
Final

Phase I ESA Report Encina Power Station

Located at

4600 Carlsbad Boulevard
Carlsbad, California 92008

Prepared for

Cabrillo Power I LLC

Prepared by



CH2MHILL

3 Hutton Center Drive, Suite 200
Santa Ana, California 92707

September 2007

Final Phase I ESA Report

Encina Power Station

Cabrillo Power I LLC

4600 Carlsbad Boulevard
Carlsbad, California 92008

September 2007

This Phase I ESA has been prepared under the direction of the following environmental professionals.

"We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in Section 312.10 of 40 Code of Federal Regulations (CFR) 312," and

"We have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the Subject Property. We have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR 312."

Prepared By:

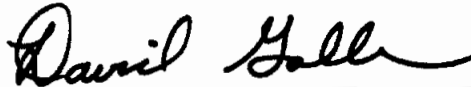


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Appendix B Historical Research Documentation

Appendix C Regulatory Records Documentation

Appendix D Agency File Review

Appendix E Site Photographs

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Appendix G Additional Documentation

List of Abbreviated Terms

AFC	Application for Certification
APN	Assessor Parcel Number
AST	Aboveground Storage Tank
ASTM	American Society for Testing and Materials
AT&SF	Atchison, Topeka, and Santa Fe railway
AUL	Activity Use Limitation
bgs	below ground surface
BHRA	Baseline Health Risk Assessment
BTEX	Benzene, toluene, ethylbenzene, and xylene
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
CHU	Carlsbad Hydrologic Unit
CORRACTS	RCRA Corrective Action Sites (see RCRA)
CPOC	Chemicals of Potential Concern
DEH	Department of Environmental Health
DTSC	Department of Toxic Substances Control
EA	Environmental Assessment
EDR	Environmental Data Resources, Inc.
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
ERNS	Emergency Response Notification System
ESA	Environmental Site Assessment
FDGTI	Fluor Daniel GTI
FEMA	Federal Emergency Management Agency
HMMD	Hazardous Materials Management Division
kV	kilovolt
LUST	Leaking Underground Storage Tank
LVW	low-volume wastewater

MCL	maximum contaminant level
MCW	metal-cleaning wastewater
mg/kg	milligram per kilogram
mg/l	milligram per liter
msl	mean sea level
MW	megawatt
NEPA	National Environmental Policy Act
NFA	No Further Action
NFRAP	No Further Remedial Action Planned
NRC	National Response Center
OES	Office of Emergency Services
O&M	Operation and Maintenance
PAHs	Polycyclic Aromatic Hydrocarbons
PCBs	Polychlorinated Biphenyls
ppm	parts per million
PRG	preliminary remediation goal
RCRA	Resource Conservation and Recovery Act
REC	Recognized Environmental Condition
RWQCB	Regional Water Quality Control Board
SAM	Site Assessment and Mitigation program
SDG&E	San Diego Gas and Electric
SLIC	Spills, Leaks, Investigations, and Cleanups
SVOC	semi-volatile organic compound
SWMU	Solid Waste Management Unit
TDS	Total Dissolved Solids
TEH	Total Extractable Hydrocarbons
TPH	Total petroleum hydrocarbon
TSD	Treatment, Storage and Disposal Facility
UST	Underground Storage Tank
VOCs	Volatile Organic Compounds
WWTP	Wastewater Treatment Plant

Executive Summary

CH2M HILL was tasked by Cabrillo Power I LLC to conduct a Phase I Environmental Site Assessment (ESA) of the Encina Power Station (hereby referred to as the Subject Property) in the City of Carlsbad located in San Diego County, California (Figure 1-1). The Subject Property includes approximately 375 acres located on five parcels: Assessor Parcel Numbers (APNs) 206-07-17, 210-01-26, 210-01-41, 210-01-43, and 211-01-30 (Figure 2-1).

The ESA was prepared for the Subject Property in support of an Application for Certification (AFC) to the California Energy Commission. The Applicant for the AFC is Carlsbad Energy Center LLC, which is a wholly owned subsidiary of NRG Energy, Inc. Cabrillo Power I LLC is also a wholly owned subsidiary of NRG Energy, Inc. The Subject Property is currently active and is comprised of the Encina Power Station and the Agua Hedionda Lagoon. The Encina Power Station consists of five primary power generation units that are supported by several auxiliary facilities, including a small gas turbine peaking plant, switchyards, aboveground storage tanks (ASTs) containing fuel oil, a cooling water system, a wastewater treatment facility, and ancillary administration, storage, and maintenance areas (Figure 2-2). The area adjacent to the Subject Property includes the Pacific Ocean, agricultural land, and other developed property and residential areas.

ES.1 Data Gaps

During the site visit, no access was available to the following areas within the Subject Property:

- YMCA Aquatic Park located on the western shoreline of the middle Agua Hedionda Lagoon.
- Aqua Farm Facilities located on the western shoreline of the outer Agua Hedionda Lagoon.
- Encina Wastewater Authority Lift Station located north of Tank No. 7.
- Air Compressor House Building, which is currently being used by the operators of the dredging operations.
- Hubbs – Sea World Research Institute Marine Fish Hatchery

The above land uses, with the exception of the Air Compressor House Building, are separate uses outside of the control of Cabrillo Power I LLC and occur pursuant to land leases with separate business entities. Further, none of these uses occur on property to be utilized or affected by the Carlsbad Energy Center Project.

ES.2 Findings

Based on records review, site reconnaissance, and interviews, the following findings were made in connection with the Subject Property:

- Based on a review of historical aerial photographs and topographic maps, the Subject Property was first developed between 1939 and 1947. In a historical topographic map dated 1949, a military reserve is shown on the southwestern portion of the Subject Property and extends onto the adjacent property to the south. According to a personnel questionnaire completed during this Phase I ESA, the Subject Property was used as a rubber plant in the 1940s and the eastern portion of the Subject Property was used for agriculture. In 1948, San Diego Gas and Electric (SDG&E) purchased the first parcel of the Subject Property and began constructing the Encina Power Station in 1952. The Subject Property parcels were purchased by Cabrillo Power I LLC in 1999 and 2003.
- Four sites of environmental significance were identified within the American Society for Testing and Materials (ASTM) search distance of 2 miles during the review of the Environmental Database Report prepared by Environmental Data Resources, Inc. (EDR). One of the four sites identified in the EDR Report was for the Subject Property. The other three sites were identified as: Ban's Cleaners, Burroughs Corporation (Unisys), and Chevron. These sites were determined to have a low potential to impact the Subject Property based on the relative distance from the Subject Property.
- A Phase I ESA conducted at the Subject Property in 1998 identified 37 known releases and 25 potential environmental conditions based on the type of operations performed and chemicals of interest that could potentially occur. Further investigation was recommended in the following six investigation areas:
 - Area 1: Tank Farms and Impoundment Basins, including Fuel Tank Laydown Area
 - Area 2: Process Treatment Area and Open Ditch
 - Area 3: Administration Area and Discharge Basin
 - Area 4: Operation Warehousing and Construction Yard, including Hazardous Waste Storage Area
 - Area 5: Power Plant Area
 - Area 6: Surface Water Bodies

- Based on the sample results identified during the 1998 Phase II ESA, five recognized environmental conditions (RECs) were identified at the Subject Property: Fuel Oil Tank # 7 (within Area 1), Fuel Oil Tank #1 (within Area 1), Area Associated with Fuel Pipelines East of the Wastewater ASTs (within Area 2), Former Prout's Pond (within Area 2), and Former Diesel Underground Storage Tank (UST) Pit (within Area 4). The Power Plant (Area 5) and areas such as tanks, piping, and buildings where samples could not be collected beneath existing structures were identified as Potential Environmental Conditions that should be addressed when the plant is decommissioned.
- In 1999, a supplemental investigation was conducted. Concentrations of total extractable hydrocarbons (TEH), metals, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), and polychlorinated biphenyls (PCBs) were identified at concentrations above standard screening levels (i.e., industrial preliminary remediation goals [PRGs], maximum contaminant levels [MCLs], and established background levels) in the following areas: Area 1 (Tank Farm), Former Area 2 (Process Treatment Area and Open Ditch), Area 3 (Administration Area and Discharge Basin), Area 4 (Operation Warehousing and Construction Yard), Area 5 (Power Plant Area), SDG&E Cannon Substation, SDG&E Operation and Maintenance (O&M) Yard, and Agua Hedionda Lagoon and Runoff Ditch.
- In 2003, remedial activities were conducted in the five areas that had been identified as RECs in 1998. Approximately 4,426 cubic yards of petroleum hydrocarbon-impacted soil were excavated and transferred offsite for treatment and disposal. Based on the confirmation sample results, the remediation goals were achieved for these five areas. In March 2005, the County of San Diego Department of Environmental Health (DEH) concurred that the cleanup goals established for these five areas of the Subject Property have been met (refer to Appendix D).
- Based on the presence of contaminants at concentrations above standard screening levels (i.e., PRGs, MCLs, and established background levels) which were not addressed during the 2003 remedial action, four RECs were identified during this Phase I ESA. Of these, one REC is located on the Subject Property (Power Plant Area) and three RECs are located on adjacent properties (SDG&E Cannon Substation, SDG&E O&M Yard, and Runoff Ditch).

ES.3 Opinions

This assessment has revealed evidence of the following Potential Environmental Conditions, RECs, or Historical RECs in connection with the Subject Property.

- The five RECs identified in the 1998 Phase II ESA were remediated in 2003, and are now Historical RECs:
 - Fuel Oil Tank # 7 (within Area 1)
 - Fuel Oil Tank #1 (within Area 1)
 - Area Associated with Fuel Pipelines East of the Wastewater ASTs (within Area 2)
 - Former Prout's Pond (within Area 2)
 - Former Diesel UST Pit (within Area 4)
- Areas such as tanks, piping, and buildings where samples could not be collected beneath existing structures remain as Potential Environmental Conditions that should be addressed when the plant is decommissioned.
- Based on the presence of contaminants at concentrations above standard screening levels (i.e., PRGs, MCLs, and established background levels) which were not addressed during the 2003 remedial action, the following area located on the Subject Property is considered a REC:
 - Area 5 (Power Plant Area)
- The following three RECs are located on adjacent property immediately to the south of the Subject Property. These RECs contain contaminants at concentrations above standard screening levels which were not addressed during the 2003 remedial action conducted at the Subject Property.
 - SDG&E Cannon Substation
 - SDG&E O&M Yard
 - Runoff Ditch

1. Introduction

CH2M HILL was tasked by Cabrillo Power I LLC to conduct a Phase I Environmental Site Assessment (ESA) of the Encina Power Station (hereby referred to as the Subject Property) in the City of Carlsbad located in San Diego County, California (Figure 1-1).

The ESA was prepared for the Subject Property in support of an Application for Certification (AFC) to the California Energy Commission. The Applicant for the AFC is Carlsbad Energy Center LLC, which is a wholly owned subsidiary of NRG Energy, Inc. Cabrillo Power I LLC is also a wholly owned subsidiary of NRG Energy, Inc.

The Subject Property is currently active and is comprised of the Encina Power Station and the Agua Hedionda Lagoon. The Encina Power Station consists of five primary power generation units which are supported by several auxiliary facilities, including: a small gas turbine peaking plant, switchyards, aboveground storage tanks (ASTs) containing fuel oil, a cooling water system, a wastewater treatment facility, and ancillary administration, storage, and maintenance areas. The area adjacent to the Subject Property includes the Pacific Ocean, agricultural land, and other developed property and residential areas.

This report presents the results of the Phase I ESA and conclusions regarding environmental conditions at the Subject Property. The following sub-sections provide the purpose of this Phase I ESA and the scope of work.

1.1 Purpose

The primary purpose of this Phase I ESA is to identify recognized environmental conditions (RECs) or historical RECs at the Subject Property. As defined by American Society for Testing and Materials (ASTM) E 1527-05, the term REC means:

"the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with laws. The term is not intended to include de minimis conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies."

As defined by ASTM, the term historical REC means:

"environmental condition which in the past would have been considered a recognized environmental condition, but which may or may not be considered a recognized environmental condition currently."

1.2 Scope of Work

The scope of work for this Phase I ESA consists of the following four components, as specified in the ASTM E 1527-05 guidelines for conducting an ESA.

- Records Review including review of the following historical information sources.
 - Environmental Database Report by Environmental Data Resources, Inc. (EDR)
 - Aerial Photos
 - Historical Topographic Maps
 - Sanborn Fire Insurance Maps
 - Environmental Lien Search
 - City Directories
 - Oil and Gas Maps
- Site Reconnaissance
- Interviews
- Preparation of a Phase I Report

This Phase I ESA does not include the ASTM Standard "non-scope considerations" for asbestos, radon, lead-based paint, lead in drinking water, wetlands, regulatory compliance, cultural and historic resources, industrial hygiene, health and safety, ecological resources, endangered species, indoor air quality, biological agents, or mold.

1.3 Significant Assumptions

There are no significant assumptions for this Phase I ESA.

1.4 Limitations and Exceptions

The Sanborn map search requested as part of the EDR package did not provide map coverage for the Subject Property.

Additionally, during the site visit performed on August 20, 2007, no access was available to the following areas within the Subject Property:

- YMCA Aquatic Park located on the western shoreline of the middle Agua Hedionda Lagoon.
- Aqua Farm Facilities located on the western shoreline of the outer Agua Hedionda Lagoon.
- Encina Wastewater Authority Lift Station located north of Tank No. 7.
- Air Compressor House Building, which is currently being used by the operators of the dredging operations.
- Hubbs – Sea World Research Institute Marine Fish Hatchery

The above land uses, with the exception of the Air Compressor House Building, are separate uses outside of the control of Cabrillo Power I LLC and occur pursuant to land leases with separate business entities. Further, none of these uses occur on property to be utilized or affected by the Carlsbad Energy Center Project.

1.5 Deviations

There were no deviations from the scope and limitations of ASTM Practice E 1527-05 for this Phase I ESA.

1.6 Special Terms and Conditions

This report has been prepared for the exclusive use of the Cabrillo Power I LLC for the specific purpose of evaluating the potential environmental liability associated with the Subject Property. No warranty, expressed or implied, is made. CH2M HILL makes no representation regarding whether this investigation constitutes “all appropriate inquiry into the previous ownership and uses of this property consistent with good commercial or customary practice” as defined in Section 101(35)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).

CH2M HILL is not responsible for any claims, damages, or liabilities associated with the interpretation by third parties of these findings or reuse of the analysis, associated site data, or recommendations by third parties without the express written authorization of CH2M HILL. Limitations of this assessment may not be altered or waived without written consent of CH2M HILL.

It was beyond CH2M HILL's authorized scope of work to review: (1) lead in drinking water, (2) issues associated with worker health and safety, (3) issues pertaining to compliance with environmental regulations, or (4) liabilities associated with the offsite management of solid

or hazardous wastes. It was also beyond CH2M HILL's authorized scope of work to conduct interviews with local government officials. The exclusion of the above items is not a representation of the relevance of these non-scope considerations to the Subject Property.

The services described in this report were performed consistent with generally accepted professional consulting principles and practices. These services were performed consistent with our agreement with Cabrillo Power I LLC. CH2M HILL does not warrant the accuracy of information supplied by others or the use of segregated portions of this report.

This is a technical report and is not a legal representation or an interpretation of environmental laws; rules; regulations; or policies of local, state, or federal governmental agencies.

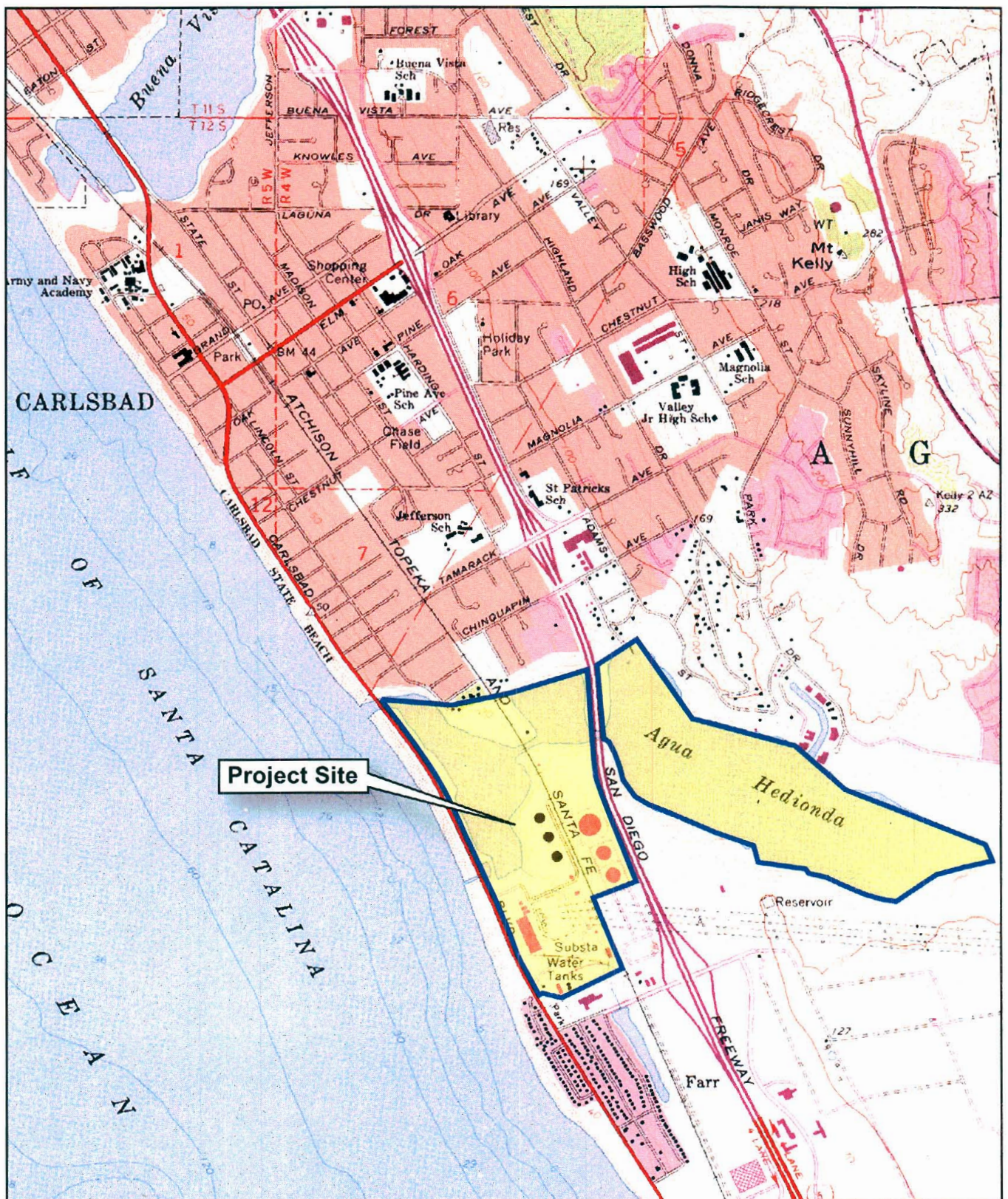
Any opinions or recommendations presented herein apply to site conditions existing when services were performed. CH2M HILL is unable to report on or accurately predict events that may change the site conditions after the described services are performed, whether occurring naturally or caused by external forces.

No investigation is thorough enough to exclude the presence of hazardous substances at a given site. If hazardous substances or hazardous conditions have not been identified during the assessment, such a finding should not be construed, therefore, as a guarantee of the absence of such substances or conditions, but rather as the result of the services performed within the scope and limitations of the work performed.

1.7 User Reliance

There are no beneficiaries of this report other than the Cabrillo Power I LLC, and no third party is entitled to rely upon this report without the written authorization of CH2M HILL and a written agreement limiting the liability of CH2M HILL.

CH2M HILL is not required to verify independently the information provided but may rely on information provided unless it has actual knowledge that certain information is incorrect or unless it is obvious that certain information is incorrect based on other information obtained in the Phase I Environmental Site Assessment or otherwise actually known to CH2M HILL.



0 0.25
Scale in Miles

Source: USGS 7-1/2 minute quadrangle map, San Luis Rey, CA, 1968, photorevised 1975.

Figure 1-1
Site Vicinity Map
Encina Power Station
Cabrillo Power I LLC
Carlsbad, California

CH2MHILL

2. Site Description

This section provides general setting information for the Subject Property.

2.1 Location and Legal Description

The Subject Property is located at 4600 Carlsbad Boulevard (Pacific Coast Highway) in the City of Carlsbad, San Diego County, California. The Subject Property includes the following five parcels: Assessor Parcel Numbers (APNs) 206-07-17, 210-01-26, 210-01-41, 210-01-43, and 211-01-30 (Figure 2-1). The legal description and map for each parcel of the Subject Property is included in the Environmental Lien Search Report provided in Appendix A.

The nearest cross streets to the Subject Property are Carlsbad Boulevard, which runs along the coast, and Cannon Road which is south of the site and is oriented in an east-west direction.

2.2 Site and Vicinity Description

The Subject Property is developed and is comprised of an active power generation facility and the Agua Hedionda Lagoon. The approximately 375-acre parcel is divided by the Atchison, Topeka, and Santa Fe (AT&SF) railway which transects the Subject Property from the north and south. The area around the Encina Power Station is primarily paved with some areas of crushed rock.

The land in the vicinity of the Subject Property is characterized as urban, and primarily comprised of other developed land including commercial, agricultural, and residential. The area adjacent to the Subject Property includes the Pacific Ocean to the west; Interstate 5 and agricultural land to the east; San Diego Gas and Electric (SDG&E) operation and maintenance facility, Cannon Road and residential areas to the south; and other residential areas to the north.

2.3 Current Use of the Property

The Subject Property is currently active and is comprised of a steam electric power plant, which has been in operation since 1954. The power plant is supported by several auxiliary facilities, including: a small gas turbine plant, switchyards, ASTs containing fuel oil, a cooling water system, a wastewater treatment facility, and ancillary administration, storage,

and maintenance areas. A map of this portion of the Subject Property is provided as Figure 2-2.

Power Plant and Switchyards

There are currently five steam power generation units at the Subject Property that can be fueled by either natural gas or No. 6 fuel oil. Since 1984, the boilers have been fueled primarily by natural gas from a transmission main that extends along the railway. Prior to 1984, they were primarily fueled by No. 6 fuel oil (FDGTI, 1998a).

The steam generated from the boilers is used to rotate the turbines and generate electricity which is routed to the switchyards. The line voltage is transformed at the main transformers and switchyards and then routed to the various transmission lines exiting the facility. Cooling water is drawn from Agua Hedionda Lagoon and is circulated through condenser tubes to cool and condense the used steam for reuse in the boilers. The spent cooling water is discharged to the Pacific Ocean through the discharge lagoon and a channel passing beneath Carlsbad Boulevard on the western side of the Subject Property (FDGTI, 1998a).

There are 57 transformers at the Subject Property used to transmit electricity generated at the power plant, including 36 plant generation transformers located near the power plant, 13 switchyard transformers, and seven distribution transformers that are located on pads around the site (URS, 1999b). Additionally, 25 circuit breakers are located on the Subject Property. Of these, 21 circuit breakers are located in the 138 kilovolt (kV) switchyard and 4 circuit breakers are located in the 230kV switchyard. Twenty of the circuit breakers are oil containing breakers and five are gas containing breakers.

Gas Turbine Unit

A 17-megawatt (MW) gas turbine unit is located on the Subject Property to the northeast of the power plant. The unit is designed to operate in peak demand periods and is primarily fired with natural gas, but can also operate on No. 2 diesel oil (FDGTI, 1998a). The No. 2 diesel oil is transferred to the gas turbine via underground pipelines from three horizontal ASTs. Tanker trucks deliver the No. 2 diesel oil to these three ASTs, as well as to the cutter oil tank located on the Subject Property.

Aboveground Storage Tanks and Associated Fuel Lines

There are seven large ASTs that presently store, or have stored, No. 6 fuel oil to fuel the five boilers. The AT&SF railway divides the seven ASTs into the West Tank Farm and East Tank Farm. The older West Tank Farm contains Fuel Oil Tank No. 1, No. 2, and No. 3, each with a capacity of 5,502,000 gallons (131,000 barrels). The East Tank Farm contains Fuel Oil Tank No. 4 and No. 5, each with a capacity of 10,500,000 gallons (250,000 barrels), and

Fuel Oil Tanks 6 and 7, each with a capacity of 18,900,000 gallons (445,000 barrels) (FDGTI, 1998a). Fuel Oil Tanks 1, 3, 5, 6 and 7 are currently not in service; with the exception of a solidified fuel oil heel in each tank. Fuel Oil Tanks 2 and 4 currently store heated No. 6 fuel oil as backup fuel to the boilers in the five steam power generation units.

Three horizontal ASTs, each with a capacity of 20,000 gallons (476 barrels), are used to store diesel fuel for the gas turbine facility. The cutter oil AST, with a capacity of 336,000 gallons (8,000 barrels), stores No. 2 diesel oil to displace the residual fuel oil in the pipelines and as secondary fuel for the gas turbine facility (FDGTI, 1998b). All ASTs are surrounded by secondary containment berms. Additional tank details are included in Section 5.3.4 of this report.

A marine fuel oil offloading terminal is located approximately 3,500 feet off-shore from the Subject Property in the Pacific Ocean (FDGTI, 1998a). The terminal consists of a single seven-point mooring, a 225-foot flexible hose and a 20-inch submerged pipeline. The No. 6 fuel oil is delivered from the tankers through the submerged pipeline to the seven ASTs located in the West Tank Farm and East Tank Farm. The fuel oil is then transferred from the tanks farms to the power plant using two aboveground fuel lines. These fuel lines were originally installed underground, but were replaced by aboveground pipelines in 1978 (FDGTI, 1998a).

Wastewater Treatment Plant

The wastewater treatment plant (WWTP) is used to treat wastewater generated at the Encina Power Station. The WWTP is conditionally authorized and permitted under the Department of Toxic Substances Control (DTSC) tiered permitting program. Cabrillo I LLC provides financial assurance to DTSC on an annual basis under the program.

The wastewater treatment system is divided into two areas: the wastewater holding tank area located to the south of the Agua Hedionda Lagoon and the WWTP located to the east of the gas turbine ASTs. The “holding tank” area occupies approximately 1 acre and is used to store wastewater before and after treatment. The WWTP area contains the wastewater treatment equipment. Both areas have secondary containment (FDGTI, 1998a).

2.4 Description of Structures, Roads, and Other Site Improvements

The Subject Property is bound by Carlsbad Boulevard to the west, Interstate 5 to the east, Agua Hedionda Lagoon to the north, and Cannon Road to the south. The Atchison, Topeka, and Santa Fe Railway divides the Subject Property in a north to south direction.

2.5 Current Uses of the Adjoining Properties

During the site reconnaissance conducted by CH2M HILL on August 20, 2007, the following land use was observed on the adjoining properties (see Table 2-1).

TABLE 2-1
SUMMARY OF LAND USE AT ADJOINING PROPERTIES

Direction From Site	Occupant	Use
North	Private Residences; California Waters Sports; Hubbs-Sea World Research Institute Marine Fish Hatchery	Residential and commercial
East	Private Residences, Vacant Land, Interstate 5, and Agricultural Farms	Residential, ecological reserve, and agricultural
South	SDG&E, Cannon Road and Private Residences	SDG&E Operation and Maintenance Facility
West	Public Right-of-Way, Pacific Ocean, and Carlsbad Boulevard	Transportation Corridor (Carlsbad Boulevard)

The area adjacent to the Subject Property includes residential areas to the north and a recreational facility where jet skis and other watercraft can be rented. To the east of inner Agua Hedionda Lagoon are residential areas and an ecological reserve. To the east of Tank Numbers 4, 5, and 6 is Interstate 5. On the eastern side of Interstate 5, there is agricultural land owned by SDG&E. A park and industrialized areas are located to the south and are owned by SDG&E.



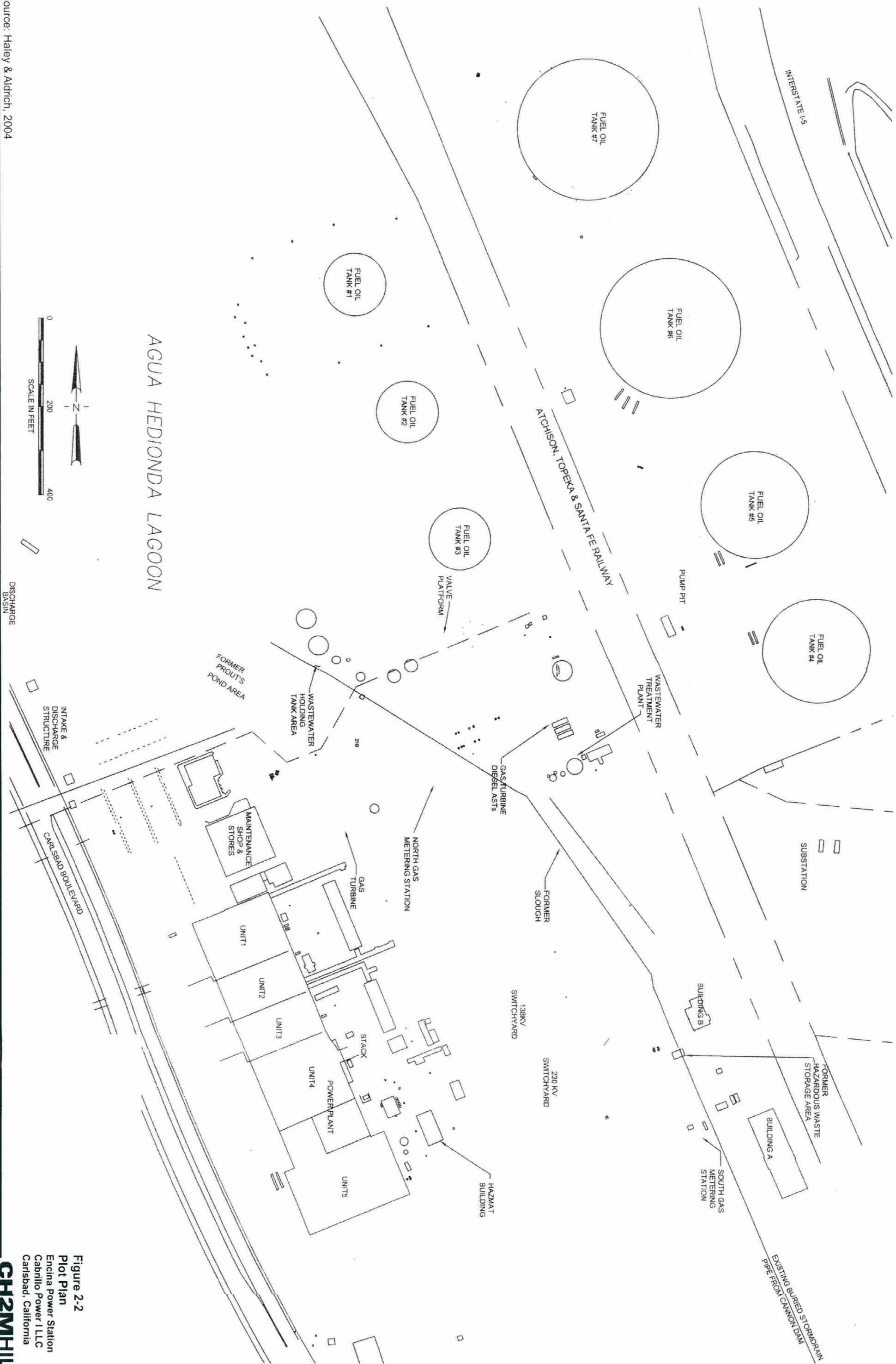
0 1000

Scale in Feet

Legend:

206-07-17 = Subject
Property
Assessor
Parcel
Numbers

Figure 2-1
Site Map
Encina Power Station
Cabrillo Power I LLC
Carlsbad, California



AGUA HEDIONDA LAGOON

Figure 2-2

Plot Plan

Encina Power Station
Cabrillo Power I LLC
Carlsbad, California

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3. User Provided Information

3.1 Environmental Liens or Activity and Use Limitations

An environment lien search for the Subject Property was performed by EDR on August 17, 2007. No environmental liens or Activity and Use Limitations were found for the Subject Property. However, the Subject Property was identified as having an Activity Use Limitation (AUL) for two parcels: 210-01-26 and 211-01-30 within the Subject Property. The AUL applied to this portion of the Subject Property is described below:

"Conservation Deed Restriction. No development, as defined in Section 30106 of the Coastal Act shall occur on the delineated wetland, riparian, upland native habitat areas and steep slopes as described and generally depicted in Exhibit # 5. Maintenance of overhead and underground utility areas may occur within the restricted areas. However, prior to performing any maintenance, the permittee shall contact the Executive Director to determine whether a permit for the maintenance work is required."

"Lagoon Conservation Deed Restriction. No development, as defined in Section 30106 of the Coastal Act shall occur within Agua Hedionda Lagoon (proposed Log 9 [All Water Lot] and the water portions of proposed Lots 1, 3 and d10 as depicted in Exhibit #3 except for the following development, if approved as an amendment to this coastal development permit or through a separate coastal development permit; dredging associated with operation of the power plant; caulerpa taxifolia eradication efforts; recreational activities in the lagoon including boating, swimming, and fishing; maintenance of equipment with the lagoon associated with the Hubbs Sea World Fish Hatchery; maintenance of the aqua culture facility in the outer lagoon; maintenance of the YMCA Aquatic Park in the middle lagoon; and other very minor incidental public facilities, restorative measures, or nature study."

A copy of the environmental lien search is provided in Appendix A.

3.2 Specialized Knowledge

No specialized knowledge pertaining to the Subject Property was identified.

3.3 Commonly Known or Reasonably Ascertainable Information

Records provided by Cabrillo Power I LLC were reviewed to obtain information on the Subject Property. The following is a summary of the information provided.

Construction of the Encina Power Station began in 1952 with operation of three power generation units beginning in 1954. Units 4 and 5 were commissioned in 1972 and 1978, respectively (FDGTI, 1998b). Initially, the power plant used three ASTs in the West Tank Farm for fuel oil storage. Four additional ASTs were constructed between 1971 and 1977 in the area currently known as the East Tank Farm (FDGTI, 1998b). Natural gas has been the primary fuel used at the Subject Property since 1984.

Numerous previous environmental site assessments and environmental investigations have been conducted at the Subject Property. A summary of these investigations is provided below.

Wastewater Treatment Area

A pond located northeast of the administration building, known as Prout's Pond, was used to manage wastewater at the Subject Property from 1954 to 1978 (FDGTI, 1998a). A release of 10,000 gallons of Bunker C oil reportedly occurred in this area during the 1950s. Impacted soil was removed to 5 feet below mean sea level (msl) in 1978 (URS, 1999a). In 1978, six second-generation lined wastewater impoundments were installed to manage wastewater at the site. Four of the six new impoundments were installed in the existing Prout's Pond while the other two were constructed east of the switchyard, across the open ditch.

In 1987, the Subject Property received a Cease and Desist Order from the Regional Water Quality Control Board (RWQCB), San Diego Region for the Class I Surface Impoundments. A remedial investigation was conducted in this area in 1988. In 1991, the six second-generation impoundments were replaced with six wastewater ASTs southwest of Fuel Oil Tank #3 in accordance with the Cease and Desist Order. The impoundments were investigated under the oversight of the RWQCB from approximately 1986 to 1992. Contaminated waste residues, pipelines, and soils impacted above the RWQCB approved cleanup level of 1,000 milligrams per kilogram (mg/kg) for total petroleum hydrocarbons (TPH) were removed (FDGTI, 1998a). Excerpts from this investigation report are included in Appendix B. Background soil sampling in this area was conducted in 1991. Based on sample results, no further action (NFA) was recommended for this area in 1992. The RWQCB rescinded the Cease and Desist Order in December 1992 and DTSC concurred with the NFA in February 1993 (DTSC, 1993).

During the cleanup of Prout's Pond, contaminated soil and oil were reportedly placed in a former rail cut gully located to the north of Fuel Oil Tank No. 1. In 1995, approximately 2,000 cubic yards of soil were excavated from this area, of which, 1,600 cubic yards were transported offsite for thermal desorption and recycling. The remaining 400 cubic yards of excavated soil reportedly contained no visible oil contamination and were stockpiled and

sampled. Based on the sample results (the average Total Extractable Hydrocarbons [TEH] concentration was 908 mg/kg), the stockpiled soil was used as backfill in the excavation. Residual concentrations of TEH were also left in place at the northern and southern ends of the excavation due to stability concerns. A site assessment performed in 1995 requested NFA for this area (URS, 1999a). Excerpts from this report are included in Appendix B. In a letter dated October 28, 1996, the San Diego Department of Environmental Health (DEH) concurred with NFA for this area of the Subject Property (URS, 1999a).

Solid Waste Management Units

The WWTP is conditionally authorized and is permitted under DTSC’s tiered permitting program. Cabrillo I LLC provides financial assurance to DTSC on an annual basis under the program. The following Solid Waste Management Units (SWMUs) were identified during the Tiered Permitting Phase I Environmental Assessment Checklist conducted for the Subject Property (FDGTI, 1998a).

TABLE 3-1
Solid Waste Management Units

SWMU Name	Material Managed	Volume Managed	Purpose of SWMU	Status of SWMU
Asbestos waste storage	Asbestos	Variable	Storage	Open ^{1,2}
Waste oil storage	Waste oil	1,300 gallons/month	Storage	Closed ^{1,2}
Fuel additive temporary storage (dredge shop)	Fuel additives	2 x 55 gallon drums	Storage	Open ^{1,2}
Hazardous waste storage area	Motor oil, transformer oil, waste vehicle fluids	1,000 gallons waste oil, 110 gallons waste fluids	Storage	Open ¹ , permitted

Notes:
¹ no sampling conducted
² SWMU not permitted

Site-Wide Investigations

In 1998, a site-wide Phase I and Phase II Environmental Site Assessment was conducted at the Subject Property. The Phase I ESA identified 37 known releases and divided the Subject Property into the following six investigation areas:

- Area 1: Tank Farms and Impoundment Basins, including Fuel Tank Laydown Area
- Area 2: Process Treatment Area and Open Ditch
- Area 3: Administration Area and Discharge Basin
- Area 4: Operation Warehousing and Construction Yard, including Hazardous Waste Storage Area

Area 5: Power Plant AreaArea 6: Surface Water Bodies

Based on the type of operations performed and chemicals of interest that could potentially occur in each area, the Phase I ESA identified 25 potential environmental conditions at the Subject Property. Investigation Area 6, surface waters (i.e., the Pacific Ocean and Agua Hedionda Lagoon), was not included as part of the 1998 Phase II ESA investigation.

The Phase II ESA investigation included advancing 140 borings (52 hand-auger soil borings and 88 soil borings) and 15 temporary groundwater-monitoring wells and installing one permanent monitoring well at the Subject Property (FDGTI, 1998). In total, 348 soil samples, 13 groundwater samples, and four sediment samples were collected during this Phase II investigation. Samples were analyzed for TEH, volatile organic compounds (VOCs)/benzene, toluene, ethylbenzene, and xylene (BTEX), polycyclic aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), metals, and asbestos; not all samples were analyzed for all analyses.

Two VOCs (isopropylbenzene and methylene chloride), two PAHs (benzo(a)pyrene and dibenz(a,h)anthracene), and one metal (arsenic) were detected in soil samples at concentrations exceeding their respective screening criteria; and therefore, were identified as chemicals of potential concern (CPOC). One metal, nickel, was detected in groundwater at a concentration exceeding its background concentration and was also identified as a CPOC. A Baseline Health Risk Assessment (BHRA) was conducted as part of the Phase II investigation. Based on the sample results above, the BHRA concluded that the contaminant concentrations detected at the Subject Property do not present an unacceptable risk to human health or the environment for continued industrial use of the site. Therefore, no chemicals of concern warrant risk-based remediation (FDGTI, 1998).

However, concentrations of TEH detected in soil samples in three of the five areas (Areas 1, 2 and 4) at the Subject Property exceeded the screening criteria of 1,000 mg/kg. Therefore, the following five RECs were identified in the 1998 Phase II ESA:

- Fuel Oil Tank # 7 (within Area 1)
- Fuel Oil Tank #1 (within Area 1)
- Area associated with Fuel Pipelines east of the Wastewater ASTs (within Area 2)
- Former Prout's Pond (within Area 2)
- Former Diesel Underground Storage Tank (UST) Pit (within Area 4)

Based on sample results, the 1998 Phase II ESA concluded that the potential environmental conditions initially identified for Area 3 (administration area and discharge basin) do not

require further investigation. Investigation Area 5, the power plant facility, was not investigated during the Phase II ESA because samples could not be collected beneath existing structures. Areas such as tanks, piping, the power plant, and buildings remain as potential environmental conditions that should be addressed when the plant is decommissioned.

In 1999, two supplemental investigations were performed to confirm the existing data for the Subject Property, to obtain additional data to supplement current baseline levels of contamination present at the time of property transfer, and to conduct additional sampling for areas where sampling was not previously conducted (i.e., SDG&E Operations and Maintenance [O&M] Yard, SDG&E Cannon Substation/Plant Construction Area, Agua Hedionda Lagoon, beneath the switchyards and aboveground pipelines, and transformers located throughout the Subject Property). The sample results exceeding applicable screening criteria for each area sampled during this investigation are provided below:

- *Area 1 (Tank Farm):* TEH exceeded 1,000 mg/kg in one soil sample. One metal, antimony, exceeded the background levels for California soils in two soil samples near the cutter oil tank. Three metals (cadmium, silver, and lead) were detected in groundwater samples collected in the Tank Farm and Fuel Tank Laydown Areas at concentrations exceeding their respective maximum contaminant levels (MCLs). Lead and silver were also detected in the Equipment Blank sample.
- *Area 2 (Process Treatment Area and Open Ditch):* Two metals, antimony and silver, exceeded the background levels for California soils in one sediment sample near the open ditch. Three metals (arsenic, cadmium, and lead) were detected in groundwater samples collected in the areas of the subsurface pipe spill, Prout's Pond, or east of the Administration Building at concentrations exceeding their respective MCLs. Lead was also detected in the Equipment Blank sample.
- *Area 3 (Administration Area and Discharge Basin):* Two VOCs (1,1-dichloroethene and vinyl chloride) were detected in groundwater samples collected from MW-3 (east of the Administration Building) at concentrations exceeding their respective MCLs. The possible source of VOCs and semi-volatile organic compounds (SVOCs) detected in MW-3 is unknown. One metal, cadmium, was detected in one groundwater samples collected from MW-3 at a concentration exceeding the MCL.
- *Area 4 (Operation Warehousing and Construction Yard):* To assess the former diesel UST area, soil samples were collected from seven borings. TEH was detected in one sample at a concentration (21,000 mg/kg) at 20.5 feet below ground surface (bgs), which exceeds the soil screening criteria of 1,000 mg/kg. Antimony exceeded the background

levels for California soils in one soil sample near the former diesel UST and in two soil samples collected in the waste oil area. Eight metals (arsenic, beryllium, cadmium, chromium, lead, mercury, nickel, and silver) were detected in groundwater samples at concentrations exceeding their respective MCLs in the areas of the solvent UST, sumps, former diesel UST, near Building A, or near the former Hazardous Waste Storage Area. Lead and silver were also detected in the Equipment Blank samples.

- *Area 5 (Power Plant Area):* Seven metals (beryllium, cadmium, chromium, lead, nickel, thallium, and silver) were detected in groundwater samples collected in the power block sumps or dewatering sumps at concentrations exceeding their respective MCLs. Lead and silver were also detected in the Equipment Blank samples.
- *SDG&E Cannon Substation:* The SDG&E Cannon Substation and Plant Construction Area are located on adjacent property to the southeast of the Subject Property. According to the 1998 Phase I ESA, two releases occurred at the SDG&E Cannon Substation. Dates of the releases are unknown and release volumes were reported to have ranged from 5 to 10 gallons of dielectric oil. It is unknown whether the oil contained PCBs (URS, 1999b). The Plant Construction Area was used for storage of equipment and maintenance activities. Soil and groundwater samples were collected in this area and analyzed for TEH, VOCs, SVOCs, PCBs and metals. TEH exceeded 1,000 mg/kg in one surface soil sample. One PCB, Aroclor 1260, was detected in one surface soil sample at the SDG&E Cannon Substation at concentrations exceeding industrial preliminary remediation goals (PRGs). Three metals (beryllium, cadmium, and lead) were detected in groundwater samples at concentrations exceeding their respective MCLs.
- *SDG&E O&M Yard:* The SDG&E O&M Yard is located on adjacent property to the south of the Subject Property. It is considered a potential source of contamination based on the 12,000-gallon gasoline UST, 10,000-gallon diesel UST, 1,000-gallon waste oil UST, a former waste oil sump, one 3,250-gallon rinsate sump used for vehicle cleaning, hazardous waste storage, surface water runoff area on the east side of the yard, and the north-south trending drainage ditch that borders the east side of the SDG&E O&M Yard (URS, 1999b). Soil and groundwater samples were collected to assess soil and groundwater conditions in this area. Two VOCs (1,1-dichloroethene and tetrachloroethene) were detected in groundwater samples near the hazardous waste storage area and gasoline and diesel UST area at concentrations exceeding their respective MCLs. Three metals (beryllium, cadmium, and lead) were detected in two groundwater samples collected in the SDG&E O&M Yard above their respective MCLs.

- *Switchyard:* Soil and groundwater sampling were not conducted in the Switchyard during the 1999 investigation based on the information provided confirming the current absence of PCB containing equipment in the switchyards.
- *Transformers:* There are 57 transformers of various ages located throughout the Subject Property. According to the 1998 Phase I ESA, all equipment has been converted to non-PCB bearing, mineral oil-based, dielectric fluids. Prior to this conversion, most of the transformers reportedly contained PCBs at concentrations exceeding 60 percent (FDGTI, 1998a). In 1996, 16 wipe samples and 19 soils samples were collected to assess stains and soil discoloration adjacent to oil-containing transformers and circuit breakers. PCBs were detected in ten soil samples at concentrations ranging from 0.03 mg/kg to 1.2 mg/kg. During the 1999 investigation, 11 shallow soil samples were collected to assess the potential impacts from PCBs to soil in the areas of SDG&E Cannon Substation, the SDG&E O&M Yard, the runoff ditch, and transformers located in the East Tank Farm. One PCB, Aroclor 1260, was detected in one surface soil sample at the SDG&E Cannon Substation at concentrations exceeding industrial PRGs.
- *Agua Hedionda Lagoon and Runoff Ditch:* The lagoon consists of the inner lagoon (east of Interstate 5), the middle lagoon (railroad tracks to Interstate 5), and the outer lagoon (railroad tracks to ocean). Sediment sampling was conducted at 15 identified discharge points around the perimeter of the inner lagoon, six discharge points around the perimeter of the middle lagoon, and five discharge points around the perimeter of the outer lagoon. Surface water sampling was also conducted at three locations within the inner lagoon, and three sediment samples were collected from the southern portion of the open ditch area that runs along the eastern portion of Area 4. One SVOC, benzo[b,k]fluoranthene, exceeded the industrial PRG for soils in the runoff ditch sediment sample. Five metals (arsenic, cadmium, copper, lead, and silver), PCBs, and six SVOCs (benzo[a]anthracene, benzo[a]pyrene, chrysene, fluoranthene, phenanthrene, and pyrene) were detected at concentrations exceeding the sediment threshold effects level in one or more sediment samples. Several metals (antimony, arsenic, beryllium, chromium, lead, nickel, and silver) were also detected in the lagoon samples at concentrations exceeding their respective MCLs. Total Dissolved Solids (TDS) levels measured during this investigation ranged from 3,570 milligrams per liter (mg/L) to 50,700 mg/L.

On July 2, 2002, a truck transporting transformers crashed and emptied its cargo into the SDG&E parking lot located adjacent to the Subject Property releasing approximately 70 gallons of transformer oil (non-PCB mineral oil). Approximately 20 gallons was estimated to have reached the storm water conveyance system from Cannon Road to Agua Hedionda Lagoon. The spill was cleaned up by contractors; however, oil sheen was observed on the

lagoon surface on July 4. Oil absorbent booms and pad stations were used to contain the oil. The conveyance system was flushed, and the lagoon was continuously monitored until no sheen was present.

On July 8, 2002, an anchor scow used to move the dredge equipment to the dock had a hole in the hull below the water line. One gallon of hydraulic fluid was released into the water. Absorbent booms were placed around the scow to contain the release. At high tide, oil sheen was observed on the south end of the outer lagoon inside the containment area, near the dredge dock. The hole in the scow was sealed, water pumped out, and moved to the dock. A crane removed the scow from the lagoon the following day. Sheen was removed with absorbent pads. The incident was reported to the National Response Center (NRC), Office of Emergency Services (OES), Department of Fish and Game, and RWQCB.

Several small (< 100 gallons) releases of oil occurred within areas with secondary containment in the Tank Farm between March 15, 2000, and February 24, 2006. Any contaminated soil was cleaned up and properly disposed, equipment area was swabbed, and notifications made to the appropriate agencies. The oil did not reach navigable waters or adjoining shorelines. Therefore, no ongoing sampling was performed, and no regulatory action was required. The complete list of known releases is provided in Appendix B.

Former UST Area

In 2001, four soil borings and two monitoring wells were installed in the location of the former 10,000-gallon steel UST. TEH was detected at concentrations ranging from 23.1 mg/kg to 467 mg/kg in three of the 18 soil samples collected, which are below the screening criteria of 1,000 mg/kg for TEH. TEH was not detected in the two groundwater samples collected. The investigation concluded that the source of residual impacts from the former UST had been removed (Haley & Aldrich, 2004b). In a letter dated March 18, 2005, the County of San Diego DEH, concurred that the cleanup goals established for the Subject Property have been met for this area (County of San Diego, 2005).

Waste solvents from electric motor cleaning were stored in an UST north of the Hazardous Materials Building. The UST was installed in 1986 and removed in 1995 (FDGTI, 1998a). No records of any releases from this UST were identified during the records review.

Site-Wide Remediation

Additional remediation activities were conducted from October through December 2003 in the following areas based on the previous investigations:

- Unpaved area west of Fuel Oil Tank No. 3 which serves as a stormwater detention basin
- Unpaved area near the valve platform

- Paved area east of the former Prout's Pond and south of the Agua Hedionda Lagoon
- Unpaved area north of Fuel Oil Tank No. 1
- Paved area southeast of Fuel Oil Tank No. 7
- Unpaved area northwest of Fuel Oil Tank No. 7
- Unpaved area beneath a valve for the cutter oil tank
- Former diesel UST area

Approximately 4,426 cubic yards of petroleum hydrocarbon-impacted soil were excavated and transferred offsite for treatment and disposal (Haley & Aldrich, 2004b). Excavated areas are shown on Figure 8-1 of this report. A total of 192 confirmation soil samples were collected from the excavations, potholes, and exploratory borings around the excavation and analyzed for TEH. Based on the confirmation sample results, no free product or soil with the potential for generating free product was encountered. Therefore, the remediation goals were achieved for these areas, and no further action was recommended for these areas of the Subject Property (Haley & Aldrich, 2004b). In a letter dated March 18, 2005, the County of San Diego DEH, concurred that the cleanup goals established for the Subject Property have been met for these areas (County of San Diego, 2005). A copy of this letter is included in Appendix D.

3.4 Valuation Reduction for Environmental Issues

The property is not being transferred to a new owner. Therefore, a valuation reduction for the Subject Property is not applicable.

3.5 Owner and Tenant Information

The Subject Property is currently owned by Cabrillo Power I LLC, which also occupies the property.

3.6 Reason for Performing Phase I

The purpose of this Phase I ESA was to identify existing or potential RECs (as defined by ASTM Standard E 1527-05) in connection with the Subject Property.

4. Records Review

The purpose of records review is to obtain and review records that help identify RECs and historical RECs associated with the Subject Property. Records were reviewed to obtain existing environmental information and the history of previous uses of the Subject Property. The following subsections summarize the results of the record reviews that were performed.

4.1 Standard Environmental Record Sources

CH2M HILL utilized an electronic database (database summary generated on August 10, 2007, and provided in Appendix C) to perform a records search of reasonably ascertainable environmental databases efficiently, including the standard state and federal sources, in accordance with ASTM standard practice. A standard records search was conducted for the Subject Property using a maximum 2-mile search, as measured from the center of the property. The ASTM record sources and the resulting number of sites found are provided in Table 4-1. EDR provided the environmental database review summary.

TABLE 4-1
ENVIRONMENTAL DATABASE REPORT RESULTS

Record Source	Subject Property Listing	Number of Sites Identified
Federal Records		
NPL (National Priority List)		0
Delisted NPL list		0
CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Information System) list		0
CERCLIS/NFRAP (No Further Remedial Action Planned). Sites currently or formerly under review by EPA	No	2
RCRA CORRACTS facilities list	No	1
RCRA non-CORRACTS TSD facilities list	No	1
RCRA generators list (small and large quantity generators)	Yes	54
ERNS - (Emergency Response Notification System) Notification of spills	Yes	9
State Records		
State Landfill or Solid Waste Disposal Site		0
State LUST lists	Yes	62
State registered storage tank lists (HIST UST and UST)	No	45
State Voluntary Cleanup sites		0
State Brownfield sites		0
Local Records		

TABLE 4-1
ENVIRONMENTAL DATABASE REPORT RESULTS

Record Source	Subject Property Listing	Number of Sites Identified
San Diego County HMMD	Yes	163
San Diego Co. SAM	Yes	41
Tribal Records		
Indian Reservations		0
Indian LUST		0
Indian UST		0
Total Sites of Environmental Significance		378

For the above-referenced record sources, the database report identified 378 known sites of significance within the 2-mile search distance. Of these, four sites were given further analysis (shown in Table 4-2). The remaining sites identified during the database review were determined to have a low potential to impact the Subject Property based on the following criteria: (1) no reported impacts to groundwater, (2) closure approval received from the lead regulatory agency, (3) relative distance from the Subject Property, or (4) were identified as being downgradient with respect to the local groundwater flow direction relative to the Subject Property.

TABLE 4-2
LIST OF ENVIRONMENTALLY SIGNIFICANT SITES

Environmentally Significant Site	Distance / Location of Site	Media Impacted	Source of Impact	Potential to Impact Subject Property
Encina Power Station	Subject Property	Soil, groundwater	Primarily fuel oil releases	Subject Property
Ban's Cleaners	1/2 – 1 Mile	Soil, soil vapor	VOCs typically associated with dry cleaning operations (tetrachloroethylene and trichloroethylene)	Low
Burroughs Corporation (Unisys)	1/2 – 1 Mile	Soil, groundwater	An unauthorized release of chlorinated VOCs discovered in 1986 possibly associated with Solid Waste Management Units.	Low
Chevron		Soil, groundwater	Fuel tanks from gas station	Low

4.2 Additional Environmental Record Sources

In addition to the environmental database review, records from other local, county, and state agencies were reviewed to obtain information on the Subject Property and adjoining properties.

CH2M HILL contacted various local and state agencies in August 2007 for file information associated with the Subject Property and adjoining properties. The agencies contacted and relevant results of the file reviews are described in Table 4-3. Copies of the letters sent to the various agencies requesting file information and information obtained are provided in Appendix D.

TABLE 4-3
REGULATORY AGENCY FILE REVIEW SUMMARY

Agency	Information Reviewed	Summary of Findings
County of San Diego - Department of Environmental Health	Information on the Subject Property and properties in the vicinity	<u>Encina Power Station</u> : 2005 Closure letter for Subject Property based on Remedial Actions Performed in 2003. <u>Chevron (970 Tamarack)</u> : TPH and VOCs (including MTBE) are present in soil and groundwater at this site. Impacts to soil have been defined. Groundwater contamination has migrated offsite to the southwest and has not been fully addressed. <u>Ban's Cleaners</u> : No violations noted during routine inspections.
Fire Department (City of Carlsbad)	Inspection records	Inspection records indicate no violations for the Subject Property or properties in the vicinity.
Department of Toxic Substances Control (San Diego and Cypress offices)	Information on the Subject Property and properties in the vicinity	<u>Unisys Corporation (Burroughs Corporation)</u> : A Cleanup and Abatement Order (CAO No. 87-17) was issued in 1986 in response to the discovery of an unauthorized release of chlorinated volatile organic compounds during a subsurface investigation. In 1996, DTSC referred this case to the RWQCB. In 1997, RWQCB determined that low levels of residual VOCs remaining in soil and groundwater at the site had been adequately remediated, and rescinded the CAO (Appendix D).
Regional Water Quality Control Board, Region 9 (San Diego office)	Information on the Subject Property and properties in the vicinity	<u>Ban's Cleaners</u> : An investigation conducted at an adjacent property identified VOCs typically associated with dry cleaning operations (tetrachloroethylene and trichloroethylene) are present in the soil vapor at concentrations exceeding the shallow soil gas human health screening levels for residential and industrial land use.
San Diego Air Quality Management District	Information on the Subject Property	No files regarding impacts to soil, surface waters, or groundwater.

4.3 Physical Setting Sources

4.3.1 Topography

The Subject Property is located in an area that is characterized by coastal terraces. The elevation of the Subject Property varies from sea level to approximately 60 feet above msl (Haley & Aldrich, 2004b). The general topographic gradient of the Subject Property is west-northwest (EDR, 2007).

4.3.2 Surface Water Bodies

The Subject Property is located within the Carlsbad Hydrologic Unit (CHU). The CHU is comprised of six watersheds (Loma Alta, Buena Vista, Agua Hedionda, Encinas, San Marcos, and Escondido) and four coastal lagoons (Buena Vista, Agua Hedionda, Batiquitos, and San Elijo) (RBF Consulting, 2006).

The Agua Hedionda Lagoon is located within the Subject Property, and the Pacific Ocean is located directly adjacent to the west. The Agua Hedionda Lagoon has a total watershed drainage area of approximately 29 square miles in the cities of Carlsbad, Vista, and Oceanside, and in unincorporated San Diego County (RBF Consulting, 2006). Agua Hedionda Creek is the primary stream into the watershed, which begins on the southwestern slopes of the San Marcos Mountains in north San Diego County, and flows generally southwestward to the Agua Hedionda Lagoon and the Pacific Ocean. The beneficial uses of Agua Hedionda Creek include municipal and domestic supply, agriculture, industrial services, contact and non-contact water recreation, and wildlife and warm freshwater habitat.

An artificial discharge pond was created in the southwest corner of the outer lagoon during construction of the Encina Power Station in 1954. The power plant discharges cooling water into the pond and then into the Pacific Ocean via a channel extending under Carlsbad Boulevard. The discharge pond is not connected to the lagoon.

Based on observations made during the site reconnaissance of the Subject Property on August 21, 2007, surface flow across the Subject Property is variable. A map showing surface flow at the Subject Property is included in Appendix G. The Subject Property is located within the 500-year flood zone (FEMA, 1997).

4.3.3 Geology

The Subject Property is located in the Pacific Coastal Plain of the Peninsular Range Geologic Province of California, which is characterized by bedrock consisting of Cretaceous age granitic rocks of the Peninsular Ranges Batholith, older metamorphic rocks associated with the intrusion of the Batholith, and sedimentary materials. The sedimentary rocks that

comprise the coastal region range from terrestrial conglomerates to marine sand and bay mud.

The Subject Property is located directly east of the Carlsbad State Beach. The geology in this area consists of recent sediments, which include sand, silt and clay underlain by Eocene and Pleistocene clay, and silt and sand from marine and lagoon sediments. The area along what is now a ditch and culvert system in the former slough area has been overlain by up to 40 feet of fill. The fill extends across the site to the south from Agua Hedionda Lagoon to the former location of the diesel UST. Recent lagoonal deposits are present below the fill material in the former slough area and inter-fingered green claystone and sandstone are also present. The West Tank Farm area and parking area to the north of the plant also contain fill material (Haley & Aldrich, 2004b).

The terrace deposits encountered at the Subject Property have been characterized as yellowish to reddish brown to light gray and olive, weakly to moderately cemented, silty to poorly graded medium to fine sands (Haley & Aldrich, 2004b). The Santiago Formation encountered at the site has been characterized as predominately light gray and light brown with shades of yellow and olive, interbedded, weakly to moderately cemented sandstone and siltstone.

4.3.4 Hydrogeology

The groundwater beneath the Subject Property is located with the CHU. The groundwater beneath the Encina Power Station portion of the Subject Property has been designated as having non-beneficial groundwater use; however, the Agua Hedionda Lagoon has been designated as having beneficial uses (Haley & Aldrich, 2004b).

Groundwater levels fluctuate with seasonal and tidal influences. Historical groundwater levels in monitoring wells on the Subject Property have ranged from 14 feet below to 10 feet above msl (FDGTI, 1998a). The groundwater beneath the Encina Power Station is generally brackish and flows northwest toward the Agua Hedionda Lagoon and the Pacific Ocean.

4.4 Historical Use Information

This section describes historical use information for the Subject Property and adjoining properties.

4.4.1 Historical Summary

Historical use information, including historical aerial photographs and historical topographic maps, was obtained from EDR and is summarized in Tables 4-4 and 4-5.

4.4.2 Title Records

No Chain-of-Title report was obtained for the Subject Property for this Phase I ESA. Based on the available historical use information, such as historical aerial photographs, historical topographical maps, and existing site documents, land use for the Subject Property is documented per ASTM 15270-05 standards. Prior to this, the Subject Property was undeveloped and/or used for agriculture (FDGTI, 1998).

According to a Phase I ESA conducted in 1998, the first land tenure over the site was in 1842 for Rancho Agua Hedionda (FDGTI, 1998). Based on a title search performed in 1998, this property was later subdivided, and several parcels were purchased by SDG&E between 1948 and 1952 (FDGTI, 1998). A copy of the 1998 Title Report is provided in Appendix B. A summary of these acquisitions is provided in Table 4-4 below.

TABLE 4-4
SUBJECT PROPERTY ACQUISITION SUMMARY

Assessor Parcel Number	Property Acquisition Date	Prior Owner
210-01-26	June 6, 2003	San Diego Gas and Electric
211-01-30	June 6, 2003	San Diego Gas and Electric
210-01-43	June 6, 2003	San Diego Gas and Electric
206-07-17	May 20, 1999	San Diego Gas and Electric
210-01-41	May 20, 1999	San Diego Gas and Electric

The current owner of the Subject Property is Cabrillo Power I LLC. A copy of the parcel maps for the five parcels is provided in Appendix A.

4.4.3 City Directories

A city directory report was conducted by EDR for the Subject Property on August 9, 2007. The purpose of the city directory search is to identify current and historical occupants and uses of the Subject Property and surrounding addresses. For each address within an area, city directories list the name of each resident or, if a business operates from that address, the name and type of business. This historic overview of occupants of a given property can be a valuable tool for assessing the historic prior use of any residential or commercial property.

The city directory search was conducted from 1921 to 2000 for the address at 4600 Carlsbad Boulevard. Business directories including city, cross-reference, and telephone directories were reviewed, if available, at approximately 5-year intervals.

The city directory search identified SDG&E Encina Power Plant at 4600 Carlsbad Boulevard in 1970. Seafarms West was listed at this address in 1985 and 1991. Metalclad Insulation

Corp. was listed at this address in 1991 and 1995, and Carlsbad Aquafarm Inc. was listed at this address in 1995. No other businesses were listed for this address or for adjoining properties in the EDR report. A copy of the city directory search report is provided in Appendix B.

4.4.4 Aerial Photos

Historical aerial photographs from 1939, 1947, 1953, 1963, 1974, 1989, 1994, and 2002 were reviewed to assess historic land uses and identify the potential evidence of hazardous substance releases. These photographs were obtained from EDR and are provided in Appendix B. The results of the aerial photograph review are summarized in Table 4-5.

TABLE 4-5
HISTORICAL AERIAL PHOTOGRAPHS REVIEW SUMMARY

Map Date	Findings
1939	The Subject Property and the surrounding area are undeveloped. Some roadways are shown. Carlsbad Boulevard is visible along the oceanfront and the AT&SF Railway is visible transecting the Subject Property from north to south.
1947	The southwest portion of the Agua Hedionda Lagoon appears to extend across the Subject Property to the south. The southwestern portion of the Subject Property appears to be developed, and the location of the present East Tank Farm appears to have been used for agricultural purposes. The adjacent properties to the south are undeveloped or used for agricultural, except to the southwest, which is developed. Buildings, roads, and farms are visible to the north of the Subject Property.
1953	The Subject Property appears to have been graded, but is mostly white. The adjacent properties appear to be agricultural to the south and east and residential to the northwest and undeveloped to the northeast.
1963	There are some buildings and three large ASTs visible on the Subject Property. No significant changes are visible in the surrounding areas, except Interstate 5. The Agua Hedionda Lagoon opening to the west has been enlarged in the middle.
1974	The Subject Property is developed. The power station, switchyard, and six ASTs are located on the Subject Property. There are no significant changes in the adjacent properties to the south and east of the Subject Property, but more buildings and roads appear to be adjacent to the north of Agua Hedionda Lagoon.
1989	There is more development in the vicinity of the Subject Property. Seven ASTs are now located on the Subject Property.
1994	Several additional developments are visible in the vicinity of the Subject Property.
2002	No significant changes are visible at the Subject Property. Some additional development in adjacent properties.

4.4.5 Historic Maps

In addition to the historical aerial photographs, historical topographic maps dated 1901, 1904, 1947, 1949, 1968, 1975, and 1997 were reviewed for the Subject Property. The results of the historical topographical map review are summarized in Table 4-6. Historical maps were obtained from EDR and are provided in Appendix B.

TABLE 4-6
HISTORICAL TOPOGRAPHIC MAPS REVIEW SUMMARY

Map Date	Findings
1901	The Subject Property and adjacent properties are undeveloped. The AT&SF railway is visible crossing the Subject Property from north to south.
1904	The Subject Property and adjacent properties appear undeveloped.
1947	No development is shown on the Subject Property except the AT&SF railway. The southwestern portion of Agua Hedionda Lagoon appears to extend across the Subject Property. Carlsbad Boulevard is visible adjacent to the west of the Subject Property. More roads are shown in the vicinity of the Subject Property, and several buildings are located to the North of the Subject Property.
1949	A military reserve is located on the southwestern portion of the Subject Property and extends onto the adjacent property to the south. No other significant changes are shown. The areas immediately adjacent to the Subject Property appear relatively unchanged from the 1947 topographic map.
1968	The Encina Power Station and three large ASTs are visible on the Subject Property. There are power lines exiting the Subject Property across adjacent properties to the east. Additional residences or buildings are present to the north and east of the Subject Property. The San Diego Freeway (Interstate 5) is developed.
1975	Six large ASTs are located on the Subject Property. The adjacent areas are more developed.
1997	Seven large ASTs are visible on the Subject Property. There is more development in the vicinity of the Subject Property.

4.4.6 Sanborn Maps

No historic Sanborn maps were identified by EDR for the Subject Property. A copy of the Sanborn Map Report is provided in Appendix B.

4.4.7 Oil and Gas Maps

No oil and gas related features were identified on the Subject Property. Three plugged and abandoned holes were identified between 1 to 2 miles northeast of the Subject Property:

- Grober & Associates "Estes" 53-1240
- Dauphin Dev Corp "Irwin Kelly" 39-1201
- Charles F Holmes "Holmes" 49-985

This information was obtained from Map No. W1-7, for San Diego County, California, published by the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (State of California, 2004). A copy of this oil and gas map is provided in Appendix G.

4.4.8 Flood Control Maps

The Subject Property is located within the 500-year flood zone (FEMA, 1997). A copy of this flood control map is provided in Appendix G.

4.4.9 Building Department Records

No building department records were reviewed for the Subject Property.

4.4.10 Other Land Use Records

No other land use records were reviewed for the Subject Property.

4.4.11 Other Historical Use Records

No additional historical use records were reviewed for the Subject Property.

5. Site Reconnaissance

As part of the Phase I ESA, CH2M HILL conducted a site reconnaissance of the Subject Property and adjoining properties on August 20, 2007. Photographs taken during the site reconnaissance are included in Appendix E. The adjoining properties were observed from the public-access roads.

The purpose of the site reconnaissance was to:

- Observe the Subject Property and adjoining properties
- Identify potential recognized environmental conditions that may be present at the Subject Property and adjoining properties
- Assess current land uses of the Subject Property and adjoining properties

The following sub-sections provide a summary of the methodology used, site setting, and site observations.

5.1 Methodology and Limiting Conditions

The site reconnaissance was performed by observing the interior and exterior of the buildings at the Subject Property and areas where hazardous materials and hazardous wastes are stored, used, or generated. All accessible roads on the Subject Property and adjacent to the Subject Property were driven to observe property conditions. Some portions of the Subject Property were inspected by walking due to the limitation of access by roads.

During the site visit, no access was available to the following areas within the Subject Property:

- YMCA Aquatic Park located on the western shoreline of the middle Agua Hedionda Lagoon.
- Aqua Farm Facilities located on the western shoreline of the outer Agua Hedionda Lagoon.
- Encina Wastewater Authority Lift Station located north of Tank No. 7.
- Air Compressor House Building, which is currently being used by the operators of the dredging operations.
- Hubbs – Sea World Research Institute Marine Fish Hatchery

With the exception of the Air Compressor House Building, the above land uses are outside the control of Cabrillo Power I LLC and occur pursuant to land leases with separate business entities. Further, none of these uses occur on property to be utilized or affected by the Carlsbad Energy Center Project.

5.2 General Site Setting

The Encina Power Station is located in the City of Carlsbad and immediately to the south of the Agua Hedionda Lagoon. The Subject Property is bordered by Carlsbad Boulevard on the West, residential and commercial areas to the north of Agua Hedionda Lagoon, residential areas and an ecological reserve to the east, and an industrial area to the south, owned by San Diego Gas and Electric.

5.3 Site Observations

On August 20, 2007, Mr. David Golles of CH2M HILL conducted a site reconnaissance of the Subject Property. Photographs taken during the site reconnaissance are included in Appendix F.

During the site reconnaissance of the Subject Property, any potential RECs associated with the following environmental features were noted and recorded.

The Subject Property consists of the Encina Power Station, ancillary support buildings, tank farm, and Agua Hedionda Lagoon. The Subject Property is bisected by Interstate 5 and the AT&SF Railroad that runs north to south. A fuel oil tank farm was observed to the northeast of the power plant. Two electrical substations, 130kV and 230kV, were observed on the east side of the power plant.

5.3.1 Hazardous Substances

A list of the typical hazardous materials that are stored and used at the Subject Property as identified in the 2007 Hazardous Materials Business Plan is included in Appendix G.

Hazardous wastes that are generated at the power station, machine shop, and paint shop are stored at the Hazardous Material Storage Building. The wastes listed below were generated at the Subject Property in 2006 and are typical of most years (NRG, 2007):

- Paint Debris
- Chloride Lab Waste Liquid (Water, Dissolved Minerals)
- Used Oil

- Oily Debris
- Paint Waste
- Blast Grit
- Skysol Sludge (Hydrocarbons-Limonene)
- Antifreeze and Water
- Battery Acid Debris
- Waste Sodium Hydroxide Solution
- Sandblast Grit
- Paint Washer

5.3.2 Petroleum Products

The petroleum products that are typically stored or used at the Subject Property are listed below:

- Fuel Oil - Burned in boilers to produce steam
- Displacement Oil - Used for fuel oil line purges and cutter stock
- Diesel Fuel Oil - Burned in gas turbine
- Lubricating Oils – Used at various locations inside and outside the plant
- Transformer Oil – Used in transformers and circuit breakers
- Turbine Oil – Used at each unit in the power plant
- Used oils – Generated from processes inside and outside the plant

5.3.3 USTs

No USTs were observed or reported to be present at the Subject Property during the site reconnaissance. However, three historical USTs (one 12,000-gallon gasoline UST, one 10,000-gallon diesel UST, and one 1,000-gallon waste oil UST) were formerly located at the Subject Property as described in Section 3.3.

5.3.4 ASTs

The ASTs located at the Subject Property are listed in Table 5-1.

TABLE 5-1
INVENTORY OF ABOVEGROUND STORAGE TANKS AT THE SUBJECT PROPERTY

Material	Storage Location	Quantity/Capacity
Fuel Oil	East/West Tank Farms	Tank 1-3: 5,502,000 gallons Tank 4-5:10,500,000 gallons Tank 6-7:18,900,000 gallons
Displacement Oil (diesel/fuel oil mix)	West Tank Farm	Cutter Oil Tank: 336,000 gallons
Diesel Fuel Oil	West Tank Farm	Three 20,000-gallon tanks
Liquid Caustic Soda	East of Unit 4 and at WWTP	Unit 4 area: 6,000 gallons WWTP: 4,000 gallons
Liquid Sulfuric Acid	East of Unit 4 and west side of WWTP	Unit 4 area: 6,000 gallons WWTP: 900 gallons
Fuel Oil Additive (Calcium nitrate)	East side of Unit 5	6,000-gallon tank
Used Oils (lube oils, fuel oils)	East of Unit 4, near stack	600-gallon tank
Hydrochloric Acid	Tank at reverse osmosis unit	700 gallons
Low-Volume Wastewater (LVW)	Two surge tanks at LVW WWTP	Two 56,000-gallon tanks
Demineralizer Regenerant & Reverse Osmosis Membrane Cleaning Wastewater	East of Unit 5, adjacent to reverse osmosis unit	43,750-gallon tank
Metal-Cleaning Wastewater (MCW)	Two collection tanks at WWTP	Two 357,000-gallon tanks
Metal-Cleaning Wastewater (MCW)	See Treated Wastewater below	Six treatment tanks from 735 to 121,830 gallons
Treated Wastewater	Two collection tanks at WWTP	Two 95,000-gallon tanks
Sodium Hypochlorite	West side of plant on cooling water deck	Two 5,000-gallon tanks
Ammonium Hydroxide	South Side of plant	Two 10,000-gallon tanks

5.3.5 Equipment Likely to Contain PCBs

Site personnel indicated that all of the transformers on the Subject Property are retrofilled with non-PCB dielectric oil. However, some of the circuit breakers located in the substations were reported to contain PCBs above 50 parts per million (ppm) (Bisson, 2007).

5.3.6 Pits, Ponds, and Lagoons

A wastewater pond, known as Prout’s Pond was located northeast of the administration building. An additional six surface impoundments were located to the north of the substation and were used to manage wastewater at the site. Because these ponds are no longer present,

they were not observed as part of the visual site inspection. Prout's Pond and the six surface impoundments were discussed in Section 3.3.

The outer, middle, and inner portions of Agua Hedionda Lagoon are located to the north of the Tank Farm and Encina Power Station.

5.3.7 Solid Waste Dumping/Landfills

No solid waste dumping or landfills were reported or observed on the Subject Property.

5.3.8 Stained Soil/Stressed Vegetation

No stained soil or stressed vegetation was observed or reported during the site reconnaissance of the Subject Property.

6. Interviews

As part of this Phase I ESA, an interview questionnaire was completed by Mr. Jeff Bisson from NRG Cabrillo Power Operations LLC. A copy of the environmental questionnaire for this interview is provided in Appendix F.

According to Mr. Bisson, the Subject Property was used as a rubber plant in the 1940s and the eastern portion of the Subject Property was used for agriculture prior to development of the Encina Power Station. Also, current and past environmental violations with respect to the Subject Property were noted in the questionnaire. Based on the responses provided in the environmental questionnaire, no other environmentally related concerns were identified for the Subject Property.

As part of this Phase I ESA, no interviews with local government officials were performed.

7. Findings

Based on records review, site reconnaissance, and interviews, the following findings were made in connection with the Subject Property:

- Four sites of environmental significance were identified within the ASTM search distance of 2 miles:
 - Subject Property: Encina Power Station (4600 Carlsbad Boulevard)
 - Burroughs Corporation/Unisys (5600 Avenida Encinas)
 - Chevron (970 Tamarack)
 - Ban's Cleaners (981 Tamarack)

The three sites located offsite were determined to have a low potential to impact the Subject Property based on the relative distance from the Subject Property.

- A Phase I ESA conducted at the Subject Property in 1998 identified 37 known releases and 25 potential environmental conditions based on the type of operations performed and chemicals of interest that could potentially occur at the Subject Property. Further investigation was recommended in the following six investigation areas:

Area 1: Tank Farms and Impoundment Basins, including Fuel Tank Laydown Area

Area 2: Process Treatment Area and Open Ditch

Area 3: Administration Area and Discharge Basin

Area 4: Operation Warehousing and Construction Yard, including Hazardous Waste Storage Area

Area 5: Power Plant Area

Area 6: Surface Water Bodies

- Based on the sample results from the 1998 Phase II ESA, five RECs were identified at the Subject Property: Fuel Oil Tank # 7 (within Area 1), Fuel Oil Tank #1 (within Area 1), Area Associated with Fuel Pipelines East of the Wastewater ASTs (within Area 2), Former Prout's Pond (within Area 2), and Former Diesel UST Pit (within Area 4).
- The power plant (Area 5) and areas such as tanks, piping, and buildings where samples could not be collected beneath existing structures remain as Potential Environmental Conditions that should be addressed when the plant is decommissioned.
- In 1999, a supplemental investigation was conducted. Concentrations of TEH, metals, VOCs, SVOCs, and PCBs were identified at concentrations above standard screening

levels (i.e., industrial PRGs, MCLs, and established background levels) as detailed below. Three of the areas investigated (SDG&E Cannon Substation, SDG&E O&M Yard, and the Runoff Ditch) are located on adjacent property.

Area 1 (Tank Farm)

- TEH exceeded 1,000 mg/kg in one soil sample.
- One metal, antimony, exceeded the background levels for California soils in two soil samples near the cutter oil tank.
- Three metals (cadmium, silver, and lead) were detected in groundwater samples collected in the Tank Farm and Fuel Tank Laydown Areas at concentrations exceeding their respective MCLs.

Former Area 2 (Process Treatment Area and Open Ditch)

- Two metals, antimony and silver, exceeded the background levels for California soils in one sediment sample near the open ditch.
- Three metals (arsenic, cadmium, and lead) were detected in groundwater samples collected in the areas of the subsurface pipe spill, Prout's Pond, and east of the Administration Building at concentrations exceeding their respective MCLs.

Area 3 (Administration Area and Discharge Basin)

- Two VOCs (1,1-dichloroethene and vinyl chloride) and one metal (cadmium) were detected in groundwater samples collected from MW-3 (east of the Administration Building) at concentrations exceeding their respective MCLs.

Area 4 (Operation Warehousing and Construction Yard)

- TEH was detected in one sample at 20.5 feet bgs at a concentration of 21,000 mg/kg which exceeds the soil screening criteria of 1,000 mg/kg.
- Antimony exceeded the background levels for California soils in one soil sample near the former diesel UST and in two soil samples collected in the waste oil area.
- Eight metals (arsenic, beryllium, cadmium, chromium, lead, mercury, nickel, and silver) were detected in groundwater samples at concentrations exceeding their respective MCLs in the areas of the solvent UST, sumps, former diesel UST, near Building A, and near the former Hazardous Waste Storage Area.

Area 5 (Power Plant Area)

- Seven metals (beryllium, cadmium, chromium, lead, nickel, thallium, and silver) were detected in groundwater samples collected in the power block sumps or dewatering sumps at concentrations exceeding their respective MCLs.

SDG&E Cannon Substation (Adjacent Property)

- TEH exceeded 1,000 mg/kg in one surface soil sample.
- One PCB, Aroclor 1260, was detected in one surface soil sample at the SDG&E Cannon Substation at concentrations exceeding industrial PRGs.
- Three metals (beryllium, cadmium, and lead) were detected in groundwater samples at concentrations exceeding their respective MCLs.

SDG&E O&M Yard (Adjacent Property)

- Two VOCs (1,1-dichloroethene and tetrachloroethene) were detected in groundwater samples near the hazardous waste storage area and gasoline and diesel UST area at concentrations exceeding their respective MCLs.
- Three metals (beryllium, cadmium, and lead) were detected in two groundwater samples collected in the SDG&E O&M Yard above their respective MCLs.

Switchyard

- Soil and groundwater sampling were not conducted in the Switchyard during this investigation based on the information provided confirming the current absence of PCB containing equipment in the switchyards.

Transformers

- One PCB, Aroclor 1260, was detected in one surface soil sample at the SDG&E Cannon Substation at concentrations exceeding industrial PRGs.

Agua Hedionda Lagoon and Runoff Ditch (The Runoff Ditch is located on Adjacent Property)

- One SVOC, benzo(b,k)fluoranthene, exceeded the industrial PRG in the runoff ditch.
- Five metals (arsenic, cadmium, copper, lead, and silver), PCBs, and six SVOCs (benzo(a)anthracene, benzo(a)pyrene, chrysene, fluoranthene, phenanthrene, and pyrene) were detected at concentrations exceeding the sediment threshold effects level in one or more sediment samples.
- Several metals (antimony, arsenic, beryllium, chromium, lead, nickel, and silver) were detected in the lagoon samples at concentrations exceeding their respective MCLs.
- TDS levels measured during this investigation ranged from 3,570 mg/L to 50,700 mg/L.

- In 2003, remedial activities were conducted in the five areas that were identified as RECs in 1998. Approximately 4,426 cubic yards of petroleum hydrocarbon-impacted soil was excavated and transferred offsite for treatment and disposal. Based on the confirmation sample results, the remediation goals were achieved for these five areas. In March 2005, the County of San Diego DEH concurred that the cleanup goals established for these five areas of the Subject Property have been met.

8. Opinions

This assessment has revealed evidence of the following Potential Environmental Conditions, RECs, or Historical RECs in connection with the Subject Property:

- The five RECs identified in the 1998 Phase II ESA were remediated in 2003 and are now Historical RECs:
 - Fuel Oil Tank # 7 (within Area 1)
 - Fuel Oil Tank #1 (within Area 1)
 - Area Associated with Fuel Pipelines East of the Wastewater ASTs (within Area 2)
 - Former Prout's Pond (within Area 2)
 - Former Diesel UST Pit (within Area 4)
- Areas such as tanks, piping, and buildings where samples could not be collected beneath existing structures remain as Potential Environmental Conditions that should be addressed when the plant is decommissioned.
- Based on the presence of contaminants at concentrations above standard screening levels (i.e., PRGs, MCLs, and established background levels) which were not addressed during the 2003 remedial action, the following area located on the Subject Property is considered a REC:
 - Area 5 (Power Plant Area)
- The following three RECs are located on adjacent property immediately to the south of the Subject Property. These RECs contain contaminants at concentrations above standard screening levels which were not addressed during the 2003 remedial action conducted at the Subject Property.
 - SDG&E Cannon Substation
 - SDG&E O&M Yard
 - Runoff Ditch

The locations of the RECs and Historical RECs are shown in Figure 8-1.

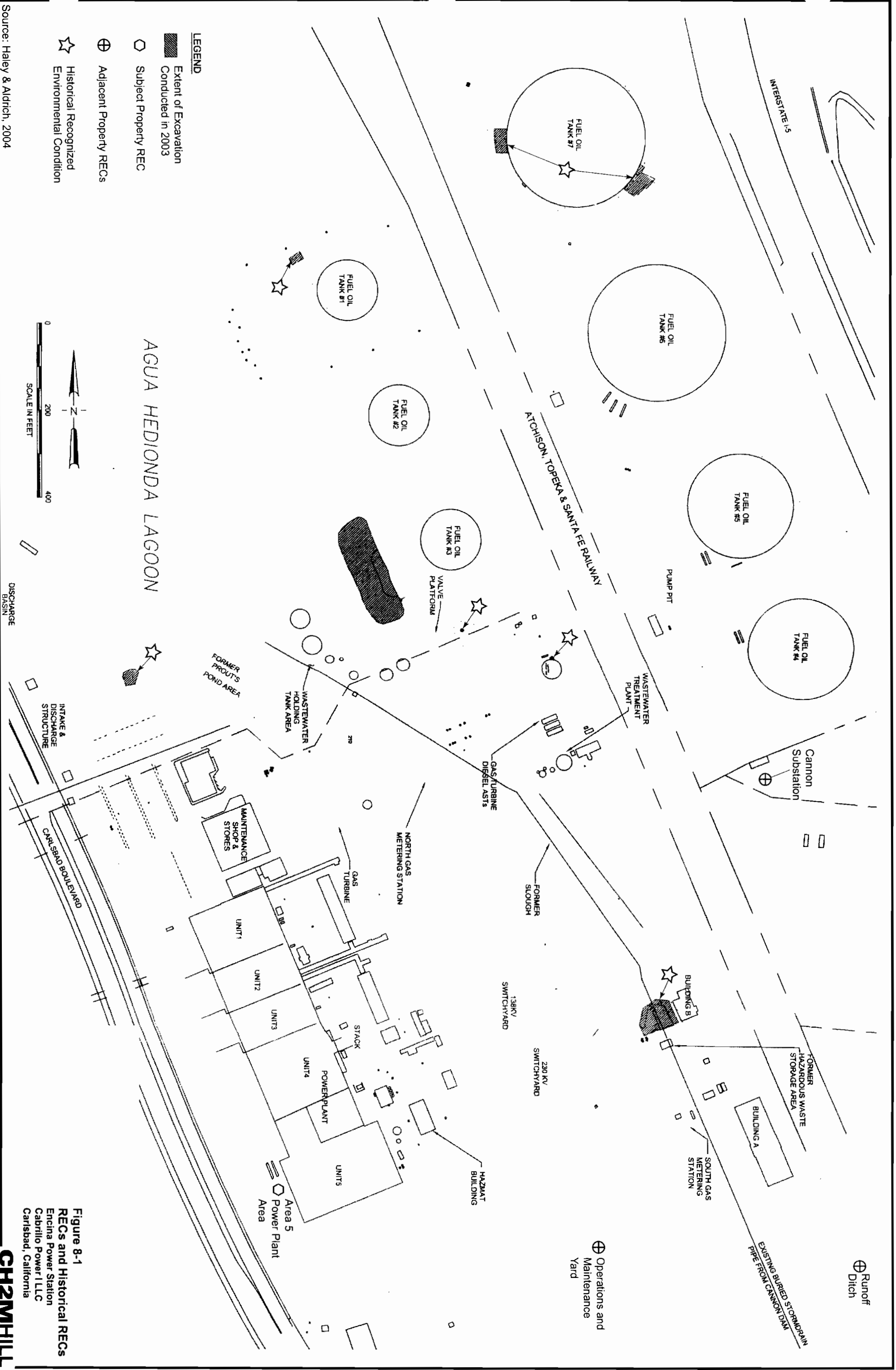


Figure 8-1
RECs and Historical RECs
Encina Power Station
Cabrillo Power I LLC
Carlsbad, California

9. Conclusions

CH2M HILL has performed a Phase I ESA in conformance with the scope and limitations of ASTM Practice E 1527-05 of the Subject Property. Any exceptions to, or deletions from, this practice are described in Section 1.5, Deviations, of this report.

