

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



October 5, 2001

Todd Stewart, LECEF Project Manager
4160 Dublin Boulevard
Dublin, CA 94588

Dear Mr. Stewart:

**LOS ESTEROS CRITICAL ENERGY FACILITY POWER PROJECT
(01-AFC-12) DATA REQUESTS**

Pursuant to Title 20, California Code of Regulations, section 1716, the California Energy Commission (Energy Commission) staffs requests that the Calpine c* Power supply the information specified in the enclosed data requests.

The subject areas addressed in the 118 attached data requests are air quality, biological resources, cultural resources, geology, land use, noise, power plant efficiency and reliability, socioeconomics, soil and water, traffic and transportation, transmission systems engineering, worker safety/fire protection, and visual impacts. Other data requests may be submitted at a later date. The information requested is necessary to: 1) understand the project, 2) assess whether the project will result in significant environmental effects, and 3) assess project alternatives and mitigation measures.

Written responses to the enclosed data requests are due to the Energy Commission by October 25, 2001 or at such later date as may be agreed upon by the Energy Commission staff and the applicant.

If you are unable to provide the information requested in the data requests or object to providing it, you must contact the committee assigned to the project, and the project manager, within 5 days of receiving these requests stating your reason for delay or objections.

If you have any questions regarding the enclosed data requests, please call me at (916) 651-8853.

Sincerely,

Robert Worl
Siting Project Manager

Enclosure

cc: Proof of Service 01-AFC-12
Agency Distribution List

**Los Esteros Critical Energy Facility (01-AFC-12)
Data Requests**

Technical Area: Air Quality
Author: Gabriel D. Behymer
Senior: Keith Golden

BACKGROUND

Fine Particulate Mater (PM10) Mitigation: If built as proposed, the project will add approximately 45 tons per year of PM10 to the Bay Area Air Basin. Since the air basin is classified as nonattainment for the state PM10 standard, this addition can contribute to existing violations of the state Ambient Air Quality Standard (AAQS) and thus must be mitigated.

DATA REQUEST

1. Please provide a detailed calculation of the total PM10 emissions from the project, including all sources. Please include a detailed account of all assumptions, calculations and data sources.
2. Please submit a mitigation proposal sufficient to fully mitigate the annual PM10 emissions from the project.

BACKGROUND

Emissions Reduction Credits (ERC): The AFC (section 8.1.6.3) indicates that only NOx and POC mitigation will be provided, in the form of ERCs. The applicant's Data Adequacy Responses (section 2.1) indicate that the NOx ERCs for the project will be obtained through an as yet uncompleted SCR retrofit of the Gilroy Foods project.

DATA REQUEST

3. Please provide correspondence from the BAAQMD indicating progress towards banking the necessary ERC from the retrofit of the Gilroy Foods Project required for the LECEF.

BACKGROUND

Misprints and Clarifications: Some tables in the AFC are either missing some data or are misprinted. Please provide the following clarifications and additional information.

DATA REQUEST

4. Tables 8.1-A3 & 8.1-A4 provide modeling characteristics for the emergency engine and fire pump, but do not include the exhaust stack height. Please provide the stack height for both the emergency generator and the fire pump engine.

**Los Esteros Critical Energy Facility (01-AFC-12)
Data Requests**

5. Please provide a fully legible copy of the following Tables and pages:
 - a. Table 8.1-A5 (Appendix 8.1-A)
 - b. Table 8.1-B2 (Appendix 8.1-B)
 - c. "Notes for combustion emissions", last page, Appendix D
6. Table 8.1-A3 specifies the emergency generator as 600 kW output, however section 1.1 (pg. 1-4) specifies the emergency generator as 750 kW. Please correct and explain this discrepancy.

**Los Esteros Critical Energy Facility (01-AFC-12)
Data Requests**

Technical Area: Biological Resources
Author: Julie Colyer and Natasha Nelson
Technical Senior: Jim Brownell

BACKGROUND

There were several references to species and permits in Appendix 1.0 that were unrelated to the AFC, and seemed more applicable to La Paloma. The applicant's proposed Biological Resources' Conditions of Certification for the LECEF are necessary for staff to conduct an assessment of the potential impacts to biological resources.

DATA REQUEST

7. Please provide a new or updated Appendix 1.0, or an explanation for the discrepancy.

BACKGROUND

The data presented in the AFC intermixes which species were seen on the 174-acre U.S. DataPort site and which species that were observed on the LECEF site (Section 8.2, p. 8.2-8). Staff requires a complete list of all wildlife species seen by biologists at the LECEF site or worker parking and staging areas, or along access roads, linear corridors, linear right-of-ways (ROWs) and at turn outs in order to conduct a biological assessment of the proposed project.

DATA REQUEST

8. Please provide a complete list of all (native, non-native, sensitive, and common) wildlife species actually observed by CH2M Hill surveyors at the LECEF site or worker parking and staging areas, or along all access roads, linear corridors (natural gas pipeline, electric transmission line, recycled water supply, return lines, etc.), linear ROWs and turn outs. Please specify the type of habitat (riparian, ruderal, etc.) where this species was found. Provide a complete copy of the biological resources assessment prepared by H.T. Harvey & Associates, Inc. and the wetland delineation completed by Wetland Research Associates, Inc.

BACKGROUND

Staff is provided with the number of acres that will be temporarily and permanently impacted for the majority of the power plant components (Table 8.2-2, p. 8.2-13). Staff requires the total approximate acres (of grassland and agricultural land) that will be temporarily impacted and the total approximate acres (of grassland and agricultural land) that will be permanently impacted by the proposed LECEF site, worker parking and staging areas (it is unclear if these were included in the impact calculation for Table 8.2-2), access roads, linear corridors, linear ROWs and turn outs. This will help staff fully assess the potential biological impacts of the proposed project.

