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| DOCKET 06-AFC-4 |
| DATE FEB 16 2007 |
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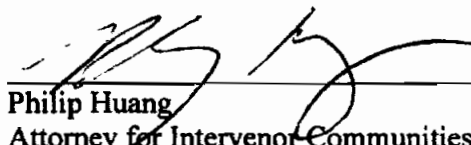
Attorneys for Intervenor
COMMUNITIES FOR A BETTER ENVIRONMENT

STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission

| | | |
|------------------------------------|---|---------------------|
| In the Matter of: |) | |
| |) | Docket No. 06-AFC-4 |
| |) | |
| Application for Certification |) | INTERVENOR CBE'S |
| for the VERNON POWER PLANT PROJECT |) | FIRST SET OF DATA |
| by the City of Vernon |) | REQUESTS |
| _____ |) | |

Intervenor Communities for a Better Environment ("CBE") hereby submits this first set of Data Requests (numbers 1—87) pursuant to 20 Cal. Code Reg. § 1716(b). Any objections or statements of inability to comply with the request must be filed in writing with the Committee and with CBE within 10 days of receipt of this request. (20 Cal. Code Reg. § 1716(g)).

Dated: February 16, 2007



Philip Huang
Attorney for Intervenor Communities for a
Better Environment

Vernon Power Plant Project
CBE Data Requests
(06-AFC-4)

Technical Area: Air Quality

Background

Staff's Data Request #3 expressed concern that the Priority Reserve and ERC programs "will not be able to specifically provide PM2.5 emission reductions," since virtually 100 percent of national gas combustion particulate matter is PM2.5. The applicant stated in response that an EGF must "obtain Priority Reserve offsets at a ratio of 1.2 to 1." The applicant also expressed its belief that "the fraction of stationary PM2.5 in PM10 offsets from the Priority Reserve will be reflective of traditional and existing stationary source emissions," which the applicant estimated at 80 percent. CEC staff indicated at the Public Workshop that the fraction of stationary PM2.5 in Priority Reserve may not be reflective of total stationary source emissions, due to its reliance on small source shutdowns.

Data Request

1. Please provide documentation for the applicant's claim that one unit of PM10 credits obtained from Priority Reserve will have been offset by 1.2 units of pollution reduction.
2. Please provide documentation that the fraction of stationary PM2.5 in PM10 offsets from the Priority Reserve is reflective of total stationary source emissions, specifically by presenting (in a table or other suitable format) an inventory of the PM10 and PM2.5 in Priority Reserve.
3. Please provide documentation supporting the 80 percent estimate.
4. Please describe how applicant will avoid a net increase in PM2.5, if 80 percent or less of Priority Reserve is composed of PM2.5.
5. Please investigate and report on the potential for local particulate matter emission reductions within a six-mile radius of the proposed plant.

Background

Information regarding local stationary sources of PM10 and PM2.5 is necessary for analyzing the cumulative impacts of the proposed project and for evaluating compliance with offset and alternatives requirements of the Clean Air Act. Neither the AFC nor data request responses have truly addressed the local cumulative annual emissions of any pollutants, or potential measures to reduce local pollution.

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Data Request

6. Please provide (in a table or other suitable format) a list, with addresses, of all currently operating stationary combustion sources of PM10 within a six-mile radius of the proposed site which emit at least 1,000 pounds of PM10 per year. Please include the actual PM10 and PM2.5 emissions for the most recent year for which information is available.
7. Please provide (in a table or other suitable format) a list, with addresses, of all currently operating stationary sources of PM10 from fugitive dust within a six-mile radius of the proposed site which emit at least 1,000 pounds of PM10 per year. Please include the actual PM10 and PM2.5 emissions for the most recent year for which information is available.
7. Please provide in table form the estimated annual emissions of PM10, VOCs, CO, NOx, SO₂, and HAPs for each facility located in whole or in part within the City of Vernon, including emissions from Malburg Generating Station.
8. Please identify possible ways the City of Vernon may reduce PM10, PM2.5, and other emissions within city limits to mitigate the increased pollution.
9. Please indicate how many locations of the VOC and CO credits procured from the open market, as identified in Data Adequacy Supplement B and elsewhere, fall within a six-mile radius of the proposed plant.
10. Please provide information identifying the sources for PM credits in the Priority Reserve, and indicate the proportion of credits from facilities that operated within the six-mile radius of the proposed plant.
11. Please state whether any PM credits from facilities located in, or owned by, the City of Vernon are available, or are otherwise not in use.
12. For any PM credits held by Vernon located or owned facilities, please provide a description for such credits, including their source and amount.
13. Please state the total amount of PM credits or options for credits currently held by the City of Vernon.
14. Please provide a cumulative analysis of projected PM and other criteria pollutant emissions from proposed EGFs that were enabled by the September 2006 amendment to the Priority Reserve regime.