This assessment has revealed evidence of the following Potential Environmental Conditions, Historical RECs, and RECs in connection with the Subject Property.

Potential Environmental Conditions:

- Areas such as tanks, piping, and buildings where samples could not be collected beneath existing structures should be addressed when the plant is decommissioned.

Historical RECs (remediated in 2003):

- Fuel Oil Tank # 7 (within Area 1)
- Fuel Oil Tank #1 (within Area 1)
- Area Associated with Fuel Pipelines East of the Wastewater ASTs (within Area 2)
- Former Prout's Pond (within Area 2)
- Former Diesel UST Pit (within Area 4)

Recognized Environmental Conditions:

- Area 5 (Power Plant Area)
- SDG&E Cannon Substation
- SDG&E O&M Yard
- Agua Hedionda Lagoon and Runoff Ditch

10. References

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- County of San Diego, Department of Environmental Health, Land and Water Quality Division. 2005. *Voluntary Assistance Program, File H13941-003, SDG&E/Sempra Encina Power Plant, 4600 Carlsbad Blvd., Carlsbad, California*. March 18.
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- Haley & Aldrich. 2004b. *Report on Encina Power Plant Soil Remediation Project*. April.
- NRG. 2007. *Hazardous Materials Business Plan for the Cabrillo I, LLC, Encina Power Station*. March 27.
- RBF Consulting. 2006. *Draft EIR for Regional Seawater Desalination Project at Encina*. March.

11. Qualification of Environmental Professional

Kathaleen Daul has 12 years of experience in conducting Phase I and Phase II environmental site assessments, site investigations, and multi-media environmental compliance. She has also managed several environmental site assessment and environmental investigation projects. Kathaleen has been involved in planning, budgeting, project execution, and report preparation.

Dave Golles has over 20 years of experience in managing and performing Phase I and Phase II environmental site assessments and initial site assessments. He has completed numerous site assessments for municipal, government, and private industry clients. He also performs environmental evaluations and prepares environmental compliance documents (Environmental Impact Statements [EISs]/Environmental Assessments [EAs]/Environmental Impact Reports [EIRs]) under the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA).

Sapna Abrol is an environmental scientist with over 5 years experience in conducting Phase I and Phase II environmental site assessments, NEPA and CEQA documentation, environmental impact reports, and developing Environmental Management Systems. She has experience in regulatory compliance, site investigations, and preparing environmental plans and permits. Sapna routinely prepares environmental study reports that include descriptions and analyses of the significant environmental impacts of proposed projects, identifying alternatives and discussing Best Management Practices to avoid possible environmental damage.

Appendix A

Environmental Lien Search

The EDR Environmental LienSearch™ Report

**ENCIA REDEVELOPMENT PROJECT
AFC-PHASE I ESA
SAN DIEGO COUNTY
CARLSBAD, CA 92008**

Project Number 02000693.7

August 17, 2007



**EDR® Environmental
Data Resources Inc**

NCOSM

**The Standard in
Environmental Risk
Information**

440 Wheelers Farm Road
Milford, Connecticut 06461

Nationwide Customer Service

Telephone: 1-800-352-0050
Fax: 1-800-231-6802
Internet: www.edrnet.com

EDR Environmental LienSearch™ Report

The EDR Environmental LienSearch Report includes results from a search of available current land title records for environmental cleanup liens and other activity and use limitations, such as engineering controls and institutional controls.

A network of professional, trained researchers follows established procedures to:

- search for parcel information, legal description, and ownership based on client supplied address information;
- research indexes and title repositories;
- obtain a copy of the deed;
- search for environmental encumbering instrument(s) associated with the deed;
- provide a copy of any environmental encumbrance(s) based upon a review of key words in the instrument (title, parties involved, and description); and
- provide a copy of the deed.

Thank you for your business.
Please contact EDR at 1-800-352-0050
with any questions or comments.

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EDR Environmental LienSearch™ Report

TARGET PROPERTY INFORMATION

ADDRESS

ENCIA REDEVELOPMENT PROJECT AFC-PHASE I ESA
4600 CARLSBAD BOULEVARD
CARLSBAD, CA 92008

RESEARCH SOURCE

Sources: San Diego County

DEED INFORMATION

Type of Deed: WD ☐ QCD ☐ Other ☒ DEED

Title is vested in: Cabrillo Power I, LLC, a Delaware Limited Liability Company

Title received from: San Diego Gas and Electric Company, a California Corporation

Deed Dated: June 6, 2003
Deed Recorded: November 25, 2003
Document No.: 2003-1411264

LEGAL DESCRIPTION

Description: Legal attached as Exhibit "A"

Assessor's Parcel Number: 210-010-26; 211-010-30

ENVIRONMENTAL LIEN

Environmental Lien: Found ☐ Not Found ☒

OTHER ACTIVITY AND USE LIMITATIONS (AULs)

Other AUL's: Found ☒ Not Found ☐

Open Space Deed Restriction recorded June 7, 2005 at Document No. 2005-0475686. Copy attached as Exhibit "C".

Open Space Deed Restriction recorded June 7, 2005 at Document No. 2005-0475685. Copy attached as Exhibit "D".

Open Space Deed Restriction recorded June 27, 2005 at Document No. 2005-0538090. Copy attached as Exhibit "E".

EDR Environmental LienSearch™ Report

TARGET PROPERTY INFORMATION

ADDRESS

ENCIA REDEVELOPMENT PROJECT AFC-PHASE I ESA
4600 CARLSBAD BOULEVARD
CARLSBAD, CA 92008

RESEARCH SOURCE

Sources: San Diego County

DEED INFORMATION

Type of Deed: WD ☐ QCD ☐ Other ☒ DEED

Title is vested in: Cabrillo Power I, LLC, a Delaware Limited Liability Company

Title received from: San Diego Gas and Electric, a California Corporation

Deed Dated: May 20, 1999

Deed Recorded: May 21, 1999

Document No.: 1999-0347262

LEGAL DESCRIPTION

Description: Legal attached as Exhibit "B"

Assessor's Parcel Number: 206-070-16, 206-070-17, 206-010-41, 210-010-43, 210-010-42

ENVIRONMENTAL LIEN

Environmental Lien: Found ☐ Not Found ☒

If yes:

1st Party:

2nd Party:

Dated:

Recorded:

Book:

Page:

Comments:

OTHER ACTIVITY AND USE LIMITATIONS (AULs)

Other AUL's: Found ☐ Not Found ☒

EDR Environmental LienSearch™ Report

EXHIBIT A

11911

41
DOC # 2003-1411264
DOC

NOV 25, 2003 10:45 AM

RECORDING REQUESTED BY:

STEWART TITLE OF CALIFORNIA

WHEN RECORDED MAIL TO:

Cabrillo Power I LLC
Encina Generating Station
4600 Carlsbad Blvd.
Carlsbad, CA 92008

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 17.00
DC: DC



2003-1411264

MAIL TAX STATEMENTS TO:

Cabrillo Power I LLC
Encina Generating Station
4600 Carlsbad Blvd.
Carlsbad, CA 92008

ESCROW NO. 1050087

SPACE ABOVE THIS LINE FOR RECORDER'S USE

A.P. NO. 210-010-39/26 (PTN)

GRANT DEED

The undersigned grantor(s) declare(s):

City transfer tax is \$ _____.

County Transfer Tax is \$ 0.00.

Monument preservation fee is \$ _____.

() computed on full value of property conveyed, or

() computed on full value less value of liens and encumbrances remaining at time of sale.

() Unincorporated area: (X) City of CARLSBAD, and

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, SAN DIEGO GAS & ELECTRIC COMPANY, a California corporation ("Grantor"), hereby grants to CABRILLO POWER I LLC, a Delaware limited liability company ("Grantee"), that certain real

SD375284.3

11912

property in the City of Carlsbad, County of San Diego, State of California as more particularly described on Exhibit A attached hereto and incorporated herein, together with all buildings, structures, fixtures and improvements located thereon and all rights, privileges and entitlements appurtenant thereto.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by its
Senior V.P. thereunto duly authorized.

DATE: ^{June} ~~May~~ 6, 2003

SAN DIEGO GAS & ELECTRIC COMPANY,

a California corporation

By: Margot Kyd
Name: MARGOT KYD
Title: Sr. VP

STATE OF CALIFORNIA)

)ss.

COUNTY OF San Diego

On June 6, 2003 before me, Kayla Carol, Notary
personally appeared Margot Kyd

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the Instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Kayla Carol



SD375284.3

11913

EXHIBIT "A"
DESCRIPTION OF REAL PROPERTY

PARCEL 1

(HUBBS SEAWORLD)

[PARCEL 2 OF 11]

PARCEL 2:

THAT PORTION OF RANCHO AGUA HEDIONDA, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP THEREOF NO. 823, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 18, 1898, DEFINED AS PARCEL 2 IN THAT CERTIFICATE OF COMPLIANCE RECORDED OCTOBER 30, 2001 AS FILE NO. 2001-789066 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF RECORD OF SURVEY NO. 14621 IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 14, 1994 AS FILE NO. 1994-500088, SAID CORNER BEING ON THE WESTERLY LINE OF THE RIGHT OF WAY OF THE ATCHISON TOPEKA AND SANTA FE RAILROAD; THENCE ALONG SAID WESTERLY LINE AND EASTERLY LINE OF SAID RECORD OF SURVEY 14621 SOUTH 28°40'19" EAST, 656.70 FEET TO THE MOST SOUTHERLY CORNER OF SAID RECORD OF SURVEY NO. 14621; THENCE ALONG THE SOUTHWESTERLY LINE THEREOF NORTH 76°09'49" WEST, 931.75 FEET; THENCE NORTH 30°11'52" WEST, 237.60 FEET TO AN ANGLE POINT IN SAID SOUTHWESTERLY LINE; THENCE SOUTH 77°27'18" EAST, 134.00 FEET TO AN ANGLE POINT IN THE NORTHEASTERLY LINE OF SAID RECORD OF SURVEY NO. 14621; THENCE ALONG SAID NORTHEASTERLY LINE NORTH 72°58'27" EAST, 604.85 FEET TO THE POINT OF BEGINNING.

11914

EXHIBIT "A"

DESCRIPTION OF REAL PROPERTY (CONTINUED)

PARCEL 2

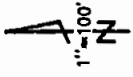
[PARCEL 9 OF 11]

PARCEL 9:

THAT PORTION OF RANCHO AGUA HEDIONDA, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 828, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 16, 1896, DEFINED AS PARCEL 9 IN THAT CERTIFICATE OF COMPLIANCE RECORDED OCTOBER 30, 2001 AS FILE NO. 2001-0789073 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF PARCEL A OF A CERTIFICATE OF COMPLIANCE RECORDED NOVEMBER 22, 1896 AS FILE NO. 1995-0532900; THENCE ALONG THE NORTHEASTERLY LINE THEREOF SOUTH 33°44'38" EAST, 1290.81 FEET; THENCE SOUTH 71°40'52" EAST, 1588.90 FEET; THENCE SOUTH 53°19'03" EAST, 893.14 FEET; THENCE SOUTH 64°01'56" EAST, 2257.42 FEET; THENCE LEAVING SAID NORTHEASTERLY LINE SOUTH 08°21'57" EAST, 182.60 FEET; THENCE SOUTH 83°25'06" WEST, 313.69 FEET; THENCE SOUTH 82°01'07" WEST, 160.23 FEET; THENCE NORTH 76°53'47" WEST, 269.28 FEET; THENCE SOUTH 55°39'38" WEST 381.01 FEET; THENCE SOUTH 66°59'23" WEST, 594.40 FEET; THENCE SOUTH 87°02'46" WEST, 210.53 FEET; THENCE NORTH 64°43'30" WEST, 244.68 FEET; THENCE NORTH 74°31'19" WEST, 186.69 FEET; THENCE NORTH 17°29'43" WEST, 220.16 FEET; THENCE NORTH 83°34'03" WEST, 514.52 FEET; THENCE NORTH 80°57'43" WEST, 209.62 FEET; THENCE NORTH 72°35'04" WEST, 308.66 FEET; THENCE NORTH 45°17'25" WEST, 291.62 FEET; THENCE NORTH 63°58'34" WEST, 226.98 FEET; THENCE NORTH 64°17'22" WEST, 177.46 FEET; THENCE NORTH 70°53'29" WEST, 346.91 FEET; THENCE NORTH 48°58'53" WEST, 87.04 FEET TO THE NORTHEASTERLY CORNER OF CERTIFICATE OF COMPLIANCE RECORDED NOVEMBER 1, 1985 AS FILE NO. 85-411922; THENCE ALONG THE NORTHEASTERLY LINE THEREOF NORTH 72°33'23" WEST, 186.00 FEET; THENCE NORTH 78°46'23" WEST, 238.00 FEET; THENCE NORTH 66°17'23" WEST, 172.00 FEET; THENCE NORTH 30°00'23" WEST, 23.00 FEET; THENCE NORTH 89°22'23" WEST, 24.00 FEET; THENCE NORTH 57°13'53" WEST, 275.40 FEET; THENCE NORTH 35°27'23" WEST, 430.00 FEET; THENCE NORTH 15°34'23" WEST, 252.00 FEET; THENCE NORTH 27°12'23" WEST, 168.89 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF CALIFORNIA STATE HIGHWAY XI-SD-28 (I-5); THENCE ALONG SAID RIGHT OF WAY NORTH 11°13'43" EAST, 92.85 FEET; THENCE NORTH 03°09'38" WEST, 1172.51 FEET; THENCE NORTH 17°49'10" WEST, 59.67 FEET TO THE SOUTHERLY LINE OF TRACT 238 OF MAP NO. 1681 RECORDED DECEMBER 9, 1915; THENCE LEAVING SAID RIGHT OF WAY LINE AND ALONG SAID SOUTHERLY LINE, N 64°10'39" E, 567.13 FEET TO THE POINT OF BEGINNING.

206-07
SHT 1 OF 2



2/14/2002 SM

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EXHIBIT B

3828 DOC # 1999-0347262

May 21, 1999 11:59 AM

RECORDING REQUESTED BY

Stewart Title of California, Inc.

WHEN RECORDED MAIL TO
AND MAIL TAX STATEMENTS TONAME Cabrillo Power I LLC
Attn: Alisa B. Johnson
ADDRESS 1000 Louisiana, Suite 5800CITY Houston
STATE & ZIP Texas 77022OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDERFEES: 86.00
DC: AFM

TAX: N.D.



1999-0347262

GRANT DEED

TITLE ORDER NO.

ESCROW NO.

APN NO.

THE UNDERSIGNED GRANTOR(s) DECLARE(s)

DOCUMENTARY TRANSFER TAX is \$

CITY TAX \$

☐ computed on full value of property conveyed, or ☐ computed on full value less value of liens or encumbrances remaining at time of sale,
☐ Unincorporated area: ☐ City of _____, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

San Diego Gas & Electric, a California corporation

hereby GRANT(s) to

Cabrillo Power I LLC, a Delaware limited liability company

the following described real property in the County of San Diego

State of California:

The property described on Exhibit "A", attached hereto.

Dated May 20, 1999

SAN DIEGO GAS & ELECTRIC COMPANY

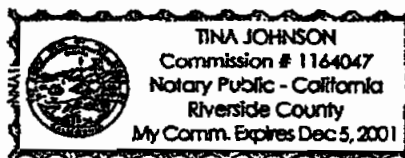
By:

Name: Gary D. Cotton
Title: Senior Vice PresidentSTATE OF CALIFORNIA
COUNTY OF SAN DIEGO, S.S.On MAY 20, 1999 before me, TINA JOHNSON, NOTARY PUBLIC
(here insert name and title of the officer), personally appeared GARY COTTON

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature



DOCUMENT PROVIDED BY STEWART TITLE OF CALIFORNIA, INC.

CONTINUED.DOC

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EXHIBIT A

LEGAL DESCRIPTION OF PLANT LAND

PARCEL A:
PORTION OF ASSESSOR PARCEL NO. 210-010-36
[BOOK 4821 PAGE 199/ECKE]

ALL THAT PORTION OF RANCHO AGUA HEDIONDA, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA ACCORDING TO PARTITION MAP THEREOF NO. 823, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 16, 1896, SITTATED WITHIN THAT PORTION THEREOF DESCRIBED IN DEED TO SAN DIEGO COUNTY WATER COMPANY, RECORDED JUNE 17, 1940 IN BOOK 1035, PAGE 301 OF OFFICIAL RECORDS, AS DOCUMENT NO. 28815 BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTHERLY BOUNDARY OF LOT "H" OF SAID RANCHO AGUA HEDIONDA, WITH THE CENTER LINE OF THE 100 FOOT RIGHT OF WAY GRANTED TO THE STATE OF CALIFORNIA, BY DEED RECORDED AUGUST 30, 1935, IN BOOK 432, PAGE 60 OF OFFICIAL RECORDS, AS DOCUMENT NO. 46278, SAID POINT BEING A PORTION OF SAID NORTHERLY BOUNDARY OF LOT "H" BEARING SOUTH 78°03' EAST, 1149.32 FEET (RECORD 1148.08 FEET) AND NORTH 72°21'30" EAST, 2036.33 FEET (RECORD NORTH 72°24' EAST, 2036.30 FEET) FROM CORNER NO. 1 OF SAID RANCHO AGUA HEDIONDA ACCORDING TO LICENSED SURVEY MAP NO. 173, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 16, 1913; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF RIGHT OF WAY SOUTH 36°52'50" EAST (HIGHWAY RECORDS SOUTH 36°57'30" EAST) 677.05 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY, SAID BEGINNING OF CURVE BEING SHOWN AS ENGINEER'S STATION 394 PLUS 63.74 ON MAP OF SAID 100 FOOT HIGHWAY RIGHT OF WAY OF ROAD XI-SD-2B ON FILE IN THE OFFICE OF THE DISTRICT STATE HIGHWAY ENGINEER; THENCE SOUTH 53°07'10" WEST, RADIALLY TO SAID TANGENT CURVE TO A POINT ON THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN, WHICH POINT IS THE TRUE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE FROM SAID TRUE POINT OF BEGINNING RETRACING NORTH 53°07'10" EAST TO A POINT ON THE NORTHEASTERLY LINE OF SAID 100 FOOT STATE HIGHWAY RIGHT OF WAY, WHICH POINT IS OPPOSITE SAID CENTER LINE ENGINEER'S STATION 394 PLUS 63.74 E.C.; THENCE SOUTH 45°31'16" EAST, 504.48 FEET TO A POINT WHICH IS RADIALLY NORTH 58°40'37" EAST A DISTANCE OF 150 FEET FROM THE CENTER LINE OF SAID 100 FOOT STATE HIGHWAY RIGHT OF WAY; THENCE SOUTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 5150 FEET AND BEING CONCENTRIC WITH SAID CENTER LINE OF SAID 100 FOOT STATE HIGHWAY RIGHT OF WAY, THROUGH A CENTRAL ANGLE OF 4°09'40" A DISTANCE OF 374.01 FEET TO A POINT ON THE NORTHWESTERLY LINE OF THE PROPERTY CONVEYED TO THE SAN DIEGO GAS AND ELECTRIC COMPANY BY GROVER C. JACOBSEN, ET AL., BY DEED RECORDED IN BOOK 4456, PAGE 49 OF OFFICIAL RECORDS; SAID LINE

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EXHIBIT A

LEGAL DESCRIPTION OF PLANT LAND

BEING ALSO THE SOUTHEASTERLY LINE OF THE LAND CONVEYED TO PAUL ECKE, ET UX AND DESCRIBED IN PARCEL "1" OF A DEED RECORDED IN BOOK 2778, PAGE 357 OF OFFICIAL RECORDS; THENCE NORTH 72°21'30" EAST ALONG SAID LINE SO DESCRIBED, 1129.89 FEET TO THE WESTERLY LINE OF THE RIGHT OF WAY OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY AS SAID RIGHT OF WAY WAS DESCRIBED IN DEED RECORDED SEPTEMBER 13, 1948, IN BOOK 2944, PAGE 74 OF OFFICIAL RECORDS; THENCE NORTH 29°16' WEST ALONG SAID WESTERLY RAILROAD RIGHT OF WAY LINE 275.00 FEET; THENCE LEAVING SAID WESTERLY RAILROAD RIGHT OF WAY LINE NORTH 76°46' WEST, 931.69 FEET; THENCE NORTH 30°48' WEST 238.36 FEET TO A POINT IN THE NORTHEASTERLY LINE OF SAID LOT "H" OF RANCHO AGUA HEDIONDA; THENCE NORTH 78°03' WEST ALONG SAID NORTHEASTERLY LINE OF LOT "H" OF RANCHO AGUA HEDIONDA, 1014.32 FEET TO CORNER NO. 1 OF SAID RANCHO; THENCE SOUTH 30°06' WEST ALONG THE SOUTHWESTERLY PROLONGATION OF THE NORTHWESTERLY LINE OF SAID RANCHO AGUA HEDIONDA TO THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN; THENCE SOUTHEASTERLY ALONG SAID MEAN HIGH TIDE LINE TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM, THAT PORTION OF LOT "H" OF RANCHO AGUA HEDIONDA, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP THEREOF NO. 823, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY OF SAN DIEGO, NOVEMBER 16, 1896, DESCRIBED AS FOLLOWS: COMMENCING AT CORNER NO. 1 OF SAID RANCHO AGUA HEDIONDA, AS SHOWN AND DELINEATED ON RECORD OF SURVEY 1806, FILED APRIL 30, 1948 IN SAID COUNTY RECORDER'S OFFICE; THENCE ALONG THE NORTHERLY LINE OF SAID LOT "H", SOUTH 78°03'00" EAST, 92.06 FEET TO A POINT ON THE CENTER LINE OF CARLSBAD BOULEVARD, 100 FEET IN WIDTH, (FORMERLY U.S. HWY 101); THENCE ALONG SAID CENTER LINE AS SHOWN AND DELINEATED ON SAID RECORD OF SURVEY MAP NO. 1806, SOUTH 36°52'50" EAST 285.30 FEET TO A POINT HEREIN DESIGNATED POINT "A"; THENCE FROM SAID POINT "A" AND LEAVING SAID CENTER LINE, SOUTH 53°07'10" WEST, 50.00 FEET TO THE TRUE POINT OF BEGINNING; SAID TRUE POINT OF BEGINNING BEING A POINT ON THE SOUTHWESTERLY LINE OF SAID CARLSBAD BOULEVARD; THENCE FROM SAID TRUE POINT OF BEGINNING CONTINUING SOUTH 53°07'10" WEST 115.64 FEET TO A POINT ON THE ORDINARY HIGH WATER MARK, AS ESTABLISHED BY A SURVEY FILED AND APPROVED ON DECEMBER 22, 1953 BY THE STATE LANDS COMMISSION, DIVISION OF STATE LANDS, STATE OF CALIFORNIA; THENCE ALONG SAID ORDINARY HIGH WATER MARK, SOUTH 44°32'55" EAST 36.22 FEET; THENCE SOUTH 39°09'42" EAST, 101.05 FEET AND SOUTH 31°48'31" EAST 255.88 FEET; THENCE LEAVING SAID ORDINARY HIGH WATER MARK, NORTH 53°07'10" EAST 129.41 FEET TO A POINT ON SAID SOUTHWESTERLY LINE OF CARLSBAD BOULEVARD; THENCE ALONG SAID SOUTHWESTERLY LINE, NORTH 36°52'50" WEST 391.75 FEET TO THE TRUE POINT OF BEGINNING.

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3831

EXHIBIT A

LEGAL DESCRIPTION OF PLANT LAND

PARCEL B:
PORTION OF ASSESSOR PARCEL NO. 210-010-36
[BOOK 4456 PAGE 49 JACOBSEN]

ALL THAT PORTION OF RANCHO AGUA HEDIONDA, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP THEREOF NO. 823, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 16, 1896, SITUATED WITHIN THAT PORTION THEREOF DESCRIBED IN DEED TO SAN DIEGO COUNTY WATER COMPANY, RECORDED JUNE 17, 1940 IN BOOK 1035, PAGE 301 OF OFFICIAL RECORDS BY DOCUMENT NO. 28815, DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF A LINE WHICH IS PARALLEL WITH AND DISTANT 2000 FEET AT RIGHT ANGLES SOUTHERLY FROM THE SOUTHERLY LINE OF BLOCK "V" OF PALISADES NO. 2, ACCORDING TO THE MAP THEREOF NO. 1803, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 25, 1924, THE BEARING OF WHICH PARALLEL LINE AND ITS WESTERLY PROLONGATION THEREOF IS RECORDED AS NORTH 72°25' EAST ON SAID MAP OF SAID PALISADES NO. 2, WITH THE WESTERLY LINE OF THE RIGHT OF WAY OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY AS SAID RIGHT OF WAY WAS ESTABLISHED ON SEPTEMBER 22, 1948, SAID POINT OF BEGINNING BEING ALSO THE MOST NORTHERLY CORNER OF THE LAND DESCRIBED IN THE DEED FROM W. D. CANNON, ET AL., TO THE SAN DIEGO GAS AND ELECTRIC COMPANY, A CORPORATION, RECORDED OCTOBER 8, 1948, IN BOOK 2974, PAGE 493 OF OFFICIAL RECORDS; THENCE ALONG SAID PARALLEL LINE AND ALONG THE NORTHERLY LINE OF SAID SAN DIEGO GAS AND ELECTRIC COMPANY'S LAND SOUTH 72°25' WEST TO THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN; THENCE NORTHERLY ALONG SAID MEAN HIGH TIDE LINE 1150 FEET MORE OR LESS TO THE MOST SOUTHERLY CORNER OF THAT PARCEL OF LAND CONVEYED TO PAUL ECKE, ET UX, BY DEED RECORDED APRIL 29, 1948 AS DOCUMENT NO. 43671 IN BOOK 2778, PAGE 357 OF OFFICIAL RECORDS; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID ECKE LAND NORTH 72°21'30" EAST 1720 FEET MORE OR LESS TO THE MOST EASTERLY CORNER OF SAID ECKE LAND IN THE WESTERLY LINE OF THE RIGHT OF WAY OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY AS SAID WESTERLY LINE WAS ESTABLISHED IN DEED RECORDED AUGUST 30, 1909 AS DOCUMENT NO. 3091 IN BOOK 473, PAGE 111 OF DEEDS; THENCE NORTHERLY ALONG SAID WESTERLY RAILWAY RIGHT OF WAY LINE SO ESTABLISHED IN SAID DEED 880 FEET MORE OR LESS TO THE NORTHERLY BOUNDARY OF SAID ABOVE MENTIONED LAND CONVEYED TO SAN DIEGO COUNTY WATER COMPANY; THENCE ALONG THE NORTHERLY, NORTHEASTERLY AND EASTERLY BOUNDARY OF SAID SAN DIEGO COUNTY WATER COMPANY'S LAND AS FOLLOWS:

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EXHIBIT A

LEGAL DESCRIPTION OF PLANT LAND

NORTH 72°24' EAST 1340 FEET MORE OR LESS TO AN ANGLE POINT IN SAID BOUNDARY; NORTH 63°42' EAST 893.68 FEET; SOUTH 34°21' EAST 1290.30 FEET; SOUTH 72°14' EAST 1585.30 FEET; SOUTH 53°57' EAST 892.70 FEET; SOUTH 64°35' EAST 2531.00 FEET; SOUTH 0°34' EAST 1319.22 FEET; NORTH 89°28' EAST 1865 FEET AND SOUTH 0°32' EAST 625 FEET MORE OR LESS TO THE SOUTHEASTERLY CORNER OF THE LAND DESCRIBED IN QUITCLAIM DEED FROM PAUL ECKE, ET UX, TO GROVER C. JACOBSEN, ET AL, RECORDED APRIL 29, 1948 AS DOCUMENT NO. 43667 IN BOOK 2778, PAGE 341 OF OFFICIAL RECORDS; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID JACOBSEN LAND SO DESCRIBED SOUTH 80°43'25" WEST TO AN ANGLE POINT THEREIN AND NORTH 23°05'05" WEST 1485.87 FEET TO A SECOND ANGLE POINT IN SAID SOUTHERLY BOUNDARY FROM WHICH ANGLE POINT THE NEXT COURSE IN SAID SOUTHERLY BOUNDARY TO THE WEST BEARS SOUTH 66°54'10" WEST; THENCE LEAVING SAID ANGLE POINT AND LEAVING SAID SOUTHERLY BOUNDARY NORTH 66°54'10" EAST 17 FEET TO A POINT DESIGNATED HEREIN AS POINT "A"; THENCE NORTH 23°05'05" WEST TO AN INTERSECTION WITH THE SOUTHWESTERLY AND SOUTHERLY BOUNDARY OF THE SWAMP OR OVERFLOW LAND KNOWN AS THE LAGOON BED; AS SAID BOUNDARY WAS LOCATED ON SEPTEMBER 28, 1948; SAID INTERSECTION BEING DESIGNATED HEREIN AS POINT "B"; THENCE NORTHWESTERLY AND WESTERLY ALONG SAID SOUTHWESTERLY AND SOUTHERLY BOUNDARY OF SAID SWAMP LAND TO AN INTERSECTION WITH THE EASTERLY LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY AS SAID RIGHT OF WAY WAS ESTABLISHED ON SEPTEMBER 22, 1948, SAID INTERSECTION BEING DESIGNATED HEREIN AS POINT "C"; THENCE SOUTHERLY ALONG SAID EASTERLY LINE OF RIGHT OF WAY TO SAID LINE WHICH IS PARALLEL WITH AND DISTANT 2000 FEET AT RIGHT ANGLES SOUTHERLY FROM THE SOUTHERLY LINE OF BLOCK "V" OF PALISADES NO. 2, ACCORDING TO MAP THEREOF NO. 1803; THENCE ALONG SAID PARALLEL LINE SOUTH 72°25' WEST TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING WITHIN EXCEPTION PARCELS 1 THROUGH 10 DESCRIBED AS FOLLOWS:

EXCEPTION PARCEL 1:

THAT PORTION OF THE RIGHT OF WAY OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY DESCRIBED IN DEED RECORDED AUGUST 30, 1909 AS DOCUMENT NO. 3091 IN BOOK 473, PAGE 111 OF DEEDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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EXHIBIT A

LEGAL DESCRIPTION OF PLANT LAND

THAT PORTION OF LOT "H" OF SUBDIVISION OF RANCHO AGUA HEDIONDA, DESCRIBED AS FOLLOWS: COMMENCING AT INTERSECTION OF WESTERLY LINE OF 100 FOOT RIGHT OF WAY OF ATCHISON, TOPEKA AND SANTA FE RAILWAY, WITH NORTHERLY LINE OF SAID LOT "H", THENCE SOUTHERLY ALONG SAID WESTERLY LINE OF 100 FOOT RIGHT OF WAY, 1302 FEET, MORE OR LESS TO A POINT OPPOSITE ENGINEER'S STATION 2261 PLUS 22.2 OF CENTER LINE OF SAID 100 FOOT RIGHT OF WAY, SAID POINT BEING 75 FEET AT RIGHT ANGLES WESTERLY FROM CENTER LINE OF RE-LOCATION OF ATCHISON, TOPEKA AND SANTA FE RAILWAY AT

ENGINEERS STATION 2260 PLUS 63.5 OF SAID RELOCATION, THENCE NORTH 37°28' WEST MAGNETIC, PARALLEL WITH AND 75 FEET WESTERLY FROM SAID CENTER LINE OF RE-LOCATION, 666.3 FEET; THENCE NORTHERLY ON A CURVE CONCAVE TO WEST WITH A RADIUS OF 2789.93 FEET, 75 FEET WESTERLY FROM AND PARALLEL WITH SAID CENTER LINE OF RE-LOCATION, 595.7 FEET, MORE OR LESS, TO SAID NORTHERLY LINE OF LOT "H"; THENCE EASTERLY ALONG SAID NORTHERLY LINE OF LOT H, 30.8 FEET TO POINT OF COMMENCEMENT.

ALSO THAT PORTION OF SAID LOT "H", DESCRIBED AS FOLLOWS: COMMENCING IN EASTERLY LINE OF SAID 100 FOOT RIGHT OF WAY OPPOSITE ENGINEER'S STATION 2262 PLUS 02.5 OF CENTER LINE OF SAID RIGHT OF WAY, SAID POINT BEING 50 FEET AT RIGHT ANGLES EASTERLY FROM SAID CENTER LINE OF RE-LOCATION, OPPOSITE ENGINEER'S STATION 2260 PLUS 95.6 OF SAID RE-LOCATION, THENCE SOUTH 37°28' EAST MAGNETIC, PARALLEL WITH AND 50 FEET EASTERLY FROM SAID CENTER LINE OF RE-LOCATION 3123.9 FEET TO A POINT IN EASTERLY LINE OF SAID 100 FOOT RIGHT OF WAY OPPOSITE ENGINEER'S STATION 2229 PLUS 60.7 OF CENTER LINE OF SAID RIGHT OF WAY, THENCE NORTHERLY ALONG EASTERLY LINE OF SAID 100 FOOT RIGHT OF WAY 842.8 FEET TO A POINT 50 FEET AT RIGHT ANGLES WESTERLY FROM CENTER LINE OF SAID RE-LOCATION, OPPOSITE ENGINEER'S STATION 2237 PLUS 96.6, THENCE NORTH 37°28' WEST MAGNETIC PARALLEL WITH AND 50 FEET WESTERLY FROM SAID CENTER LINE OF RE-LOCATION 2103 FEET TO A POINT IN EASTERLY LINE OF SAID 100 FOOT RIGHT OF WAY OPPOSITE ENGINEER'S STATION 2259 PLUS 92.2 OF CENTER LINE OF SAID RIGHT OF WAY; THENCE NORTHERLY ALONG SAID EASTERLY LINE OF SAID 100 FOOT RIGHT OF WAY 210.3 FEET TO THE POINT OF COMMENCEMENT.

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EXHIBIT A

LEGAL DESCRIPTION OF PLANT LAND

EXCEPTION PARCEL 2:

THAT PARCEL OF LAND DESCRIBED IN DEED TO PAUL ECKE, ET UX, RECORDED APRIL 4, 1947 AS DOCUMENT NO. 35894 IN BOOK 2380, PAGE 40 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT CORNER COMMON TO LOTS "F", "H", AND "I" OF RANCHO AGUA HEDIONDA, IN THE COUNTY OF SAN DIEGO, ACCORDING TO MAP THEREOF NO. 823 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; RUNNING THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID LOT "H" A DISTANCE OF 600 FEET; THENCE AT RIGHT ANGLES WESTERLY A DISTANCE OF 363 FEET; THENCE AT RIGHT ANGLES NORTHERLY PARALLEL WITH SAID EASTERLY LINE OF LOT "H" A DISTANCE OF 600 FEET; THENCE AT RIGHT ANGLES EASTERLY A DISTANCE OF 363 FEET TO THE POINT OF BEGINNING.

EXCEPTION PARCEL 3:

THAT ONE-HALF INTEREST CONVEYED TO PAUL ECKE, ET UX, IN THE RESERVOIR SITE DESCRIBED IN PARCEL 1 IN DEED TO PAUL ECKE, ET UX, RECORDED APRIL 29, 1948 AS DOCUMENT NO. 43670 IN BOOK 2778, PAGE 352 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: A ONE-HALF UNDIVIDED INTEREST IN A PORTION OF LOT "H" OF RANCHO AGUA HEDIONDA, IN THE COUNTY OF SAN DIEGO, ACCORDING TO PARTITION MAP THEREOF NO. 823, FILED IN THE OFFICE OF THE COUNTY RECORDER NOVEMBER 16, 1896, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTHERLY BOUNDARY OF LOT "H" OF SAID RANCHO AGUA HEDIONDA WITH THE CENTER LINE OF THE 100 FOOT RIGHT OF WAY GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED AUGUST 30, 1935 IN BOOK 432, PAGE 60 OF OFFICIAL RECORDS BY DOCUMENT NO. 46278 IN A PORTION OF SAID NORTHERLY BOUNDARY OF LOT "H" BEARING SOUTH 78°03' EAST 1149.32 FEET (RECORD 1148.08 FEET) AND NORTH 72°21'30" EAST 2036.33 FEET (RECORD NORTH 72°24' EAST 2036.30 FEET) FROM CORNER NO. 1 OF SAID RANCHO AGUA HEDIONDA ACCORDING TO LICENSED SURVEY MAP NO. 173 FILED IN THE OFFICE OF THE COUNTY RECORDER DECEMBER 16, 1913; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF RIGHT OF WAY 6,664.92 FEET TO ENGINEER'S STATION 334 PLUS 79.00 AS SHOWN ON MAP OF SAID 100 FOOT HIGHWAY RIGHT OF WAY OF ROAD XI SD 2 B ON FILE IN THE OFFICE OF THE DISTRICT STATE HIGHWAY ENGINEER, SAID ENGINEER'S STATION 334 PLUS 79.00 BEING IN THAT COURSE OF SAID CENTER LINE OF RIGHT OF WAY HAVING A BEARING OF SOUTH 30°38'50" EAST (ACCORDING TO SAID HIGHWAY MAP AND ACCORDING TO SAID DEED BOOK 432, PAGE 60, THE BEARING IS RECORD SOUTH 30°43'30" EAST); THENCE NORTH 59°21'10" EAST 1097.36 FEET TO THE CENTER LINE OF THE RIGHT OF WAY OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY AS SAID RIGHT OF WAY IS DESCRIBED IN DEED RECORDED MARCH 10, 1881 IN BOOK 38, PAGE 171 OF DEEDS; THENCE ALONG SAID CENTER LINE OF RAILWAY RIGHT OF WAY NORTH 23°06' WEST, 962.84 FEET; THENCE LEAVING SAID CENTER LINE NORTH

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EXHIBIT A

LEGAL DESCRIPTION OF PLANT LAND

66°54'10" EAST 1770 FEET TO A POINT DESIGNATED HEREIN AS POINT "A"; THENCE NORTH 23°05'05" WEST 461.74 FEET; THENCE NORTH 66°56'40" EAST 350.15 FEET TO THE TRUE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE NORTH 23°03'20" WEST 234 FEET; THENCE NORTH 66°56'40" EAST 260.32 FEET; THENCE SOUTH 23°03'20" EAST 234 FEET; THENCE SOUTH 66°56'40" WEST 260.32 FEET TO THE TRUE POINT OF BEGINNING, AND BEING THE LOCATION OF AN EXISTING WATER RESERVOIR AND PUMPHOUSE.

EXCEPTION PARCEL 4:

THAT PARCEL OF LAND DESCRIBED IN THE DEED FROM W.D. CANNON, A SINGLE MAN, ET AL, TO THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, A KANSAS CORPORATION, RECORDED OCTOBER 11, 1948, IN BOOK 2977, PAGE 147 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT CERTAIN IRREGULAR SHAPED PARCEL OF LAND AT CARLSBAD, IN THE COUNTY OF SAN DIEGO, BEING A PORTION OF LOT "H" IN RANCHO AGUA HEDIONDA AS SHOWN ON PARTITION MAP THEREOF NO. 823 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF RECORD OF SURVEY MAP NO. 1806, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY BEING A POINT IN A LINE WHICH BEARS NORTH 72°21'30" EAST FROM ENGINEER'S STATION 386 PLUS 40.79 PER STATE HIGHWAY PLAN XI-SD-2B. AS SHOWN ON SAID MAP NO. 1806; THENCE NORTH 72°21'30" EAST ALONG THE NORTHEASTERLY PROLONGATION OF SAID LINE TO THE WESTERLY LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY'S RIGHT OF WAY; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE TO THE NORTHEASTERLY LINE OF SAID

RECORD OF SURVEY NO. 1806; THENCE NORTH 29°16'00" WEST ALONG THE NORTHEAST LINE OF SAID RECORD OF SURVEY A DISTANCE OF 835.07 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 0.57 OF AN ACRE MORE OR LESS.

EXCEPTION PARCEL 5:

THAT PORTION WHICH LIES WITHIN THE HEREINAFTER DESCRIBED PARCEL "6" AND PARCEL "8".

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EXHIBIT A

LEGAL DESCRIPTION OF PLANT LAND

EXCEPTION PARCEL 6:

EXCEPTING THAT PORTION OF LOT "H" OF THE RANCHO AGUA HEDIONDA, ACCORDING TO PARTITION MAP THEREOF NO. 823, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 16, 1896, LYING NORTHERLY OF THE SOUTHERLY BOUNDARY OF THE SWAMP OR OVERFLOW LAND KNOWN AS THE LAGOON BED; AS SAID BOUNDARY WAS LOCATED ON SEPTEMBER 28, 1948 AS DESCRIBED IN GRANT DEED RECORDED MAY 18, 1953 IN BOOK 4858, PAGE 320 OF OFFICIAL RECORDS; CONTAINED WITHIN THE FOLLOWING DESCRIBED PARCEL OF LAND; BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID LOT "H", DISTANT THEREON SOUTH 63°35'18" WEST, 751.44 FEET FROM A 6-INCH CONCRETE MONUMENT SET FOR THE MOST NORTHERLY CORNER OF LOT "H" COMMON TO LOTS "H" AND "I" OF SAID RANCHO SAID POINT OF BEGINNING BEING ENGINEER'S STATION 396 PLUS 57.69 P.O.C. ON THE CENTER LINE OF THE DEPARTMENT OF PUBLIC WORKS SURVEY MADE IN 1949 BETWEEN 2.2 MILE SOUTH OF CARLSBAD AND THE SOUTH CITY LIMIT OF OCEANSIDE, ROAD XI-SD-2B; THENCE ALONG SAID NORTHERLY LINE OF LOT "H", NORTH 63°35'18" EAST, 184.16 FEET; THENCE LEAVING SAID NORTHERLY LINE, SOUTH 18°24'53" EAST, 59.72 FEET; THENCE SOUTH 3°45'02" EAST, 1172.77 FEET; THENCE SOUTH 86°14'58" WEST, 50.00 FEET; THENCE SOUTH 3°45'02" EAST, 194.28 FEET; THENCE SOUTH 84°58'49" WEST, 141.36 FEET TO ENGINEER'S STATION 383 PLUS 00.07 P.O.C. ON THE CENTER LINE OF SAID SURVEY; THENCE FROM A TANGENT WHICH BEARS NORTH 5°01'11" WEST, ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 2000 FEET, THROUGH AN ANGLE OF 2°18'01" A DISTANCE OF 80.30 FEET; THENCE NORTH 2°43'10" WEST, 69.63 FEET TO ENGINEER'S STATION 384 PLUS 50.00 ON SAID CENTER LINE; THENCE LEAVING SAID CENTER LINE, SOUTH 87°16'50" WEST, 145.00 FEET; THENCE NORTH 0°36'36" WEST, 50.03 FEET; THENCE SOUTH 89°23'24" WEST, 50.00 FEET; THENCE NORTH 0°36'36" WEST, 894.20 FEET; THENCE NORTH 15°45'38" WEST, 194.66 FEET TO SAID NORTHERLY LINE OF LOT "H"; THENCE ALONG SAID NORTHERLY LINE, NORTH 72°17'18" EAST, 59.22 FEET TO A 6-INCH CONCRETE FILLED IRON PIPE SET FOR AN ANGLE POINT IN SAID NORTHERLY LINE; THENCE CONTINUING ALONG SAID NORTHERLY LINE NORTH 63°35'18" EAST, 142.25 FEET TO THE POINT OF BEGINNING.

EXCEPTION PARCEL 7:

(PARCEL 1 AND PARCEL 4 OF 69-048604)

THAT PORTION OF LOT "H" OF RANCHO AGUA HEDIONDA, ACCORDING TO PARTITION MAP THEREOF NO. 823, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 16, 1896, LYING WESTERLY OF THE WESTERLY BOUNDARY OF THE LAND DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED MAY 18, 1953 IN BOOK 4858, AT PAGE 320 AND WESTERLY OF THE WESTERLY BOUNDARY OF THE LAND DESCRIBED IN THE FINAL ORDER OF CONDEMNATION, RECORDED MAY 2, 1952, IN BOOK 4456 AT PAGE 192, BOTH IN SAN DIEGO COUNTY OFFICIAL RECORDS AND EASTERLY OF THE FOLLOWING DESCRIBED LINE:

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EXHIBIT A

LEGAL DESCRIPTION OF PLANT LAND

BEGINNING AT THE WESTERLY TERMINUS OF THE COURSE DESCRIBED AS NORTH 89°23'24" WEST, 50.00 FEET, IN SAID DEED; THENCE (1) SOUTH 17°57'26" EAST, 220.15 FEET; THENCE (2) SOUTH 12°34'26" EAST, 424.93 FEET; THENCE (3) SOUTH 22°08'07" EAST, 239.41 FEET; THENCE (4) SOUTH 22°30'44" EAST, 1573.45 FEET; THENCE (5) SOUTH 25°56'45" EAST, 100.18 FEET; THENCE (6) SOUTH 21°18'40" EAST, 197.15 FEET; THENCE (7) SOUTH 16°29'30" EAST, 100.02 FEET; THENCE (8) SOUTH 50°39'42" EAST, 23.85 FEET; THENCE (9) SOUTH 17°38'11" EAST, 8.78 FEET; THENCE (10) SOUTH 01°07'27" EAST, 116.05 FEET TO A POINT ON THE NORTHWESTERLY LINE OF THE THIRD DESCRIBED EXCEPTION AS DESCRIBED IN THE DEED TO SAN DIEGO GAS AND ELECTRIC COMPANY, A CORPORATION, RECORDED JANUARY 21, 1953 IN BOOK 4722 AT PAGE 350, SAND DIEGO COUNTY OFFICIAL RECORDS, SAID POINT BEARS SOUTH 67°31'40" WEST, 56.81 FEET FROM THE MOST NORTHERLY CORNER OF THE LAND DESCRIBED IN SAID EXCEPTION. PARCEL 2: THAT PORTION OF LOT "H" OF RANCHO AGUA HEDIONDA, ACCORDING TO PARTITION MAP THEREOF NO. 823, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 16, 1896 LYING EASTERLY OF THE EASTERLY BOUNDARY OF THE LAND DESCRIBED IN THE FINAL ORDER OF CONDEMNATION RECORDED MAY 2, 1952, IN BOOK 4456 AT PAGE 192, SAN DIEGO COUNTY OFFICIAL RECORDS, EASTERLY OF THE EASTERLY BOUNDARY OF THE LAND DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA RECORDED MAY 18, 1953 IN BOOK 4858 AT PAGE 320, SAN DIEGO COUNTY OFFICIAL RECORDS, AND LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE; BEGINNING AT THE EASTERLY TERMINUS OF THE COURSE DESCRIBED AS "SOUTH 86°14'58" WEST, 50.00 FEET IN SAID DEED; THENCE SOUTH 11°16'18" WEST, 200.57 FEET TO THE NORTHERLY TERMINUS OF THE COURSE DESCRIBED AS "SOUTH 16°04'40" EAST, 362.38 FEET" IN SAID FINAL ORDER OF CONDEMNATION.

EXCEPTION PARCEL 8:

EXCEPTING THEREFROM, ALL THAT PORTION OF THE HEREINABOVE DESCRIBED PARCEL "3" DESCRIBED AS PARCEL "A" IN THE CERTIFICATE OF COMPLIANCE RECORDED NOVEMBER 22, 1995 AS FILE NO. 1995-0532900 OF OFFICIAL RECORDS.

EXCEPTION PARCEL 9:

(PARCEL 1 FROM BOOK 4821, PAGE 209 ORS)

ALL THAT PORTION OF RANCHO AGUA HEDIONDA IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP THEREOF NO. 823, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 16, 1896, SITUATED WITHIN THAT PORTION THEREOF DESCRIBED IN DEED TO SAN DIEGO COUNTY WATER COMPANY, RECORDED JUNE 17, 1940 IN BOOK 1035, PAGE 301 OF OFFICIAL RECORDS, AS DOCUMENT NO. 18815, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTHERLY BOUNDARY OF LOT "H" OF SAID RANCHO AGUA HEDIONDA WITH THE CENTER LINE OF THE 100 FOOT RIGHT OF WAY

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EXHIBIT ALEGAL DESCRIPTION OF PLANT LAND

GRANTED TO THE STATE OF CALIFORNIA, BY DEED RECORDED AUGUST 30, 1935, IN BOOK 432, PAGE 60 OF OFFICIAL RECORDS AS DOCUMENT NO. 46278 IN A PORTION OF SAID NORTHERLY BOUNDARY OF LOT "H" BEARING SOUTH 78°03' EAST, 1149.32 FEET (RECORD 1148.08) AND NORTH 72°21'30" EAST, 2036.33 FEET (RECORD NORTH 72°24' EAST, 2036.30 FEET) FROM CORNER NO. 1 OF SAID RANCHO AGUA HEDIONDA, ACCORDING TO LICENSED SURVEY MAP NO. 173 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY DECEMBER 16, 1913; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF RIGHT OF WAY SOUTH 36°52'50" EAST (HIGHWAY RECORD SOUTH 36°57'30" EAST) 677.05 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 5000 FEET; THENCE SOUTHERLY ALONG SAID CURVE AND ALONG SAID CENTER LINE OF HIGHWAY RIGHT OF WAY THROUGH A CENTRAL ANGLE OF 9°25'49" A DISTANCE OF 822.95 FEET TO ENGINEERS STATION 386 PLUS 40.79 AS SHOWN ON THE MAP OF SAID 100 FOOT HIGHWAY RIGHT OF WAY OF ROAD XI-SD-2B ON FILE IN THE OFFICE OF THE DISTRICT STATE OF HIGHWAY ENGINEER, SAID ENGINEER'S STATION BEING AT A POINT IN SAID CURVE WHICH A RADIAL LINE THERETO BEARS NORTH 62°32'59" EAST; SAID ENGINEER'S STATION BEING ALSO A POINT ON A PORTION OF THE NORTHWESTERLY LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN A DEED TO SAN DIEGO GAS & ELECTRIC COMPANY, A CORPORATION, RECORDED IN BOOK 4456, PAGE 49 OF OFFICIAL RECORDS, SAID LAS DESCRIBED LINE BEING ALSO THE SOUTHEASTERLY LINE OF THAT CERTAIN PORTION OF LAND DESCRIBED IN PARCEL 1 OF A DEED TO PAUL ECKE, ET UX, RECORDED IN BOOK 2778, PAGE 357 OF OFFICIAL RECORDS; THENCE FROM SAID CENTER LINE ENGINEER'S STATION 386 PLUS 40.79 NORTH 72°21'30" EAST ALONG THE NORTHWESTERLY LINE OF THE SAID SAN DIEGO GAS & ELECTRIC COMPANY PROPERTY ABOVE DESCRIBED, AND ALONG THE SOUTHEASTERLY LINE OF THE SAID ECKE PROPERTY ABOVE DESCRIBED A DISTANCE OF 152.16 FEET TO THE TRUE POINT OF

BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE FROM SAID TRUE POINT OF BEGINNING SOUTH 5°52'30" EAST, 233.20 FEET; THENCE SOUTH 65°17'40" WEST, 70 FEET TO A POINT ON THE CENTER LINE OF THE ABOVE DESCRIBED 100 FOOT STATE HIGHWAY RIGHT OF WAY. SAID POINT BEING THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 5000 FEET, SAID POINT BEING SHOWN AS ENGINEER'S STATION 384 PLUS 01.27 ON SAID MAP OF SAID 100 FOOT RIGHT OF WAY; THENCE CONTINUING SOUTH 65°17'40" WEST TO THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN; THENCE NORTHWESTERLY ALONG SAID MEAN HIGH TIDE LINE TO THE NORTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN A DEED TO SAN DIEGO GAS & ELECTRIC COMPANY, RECORDED IN BOOK 4456, PAGE 49 OF SAID OFFICIAL RECORDS, SAID CORNER BEING ALSO THE SOUTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN PARCEL 1 OF A DEED TO PAUL ECKE ET UX, RECORDED IN BOOK 2778, PAGE 357 OF OFFICIAL RECORDS; THENCE NORTH 72°21'30" EAST ALONG THE NORTHWESTERLY LINE OF THE SAID SAN DIEGO GAS & ELECTRIC COMPANY PROPERTY ABOVE DESCRIBED TO THE TRUE POINT OF BEGINNING.

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EXHIBIT A

LEGAL DESCRIPTION OF PLANT LAND

EXCEPTION PARCEL 10:
(PARCEL 2 OF 90-9473)

THAT PORTION OF LOT H OF RANCHO AGUA HEDIONDA, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 823, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY OF SAN DIEGO NOVEMBER 16, 1896, DESCRIBED AS FOLLOWS: COMMENCING AT POINT "A" DESCRIBED IN PARCEL 1 OF THE GRANT DEED RECORDED AS FILE NO. 1990-9473; THENCE ALONG THE CENTER LINE OF SAID CARLSBAD BOULEVARD, 100 FEET IN WIDTH (FORMERLY US HWY 101) AS SHOWN AND DELINEATED ON SAID RECORD OF SURVEY MAP NO. 1806, SOUTH 36°52'50" EAST 391.75 FEET TO THE BEGINNING OF A TANGENT 5000.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 12°10'30", A DISTANCE OF 1062.47 FEET; THENCE NONTANGENT AND LEAVING SAID CENTER LINE SOUTH 65°17'40" WEST, 50.00 FEET TO THE TRUE POINT OF BEGINNING, SAID TRUE POINT OF BEGINNING BEING A POINT ON THE SOUTHWESTERLY LINE OF SAID CARLSBAD BOULEVARD; THENCE FROM SAID TRUE POINT OF BEGINNING CONTINUING SOUTH 65°17'40" WEST, 94.54 FEET TO A POINT ON THE ORDINARY HIGH WATER MARK, AS ESTABLISHED BY A SURVEY FILED AND APPROVED ON DECEMBER 22, 1953 BY THE STATE LANDS COMMISSION, DIVISION OF STATE LANDS, STATE OF CALIFORNIA; THENCE ALONG SAID ORDINARY HIGH WATER MARK, SOUTH 25°40'37" EAST, 335.49 FEET; SOUTH 22°26'51" EAST 572.13 FEET; SOUTH 19°54'35" EAST, 184.39 FEET AND SOUTH 21°45'06" EAST 68.19 FEET; THENCE LEAVING SAID ORDINARY HIGH WATER MARK, NORTH 65°17'40" EAST, 130.33 FEET TO A POINT ON SAID SOUTHWESTERLY LINE OF CARLSBAD BOULEVARD; THENCE ALONG SAID SOUTHWESTERLY LINE NORTH 24°42'20" WEST, 1159.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL "C":
PORTION OF APN 210 010 32
(PARCEL 2 OF CERTIFICATE OF COMPLIANCE RECORDED AS FILE NO. 78-392949)

THAT PORTION OF LOT "H" OF RANCHO AGUA HEDIONDA, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP THEREOF NO. 823, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 16, 1896, DESCRIBED AS FOLLOWS:

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EXHIBIT A

LEGAL DESCRIPTION OF PLANT LAND

COMMENCING AT THE NORTHEAST CORNER OF SAID LAND DESCRIBED IN DEED TO SAN DIEGO GAS AND ELECTRIC COMPANY RECORDED OCTOBER 8, 1948 IN BOOK 2974, PAGE 493 OF OFFICIAL RECORDS; THENCE ALONG THE EASTERLY PROLONGATION OF THE NORTHERLY LINE THEREOF NORTH 72°57'29" EAST (RECORD NORTH 72°25' EAST PER DEED) 100.46 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF THE LAND CONVEYED TO SAN DIEGO GAS AND ELECTRIC COMPANY BY DEED FROM W.D. CANNON RECORDED JANUARY 21, 1953 AS DOCUMENT 9010 IN BOOK 4722, PAGE 350 OF OFFICIAL RECORDS, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE ALONG SAID SOUTHWESTERLY LINE SOUTH 22°31'09" EAST 2806.13 FEET TO AN ANGLE POINT IN SAID LAND; THENCE NORTH 67°29'33" EAST (RECORD NORTH 66°53'10" EAST PER SAID DEED), 60.00 FEET; THENCE TO AND ALONG THE SOUTHWESTERLY LINE OF THE LAND DESCRIBED IN DEED TO JAPATUL CORPORATION RECORDED SEPTEMBER 13, 1973 AS FILE NO. 73-257463 OF SAID OFFICIAL RECORDS, NORTH 22°31'09" EAST 708.00 FEET TO THE NORTHWEST CORNER THEREOF; THENCE ALONG THE NORTHWESTERLY LINE OF SAID JAPATUL LAND NORTH 67°29'33" EAST (RECORD NORTH 66°54'10" EAST PER SAID DEED) 517.56 FEET TO THE NORTHEAST CORNER THEREOF; THENCE ALONG THE WESTERLY LINE OF CALIFORNIA STATE HIGHWAY 11-SD-5 AS DESCRIBED IN DEED RECORDED MARCH 20, 1969 AS FILE NO. 48604 OF OFFICIAL RECORDS AS FOLLOWS:

NORTH 01°06'33" EAST 116.34 FEET; NORTH 17°37'17" EAST 8.78 FEET; NORTH 50°38'43" WEST 23.85 FEET; NORTH 16°28'36" WEST 100.02 FEET; NORTH 21°19'34" WEST 197.26 FEET; NORTH 25°57'04" WEST 100.19 FEET; NORTH 22°31'32" WEST 1,573.66 FEET; NORTH 22°08'49" WEST 239.43 FEET; NORTH 12°35'03" WEST 424.87 FEET; AND NORTH 17°22'30" WEST 202.94 FEET; THENCE LEAVING SAID WESTERLY LINE SOUTH 81°50'51" WEST 19.18 FEET; THENCE NORTH 86°55'09" WEST 332.00 FEET; THENCE SOUTH 79°16'51" WEST 285.00

FEET; THENCE NORTH 69°13'09" WEST 38.00 FEET; THENCE NORTH 40°50'09" WEST 63.50 FEET; THENCE SOUTH 30°27'51" WEST 35.00 FEET; THENCE SOUTH 61°22'51" WEST 13.61 FEET TO THE EXISTING EASTERLY RIGHT OF WAY LINE OF THE ATCHISON TOPEKA AND SANTA FE RAILWAY COMPANY; THENCE ALONG SAID LINE SOUTH 22°31'09" EAST 302.87 FEET TO THE BEGINNING OF A NON-TANGENT 1005.37 FOOT RADIUS CURVE CONCAVE WESTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 88°00'52" EAST; SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°14'10" A DISTANCE OF 56.78 FEET AND NON-TANGENT TO SAID CURVE SOUTH 22°31'09" EAST 786.71 FEET TO THE TRUE POINT OF BEGINNING.

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EXHIBIT A

LEGAL DESCRIPTION OF PLANT LAND

PARCEL "D":

PORTION OF APN 210 010 36

(PARCEL 1 OF CERTIFICATE OF COMPLIANCE RECORDED AS FILE NO.

78-430841)

THAT PORTION OF LOT "H" OF RANCHO AGUA HEDIONDA, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP THEREOF NO. 823, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 16, 1896, DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN WITH THE WESTERLY PROLONGATION OF A LINE WHICH IS PARALLEL WITH AND DISTANT 2000 FEET AT RIGHT ANGLES SOUTHERLY FROM THE SOUTHERLY LINE OF BLOCK "V" OF PALISADES NO. 2, ACCORDING TO MAP THEREOF NO. 1803, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY AUGUST 25, 1924, THE BEARING OF WHICH PARALLEL LINE AND ITS WESTERLY PROLONGATION THEREOF IS RECORDED AS NORTH 72°25' EAST ON SAID MAP OF SAID PALISADES NO. 2, THENCE FROM SAID POINT OF INTERSECTION NORTH 72°25' EAST ALONG SAID PARALLEL LINE AND THE PROLONGATION THEREOF, TO THE WESTERLY LINE OF THE RIGHT OF WAY OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, AS SAID RIGHT OF WAY WAS ESTABLISHED ON SEPTEMBER 22, 1948; THENCE SOUTHERLY ALONG SAID WESTERLY LINE OF THE RIGHT OF WAY OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY A DISTANCE OF 2755.18 FEET TO A POINT; THENCE SOUTH 66°54'10" WEST TO THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN, SAID LAND NAMED COURSE AND BEARING BEING PARALLEL WITH THE LOCATION AND PROLONGATION OF THAT COURSE, IN THE SOUTHERLY BOUNDARY OF THE LAND DESCRIBED IN QUITCLAIM DEED FROM PAUL ECKE, ET UX, TO GROVER C. JACOBSEN ET AL RECORDED APRIL 29, 1948 AS DOCUMENT NO. 43667 IN BOOK 2778, PAGE 341 OF OFFICIAL RECORDS, DESIGNATED AS "NORTH 66°54'10" EAST 1770 FEET; AS SAID LOCATION AND PROLONGATION OF SAID COURSE WAS MONUMENTED ON THE GROUND ON SEPTEMBER 22, 1948; THENCE NORTHWESTERLY ALONG THE SAID MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE PROPERTY CONVEYED BY W.D. CANNON ET AL TO SAN DIEGO GAS AND ELECTRIC COMPANY BY DEED RECORDED OCTOBER 8, 1948, IN BOOK 2794, AT PAGE 493 OF OFFICIAL RECORDS OF THE COUNTY OF SAN DIEGO; THENCE SOUTH 66°54'10" WEST ALONG THE SOUTHERLY LINE OF PROPERTY SO CONVEYED TO SAN DIEGO GAS AND ELECTRIC COMPANY A DISTANCE OF 1242.57 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY LINE OF 100 FOOT STATE HIGHWAY RIGHT OF WAY AS ESTABLISHED ON SEPTEMBER 28, 1948, WHICH POINT IN THE TRUE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID 100 FOOT STATE HIGHWAY RIGHT OF WAY 660 FEET; THENCE LEAVING SAID WESTERLY LINE OF 100 FOOT STATE HIGHWAY RIGHT OF WAY SOUTH

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EXHIBIT A

LEGAL DESCRIPTION OF PLANT LAND

66°54'10" WEST PARALLEL WITH THE SOUTHERLY LINE OF THE PROPERTY CONVEYED TO THE SAN DIEGO GAS AND ELECTRIC COMPANY ABOVE DESCRIBED TO THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN; THENCE SOUTHERLY ALONG SAID MEAN HIGH TIDE LINE TO AN INTERSECTION WITH THE SOUTHERLY LINE OF THE PROPERTY CONVEYED TO THE SAN DIEGO GAS AND ELECTRIC COMPANY ABOVE DESCRIBED; THENCE NORTH 66°54'10" EAST ALONG SAID SOUTHERLY LINE TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM, PARCEL 2 OF 90-9473 DESCRIBED AS THAT PORTION OF LOT "H" OF RANCHO AGUA HEDIONDA, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 823, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY OF SAN DIEGO NOVEMBER 16, 1896, DESCRIBED AS FOLLOWS:

COMMENCING AT POINT "A" DESCRIBED IN PARCEL 1 OF THE GRANT DEED RECORDED AS FILE NO. 1990-9473; THENCE ALONG THE CENTER LINE OF SAID CARLSBAD BOULEVARD, 100 FEET IN WIDTH, (FORMERLY US HWY 101) AS SHOWN AND DELINEATED ON SAID RECORD OF SURVEY MAP NO. 1806, SOUTH 36°52'50" EAST 391.75 FEET TO THE BEGINNING OF A TANGENT 5000.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 12°10'30", A DISTANCE OF 1062.47 FEET; THENCE NONTANGENT AND LEAVING SAID CENTER LINE SOUTH 65°17'40" WEST, 50.00 FEET TO THE TRUE POINT OF BEGINNING, SAID TRUE POINT OF BEGINNING BEING A POINT OF BEGINNING CONTINUING SOUTH 65°17'40" WEST 94.54 FEET TO A POINT ON THE ORDINARY HIGH WATER MARK, AS ESTABLISHED BY A SURVEY FILED AND APPROVED ON DECEMBER 22, 1953 BY THE STATE LANDS COMMISSION, DIVISION OF STATE LANDS, STATE OF CALIFORNIA; THENCE ALONG SAID ORDINARY HIGH WATER MARK, SOUTH 25°40'37" EAST, 335.49 FEET; SOUTH 22°26'51" EAST 572.13 FEET; SOUTH 19°54'35" EAST, 184.39 FEET AND SOUTH 21°45'06" EAST 68.19 FEET; THENCE LEAVING SAID ORDINARY HIGH WATER MARK, NORTH 65°17'40" EAST 130.33 FEET TO A POINT ON SAID SOUTHWESTERLY LINE OF CARLSBAD BOULEVARD; THENCE ALONG SAID SOUTHWESTERLY LINE NORTH 24°42'20" WEST, 1159.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL "E":
APN 210 010 24 (66-6700/ECKE)

ALL THAT PORTION OF LOT "H" IN RANCHO AGUA HEDIONDA, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP THEREOF NO. 823, FILED IN THE OFFICE OF THE RECORDER OF SAID COUNTY OF SAN DIEGO, NOVEMBER 16, 1896, SITUATED WITHIN THAT PORTION THEREOF DESCRIBED IN DEED TO SAN DIEGO COUNTY WATER COMPANY, RECORDED JUNE 17, 1940 IN BOOK 1035, PAGE 301 OF OFFICIAL RECORDS OF SAID COUNTY OF SAN DIEGO AS DOCUMENT NO. 28815, BOUNDED AND DESCRIBED AS FOLLOWS:

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EXHIBIT A

LEGAL DESCRIPTION OF PLANT LAND

COMMENCING AT CORNER NO. 1 OF SAID RANCHO AGUA HEDIONDA, ACCORDING TO LICENSED SURVEY MAP NO. 173, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 16, 1913; THENCE SOUTH 78°03" EAST, ALONG THE NORTHERLY BOUNDARY LINE OF LOT "H" OF SAID RANCHO AGUA HEDIONDA, A DISTANCE OF 92.06 FEET TO A POINT OF INTERSECTION WITH THE CENTER LINE OF THAT CERTAIN 100 FOOT WIDE RIGHT OF WAY GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED AUGUST 30, 1935, IN BOOK 432 AT PAGE 60 OF SAID OFFICIAL RECORDS, AS DOCUMENT NO. 46278; THENCE LEAVING SAID NORTHERLY BOUNDARY LINE OF LOT "H", SOUTH 36°52'50" EAST (SOUTH 36°57'30" EAST, RECORD PER MAP OF CALIFORNIA STATE HIGHWAY XI-SD-2-B, AS SHOWN ON SHEET 18 OF 29 SHEETS, APPROVED DECEMBER 26, 1933, ON FILE IN THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, SACRAMENTO, CALIFORNIA, OLD HIGHWAY 101, NOW KNOWN AS CARLSBAD BOULEVARD) A DISTANCE OF 677.05 FEET TO A POINT OF INTERSECTION OF SAID CENTER LINE WITH THE SOUTHERLY LINE OF THAT CERTAIN PORTION OF SAID LOT "H" DESCRIBED IN DEED TO SAN DIEGO GAS AND ELECTRIC COMPANY RECORDED APRIL 15, 1953 IN BOOK 4821 AT PAGE 199 OF SAID OFFICIAL RECORDS AS DOCUMENT NO. 51679, SAID POINT OF INTERSECTION BEING THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 5000.00 FEET, SAID POINT OF INTERSECTION BEING THE TRUE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED IN PARCEL 1; THENCE NORTH 53°07'10" EAST ALONG THE SOUTHERLY BOUNDARY LINE OF SAID

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EXHIBIT ALEGAL DESCRIPTION OF PLANT LAND

ABOVE DESCRIBED SAN DIEGO GAS AND ELECTRIC COMPANY'S LAND, BEING ALSO ALONG THE NORTHEASTERLY PROLONGATION OF A RADIAL LINE OF SAID TANGENT CURVE, A DISTANCE OF 50.00 FEET TO AN ANGLE POINT IN THE BOUNDARY LINE OF SAID SAN DIEGO GAS AND ELECTRIC COMPANY'S LAND; THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY BOUNDARY LINE OF SAID SAN DIEGO GAS AND ELECTRIC COMPANY'S LAND SOUTH 45°31'16" EAST, A DISTANCE OF 504.48 FEET TO A POINT IN THE ARC OF A NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 5150.00 FEET, A RADIAL LINE OF SAID CURVE PASSING THROUGH SAID POINT BEARS NORTH 58°40'37" EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, BEING ALSO THE SOUTHWESTERLY BOUNDARY LINE OF SAID SAN DIEGO GAS AND ELECTRIC COMPANY'S LAND, THROUGH A CENTRAL ANGLE OF 4°09'40", A DISTANCE OF 374.01 FEET TO THE MOST SOUTHERLY CORNER OF SAID SAN DIEGO GAS AND ELECTRIC COMPANY'S LAND SAID MOST SOUTHERLY CORNER BEING ALSO A POINT IN THE NORTHWESTERLY BOUNDARY LINE OF THAT CERTAIN PORTION OF SAID LOT "H" DESCRIBED IN DEED TO SAN DIEGO GAS AND ELECTRIC COMPANY RECORDED MAY 2, 1952 IN BOOK 4456 AT PAGE 49 OF SAID OFFICIAL RECORDS AS DOCUMENT NO. 54338; THENCE SOUTH 5°52'30" EAST, ALONG THE WESTERLY BOUNDARY LINE OF SAID SAN DIEGO GAS AND ELECTRIC COMPANY'S LAND DESCRIBED IN BOOK 4456, PAGE 49, A DISTANCE OF 233.20 FEET TO AN ANGLE POINT THEREIN; THENCE SOUTH 65°17'40" WEST, ALONG THE NORTHWESTERLY LINE OF SAID SAN DIEGO GAS AND ELECTRIC COMPANY'S LAND DESCRIBED IN BOOK 4456, PAGE 49, A DISTANCE OF 70.00 FEET TO A POINT OF INTERSECTION WITH THE CENTER LINE OF SAID 100.00 FOOT WIDE RIGHT OF WAY GRANTED TO SAID STATE OF CALIFORNIA RECORDED IN BOOK 432 AT PAGE 60, SAID POINT OF INTERSECTION BEING ANOTHER POINT IN THE ARC OF SAID TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 5000.00 FEET, A RADIAL LINE OF SAID CURVE PASSING THROUGH SAID POINT BEARS NORTH 65°17'40" EAST; THENCE LEAVING SAID NORTHWESTERLY BOUNDARY LINE OF SAID SAN DIEGO GAS AND ELECTRIC COMPANY'S LAND DESCRIBED IN BOOK 4456, PAGE 49 NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 12°10'30", A DISTANCE OF 1062.47 FEET TO THE TRUE POINT OF BEGINNING OF PARCEL 1.

FILE/PAGE NO.

3845

through

FILE/PAGE NO.

inclusive

DATE

5-21-99

REFERENCE

IMAGE # NOT USED

SAN DIEGO COUNTY RECORDER

By

Cheryl C. Johnson

, Deputy

EXHIBIT C

RECORDING REQUESTED BY
STEWART TITLE OF CALIFORNIA

RECORDING REQUESTED BY AND:
WHEN RECORDED MAIL TO:

CALIFORNIA COASTAL COMMISSION
89 S. California Street, Suite 200
Ventura, CA 93001-2801

6261

Attn: Legal Division

A
50P
Jen

DOC # 2005-0475686



JUN 07, 2005 10:25 AM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 163.00 PAGES: 50
WAYS: 2



2005-0475686

OPEN SPACE DEED RESTRICTION

I. WHEREAS, San Diego Gas and Electric Company, a corporation, hereinafter referred to as "Owner," is the record owner of the following real property:

See Exhibit D attached hereto and incorporated herein by reference, hereinafter referred to as the "Property"; and

II. WHEREAS, the California Coastal Commission, hereinafter referred to as the "Commission", is acting on behalf of the People of the State of California; and

III. WHEREAS, the Property is located within the coastal zone as defined in § 30103 of Division 20 of the California Public Resources Code, hereinafter referred to as the "California Coastal Act of 1976," (the "Act"); and

IV. WHEREAS, pursuant to the Act, the co-applicants, Cabrillo Power: I LLC and Owner, applied to the Commission for a coastal development permit on the Property; and

V. WHEREAS, coastal development permit number 6-01-167 hereinafter referred to as the "Permit", was granted on October 8, 2002, by the Commission in accordance with the provisions of the Staff Recommendation and Findings and Addendum, attached hereto as EXHIBIT A; and Notice of Intent to Issue Permit dated October 15, 2002, attached hereto as EXHIBIT A-1; both herein incorporated by reference; and

VI. WHEREAS, the Permit was subject to the terms and conditions

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including, but not limited to, the following condition:

2. Lagoon Conservation Deed Restriction. No development, as defined in Section 30106 of the Coastal Act shall occur within Agua Hedionda Lagoon (proposed Lot 9 [All Water Lot] and the water portions of proposed Lots 1, 3 and 10 as depicted in Exhibit #3 except for the following development, if approved as an amendment to this coastal development permit or through a separate coastal development permit: dredging associated with operation of the power plant; caulerpa taxifolia eradication efforts; recreational activities in the lagoon including boating, swimming, and fishing; maintenance of equipment within the lagoon associated with the Hubbs Sea World Fish Hatchery; maintenance of the aqua culture facility in the outer lagoon; maintenance of the YMCA Aquatic Park in the middle lagoon; and other very minor incidental public facilities, restorative measures, or nature study.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

VII. WHEREAS, the Commission found that but for the imposition of the above condition the proposed development could not be found consistent with the provisions of the California Coastal Act of 1976 and that a permit could therefore not have been granted; and

VIII. WHEREAS, Owner has elected to comply with the conditions imposed by the Permit and execute this Deed Restriction so as to enable Owner to undertake the development authorized by the Permit.

NOW, THEREFORE, in consideration of the granting of the Permit to Cabrillo Power I LLC and the Owner by the Commission, the Owner hereby irrevocably covenants with the Commission that there be and hereby is created the following restrictions on the use and enjoyment of said Property, to be attached to and become a part of the deed to the Property.

1. COVENANT, CONDITION, AND RESTRICTION. The undersigned Owner, for itself and for its heirs, assigns, and successors in interest, covenants and agrees that: the use of the Protected Land as shown on Exhibits B-1 and B-2, attached hereto and incorporated

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herein by reference, shall be limited to natural open space for habitat protection, private recreation and resource and resource conservation uses. No development as defined in Public Resources Code § 30106, attached hereto as Exhibit C and incorporated herein by reference, including, but not limited to removal of trees and other major or native vegetation, grading, paving, installation of structures such as signs, buildings, etc., shall occur or be allowed on the Protected Land with the exception of the following, which may be permitted only if approved as an amendment to the Permit or through a separate coastal development permit:

- a. dredging associated with operation of the power plant;
- b. caulerpa taxifolia eradication efforts;
- c. recreational activities in the lagoon including boating, swimming, and fishing;
- d. maintenance of equipment within the lagoon associated with the Hubbs Sea World Fish Hatchery;
- e. maintenance of the aqua culture facility in the outer lagoon;
- f. maintenance of the YMCA Aquatic Park in the middle lagoon; and
- g. other very minor incidental public facilities, restorative measures, or nature study.

2. DURATION. Said Deed Restriction shall remain in full force and effect during the period that said permit, or any modification or amendment thereof remains effective, and during the period that the development authorized by the Permit or any modification of said development, remains in existence in or upon any part of, and thereby confers benefit upon, the Property described herein, and shall bind Owner and all his/her assigns or successors in interest.

3. TAXES AND ASSESSMENTS. It is intended that this Deed Restriction is irrevocable and shall constitute an enforceable restriction within the meaning of a) Article XIII, § 8, of the California Constitution; and b) § 402.1 of the California Revenue and Taxation Code or successor statute. Furthermore, this Deed Restriction shall be deemed to constitute a servitude upon and burden to the Property within the meaning of § 3712(d) of the

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California Revenue and Taxation Code, or successor statute, which survives a sale of tax-deeded property.

4. RIGHT OF ENTRY. The Commission or its agent may enter onto the Property at times reasonably acceptable to the Owner to ascertain whether the use restrictions set forth above are being observed.

5. REMEDIES. Any act, conveyance, contract, or authorization by the Owner whether written or oral which uses or would cause to be used or would permit use of the Property contrary to the terms of this Deed Restriction will be deemed a violation and a breach hereof. The Commission and the Owner may pursue any and all available legal and/or equitable remedies to enforce the terms and conditions of this Deed Restriction. In the event of a breach, any forbearance on the part of either party to enforce the terms and provisions hereof shall not be deemed a waiver of enforcement rights regarding any subsequent breach.

6. SEVERABILITY. If any provision of these restrictions is held to be invalid, or for any reason becomes unenforceable, no other provision shall be affected or impaired.

Dated: JUNE 2, 2005

SAN DIEGO GAS AND ELECTRIC COMPANY,
a corporation

By: *James Seft*

JAMES SEFT
PRINT NAME & CAPACITY OF ABOVE
REAL ESTATE MANAGER

PRINT NAME & CAPACITY OF ABOVE

** NOTARY ACKNOWLEDGMENT ON THE NEXT PAGE **

6265

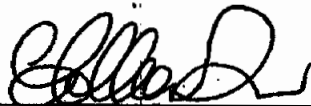
STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

On JUNE 2, 2005, before me, COLLEEN FINO, a Notary Public
personally appeared JAMES SEIFERT, personally known to me (or
proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

WITNESS my hand and official seal.

Signature



STATE OF CALIFORNIA

COUNTY OF _____

On _____, before me, _____, a Notary Public
personally appeared _____, personally known to me (or
proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

WITNESS my hand and official seal.

Signature _____

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This is to certify that the deed restriction set forth above is hereby acknowledged by the undersigned officer on behalf of the California Coastal Commission pursuant to authority conferred by the California Coastal Commission when it granted Coastal Development Permit No. 6-01-067 on October 8, 2002, and the California Coastal Commission consents to recordation thereof by its duly authorized officer.

Dated: May 12, 2005

CALIFORNIA COASTAL COMMISSION


JOHN BOWERS, Staff Counsel

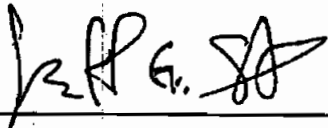
STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

On 05.12.05, before me, JEFF G. Staben, a Notary Public, personally appeared John BOWERS, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature





6267

EXHIBIT A

CALIFORNIA COASTAL COMMISSION
STAFF RECOMMENDATIONS AND FINDINGS
AND ADDENDUM

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CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 100
SAN DIEGO, CA 92108-4400
(619) 763-2370

6268**Tu 11a**

Date Filed: 5/30/02
49th Day: Waived
180th Day: 11/26/02
Date of extension request: 7/19/02
Length of extension: 90 days
Final Date of Comm. Action: 10/17/02
Staff: WNP-SD
Staff Report: 9/25/02
Hearing Date: 10/8-11/02

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-01-167

Applicant: San Diego Gas & Electric Company and Cabrillo Power I, LLC

Description: Proposed is a lot line adjustment affecting 11 lots that cover approximately 673 acres that include Agua Hedionda Lagoon, the Encina Power Plant and vicinity. Also proposed is after-the-fact approval for previous, unpermitted lot line adjustments that occurred between 1973 and 1998.

Site: East and West of Interstate 5, near Agua Hedionda Lagoon, Carlsbad (San Diego County) APN 206-070-11, 206-070-12, 210-010-24, 210-010-26, 210-010-37, 210-010-39, 210-010-40, 211-010-24, 211-010-26

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the permit with special conditions. The proposed development reconfigures lots encompassing 673 acres of land and water in and near Agua Hedionda Lagoon, including the entire lagoon itself. The primary issues raised by the development relate to protection of habitat resources and public access. Staff is recommending after-the-fact approval of the previous, unpermitted lot line adjustments and approval of the current proposed lot line adjustment with special conditions addressing open space conservation of sensitive resources within the areas affected by the lot line adjustments and preservation of existing public access. As conditioned, the proposed development is consistent with all applicable Chapter 3 policies of the coastal Act.

Due to Permit Streamlining Act requirements, the Commission must act on this application at the October 2002 hearing.

Substantive File Documents: Certified Agua Hedionda Land Use Plan; CCC files #6-97-83, #6-93-113, Carlsbad draft Habitat Management Plan (HMP), Certificate of Compliance Adjustment Plats for Parcels 1-11

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

1. **MOTION:** *I move that the Commission approve Coastal Development Permit No. 6-01-167 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. **Conservation Deed Restriction.** No development, as defined in Section 30106 of the Coastal Act shall occur on the delineated wetland, riparian, upland native habitat areas and steep slopes as described and generally depicted in Exhibit #5. Maintenance of overhead and underground utility areas are permitted within the restricted areas.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

2. **Lagoon Conservation Deed Restriction.** No development, as defined in Section 30106 of the Coastal Act shall occur within Agua Hedionda Lagoon (proposed Lot 9 [All Water Lot] and the water portions of proposed Lots 1, 3 and 10 as depicted in Exhibit #3 except for the following development, if approved as an amendment to this coastal development permit or through a separate coastal development permit: dredging associated with operation of the power plant; maintenance of existing utility lines; caulerpa taxifolia eradication efforts; recreational activities in the lagoon including boating, swimming, and fishing; maintenance of equipment within the lagoon associated with the Hubbs Sea World Fish Hatchery; maintenance of the aqua culture facility in the outer lagoon; maintenance of the YMCA Aquatic Park in the middle lagoon; and other very minor incidental public facilities, restorative measures, or nature study.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3. **Public Rights.** By acceptance of this permit, the applicant acknowledges, on behalf of itself and its successors in interest, that issuance of the permit shall not constitute a waiver of any public rights which may exist on the property. The applicant shall also acknowledge that issuance of the permit shall not be used or construed to interfere with any public prescriptive or public trust rights that may exist on the property.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. **Detailed Project Description/Site History.** Proposed is a lot line adjustment affecting 11 lots that cover approximately 673 acres under the applicants' ownership within and near Agua Hedionda Lagoon in Carlsbad (ref. Exhibit Nos. 2 & 3). The lot line adjustment adjusts the boundaries of parcels owned by SDG&E and Cabrillo Power that either contain the Encina power plant, or are in the immediate vicinity of the plant or Agua Hedionda Lagoon. The lot line adjustment is necessary because a federal antitrust

settlement and a California Public Utilities Commission Order relating to electric utility deregulation require SDG&E to divest its generating assets and require lots containing SDG&E-owned non-generating assets to be segregated from other lots that contain electricity generating assets. Also proposed is after-the-fact approval of unpermitted lot line adjustments that occurred between 1973 and 1998.

Prior to the passage of the 1972 Coastal Initiative ("Proposition 20"), SDG&E owned ten¹ lots in and immediately adjacent to Agua Hedionda Lagoon (ref. Exhibit #6 - 1972 map). Between 1973 and 1998, SDG&E recorded seven certificates of compliance without benefit of a coastal development permit. Most of these certificates of compliance did not significantly alter the pre-Proposition 20 configuration of the lots. The two most significant unpermitted lot line adjustments occurred during the 1990s. In 1995, SDG&E redrew some of the lot lines in the eastern portion of the property. The trapezoidal lot immediately west of the easternmost lot (ref. Exhibit #6 - the "Doc Kelly (Torrens)" lot), was essentially shifted to the southeastern corner of the property (ref. "Parcel B 98-125300" on Exhibit #2). The pre-1995 trapezoidal lot consisted primarily of open lagoon and wetlands. The post-1995 lot ("Parcel B" on Exhibit #2) consists of disturbed upland habitat immediately adjacent to Cannon Road. In 1998, SDG&E recorded a lot line adjustment with a neighboring property owner so that Cannon Road became the southeasterly border of Parcel B.

The proposed new lot line adjustment would separate the SDG&E maintenance yard from the Encina Power Plant and adjust parcel boundaries. According to the applicant, prior to the dredging of the lagoon in 1954 by SDG&E, the existing lot lines demarcated parcels comprised of land. However, when the lagoon was created for the purpose of providing cooling water for the SDG&E power plant, water areas were introduced in the form of the three water basins that comprise Agua Hedionda Lagoon. As a result, some parcels now include both land and water areas. Essentially, the proposal segregates generating from non-generating assets and differentiates land areas and lagoon areas into different parcels to more closely conform to the configuration of the Agua Hedionda Lagoon. The applicants indicate two parcels would be reconfigured so that the power plant and the SDG&E maintenance yard are located on separate lots, based on the California Public Utilities Commission mandated sale of the power plant property. The plant operators (Cabrillo Power) will own Parcels 3 through 7; SDG&E will retain ownership of the remaining parcels (1, 2, and 8 through 11). Parcel 9 (the inner lagoon) will be conveyed to Cabrillo upon approval of the project. The City of Carlsbad has issued unconditional Certificates of Compliance evidencing its administrative approval of the lot line adjustment.

According to the vegetation survey/slope analysis, the project site contains approximately 6.3 acres of riparian areas (scrub, woodland) and 11.0 acres of wetlands (marsh, estuarine, freshwater - the survey did not indicate whether any sensitive or rare species are present); approximately 260 acres of open water comprising Agua Hedionda Lagoon; approximately 29 acres are "dual criteria" slopes which are naturally vegetated (coastal

¹ In 1982, SDG&E acquired an eleventh parcel on the northwesterly shore of the lagoon, immediately west of the railroad right of way. It appears on Exhibit 2 as parcel 82-175943.

sage scrub) steep slopes (over 25% grade); approximately 157.2 acres of agriculture; 24.1 acres of native grassland. The rest of the property is described as Disturbed (8.1 acres), Urban Disturbed (150.5 acres) and Coastal Sage Scrub on non steep slopes (under 25% grade, 31.9 acres)

Agua Hedionda is one of six segments of the City of Carlsbad's LCP. The City has a certified LUP for this area; however, an implementation program for the Agua Hedionda segment has not been certified as yet. Thus, permit responsibility remains with the Commission, and Chapter 3 of the Coastal Act is the standard of review with the certified LUP used as guidance.

2. Wetlands/Sensitive Biological Resources/Visual Resources. The following Chapter 3 policies of the Coastal Act apply to the subject proposal and state, in part:

Section 30233 of the Coastal Act states, in part:

- (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
 - (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
 - (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
 - (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411 for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.
 - (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
 - (5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study....

