

CALIFORNIA ENERGY COMMISSION

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February 2, 2007

Mr. Greg Trewitt
Vice President
Tierra Energy, Inc.
710 S. Pearl Street, Suite A
Denver, Colorado 80209

DOCKET 06-AFC-6	
DATE	FEB 0 2 2007
RECD.	FEB 0 2 2007

Dear Mr. Trewitt:

RE: SECOND ROUND DATA REQUESTS (#50- 67) EASTSHORE ENERGY CENTER (06-AFC-6)

Pursuant to Title 20, California Code of Regulations, Section 1716, the California Energy Commission staff seeks 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.

This set of data requests (#50-67) is being made in the areas of Alternatives, Traffic and Transportation, Transmission System Engineering and Waste Management. Written responses to the enclosed data requests are due to the Energy Commission staff on or before March 2, 2007, or at such later date as may be mutually agreeable.

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 both Commissioner Jeffrey Byron, Presiding Committee Member for the Eastshore Energy Center and to me within 10 days of receipt of this letter. The notification must contain the reasons 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)).

If you have any questions, please call me at (916) 654-4640 or email me at lprescot@energy.state.ca.us.

Sincerely,

Lorne C. Prescott
Project Manager

Enclosure

cc: Docket (06-AFC-6)
Proof of Service List

**EASTSHORE ENERGY CENTER
(06-AFC-6)
DATA REQUESTS**

Technical Area: Alternatives
Author: Somer Goulet

BACKGROUND

AFC page 9-12, Table 9.4-1 states that there is an encumbrance on the PG&E site (site 2). Yet, the AFC does not explain why the encumbrance on the PG&E site will prevent Eastshore Energy, LLC from developing this site.

AFC page 9-13, indicates that the site on PG&E property located next to the Eastshore substation has advantages; however, PG&E will not enter into a contract with the Eastshore Energy, LLC to allow private development at this site. There is no explanation as to why PG&E will not enter into a contract with the Eastshore Energy, LLC to allow private development at this site.

DATA REQUEST

50. Please describe and provide any supporting documents that explain why the encumbrance on the PG&E site will prevent Eastshore Energy, LLC from developing this site.
51. If PG&E will not enter into a contract with Eastshore Energy, LLC to allow private development at its site, please describe and provide a copy of documents stating PG&E's reasons.

BACKGROUND

AFC page 9-27, map of the proposed project area and alternatives, provides the addresses for the proposed project site and four of the alternatives; however, there is no street addresses provided for three alternatives to the proposed project.

AFC page 9-5, Table 9-3.1 states that alternative site 2 is <15 acres, alternative site 3 is <5 acres, alternative sites 4 -6 are <5 acres, and alternative site 7 is <6 acres. The specific acreage of these sites is not included in Table 9-3.1.

DATA REQUEST

52. Please provide the street address for alternative sites three (3) and four (4) the Pallet Yard and the Industrial site 4.
53. Please provide the exact acreage of the six (6) alternative sites included in the AFC page 9-5, Table 9-3.1.

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Technical Area: Traffic and Transportation
Author: Shaelyn Strattan

BACKGROUND

The primary access route to the project site, during both construction and operation, is Clawiter Road. This is a two-lane, north-south arterial road. In the project vicinity, Clawiter Rd., from Industrial Blvd. to the SR-92 westbound ramp, is rated LOS E (marginal) and projected in the AFC analysis (AFC Table 8.10-6) to deteriorate to an LOS F (at least during portions of the construction phase) as a result of project impacts. Traffic approaching from the south (SR-92) would be required to stop and turn left against traffic to enter the project site. Worker vehicles approaching from the north would be required to stop and turn left against traffic to enter the Berkeley Farms temporary parking area. Additionally, workers parking in the temporary lot would be required to cross Clawiter Road to reach the project site. There is no existing left turn lane, crosswalk, or light at this location.

DATA REQUEST

54. Please analyze the potential impacts to traffic flow associated with site and parking ingress/egress (both vehicle and pedestrian) during peak traffic hours. Identify potential mitigation measures.
55. Please discuss proposed accommodations or mitigation measures to protect worker safety when crossing Clawiter Road.

BACKGROUND

AFC Section 3.10.4.3.2 states that VC §§31303 and 32105 require hazardous materials be transported along the shortest route possible. Actually neither code specifies "shortest route possible". VC §31303(b) states "transportation shall be on state or interstate highways which offer the least overall transit time whenever practicable" and VC §32105 makes no mention whatsoever of travel distance. However, both sections admonish against driving into or through heavily populated areas, congested thoroughfares, or places where crowds are assembled.

