

CALIFORNIA ENERGY COMMISSION

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SACRAMENTO, CA 95814-5512

April 6, 2006

Mr. Henryk Olstowski
Assistant Manager, IID Energy
Imperial Irrigation District
485 E Villa Road
El Centro, CA 92243

DOCKET 06-SPPE-1
DATE APR -6 2006
RECD APR -6 2006

Dear Mr. Olstowski:

DATA REQUESTS 1 to 28 FOR THE NILAND GAS TURBINE PLANT (06-SPPE-1)

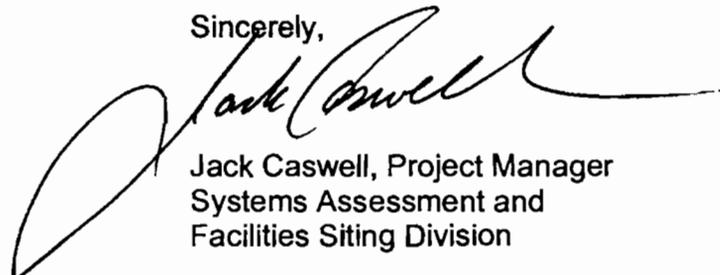
Pursuant to Title 20, California Code of Regulations, section 1716, the California Energy Commission staff is asking for the information specified in the enclosed data requests. The information requested is necessary to: 1) more fully understand the project, 2) assess whether the facility will be constructed 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.

The requested information is in the technical areas of air quality, biological resources, cultural resources, noise, public health, socioeconomics, soil and water resources, traffic and transportation, visual resources, and waste management. The Transmission System Engineering Data Request will follow shortly. Written responses to the enclosed data requests are due to the Energy Commission staff on or before May 6, 2006.

If you are unable to provide the information requested, need additional time, or object to providing the requested information, you must send a written notice to both Commissioner James D. Boyd, Presiding Committee Member for the Niland Gas Turbine Plant project, and to me, within 10 days of receipt of this notice. 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) 653-0062, or email me at jcaswell@energy.state.ca.us.

Sincerely,



Jack Caswell, Project Manager
Systems Assessment and
Facilities Siting Division

Enclosure
cc: POS

PROOF OF SERVICE (REVISI 3-29-06) FILED WITH
ORIGINAL MAILED FROM SACRAMENTO ON 4-6-2006 RR.

**NILAND GAS TURBINE PLANT (06-SPPE-1)
DATA REQUESTS**

Technical Area: Air Quality

Author: Tuan Ngo, P.E.

BACKGROUND

Diesel Fuel for Fire Pump Engine: Appendix B, Attachment C lists the expected emissions of the fire pump engine using standard diesel fuel. Staff believes that the use of ultra-low sulfur diesel, which contains no more than 15 ppm sulfur, can further reduce the facility's oxides of sulfur (SO_x) and particulate matter (PM) emissions liability.

DATA REQUEST

1. Please provide a discussion regarding the feasibility of using ultra-low sulfur diesel as fuel for the fire pump engine.
2. Given the scenario of using ultra-low sulfur diesel, please provide revised project emissions, and the air dispersion modeling based on the use of ultra-low sulfur diesel fuel.

NILAND GAS TURBINE PLANT (06-SPPE-1) DATA REQUESTS

Technical Area: Biological Resources

Author: Joanna Reinhardt

BACKGROUND

The application for the Niland Gas Turbine Plant SPPE, Section 6.3.4 page 6.3-40, lists several mitigation measures for burrowing owls, a state Species of Special Concern. One of the measures indicates following the protocol for burrowing owl burrow closure as specified in "*Appendix D, Procedures for Removing Burrowing Owls,*" of the application. One of the mitigation options includes relocation of owls to suitable habitat.

DATA REQUEST

3. a. Please provide a discussion of the proposed method to be used to create relocation burrows.
- b. Provide a map indicating where new burrows may be located and a description of the habitat around the new burrow site(s). Include a description of any proposed landscaping that may also be in the vicinity of any new burrows.

BACKGROUND

The SPPE application includes consultation letters from the U.S. Fish and Wildlife Service (Appendix E) discussing federally listed species that may occur in the general project area. Staff could not find any documentation that describes communication with the California Department of Fish and Game (CDFG) regarding the state listed species that may occur in the project area.

DATA REQUEST

4. Please provide any supporting documents (letter or record of conversation) that resulted from communication with CDFG regarding potential impacts to state protected species. Include contact information for the CDFG staff consulted.