In addition, Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Also, Section 30251 of the Coastal Act states in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas...

Additionally, the following policies are taken from the certified Agua Hedionda Lagoon LUP:

- 1.7 The area designated "Community Park" shall be zoned open space (OS).
Uses in this area shall be regulated by the open space zone and shall be sited so that there are no significant adverse impacts on agricultural lands, wildlife habitats and environmentally sensitive areas

2.7 Utility transmission and distribution facilities shall be allowed in wetland areas, provided that maintenance and construction of such improvements does not adversely impact environmentally sensitive areas and is consistent with Coastal Act policies.

4.4(b) Development, grading and landform alteration in steep slope areas (25%) shall be restricted. Exceptions may include encroachments by roadway and utilities necessary to reach developable areas. The maximum allowable density shall be calculated on the total lot area, although this may be modified through setbacks, plan review, or other requirements of this plan and applicable city regulations

Agua Hedionda is one of the lagoons identified by DFG as referenced in Section 30233(c) of the Coastal Act. Section 30233(c) allows alterations to specified coastal lagoons, including Agua Hedionda, only for very minor incidental public facilities, restorative measures, and nature study. As such, it is afforded greater protection than other similar areas in that allowable uses in the lagoon are significantly restricted. As such, the Commission is concerned with the proposed lot line adjustment and the potential for impacts to sensitive coastal resources resulting from the newly configured lots. According to the applicant, the lot line adjustment will not trigger any further development of the parcels, or change the density or intensity of land or water use. The proposal is just to facilitate the change of ownership relating to the sale of the power plant. Section 30106 of the Coastal Act defines "development" to mean "change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act . . . and any other division of land, including lot splits." The proposed lot line adjustment is a division of land that would significantly reconfigure lots that include and border Agua Hedionda Lagoon. The land and water areas affected by the lot line adjustment include significant recreational and ecological resources. The proposed lot line adjustment, by affecting the location and distribution of potential future development, could have significant impacts on resources protected by the Coastal Act. The proposed lot line adjustment is therefore development and requires a coastal development permit. *See La Fe, Inc. v. Los Angeles County*, (1999) 73 Cal. App. 4th 231.

In particular, the proposed lot line adjustment reconfigures lots that contain significant open water, wetland, riparian and sensitive native upland habitats (ref. Exhibit #5 showing proposed new lot configuration and distribution of habitat types on the property). For example, Parcel 9 of the reconfigured lots would consist entirely of open lagoon area, Parcel 3 would consist primarily of open lagoon area, portions of Parcels 1 and 10 would include open lagoon, and a significant portion of Parcel 10 would contain large areas of undisturbed native habitat. The applicant indicates that current zoning limits the kinds of development that can occur on the portion of the site that contains the majority of the biologically sensitive resources. This area contains the approximately 100-acre Hubb Park and 250 acres encumbered by power transmission lines. The applicant notes that the majority of this property is zoned as open space and as such the resources would be protected from inappropriate development through application of the

current open space zone. The applicant also indicates any proposed development activity subsequent to the lot line adjustment would be subject to a coastal development permit and would provide the Commission with an opportunity to ensure consistency with the Act and to protect coastal resources based on a specific proposal. The applicant also points out that LUP policy 2.7 provides that utility transmission and distribution facilities are allowed in wetland areas if sited and designed consistent with Coastal Act policies. The LUP is only used as guidance at this time and Chapter 3 policies are the standard of review with this application.

While the applicant indicates such resources would be protected under the current open space zoning applied to such areas, the Commission notes that the open space zone permits a number of uses such as playfields and athletic fields, golf courses; recreational campgrounds; stables and riding academies, public; swimming pools; tennis courts and other related cultural, entertainment and recreational activities and facilities. In addition, the Commission has not certified the current local zoning in this area and the zoning could be changed without Commission review. In several permit decisions regarding subdivisions and other divisions of land such as lot line adjustments, the Commission has imposed restrictions on future development in sensitive areas of the new or reconfigured lots (ref. CDP Nos. A-6-ENC-98-129/Brandywine; 6-99-78/Karp; 6-00-98/Kelly). It is important to impose such restrictions at the time the land is divided or reconfigured in order to assure that potential future owners receive notice of the restrictions that will apply to development of the lots. Absent such restrictions, future developers may assert an entitlement to more development than can be accommodated on the reconfigured lots consistent with the resource protection policies of Chapter 3 of the Coastal Act.

As noted, the property (Parcel 10) contains Hubb Park, portions of which are identified in the draft Carlsbad Habitat Management Plan (HMP) (December, 1999 with addendum) as a "hardline" open space area. The Carlsbad HMP is being prepared to satisfy the requirements of a federal Habitat Conservation Plan (HCP), and as a subarea plan of the regional Multiple Habitat Conservation Plan (MHCP). The MHCP study area involves approximately 186 square miles in northwestern San Diego County. This area includes the coastal cities of Carlsbad, Encinitas, Solana Beach and Oceanside, as well as the inland cities of Vista and San Marcos and several independent special districts. The participating local governments and other entities will implement their portions of the MHCP through individual subarea plans such as the Carlsbad HMP. Once approved, the MHCP and its subarea plans will replace interim restrictions placed by the U.S. Fish and Wildlife Services (USFWS) and the California Department of Fish and Game (CDFG) on impacts to coastal sage scrub and gnatcatchers within that geographical area, and will allow the incidental take of the gnatcatcher and other covered species as specified in the plan.

The Carlsbad HMP and the MHCP will meet criteria for the California Department of Fish and Game's (CDFG) Natural Communities Conservation Planning process (NCCP). The objectives of the southern California NCCP program include identification and protection of habitat in sufficient amounts and distributions to enable long-term conservation of the coastal sage community and the California gnatcatcher, as well as

other sensitive habitat types. Generally, the purpose of the HCP and NCCP processes is to preserve natural habitat by identifying and implementing an interlinked natural communities preserve system. Through these processes, the resource agencies are pursuing a long-range approach to habitat management and preserve creation over the more traditional mitigation approach to habitat impacts. Consistent with the intent of the HMP, the sensitive resources identified within Hub Park will be protected as open space through this permit action.

The draft HMP identifies that portions of Hub Park (eastern portion of property) have large concentrations of high quality native vegetation that is linked to other areas with concentrations of high quality native habitat. Critical vegetation communities include saltmarsh, freshwater marsh and riparian scrub. Major areas of coastal sage scrub are also present, as are small patches of grassland, southern maritime chaparral, southern mixed chaparral and coastal sage scrub/chaparral. Critical populations of saltmarsh, skipper butterfly, light-footed clapper rail, western snowy plover, California least tern and Belding's Savannah sparrow occur in the estuarine habitats associated with Agua Hedionda Lagoon. This coastal wetland is also critical for American peregrine falcon and California brown pelican. Finally, a major population of wart-stemmed ceanothus is associated with southern maritime chaparral east of the lagoon. Each of the above are identified as being either endangered, threatened, or rare by several of the resource agencies. The eastern portion of the property and the steep slopes adjacent to the lagoon contain habitat that is especially valuable because it provides habitat to some of the above species. It is therefore environmentally sensitive area as defined by Section 30107.5 and is protected by Section 30240.

Special Condition #1 requires that the wetland, riparian, grassland and coastal sage scrub areas be deed restricted as open space (ref. Exhibit #5). As noted, both steep and natural upland habitat areas are slated for open space protection in the draft HMP as a "Hard Line" area. Such areas are also protected under the Coastal Act. Pursuant to Section 30240 of the Coastal Act, coastal sage scrub in non-steep areas constitutes Environmentally Sensitive Habitat (ESHA) as it provides habitat for sensitive plants and animals, particularly when located near areas like coastal lagoons. ESHA is protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed in those areas. The non-steep coastal sage scrub contained onsite meets the criteria for ESHA because it is the only buffer left between subsequent development and the south shore of the lagoon and it connects to other large concentrations of high quality native vegetation.

Besides being worthy of protection because of their habitat value, steep slopes (greater than 25% grade) are identified for protection in Policy 4-4(b) of the certified Agua Hedionda LUP. Such areas provide slope stability and erosion control. These slopes rising from the shore of the lagoon are also highly scenic as viewed from I-5, a designated Scenic Highway, and as such are protected under Section 30251 of the Coastal Act.

Portions of the upland open space area contain utility areas, which are overhead and underground utility areas originating at the Encina power plant. While the LUP identifies that utility transmission and distribution facilities are permitted within open space restricted areas, maintenance and construction of such improvements must not adversely impact identified resources. Impacts associated with maintaining utility areas include removal of sensitive vegetation to reach areas in need of service or repair. Such impacts must be permitted through the coastal development permit process.

The proposed lot line adjustment also reconfigures the water areas associated with Agua Hedionda Lagoon. Proposed Lot 9 is an "all water" lot within the inner basin. Proposed Lot 3 contains most of the middle and outer basins of the Lagoon.² The applicant indicates the lagoon would be primarily located on these two lots because the lagoon provides water for operation of the power plant and changes in the level of the lagoon associated with power plant operations can affect the entire lagoon. In CDP #6-97-83, the Commission found that dredging of the inner basin was necessary to provide an adequate tidal prism to cool the power plant's generators. An all-water lot would provide reasonable economic use of Lots 3 and 9 because of the use of the water for operation of the power plant. Thus, the Commission does not object to the reconfigured lot. However, the power plant may one day cease operation. In order to forestall potential future claims that the Commission must allow fill of the lagoon in order to allow viable economic use of the property even though that use may be inconsistent with Section 30233, Special Condition #2 requires the applicant to record a deed restriction limiting future development in the lagoon to maintain already existing uses and other minor incidental public facilities, restorative measures, and nature study, consistent with Section 30233(c).

Appropriate current uses include: use of water for recreational activities, dredging for plant operations, caulerpa taxifolia eradication efforts, and maintenance of existing utility lines, recreational facilities, and aquaculture facilities. Only as conditioned can the Commission be assured that the proposed lot line adjustment will not lead to development within the Lagoon that is inconsistent with Section 30233.

The only unpermitted lot line adjustment that raises any issues regarding conformity with Sections 30233 and 30240 is the 1995 lot line adjustment that shifted a lot that was located in an open-water and wetland area in the northeastern portion of the property to the southeasterly upland portion of the property. That lot line adjustment resulted in a lot configuration that is preferable from a Coastal Act perspective. The pre-1995 lot consisted entirely of habitat types in which development is severely restricted pursuant to Sections 30233 and 30240. The post-1995 lot is located in a disturbed upland area adjacent to a public road. It is thus a preferable location for any future physical development to occur. The proposed after-the-fact lot line adjustments that occurred between 1973 and 1998 are therefore consistent with Sections 30233 and 30240.

² The Interstate 5 right-of-way separates Lot 3 from Lot 9.

In summary, the Commission finds that as restricted, the reconfigured lots provide reasonable economic use for the applicants while also protecting sensitive resources on the site from adverse impacts associated with potential future development that would be facilitated by this lot line adjustment. Although a portion of the property is being reserved as open space, it is for the protection of sensitive coastal resources and approximately 335 developable acres remain within the project site. Therefore, there is ample area on each newly reconfigured lot to allow reasonable development. Much of the developable acreage east of I-5 is currently being used for agricultural purposes. Additionally, much of the proposed open space in the eastern portion of the project area is identified as "Hard Line" open space within the City's draft HMP and is expected to be reserved as open space when the HMP is adopted. Additionally, as required, scenic resources and public views will be protected and buffers protecting the south shore of the lagoon from subsequent development will be established. As conditioned, the Commission finds the proposed lot line adjustment consistent with the resource protection policies of the Coastal Act.

3. Public Access. Public access along and to the waters of Agua Hedionda Lagoon is very important because of the recreational nature of the lagoon. It is the only lagoon in San Diego County where water sports are permitted, including motor and sail boating, water skiing, wind surfing, jet skiing, etc. Additionally, a public trail is identified along the north shore of the lagoon in the certified Agua Hedionda Lagoon Land Use Plan. The following Coastal Act sections are applicable to the proposed project and state, in part:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, [or]

(2) adequate access exists nearby....

Section 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30604(c)

Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3.

Public access to, and along the coast, is a basic requirement of the Coastal Act. Access is generally referred to as lateral (along the shoreline or bluff tops) and vertical (access from a public road or easement to the shoreline). Accessways may consist of bike trails, hiking trails, viewpoints, stairs, parking areas, public transit and relevant support facilities.

The public's rights of access to the water areas can partially be provided for by existing utility easements and leasehold interests (i.e., sewer, water) held by the city. The Agua Hedionda Land Use plan calls for additional vertical and lateral access ways to be acquired either through agreements with the property owners or as condition of approval for development.

The following is taken from the access section of the LUP:

There are factors which limit the desirability of unrestricted access to the lagoon. Along the south shore, the slope conditions are such that attempts to provide usable access to the water's edge could only be accomplished through extensive grading with its potentially detrimental impacts, and would also be disruptive to the agricultural activities along this bluff. It is therefore proposed that public access to the south shore will be limited to viewing areas and pocket beaches that do not interfere with agricultural production or impact environmentally sensitive areas. The wildlife preserve proposed for the easterly portion of the lagoon and the adjacent mudflats should also be protected from management/maintenance activities.

The public beach area at the mouth of the lagoon currently provides parking and limited support facilities. Informal pedestrian access is provided at the south end of the beach area, through SDG&E property. Dirt walking trails exist along much of the north shore area. The most heavily used appears to be the shoreline area between the YMCA on the middle lagoon, and the beach/fishing areas on the outer lagoon.

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Because much of the north shore of the lagoon is undeveloped, the majority of the public access path called for in the certified Agua Hedionda Land Use Plan (LUP) has yet to be constructed. The LUP identifies that both pedestrian and bicycle access shall be provided along the north shore of Agua Hedionda Lagoon within a 25-foot wide easement upland of the mean high tide line. However, the project site contains a portion of the proposed public trail approved by the Commission in CDP #6-93-113 that leads along the north shore of Agua Hedionda lagoon within the outer and middle basins. No changes would occur to this trail as a result of the proposed project.

While the LUP does not identify that a trail system or boat launch facility is proposed on the south shore of the lagoon, a pedestrian trail leading to a public viewpoint is identified on the 45-acre parcel located on the south shore immediately east of the freeway (new parcel 8). The reconfigured lots will not preclude the future development of the trail/viewpoint. The pocket beaches referenced in the LUP will be reserved as open space through this permit action. The Commission's approval of the lot line adjustment does not abrogate any public rights that may exist regarding access to the Lagoon. Special Condition #3 provides that the applicant's acceptance of this permit serves as an acknowledgement that the issuance of this permit does not waive any public rights that may exist.

Proposed Parcel 3 also includes lands that were formerly identified as lot F/P 6700 (2.87 acres). This land has been used and is identified in the LUP as a fishing spot for the public to be maintained as a public activity area. Vehicular access to this area has been blocked off while not interfering with pedestrian access as illegal dumping was occurring in the lagoon which adversely affects power plant operations. The public can access the fishing area from the public parking lot at Tamarack Avenue and walking on the sidewalk on the inland side of Carlsbad Blvd. The fishing area can also be reached from the north shore trail along the lagoon by way of the sidewalk. The proposed lot line adjustment will not affect public access to the fishing area. Thus, the Commission finds proposed parcel 3 will continue to be maintained as a public activity area. The previous lot line adjustments that occurred between 1973 and 1998 did not affect public access to the Lagoon. As conditioned, the Commission finds the proposed development is consistent with the public access policies of both the Coastal Act and the Agua Hedionda Land Use Plan.

4. Unpermitted Development. Unpermitted development has been carried out on the subject site without the required coastal development permit. The applicant is requesting after-the-fact approval for unpermitted lot line adjustments that occurred between 1973 and 1998. Although the unpermitted lot line adjustments did take place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

5. Local Coastal Planning. Section 30604 (a) requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will

not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made, with the inclusion of all special conditions.

The Agua Hedionda Land Use Plan (LUP) designates the bulk of the site as Open Space and Utility and approximately 45 acres for Travel Services, which is a visitor serving land use designation. As conditioned, the project is also consistent with the habitat preservation and public access policies of the certified Agua Hedionda Land Use Plan and with the corresponding Chapter 3 policies of the Coastal Act. Therefore, approval of the development, as conditioned herein, will not prejudice the ability of the City of Carlsbad to prepare a fully certifiable Local Coastal Program for the Agua Hedionda Lagoon segment.

6. California Environmental Quality Act (CEQA) Consistency. Section 13096 of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit to be supported by a finding showing the permit, as conditioned, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect, which the activity may have on the environment.

The proposed project, as conditioned, is consistent with the resource and public access protection policies of the Coastal Act. The attached mitigation measures, which impose deed restrictions that limit future development in the lagoon, wetlands, riparian corridors, native upland habitat areas and associated buffer areas, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact, which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

(G:\San Diego\Reports\2001\6-01-167 SDG&E final.doc)

6283

Exhibits 1 through 9 of the Staff Recommendation and Findings (Exhibit A) for CDP No. 6-01-167 on file and available for review at the Commission's San Diego office, 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-4402.

Content of Exhibits

Exhibit 1	Location Map
Exhibit 2	Existing Parcel Configuration
Exhibit 3	Proposed Parcel Configuration
Exhibit 4	Parcel Sizes
Exhibit 5	Open Space
Exhibit 6	1972 Map
Exhibit 7	Carlsbad HMP
Exhibit 8a	1972 Aerial Photos
Exhibit 8b	1972 Aerial Photos
Exhibit 9	Correspondence dated September 17, 2002 to CCC

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-3370

6284



Tue 11a

Addendum

10/3/02

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to Item 11a, Coastal Commission Permit Application
#6-01-167 (San Diego Gas & Electric Company ("SDG&E") & Cabrillo
Power I, LLC), for the Commission Meeting of October 8, 2002.

Staff recommends the following revisions be made to the above-referenced staff report:

1. On Page 2 of the staff report, Special Condition #1 shall be revised as follows:

1. Conservation Deed Restriction. No development, as defined in Section 30106 of the Coastal Act shall occur on the delineated wetland, riparian, upland native habitat areas and steep slopes as described and generally depicted in Exhibit #5. Maintenance of overhead and underground utility areas ~~is permitted~~ may occur within the restricted areas. However, prior to performing any maintenance, the permittee shall contact the Executive Director to determine whether a permit for the maintenance work is required.

[...]

2. On Page 3 of the staff report, Special Condition #2 shall be revised as follows:

2. Lagoon Conservation Deed Restriction. No development, as defined in Section 30106 of the Coastal Act shall occur within Agua Hedionda Lagoon (proposed Lot 9 [All Water Lot] and the water portions of proposed Lots 1, 3 and 10 as depicted in Exhibit #3 except for the following development, if approved as an amendment to this coastal development permit or through a separate coastal development permit: dredging associated with operation of the power plant; ~~maintenance of existing utility lines~~; caulerpa taxifolia eradication efforts; recreational activities in the lagoon including boating, swimming, and fishing; maintenance of equipment within the lagoon associated with the Hubbs Sea World Fish Hatchery; maintenance of the aqua culture facility in the outer lagoon; maintenance of the YMCA Aquatic Park in the middle lagoon; and other very minor incidental public facilities, restorative measures, or nature study.

[...]

Addendum to 6-01-167
Page 2

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3. On Page 4 of the staff report, the 2nd full paragraph shall be revised as follows:

The proposed new lot line adjustment would separate the SDG&E maintenance yard from the Encina Power Plant and adjust parcel boundaries. According to the applicant, prior to the dredging of the lagoon in 1954 by SDG&E, the existing lot lines demarcated parcels comprised of land. However, when the lagoon was created for the purpose of providing cooling water for the SDG&E power plant, water areas were introduced in the form of the three water basins that comprise Agua Hedionda Lagoon. As a result, some parcels now include both land and water areas. Essentially, the proposal segregates generating from non-generating assets and differentiates land areas and lagoon areas into different parcels to more closely conform to the configuration of the Agua Hedionda Lagoon. The applicants indicate two parcels would be reconfigured so that the power plant and the SDG&E maintenance yard are located on separate lots, based on the California Public Utilities Commission mandated sale of the power plant property. The plant operators (Cabrillo Power) will own Parcels 3 through 7; SDG&E will retain ownership of the remaining parcels (1, 2, and 8 through 11). Parcel 9 (the inner lagoon) will be conveyed to Cabrillo upon approval of the project. Upon issuance of this permit SDG&E and Cabrillo will complete certain real estate transactions so that the plant operators (Cabrillo Power) will own Parcels 2, 3, 4 and 9, and SDG&E will own Parcels 1, 5, 6, 7, 8, 10 and 11. The City of Carlsbad has issued unconditional Certificates of Compliance evidencing its administrative approval of the lot line adjustment.

4. On Page 4 of the staff report, the 3rd paragraph shall be revised as follows:

According to the vegetation survey/slope analysis, the project site contains approximately ~~6.3~~ 5.0 acres of riparian areas (scrub, woodland) and ~~11.0~~ 26 acres of wetlands (marsh, estuarine, freshwater - the survey did not indicate whether any sensitive or rare species are present); approximately ~~260~~ 240 acres of open water comprising Agua Hedionda Lagoon; approximately ~~29~~ 21 acres are "dual criteria" slopes which are naturally vegetated (coastal sage scrub) steep slopes (over 25% grade); approximately 157.2 acres of agriculture; 24.1 acres of non-native grassland. The rest of the property is described as Disturbed (8.1 acres), Urban Disturbed (~~150.5~~ 147.7 acres) and Coastal Sage Scrub on non steep slopes (under 25% grade, ~~31.9~~ 49 acres)

5. On Page 7 of the staff report, the last paragraph shall be revised as follows:

In particular, the proposed lot line adjustment reconfigures lots that contain significant open water, wetland, riparian and sensitive native upland habitats (ref. Exhibit #5 showing proposed new lot configuration and distribution of habitat types on the property). For example, Parcel 9 of the reconfigured lots would consist entirely of open lagoon area, Parcel 3 would consist primarily of open lagoon area, portions of Parcels 1 and 10 would include open lagoon, and a

6286

Addendum to 6-01-167

Page 3

significant portion of Parcel 10 would contain large areas of undisturbed native habitat. The applicant indicates that current zoning limits the kinds of development that can occur on the portion of the site that contains the majority of the biologically sensitive resources. This area contains the approximately 100-acre Hub Park included within the 250 acres that are Parcels 8, 10 and 11, and that are encumbered by power transmission lines....

6. On Page 9 of the staff report, the second complete paragraph shall be revised as follows:

Special Condition #1 requires that the wetland, riparian, grassland and coastal sage scrub areas be deed restricted as open space (ref. Exhibit #5). As noted, both steep and natural upland habitat areas are slated for open space protection in the draft HMP as a "Hard Line" area. Such areas are also protected under the Coastal Act. The condition also protects several areas outside the HMP "Hard Line" area consisting of steep and non-steep slopes containing high quality coastal sage scrub habitat that is contiguous to other similar sensitive resources within the "Hard Line" area (Exhibit 5). Pursuant to Section 30240 of the Coastal Act, coastal sage scrub in non-steep areas constitutes Environmentally Sensitive Habitat (ESHA) as it provides habitat for sensitive plants and animals, particularly when located near areas like coastal lagoons. ESHA is protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed in those areas. The non-steep coastal sage scrub contained onsite meets the criteria for ESHA because it is the only buffer left between subsequent development and the south shore of the lagoon and it connects to other large concentrations of high quality native vegetation.

7. On Page 10 of the staff report, the first paragraph shall be revised as follows:

Portions of the upland open space area contain utility areas, which are overhead and underground utility areas originating at the Encina power plant. While the LUP identifies that utility transmission and distribution facilities are permitted within open space restricted areas, maintenance and construction of such improvements must not adversely impact identified resources. Impacts associated with maintaining utility areas include removal of sensitive vegetation to reach areas in need of service or repair. Special Condition #1 allows the applicant to maintain utilities in the upland deed restricted areas. However, because maintenance in these areas could result in adverse impacts to ESHA, the applicant must contact the Commission office prior to performing maintenance work to determine whether a permit is legally required. Section 13252 of the Commission's regulations and the Interpretive Guidelines exempt maintenance activities "unless a proposed activity will have a risk of substantial adverse impact on environmentally sensitive habitat...." Such impacts must be permitted through the coastal development permit process.

Addendum to 6-01-167
Page 4

6287

8. On Page 10 of the staff report, the third paragraph shall be revised as follows:

Appropriate current uses include: use of water for recreational activities, dredging for plant operations, caulerpa taxifolia eradication efforts, ~~and maintenance of existing utility lines,~~ recreational facilities, and aquaculture facilities. Only as conditioned can the Commission be assured that the proposed lot line adjustment will not lead to development within the Lagoon that is inconsistent with Section 30233.

(C:\San Diego\Reports\2001\6-01-167 Addendum.doc)

6288

EXHIBIT A-1

NOTICE OF INTENT TO ISSUE PERMIT

DATED OCTOBER 15, 2002

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION

San Diego Coast Area Office
575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402
(619) 767-2370

Date: October 15, 2002

Permit Application No.: 6-01-167

Page: 1 of 4



6289

NOTICE OF INTENT TO ISSUE PERMIT

(Upon satisfaction of special conditions)

THIS IS NOT A COASTAL DEVELOPMENT PERMIT

THE SOLE PURPOSE OF THIS NOTICE IS TO INFORM THE APPLICANT OF THE STEPS NECESSARY TO OBTAIN A VALID AND EFFECTIVE COASTAL DEVELOPMENT PERMIT ("CDP"). A Coastal Development Permit for the development described below has been approved but is not yet effective. Development on the site cannot commence until the CDP is effective. In order for the CDP to be effective, Commission staff must issue the CDP to the applicant, and the applicant must sign and return the CDP. **Commission staff cannot issue the CDP until the applicant has fulfilled each of the "prior to issuance" Special Conditions.** A list of all of the Special Conditions for this permit is attached.

The Commission's approval of the CDP is valid for two years from the date of approval. To prevent expiration of the CDP, you must fulfill the "prior to issuance" Special Conditions, obtain and sign the CDP, and commence development within two years of the approval date specified below. You may apply for an extension of the permit pursuant to the Commission's regulations at Cal. Code Regs. title 14, section 13169.

On October 8, 2002, the California Coastal Commission approved Coastal Development Permit No. 6-01-167, requested by San Diego Gas & Electric Company, Attn: Christopher Terzich

Cabrillo Power I, LLC, Attn: David Lloyd subject to the attached conditions, for development consisting of: Proposed is a lot line adjustment affecting 11 lots that cover approximately 673 acres that include Agua Hedionda Lagoon, the Encina Power Plant and vicinity. Also proposed is after-the-fact approval for previous, unpermitted lot line adjustments that occurred between 1973 and 1998. More specifically described in the application file in the Commission offices.

Commission staff will not issue the CDP until the "prior to issuance" special conditions have been satisfied.

NOTICE OF INTENT TO ISSUE PERMIT
(Upon satisfaction of special conditions)

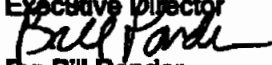
6290

Date: October 15, 2002
Permit Application No.: 6-01-167

Page 2 of 4

The development is within the coastal zone in East and West of Interstate 5, near Agua Hedionda Lagoon, Carlsbad (San Diego County) 211-010-26, 210-010-24, 211-010-28, 206-070-11, 206-070-12, 210-010-39, 210-010-40, 210-010-37, 210-010-26, 210-010-24, 210-010-39, 210-010-40.

If you have any questions regarding how to fulfill the "prior to issuance" Special Conditions for CDP No. 6-01-167, please contact the Coastal Program Analyst identified below.

Sincerely,
PETER M. DOUGLAS
Executive Director

By: Bill Ponder
Coastal Program Analyst
Date: October 15, 2002

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this Notice and fully understands its contents, including all conditions imposed.

Date

Permittee

Please sign and return one copy of this form to the Commission office at the above address.

STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a

NOTICE OF INTENT TO ISSUE PERMIT

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(Upon satisfaction of special conditions)

Date: October 15, 2002

Permit Application No.: 6-01-167

Page 3 of 4

reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

The permit is subject to the following conditions:

1. **Conservation Deed Restriction.** No development, as defined in Section 30106 of the Coastal Act shall occur on the delineated wetland, riparian, upland native habitat areas and steep slopes as described and generally depicted in Exhibit #5. Maintenance of overhead and underground utility areas may occur within the restricted areas. However, prior to performing any maintenance, the permittee shall contact the Executive Director to determine whether a permit for the maintenance work is required.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

2. **Lagoon Conservation Deed Restriction.** No development, as defined in Section 30106 of the Coastal Act shall occur within Agua Hedionda Lagoon (proposed Lot 9 [All Water Lot] and the water portions of proposed Lots 1, 3 and 10

NOTICE OF INTENT TO ISSUE PERMIT

6292

(Upon satisfaction of special conditions)

Date: October 15, 2002

Permit Application No.: 6-01-167

Page 4 of 4

as depicted in Exhibit #3 except for the following development, if approved as an amendment to this coastal development permit or through a separate coastal development permit: dredging associated with operation of the power plant; caulerpa taxifolia eradication efforts; recreational activities in the lagoon including boating, swimming, and fishing; maintenance of equipment within the lagoon associated with the Hubbs Sea World Fish Hatchery; maintenance of the aqua culture facility in the outer lagoon; maintenance of the YMCA Aquatic Park in the middle lagoon; and other very minor incidental public facilities, restorative measures, or nature study.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3. Public Rights. By acceptance of this permit, the applicant acknowledges, on behalf of itself and its successors in interest, that issuance of the permit shall not constitute a waiver of any public rights which may exist on the property. The applicant shall also acknowledge that issuance of the permit shall not be used or construed to interfere with any public prescriptive or public trust rights that may exist on the property.

NOTE: IF THE SPECIAL CONDITIONS REQUIRE THAT DOCUMENT(S) BE RECORDED WITH THE COUNTY RECORDER, YOU WILL RECEIVE THE LEGAL FORMS TO COMPLETE (WITH INSTRUCTIONS). IF YOU HAVE ANY QUESTIONS, PLEASE CALL BILL PONDER AT (619)767-2370, THE SAN DIEGO DISTRICT OFFICE.

(6-01-167RptNOI)

6293

EXHIBITS B-1 and B-2

LEGAL DESCRIPTION AND GRAPHIC DEPICTION OF PROTECTED LAND

6294

EXHIBIT B- 1

WATER PORTION OF PARCEL 1

That portion of Parcel 1 of Record of Survey No. 17350 in the City of Carlsbad, County of San Diego, State of California filed in the Office of the County Recorder of San Diego County, April 12, 2002 at File No. 2002-0308512, described as follows:

BEGINNING at a point on the Southerly line of said Parcel 1, said point bears North 77°27'18" West, 134.00 feet from the most Easterly corner of said Parcel 1; thence leaving said Southerly line North 36°39'58" West, 101.81 feet; thence North 39°53'32" West, 92.21 feet; thence North 50°18'50" West, 65.66 feet; thence North 64°08'39" West, 54.55 feet; thence North 70°56'05" West, 60.37 feet; thence North 83°05'47" West, 70.96 feet; thence North 89°51'07" West, 340.84 feet; thence South 76°54'10" West, 91.75 feet; thence South 61°17'33" West, 50.72 feet to the Southwesterly line of said Parcel 1; thence along said Southwesterly line South 36°17'14" East, 28.56 feet; to the Southwesterly corner of said Parcel 1; thence along the Southerly line of said Parcel 1 South 77°27'18" East, 824.53 feet to the point of BEGINNING.

All as shown on the plat attached hereto and made a part of.

Prepared By:

Nolte Associates, Inc.

Ronald C. Parker 1/28/03
Ronald C. Parker Date
L.S. 4312



Page 1 of 2

REF: 10000-1, 10000-2, 10000-3, 10000-4, 10000-5, 10000-6, 10000-7, 10000-8, 10000-9, 10000-10, 10000-11, 10000-12, 10000-13, 10000-14, 10000-15, 10000-16, 10000-17, 10000-18, 10000-19, 10000-20, 10000-21, 10000-22, 10000-23, 10000-24, 10000-25, 10000-26, 10000-27, 10000-28, 10000-29, 10000-30, 10000-31, 10000-32, 10000-33, 10000-34, 10000-35, 10000-36, 10000-37, 10000-38, 10000-39, 10000-40, 10000-41, 10000-42, 10000-43, 10000-44, 10000-45, 10000-46, 10000-47, 10000-48, 10000-49, 10000-50, 10000-51, 10000-52, 10000-53, 10000-54, 10000-55, 10000-56, 10000-57, 10000-58, 10000-59, 10000-60, 10000-61, 10000-62, 10000-63, 10000-64, 10000-65, 10000-66, 10000-67, 10000-68, 10000-69, 10000-70, 10000-71, 10000-72, 10000-73, 10000-74, 10000-75, 10000-76, 10000-77, 10000-78, 10000-79, 10000-80, 10000-81, 10000-82, 10000-83, 10000-84, 10000-85, 10000-86, 10000-87, 10000-88, 10000-89, 10000-90, 10000-91, 10000-92, 10000-93, 10000-94, 10000-95, 10000-96, 10000-97, 10000-98, 10000-99, 10000-100

6295

INDICATES WATER LOCATION EASEMENT
2.25 ACRES

LINE	BEARING	DISTANCE
L1	N38°39'58"W	101.81'
L2	N39°53'32"W	82.21'
L3	N50°18'30"W	65.65'
L4	N64°08'39"W	54.55'
L5	N70°36'05"W	60.37'
L6	N83°05'47"W	70.86'
L7	S28°56'10"W	81.75'
L8	S81°17'33"W	50.72'
L9	S38°17'14"E	28.58'

MAP 11585

DATE: 04/04/03
DRAWN: JAMES WATERLOO/DWG
SCALE: 1"=200'

GRAPHIC SCALE
0' 100' 200' 400'
SCALE 1"=200'

NOLTE
BEYOND ENGINEERING

15070 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92128
619.385.0300 TEL. 619.385.0400 FAX WWW.NOLTE.COM

WATER LOCATION
PARCEL 1, R of S 17350
CARLSBAD, CA

PREPARED FOR:

DATE SUBMITTED: 01/23/03

SHEET NUMBER

1

OF 1 SHEETS
JOB NUMBER
SD3032

6296

EXHIBIT B-2

WATER PORTION PARCEL 10

That portion of Parcel 10 of Record of Survey No. 17350 in the City of Carlsbad, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, as File No. 2002-0308512 lying Northerly of the following line:

BEGINNING at an angle point on the Northerly line of said Parcel 10, said angle point bears North $86^{\circ}51'28''$ West, 2025.21 feet from the Northeast corner of said Parcel 10; thence leaving said Northerly line South $00^{\circ}00'56''$ East, 60.71 feet; thence South $86^{\circ}10'57''$ West, 235.28 feet; thence South $83^{\circ}26'23''$ West, 290.38 feet; thence South $64^{\circ}03'08''$ West, 202.64 feet; thence North $72^{\circ}53'30''$ West, 207.35 feet; thence South $55^{\circ}39'38''$ West, 297.14 feet; thence North $82^{\circ}38'00''$ West, 60.88 feet to the Northerly line of said Parcel 10; thence along said Northerly line South $55^{\circ}39'38''$ West, 50.05 feet; thence South $66^{\circ}59'23''$ West, 47.91 feet; thence leaving said Northerly line South $33^{\circ}00'09''$ West, 104.99 feet; thence South $85^{\circ}28'55''$ West, 134.42 feet; thence South $65^{\circ}47'04''$ West, 372.24 feet; thence North $87^{\circ}35'03''$ West, 205.03 feet; thence North $65^{\circ}31'26''$ West, 509.91 feet; thence North $16^{\circ}19'21''$ West, 174.69 feet; thence North $83^{\circ}34'03''$ West, 692.79 feet; thence North $66^{\circ}58'53''$ West, 325.69 feet; thence North $41^{\circ}15'41''$ West, 248.36 feet; thence North $69^{\circ}22'20''$ West, 82.87 feet; thence North $55^{\circ}42'59''$ West, 321.85 feet; thence North $75^{\circ}28'50''$ West, 373.55 feet to the Westerly line of said Parcel 10; thence along said Westerly line North $22^{\circ}27'28''$ West, 83.36 feet to the Northwest corner of said Parcel 10.

EXCEPTING THEREFROM: BEGINNING at said angle point on the Northerly line of Parcel 10; thence along the Northerly line thereof North $64^{\circ}01'56''$ West, 209.08 feet; thence leaving said Northerly line South $02^{\circ}23'30''$ West, 47.59 feet; thence South $18^{\circ}29'13''$ East, 45.29 feet; thence South $85^{\circ}36'43''$ East, 107.43 feet; thence North $84^{\circ}01'22''$ East, 68.85 feet to the point of BEGINNING.

All as shown on the plats attached hereto and made a part of.

Prepared By:

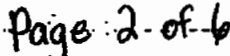
Nolte Associates Inc.

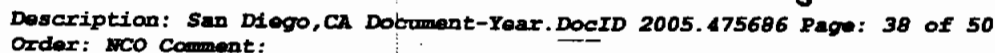
Ronald C. Parker 4/11/05
Ronald C. Parker Date
L.S. 4312

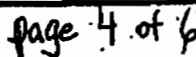


Page 1 of 6

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TOPIC: TUGAS-C, TUGAS-JE, DE PAULS, LAGUNA, CULUM-2P, open_space, ALL 11/11/03

6300

MATCH LINE

SEE SHEET 3

PARCEL 9

PARCEL 10

MATCH LINE

SEE SHEET 5

GRAPHIC SCALE

0' 100' 200' 400'

SCALE 1" = 200'

N.A.P.

EXHIBIT B-2

NOLTE

WATER LOCATION
PARCEL 10, R of S 17350
CARLSBAD, CA

SHEET NUMBER

4

OF 5 SHEETS

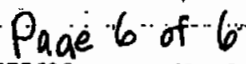
JOB NUMBER
SD3032

PREPARED FOR:

DATE SUBMITTED: 01/28/03

13570 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92128
659.385.0500 TEL. 659.385.0400 FAX WWW.NOLTE.COM

page 5 of 6



6302

EXHIBIT C

PUBLIC RESOURCES CODE § 30106

6303

EXHIBIT C

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[30106. Development]

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

6304

EXHIBIT D

LEGAL DESCRIPTION AND GRAPHIC DEPICTION OF

THE PROPERTY

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EXHIBIT D-1

6305

PARCEL 1:

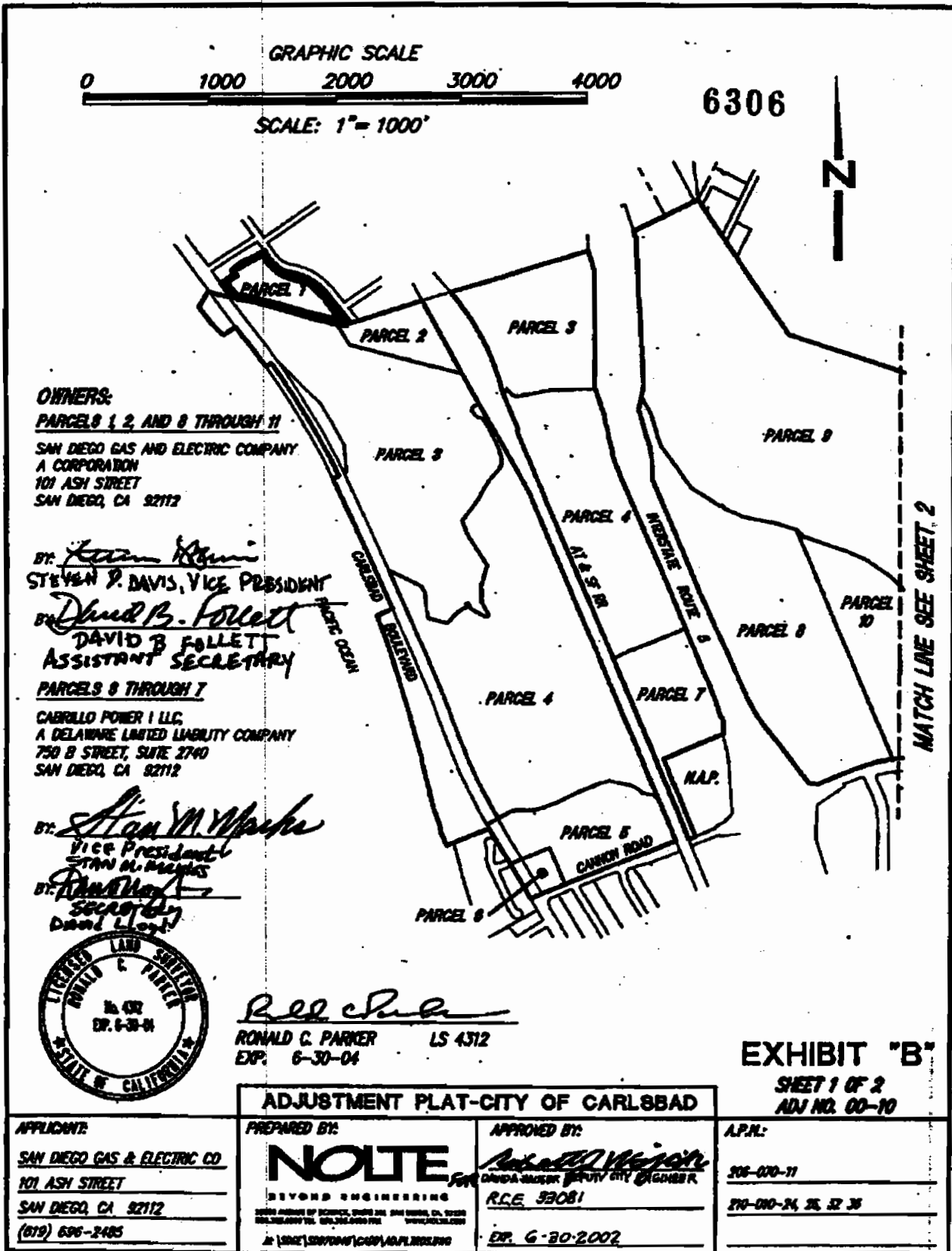
**PARCEL 1 OF CERTIFICATE OF COMPLIANCE RECORDED OCTOBER 30, 2001
AS FILE NO. 2001-0789065, BEING DESCRIBED AS FOLLOWS:**

**ALL OF BLOCK W OF PALISADES UNIT NO. 2, ACCORDING TO MAP
THEREOF NO. 1803, FILED IN THE OFFICE OF THE COUNTY RECORDER OF
SAID SAN DIEGO COUNTY, AUGUST 25, 1924.**

**EXCEPTING THEREFROM, THE NORTHEASTERLY 300 FEET OF THE
NORTHWESTERLY 100 FEET THEREOF.**

**ALSO EXCEPTING THE NORTHWESTERLY 120 FEET OF SAID BLOCK W LYING
SOUTHWESTERLY OF THE SOUTHWESTERLY LINE OF SAID NORTHEASTERLY
300 FEET AND THE SOUTHEASTERLY PROLONGATION OF SAID
SOUTHWESTERLY LINE.**

page 1 of 2



Page 2 of 2

Description: San Diego, CA Document-Year.DocID 2001.789065 Page: 3 of 5

Order: 17806 Comment:

Description: San Diego, CA Document-Year.DocID 2005.475686 Page: 46 of 50

Order: NCO Comment:

EXHIBIT D-2

6307

PARCEL 10:

PARCEL 10 OF CERTIFICATE OF COMPLIANCE RECORDED OCTOBER 30, 2001 AS FILE NO. 2001-0789074, BEING A PORTION OF RANCHO AGUA HEDIONDA, IN THE CITY OF CARLSBAD COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 823, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, NOVEMBER 16, 1896, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF PARCEL A OF A CERTIFICATE OF COMPLIANCE RECORDED NOVEMBER 22, 1995 AS FILE NO. 1995-0532900; THENCE ALONG THE NORTHEASTERLY LINE THEREOF SOUTH 33°44'36" EAST 1,290.81 FEET; THENCE SOUTH 71°40'52" EAST, 1,586.90 FEET; THENCE SOUTH 53°19'03" EAST 893.14 FEET; THENCE SOUTH 64°01'56" EAST, 2,257.42 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID NORTHEASTERLY LINE SOUTH 08°21'57" EAST, 182.60 FEET; THENCE SOUTH 83°25'06" WEST, 313.69 FEET; THENCE SOUTH 62°01'07" WEST, 160.23 FEET; THENCE NORTH 76°53'47" WEST, 269.28 FEET; THENCE SOUTH 55°39'38" WEST, 381.01 FEET; THENCE SOUTH 66°59'23" WEST, 594.40 FEET; THENCE SOUTH 87°02'46" WEST, 210.53 FEET; THENCE NORTH 64°43'30" WEST 244.66 FEET; THENCE NORTH 74°31'19" WEST, 186.69 FEET; THENCE NORTH 17°29'43" WEST, 220.16 FEET; THENCE NORTH 83°34'03" WEST, 514.52 FEET; THENCE NORTH 80°57'43" WEST, 209.62 FEET; THENCE NORTH 72°35'04" WEST, 308.66 FEET; THENCE NORTH 45°17'25" WEST, 291.62 FEET; THENCE NORTH 53°58'34" WEST, 226.98 FEET; THENCE NORTH 64°17'22" WEST, 177.48 FEET; THENCE NORTH 70°53'29" WEST 346.91 FEET; THENCE NORTH 48°58'53" WEST 87.04 FEET TO THE NORTHEASTERLY CORNER OF CERTIFICATE OF COMPLIANCE RECORDED NOVEMBER 1, 1985 AS FILE NO. 85-411922; THENCE ALONG THE EASTERLY LINE THEREOF SOUTH 22°27'28" EAST, 1,994.40 FEET TO A POINT ON A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 1,051.00 FEET; SAID POINT BEING ON THE NORTHERLY LINE OF CANNON ROAD TO WHICH A RADIAL BEARS NORTH 07°46'16" WEST; THENCE EASTERLY 353.93 FEET ALONG SAID CURVE AND SAID NORTHERLY LINE OF CANNON ROAD THROUGH A CENTRAL ANGLE OF 19°17'41"; THENCE SOUTH 78°28'35" EAST 767.23 FEET; THENCE LEAVING SAID NORTHERLY LINE SOUTH 11°31'25" WEST, 51.00 FEET TO THE CENTERLINE OF SAID CANNON ROAD; THENCE ALONG SAID CENTERLINE SOUTH 78°28'35" EAST, 835.93 FEET TO THE WESTERLY LINE OF PARCEL B OF CERTIFICATE OF COMPLIANCE RECORDED NOVEMBER 22, 1995 AS FILE NO. 1995-0532901; THENCE ALONG THE BOUNDARY THEREOF NORTH 11°31'25" EAST, 51.00 FEET TO THE NORTHERLY RIGHT OF WAY OF CANNON ROAD; THENCE NORTH 06°29'19" EAST, 323.42 FEET TO THE SOUTHWEST CORNER OF THE ENCINA HUB PARK LEASE AS SHOWN ON RECORD OF SURVEY MAP NO 12462; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID ENCINA HUB PARK SOUTH 84°52'07" EAST, 2,075.76 FEET; THENCE LEAVING SAID LINE SOUTH 39°27'15" EAST, 241.06 FEET; THENCE SOUTH 85°03'35" EAST, 84.61 FEET; THENCE SOUTH 38°58'33" EAST, 274.45 FEET; THENCE NORTH 61°59'30" EAST, 158.03 FEET; THENCE NORTH 83°53'25" EAST, 164.59 FEET; THENCE SOUTH 18°51'24" EAST, 200.23 FEET TO A POINT ON A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 2000 FEET TO WHICH A RADIAL BEARS SOUTH 03°09'01" WEST; THENCE EASTERLY 412.95 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 11°49'49"; THENCE NORTH 81°19'12" EAST 321.89 FEET TO A POINT ON THE WESTERLY LINE OF LOT F OF SAID MAP NO. 823; THENCE ALONG SAID WESTERLY LINE NORTH 00°04'42" EAST, 592.04 FEET TO POINT 8 OF SAID LOT F; THENCE NORTH 07°20'13" EAST, 1,219.61 FEET TO THE NORTH LINE OF SAID LOT F; THENCE ALONG SAID NORTH LINE NORTH 86°51'28" WEST, 2,025.21 FEET TO POINT 6 OF LOT F; THENCE NORTH 64°01'56" WEST, 275.00 FEET TO

page 1 of 4

6308

THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION OF LOT H OF RANCHO AGUA HEDIONDA AS DESCRIBED AS THE EXCEPTION PARCEL IN SAID CERTIFICATE OF COMPLIANCE RECORDED NOVEMBER 22, 1995 AS FILE NO. 1995-0532900, DESCRIBED AS FOLLOWS:

BEGINNING AT THE TRUE POINT OF BEGINNING OF SAID EXCEPTION PARCEL; THENCE NORTH 21°56'23" WEST 234.00 FEET (NORTH 21°57'46" WEST RECORD); THENCE NORTH 68°03'37" WEST 260.32 FEET TO THE POINT OF BEGINNING.

page 2 of 4

6309

GRAPHIC SCALE

0 1000 2000 3000 4000

SCALE: 1" = 1000'

N

OWNERS:
PARCELS 1, 2, AND 8 THROUGH 11
 SAN DIEGO GAS AND ELECTRIC COMPANY
 A CORPORATION
 101 ASH STREET
 SAN DIEGO, CA 92112

BY: *Steven P. Davis*
 STEVEN P. DAVIS, VICE PRESIDENT

BY: *David B. Follett*
 DAVID B. FOLLETT
 ASSISTANT SECRETARY

PARCELS 3 THROUGH 7
 CARIBLLO POWER I LLC,
 A DELAWARE LIMITED LIABILITY COMPANY
 750 B STREET, SUITE 2740
 SAN DIEGO, CA 92112

BY: *Stan M. Marks*
 VICE PRESIDENT
 STAN M. MARKS

BY: *David L. Long*
 SECRETARY
 DAVID L. LONG

Ronald C. Parker
 RONALD C. PARKER LS 4312
 EXP. 6-30-04

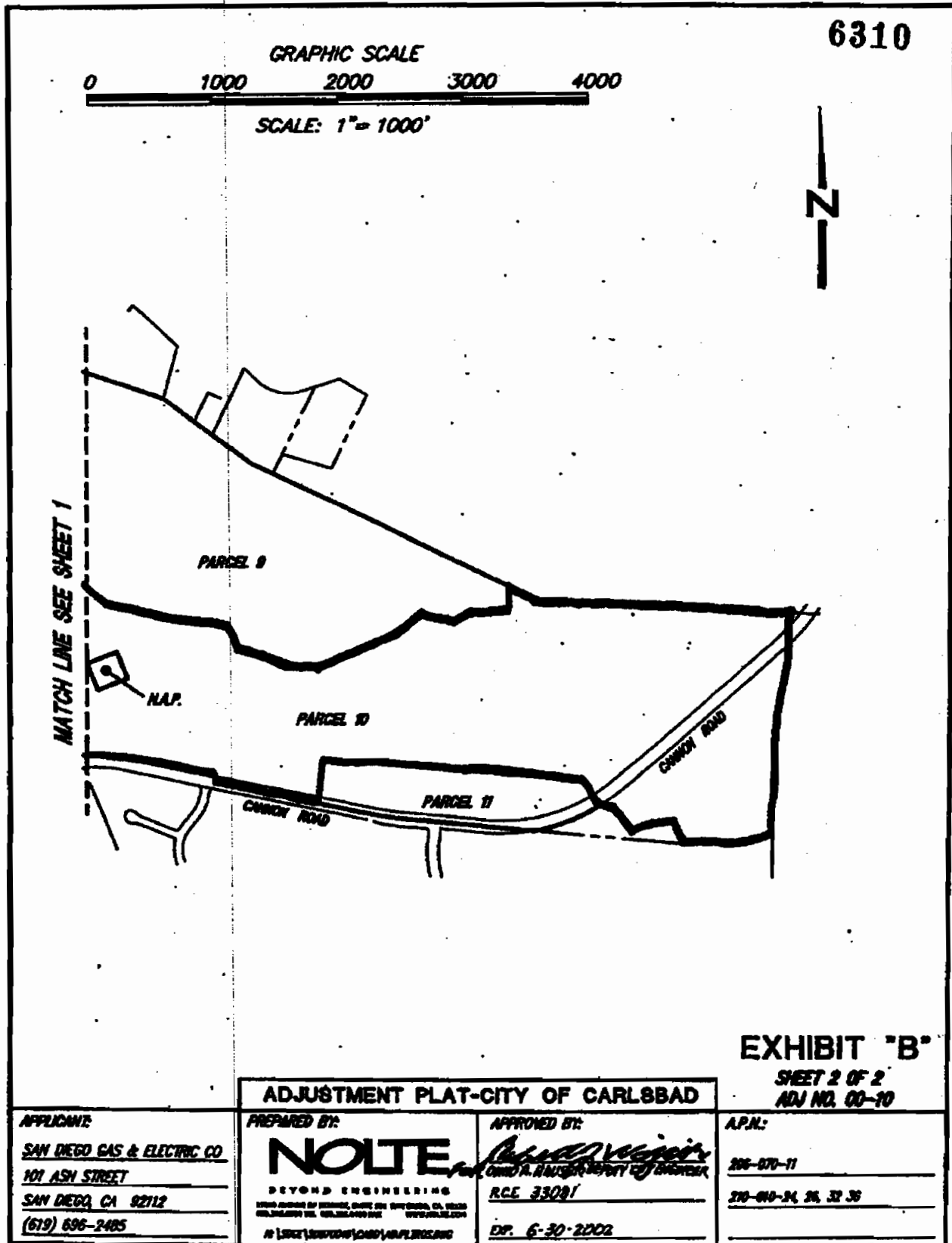
EXHIBIT "B"
 SHEET 1 OF 2
 ADJ NO. 00-10

ADJUSTMENT PLAT-CITY OF CARLSBAD			
APPLICANT: SAN DIEGO GAS & ELECTRIC CO 101 ASH STREET SAN DIEGO, CA 92112 (619) 636-7405	PREPARED BY: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">NOLTE</div> BEYOND ENGINEERING <small>1000 AVENUE OF SCIENCE, SUITE 200, SAN DIEGO, CA 92161 TEL: (619) 594-1000 FAX: (619) 594-1001 WWW.BEYONDENGINEERING.COM</small>	APPROVED BY: <i>David B. Follett</i> SAN DIEGO GAS & ELECTRIC CO R.C.E. 93081 EXP. 6-30-2002	A.P.N.: 205-020-11 220-010-24, 26, 32, 35

page 3 of 4

Description: San Diego, CA Document-Year.DocID 2001.789065 Page: 3 of 5
 Order: 17806 Comment:

Description: San Diego, CA Document-Year.DocID 2005.475686 Page: 49 of 50
 Order: NCO Comment:



page 4 of 4

Description: San Diego, CA Document-Year.DocID 2001.789063 Page: 4 of 5
 Order: 27806 Comment:

Description: San Diego, CA Document-Year.DocID 2005.475686 Page: 50 of 50
 Order: NCC Comment:

EXHIBIT D

DOC # 2005-0475685



JUN 07, 2005 10:25 AM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 162.00
PAGES: 52



2005-0475685

RECORDING REQUESTED BY
STEWART TITLE OF CALIFORNIA

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:
California Coastal Commission
89 S. California St., Suite 200
Ventura, CA 93001 - 2801

Attn: Legal Division

6209

OPEN SPACE DEED RESTRICTION

- I. WHEREAS, San Diego Gas and Electric Company, a corporation, hereinafter referred to as "Owner," is the record owner of the following real property:
See EXHIBIT D attached hereto and incorporated herein by reference, hereinafter referred to as the "Property"; and
- II. WHEREAS, the California Coastal Commission, hereinafter referred to as the "Commission", is acting on behalf of the People of the State of California; and
- III. WHEREAS, the Property is located within the coastal zone as defined in § 30103 of Division 20 of the California Public Resources Code, hereinafter referred to as the "California Coastal Act of 1976,"(the "Act"); and
- IV. WHEREAS, pursuant to the Act, the co-applicants, Cabrillo Power I LLC and the Owner applied to the Commission for a coastal development permit on the Property ; and
- V. WHEREAS, coastal development permit number 6-01-167 hereinafter referred to as the "Permit," was granted on October 8, 2002 by the Commission in accordance with the provisions of the Staff Recommendations and Findings and Addendum, attached hereto as EXHIBIT A; and Notice of Intent to Issue Permit dated October 15, 2002, attached hereto as EXHIBIT A-1; both herein incorporated by reference; and
- VI. WHEREAS, the Permit was subject to the terms and conditions including, but not limited to, the following condition:

6210

1. Conservation Deed Restriction. No development, as defined in Section 30106 of the Coastal Act shall occur on the delineated wetland, riparian, upland native habitat areas and steep slopes as described and generally depicted in Exhibit #5. Maintenance of overhead and underground utility areas may occur within the restricted areas. However, prior to performing any maintenance, the permittee shall contact the Executive Director to determine whether a permit for the maintenance work is required.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

VII. WHEREAS, the Commission found that but for the imposition of the above condition the proposed development could not be found consistent with the provisions of the California Coastal Act of 1976 and that a permit could therefore not have been granted; and

VIII. WHEREAS, Owner has elected to comply with the conditions imposed by the Permit and execute this Deed Restriction so as to enable Owner to undertake the development authorized by the Permit;

NOW, THEREFORE, in consideration of the granting of the Permit to the Owner and Cabrillo Power I LLC by the Commission, the Owner hereby irrevocably covenants with the Commission that there be and hereby is created the following restrictions on the use and enjoyment of said Property, to be attached to and become a part of the deed to the Property.

1. COVENANT, CONDITION, AND RESTRICTION. The undersigned Owner, for itself and for its heirs, assigns, and successors in interest, covenants and agrees that: the use of the Protected Land as shown on EXHIBIT B, attached hereto and incorporated herein by reference, shall be limited to natural open space for habitat protection, private recreation and resource and resource conservation uses. No development as defined in Public Resources Code § 30106, attached hereto as EXHIBIT C and incorporated herein by reference, including, but not limited to removal of trees and other major or native vegetation, grading, paving,

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1 installation of structures such as signs, buildings, etc., shall occur or be allowed on the
2 Protected Land with the exception of the following: Maintenance of overhead and
3 underground utility areas may occur within the restricted areas; however, prior to performing
4 any of the aforementioned maintenance, Owner shall contact the Executive Director of the
5 Commission to determine whether a permit for said maintenance is required.

6 2. DURATION. Said Deed Restriction shall remain in full force and effect during
7 the period that said permit, or any modification or amendment thereof remains effective, and
8 during the period that the development authorized by the Permit or any modification of said
9 development, remains in existence in or upon any part of, and thereby confers benefit upon,
10 the Property described herein, and shall bind Owner and all his/her assigns or successors in
11 interest.

12 3. TAXES AND ASSESSMENTS. It is intended that this Deed Restriction is
13 irrevocable and shall constitute an enforceable restriction within the meaning of a) Article
14 XIII, § 8, of the California Constitution; and b) § 402.1 of the California Revenue and
15 Taxation Code or successor statute. Furthermore, this Deed Restriction shall be deemed to
16 constitute a servitude upon and burden to the Property within the meaning of § 3712(d) of the
17 California Revenue and Taxation Code, or successor statute, which survives a sale of tax-
18 deeded property.

19 4. RIGHT OF ENTRY. The Commission or its agent may enter onto the property
20 at times reasonably acceptable to the Owner to ascertain whether the use restrictions set forth
21 above are being observed.

22 5. REMEDIES. Any act, conveyance, contract, or authorization by the Owner
23 whether written or oral which uses or would cause to be used or would permit use of the
24 Property contrary to the terms of this Deed Restriction will be deemed a violation and a breach
25 hereof. The Commission and the Owner may pursue any and all available legal and/or
26 equitable remedies to enforce the terms and conditions of this Deed Restriction. In the event
27

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of a breach, any forbearance on the part of either party to enforce the terms and provisions hereof shall not be deemed a waiver of enforcement rights regarding any subsequent breach.

6. **SEVERABILITY**. If any provision of these restrictions is held to be invalid, or for any reason becomes unenforceable, no other provision shall be affected or impaired.

Dated: June 2, 2005

SAN DIEGO GAS AND ELECTRIC COMPANY,
a corporation

By: 

JAMES LEIBEL
PRINT NAME & CAPACITY OF ABOVE
REAL ESTATE MANAGER

By: _____

PRINT NAME & CAPACITY OF ABOVE

** NOTARY ACKNOWLEDGMENT ON THE NEXT PAGE **

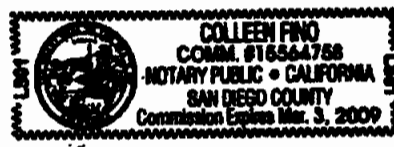
6213

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

On JUNE 2, 2005, before me, COLLEEN FINO, a Notary Public
personally appeared JAMES SEIFERT, personally known to me (or
~~proved to me on the basis of satisfactory evidence~~) to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

WITNESS my hand and official seal.

Signature



STATE OF CALIFORNIA
COUNTY OF _____

On _____, before me, _____, a Notary Public
personally appeared _____, personally known to me (or
proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

WITNESS my hand and official seal.

Signature _____

6214

1 This is to certify that the deed restriction set forth above is hereby acknowledged by the
2 undersigned officer on behalf of the California Coastal Commission pursuant to authority
3 conferred by the California Coastal Commission when it granted Coastal Development
4 Permit No. 6-01-167 on October 8, 2002, and the California Coastal Commission
5 consents to recordation thereof by its duly authorized officer.

6 Dated: May 12, 2005

CALIFORNIA COASTAL COMMISSION

7
8
9 John Bowers
10 JOHN BOWERS, Staff Counsel

11
12 STATE OF CALIFORNIA

13 COUNTY OF SAN FRANCISCO

14
15 On 05.12.05, before me, Jeff G. Staben, a Notary Public,
16 personally appeared John Bowers, personally known to me (or proved to
17 me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are
18 subscribed to the within instrument and acknowledged to me that he/she/they executed
19 the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on
20 the instrument the person(s), or the entity upon behalf of which the person(s) acted,
21 executed the instrument.

22
23 WITNESS my hand and official seal.

24
25 Signature Jeff G. Staben



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EXHIBIT A

**STAFF RECOMMENDATIONS AND FINDINGS
AND ADDENDUM**

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7375 METROPOLITAN DRIVE, SUITE 100
SAN DIEGO, CA 92108-4402
(619) 767-2370

6216



Tu 11a

Date Filed: 5/30/02
49th Day: Waived
180th Day: 11/26/02
Date of extension request: 7/19/02
Length of extension: 90 days
Final Date of Comm. Action: 10/17/02
Staff: WNP-SD
Staff Report: 9/25/02
Hearing Date: 10/8-11/02

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-01-167

Applicant: San Diego Gas & Electric Company and Cabrillo Power I, LLC

Description: Proposed is a lot line adjustment affecting 11 lots that cover approximately 673 acres that include Agua Hedionda Lagoon, the Encina Power Plant and vicinity. Also proposed is after-the-fact approval for previous, unpermitted lot line adjustments that occurred between 1973 and 1998.

Site: East and West of Interstate 5, near Agua Hedionda Lagoon, Carlsbad (San Diego County) APN 206-070-11, 206-070-12, 210-010-24, 210-010-26, 210-010-37, 210-010-39, 210-010-40, 211-010-24, 211-010-26

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the permit with special conditions. The proposed development reconfigures lots encompassing 673 acres of land and water in and near Agua Hedionda Lagoon, including the entire lagoon itself. The primary issues raised by the development relate to protection of habitat resources and public access. Staff is recommending after-the-fact approval of the previous, unpermitted lot line adjustments and approval of the current proposed lot line adjustment with special conditions addressing open space conservation of sensitive resources within the areas affected by the lot line adjustments and preservation of existing public access. As conditioned, the proposed development is consistent with all applicable Chapter 3 policies of the coastal Act.

Due to Permit Streamlining Act requirements, the Commission must act on this application at the October 2002 hearing.

Substantive File Documents: Certified Agua Hedionda Land Use Plan; CCC files #6-97-83, #6-93-113, Carlsbad draft Habitat Management Plan (HMP), Certificate of Compliance Adjustment Plats for Parcels 1-11

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

1. **MOTION:** *I move that the Commission approve Coastal Development Permit No. 6-01-167 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. **Conservation Deed Restriction.** No development, as defined in Section 30106 of the Coastal Act shall occur on the delineated wetland, riparian, upland native habitat areas and steep slopes as described and generally depicted in Exhibit #5. Maintenance of overhead and underground utility areas are permitted within the restricted areas.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

2. Lagoon Conservation Deed Restriction. No development, as defined in Section 30106 of the Coastal Act shall occur within Agua Hedionda Lagoon (proposed Lot 9 [All Water Lot] and the water portions of proposed Lots 1, 3 and 10 as depicted in Exhibit #3 except for the following development, if approved as an amendment to this coastal development permit or through a separate coastal development permit: dredging associated with operation of the power plant; maintenance of existing utility lines; caulerpa taxifolia eradication efforts; recreational activities in the lagoon including boating, swimming, and fishing; maintenance of equipment within the lagoon associated with the Hubbs Sea World Fish Hatchery; maintenance of the aqua culture facility in the outer lagoon; maintenance of the YMCA Aquatic Park in the middle lagoon; and other very minor incidental public facilities, restorative measures, or nature study.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3. Public Rights. By acceptance of this permit, the applicant acknowledges, on behalf of itself and its successors in interest, that issuance of the permit shall not constitute a waiver of any public rights which may exist on the property. The applicant shall also acknowledge that issuance of the permit shall not be used or construed to interfere with any public prescriptive or public trust rights that may exist on the property.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/Site History. Proposed is a lot line adjustment affecting 11 lots that cover approximately 673 acres under the applicants' ownership within and near Agua Hedionda Lagoon in Carlsbad (ref. Exhibit Nos. 2 & 3). The lot line adjustment adjusts the boundaries of parcels owned by SDG&E and Cabrillo Power that either contain the Encina power plant, or are in the immediate vicinity of the plant or Agua Hedionda Lagoon. The lot line adjustment is necessary because a federal antitrust

settlement and a California Public Utilities Commission Order relating to electric utility deregulation require SDG&E to divest its generating assets and require lots containing SDG&E-owned non-generating assets to be segregated from other lots that contain electricity generating assets. Also proposed is after-the-fact approval of unpermitted lot line adjustments that occurred between 1973 and 1998.

Prior to the passage of the 1972 Coastal Initiative ("Proposition 20"), SDG&E owned ten¹ lots in and immediately adjacent to Agua Hedionda Lagoon (ref. Exhibit #6 - 1972 map). Between 1973 and 1998, SDG&E recorded seven certificates of compliance without benefit of a coastal development permit. Most of these certificates of compliance did not significantly alter the pre-Proposition 20 configuration of the lots. The two most significant unpermitted lot line adjustments occurred during the 1990s. In 1995, SDG&E redrew some of the lot lines in the eastern portion of the property. The trapezoidal lot immediately west of the easternmost lot (ref. Exhibit #6 - the "Doc Kelly (Torrens)" lot), was essentially shifted to the southeastern corner of the property (ref. "Parcel B 98-125300" on Exhibit #2). The pre-1995 trapezoidal lot consisted primarily of open lagoon and wetlands. The post-1995 lot ("Parcel B" on Exhibit #2) consists of disturbed upland habitat immediately adjacent to Cannon Road. In 1998, SDG&E recorded a lot line adjustment with a neighboring property owner so that Cannon Road became the southeasterly border of Parcel B.

The proposed new lot line adjustment would separate the SDG&E maintenance yard from the Encina Power Plant and adjust parcel boundaries. According to the applicant, prior to the dredging of the lagoon in 1954 by SDG&E, the existing lot lines demarcated parcels comprised of land. However, when the lagoon was created for the purpose of providing cooling water for the SDG&E power plant, water areas were introduced in the form of the three water basins that comprise Agua Hedionda Lagoon. As a result, some parcels now include both land and water areas. Essentially, the proposal segregates generating from non-generating assets and differentiates land areas and lagoon areas into different parcels to more closely conform to the configuration of the Agua Hedionda Lagoon. The applicants indicate two parcels would be reconfigured so that the power plant and the SDG&E maintenance yard are located on separate lots, based on the California Public Utilities Commission mandated sale of the power plant property. The plant operators (Cabrillo Power) will own Parcels 3 through 7; SDG&E will retain ownership of the remaining parcels (1, 2, and 8 through 11). Parcel 9 (the inner lagoon) will be conveyed to Cabrillo upon approval of the project. The City of Carlsbad has issued unconditional Certificates of Compliance evidencing its administrative approval of the lot line adjustment.

According to the vegetation survey/slope analysis, the project site contains approximately 6.3 acres of riparian areas (scrub, woodland) and 11.0 acres of wetlands (marsh, estuarine, freshwater - the survey did not indicate whether any sensitive or rare species are present); approximately 260 acres of open water comprising Agua Hedionda Lagoon; approximately 29 acres are "dual criteria" slopes which are naturally vegetated (coastal

¹ In 1982, SDG&E acquired an eleventh parcel on the northwesterly shore of the lagoon, immediately west of the railroad right of way. It appears on Exhibit 2 as parcel 82-175943.

sage scrub) steep slopes (over 25% grade); approximately 157.2 acres of agriculture; 24.1 acres of native grassland. The rest of the property is described as Disturbed (8.1 acres), Urban Disturbed (150.5 acres) and Coastal Sage Scrub on non steep slopes (under 25% grade, 31.9 acres)

Agua Hedionda is one of six segments of the City of Carlsbad's LCP. The City has a certified LUP for this area; however, an implementation program for the Agua Hedionda segment has not been certified as yet. Thus, permit responsibility remains with the Commission, and Chapter 3 of the Coastal Act is the standard of review with the certified LUP used as guidance.

2. Wetlands/Sensitive Biological Resources/Visual Resources. The following Chapter 3 policies of the Coastal Act apply to the subject proposal and state, in part:

Section 30233 of the Coastal Act states, in part:

- (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
 - (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
 - (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
 - (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411 for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.
 - (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
 - (5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study....

In addition, Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Also, Section 30251 of the Coastal Act states in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas...

Additionally, the following policies are taken from the certified Agua Hedionda Lagoon LUP:

- 1.7 The area designated "Community Park" shall be zoned open space (OS). Uses in this area shall be regulated by the open space zone and shall be sited so that there are no significant adverse impacts on agricultural lands, wildlife habitats and environmentally sensitive areas

2.7 Utility transmission and distribution facilities shall be allowed in wetland areas, provided that maintenance and construction of such improvements does not adversely impact environmentally sensitive areas and is consistent with Coastal Act policies.

4.4(b) Development, grading and landform alteration in steep slope areas (25%) shall be restricted. Exceptions may include encroachments by roadway and utilities necessary to reach developable areas. The maximum allowable density shall be calculated on the total lot area, although this may be modified through setbacks, plan review, or other requirements of this plan and applicable city regulations

Agua Hedionda is one of the lagoons identified by DFG as referenced in Section 30233(c) of the Coastal Act. Section 30233(c) allows alterations to specified coastal lagoons, including Agua Hedionda, only for very minor incidental public facilities, restorative measures, and nature study. As such, it is afforded greater protection than other similar areas in that allowable uses in the lagoon are significantly restricted. As such, the Commission is concerned with the proposed lot line adjustment and the potential for impacts to sensitive coastal resources resulting from the newly configured lots. According to the applicant, the lot line adjustment will not trigger any further development of the parcels, or change the density or intensity of land or water use. The proposal is just to facilitate the change of ownership relating to the sale of the power plant. Section 30106 of the Coastal Act defines "development" to mean "change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act . . . and any other division of land, including lot splits." The proposed lot line adjustment is a division of land that would significantly reconfigure lots that include and border Agua Hedionda Lagoon. The land and water areas affected by the lot line adjustment include significant recreational and ecological resources. The proposed lot line adjustment, by affecting the location and distribution of potential future development, could have significant impacts on resources protected by the Coastal Act. The proposed lot line adjustment is therefore development and requires a coastal development permit. See *La Fe, Inc. v. Los Angeles County* (1999) 73 Cal. App. 4th 231.

In particular, the proposed lot line adjustment reconfigures lots that contain significant open water, wetland, riparian and sensitive native upland habitats (ref. Exhibit #5 showing proposed new lot configuration and distribution of habitat types on the property). For example, Parcel 9 of the reconfigured lots would consist entirely of open lagoon area, Parcel 3 would consist primarily of open lagoon area, portions of Parcels 1 and 10 would include open lagoon, and a significant portion of Parcel 10 would contain large areas of undisturbed native habitat. The applicant indicates that current zoning limits the kinds of development that can occur on the portion of the site that contains the majority of the biologically sensitive resources. This area contains the approximately 100-acre Hubb Park and 250 acres encumbered by power transmission lines. The applicant notes that the majority of this property is zoned as open space and as such the resources would be protected from inappropriate development through application of the

current open space zone. The applicant also indicates any proposed development activity subsequent to the lot line adjustment would be subject to a coastal development permit and would provide the Commission with an opportunity to ensure consistency with the Act and to protect coastal resources based on a specific proposal. The applicant also points out that LUP policy 2.7 provides that utility transmission and distribution facilities are allowed in wetland areas if sited and designed consistent with Coastal Act policies. The LUP is only used as guidance at this time and Chapter 3 policies are the standard of review with this application.

While the applicant indicates such resources would be protected under the current open space zoning applied to such areas, the Commission notes that the open space zone permits a number of uses such as playfields and athletic fields, golf courses; recreational campgrounds; stables and riding academies, public; swimming pools; tennis courts and other related cultural, entertainment and recreational activities and facilities. In addition, the Commission has not certified the current local zoning in this area and the zoning could be changed without Commission review. In several permit decisions regarding subdivisions and other divisions of land such as lot line adjustments, the Commission has imposed restrictions on future development in sensitive areas of the new or reconfigured lots (ref. CDP Nos. A-6-ENC-98-129/Brandywine; 6-99-78/Karp; 6-00-98/Kelly). It is important to impose such restrictions at the time the land is divided or reconfigured in order to assure that potential future owners receive notice of the restrictions that will apply to development of the lots. Absent such restrictions, future developers may assert an entitlement to more development than can be accommodated on the reconfigured lots consistent with the resource protection policies of Chapter 3 of the Coastal Act.

As noted, the property (Parcel 10) contains Hubb Park, portions of which are identified in the draft Carlsbad Habitat Management Plan (HMP) (December, 1999 with addendum) as a "hardline" open space area. The Carlsbad HMP is being prepared to satisfy the requirements of a federal Habitat Conservation Plan (HCP), and as a subarea plan of the regional Multiple Habitat Conservation Plan (MHCP). The MHCP study area involves approximately 186 square miles in northwestern San Diego County. This area includes the coastal cities of Carlsbad, Encinitas, Solana Beach and Oceanside, as well as the inland cities of Vista and San Marcos and several independent special districts. The participating local governments and other entities will implement their portions of the MHCP through individual subarea plans such as the Carlsbad HMP. Once approved, the MHCP and its subarea plans will replace interim restrictions placed by the U.S. Fish and Wildlife Services (USFWS) and the California Department of Fish and Game (CDFG) on impacts to coastal sage scrub and gnatcatchers within that geographical area, and will allow the incidental take of the gnatcatcher and other covered species as specified in the plan.

The Carlsbad HMP and the MHCP will meet criteria for the California Department of Fish and Game's (CDFG) Natural Communities Conservation Planning process (NCCP). The objectives of the southern California NCCP program include identification and protection of habitat in sufficient amounts and distributions to enable long-term conservation of the coastal sage community and the California gnatcatcher, as well as

other sensitive habitat types. Generally, the purpose of the HCP and NCCP processes is to preserve natural habitat by identifying and implementing an interlinked natural communities preserve system. Through these processes, the resource agencies are pursuing a long-range approach to habitat management and preserve creation over the more traditional mitigation approach to habitat impacts. Consistent with the intent of the HMP, the sensitive resources identified within Hub Park will be protected as open space through this permit action.

The draft HMP identifies that portions of Hub Park (eastern portion of property) have large concentrations of high quality native vegetation that is linked to other areas with concentrations of high quality native habitat. Critical vegetation communities include saltmarsh, freshwater marsh and riparian scrub. Major areas of coastal sage scrub are also present, as are small patches of grassland, southern maritime chaparral, southern mixed chaparral and coastal sage scrub/chaparral. Critical populations of saltmarsh, skipper butterfly, light-footed clapper rail, western snowy plover, California least tern and Belding's Savannah sparrow occur in the estuarine habitats associated with Agua Hedionda Lagoon. This coastal wetland is also critical for American peregrine falcon and California brown pelican. Finally, a major population of wart-stemmed ceanothus is associated with southern maritime chaparral east of the lagoon. Each of the above are identified as being either endangered, threatened, or rare by several of the resource agencies. The eastern portion of the property and the steep slopes adjacent to the lagoon contain habitat that is especially valuable because it provides habitat to some of the above species. It is therefore environmentally sensitive area as defined by Section 30107.5 and is protected by Section 30240.

Special Condition #1 requires that the wetland, riparian, grassland and coastal sage scrub areas be deed restricted as open space (ref. Exhibit #5). As noted, both steep and natural upland habitat areas are slated for open space protection in the draft HMP as a "Hard Line" area. Such areas are also protected under the Coastal Act. Pursuant to Section 30240 of the Coastal Act, coastal sage scrub in non-steep areas constitutes Environmentally Sensitive Habitat (ESHA) as it provides habitat for sensitive plants and animals, particularly when located near areas like coastal lagoons. ESHA is protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed in those areas. The non-steep coastal sage scrub contained onsite meets the criteria for ESHA because it is the only buffer left between subsequent development and the south shore of the lagoon and it connects to other large concentrations of high quality native vegetation.

Besides being worthy of protection because of their habitat value, steep slopes (greater than 25% grade) are identified for protection in Policy 4-4(b) of the certified Agua Hedionda LUP. Such areas provide slope stability and erosion control. These slopes rising from the shore of the lagoon are also highly scenic as viewed from I-5, a designated Scenic Highway, and as such are protected under Section 30251 of the Coastal Act.

Portions of the upland open space area contain utility areas, which are overhead and underground utility areas originating at the Encina power plant. While the LUP identifies that utility transmission and distribution facilities are permitted within open space restricted areas, maintenance and construction of such improvements must not adversely impact identified resources. Impacts associated with maintaining utility areas include removal of sensitive vegetation to reach areas in need of service or repair. Such impacts must be permitted through the coastal development permit process.

The proposed lot line adjustment also reconfigures the water areas associated with Agua Hedionda Lagoon. Proposed Lot 9 is an "all water" lot within the inner basin. Proposed Lot 3 contains most of the middle and outer basins of the Lagoon.² The applicant indicates the lagoon would be primarily located on these two lots because the lagoon provides water for operation of the power plant and changes in the level of the lagoon associated with power plant operations can affect the entire lagoon. In CDP #6-97-83, the Commission found that dredging of the inner basin was necessary to provide an adequate tidal prism to cool the power plant's generators. An all-water lot would provide reasonable economic use of Lots 3 and 9 because of the use of the water for operation of the power plant. Thus, the Commission does not object to the reconfigured lot. However, the power plant may one day cease operation. In order to forestall potential future claims that the Commission must allow fill of the lagoon in order to allow viable economic use of the property even though that use may be inconsistent with Section 30233, Special Condition #2 requires the applicant to record a deed restriction limiting future development in the lagoon to maintain already existing uses and other minor incidental public facilities, restorative measures, and nature study, consistent with Section 30233(c).

Appropriate current uses include: use of water for recreational activities, dredging for plant operations, caulerpa taxifolia eradication efforts, and maintenance of existing utility lines, recreational facilities, and aquaculture facilities. Only as conditioned can the Commission be assured that the proposed lot line adjustment will not lead to development within the Lagoon that is inconsistent with Section 30233.

The only unpermitted lot line adjustment that raises any issues regarding conformity with Sections 30233 and 30240 is the 1995 lot line adjustment that shifted a lot that was located in an open-water and wetland area in the northeastern portion of the property to the southeasterly upland portion of the property. That lot line adjustment resulted in a lot configuration that is preferable from a Coastal Act perspective. The pre-1995 lot consisted entirely of habitat types in which development is severely restricted pursuant to Sections 30233 and 30240. The post-1995 lot is located in a disturbed upland area adjacent to a public road. It is thus a preferable location for any future physical development to occur. The proposed after-the-fact lot line adjustments that occurred between 1973 and 1998 are therefore consistent with Sections 30233 and 30240.

² The Interstate 5 right-of-way separates Lot 3 from Lot 9.

In summary, the Commission finds that as restricted, the reconfigured lots provide reasonable economic use for the applicants while also protecting sensitive resources on the site from adverse impacts associated with potential future development that would be facilitated by this lot line adjustment. Although a portion of the property is being reserved as open space, it is for the protection of sensitive coastal resources and approximately 335 developable acres remain within the project site. Therefore, there is ample area on each newly reconfigured lot to allow reasonable development. Much of the developable acreage east of I-5 is currently being used for agricultural purposes. Additionally, much of the proposed open space in the eastern portion of the project area is identified as "Hard Line" open space within the City's draft HMP and is expected to be reserved as open space when the HMP is adopted. Additionally, as required, scenic resources and public views will be protected and buffers protecting the south shore of the lagoon from subsequent development will be established. As conditioned, the Commission finds the proposed lot line adjustment consistent with the resource protection policies of the Coastal Act.

3. Public Access. Public access along and to the waters of Agua Hedionda Lagoon is very important because of the recreational nature of the lagoon. It is the only lagoon in San Diego County where water sports are permitted, including motor and sail boating, water skiing, wind surfing, jet skiing, etc. Additionally, a public trail is identified along the north shore of the lagoon in the certified Agua Hedionda Lagoon Land Use Plan. The following Coastal Act sections are applicable to the proposed project and state, in part:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, [or]

(2) adequate access exists nearby....

Section 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30604 (c)

Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3.

Public access to, and along the coast, is a basic requirement of the Coastal Act. Access is generally referred to as lateral (along the shoreline or bluff tops) and vertical (access from a public road or easement to the shoreline). Accessways may consist of bike trails, hiking trails, viewpoints, stairs, parking areas, public transit and relevant support facilities.

The public's rights of access to the water areas can partially be provided for by existing utility easements and leasehold interests (i.e., sewer, water) held by the city. The Agua Hedionda Land Use plan calls for additional vertical and lateral access ways to be acquired either through agreements with the property owners or as condition of approval for development.

The following is taken from the access section of the LUP:

There are factors which limit the desirability of unrestricted access to the lagoon. Along the south shore, the slope conditions are such that attempts to provide usable access to the water's edge could only be accomplished through extensive grading with its potentially detrimental impacts, and would also be disruptive to the agricultural activities along this bluff. It is therefore proposed that public access to the south shore will be limited to viewing areas and pocket beaches that do not interfere with agricultural production or impact environmentally sensitive areas. The wildlife preserve proposed for the easterly portion of the lagoon and the adjacent mudflats should also be protected from management/maintenance activities.

The public beach area at the mouth of the lagoon currently provides parking and limited support facilities. Informal pedestrian access is provided at the south end of the beach area, through SDG&E property. Dirt walking trails exist along much of the north shore area. The most heavily used appears to be the shoreline area between the YMCA on the middle lagoon, and the beach/fishing areas on the outer lagoon.

Because much of the north shore of the lagoon is undeveloped, the majority of the public access path called for in the certified Agua Hedionda Land Use Plan (LUP) has yet to be constructed. The LUP identifies that both pedestrian and bicycle access shall be provided along the north shore of Agua Hedionda Lagoon within a 25-foot wide easement upland of the mean high tide line. However, the project site contains a portion of the proposed public trail approved by the Commission in CDP #6-93-113 that leads along the north shore of Agua Hedionda lagoon within the outer and middle basins. No changes would occur to this trail as a result of the proposed project.

While the LUP does not identify that a trail system or boat launch facility is proposed on the south shore of the lagoon, a pedestrian trail leading to a public viewpoint is identified on the 45-acre parcel located on the south shore immediately east of the freeway (new parcel 8). The reconfigured lots will not preclude the future development of the trail/viewpoint. The pocket beaches referenced in the LUP will be reserved as open space through this permit action. The Commission's approval of the lot line adjustment does not abrogate any public rights that may exist regarding access to the Lagoon. Special Condition #3 provides that the applicant's acceptance of this permit serves as an acknowledgement that the issuance of this permit does not waive any public rights that may exist.

Proposed Parcel 3 also includes lands that were formerly identified as lot F/P 6700 (2.87 acres). This land has been used and is identified in the LUP as a fishing spot for the public to be maintained as a public activity area. Vehicular access to this area has been blocked off while not interfering with pedestrian access as illegal dumping was occurring in the lagoon which adversely affects power plant operations. The public can access the fishing area from the public parking lot at Tamarack Avenue and walking on the sidewalk on the inland side of Carlsbad Blvd. The fishing area can also be reached from the north shore trail along the lagoon by way of the sidewalk. The proposed lot line adjustment will not affect public access to the fishing area. Thus, the Commission finds proposed parcel 3 will continue to be maintained as a public activity area. The previous lot line adjustments that occurred between 1973 and 1998 did not affect public access to the Lagoon. As conditioned, the Commission finds the proposed development is consistent with the public access policies of both the Coastal Act and the Agua Hedionda Land Use Plan.

4. Unpermitted Development. Unpermitted development has been carried out on the subject site without the required coastal development permit. The applicant is requesting after-the-fact approval for unpermitted lot line adjustments that occurred between 1973 and 1998. Although the unpermitted lot line adjustments did take place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

5. Local Coastal Planning. Section 30604 (a) requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will

not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made, with the inclusion of all special conditions.

The Agua Hedionda Land Use Plan (LUP) designates the bulk of the site as Open Space and Utility and approximately 45 acres for Travel Services, which is a visitor serving land use designation. As conditioned, the project is also consistent with the habitat preservation and public access policies of the certified Agua Hedionda Land Use Plan and with the corresponding Chapter 3 policies of the Coastal Act. Therefore, approval of the development, as conditioned herein, will not prejudice the ability of the City of Carlsbad to prepare a fully certifiable Local Coastal Program for the Agua Hedionda Lagoon segment.

