



TETRA TECH EC, INC.

California Energy Commission

**DOCKETED**

**11-AFC-3**

TN # 68568

NOV. 19 2012

November 19, 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, Initial Response to Helping Hand Tools' Intervenor Data Requests, 1 through 27**

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 Initial Response to Helping Hand Tools' Intervenor Data Requests, 1 through 27 (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.

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 10/29/2012)**

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DECLARATION OF SERVICE

I, Constance Farmer, declare that on November 19, 2012, I served and filed copies of the attached Initial Response to Helping Hand Tools' Intervenor Data Requests, 1 through 27, dated November 19, 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 proceeding.





# Quail Brush Genco, LLC

A Project Company of Cogentrix Energy, LLC

9405 Arrowpoint Boulevard  
Charlotte, North Carolina 28273-8110  
(704) 525-3800  
(704) 525-9934 – Fax

November 19, 2012

Siting Committee  
Raoul Renaud, Hearing Officer  
Eric Solorio, Project Manager  
California Energy Commission  
1516 Ninth Street, MS-15  
Sacramento, CA 95814

**Re: Quail Brush Generation Project (11-AFC-03)  
Initial Response to Helping Hand Tools' Intervenor Data Requests, 1 through 27**

Dear Members of the Siting Committee and Mr. Solorio:

In response to the Helping Hand Tools' (Intervenor) Data Requests, 1 through 27, dated October 31, 2012, Quail Brush Generation Project (Quail Brush) objects to data requests 1 through 27 pursuant to Section 1716(f) of the Commission's regulations. Each of these Data Requests is itemized below along with a description of the grounds for the objection or the reasons for the inability to provide the information, as applicable.

## **General Objections to Data Requests**

Section 1716 of the Commission's regulations permits any party to request "information reasonably available to Quail Brush which is relevant to the notice or application proceeding or reasonably necessary to make any decision on the notice or application." Quail Brush objects to the data requests below because they seek information that is not relevant to this proceeding, and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations.

In addition, many of Helping Hand Tools' data requests are vague, and Helping Hand Tools has not provided sufficient information or background to explain the relevance of the data requests to this proceeding. For these data requests, it was therefore difficult for Quail Brush to decipher the nature, form or content of the specific information sought. Lastly, Quail Brush objects to these data requests to the extent they request information that Quail Brush or another party has already entered into the public record for this proceeding.

## **Specific Data Requests and Objections Thereto or Reasons for Inability to Provide Responses**

1. Please indicate how the project complies with the Attorney General's guidance (attached). Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as

required by Section 1716(b) of the Commission's regulations. Quail Brush also objects to this data request because it is vague and Helping Hand Tools has not provided sufficient information or background to explain the relevance of the data request to this proceeding. It is difficult for Quail Brush to decipher the nature, form, or content of the specific information sought. In addition, Quail Brush objects to this data request because it seeks requests legal interpretation or conclusions, which are not appropriate subjects for data requests.

2. Does the landfill produce emissions beyond those disclosed in the; October 17, 2012 Cumulative Impacts Analysis for QBPP and Sycamore Landfill? It appears that mobile sources associated with the landfill and emissions from the landfill itself are omitted. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. San Diego County Air Pollution Control District exempts mobile sources - both onsite sources and mobile sources traveling to and from the site - from inclusion in a cumulative impact analysis. In addition, Quail Brush objects to this data request because it calls for information not reasonably available to it. The information provided by Quail Brush in the October 17, 2012 Cumulative Impacts Analysis includes all available landfill related data.

3. Identify any specific aging plants that this project will displace. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush also objects to this data request because it calls for information not reasonably available to it. While the proposed Project has been designed to and Quail Brush fully anticipates that the proposed Project will help displace electricity from some aging power plants, Quail Brush cannot provide specific answers because it relies on decisions which are outside of Quail Brush's control to made in the future by parties other than Quail Brush (e.g., load serving entities, CAISO, etc.).

4. Identify any specific renewable projects that this project will support. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. While the Project has been designed to and Quail Brush fully anticipates that the proposed Project will help displace electricity from some aging power plants, Quail Brush cannot provide specific answers because it relies on decisions which are outside of Quail Brush's control to made in the future by parties other than Quail Brush (e.g., load serving entities, CAISO, etc.).

5. Please provide one year of onsite air quality monitoring. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush also objects to this data request because it appears to request future action of Quail Brush, rather than information that is reasonably available to Quail Brush at present, and thus is not an appropriate subject for a data request.