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Background

The project is expected to generate up to 197 tons per year of ammonia emissions, derived from the use of aqueous ammonia in selective catalytic reduction of NOx. There exists a strong correlation between ion sum, including ammonium ion, and concentration of fine particulate matter.

Data Request

15. Please provide information on the contributive effect of ammonia emissions on PM10 and PM2.5, as well as the effect on their long-range transport.
16. Please describe available methods and plans for controlling ammonia emissions to reduce its effects on PM concentration and transport.

Background

The applicant's response to Staff's Data Request #18 acknowledged that the cooling tower fans will not have a variable speed/flow controller.

Data Request

17. Please provide a comparison for a cooling tower fan with variable speed drives versus the current configuration. For each alternative, indicate their relative efficiency and performance.
18. Please provide a comparison of using a dry cooling system instead of a wet/dry cooling tower, including a comparison of potential emissions. Comparison of estimated costs should incorporate costs from the use of recycled wastewater system and costs to be incurred by other entities that are necessary to support the reclaimed water demand.

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Technical Area: Socioeconomics

Background

The discussion of Socioeconomics in Section 8.8 of the AFC is cursory. More information is needed in order to determine potential cumulative impacts, evaluate real alternatives and meet the legal requirements of the California Environmental Quality Act and the federal Clean Air Act.

Data Request

19. Please provide a list of all current businesses with facilities in Vernon that have moved from other parts of Los Angeles County, and identify the previous city of residence.
20. Please provide a list of businesses that are located on the border between Huntington Park (or other city) and Vernon, with their addresses and amount of tax revenue generated for the host city.
21. Please provide information on transportation systems usage, including: a) number of employees, b) number of daily vehicle trips for commute, c) mean distances/time from home to work, and d) number of daily truck trips.
22. Describe any City initiatives to increase use of more energy efficient travel, including but not limited to land use, employer incentives, parking, policies, and public transportation programs.
23. Please provide information in table form estimating the percentage of the project's electricity generation designated for use within City of Vernon in the short term and long term.
24. Please provide documentation of all growth projections and impacts, resulting from or induced by the operation of Vernon power plant, that were made available to city officials. Please describe and quantify such projections and impacts whether or not such work has been done already.

Background

Section 8.8 presents table summaries for some socioeconomic factors while omitting others. Information from Appendix 8.8A on environmental justice has not been summarized in table form as those in the main section.

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Data Request

25. Please provide information in table form on the age distribution and population density of the localities named in Section 8.8 (Bell, Huntington Park, Los Angeles City, Maywood, Vernon, Los Angeles County, California), and for the resident population within a six mile radius.
26. Please provide information in table form of the per capita income of residents for the same areas listed in #26.
27. Please provide data on race and ethnicity of residents for the same areas listed in #26.
28. Please provide information on high school(s) which students at the listed elementary and middle schools attend.

Background

The applicant states that the proposed power plant provides a socioeconomic benefit to the people near its location, but provides no specific examples of such benefits. With respect to employment relating to construction, the applicant indicates as little as 60% of the labor force would come from Los Angeles County, and fails to identify how much, if any, of the employment benefit will accrue to persons living near the proposed site.

Data Request

29. Please provide an estimate of development fees for schools or requirements the applicant will incur under Government Code 65997, and indicate any similar obligation the applicant may plan to undertake.
30. Please indicate whether communities within the six-mile radius will receive discounted rates similar to those received by in-city industrial consumers.
31. Please provide information on contemplated development or expansion of public services mutual aid agreements with neighboring communities.
32. Please provide detailed information on any current or potential commitments to increase local hiring for average-wage union jobs for construction and operation of the project, either by Vernon or its contractors.
33. Please indicate any current or future partnerships with local organizations to provide training and job training for local residents during the two to three year period between the present and estimated date of operation.

