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November 30, 2012

Siting Committee
Raoul Renaud, Hearing Officer
Eric Solorio, Project Manager
California Energy Commission
Docket No. 11-AFC-3
1516 9th Street
Sacramento, CA 95814

**Re: Cogentrix Quail Brush Generation Project - Docket Number 11-AFC-03,
Response to Intervenor HomeFed Fanita Rancho's Data Requests 1-84**

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, Bingham McCutchen LLP hereby submits the Response to Intervenor HomeFed Fanita Rancho's Data Requests 1-84. The remaining data requests were addressed in the Applicant's 20-day initial response to these data requests docketed on November 19, 2012. 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 (415) 393-2572.

Sincerely yours,



Ella Foley Gannon

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

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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 11/19/2012)

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*indicates change

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DECLARATION OF SERVICE

I, Margaret Pavao, declare that on November 30, 2012, I served and filed copies of the attached Response to Intervenor HomeFed Fanita Rancho's Data Requests 1-84, dated November 30, 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.



Margaret Pavao



Quail Brush Genco, LLC

A Project Company of Cogentrix Energy, LLC

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(704) 525-3800
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November 30, 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),
Response to Intervenor HomeFed Fanita Rancho's Data Requests 1-84**

Dear Members of the Siting Committee and Mr. Solorio:

In response to Intervenor HomeFed Fanita Rancho's (Intervenor) Data Requests, 1 through 84, Quail Brush Generation Project (Quail Brush) provided an initial response to Requests 1-6, 8, 10, 12, 14-24, 29-41, 44-49, and 54-84 on November 19, 2012. Quail Brush provides responses to Requests 7, 9, 11, 13, 25-28, 42, 43, and 50-53 below.

Alternatives

7. Data Request: Your alternatives analysis, and specifically section 3.4.18, states that Alternative sites A, B, and C were eliminated from consideration in part due to a lack of site control. Were there any alternative sites considered where site control was not an issue? If that was to be a determining factor, why did each of the three alternatives included in the application ultimately feature this fatal flaw?

Response:

As described in Sections 3.2.1, 3.2.2, and 3.3.3 of Supplement 2 to the AFC docketed on February 8, 2012, the Applicant does not currently have site control for AFC Alternatives A, B, and C; however upon obtaining further feedback from the landowners, there is reason to believe that these parcels could potentially be acquired and therefore, they were not eliminated from consideration based on lack of site control. Additional alternative sites are described in Section 1.4 of the Alternatives Analysis docketed on October 30, 2012.

9. Data Request: In your response to Dr. Houser's Data Request No. 1, you indicated that "Quail Brush appropriately focused on alternative site locations and points of interconnection that would not require the construction of significant new infrastructure." You further explained that "[w]hile there may be sites within SDG&E's territory that would lessen some of the proposed project's less than significant effects, they do not 'avoid or substantially reduce' any significant effects." Please identify all data sources that you considered in making this determination, as well as any specific sites to which you were referring in the second sentence quoted above.

Response:

Section 1.2 of the Alternatives Analysis docketed on October 30, 2012 includes a description of screening criteria. Feasibility of alternative sites, including environmental impacts of each alternative site, is discussed in Section 1.5 of the Alternatives Analysis docketed on October 30, 2012.

11. Data Request: In your response to Dr. Houser's Data Request No. 29, and also during the October 19 workshop, you indicated that Quail Brush has a plan to obtain access to the proposed site. Please elaborate on those plans, including the possible use of eminent domain powers by a governmental entity or by SDG&E.

Response:

The Applicant currently has site control of the proposed site and can access the site from Sycamore Landfill Road.

13. Data Request: Please provide all information in support of and against the engineering feasibility of construction at alternative sites.

Response:

Feasibility of alternative sites, including engineering feasibility of construction of each alternative site, is discussed in Section 1.5 of the Alternatives Analysis docketed October 30, 2012.

Hazardous Materials Handling – Unexploded Ordinance

25. Data Request: Because the application defers any details about the future clean-up of hazardous UXO material at the site, please provide information regarding what standards and process are used to comply with regulations for UXO clean-up.

