush Generation

Doctet NO.11-AFC-03

Project

Data Requests 1-46

Intervenor: Rudy Reyes

10-29-12

Rudy Reyes

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Santee Ca 92071

California Energy Commission

**DOCKETED**  
**11-AFC-3**

TN # 68302

OCT 31 2012

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Pursuant to title 20, Ca code of Regulations, section 1716, I request the information for the items in enclosed data requests. These Data requests are in the areas of Air quaility, Alternatives, Biological resources, Cultural Resources, LORS, Noise, Fire safety, Public Health and Water. The information is requested in order to 1. evaluate the impacts on the environment of the proposed project 2. Determine if adequate Alternatives have been considered and to 3. Analysis of the Mitigation measures proposed by Applicant.

I request a response within 20 days of request. If the applicant is unable or objects to provide adequate response to the data requests, notify the Committee and myself as soon as possible. Also provide information as to justification of not providing said information.

Please don't hesitate to call me if any issues arise RReyes2777@hotmail.com or 619-767-8025.

Dated Oct 29 2012

Rudy Reyes

Rudy Reyes

8527 graves ave 120

Santee Ca 92071

:

## Air Quality

Background: The Applicant is proposing to construct and operate the Project located on Sycamore Landfill

Road in the City of San Diego and just west of the City of Santee, California. The Project will be a nominal 102.3 MW power plant utilizing natural gas-fired internal reciprocating engine technology. The engines proposed for use are Wartsila 20V34SG-C2s. Each engine is rated at approximately 9.3 MW. In addition to the power cycle engines, the plant will have a dry "radiator" cooling system, fuel gas and warm start heaters, and an emergency fire pump system.

1. Data Request: Please provide information as to why the "Wartsila 20V34SG-C2s" were chosen? I have found the Wartsila Company offers better engines as shown, the 50DF is far superior!
2. Data Request: Please provide information as to the Power Plant burning of natural gas producing micro-particulate nitrogen oxides and carbon dioxide. Carbon monoxide interferes with blood's ability to carry oxygen to the body's tissues and results in numerous adverse health effects. Nitrogen oxides can contribute to formation of photochemical ozone (smog), can impair visibility, and have health consequences; they are thus considered pollutants.
3. Data Request: Please provide information regarding the Thermal Plumes from the Power Plant effect on the Biological and Aviation?
4. Data Request: Please provide information as to the effect on the Local High school children who run and exercise at school?
5. Data request: Please provide information as to why the choice was made to not have additional "cleaner" added to the "stacks"?
6. Data request: Please provide information as to why effects of "lowering" the "stacks" from 100ft to 70ft, regarding health, NOx, and CO2? On the San Diego river?

## ANALYSIS OF ALTERNATIVES

Background: : The applicant provides alternatives to the proposed power plant location that are effectively in the same location and which provide relatively little variation in the environmental impacts resulting from construction and operation. Under CEQA, an analysis of alternatives should consider "...alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly [CEQA Guidelines Section 15126.6(b)] 1" Furthermore, the City of San Diego General Plan, Economic Prosperity Element 2, states that industrial land use should make efficient use of existing employment lands (EP-5). No discussion of potential sites besides that which occurs next to the Sycamore Landfill is provided by the Applicant. No discussion of the potential for using areas currently zoned as industrial or power generation facilities scheduled for retirement is provided. Nor is there Any mention of power alternative other than Gas such as Solar, Wind, or Hydro. These other Alts should have been looked at!

7. Data Request: Please provide information as to the validation of reasoning as to the lack of Alternatives to Gas power in plant? Roof top solar?
8. Data Request: Please provide information as to why "Industrial zone" was not chosen for the Proposed site originally and why this land so important to applicant?

9. Data Request: Please provide information as to why this Project is not a energy storage unit?

#### Biological Resources

Background: Michael Brandman Associates (MBA) conducted biological surveys at the Quail Brush Project site as part of the California Environmental Quality Act (CEQA) requirements for assessing potentially

significant impacts to sensitive biological resources within the project site. The purpose of the surveys is to document current biological conditions and provide information to assist in determining if significant impacts will occur during future project construction activities. The proposed project consists of a 100-megawatt gas-fired intermediate/peaking plant (herein referred to as the power plant site), a 138-kilovolt (kV) generation tie-line (gen tie), a utility switchyard, an 8-inch underground natural gas pipeline, temporary construction laydown area, and an offsite parking area. Based on the project footprint and several alternatives, the project site is between 25.44 and 32.22 acres in size.

10. Data Request: Please provide information as to the validation of the 2-1 mitigation for the land? I believe this is too small!