**Los Esteros Critical Energy Facility (01-AFC-12)
Data Requests**

DATA REQUEST

9. Please provide the total approximate acres of 1) Grassland that will be temporarily impacted; 2) Agricultural land will be temporarily impacted; 3) Grassland that will be permanently impacted; and, 4) Agricultural land that will be permanently impacted by the proposed project site, worker parking and staging areas, access roads, linear corridors (natural gas pipeline, electric transmission line, recycled water supply, return lines, etc.), linear ROWs and turn outs.

BACKGROUND

The AFC states that burrowing owls are found throughout the area surrounding the 174-acre U.S. Dataport project site and that white-tailed kites have nested along Coyote Creek and could nest in areas as near as 1,000 feet from the LECEF project site (Section 8.2, p. 8.2-8). Staff needs more information regarding the potential use of the LECEF site and linear facilities by loggerhead shrikes, burrowing owls, white-tailed kites and northern harriers.

DATA REQUEST

10. Please provide information regarding the potential for loggerhead shrikes, burrowing owls, white-tailed kites and northern harriers to forage on the proposed LECEF site or worker parking and staging areas, or along access roads, linear corridors (natural gas pipeline, electric transmission line, recycled water supply, return lines, etc.), linear ROWs and turn outs. If there is potential foraging habitat loss in any of these areas, please provide the total temporary and total permanent foraging loss (in acres) for loggerhead shrikes, burrowing owls, white-tailed kites and northern harriers.

BACKGROUND

The AFC states that the temporary disturbance of approximately 20 acres will be revegetated with like species after construction (Section 8.2.3.2, pp. 8.2-12 and 8.2-17). To fully understand the temporary disturbance and permanent impact from the proposed project, staff requires the applicant's general revegetation plan.

DATA REQUEST

11. Please provide 1) the method of revegetation the applicant will use (i.e. purchase of seeds or vegetative starts); 2) a schedule for revegetation; and, 3) the length of time between disturbance and restoration effort.

**Los Esteros Critical Energy Facility (01-AFC-12)
Data Requests**

BACKGROUND

The AFC states that there is a potential loss of three significant trees (one red willow and two cottonwoods) (Section 8.2, p. 8.2-12). Staff needs more information regarding the use of these trees as roosting/nesting sites by sensitive species in order to analyze the potential for temporary impacts to sensitive species from the tree removal.

DATA REQUEST

12. Please provide staff with information regarding the use of the three significant trees (one red willow and two cottonwoods) as roosting/nesting sites by sensitive species. If sensitive species have been known to use these specific trees as nesting/roosting sites, staff would like to know the 1) approximate duration (in years) it would take for the replacement trees (Section 8.2, p. 8.2-16) to have the same roosting/nesting qualities as those removed; and, 2) approximate number of trees in the vicinity (within one mile) that have the same roosting/nesting qualities and could be used in the interim.

BACKGROUND

Landscaping with non-native plant species can potentially have a significant impact on non-native wildlife species. Staff needs to know if there will be landscaping involved with the proposed LECEF to fully assess the potential biological impacts.

DATA REQUEST

13. If the proposed LECEF will have a non-native landscaping component, please provide staff with 1) the type and number of species; 2) location and size (acreage) of the area to be landscaped; and, 3) a discussion of the potential impacts involved (including the use of biocides, and the spread of these non-native plants to other areas).

BACKGROUND

During construction of a major facility, worker parking and staging areas must be graded and fenced. These types of activities can impact biological resources on the site, and can also impact biological resources off the site if dust and stormwater pollution are not controlled.

DATA REQUEST

14. Please provide a location map of the proposed worker parking and staging areas. Describe if any natural areas or trees will be lost during the preparation of these areas. Describe any measures that will be taken to prevent dust and stormwater from leaving these areas.

**Los Esteros Critical Energy Facility (01-AFC-12)
Data Requests**

BACKGROUND

Figure 8.2-1 shows the biological habitat and sensitive resources on the LECEF site. Staff needs to know which trees would be displaced by the proposed LECEF project in order to carry out a biological assessment.

DATA REQUEST

15. Please submit a new figure which indicates which trees would be displaced by the LECEF power plant site, all linears, or the worker parking and staging areas. In addition, please indicate which power plant component (i.e. emergency access road, recycled water pipeline, etc.) will replace which trees.

DATA REQUEST

16. Please discuss all areas of critical concern (as defined in section 1702 (q) of Title 20 of the California Code of Regulations) related to biological resources in the proposed project region (e.g., within 20 miles). Please include the distance from the proposed project site, size (in acres), habitat type(s) and sensitive species.

BACKGROUND

Table 8.2-4 of the AFC indicates the use of an existing 24-inch diameter outfall would negate the need to acquire a CDFG Streamed Alteration Agreement.

DATA REQUEST

17. Please indicate if the use of the existing outfall is still the most likely engineering design or if construction in a regulated streambed is anticipated.

BACKGROUND

Staff would like to know more background on the biological resources along Coyote Creek levee and the Coyote Creek by-pass in order to accurately describe the local setting.

DATA REQUEST

18. Please provide a copy of any environmental review documents (or at minimum the biological resource section) that pertain to the Coyote Creek levee system or the Coyote Creek by-pass. If environmental review documents are not available, please provide the approximate height (in feet) of the Coyote Creek levee wall (above ground level) and a description of the biological resources along the levee and by-pass channel.

**Los Esteros Critical Energy Facility (01-AFC-12)
Data Requests**

Technical Area: Cultural Resources

Author: Robin Palmer and Gary Reinoehl

BACKGROUND

The parcel adjacent east of the project site is the Cilker property. Located in the southeastern corner of this parcel is the Cilker residence. Photos submitted by the applicant, show that the Cilker residence and one other building appear to be more than 45 years old and in good condition and should, therefore, be treated as a potential historic resource. In accordance with CEQA and Section 106, all historical resources within the project impact area must be identified and evaluated. Information on historical resources is necessary for staff to complete the analysis.