6. California Environmental Quality Act (CEQA) Consistency. Section 13096 of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit to be supported by a finding showing the permit, as conditioned, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect, which the activity may have on the environment.

The proposed project, as conditioned, is consistent with the resource and public access protection policies of the Coastal Act. The attached mitigation measures, which impose deed restrictions that limit future development in the lagoon, wetlands, riparian corridors, native upland habitat areas and associated buffer areas, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact, which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

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3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

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Exhibits 1 through 9 of the Staff Recommendation and Findings (Exhibit A) for CDP No. 6-01-167 on file and available for review at the Commission's San Diego office, 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-4402.

Content of Exhibits

Exhibit 1	Location Map
Exhibit 2	Existing Parcel Configuration
Exhibit 3	Proposed Parcel Configuration
Exhibit 4	Parcel Sizes
Exhibit 5	Open Space
Exhibit 6	1972 Map
Exhibit 7	Carlsbad HMP
Exhibit 8a	1972 Aerial Photos
Exhibit 8b	1972 Aerial Photos
Exhibit 9	Correspondence dated September 17, 2002 to CCC

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370

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Tue 11a

Addendum

10/3/02

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to Item 11a, Coastal Commission Permit Application
#6-01-167 (San Diego Gas & Electric Company ("SDG&E") & Cabrillo
Power I, LLC), for the Commission Meeting of October 8, 2002.

Staff recommends the following revisions be made to the above-referenced staff report:

1. On Page 2 of the staff report, Special Condition #1 shall be revised as follows:

1. Conservation Deed Restriction. No development, as defined in Section 30106 of the Coastal Act shall occur on the delineated wetland, riparian, upland native habitat areas and steep slopes as described and generally depicted in Exhibit #5. Maintenance of overhead and underground utility areas ~~is permitted~~ may occur within the restricted areas. However, prior to performing any maintenance, the permittee shall contact the Executive Director to determine whether a permit for the maintenance work is required.

[...]

2. On Page 3 of the staff report, Special Condition #2 shall be revised as follows:

2. Lagoon Conservation Deed Restriction. No development, as defined in Section 30106 of the Coastal Act shall occur within Agua Hedionda Lagoon (proposed Lot 9 [All Water Lot] and the water portions of proposed Lots 1, 3 and 10 as depicted in Exhibit #3 except for the following development, if approved as an amendment to this coastal development permit or through a separate coastal development permit: dredging associated with operation of the power plant; ~~maintenance of existing utility lines~~; caulerpa taxifolia eradication efforts; recreational activities in the lagoon including boating, swimming, and fishing; maintenance of equipment within the lagoon associated with the Hubbs Sea World Fish Hatchery; maintenance of the aqua culture facility in the outer lagoon; maintenance of the YMCA Aquatic Park in the middle lagoon; and other very minor incidental public facilities, restorative measures, or nature study.

[...]

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Page 2

3. On Page 4 of the staff report, the 2nd full paragraph shall be revised as follows:

The proposed new lot line adjustment would separate the SDG&E maintenance yard from the Encina Power Plant and adjust parcel boundaries. According to the applicant, prior to the dredging of the lagoon in 1954 by SDG&E, the existing lot lines demarcated parcels comprised of land. However, when the lagoon was created for the purpose of providing cooling water for the SDG&E power plant, water areas were introduced in the form of the three water basins that comprise Agua Hedionda Lagoon. As a result, some parcels now include both land and water areas. Essentially, the proposal segregates generating from non-generating assets and differentiates land areas and lagoon areas into different parcels to more closely conform to the configuration of the Agua Hedionda Lagoon. The applicants indicate two parcels would be reconfigured so that the power plant and the SDG&E maintenance yard are located on separate lots, based on the California Public Utilities Commission mandated sale of the power plant property. The plant operators (Cabrillo Power) will own Parcels 3 through 7; SDG&E will retain ownership of the remaining parcels (1, 2, and 8 through 11). Parcel 9 (the inner lagoon) will be conveyed to Cabrillo upon approval of the project. Upon issuance of this permit SDG&E and Cabrillo will complete certain real estate transactions so that the plant operators (Cabrillo Power) will own Parcels 2, 3, 4 and 9, and SDG&E will own Parcels 1, 5, 6, 7, 8, 10 and 11. The City of Carlsbad has issued unconditional Certificates of Compliance evidencing its administrative approval of the lot line adjustment.

4. On Page 4 of the staff report, the 3rd paragraph shall be revised as follows:

According to the vegetation survey/slope analysis, the project site contains approximately 6-3 5.0 acres of riparian areas (scrub, woodland) and 44-0 26 acres of wetlands (marsh, estuarine, freshwater - the survey did not indicate whether any sensitive or rare species are present); approximately 260 240 acres of open water comprising Agua Hedionda Lagoon; approximately 29 21 acres are "dual criteria" slopes which are naturally vegetated (coastal sage scrub) steep slopes (over 25% grade); approximately 157.2 acres of agriculture; 24.1 acres of non-native grassland. The rest of the property is described as Disturbed (8.1 acres), Urban Disturbed (~~150.5~~ 147.7 acres) and Coastal Sage Scrub on non steep slopes (under 25% grade, 34-9 49 acres)

5. On Page 7 of the staff report, the last paragraph shall be revised as follows:

In particular, the proposed lot line adjustment reconfigures lots that contain significant open water, wetland, riparian and sensitive native upland habitats (ref. Exhibit #5 showing proposed new lot configuration and distribution of habitat types on the property). For example, Parcel 9 of the reconfigured lots would consist entirely of open lagoon area, Parcel 3 would consist primarily of open lagoon area, portions of Parcels 1 and 10 would include open lagoon, and a

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Page 3

significant portion of Parcel 10 would contain large areas of undisturbed native habitat. The applicant indicates that current zoning limits the kinds of development that can occur on the portion of the site that contains the majority of the biologically sensitive resources. This area contains the approximately 100-acre Hub Park included within the 250 acres that are Parcels 8, 10 and 11, and that are encumbered by power transmission lines....

6. On Page 9 of the staff report, the second complete paragraph shall be revised as follows:

Special Condition #1 requires that the wetland, riparian, grassland and coastal sage scrub areas be deed restricted as open space (ref. Exhibit #5). As noted, both steep and natural upland habitat areas are slated for open space protection in the draft HMP as a "Hard Line" area. Such areas are also protected under the Coastal Act. The condition also protects several areas outside the HMP "Hard Line" area consisting of steep and non-steep slopes containing high quality coastal sage scrub habitat that is contiguous to other similar sensitive resources within the "Hard Line" area (Exhibit 5). Pursuant to Section 30240 of the Coastal Act, coastal sage scrub in non-steep areas constitutes Environmentally Sensitive Habitat (ESHA) as it provides habitat for sensitive plants and animals, particularly when located near areas like coastal lagoons. ESHA is protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed in those areas. The non-steep coastal sage scrub contained onsite meets the criteria for ESHA because it is the only buffer left between subsequent development and the south shore of the lagoon and it connects to other large concentrations of high quality native vegetation.

7. On Page 10 of the staff report, the first paragraph shall be revised as follows:

Portions of the upland open space area contain utility areas, which are overhead and underground utility areas originating at the Encina power plant. While the LUP identifies that utility transmission and distribution facilities are permitted within open space restricted areas, maintenance and construction of such improvements must not adversely impact identified resources. Impacts associated with maintaining utility areas include removal of sensitive vegetation to reach areas in need of service or repair. Special Condition #1 allows the applicant to maintain utilities in the upland deed restricted areas. However, because maintenance in these areas could result in adverse impacts to ESHA, the applicant must contact the Commission office prior to performing maintenance work to determine whether a permit is legally required. Section 13252 of the Commission's regulations and the Interpretive Guidelines exempt maintenance activities "unless a proposed activity will have a risk of substantial adverse impact on environmentally sensitive habitat....". Such impacts must be permitted through the coastal development permit process.

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Page 4

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8. On Page 10 of the staff report, the third paragraph shall be revised as follows:

Appropriate current uses include: use of water for recreational activities, dredging for plant operations, caulerpa taxifolia eradication efforts, ~~and maintenance of existing utility lines~~, recreational facilities, and aquaculture facilities. Only as conditioned can the Commission be assured that the proposed lot line adjustment will not lead to development within the Lagoon that is inconsistent with Section 30233.

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EXHIBIT A-1

NOTICE OF INTENT TO ISSUE PERMIT

DATED OCTOBER 15, 2002

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION

San Diego Coast Area Office
575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402
(619) 757-2370

Date: October 15, 2002
Permit Application No.: 6-01-167
Page: 1 of 4



6237

NOTICE OF INTENT TO ISSUE PERMIT

(Upon satisfaction of special conditions)

THIS IS NOT A COASTAL DEVELOPMENT PERMIT

THE SOLE PURPOSE OF THIS NOTICE IS TO INFORM THE APPLICANT OF THE STEPS NECESSARY TO OBTAIN A VALID AND EFFECTIVE COASTAL DEVELOPMENT PERMIT ("CDP"). A Coastal Development Permit for the development described below has been approved but is not yet effective. Development on the site cannot commence until the CDP is effective. In order for the CDP to be effective, Commission staff must issue the CDP to the applicant, and the applicant must sign and return the CDP. Commission staff cannot issue the CDP until the applicant has fulfilled each of the "prior to issuance" Special Conditions. A list of all of the Special Conditions for this permit is attached.

The Commission's approval of the CDP is valid for two years from the date of approval. To prevent expiration of the CDP, you must fulfill the "prior to issuance" Special Conditions, obtain and sign the CDP, and commence development within two years of the approval date specified below. You may apply for an extension of the permit pursuant to the Commission's regulations at Cal. Code Regs. title 14, section 13169.

On October 8, 2002, the California Coastal Commission approved Coastal Development Permit No. 6-01-167, requested by San Diego Gas & Electric Company, Attn: Christopher Terzich
Cabrillo Power I, U, Attn: David Lloyd subject to the attached conditions, for development consisting of: Proposed is a lot line adjustment affecting 11 lots that cover approximately 673 acres that include Agua Hedionda Lagoon, the Encina Power Plant and vicinity. Also proposed is after-the-fact approval for previous, unpermitted lot line adjustments that occurred between 1973 and 1998.. More specifically described in the application file in the Commission offices.
Commission staff will not issue the CDP until the "prior to issuance" special conditions have been satisfied.

NOTICE OF INTENT TO ISSUE PERMIT
(Upon satisfaction of special conditions)

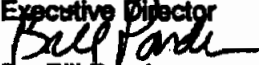
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Date: October 15, 2002
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The development is within the coastal zone in East and West of Interstate 5, near Agua Hedionda Lagoon, Carlsbad (San Diego County) 211-010-26, 210-010-24, 211-010-28, 206-070-11, 206-070-12, 210-010-39, 210-010-40, 210-010-37, 210-010-26, 210-010-24, 210-010-39, 210-010-40.

If you have any questions regarding how to fulfill the "prior to issuance" Special Conditions for CDP No. 6-01-167, please contact the Coastal Program Analyst identified below.

Sincerely,
PETER M. DOUGLAS
Executive Director

By: Bill Ponder
Coastal Program Analyst
Date: October 15, 2002

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this Notice and fully understands its contents, including all conditions imposed.

Date

Permittee

Please sign and return one copy of this form to the Commission office at the above address.

STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a

NOTICE OF INTENT TO ISSUE PERMIT
(Upon satisfaction of special conditions)

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Date: October 15, 2002

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reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

The permit is subject to the following conditions:

1. **Conservation Deed Restriction.** No development, as defined in Section 30106 of the Coastal Act shall occur on the delineated wetland, riparian, upland native habitat areas and steep slopes as described and generally depicted in Exhibit #5. Maintenance of overhead and underground utility areas may occur within the restricted areas. However, prior to performing any maintenance, the permittee shall contact the Executive Director to determine whether a permit for the maintenance work is required.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

2. **Lagoon Conservation Deed Restriction.** No development, as defined in Section 30106 of the Coastal Act shall occur within Agua Hedionda Lagoon [proposed Lot 9 [All Water Lot] and the water portions of proposed Lots 1, 3 and 10

NOTICE OF INTENT TO ISSUE PERMIT

6240

(Upon satisfaction of special conditions)

Date: October 15, 2002

Permit Application No.: 6-01-167

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as depicted in Exhibit #3 except for the following development, if approved as an amendment to this coastal development permit or through a separate coastal development permit: dredging associated with operation of the power plant; caulerpa taxifolia eradication efforts; recreational activities in the lagoon including boating, swimming, and fishing; maintenance of equipment within the lagoon associated with the Hubbs Sea World Fish Hatchery; maintenance of the aqua culture facility in the outer lagoon; maintenance of the YMCA Aquatic Park in the middle lagoon; and other very minor incidental public facilities, restorative measures, or nature study.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3. Public Rights. By acceptance of this permit, the applicant acknowledges, on behalf of itself and its successors in interest, that issuance of the permit shall not constitute a waiver of any public rights which may exist on the property. The applicant shall also acknowledge that issuance of the permit shall not be used or construed to interfere with any public prescriptive or public trust rights that may exist on the property.

NOTE: IF THE SPECIAL CONDITIONS REQUIRE THAT DOCUMENT(S) BE RECORDED WITH THE COUNTY RECORDER, YOU WILL RECEIVE THE LEGAL FORMS TO COMPLETE (WITH INSTRUCTIONS). IF YOU HAVE ANY QUESTIONS, PLEASE CALL BILL PONDER AT (619)767-2370, THE SAN DIEGO DISTRICT OFFICE.

(6-01-167RptNOI)

6241

EXHIBIT B

LEGAL DESCRIPTION AND GRAPHIC DEPICTION OF PROTECTED LAND

6242

EXHIBIT B

LAND DEED RESTRICTION

Those portions of Parcels 8 and 10 of Record of Survey No. 17350 in the City of Carlsbad, County of San Diego, State of California filed in the office of the County Recorder of San Diego County, April 12, 2002 at File No. 2002-0308512, described as follows:

OPEN SPACE NO. 1

BEGINNING at an angle point on the Northerly line of said Parcel 10, said angle point bears North 86°51'28" West, 2025.21 feet from the Northeast corner of said Parcel 10; thence along the Northerly line thereof North 64°01'56" West, 209.08 feet; thence leaving said Northerly line South 02°23'30" West, 47.59 feet; thence South 18°29'13" East, 45.29 feet; thence South 85°36'43" East, 107.43 feet; thence North 84°01'22" East, 68.85 feet to the point of BEGINNING.

OPEN SPACE NO. 2

BEGINNING at the most Northerly corner of said Parcel 8, thence along the Westerly line of said Parcel 8, South 11°13'43" West, 107.56 feet; thence South 15°27'35" East, 362.54 feet; thence leaving said Westerly line South 13°33'31" East, 22.60 feet; thence South 33°06'41" East, 43.25 feet; thence South 46°07'24" East, 56.81 feet; thence South 42°45'39" East, 126.47 feet; thence South 28°54'32" East, 85.22 feet; thence South 19°01'32" East, 48.32 feet; thence South 55°37'16" East, 317.06 feet; thence South 63°47'17" East, 126.53 feet; thence South 58°49'27" East, 109.54 feet; thence South 70°17'02" East, 93.21 feet; thence South 83°19'59" East, 265.48 feet; thence North 74°17'29" East, 52.36 feet; thence South 55°00'29" East, 19.23 feet; thence South 04°38'08" East, 58.47 feet; thence South 26°15'16" East, 234.93 feet; thence South 64°30'27" East, 96.01 feet; thence North 57°48'15" East, 50.25 feet; thence North 73°44'23" East, 39.38 feet; thence North 33°41'24" East, 34.07 feet; thence North 51°20'25" East, 30.26 feet; thence North 76°40'32" East, 61.51 feet; thence South 83°36'04" East, 84.80 feet; thence South 65°48'24" East, 119.15 feet; thence South 59°37'15" East, 105.89 feet; thence South 00°00'00" West, 29.93 feet; thence South 53°07'48" East, 47.25 feet; thence South 39°31'21" East, 81.68 feet; thence South 28°40'23" East, 114.89 feet; thence South 48°59'27" East, 72.01 feet; thence South 61°55'39" East, 107.11 feet; thence South 75°11'30" East, 141.74 feet; thence South 81°32'42" East, 117.84 feet; thence South 90°00'00" East, 111.83 feet; thence South 70°26'05" East, 239.87 feet; thence South 47°07'16" East, 240.73 feet; thence South 72°38'46" East, 79.21 feet; thence South 20°31'36" East, 31.24 feet; thence South 37°24'19" East, 26.64 feet; thence South 63°26'06" East, 47.32 feet; thence South 78°45'31" East, 204.33 feet; thence South 70°17'00" East, 114.38 feet; thence South 53°20'38" East, 66.72 feet; thence South 43°46'52" East, 41.38 feet; thence South 54°09'44" East, 82.92 feet; thence South 65°55'57" East, 64.30 feet; thence South 13°13'11" West, 74.48 feet; thence South 55°37'11" East, 36.26 feet; thence North 75°57'50" East, 58.45 feet; thence North 47°43'55" East, 65.48 feet; thence South 86°36'01" East, 62.97 feet; thence North 86°22'24" East, 177.12 feet; thence South

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59°54'49" East, 49.34 feet; thence South 40°18'51" East, 136.33 feet; thence South 48°55'06" East, 81.49 feet; thence South 72°15'19" East, 82.69 feet; thence South 87°10'22" East, 127.74 feet; thence North 79°12'57" East, 101.01 feet; thence North 59°22'53" East, 89.68 feet; thence North 54°19'25" East, 75.62 feet; thence North 67°55'56" East, 62.88 feet; thence North 13°32'09" East, 87.48 feet; thence North 33°58'36" East, 87.37 feet; thence North 23°01'32" West, 68.46 feet; thence North 26°00'12" East, 71.85 feet; thence North 54°27'44" East, 67.75 feet; thence North 70°58'28" East, 48.32 feet; thence North 74°34'40" East, 47.38 feet; thence North 28°36'38" East, 39.47 feet; thence North 23°07'49" East, 92.16 feet; thence North 62°38'09" East, 99.91 feet; thence North 77°59'45" East, 165.45 feet; thence South 54°21'15" East, 68.29 feet; thence South 34°15'07" East, 170.87 feet; thence South 05°46'47" West, 83.71 feet; thence South 02°00'34" West, 89.83 feet; thence South 30°57'50" East, 73.47 feet; thence South 58°50'27" East, 79.15 feet; thence South 79°14'57" East, 126.65 feet; thence South 76°15'49" East, 72.97 feet; thence South 65°33'22" East, 95.16 feet; thence South 52°51'12" East, 65.21 feet; thence South 13°19'28" East, 123.02 feet; thence South 06°39'16" East, 95.15 feet; thence South 39°05'38" West, 32.47 feet; thence South 73°29'44" West, 44.35 feet; thence South 85°25'34" West, 39.50 feet; thence South 32°00'19" West, 44.58 feet; thence South 17°31'32" East, 31.38 feet; thence North 88°24'13" East, 77.16 feet; thence South 84°25'54" East, 87.09 feet; thence South 79°29'58" East, 62.98 feet; thence South 63°35'30" East, 66.27 feet; thence South 17°24'10" East, 110.59 feet; thence South 23°11'15" East, 150.81 feet to an angle point on the Southerly line of said Parcel 10; thence along said Southerly line of Parcel 10 South 39°27'15" East, 143.87 feet to a point on the Northwesterly line of Cannon Road as shown on said Record of Survey No. 17350, said point being a point on a curve concave to the Northwest having a radius of 1349.00 feet to which a radial bears South 32°40'12" East; thence Southeasterly 211.57 feet along said curve and said Northwesterly line of Cannon Road through a central angle of 08°59'10"; thence continuing along said Northwesterly line North 48°20'38" East, 1737.31 feet to the beginning of a curve concave to the Northwest having a radius of 1349.00 feet; thence Northeasterly 133.56 feet along said curve and said Northwesterly line of Cannon Road through a central angle of 04°15'17" to the Easterly line of said Parcel 10; thence along said Easterly line North 07°20'13" East, 99.08 feet to the Northeast corner of said Parcel 10; thence along the Northerly line of said Parcel 10 North 86°51'28" West, 2025.21 feet to an angle point on said Northerly line; thence leaving said Northerly line South 00°00'56" East, 60.71 feet; thence South 86°10'57" West, 237.53 feet; thence South 83°25'06" West, 288.13 feet; thence South 64°03'08" West, 202.64 feet; thence North 72°53'30" West, 207.35 feet; thence South 55°39'38" West, 297.14 feet; thence North 82°38'00" West 60.88 feet, to the Northerly line of said Parcel 10; thence along said Northerly line South 55°39'38" West, 50.05 feet; thence South 66°59'23" West, 47.91 feet; thence leaving said Northerly line South 33°00'09" West, 104.99 feet; thence North 85°28'55" West, 134.42 feet; thence South 65°47'04" West, 372.24; thence North 87°35'03" West, 205.03 feet; thence North 65°31'26" West, 509.91 feet; thence North 16°19'21" West, 174.69 feet; thence North 83°34'03" West, 692.79 feet; thence North 66°58'53" West, 325.69 feet; thence North 41°15'41" West, 248.36 feet; thence North 69°22'20" West, 82.87 feet; thence North 55°42'59" West, 321.85 feet; thence North 75°28'50" West, 373.55 feet to the Westerly line of said Parcel 10; thence along said Westerly line North 22°27'28" West, 83.36 feet to the most Northerly corner of said Parcel 10, said corner being the Northeasterly corner of said Parcel 8; thence along the Northeasterly line of said Parcel 8 North

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6244

72°33'23" West, 186.00 feet; thence North 78°46'23" West, 238.00 feet; thence North 66°17'23" West, 172.00 feet; thence North 30°00'23" West, 23.00 feet; thence North 89°22'23" West, 24.00 feet; thence North 57°13'53" West, 275.40 feet; thence North 35°27'23" West, 430.00 feet; thence North 15°34'23" West, 252.00 feet; thence North 27°12'23" West, 168.99 feet to the point of BEGINNING.

OPEN SPACE NO. 3

BEGINNING at the Southeast corner of said Parcel 10; thence along the Easterly line of said Parcel 10 North 00°04'42" East, 592.04 feet; thence North 07°20'13" East, 955.04 feet to a point on the Southeasterly line of said Cannon Road, said point being a point on a curve concave to the Northwest having a radius of 1451.00 feet to which a radial bears South 41°59'26" East; thence Southwesterly 8.47 feet along said curve and said Southeasterly line of Cannon Road through a central angle of 00°20'04"; thence South 48°20'38" West, 1737.31 feet to the beginning of a curve concave to the Northwest having a radius of 1451.00 feet; thence Southwesterly 209.12 feet along said curve and said Southeasterly line of Cannon Road through a central angle of 08°15'26" to a point on the Southerly line of said Parcel 10; thence leaving said curve and along said Southerly line of Parcel 10 South 85°03'35" East, 75.81 feet; thence South 38°58'33" East, 274.45 feet; thence North 62°59'30" East, 158.03 feet; thence North 83°53'25" East, 164.59 feet; thence South 18°51'24" East, 200.23 feet to a point on a curve concave to the North having a radius of 2000.00 feet to which a radial bears South 03°09'01" West; thence Easterly 412.95 feet along said curve and Southerly line of Parcel 10 through a central angle of 11°49'49"; thence North 81°19'12" East, 321.89 feet to the point of BEGINNING.

All as shown on the Plats attached hereto and made a part of.

Prepared By:
Nolie Associates, Inc.

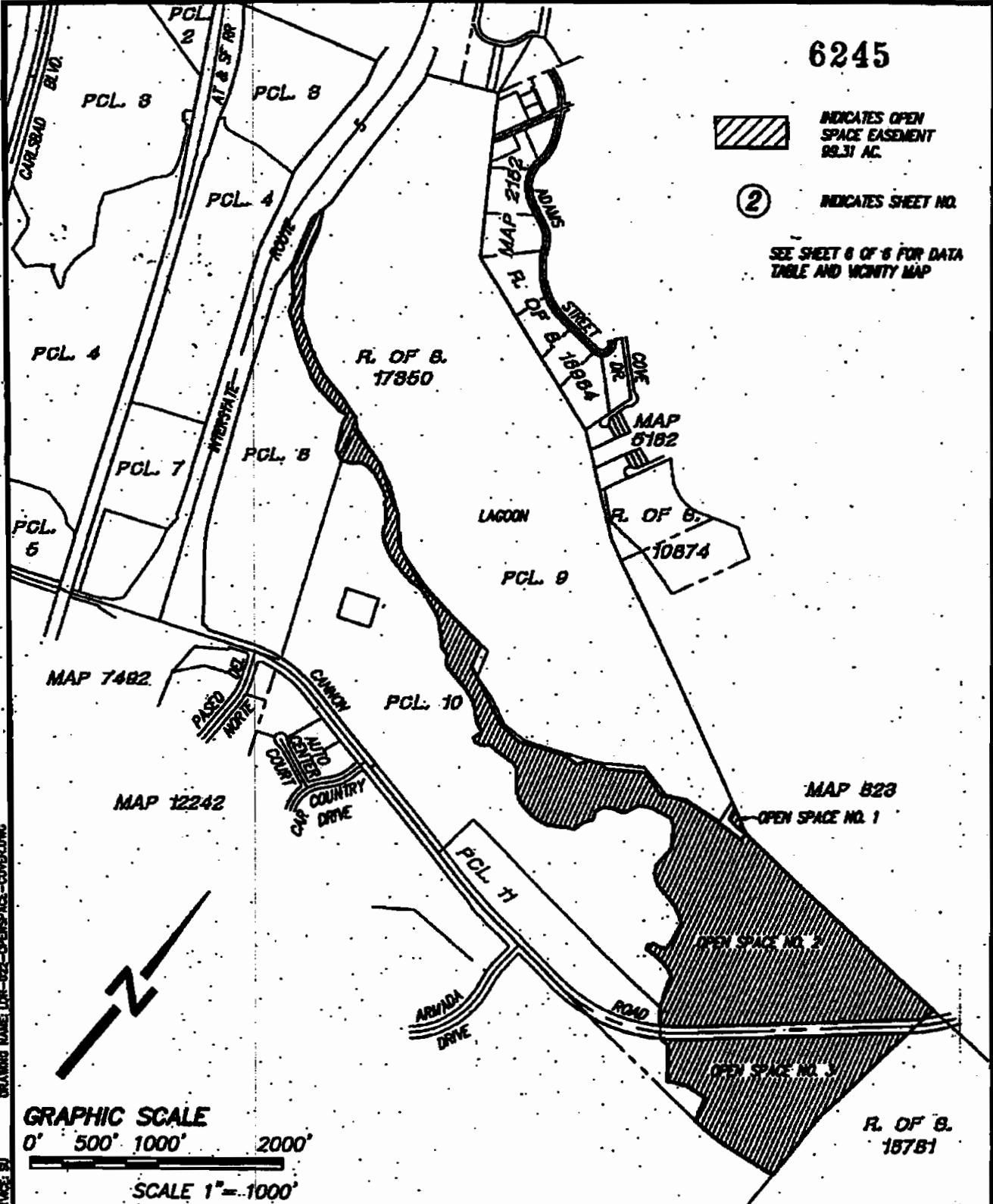
Ronald C. Parker 4/11/05
Ronald C. Parker, L. S. 4312 Date



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NOT TO SCALE, ALL LINES, ALIAS, TIE LINES, ETC., ARE FOR INFORMATION ONLY. SEE MAPS FOR DETAILS.



6245



INDICATES OPEN SPACE EASEMENT 89.31 AC.

②

INDICATES SHEET NO.

SEE SHEET 6 OF 6 FOR DATA TABLE AND VICINITY MAP

GRAPHIC SCALE

0' 500' 1000' 2000'

SCALE 1"=1000'

NOLTE

BEYOND ENGINEERING

18070 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92128
619.383.0300 TEL 619.383.0400 FAX WWW.NOLTE.COM

LAND DEED RESTRICTION
PARCEL 8 & 10, R. OF S. 17350
CARLSBAD, CA

PREPARED FOR: SDG&E

DATE SUBMITTED: 08/03/04

SHEET NUMBER

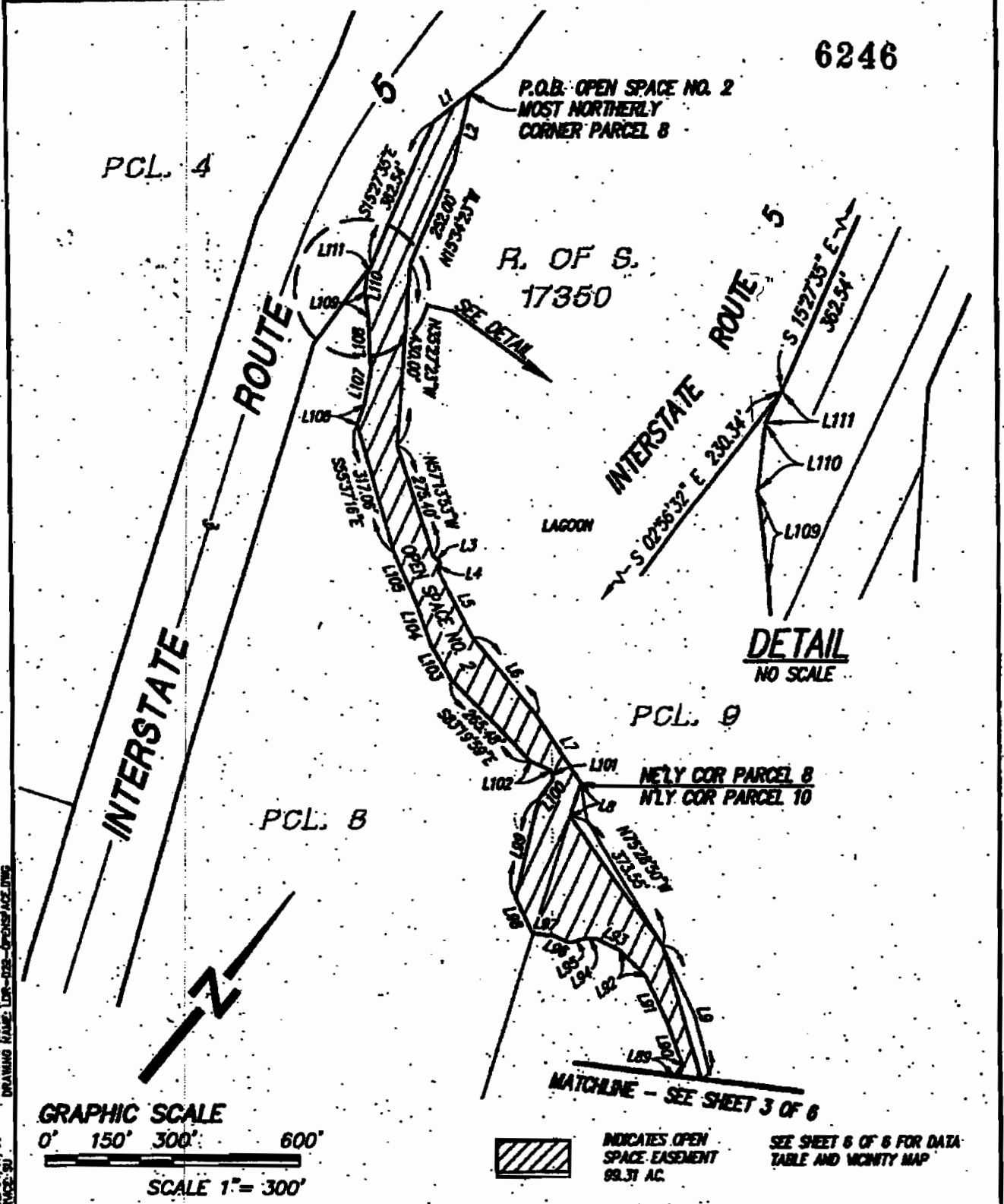
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OF 6 SHEETS

JOB NUMBER
SD3032

PAGE 4 OF 9

ARL234: pm0000, ALL 11/10



DATE: 04/11/05
DRAWING NAME: LDR-028-OPEN SPACE.DWG
SERIAL: 0000
TIME: 8:35 a.m.
SERVER: 0000

NOLTE
BEYOND ENGINEERING

13070 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92130
619.385.0900 TEL 619.385.0400 FAX WWW.NOLTE.COM

LAND DEED RESTRICTION
PARCEL 8 & 10, R. OF S. 17350
CARLSBAD, CA

PREPARED FOR: SDG&E

DATE SUBMITTED: 08/03/04

SHEET NUMBER
2
OF 6 SHEETS
JOB NUMBER
SD3032

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ADJUT. PROPOSED, 7/2/11/04

6247

PCL. B



INDICATES OPEN
SPACE EASEMENT
88.37 AC

SEE SHEET 6 OF 6 FOR DATA
TABLE AND VICINITY MAP

R. OF S.
17350

LAGOON

PCL. 8

PCL. 10

MATCHLINE - SEE SHEET 4 OF 6

GRAPHIC SCALE

0' 150' 300' 600'

SCALE 1" = 300'

NOLTE

BEYOND ENGINEERING

18070 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92128
619.363.0500 TEL. 619.363.0400 FAX WWW.NOLTE.COM

LAND DEED RESTRICTION
PARCEL 8 & 10, R. OF S. 17350
CARLSBAD, CA

PREPARED FOR: SDG&E

DATE SUBMITTED: 08/03/04

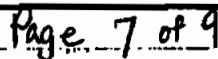
SHEET NUMBER

3

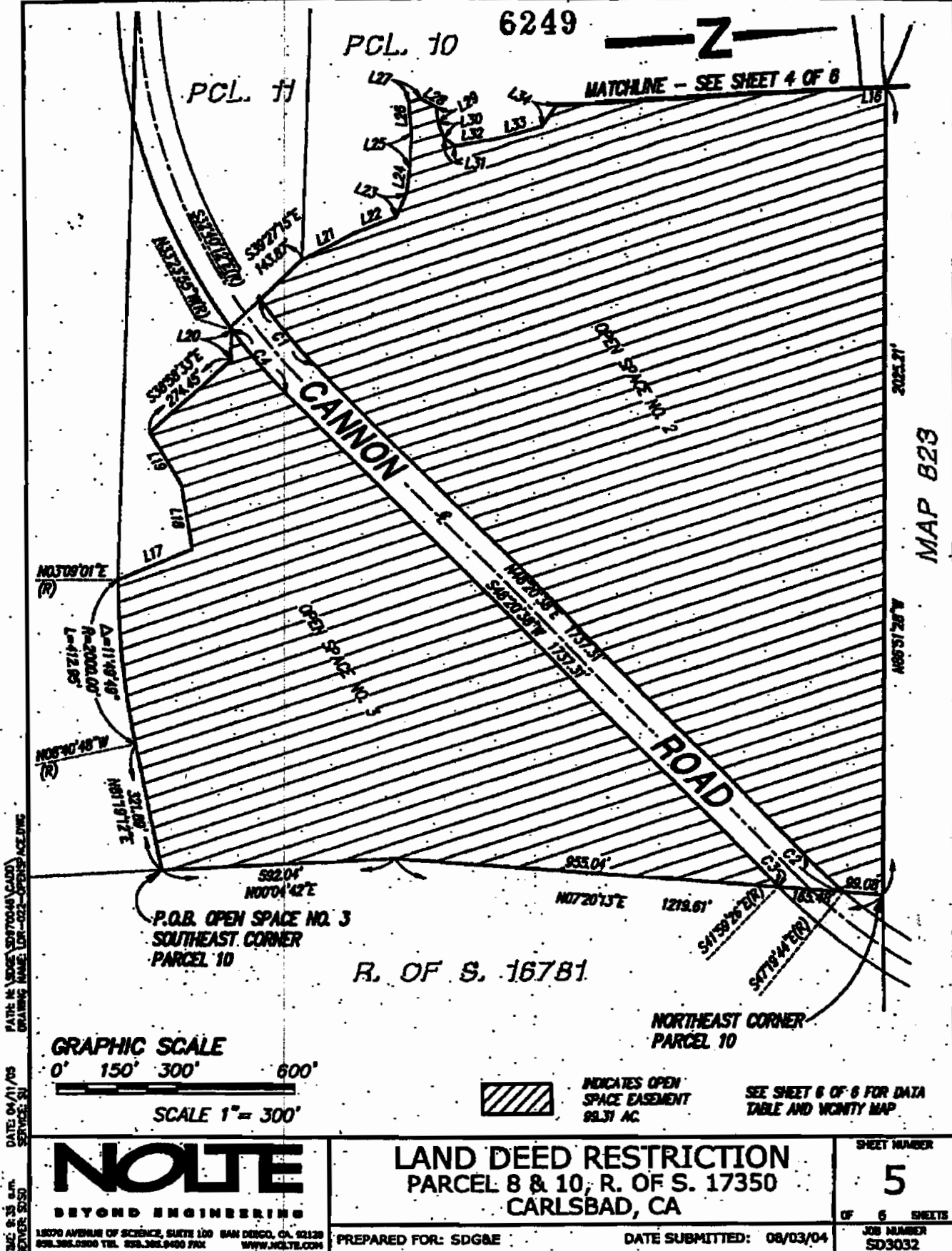
OF 6 SHEETS

JOB NUMBER
SD3032

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NOTES: 1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.



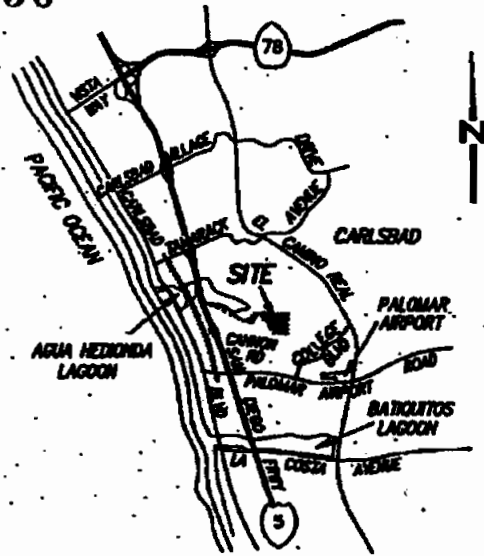
NOLTE ENGINEERING, ALL RIGHTS RESERVED

DATA TABLE

LINE	DIRECTION	DISTANCE
L1	S111°43'W	107.36'
L2	N27°12'23"W	168.99'
L3	N89°22'23"W	24.00'
L4	N30°10'23"W	23.00'
L5	N66°17'23"W	172.00'
L6	N78°46'23"W	238.00'
L7	N72°33'23"W	186.00'
L8	N27°27'38"W	83.36'
L9	N55°42'39"W	321.85'
L10	N69°21'20"W	82.87'
L11	N65°28'55"W	134.42'
L12	S33°00'09"W	104.89'
L13	S68°39'23"W	47.91'
L14	S55°38'38"W	50.05'
L15	N82°38'00"W	60.88'
L16	S00°00'58"E	60.71'
L17	S18°31'24"E	200.23'
L18	N83°53'25"E	164.59'
L19	N62°59'30"E	158.03'
L20	S85°03'35"E	75.81'
L21	S23°11'15"E	150.81'
L22	S17°24'10"E	110.99'
L23	S83°35'30"E	68.27'
L24	S79°29'58"E	62.98'
L25	S84°25'54"E	87.09'
L26	N88°24'13"E	77.16'
L27	S17°31'32"E	31.38'
L28	S32°00'18"W	44.58'
L29	S85°25'34"W	39.50'
L30	S73°29'44"W	44.35'
L31	S39°05'38"W	32.47'
L32	S06°39'16"E	95.15'
L33	S13°19'28"E	123.02'
L34	S32°51'12"E	65.21'
L35	S85°33'22"E	85.16'
L36	S76°15'49"E	72.87'
L37	S79°14'52"E	126.65'
L38	S58°30'27"E	78.15'
L39	S30°57'30"E	73.47'
L40	S02°00'34"W	89.83'
L41	S05°46'47"W	83.71'
L42	S34°15'07"E	170.87'
L43	S54°21'15"E	68.29'
L44	N77°59'45"E	165.45'
L45	N62°38'09"E	99.91'
L46	N23°07'49"E	82.16'
L47	N28°36'38"E	39.47'
L48	N74°34'40"E	47.38'
L49	N70°38'28"E	48.32'
L50	N54°27'44"E	67.75'
L51	N26°00'12"E	71.85'
L52	N23°01'32"W	68.46'
L53	N33°58'38"E	87.37'
L54	N13°32'09"E	87.48'
L55	N87°35'56"E	62.88'
L56	N54°19'25"E	75.82'
L57	N59°22'53"E	88.68'
L58	N79°12'57"E	101.01'
L59	S87°10'22"E	127.74'
L60	S72°15'19"E	82.69'

LINE	DIRECTION	DISTANCE
L61	S68°55'08"E	81.49'
L62	S40°18'51"E	136.33'
L63	S59°54'49"E	49.34'
L64	N88°22'24"E	177.12'
L65	S86°36'01"E	62.97'
L66	N47°43'55"E	65.48'
L67	N75°57'50"E	58.45'
L68	S55°37'11"E	38.26'
L69	S13°31'11"W	74.48'
L70	S65°55'57"E	64.30'
L71	S54°09'44"E	82.82'
L72	S43°46'52"E	41.38'
L73	S33°20'38"E	66.72'
L74	S70°17'02"E	114.38'
L75	S78°45'31"E	204.33'
L76	S83°28'08"E	47.32'
L77	S37°24'19"E	26.84'
L78	S20°31'36"E	31.24'
L79	S72°38'46"E	78.21'
L80	S70°28'05"E	239.87'
L81	S90°00'00"E	111.83'
L82	S81°32'42"E	117.84'
L83	S75°11'30"E	141.74'
L84	S61°55'39"E	107.11'
L85	S48°59'27"E	72.01'
L86	S28°40'23"E	114.88'
L87	S39°31'21"E	81.68'
L88	S53°07'48"E	47.25'
L89	S00°00'00"W	29.93'
L90	S59°37'15"E	105.89'
L91	S83°48'24"E	118.15'
L92	S83°36'04"E	84.80'
L93	N78°40'32"E	61.51'
L94	N51°20'25"E	30.26'
L95	N33°31'24"E	34.07'
L96	N73°44'23"E	38.38'
L97	N57°48'15"E	50.28'
L98	S84°30'27"E	98.01'
L99	S28°15'16"E	234.93'
L100	S04°38'08"E	58.47'
L101	S55°00'29"E	18.23'
L102	N74°17'29"E	52.36'
L103	S70°17'02"E	93.21'
L104	S58°48'27"E	108.54'
L105	S63°47'17"E	128.53'
L106	S19°01'32"E	48.32'
L107	S28°54'32"E	85.22'
L108	S42°45'38"E	128.47'
L109	S46°07'24"E	58.81'
L110	S33°06'41"E	43.25'
L111	S13°33'31"E	22.60'
L112	N84°01'56"W	208.08'
L113	S02°23'30"W	47.59'
L114	S18°29'13"E	45.29'
L115	S85°36'43"E	107.43'
L116	N84°01'22"E	68.85'

6250



VICINITY MAP

NOT TO SCALE

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	85°07'	1348.00'	211.57'
C2	47°51'	1348.00'	133.55'
C3	02°04'	1451.00'	8.47'
C4	81°28'	1451.00'	208.12'

DATE: 04/07/05
 TIME: 3:43 PM
 PATH: N: SDGE\SD3032\G001\DRAWING NAME: LDR-012-OPENING ACCE.DWG
 SERVICE: SD

NOLTE
 BEYOND ENGINEERING

13070 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92128
 619.393.0500 TEL 619.393.0400 FAX WWW.NOLTE.COM

LAND DEED RESTRICTION
 PARCEL 8 & 10, R. OF S. 17350
 CARLSBAD, CA

PREPARED FOR: SDG&E

DATE SUBMITTED: 08/03/04

SHEET NUMBER

6

OF 6 SHEETS

JOB NUMBER
SD3032

Page 9 of 9

6251

EXHIBIT C

PUBLIC RESOURCES CODE § 30106

6252

EXHIBIT C

[30106. Development]

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Zberg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

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EXHIBIT D

LEGAL DESCRIPTION AND GRAPHIC DEPICTION OF THE PROPERTY

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6254

01-0243345

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF San Diego AND IS DESCRIBED AS FOLLOWS:

PARCEL 8:

PARCEL 8 OF CERTIFICATE OF COMPLIANCE RECORDED OCTOBER 30, 2001 AS FILE NO. 2001-0789071, BEING A PORTION OF RANCHO AGUA HEDIONDA, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP THEREOF NO. 823, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 16, 1896, DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF A LINE WHICH IS PARALLEL WITH AND DISTANT 2000 FEET AT RIGHT ANGLES SOUTHERLY FROM THE SOUTHERLY LINE OF BLOCK "V" OF PALISADES NO. 2, ACCORDING TO THE MAP THEREOF NO. 1803, FILED IN THE OFFICE OF THE COUNTY OF SAN DIEGO COUNTY, AUGUST 25, 1924, THE BEARING OF WHICH PARALLEL LINE AND ITS WESTERLY PROLONGATION THEREOF IS RECORDED AS NORTH 72°25'00" EAST ON SAID MAP OF SAID PALISADES NO. 2, WITH THE WESTERLY LINE OF THE RIGHT OF WAY OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, AS SAID RIGHT OF WAY WAS ESTABLISHED ON SEPTEMBER 22, 1948; THENCE SOUTHERLY ALONG SAID WESTERLY LINE OF THE RIGHT OF WAY OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, A DISTANCE OF 2755.18 FEET; THENCE PARALLEL WITH A PORTION OF THE SOUTHERLY BOUNDARY OF THE JACOBSON LAND HEREIN AFTER DESCRIBED NORTH 66°34'10" EAST, 50.00 FEET TO THE CENTER LINE OF SAID RAILWAY RIGHT OF WAY; THENCE ALONG SAID CENTER LINE SOUTH 23°06'00" EAST, 60.00 FEET TO AN ANGLE POINT IN THE SOUTHERLY BOUNDARY OF THE LAND DESCRIBED IN QUITCLAIM DEED FROM PAUL ECKE, ET UX, TO GROVER C. JACOBSON, ET AL, RECORDED APRIL 29, 1948 IN BOOK 2778, PAGE 341 OF OFFICIAL RECORDS; SAID POINT BEING HEREIN DESIGNATED AS POINT "T", THENCE ALONG SAID SOUTHERLY BOUNDARY OF SAID LAND AS DESCRIBED NORTH 66°54'10" EAST, 1770.00 FEET TO A SECOND ANGLE POINT IN SAID BOUNDARY; THENCE LEAVING SAID BOUNDARY, CONTINUING NORTH 66°54'10" EAST, 17.00 FEET; THENCE NORTH 23°05'05" WEST TO THE SOUTHWESTERLY AND SOUTHERLY BOUNDARY OF THE SWAMP OR OVERFLOW LAND KNOWN AS THE LAGOON BED; AS SAID BOUNDARY WAS LOCATED ON SEPTEMBER 28, 1948, THENCE NORTHWESTERLY AND WESTERLY ALONG SAID SOUTHWESTERLY AND SOUTHERLY BOUNDARY OF SAID SAVANGE LAND TO THE EASTERLY LINE OF SAID ATCHISON, TOPEKA AND SANTA FE RAILWAY RIGHT OF WAY, THENCE SOUTHERLY ALONG SAID EASTERLY LINE OF RIGHT OF WAY TO SAID LINE WHICH IS A LINE WHICH IS PARALLEL WITH AND DISTANT 2000 FEET AT RIGHT ANGLES SOUTHERLY FROM THE SOUTHERLY LINE OF BLOCK "V" OF PALISADES NO. 2, ACCORDING TO THE MAP THEREOF NO. 1803; THENCE ALONG SAID PARALLEL LINE SOUTH 72°25'00" WEST TO THE POINT OF BEGINNING.

PAGE 1 of 7

6255

01-0243345

EXCEPTING THEREFROM ALL THAT PORTION LYING WESTERLY OF THE
EASTERLY LINE OF THAT LAND DESCRIBED IN-DEED TO THE STATE OF
CALIFORNIA, RECORDED MARCH 20, 1969, AS FILE NO. 48604 OF
OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM ALL THAT PORTION LYING WESTERLY OF
THAT COURSE DESCRIBED AS SOUTH 16°04'40" EAST, 362.38 FEET IN
THE FINAL ORDER OF CONDEMNATION RECORDED MAY 2, 1952 IN BOOK
4456, PAGE 192 OF OFFICIAL RECORDS.

Page 2 of 7

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PARCEL 10:

PARCEL 10 OF CERTIFICATE OF COMPLIANCE RECORDED OCTOBER 30, 2001 AS FILE NO. 2001-0789074, BEING A PORTION OF RANCHO AGUA HEDIONDA, IN THE CITY OF CARLSBAD COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 823, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, NOVEMBER 16, 1896, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF PARCEL A OF A CERTIFICATE OF COMPLIANCE RECORDED NOVEMBER 22, 1995 AS FILE NO. 1995-0532900; THENCE ALONG THE NORTHEASTERLY LINE THEREOF SOUTH 33°44'36" EAST 1,290.81 FEET; THENCE SOUTH 71°40'52" EAST, 1,586.90 FEET; THENCE SOUTH 53°19'03" EAST 893.14 FEET; THENCE SOUTH 64°01'56" EAST, 2,257.42 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID NORTHEASTERLY LINE SOUTH 08°21'57" EAST, 182.60 FEET; THENCE SOUTH 83°25'06" WEST, 313.69 FEET; THENCE SOUTH 62°01'07" WEST, 160.23 FEET; THENCE NORTH 76°53'47" WEST, 269.28 FEET; THENCE SOUTH 55°39'38" WEST, 381.01 FEET; THENCE SOUTH 66°59'23" WEST, 594.40 FEET; THENCE SOUTH 87°02'46" WEST, 210.53 FEET; THENCE NORTH 84°43'30" WEST 244.66 FEET; THENCE NORTH 74°31'19" WEST, 186.89 FEET; THENCE NORTH 17°29'43" WEST, 220.16 FEET; THENCE NORTH 83°34'03" WEST, 514.52 FEET; THENCE NORTH 80°57'43" WEST, 209.62 FEET; THENCE NORTH 72°35'04" WEST, 308.66 FEET; THENCE NORTH 45°17'25" WEST, 291.62 FEET; THENCE NORTH 53°58'34" WEST, 226.98 FEET; THENCE NORTH 64°17'22" WEST, 177.48 FEET; THENCE NORTH 70°53'29" WEST 348.91 FEET; THENCE NORTH 48°58'53" WEST 87.04 FEET TO THE NORTHEASTERLY CORNER OF CERTIFICATE OF COMPLIANCE RECORDED NOVEMBER 1, 1985 AS FILE NO. 85-411922; THENCE ALONG THE EASTERLY LINE THEREOF SOUTH 22°27'28" EAST, 1,994.40 FEET TO A POINT ON A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 1,051.00 FEET; SAID POINT BEING ON THE NORTHERLY LINE OF CANNON ROAD TO WHICH A RADIAL BEARS NORTH 07°46'16" WEST; THENCE EASTERLY 353.93 FEET ALONG SAID CURVE AND SAID NORTHERLY LINE OF CANNON ROAD THROUGH A CENTRAL ANGLE OF 19°17'41"; THENCE SOUTH 78°28'35" EAST 787.23 FEET; THENCE LEAVING SAID NORTHERLY LINE SOUTH 11°31'25" WEST, 51.00 FEET TO THE CENTERLINE OF SAID CANNON ROAD; THENCE ALONG SAID CENTERLINE SOUTH 78°28'35" EAST, 835.93 FEET TO THE WESTERLY LINE OF PARCEL 8 OF CERTIFICATE OF COMPLIANCE RECORDED NOVEMBER 22, 1995 AS FILE NO. 1995-0532901; THENCE ALONG THE BOUNDARY THEREOF NORTH 11°31'25" EAST, 51.00 FEET TO THE NORTHERLY RIGHT OF WAY OF CANNON ROAD; THENCE NORTH 06°29'19" EAST, 323.42 FEET TO THE SOUTHWEST CORNER OF THE ENCINA HUB PARK LEASE AS SHOWN ON RECORD OF SURVEY MAP NO 12462; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID ENCINA HUB PARK SOUTH 84°52'07" EAST, 2,075.76 FEET; THENCE LEAVING SAID LINE SOUTH 39°27'15" EAST, 241.06 FEET; THENCE SOUTH 85°03'35" EAST, 84.61 FEET; THENCE SOUTH 38°58'33" EAST, 274.45 FEET; THENCE NORTH 01°59'30" EAST, 158.03 FEET; THENCE NORTH 03°53'25" EAST, 164.59 FEET; THENCE SOUTH 18°51'24" EAST, 200.23 FEET TO A POINT ON A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 2000 FEET TO WHICH A RADIAL BEARS SOUTH 03°09'01"

Page 3 of 7

6257

WEST; THENCE EASTERLY 412.95 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 11°49'49"; THENCE NORTH 81°19'12" EAST 321.89 FEET TO A POINT ON THE WESTERLY LINE OF LOT F OF SAID MAP NO. 823; THENCE ALONG SAID WESTERLY LINE NORTH 88°04'42" EAST, 582.84 FEET TO POINT 8 OF SAID LOT F; THENCE NORTH 07°20'13" EAST, 1,219.81 FEET TO THE NORTH LINE OF SAID LOT F; THENCE ALONG SAID NORTH LINE NORTH 86°51'28" WEST, 2,025.21 FEET TO POINT 6 OF LOT F; THENCE NORTH 64°01'56" WEST, 275.00 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION OF LOT H OF RANCHO AGUA HEDIONDA AS DESCRIBED AS THE EXCEPTION PARCEL IN SAID CERTIFICATE OF COMPLIANCE RECORDED NOVEMBER 22, 1995 AS FILE NO. 1995-0532900, DESCRIBED AS FOLLOWS:

BEGINNING AT THE TRUE POINT OF BEGINNING OF SAID EXCEPTION PARCEL; THENCE NORTH 21°56'23" WEST 234.00 FEET (NORTH 21°57'48" WEST RECORD); THENCE NORTH 68°03'37" WEST 260.32 FEET TO THE POINT OF BEGINNING.

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GRAPHIC SCALE

SCALE: 1" = 1000'

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OWNERS:
PARCELS 1, 2, AND 8 THROUGH 11
 SAN DIEGO GAS AND ELECTRIC COMPANY
 A CORPORATION
 101 ASH STREET
 SAN DIEGO, CA 92112

BY: *Steven P. Davis*
 STEVEN P. DAVIS, VICE PRESIDENT

BY: *David B. Follett*
 DAVID B. FOLLETT
 ASSISTANT SECRETARY

PARCELS 3 THROUGH 7
 CABRILLO POWER I LLC,
 A DELAWARE LIMITED LIABILITY COMPANY
 750 B STREET, SUITE 2740
 SAN DIEGO, CA 92112

BY: *Stan M. Mark*
 VICE PRESIDENT
 STAN M. MARK

BY: *Ronald C. Parker*
 SECRETARY
 RONALD C. PARKER

LS 4312

EXP. 6-30-04

Ronald C. Parker

RONALD C. PARKER LS 4312

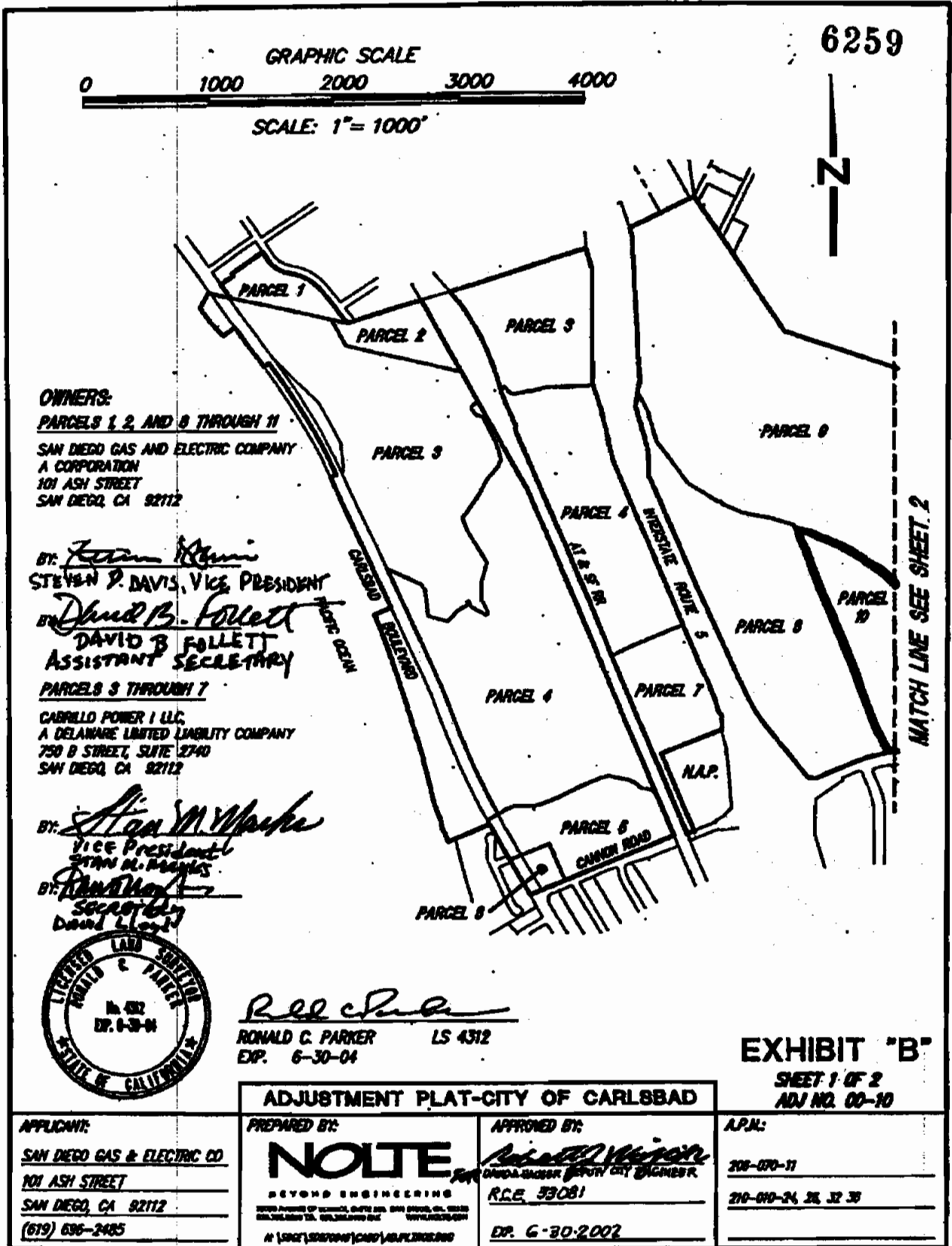
EXP. 6-30-04

EXHIBIT "B"

SHEET 1 OF 2

ADJ NO. 00-10

<p>APPLICANT:</p> <p>SAN DIEGO GAS & ELECTRIC CO</p> <p>101 ASH STREET</p> <p>SAN DIEGO, CA 92112</p> <p>(619) 696-2485</p>	<p>PREPARED BY:</p> <p>NOLTE</p> <p>SEVEN ENGINEERING</p> <p>2000 JAVIER OF CORONA, SUITE 200 SAN DIEGO, CA 92108</p> <p>(619) 594-1111 FAX (619) 594-1112</p> <p># (SHEET) (SHEET) (SHEET) (SHEET) (SHEET) (SHEET) (SHEET) (SHEET) (SHEET) (SHEET)</p>	<p>APPROVED BY:</p> <p><i>Ronald C. Parker</i></p> <p>RONALD C. PARKER, CITY ENGINEER</p> <p>R.C.E. 33081</p> <p>EXP. 6-30-2002</p>	<p>A.P.N.:</p> <p>300-070-11</p> <p>210-010-24, 25, 32, 35</p>
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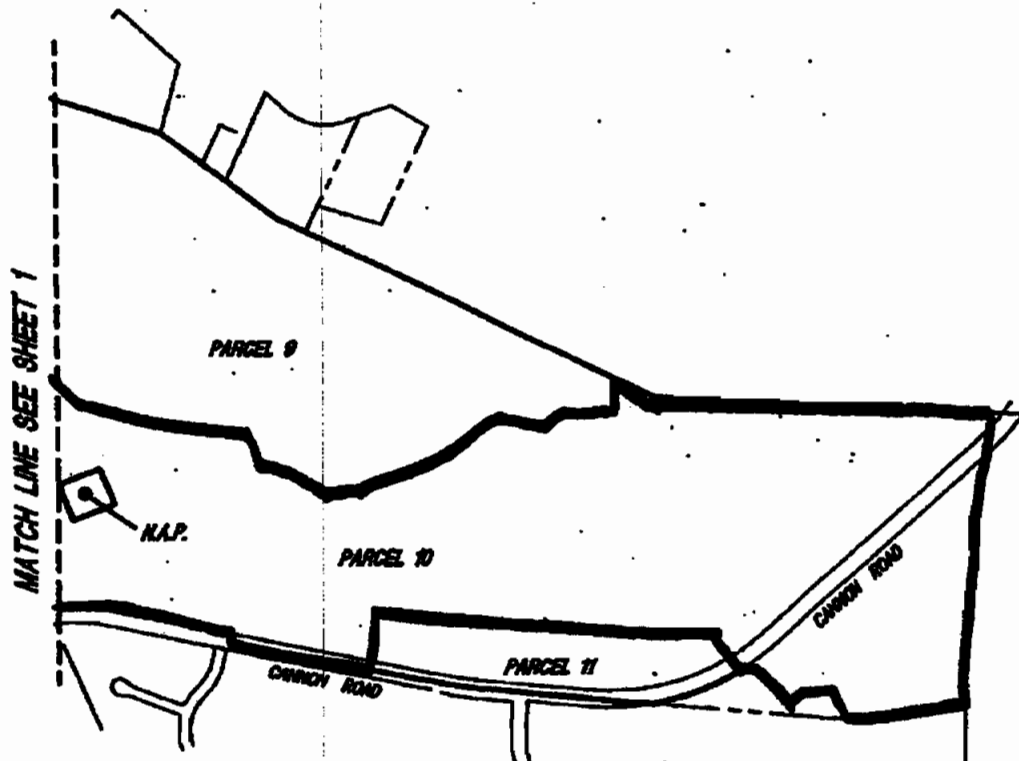
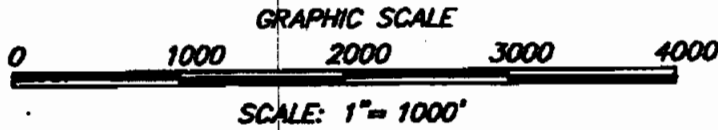


EXHIBIT "B"

SHEET 2 OF 2
ADJ NO. 00-10

ADJUSTMENT PLAT-CITY OF CARLSBAD			APN:
APPLICANT:	PREPARED BY:	APPROVED BY:	200-070-11
SAN DIEGO GAS & ELECTRIC CO.	NOLTE	<i>[Signature]</i>	270-010-24, 26, 32, 38
101 ASH STREET	BEYOND ENGINEERING	AND A. HANSEN, PE, CIVIL ENGINEER	
SAN DIEGO, CA 92112	1000 AVENUE OF SCIENCE, SUITE 101 SAN DIEGO, CA 92108	RCE 33081	
(619) 696-2485	TEL: (619) 594-7010, (619) 594-7011 FAX: (619) 594-7012 WWW.BEYONDENG.COM	DP. 6-30-2002	

EXHIBIT E

8909

DOC # 2005-0538090



JUN 27, 2005 12:26 PM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 0.00
PAGES: 58



2005-0538090

**RECORDING REQUESTED BY
STEWART TITLE OF CALIFORNIA**

RECORDING REQUESTED BY:
WHEN RECORDED MAIL TO:

CALIFORNIA COASTAL COMMISSION
89 S. California Street, Suite 200
Ventura, CA 93001-2801

Attn: Legal Division

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NF
2CON

OPEN SPACE DEED RESTRICTION

I. WHEREAS, Cabrillo Power I LLC, a Delaware limited liability company, hereinafter referred to as "Owner", is the record owner of the following real property:

See Exhibit D attached hereto and incorporated herein by reference, hereinafter referred to as the "Property"; and

II. WHEREAS, the California Coastal Commission, hereinafter referred to as the "Commission", is acting on behalf of the People of the State of California; and

III. WHEREAS, the Property is located within the coastal zone as defined in § 30103 of Division 20 of the California Public Resources Code, hereinafter referred to as the "California Coastal Act of 1976," (the "Act"); and

IV. WHEREAS, pursuant to the Act, the co-applicants, Owner and San Diego Gas and Electric, applied to the Commission for a coastal development permit on the Property; and

V. WHEREAS, coastal development permit number 6-01-167 hereinafter referred to as the "Permit", was granted on October 8, 2002 by the Commission in accordance with the provisions of the Staff Recommendation and Findings and Addendum, attached hereto as EXHIBIT A; and Notice of Intent to Issue Permit dated October 15, 2002, attached hereto as EXHIBIT A-1; both herein incorporated by reference; and

VI. WHEREAS, the Permit was subject to the terms and conditions including, but not limited to, the following condition:

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2. Lagoon Conservation Deed Restriction. No development, as defined in Section 30106 of the Coastal Act shall occur within Agua Hedionda Lagoon (proposed Lot 9 [All Water Lot] and the water portions of proposed Lots 1, 3 and 10 as depicted in Exhibit #3 except for the following development, if approved as an amendment to this coastal development permit or through a separate coastal development permit: dredging associated with operation of the power plant; caulerpa taxifolia eradication efforts; recreational activities in the lagoon including boating, swimming, and fishing; maintenance of equipment within the lagoon associated with the Hubbs Sea World Fish Hatchery; maintenance of the aqua culture facility in the outer lagoon; maintenance of the YMCA Aquatic Park in the middle lagoon; and other very minor incidental public facilities, restorative measures, or nature study.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns; and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

VII. WHEREAS, the Commission found that but for the imposition of the above condition(s) the proposed development could not be found consistent with the provisions of the California Coastal Act of 1976 and that a permit could therefore not have been granted; and

VIII. WHEREAS, Owner has elected to comply with the condition(s) imposed by the Permit and execute this Deed Restriction so as to enable Owner to undertake the development authorized by the Permit.

NOW, THEREFORE, in consideration of the granting of the Permit to the Owner and San Diego Gas and Electric by the Commission, the Owner hereby irrevocably covenants with the Commission that there be and hereby is created the following restrictions on the use and enjoyment of said Property, to be attached to and become a part of the deed to the property.

1. COVENANT, CONDITION, AND RESTRICTION. The undersigned Owner, for itself and for its heirs, assigns, and successors in interest, covenants and agrees that: the use of the Protected Land as shown on Exhibits B-1 and B-2, attached hereto and incorporated herein by reference, shall be limited to natural open space for habitat protection, private

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recreation and resource and resource conservation uses. No development as defined in Public Resources Code § 30106, attached hereto as Exhibit C and incorporated herein by reference, including, but not limited to removal of trees and other major or native vegetation, grading, paving, installation of structures such as signs, buildings, etc., shall occur or be allowed on the Protected Land with the exception of the following, which may be permitted only if approved as an amendment to the Permit or through a separate coastal development permit:

- a. dredging associated with operation of the power plant;
- b. caulerpa taxifolia eradication efforts;
- c. recreational activities in the lagoon including boating, swimming, and fishing;
- d. maintenance of equipment within the lagoon associated with the Hubbs Sea World Fish Hatchery;
- e. maintenance of the aqua culture facility in the outer lagoon;
- f. maintenance of the YMCA Aquatic Park in the middle lagoon; and
- g. other very minor incidental public facilities, restorative measures, or nature study.

2. DURATION. Said Deed Restriction shall remain in full force and effect during the period that said permit, or any modification or amendment thereof remains effective, and during the period that the development authorized by the Permit or any modification of said development, remains in existence in or upon any part of, and thereby confers benefit upon, the Property described herein, and shall bind Owner and all his/her assigns or successors in interest.

3. TAXES AND ASSESSMENTS. It is intended that this Deed Restriction is irrevocable and shall constitute an enforceable restriction within the meaning of a) Article XIII, § 8, of the California Constitution; and b) § 402.1 of the California Revenue and Taxation Code or successor statute. Furthermore, this Deed Restriction shall be deemed to constitute a servitude upon and burden to the Property within the meaning of § 3712(d) of the California Revenue and Taxation Code, or successor statute, which survives a sale of tax-deeded property.

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4. RIGHT OF ENTRY. The Commission or its agent may enter onto the Property at times reasonably acceptable to the Owner to ascertain whether the use restrictions set forth above are being observed.

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5. REMEDIES. Any act, conveyance, contract, or authorization by the Owner whether written or oral which uses or would cause to be used or would permit use of the Property contrary to the terms of this Deed Restriction will be deemed a violation and a breach hereof. The Commission and the Owner may pursue any and all available legal and/or equitable remedies to enforce the terms and conditions of this Deed Restriction. In the event of a breach, any forbearance on the part of either party to enforce the terms and provisions hereof shall not be deemed a waiver of enforcement rights regarding any subsequent breach.

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6. SEVERABILITY. If any provision of these restrictions is held to be invalid, or for any reason becomes unenforceable, no other provision shall be affected or impaired.

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Dated: June 20, 2005

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CABRILLO POWER I LLC,
a Delaware limited liability company

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By: DAVID LLOYD
PRINT NAME & CAPACITY OF ABOVE

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** NOTARY ACKNOWLEDGMENT ON THE NEXT PAGE **

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STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

On 6/20/2005, before me, ARLEEN E. MCCARTNEY, a Notary Public personally appeared DAVID LLOYD, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Signature Arleen E. McCartney

STATE OF CALIFORNIA

COUNTY OF _____

On _____, before me, _____, a Notary Public personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

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This is to certify that the deed restriction set forth above is hereby acknowledged by the undersigned officer on behalf of the California Coastal Commission pursuant to authority conferred by the California Coastal Commission when it granted Coastal Development Permit No. 6-01-067 on October 8, 2002, and the California Coastal Commission consents to recordation thereof by its duly authorized officer.

Dated: May 12, 2005

CALIFORNIA COASTAL COMMISSION

John Bowers
JOHN BOWERS, Staff Counsel

STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

On 05.12.05, before me, Jeff G. Staben, a Notary Public, personally appeared John BOWERS, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Jeff G. Staben



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EXHIBIT A

CALIFORNIA COASTAL COMMISSION
STAFF RECOMMENDATIONS AND FINDINGS
AND ADDENDUM

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CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

phone 762-5796

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Tu 11a

Date Filed: 5/30/02
49th Day: Waived
180th Day: 11/26/02
Date of extension request: 7/19/02
Length of extension: 90 days
Final Date of Comm. Action: 10/17/02
Staff: WNP-SD
Staff Report: 9/25/02
Hearing Date: 10/8-11/02

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-01-167

Applicant: San Diego Gas & Electric Company and Cabrillo Power I, LLC

Description: Proposed is a lot line adjustment affecting 11 lots that cover approximately 673 acres that include Agua Hedionda Lagoon, the Encina Power Plant and vicinity. Also proposed is after-the-fact approval for previous, unpermitted lot line adjustments that occurred between 1973 and 1998.

Site: East and West of Interstate 5, near Agua Hedionda Lagoon, Carlsbad (San Diego County) APN 206-070-11, 206-070-12, 210-010-24, 210-010-26, 210-010-37, 210-010-39, 210-010-40, 211-010-24, 211-010-26

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the permit with special conditions. The proposed development reconfigures lots encompassing 673 acres of land and water in and near Agua Hedionda Lagoon, including the entire lagoon itself. The primary issues raised by the development relate to protection of habitat resources and public access. Staff is recommending after-the-fact approval of the previous, unpermitted lot line adjustments and approval of the current proposed lot line adjustment with special conditions addressing open space conservation of sensitive resources within the areas affected by the lot line adjustments and preservation of existing public access. As conditioned, the proposed development is consistent with all applicable Chapter 3 policies of the coastal Act.

Due to Permit Streamlining Act requirements, the Commission must act on this application at the October 2002 hearing.

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Substantive File Documents: Certified Agua Hedionda Land Use Plan; CCC files #6-97-83, #6-93-113, Carlsbad draft Habitat Management Plan (HMP), Certificate of Compliance Adjustment Plats for Parcels 1-11

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

1. **MOTION:** *I move that the Commission approve Coastal Development Permit No. 6-01-167 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. **Conservation Deed Restriction.** No development, as defined in Section 30106 of the Coastal Act shall occur on the delineated wetland, riparian, upland native habitat areas and steep slopes as described and generally depicted in Exhibit #5. Maintenance of overhead and underground utility areas are permitted within the restricted areas.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

2. Lagoon Conservation Deed Restriction. No development, as defined in Section 30106 of the Coastal Act shall occur within Agua Hedionda Lagoon (proposed Lot 9 [All Water Lot] and the water portions of proposed Lots 1, 3 and 10 as depicted in Exhibit #3 except for the following development, if approved as an amendment to this coastal development permit or through a separate coastal development permit: dredging associated with operation of the power plant; maintenance of existing utility lines; caulerpa taxifolia eradication efforts; recreational activities in the lagoon including boating, swimming, and fishing; maintenance of equipment within the lagoon associated with the Hubbs Sea World Fish Hatchery; maintenance of the aqua culture facility in the outer lagoon; maintenance of the YMCA Aquatic Park in the middle lagoon; and other very minor incidental public facilities, restorative measures, or nature study.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3. Public Rights. By acceptance of this permit, the applicant acknowledges, on behalf of itself and its successors in interest, that issuance of the permit shall not constitute a waiver of any public rights which may exist on the property. The applicant shall also acknowledge that issuance of the permit shall not be used or construed to interfere with any public prescriptive or public trust rights that may exist on the property.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/Site History. Proposed is a lot line adjustment affecting 11 lots that cover approximately 673 acres under the applicants' ownership within and near Agua Hedionda Lagoon in Carlsbad (ref. Exhibit Nos. 2 & 3). The lot line adjustment adjusts the boundaries of parcels owned by SDG&E and Cabrillo Power that either contain the Encina power plant, or are in the immediate vicinity of the plant or Agua Hedionda Lagoon. The lot line adjustment is necessary because a federal antitrust

settlement and a California Public Utilities Commission Order relating to electric utility deregulation require SDG&E to divest its generating assets and require lots containing SDG&E-owned non-generating assets to be segregated from other lots that contain electricity generating assets. Also proposed is after-the-fact approval of unpermitted lot line adjustments that occurred between 1973 and 1998.

Prior to the passage of the 1972 Coastal Initiative ("Proposition 20"), SDG&E owned ten¹ lots in and immediately adjacent to Agua Hedionda Lagoon (ref. Exhibit #6 - 1972 map). Between 1973 and 1998, SDG&E recorded seven certificates of compliance without benefit of a coastal development permit. Most of these certificates of compliance did not significantly alter the pre-Proposition 20 configuration of the lots. The two most significant unpermitted lot line adjustments occurred during the 1990s. In 1995, SDG&E redrew some of the lot lines in the eastern portion of the property. The trapezoidal lot immediately west of the easternmost lot (ref. Exhibit #6 - the "Doc Kelly (Torrens)" lot), was essentially shifted to the southeastern corner of the property (ref. "Parcel B 98-125300" on Exhibit #2). The pre-1995 trapezoidal lot consisted primarily of open lagoon and wetlands. The post-1995 lot ("Parcel B" on Exhibit #2) consists of disturbed upland habitat immediately adjacent to Cannon Road. In 1998, SDG&E recorded a lot line adjustment with a neighboring property owner so that Cannon Road became the southeasterly border of Parcel B.

The proposed new lot line adjustment would separate the SDG&E maintenance yard from the Encina Power Plant and adjust parcel boundaries. According to the applicant, prior to the dredging of the lagoon in 1954 by SDG&E, the existing lot lines demarcated parcels comprised of land. However, when the lagoon was created for the purpose of providing cooling water for the SDG&E power plant, water areas were introduced in the form of the three water basins that comprise Agua Hedionda Lagoon. As a result, some parcels now include both land and water areas. Essentially, the proposal segregates generating from non-generating assets and differentiates land areas and lagoon areas into different parcels to more closely conform to the configuration of the Agua Hedionda Lagoon. The applicants indicate two parcels would be reconfigured so that the power plant and the SDG&E maintenance yard are located on separate lots, based on the California Public Utilities Commission mandated sale of the power plant property. The plant operators (Cabrillo Power) will own Parcels 3 through 7; SDG&E will retain ownership of the remaining parcels (1, 2, and 8 through 11). Parcel 9 (the inner lagoon) will be conveyed to Cabrillo upon approval of the project. The City of Carlsbad has issued unconditional Certificates of Compliance evidencing its administrative approval of the lot line adjustment.

According to the vegetation survey/slope analysis, the project site contains approximately 6.3 acres of riparian areas (scrub, woodland) and 11.0 acres of wetlands (marsh, estuarine, freshwater - the survey did not indicate whether any sensitive or rare species are present); approximately 260 acres of open water comprising Agua Hedionda Lagoon; approximately 29 acres are "dual criteria" slopes which are naturally vegetated (coastal

¹ In 1982, SDG&E acquired an eleventh parcel on the northwesterly shore of the lagoon, immediately west of the railroad right of way. It appears on Exhibit 2 as parcel 82-175943.

sage scrub) steep slopes (over 25% grade); approximately 157.2 acres of agriculture; 24.1 acres of native grassland. The rest of the property is described as Disturbed (8.1 acres), Urban Disturbed (150.5 acres) and Coastal Sage Scrub on non steep slopes (under 25% grade, 31.9 acres)

Agua Hedionda is one of six segments of the City of Carlsbad's LCP. The City has a certified LUP for this area; however, an implementation program for the Agua Hedionda segment has not been certified as yet. Thus, permit responsibility remains with the Commission, and Chapter 3 of the Coastal Act is the standard of review with the certified LUP used as guidance.

2. Wetlands/Sensitive Biological Resources/Visual Resources. The following Chapter 3 policies of the Coastal Act apply to the subject proposal and state, in part:

Section 30233 of the Coastal Act states, in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411 for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study....

In addition, Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Also, Section 30251 of the Coastal Act states in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas...

Additionally, the following policies are taken from the certified Agua Hedionda Lagoon LUP:

- 1.7 The area designated "Community Park" shall be zoned open space (OS). Uses in this area shall be regulated by the open space zone and shall be sited so that there are no significant adverse impacts on agricultural lands, wildlife habitats and environmentally sensitive areas

2.7 Utility transmission and distribution facilities shall be allowed in wetland areas, provided that maintenance and construction of such improvements does not adversely impact environmentally sensitive areas and is consistent with Coastal Act policies.

4.4(b) Development, grading and landform alteration in steep slope areas (25%) shall be restricted. Exceptions may include encroachments by roadway and utilities necessary to reach developable areas. The maximum allowable density shall be calculated on the total lot area, although this may be modified through setbacks, plan review, or other requirements of this plan and applicable city regulations

Agua Hedionda is one of the lagoons identified by DFG as referenced in Section 30233(c) of the Coastal Act. Section 30233(c) allows alterations to specified coastal lagoons, including Agua Hedionda, only for very minor incidental public facilities, restorative measures, and nature study. As such, it is afforded greater protection than other similar areas in that allowable uses in the lagoon are significantly restricted. As such, the Commission is concerned with the proposed lot line adjustment and the potential for impacts to sensitive coastal resources resulting from the newly configured lots. According to the applicant, the lot line adjustment will not trigger any further development of the parcels, or change the density or intensity of land or water use. The proposal is just to facilitate the change of ownership relating to the sale of the power plant. Section 30106 of the Coastal Act defines "development" to mean "change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act . . . and any other division of land, including lot splits." The proposed lot line adjustment is a division of land that would significantly reconfigure lots that include and border Agua Hedionda Lagoon. The land and water areas affected by the lot line adjustment include significant recreational and ecological resources. The proposed lot line adjustment, by affecting the location and distribution of potential future development, could have significant impacts on resources protected by the Coastal Act. The proposed lot line adjustment is therefore development and requires a coastal development permit. *See La Fe, Inc. v. Los Angeles County* (1999) 73 Cal. App. 4th 231.

In particular, the proposed lot line adjustment reconfigures lots that contain significant open water, wetland, riparian and sensitive native upland habitats (ref. Exhibit #5 showing proposed new lot configuration and distribution of habitat types on the property). For example, Parcel 9 of the reconfigured lots would consist entirely of open lagoon area, Parcel 3 would consist primarily of open lagoon area, portions of Parcels 1 and 10 would include open lagoon, and a significant portion of Parcel 10 would contain large areas of undisturbed native habitat. The applicant indicates that current zoning limits the kinds of development that can occur on the portion of the site that contains the majority of the biologically sensitive resources. This area contains the approximately 100-acre Hubb Park and 250 acres encumbered by power transmission lines. The applicant notes that the majority of this property is zoned as open space and as such the resources would be protected from inappropriate development through application of the

current open space zone. The applicant also indicates any proposed development activity subsequent to the lot line adjustment would be subject to a coastal development permit and would provide the Commission with an opportunity to ensure consistency with the Act and to protect coastal resources based on a specific proposal. The applicant also points out that LUP policy 2.7 provides that utility transmission and distribution facilities are allowed in wetland areas if sited and designed consistent with Coastal Act policies. The LUP is only used as guidance at this time and Chapter 3 policies are the standard of review with this application.

While the applicant indicates such resources would be protected under the current open space zoning applied to such areas, the Commission notes that the open space zone permits a number of uses such as playfields and athletic fields, golf courses; recreational campgrounds; stables and riding academies, public; swimming pools; tennis courts and other related cultural, entertainment and recreational activities and facilities. In addition, the Commission has not certified the current local zoning in this area and the zoning could be changed without Commission review. In several permit decisions regarding subdivisions and other divisions of land such as lot line adjustments, the Commission has imposed restrictions on future development in sensitive areas of the new or reconfigured lots (ref. CDP Nos. A-6-ENC-98-129/Brandywine; 6-99-78/Karp; 6-00-98/Kelly). It is important to impose such restrictions at the time the land is divided or reconfigured in order to assure that potential future owners receive notice of the restrictions that will apply to development of the lots. Absent such restrictions, future developers may assert an entitlement to more development than can be accommodated on the reconfigured lots consistent with the resource protection policies of Chapter 3 of the Coastal Act.

As noted, the property (Parcel 10) contains Hubb Park, portions of which are identified in the draft Carlsbad Habitat Management Plan (HMP) (December, 1999 with addendum) as a "hardline" open space area. The Carlsbad HMP is being prepared to satisfy the requirements of a federal Habitat Conservation Plan (HCP), and as a subarea plan of the regional Multiple Habitat Conservation Plan (MHCP). The MHCP study area involves approximately 186 square miles in northwestern San Diego County. This area includes the coastal cities of Carlsbad, Encinitas, Solana Beach and Oceanside, as well as the inland cities of Vista and San Marcos and several independent special districts. The participating local governments and other entities will implement their portions of the MHCP through individual subarea plans such as the Carlsbad HMP. Once approved, the MHCP and its subarea plans will replace interim restrictions placed by the U.S. Fish and Wildlife Services (USFWS) and the California Department of Fish and Game (CDFG) on impacts to coastal sage scrub and gnatcatchers within that geographical area, and will allow the incidental take of the gnatcatcher and other covered species as specified in the plan.

The Carlsbad HMP and the MHCP will meet criteria for the California Department of Fish and Game's (CDFG) Natural Communities Conservation Planning process (NCCP). The objectives of the southern California NCCP program include identification and protection of habitat in sufficient amounts and distributions to enable long-term conservation of the coastal sage community and the California gnatcatcher, as well as

other sensitive habitat types. Generally, the purpose of the HCP and NCCP processes is to preserve natural habitat by identifying and implementing an interlinked natural communities preserve system. Through these processes, the resource agencies are pursuing a long-range approach to habitat management and preserve creation over the more traditional mitigation approach to habitat impacts. Consistent with the intent of the HMP, the sensitive resources identified within Hub Park will be protected as open space through this permit action.

The draft HMP identifies that portions of Hub Park (eastern portion of property) have large concentrations of high quality native vegetation that is linked to other areas with concentrations of high quality native habitat. Critical vegetation communities include saltmarsh, freshwater marsh and riparian scrub. Major areas of coastal sage scrub are also present, as are small patches of grassland, southern maritime chaparral, southern mixed chaparral and coastal sage scrub/chaparral. Critical populations of saltmarsh, skipper butterfly, light-footed clapper rail, western snowy plover, California least tern and Belding's Savannah sparrow occur in the estuarine habitats associated with Agua Hedionda Lagoon. This coastal wetland is also critical for American peregrine falcon and California brown pelican. Finally, a major population of wart-stemmed ceanothus is associated with southern maritime chaparral east of the lagoon. Each of the above are identified as being either endangered, threatened, or rare by several of the resource agencies. The eastern portion of the property and the steep slopes adjacent to the lagoon contain habitat that is especially valuable because it provides habitat to some of the above species. It is therefore environmentally sensitive area as defined by Section 30107.5 and is protected by Section 30240.

Special Condition #1 requires that the wetland, riparian, grassland and coastal sage scrub areas be deed restricted as open space (ref. Exhibit #5). As noted, both steep and natural upland habitat areas are slated for open space protection in the draft HMP as a "Hard Line" area. Such areas are also protected under the Coastal Act. Pursuant to Section 30240 of the Coastal Act, coastal sage scrub in non-steep areas constitutes Environmentally Sensitive Habitat (ESHA) as it provides habitat for sensitive plants and animals, particularly when located near areas like coastal lagoons. ESHA is protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed in those areas. The non-steep coastal sage scrub contained onsite meets the criteria for ESHA because it is the only buffer left between subsequent development and the south shore of the lagoon and it connects to other large concentrations of high quality native vegetation.

Besides being worthy of protection because of their habitat value, steep slopes (greater than 25% grade) are identified for protection in Policy 4-4(b) of the certified Agua Hedionda LUP. Such areas provide slope stability and erosion control. These slopes rising from the shore of the lagoon are also highly scenic as viewed from I-5, a designated Scenic Highway, and as such are protected under Section 30251 of the Coastal Act.

