CALIFORNIA ENERGY COMMISSION
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February 23, 2007

Mr. Kevin R. Johnson, Vice President
LS Power Generation, LLC
1735 Technology Drive Suite 820
San Jose, California 95050

DOCKET
06-AFC-3
DATE FEB 23 2007
RECD. FEB 23 2007

Dear Mr. Johnson:

RE: SOUTH BAY REPLACEMENT PROJECT (06-AFC-3)
DATA REQUESTS 101 through 112

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 are being made in the technical areas of the Application for Certification (AFC), including: Biological Resources, Cultural Resources, Land Use and Water and Soil Resources. Written responses to the enclosed data requests are due to the Energy Commission staff on or before March 26, 2007, or at such later date as may be mutually agreed upon.

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 10 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) 654-4206.

Sincerely,

BILL PFANNER
Energy Facility Siting Project Manager

Enclosure

cc: Docket (06-AFC-3)

Technical Area: Biological Resources
Author: N. Misa Ward

BACKGROUND

AFC page 8.2-14 describes potential wetlands on site, and Data Responses Set 1A indicates that the applicant will initiate the wetland delineation process with the U.S. Army Corps of Engineers (USACE). However, the project area is also within the coastal zone and the jurisdiction of the California Coastal Commission (CCC). The USACE and CCC differ in their criteria for areas qualifying as wetlands and can require different mitigation ratios. The extent of wetlands under the jurisdiction of both agencies and expected mitigation ratios are needed for a complete discussion of impacts and mitigation.

DATA REQUESTS

101. Please provide a progress update on the process of delineating USACE vs. CCC wetlands and provide information on the respective mitigation ratios expected, if known.

102. Upon completion of the wetland delineation, please provide separate acreages for and maps (at a scale acceptable to USACE and CCC) of wetlands (and other waters of the U.S.) in the project area that are considered jurisdictional by the USACE and/or the CCC.

BACKGROUND

The AFC lacks a detailed project description for the following elements as they relate to biological resources: grading, runoff, hazardous materials, and fencing. This information is needed to assess impacts to biological resources immediately adjacent to the SBRP, particularly because it borders the San Diego National Wildlife Refuge (SDNWR) and J Street Marsh which is a privately owned parcel with wetland status and sensitive species. Grading and runoff patterns are of particular concern to the U.S. Fish and Wildlife Service (USFWS) and CCC due to the potential for contaminated materials found on site and in adjacent areas (USFWS 2006 [letter from T. O'Rourke dated 8/16/06], CCC 2006 [letter from C. Teufel dated 7/28/06]). In addition, the USWFS reported that the drainage channel between the SBRP and the pond system adjacent to the SDNWR has breeched in the past, and runoff entered the salt pond area, which is proposed for restoration to enhance migratory bird habitat (USFWS 2006 [letter from T. O'Rourke dated 8/16/06]).

DATA REQUESTS

103. Analyze the potential impacts to biological resources in the bay and salt ponds as a result of runoff, indicate the specific sensitive areas that may be affected, and recommend mitigation measures.

104. Please address the issue of past leakage of runoff from the South Bay Replacement Project (SBRP) site into the adjacent salt ponds and include a plan for ensuring integrity of berms and dikes and preventing repeated occurrences.

105. Please identify locations of contaminated soil and water (surface runoff and ground) and associated constituents of concern and report any past or current migration of contaminated water. Please describe potential impacts to biological resources and specific Best Management Practices to be implemented to control contaminated substances.

106. Please provide a map or description of proposed fence lines (or other barriers) to prevent human and mammalian access to adjacent sensitive areas (e.g., SDNWR and J Street Marsh). Indicate any existing fence lines that will remain following construction.

BACKGROUND

Thermal discharges can change biological communities in the vicinity of a power plant cooling water outfall. Although the new SBRP will not use seawater for power plant cooling, stopping the warm water discharge from the existing South Bay Power Plant (SBPP) may affect the near-shore habitat in the region of the outfall.

DATA REQUEST

107. Please provide specific mitigation measures for near-shore biological resources that may be affected by eliminating the warm water discharge and explain any differences related to stopping the discharge during each of the four seasons.

BACKGROUND

Although the loss of non-native annual grassland habitat is described as insignificant in the Cumulative Impacts section of the AFC due to its location in an industrial area, the direct impacts of this habitat loss are not analyzed. AFC page 8.2-40 discusses the loss of non-native annual grassland and acknowledges that developed land does "...provide seasonal forage for some species, as evidenced by peregrine falcons roosting and foraging on the SBPP stacks during winter months." The USFWS is concerned about loss of non-native annual grassland for this reason and because a "number of species" can also use this habitat for cover (USFWS 2006 [letter from T. O'Rourke dated 8/16/06]).