DATA REQUEST

19. Please provide an architectural inventory report for all buildings and structures over 45 years old on the Cilker property along with all associated maps, enclosures and attachments. The inventory report should be completed by an architectural historian or historian with a specialty in architecture that meets the Secretary of the Interior's standards for an architectural historian.
20. Please provide copies of completed DPR 523 forms for any structures more than 45 years old identified as a result of the architectural inventory. Each form should provide a discussion of the significance of the building or structure under CEQA Section 15064.5, (a), (3), (A)(B)(C) & (D). The forms should be completed by an architectural historian or historian with a specialty in architecture that meets the Secretary of the Interior's standards for an architectural historian.

BACKGROUND

Cultural resources that are on lists created by local jurisdictions that could qualify as historical resources and could be impacted by the project need to be considered in the analysis. Staff needs the following information to complete the analysis.

DATA REQUEST

21. Please provide copies of local lists of important cultural or historic resources designated by a local ordinance by the city of San Jose or Santa Clara County.
22. If any of these resources could be impacted or could have their immediate surroundings altered (change in the integrity of setting) by this project in such a manner that the significance of the historical resource would be materially impaired, then please provide a copy of the requirements used by the local jurisdictions to qualify for the listing.

**Los Esteros Critical Energy Facility (01-AFC-12)
Data Requests**

23. If any of the resources could be impacted by the project or could have their immediate surroundings altered (change in the integrity of setting) by this project in such a manner that the significance of the historical resource would be materially impaired and it has not been recorded on a DPR 523 form, then please record the cultural resource on the DPR 523 form and provide a copy of the form.
24. If any of the resources could be impacted by the project or could have their immediate surroundings altered (change in the integrity of setting) by this project in such a manner that the significance of the historical resource would be materially impaired, please provide a discussion of the significance of the resources under CEQA Section 15064.5, (a), (3), (A)(B)(C) & (D) and provide staff with a copy of the assessment and the specialist's conclusions regarding significance.

BACKGROUND

In some cases, local historical and archeological societies have knowledge of cultural resources in an area of a project that may not be available through normal record sources. Staff needs the following information to complete the analysis.

DATA REQUEST

25. Please inquire with any local historical and archeological societies that might have knowledge of historical or archeological resources in the area of the project. Please provide copies of the inquiry letters and any responses.
26. If any such resources are identified that could be impacted or could have their immediate surroundings altered (change in the integrity of setting) by this project in such a manner that the significance of the historical resource would be materially impaired and it has not been recorded on a DPR 523 form, then please record the cultural resource on the DPR 523 form and provide a copy of the form.
27. If any of the resources could be impacted or could have their immediate surroundings altered (change in the integrity of setting) by this project in such a manner that the significance of the historical resource would be materially impaired, please provide a discussion of the significance of the resources under CEQA Section 15064.5, (a), (3), (A)(B)(C) & (D) and provide staff with a copy of the assessment and the specialist's conclusions regarding significance.

BACKGROUND

According to the AFC, on July 13, 2001, local Native American individuals and groups were informed by mail of the proposed project. The Native American individuals and groups were asked to provide a response with any comment or concerns they may have regarding cultural resources in the area of the proposed project site. Staff needs the following information to complete the analysis.

**Los Esteros Critical Energy Facility (01-AFC-12)
Data Requests**

DATA REQUEST

28. Please provide copies of any responses from, or correspondence with the local Native American population that is in reference to this project.

**Los Esteros Critical Energy Facility (01-AFC-12)
Data Requests**

Technical Area: Efficiency

Author: Steve Baker

BACKGROUND

The Heat and Mass Balance Diagram bears the information required to analyze project fuel efficiency and, thus, its impacts on energy resources. Figure 2.2-3 of the AFC is such a Heat and Mass Balance Diagram. However, the copy included in the AFC is largely illegible.

DATA REQUEST

29. Please provide a legible copy of Figure 2.2-3, Heat and Mass Balance Diagram.

**Los Esteros Critical Energy Facility (01-AFC-12)
Data Requests**

Technical Area: Geology

Author: Dr. Patrick Pilling, P.E., G.E.

BACKGROUND

The site is generally underlain by clay soils with a ground water table that varies between 7 and 10.5 feet below the existing ground surface. One boring (EB-5) encountered a medium dense sand layer at a depth of 23 feet to the depth explored (25 feet). The applicant states on Page APP 10G-4 that liquefaction analyses were performed to assess the liquefaction potential of this layer. Such analyses require the estimation of a peak ground acceleration.

DATA REQUEST

30. Please provide the peak ground acceleration used in the analysis and a discussion of how it was developed.

BACKGROUND

The AFC states the potential for soil expansion has not been identified to be a concern; however, no laboratory test data is presented in the AFC from which to evaluate the expansion potential of site soils.

DATA REQUEST

31. Please provide a copy of the geotechnical report titled *Final Geotechnical Investigation, U.S. Dataport Site, San Jose, California*, dated September 11, 2000, as referenced in the AFC on Page APP 10G-9.

BACKGROUND

As noted previously, the site is generally underlain by clay soils with a ground water table that varies between 7 and 10.5 feet below the existing ground surface. The AFC states the shallow foundations can be designed for an allowable bearing capacity of 3,000 pounds per square foot (psf) which would result in total settlements on the order of 1 inch or less. Clay soils, when loaded, can experience excessive consolidation settlement over time.

DATA REQUEST

32. Please provide a discussion of the methods used to assess the allowable bearing capacity and settlement/consolidation of the clay soils when loaded.

**Los Esteros Critical Energy Facility (01-AFC-12)
Data Requests**

BACKGROUND

The AFC states on Pages 8.15-5 and 8.15-6 that no significant mineral resources are present in the site vicinity.

DATA REQUEST

33. Please provide a discussion of the methods used to develop this statement.

BACKGROUND

Tsunamis and seiches are earthquake-induced waves which inundate low-lying areas adjacent to large bodies of water. The proposed site is situated approximately 10 to 15 feet above mean sea level and southwest of the southern boundary of the San Francisco Bay.