Portions of the upland open space area contain utility areas, which are overhead and underground utility areas originating at the Encina power plant. While the LUP identifies that utility transmission and distribution facilities are permitted within open space restricted areas, maintenance and construction of such improvements must not adversely impact identified resources. Impacts associated with maintaining utility areas include removal of sensitive vegetation to reach areas in need of service or repair. Such impacts must be permitted through the coastal development permit process.

The proposed lot line adjustment also reconfigures the water areas associated with Agua Hedionda Lagoon. Proposed Lot 9 is an "all water" lot within the inner basin. Proposed Lot 3 contains most of the middle and outer basins of the Lagoon.² The applicant indicates the lagoon would be primarily located on these two lots because the lagoon provides water for operation of the power plant and changes in the level of the lagoon associated with power plant operations can affect the entire lagoon. In CDP #6-97-83, the Commission found that dredging of the inner basin was necessary to provide an adequate tidal prism to cool the power plant's generators. An all-water lot would provide reasonable economic use of Lots 3 and 9 because of the use of the water for operation of the power plant. Thus, the Commission does not object to the reconfigured lot. However, the power plant may one day cease operation. In order to forestall potential future claims that the Commission must allow fill of the lagoon in order to allow viable economic use of the property even though that use may be inconsistent with Section 30233, Special Condition #2 requires the applicant to record a deed restriction limiting future development in the lagoon to maintain already existing uses and other minor incidental public facilities, restorative measures, and nature study, consistent with Section 30233(c).

Appropriate current uses include: use of water for recreational activities, dredging for plant operations, caulerpa taxifolia eradication efforts, and maintenance of existing utility lines, recreational facilities, and aquaculture facilities. Only as conditioned can the Commission be assured that the proposed lot line adjustment will not lead to development within the Lagoon that is inconsistent with Section 30233.

The only unpermitted lot line adjustment that raises any issues regarding conformity with Sections 30233 and 30240 is the 1995 lot line adjustment that shifted a lot that was located in an open-water and wetland area in the northeastern portion of the property to the southeasterly upland portion of the property. That lot line adjustment resulted in a lot configuration that is preferable from a Coastal Act perspective. The pre-1995 lot consisted entirely of habitat types in which development is severely restricted pursuant to Sections 30233 and 30240. The post-1995 lot is located in a disturbed upland area adjacent to a public road. It is thus a preferable location for any future physical development to occur. The proposed after-the-fact lot line adjustments that occurred between 1973 and 1998 are therefore consistent with Sections 30233 and 30240.

² The Interstate 5 right-of-way separates Lot 3 from Lot 9.

In summary, the Commission finds that as restricted, the reconfigured lots provide reasonable economic use for the applicants while also protecting sensitive resources on the site from adverse impacts associated with potential future development that would be facilitated by this lot line adjustment. Although a portion of the property is being reserved as open space, it is for the protection of sensitive coastal resources and approximately 335 developable acres remain within the project site. Therefore, there is ample area on each newly reconfigured lot to allow reasonable development. Much of the developable acreage east of I-5 is currently being used for agricultural purposes. Additionally, much of the proposed open space in the eastern portion of the project area is identified as "Hard Line" open space within the City's draft HMP and is expected to be reserved as open space when the HMP is adopted. Additionally, as required, scenic resources and public views will be protected and buffers protecting the south shore of the lagoon from subsequent development will be established. As conditioned, the Commission finds the proposed lot line adjustment consistent with the resource protection policies of the Coastal Act.

3. Public Access. Public access along and to the waters of Agua Hedionda Lagoon is very important because of the recreational nature of the lagoon. It is the only lagoon in San Diego County where water sports are permitted, including motor and sail boating, water skiing, wind surfing, jet skiing, etc. Additionally, a public trail is identified along the north shore of the lagoon in the certified Agua Hedionda Lagoon Land Use Plan. The following Coastal Act sections are applicable to the proposed project and state, in part:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, [or]

(2) adequate access exists nearby....

Section 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30604 (c)

Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3.

Public access to, and along the coast, is a basic requirement of the Coastal Act. Access is generally referred to as lateral (along the shoreline or bluff tops) and vertical (access from a public road or easement to the shoreline). Accessways may consist of bike trails, hiking trails, viewpoints, stairs, parking areas, public transit and relevant support facilities.

The public's rights of access to the water areas can partially be provided for by existing utility easements and leasehold interests (i.e., sewer, water) held by the city. The Agua Hedionda Land Use plan calls for additional vertical and lateral access ways to be acquired either through agreements with the property owners or as condition of approval for development.

The following is taken from the access section of the LUP:

There are factors which limit the desirability of unrestricted access to the lagoon. Along the south shore, the slope conditions are such that attempts to provide usable access to the water's edge could only be accomplished through extensive grading with its potentially detrimental impacts, and would also be disruptive to the agricultural activities along this bluff. It is therefore proposed that public access to the south shore will be limited to viewing areas and pocket beaches that do not interfere with agricultural production or impact environmentally sensitive areas. The wildlife preserve proposed for the easterly portion of the lagoon and the adjacent mudflats should also be protected from management/maintenance activities.

The public beach area at the mouth of the lagoon currently provides parking and limited support facilities. Informal pedestrian access is provided at the south end of the beach area, through SDG&E property. Dirt walking trails exist along much of the north shore area. The most heavily used appears to be the shoreline area between the YMCA on the middle lagoon, and the beach/fishing areas on the outer lagoon.

Because much of the north shore of the lagoon is undeveloped, the majority of the public access path called for in the certified Agua Hedionda Land Use Plan (LUP) has yet to be constructed. The LUP identifies that both pedestrian and bicycle access shall be provided along the north shore of Agua Hedionda Lagoon within a 25-foot wide easement upland of the mean high tide line. However, the project site contains a portion of the proposed public trail approved by the Commission in CDP #6-93-113 that leads along the north shore of Agua Hedionda lagoon within the outer and middle basins. No changes would occur to this trail as a result of the proposed project.

While the LUP does not identify that a trail system or boat launch facility is proposed on the south shore of the lagoon, a pedestrian trail leading to a public viewpoint is identified on the 45-acre parcel located on the south shore immediately east of the freeway (new parcel 8). The reconfigured lots will not preclude the future development of the trail/viewpoint. The pocket beaches referenced in the LUP will be reserved as open space through this permit action. The Commission's approval of the lot line adjustment does not abrogate any public rights that may exist regarding access to the Lagoon. Special Condition #3 provides that the applicant's acceptance of this permit serves as an acknowledgement that the issuance of this permit does not waive any public rights that may exist.

Proposed Parcel 3 also includes lands that were formerly identified as lot F/P 6700 (2.87 acres). This land has been used and is identified in the LUP as a fishing spot for the public to be maintained as a public activity area. Vehicular access to this area has been blocked off while not interfering with pedestrian access as illegal dumping was occurring in the lagoon which adversely affects power plant operations. The public can access the fishing area from the public parking lot at Tamarack Avenue and walking on the sidewalk on the inland side of Carlsbad Blvd. The fishing area can also be reached from the north shore trail along the lagoon by way of the sidewalk. The proposed lot line adjustment will not affect public access to the fishing area. Thus, the Commission finds proposed parcel 3 will continue to be maintained as a public activity area. The previous lot line adjustments that occurred between 1973 and 1998 did not affect public access to the Lagoon. As conditioned, the Commission finds the proposed development is consistent with the public access policies of both the Coastal Act and the Agua Hedionda Land Use Plan.

4. Unpermitted Development. Unpermitted development has been carried out on the subject site without the required coastal development permit. The applicant is requesting after-the-fact approval for unpermitted lot line adjustments that occurred between 1973 and 1998. Although the unpermitted lot line adjustments did take place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

5. Local Coastal Planning. Section 30604 (a) requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will

not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made, with the inclusion of all special conditions.

The Agua Hedionda Land Use Plan (LUP) designates the bulk of the site as Open Space and Utility and approximately 45 acres for Travel Services, which is a visitor serving land use designation. As conditioned, the project is also consistent with the habitat preservation and public access policies of the certified Agua Hedionda Land Use Plan and with the corresponding Chapter 3 policies of the Coastal Act. Therefore, approval of the development, as conditioned herein, will not prejudice the ability of the City of Carlsbad to prepare a fully certifiable Local Coastal Program for the Agua Hedionda Lagoon segment.

6. California Environmental Quality Act (CEQA) Consistency. Section 13096 of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit to be supported by a finding showing the permit, as conditioned, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect, which the activity may have on the environment.

The proposed project, as conditioned, is consistent with the resource and public access protection policies of the Coastal Act. The attached mitigation measures, which impose deed restrictions that limit future development in the lagoon, wetlands, riparian corridors, native upland habitat areas and associated buffer areas, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact, which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

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3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

(G:\San Diego\Reports\2001\6-01-167 SDG&E final.doc)

8931

Exhibits 1 through 9 of the Staff Recommendation and Findings (Exhibit A) for CDP No. 6-01-167 on file and available for review at the Commission's San Diego office, 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-4402.

Content of Exhibits

Exhibit 1	Location Map
Exhibit 2	Existing Parcel Configuration
Exhibit 3	Proposed Parcel Configuration
Exhibit 4	Parcel Sizes
Exhibit 5	Open Space
Exhibit 6	1972 Map
Exhibit 7	Carlsbad HMP
Exhibit 8a	1972 Aerial Photos
Exhibit 8b	1972 Aerial Photos
Exhibit 9	Correspondence dated September 17, 2002 to CCC

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STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Gov.

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



Tue 11a

Addendum

10/3/02

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to Item 11a, Coastal Commission Permit Application
#6-01-167 (San Diego Gas & Electric Company ("SDG&E") & Cabrillo
Power I, LLC), for the Commission Meeting of October 8, 2002.

Staff recommends the following revisions be made to the above-referenced staff report:

1. On Page 2 of the staff report, Special Condition #1 shall be revised as follows:

1. Conservation Deed Restriction. No development, as defined in Section 30106 of the Coastal Act shall occur on the delineated wetland, riparian, upland native habitat areas and steep slopes as described and generally depicted in Exhibit #5. Maintenance of overhead and underground utility areas ~~is permitted~~ may occur within the restricted areas. However, prior to performing any maintenance, the permittee shall contact the Executive Director to determine whether a permit for the maintenance work is required.

[...]

2. On Page 3 of the staff report, Special Condition #2 shall be revised as follows:

2. Lagoon Conservation Deed Restriction. No development, as defined in Section 30106 of the Coastal Act shall occur within Agua Hedionda Lagoon (proposed Lot 9 [All Water Lot] and the water portions of proposed Lots 1, 3 and 10 as depicted in Exhibit #3 except for the following development, if approved as an amendment to this coastal development permit or through a separate coastal development permit: dredging associated with operation of the power plant; ~~maintenance of existing utility lines;~~ caulerpa taxifolia eradication efforts; recreational activities in the lagoon including boating, swimming, and fishing; maintenance of equipment within the lagoon associated with the Hubbs Sea World Fish Hatchery; maintenance of the aqua culture facility in the outer lagoon; maintenance of the YMCA Aquatic Park in the middle lagoon; and other very minor incidental public facilities, restorative measures, or nature study.

[...]

Addendum to 6-01-167

Page 2

3. On Page 4 of the staff report, the 2nd full paragraph shall be revised as follows:

The proposed new lot line adjustment would separate the SDG&E maintenance yard from the Encina Power Plant and adjust parcel boundaries. According to the applicant, prior to the dredging of the lagoon in 1954 by SDG&E, the existing lot lines demarcated parcels comprised of land. However, when the lagoon was created for the purpose of providing cooling water for the SDG&E power plant, water areas were introduced in the form of the three water basins that comprise Agua Hedionda Lagoon. As a result, some parcels now include both land and water areas. Essentially, the proposal segregates generating from non-generating assets and differentiates land areas and lagoon areas into different parcels to more closely conform to the configuration of the Agua Hedionda Lagoon. The applicants indicate two parcels would be reconfigured so that the power plant and the SDG&E maintenance yard are located on separate lots, based on the California Public Utilities Commission mandated sale of the power plant property. The plant operators (Cabrillo Power) will own Parcels 3 through 7; SDG&E will retain ownership of the remaining parcels (1, 2, and 8 through 11). Parcel 9 (the inner lagoon) will be conveyed to Cabrillo upon approval of the project. Upon issuance of this permit SDG&E and Cabrillo will complete certain real estate transactions so that the plant operators (Cabrillo Power) will own Parcels 2, 3, 4 and 9, and SDG&E will own Parcels 1, 5, 6, 7, 8, 10 and 11. The City of Carlsbad has issued unconditional Certificates of Compliance evidencing its administrative approval of the lot line adjustment.

4. On Page 4 of the staff report, the 3rd paragraph shall be revised as follows:

According to the vegetation survey/slope analysis, the project site contains approximately 6-3 5.0 acres of riparian areas (scrub, woodland) and 44-0 26 acres of wetlands (marsh, estuarine, freshwater - the survey did not indicate whether any sensitive or rare species are present); approximately 260 240 acres of open water comprising Agua Hedionda Lagoon; approximately 29 21 acres are "dual criteria" slopes which are naturally vegetated (coastal sage scrub) steep slopes (over 25% grade); approximately 157.2 acres of agriculture; 24.1 acres of non-native grassland. The rest of the property is described as Disturbed (8.1 acres), Urban Disturbed (~~(150.5~~ 147.7 acres) and Coastal Sage Scrub on non steep slopes (under 25% grade, 34-9 49 acres)

5. On Page 7 of the staff report, the last paragraph shall be revised as follows:

In particular, the proposed lot line adjustment reconfigures lots that contain significant open water, wetland, riparian and sensitive native upland habitats (ref. Exhibit #5 showing proposed new lot configuration and distribution of habitat types on the property). For example, Parcel 9 of the reconfigured lots would consist entirely of open lagoon area, Parcel 3 would consist primarily of open lagoon area, portions of Parcels 1 and 10 would include open lagoon, and a

Addendum to 6-01-167
Page 3

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significant portion of Parcel 10 would contain large areas of undisturbed native habitat. The applicant indicates that current zoning limits the kinds of development that can occur on the portion of the site that contains the majority of the biologically sensitive resources. This area contains the approximately 100-acre Hub Park included within the 250 acres that are Parcels 8, 10 and 11, and that are encumbered by power transmission lines....

6. On Page 9 of the staff report, the second complete paragraph shall be revised as follows:

Special Condition #1 requires that the wetland, riparian, grassland and coastal sage scrub areas be deed restricted as open space (ref. Exhibit #5). As noted, both steep and natural upland habitat areas are slated for open space protection in the draft HMP as a "Hard Line" area. Such areas are also protected under the Coastal Act. The condition also protects several areas outside the HMP "Hard Line" area consisting of steep and non-steep slopes containing high quality coastal sage scrub habitat that is contiguous to other similar sensitive resources within the "Hard Line" area (Exhibit 5). Pursuant to Section 30240 of the Coastal Act, coastal sage scrub in non-steep areas constitutes Environmentally Sensitive Habitat (ESHA) as it provides habitat for sensitive plants and animals, particularly when located near areas like coastal lagoons. ESHA is protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed in those areas. The non-steep coastal sage scrub contained onsite meets the criteria for ESHA because it is the only buffer left between subsequent development and the south shore of the lagoon and it connects to other large concentrations of high quality native vegetation.

7. On Page 10 of the staff report, the first paragraph shall be revised as follows:

Portions of the upland open space area contain utility areas, which are overhead and underground utility areas originating at the Encina power plant. While the LUP identifies that utility transmission and distribution facilities are permitted within open space restricted areas, maintenance and construction of such improvements must not adversely impact identified resources. Impacts associated with maintaining utility areas include removal of sensitive vegetation to reach areas in need of service or repair. Special Condition #1 allows the applicant to maintain utilities in the upland deed restricted areas. However, because maintenance in these areas could result in adverse impacts to ESHA, the applicant must contact the Commission office prior to performing maintenance work to determine whether a permit is legally required. Section 13252 of the Commission's regulations and the Interpretive Guidelines exempt maintenance activities "unless a proposed activity will have a risk of substantial adverse impact on environmentally sensitive habitat....". Such impacts must be permitted through the coastal development permit process.

Addendum to 6-01-167

Page 4

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8. On Page 10 of the staff report, the third paragraph shall be revised as follows:

Appropriate current uses include: use of water for recreational activities, dredging for plant operations, caulerpa taxifolia eradication efforts, and maintenance of existing utility lines, recreational facilities, and aquaculture facilities. Only as conditioned can the Commission be assured that the proposed lot line adjustment will not lead to development within the Lagoon that is inconsistent with Section 30233.

(G:\San Diego\Reports\2001\6-01-167 Addendum.doc)

8936

EXHIBIT A-1

NOTICE OF INTENT TO ISSUE PERMIT

DATED OCTOBER 15, 2002

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STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION

San Diego Coast Area Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402
(619) 787-2370

Date: October 15, 2002

Permit Application No.: 6-01-167

Page: 1 of 4

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NOTICE OF INTENT TO ISSUE PERMIT

(Upon satisfaction of special conditions)

THIS IS NOT A COASTAL DEVELOPMENT PERMIT

THE SOLE PURPOSE OF THIS NOTICE IS TO INFORM THE APPLICANT OF THE STEPS NECESSARY TO OBTAIN A VALID AND EFFECTIVE COASTAL DEVELOPMENT PERMIT ("CDP"). A Coastal Development Permit for the development described below has been approved but is not yet effective. Development on the site cannot commence until the CDP is effective. In order for the CDP to be effective, Commission staff must issue the CDP to the applicant, and the applicant must sign and return the CDP. **Commission staff cannot issue the CDP until the applicant has fulfilled each of the "prior to issuance" Special Conditions.** A list of all of the Special Conditions for this permit is attached.

The Commission's approval of the CDP is valid for two years from the date of approval. To prevent expiration of the CDP, you must fulfill the "prior to issuance" Special Conditions, obtain and sign the CDP, and commence development within two years of the approval date specified below. You may apply for an extension of the permit pursuant to the Commission's regulations at Cal. Code Regs. title 14, section 13169.

On October 8, 2002, the California Coastal Commission approved Coastal Development Permit No. 6-01-167, requested by San Diego Gas & Electric Company, Attn: Christopher Terzich
Cabrillo Power I, Llc, Attn: David Lloyd subject to the attached conditions, for development consisting of: Proposed is a lot line adjustment affecting 11 lots that cover approximately 673 acres that include Agua Hedionda Lagoon, the Encina Power Plant and vicinity. Also proposed is after-the-fact approval for previous, unpermitted lot line adjustments that occurred between 1973 and 1998.. More specifically described in the application file in the Commission offices.
Commission staff will not issue the CDP until the "prior to issuance" special conditions have been satisfied.

NOTICE OF INTENT TO ISSUE PERMIT
(Upon satisfaction of special conditions)

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Date: October 15, 2002

Permit Application No.: 6-01-167

Page 2 of 4

The development is within the coastal zone in East and West of Interstate 5, near Agua Hedionda Lagoon, Carlsbad (San Diego County) 211-010-26, 210-010-24, 211-010-28, 206-070-11, 206-070-12, 210-010-39, 210-010-40, 210-010-37, 210-010-26, 210-010-24, 210-010-39, 210-010-40.

If you have any questions regarding how to fulfill the "prior to issuance" Special Conditions for CDP No. 6-01-167, please contact the Coastal Program Analyst identified below.

Sincerely,
PETER M. DOUGLAS
Executive Director

By: Bill Ponder
Coastal Program Analyst
Date: October 15, 2002

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this Notice and fully understands its contents, including all conditions imposed.

Date

Permittee

Please sign and return one copy of this form to the Commission office at the above address.

STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a

NOTICE OF INTENT TO ISSUE PERMIT

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(Upon satisfaction of special conditions)

Date: October 15, 2002

Permit Application No.: 6-01-167

Page 3 of 4

reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

The permit is subject to the following conditions:

1. **Conservation Deed Restriction.** No development, as defined in Section 30106 of the Coastal Act shall occur on the delineated wetland, riparian, upland native habitat areas and steep slopes as described and generally depicted in Exhibit #5. Maintenance of overhead and underground utility areas may occur within the restricted areas. However, prior to performing any maintenance, the permittee shall contact the Executive Director to determine whether a permit for the maintenance work is required.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

2. **Lagoon Conservation Deed Restriction.** No development, as defined in Section 30106 of the Coastal Act shall occur within Agua Hedionda Lagoon (proposed Lot 9 [All Water Lot] and the water portions of proposed Lots 1, 3 and 10

NOTICE OF INTENT TO ISSUE PERMIT
(Upon satisfaction of special conditions)

8940

Date: October 15, 2002
Permit Application No.: 6-01-167

Page 4 of 4

as depicted in Exhibit #3 except for the following development, if approved as an amendment to this coastal development permit or through a separate coastal development permit: dredging associated with operation of the power plant; caulerpa taxifolia eradication efforts; recreational activities in the lagoon including boating, swimming, and fishing; maintenance of equipment within the lagoon associated with the Hubbs Sea World Fish Hatchery; maintenance of the aqua culture facility in the outer lagoon; maintenance of the YMCA Aquatic Park in the middle lagoon; and other very minor incidental public facilities, restorative measures, or nature study.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3. Public Rights. By acceptance of this permit, the applicant acknowledges, on behalf of itself and its successors in interest, that issuance of the permit shall not constitute a waiver of any public rights which may exist on the property. The applicant shall also acknowledge that issuance of the permit shall not be used or construed to interfere with any public prescriptive or public trust rights that may exist on the property.

NOTE: IF THE SPECIAL CONDITIONS REQUIRE THAT DOCUMENT(S) BE RECORDED WITH THE COUNTY RECORDER, YOU WILL RECEIVE THE LEGAL FORMS TO COMPLETE (WITH INSTRUCTIONS). IF YOU HAVE ANY QUESTIONS, PLEASE CALL BILL PONDER AT (619)767-2370, THE SAN DIEGO DISTRICT OFFICE.

(6-01-167RptNOI)

8941

EXHIBITS B-1 and B-2

LEGAL DESCRIPTION AND GRAPHIC DEPICTION OF PROTECTED LAND

EXHIBIT B-1

8942

WATER PORTION PARCEL 3

That portion of Parcel 3 of Record of Survey No. 17350, lying Easterly of the Atchison Topeka and Santa Fe Railroad Right of Way as shown on said Record of Survey No. 17350, in the City of Carlsbad, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, April 12, 2002 at File No. 2002-0308512, described as follows:

Commencing at the Southwest corner of said Parcel 3 lying Easterly of said Atchison Topeka and Santa Fe Railroad Right of Way, said corner being the beginning of a non-tangent curve concave to the Southwest having a radius of 1975.00 feet to which a radial bears North 76°17'18" East; thence Northwesterly along the Westerly line of said Parcel 3 and said curve 150.22 feet through a central angle of 04°21'28" to the TRUE POINT OF BEGINNING; thence leaving said Westerly line of Parcel 3 North 63°02'41" East, 115.84 feet; thence North 10°42'09" West, 22.94 feet; thence North 85°45'32" West, 53.28 feet; thence North 31°19'34" East, 56.95 feet; thence North 40°14'40" West, 8.19 feet; thence South 64°05'46" West 70.94 feet; thence North 24°08'28" West, 24.43 feet; thence North 29°31'26" East, 47.91 feet; thence North 38°17'31" West, 63.02 feet; thence North 77°27'31" West, 24.91 feet; thence North 38°25'34" West, 67.01 feet; thence North 44°05'25" West, 54.34 feet; thence North 45°21'40" West, 30.70 feet to a point on said Westerly line of Parcel 3, said point also being a point on said 1975 foot radius curve concave to the Southwest to which a radial bears North 61°20'00" East; thence Northwesterly along said Westerly line and said curve 394.07 feet through a central angle of 11°25'56" to the Northwest corner of said Parcel 3; thence along the Northerly line thereof North 72°58'27" East, 1135.74 feet to the Northeast corner of said Parcel 3; thence along the Easterly line thereof South 15°10'48" East, 193.90 feet; thence South 00°01'09" East, 894.06 feet; thence South 17°57'05" East, 15.21 feet to the Southeast corner of said Parcel 3; thence along the Southerly line thereof South 81°53'37" West, 13.68 feet; thence South 88°07'37" West, 74.55 feet; thence leaving said Southerly line North 88°32'07" West, 100.29 feet; thence North 84°26'16" West, 92.68 feet; thence North 78°21'02" West, 64.12 feet; thence South 78°34'35" West, 60.47 feet; thence South 69°31'18" West, 73.23 feet; thence South 81°54'56" West, 113.64 feet; thence North 57°12'38" West, 70.73 feet; thence North 78°02'38" West, 38.45 feet; thence South 70°16'51" West, 64.77 feet to a point on the Westerly line of said Parcel said point being a point on said 1975.00 foot radius curve concave to the Southwest to which a radial bears North 75°20'09" East; thence Northwesterly along said Westerly line and said curve 117.38 feet through a central angle of 03°24'19" to the TRUE POINT OF BEGINNING.

TOGETHER WITH that portion of said Parcel 3 lying Westerly of said Atchison Topeka and Santa Fe Railroad Right-of Way:

Commencing at the Northeasterly corner of said Parcel 3 lying Westerly of said Atchison Topeka and Santa Fe Railroad Right of Way, thence along the Easterly line of said Parcel 3 South 28°40'19" East, 129.84 feet to the TRUE POINT OF BEGINNING; thence continuing along the Easterly and the Southerly lines of said Parcel 3 South 28°40'19" East, 145.52 feet; thence South 56°25'30" West, 61.30 feet; thence South 04°59'18" West, 27.61 feet; thence South 39°37'42"

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East, 61.38 feet; thence South 77°21'22" East, 49.55 feet; thence South 26°45'23" East, 232.92 feet; thence South 17°52'19" East, 115.92 feet; thence South 02°16'37" East, 55.06 feet; thence South 24°00'58" West, 44.47 feet; thence South 40°45'14" West, 126.60 feet; thence South 29°41'50" West, 83.42 feet; thence South 27°27'35" West, 90.04 feet; thence South 35°18'30" West, 212.59 feet; thence South 19°22'01" East, 108.34 feet; thence South 30°56'56" East, 304.06 feet; thence South 14°30'21" West, 175.27 feet; thence South 00°09'57" East, 123.11 feet; thence South 26°53'37" East, 119.99 feet; thence South 34°46'51" West, 23.60 feet; thence North 61°27'21" West, 142.77 feet; thence North 22°47'32" West, 47.01 feet; thence South 67°12'28" West, 16.03 feet; thence South 22°47'32" East, 22.23 feet; thence South 58°37'31" West, 97.99 feet; thence South 41°35'28" West, 110.44 feet; thence North 74°44'52" West, 164.81 feet; thence North 05°57'51" West, 202.95 feet; thence North 30°14'20" West, 64.23 feet; thence North 64°31'22" West, 196.25 feet; thence leaving said Southerly line of Parcel 3 North 26°16'50" West, 116.85 feet; thence North 23°49'11" West, 260.82 feet; thence North 27°17'18" West, 203.10 feet; thence North 19°54'41" West, 208.80 feet; thence North 03°10'58" West, 119.01 feet; thence North 24°26'40" West, 130.23 feet; thence North 30°37'29" West, 522.33 feet; thence North 38°24'41" West, 68.40 feet; thence North 44°26'27" West, 96.52 feet; thence North 38°17'20" West, 125.94 feet; thence North 35°49'35" West, 269.34 feet; thence North 32°18'25" West, 159.50 feet; thence North 35°54'47" West, 105.72 feet; thence North 46°55'19" West, 74.40 feet; thence South 88°28'15" West, 50.18 feet; thence South 28°58'57" West, 18.00 feet; thence South 83°46'38" West, 96.66 feet; thence South 53°42'46" West, 130.07 feet to a point on the Southwesterly line of said Parcel 3; thence along said Southwesterly line North 43°50'13" West, 59.55 feet; thence North 38°04'00" West, 133.24 feet; thence North 53°42'46" East, 142.03 feet; thence North 74°25'52" East, 73.06 feet to the Northerly line of said Parcel 3; thence along said Northerly line South 77°27'18" East, 895.44 feet; thence South 30°11'52" East, 237.60 feet; thence South 76°09'49" East, 719.66 feet; thence leaving said Northerly line South 58°55'44" East, 54.14 feet; thence South 54°11'12" East, 66.75 feet; thence South 47°43'33" East, 122.18 feet; thence North 84°42'32" East, 28.71 feet; thence South 26°37'14" East, 27.52 feet; thence North 79°21'26" East, 36.88 feet to the TRUE POINT OF BEGINNING.

Prepared by:

Nolte Associates, Inc.

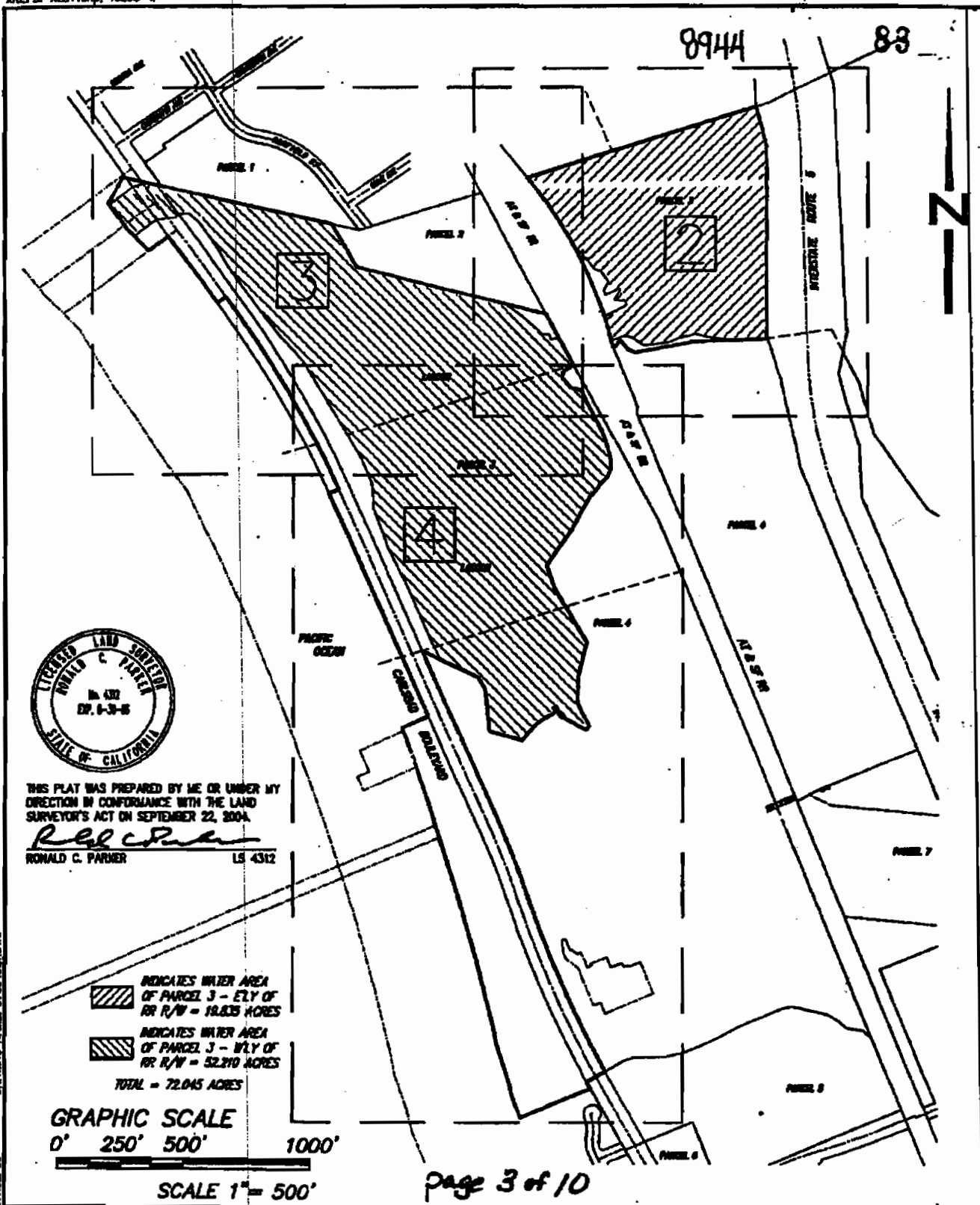
Ronald C. Parker 9/22/04
 Ronald C. Parker Date
 Director of Survey



Page 2 of 10

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ANALYST: ALLIANCE, 10283-W



NOLTE

BEYOND ENGINEERING

15076 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92128
619.385.0500 TEL. 619.385.0400 FAX WWW.NOLTE.COM

WATER LOCATION
PARCEL 3, R of S 17350
CARLSBAD, CA

PREPARED FOR: SDG&E

DATE SUBMITTED: 09/22/04

SHEET NUMBER

1

OF 8 SHEETS

JOB NUMBER
SD3032

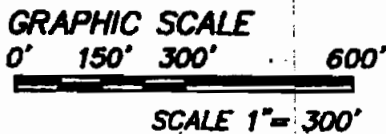
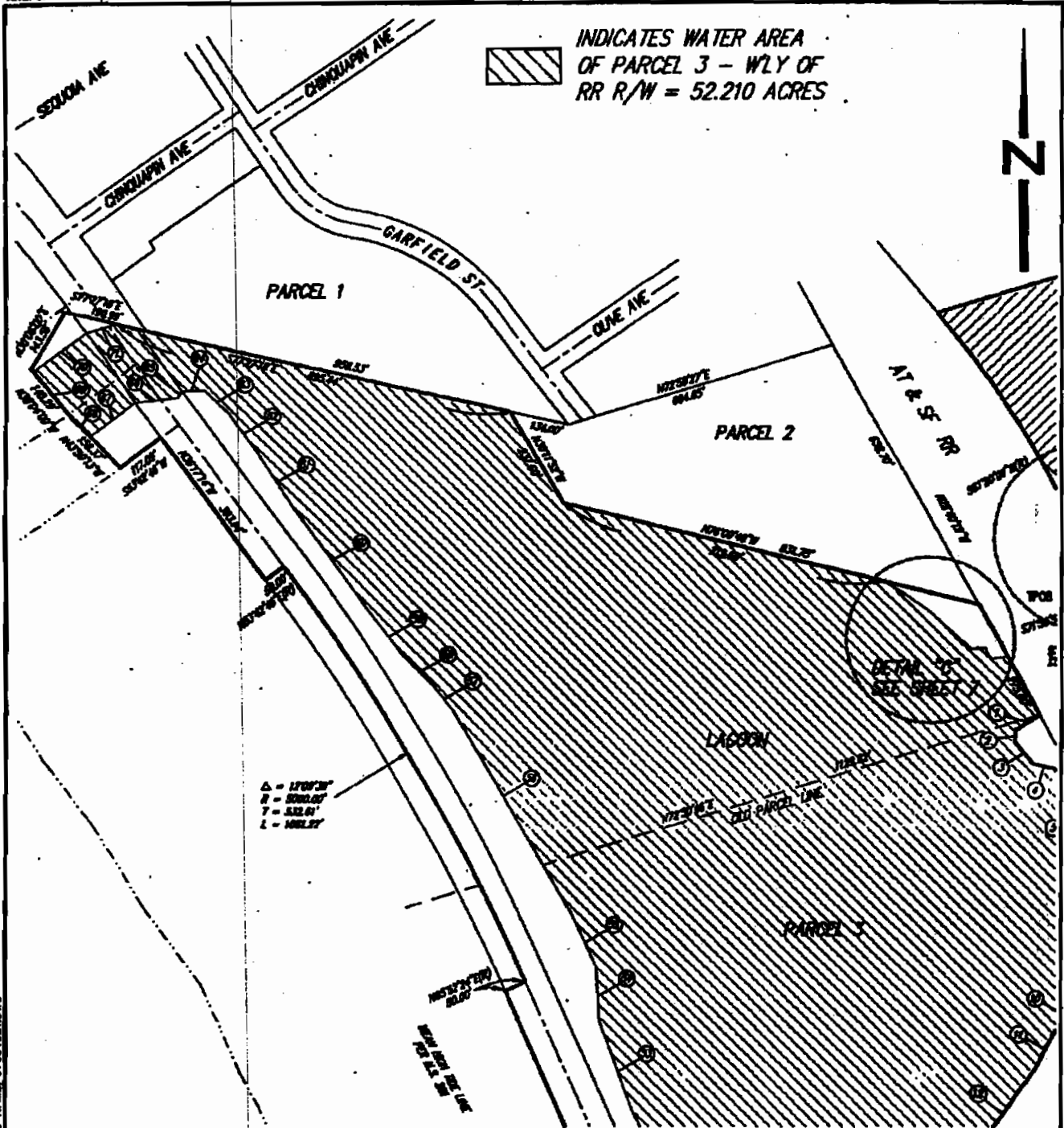


SHEET NUMBER
2
OF 8 SHEETS
JOB NUMBER
SD03032

DATE SUBMITTED: 09/22/04

8946

ANALYST: ALZ:11/10/04, 10/26/04-W



page 5 of 10

DATE: 09/22/04
SERVICE: SD03032
TIME: 11:55 a.m.
SERVER: SD03032
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NOLTE
BEYOND ENGINEERING

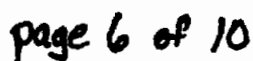
15070 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92128
658.385.8300 TEL. 658.385.0400 FAX WWW.NOLTE.COM

WATER LOCATION
PARCEL 3, R of S 17350
CARLSBAD, CA

PREPARED FOR: SDG&E

DATE SUBMITTED: 09/22/04

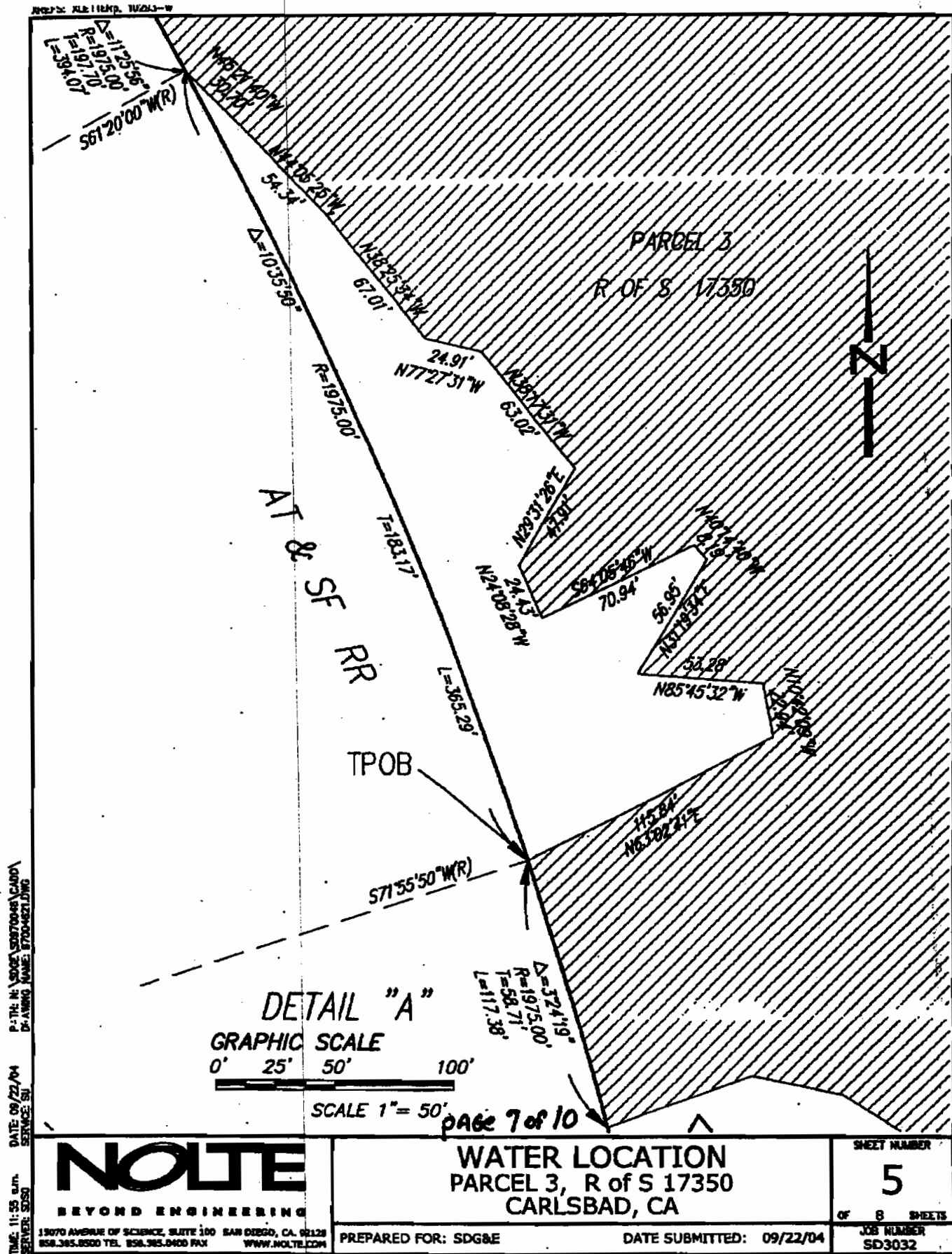
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3
OF 8 SHEETS
JOB NUMBER
SD03032



SHEET NUMBER
4
OF 8 SHEETS
JOB NUMBER
SD03032

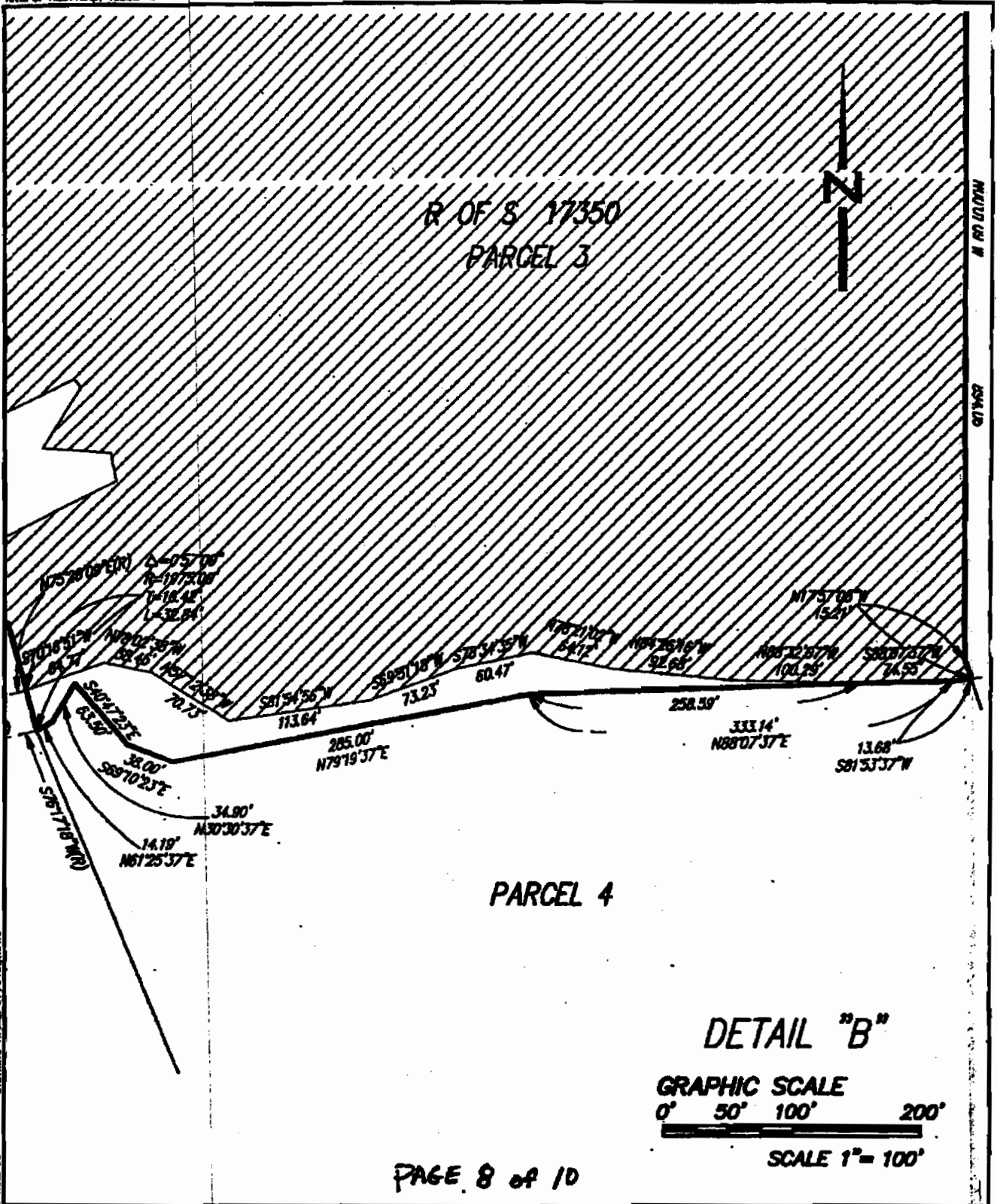
JOB NUMBER
SD03032

8948



8949

AVENUE OF SCIENCE, SAN DIEGO, CA



TIME: 7:57 A.M.
DATE: 09/22/04
SERVICE: SD
PATH: N5 SDG8E/SDG8E/CA/SD/1
DRAWING NAME: 87700401.DWG

NOLTE
BEYOND ENGINEERING

13079 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92128
619.365.0500 TEL 619.365.0400 FAX WWW.NOLTE.COM

WATER LOCATION
PARCEL 3, R OF S 17350
CARLSBAD, CA.

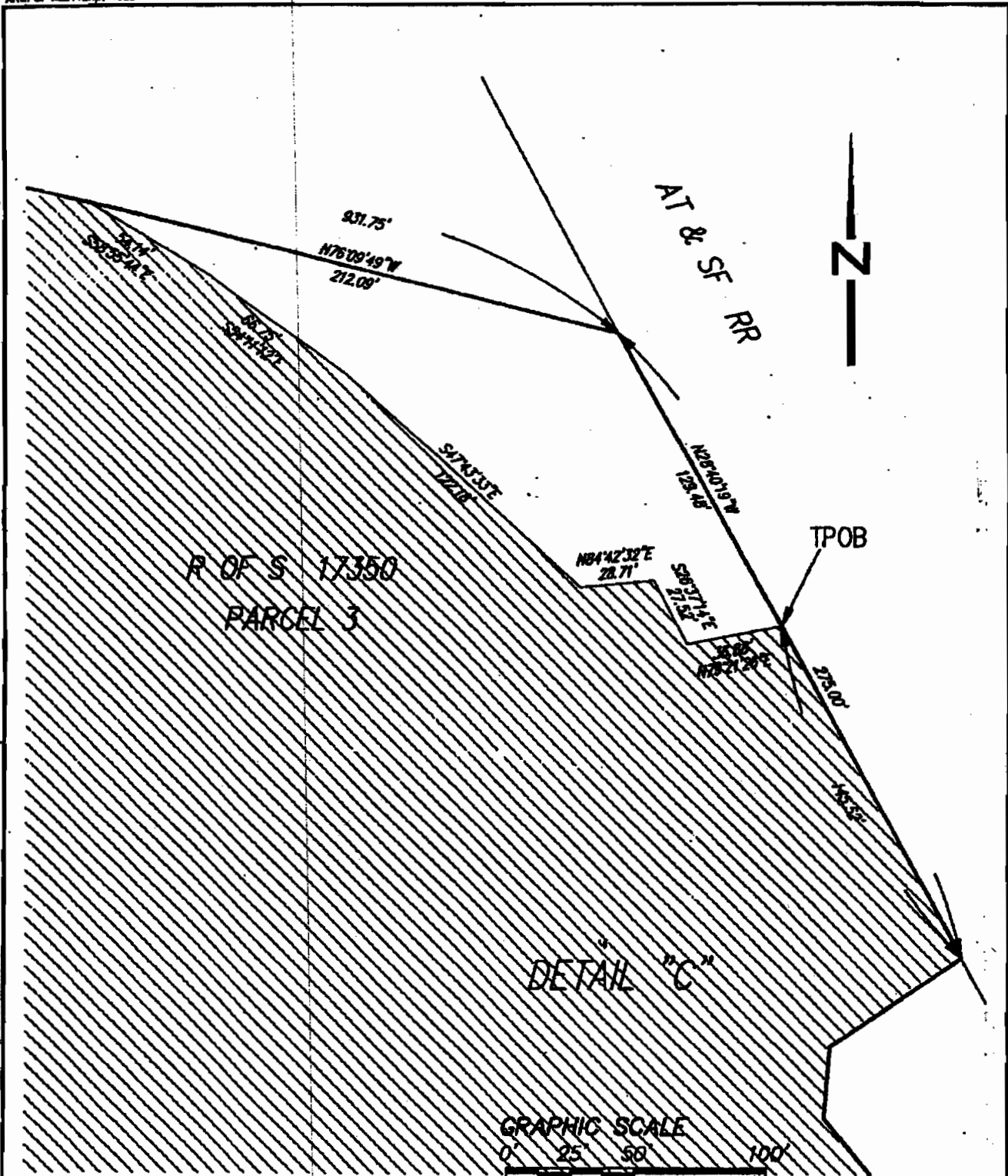
PREPARED FOR: SDG&E

DATE SUBMITTED: 09/22/04

SHEET NUMBER
6
OF 8 SHEETS
JOB NUMBER
SD03032

8950

PROJECT: RAIL 1 TEMP. 10/29/03-W



Page 9 of 10 SCALE 1" = 50'

NOLTE
BEYOND ENGINEERING

15070 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92128
USD 385.0500 TEL 619.385.0400 FAX WWW.NOLTE.COM

WATER LOCATION
PARCEL 3, R of S 17350
CARLSBAD, CA

PREPARED FOR: SDG&E

DATE SUBMITTED: 09/22/04

SHEET NUMBER

7

OF 8 SHEETS

JOB NUMBER
SD3032

DATE: 09/22/04
DRAWING NAME: 8700-HILLTOP
SERIAL: 31
TIME: 7:57 a.m.
SERVER: SD30

8951

REF: 21.11240, 10293-W

LINE	DIRECTION	DISTANCE
1	S56°25'30"W	61.30'
2	S04°39'18"W	27.61'
3	S39°37'42"E	61.38'
4	S77°21'22"E	49.55'
5	S26°45'23"E	232.92'
6	S17°52'19"E	115.92'
7	S02°16'37"E	55.06'
8	S24°00'58"W	44.47'
9	S40°45'14"W	126.60'
10	S29°41'50"W	83.42'
11	S27°27'35"W	90.04'
12	S35°18'30"W	212.59'
13	S19°22'01"E	108.34'
14	S30°36'56"E	304.06'
15	S14°30'21"W	175.27'
16	S00°09'57"E	123.11'
17	S26°53'37"E	119.99'
18	S34°46'51"W	23.60'
19	N61°27'21"W	142.77'
20	N22°47'32"W	47.01'
21	S67°12'28"W	16.03'
22	S22°47'32"E	22.23'
23	S58°37'31"W	97.99'
24	S41°35'28"W	110.44'
25	N74°44'52"W	164.81'
26	N05°57'51"W	202.95'
27	N30°14'20"W	64.23'
28	N64°31'22"W	196.25'

LINE	DIRECTION	DISTANCE
50	N26°16'50"W	116.85'
51	N23°49'11"W	260.82'
52	N27°17'18"W	203.10'
53	N19°54'41"W	208.80'
54	N03°10'58"W	119.01'
55	N24°26'40"W	130.23'
56	N30°37'29"W	522.33'
57	N38°24'41"W	68.40'
58	N44°26'27"W	96.52'
59	N38°17'20"W	125.94'
60	N35°49'35"W	269.34'
61	N32°18'25"W	159.50'
62	N35°54'47"W	105.72'
63	N46°55'19"W	74.40'
64	S88°28'15"W	50.18'
65	S28°58'57"W	18.00'
66	S83°46'38"W	96.66'
67	S53°42'46"W	130.07'
68	N43°50'13"W	59.55'
69	N38°04'00"W	133.24'
70	N53°42'46"E	142.03'
71	N74°25'52"E	73.06'

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NOLTE
BEYOND ENGINEERING

16070 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92128
650.385.0200 TEL 650.385.0400 FAX WWW.NOLTE.COM

WATER LOCATION
PARCEL 3, R of S 17350
CARLSBAD, CA

PREPARED FOR: SDG&E

DATE SUBMITTED: 09/22/04

SHEET NUMBER

8

OF 8 SHEETS

JOB NUMBER
SD3032

EXHIBIT B-2

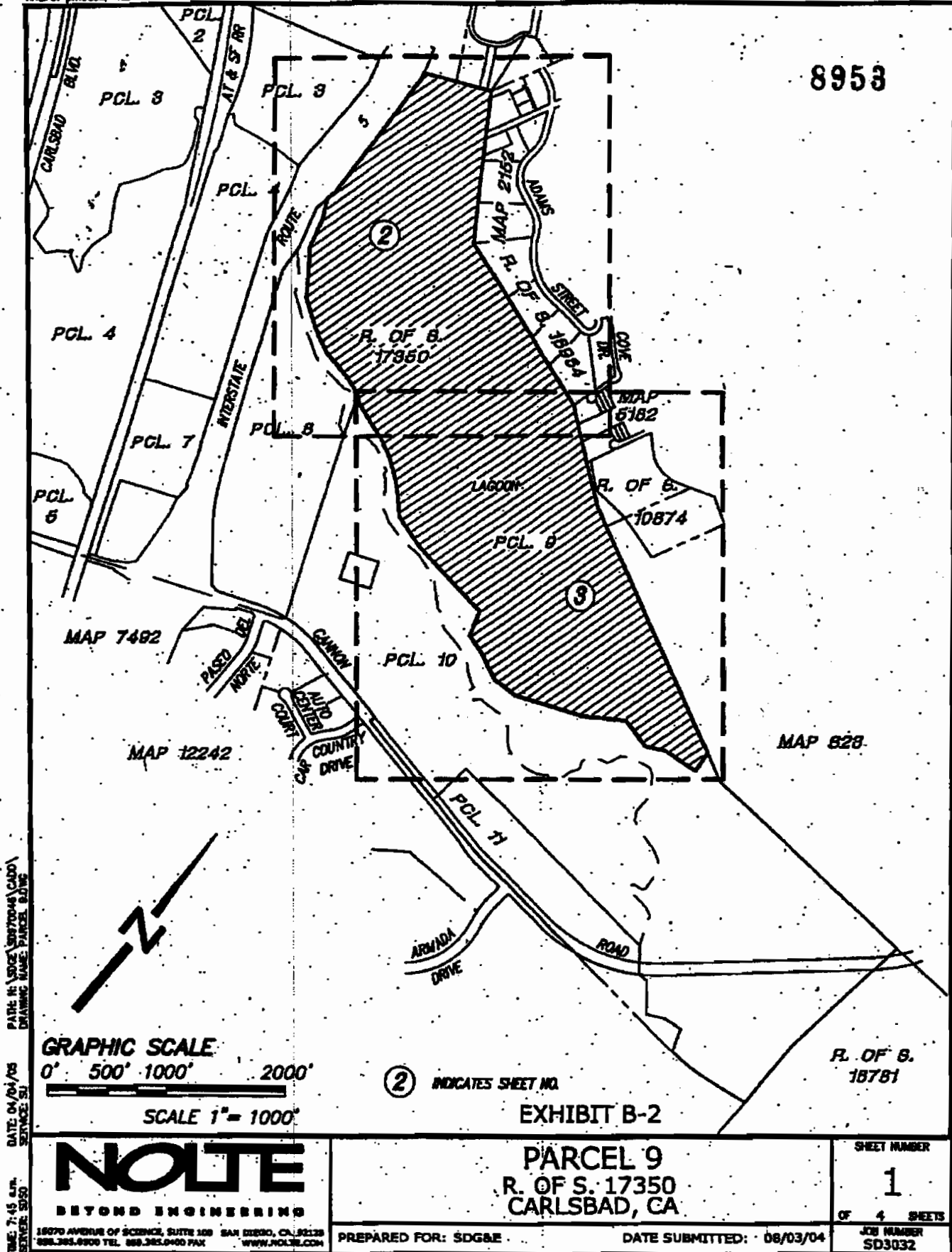
PARCEL 9:

THAT PORTION OF RANCHO AGUA HEDIONDA, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 823, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 16, 1896, DEFINED AS PARCEL 9 IN THAT CERTIFICATE OF COMPLIANCE RECORDED OCTOBER 30, 2001 AS FILE NO. 2001-0789073 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF PARCEL A OF A CERTIFICATE OF COMPLIANCE RECORDED NOVEMBER 22, 1995 AS FILE NO. 1995-0532900; THENCE ALONG THE NORTHEASTERLY LINE THEREOF SOUTH 33 44'36" EAST, 1290.81 FEET; THENCE SOUTH 71 40'52" EAST, 1586.90 FEET; THENCE SOUTH 53 19'03" EAST, 893.14 FEET; THENCE SOUTH 64 01'56" EAST, 2257.42 FEET; THENCE LEAVING SAID NORTHEASTERLY LINE SOUTH 08 21'57" EAST, 182.60 FEET; THENCE SOUTH 83 25'06" WEST, 313.69 FEET; THENCE SOUTH 62 01'07" WEST, 160.23 FEET; THENCE NORTH 76 53'47" WEST, 269.28 FEET; THENCE SOUTH 55 39'38" WEST 381.01 FEET; THENCE SOUTH 66 59'23" WEST, 594.40 FEET; THENCE SOUTH 87 02'46" WEST, 210.53 FEET; THENCE NORTH 64 43'30" WEST, 244.66 FEET; THENCE NORTH 74 31'19" WEST, 186.69 FEET; THENCE NORTH 17 29'43" WEST, 220.16 FEET; THENCE NORTH 83 34'03" WEST, 514.52 FEET; THENCE NORTH 80 57'43" WEST, 209.62 FEET; THENCE NORTH 72 35'04" WEST, 308.66 FEET; THENCE NORTH 45 17'25" WEST, 291.62 FEET; THENCE NORTH 53 58'34" WEST, 226.98 FEET; THENCE NORTH 64 17'22" WEST, 177.48 FEET; THENCE NORTH 70 53'29" WEST, 346.91 FEET; THENCE NORTH 48 58'53" WEST, 87.04 FEET TO THE NORTHEASTERLY CORNER OF CERTIFICATE OF COMPLIANCE RECORDED NOVEMBER 1, 1985 AS FILE NO. 85-411922; THENCE ALONG THE NORTHEASTERLY LINE THEREOF NORTH 72 33'23" WEST, 186.00 FEET; THENCE NORTH 78 46'23" WEST, 238.00 FEET; THENCE NORTH 66 17'23" WEST, 172.00 FEET; THENCE NORTH 30 00'23" WEST, 23.00 FEET; THENCE NORTH 89 22'23" WEST, 24.00 FEET; THENCE NORTH 57 13'53" WEST, 275.40 FEET; THENCE NORTH 35 27'23" WEST, 430.00 FEET; THENCE NORTH 15 34'23" WEST, 252.00 FEET; THENCE NORTH 27 12'23" WEST, 168.99 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF CALIFORNIA STATE HIGHWAY XI-SD-2B (I-5); THENCE ALONG SAID RIGHT OF WAY NORTH 11 13'43" EAST, 92.85 FEET; THENCE NORTH 03 09'38" WEST, 1172.51 FEET; THENCE NORTH 17 49'10" WEST, 59.67 FEET TO THE SOUTHERLY LINE OF TRACT 238 OF MAP NO. 1681 RECORDED DECEMBER 9, 1915; THENCE LEAVING SAID RIGHT OF WAY LINE AND ALONG SAID SOUTHERLY LINE, N 64 10'39" E, 567.13 FEET TO THE POINT OF BEGINNING.

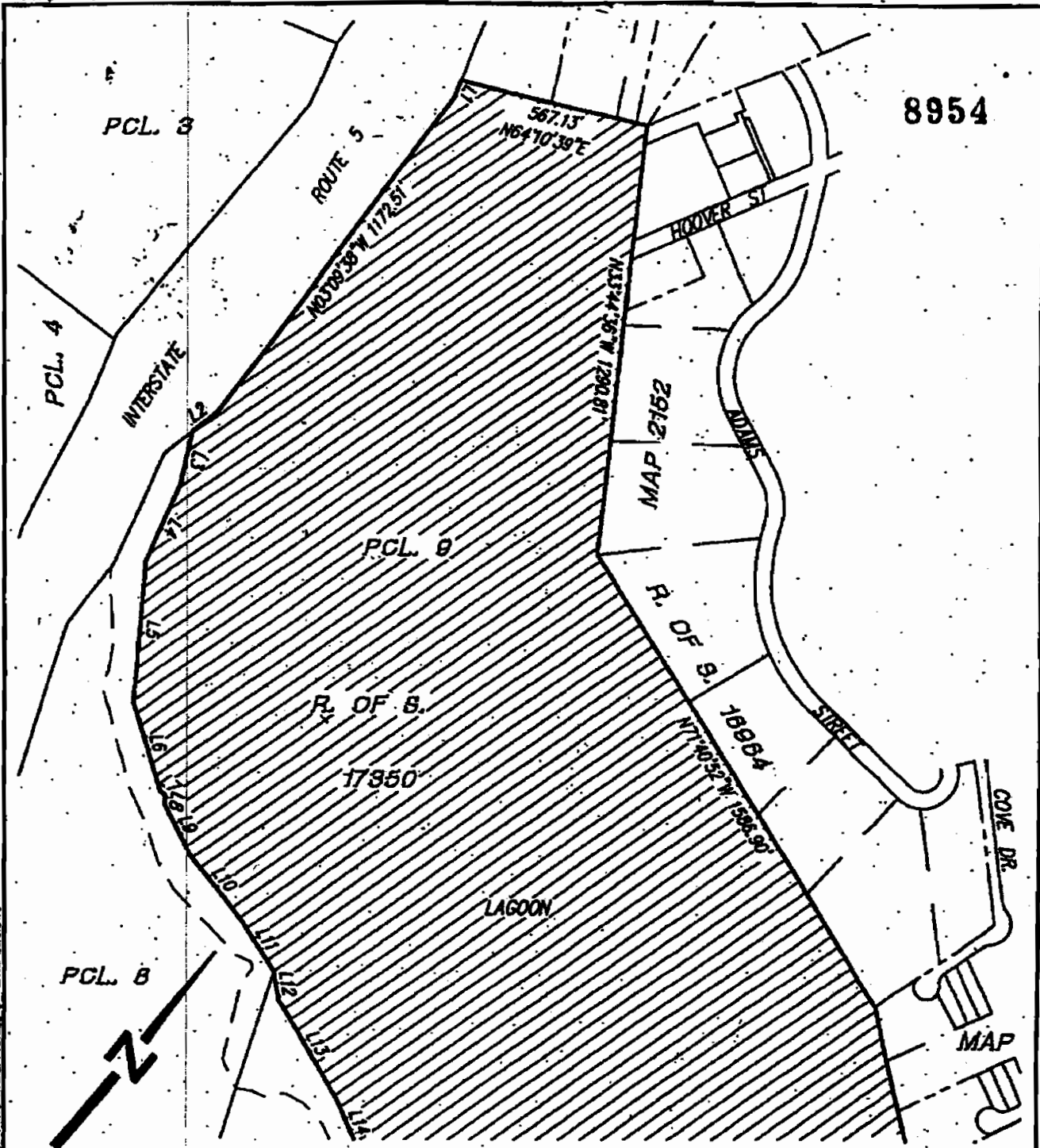
page 1 of 5

ARC/INFO PROCESS, ALL 1/10/04



Page 2 of 5

08/23/04 08:00:00, ALL 11/13/04



GRAPHIC SCALE
0' 200' 400' 800'
SCALE 1" = 400'

SEE SHEET 4 OF 4 FOR DATA
TABLE AND VICINITY MAP

EXHIBIT B-2

NOLTE
BEYOND ENGINEERING

PARCEL 9
R. OF S. 17350
CARLSBAD, CA

SHEET NUMBER

2

OF 4 SHEETS

DATE: 04/04/05
SERVICE: SD30

13070 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92131
619.385.4500 TEL 619.385.0400 FAX WWW.NOLTE.COM

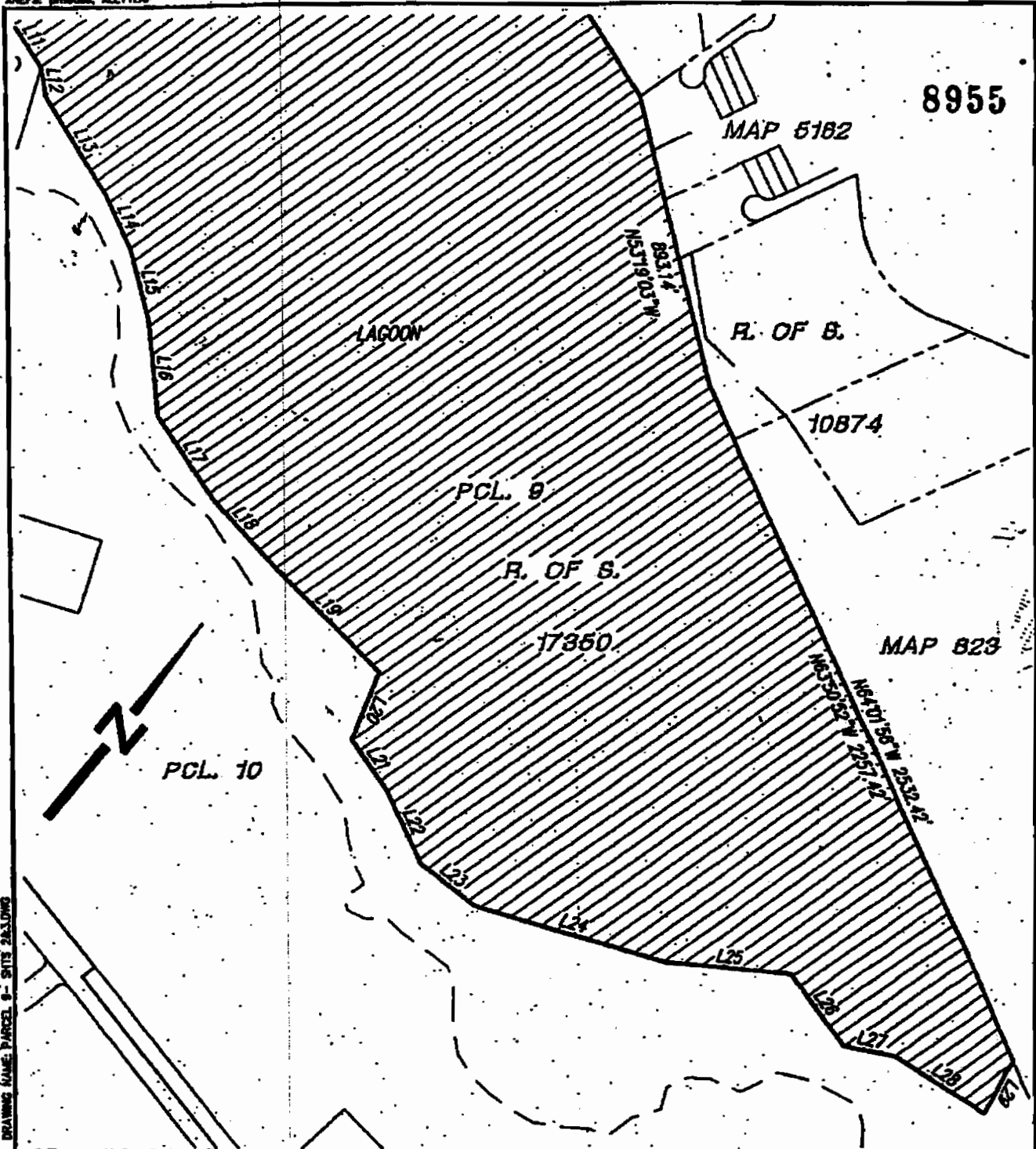
PREPARED FOR: SDG&E

DATE SUBMITTED: 08/03/04

JOB NUMBER
SD3032

page 3 of 5

ANEXOS: PROPOSED, ALL RIGHTS RESERVED



GRAPHIC SCALE
0' 500' 1000' 2000'

SCALE 1" = 1000'

SEE SHEET 4 OF 4 FOR DATA
TABLE AND COUNTY MAP.

EXHIBIT B-2

NOLTE

BEYOND ENGINEERING

13670 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92130
TEL: 365.0500 FAX: 365.0460 WWW.NOLTE.COM

PARCEL 9
R. OF S. 17350
CARLSBAD, CA

PREPARED FOR: SDG&E

DATE SUBMITTED: 08/03/04

SHEET NUMBER

3

OF 4 SHEETS

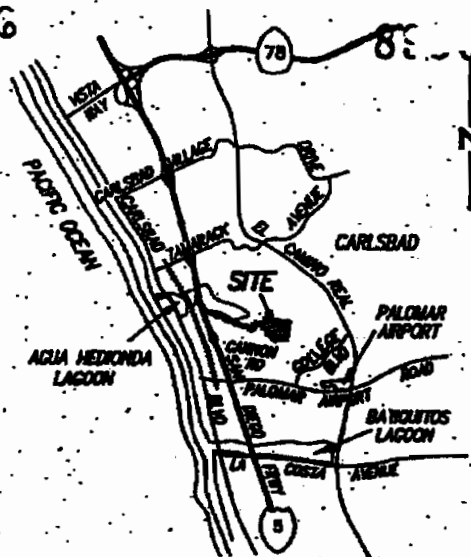
JOB NUMBER
SD3032

Page 4 of 5

DATE: 04/03/05

LINE TABLE		
LINE	BEARING	LENGTH
L1	N17°49'10"W	59.67'
L2	N11°13'43"E	92.85'
L3	N27°12'23"W	168.99'
L4	N15°34'23"W	252.00'
L5	N35°27'23"W	430.00'
L6	N57°13'53"W	275.40'
L7	N89°22'23"W	24.00'
L8	N30°00'23"W	23.00'
L9	N66°17'23"W	172.00'
L10	N78°46'23"W	238.00'
L11	N72°33'23"W	186.00'
L12	N48°58'53"W	87.04'
L13	N70°53'29"W	346.91'
L14	N64°17'22"W	177.48'
L15	N53°58'34"W	226.98'
L16	N45°17'25"W	291.62'
L17	N72°35'04"W	308.66'
L18	N80°57'43"W	209.62'
L19	N83°34'03"W	514.52'
L20	N17°29'43"W	220.16'
L21	N74°31'19"W	186.69'
L22	N64°43'30"W	244.66'
L23	N87°02'46"E	210.53'
L24	N66°59'23"E	594.40'
L25	N55°39'38"E	381.01'
L26	N76°53'47"W	269.28'
L27	N62°01'07"E	160.23'
L28	N83°25'06"E	313.69'
L29	N08°21'57"W	182.60'

8956



VICINITY MAP
NOT TO SCALE

DATE: 04/03/05
SERVICE: SD
PARCEL: 9
DRAWING NAME: PARCEL 9.DWG

DATE: 04/03/05
SERVICE: SD

DATE: 04/03/05
SERVICE: SD

NOLTE

BEYOND ENGINEERING

15070 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92126
619.385.0000 TEL. 619.385.0400 FAX WWW.NOLTE.COM

EXHIBIT B-2

PARCEL 9
R. OF S. 17350
CARLSBAD, CA

SHEET NUMBER

4

OF 4 SHEETS

PREPARED FOR: SDG&E

DATE SUBMITTED: 08/03/04

JOB NUMBER
SD3032

page 5 of 5

8957

EXHIBIT C

PUBLIC RESOURCES CODE § 30106

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EXHIBIT C**[30106. Development]**

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

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EXHIBIT D
LEGAL DESCRIPTION AND GRAPHIC DEPICTION OF
THE PROPERTY

8960

EXHIBIT D-1

PARCEL 3:

PARCEL 3 OF CERTIFICATE OF COMPLIANCE RECORDED OCTOBER 30, 2001 AS FILE NO. 2001-0789067, BEING A PORTION OF LOT H OF RANCHO AGUA HEDIONDA, IN THE CITY OF CARLSBAD COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 823, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 16, 1896, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY LINE OF THE 100.00 FOOT WIDE RIGHT-OF-WAY OF THE ATCHISON TOPEKA AND SANTA FE RAILROAD WITH THE NORTHERLY LINE OF CANNON ROAD (60.00 FEET WIDE); THENCE ALONG SAID EASTERLY LINE NORTH 22°30'13" WEST, 1564.78 FEET; THENCE CONTINUING ALONG SAID EASTERLY LINE NORTH 22°30'13" WEST, 1990.35 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 1005.37 FEET, A RADIAL TO SAID BEGINNING BEARS SOUTH 85°54'14" EAST; THENCE NORTHEASTERLY 36.76 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE 02°05'42"; THENCE NON-TANGENT TO SAID CURVE NORTH 22°30'13" WEST, 302.87 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID EASTERLY LINE NORTH 61°25'37" EAST, 14.19 FEET; THENCE NORTH 30°30'37" EAST, 34.90 FEET; THENCE SOUTH 40°47'23" EAST, 63.50 FEET; THENCE SOUTH 69°10'23" EAST, 38.00 FEET; THENCE NORTH 79°19'37" EAST, 285.00 FEET; THENCE NORTH 88°07'37" EAST, 333.14 FEET; THENCE NORTH 81°53'37" EAST, 13.68 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF CALIFORNIA STATE HIGHWAY XI-SD-2B (I-5); THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 17°57'05" WEST, 15.21 FEET; THENCE NORTH (00°01'09" WEST, 894.06 FEET; THENCE NORTH 15°10'48" WEST, 193.90 FEET TO THE SOUTHERLY LINE OF MAP NO. 11484 RECORDED APRIL 10, 1986 AS FILE NO. 86-138666; THENCE ALONG SAID SOUTHERLY LINE SOUTH 72°58'27" WEST, 1135.74 FEET TO A POINT ON THE EASTERLY LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1975.00 FEET; THENCE SOUTHEASTERLY 909.57 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 26°23'14" TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH THAT PORTION OF SAID LOT H DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY CORNER OF RECORD OF SURVEY NO. 14621, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 14, 1994 AS FILE NO. 1994-500086, SAID CORNER BEING ON THE WESTERLY LINE OF THE RIGHT-OF-WAY OF THE ATCHISON TOPEKA AND SANTA FE RAILROAD; THENCE ALONG SAID WESTERLY LINE AND EASTERLY LINE OF SAID RECORD OF SURVEY 14621 SOUTH 28°40'19" EAST, 656.70 FEET TO THE MOST SOUTHERLY CORNER OF SAID RECORD OF SURVEY NO. 14621, SAID CORNER BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 28°40'19" EAST, 275.00 FEET; THENCE LEAVING SAID WESTERLY LINE SOUTH 56°25'30" WEST, 61.30 FEET; THENCE SOUTH 04°59'18" WEST, 27.61 FEET; THENCE SOUTH 39°37'42" EAST, 61.38 FEET; THENCE SOUTH 77°21'22" EAST, 49.55 FEET; THENCE SOUTH 26°45'23" EAST, 232.92 FEET; THENCE SOUTH 17°52'19" EAST, 115.92 FEET; THENCE SOUTH 02°16'37" EAST, 55.06 FEET; THENCE SOUTH 24°00'58" WEST, 44.47 FEET; THENCE SOUTH 40°45'14" WEST, 126.60 FEET; THENCE SOUTH 29°41'50" WEST, 83.42 FEET; THENCE SOUTH 27°27'35" WEST, 90.04 FEET; THENCE SOUTH 35°18'30" WEST, 212.59 FEET; THENCE SOUTH 19°22'01" EAST, 108.34 FEET; THENCE SOUTH 30°56'56" EAST, 304.06 FEET; THENCE SOUTH 14°30'21" WEST, 175.27 FEET; THENCE

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SOUTH 00°09'57" EAST, 123.11 FEET; THENCE SOUTH 26°53'37" EAST, 119.99 FEET; THENCE SOUTH 34°46'51" WEST, 23.60 FEET; THENCE NORTH 61°27'21" WEST, 142.77 FEET; THENCE NORTH 22°47'32" WEST, 47.01 FEET; THENCE SOUTH 67°12'28" WEST, 16.03 FEET; THENCE SOUTH 22°47'32" EAST, 22.23 FEET; THENCE SOUTH 58°37'31" WEST, 97.99 FEET; THENCE SOUTH 41°35'28" WEST, 110.44 FEET; THENCE NORTH 74°44'52" WEST, 164.81 FEET; THENCE NORTH 05°57'51" WEST, 202.95 FEET; THENCE NORTH 30°14'20" WEST, 64.23 FEET; THENCE NORTH 64°31'22" WEST, 293.59 FEET TO THE EASTERLY LINE OF THE 100.00 FOOT WIDE CARLSBAD BOULEVARD; THENCE ALONG SAID EASTERLY LINE OF CARLSBAD BOULEVARD SOUTH 24°07'36" EAST, 913.18 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 4050.00 FEET; THENCE SOUTHEASTERLY 348.89 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 04°56'09"; THENCE SOUTH 19°11'27" EAST, 15.63 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 5216.55 FEET; THENCE SOUTHEASTERLY 900.29 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°53'18"; THENCE LEAVING SAID EASTERLY LINE OF CARLSBAD BOULEVARD SOUTH 60°43'42" WEST, 100.00 FEET TO POINT "A" BEING ON THE WESTERLY LINE OF SAID CARLSBAD BOULEVARD, SAID POINT BEING ON A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 5316.55 FEET, A RADIAL TO SAID POINT BEARS SOUTH 60°55'02" WEST; THENCE NORTHWESTERLY 917.89 FEET ALONG SAID CURVE AND SAID WESTERLY LINE OF CARLSBAD BOULEVARD THROUGH A CENTRAL ANGLE OF 09°53'31" THENCE NORTH 19°11'27" WEST, 15.63 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 3950.00 FEET; THENCE NORTHWESTERLY 340.27 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 04°56'09"; THENCE NORTH 24°07'36" WEST, 616.20 FEET TO POINT "B"; THENCE CONTINUING NORTH 24°07'36" WEST, 1159.00 FEET; THENCE LEAVING SAID WESTERLY LINE NORTH 65°52'24" EAST, 50.00 FEET TO A POINT ON THE CENTERLINE OF CARLSBAD BOULEVARD, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 5000.00 FEET; A RADIAL TO SAID POINT OF BEGINNING BEARS NORTH 65°52'24" EAST, THENCE NORTHWESTERLY 1061.21 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°09'38"; THENCE LEAVING SAID CENTERLINE SOUTH 53°42'46" WEST 50.00 FEET TO SAID WESTERLY LINE OF CARLSBAD BOULEVARD; THENCE ALONG SAID WESTERLY LINE NORTH 36°17'14" WEST 393.94 FEET TO POINT "C"; THENCE CONTINUING NORTH 36°17'14" WEST 342.48 FEET TO POINT "D" BEING THE NORTHWESTERLY PROLONGATION OF THE SOUTHWESTERLY LINE OF SAID RECORD OF SURVEY NO. 14621; THENCE LEAVING SAID WESTERLY LINE OF CARLSBAD BOULEVARD AND ALONG SAID NORTHWESTERLY PROLONGATION AND SAID SOUTHWESTERLY LINE SOUTH 77°27'18" EAST, 999.25 FEET; THENCE SOUTH 30°11'52" EAST, 237.60 FEET; THENCE SOUTH 76°09'49" EAST, 931.75 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH THAT PORTION OF SAID LOT H DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF MAP NO. 3052 RECORDED FEBRUARY 4, 1951 AS FILE NO. 14672; THENCE ALONG THE NORTHERLY LINE THEREOF SOUTH 67°44'53" WEST TO THE MEAN HIGH TIDE LINE; THENCE NORTHERLY ALONG SAID MEAN HIGH TIDE LINE TO A LINE THAT BEARS SOUTH 65°52'24" WEST FROM SAID POINT "B"; THENCE NORTH 65°52'24" EAST TO SAID POINT "B"; THENCE SOUTHERLY ALONG SAID WESTERLY LINE OF CARLSBAD BOULEVARD TO THE POINT OF BEGINNING.

TOGETHER WITH THAT PORTION OF SAID LOT H DESCRIBED AS FOLLOWS:

BEGINNING AT SAID POINT "C"; THENCE SOUTH 53°42'46" WEST TO THE

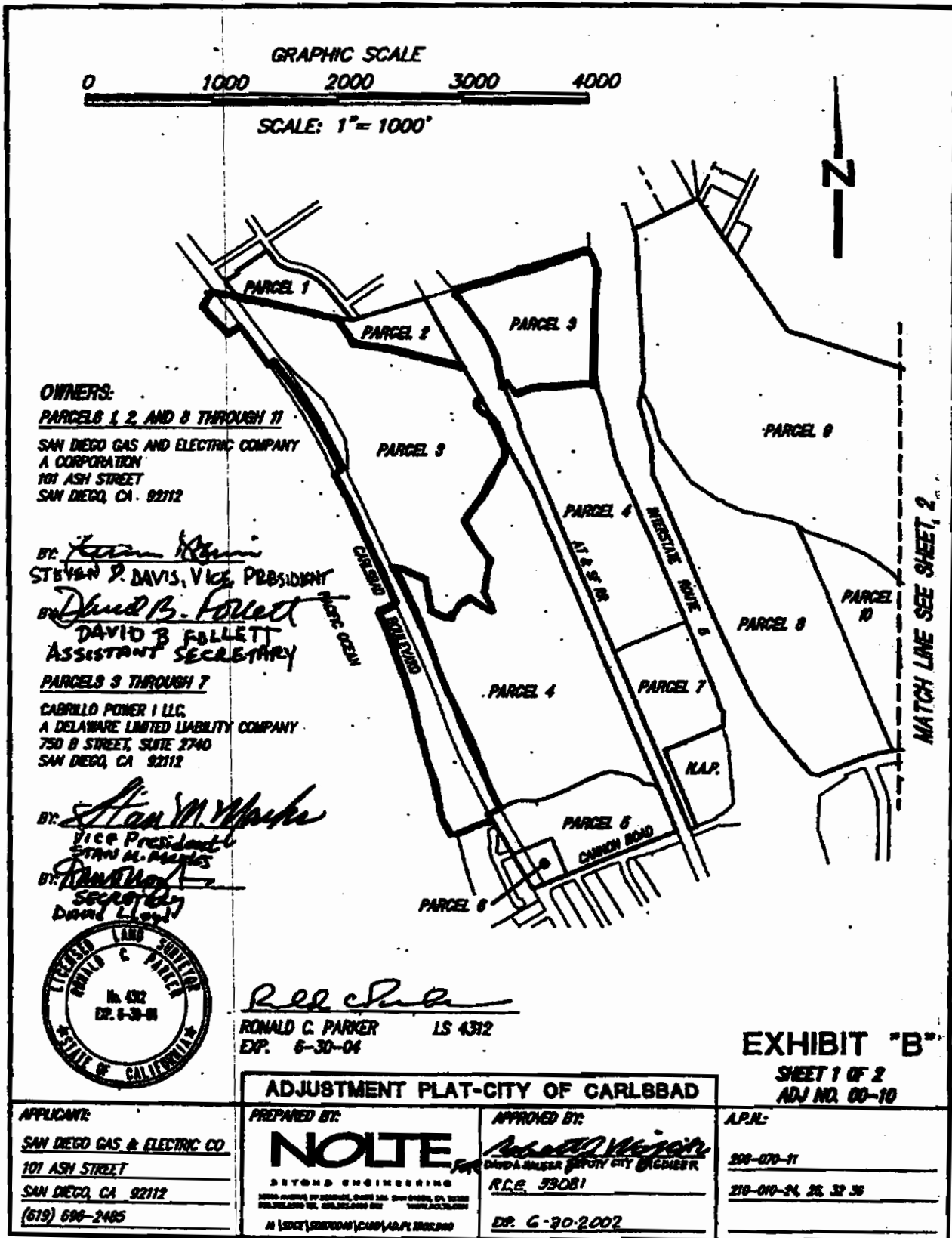
page 2 of 4

8962

MEAN HIGH TIDE LINE; THENCE NORTHERLY ALONG SAID MEAN HIGH TIDE LINE TO A LINE THAT BEARS SOUTH 30°06'00" WEST FROM CORNER NO. 1 OF SAID RANCHO AGUA HEDIONDA; THENCE NORTH 30°06'00" EAST TO SAID CORNER NO. 1; THENCE SOUTH 77°27'18" EAST 16.27 FEET TO SAID POINT "D"; THENCE SOUTHERLY ALONG SAID WESTERLY LINE OF CARLSBAD BOULEVARD TO THE POINT OF BEGINNING.

page 3 of 4

8963



page 4 of 4

Description: San Diego, CA Document-Year.DocID 2001.789067 Page: 5 of 7
Order: 17806 Comment:

Description: San Diego, CA Document-Year.DocID 2005.538090 Page: 55 of 58
Order: NCO Comment:

8964

EXHIBIT D-2

PARCEL 9:

PARCEL 9 OF CERTIFICATE OF COMPLIANCE RECORDED OCTOBER 30, 2001 AS FILE NO. 2001-0789073, BEING A PORTION OF LOT H OF RANCHO AGUA HEDIONDA, IN THE CITY OF CARLSBAD COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 823, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, NOVEMBER 16, 1896, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF PARCEL A OF A CERTIFICATE OF COMPLIANCE RECORDED NOVEMBER 22, 1995 AS FILE NO. 1995-0532900; THENCE ALONG THE NORTHEASTERLY LINE THEREOF SOUTH 33°44'36" EAST, 1290.81 FEET; THENCE SOUTH 71°40'52" EAST, 1586.90 FEET; THENCE SOUTH 53°19'03" EAST, 893.14 FEET; THENCE SOUTH 64°01'56" EAST, 2257.42 FEET; THENCE LEAVING SAID NORTHEASTERLY LINE SOUTH 08°21'57" EAST, 182.60 FEET; THENCE SOUTH 83°25'06" WEST, 313.69 FEET; THENCE SOUTH 62°01'07" WEST, 160.23 FEET; THENCE NORTH 76°53'47" WEST, 269.28 FEET; THENCE SOUTH 55°39'38" WEST 381.01 FEET; THENCE SOUTH 66°59'23" WEST, 594.40 FEET; THENCE SOUTH 87°02'46" WEST, 210.53 FEET; THENCE NORTH 64°43'30" WEST, 244.66 FEET; THENCE NORTH 74°31'19" WEST, 186.69 FEET; THENCE NORTH 17°29'43" WEST, 220.16 FEET; THENCE NORTH 83°34'03" WEST, 514.52 FEET; THENCE NORTH 80°57'43" WEST, 209.62 FEET; THENCE NORTH 72°35'04" WEST, 308.66 FEET; THENCE NORTH 45°17'25" WEST, 291.62 FEET; THENCE NORTH 53°58'34" WEST, 226.98 FEET; THENCE NORTH 64°17'22" WEST, 177.48 FEET; THENCE NORTH 70°53'29" WEST, 346.91 FEET; THENCE NORTH 48°58'53" WEST, 87.04 FEET TO THE NORTHEASTERLY CORNER OF CERTIFICATE OF COMPLIANCE RECORDED NOVEMBER 1, 1985 AS FILE NO. 85-411922; THENCE ALONG THE NORTHEASTERLY LINE THEREOF NORTH 72°33'23" WEST, 186.00 FEET; THENCE NORTH 78°46'23" WEST, 238.00 FEET; THENCE NORTH 66°17'23" WEST, 172.00 FEET; THENCE NORTH 30°00'23" WEST, 23.00 FEET; THENCE NORTH 89°22'23" WEST, 24.00 FEET; THENCE NORTH 57°13'53" WEST, 275.40 FEET; THENCE NORTH 35°27'23" WEST, 430.00 FEET; THENCE NORTH 15°34'23" WEST, 252.00 FEET; THENCE NORTH 27°12'23" WEST, 168.99 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF CALIFORNIA STATE HIGHWAY XI-SD-2B (I-5); THENCE ALONG SAID RIGHT OF WAY NORTH 11°13'43" EAST, 92.85 FEET; THENCE NORTH 03°09'38" WEST, 1172.51 FEET; THENCE NORTH 17°49'10" WEST, 59.67 FEET; TO THE SOUTHERLY LINE OF TRACT 238 OF MAP NO. 1681, RECORDED DECEMBER 9, 1915; THENCE LEAVING SAID RIGHT OF WAY LINE AND ALONG SAID SOUTHERLY LINE, NORTH 64°10'39" EAST, 567.13 FEET TO THE POINT OF BEGINNING.