NILAND GAS TURBINE PLANT (06-SPPE-1) DATA REQUESTS

Technical Area: Cultural Resources

Author: Dorothy Torres

Please note, any data response that identifies the location of archaeological sites needs to be submitted under confidential cover.

BACKGROUND

On SPPE application page 6.4-12, the applicant described the literature search conducted for the proposed project. The search was conducted at the Southeastern Information Center of the California Historical Information System (CHRIS), the Office of Historic Preservation's website for California Historical Landmarks, and the database for the National Register of Historical Places.

Two previous surveys, conducted adjacent to the project site, were identified. Three historic features, two railroads and one building, were previously recorded within the 0.5-mile radius around the project site. Two previously recorded prehistoric sites were identified outside the 0.5-mile radius. Copies of this information and additional information are needed to ensure that all the cultural resources have been identified so staff can complete its analysis.

DATA REQUEST

5. Please provide copies of all the information obtained from the CHRIS including the previous survey reports identified on page 6.4-12. Since the CHRIS annotates a map in color showing the location of cultural resources, please provide a color copy of the map indicating the location of cultural resources. Since it is likely that the location of archaeological sites will be revealed in this information, three copies should be submitted under confidential cover.

BACKGROUND

The Confidential Technical Report, Appendix C, included responses from Native Americans who may have heritage concerns regarding the project. A copy of a letter from the Augustine Band of Cahuilla Indians was provided. On SPPE application page 6.4-12, and Section Two of the Confidential Technical Report, there is a reference to comments provided by Alvida Silva who expressed concerns about the project.

DATA REQUEST

6. Provide a copy of the response received from Alvida Silva. If the response was by telephone, please provide a summary of the concerns that were raised.
7. Provide copies of any additional written responses from Native Americans. If responses were received by telephone, please provide a summary of each conversation. If the location of archaeological sites may be revealed in the information, please provide it under a confidential cover.

**NILAND GAS TURBINE PLANT (06-SPPE-1)
DATA REQUESTS**

8. In keeping with guidance from the Native American Heritage Commission (NAHC), please attempt a minimum of two telephone calls to Native American groups or individuals who were identified in the NAHC contact list and who have not responded to your inquiries. Provide a summary of conversations that includes whether the information sent by the applicant had been received and whether the Native American has any concerns regarding cultural resources in the vicinity of the project.

BACKGROUND

According to CEQA Guidelines Section 15064.5 (a) (2), cultural resources included in a local register of historical resources must be treated as significant by public agencies unless a preponderance of evidence demonstrates that a resource is not significant.

DATA REQUEST

9. Review local registers maintained by Imperial County and provide a list of any cultural resources (prehistoric or historic archaeological or historic built environment) listed by the County within the ½-mile radius of the project site.

BACKGROUND

On occasion, local archaeological and historical associations and societies may be aware of cultural resources that have not been recorded.

DATA REQUEST

10. Contact local historical and archaeological organizations and provide copies of any responses received in writing. If telephone responses are received, please provide summaries of conversations.

BACKGROUND

Figure 5.2 in the Confidential Technical Report identified what appears to be the Imperial and Gulf Branch Railroad as H9918; on SPPE page 6.4-13 the Imperial and Gulf Branch Railroad is identified as P-13-008682.

DATA REQUEST

11. Clarify whether the H9918 designation is identifying the Imperial and Gulf Branch Railroad and explain the difference in the numbers used in the Confidential Technical Report and in the SPPE on page 6.4-13.

BACKGROUND

SPPE application Section 6.4, Cultural Resources, does not provide a discussion of cumulative impacts. SPPE application Volume II, Appendix H, provides a list of all proposed projects in Imperial County. It is not clear whether any projects may contribute to cumulative impacts to cultural resources in the area.

**NILAND GAS TURBINE PLANT (06-SPPE-1)
DATA REQUESTS**

DATA REQUEST

12. Provide a discussion of cumulative impacts to cultural resources with a description of projects proposed or under construction that will be located within a 0.5-mile radius of the proposed IID Niland project. Please discuss all types of development including residential.

NILAND GAS TURBINE PLANT (06-SPPE-1) DATA REQUESTS

Technical Area: Noise

Author: Steve Baker

BACKGROUND

Energy Commission staff evaluates power plant operational noise impacts on sensitive receptors by comparing the noise levels at the receptor, with the power plant operating, to the ambient noise levels at the receptor before the project is constructed.