DATA REQUEST

34. Please provide a discussion and/or evaluation of the potential for tsunamis/seiches to impact the proposed site.

BACKGROUND

Table 8.15-1 and Page 8.15-3 state that the Hayward Fault is 6 miles from the site at its closest point; however, Figure 8.15-2 indicates the Hayward Fault passes immediately adjacent to the southwest corner of the site.

DATA REQUEST

35. Please clarify the location of the Hayward Fault with respect to the proposed site and revise Figure 8.15-2 if appropriate.

**Los Esteros Critical Energy Facility (01-AFC-12)
Data Requests**

Technical Area: Land Use

Author: Negar Vahidi and Marc Campopiano

BACKGROUND

Section 8.4.1.2.5 of the AFC qualitatively discusses recreation uses in the surrounding area but does not provide specific details on their proximity.

DATA REQUEST

36. Please provide the distance (in miles) to the recreation features described in Section 8.4.1.2.5.

**Los Esteros Critical Energy Facility (01-AFC-12)
Data Requests**

Technical Area: Noise

Author: Brewster Birdsall

BACKGROUND

The CEC Staff typically assesses project impacts by comparing the steady state noise level due to the power plant to the average (or typical) L_{90} values obtained during nighttime hours. A 5 dB noise level increase is a threshold of potential significance. Additionally, City of San Jose noise standards are in terms of 24-hour day-night noise levels (L_{dn}). The existing conditions at the nearest residential receptor (Location 5) were not characterized by the Applicant with a 25-hour measurement. As a result, the nighttime L_{90} values and the 24-hour L_{dn} are not fully investigated in the AFC. Traffic noise and noise from suburban activity commonly decrease to a minimum at the late night/early morning hours (between 2 a.m. and 4 a.m.). Because the noise data presented in the AFC do not adequately characterize the nighttime and 24-hour noise levels at the nearest residences, the CEC cannot adequately evaluate the noise effects of the project at the nearest residences.

DATA REQUEST

37. Please provide an analysis of the ambient L_{90} and L_{dn} noise levels at the nearest residences to address compliance of the project with the 5 dB noise level increase threshold and the City of San Jose noise standards.

BACKGROUND

Figure 8.4-2 shows the Coyote Creek Corridor as being designated PP (Public Park), and the Applicant's noise monitoring (Location 2) corresponds to this land use. The planned San Francisco Bay Trail mentioned on p. 8.5-4 is not identified on the maps included in the noise or land use analysis.

DATA REQUEST

38. Please identify the location of the planned San Francisco Bay Trail on a vicinity map and discuss the potential sensitivity of this land use to noise increases that would be caused by the project.

BACKGROUND

Table 8.5-15 (AFC, p. 8.5-18) for construction noise indicates that composite noise for the "clean-up" phase will be similar to noise levels for "clearing" phases, despite the table indicating that rock drilling equipment would be used during "clean-up".

**Los Esteros Critical Energy Facility (01-AFC-12)
Data Requests**

DATA REQUEST

39. Please discuss the activities that could occur during “clean-up” that would require use of rock drills and identify the assumptions used in Table 8.5-15 to determine composite noise levels.

**Los Esteros Critical Energy Facility (01-AFC-12)
Data Requests**

Technical Area: Reliability

Author: Steve Baker

BACKGROUND

The Los Esteros CEF is intended to provide reliable power to the U.S. Dataport server farm; the AFC claims that the project will exhibit an annual availability factor approaching 100 percent (AFC, § 2.2.2). One means of achieving high reliability is to provide redundant examples of certain pieces of critical equipment. The AFC claims to describe redundancy, but there are two deficiencies in this description:

- The section dealing with redundancy (AFC § 2.4.2 et seq.) lists, in fact, no redundancy other than the fact that four CTGs operate in parallel.
- The AFC claims (AFC § 2.4.2) that “[r]edundancy following final design may differ.”

DATA REQUEST

40. Please verify that the project will, in fact, exhibit no redundancy of critical equipment, as described in section 2.4.2 et seq. of the AFC. If this is not to be the case, please describe the planned redundancy, and discuss the likelihood that “redundancy following final design” will be greater or less than described in the response to this data request.

**Los Esteros Critical Energy Facility (01-AFC-12)
Data Requests**

Technical Area: Socioeconomics

Author: Rebecca Morgenstern and Daniel Gorfain

Technical Senior: Dale Edwards

BACKGROUND

On page 8.8-1, the AFC states that there is a mobile home park in the immediate vicinity of the proposed site, but then states the nearest residences are over a half-mile away. Mobile home parks provide residences for people.

DATA REQUEST

41. Please provide a map that shows the nearby residences, mobile home park, bus yard, and wildlife refuge as well as the location of the proposed site and associated linear facilities.
42. Please provide the distances of residences, including the mobile home park, from both the center of the project and the boundary of the proposed project site.

BACKGROUND

The data source provided on page 8.8-2 in Table 8.8-1 is unclear. Table 8.8-1 uses two different sources of data, from ABAG and DOF, and both sources were cited for year 2000 data.

DATA REQUEST

43. Please explain why the data sources were selected; was US Census data not available?
44. Please state which source is used for the projected data?
45. What is the data source for the 2000 data?

BACKGROUND

The data provided on page 8.8-2, Table 8.8-2 shows trends for two different increments (5 yr and 10 yr) but are presented to show growth rate trends. There is no source for the data provided in Table 8.8-2.

DATA REQUEST

46. Please explain your reasoning for presenting inconsistent increments.
47. Please provide a source for the data presented in Table 8.8-2.

Los Esteros Critical Energy Facility (01-AFC-12) Data Requests

BACKGROUND

On page 8.8-3, the discussion of minority populations uses different data sources and compares US Census Data with DOF Data

DATA REQUEST

48. Please explain why two different data sources were used and discuss any inconsistencies in the data from the different data sources.

BACKGROUND

On page 8.8-4, Section 8.8.2.3, Economy and Employment, the AFC presents out of date information about the high-tech industry. Recent events over the past year in the local, national and global economy have dramatically changed in the high-tech industry and in regards to energy. The source is cited for 1995.

