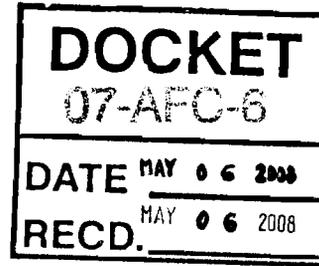


CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

May 6, 2008



Tim Hemig
Director, Environmental & New Business
NRG Energy, Inc.
1817 Aston Avenue, Suite 104
Carlsbad, CA 92008

Dear Mr. Hemig,

CARLSBAD ENERGY CENTER PROJECT (07-AFC-6) DATA REQUEST, SET 2A

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, and 4) assess potential mitigation measures.

This set of data requests (Set 2A, #113-124) is being made in the areas of air quality, cultural resources and socioeconomics. Written responses to the enclosed data requests are due to the Energy Commission staff on or before June 6, 2008, or a different date as may be mutually agreed. We may schedule a workshop during the week of June 16, 2008, which would permit staff and any other interested parties sufficient time to review the responses prior to any public discussions.

If you are unable to provide the specific information requested, need additional time, or object to providing requested/specific information, please send a written notice to both Commissioner James Boyd, Presiding Committee Member for the Carlsbad Energy Center Project, and to me within 20 days of receipt of this letter. If sent, this notification must contain the reason(s) for not providing the information, the need for additional time, and the grounds for any objections (see Title 20, California Code of Regulations, section 1716 (f)).

As always, if you have any questions, please call me at (916) 654-4894, or email at mmonasmi@energy.state.ca.us.

Sincerely,

Mike Monasmith
Energy Facility Siting Project Manager

Enclosure
cc: POS

PROOF OF SERVICE (REVISED 4/1/08) FILED WITH
ORIGINAL MAILED FROM SACRAMENTO ON 5/6/08
MJS

**Carlsbad Energy Center Project
(07-AFC-6)
Data Requests, Set2A**

Technical Area: Air Quality
Author: William Walters

BACKGROUND: CONSTRUCTION EMISSIONS AND IMPACTS

The scope of the project's construction activity has been augmented to include the removal of the existing oil tanks and any associated oil-contaminated soil. Staff needs additional information regarding the tank demolition and soil remediation activity emissions from the applicant to complete the assessment of the construction impacts.

DATA REQUESTS

113. Please provide emission calculations, with all relevant equipment, transportation trip length, worker assumptions, etc., for the oil tanks demolition, including:
 - a) Criteria pollutant emissions from the onsite activities in pounds per day and pounds per year.
 - b) Criteria pollutant emissions from the associated offsite activities (such as waste/metal recycle hauling) in pounds per day and pounds per year.
 - c) Describe the amount of metal, waste, and debris from the tank demolition that will have to be hauled from the site and provide the number of associated haul truck trips.
 - d) Describe where the metal, waste, and debris from the tank demolition will be sent.

114. Please provide emission calculations, with all relevant equipment, transportation trip length, worker assumptions, etc., for the activity required to remediate the project site's oil contaminated soils including:
 - a) Criteria pollutant emissions from onsite activities in pounds per day and pounds per year.
 - b) Criteria pollutant emissions from the associated offsite activities (such as hauling of the contaminated soils) in pounds per day and pounds per year.
 - c) Describe the amount of contaminated soil that will have to be removed from the site.
 - d) Describe where the contaminated soil will be sent and the remediation and/or disposal method that will be used.

115. Please provide the schedule for the tank demolition and soil remediation activities in relation to the overall power plant construction schedule.

116. If the daily or annual emissions from the tank removal and soil remediation activities are greater than the previously modeled construction emissions analysis that did not include the tank removal and soil remediation activities, then please model those emissions and provide the impact results and copies of the electronic modeling files.

**Carlsbad Energy Center Project
(07-AFC-6)
Data Requests, Set 2A**

BACKGROUND: STACK SAMPLING PORT ISSUE - FOLLOWUP

During the second data response workshop the applicant indicated that the revised operating emission modeling was not yet completed because the stack sampling port issue, first raised as an issue in the first round of data requests, had not yet been resolved. Staff needs additional information regarding San Diego Air Pollution Control District (SDAPCD) acceptance of the stack sampling port locations proposed by the applicant.

DATA REQUEST

117. Please provide a copy of all correspondence to and from the SDAPCD regarding the stack sampling port location.
118. Please identify when this issue, and the related operating emission modeling analysis, will be resolved with the SDAPCD.

**Carlsbad Energy Center Project
(07-AFC-6)
Data Requests, Set2A**

Technical Area: Cultural Resources

Author: Dorothy Torres and Mike Lerch

Please provide any documents under confidential cover that may reveal the location of an archaeological site.