Page 1 of 3

8965

GRAPHIC SCALE
0 1000 2000 3000 4000
SCALE: 1" = 1000'

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OWNERS:
PARCELS 1, 2, AND 8 THROUGH 11
SAN DIEGO GAS AND ELECTRIC COMPANY
A CORPORATION
101 ASH STREET
SAN DIEGO, CA 92112

BY: *Steven P. Davis*
STEVEN P. DAVIS, VICE PRESIDENT

BY: *David B. Follett*
DAVID B. FOLLETT
ASSISTANT SECRETARY

PARCELS 3 THROUGH 7
CASRILLO POWER I LLC,
A DELAWARE LIMITED LIABILITY COMPANY
750 B STREET, SUITE 2740
SAN DIEGO, CA 92112

BY: *Stan M. Marks*
VICE PRESIDENT
STAN M. MARKS

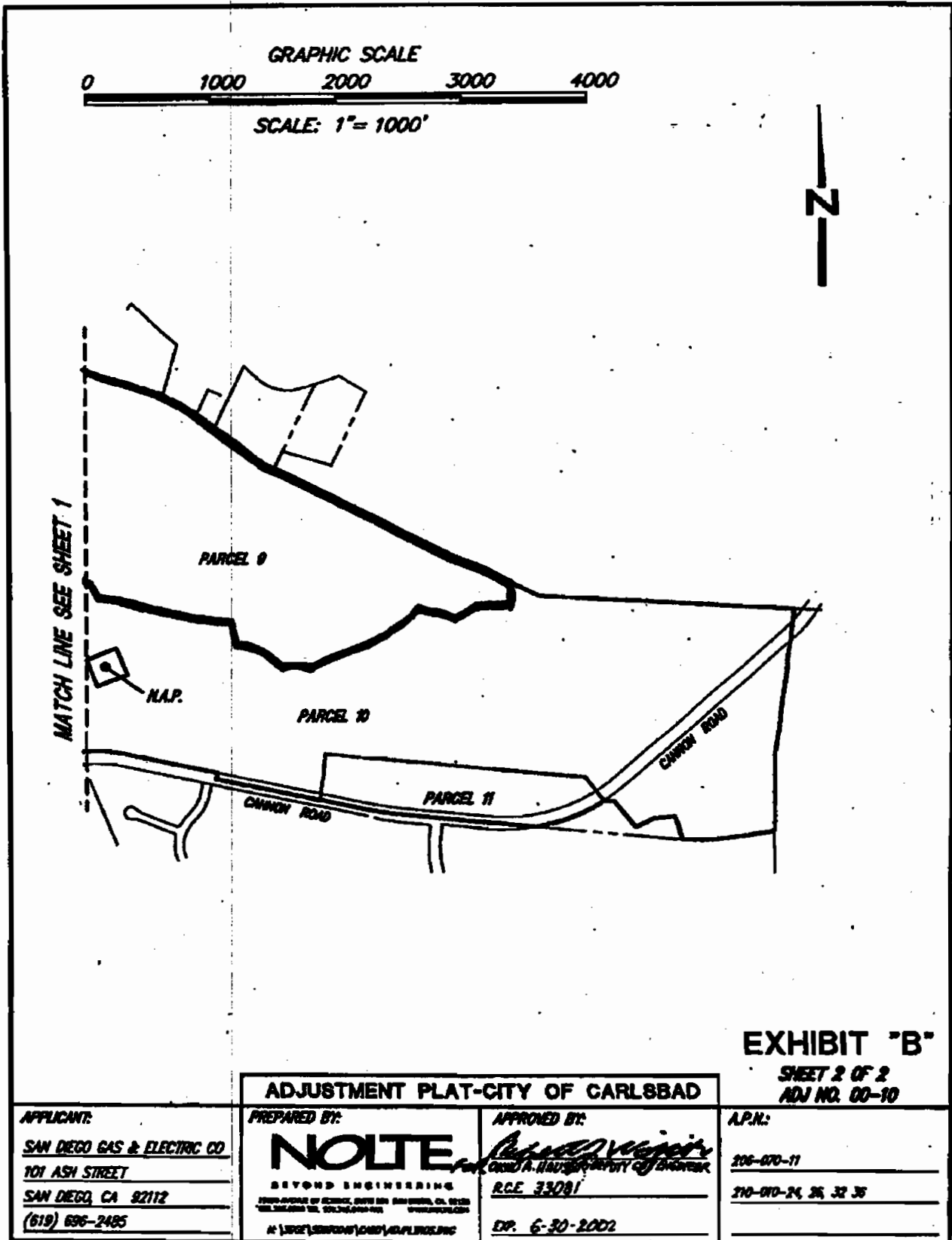
BY: *David Light*
SECRETARY
DAVID LIGHT

R. C. Parker
RONALD C. PARKER LS 4312
EXP. 6-30-04

EXHIBIT "B"
SHEET 1 OF 2
ADJ NO. 00-10

ADJUSTMENT PLAT-CITY OF CARLSBAD			
APPLICANT: SAN DIEGO GAS & ELECTRIC CO 101 ASH STREET SAN DIEGO, CA 92112 (619) 696-2485	PREPARED BY: <div style="text-align: center; font-size: 1.5em; font-weight: bold;">NOLTE</div> BEYOND ENGINEERING <small>1000 AVENUE OF TECHNOLOGY, SUITE 200 SAN DIEGO, CA 92161 (619) 594-0000 FAX (619) 594-0001 WWW.BEYONDENG.COM</small> IN [COUNTY] [STATE OF CALIFORNIA]	APPROVED BY: <i>Robert M. Weir</i> CARLSBAD-SAN JUAN CITY ENGINEER R.C.E. 33081 EXP. 6-30-2002	A.P.N.: 200-070-11 210-070-24, 25, 32, 35

8866



Description: San Diego, CA Document-Year.DocID 2001.789073 Page: 4 of 5
 Order: 17806 Comment:

Page 3 of 3

Description: San Diego, CA Document-Year.DocID 2005.538090 Page: 58 of 58
 Order: NCO Comment:

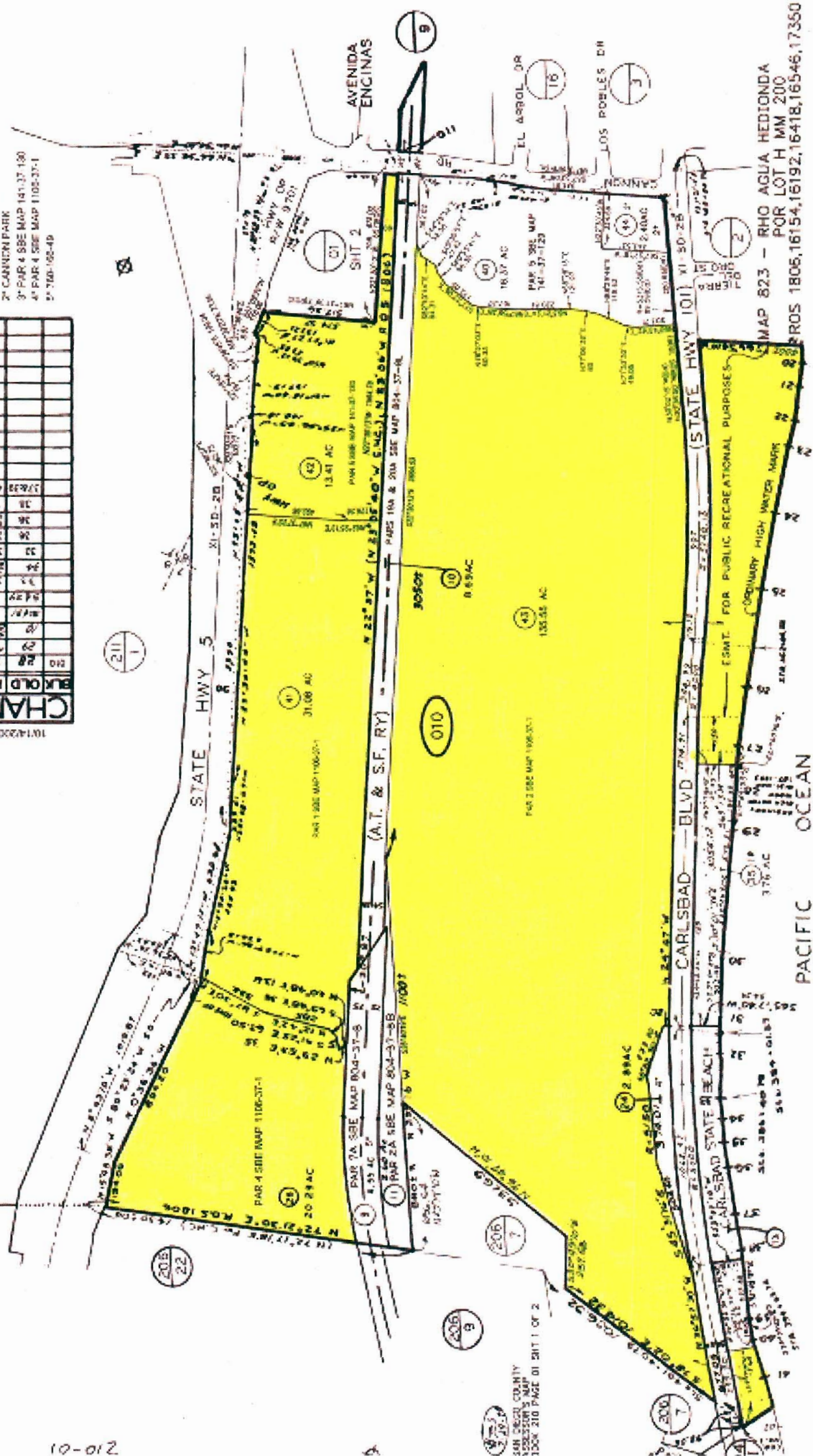
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ADJACENT PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

210-1
SHT 1 OF 2

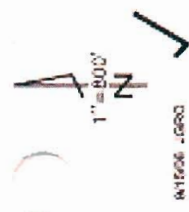
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CHANGES	10/14/2006 R.D.	210
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- 1" CARLSBAD STATE BEACH
- 2" CANNON PARK
- 3" PAR 4 SBE MAP 141-37-130
- 4" PAR 4 SBE MAP 1102-37-1
- 5" TMA-102-49

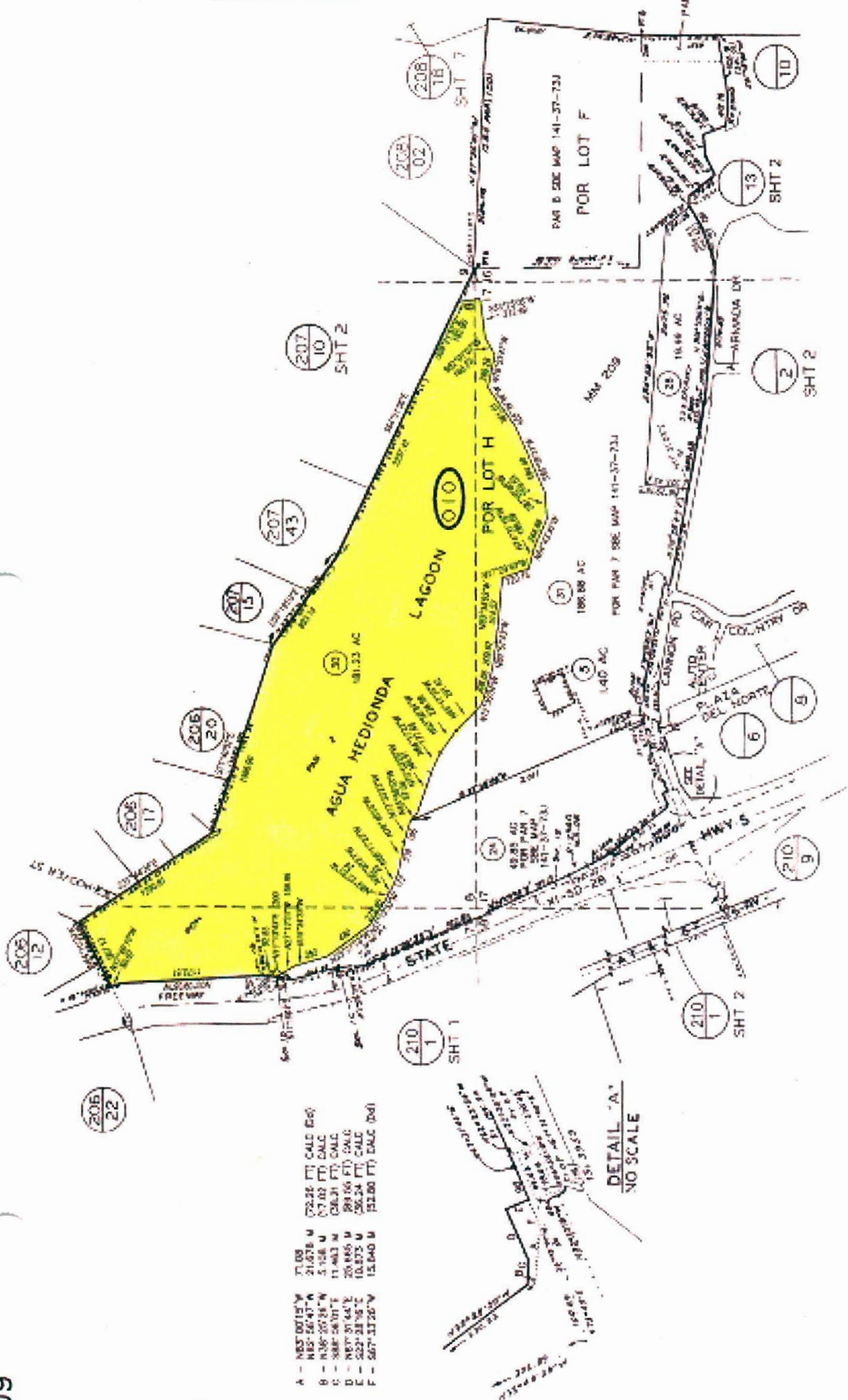


MAP 823 - RHO AGUA HEDIONDA
FOR LOT H MM 200
EROS 1805,16154,16192,16418,16546,17350



N 1506 JORD

CHANGES		
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SAN DIEGO COUNTY

 LICENSE NO. 12345

 BOOK 211 PAGE 21

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. LIABILITY IS

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MAP 823 - RHO AGUA HEDIONDA-POR LOT H&F-MM209

 MM 209

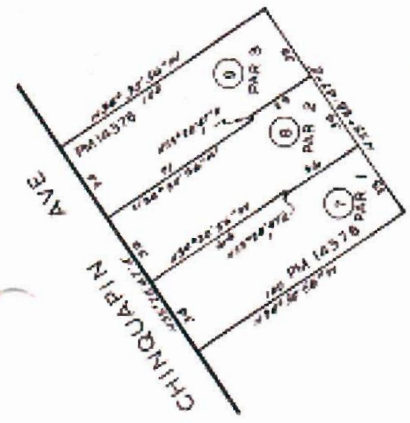
 ROS 1806, 11737, 12462, 13995, 16331, 17350

SH1 OF 2
1"=100'

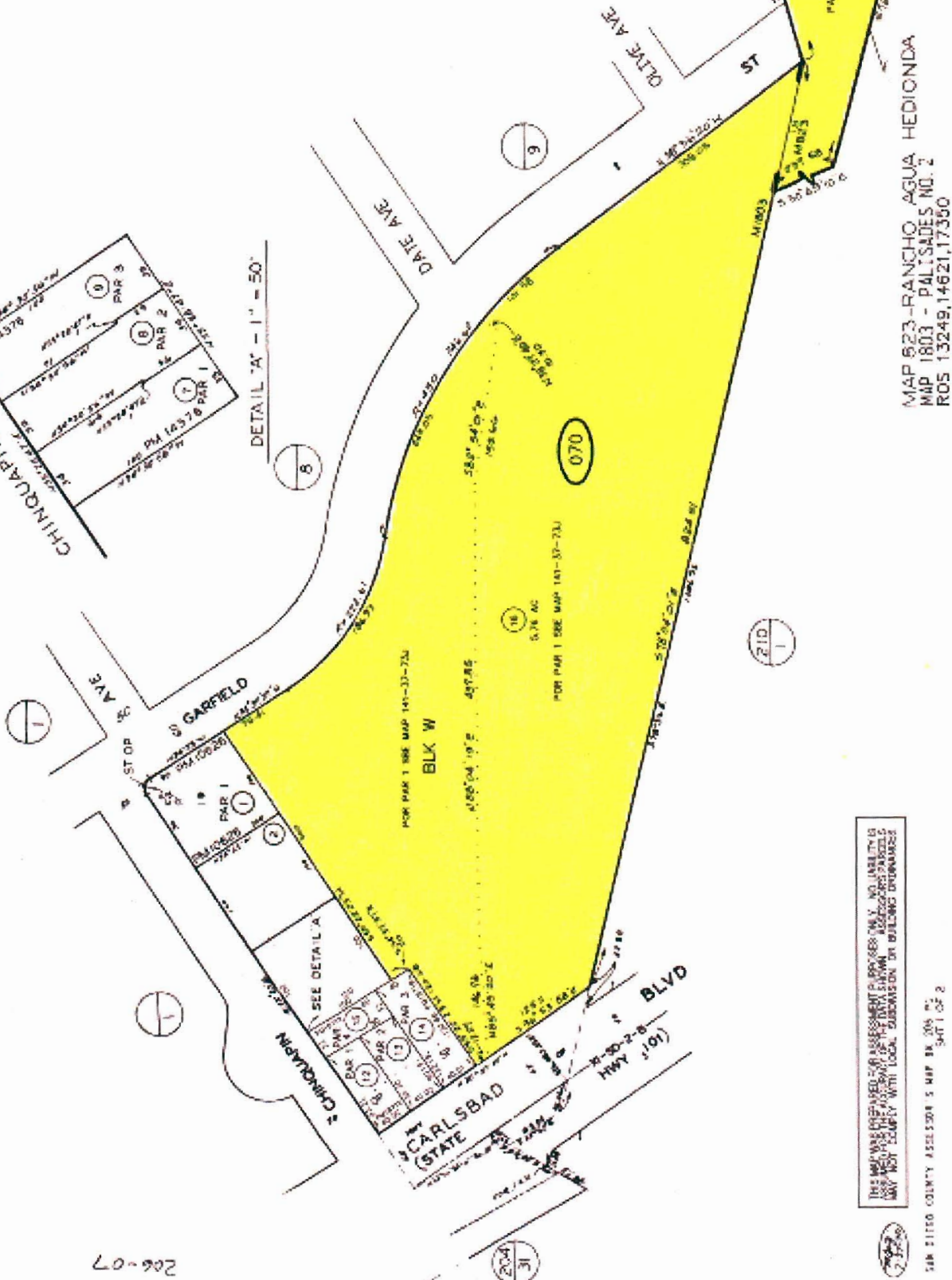
5/15/2002 SM

CHANGES	
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4	12-16 102 102
108-11	108-13 102 1004

CONDOM
CHINGUAPIN TERRACE
20202 031694
(SEE 94-2)



DETAIL "A" - 1" = 50'



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MAP 923-RANCHO AGUA HEDIONDA
MAP 1803 - PALMSADES NO. 2
ROS 13249, 14621, 17350

SAN DIEGO COUNTY ASSESSOR'S MAP BK 005 P. 2
SAT 1 OF 2

Appendix B

Historical Research Documentation

The EDR Aerial Photo Decade Package

**Encina Redevelopment Project AFC -
4600 Carlsbad Boulevard
Carlsbad, CA 92008**

Inquiry Number: 2000693.5

August 09, 2007



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Data Resources Inc**

The Standard in Environmental Risk Information

**440 Wheelers Farms Road
Milford, Connecticut 06461**

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Fax: 1-800-231-6802
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with any questions or comments.

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Date EDR Searched Historical Sources:

Aerial Photography August 09, 2007

Target Property:

4600 Carlsbad Boulevard

Carlsbad, CA 92008

<u><i>Year</i></u>	<u><i>Scale</i></u>	<u><i>Details</i></u>	<u><i>Source</i></u>
1939	Aerial Photograph. Scale: 1"=666'	Flight Year: 1939	Fairchild
1939	Aerial Photograph. Scale: 1"=666'	Flight Year: 1939	Fairchild
1947	Aerial Photograph. Scale: 1"=655'	Flight Year: 1947	Jack Ammann
1947	Aerial Photograph. Scale: 1"=655'	Flight Year: 1947	Jack Ammann
1953	Aerial Photograph. Scale: 1"=666'	Flight Year: 1953	Park
1953	Aerial Photograph. Scale: 1"=666'	Flight Year: 1953	Park
1963	Aerial Photograph. Scale: 1"=666'	Flight Year: 1963	Cartwright
1963	Aerial Photograph. Scale: 1"=666'	Flight Year: 1963	Cartwright
1974	Aerial Photograph. Scale: 1"=666'	Flight Year: 1974	AMI
1974	Aerial Photograph. Scale: 1"=666'	Flight Year: 1974	AMI
1989	Aerial Photograph. Scale: 1"=666'	Flight Year: 1989	USGS
1989	Aerial Photograph. Scale: 1"=666'	Flight Year: 1989	USGS
1994	Aerial Photograph. Scale: 1"=666'	Flight Year: 1994	USGS
1994	Aerial Photograph. Scale: 1"=666'	Flight Year: 1994	USGS
2002	Aerial Photograph. Scale: 1"=666'	Flight Year: 2002	USGS
2002	Aerial Photograph. Scale: 1"=666'	Flight Year: 2002	USGS



INQUIRY #: 2000693.5

YEAR: 1939



1" = 666'

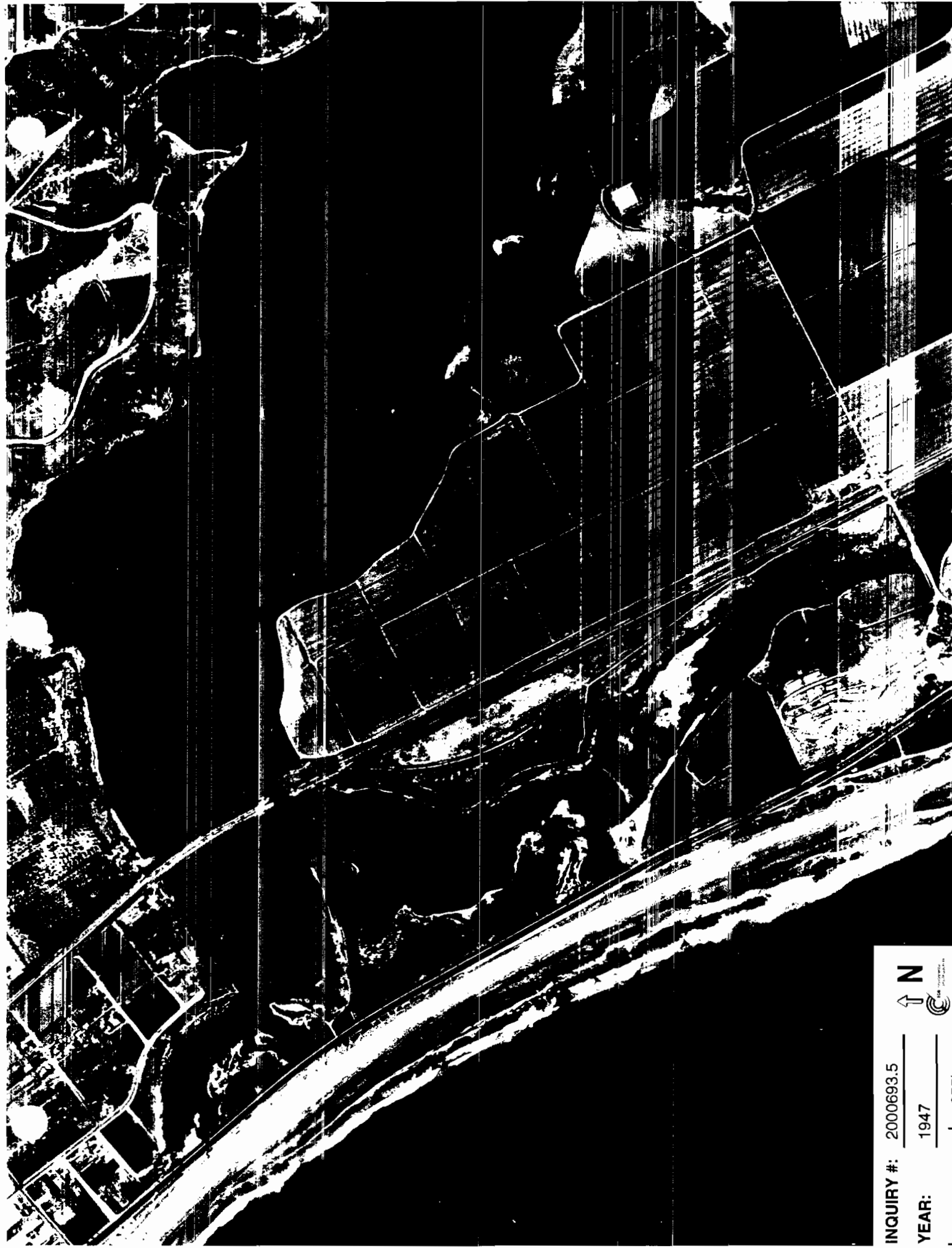


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YEAR: 1939

| = 666'





INQUIRY #: 2000693.5

YEAR: 1947

1" = 655'

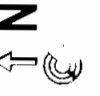




INQUIRY #: 2000693.5

YEAR: 1947

1" = 655'



INQUIRY #: 2000693.5

YEAR: 1953

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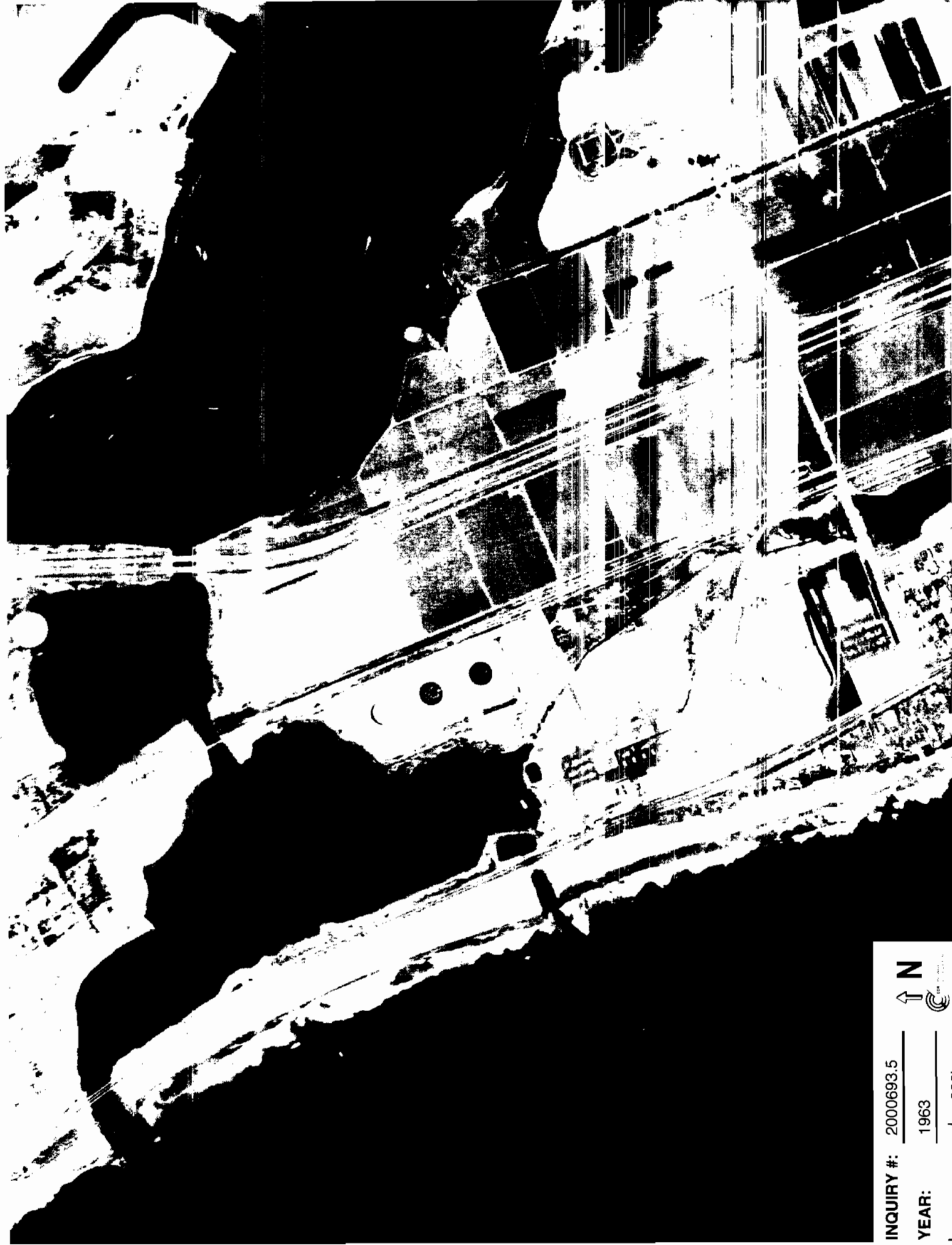


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YEAR: 1953



1 inch = 666 feet



INQUIRY #: 2000693.5

YEAR: 1963

1" = 666'



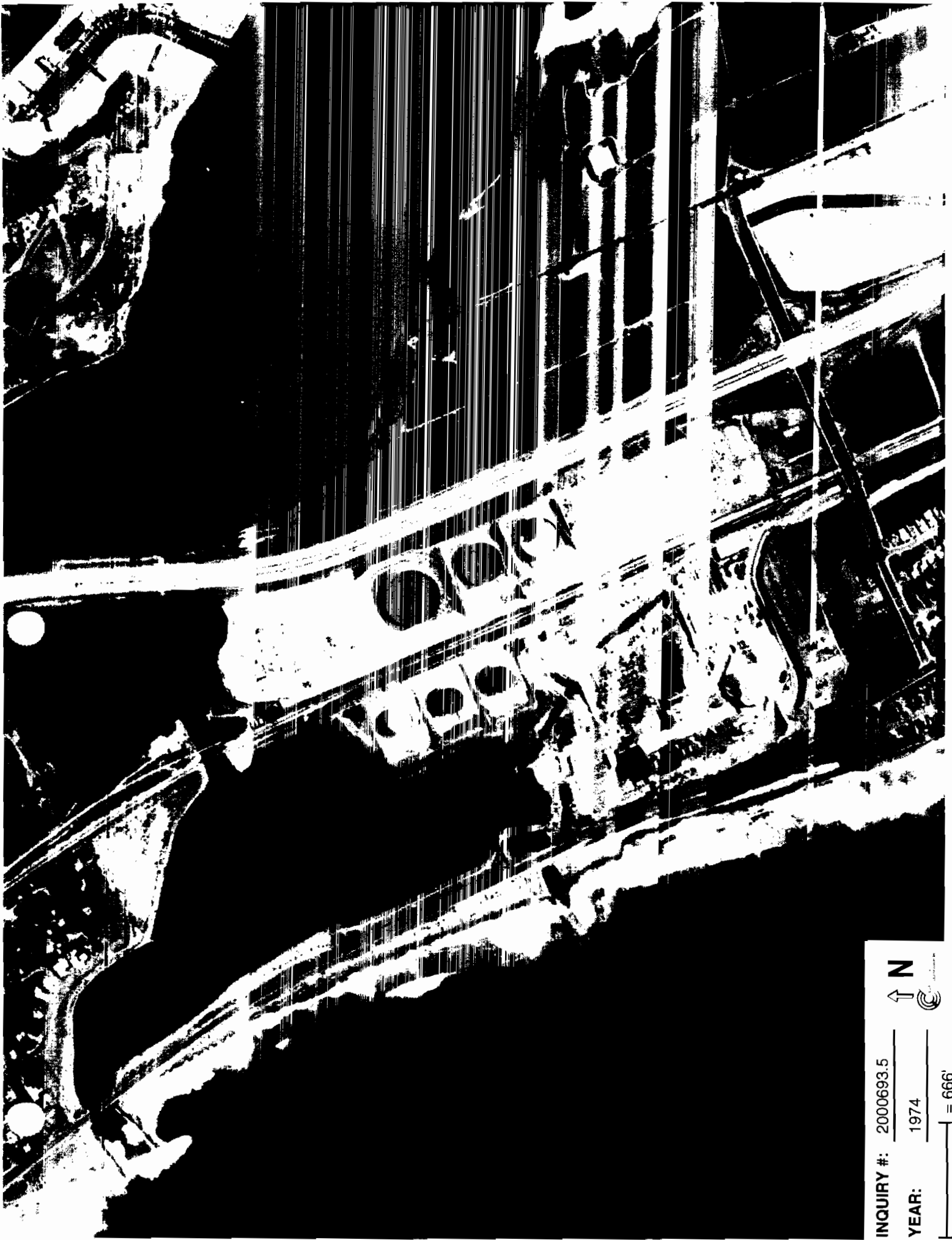


INQUIRY #: 2000693.5

YEAR: 1963

1" = 666'





INQUIRY #: 2000693.5
YEAR: 1974
| = 666'



INQUIRY #: 2000693.5

YEAR: 1974



1" = 666'

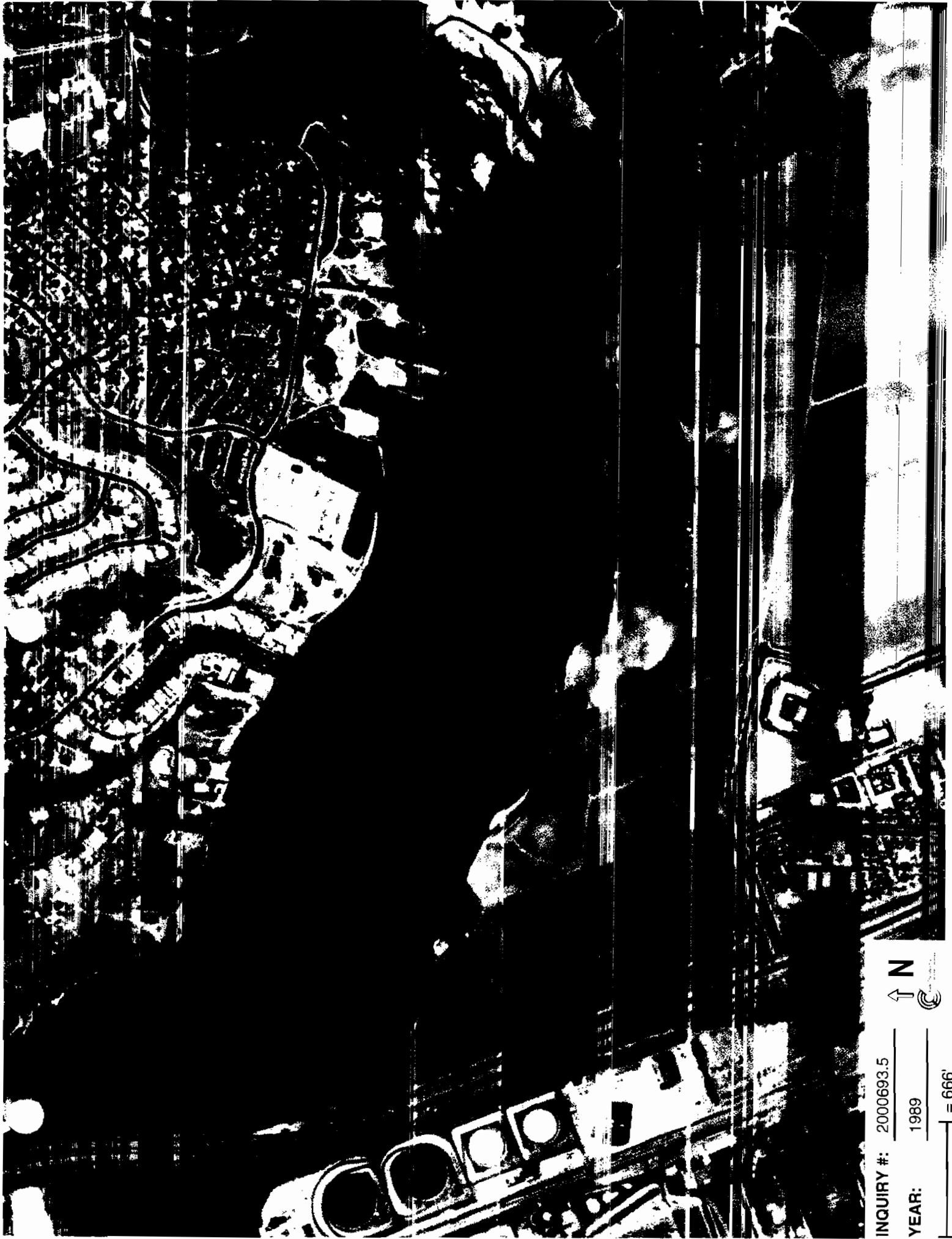


INQUIRY #: 2000693.5

YEAR: 1989

— = 666'





INQUIRY #: 2000693.5

YEAR: 1989

1" = 666'



INQUIRY #: 2000693.5

YEAR: 1994

1" = 666'





INQUIRY #: 2000693.5

YEAR: 1994

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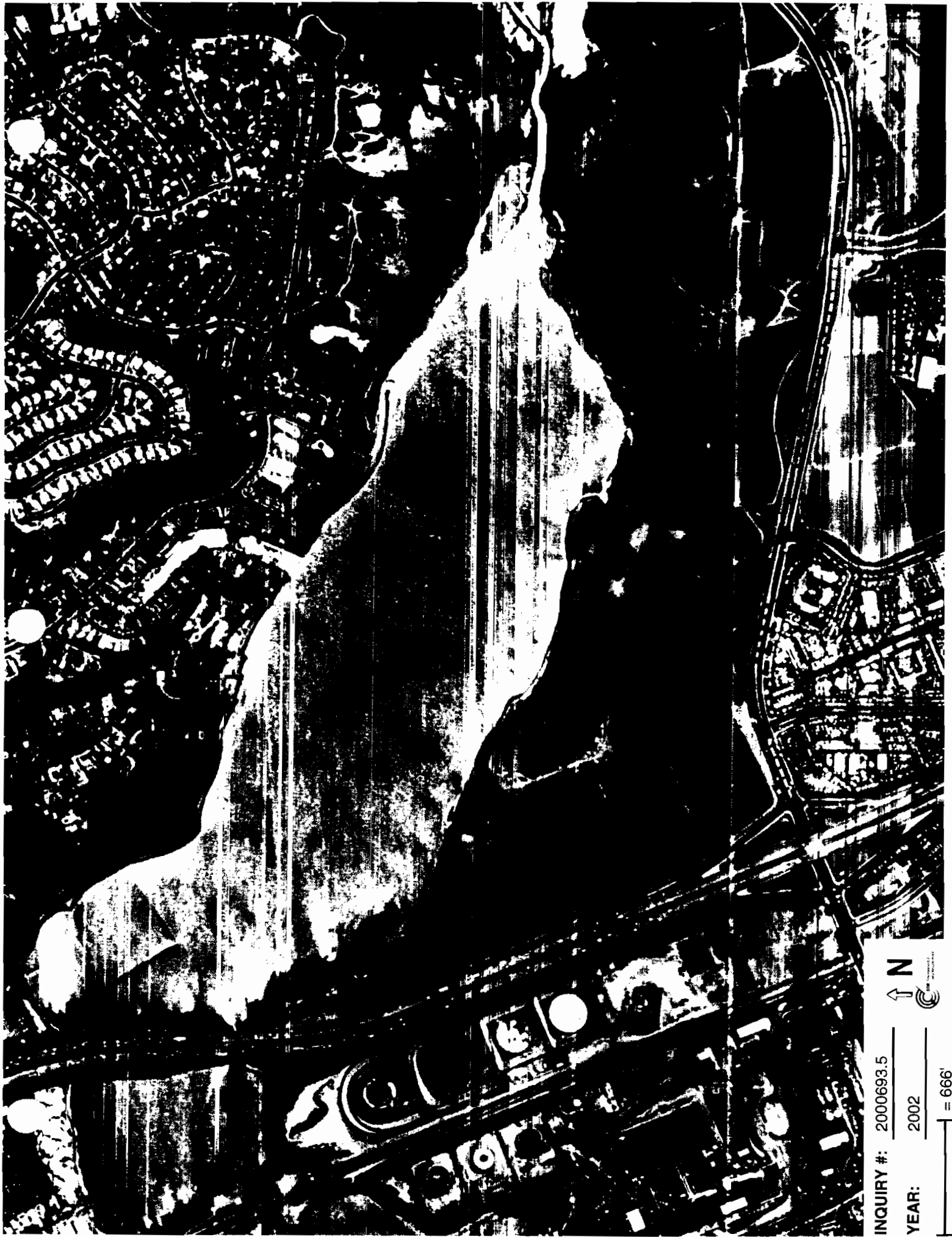


INQUIRY #: 2000693.5

YEAR: 2002



1" = 666'



INQUIRY #: 2000693.5

YEAR: 2002

1" = 666'

EDR Historical Topographic Map Report

**Encina Redevelopment Project AFC -
Phase I ESA**

**4600 Carlsbad Boulevard
Carlsbad, CA 92008**

Inquiry Number: 2000693.4

August 09, 2007



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Historical Topographic Map



<p>N</p> <p>1</p>	<p>TARGET QUAD</p> <p>NAME: OCEANSIDE</p> <p>MAP YEAR: 1901</p> <p>SERIES: 15</p> <p>SCALE: 1:62500</p>	<p>SITE NAME: Encina Redevelopment Project AFC - Phase I ESA</p> <p>ADDRESS: 4600 Carlsbad Boulevard Carlsbad, CA 92008</p> <p>LAT/LONG: 33.139 / 117.3331</p>	<p>CLIENT: CH2M Hill, Inc.</p> <p>CONTACT: David Golles</p> <p>INQUIRY#: 2000693.4</p> <p>RESEARCH DATE: 08/09/2007</p>
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Historical Topographic Map



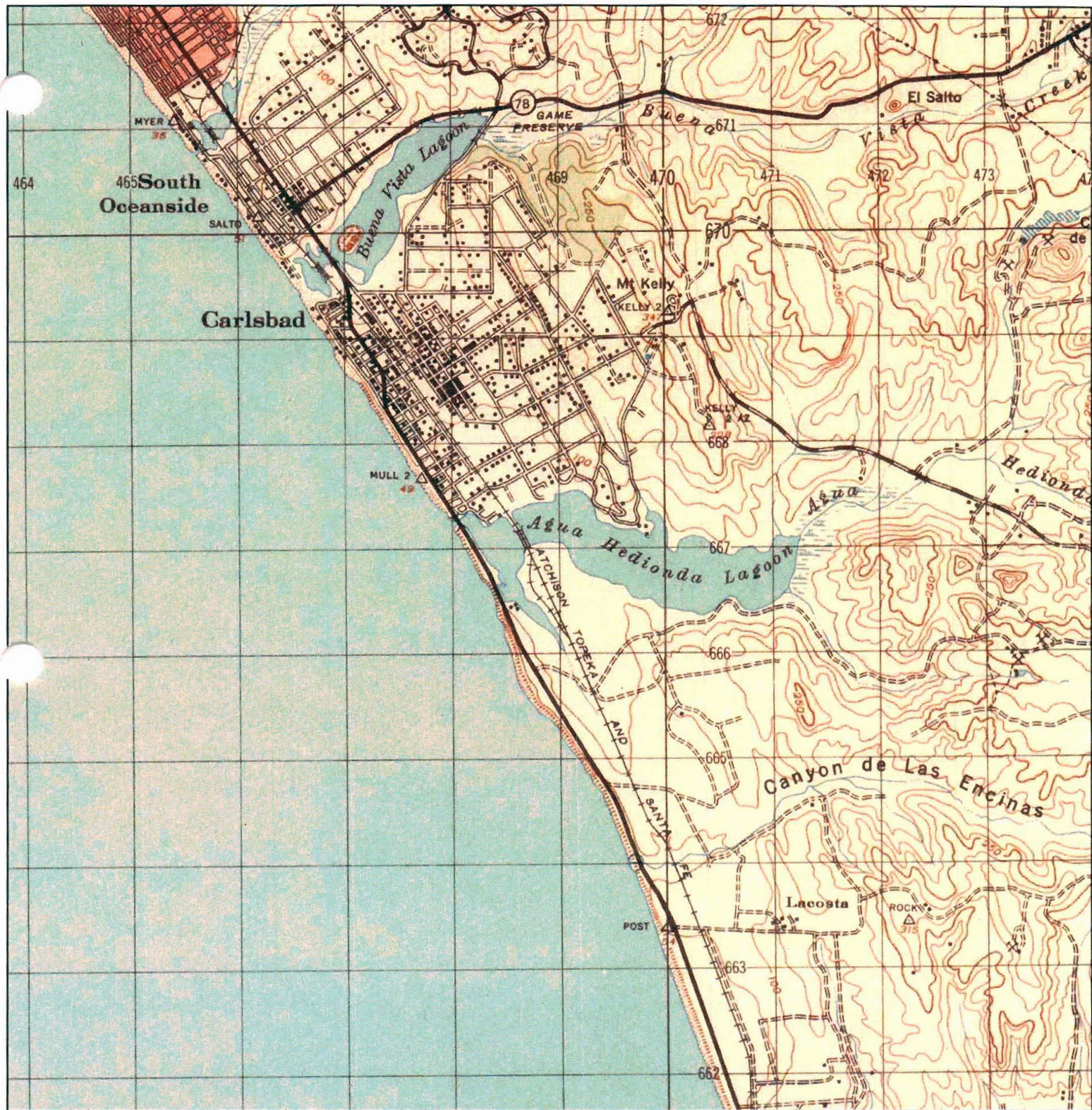
<p>N</p> <p>1</p>	<p>TARGET QUAD</p> <p>NAME: SAN LUIS REY</p> <p>MAP YEAR: 1901</p> <p>SERIES: 30</p> <p>SCALE: 1:125000</p>	<p>SITE NAME: Encina Redevelopment Project</p> <p>AFC - Phase I ESA</p> <p>ADDRESS: 4600 Carlsbad Boulevard</p> <p>Carlsbad, CA 92008</p> <p>LAT/LONG: 33.139 / 117.3331</p>	<p>CLIENT: CH2M Hill, Inc.</p> <p>CONTACT: David Golles</p> <p>INQUIRY#: 2000693.4</p> <p>RESEARCH DATE: 08/09/2007</p>
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Historical Topographic Map



<p>TARGET QUAD NAME: SOUTHERN CA SHEET 2 MAP YEAR: 1904</p> <p>SERIES: 60 SCALE: 1:250000</p>	<p>SITE NAME: Encina Redevelopment Project AFC - Phase I ESA</p> <p>ADDRESS: 4600 Carlsbad Boulevard Carlsbad, CA 92008</p> <p>LAT/LONG: 33.139 / 117.3331</p>	<p>CLIENT: CH2M Hill, Inc. CONTACT: David Golles INQUIRY#: 2000693.4 RESEARCH DATE: 08/09/2007</p>
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Historical Topographic Map



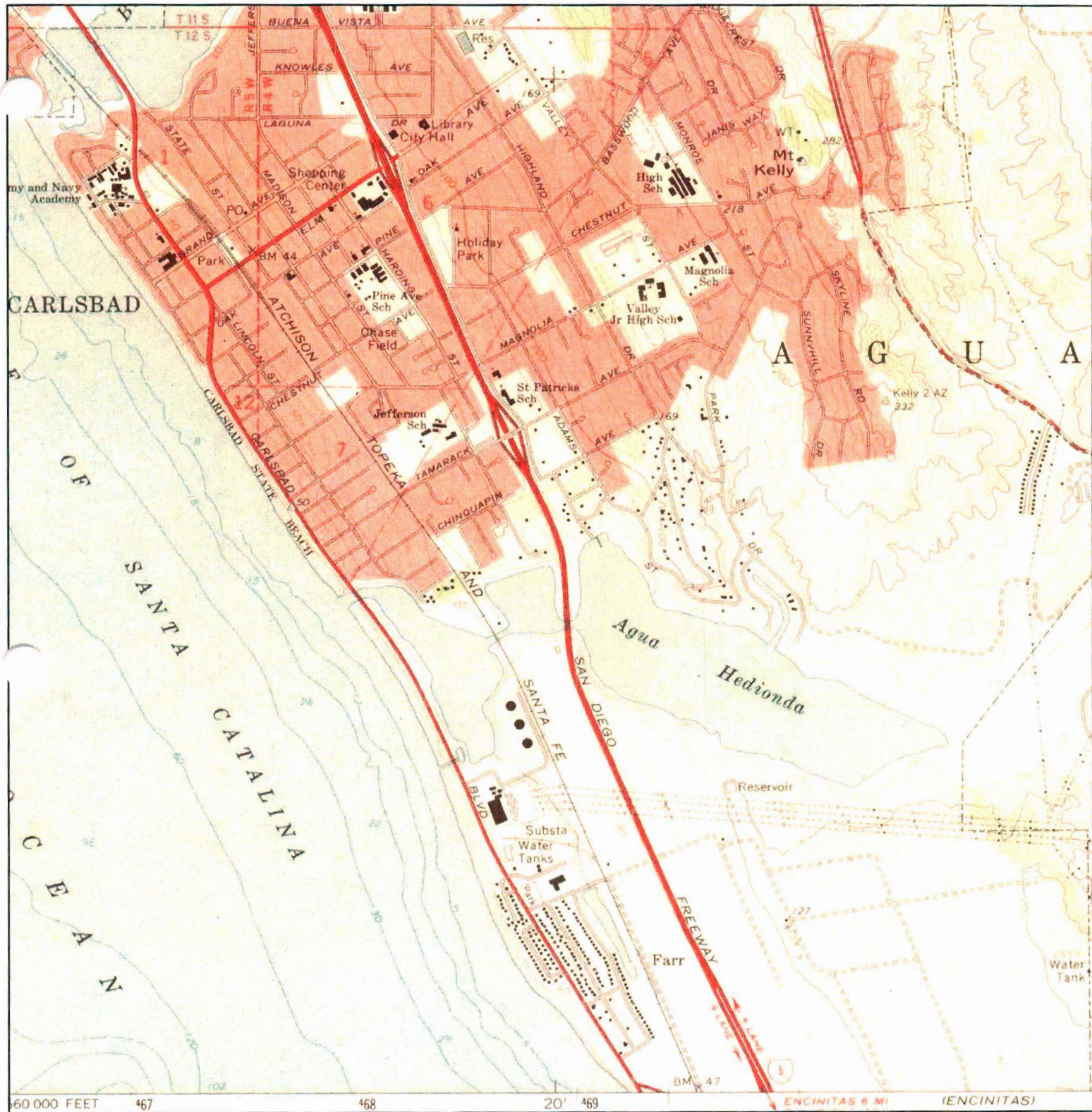
<p>TARGET QUAD NAME: OCEANSIDE MAP YEAR: 1947 SERIES: 15 SCALE: 1:50000</p>	<p>SITE NAME: Encina Redevelopment Project AFC - Phase I ESA ADDRESS: 4600 Carlsbad Boulevard Carlsbad, CA 92008 LAT/LONG: 33.139 / 117.3331</p>	<p>CLIENT: CH2M Hill, Inc. CONTACT: David Golles INQUIRY#: 2000693.4 RESEARCH DATE: 08/09/2007</p>
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Historical Topographic Map



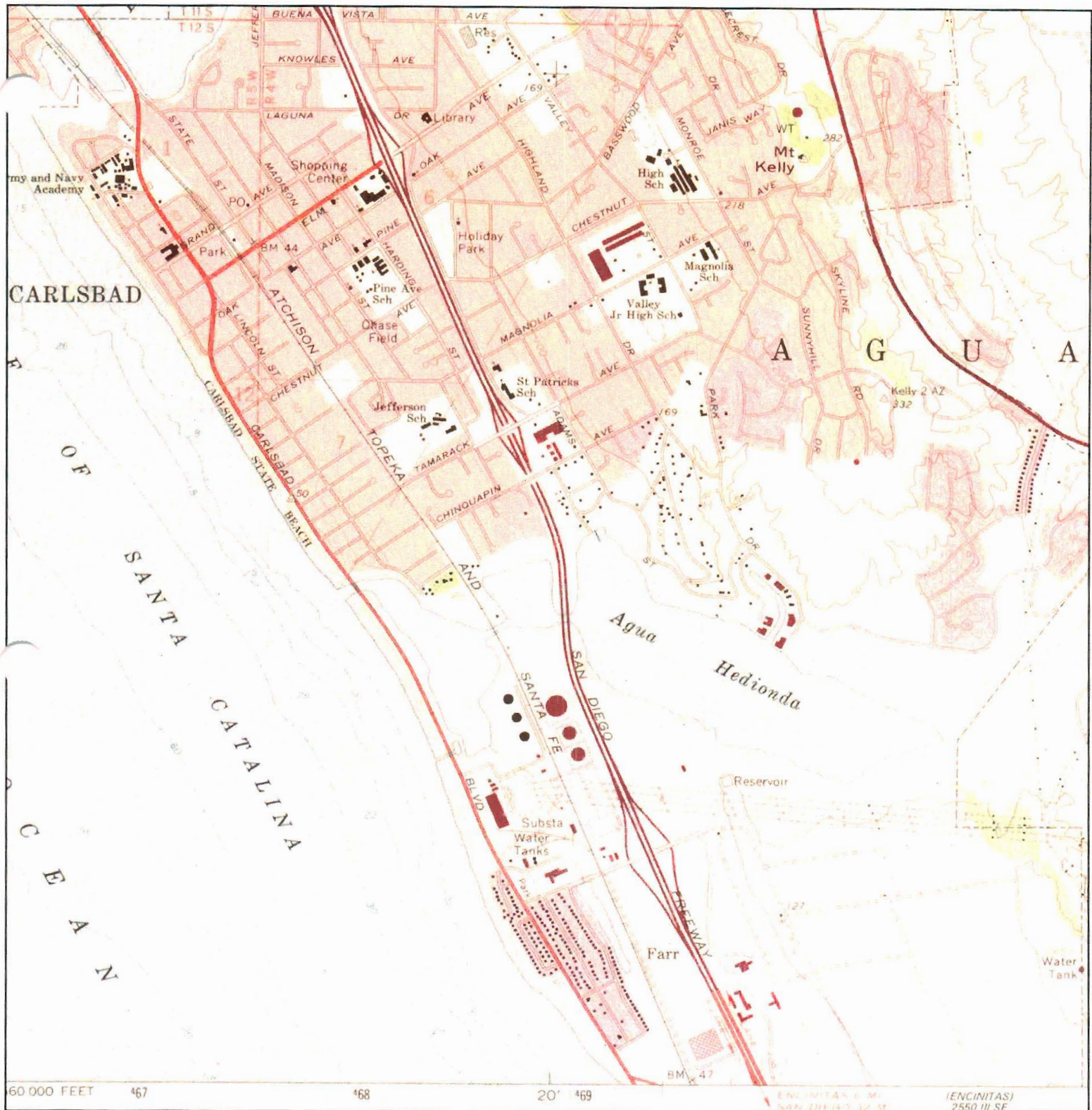
<p>TARGET QUAD NAME: SAN LUIS REY MAP YEAR: 1949 SERIES: 7.5 SCALE: 1:24000</p>	<p>SITE NAME: Encina Redevelopment Project ADDRESS: 4600 Carlsbad Boulevard Carlsbad, CA 92008 LAT/LONG: 33.139 / 117.3331</p>	<p>CLIENT: CH2M Hill, Inc. CONTACT: David Golles INQUIRY#: 2000693.4 RESEARCH DATE: 08/09/2007</p>
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Historical Topographic Map



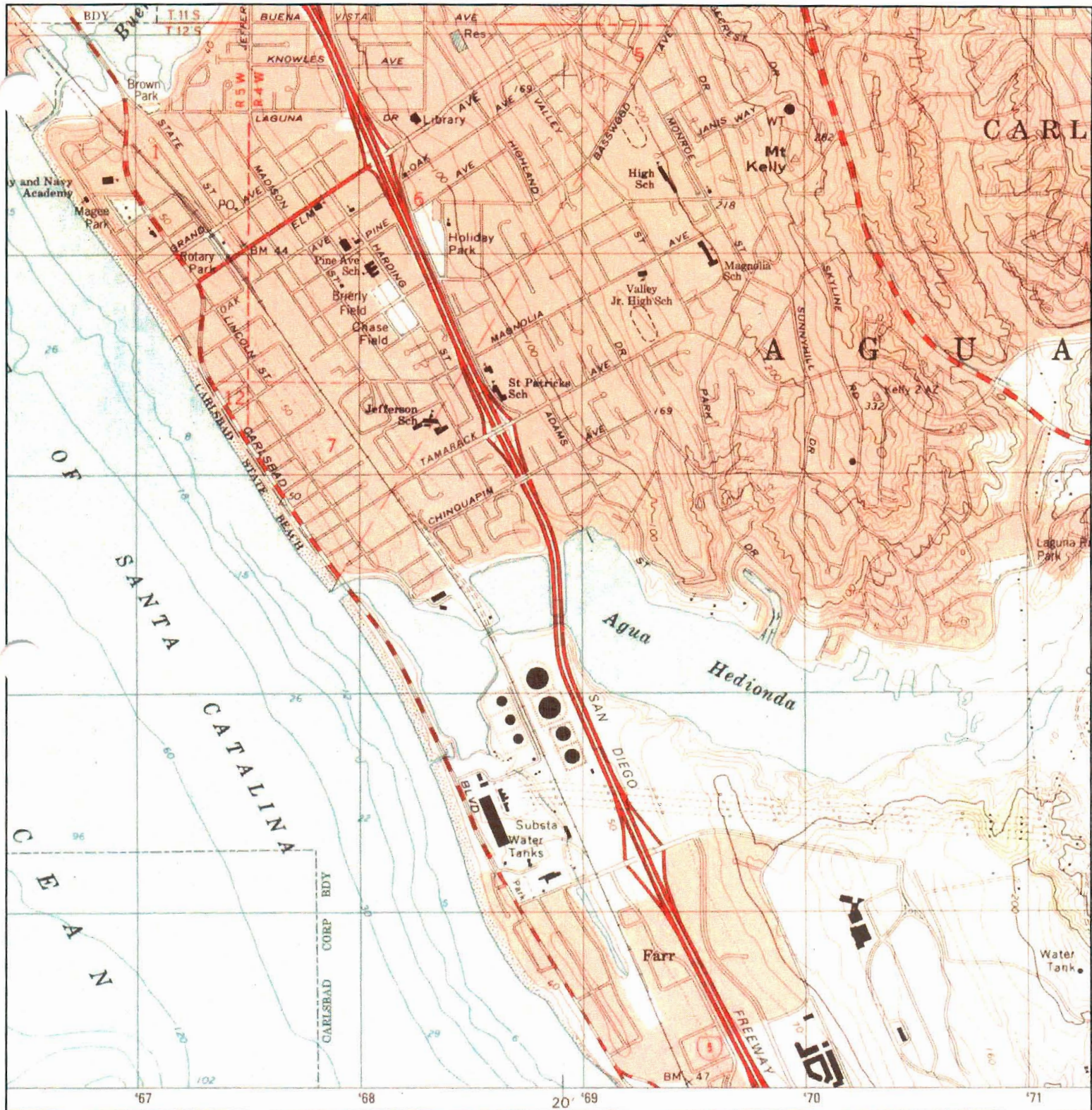
<p>TARGET QUAD NAME: SAN LUIS REY MAP YEAR: 1968 SERIES: 7.5 SCALE: 1:24000</p>	<p>SITE NAME: Encina Redevelopment Project ADDRESS: 4600 Carlsbad Boulevard Carlsbad, CA 92008 LAT/LONG: 33.139 / 117.3331</p>	<p>CLIENT: CH2M Hill, Inc. CONTACT: David Golles INQUIRY#: 2000693.4 RESEARCH DATE: 08/09/2007</p>
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Historical Topographic Map



<p>TARGET QUAD NAME: SAN LUIS REY MAP YEAR: 1975 PHOTOREVISED FROM: 1968 SERIES: 7.5 SCALE: 1:24000</p>	<p>SITE NAME: Encina Redevelopment Project ADDRESS: 4600 Carlsbad Boulevard Carlsbad, CA 92008 LAT/LONG: 33.139 / 117.3331</p>	<p>CLIENT: CH2M Hill, Inc. CONTACT: David Golles INQUIRY#: 2000693.4 RESEARCH DATE: 08/09/2007</p>
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Historical Topographic Map



<p> TARGET QUAD NAME: SAN LUIS REY MAP YEAR: 1997 SERIES: 7.5 SCALE: 1:24000 </p>	<p> SITE NAME: Encina Redevelopment Project AFC - Phase I ESA ADDRESS: 4600 Carlsbad Boulevard Carlsbad, CA 92008 LAT/LONG: 33.139 / 117.3331 </p>	<p> CLIENT: CH2M Hill, Inc. CONTACT: David Golles INQUIRY#: 2000693.4 RESEARCH DATE: 08/09/2007 </p>
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Certified Sanborn® Map Report



Sanborn® Library search results
Certification # C807-42A8-A893

Encina Redevelopment Project AFC - Phase I ESA
4600 Carlsbad Boulevard
Carlsbad, CA 92008

Inquiry Number 2000693.3S

August 09, 2007



EDR® Environmental
Data Resources Inc

The Standard in Environmental Risk Information

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Nationwide Customer Service

Telephone: 1-800-352-0050
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Certified Sanborn® Map Report

8/09/07

Site Name:

Encina Redevelopment Project
4600 Carlsbad Boulevard
Carlsbad, CA 92008

Client Name:

CH2M Hill, Inc.
3 Hutton Centre Drive
Santa Ana, CA 92707

EDR Inquiry # 2000693.3S

Contact: David Golles



**EDR® Environmental
Data Resources Inc**

The complete Sanborn Library collection has been searched by EDR, and fire insurance maps covering the target property location provided by CH2M Hill, Inc. were identified for the years listed below. The certified Sanborn Library search results in this report can be authenticated by visiting www.edrnet.com/sanborn and entering the certification number. Only Environmental Data Resources Inc. (EDR) is authorized to grant rights for commercial reproduction of maps by Sanborn Library LLC, the copyright holder for the collection.

Certified Sanborn Results:

Site Name: Encina Redevelopment Project AFC - Phase I
Address: 4600 Carlsbad Boulevard
City, State, Zip: Carlsbad, CA 92008
Cross Street:
P.O. # NA
Project: NA
Certification # C807-42A8-A893



Sanborn® Library search results
Certification # C807-42A8-A893

UNMAPPED PROPERTY

This report certifies that the complete holdings of the Sanborn Library, LLC collection have been searched based on client supplied target property information, and fire insurance maps covering the target property were not found.

The Sanborn Library includes more than 1.2 million Sanborn fire insurance maps, which track historical property usage in approximately 12,000 American cities and towns. Collections searched:

- ✓ Library of Congress
- ✓ University Publications of America
- ✓ EDR Private Collection

Total Maps: 0

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EDR® Environmental
Data Resources Inc

The EDR-City Directory *Abstract*

**Encina Redevelopment Project AFC - Phase I
ESA
4600 Carlsbad Boulevard
Carlsbad, CA 92008
Inquiry Number: 2000693.6**

Thursday, August 09, 2007

The Standard in Environmental Risk Information

**440 Wheelers Farms Road
Milford, Connecticut 06461**

Nationwide Customer Service

**Telephone: 1-800-352-0050
Fax: 1-800-231-6802
Internet: www.edrnet.com**

EDR City Directory Abstract

Environmental Data Resources, Inc.'s (EDR) City Directory Abstract is a screening report designed to assist environmental professionals in evaluating potential liability on a target property resulting from past activities. EDR's City Directory Abstract includes a search and abstract of available city directory data. For each address, the directory lists the name of the corresponding occupant at five year intervals.

Thank you for your business.
Please contact EDR at 1-800-352-0050
with any questions or comments.

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SUMMARY

▪ ***City Directories:***

Business directories including city, cross reference and telephone directories were reviewed, if available, at approximately five year intervals for the years spanning 1921 through 2000. (These years are not necessarily inclusive.) A summary of the information obtained is provided in the text of this report.

This report compiles information by geocoding the subject properties (that is, plotting the latitude and longitude for such subject properties and obtaining data concerning properties within 1/8th of a mile of the subject properties). There is no warranty or guarantee that geocoding will report or list all properties within the specified radius of the subject properties and any such warranty or guarantee is expressly disclaimed. Accordingly, some properties within the aforementioned radius and the information concerning those properties may not be referenced in this report.

Date EDR Searched Historical Sources: August 9, 2007

Target Property:

4600 Carlsbad Boulevard
Carlsbad, CA 92008

<u>Year</u>	<u>Uses</u>	<u>Source</u>
1921	Address Not Listed in Research Source	San Diego Directory Co. Inc.
1927	Address Not Listed in Research Source	San Diego Directory Co.
1933	Address Not Listed in Research Source	San Diego Directory Co.
1938	Address Not Listed in Research Source	San Diego Directory Co.
1940	Address Not Listed in Research Source	Southern California Telephone Co.
1943	Address Not Listed in Research Source	San Diego Directory Co.
1945	Address Not Listed in Research Source	Southern California Telephone Co.
1948	Address Not Listed in Research Source	San Diego Directory Co.
1950	Address Not Listed in Research Source	The Pacific Telephone & Telegraph Co.
1952	Address Not Listed in Research Source	R. L. Polk & Co. of California
1955	Address Not Listed in Research Source	The Pacific Telephone Telegraph Co.
1956	Address Not Listed in Research Source	R. L. Polk & Co.
1960	Address Not Listed in Research Source	R. L. Polk & Co.
1961	Address Not Listed in Research Source	R. L. Polk & Co.
1962	Address Not Listed in Research Source	Community Directory Co.
1965	Address Not Listed in Research Source	Luskey Brothers Co., Inc.

<u>Year</u>	<u>Uses</u>	<u>Source</u>
1966	Address Not Listed in Research Source	R. L. Polk & Co.
1970	<u>**CARLSBAD BLVD**</u> SD G & E CO ENCIRA PWR PLANT 4600 CART\$BIED BI C (4600)	John M. Ducey
1971	Address Not Listed in Research Source	Community Directory Co.
1975	Address Not Listed in Research Source	R. L. Polk & Co.
1976	Address Not Listed in Research Source	Luskey Brothers & Co., Inc.
1980	Address Not Listed in Research Source	R. L. Polk & Co.
1984	Address Not Listed in Research Source	R. L. Polk & Co.
1985	<u>**CARLSBAD BLVD**</u> SEAFARMS WEST (4600)	R. L. Polk & Co.
1989	Address Not Listed in Research Source	PACIFIC BELL WHITE PAGES
1991	<u>**CARLSBAD BLVD**</u> SEAFARMS WEST (4600)	Pacific Bell White Pages
	<u>**CARLSBAD ST**</u> METALCLAD INSULATION CORP (4600)	Pacific Bell White Pages
1992	Address Not Listed in Research Source	Pacific Bell White Pages
1995	<u>**CARLSBAD BLVD**</u> CARLSBAD AQUAFARM INC (4600) METALCLAD INSULATION CORP (4600) CARLSBAD AQUAFARM INC (4600) METALCLAD INSULATION CORP (4600)	Pacific Bell White Pages
2000	Address Not Listed in Research Source	Haines & Company

Adjoining Properties **SURROUNDING**

<u>Year</u>	<u>Uses</u>	<u>Source</u>
1921	Address Not Listed in Research Source	San Diego Directory Co. Inc.
1927	Address Not Listed in Research Source	San Diego Directory Co.

Year Uses**Source**

1933	Address Not Listed in Research Source	San Diego Directory Co.
1938	Address Not Listed in Research Source	San Diego Directory Co.
1940	Address Not Listed in Research Source	Southern California Telephone Co.
1943	Address Not Listed in Research Source	San Diego Directory Co.
1945	Address Not Listed in Research Source	Southern California Telephone Co.
1948	Address Not Listed in Research Source	San Diego Directory Co.
1950	Address Not Listed in Research Source	The Pacific Telephone & Telegraph Co.
1952	Address Not Listed in Research Source	R. L. Polk & Co. of California
1955	Address Not Listed in Research Source	The Pacific Telephone Telegraph Co.
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1976	Address Not Listed in Research Source	Luskey Brothers & Co., Inc.
1980	Address Not Listed in Research Source	R. L. Polk & Co.

Year Uses

Source

1984 Address Not Listed in Research Source

R. L. Polk & Co.

1985 Address Not Listed in Research Source

R. L. Polk & Co.

1989 Address Not Listed in Research Source

PACIFIC BELL WHITE PAGES

1991 Address Not Listed in Research Source

Pacific Bell White Pages

1992 Address Not Listed in Research Source

Pacific Bell White Pages

1995 Address Not Listed in Research Source

Pacific Bell White Pages

2000 Address Not Listed in Research Source

Haines & Company

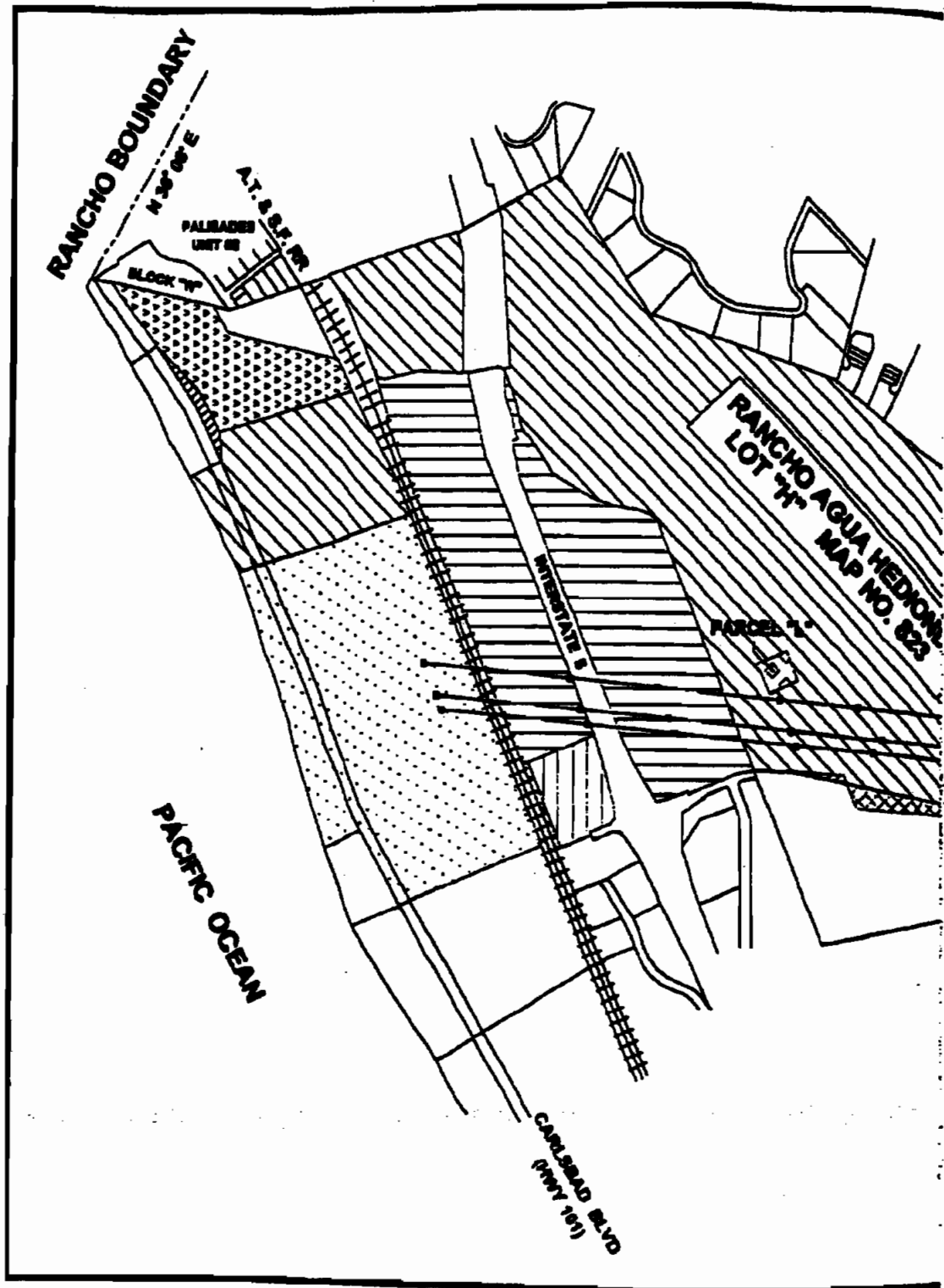
**APPENDIX D
PROPERTY BOUNDARIES AND PREVIOUS OWNERSHIP**

**TABLE 1
PROPERTY ACQUISITION**

Date Acquired	Book	Page	Vendor
September 23, 1948	2974	483	W. D. Cannon
April 15, 1952	4456	48	Jacobsen
December 15, 1962	4722	350	W.D. Cannon
April 11, 1953	4821	187	Ecke
April 11, 1953	4821	199	Ecke
May 28, 1953	5055	447	Kelley (Torrens)
August 24, 1953	4968	560	Ecke
January 13, 1966	F/P 6700		Ecke
	2975	1	W.D. Cannon

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






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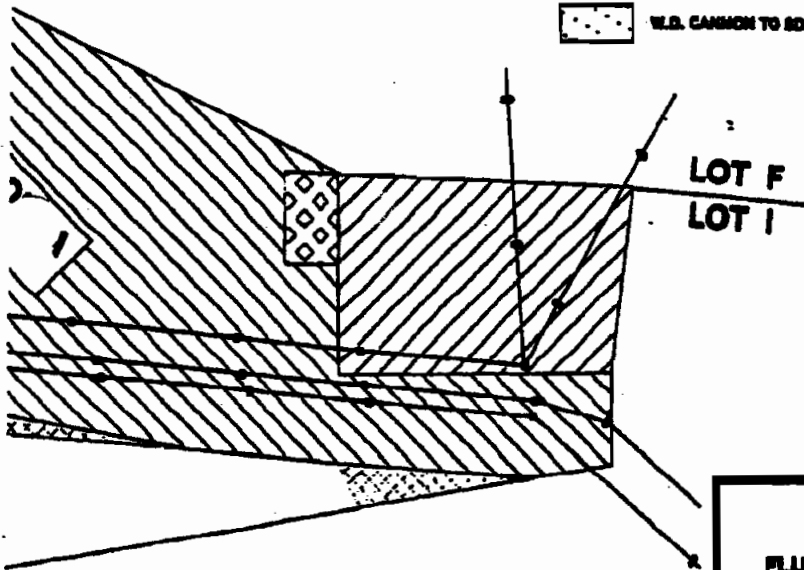




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LEGEND

-  ECKE TO ECKE JANUARY 13, 1986; FILE/PG. NO. 6788
-  OUTGRANT TO ECKE
-  ECKE TO ECKE APRIL 18, 1983; BK. 4821, PG. 187
-  ECKE TO ECKE, APRIL 18, 1983, BK. 4821, PG. 188 C.R.
-  JACOBSEN ET AL TO ECKE APRIL 18, 1982, BK. 4488, PG. 48
-  KELLY (TORRENS), MAY 28, 1983 BK. 8888, PG. 467 C.R.
-  W.D. CANNON TO ECKE, DECEMBER 12, 1982, BK. 4722, PG. 289 C.R.
-  W.D. CANNON TO ECKE OCTOBER 1, 1988, BK. 2876, PG. 1
-  W.D. CANNON TO ECKE, SEPTEMBER 27, 1988, BK. 2874, PG. 483 C.R.



 FLUOR DANIEL GTI		 SCALE	
ENCINA PROPERTY BOUNDARIES AND PREVIOUS OWNERSHIPS			
CLIENT: SAN DIEGO GAS & ELECTRIC			
LOCATION: 4800 CARLSBAD BLVD CARLSBAD, CALIFORNIA			
FILE: 3587PO (1:2)		PROJECT NO.: 103587	
REV.:			
DES.: PA	DET.: JR	DATE: 5/18/98	FIGURE:
PM:		FIG. D-1	

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**SPILL HISTORY UPDATE
ENCINA POWER STATION 1998 TO DATE**

LOCATION	DATE	MATERIAL/VOLUME	ACTIONS TAKEN
Under sea mooring hose string.	November 24, 1998	8 oz of #2 diesel	Pin hole leak was stopped within 10 minutes. On December 2, 1998 the Barge Jovalon flushed the diesel out of piping without incident. All hoses and spool pieces were replaced.
Underground pipe inside fuel oil tank containment area.	March 15, 2000	90 gallons residual fuel oil	Oil was coming to the surface, high pour point oil, therefore no soil permeation. NRC, OES, were notified. Courtesy notification to F&G, DEH and Carlsbad Fire Department.
Fuel Oil Line in Tank #2 containment area.	March 21, 2001	100 gallons residual fuel oil	As result of maintenance operations, fuel oil line had been purged, but small amount was left in the line, it spilled when one of flanges was removed. Spill contained and cleaned up immediately. Oil was high viscosity, therefore no soil permeation. Required notifications done to NRC, OES, courtesy notifications to F&G, DEH and Carlsbad Fire Department.
Fuel Oil tank #3 secondary containment.	May 22, 2001	84 gallons residual fuel oil	While removing an out of service 12" fuel oil pipe line, residual oil 6 spilled to secondary containment area. Environmental contractor cleaned up. Oil and contaminated soil placed into bins to be profiled and disposed of properly. Notifications completed.
Fuel Oil tank No. 6 secondary containment	June 9, 2001	50 gallons residual fuel oil #6	Environmental contractor on site for clean up. Release was caused by booster pump check valve gasket failure. Pump closed, gasket replaced. Notified NRC, OES, DEH, F&G, Cabrillo Power Regional Plant Manager, Facility Response Coordinator.
Fuel Tank No. 2	July 16, 2001	20 gallons residual fuel oil #6	Fuel oil tank #2 developed a leak in the tank wall, 3'4" from the top of the tank. Hole was 3/4"x 3/8", caused by corrosion. Pads were placed on the oil. Leak was stopped by transferring oil from tank 2 to another fuel oil tank lowering the level below the leak. Environmental contractor called to site, made a small dike at the base of tank. Clean up of oil and contaminated tank wall and insulation completed by 7/17/01. USCG inspected area on 7/16/01. Proper notifications completed.

**SPILL HISTORY UPDATE
ENCINA POWER STATION 1998 TO DATE**

LOCATION	DATE	MATERIAL/VOLUME	ACTIONS TAKEN
Fuel Tank No. 2	December 15, 2001	15 gallons residual fuel oil #6	Roof drain hose leaked. Valve was closed. Agencies notified: NRC, OES, USCG, Cabrillo Power Regional Manager, and NRG North America.
Cannon Rd. entrance to SDG&E NC Maintenance – storm drain south of plant, exact location not defined in spill report. Caused by SDG&E owned vehicle carrying transformers.	July 2, 2002	70 gallons transformer oil (non PCB mineral oil)	Truck transporting transformers jacked up and cargo fell in SDG&E parking lot. It was estimated that about 20 gallons reached the storm water conveyance system from Cannon Rd. to Agua Hedionda lagoon. Foss Environmental cleaned ground spill. On July 4 oil sheen was observed in lagoon. Foss Environmental was called for clean-up. Conveyance system was flushed. Oil absorbent boom and pad stations deployed. Continuous monitoring set up until no oil sheen was observed.
Agua Hedionda Lagoon	July 8, 2002	One gallon hydraulic fluid	Anchor scow used to move the dredge to dock had a hole in the hull below the water line. Foss environmental placed containment boom and absorbent boom around scow. At high tide oil sheen observed on small part of south end of outer lagoon, by dredge dock inside containment boom area. Divers patched hole in scow, water was pumped out, scow moved to dock. Crane hired to remove scow from lagoon the next day. Sheen was completely clean with absorbent pads. Notifications to: NRC, OES, F&G, RWQCB, Aqua Culture Farm, Cabrillo Power Regional Manager, Facility Response Coordinator, Manager of Environmental Services and NRG North America.
East fuel oil tank farm pump pit	February 24, 2006	50 gallons residual oil #6	Spill due to mechanical seal failure in east fuel oil tank farm pump pit. Pump valved out at 21:12 and flow stopped at 21:25. NRC environmental services cleaned up oil that was contained in the pump pit. Notifications to NRC and OES completed.

TABLE 3-1
SITE RELEASE HISTORY
ENCINA POWER PLANT

Location	Date	Material/Volume	Actions Taken
1 TANK FARMS AND IMPOUNDMENT BASIN			
Fuel Oil Tank #3 relief valve, west side of tank	4/21/70	No. 6 fuel oil/200-300 bbl	Mixed with earth and used for paving pump berm.
Fuel Oil Tank #2, floor	July 1978	No. 6 fuel oil/5 bbl	Mixed with sand and 7 drums of soil disposed. Tank removed from service and floor sealed with fiberglass in 1979.
Fuel Oil Tank #2, leak from base tank	3/27/79	No. 6 fuel oil/1 bbl	Documentation of actions taken were not found.
Fuel Oil Tank #2, leak in hose	11/13/79	No. 6 fuel oil/1 bbl	Absorbed with sawdust.
Fuel Oil Tank #2, leak	10/23/82	No. 6 fuel oil/small amount	Tank repaired.
Fuel Oil Tank #2, leak due to failure of floor coating	October 1984	No. 6 fuel oil/quantity unknown	Tank operated at reduced levels/head to prevent leakage. Tank removed from service in July 1987.
Fuel Oil Tank #2, tank floor west side	1985	No. 6 fuel oil/3 bbl	Mixed with sand, 5 drums of soil disposed, and tank taken out of service. Double bottom floor installed in 1984 and tank returned to service.
Fuel Oil Tank #2 floor leak when oil level >20'	February 1987	No. 6 fuel oil/50 bbl	Oil removed from tank.
Fuel Oil Tank #1, tank floor east side	9/19/92	No. 6 fuel oil/40 bbl	Mixed with sand and 110 yd ³ soil disposed. Tank taken out of service.
Fuel oil pump pit, fuel oil strainer southwest side	10/5/92	No. 6 fuel oil/2,000 gal	Mixed with sand and 7 drums of soil disposed.
Fuel Oil Tank #3, floor leak	12/93	No. 6 fuel oil/80 bbl	Mixed with sand and 210 yd ³ soil disposed. Tank taken out of service.
Fuel Oil Tank #6, pressure surge through floating roof seal	9/17/94	No. 6 fuel oil/2-5 bbl	Washed off side of tank and excavated 10 drums of solid waste.

2008

TABLE 3-1
SITE RELEASE HISTORY
ENCINA POWER PLANT

Location	Date	Materials/Volume	Actions Taken
Valve platform, vent pipe, fuel oil strainer	11/17/87	No. 6 fuel oil 10 gallons	Oil cleaned up and vent line replaced.
2 PROCESS TREATMENT AREA AND OPEN DITCH			
Prou's Pond Bunker C Oil release; break in supply line	1984	Bunker C 190-240 bbl	Oil recovered from Prou's Pond, transferred to the gully north of Fuel Oil Tank 1 and topped with sand. In 1988, excavated and disposed 1000 yds ³ impacted soil.
Pipeline rupture between tank farms and power plant	4/1/78	Bunker C 42 gallons	Fuel oil flowed over rain soaked ground to storm drain and hence to Agua Hedionda. Cleaned up.
4" fuel oil return line for Unit 3 failed at about 75 feet from valve platform.	9/23/85	No. 6 fuel oil 5 gallons	Oil recovered from permanent boom in drainage channel which prevented flow into lagoon. Soil excavated.
6" Low Volume Wastewater (LWW) line between plant and ponds broken in parking lot, some loss to the stormwater system	4/12/88	LWW with 0.5 grease and oil, 19.2 ppm TSS/3,500 gallons	6" line repaired.
Pipe breaks in LWW discharge from Pond 2	11/5/88 3/3/89 5/12/88	LWW with 0.9-1.1 ppm grease and oil 1000 gallons 1800 gallons 1500 gallons	Water drained to storm water channel and Agua Hedionda. Pipe repaired.
LWW discharge pipeline, 75 SW of the valve platform. Some loss to the stormwater system	2/5/91	LWW with 0.5 ppm grease and oil 1,500 gallons	Line repaired.