DATA REQUEST

49. Please reassess Section 8.8.2.3, Economy and Employment in light of current trends, particularly in the previous boom and recently depressed high-tech industry. Please present more current information, specifically within the years 1996 to 2001, and consider the changed economy in California, Santa Clara County and the City of San Jose and present the current outlook.

BACKGROUND

On page 8.8-4, Section 8.8.2.3, Economy and Employment the AFC does not specify which category high-tech industry jobs fall under. Table 8.8-4 is referenced in the discussion about high-tech jobs.

DATA REQUEST

50. Please state which category high-tech jobs are considered in Table 8.8-4 and specify jobs that attribute directly to the high-tech industry.
51. If possible, please update table 8.8-4 with current data from sources such as the US Census or Department of Finance or the sources currently used in Table 8.8-4.

BACKGROUND

Table 8.8-4 Sources cited are from 1995 and 1999, however data is for year 2000. There is no indication that these figures are projected.

**Los Esteros Critical Energy Facility (01-AFC-12)
Data Requests**

DATA REQUEST

52. Please explain how data for year 2000 is presented using data from 1995 and 1999.

BACKGROUND

On pages 8.8-8 and 8.8-9, Section 8.8.2.5, the AFC only discusses current conditions and does not discuss thresholds or what the increases in need for public services may be as a result of the proposed project.

DATA REQUEST

53. Please provide a table that includes the current capacity and the threshold for public services. Specifically, please include the following information for 1995, 1999, 2000, and 2001 (if possible).
- a. Do the schools have the capacity to absorb potential student that may enroll during construction?
 - b. Please confirm that, after the project is completed and during construction, police and emergency medical services meet response times, meet city and county standards, and would not require the purchase of any additional equipment or hire any additional personal.

BACKGROUND

The AFC discusses socioeconomics in three geographic areas: Santa Clara County, the City of San Jose, and San Jose MSA. The AFC provides Figures 8.8-1 and 8.8-2. In order to properly assess any potential disproportionate affect on minority populations in compliance with Executive Order 12898, it is important to clearly define the boundaries considered in discussions throughout the Socioeconomic section.

DATA REQUEST

54. Please confirm that there is virtually no overlap in the location of minority and low-income population with the 6-mile radius surrounding the proposed project.
55. Please provide a map and draw 1, 2 and 6-mile range from the boundary of the project site. The map should clearly illustrate the proposed project site and the Santa Clara County boundary, The City of San Jose Boundary and San Jose MSA.
56. Specifically, does San Jose MSA completely encompass the 6-mile radius from the boundary of the proposed project site?

**Los Esteros Critical Energy Facility (01-AFC-12)
Data Requests**

57. On Figures 8.8-1 and 8.8-2, please include 1, 2 and 6-mile range from the boundary of the project site.

BACKGROUND

On page 8.8-10, Section 8.8.3.2, the last bullet on the significance criteria “Disrupt or divide the physical arrangement of an established community”, is not listed in the CEQA environmental checklist.

DATA REQUEST

58. Please explain your reasoning for including this in the significance criteria.

BACKGROUND

On page 8.8-11, Section 8.8.3.3.3, Housing Impacts, states that there are 10,000 - 12,000 hotel and motel rooms in Santa Clara County. However, this does not state whether there are 10,000 – 12,000 vacant rooms or 10,000 – 12,000 total number of rooms.

DATA REQUEST

59. Please provide a table showing the total number of hotel and motel rooms in Santa Clara County and the vacancy of hotel and motel rooms. Please also show vacancy rates at different times of the year. Also, please include the range of rates for the hotel and motel rooms and if the range of rates is different at different times of the year.
60. Are any overnight recreational vehicle campgrounds in the vicinity of the project that allow overnight stay? If so, please provide vacancy and rates at different times of the year.

BACKGROUND

On page 8.8-16, Section 8.8.5, Environmental Justice, the AFC compares the 6-mile radius percent minority with that of the County average, but does not provide the same reasoning for people with low income. The justification presented also only discusses minorities and not persons with low income.

DATA REQUEST

61. Please include a comparison table that compares the minority population and low-income people in the City of San Jose, Santa Clara County and San Jose MSA.
62. Please provide the 1990 census data for poverty level persons in Santa Clara County City of San Jose, and San Jose MSA verses the 6-mile range.

**Los Esteros Critical Energy Facility (01-AFC-12)
Data Requests**

BACKGROUND

The AFC assumes that there will be a local workforce available to construct and operate the power plant. (Sections 8.8.2.3, 8.8.3.4.1 and 8.8.2.5)

DATA REQUEST

63. Because of the number of power plants proposed in the Bay Area, has the Applicant considered any contingencies for having to import a workforce?

BACKGROUND

On page 8.8-7, the AFC presents the City of San Jose's taxes in Table 8.8-9.

DATA REQUEST

64. Please reassess and explain the expected increase in property sales taxes.

**Los Esteros Critical Energy Facility (01-AFC-12)
Data Requests**

Technical Area: Traffic and Transportation

Author: Matt Darrow

Technical Senior: Eileen Allen

BACKGROUND

In Section 8.10.1.3 no data is provided to confirm/support the results in Table 8.10-1. This table reports the existing intersection levels of service for intersections in the vicinity of the project. It appears that the results were obtained from the listed source, which is the US Dataport PDZ DEIR, Table 6.

This section also calls out LOS for freeway segments in the vicinity of the project. Table 8.10-2 lists the segments, volumes, and LOS. No analysis methodology is spelled out for freeway segments.

DATA REQUEST

65. Please provide traffic volumes, turning movement volumes, and LOS calculations that support the data in Table 8.10-1.
66. Please provide LOS analysis methodology for freeway segments along with calculations that support the data in Table 8.10-2.