6. The application generally describes possible scenarios for facility permanent closure. The removal of the plant from service or decommissioning may range from "mothballing" to the removal of all equipment and

appurtenant facilities, Please disclose the proposed cost of each closure option proposed in the application. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Although an applicant must describe the *methods* of facility closure for the Commission to consider and review, the Warren-Alquist Act and the Commission's regulations do not call for consideration of the *costs* of facility closure when evaluating an Application for Certification ("AFC"). The costs of facility closure are thus irrelevant to this proceeding.

7. Please identify the source of funds for each closure method. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. As noted above, although an applicant must describe the *methods* of facility closure for the Commission to consider and review, the Warren-Alquist Act and the Commission's regulations do not call for consideration of the *costs* of facility closure when evaluating an AFC. The source of funds to cover such costs is thus irrelevant to this proceeding.

8. Please disclose if there is a threshold at which the public benefit of a "mothballed" or otherwise closed facility is below that for which an override of LORS should remain in effect. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush also objects to this data request because it does not make sense and Quail Brush does not understand what Helping Hands Tools is requesting. A LORS override decision does not "remain in effect" for a specific period of time.

9. California is littered with defunct energy facilities. With regard to effective ownership and closure of energy facilities; Californians have experienced environmental degradation, loss of life, and market manipulation. The project appears to be owned by a wholly owned subsidiary of Goldman Sachs. The CEO of Cogentrix appears to also be the managing Director of Goldman Sachs. Wall Street banks are engaged in a high-stakes debate with the Federal Reserve over whether they should be allowed to continue to own and operate major pieces of energy and commodity market infrastructure. Please disclose all energy projects owned by the applicant and its affiliates, or parent companies. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. There is no project owned by Quail Brush or its corporate affiliates which has a bearing on the Commission's review of the AFC for the proposed Project.

10. Please disclose any closed facilities associated with the Applicant and its parent companies including those associated with Cogentrix senior management team in their prior or other roles in other companies. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. There are no closed facilities associated with Quail Brush or its corporate affiliates that has a bearing whatsoever on the Commission's review of the AFC for the proposed Project.

11. Please disclose the closure method of any closed facilities “mothballing” removal of all equipment and appurtenant facilities, spinoff to shell companies for Bankruptcy/abandonment. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission’s regulations. As noted above, there are no closed facilities associated with Quail Brush or its corporate affiliates which has a bearing whatsoever on the Commission’s review of the AFC for the proposed Project.

12. Please disclose the cost to the public or government associated with failure to clean up identified closed facilities. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission’s regulations. As noted above, there are no closed facilities associated with Quail Brush or its corporate affiliates which have a bearing on the Commission’s review of the AFC for the proposed Project. Quail Brush further objects to any suggestion that it or its corporate affiliates have ever failed to clean up closed facilities they have owned or operated.

13. Please identify any corporate bankruptcy, market manipulation and environmental litigation in which the applicant, its parent companies, and executive team have been parties.... Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission’s regulations. Consideration of the AFC pursuant to the requirements of the Warren-Alquist Act and the Commission’s regulations does not involve consideration of the corporate affairs of the applicant or its affiliate companies.

14. Identify the benefits of the Wartsila combined cycle or Flexicycle equipment for this project. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission’s regulations. Quail Brush also objects to this data request to the extent it seeks information that has already been made available in this proceeding. Please refer to the AFC at Section 4.7.4 and Section 4.7 Appendix F.6 docketed on August 25, 2011 and Supplement 1 to the AFC at Attachment A.2 docketed on October 24, 2011.

15. Compare the proposed project to; the cost, environmental impact, and ability to serve the function of the PPS to a combined cycle configuration. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission’s regulations. Quail Brush also objects to this data request because it is vague and Helping Hand Tools has not provided sufficient information or background to explain the relevance of the data request to this proceeding. Quail Brush does not understand the meaning of “PPS” in this context. Quail Brush further objects to this data request to the extent it seeks information that has already been made available in this proceeding. Section 3 of the AFC docketed on August 25, 2011 provides Quail Brush’s original alternatives analysis. Section 3.5 of the AFC’s Alternatives Analysis docketed on October 30, 2012 identifies and analyzes alternative technologies, including combined cycle technologies.



16. Are the Wartsila engines modified eastern European ship engines? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. The Wartsila engines proposed for the Quail Brush facility are not modified eastern European ship engines. Although Wartsila does make marine engines for navies, merchant and cruise ships the world over, the natural gas fired reciprocating engines proposed for Quail Brush are specifically designed for power generation facilities to provide grid stability, reserve, peaking, load following and intermittent power generation.