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34. Please provide documentation supporting the estimate of \$75 per hour average wage, including prevailing wage distributions for all job classifications.

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Technical Area: Alternatives

Background

The AFC discussed a No Project Alternative and Possible Alternative Sites identified within the City of Vernon. However, discussion of alternative projects is missing, and in-depth analysis of a full range of alternatives, is missing. In particular, there is no detailed analysis of any project alternative or technology alternative that would result in fewer project emissions.

Data Request

35. Please provide a table, including address and principal cross streets, showing all possible sites for the power plant that were, in the course of developing the Vernon project and preparing the AFC, brought to the attention of any person in a decision-making capacity for the project. For each site, please list all the reasons that site was removed from consideration.
36. Please provide documentation establishing the need for a 13-acre minimum lot size for the project, when a smaller lot size was considered sufficient for the previous Vernon project application.
37. Please provide documentation establishing the need for a power plant significantly larger and more polluting than the projects of all other applicants, and that limited the applicant to only one site.
38. Please provide documentation regarding emissions from different configurations that were proposed in the course of developing the Vernon project.
39. Please provide information on project alternatives given the criteria of meeting primarily or solely local generation needs.

Background

AB 1890 mandates that every publicly owned electric utility (POU) establish a Public Benefit surcharge (2.85% of gross revenues), to be spent on projects related to conservation, renewable resource, research & development, or low-income assistance. According to a 2005 report from the Southern California Public Power Authority (SCPPA), the City of Vernon collected over \$11.6 million in Public Benefit surcharges, but had spent less than \$5 million over the same time span.

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Data Request

40. Please provide in table form a summary of updated revenue and expenditures collected through the Public Benefit surcharge, and how revenue was spent on programs for a) demand-side management and efficiency, b) renewable energy, c) research & development, and d) low-income assistance.
41. Please provide separately, in table form, a list of all AB 1890 programs along with their description and expenditures initiated since fiscal year 2003.
42. Please provide documentation detailing the use of \$6.7 million in unspent public benefit funds.

Background

The City of Vernon has set a Renewable Portfolio Standard target of 5% for 2009 and 20% for 2017. Currently the Malburg Generation Station produces 134 MW of energy. The Vernon Power Plant is projected to produce 914 MW when it is operational.

Data Request

43. Please confirm the respective RPS targets and dates.
44. Please provide documentation of the applicant's plans and strategies to increase Vernon's renewable energy portfolio to meet its legal target in 2009, 2010 (estimated year of project operation), and 2017.
45. Please provide information on Vernon's current renewable energy portfolio.
46. Please describe implementation of any solar energy programs or infrastructure both for existing and future buildings in Vernon.
47. Please describe any city fiscal or regulatory policies designed to encourage consumer conservation, including the portion of power sales revenues allocated to conservation programs.
48. Please provide an analysis of electricity conservation strategies as an alternative to local generation capacity, given the near-future RPS targets and the currently unspent public benefit surplus.

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Background

The City of Vernon previously initiated a state-sponsored “Conservation 20/20” program which provided electric customers with 5% credit for at least a 10% reduction in electricity usage. Many utilities currently run a version of this program.

Data Request

49. Please provide information on any conservation incentive program currently run by Vernon
50. Please confirm whether the 5% credit was, or is, an energy credit compared to a monetary discount.

Background

During the tour following the Initial Hearing, a Vernon city official pointed out a gas separation facility as an exemplary industrial customer needing cheap local power generation. He noted the facility used 30 MW of electricity each year.

Data Request

51. Please confirm that Marathon Tri-Gas uses 30 MW at its Vernon facility.
52. Please identify the thirty largest consumers in Vernon in terms of energy consumption.
53. Please provide information comparing the rates of Vernon customers with customers of IOUs and other POUs.

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Technical Area: Public Health

Background

The area near the proposed project is densely populated and has a large number of both children and elderly residents. The AFC does not identify the full range of "sensitive receptors" that should be considered in this analysis.