As a hazardous materials route, Clawiter Road is not consistent with California Vehicle Code (VC) §31303(c), which requires the transporter to avoid, whenever practicable, congested thoroughfares. An alternate route from SR-92 is proposed (AFC Sect. 8.10.4.3.2) for delivery and removal of hazardous materials. This route would extend northwest along Industrial Blvd. to Depot Road; left on Depot Road to Clawiter Road; and left on Clawiter to the project site, with a right turn into the site. Industrial Road is rated as an LOS A from the SR-92 WB ramp to Clawiter. Although Industrial Blvd. skirts the edge of a high-density residential area, the section between SR-92 and Clawiter Road has an LOS rating of A, even during peak commute hours. This route would also significantly reduce the travel distance on Clawiter (LOS E/F). However, while this alternate route would avoid the left turn across traffic on Clawiter, there is some question whether there is a sufficient turning radius at the site's entrance to

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accommodate large tractor-trailer rigs entering from the north without encroaching into on-coming traffic.

DATA REQUEST

56. Please discuss and justify the use of Clawiter Road, rather than Industrial Blvd., as the primary hazardous materials route, given Clawiter Rd.'s impacted status. Indicate if Industrial Blvd. would be acceptable as the primary access route, instead of Clawiter Road.
57. Please describe and evaluate the site entrance design as it relates to sufficient turning radius to accommodate large tractor-trailer rigs entering from the north. Identify potential design changes or mitigation measures, as appropriate.

BACKGROUND

In AFC Section 2.1, and at multiple locations throughout the document, provisions for temporary worker parking during the construction phase of the project are only referred to as a 4.65 acre construction laydown and temporary parking area on a leased parcel of land immediately across Clawiter Road from the project site, on vacant land owned by Berkeley Farms. The AFC also indicates that some on-site construction parking would be provided. No other details are available.

DATA REQUEST

58. Please discuss the temporary parking lot design for both on-site and off-site locations. Identify the number of parking spaces, by type (auto, delivery truck, handicapped, etc.). Note entrance(s)/exit(s) off Clawiter Road and indicate if there is an existing city-approved encroachment permit for these locations. Indicate the lot preparation required on the Berkeley Farms site, including road work for encroachments, and plans for surfacing and striping. Identify any on-street parking that may be used by workers or visitors to the site, any impact that project use of these spaces may have on existing businesses, and propose appropriate mitigation measures.

BACKGROUND

Per AFC Table 2.2-3, demolition is scheduled to occur during the first two months of construction. As noted in the Project Description (AFC Section 2.1.1), this includes removal of the existing buildings, foundation, and parking lot asphalt. Projections, as noted in AFC Table 8.10-5, indicate 21 truck round trips per day. Data concerning the number of projected truck trips during construction, provided in the AFC Table 8.10-5 (Construction Worker and Truck Summary), is not consistent with data presented in Table 2.2-4. Average truck trips indicated (14) are lower than the actual average of 15.4 and Peak Daily Trips (month 11) are higher (24 vs 18). There is also no indication how many of these will be delivery trucks and how many would be dump trucks removing rubble and waste during the demolition process.

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DATA REQUEST

59. Please correct or clarify truck data provided in the AFC Tables referenced above. Provide a breakdown by type of truck (light-weight delivery, dump trucks, semis, etc.). Identify destination and primary route to dump site for rubble, general hours of transport, and whether trucks would be single or double trailers. Identify number of trucks, if any, that would be hauling hazardous waste to or from the project during these months and probable route of travel.

BACKGROUND

Section 8.10.4.2.5 of the AFC states that the traffic control plan for the project would be prepared in accordance with the Caltrans Manual on Uniform Traffic Control Devices and the WATCH Manual. Primary access for the project site is along city-maintained roads. There is no discussion of City of Hayward Public Works requirements for traffic control or incorporation of those requirements in the proposed traffic plan.

DATA REQUEST

60. Please identify City of Hayward Public Works requirements that would be applicable to road and right-of-way work for the proposed project and discuss how these requirements would be met.

BACKGROUND

AFC Sections 8.10.4.2.5 and 8.10.4.2.4 indicate that construction impacts to intersections and roadway segments, related to installation of natural gas, water, wastewater, sewer, and transmission lines, would be site-specific. However, no detailed discussion of these site-specific impacts is provided.

DATA REQUEST

61. Please discuss the site-specific impacts to intersections and roadway segments that would result during project construction. Identify potential mitigation measures or alternatives to reduce the significance of any potential impacts. Please include a Table indicating impact by intersection or road segment, estimated timeline, and any permit(s) or consultation required.

