



City of Carlsbad

Office of the City Manager

March 23, 2009

Tim Hemig
Vice President
Carlsbad Energy Center, LLC
1817 Aston Avenue, Suite 104
Carlsbad, CA 92008

DOCKET

07-AFC-6

DATE MAR 23 2009

RECD. MAR 23 2009

CARLSBAD ENERGY CENTER PROJECT (07-AFC-6) – CITY OF CARLSBAD FOURTH SUBMITTAL OF DATA REQUESTS (#142 - #151)

Dear Mr. Hemig:

The City of Carlsbad respectfully submits the following data requests regarding the proposed Carlsbad Energy Center Project (CECP). The City has previously submitted a number of data requests which have gone unanswered. The City recognizes this project is in an advanced stage of analysis; however, it believes that certain information is necessary in order to properly evaluate the proposed project. In an effort to be succinct, the City has reviewed all outstanding data requests and has consolidated those requests into the following list. The City looks forward to a timely response to these questions. Please be advised that if these questions are left unaddressed, the City will be forced to request that the California Energy Commission direct the Carlsbad Energy Center to respond.

General

Background

There have been a number of changes in the general vicinity of the proposed CECP project area, including approval of the Carlsbad Seawater Desalination Plant (CSDP), the relocation of a regional switchyard, the construction of a CECP specific desalination plant, and the alignment of the Coastal Rail Trail and the Vista/Carlsbad Interceptor Sewer Improvement project (sewer interceptor). Furthermore, Caltrans confirmed in its letter dated February 5, 2009 to the California Energy Commission (CEC), the upcoming widening of Interstate 5 and the double tracking of the LOSSAN rail corridor.

142. Provide a comprehensive site plan which shows the CECP, including the proposed switchyard, the CSDP, the Coastal Rail Trail and sewer interceptor, the upcoming I-5 widening, and the LOSSAN double-tracking.

Biological Resources /Ocean-water Purification(Desalination):

Background

The proposed ocean-water purification system will have impacts on marine organisms related to impingement and entrainment. Section 5.2.6 of the CECP's Project Enhancement and Refinement (PEAR), states that "entrainment of larvae and other planktonic organisms from (Agua Hedionda Lagoon) is an unavoidable consequence of operation of the CECP ocean-water purification system". Section 13142.5(b) of the California Water Code requires new or expanded coastal industrial facilities using seawater for cooling, heating, or industrial processing to use the best available site, design, technology, and mitigation measures feasible to minimize the intake and mortality of all forms of marine life.

143. Please describe what alternative intake designs were considered.
144. Provide an analysis of those reasonable, feasible and prudent alternatives that could avoid entrainment and impingement losses. If cost is a major factor in the evaluation of alternatives, please provide evidence of costs for those alternatives.

Background

The PEAR states that retirement of Encina Units 1, 2 and 3 will reduce sea water intake volumes by 224.64 mgd. It further identifies an ongoing need for the CECP to use up to 4 million gallons per day for plant operations, which it proposes to draw from the existing Encina Power Station (EPS). However, the proposed CSDP has been authorized to use 304 million gallons per day of EPS cooling water. As identified in San Diego Regional Water Quality Control Board's Tentative Order No. R9-2009-0038 (3), the Regional Board identifies a number of instances where the CSDP's intake requirement exceeds the cooling water available from the EPS due to limited operations.

145. Provide the number of days (annually per year) for the past five years (2004-2008) that the EPS utilized less than 308 million gallons per day for once-through cooling purposes.
146. Provide the anticipated number of days (annually per year) the EPS will utilize less than 308 million gallons per day for cooling purposes if the CECP is approved and constructed.
147. Provide copies of any agreements or any other correspondence between the CSDP (Poseidon) and the EPS (NRG) for the right or permission to use once-through cooling water.

Visual

Background

Caltrans letter dated February 5, 2009, confirmed that "All four alternatives being formally studied in the I-5 NCC draft environmental document require the removal of the existing earth berm, associated landscape and acquisition of plant property." Caltrans further states in that same letter its concern regarding "significant adverse cumulative visual impacts if the two projects go forward" and recommend a comprehensive visual analysis of both projects.

148. Provide or prepare, if necessary, visual simulations of the CECP, including the proposed switchyard adjacent to the West Hotel, which incorporates the widening of I-5, the double tracking

of the LOSSAN rail corridor, the Coastal Rail Trail and the Carlsbad Vista Sewer Interceptor. Include safety features, such as barrier walls, related to I-5 and the Coastal Rail Trail.

Water Resources

Background

In the description of the new pipeline to the ocean outfall, a map shows the pipeline route crossing the railroad tracks.

149. Please show the elevation of the proposed pipe and indicate whether the pipeline will go under or over the railroad tracks.
150. Provide any agreement or permission from the North County Transit District or any other applicable entity which authorizes the CECF to cross the rail tracks.

Air Quality

Background

On February 11, 2009, the Applicant provided the San Diego Air Pollution Control District a detailed load and calculated NOx data for Units 1, 2, & 3 in the Encina Power Station for the years 2002 through 2006 inclusive.

151. Provide load and NOx data for EPS Units 1, 2, 3 for the years 2007 and 2008.

Should you have any questions regarding this letter, please feel free to contact me at (760) 434-2820 or at Joe.Garuba@carlsbadca.gov.

Sincerely,

/s/ Joe Garuba
Municipal Projects Manager

JG:ad

cc: Proof of Service List (Revised 2/18/2009)



**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 *CARLSBAD ENERGY
CENTER PROJECT***

Docket No. 07-AFC-6

**PROOF OF SERVICE
(Revised 2/18/2009)**

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DECLARATION OF SERVICE

I, Andrea Dykes, declare that on March 23, 2009, I served and filed copies of the attached document. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [\[http://www.energy.ca.gov/sitingcases/carlsbad/index.html\]](http://www.energy.ca.gov/sitingcases/carlsbad/index.html). The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

For service to all other parties:

 X sent electronically to all email addresses on the Proof of Service list;

 by personal delivery or by depositing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

 X sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

 depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 07-AFC-6
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

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

 /s/ Andrea Dykes
Administrative Secretary
City of Carlsbad