Data Request

54. Please provide a list of all sensitive receptors within a six-mile radius from the proposed site with names and addresses, including but not limited to all K-12 schools, day care centers, nursing or convalescent homes, hospitals, public parks and outdoor recreation facilities, housing units designated for persons over 55, and public housing projects.
55. Please provide a list, with names and addresses, of all schools currently planned to be built by 2011 within a six-mile radius of the proposed site.

Background

The AFC provides the MEIR and MEIW estimated added lifetime cancer risk from the project's own emissions, as well as the hazard index from the project's non-carcinogenic substances. Further information is required for an adequate analysis of cumulative impacts on public health.

Data Request

56. Please provide for all identified receptor locations the existing lifetime cancer risk, in table form.
57. Please provide for all identified receptor locations the existing non-cancer hazard index, in table form.
58. Please provide, in table, form a list of other Priority Reserve-enabled EGF projects with their MEIR and MEIW estimated added lifetime cancer risk, added hazard index, existing lifetime cancer risk, and existing hazard index.
59. Please provide documentation supporting the application of a fixed hazard index to a population with higher than average existing hazard index.

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Technical Area: Traffic and Transportation

Background

Section 8.10.2.2 of the AFC describes the project as “requiring shippers of hazardous materials to use the shortest route feasible to and from the project site”. Regarding transport of hazardous materials, California Vehicle Code § 31303(b) requires that “transportation shall be on *state or interstate highways which offer the least overall transit time* whenever practicable. CVC § 31303(c) further states that shippers “shall avoid, whenever practicable, congested thoroughfares, places where crowds are assembled, and residence districts as defined in Section 515.”

Data Request

60. Please confirm the common understanding of CVC § 31303(b) as referring to least overall transit time on state or interstate highways.
61. Please indicate that the project will conform to CVC § 31303(c) in avoiding the transport of hazardous materials through residential areas (except for state and interstate highways), congested thoroughfares, and places where people congregate, where possible.

Background

The AFC lays out the state vehicle code provisions and the existence of a local process, in lieu of local ordinances, regarding the of oversized vehicles on local roads. However, it does not list the criteria for the local process, including that for obtaining a temporary Hauling Permit.

Data Request

62. Please provide a list of municipalities with authority to change weight limits that are located on potential transportation routes related to the construction, installation, operation, or repair of the project.
63. Please provide information, in table form, of the size and weight limits in those municipalities.
64. Please provide size and weight of large vehicles, whose use is anticipated in the construction, installation, operation, or repair of the project, that exceed the state limit or may exceed local limits of other municipalities.

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65. Please indicate the frequency of enforcement violations regarding the size and weight of vehicles within the City.
66. Please provide information on the temporary Hauling Permit, including its duration, the frequency of issue, and the frequency of denying such a permit.

Background

Vernon and its contractors have stated on numerous occasions that city industry employs 44,000 people. The current project would increase local generating capacity, and up to 25% of project output would be diverted to local industry. The applicant states “significant” is that which results in traffic that is substantial relative to the amount of existing traffic and capacity of the surrounding roadway network. The AFC addresses construction and implementation impacts, but does not adequately address the nature and extent of increased traffic resulting from new local power generation.

Data Request

67. Please estimate the amount of traffic currently flowing into Vernon daily.
68. Please confirm the estimate that up to 25% of project output that would be diverted to Vernon industry.
69. Please provide estimates on the amount of new traffic – car trips and truck trips - that would be induced by or indirectly result from increased energy capacity. Please estimate also the resulting traffic distribution.
70. Please describe any plans to mitigate such impacts. Please provide accounts of scenarios and plans relating to the foreseeable increase in traffic that were brought to the attention of any individual with decision-making capacity on this project.

Vernon Power Plant Project
CBE Data Requests
(06-AFC-4)

Technical Area: Hazardous Materials

Background

In addition to its contributions to air pollution, ammonia is also a hazardous material with inherent risk in transport and storage. 8.12.4.2 states that during operation the project will require the delivery of aqueous ammonia no more often than once every five days. However, according to § 8.10.4.3.2, aqueous ammonia (19 percent) will be delivered to the project site by tanker truck about every 2 to 3 days (for a single truck) or once a week (for a double truck). Federal law deems 20 percent concentration of aqueous ammonia to be a hazard.