11. Data Request: Please provide information as to why there is a Lack of Night life(mice, bats,ect) in the biological survey? Bio-resources are much more active at night!

12. Data Request: Why are the mitigated sites proposed to be "replacement" not congruent?

#### Cultural Resources

Background: In order to comply with the California Environmental Quality Act (CEQA), Tetra Tech EC, Inc.

(TtEC) conducted cultural resources investigations in support of the construction of Quail Brush Genco, LLC's Quail Brush Generation Project (Project). A cultural resources pedestrian survey was originally conducted in May 2011 and covered the Project area as it was designed at that time. These results were submitted to the California Energy Commission (CEC) in support of an Application for Certification (AFC) (docketed with the CEC on August 26, 2011). Subsequent to submission of the original survey report, the AFC, and a Supplement to the AFC, several Project components were redesigned to extend outside of the surveyed area, requiring additional survey effort. Further, as part of the CEC's data adequacy process, it was requested that TtEC conduct additional fieldwork to account for the poor ground surface visibility experienced during the May 2011 survey. This supplemental work was initiated in January 2012 and continued in March 2012 when additional access was granted by landowners. Each supplemental survey effort included participation of Native American monitors. This supplemental survey report documents the results of all survey efforts conducted to date. It also incorporates revisions and additional information provided during the data adequacy and data request processes of the CEC. Based on the analysis presented in this report, the Project may have significant impacts on unidentified cultural resources, including historical resources and unique archaeological resources, as a result of ground-disturbing activities. The presence or absence of human

remains, although considered unlikely in the APE, is unknown. However, by implementing the recommended mitigation measures in Table ES-2, these impacts may be reduced to less than significant.

13. Please provide information as to why Sample Test Pits were not made to see true impact on cultural resources? Without STP we have no real data to reference!

14. Please provide information as to the Verification the "native Monitors" were from Kumeyyey descent?

15. Please provide information as to the validation of the "low" impact level of significance on the site? As it is surrounded by Archaeological sites and resources.

16. Please provide information as to the validation of the "low" impact on the educational cultural resources if the site was considered without the plant constructed?

17. Please provide information as to the validation of the "Based on the analysis presented in this report, the Project may have significant impacts on unidentified cultural resources, including historical resources and unique archaeological resources, as a result of ground-disturbing activities. The presence or absence of human remains, ,,, is unknown." Yet the "low" impact?

18. Please provide the information as to the crew size used to complete survey?

19. Please provide the information as to the "potential" for human remains as the local natives were used as slaves on site for building of the Historic Dam?

## LORS

Background: Section 25525

The commission may not certify a facility contained in the application when it finds, pursuant to subdivision (d) of Section 25523, that the facility does not conform with any applicable state, local, or regional standards, ordinances, or laws, unless the commission determines that the facility is required for public convenience and necessity and that there are not more prudent and feasible means of achieving public convenience and necessity. In making the determination, the commission shall consider the entire record of the proceeding, including, but not limited to, the impacts of the facility on the environment, consumer benefits, and electric system reliability. The commission may not make a finding in conflict with applicable federal law or regulation. The basis for these findings shall be reduced to writing and submitted as part of the record pursuant to Section 25523

Section 25527

"The following areas of the state shall not be approved as a site for a facility, unless the commission finds that such use is not inconsistent with the primary uses of such lands and that there will be no substantial adverse environmental effects and the approval of any public agency having ownership or control of such lands is obtained:

(a) State, regional, county and city parks; wilderness, scenic or natural reserves; areas for wildlife protection, recreation, historic preservation; or natural preservation areas in existence on the effective date of this division.

(b) Estuaries in an essentially natural and undeveloped state.

In considering applications for certification, the commission shall give the greatest consideration to the need for protecting areas of critical environmental concern, including, but not limited to, unique and irreplaceable scientific, scenic, and educational wildlife habitats; unique historical, archaeological, and cultural sites; lands of hazardous concern; and areas under consideration by the state or the United States for wilderness, or wildlife and game reserves."

PRC 25525 requires a finding of no potentially feasible alternative (i.e., you can't override unless it's the only way to accomplish legislative goals that include the reasonable maximization of environmental protection through proper CEQA and Warren-Alquist Act enforcement), based on substantial evidence in the record and a rationally-linked chain of reasoning, once the City of San Diego made a final decision to reject the project following a comprehensive and final quasi-legislative administrative review process, the CEC had no business continuing with the administrative review process in the absence of an essential condition precedent for the exercise of PRC 25525's override power/authority.