DATA REQUEST

108. Please analyze the potential direct impacts of removing non-native annual grassland habitat, quantify the grassland acreage that may be affected by the SBRP, and discuss whether habitat compensation is required.

Technical Area: Cultural Resources
Author: Beverly E. Bastian

BACKGROUND

The AFC did not provide a project description for the demolition of the old SBPP, for the redeposition of fill from that demolition, for the construction of the final 69-138 kV interconnection, for the demolition of the old 69-138 kV substation, or for the construction of the new 69-138 kV substation. Staff needs a detailed description of the ground-disturbing aspects of these activities to assess their potential for significant impacts to potential unknown buried cultural resources at the old plant and substation sites, north of the proposed SBRP and at the new substation site, south of the proposed SBRP.

DATA REQUESTS

109. Please provide a detailed description, focused on any associated earthwork, of the following activities:
    a. demolition of the old SBPP;
    b. redeposition of fill from the area of the old SBPP to the old North 40 tank farm area;
    c. demolition of old interconnection;
    d. construction of the final 69-138 kV interconnection for the new SBRP;
    e. demolition of the old 69-138 kV substation at the SBPP;
    f. construction of the new 69-138 kV substation near the new SBRP.

110. If the SBPP substation is 45 years of age or older, please have a qualified architectural historian complete Department of Parks and Recreation (DPR) 523 "Primary" and "Building, Structure, and Object" forms, including an evaluation of significance. Please have the qualified architectural historian also assess the project's potential impact of substation demolition, and provide the DPR 523 forms and impact assessment to staff.

Technical Section: Land Use
Author: Amanda Stennick

BACKGROUND

As the existing SBPP facility is addressed in current or proposed land use plans by the Port of San Diego, California Coastal Commission, and the City of Chula Vista, demolition of the facility and related structures such as the SBPP substation and existing transmission interconnection need to be addressed in the context of these plans. Staff needs this information to complete its California Environmental Quality Act (CEQA) review of the proposed SBPP site as part of its review of the SBRP.

DATA REQUEST

111. For staff to do a thorough land use analysis of the demolition, please discuss the demolition's consistency with any applicable land use laws, ordinances, regulations and standards, including those of the Port, the California Coastal Commission, and the City of Chula Vista.

Technical Area: Soil and Water Resources
Author: Richard Latteri

BACKGROUND

A draft Drainage Erosion and Sediment Control Plan (DESCP) was provided in response to Data Request 100 (Sub-parts A - I) for site management activities and erosion/sediment control practices to be implemented during site mobilization, excavation/demolition, construction, and post-construction activities for the South Bay Replacement Project. The draft DESCP will need to be expanded to include those soil disturbing/stabilization activities associated with the demolition and removal of the original South Bay Power Plant (SBPP) and the existing 69-138 kV substation.

DATA REQUEST

112. Please provide a revised draft DESCP which includes:

- Expanded site delineation and drainage maps (Sub-parts B, D and F), at a minimum scale of 1"=100', for those areas not included in Data Response 100. Grading plan drawings provided in Attachment A of the November 2006 draft DESCP were illegible and not to the required minimum scale of 1"=100'. All grading plan drawings in Attachment A need to be resubmitted at minimum scale of 1"=100'.
- Expanded narratives (Sub-parts E, H and I) for those areas not included in Data Response 100.
- Expanded BMP Plan (Sub-part H) which identifies the location of those additional BMPs required during demolition and stabilization of the original SBPP and switchyard. BMPs shall include measures designed to prevent wind and water erosion in areas with existing soil contamination. Treatment control BMPs used during demolition should enable testing of groundwater and/or stormwater runoff prior to discharge to San Diego Bay.

CALIFORNIA
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ELECTRONIC PROOF OF SERVICE LIST and ELECTRONIC DISTRIBUTION LIST Revised 10/20/06

SOUTH BAY REPLACEMENT PROJECT
APPLICATION FOR CERTIFICATION
DOCKET NO. 06-AFC-3

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I declare that I transmitted the foregoing document via e-mail, or as indicated by first class postal mail, to the above named on the date indicated thereby. I declare under penalty of perjury that the foregoing is true and correct.

Dena Gong

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