BACKGROUND

In Section 8.10.1.3 the text refers to Figures 8.10-2 and 8.10-3. Figure 8.10-2 shows the traffic analysis areas within the region while Figure 8.10-3 presents the existing daily and peak hour traffic volumes on the major roadways. These figures are not attached/included.

DATA REQUEST

67. Please provide these figures and clarify which study intersections fall under which jurisdiction.
68. Please clarify in the report which LOS analysis methodology (and year)/significance criteria apply to which of the studied intersections and freeway segments.

BACKGROUND

According to Section 8.10.2.3, construction phase trip generation numbers are based on the Santa Clara/San Jose average automobile occupancy (AVO) during the commute hour. This average is 1.3 persons per vehicle. This value may not be suitable for construction workers commuting to the jobsite.

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DATA REQUEST

69. Please provide justification that the 1.3 AVO rate should also apply to construction workers commuting to the jobsite.
70. Please describe any proposed methods of encouraging carpooling activities among construction workers at the site.

BACKGROUND

Section 8.10.2.3 fails to mention the consideration of non-hazardous truck delivery impacts during the construction phase.

DATA REQUEST

71. Please provide information regarding the analysis of construction phase truck deliveries.

BACKGROUND

Section 8.10.2.3 contains Table 8.10-5, which is called Estimated Daily and PM Peak Hour Construction Volumes and LOS for the Access Roads. This table summarizes the results of the construction phase trip generation impacts on various roadways and intersection in the vicinity of the project. The intersections that were analyzed for significant impacts were Zanker Rd./SR 237 (north and south), Zanker Rd./Tasman Dr., and Zanker Rd./Montague Expressway. State Route 237 was analyzed between North First Street and I-880. In order to analyze the impacts to these intersections and highway segments, it was first necessary to decide how the trips that were generated during construction were assigned and distributed to the roadway network. These assumptions include determining the additional traffic volumes at each of the studied locations listed above. This data is not clearly defined.

DATA REQUEST

72. Please provide information on how the generated construction trips were assigned and distributed to the local intersections and roadways.
73. Please provide construction traffic volumes, turning movement volumes, and LOS calculations that support the results in Table 8.10-5.

BACKGROUND

Section 8.10.2.3 considers impacts that occur to the roadway network during the construction phase. This section does not present information that suggests that any collision analysis was done for the study intersections.

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DATA REQUEST

74. Please provide collision analysis data.

BACKGROUND

In Section 8.10.2.2 hazardous material delivery is discussed. The report states that delivery routes will occur on prearranged routes and will comply with all laws, ordinances, regulations, and standards. No specific route is discussed.

DATA REQUEST

75. Please provide a proposed hazardous material delivery route and describe the land usage along the route.

BACKGROUND

In Section 8.10.1.3 there is a discussion on the Santa Clara County CMP LOS threshold minimums but no significance criteria is mentioned in this section. Section 8.10.2.3 summarizes certain intersections and freeway segments and concludes that construction phase trips will produce no significant impacts to the roadway network. No significance criteria were checked before concluding that there were no impacts.

DATA REQUEST

76. Please provide/clarify the significance criteria for the relevant local jurisdictions (Santa Clara County, San Jose, etc.). Check the affected roadway network with these significance criteria. For example, if a segment is already at LOS F what criteria is used to define a significant impact.

77. Clearly define which intersections and freeway segments fall under which local jurisdiction.

BACKGROUND

In Section 8.10.2.3 Table 8.10-5 lists the PM Peak LOS without the project at the Zanker/Montague intersection as F. According to Table 8.10-1 this same LOS is E.

DATA REQUEST

78. Please verify which LOS is correct.

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BACKGROUND

In Section 8.10.1.2 there is a discussion about the percentage of trucks on the California State Highway system. This discussion presents truck percentages on SR 237, US 101, and I-880. Specifically, the truck percentage on US 101 at SR 85 is listed as 5.6% whereas the Caltrans website lists this as 11.7 percent.

DATA REQUEST

79. Please provide the correct truck percentage on US 101 at SR 85.

**Los Esteros Critical Energy Facility (01-AFC-12)
Data Requests**

Technical Area: Transmission System Engineering

Author: Mark Hesters

BACKGROUND

The AFC includes descriptions of five interconnection options for the proposed project but only provides a one-line diagram for the first alternative (direct connection to the Los Esteros substation). Staff requires one-line diagrams for any interconnection alternative that the applicant has considered or wants certified. Please note that each alternative interconnection for which the applicant seeks certification will undergo the same analysis.

DATA REQUEST

80. Please indicate which interconnection alternatives you are seeking to certify and provide one-line diagrams, interconnection studies, and proposed reliability criteria violation mitigation for these alternatives. Please indicate which alternatives are no longer being considered.

BACKGROUND

Staff needs to completely identify downstream transmission facilities required by the interconnection of a new project.

DATA REQUEST

81. Please provide a transient stability and post-transient voltage analysis of the proposed project and for any interconnection alternative that you are seeking to certify.

BACKGROUND

To assist staff in performing analysis and minimize data requests the base case power flow data is needed.

DATA REQUEST

82. Please provide the power flow base cases (*.sav) and *.drw files(where applicable) used in the GE PSLF model for the interconnection studies.

Los Esteros Critical Energy Facility (01-AFC-12) Data Requests

Technical Area: Water and Soil Resources

Authors: Joe Crea, John Scroggs, & John Kessler

BACKGROUND

The Los Esteros Critical Energy Facility (LECEF) proposes to use recycled water treated to a tertiary level from the San Jose/Santa Clara Water Pollution Control Plant (WPCP). Of its 167 mgd capacity, about 10 mgd is treated to a tertiary level. The LECEF will require about 0.5 mgd average, and 0.82 mgd peak water supply. The LECEF is within the South Bay Water Recycling (SBWR) service area. According to the AFC, (Executive Summary, Page 1-3) “the City of San Jose has adequate recycled water supply to serve the project as indicated in its letter of July 6, 2001 (Appendix 8.14A)”. Appendix 8.14A includes the Draft Wastewater Discharge Permit Application for LECEF. The July 6, 2001 letter from the City of San Jose is included in Appendix 7.0. This letter indicates “connections to the recycled water pipeline would also be required to provide sufficient flow to meet the make-up water demand”. This letter does not include a statement regarding the adequacy of the recycled water supply.