Given the San Diego City Council vote, the CEC staff had no valid reason to presume-i.e., it is not reasonably foreseeable the CEC will ever have override power/authority under PRC 25525 in the present case. By making that unwarranted presumption while ignoring all other considerations (e.g., the impact on public participation), the CEC may breach duties mandated by both CEQA and the Warren-Alquist Act (e.g., the duty to encourage, assure, enhance, etc., well-informed and meaningful public participation), and might have committed a presumptively prejudicial abuse of discretion.

20. Data Request: Please provide information as to validation of the "override" of San Diego city LORS?

21. Data Request: Please provide information as to with San Diego City LORS Being against the project and PRC 25525?

22. Data Request: Please provide the rational for choosing this cite given PRC 25527 restrictions on preserved lands?

23. Data Request: Please provide information as to prc 25525 and 25527 inherently protecting this cite?

#### NOISE

Background: applicant conduct a continuous ambient noise survey at locations ST-1 and ST-2 from 10 p.m. to 7 a.m. This ambient noise survey was conducted from 10:00 PM, April 17th, 2012 to 6:00 AM April 18th, 2012 and was included in the Data Request Responses to Set 3 for the Quail Brush Generation Project dated May 4, 2012

24. Data Request: Please provide information as to Why was ST-5 not used for continuous Noise survey? is it not closer to cite?

25. Data Request: Please provide information as to Biological effects of noise from plant?

26. Data Request: Please provide information as to how noise will be muffled to 40 dbs when the manufacturer admits at 200 yrds the dbs will be 70 dbs??  
<http://www.youtube.com/watch?v=zZM24eAyAPM>

27. Data Request: Please provide information as to the levels of hertz sound emitted by proposed plant?

#### Fire safety

Background: The City of Santee has stated it refuses to provide any emergency services to the power plant. The only response would be from San Diego, which has also opposed the project. Therefore, according to the California Energy Commission (CEC), to meet the local regulations and standards (LORS), a fire would need to be impossible, the risk zero. At the October 19, 2012, CEC Public Workshop, San Diego Deputy Chief Doug Perry stated the "drawdown" of emergency response resources and extended response times by the Fire Dept. are significant. We "can't get there as quick as CityGate rules say that we should." He continued, "It will take longer and the fires will potentially be larger." The applicant CoGentrix said that to bridge this time gap, they will create a "shelter in place" with breathing apparatus for the workers. Perry agreed it could be "safer to keep the workers in the structure and let a wildlands fire go around it." Perry says he won't put his people at risk if the plant itself has a fire. This is

understandable due to high voltage and other dangerous issues. SDGE would have to come first and de-energize the plant. Perry notes that this will take awhile as in the recent case of fire in a Kearny Mesa facility. The fires burned for nearly three hours before being considered safe for fire crews to enter and do their job. At the CEC meeting, the public learned that CalFire and US Forest Service would not be dispatched until it was considered a 3rd or 4th alarm fire and only if the fire is on wildland (not within the plant facility). Perry said that in the San Diego area, we don't always get the resources we need. "We're the cul-de-sac of the state."

Required vs. Actual response times for San Diego Fire Stations to the proposed plant site:

San Diego is known for its unusual and fierce wildfire conditions. Santa Ana conditions produce winds blowing sometimes over 100 mph. Once started, fires are difficult if not impossible to stop in winds more than 25 mph, and fires are commonly blown up and down hillsides. The result is very fast spreading fires that typically get out of control quickly.

28. Data Request: Please present information as to with the "High fire" potential of the site, What if there is a natural gas explosion at the site...what is the range of this type of explosion? or another Santa Ana-wind driven fire like those of 2003 and 2007? or a line explosion like the San Bruno fires?

29. Data Request: Please present information as to the potential for air traffic from Gillispie field falling on Power plant?

30. Data Request: Please present information as to the validation of "shelter in place" while the fires are allowed to escape and endanger surrounding neighbors?

31. Data Request: Please present information as to fire walls not being shown in photos of project?

32. Data Request: Please present information as to safety for neighbors considering poor response time for San Diego Fire? Does this place a unfair/unsafe situation for neighbors(santee city)?

33. Data request: Please present information regarding if a fire does start at plant how long will it realistically "power down" the plant to start fire fighting?

34. Data Request: Please present the information regarding the potential for "overhead" lines to spark a fire outside the plant?

35. Data Request: Please present the information on Calfire and US forest service response to the proposed project?

36. Data Request: Please present information as to safety being granted to Communities at the west end of Santee and the West Hills High School are within 800 yards of the site? Fire Chief Perry stated that fires would be past the plant within five to ten minutes at the most. What will the applicant do to ensure these peoples safety?