Specifically, staff compares power plant noise to the background (L_{90}) noise levels at the receptor during the nighttime hours, when people are most likely to be annoyed by excessive noise. In order to eliminate the effects of short-term anomalies, staff typically considers the average of the four quietest contiguous hours of the night for this comparison.

In describing the pre-project ambient noise survey results, the application presents only broadly averaged figures. Background noise levels at the nearest sensitive receptor are given as only a single 25-hour average figure. In order to analyze the potential noise impacts of this project, staff must review the hourly averages throughout the 25-hour monitoring period.

DATA REQUEST

13. Please submit a more detailed summary of the ambient noise survey results at monitoring location LT-1, the residence at 8120 Cuff Road. Specifically, show the hourly average values for L_{90} and L_{eq} , as a minimum, throughout the 25-hour monitoring period.

NILAND GAS TURBINE PLANT (06-SPPE-1) DATA REQUESTS

Technical Area: Public Health

Author: Alvin Greenberg, Ph.D.

BACKGROUND

The estimated residential cancer and chronic non-cancer risks reported in section 6.8 of the SPPE application appear to be based on the point estimate calculation method. In order to reflect inhalation as the dominant exposure pathway for the residential receptor, both the cancer and chronic non-cancer risks need to be estimated using other appropriate methods.

DATA REQUEST

14. Please estimate the cancer risk using the Derived (Adjusted) method and the chronic non-cancer risk using the Derived (OEHHA) method. All revisions should be appropriately reflected in supplements to section 6.8 and Appendices B and I of the SPPE. The most recent version of the HARP computer model that is available on the California Air Resources Board website (Version 1.2 as of March 17, 2006) should be used for modeling purposes.

BACKGROUND

Section 6.8.2.1 indicates that "Detailed descriptions of the model input parameters and results of the Health Risk Assessment are given in Section 6.7, Noise Technical Report."

DATA REQUEST

15. Please provide the correct reference for the model input parameters and results.

BACKGROUND

Attachment D, Revised Air Quality Modeling Protocol (contained in Appendix B, Air Quality Data) states: "All receptors that HARP creates that are inside the fence will be excluded." This eliminates evaluation of risks to on-site workers. While the project is designed for unmanned operation (Section 2.13), it is health-conservative to evaluate on-site risks to the occasional worker, especially for acute health hazard.

DATA REQUEST

16. Please include assessment of acute health risks to the on-site worker.

**NILAND GAS TURBINE PLANT (06-SPPE-1)
DATA REQUESTS**

Technical Area: Socioeconomics

Author: Joseph Diamond Ph. D.

BACKGROUND

In the Socioeconomics section of the SPPE application, page 6.12-19, IMPLAN (Professional Version 2.0, copyright Minnesota IMPLAN Group 1997) was cited as the model used for the economic impact analysis. Staff needs to clarify the time value of money used for all economic estimates including economic impact analysis.

DATA REQUEST

17. Please indicate the year for all economic estimates (e.g. capital costs, construction payroll, secondary impacts based on IMPLAN, etc).

NILAND GAS TURBINE PLANT (06-SPPE-1) DATA REQUESTS

Technical Area: Soil & Water Resources
Author: Brian Ellis

BACKGROUND

Potential impacts from erosion and siltation can result from the alteration of an area's natural drainage pattern. These impacts will be mitigated at the Niland Gas Turbine Plant site by routing all on-site and off-site stormwater into three detention basins. A large basin, designed to capture all the stormwater which originates onsite in a 24-hour, 100-year storm event, will detain onsite flows and allow them to evaporate. Two smaller basins will collect offsite stormwater, hold it long enough to lessen peak flow velocity, and discharge it to natural channels or allow it to evaporate. These two smaller basins are not designed for any particular storm event. Figure 2.2-6 shows the preliminary grading plan and pre- and post-construction drainage patterns for the site.

Staff's understanding is that stormwater detention basins have limited effectiveness for trapping sediment and stormwater during large rain events. Basins must be carefully designed and maintained to prevent overflow and sediment buildup, and must be configured to discharge water at a controlled rate that will not cause downstream erosion.