DATA REQUEST

83. Please provide a summary of other existing and currently planned customers (like LECEF) of recycled water supply from the WPCP, quantifying average and peak (if available) recycled water demands.
84. Please provide a City issued “will serve” letter indicating that adequate recycled water supply is available and will be provided from the SBWR System to meet the peak day water demand (0.82 MGD) of the proposed Phase 1 project.
85. Please revise Figure 2.2-4, Water Flow and Balance Chart, to fully reflect the project description in the AFC. Revisions should include the following: specifying average and peak flow rates in gpm; adding a water storage tank after microfiltration; and clarifying the storm water drainage paths in delineating plant drainage discharging into the sanitary sewer from other storm water discharging into the Coyote Creek Bypass.
86. An upset at the WPCP could cause an interruption to the SBWR system that could be significantly longer than 24 hours. Please provide data regarding the reliability of the SBWR system that would support the proposal that a 24-hour emergency supply is adequate.
87. Please clarify whether the source of water supply for construction (up to 100 gpm) is either fresh or recycled water. If fresh water is intended for use, please discuss what facilities or trucking requirements would be required to instead supply water for construction with recycled water.

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BACKGROUND

To provide potable water for employees of the LECEF the applicant proposes to truck water to the project. No potable water lines are planned as part of the project.

DATA REQUEST

88. Please identify the number of full-time employees proposed to work at the LECEF per work shift and the number of work shifts per day or week who will rely on “trucked in” water for potable water needs.
89. Please clarify the source of water for onsite sanitary and safety systems. Will water trucked into the site be used for this purpose or will recycled water be used for toilets with separate potable water used for lavatories, onsite shower, eyewash and drinking water facilities?
90. In the City’s letter (Appendix 7.0), the applicant is advised that “the site is within the Municipal Water Systems North San Jose Service Area and as such is eligible to receive City water service upon...”. construction of appropriate water facilities and payment of applicable fees The closest point of connection is on Zanker Road south of State Highway 237”. Please clarify why the proposed project does not include extension of potable water service from this point of connection.

BACKGROUND

In Figure 2.2-4, Water Flow and Balance Chart, hypochlorite feed is proposed ahead of the water treatment unit, which includes microfiltration. The leading manufacturer of microfiltration equipment uses hollow fiber membranes manufactured from polypropylene material. This membrane material is subject to degradation from exposure to oxidants such as chlorine.

DATA REQUEST

91. Please provide a letter from the proposed microfiltration equipment supplier confirming that the microfiltration membrane material proposed at LECEF will not be damaged by the proposed sodium hypochlorite feed.

BACKGROUND

The LECEF proposes to discharge its wastewater effluent, if capacity is available, into either a 60-inch or 80-inch diameter existing sanitary sewer line leading to the WPCP. Wastewater effluent will include microfiltration backwash, reverse-osmosis concentrate, electro dialysis waste, cooling tower blowdown and sanitary wastes. The project will discharge about 176,000 gallons/day for average conditions, and 297,000 gallons/day for peak conditions, and can contribute to about a 1% increase in salinity (measured in TDS) in the effluent of the

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WPCP. In Figure 1.1-3 and Figure 2.1-2 LECEF linear facilities are shown. The recycled water supply point of connection is labeled. However, the proposed 2700 lineal foot sewer line alignment and connection to the existing sanitary sewer mains located on Zanker Road are not labeled.

DATA REQUEST

92. Please establish if either the 60 or 80-inch diameter existing sanitary sewer lines have adequate capacity for conveying the LECEF's wastewater effluent, or if new conveyance will be necessary to the headworks of the WPCP. If new conveyance is required, please revise Figure 2.1-2, LECEF Linear Facilities, accordingly, and provide the additional project description as needed.
93. Please address mitigation alternatives for reducing the estimated concentration of Total Dissolved Solids (TDS) of the wastewater effluent from LECEF (estimated at 2,232 mg/l) that would accomplish avoiding any increase in salinity to the WPCP's total effluent discharge as attributable from the LECEF.
94. Please provide written evidence of consultation with City of San Jose, expressing their determination that with the addition of LECEF's waste discharge, the WPCP will remain in compliance with its Industrial Waste Discharge Requirements.
95. Please revise Figures 1.1-3 and 2.1-2 to include identification of existing and proposed sanitary sewer mains.

BACKGROUND

The LECEF will require preparation of Storm Water Pollution Prevention Plans (SWPPP's) for both construction and industrial activities. During construction and grading activities, storm water will be routed via ditches and swales into sediment retention basins before discharging into an existing flood control channel. Additional BMP's will be employed to prevent erosion and discharge of any contaminated materials. During operation, plant drains in process areas will be separated from broader storm water drainage, with plant drains passing through an oil/water separator before discharging into the sanitary sewer, and other storm water areas draining via surface flow into perimeter ditches before being discharged into the Coyote Creek Bypass.

DATA REQUEST

96. For the Draft Construction SWPPP, as provided in the September 14, 2001 Data Adequacy Response, please also provide a site map of adequate scale to indicate conceptual placement of specific construction BMP's consistent with the Draft SWPPP for Construction Activity. In particular, please indicate conceptual locations proposed for placement of temporary BMP's for erosion control during grading, such as around the site perimeter where grade is changed during cut and fill activities.