Data Request

71. Please indicate the amount of aqueous ammonia required for one year of operation.
72. Please provide information indicating whether frequency of delivery will be 70 deliveries per year or 120-180 deliveries per year, and indicate the type of tankers and composition of yearly tanker fleet required for this frequency.
73. Please evaluate the comparative safety risks involved with single truck and double truck tanker.
74. Please perform an analysis of off-site consequences for a worst-case accidental release from truck transport.
75. Please provide a comparison for ammonia from the use of urea feedstock to generate ammonia on site versus the current proposed transport and storage of aqueous ammonia. For each alternative, please describe the process and equipment necessary, operational and disposal issues, a brief preliminary environmental assessment, energy use, advantages and disadvantages, and capital and maintenance costs.
76. Please identify other potential methods to mitigate local impacts from the transportation of aqueous ammonia.

Vernon Power Plant Project
CBE Data Requests
(06-AFC-4)

Technical Area: Water Resources

Background

Reclaimed water will be used and reused for the cooling tower. Since several tons of PM10 will be emitted from the cooling tower, the composition of cooling tower water is relevant in evaluation impacts of cooling tower emissions.

Data Request

77. Please provide a table showing the chemical composition of cooling tower water and the concentration of each chemical listed.
78. Please provide documentation showing what proportion of cooling water PM10 and PM2.5 emissions are the result of dissolved solids in reclaimed water proposed for the project in its current configuration.
79. Please describe processes by which reclaimed water/wastewater can be cleaned in order to reduce emissions of criteria pollutants and air toxics.

Background

In response to Staff's Data Request #43, the applicant summarized the reduced impacts on source water and elimination of wastewater from a zero liquid discharge system. It also mentioned potential environmental impacts with gas firing in the spray dryer.

Data Request

80. Please quantify the annual savings of source water from a zero liquid discharge system.
81. Please quantify the annual savings of wastewater discharge.
82. Please describe the environmental impacts of cooling tower wastewater discharge into United States waters.
83. Please confirm that the steam alternative described in applicant's response would eliminate the potential impacts of gas firing in the spray dryer.

Vernon Power Plant Project
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Background

The facility will require the construction of a new 18 to 21-inch-diameter sewer line that will be 2,400 feet in length. It will also require a new pipeline connecting to its recycled water line.

Data Request

84. Please state whether the applicant needs to enter into any franchise agreements for the construction of the proposed sewer line or the reclaimed water pipeline.
85. Please describe the agreement for the transport of blowdown and wastewater through LACSD.

Vernon Power Plant Project
CBE Data Requests
(06-AFC-4)

Technical Area: Land Use

Background

The project is sited on a 13.7-acre lot, but the city has executed a purchase agreement for the entire 27-acre parcel. The response to Staff's Data Request 48 indicates the general plan designation is similar to most of Vernon, and does not mention potential uses aside from parking and laydown during construction.

Data Request

86. Please identify potential uses of the remaining 13.3 acres that have been considered, after it is no longer needed for temporary project use.
87. Please indicate whether the remaining acreage is being contemplated for energy generation, or uses associated with energy generation.

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

APPLICATION FOR CERTIFICATION
FOR THE VERNON POWER PLANT PROJECT
BY THE CITY OF VERNON

DOCKET NO. 06-AFC-4
PROOF OF SERVICE LIST
(REVISED 1/19/07)

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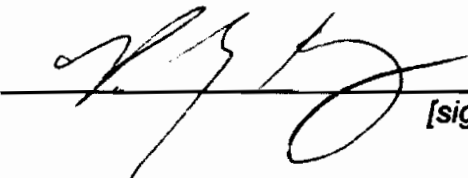
DECLARATION OF SERVICE

I, Philip Huang, declare that on February 16, 2007, I deposited the required copies of the attached Intervenor CBE's First Set of Data Requests in the United States mail at Oakland, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above. I declare under penalty of perjury that the foregoing is true and correct.

OR

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

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



[signature]