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TABLE 3-1
SITE RELEASE HISTORY
ENCINA POWER PLANT

Location	Date	Material/Volume	Actions Taken
8" LVW line between plant and ponds broken in parking lot, some loss to the stormwater system	1/2/88	LVW with 4.1 ppm grease and oil, pH 8.65/17,000 gallons	8" line repaired.
Tank farm to power plant fuel oil line, south of wastewater tanks	4/2/87	No. 6 fuel oil/680 gallons	Mixed with soil, cleaned up with shovels, filled 20 drums.
Tank farm to power plant condensate line, south of wastewater tanks and adjacent to storm drain	5/20/87	No. 6 fuel oil/2 gallons. Hot condensate water ran overland, mobilized No. 6 fuel oil from 4/2/87 spill	Condensate water and No. 6 fuel oil entered storm drain and then lagoon. Boom contained fuel oil. Cleaned up.
4 OPERATION WAREHOUSE AND CONSTRUCTION YARD			
First UST area, south side Building B	4/18/84	Diesel/40 gallons	Washed diesel down with water into storm drain. Oil containment boom deployed in lagoon.
6 POWER PLANT			
Sulfuric Acid Fuel Oil Tank	11/28/81	Sulfuric acid/250 gallons	Drain in fill line frozen. Line drained via flange.
#5 northeast auxiliary transformer	5/28/82	PCB fluid/0.5 gallons	Leak repaired.
Unit 5 piping	4/25/83	No. 6 fuel oil/quantity unknown	70' section of piping excavated to 10' and replaced.
Yard drain sump, south end of power plant	4/8/84	Turbine tube oil/20-40 gallons	Oil pumped from stormwater sump to drainage channel and hence into Agua Hedionda. Controlled by boom and cleaned up.
Unit 5 piping	September 1985	No. 6 fuel oil/-1 gpm leak	Piping in area of trap vault replaced.
Transformer Unit 3 valve, Unit 3B valve	Prior to 1987	PCB oil/2 ft diameter	Visible stain removed with solvent; equipment replaced; concrete replaced; wipe samples indicated <15 µg/100 cm ² .
IWT bulk storage tank	2/5/87	Neutralizing solution (pH=2)/40 gallons	Added soda ash and placed in truck tank.

Page 3 of 4

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TABLE 3-1
SITE RELEASE HISTORY
ENCINA POWER PLANT

Location	Date	Material/Volume	Actions Taken
No. 3 southeast, No. 3 southwest plant transformers	8/31/87	PCB oil/staining	Valves repaired.
Unit 3 North 480V load center (west transformer)	5/12/88	PCB/staining	Oil cleaned up to <10 µg/100 cm ² by spreading absorbent.
North load center	5/19/88	PCB/staining	Oil cleaned up to <10 mg/100 cm ² .
Unit 6-8" and 4" fuel oil lines	1/19/93 to 2/1/93	No. 8 quantity unknown	30 yd ³ soil removed and disposed. Lines placed inside vault.
Hose of the hydraulic system of the crane near cooling water intake bar rack structure. Some loss into cooling water	4/25/97	Hydraulic oil (Mobil DTE lubricating oil) 2 gallons	Oil cleaned up.
Sulfuric acid tank	8/9/97	Sulfuric acid 20-25 gallons	Leaking valve into tank contained.
Cooling water inlet cross over gate	July 1997	PCB quantity unknown	Gate steam cleaned until no PCBs detected.

Notes: 1 = no confirmatory samples taken

89702EE

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

CEASE AND DESIST
ORDER NO. 87-138
FOR

SAN DIEGO GAS & ELECTRIC COMPANY
ENCINA POWER PLANT
CLASS I SURFACE IMPOUNDMENTS
SAN DIEGO COUNTY

The California Regional Water Quality Control Board, San Diego Region, (hereinafter Regional Board) finds that:

1. On December 21, 1987, this Regional Board adopted Board Order No. 87-137 prescribing Waste Discharge Requirements for San Diego Gas & Electric Company's (SDG&E) Class I Surface Impoundments, Encina Power Plant.
2. Board Order No. 87-137 contains the following applicable waste discharge requirements:
 - (a). Prohibition A.2., on page 11, states that: "The discharge of any waste, or waste constituents, from the surface impoundments or associated piping to ground waters of the State or to the vadose zone surrounding the surface impoundments is prohibited."; and
 - (b). Discharge Specifications B.2., on page 11, states that: "The surface impoundments shall prevent migration of wastes, or waste constituents, to the adjacent/contiguous vadose zone, ground water, or surface water, throughout the operation, closure, and post-closure periods."
3. The Health and Safety Code, Division 20, Chapter 6.5, Article 9.5 (commencing with Section 25204) enacts the Toxic Pits Cleanup Act of 1984 (TPCA) and requires that a person discharging liquid hazardous wastes or hazardous wastes containing free liquids into a surface impoundment file with the California Regional Water Quality Control Board a hydrogeologic assessment report (HAR), pursuant to Section 25208.8 of the California Health and Safety Code.
4. Regional Board staff's review of the soil and ground-water data, included in the HAR, has shown that SDG&E threatens to violate those items of Board Order No. 87-137 enumerated in Finding No. 2. Documentation of the violations is contained in the December 21, 1987 Regional Board staff report and oral testimony presented to the Board at a Public Hearing on

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December 21, 1987. As explained in Finding No. 7 of this Order, hazardous waste constituents are present in the vadose zone and ground water beneath several of the impoundments. The discharge of hazardous waste constituents from the surface impoundments into the vadose zone and ground water is likely to continue until the surface impoundments have been retrofitted in accordance with Subchapter 15, Chapter 3, title 23 of the California Administrative Code.

5. TPCA prohibits any person, after June 30, 1988, from discharging liquid hazardous wastes or hazardous wastes containing free liquids into a surface impoundment if the surface impoundment contains hazardous waste and is within one-half mile of a potential source of drinking water and require the person in that event to close the surface impoundment or be granted an exemption with specific restrictions.
6. Section 25208.6 of TPCA states that "when a Regional Board determines that a surface impoundment is polluting, or threatens to pollute, the waters of the State or that hazardous waste constituents are migrating from that surface impoundment into the vadose zone or the waters of the State, in concentrations which pollute the vadose zone, or pollute, or threaten to pollute, the waters of the State, the Regional Board shall either order the surface impoundment to close, if the Regional Board determines that requiring the installation of double liners and a leachate collection system and the conducting of ground-water monitoring as specified in subdivision (a) of Section 25208.5, does not provide reasonable assurance of protection against future migration into the vadose zone or the waters of the State, or take both of the following actions:
 - (a). Issue a cease and desist order pursuant to Section 13301 of the Water Code prohibiting any discharge into the surface impoundment and require appropriate removal and remedial actions by the person or other responsible parties to clean up any pollution which may have occurred.
 - (b). Require the surface impoundment to comply with subdivision (a) of Section 25208.5. The Regional Board shall not grant an exemption for such a surface impoundment pursuant to subdivision (c) of Section 25208.5."
7. Hazardous waste constituents have been found in the vadose zone and in the ground water near the Treated Wastewater

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Impoundments (Impoundment Nos. 5 and 6). These hazardous waste constituents include, but are not limited to, arsenic, beryllium, copper, mercury, nickel, vanadium and zinc. Hazardous waste constituents have also been found in the vadose zone near the Low-Volume Waste Impoundments (Impoundment Nos. 1 and 2) and the Metal-Cleaning Waste Impoundments (Impoundment Nos. 3 and 4) above background concentrations. These hazardous waste constituents include arsenic, beryllium, copper, nickel, and zinc. To date, the hazardous waste constituent with the highest concentration levels in the vadose zone is zinc.

8. Since hazardous waste constituents have migrated into the vadose zone, and/or ground water, a Cease and Desist Order is required to be issued by the Board in accordance with Section 25308.6(a) of TPCA.
9. SDG&E has been informed of the above violations by meetings with Regional Board staff and the December 21, 1987 Regional Board Staff report.
10. On December 21, 1987 in Room 3-109 of the State Office Building, 1350 Front Street, San Diego, after due notice to the discharger and all other interested persons, the Regional Board conducted a public hearing at which evidence was received concerning the aforementioned violations of Order No. 87-137.
11. This enforcement action is exempt from the provisions of the California Environmental Quality Act in accordance with the California Administrative Code, Title 14, Section 15308.

IT IS HEREBY ORDERED, San Diego Gas & Electric Company shall comply with the following:

1. San Diego Gas & Electric Company (SDG&E) shall cease and desist from violating the requirements, in accordance with the time schedule in No. 2 below, of discharge to the vadose zone and ground water of hazardous waste constituents, of Order No. 87-137 for the Encina Power Plant.
2. Compliance by SDG&E with the requirements of Order No. 87-137, that SDG&E cease discharge of hazardous wastes into the existing surface impoundments by December 21, 1988, shall be achieved in accordance with the following time schedule:

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- | Task | Compliance Date |
|------------------------------------------------------------------------------------------------|-----------------|
| 1. Submittal of a detailed preliminary construction package. | 8/1/88 |
| 2. Submittal of a completed Waste Compatibility Study. | 8/30/88 |
| 3. Submittal of permeability testing results on liner components performed with actual wastes. | 8/30/88 |
| 4. Submittal of a description of the leachate collection and detection methods. | 8/30/88 |
| 5. Submittal of a revised Report of Waste Discharge | 8/30/88 |
| 6. Cease discharge to existing surface impoundments * | 12/21/88 |
| 7. Submittal of a detailed operation & contingency plan. | 1/30/89 |
| 8. Submittal of a detailed ground-water and vadose monitoring plan. | 1/30/89 |
3. Status reports on Directive No. 2 will be submitted to this Regional Board office on a quarterly frequency and shall detail the progress of the compliance work as stated in Directive No. 2. The quarterly reports are due 30 days following the end of the quarterly periods. The quarterly periods are as follows: January, February, March; April, May, June; July, August, September; and October, November, December.
4. The discharger shall submit to the Regional Board, on or before each compliance report date, a report of compliance or noncompliance with the specific task. If noncompliance is being reported, the reasons for such noncompliance shall be

* Cease discharge of hazardous waste into existing surface impoundments in accordance with Discharge Specification 3.12.

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CLOSURE CERTIFICATION REPORT FOR WASTEWATER PONDS LOCATED AT ENCINA POWER PLANT

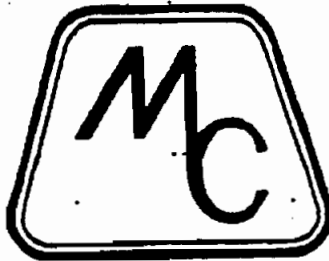
Prepared for:

SAN DIEGO GAS AND ELECTRIC
SAN DIEGO, CALIFORNIA

[PART ONLY]

Prepared by:

MITTELHAUSER CORPORATION
LAGUNA HILLS, CALIFORNIA



[PART COPY]

JUNE 1992

PROJECT NUMBER: 1409-60
VOLUME I OF III

NO SECTIONS 5.0-9.0
15.0-16.0

APPENDIX G, F. MAY

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MITTELHAUSER
Corporation

SDGE
Encina Power Plant
Wastewater Ponds Closure

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June 1992
Rev: 0
P1409SB

1.0 EXECUTIVE SUMMARY

The San Diego Gas and Electric Company (SDGE) has completed "Clean Closure" of the six wastewater surface impoundments (ponds) at its Encina Power Plant. The ponds were closed under the jurisdiction of the California Regional Water Quality Control Board (RWQCB) - San Diego Region, in accordance with Title 23 of the California Code of Regulations and the Toxic Pits Cleanup Act (TPCA) for closure of surface impoundments.

Closure activities are described in Sections 4.0 through 16.0 of this report. Except as noted in subsections entitled "Deviations from the Closure Plan," the closure was conducted in accordance with the "Closure Plan Encina Power Plant Surface Impoundments," dated December 22, 1988 and revised April 21, 1989. The closure plan was approved by the RWQCB on June 20, 1989. Copies of the closure plan were also submitted to the former California Department of Health Services (DHS) now the California Department of Toxic Substances Control (DTSC).

The six surface impoundments were grouped in two separate areas. Ponds 1, 2, 3, and 4 were located north of the power plant. From west to east, there were two low-volume wastewater ponds (1 and 2) and two metal-cleaning wastewater ponds (3 and 4). The two treated wastewater ponds (5 and 6) were

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SDGE
Encina Power Plant
Wastewater Ponds Closure

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June 1992
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located approximately east of the power plant or approximately 540 feet southeast from the other ponds.

The low-volume and metal-cleaning wastewater ponds received wastes from within the plant. The treated wastewater ponds received treated water from the treatment system and discharged into the plant's cooling water system in accordance with the plant's National Pollutant Discharge Elimination System (NPDES) permit.

The ponds were constructed of upper and lower asphalt liners and a gravel section between the liners which served as a leachate collection system.

In summary, the following tasks were completed during closure of the ponds:

1. Soils not affected by the operation of the ponds or the plant were sampled to provide background data. The data was compiled to calculate a background standard for the constituents of concern. The background standards and health based standards were used to determine if the soil beneath the ponds had been affected by their operation. As agreed upon by the RWQCB, a cleanup level of 1,000 mg/kg for total petroleum hydrocarbons (TPH) was used during the closure.
2. The influents to the ponds were diverted to the new above grade wastewater storage system on June 24, 1991. All the ponds were dry at the start of closure and contained no sludges.

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Encina Power Plant
Wastewater Ponds Closure

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3. The inlet and outlet piping associated with the ponds were disconnected and flushed. The flush water was analyzed for the constituents of concern and the results indicated the water to be nonhazardous. The flush water was transferred to the wastewater storage tanks and then treated.
4. The surfaces of the impoundments were hydroblasted. The rinse water was transferred to the wastewater storage tanks, treated and then discharged in accordance with the plant's NPDES permit.
5. Rain water collected in the ponds prior to the start of liner, gravel and soil sampling was sampled to determine if it could be pumped into the stormwater drainage system. The analysis indicated the rain water met the plant's NPDES permit limits and was pumped to the stormwater drainage system.
6. The upper surfaces of the ponds were inspected for evidence of deterioration. During the inspection, a thin tar-like layer was observed covering the majority of the upper liner of all the ponds. The inspection recorded minor deterioration in the thin tar-like layer and when observed, the upper liner.
7. The upper and lower liners, gravel between the liners, and leachate were sampled and analysis indicated they were nonhazardous except for 1 sample of the lower liner from Pond 5. The copper STLC result for sample 9425 was 44 mg/l which exceeded the STLC limit of 25 mg/l. The elevated copper concentration was from copper sheeting contained in the sample. The copper sheeting was used in the installation of the inlet and outlet piping structures. Based on the analytical results for the remaining samples and the information on the copper sheeting, the liners are nonhazardous. The leachate was transferred to the wastewater holding system.
8. The soils below the ponds were sampled and analysis indicated the soils could be handled as nonhazardous except for 2 boring locations: MC-34 (2 samples: 9625 and 9626) and B-2 (completed during the HAR investigation). The results of the soil sampling and a work plan which addresses areas of concern were presented to the RWQCB in December 1991. Based on the results and a meeting with the RWQCB, 15 areas where the soils were impacted by metals, TPH, or pH were identified and it was agreed that the soils from these areas would be removed as outlined in the work plan.

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SDGE
Encina Power Plant
Wastewater Ponds Closure

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9. The liners and gravel were removed and transferred to asphalt recyclers: South Coast Materials, in Carlsbad, California; and Wyroc, in Vista, California.
10. The soils directly beneath the liner were visually inspected for staining. No discolored areas were observed under the liner except for Ponds 2 and 5. Some very minor staining was observed around the inlet structure in Pond 2 and in one area along the rim of Pond 5. These stained areas were sampled as outlined in the work plan. The results indicated that soils were nonhazardous and below the action levels approved by the RWQCB.
11. The inlet and outlet piping were removed and disposed of at the San Marcos Landfill. These pipes were visually inspected during removal of the ponds and showed no signs of leaking. The piping remaining in place was plugged with concrete.
12. The soils associated with the 15 areas identified from the soil sampling were removed and disposed of at San Marcos Landfill and Laidlaw Environmental Services Landfill as outlined in the work plan.
13. Confirmation samples were taken from each of the 15 areas of concern after the soils were removed as outlined in the work plan. The results indicated that soils were below the action levels approved by the RWQCB.
14. The two pond areas were graded in June 1992 to an elevation equal to the grade of the surrounding area and the areas will be asphalt paved in July 1992.

SDGE has accomplished the original intent of this closure: contaminated waste residues, pipelines, and impacted soils above RWQCB agreed upon levels have been removed. For these reasons, the closure meets the intent of state regulations regarding closure of surface impoundments. In addition, SDGE has reviewed the groundwater monitoring data obtained quarterly since

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SDGE
Encina Power Plant
Wastewater Ponds Closure

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June 1992
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1988 and found no exceedances of WQPSs and no significant changes. Based on the results of the review of the groundwater data and the information contained in this report, the closure should be considered a "Clean Closure" with no post-closure groundwater monitoring or other requirements.

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SDGE
Encina Power Plant
Wastewater Ponds Closure

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June 1992
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3.0 INTRODUCTION

San Diego Gas and Electric Company (SDGE) has completed closure of six surface impoundments/ponds at its Encina Power Plant in Carlsbad, California. The location of the site is presented on Figure 3-1. The closure activities were completed in accordance with the Closure Plan Encina Power Plant Surface Impoundments, dated December 22, 1988, revised April 21, 1989, and approved by the California Regional Water Quality Control Board (RWQCB) - San Diego Region on June 20, 1989. The closure activities that were completed are described in this report.

The surface impoundments were used for the temporary collection of wastewater prior to treatment and/or discharge into the Pacific Ocean in accordance with the plant's National Pollutant Discharge Elimination System (NPDES) permit, number CA0001350. On June 24, 1991, SDGE ceased utilizing the impoundments and began to treat and hold the wastewater in a new aboveground wastewater storage system.

3.1 WASTE MANAGEMENT FACILITY

This subsection was excerpted from the closure plan. For additional information and further detail, the reader is referred to the appropriate section in the closure plan.

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SDGE
Encina Power Plant
Wastewater Ponds Closure

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June 1992
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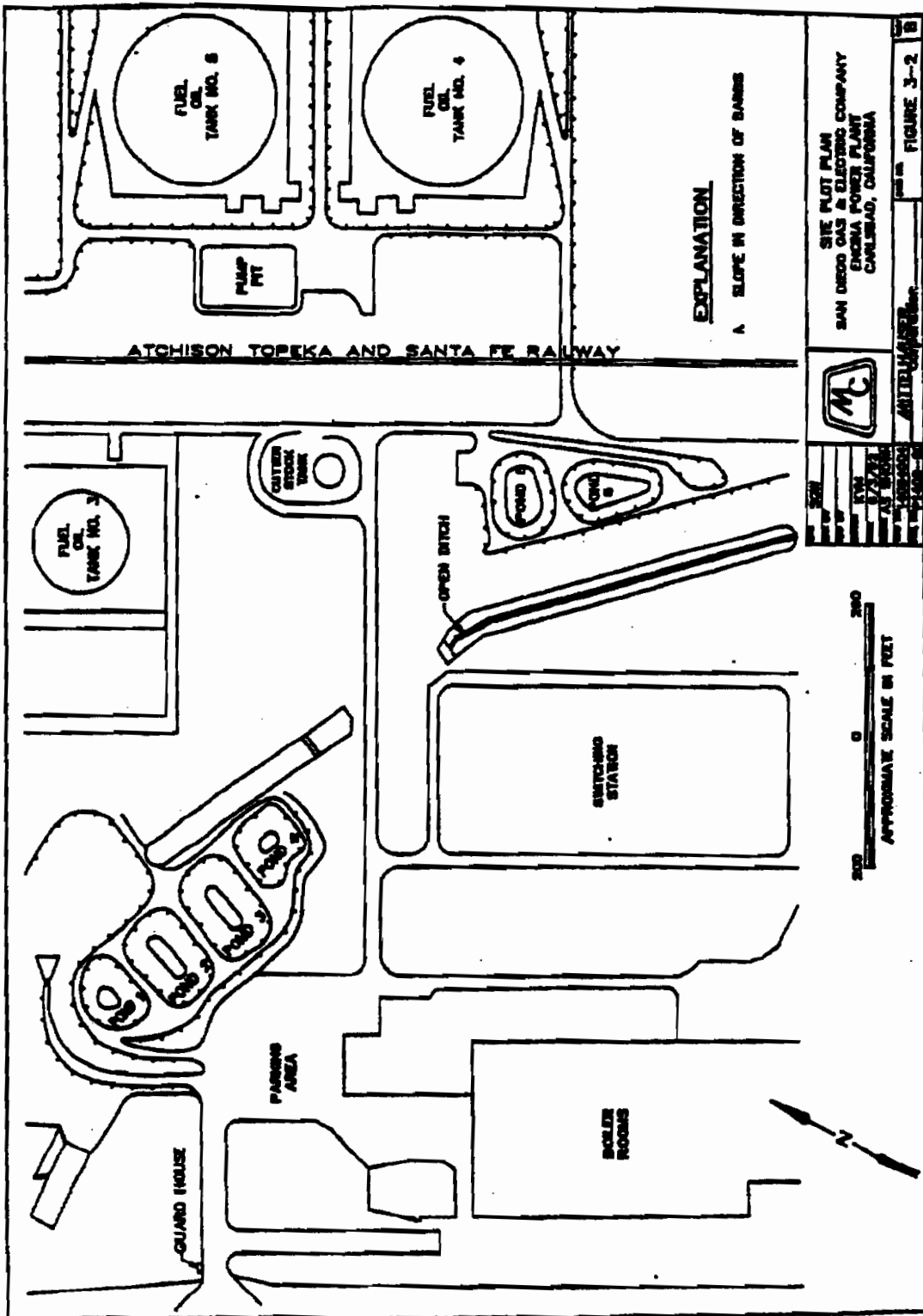
The six surface impoundments were grouped together in two separate areas as shown on the site plot plan, Figure 3-2. Ponds 1, 2, 3, and 4 are located to the north of the power plant. From west to east, Ponds 1 and 2 contain low-volume wastewater, and Ponds 3 and 4 contain metal-cleaning wastewater. Ponds 5 and 6, which contain treated wastewater, were located approximately 540 feet southeast from the other impoundment cluster. A plan view of each of the ponds is presented in Figure 3-3.

The ponds were constructed in 1978. Ponds 1 through 4 were built on an engineered pad of compacted fill. Based on information supplied by SDGE, Ponds 1 and 2 overlie the location of a former unlined waste impoundment. Prior to construction of the current ponds, the soils in the area of the former unlined impoundment were excavated and the area was backfilled.

Based on plans provided by SDGE, the ponds were double-lined with a 3-inch-thick upper liner and a 2-inch-thick lower liner. Both liners were constructed of hydraulic asphalt concrete (HAC). Each pond had a leachate collection system located between the two liners. The system consisted of 6-inch-diameter perforated polyvinyl chloride (PVC) pipe placed in an aggregate fill between the two liners. Leachate would flow into the control structures where it would be pumped back into the respective ponds.

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ENCINA POWER PLANT

FIGURE 3-2

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SDGE
Encina Power Plant
Wastewater Ponds Closure

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June 1992
Rev: 0
P1409SD

The metal-cleaning wastewater ponds received wastes generated from chemical cleaning operations within the power plant. The metal cleaning wastes were held until they were processed through the wastewater treatment system prior to discharge in accordance with the plant's NPDES permit.

The low-volume wastewater ponds received wastes such as floor drain discharges, reverse osmosis brine, and condenser cleaning wastes. These wastes were either discharged to the plant's cooling water system or processed through the wastewater treatment system prior to discharge in accordance with the plant's NPDES permit.

The treated wastewater ponds received the effluent from the wastewater treatment system. Treated wastewater was discharged along with the plant's cooling water if chemical analysis indicated compliance with the plant's NPDES permit limitations.

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LEGEND

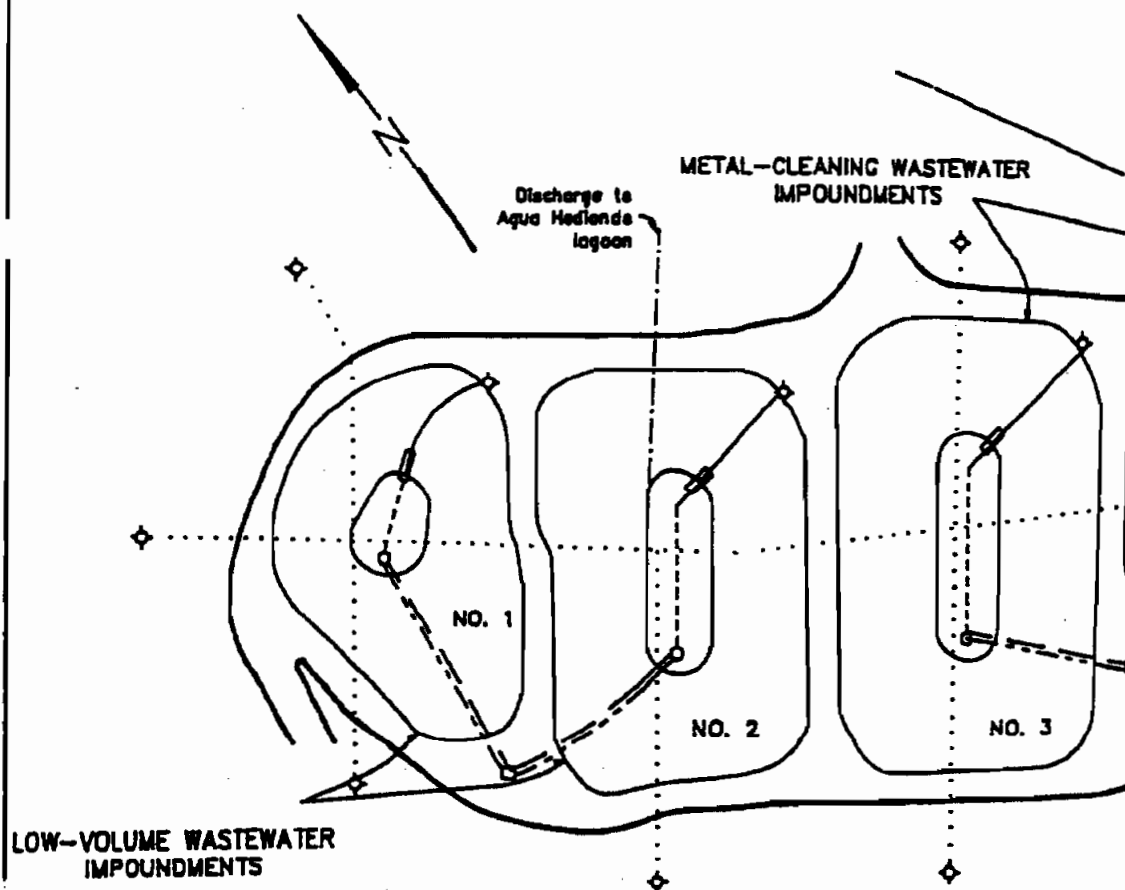
GROUNDWATER SUBDRAIN SYSTEM

- Perforated Subdrain (6")
- Subdrain Collector (6")

LEACHATE COLLECTION SYSTEM

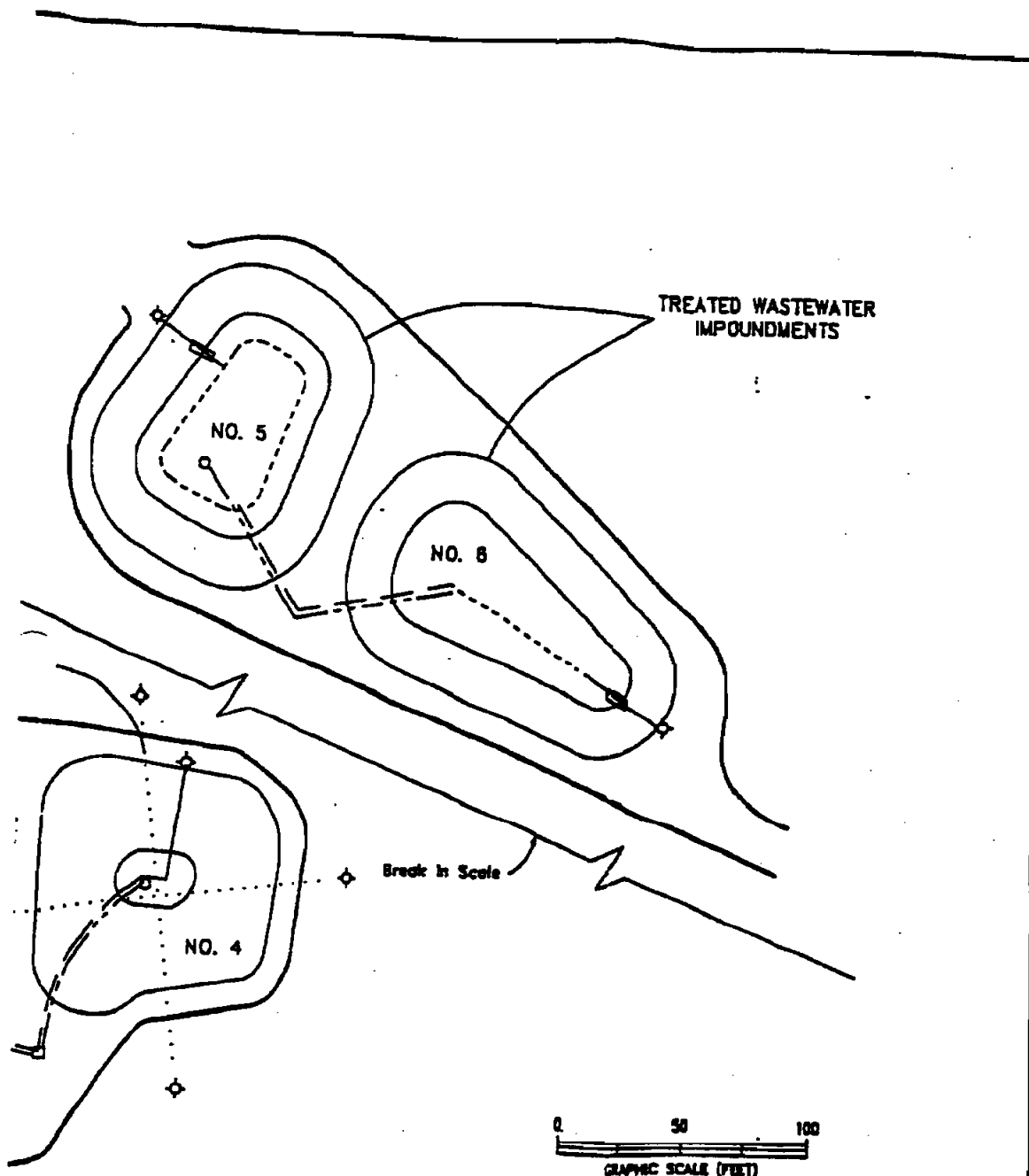
- Inlet Piping (6")
- Perforated Drain (6")
- Drain Collector (6")
- Drain Flushing Riser (3")
- Control Structure/Sump
- ◇ Drain Cleanout
- Impoundment Inlet Structure

• Inner Diameter



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AFTER SDG&E, PIPING PLANS, SHEETS C-18 AND C-19

DESIGNED BY DRAWN BY DATE 11/86 CHECKED BY DATE 10/88 PROJECT NO. 1080-00-003	 MITTELHAUSER CORPORATION	FIGURE 3-4 GROUNDWATER SUBDRAIN AND LEACHATE COLLECTION SYSTEMS IMPOUNDMENT CLOSURE PLAN TRINITY THERMAL POWER PLANT SHEET NO. 1080-00-003
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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

9771 CLAREMONT MESA BOULEVARD, SUITE B
SAN DIEGO, CA 92124-1331
TELEPHONE: (619) 467-2952



CERTIFIED MAIL - RETURN RECEIPT REQUESTED
P 419 601 600

December 31, 1992

Mr. Fred J. Jacobsen
San Diego Gas & Electric Company
P.O. Box 1831
San Diego, California 92112

Dear Mr. Jacobsen:

RE: ORDER NO. 92-77, AN ORDER RESCINDING CEASE AND DESIST (C&D)
ORDER NO. 88-81 AND ADDENDUM FOR THE ENCINA POWER PLANT,
CLASS I SURFACE IMPOUNDMENTS

Enclosed please find a copy of the above referenced order which was adopted by the Regional Board at its regularly scheduled meeting at the El Cajon Community Center in El Cajon on December 14, 1992. By adoption of this order, the Regional Board finds that San Diego Gas & Electric Company has fulfilled its obligations under Addendum No. 1 to C&D Order No. 88-81 for the cleanup and closure of the surface impoundments at the Encina Power Plant in Carlsbad.

If you have any questions, please contact John Anderson at (619) 467-2975.

Very truly yours,


ARTHUR L. COE
Executive Officer

JPA:enc4ares.ltr

Enclosure

File: TPCA 89003, SDG&E Encina Power Plant

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. 92-77

AN ORDER RESCINDING
CEASE AND DESIST ORDER NO. 88-81
AND ADDENDUM NO. 1
FOR
SAN DIEGO GAS & ELECTRIC COMPANY
ENCINA POWER PLANT
CLASS I SURFACE IMPOUNDMENTS
SAN DIEGO COUNTY

The California Regional Water Quality Control Board, San Diego Region, (hereinafter Regional Board) finds that:

1. On August 29, 1988, the Regional Board adopted Waste Discharge Requirements Order No. 88-80 which prohibit the discharge of any restricted or liquid hazardous wastes or hazardous wastes with free liquid to the Class I Surface Impoundments at the San Diego Gas & Electric (SDG&E) Encina Power Plant.
2. On August 29, 1988, the Regional Board issued Cease and Desist (C&D) Order No. 88-81 to SDG&E for threatened violations of Prohibitions A.2 and A.3 of Order No. 88-80.
3. SDG&E submitted a "Closure Certification Report for Wastewater Ponds Located at Encina Power Plant" dated June 1992. This report documents the closure activities for the Class I surface impoundments at the Encina Power Plant. Based on this information, the Regional Board has concluded that SDG&E has remediated the site and has fully complied with the requirements of C&D order No. 88-81 and Addendum.

IT IS HEREBY ORDERED, that:

1. Cease and Desist Order No. 88-81 and Addendum are hereby rescinded.

I, Arthur L. Coe, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, on December 14, 1992.



Arthur L. Coe
Executive Officer

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DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Region 4
245 West Broadway, Suite 250
Long Beach, CA 90802-4444



February 22, 1993

Mr. Lee R. McDonald
Environmental Services Administrator
San Diego Gas & Electric
P.O. Box 1831
San Diego, California 92112

SFH 310.2

Dear Mr. McDonald:

ACCEPTANCE OF SURFACE IMPOUNDMENTS CLOSURE CERTIFICATION: SAN
DIEGO GAS & ELECTRIC, ENCINA PLANT, 4600 CARLSBAD BLVD, CARLSBAD,
CALIFORNIA 92008 (EPA ID NO. CAT000618900)

The California Department of Toxic Substances Control (Department) has received the closure certification report dated June 1992 and certification statement by an independent registered engineer dated January 14, 1993 for the subject facility. We are also in receipt of a copy of Order No. 92-77 dated December 14, 1992 which was adopted by the Regional Water Quality Control (RWQCB), San Diego Region. The Order finds that San Diego Gas & Electric (SDG&E) has fulfilled its obligation under Cease and Desist Order No. 88-81 for the cleanup and closure of surface impoundments at the Encina Power Plant. We are also in receipt of a copy of order No. 92-81 dated December 14, 1992 which was adopted by the RWQCB. This order rescinds order No. 88-80, "Waste Discharge Requirement for San Diego Gas and Electric Company, Encina Power Plant, Class I Surface Impoundments, San Diego County."

Based on our previous correspondence with SDG&E, we understand that the surface impoundments were never used for managing RCRA regulated wastes. Thus, we agreed that the RWQCB will serve as the lead agency on this project. The Department's previous letters to SDG&E indicated that we will not conduct an independent review of the closure plan submitted and that we will make a determination on final closure based on the RWQCB's approval. The closure certification report certifies that all closure activities have been completed in accordance with the closure plan approved by the RWQCB. Therefore, the Department hereby accepts the closure certification and considers the surface impoundments at the subject facility closed.

This acceptance does not preclude the Department from requiring corrective action, should it later determine that a release of hazardous waste or constituents into the environment as occurred from the facility. The acceptance is also not a certification that your facility does not pose an environmental or public health threat, nor does it release the owner/operator from its responsibilities and liabilities under the law.

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Mr. Lee R. McDonald
February 22, 1993
Page 1

SDG&E is no longer required to maintain financial assurance and liability coverage as required by California Code of Regulations, Title 22, Sections 66265.143 and 66265.147 for the closed portion of the subject facility.

If you have any question, please contact Mr. Sid Safieslany at (310) 590-4888.

Sincerely,

MSS and m
Mohinder S. Sandhu, P.E., Chief
Facility Permitting Branch

cc: Ms. Paula Rasmussen, Chief
Surveillance and Enforcement Branch
Department of Toxic Substances Control
Region 4
245 West Broadway, Suite 350
Long Beach, California 90802-4444

Mr. John P. Anderson
Regional Water Quality Control Board
San Diego Region
9771 Clairmont Mesa Boulevard, Suite B
San Diego, California 92124-1331

Mr. Gary Stephany, Chief
Environmental Health Services
County of San Diego
P.O. Box 85261
San Diego, California 92186-5261

Mayor Bud Lewis
City of Carlsbad
1200 Carlsbad Village Drive
Carlsbad, California 92008

Ms. Joetta Nelson
Fees Unit
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

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RESULTS OF
VERIFICATION SAMPLING
BUNKER "C" FUEL OIL SPILL
SDG&E ENCINA POWER PLANT
4600 CARLSBAD BOULEVARD
CARLSBAD, CALIFORNIA
APN NO. 210-010-34

Prepared For:
SAN DIEGO GAS & ELECTRIC

Office
101 Ash Street
San Diego, CA 92101

Mailing Address
P.O. Box 1831
San Diego, CA 92112

P.O.A.# C950520085

Prepared By:
DUDEK & ASSOCIATES, INC.
605 Third Street
Encinitas, CA 92024
TEL (619) 942-5147
FAX (619) 632-0164



[Signature]
Daniel L. Jung, P.E.

[Signature]
Gary F. Vargas, Project Manager

September 1995

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RESULTS OF
VERIFICATION SAMPLING
BUNKER "C" FUEL OIL SPILL
SDG&E ENCINA POWER PLANT
4600 CARLSBAD BOULEVARD
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**RESULTS OF
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4600 CARLSBAD BOULEVARD
CARLSBAD, CALIFORNIA
APN NO. 210-010-34**

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1.0 INTRODUCTION

This report summarizes the work performed to remediate a Bunker "C" fuel oil spill at the SDG&E Encina Power Plant (Figure 1) and results of verification sampling. Work included: preliminary assessment; excavation and stockpiling; verification soil sampling; and analysis. This report contains copies of the laboratory analytical results for the preliminary assessment (Appendix A), manifests from the excavation and offsite transport, load numbers 1 through 170, and incineration (Appendix B), excavation soil sampling results (Appendix C), stockpile sample results (Appendix D), and stockpile statistics worksheet (Appendix E). The results of verification sampling indicate that no additional assessment or remediation should be required.

1.1 BACKGROUND

In 1954, a Bunker "C" oil spill of approximately 10,000 gallons occurred at the Encina Power Plant. The spill occurred in the plant wastewater holding pond. The Bunker "C" oil was transferred from the pond to a small gully north of the west tank farm (the site) (Figure 2). The gully had been dammed at its downstream end to keep the oil in place. Gravel was poured into the gully and topped with sand and soil until the site could be graded level. The site has never been developed and has been used for large equipment and supply staging since the spill. Bunker "C" oil is described as an asphalt base, high sulfur, high viscosity fuel oil no longer used by SDG&E because of the high sulfur content.

The site is located immediately adjacent to and north of the west fuel oil tank storage farm (Figure 2). The triangular shaped site is approximately 35 feet above mean sea level (msl) and is bounded on the north by the Agua Lagoon (Estuary) (Figure 3). Agua Hedionda Lagoon is owned by SDG&E and is used as a source of cooling water. It is occasionally dredged to maintain contact with the Pacific Ocean. The site is generally flat with berms to the south and along the northern border with the Lagoon. Fencing to the north and a gate to the northeast enclose the site within the SDG&E Encina Plant property.

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1.1.1 Site Geology

The site lies within the Pacific Coastal Plain of the Peninsular Ranges Geomorphic Province. The Pacific Coastal Plain is comprised of marine sedimentary terraces. The Pleistocene Lindavista Formation is the most extensive marine terrace in this area (Izbicki, 1983). The Lindavista Formation is predominantly composed of reddish brown interbedded sandstone and conglomerate (Kennedy, 1975). It has been described as generally thin, but can be as thick as 100 feet. It is described as a very hard cap rock.

1.1.2 Site Hydrogeology

The site is located in the Agua Hedionda Hydrologic Subunit (4.31) of the Carlsbad Hydrologic Unit (Figure 4). In this hydrologic subunit, beneficial uses for ground water do not apply west of Interstate 5. Beneficial uses do apply for surface water and coastal estuaries in this subunit (Regional Water Quality Control Board, San Diego Region (RWQCB), 1990). Although the Agua Hedionda Lagoon is owned by SDG&E, it drains to the Pacific at Carlsbad State Beach.

1.2 PRELIMINARY ASSESSMENT

In June of 1995, SDG&E personnel sampled the site soils and attempted to determine the extent of oil contamination using a back hoe. Soil samples were collected at five locations and analyzed for Total Recoverable Petroleum Hydrocarbons (TRPH), volatile organic compounds (VOCs), and metals (Appendix A). Metals analyses included Total Threshold Limit Concentrations (TTLCs) and Soluble Threshold Limit Concentrations (STLCs) analyses. TRPH concentrations ranged from 1,200 milligrams per kilogram (mg/kg) to 12,000 mg/kg. No VOCs were detected. No soil sample exceeded the STLCs or TTLCs for metals.

The back hoe excavations assisted in delineating the horizontal extent of oil contamination. The back hoe excavations also indicated that the spill was composed of a deep trench with

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mixed gravel and oil trending generally north-south and extended deeper than approximately three feet (Figure 5). Historic photos of the site, circa 1954, confirmed the orientation of the gully. The back hoe excavations indicated that the oil spill thinned to the east and west of the gully and stopped before reaching the edges of the property.

Information gained from this preliminary assessment coupled with the knowledge that the oil was composed of an asphalt base with high viscosity indicated that oil migration since 1954 was most likely minimal. In addition, the oil properties themselves precluded the use of in-situ remediation options such as vapor extraction or bioremediation. The only viable remediation option remaining was excavation and off site treatment or disposal. Therefore, it was suggested that excavation proceed as the next step in the site mitigation process. Soil sampling would be scheduled after removal of the oil and oil containing soils to verify that no migration beyond the limits of the excavation had occurred.

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2.0 SITE EXCAVATION

Excavation operations occurred between June 27 and July 18, 1995. The total volume of soil excavated was approximately 2,000 cubic yards. The extent of the gully excavation was a trench approximately 12 feet deep, by 140 feet long, by 30 feet wide (Figure 6). To the south, the excavation extended partially into the berm separating the site from the west tank farm (Figure 7). The berm is a containment structure in case of above ground tank failure. A thin lens of oil containing soil was left in place in the berm. A back hoe was used to excavate on the south side of the berm and soil samples were collected to determine the southern extent of this lens of oil containing soil. It appeared from the back hoe excavation that the lens did not extend beyond the southern portion of the berm. Soil sample analysis confirmed the visual observation (Figure 6). A discussion of soil sample results is contained in Section 3. The westward excavation also extended more than 100 feet, following a thin, approximately six inches to one foot, layer of oil containing surface soil (Figure 6).

A total of 1,600 cubic yards were excavated and transported to TPS Technologies in Adelanto, California for thermal desorption and recycling requiring 170 truckloads. The transportation manifests are in Appendix B.

Near the end of the excavation operation, soils that were excavated and did not contain visible concentrations of oil were stockpiled on site. The stockpiled soil is located east of the excavation and contains approximately 400 cubic yards of soil (Figure 8). Nineteen soil samples were collected and analyzed by SDG&E staff from the stockpiled soil on July 25 and August 4, 1995.

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3.0 SOIL SAMPLING

3.1 EXCAVATION

Fifteen soil samples were collected using a trowel and placed in a glass jar by Dudek personnel on July 13 and 19, 1995. Trowels were decontaminated between sample locations. Fifteen soil samples were collected from the base, side walls and outside limits of the excavation and analyzed for TRPH (Table 1). Nine soil sample analyses did not detect TRPH. TRPH was detected in six soil samples. In five soil samples, concentrations ranged from 12 to 56 mg/kg. One soil sample, B-3, contained a concentration of 61,800 mg/kg. Soil sample B-3 was collected deliberately within the oil containing lens of soil in the west tank farm berm (Figures 6 and 7). Of the remaining five soil samples with detectable concentrations of TRPH, three were collected at the base of the excavation, B-7, B-10, and B-11. These TRPH concentrations were 14, 56, and 12 mg/kg, respectively. One soil sample was collected at the surface to the west of the excavation, B-12, with a concentration of 30 mg/kg. Soil sample B-9 was collected in the north side wall of the excavation with a concentration of 13 mg/kg.

Soil sample B-3 was collected in the west tank farm berm within the oil containing lens at a concentration of 61,800 mg/kg (Figures 6 and 7). Soil sample B-3 was also analyzed for VOCs (Table 2) and simulated distillation to determine the fuel hydrocarbon range (Table 3 and Appendix C). VOCs analysis indicates toluene, ethyl benzene, and xylenes were detected at concentrations of 0.55, 2.2, and 7.1 mg/kg, respectively. No benzene was detected. Simulated distillation indicated that the sample quantitated between the C7 and C24 hydrocarbon range, with the mean at C16 (Appendix C). These data and the data obtained during the preliminary assessment indicate that there are no metals or VOCs in the Bunker "C" oil that are at hazardous concentrations and that the oil itself is heavy, viscous, and relatively immobile in the subsurface.

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3.2 STOCKPILE

Using the stockpile sampling procedure outlined in the 1995 San Diego County Site Assessment and Mitigation (SA/M) manual, Section 4.C.a)(4)(d), nineteen total soil samples were collected from the stockpile on July 25 and August 4, 1995 by SDG&E personnel. Soil samples were collected in a glass jar at randomly selected locations from one to two feet below the stockpile surface. Soil samples were analyzed for TRPH. TRPH concentrations ranged from 1,800 mg/kg on July 25 to 240 mg/kg on August 4 (Table 4 and Appendix D). The stockpile statistics worksheet (SA/M Section 4, page 13) was completed using the July 25 and August 4 data (Figure 8 and Appendix E). The worksheet indicates that the sample mean is 908 mg/kg. However, due to the large standard deviation, 437 mg/kg, the estimated minimum number of samples needed to characterize the stockpile is 40. As previously stated, there are no metals or VOCs in the oil that are at hazardous concentrations and the stockpiled soil will be used as fill material at the site. It does not appear that additional soil sampling of the stockpiled soil is necessary.

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4.0 EXPOSURE CONCERNS

4.1 EXCAVATION

At present, the site is used for pipe and material storage. Future use is listed as power plant dredge pipe and material storage. SDG&E plans to use the stockpile soils as fill material in the gully and then grade the site using on site soils only. No new fill material is planned to be imported on site.

Soil sample analytical results indicate TRPH was not detected or below 100 mg/kg at all excavation sampling locations, except the one sample within the west tank farm berm. No soil sample metals analysis exceeded the STLCs or TTLCs. VOCs analysis indicated that only toluene, ethyl benzene, and xylenes were detected in one sample, within the west tank farm berm. No data indicate that migration has occurred beyond the site to the west, north, or east, nor has there been downward migration.

To the south, along the west tank farm berm, an area of approximately 25 feet by 20 feet of oil containing soil was left in place due to safety and cost considerations (Figures 7, 9 and 10). The oil containing soil is approximately one foot thick and at least three feet below land surface on both sides of the berm. Soil sample B-3 was collected from within the oil containing soil and indicated 61,800 mg/kg TRPH. Soil Sample B-3 indicated toluene, ethyl benzene, and xylenes at concentrations of 0.55, 2.2, and 7.1 mg/kg, respectively (Table 2). The analysis also indicated that the oil was in the range for diesel (Table 3) indicating predominantly heavy hydrocarbon composition and low amounts of volatile organics. A smaller area of oil stained soil was left in place to the north of the excavation (Figures 7 and 10). It occupies an area of only 20 feet by 10 feet and is less than a half foot thick about a foot beneath the surface. It was left in place because it was near the north berm overlying the slope to the Agua Hedionda Lagoon and was beneath large corrugated pipe. The oil containing soil at both locations are within a silty sand overlying a hard silt with sand. The excavation

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sampling indicated there was no vertical migration of oil beneath the spill. These data indicate that there is virtually no risk of exposure either at the surface or from migration through soil to surface or ground water.

4.2 STOCKPILE

SDG&E intends to use the stockpiled soil as fill material and cover the site with native soil. The site will be used as material storage. Analytical results for soil sample B-3 indicates that the oil is heavy and geologic characteristics of the site contribute to the relative immobility of the oil. This would indicate that there is no risk of exposure either at the surface or from migration through soil to surface or ground water.

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5.0 RECOMMENDATIONS

SDG&E plans to use the site for power plant dredge pipe and material storage after backfilling. Soil sampling of the excavation indicated limited concentrations of TRPH well below generally accepted action levels of 1000 mg/kg for waste oils. Soil sampling of the oil containing soil indicated very low concentrations of VOCs and limited mobility. Soil sampling of the stockpile indicated average concentrations of TRPH at approximately 908 mg/kg.

It is recommended that:

- 1) the stockpiled soil be used as fill for the excavation.
- 2) the excavation should be backfilled and the oil containing soil be left in place.
- 3) the site be closed.

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TABLE 1
EXCAVATION
SOIL SAMPLE ANALYTICAL RESULTS
ATI Laboratory

Soil Sample Identifier Excavation	Total Recoverable Petroleum Hydrocarbons (in milligrams per kilogram)
B-1	<1
B-2	<1
B-3	61,800
B-4	<1
B-5	<1
B-6	<1
B-7	14
B-8	<1
B-9	13
B-10	56
B-11	12
B-12	30
B-13	<1
B-14	<1
B-15	<1

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TABLE 2
EXCAVATION
VOLATILE ORGANICS ANALYTICAL RESULTS
ATI Laboratory

Soil Sample	Benzene	(in milligrams per kilogram)		Xylenes
		Toluene	Ethyl benzene	
B-3	<0.050	0.55	2.2*	7.1*

*= Result may be falsely elevated due to sample matrix interference

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TABLE 4
STOCKPILE
SOIL SAMPLE ANALYTICAL RESULTS
SDG&E Laboratory

Soil Sample Identifier	Total Recoverable Petroleum Hydrocarbons <small>(in milligrams per kilogram)</small>
<u>July 25, 1995</u>	
1	1,300
2	520
3	910
4	1,200
5	1,600
6	1,800
7	1,400
8	1,000
9	710
10	710
11	870
<u>August 4, 1995</u>	
12	240
13	790
14	730
15	560
16	960
17	1,300
18	250
19	410

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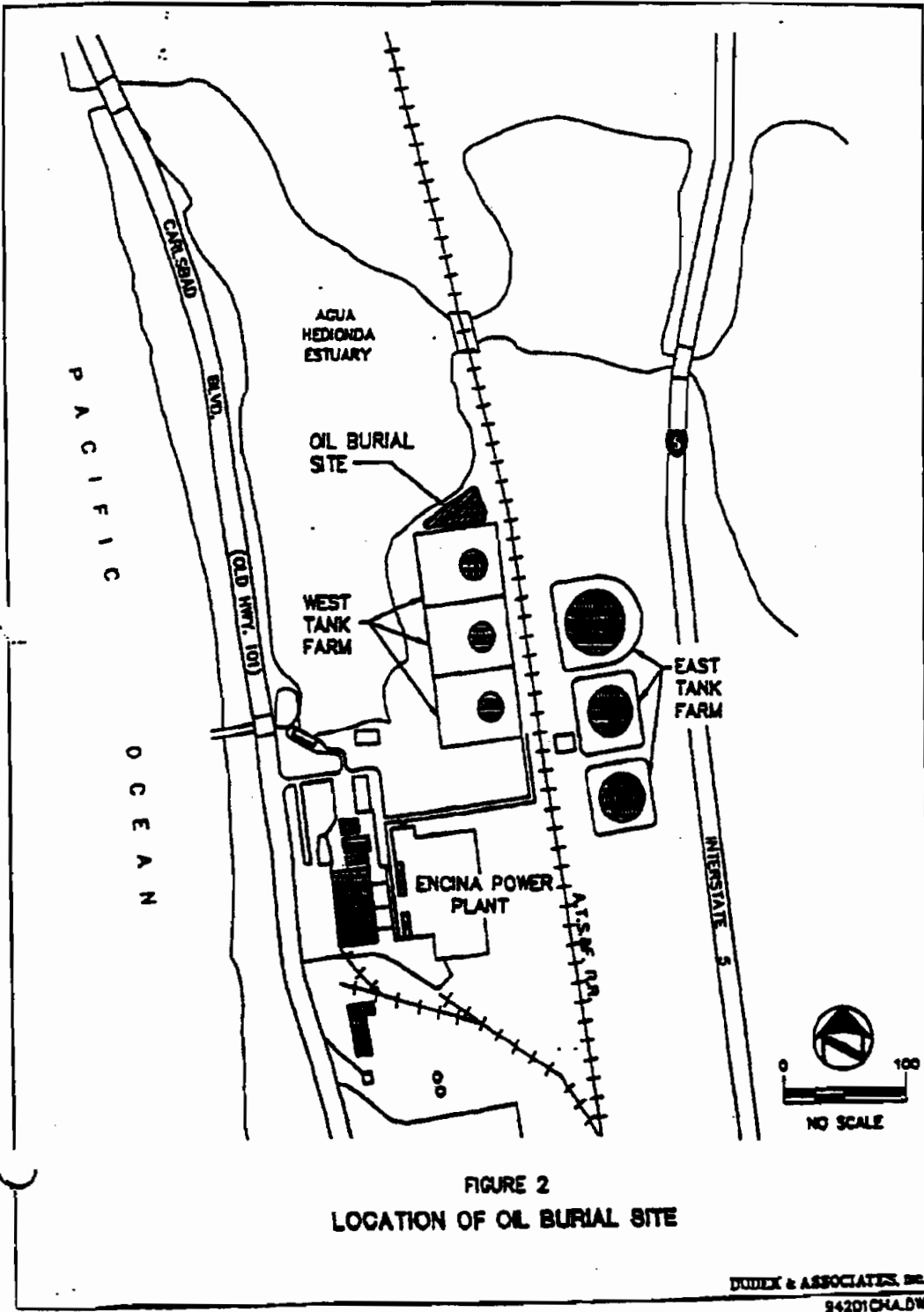


FIGURE 2
LOCATION OF OIL BURIAL SITE

DODDEX & ASSOCIATES, INC.
94201 CHA.DWG

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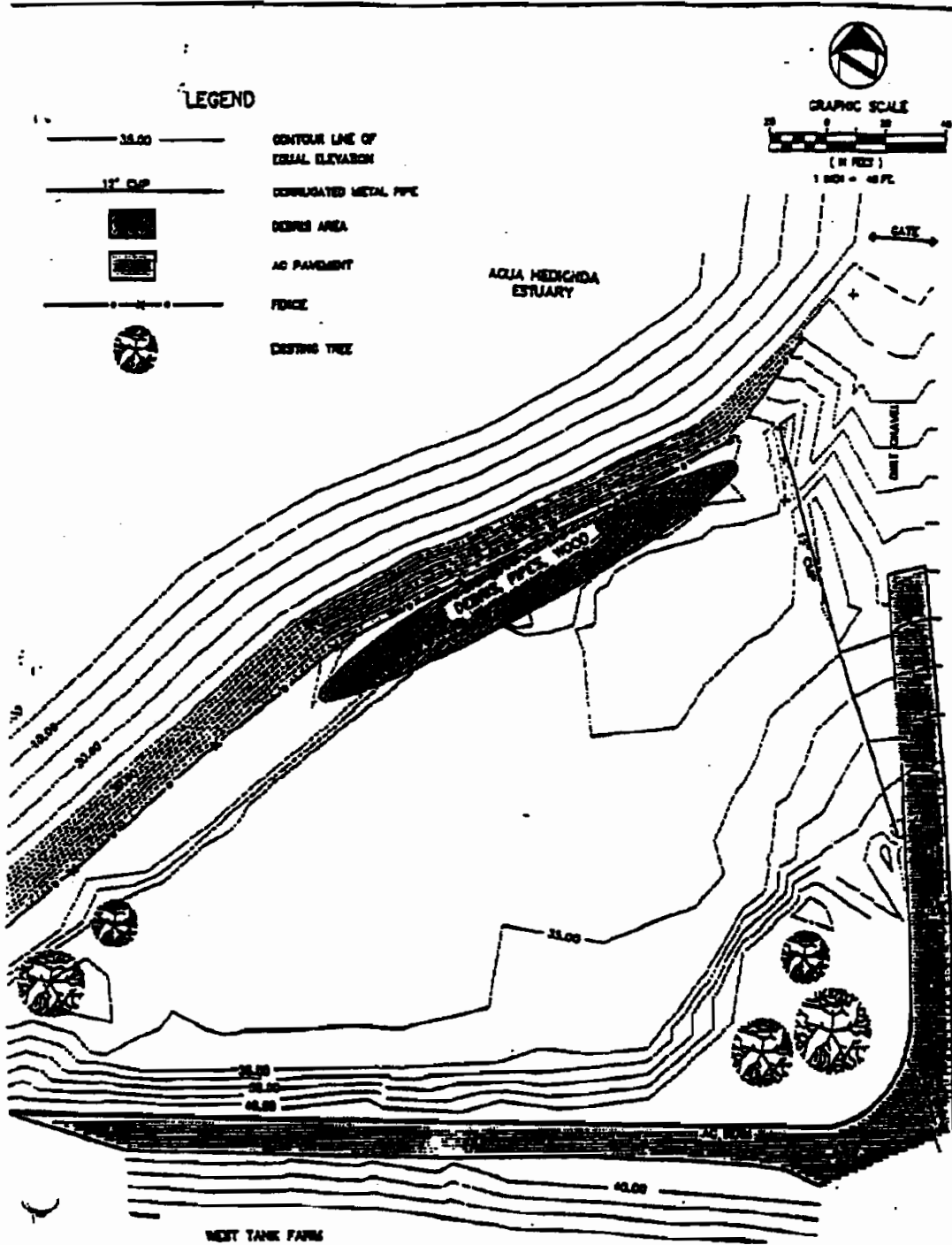


FIGURE 3
SITE TOPOGRAPHY
PRIOR TO EXCAVATION

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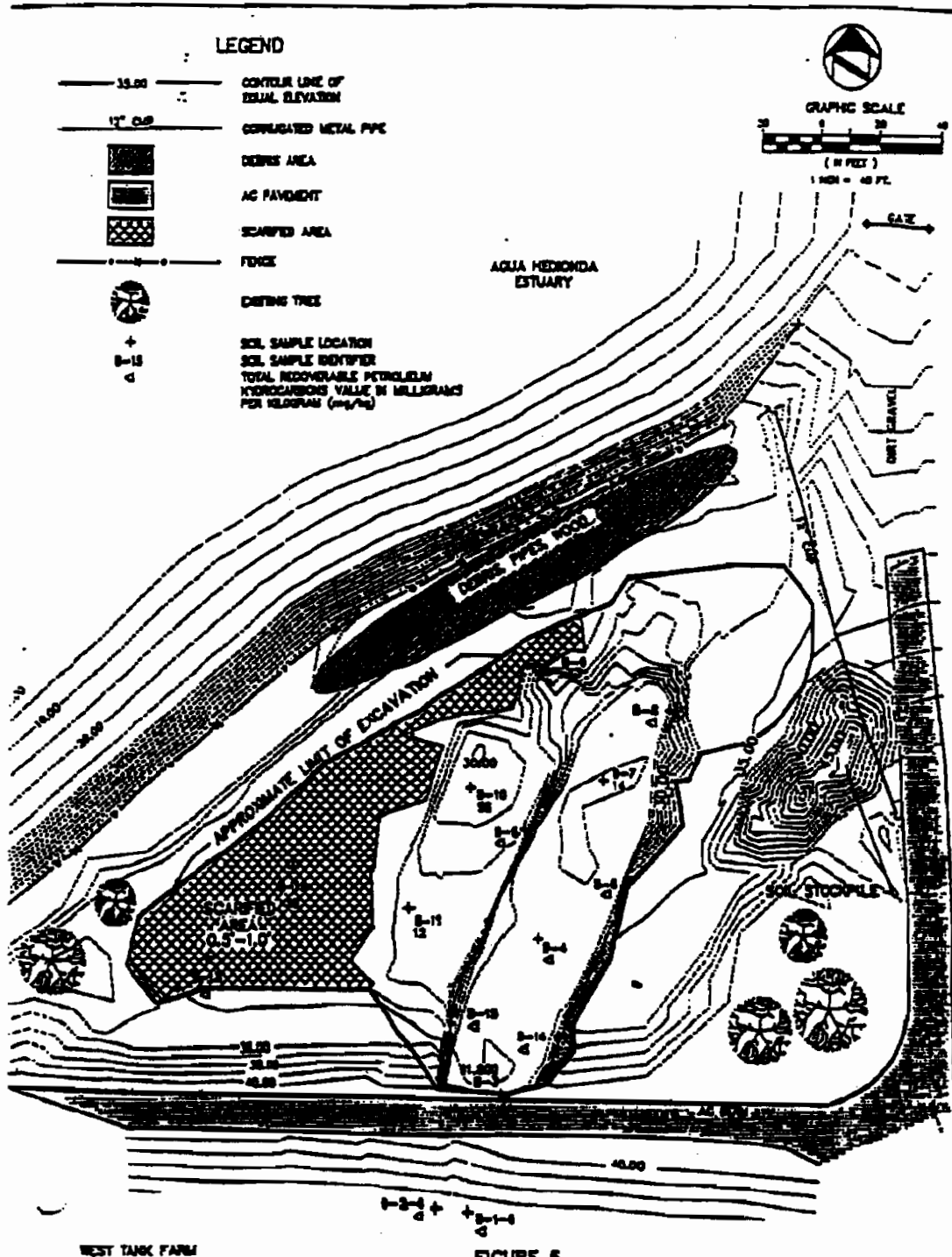


FIGURE 6
SITE TOPOGRAPHY
POST EXCAVATION AND SOIL SAMPLE RESULTS

PRINCE & ASSOCIATES, INC.

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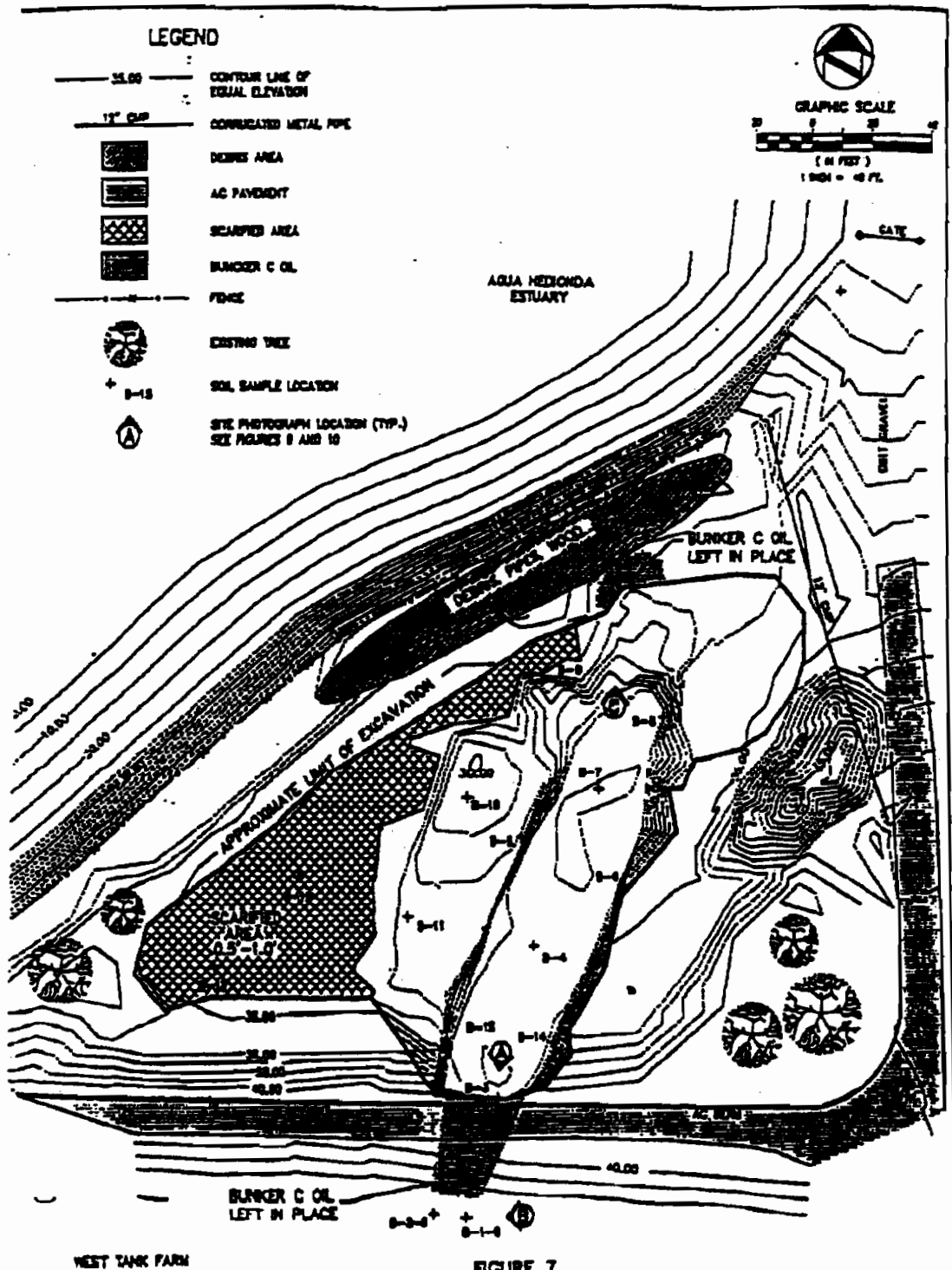
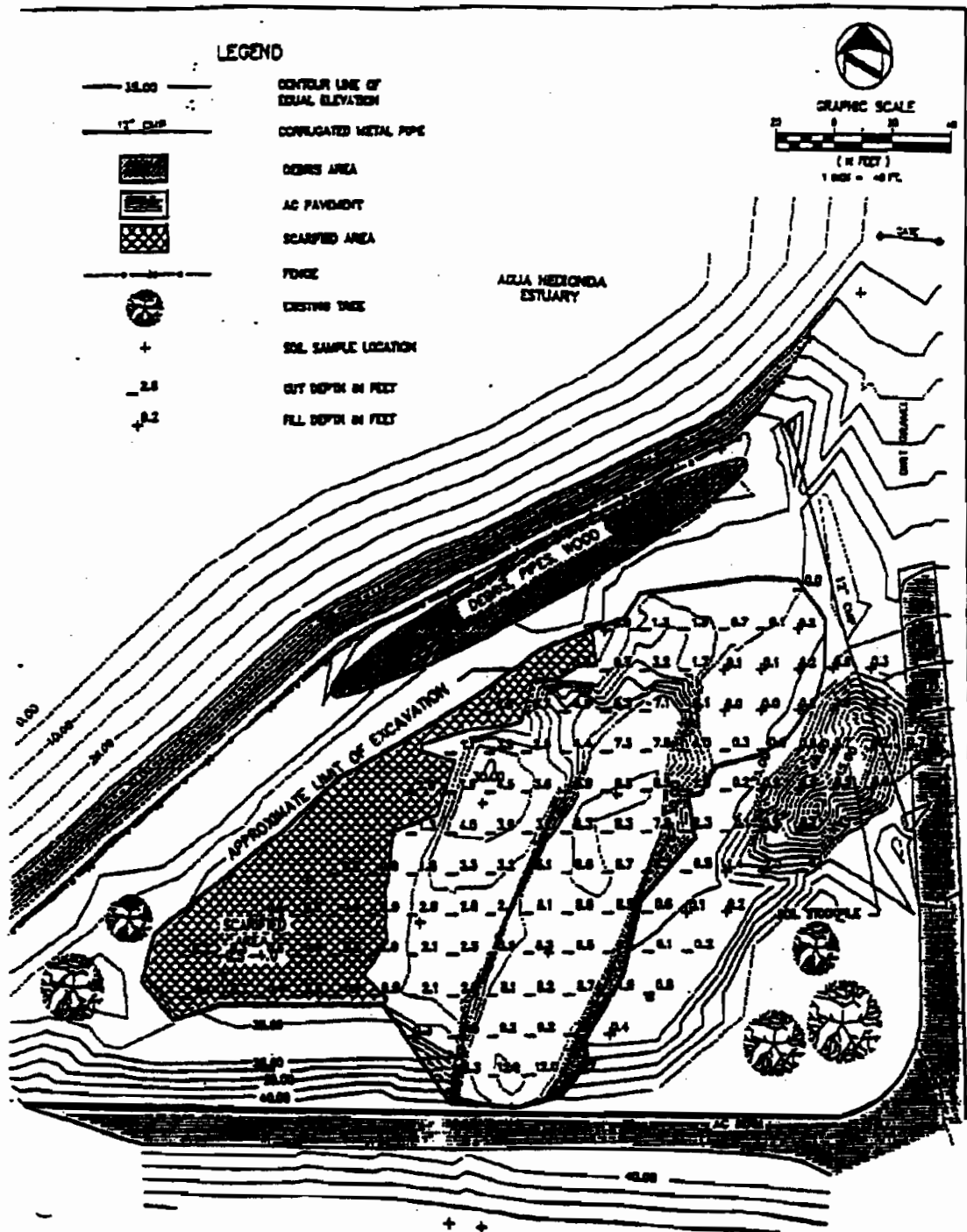


FIGURE 7
BUNKER C OIL
LEFT IN PLACE

DUDER & ASSOCIATES, INC.

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CUT (yds) -2020.71
 FILL (yds) -408.55 (SOIL STOCKPILE)
 NET (yds) -1624.15 CUT

FIGURE 8
PRESENT CUT AND FILL VOLUMES

DUDEK & ASSOCIATES, INC.

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County of San Diego

DANIEL J. AVERA
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
P.O. BOX 38881, SAN DIEGO, CA 92168-8881
(619) 338-2222 FAX (619) 338-4377

LARRY T. AICER
ASSISTANT DIRECTOR

SITE ASSESSMENT AND MITIGATION DIVISION

October 28, 1996

Dave S. Siino, Environmental Services Manager
San Diego Gas & Electric
P.O. Box 1831
San Diego, CA 92112-4150

Dear Mr. Siino:

VOLUNTARY ASSISTANCE PROGRAM CASE #H13941-001
SAN DIEGO GAS & ELECTRIC ENCINA POWER PLANT
4600 CARLSBAD BOULEVARD, CARLSBAD, CA 92008-4301

The site remediation information submitted to this agency by Dudek & Associates, summarizing the site characterization and mitigation activities at the above referenced location has been reviewed. With the provision that the information provided to this agency was accurate and representative of existing conditions, it is the position of this office that no further action is required at this time.

Please be advised that this letter does not relieve you of any liability under the California Health and Safety Code or the Porter Cologne Water Quality Control Act. If previously unidentified contamination is discovered which may affect public health, safety and/or water quality, additional site assessment and cleanup may be necessary.

Changes in the proposed use of the above site may require reevaluation to determine if the change will pose a risk to public health.

Thank you for your efforts in resolving this matter. Please contact Michael G. Porter of the Site Assessment and Mitigation Division, at (619) 338-2539, if you require additional assistance.

Sincerely,

CHUCK PRYATEL, Chief
Site Assessment and Mitigation Division

CP:gl

Enclosure

cc: Marisela Humphries, RNOCE

"Prevention Comes First"

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Case Closure Summary **Non-LOP or Voluntary Assistance Program**

I. AGENCY INFORMATION		Date: 10-24-96
1 Agency: County of San Diego, Environmental Health, SW P.O. Box 85161 San Diego, CA 92184-2161		Phone: (619) 338-2123 Fax: (619) 338-2319
SEN Staff Person: Michael G. Porter		Title: Hazardous Materials Specialist

II. CASE INFORMATION		
Case No. K13941-001		
Site Name: San Diego Gas & Electric Nuclear Power Plant		
Site Address: 4600 Carlisle Boulevard, Carlsbad, CA 92008-4301		
Property Owner: San Diego Gas & Electric (Dave Sline)	Address: P.O. Box 1831 San Diego, CA 92113-4180	Phone: (619) 594-3600
Responsible/Requesting Party: none	Address:	Phone:
Type of Case: Non-Tank		
HQCH approved SEN Oversight: Yes		

III. SITE CHARACTERIZATION AND/OR INFORMATION			
Cause and Type of Contamination (if any): 10,000 gallon spill of Number C fuel oil in 1994			
Site Characterization Adequate? Yes			
Monitoring Wells Installed? No	Total Number: N/A	Proper Screened Interval? N/A	Number of commissioned wells: N/A
Range of groundwater levels on the site? N/A			Groundwater flow direction: N/A
Most Sensitive Current Use of Groundwater/Surface water: None			
inking Water Wells Affected? No		HQCH Basin Number: 9.11. Aqua Nodulosa Hydrologic Subunit: 4.31	
Is Surface Water Affected? No		Nearest Surface Water name: Aqua Nodulosa Lagoon	
Off-Site Beneficial Use Impacts (addresses/locations): None			
TREATMENT AND DISPOSAL OF AFFECTED MATERIAL			
Material	Amount (Include Units)	Action (Treatment or Disposal w/ Destination)	Date
contaminated soil	1000 cubic yards	excavated and recycled at TFS Technologies, Adelanto, CA	6-27-95 to 7-13-95

Non-LOP - Underground Storage Tank Oversight handled outside the LOP
Non-Tank - Voluntary Assistance Program

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Case Closure Summary Non-LOP or Voluntary Assistance Program

III. SITE CHARACTERIZATION AND/OR INFORMATION (Continued)

THEN DOCUMENTED CONTAMINANT CONCENTRATIONS -- BEFORE AND AFTER CLOSURE									
Contaminant	Soil (ppm)		Water (ppm)		Contaminant	Soil (ppm)		Water (ppm)	
	Before	After	Before	After		Before	After	Before	After
Number C Fuel oil (TPH)	12,000	61,600	N/A	N/A					
Benzene	N/S	ND	N/A	N/A					
Toluene	N/S	6.55	N/A	N/A					
Ethyl benzene	N/S	1.2	N/A	N/A					
Xylenes	N/S	7.1	N/A	N/A					

N/A = not applicable. N/S = not sampled. ND = not detected

Comments: Remediation was accomplished through excavation and disposal. Because of the incomplete site assessment data, all of the contamination was not found before excavation - that is why the after-closure-concentrations rose.

IV. CLOSURE

Does completed corrective action protect existing beneficial uses per the Regional Board Basin Plan?	Yes
Does completed corrective action protect potential beneficial uses per the Regional Board Basin Plan?	Yes
Does corrective action protect public health for current land use?	Yes
Are there other issues RCRA needs to follow up on: No	
Site Management Requirements: None	
Should corrective action be reviewed if land use changes?	Yes
Enforcement Action Taken: None	
Remedial Actions Recommended: N/A	

LOCAL AGENCY REPRESENTATIVE DATA

Name: Chuck Pryzkal	Title: Division Manager Site Assessment and Mitigation
Signature:	Date:
Hydrogeologist Concurrence: <i>KWA</i>	Date: 10/30/96

VI. RCQS NOTIFICATION

Date submitted to the RCQS: N/A (soil project only)	RCQS Response date:
RCQS Staff:	Title:

VII. REMEDIATION CONCEPT, BASEL. 100.

In 1994, Number C Fuel oil was spilled into a waste water holding pond. The spill was estimated as 12,000 gallons. The spilled oil was removed from the pond to a nearby gully and was covered with gravel and sand. The oil was left in place until it was excavated in 1996.

Number C Fuel oil is a high viscosity fuel oil. Total Recoverable Petroleum Hydrocarbons (TRPH/TPH washed (10.1) was used for the chemical analyses. Benzene, toluene, ethyl benzene and xylenes were found at minimal concentrations. The soil was sealed to the hydrogeologist for treatment and recycling.

The maximum depth of contamination was approximately 9 feet below grade. Based on RCRA's consultation, groundwater may be 10 feet or more below grade. The site is 10 feet above mean sea level. The consultant estimated that approximately 1.1 cubic yards of Number C Fuel oil is still in place. Based on the physico-chemical characteristics of the released fuel, the soil/rock types and the estimated depth to groundwater, the consultant concluded that groundwater has not been impacted by the release.

Closure levels were not established prior to the site assessment or remediation activities because workplans were not submitted for regulatory review.

This document and the related CASE CLOSURE LETTER shall be retained by the lead agency as part of the official site file.

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Appendix C

Regulatory Records Documentation

OVERSIZE DOCUMENT

- Too large to scan
- No digital version available
- File too large to be distributed electronically

The complete document
can be requested from the
Dockets Unit
#654-5076

Appendix D

Agency File Review



CH2MHILL

CH2M HILL
3 Hutton Centre Drive,
Santa Ana, CA 92707

August 14, 2007

San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, California 92123-4340
Attention: Sylvia Wellnitz

Subject: REVISED File Review Request

Dear Sylvia,

It was nice speaking with you a short while back. I would like to request an appointment to review the following files for LUST, WIP, SLIC, NPDES, Stormwater, Waste Discharge Requirements (WDR), and any Notices of Violations/Enforcement for the last 5 years, available for the following properties. :

Site	Address
Burroughs Corp (Unisys)	5600 Avenida Encinas, Carlsbad, CA 92008
Encina Power Station, aka: Agua Hedionda Pump Station SDG&E, Encina Power Plant, Encina Power Plant – TPCA, Cabrillo Power LLC	4600 Carlsbad Boulevard, Carlsbad, CA 92008
Chevron	970 Tamarack Avenue, Carlsbad, CA 92008
Ban's Cleaners	981 Tamarack Avenue, Carlsbad, CA 92008

Please contact me at your earliest convenience to arrange an acceptable time for a review of the available files for the locations listed above. Please give me a call if you have any questions.

Thank you,

Sapna H. Abrol
Environmental Scientist
CH2M HILL Santa Ana, CA
714/435-6251 (Direct Line)
714/424-2189 (Fax)
sabrol@ch2m.com



CH2MHILL

CH2M HILL

3 Hutton Centre Drive,
Santa Ana, CA 92707

August 14, 2007

San Diego County APCD
10124 Old Grove Road
San Diego, CA 92131

Subject: File Review Request

Attention: File Review/Elisabeth

I would like to request an appointment to review all files (including SLIC files) available for the following properties:

Site	Address
Burroughs Corp (Unisys)	5600 Avenida Encinas, Carlsbad, CA 92008
Encina Power Station, aka: Agua Hedionda Pump Station SDG&E, Encina Power Plant, Encina Power Plant – TPCA, Cabrillo Power LLC	4600 Carlsbad Boulevard, Carlsbad, CA 92008
Chevron	970 Tamarack Avenue, Carlsbad, CA 92008
Ban's Cleaners	981 Tamarack Avenue, Carlsbad, CA 92008

Please contact me at your earliest convenience to arrange an acceptable time for a review of the available files for the locations listed above. Please give me a call if you have any questions.

Thank you,

Sapna H. Abrol
Environmental Scientist
CH2M HILL Santa Ana, CA
714/435-6251 (Direct Line)
714/424-2189 (Fax)
sabrol@ch2m.com



August 14, 2007

City of Carlsbad Fire Department
2560 Orion Way
Carlsbad, CA 92010

Subject: **REVISED** File Review Request

Attention: File Review

I would like to request an appointment to review all investigation, inspection, violation/enforcement records/files available for the following properties:

Site	Address
Burroughs Corp (Unisys)	5600 Avenida Encinas, Carlsbad, CA 92008
Encina Power Station, aka: Agua Hedionda Pump Station SDG&E, Encina Power Plant, Encina Power Plant – TPCA, Cabrillo Power LLC	4600 Carlsbad Boulevard, Carlsbad, CA 92008
Chevron	970 Tamarack Avenue, Carlsbad, CA 92008
Ban's Cleaners	981 Tamarack Avenue, Carlsbad, CA 92008

Please contact me at your earliest convenience to arrange an acceptable time for a review of the available files for the locations listed above. Please give me a call if you have any questions.

Thank you,

Sapna H. Abrol
Environmental Scientist
CH2M HILL Santa Ana, CA
714/435-6251 (Direct Line)
714/424-2189 (Fax)
sabrol@ch2m.com



CH2MHILL

CH2M HILL
3 Hutton Centre Drive,
Santa Ana, CA 92707

August 10, 2007

County of San Diego - Department of Environmental Health
1255 Imperial Avenue
3rd Floor
San Diego, California 92101

Subject: File Review Request

Attention: File Review

I would like to request an appointment to review all files available for the following properties:

Site	Address
Burroughs Corp (Unisys)	5600 Avenida Encinas, Carlsbad, CA 92008
Encina Power Station, aka: Agua Hedionda Pump Station SDG&E, Encina Power Plant, Encina Power Plant – TPCA, Cabrillo Power LLC	4600 Carlsbad Boulevard, Carlsbad, CA 92008
Chevron	970 Tamarack Avenue, Carlsbad, CA 92008

Please contact me at your earliest convenience to arrange an acceptable time for a review of the available files for the locations listed above. Please give me a call if you have any questions.

Thank you,

Sapna H. Abrol
Environmental Scientist
CH2M HILL Santa Ana, CA
714/435-6251 (Direct Line)
714/424-2189 (Fax)
sabrol@ch2m.com



County of San Diego

GARY W. ERBECK
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
P.O. BOX 129261, SAN DIEGO, CA 92112-9261
(619) 338-2222 FAX (619) 237-8447
1-800-253-9933

JACK MILLER
ASSISTANT DIRECTOR

OFFICE USE ONLY

File # _____
Request# _____
No Records _____

REQUEST TO REVIEW PUBLIC RECORDS FOR THE SITE ASSESSMENT AND MITIGATION (SAM) PROGRAM AND HAZARDOUS MATERIALS DIVISION (HMD)

Requestor Name: Sapna Abrol

Phone: (714)435-6251x

FAX: (714)429-2000x

Company Name: CH2M HILL

Mailing Address: 3 Hutton Centre Drive, Suite 200, Santa Ana, CA 92707

(You may attach a business card/overprint with business card if preferred.)

A request is made to review public records information. Public records information may be accessed from the DEH website at www.sdcountry.ca.gov/deh/. Separate forms are needed for each address. Fax your completed form to Public Records Program at (619-237-8447) or attach completed form and e-mail to **Attn: Public Records Program**. The following information is required so that our files may be accurately searched:

981 Tamarack Avenue, Carlsbad, CA 92008
Exact Address (Street, City and Zip Code)

or
Assessor's Parcel Number

Optional information (Establishment Permit Number, business name, etc.) Ban's Cleaners

If you indicate the purpose of your search, it will help us identify all the records you wish to review. If you know the program file you want to review, please check below:

- | | |
|----------------------------------------------------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> Contaminated Property Investigation(s) (SAM Cases) | <input type="checkbox"/> SAM Closure Letter/Report |
| <input type="checkbox"/> Purchasing/Selling Property | <input type="checkbox"/> Other |
| <input type="checkbox"/> Hazardous Materials Permit and Underground Storage Tank Files | |

OFFICE USE ONLY BELOW THIS LINE

Inactive File # _____	Iron Mtn # _____	# _____	# _____	# _____
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Files reviewed by: _____ of _____ Date: _____

Files copied for: _____ of _____ Date: _____

Request cancelled by: _____ Date: _____

Photocopies _____ Cost _____ Picked up/mailed on _____ By _____

DEH complies fully with the California Public Records Act and the Federal Freedom of Information Act. Every properly completed request will be processed in the order it is received. After the files you have requested are retrieved from storage, an appointment will be scheduled so that you may review DEH records. Photocopies of file items may be requested. A fee of \$.15 per page is charged to cover cost of copies.

A search for DEH records has been conducted and the following apply:

- ☐ No public records were found for the address/APN you requested.
☐ Only electronic records exist; the original records have been purged.

Signature

Title

Date



County of San Diego

GARY W. ERBECK
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
P.O. BOX 129261, SAN DIEGO, CA 92112-9261
(619) 338-2222 FAX (619) 237-8447
1-800-253-9933

JACK MILLER
ASSISTANT DIRECTOR

OFFICE USE ONLY

File # _____
Request# _____
No Records _____

REQUEST TO REVIEW PUBLIC RECORDS FOR THE SITE ASSESSMENT AND MITIGATION (SAM) PROGRAM AND HAZARDOUS MATERIALS DIVISION (HMD)

Requestor Name: Sapna Abrol

Phone: (714)435-6251x

FAX: (714) 429-2000

Company Name: CH2M HILL

Mailing Address: 3 Hutton Centre Drive, Suite 200, Santa Ana, CA 92707

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5600 Avenida Encinas, Carlsbad, CA 92008
Exact Address (Street, City and Zip Code)

or
Assessor's Parcel Number

Optional information (Establishment Permit Number, business name, etc.) Burroughs Corp (Unisys)

If you indicate the purpose of your search, it will help us identify all the records you wish to review. If you know the program file you want to review, please check below:

- | | |
|----------------------------------------------------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> Contaminated Property Investigation(s) (SAM Cases) | <input type="checkbox"/> SAM Closure Letter/Report |
| <input type="checkbox"/> Purchasing/Selling Property | <input checked="" type="checkbox"/> Other |
| <input type="checkbox"/> Hazardous Materials Permit and Underground Storage Tank Files | |

OFFICE USE ONLY BELOW THIS LINE

Inactive File

Iron Mtn

Files reviewed by: _____ of _____ Date: _____

Files copied for: _____ of _____ Date: _____

Request cancelled by: _____ Date: _____

Photocopies _____ Cost _____ Picked up/mailed on _____ By _____

DEH complies fully with the California Public Records Act and the Federal Freedom of Information Act. Every properly completed request will be processed in the order it is received. After the files you have requested are retrieved from storage, an appointment will be scheduled so that you may review DEH records. Photocopies of file items may be requested. A fee of \$.15 per page is charged to cover cost of copies.