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97. For the construction SWPPP, please provide discussion under Section 2.10 – Potential Pollutant Sources, of the how soil contaminated with DDT (as identified in the Phase I ESA) will be managed for stockpile, testing and disposal if necessary.
98. Please provide representative profiles and cross sections indicating existing vs. proposed grade for the LECEF development.
99. Please provide a Draft SWPPP for Industrial Activity, delineating general areas where plant process drains will be located and conveyed to the wastewater collection system, from the general storm water drainage systems.
100. For the Draft SWPPP for Industrial Activity, please describe the monitoring program that will be administered to ensure storm water discharged from the LECEF will not introduce pollutants into the Coyote Creek Bypass. In addition, please describe procedures to be followed for containment and cleanup in the event of contamination to storm water.
101. Please provide a table comparing pre vs. post-development storm water flows for a range of design storms up to the 100-year recurrence interval. We acknowledge that the 100-year storm data has already been provided. Staff also requests similar comparative data for 5, 10, 25, and 50-year recurrence intervals, in order to demonstrate that post-development storm water discharges will not exceed pre-development flows.
102. Please provide written evidence of consultation with City of San Jose and County of Santa Clara, in the design of the storm water facilities for the LECEF for confirming compliance with the City's Excavation and Grading Code and Santa Clara County's Ordinance Nos. NS1203.35 and NS517.55, respectively.

BACKGROUND

Construction at the 15.3-acre LECEF site, including the construction parking and laydown area, will result in soil compaction and the loss of soils for agriculture. An Erosion Control Plan will be necessary to address proper dust and erosion control measures. In addition, a Phase I ESA and partial Phase II ESA identified soil contaminated with pesticides, including DDT, in concentrations whereby contaminated soil could be considered a hazardous waste if removed from the site. The project is located within the Santa Clara groundwater basin. During excavation, the AFC reports that groundwater can be expected between 6 ½ to 19 feet below ground surface.

DATA REQUEST

103. Please provide a Draft Erosion Control Plan that identifies all Best Management Practices that will be implemented at various locations of the proposed LECEF project during construction and operation. The draft Erosion Control Plan shall describe all permanent and temporary measures in written form and depict them on a construction

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drawing(s) of appropriate scale. The drawings should depict the following: existing vs. proposed contours at a minimal of 1"= 2' interval; storm water facilities and related discharge structures (i.e. energy dissipaters); existing features such as buildings, trees, utilities, etc.; a complete mapping symbols legend that depicts existing vs. proposed features; a construction schedule that provides a sequence from initial earth disturbance for site mobilization to final stabilization; proposed features (i.e. BMP locations for the power plant site and linear facilities); and clarification of areas that will eventually remain as impervious or pervious (vegetated).

104. Please update the proposed construction schedule for the plant site and linear facilities, and describe particular BMP's that will be used to accommodate excavation and grading activities that are conducted during winter.
105. Please provide a copy of the partial Phase II ESA.
106. Is it anticipated that contaminated soil will be removed from the site during construction? If so, please provide a list of the potential offsite disposal areas.
107. Please provide a Draft Health and Safety Plan, and Soil Management Plan, consistent with the U.S. Dataport EIR. Please address whether human exposure to pesticide contaminated soil is a health hazard. If so, please describe how exposure can occur (i.e. to workers by direct skin contact and/or from airborne dust, and to the public from airborne dust). Identify mitigation measures you intend to implement to reduce or eliminate exposure.
108. The construction of LECEF improvements will likely intercept groundwater resources considering construction is anticipated during winter and spring. Please identify proposed construction measures that will be used to protect groundwater resources during the construction phase.
109. The proposed onsite storm water detention channels located around the project perimeter may also intercept groundwater. Please identify proposed measures (i.e. lining of the proposed detention channels) that are proposed to prevent the infiltration of groundwater into the detention channels. If the detention channels are at equilibrium with shallow groundwater levels they may not have capacity to provide peak storage of storm water runoff.

BACKGROUND

During operation, the LECEF will store hazardous materials in such quantities that a Hazardous Materials Business Plan (HMBP) and Spill Prevention, Control and Countermeasure Plan will be required. The regulations allow combining these into a common document if desired. Cooling water treatment may require the addition of chemicals such as a pH control agent (acid or caustic), a mineral scale dispersant, a corrosive inhibitor and a biocide (hypochlorite or equivalent). The water to be used for NO_x suppression will

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require additional chemical treatment including sulfuric acid. Onsite storage of these chemicals is proposed.

DATA REQUEST

110. Please provide a draft HMBP for the LECEF.
111. Please provide a draft SPCC Plan for the LECEF.
112. Please identify for each chemical storage and containment system, whether it is located inside a covered area or exposed to rainfall.
113. Please demonstrate how chemical storage and containment areas are to be drained to the sanitary sewer system with prevention of drainage to the storm water system.
114. In section 2.2-10, the AFC states “the project will not store any hazardous materials other than those used in the electrical generation equipment”. Please explain how this statement is consistent with the proposed onsite storage of chemicals for water treatment.

BACKGROUND

Flow de-mineralization and water filtration equipment skids are proposed, one for each CTG, and apparently without any redundancy in capacity should equipment fail.

DATA REQUEST

115. Demonstrate how system reliability and redundancy of critical improvements is proposed with this arrangement. Are spare (redundant) pumping, chemical feed and water treatment components proposed on each equipment skid? To improve system reliability, evaluate the feasibility of providing a spare de-mineralization and water filtration equipment skid that could serve as a temporary replacement for any of the four dedicated equipment skids.

**Los Esteros Critical Energy Facility (01-AFC-12)
Data Requests**

Technical Area: Worker Safety and fire Protection

Author: Alvin Greenberg

BACKGROUND

To assess the potential for impacts on workers and the public associated with an accidental fire at the facility, staff needs specific information about the level of staffing, on-site fire response, and the source and amount of fire water available at the hydrants.

DATA REQUEST

116. Please provide a description of the number of trained staff that would be on-site at any given time, their duties and responsibilities in the event of a fire at the facility, and their ability to respond to a fire using on-site fire-fighting resources including automatic and manual activated systems.
117. Please identify the source of water which would be used in the event of fire. Also indicate the amount dedicated to fire-fighting, the flow rates, and any backup systems to maintain water pressure.
118. Please identify any economic impacts on the ability of the San Jose Fire Department to adequately respond to a fire at the proposed power plant.