BACKGROUND

The City of Hayward General Plan Circulation Element specifies LOS D as the minimum acceptable LOS for roadway segments in the City of Hayward. Clawiter Road, the primary access road for the Eastshore project, already operates at LOS E and is projected to drop to LOS F during peak construction periods. Two segments of I-880 that are predicted to carry the majority of worker traffic for this project are already over capacity. Addition of the Eastshore construction traffic to both Clawiter Road and the I-880 segments would result in a potentially significant impact. (AFC 8.10.4.2.3 and Table

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8.10-6) Traffic related to the construction of the Russell City Energy Center, scheduled to coincide with portions of the Eastshore construction, would increase the cumulative impact on these roadways.

The City of Hayward General Plan Circulation Element requires mitigation when it is shown that there may be an adverse impact on the transportation system. Although the AFC indicates that a Traffic Management Plan (TMP) would be prepared for this project and would reduce potential impacts to a less than significant level, the general discussion of issues the TMP would address are not specific enough to evaluate the feasibility or effectiveness of the proposed mitigations.

DATA REQUEST

62. Please discuss specific mitigation measures that would be included in the Traffic Management Plan to address increased traffic congestion, meet City of Hayward General Plan requirements, and reduce potential impacts to a less than significant level and to what extent the implementation of the plan will reduce potential impacts.

BACKGROUND

The traffic analysis of construction impacts contained within the Eastshore AFC uses the 2001 Russell City Energy Center (RCEC) project info, rather than the 2006 RCEC Amendment 1 data (AFC Sect. 8.10.5). The location of the RCEC facility, primary access routes, number of construction workers, and construction timeline have all changed, invalidating much of the submitted analysis. Additionally, the City of Hayward has expressed concern that the traffic study prepared for this project, including the analyses of unsignalized intersections, uses ICU methodology rather than the Highway Capacity Manual methodology used by the City.

DATA REQUEST

63. Please update the AFC traffic analysis by incorporating the 2006 RCEC Amendment 1 project information in place of the outdated 2001 RCEC information, using Highway Capacity Manual methodology. Identify the extent of any resulting impacts and discuss any specific project changes or mitigation measures proposed to address these concerns.

BACKGROUND

As noted in AFC §8.10.4.2.2, approximately 85 percent of the traffic to and from the site during the construction phase of the Eastshore project would use SR-92 at the Clawiter Road or Industrial Blvd. access ramps, with approximately 60 percent of that traffic connecting to or from I-880. The California Department of Transportation (Caltrans) is planning to initiate a project to reconstruct the I-880/SR-92 Interchange, beginning in Spring or Summer 2007 and continuing for up to four years. This project would seriously

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impact traffic flow and access routes to the proposed site, especially during the construction phase of the project.

DATA REQUEST

64. Please update the AFC traffic analysis to address potential impacts from the I-880/Route 92 Interchange Reconstruction Project on traffic flow, site access, and transport and delivery of hazardous materials.
65. Identify the extent of any resulting impacts and discuss specific project changes or mitigation measures proposed to address these concerns.

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DATA REQUESTS**

Technical Area: Transmission System Engineering
Authors: Laiping Ng
Technical Senior: Mark Hesters

BACKGROUND

Data Response Set 1A provided by the applicant shows additional detail that indicated two transformers will be used for the Eastshore Energy Center project. The rating of the transformers will be 60/72/90 MVA. Staff needs an updated System Impact Study (SIS) from PG&E that reflects these changes.

DATA REQUEST

66. Please provide the following information:

- An updated Appendix D of the SIS (Power Flow Diagrams) from PG&E for the changes made to the generator step-up transformer.
- A one line diagram of the modifications to the existing Eastshore Substation for the interconnection of the EEC.
- Updated electronic copies of *.sav PSLF files used for the SIS (including N-0, N-1, and N-2).

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(06-AFC-6)
DATA REQUESTS**

Technical Area: Waste Management
Author: Suzanne Phinney

BACKGROUND

The Eastshore Energy Center proposed site is located in a heavy industrial area. Soil and groundwater contamination are common in such areas. The AFC Page 8-13-8 references that a Phase I environmental site assessment (ESA) indicated the presence of groundwater monitoring wells at the gas station immediately to the north of the site. No discussion of groundwater conditions in the surrounding area is provided, however. At the Data Response and Issues Resolution workshop conducted January 29, 2006, there was discussion of an underground contamination plume within proximity to the proposed Eastshore site. There is no mention of this within the ESA provided with the AFC.

DATA REQUEST

67. Please provide any information regarding groundwater conditions in the vicinity of the site obtained subsequent to the Phase I and II ESAs, including records of conversations with California regulatory agencies.