DATA REQUEST

18. Please identify whether the large basin receiving onsite stormwater can fully drain or evaporate within 72 hours as the California Storm Water Quality Association's California Stormwater Best Management Practices (BMP) Handbook guidelines recommend. If not, please provide a discussion of why an outfall is not planned to allow emergency overflow protection.
19. Identify the size and duration of the largest storm that the off-site stormwater basins can fully capture.
20. Describe the size of the watershed that will contribute to the off-site stormwater flows at the project site. Are there upgradient protections or barriers, such as canals or property boundaries, which control runoff to the site?
21. Identify whether outfalls on the off-site basins will be designed to discharge water at a controlled rate which will prevent scouring and erosion of downstream channels.
22. Provide a discussion of alternative methods for controlling off-site stormwater flows besides the use of stormwater detention basins. Identify why basins are the preferred choice against other BMPs such as lined channels with check dams.

**NILAND GAS TURBINE PLANT (06-SPPE-1)
DATA REQUESTS**

Technical Area: Traffic and Transportation

Author: James Adams

BACKGROUND

Commission staff has communicated with military representatives and believes that the Niland project is of some concern to the military in relationship to their training route airspace. The SPPE filing discusses air navigation related to local airports, including the Chocolate Mountains Naval Gunnery Range. However, the application has no discussion of military airspace or actual conversations held with the military.

DATA REQUEST

23. a. Please provide a letter or record of conversation with the Imperial County Planning Department documenting compatibility of the proposed Niland project, with its 60-foot tall exhaust stacks with the military training route airspace designation.
- b. Provide a letter or record of conversation with the Navel Air System Command (NAVAIR) staff regarding concerns, if any, with the proposed project.

**NILAND GAS TURBINE PLANT (06-SPPE-1)
DATA REQUESTS**

Technical Area: Visual Resources

Author: Gary Collord

BACKGROUND

The SPPE application identifies compliance with County landscaping requirements as a visual impact mitigation measure and indicates "landscaping will be incorporated into the Project so as not to add incrementally to the overall change in viewsheds," as stated on page 6.11-17 of the application. It is not possible to evaluate the adequacy of this proposed mitigation measure without viewing a representative site development and landscape plan(s).

DATA REQUEST

24. Please provide a conceptual site development and landscaping plan, with plan and elevation views showing landscaping growth at five years, in order to illustrate how landscaping will be used to mitigate the project's visual impact.

NILAND GAS TURBINE PLANT (06-SPPE-1) DATA REQUESTS

Technical Area: Waste Management

Author: Alvin Greenberg, Ph.D.

BACKGROUND

Appendix K (Phase I Site Assessment) of the SPPE recognizes that (a) portions of the proposed site were used for agricultural production as far back as 1945, (b) recorded easements for onsite utility pipelines date back to 1929 and (c) easements for onsite electric substations were granted as early as 1954. These historic uses and activities occurred well before current environmental regulations and could have resulted in the release of hazardous substances at the site, posing a risk to human health or the environment. Potential hazardous substances might include, but not be limited to, various pesticides from agricultural activities in that era including Chlordane, Toxaphene, Lindane, Endosulfan, DDT (and DDE, DDD) and arsenic, petroleum based fuels and PAHs from pipelines, and polychlorinated biphenyls (PCBs and chlorinated hydrocarbon contaminants PCDDs and PCDFs).

A Phase II Environmental Site Assessment (following ASTM guidelines), and any remediation, if necessary, should therefore be conducted prior to construction of the project.

DATA REQUEST

25. Please provide a protocol and schedule for executing the above investigation and any applicable remediation for the power plant area, associated laydown area, and all appurtenant locations. The schedule will need to reflect best and worst case planning scenarios with all applicable assumptions and milestones. The protocol would be subject to the approval of Energy Commission staff and that of the Department of Toxic Substances Control (DTSC).
26. Please provide an expanded Phase I ESA addressing all underground linear facilities.

BACKGROUND

It is indicated in Appendix K that additional environmental information about the site from DTSC and the Regional Water Quality Control Board is currently pending.

DATA REQUEST

27. Please indicate whether that information has been received and how it will influence the existing Phase I ESA and the requested Phase II ESA.

NILAND GAS TURBINE PLANT (06-SPPE-1) DATA REQUESTS

BACKGROUND

Section 6.14.3 describes the waste management methods for this project, but there is no information provided on available disposal facilities that would accept waste from this project. This information is necessary to assess the impacts of waste generated by this facility.

DATA REQUEST

28. Please provide a list of waste disposal facilities that would accept waste from the proposed project, including their location, estimated remaining lifetime, and remaining capacity.