37. Data Request: please provide information as to A homeowner less than a mile south of the power plant site has been denied insurance on her condo by both Ameriprise and the Automobile Club (Triple A). She called Ameriprise to get specifics about her denial and was told, "It's because of being in a fire zone." Ameriprise utilizes "risk meter.com" (a member site used by insurance companies to determine insurance risk) and Google Maps. The company told her the area is extremely high risk, and that underwriters would not insure her condo or any other properties within 500 feet of a fire zone. Another homeowner living near Medina St. east of the proposed plant said, "My husband and I were denied home insurance by Wawanesa Insurance Group due to the fire zone at Mission Trails Regional Park."

So, if homeowners can't get insurance due to proximity to a designated fire zone, why should a gas-powered plant covering 11+ acres within this zone get a green light? And how will a gas power plant impact the residents of the surrounding area? Residents worry about insurance coverage and rate increases compounding property value loss?

37. Data Request: Brush fires in and along Mission Trails and East Elliott Open Space are common, especially along Highway 52. Locals (like myself) are used to seeing a few every year, with many started from car sparks or cigarettes thrown out car windows. How will the applicant mitigate this potential fire Hazard?

38. Data Request: Please present information as to validity of CEC Fire Safety Expert saying there is no risk of fires from the pipeline due to strict Federal regulations of new pipelines? Proof Here's a list of some pipeline accidents resulting in fires.

-[http://en.wikipedia.org/wiki/List\\_of\\_pipeline\\_accidents\\_in\\_the\\_United\\_States\\_in\\_the\\_21st\\_Century](http://en.wikipedia.org/wiki/List_of_pipeline_accidents_in_the_United_States_in_the_21st_Century) The folks living near the San Bruno gas power plant explosion in 2010 had also been reassured that there was no danger.

-[http://en.wikipedia.org/wiki/2010\\_San\\_Bruno\\_pipeline\\_explosion](http://en.wikipedia.org/wiki/2010_San_Bruno_pipeline_explosion)

#### PUBLIC HEALTH

Background: CoGentrix made modifications to the Quail Brush Generation Project to "improve" its visual impact. CoGentrix lowered the towers to 70 feet from 100. Lowering the stacks brings the pollution closer to the park, schools, and our lungs. Natural gas is neither a short or long-term panacea or safe fuel for us in our neighborhoods or our future because it is still a fossil fuel that warms the earth and emits numerous dangerous by-products that cause cancer. Natural gas is an overestimated fuel that may only last for 20 years. The planners need to take into consideration that the financing of the power plant is probably not sound and will likely not outlast the plant's usefulness; that the deconstruction of the plant if approved must include the cost of dismantling and returning to open space so that a few years from now we are not left with a rusting hulk of a plant in a toxic zone resulting from some billionaire's polluted field of profit dreams. The fracking process of extraction of natural gas from deep within the earth is becoming more and more dangerous because dangerous and cancer-causing and radioactive chemicals are added to the mix or released into the "natural gas" and will be burned in our neighborhood. The continued acceleration of the fracking process will put downward pressure on the price of natural gas, thus lowering the cost to the applicant in the short run while further increasing the likelihood that the plant will be run full time to maximize its profitability.

39. Data Request: Please present information as to What is the true effects on the elderly who reside within 10 miles of plant?

40. Data Request: Please present information as to What is the true effects on the children who reside within 10 miles of plant?

41. Data Request: Please present information as to What is the true effects on the elderly who reside within 10 miles of plant?

42. Data Request: Please present information as to any Radioactive chemical to be used at proposed site?

43. Data Request: Please present information as to the effects of reduction of stacks from 100 to 70 ft?

44. Data Request: Please present information as to Noise from plant hurting Biologic surrounding proposed plant?

#### WATER

Background: Oily water treatment, The oily water (sludge) of the diesel engine power plant and traffic.

45. Data Request: Please present information as to plant design to collect and treat water, which is potentially contaminated with oil and other impurities, before its discharge from the plant?

46. Data Request: Please present information as to potential for said contamination to get into surrounding area? and water Table? Santee Lakes?

\*indicates change

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
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APPLICATION FOR CERTIFICATION DOCKET NO. 11-AFC-03  
FOR THE QUAIL BRUSH GENERATION PROJECT PROOF OF SERVICE  
(Revised 5/14/2012)

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I declare under penalty of perjury under the laws of the State of California  
that the foregoing is true and correct.

Original signed by  
Dorian S. Houser