Response:

Digital geophysical mapping (DGM) surveys of the project site form the basis for dealing with subsurface anomalies that may, or may not, be munitions and explosives of concern (MEC) and their associated debris. Any anomalies identified in the DGM survey will be

carefully excavated by hand to determine the nature of the material. If the recovered material is considered to be Material Documented as an Explosive Hazard (MDEH), the item will be turned over to the San Diego County Sheriff Department for disposition. If the recovered item is considered to be munitions-related but with no explosive hazard and thereby classified as Material Documented as Safe (MDAS), the item will be managed per Department of Defense Instruction (DoDI) 4140.62 and stored in a locked container to be shipped off site for demilitarization upon completion of the project.

26. Data Request: Please provide data on the indirect environmental impacts from the clean-up of the UXO, including biological impacts of clearing vegetation to scan for UXO at the maximum depth of excavation for the site and cultural resource impacts from the same.

Response:

Any potential biological or cultural resource impacts associated with the UXO investigation will be within the disturbed footprint for the project; no additional impact will occur because of this investigation. Potential impacts to biological and cultural resources have previously been described in AFC (and AFC Supplements) Sections 4.12 and 4.1, respectively.

27. Data Request: Please provide information on any consultation with the school district regarding treatment, handling and disposal of ultra-hazardous UXO.

Response:

A definition of “ultra-hazardous UXO” was not provided and thus, that aspect of the question cannot be addressed. Quail Brush believes that any subsurface anomaly at the project site is potentially dangerous and will be treated as such until it’s true nature is determined. Quail Brush also notes that it is remotely situated from local school district properties. Please refer to the responses to Fanita Ranch DR 25 for a discussion of field procedures.

28. Data Request: Please provide information on the risk of fire hazards from exploding UXO in an Very High Fire Severity Zone.

Response:

As noted in the response to Data Request 25, any discovered anomalies having MDEH characteristics will be dealt with in a locale far removed from the project site.

Noise

42. Data Request: Please provide information on the proposed noise mitigation to wildlife in the surrounding area.

Response:

Section 4.3.5 of the AFC docketed on August 25, 2011, fully describes the proposed noise mitigation.

43. Data Request: Please collect additional noise data at previous receptor sites and extend the duration of the recordings. Please make recordings during the week and weekends.

Response:

Additional noise monitoring will be provided per the Commission Data Requests 94 through 95, docketed on October 31, 2012.

Biology

50. Data Request: Please provide all information relating to when the Applicant was made aware of the MPU. If the MPU is adopted, please explain how the project will be compatible with the MPU.

Response:

Quail Brush became aware of the MPU in May 2011 when it began development of the Project.

51. Please provide the criteria for selecting a qualified biologist. Please identify and provide information relating to the biologist's responsibilities.

Response:

Biologist resumes are included in Appendix G of the Biological Resources Survey Report docketed on October 15, 2012. Criteria for selection of a qualified biologist is according to task (e.g., monitoring of construction work). The Commission needs to approve biological monitors.

52. Please provide more detailed information on the performance standards for the proposed biological mitigation measures.

Response:

Performance standards are an accepted way of ensuring that potentially significant impacts can be mitigated to a less than significant level. For the potential biological impacts here, the performance standards will address things such as measurable ways to ensure that the mitigation lands provide equal to or better habitat for potentially affected species. Specific, resource-based verification methods and any necessary performance standards will be detailed in the Biological Resources Mitigation and Monitoring Plan (BRMMP) that will be developed in coordination with the Commission, US Fish and Wildlife Service, and California

Department of Fish and Game biologists, once the mitigation program has been agreed upon. The Applicant's Proposed Mitigation Plan has not been docketed with the Commission yet, but will also preliminarily address this topic.

Air Quality

53. Data Request: Please discuss the existing background PM2.5 concentrations and projected PM2.5 concentrations in the region including emissions from the project in view of this standard. Please discuss how the project's incremental emissions would affect future compliance of the region's air quality with the federal 24-hour ambient air quality standard for PM2.5 of 35 µg/m3. Please include a discussion of potential worst-case daily PM2.5 emissions.

Response:

Discussion regarding existing background PM2.5 concentrations and projected PM2.5 concentrations in the region have been exhaustively presented in AFC (and, AFC Supplements) Section 4.7. Air emission modeling estimates for all parameters, including PM2.5, were made for "worst case daily" scenarios were likewise discussed in AFC (and, AFC Supplements) Section 4.7.

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

Regards,



C. Richard Neff
Vice President

cc: Docket (11-AFC-3)