BACKGROUND

In Data Request Round One, staff asked that an archaeologist assess any geotechnical borings conducted by the applicant for the presence of cultural material. The applicant's response indicated they would accept a cultural resources condition originally proposed for their El Segundo project (00-AFC-14) that required an archaeologist monitor geotechnical boring during construction. Assessing the boring cores completed as part of geotechnical investigations is not the same as monitoring during ongoing construction. Staff needs information regarding borings, regardless of when they are completed (before or after certification). However, if the borings are completed before certification, the information needs to be provided to staff for its analysis prior to certification.

DATA REQUESTS

119. If any geotechnical investigations were conducted in the past, or will be conducted prior to certification, please have the boring cores assessed by a geoarchaeologist (at least three classes of graduate level geoarchaeology classes) or an archaeologist who meets the U.S. Secretary of the Interior's Qualifications Standards in archaeology to determine whether the borings contain any cultural material and provide a written discussion of the results to staff.

BACKGROUND

The AFC states on page 5.3-5 that the location of the existing tanks was excavated down to bedrock. Data Response Number 31 indicates that the tanks' foundations sit on area covered by artificial fill that is three to nine feet deep. Moreover, the geotechnical report produced for the desalination plant that would be located adjacent to the proposed project location states on page 7 that because there is no documentation available concerning whether the soils were placed as engineered fill, the soils should be considered unsuitable to support above or below-ground structures. Data Response Number 112 indicates that Tanks 5, 6, and 7 will be removed by the applicant and soil contamination will be remediated. Staff needs to assess the removed and replacement soil for cultural resource material.

DATA REQUESTS

120. If removed soils will be disposed of off-site and/or new soils brought in and if disposal and borrow sites are not commercial operations and consequently have not been surveyed for cultural resources, please conduct such surveys and provide the personnel qualifications, survey methods, and findings to staff.
121. Please describe and discuss the equipment and construction practices that will be used to remove Tanks 5, 6, and 7 and identify the extent to which tank removal and remediation of contaminated soils could affect native soils beneath artificial fill.
122. Please identify the equipment and describe the process that will be used to remediate the tank area after the soil has been removed.

**Carlsbad Energy Center Project
(07-AFC-6)
Data Requests, Set2A**

Technical Area: Socioeconomics
Author: Marie McLean

BACKGROUND

Application for Certification Section 5.10.4.4.6, Impacts on Education, indicates that a one-time assessment fee of \$0.42 per square feet of the principal building area will be assessed by the Carlsbad Unified School District. Section 5.10.7 also indicates that Carlsbad Unified School District is currently charging a \$0.42 one-time assessment fee per square foot of the principle building area. However, the section ends with: "However, since CECF will be sharing O&M workers with the existing Encina Power Station and these workers will continue to occupy existing buildings, the project will not be required to pay the school impact fee on occupied structures." The section does not provide an estimate of the square footage of new construction applicable to the school assessment fee nor a calculation of the fee.

DATA REQUESTS

123. a) Please provide an estimate of the school impact fee to be required by the Carlsbad Unified School District based on the square footage of occupied space associated with the new construction of Carlsbad Energy Center Project's principle building.
- b) Please provide records of any correspondence between the applicant and the school district regarding the assessment fee.

BACKGROUND

Section 5.10.4.4.4, Impacts on Local Economy and Employment, indicates that the annual operations and maintenance budget is to be \$4.5 million. However, the section does not include a breakdown of the \$4.5 million allocation, including the salary component for the 14 workers who are to staff the plant once it is operational. Staff needs this information in order to assess induced direct and indirect economic impacts

DATA REQUEST

124. Please provide an accounting analysis of the \$4.5 million, including (1) a separate amount for the annual operational payroll; and (2) amounts for the remainder of the \$4.5 million not used for the operational staff payroll.

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE
STATE OF CALIFORNIA**

**APPLICATION FOR CERTIFICATION
FOR THE CARLSBAD ENERGY CENTER
PROJECT**

**Docket No. 07-AFC-6
PROOF OF SERVICE
(Revised 4/1/2008)**

INSTRUCTIONS: All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 07-AFC-6
1516 Ninth Street, MS-14
Sacramento, CA 95814-5512
docket@energy.state.ca.us

APPLICANT

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Mike Monasmi
Siting Project Manager

DECLARATION OF SERVICE

I, Mineka Foggie declare that on 5/6/08, I deposited copies of the attached Carlsbad Energy Center Project Data Request Set 2A, in the United States mail at Sacramento, Ca with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

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


Mineka Foggie