17. Please identify the projects similarities to the Wartsila engines used in the Humboldt Bay project. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Energy generating technology used in a different project that has separately sought certification from the Commission is not relevant to this proceeding.

18. Please confirm that the Humboldt bay engines failed to meet their emission limits. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush objects to this data request because it seeks information that is not in its possession or reasonably available to it. Further, energy generating technology used in a different project that has separately sought certification from the Commission is not relevant to the Commission's review of the AFC for the proposed Project.

19. Please confirm that at least one of the Humboldt bay engines blew up during commissioning. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush objects to this data request because it seeks information that is not in its possession or reasonably available to it. Further, energy generating technology used in a different project that has separately sought certification from the Commission is not relevant to the Commission's review of the AFC for the proposed Project.

20. Please provide source testing for nitrogen dioxide and nitric oxide of the Humboldt Bay project. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush objects to this data request because it seeks information that is not in its possession or reasonably available to it. Further, energy generating technology used in a different project that has separately sought certification from the Commission is not relevant to the Commission's review of the AFC for the proposed Project.

21. Please identify what percentage of the projects production can be met by onsite solar generation. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to

render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush also objects to this data request because it is vague and Helping Hand Tools has not provided sufficient information or background to explain the relevance of the data request to this proceeding. Quail Brush further objects to this data request to the extent it seeks information that has already been made available in this proceeding. As explained in the Alternatives Analysis, the proposed Project is a peaker plant and will provide energy that cannot be supplied by solar generation.

22. Please provide a copy of all communications with the San Diego Air Pollution Control District (SDAPCD). Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. All documentation from the SDAPCD that is required for the Commission's consideration of the AFC has been submitted into the docket (see SDAPCD Completeness Determination, docketed November 4, 2011; Attachment A to Supplement 1 to the AFC, docketed October 24, 2011; and Quail Brush's responses to SDAPCD Data Requests, docketed October 23, 2012), or will be submitted in due course. Nothing more is required or relevant.

23. Please provide a revised application and a redline version of changes from the initial application which indicates which aspects of the application are no longer under consideration. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush also objects to this data request to the extent it seeks information that has already been made available in this proceeding. Read together, the AFC and its Supplements already specify the current proposed design of the Project and which aspects of the originally proposed Project are no longer under consideration. A redline version of the changes in the applications is not required by law or the Commission's regulations.

24. Please disclose the localized impacts associated with the present proposed stack height compared directly to the prior proposed stack height, compared to a stack height that would minimize localized impacts. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush also objects to this data request because it is vague and Helping Hand Tools have not provided sufficient information or background to explain the relevance of the data request to this proceeding. It is difficult for Quail Brush to decipher the nature, form, or content of the specific information sought. In addition, Quail Brush objects to this data request to the extent it seeks information that has already been made available in this proceeding. The impacts of lowering the stack height have been identified and analyzed in the Revised Air Quality Analysis and Health Risk Assessment docketed on September 24, 2012.

25. Describe the methodology which concluded that the purported lower visual impacts of the shorter stacks are greater than the associated higher localized air quality impacts associated with lower stacks. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush also objects to this data request because it is vague and Helping Hand Tools have not provided sufficient information or background to explain

the relevance of the data request to this proceeding. It is difficult for Quail Brush to decipher the nature, form, or content of the specific information sought. As is documented in submittals made, the air quality impacts associated with the Project as original proposed and as now proposed are less than significant; as shown in the Revised Air Quality Analysis, Section 4.7.5.8, docketed on September 24, 2012. Therefore, there are no “associated higher localized air quality impacts associated with the lower stacks. Further, as Quail Brush has explained in its AFC and supplements thereto, there will not be significant impacts from the proposed Project to either visual or air resources.

26. The Application indicates; “This lean-burn spark ignition reciprocating engine technology has been commercially demonstrated in several hundred installations worldwide and is considered mature.” The Sheki power plant in Azerbaijan is equipped with 10 x Wartsila 20V34SG engines. Provide source testing for nitrogen dioxide and nitric oxide on this and other similar international installations. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission’s regulations. Quail Brush additionally objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission’s regulations.

27. Please provide data on pre oxidation catalyst NO2/NOx ratio data for the Wartsilila engines at various loads. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission’s regulations. The data requested in this data request does not exist, and Quail Brush is under no obligation to create or gather such data.

I certify under penalty of perjury that the foregoing is true, correct, and complete to the best of my knowledge

Regards,



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C. Richard Neff  
Vice President