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- ☐ No public records were found for the address/APN you requested.
☐ Only electronic records exist; the original records have been purged.

Signature

Title

Date



County of San Diego

GARY W. ERBECK
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
P.O. BOX 129261, SAN DIEGO, CA 92112-9261
(619) 338-2222 FAX (619) 237-8447
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OFFICE USE ONLY

File # _____
Request# _____
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Requestor Name: Sapna Abrol

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Company Name: CH2M HILL

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4600 Carlsbad Boulevard, Carlsbad, CA 92008
Exact Address (Street, City and Zip Code)

or
Assessor's Parcel Number

Optional information (Establishment Permit Number, business name, etc.) Encina Power Station

If you indicate the purpose of your search, it will help us identify all the records you wish to review. If you know the program file you want to review, please check below:

- | | |
|----------------------------------------------------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> Contaminated Property Investigation(s) (SAM Cases) | <input type="checkbox"/> SAM Closure Letter/Report |
| <input type="checkbox"/> Purchasing/Selling Property | <input checked="" type="checkbox"/> Other |
| <input type="checkbox"/> Hazardous Materials Permit and Underground Storage Tank Files | |

OFFICE USE ONLY BELOW THIS LINE

Inactive File # _____	Iron Mtn # _____	# _____	# _____	# _____
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Files reviewed by: _____ of _____ Date: _____

Files copied for: _____ of _____ Date: _____

Request cancelled by: _____ Date: _____

Photocopies _____ Cost _____ Picked up/mailed on _____ By _____

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A search for DEH records has been conducted and the following apply:

- ☐ No public records were found for the address/APN you requested.
☐ Only electronic records exist; the original records have been purged.

Signature

Title

Date

Case Closure Summary **Non-LOP or Voluntary Assistance Program**

I. AGENCY INFORMATION

DATE: March 15, 2005

Agency Name: County of San Diego, Environmental Health, SAM	Address: P.O. Box 129261
City/State/ZIP: San Diego, CA 92112-9261	Phone: (619) 338-2222 FAX: (619) 338-2377
DEH Staff Person: NASSER SIONIT	Title: ENVIRONMENTAL HEALTH SPECIALIST III

II. CASE INFORMATION

Case No. H13941-003	RWQCB Case No. N/A
Site Name: SEMPRA/ ENCINA POWER PLANT	Site Address: 4600 CARLSBAD BL, CARLSBAD 92008-4301
Property Owner: SDG&E, Attn.: BARBARA MONTGOMERY	
Responsible/Requesting Parties SDG&E	Address 6875 CONSOLIDATED WAY SAN DIEGO, CA 92121
Phone Number 858-547-3330	
Type of Case: NON-TANK CASE	
Agency notification of DEH Oversight: October 20, 1999 to RWQCB and DTSC	

III. SITE CHARACTERIZATION AND/OR INFORMATION

Purpose of Investigation: SPILL DUE TO FACILITY'S OPERATION	Substances Investigated: DIESEL AND HEAVY METALS
Site Characterization complete? YES	
Monitoring Wells Installed? YES	Total Number: 16
Proper Screened Interval? YES	Number of decommissioned wells: 16
Range of groundwater levels on the site? 10 - 20 FEET (MEASURED)	Groundwater Flow Direction: WEST (ESTIMATED)
Most Sensitive Current Use: Beneficial Groundwater Use: None Designated EXISTING BENEFICIAL SURFACE WATER USE: MUN, AGR, IND, REC1, REC2	
Are Drinking Water Wells Affected? NO	RWQCB Basin Number: 904.31. Note 2: Aqua Hedionda Lagoon-Los Monos Hydrologic Sub Area
Is Surface Water Affected? NO	Nearest Surface Water name: PACIFIC OCEAN, 1000 FT.
Off-Site Beneficial Use Impacts (addresses/locations): NONE OBSERVED	
TREATMENT AND DISPOSAL OF AFFECTED MATERIAL	
Material Contaminated soil	Amount (Include Units) 4,426 Cubic yards
Action (Treatment or Disposal) Transported to TPS Technologies for recycling	Date 1-15-04 to 2-10-04

Non-LOP - Underground Storage Tank Oversight handled outside the LOP
Non-Tank - Voluntary Assistance Program

Case Closure Summary

Non-LOP or Voluntary Assistance Program

III. SITE CHARACTERIZATION AND/OR INFORMATION (Continued)

H13941-003

MAXIMUM DOCUMENTED CONTAMINANT CONCENTRATIONS

	MAXIMUM	REMAINING
SOIL		
Diesel	= 21000 mg/kg	= 530 mg/kg
Benzene	< 5 mg/kg	< 5 mg/kg
Toluene	< 5 mg/kg	< 5 mg/kg
Ethyl benzene	= 6.47 mg/kg	= 6.47 mg/kg
Xylene (individual isomers or total)	= 59.4 mg/kg	= 59.4 mg/kg
Lead	< 0.014 mg/kg	< 0.014 mg/kg
Polychlorinated Biphenyls (PCBs)	< 0.08 mg/kg	< 0.08 mg/kg
PAHs	< 20 mg/kg	< 20 mg/kg
WATER		
Diesel	= 2400 ug/l	= 2400 ug/l
Benzene	< 0.5 ug/l	< 0.5 ug/l
Toluene	< 0.5 ug/l	< 0.5 ug/l
Ethyl benzene	< 0.5 ug/l	< 0.5 ug/l
Xylene (individual isomers or total)	< 0.5 ug/l	< 0.5 ug/l
Arsenic	= 22 ug/l	= 22 ug/l
Zinc	= 27 ug/l	= 27 ug/l

Comments: San Diego Gas and Electric is operating several fuel tank farms consisting of above ground storage tanks, power plants, and warehouses in approximately 125 acres of land at this location in the City of Carlsbad. As a part of the property transaction agreement, a detailed environmental investigation related to this operation was performed by several consulting companies. Contaminated soil with diesel and heavy metals were discovered at shallow depths below the surface. Groundwater had a low concentration of dissolved diesel and trace amounts of some heavy metals. Soil remediation in eight areas with TPH concentrations higher than 1,000 mg/kg was performed by excavation (4,426 cubic yards) and off-site disposal. Verification sampling and analysis showed non-detect to low levels of diesel and volatile organic compounds remained in the subsurface.

IV. CLOSURE

Does completed corrective action protect existing beneficial uses per the Regional Board Basin Plan? YES

Does completed corrective action protect potential beneficial uses per the Regional Board Basin Plan? YES

Does corrective action protect public health for current land use? YES

Case review based on current/proposed use as: FUELTANK FARM OPERATIONS

Are there other issues DEH needs to follow up on: NO

Site Management Requirements:

Any contaminated soil excavated as part of subsurface construction work must be managed in accordance with the legal requirements at that time.

Should corrective action be reviewed if land use changes? YES

List Enforcement Actions Taken: NONE

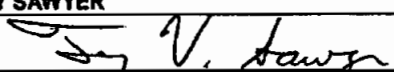
List Enforcement Actions Rescinded: NONE

Is this account up to date and current? YES

Case Closure Summary
Non-LOP or Voluntary Assistance Program

V. LOCAL AGENCY REPRESENTATIVE DATA

H13941-003

Name: TONY SAWYER	Title: HYDROGEOLOGIST
Signature: 	Date: 3-16-05

VI. RWQCB NOTIFICATION

Date Submitted to RWQCB: VAP CASE	RWQCB Response: --	
RWQCB Staff Name: --	Title: --	Date: --

VII. ADDITIONAL COMMENTS, DATA, ETC.

--

This document and the related CASE CLOSURE LETTER, shall be retained by the lead agency as part of the official site file.

2.0 SUMMARY OF SITE ASSESSMENT

2.1 SITE DESCRIPTION

Chevron Station No. 9-3320 is located at 970 Tamarack Avenue in Carlsbad, California (the site). The site is an active gasoline station consisting of a mini-mart building, four product dispenser islands located south of the mini-mart, an overhead canopy above the pump islands, and two USTs as shown on Figure 2. Air and water services available to customers are located in the planter east of the USTs. A concrete surface covers the site and the USTs. The site is bounded on the south by Tamarack Avenue, on the east by a church, on the north by a parking lot, and on the west by Pio Pico Drive.

2.2 SITE BACKGROUND

2.2.1 Historical Site Remediation Activities

Between December and January 1998, the station underwent a UST compliance upgrade during station rebuild activities conducted by Bechtel Environmental, Inc. (BEI). The former station contained four product dispenser islands, two 10,000-gallon gasoline USTs, one 5,000-gallon gasoline UST, and one 1,000-gallon used oil UST. UST removal activities took place on December 21, 1998. Three gasoline USTs and one used oil UST, four product dispensers, and associated product piping were removed. Soil samples collected from beneath the gasoline USTs contained TPHg at a maximum concentration of 6,200 milligrams per kilogram (mg/kg) (T01-S-17' at 17 feet below ground surface, feet bgs), benzene at 9.0 mg/kg (T02-S-15' at 15 feet bgs), and MTBE at 132 mg/kg (T02-S-15' at 15 feet bgs). Soil samples collected from beneath the used oil UST did not contain concentrations of total recoverable petroleum hydrocarbons (TRPH) at or above the laboratory method detection limits (LMDLs). Soil samples collected from beneath the product dispensers and product piping contained MTBE at a maximum concentration of 0.019 mg/kg (ML1-4' at 4 feet bgs). TPHg and benzene were not detected at or above LMDLs in any of the soil samples collected from beneath the product dispensers or product piping. According to waste manifests, approximately 450 cubic yards (yd³) of petroleum hydrocarbon impacted soil were removed from the site during the UST removal and station upgrade, and none of the soil excavated from the UST pit was re-used as backfill on-site (BEI, 1999a).

2.2.2 Previous Site Assessment Activities

Between January 28 and February 11, 1999, BEI conducted site assessment activities at the site, including the drilling and installation of four groundwater monitoring wells (MW-1 thru MW-4), one angled soil boring (B-5), and four vertical soil borings (B-6 thru B-9). Soil samples collected during the site assessment activities contained TPHg at a maximum concentration of 3,900 mg/kg (B-6 at 20 ft bgs), benzene at a maximum concentration of 32 mg/kg (B-6 at 20 ft bgs), and MTBE at a maximum concentration of 13 mg/kg (B-6 at 10 ft bgs) (BEI, 1999b).

On March 9, 2000, BEI conducted additional site assessment activities at the site, including the drilling and sampling of two well borings (MW-5 and MW-6) and one soil boring (B-10). Upon

7.0 SUMMARY AND CONCLUSIONS

7.1 SUMMARY OF FINDINGS

Based on SECOR's field observations and the results of laboratory analysis of soil and groundwater samples, SECOR presents the following summary of findings:

The site is located in the Carlsbad Hydrologic Unit (HU 904.00), Agua Hedionda Hydrologic Area (HA 904.30), Los Monos Hydrologic Subarea (HSA 904.31). Groundwater within this area is designated as having beneficial use for municipal/domestic use, industrial service supply, and agricultural supply. Based on a review of a map prepared by the SDCWA, the site is not located within a sensitive aquifer boundary. The site is located approximately ½-mile north of Agua Hedionda Lagoon, and approximately ¾-mile south of Buena Vista Lagoon.

The site lithology generally consisted of fill materials to approximately 3 feet bgs, silty sands to a depth of approximately 10 feet bgs, in turn underlain by sands with silts to a depth of 15 ft bgs. Beneath the sand with silt was a layer of silty sands from approximately 15 to 35 feet bgs. A basal layer of clays with sands was encountered from 35 feet bgs to 35.5 feet bgs, the maximum depth of the borehole.

Static DTWs ranged between 14.30 feet bgs in MW-1 and 18.80 feet bgs in MW-7. The relative groundwater elevations, calculated from the surveyed monitoring well elevations, ranged from 59.75 feet above datum in MW-7 to 63.28 feet above datum in MW-1. Based on the groundwater elevations SECOR calculated an approximate groundwater flow direction beneath the site toward the south-southwest, with an average gradient of 0.035 ft/ft.

The soil sample collected from MW-7 at a depth of 25 feet bgs did not contain BTEX, DIPE, or ETBE at or above LMDLs. TPHg, MTBE, TAME, and TBA were detected at concentrations of 0.33 mg/kg, 1.4 mg/kg, 0.22 mg/kg, and 0.063 mg/kg, respectively.

A complete round of groundwater samples was collected from all site groundwater MWs using SAM's currently established purge techniques (2004 SAM Manual) by BlaineTech on March 29, 2005. TPHg was detected above LMDLs in MW-3, MW-5, MW-6, and MW-7 with concentrations ranging from 200 µg/L in MW-5 to 990 µg/L in MW-6. Benzene was detected above LMDLs in MW-3 and MW-6, with concentrations of 4 µg/L and 8 µg/L, respectively. Toluene was detected above LMDLs in MW-6 at a concentration of 0.8 µg/L. Ethylbenzene was detected above LMDLs in MW-3 and MW-6, with concentrations of 6 µg/L and 0.7 µg/L, respectively. Total xylenes were detected above LMDLs in MW-3 and MW-6 at concentrations of 0.8 µg/L and 59 µg/L, respectively. MTBE was detected above LMDLs in samples from four of the seven MWs sampled ranging from a concentration of 96 µg/L in MW-3 to 3,200 µg/L in MW-5. TAME was detected in samples from four of the seven MWs sampled at concentrations ranging from 4 µg/L in MW-3, to 690 µg/L in MW-7. TBA was detected in four of seven wells sampled at concentrations ranging from 53 µg/L in MW-7, to 900 µg/L in MW-3. DIPE and ETBE were not detected in any of the seven groundwater samples submitted for laboratory analysis.

SECOR estimates that approximately 785 yd³ of TPHg impacted soil was estimated to be in place at the Site prior to the excavation of the new UST pit and disposal of TPHg impacted soil

off-site. The removal of approximately 450 yd³ of petroleum hydrocarbon-impacted soil from the site during station remodeling has most likely removed the majority of the impacted soil from the most impacted area of the Site, which is the former UST pit area.

7.2 CONCLUSIONS

Based on the findings of the site assessment, SECOR makes the following conclusions concerning the nature, extent, and severity of petroleum hydrocarbon impacts to subsurface soil, soil gas, and groundwater at the site and in the site vicinity:

1. Petroleum hydrocarbon impacts to subsurface soil have been defined adequately to the north, south, east, and west of the USTs.
2. Dissolved-phase hydrocarbons (particularly MTBE) have not been defined in the downgradient directions (south and southwest) beyond the site's southwestern perimeter.
3. Residual hydrocarbons in soil gas beneath the site likely do not pose a significant potential excess cancer risk from benzene vapor inhalation by site workers or by off-site residents or workers.
4. Sensitive receptors of concern have not been identified per a sensitive receptor survey within a quarter mile radius of the site.

8.0 RECOMMENDATIONS

Based on the information presented in this report, SECOR recommends the following:

1. Continue to perform quarterly well gauging and semi-Annual groundwater sampling events for all existing site groundwater MWs.
2. Install one more groundwater MW to the south-southwest of the site, and incorporate this groundwater MW into the semi-annual well sampling schedule.



REFERENCE: 2003 THOMAS GUIDE CD-ROM, PAGE & GRID 1106 F6.



0 1320 2640
APPROXIMATE SCALE IN FEET



SECOR

2655 Camino del Rio North, Suite 302
San Diego, California
619-296-6195/Fax 619-296-6199

PREPARED FOR:

CHEVRON STATION NO. 9-3320
970 TAMARACK AVENUE
CARLSBAD, CALIFORNIA

SITE LOCATION MAP

FIGURE:

1

JOB NUMBER:

MTCH.93320.08

DRAWN BY:

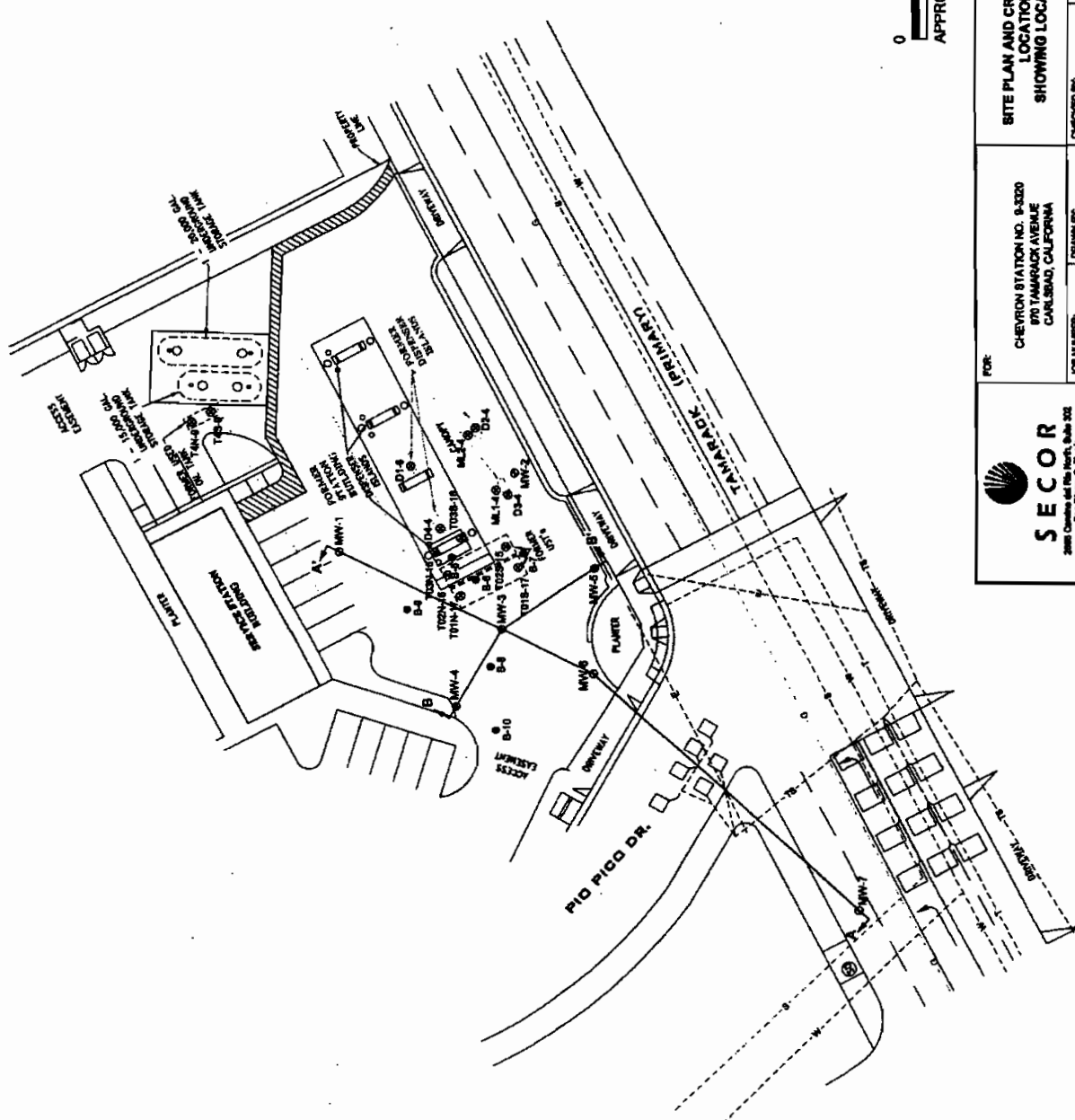
PD

CHECKED BY:

APPROVED BY:

DATE:

5/16/05



Index

2
FIGURE

SITE PLAN AND CROSS SECTIONS
LOCATION MAP
SHOWING LOCALITIES

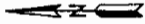
DATE: 12/12/2011

REMARKS:

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LEGEND:

MM-1-0	GROUNDWATER MONITORING WELL LOCATION
DS-4-0	SOL SAMPLE
DS-6-0	SOL BOREHOLE
--SD--	STORM DRAINAGE
--S--	SEWER
--W--	WATER
--E--	ELECTRIC
--G--	GAS
--T--	TELEPHONE
--TS--	TRAFFIC SIGNAL/ LOOP
A A'	GEOLOGIC CROSS SECTION LOCATION



MAP REFERENCE: SOUTHERN CALIFORNIA SURVEY MARCH 21, 2003

0 40 80
APPROXIMATE SCALE IN FEET



SECOR
 1885 Camino del Rio North, Suite 200
 San Diego, California 92108
 Tel: 619/594-1100

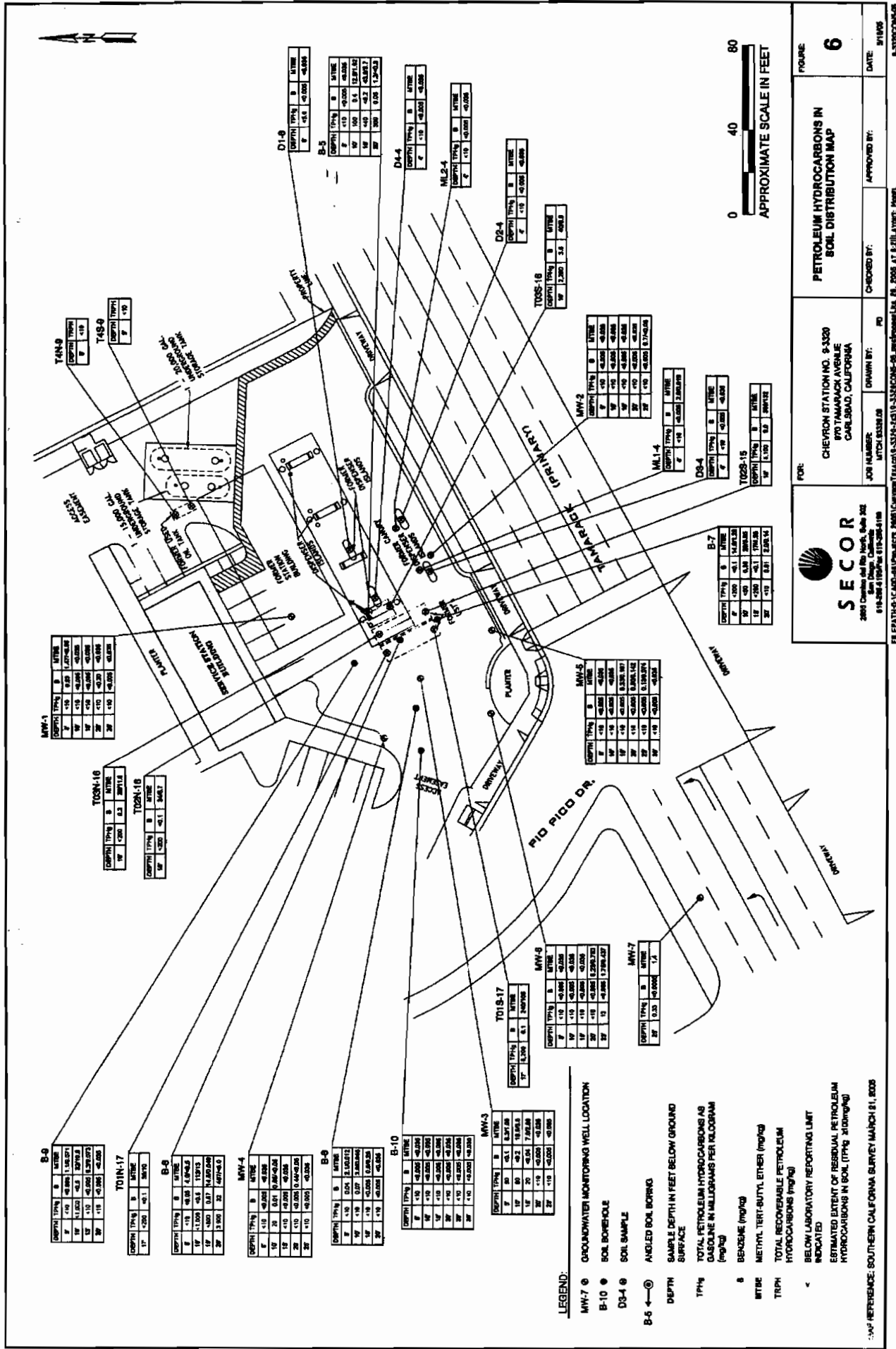
PREPARED FOR:
CHEVRON STATION NO. 9-3320
870 TAMARACK AVENUE
CARLSBAD, CALIFORNIA

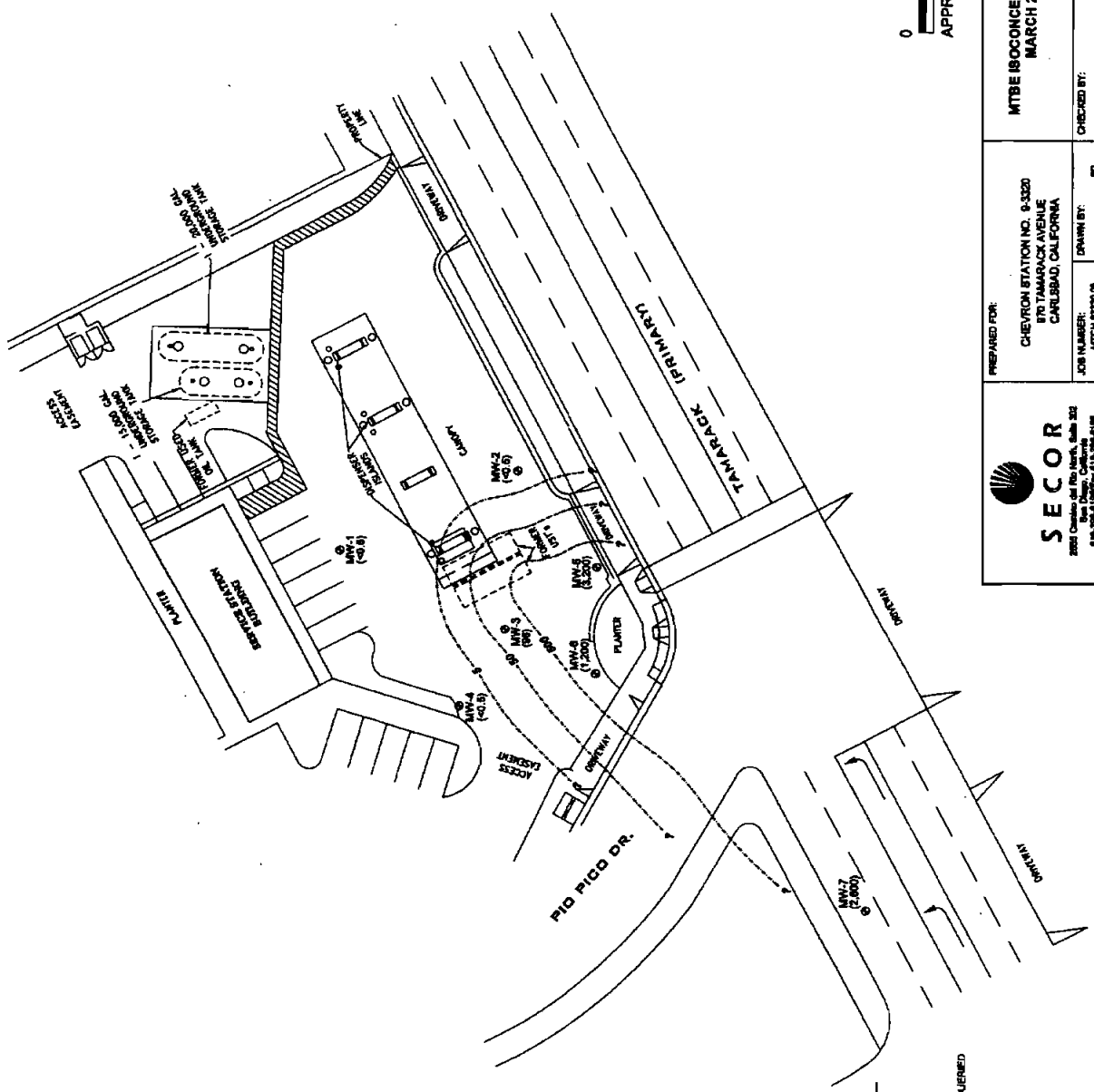
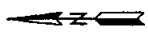
**GROUNDWATER GRADIENT MAP
MARCH 20, 2005**

FIGURE 5

DATE: 6/18/2008

FILEPATH=C:\CD\A\projects\2002dwr\ChewonTresco 200519-5320-5679-5320HW-05.dwg |page| May 17, 2008 @ 12:25 |Layout: Model





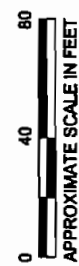
LEGEND:

- MW-7 GROUNDWATER MONITORING WELL LOCATION
- (40.0) MTBE CONCENTRATION IN MICROGRAMS PER LITER (µg/L)
- ESTIMATED MTBE ISOC CONCENTRATION CONTOUR IN µg/L, QUERIED WHERE UNKNOWN
- MTBE METHYL TERT-BUTYL ETHER
- < BELOW LABORATORY REPORTING LIMIT

MAP REFERENCE: SOUTHERN CALIFORNIA SURVEY MARCH 21, 2005

 SECOR 2000 Camino del Rio North, Suite 300 San Diego, California 92108-4188 916-328-4188 Fax 916-384-8188	PREPARED FOR: CHEVRON STATION NO. 9-3320 870 TAMARACK AVENUE CARLSBAD, CALIFORNIA	FIGURE 7	
	JOB NUMBER: MTCH 83300.04	DRAWN BY: PG	CHECKED BY:
APPROVED BY:		DATE 3/16/05	

FILE PATH: P:\ACQ\MapDocs\050504\ChevronTamarack\Map\050504-8800-0409-0505MTBE-04.dwg [Joblog] May 17, 2005 at 12:24 [Layout: Model] 9-3320MTBE.dwg



MAP REFERENCE: SOUTHERN CALIFORNIA SURVEY MARCH 21, 2003

BENZENE ISOCONCENTRATION MAP
MARCH 29, 2005

DATE: _____

2066 Carroll Center of the North, Suite 202 San Diego, California 619-236-6140 Fax: 619-236-6189	JOB NUMBER: MTCR-00000006	PO	DRAWN BY:	CHECKED BY:	APPROVED BY:	DATE:	IF RECD
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TABLE 2
HISTORICAL SUMMARY OF SOIL SAMPLE ANALYTICAL RESULTS
 Chevron 9-3320, 970 Tamarack Avenue, Carlsbad, California
 All Results Reported in milligrams per kilogram (mg/kg)

Sample ID	Sample Location	Sample Depth (ft bgs)	Date Sampled	TPH	TPHg	Benzene	Toluene	Ethylbenzene	Xylenes	MTBE ^a	MTBE ^b	DIPE	ETBE	TAME	TBA	Organic Lead
Previous Assessment Activities																
T01-S-17	Former USTs	17	12/21/98	--	6,200	6.1	195	35	295	240	106	--	--	--	--	--
T02-S-15	Former USTs	15	12/21/98	--	5,100	9.0	300	37	300	390	132	--	--	--	--	--
T03-S-16	Former USTs	16	12/21/98	--	2,280	3.6	19	12	92	40	8.9	--	--	--	--	--
T01-N-17	Former USTs	17	12/21/98	--	<200	<0.1	<0.1	<0.1	<0.3	35	10	--	--	--	--	--
T02-N-16	Former USTs	16	12/21/98	--	<200	<0.1	<0.1	<0.1	<0.3	34	8.7	--	--	--	--	--
T03-N-16	Former USTs	16	12/21/98	--	<200	0.3	<0.1	<0.1	1.4	28	11.6	--	--	--	--	--
T4N-9	Former Used Oil UST	9	12/21/98	<10	--	--	--	--	--	--	--	--	--	--	--	--
T4S-9	Former Used Oil UST	9	12/21/98	<10	--	--	--	--	--	--	--	--	--	--	--	--
D1-6	Former Dispensers and Piping	6	12/21/98	--	<5.0	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
D2-4	Former Dispensers and Piping	4	12/21/98	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
D3-4	Former Dispensers and Piping	4	12/21/98	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
D4-4	Former Dispensers and Piping	4	12/21/98	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
ML1-4	Former Dispensers and Piping	4	12/21/98	--	<10	<0.005	<0.005	<0.005	<0.015	2.6	0.019	--	--	--	--	--
ML2-4	Former Dispensers and Piping	4	12/21/98	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
93320-S-001	MW-1	5	12/21/98	--	<10	0.03	0.05	<0.005	0.2	1.47	<0.05	--	--	--	--	--
93320-S-002	MW-1	10	12/21/98	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
93320-S-003	MW-1	15	12/21/98	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
93320-S-004	MW-1	20	11/27/00	--	<10	<0.20	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
93320-S-005	MW-1	25	11/27/00	--	<10	<0.005	0.03	0.01	0.02	<0.035	--	--	--	--	--	--
93320-S-006	MW-2	5	11/27/00	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
93320-S-007	MW-2	10	11/27/00	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
93320-S-008	MW-2	15	11/27/00	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
93320-S-009	MW-2	20	11/27/00	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
93320-S-010	MW-2	25	11/27/00	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
93320-S-011	MW-3	5	1/28/99	--	50	<0.1	<0.1	<0.1	0.39	8.3	1.08	--	--	--	--	--
93320-S-012	MW-3	10	1/28/99	--	80	<0.2	<0.2	<0.2	0.57	18.6	5.5	--	--	--	--	--
93320-S-013	MW-3	15	1/28/99	--	20	<0.04	0.14	<0.04	0.57	7.0	2.88	--	--	--	--	--
93320-S-014	MW-3	20	1/28/99	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
93320-S-015	MW-3	25	1/28/99	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
93320-S-016	MW-4	5	1/28/99	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
93320-S-017	MW-4	10	1/28/99	--	20	0.01	0.22	0.04	0.1	0.65	<0.05	--	--	--	--	--
93320-S-018	MW-4	15	1/28/99	--	<10	<0.005	0.01	<0.005	<0.015	<0.035	--	--	--	--	--	--
93320-S-019	MW-4	20	1/28/99	--	<10	<0.005	0.01	<0.005	0.02	0.44	<0.05	--	--	--	--	--
93320-S-020	MW-4	25	1/28/99	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
93320-S-021	B-5	5	1/28/99	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
93320-S-022	B-5	10	1/28/99	--	100	0.4	2.32	1.4	14.6	12.6	1.92	--	--	--	--	--
93320-S-023	B-5	15	1/28/99	--	<40	<0.2	0.5	<0.2	1.3	43.6	5.7	--	--	--	--	--
93320-S-024	B-5	20	1/28/99	--	360	0.05	3.98	0.91	2.17	1.3	<0.5	--	--	--	--	--

TABLE 2
HISTORICAL SUMMARY OF SOIL SAMPLE ANALYTICAL RESULTS
Chevron 9-3320, 970 Tanazack Avenue, Carlsbad, California
All Results Reported in milligrams per kilogram (mg/kg)

Sample ID	Sample Location	Sample Depth (ft bgs)	Date Sampled	TRPH	TPHg	Benzene	Toluene	Ethylbenzene	Xylene	MTBE*	MTBE**	DIPE	ETBE	TAME	TBA	Organic Lead
93320-S-025	B-6	5	1/28/99	--	<10	<0.05	<0.05	<0.05	<0.15	4.0	<0.5	--	--	--	--	--
93320-S-026	B-6	10	1/28/99	--	<1,000	<0.5	<0.5	<0.5	<1.5	113	13	--	--	--	--	--
93320-S-027	B-6	15	1/28/99	--	<500	0.87	2.93	0.08	1.6	14.8	0.049	--	--	--	--	--
93320-S-028	B-6	20	1/28/99	--	3,900	32	196	27	308	407	<5.0	--	--	--	--	--
93320-S-029	B-7	5	1/28/99	--	<200	<0.1	0.2	<0.1	0.4	14.6	1.28	--	--	--	--	--
93320-S-030	B-7	10	1/28/99	--	<80	0.36	0.38	<0.04	<0.12	26	5.95	--	--	--	--	--
93320-S-031	B-7	15	1/28/99	--	<200	<0.1	<0.1	<0.1	140	17	4.38	--	--	--	--	--
93320-S-032	B-7	20	1/28/99	--	<10	0.01	0.02	0.01	0.07	2.0	0.14	--	--	--	--	--
93320-S-033	B-8	5	1/28/99	--	<10	0.04	0.01	<0.01	0.22	2.1	0.012	--	--	--	--	--
93320-S-034	B-8	10	1/28/99	--	<10	0.07	0.18	2.03	0.41	3.8	0.046	--	--	--	--	--
93320-S-035	B-8	15	1/28/99	--	<10	<0.005	<0.005	<0.005	<0.015	0.8	0.25	--	--	--	--	--
93320-S-036	B-8	20	1/28/99	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
93320-S-037	B-9	5	1/28/99	--	<10	<0.005	<0.005	<0.005	<0.015	1.1	0.071	--	--	--	--	--
93320-S-038	B-9	10	1/28/99	--	<1,000	<0.5	2.1	<0.5	3.2	32	10.6	--	--	--	--	--
93320-S-039	B-9	15	1/28/99	--	<10	<0.005	<0.005	<0.005	<0.015	0.3	0.073	--	--	--	--	--
93320-S-040	B-9	20	1/28/99	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
B10-5	B-10	5	3/9/00	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
B10-10	B-10	10	3/9/00	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
B10-15	B-10	15	3/9/00	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
B10-20	B-10	20	3/9/00	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
B10-25	B-10	25	3/9/00	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
B10-30	B-10	30	3/9/00	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
MW5-5	MW-5	5	3/9/00	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
MW5-10	MW-5	10	3/9/00	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
MW5-15	MW-5	15	3/9/00	--	<10	<0.005	<0.005	<0.005	<0.015	0.33	0.107	--	--	--	--	--
MW5-20	MW-5	20	3/9/00	--	<10	<0.005	<0.005	<0.005	<0.015	0.50	0.142	--	--	--	--	--
MW5-25	MW-5	25	3/9/00	--	<10	<0.005	<0.005	<0.005	<0.015	0.13	0.074	--	--	--	--	--
MW5-30	MW-5	30	3/9/00	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
MW6-5	MW-6	5	3/9/00	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
MW6-10	MW-6	10	3/9/00	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
MW6-15	MW-6	15	3/9/00	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
MW6-20	MW-6	20	3/9/00	--	<10	<0.005	<0.005	<0.005	<0.015	<0.035	--	--	--	--	--	--
MW6-25	MW-6	25	3/9/00	--	<10	<0.005	<0.005	<0.005	<0.015	6.23	0.763	--	--	--	--	--
Current Assessment Activities - 3/21/05																
MW-7-S-25-00-050321	MW-7	25	3/21/05	--	0.33	<0.0005	<0.001	<0.001	<0.001	--	1.4	<0.001	<0.001	0.22	0.063	--

Notes:

TPHg = Total Petroleum Hydrocarbons as gasoline
MTBE = Methyl-tert-butyl Ether
DIPE = Di-isopropyl Ether
ETBE = Ethyl-tert-butyl Ether

* = Analyzed by EPA Method 8021
** = Analyzed by EPA Method 8260
ft bgs = Feet below ground surface
TRPH = Total Recoverable Petroleum Hydrocarbons

TAME = tert-Amyl Methyl Ether
TBA = tert-Butanol
-- = Not analyzed
< = Less than the analytical detection limits indicated

TABLE 3
ESTIMATED VOLUME OF TPHg-IMPACTED SOIL
Chevron Station 9-3320
970 Tamarack Ave, Carlsbad, California

Area of Concern	Volume Of Soil With TPH-g Concentrations Exceeding LMDLs				Mass of TPH-g in Soil with TPH-g Concentrations Exceeding LMDLs		
	Area (ft ²)	Thickness (ft)	Volume (ft ³) (yd ³)		Mean (mg/kg)	Mass (lbs)	Gallons
<u>Estimated Volume</u>							
MW-3	100	17.0	1,700	63	1,800.0	337	51.5
MW-4	79	10.0	785	29	20.0	2	0.3
B-5	50	22.0	1,100	41	230.0	28	4
T03S-16	50	22.0	1,100	41	2,280.0	276	42
T01S-15, T02S-16, B-6	750	22.0	16,500	611	5,066.7	9,196	1,408
TOTALS (residual TPHg-impacted soil)	1,029	18.6	21,185	785	1,879.3	9,838	1,507

Total estimated volume of impacted soil with TPH-g concentrations exceeding LMDLs:

785 yd³

Estimated volume and mass of TPHg impacted soil is not adjusted for 450 cubic yards of soil removed from the site during station upgrade.

Notes:

TPH-g = Total petroleum hydrocarbons as gasoline
mg/kg = Milligrams per kilogram
ft² = Square feet
ft = Feet
ft³ = Cubic feet
yd³ = Cubic yards
lbs = Pounds
UST = Underground storage tank
LMDL = Laboratory method detection limit



County of San Diego

GARY W. ERBECK
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
LAND AND WATER QUALITY DIVISION

P.O. BOX 129281, SAN DIEGO, CA 92112-9281
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RICHARD HAAS
ASSISTANT DIRECTOR

August 29, 2005

Mr. Dana Thurman
Chevron Environmental Management Company
6001 Bollinger Canyon Road, K-2236
San Ramon, CA 94583

Dear Mr. Thurman:

UNAUTHORIZED RELEASE #H05688-001
RESPONSE LETTER
970 TAMARACK AVENUE
CARLSBAD, CALIFORNIA

Staff of the Department of Environmental Health (DEH) reviewed the report titled *Site Assessment Report*, prepared by SECOR on August 8, 2005.

Based on review of the report, you are required to conduct 2 additional quarters of groundwater monitoring at the Site. The need for further assessment will be evaluated after these events.

If you have any questions, please call me at (619) 338-2243.

Sincerely,

for KENT HUTH, Project Manager
Site Assessment and Mitigation Program

KH:kd

cc: Clifford Pollock, SECOR

WP/H05688-001-805POPRL

Table 1
Summary of First Quarter 2005 Groundwater Levels and Chemical Analysis Results
Chevron Station 9-3320, 970 Tamarack Avenue, Carlsbad, California

Well Number	Date	DTW (feet)	Groundwater Elevation (feet)*	Groundwater				Ethyl-		Total Xylenes [1] µg/L (ppb)	MTBE [1] µg/L (ppb)	DIPE [1] µg/L (ppb)	ETBE [1] µg/L (ppb)	TAME [1] µg/L (ppb)	TBA [1] µg/L (ppb)
				TPH-g [1] µg/l (ppb)	Benzene [1] µg/L (ppb)	Toluene [1] µg/L (ppb)	benzene [1] µg/L (ppb)								
MW-1	3/29/05	14.30	63.28	<22	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<5.0
MW-2	3/29/05	15.84	61.31	<22	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<5.0
MW-3	3/29/05	15.60	61.01	220	4.0	<0.50	6.0	<0.50	0.8	<0.50	98	<0.50	<0.50	4.0	900
MW-4	3/29/05	15.02	61.55	<22	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<5.0
MW-5	3/29/05	15.95	60.25	200	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	3200	<1.0	<1.0	150	190
MW-6	3/29/05	16.30	59.75	990	8.0	0.8	0.7	<2.0	59	<0.50	1200	<0.50	<0.50	110	180
MW-7	3/29/05	18.80	54.85	840	<1.0	<2.0	<2.0	<2.0	<2.0	<2.0	2600	<2.0	<2.0	690	53

Notes: [1] Analyzed by EPA method 8260B.

Definitions: feet* = Feet above mean sea level, µg/l = micrograms per liter, ppb = parts per billion, DTW = Depth to Water, TPH = Total Petroleum Hydrocarbons, MTBE = Methyl tert-Butyl Ether, DIPE = Di-isopropyl ether, ETBE = Ethyl tert-Butyl Ether, DIPE = Di-isopropyl Ether, TAME = tert-Amyl Methyl Ether, TBA = tert-Butanol. Monitoring and sampling activities conducted by BlaineTech Services Inc. 3/29/05. GEIMS Global ID # T0607302569.

Table 2
Historic Groundwater Levels and Chemical Analysis Results
Chevron Station 9-3320, 970 Tamarack Avenue, Carlsbad, California

Well No. and Elevation (feet)*	Date	DTW (feet)	Groundwater Elevation (feet)*	Corrected Groundwater Elevation (feet)**	LPH Thickness (feet)	TPH-g (1) µg/l (ppb)	Benzene (2) µg/l (ppb)	Toluene (2) µg/l (ppb)	Ethyl- benzene (2) µg/l (ppb)	Total Xylenes (2) µg/l (ppb)	MTBE (3) µg/l (ppb)	MTBE (4) µg/l (ppb)	DIPE (4) µg/l (ppb)	ETBE (4) µg/l (ppb)	TAME (4) µg/l (ppb)	TBA (4) µg/l (ppb)
MW-1 77.14	2/11/99	19.62	--	59.69	--	<500	<0.30	<0.30	<0.30	<0.60	<10	--	--	--	--	--
	3/12/99	16.78	60.36	62.53	--	<500	<0.50	<0.50	<0.50	<1.5	<1.0	--	--	--	--	--
	5/8/00	17.45	59.69	61.86	--	<500	<0.50	<0.50	<0.50	<1.5	<1.0	--	--	--	--	--
	8/28/00	17.91	59.23	61.40	--	<500	<0.50	<0.50	<0.50	<1.5	1.4	--	--	--	--	--
	10/26/00	17.98	59.16	61.33	--	<500	<0.50	<0.50	<0.50	<1.5	--	6.7	<5.0	<5.0	<5.0	<50
	1/23/01	18.04	59.10	61.27	--	<500	<0.50	<0.50	<0.50	<1.5	--	<1.0	<5.0	<5.0	<5.0	<50
	4/25/01	17.45	59.89	61.86	--	<500	<0.50	<0.50	<0.50	<1.5	--	<1.0	<5.0	<5.0	<5.0	<50
	10/18/01	18.09	59.05	61.22	--	<500	<0.50	<0.50	<0.50	1.8	--	<1.0	<5.0	<5.0	<5.0	<50
	4/15/02	18.24	58.90	61.07	--	<500	<0.50	<0.50	<0.50	<1.5	--	<1.0	<5.0	<5.0	<5.0	<50
	10/30/02	18.84	60.47	60.47	--	<500	<0.50	<0.50	<0.50	<1.5	--	<1.0	<5.0	<5.0	<5.0	<50
79.31	4/22/03	17.59	61.72	61.72	--	<500	<0.50	<0.50	<0.50	<1.5	--	<1.0	<5.0	<5.0	<5.0	<50
	11/30/03	17.75	61.56	61.56	--	<500	<0.50	<0.50	<0.50	<1.5	--	<1.0	<5.0	<5.0	<5.0	<50
	6/17/04	17.65	61.66	61.66	--	<500	<0.50	<0.50	<0.50	<1.5	--	<1.0	<5.0	<5.0	<5.0	<50
	12/1/04	16.88	62.63	62.63	--	<500	<0.50	<0.50	<0.50	<1.5	--	<1.0	<5.0	<5.0	<5.0	<50
	4/22/2003	Ethanol	<0.50	--	--	--	--	--	--	--	--	--	--	--	--	--
	2/11/99	17.98	--	60.89	--	<500	<0.30	<0.30	<0.30	<0.60	<10	--	--	--	--	--
	3/12/99	18.04	56.88	60.83	--	<1000	<1.0	<1.0	<1.0	<3.0	720	880	--	--	--	--
	5/8/00	18.75	57.97	60.12	--	<500	<0.50	<0.50	<0.50	<1.5	--	120	<5.0	<5.0	<5.0	<50
	8/28/00	19.21	57.51	59.66	--	<500	<0.50	<0.50	<0.50	<1.5	--	120	<5.0	<5.0	<5.0	<50
	10/26/00	19.29	57.43	59.58	--	<500	<0.50	<0.50	<0.50	<1.5	--	42	<5.0	<5.0	<5.0	<50
78.67	1/23/01	19.38	57.34	59.49	--	<500	<0.50	<0.50	<0.50	<1.5	--	130	<5.0	<5.0	<5.0	<50
	4/25/01	18.76	57.96	60.11	--	<500	<0.50	<0.50	<0.50	<1.5	--	130	<5.0	<5.0	<5.0	<50
	10/18/01	19.33	57.39	59.54	--	<500	<0.50	<0.50	<0.50	<1.5	--	12	<5.0	<5.0	<5.0	<50
	4/15/02	19.41	57.31	59.46	--	<500	<0.50	<0.50	<0.50	<1.5	--	<1.0	<5.0	<5.0	<5.0	<50
	10/30/02	20.07	58.80	58.80	--	<500	<0.50	<0.50	<0.50	<1.5	--	<1.0	<5.0	<5.0	<5.0	<50
	4/22/03	18.78	60.09	60.09	--	<500	<0.50	<0.50	<0.50	<1.5	--	<1.0	<5.0	<5.0	<5.0	<50
	11/30/03	19.00	59.87	59.87	--	<500	<0.50	<0.50	<0.50	<1.5	--	<1.0	<5.0	<5.0	<5.0	<50
	6/17/04	18.93	59.94	59.94	--	<500	<0.50	<0.50	<0.50	<1.5	--	<1.0	<5.0	<5.0	<5.0	<50
	12/1/04	18.05	60.82	60.82	--	<500	<0.50	<0.50	<0.50	<1.5	--	<1.0	<5.0	<5.0	<5.0	<50
	4/22/2003	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
MW-3 76.17	2/11/99	21.16	--	57.19	--	6690	55	26	3.9	206	3700	3000	--	--	--	--
	3/12/99	18.04	58.13	60.30	--	620	15	15	6.1	15	800	740	--	--	--	--
	5/8/00	18.84	57.33	59.50	--	<500	24	3.9	2.8	12	--	710	<20	<20	51	<200
	8/28/00	19.22	56.95	59.12	--	<500	7.9	1.5	1.8	8.1	--	780	<5.0	<5.0	48	<50
	10/26/00	19.29	56.88	59.05	--	<500	5.1	<0.50	<0.50	1.8	--	380	<20	<20	21	<200
	1/23/01	19.37	56.80	58.97	--	<500	6.0	0.56	1.1	3.2	--	330	<10	<10	20	<100
	4/25/01	18.70	57.47	59.64	--	530	29	1.5	1.4	44	--	3200	<4.0	<4.0	180	120
	10/18/01	19.22	56.95	59.12	--	<500	23	1.2	6.5	17	--	1300	<100	<100	<100	<1200
	4/15/02	19.46	56.71	58.88	--	<500	15	0.53	5.0	10	--	1500	<200	<200	<200	<2500
	10/30/02	20.01	58.33	58.33	--	<500	21	0.70	7.5	17	--	520	<2.0	<2.0	37	110
78.34	4/22/03	18.85	59.69	59.69	--	<500	23	<2.0	17.0	22	--	1000	<20	<20	69	670
	11/30/03	18.88	59.46	59.46	--	<500	2.5	<2.5	<2.5	<7.5	--	440	<25	<25	<25	400
	6/17/04	18.80	59.54	59.54	--	<2500	13	<2.5	15	<7.5	--	150	<25	<25	<25	2000
	12/1/04	17.88	60.46	60.46	--	<2500	--	--	--	--	--	--	--	--	--	--
	4/22/2003	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
	2/11/99	19.15	--	59.16	--	<500	<0.30	<0.30	<0.30	<0.60	<10	--	--	--	--	--
	3/12/99	17.59	58.55	60.72	--	--	--	--	--	--	--	--	--	--	--	--
	5/8/00	18.84	57.33	59.50	--	<500	<0.50	<0.50	<0.50	<1.5	--	120	<5.0	<5.0	<5.0	<50
	8/28/00	19.21	57.51	59.66	--	<500	<0.50	<0.50	<0.50	<1.5	--	120	<5.0	<5.0	<5.0	<50
	10/26/00	19.29	57.43	59.58	--	<500	<0.50	<0.50	<0.50	<1.5	--	42	<5.0	<5.0	<5.0	<50

MAR 28 2007



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2655 Camino Del Rio N. Suite 302
San Diego, CA 92108
619-296-6195 fax
619-296-6199 fax

DATE: March 15, 2007

CHEVRON SEMI-ANNUAL GROUNDWATER MONITORING REPORT

Station No.: 9-3320
Address: 970 Tamarack Avenue, Carlsbad, CA
Chevron Environmental Manager: Mr. Dana Thurman
Consulting Co./Contact Person: SECOR / Mr. Troy H. McCann
SECOR Project No.: MTCH.93320.08
Primary Agency/Regulatory ID No.: County of San Diego, Land and Water Quality Division,
Site Assessment and Mitigation (SAM) / H05688-001
Fourth Quarter EDF Confirmation Number: 4324517607

WORK PERFORMED DURING SECOND HALF 2006:

1. Completed Fourth Quarter 2006 groundwater monitoring, sampling, and reporting. The sampling event occurred on December 26, 2006.

WORK PROPOSED FOR FIRST HALF 2007:

1. Conduct Second Quarter 2007 coordinated groundwater monitoring, sampling, and reporting event.
2. Prepare and submit a Corrective Action Plan.

Current Phase of Project:	Monitoring
Frequency of Sampling and Monitoring:	Semi-Annual
Are Liquid-Phase Hydrocarbons (LPH) Present On-site:	No
Cumulative LPH Recovered to Date:	Unknown
LPH Recovered This Reporting Period (4 th quarter 2006):	None
Current Remediation Techniques:	None
Permits for Discharge:	None
Fourth Quarter Approximate Depth to Groundwater:	15.02 to 17.14 feet below top of casing
Fourth Quarter Groundwater Gradient:	South-southwest, 0.033 vertical feet per horizontal foot (ft/ft)

DISCUSSION:

Fourth Quarter: Fourth quarter groundwater monitoring and sampling activities were performed on December 26, 2006 at the Chevron Station 9-3320 located at 970 Tamarack Avenue, Carlsbad, California (site; Figure 1). Static depth-to-water measurements in Site groundwater monitoring wells ranged between 15.02 and 17.14 feet. Calculated groundwater elevations varied from 58.91 to 62.56 feet above mean sea level. The hydraulic gradient was calculated to be 0.033 ft/ft, with a flow direction toward the south-southwest (Figure 2). No measurable apparent thicknesses of LPH were detected in any of the gauged site monitoring wells during this sampling event.

DATE: March 15, 2007

CHEVRON SEMI-ANNUAL GROUNDWATER MONITORING REPORT (CONT'D)
Chevron 9-3320, 970 Tamarack Avenue, Carlsbad, CA

Six site monitoring wells were sampled following the attached well purging and sampling procedures, which are consistent with current SAM guidelines (2004 SAM Manual). Various analytical results for this sampling period were qualified with a J-flag, indicating that the analytical concentration fell between the method detection limits and the reporting limits, and is therefore reported as an estimated value. All concentrations marked with a J-flag will be identified as (estimated) in the text of this report. Groundwater monitoring well MW-7 was not gauged or sampled during this monitoring and sampling event because it has been paved over.

Total petroleum hydrocarbons as gasoline (TPHg) were detected above laboratory method detection limits (LMDLs) in the samples collected from wells MW-3, MW-5, and MW-6 at concentrations ranging from 84 micrograms per liter ($\mu\text{g/L}$) to 1,300 $\mu\text{g/L}$. Methyl-tert-butyl ether (MTBE) was detected above LMDLs in the samples collected from wells MW-3, MW-5, and MW-6 at concentrations of 55 $\mu\text{g/L}$, 930 $\mu\text{g/L}$, and 1,200 $\mu\text{g/L}$, respectively. Tert-amyl methyl ether (TAME) was detected above the LMDLs in the samples collected from MW-3, MW-5, and MW-6 at concentrations of 2.0 $\mu\text{g/L}$, 55 $\mu\text{g/L}$, and 89 $\mu\text{g/L}$, respectively. Tert-butyl alcohol (TBA) was detected above the LMDLs in the samples collected from MW-3, MW-5, and MW-6 at concentrations of 600 $\mu\text{g/L}$, 67 $\mu\text{g/L}$, and 240 $\mu\text{g/L}$, respectively. Benzene, ethyl-benzene and total xylenes were detected above the LMDLs in the sample collected from MW-6 at concentrations of 0.7 $\mu\text{g/L}$ (estimated), 0.5 $\mu\text{g/L}$ (estimated), and 1.0 $\mu\text{g/L}$, respectively. Toluene, di-isopropyl ether (DIPE), and ethyl tert-butyl ether (ETBE) concentrations were not detected above LMDLs in any of the samples analyzed.

Conclusions and Recommendations: SECOR recommends that coordinated semi-annual groundwater gauging and sampling continue until such time that the site can be shown to qualify for administrative closure.

Limitations: This report was prepared in accordance with the scope of work outlined in SECOR's contract and with generally accepted professional engineering and environmental consulting practices existing at the time this report was prepared and applicable to the location of the site. It was prepared for exclusive use of Chevron Environmental Management Company, for the express purpose stated above. Any re-use of this report for a different purpose or by others not identified above shall be at the user's sole risk without liability to SECOR. To the extent that this report is based on information provided to SECOR by third parties, SECOR may have made efforts to verify this third party information, but SECOR cannot guarantee the completeness or accuracy of this information. The opinions expressed and data collected are based on conditions of the site existing at the time of the field investigation. No other warranties, express or implied are made by SECOR.



County of San Diego

GARY W. ERBECK
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
LAND AND WATER QUALITY DIVISION

P.O. BOX 120261, SAN DIEGO, CA 92112-0261
619-338-2222/FAX 619-338-2315/1-800-253-9933

www.sdcountry.ca.gov/deh/lwq

JACK MILLER
ASSISTANT DIRECTOR

April 12, 2007

Mr. Dana Thurman
Chevron Environmental Management Company
P.O. Box 6012
San Ramon, CA 94583-2324

Dear Mr. Thurman:

UNAUTHORIZED RELEASE #H05688-001
RESPONSE LETTER
970 TAMARACK AVENUE, CARLSBAD, CALIFORNIA

Staff of the Department of Environmental Health (DEH) reviewed the report titled *Corrective Action Plan*, prepared by SECOR and received by DEH on March 20, 2007.

Based on review of the report, groundwater contamination has not been fully assessed. Therefore, the Corrective Action Plan cannot be approved. At this time, further delineation must be completed to the south and southwest of the Site. A work plan detailing additional assessment activities must be submitted to this office within 120 days of receipt of this letter.

If you have any questions, please call me at (619) 338-2243.

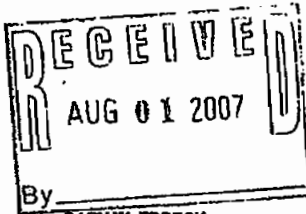
Sincerely,

KENT HUTH, Project Manager
Site Assessment and Mitigation Program

KH:kd

cc: Dennis Rourke, SECOR

WP/H05688-001-407RESP



County of San Diego

DEPARTMENT OF ENVIRONMENTAL HEALTH LAND AND WATER QUALITY DIVISION

P.O. BOX 128261, SAN DIEGO, CA 92112-9261
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JACK MILLER
ASSISTANT DIRECTOR

July 27, 2007

Mr. Brian Waite
Secor International, Inc.
2655 Camino Del Rio N., #302
San Diego, CA 92108

Mr. Eric Roehl
Chevron Environmental Management Co.
P. O. Box 2292
Brea, CA 92822-2292

Dear Mr. Waite and Mr. Roehl:

CHEVRON STATION #9-3320
OFFSITE IN THE STREET ADJACENT TO 945 TAMARACK AV., CARLSBAD, CA 92008
PERMIT# LMON-102735, APN#: 148-340-30-00, ESTABLISHMENT#: H05688

Reference: Phone conversation with Brian Waite, Secor on March 9, 2007
Inspection report dated March 8, 2007

On March 8, 2007, staff of the Department of Environmental Health (DEH), Monitoring Well Program (MWP) inspected the above referenced site for monitoring well compliance.

At the time of inspection, the well could not be located. On March 9, 2007, MWP staff called and spoke with Brian Waite to inquire about the status of the missing well (MW-7). Mr. Waite indicated that he is aware of the missing well and indicated that the City of Carlsbad paved over the well when resurfacing and repaving the road.

Because of the present condition of this well, the well must be brought up to current standards. Please note that under Section 67.424 of the San Diego County Code of Regulations, monitoring wells must be maintained to meet construction standards.

Within 30 days from the date of this letter, the monitoring well must be brought up to standards for re-inspection.

Sincerely,


ERNIE L. PROFETA, Environmental Health Technician
DEH/ Monitoring Well Program
(619) 338-2492

cc: Kent Huth, DEH-SAM Project Manager
DEH Internal Enforcement Committee

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. 97-34

AN ORDER RESCINDING CLEANUP AND ABATEMENT ORDER NO. 87-17,
UNISYS CORPORATION, CARLSBAD FACILITY, SAN DIEGO COUNTY

The California Regional Water Quality Control Board, San Diego Region (hereinafter RWQCB) finds that:

1. Cleanup and Abatement Order No. 87-17 was issued to Unisys Corporation, (hereinafter discharger) Carlsbad Facility. The Order was issued in response to a subsurface investigation conducted in April 1986 and subsequent discovery of an unauthorized release of chlorinated volatile organic compounds (VOCs) at the former Burroughs/Unisys facility located at 5600 Avenida Encinas, Carlsbad, California. This site lies in the Encinas Hydrologic Area (4.40) of the Carlsbad Hydrologic Unit, where no potential or existing beneficial uses for the groundwater have been established. The site is located approximately 1200 feet from the Pacific Ocean, which does have numerous beneficial uses.
2. Addendum No. 1 to Cleanup and Abatement Order No. 87-17 modified the existing cleanup goals and established economic and risk-based cleanup levels to be attained by the discharger for 1,1-Dichloroethane, 1,1,1-Trichloroethane, 1,1-Dichloroethylene and Methylene Chloride. Methylene Chloride was subsequently established not to be present at the site.
3. Groundwater remediation was first initiated December 1989 with the installation of a groundwater treatment system. The discharger shutdown the remediation system on September 30, 1994 upon which post-cleanup verification monitoring began and continued through October, 1995 (one year). Additional groundwater monitoring was performed in August, 1996. During the period of groundwater treatment 23.8 million gallons of water was extracted and 26 pounds of VOCs (approximately 2 to 3 gallons) was removed from the aquifer.
4. The RWQCB has determined that the low levels of residual VOCs remaining in soil matrix and dissolved in groundwater at the site has been adequately

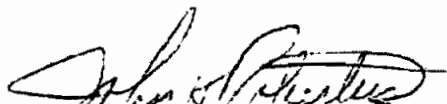
May 2, 1997

5. The discharger has demonstrated that the final cleanup levels established in Addendum No. 1 of the Order have been substantially achieved and verified through post-cleanup monitoring of the compounds of concern. The evaluation of the groundwater monitoring results included trend and statistical analysis, and assessment of distribution and attenuation patterns of the compounds of concern.
4. Cleanup and Abatement Order No. 87-17 for the cleanup and abatement of a VOCs release is no longer necessary since no further soil or groundwater remediation or monitoring is required at the site.
5. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.
6. An opportunity for interested parties to comment on this Order will be provided on May 21, 1997.

IT IS HEREBY ORDERED,

1. Cleanup and Abatement Order No. 87-17 is hereby rescinded including all revisions and addenda thereto.

I, John H. Robertus, do hereby certify that the foregoing is a full, true and correct rescission adopted by the RWQCB Executive Officer of Cleanup and Abatement Order 87-17.



JOHN H. ROBERTUS
Executive Officer

Date: May 2, 1997
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970501-03



Pete Wilson
Governor

May 2, 1997

San Diego Regional Water
Quality Control
Board

9771 Clairemont Mesa
Blvd., Suite A
San Diego, CA 92124
(619) 467-2952
FAX (619) 571-6972
BBS (619) 467-2958

Mr. Michael Westerheim
Project Manager
Unisys Corporation
3199 Pilot Knob Road
Eagan, MN 55121

Dear Mr. Westerheim:

**RE: FORMER BURROUGHS / UNISYS CARLSBAD FACILITY LOCATED
AT 5600 AVENIDA ENCINAS, CARLSBAD, CALIFORNIA**

This letter confirms the completion of a site investigation and remedial action for the unauthorized release located at the above described location. Thank you for your cooperation throughout this investigation. Your willingness and promptness in responding to our inquiries concerning the unauthorized release are greatly appreciated. Enclosed is the case closure summary for the above referenced site.

Based on the available information, including the current land use, and with the provision that the information provided to this agency was accurate and representative of site conditions, **no further action related to the underground tank release is required.**

It is recommended that all (six) remaining groundwater monitoring wells be destroyed, unless otherwise required, and must be destroyed under permit with the San Diego County Site Assessment and Mitigation Division. Please notify RWQCB staff when destruction of the groundwater wells are completed. All monitoring wells approved for destruction must be abandoned in accordance with applicable State and County requirements (California Well Standards Bulletin 74-90, Supplement to Bull. 74-81). Please contact Corey Walsh of our office at (619) 467-2980 if you have any questions regarding this matter.

Sincerely,

JOHN H. ROBERTUS
Executive Officer

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FILE NO. 02-0382.05

Attachment



Case Closure Summary

SPILL, LEAK, INVESTIGATION AND CLEANUP (SLIC) PROGRAM

CASE INFORMATION

DATE: 8/20/96

Name: Former Burroughs/Unisys facility		
Site Address: 5600 Avenida Encinas, Carlsbad		
Responsible Party Name: Unisys, contact Michael Westerheim	RP Phone Number: (612) 687-2887	
Responsible Party Address: 3199 Pilot Knob Road, Eagan, MN 55121		
Current Land Use: Warehouse		
RWQCB File Number: 02-0382.05	Local Case Number: NA	RWQCB Staff: CMW
Basin Number: Encinas HA (4.40)	Basin Uses: None	

II. RELEASE AND SITE CHARACTERIZATION INFORMATION

Description of the unauthorized release (cause, release date, source[s]): Subsurface investigation conducted April 1986 indicated release possibly associated with aboveground chemical barrel storage area. Reportedly contamination associated with undocumented spills in barrel storage area.

Contaminant[s] identified and amount leaked: 1,1-Dichloroethane (1,1-DCA), 1,1-Dichloroethylene (1,1-DCE), 1,1,1-Trichloroethane (1,1,1-TCA) and Methylene Chloride; release amount unknown

Cleanup standards established at 20 ppb for 1,1-DCA, 60 ppb for 1,1-DCE, and 200 ppb for 1,1,1-TCA.

Description of the soil/geology: Reddish brown silty sand, poorly sorted to brown sandy clay interbedded with medium to coarse grained sand.

Is soil contamination completely delineated (to what levels)? Yes, to the maximum extent practicable.

Areal extent? Yes, to the maximum extent practicable.

Vertical extent? Yes, to the maximum extent practicable.

Est. Volume of contaminated soil left on site and concentration: Unknown.

Is groundwater contamination completely delineated (to what levels)? Yes, 600 feet down gradient.

Monitoring wells installed, properly permitted? Yes **Number of monitoring wells:** 10

Currently six wells exist at site, three extraction and three monitoring, 30 and 40 ft. deep.

Depth to groundwater: Approx. 11 to 29 feet

Seasonal or tidal fluctuation: Little to none

Groundwater flow direction: Southwest

Gradient: Approx. 0.018 ft./ft.

Is groundwater or surface water impacted? Yes, groundwater

Is groundwater contamination contained on site? No

Nearest receptor (Inland Surface Water, Bay, Drinking Water Wells, etc.): Pacific Ocean approx. 1,200 ft.

MAXIMUM DOCUMENTED CONTAMINANT CONCENTRATION

Contaminant	Soil (mg/kg) initial	Soil (mg/kg) current	Water (ug/l) initial	Water (ug/l) current
1,1-Dichloroethane	0.003 (MW-T)	unknown	42 (MW-I)	5.9 (MW-U)
1,1-Dichloroethylene	0.150 (MW-T)	unknown	600 (MW-I)	65.0 (MW-Q)
1,1,1-Trichloroethane	0.120 (MW-T)	unknown	1,400 (MW-I)	20.0 (MW-U)
Methylene Chloride	0.250 (B-f)	lab contaminant	ND	ND

IV. TREATMENT AND DISPOSAL OF AFFECTED MATERIAL

Material	Amount (include units)	Action (treatment or disposal)	Concentration	Date
Soil	NA			
Groundwater	23.8 million gallons (total)	Air stripping towers, disp. to sewer (2 countercurrent packed columns)	avg. DCE 3.2, TCA 1.8 ppb	9/30/94
Free Product	NA			
Barrel(s)	NA			
Tank(s)	NA			
Piping	NA			

V. CLOSURE

Does completed corrective action protect beneficial uses per the RWQCB Basin Plan? Yes		
Should corrective action be reviewed if land use changes? No		
Monitoring wells decommissioned? Yes	Number decommissioned: 4	Number retained: 6
Enforcement actions taken: CAO 87-17		
Enforcement actions rescinded: Yes, rescinded by Order 97-34		

VI. Signature of Reviewer

Corey M. Walsh
(Corey M. Walsh)

Date 5/1/97

VII. Signature of Senior Staff

John P. Anderson
(John P. Anderson)

Date 5/2/97

DEPARTMENT OF TOXIC SUBSTANCES CONTROL



Suite 350
602-4444

May 21, 1996

Mr. John Robertus
Executive Officer
Regional Water Quality Control Board
9771 Clairemont Mesa Boulevard
Suite A
San Diego, California 92124

Dear Mr. Robertus:

**RCRA FACILITY ASSESSMENT AND REMEDIATION: FORMER BURROUGHS
CARLSBAD FACILITY (UNISYS CORPORATION), CARLSBAD, CALIFORNIA
EPA ID NO. CAD047784871**

In July 1995, the Department of Toxic Substances Control (DTSC), initiated a RCRA Facility Assessment (RFA) for the former Burroughs Corporation facility, located at 5600 Avenida Encinas, Carlsbad, California. On July 27, 1995, a RFA Questionnaire was sent to Unisys Corporation (Unisys) which acquired the Burroughs Carlsbad facility in 1986. The Unisys property was later purchased by the Carltes Development Company in 1990, and Unisys continues to perform cleanup and remediation work at the site. Unisys, in its response to the RFA Questionnaire, stated that the DTSC has already considered the Burroughs Carlsbad facility officially closed in a letter dated February 24, 1989.

In September 1995, DTSC obtained from the U.S. Environmental Protection Agency (USEPA), Region IX, a RFA for Burroughs Corporation, Carlsbad, California dated September 1987. The RFA from USEPA identified forty (40) solid waste management units (SWMUs) at the facility and suggested four (4) SWMUs needed further action to evaluate release potentials and to determine the extent of possible contamination. The four SWMUs suggested for further action are not RCRA regulated units and therefore were not covered under the DTSC closure letter of February 24, 1989. A copy of the USEPA RFA was sent to Unisys on October 6, 1995, and a copy was also given to the California Regional Water Quality Control Board (CRWQCB), San Diego Region, on October 25, 1995. DTSC is suspending further actions relating to preparation of a RFA for this facility.

At the request of Unisys, a meeting was held on October 25, 1995, at the DTSC office in Long Beach. It was attended by representatives from Unisys, DTSC and from the CRWQCB. The meeting agenda included RCRA closure, Remediation

RFA



Mr. John Robertus
May 21, 1996
Page 2

Completion Report, Final Groundwater Monitoring Report, USEPA RFA for Burroughs Carlsbad facility, and the CRWQCB Cleanup and Abatement Order (CAO) No. 87-17, for the former Burroughs Carlsbad facility.

During the meeting, Unisys provided the DTSC with copies of two recent reports previously submitted to the CRWQCB, concerning remediation and groundwater monitoring at the former Burroughs facility. The reports were reviewed by DTSC to determine whether additional corrective action is needed at the site. The DTSC geologists have now reviewed these documents and our comments are provided in the memorandum dated March 14, 1996, (Enclosure 1).

In February 1996, Unisys submitted information on soil analysis results obtained from various areas in the former facility, designated as Enclosure 2. Some of the soil analysis results indicated contamination in soils in the southwestern area of the facility, by volatile organic compounds (VOCs). One sample (B15, S2) contained 39 ug/kg 1,1,1 trichloroethane; two samples (B-f, S1 & B-f, S2) each contained 250 ug/kg methylene chloride; and another sample (B-G, S1) has 69 ug/kg 1,1 dichloroethene. These four samples equally contained 50 ug/kg chloroethyl vinyl ether, 50 ug/kg acetone and 50 ug/kg 2-butanone (Enclosure 2).

The southwestern area encompasses the four SWMUs suggested for further action in the 1987 USEPA RFA. These four SWMUs are:

1. Old barrel storage area (Unit 4.19)
2. West yard dumping ground (Unit 4.18)
3. Sump 2 (Unit 4.7)
4. Solvent recovery system (Unit 4.5)

Unit 4.19, was earlier located at the location of Unit 4.9, the chemical storage building, (Enclosure 3). Unit 4.5, is not plotted in Enclosure 3, due to lack of location information according to the RFA. The groundwater in the southwestern area is contaminated with VOCs as indicated in the two reports on remediation and groundwater monitoring provided by Unisys (Enclosure 1).

Based on above, the DTSC believes that VOC contaminated groundwater and soil exist in the southwestern area of the former Burroughs Carlsbad facility (Enclosures 1 and 2). The vertical and horizontal extent of soil contamination based on available data are not yet defined. This area with VOC contaminated groundwater and soil roughly coincides with the locations of four SWMUs that were suggested for further action in the USEPA RFA for Burroughs Carlsbad facility, dated September 1987 (Enclosure 3).

Mr. John Robertus
May 21, 1996
Page 3

The DTSC suggests that soil characterization be performed and that groundwater monitoring and remediation may need to be reactivated as detailed in Enclosure 1. Soil characterization should involve soil sampling analyses for VOCs and inorganics to determine the extent of contamination.

Since CRWQCB has an outstanding CAO, and they have overseen previous site characterization and cleanup activities, DTSC is referring this additional work to the CRWQCB. We are also making this referral because CRWQCB is lead agency under SB 1082, for this facility. We believe the additional work is necessary to meet Resource Conservation Recovery Act authorization obligations of the State of California. Please review the information supplied with this letter and advise us your proposed actions with this regard in thirty (30) days. Should your agency choose not to take further action, DTSC would be compelled to issue an Order to Unisys to require further studies and possible remediation.

If you have any questions, please call Mr. Robert M. Senga at (310) 590-4882 or Mr. Eduardo Vallesteros at (310) 590-4876.

Sincerely,



Mohinder S. Sandhu, P.E., Chief
Facility Permitting Branch

Enclosures

cc: Mr. Michael Westerheim, P.E. (w/ enclosures)
Program Manager
Unisys Corporation
3199 Pilot Knob Road
Eagan, Minnesota 55121

Mr. Ray Rice, P.E. (w/ enclosures)
Environmental Coordinator
Unisys Corporation
10850 Via Frontera
San Diego, California 92127

Mr. Corey Walsh (w/ enclosures)
Associate Engineering Geologist
RWQCB, San Diego Region
9771 Clairemont Mesa Boulevard
Suite B
San Diego, California 92124

Eduardo Vallesteros
March 14, 1996
Page 2

INTRODUCTION

Responding to your request dated November 2, 1995, I have reviewed the adequacy of the reports listed above to determine whether additional corrective action is needed for the Burroughs/Unisys 5600 Avenida Encinas facility. The facility and its owner will be referred to as Unisys in this memorandum.

The reports reviewed for this memorandum were submitted to the San Diego Regional Water Quality Control Board (SDRWQCB) for Unisys' request to terminate Cleanup and Abatement Order No. 87-17 (Order). These documents are presented to DTSC to determine whether corrective action is needed at the Unisys Carlsbad facility under the Department of Toxic Substances Control (DTSC), Resource Conservation and Recovery Act (RCRA) authority.

This memorandum consists of a discussion of three issues: 1) ground water issues, 2) soil issues and, 3) geologic and hydrogeologic information issues. Each issue is discussed in three separate sections. Attached to this memorandum are three figures and an attachment with tables and charts. The figures are a site map and three contaminant plume maps. Attachment I contains tables and charts which present volatile organic compound (VOC) concentration data at selected wells.

DTSC certified the closure of regulated units at this facility in the 1980s. After discovery of VOC ground water contamination from an area where intermittent spills near former chemical storage building (Figure 1 of this memorandum) are suspected, the SDRWQCB issued Cleanup and Abatement Order No. 87-17 in 1987. Active ground water extraction and treatment occurred between 1989 and 1994. The former chemical storage building was not a regulated unit under the DTSC closure, therefore it is subject to corrective action as a solid waste management unit (SWMU). Also, ground water contamination from this facility is depicted in the submitted documents as a narrow, elongate plume oriented southwest from the facility under Santa Fe Railway tracks and property of the State of California.

CONCLUSIONS

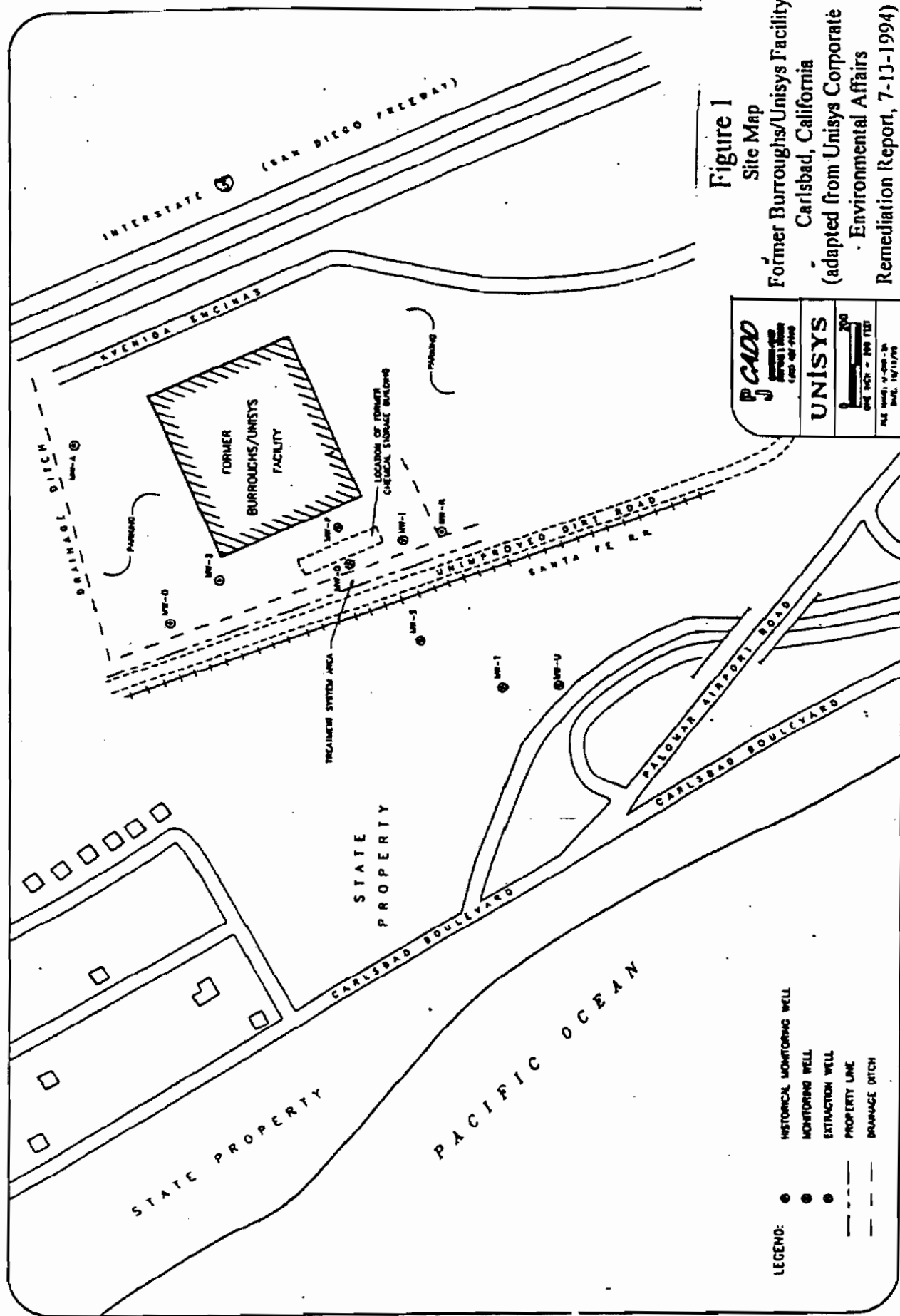
- ☛ Ground water underlying this site is contaminated by three volatile organic compounds, 1,1,1-TCA, 1,1-DCE, and 1,1-DCA, referred to hereafter as TCA, DCE, and DCA.
- ☛ Soil contamination apparently persists and in several instances, ground water VOC concentrations have increased. The increases in ground water VOC concentrations follow cessation of remedial extraction in 1994.
- ☛ The San Diego Regional Water Quality Control Board does not consider ground water underlying this site as a drinking water supply source because of high TDS and nitrate concentrations. Consequently, human ingestion is unlikely.
- ☛ TCA, DCE, and DCA in ground water has migrated off-site. The ramifications of off-site ground water contamination needs to be addressed.
- ☛ Data gaps exist within the documents submitted to DTSC for review. The submitted documents do not support the adequacy of geologic and hydrogeologic characterization of the vertical and horizontal extent of contaminant distribution in ground water. This issue is moot if the site is a declared a non potable water supply.

SECTION I: GROUND WATER ISSUES

These comments and recommendations are preceded by a background discussion and followed by a supporting discussion of ground water VOC concentrations. The comments are keyed to numbered sections in both reports.

BACKGROUND DISCUSSION

In September 1994, remedial measures required by the SDRWQCB ceased at this site as VOC concentrations achieved the action levels specified in the SDRWQCB order. However, during the year after remedial measures ceased, VOC concentrations rose and regained the action levels specified in the Order. At monitoring well MW-Q, DCE concentrations (Table 3, Monitoring Report)





October 27, 2006

Mr. Dale Uchiyama
Vons, A Safeway Company
618 Michillinda Avenue
Arcadia, California 91007

Clayton Project No. 25006-006144.01

Subject: Limited Soil Vapor Survey at 985 Tamarack Avenue, Carlsbad, California

Dear Mr. Uchiyama:

Clayton Group Services, Inc. (Clayton), *A Bureau Veritas Company*, was retained by Vons, A Safeway Company to conduct a limited soil vapor survey at 985 Tamarack Avenue, Carlsbad, California. The purpose of the survey was to evaluate the presence of contaminants in soil vapor originating from the adjoining dry cleaning facility.

Clayton conducted the site investigation in accordance with the terms and conditions outlined in Clayton's Proposal No. 2503.06.062REV, dated October 5, 2006. Mr. Uchiyama provided written authorization to conduct the work on October 16, 2006.

SITE DESCRIPTION

A Phase I Environmental Site Assessment was conducted for the subject property by Clayton ("*Phase I Environmental Site Assessment, 985 Tamarack Avenue, Carlsbad, California*") dated September 26, 2006, Clayton Project No. 25006-006144.00.

Clayton Group Services, Inc.

A Bureau Veritas Company

1565 MacArthur Boulevard

Costa Mesa, California 92626

Main: (714) 431-4100

Fax: (714) 825-0685

www.us.bureauveritas.com

SAESUREPORTS\06000\25006-006144.01 (Vons-Carlsbad PH12)\25006-006144.02 Phase II report.doc

DAYTOM ENTERPRISES, INC.
SLIC ORDER:
REPORT FILE: 1 102006-
20-0220.03 STATUS: O



Mr. Dale Uchiyama
Vons, a Safeway Company
October 27, 2006

Page 2
Clayton Project No. 25006-006144.01

Based on Clayton's assessment, the approximately 1.95-acre subject property is located in a mixed commercial and residential setting. The subject property is currently developed with a Vons and associated parking lot on the north, east and south sides. The Vons store layout consists of the open market floor on the north side of the building, along with shipping/receiving, commercial size freezers/refrigerators, dry storage and management offices on the south side of the building. Clayton observed a mezzanine area on the south side of the subject property building which housed the HVAC system. Additionally, Clayton observed a roof ventilation space in the mezzanine HVAC area, along with a subgrade wastewater holding tank on the southeastern side of the building. The planned short-term use for the subject property is continued operation as a Vons grocery store.

SUMMARY OF SITE HISTORY

The subject property appeared as undeveloped land covered in native vegetation from at least 1901 until at least 1971, when a building permit was issued for a Safeway store. Aerial photographs from at least 1974 to 2002 discern the subject property in its current location. According to city directories, the subject property has been identified as a grocery store since at least 1980. Adjoining properties have been agricultural since until at least 1974, when adjoining residential and commercial properties were developed, including the Exxon filling station to the west (1965), the Chevron filling station to the northwest (1970s), and the west adjoining Bans Cleaners (1980s).

FINDINGS OF PREVIOUS ASSESSMENT

Clayton's September 2006 assessment revealed the following:

- Ban's Cleaners, located at 981 Tamarack Avenue (adjoining to the west of the subject property), was identified in the EDR database report as maintaining operating permits. Records were requested from the SDCDEH and detailed routine annual inspections from 1996 to 2004 documenting no major violations, except for mislabeled containers and blocked aisles. Also, on January 27, 2003 an inspection report noted that PERC solvent was no longer used onsite. Records were also requested from the San Diego County Air Pollution Control District (SDCAPCD) and detailed Notices of Violations, as well as the operation of a petroleum-solvent dry cleaning facility. A record was also on file detailing a Notice of Violation for having PERC vapor leaks in 2001.



Mr. Dale Uchiyama
Vons, a Safeway Company
October 27, 2006

Page 3
Clayton Project No. 25006-006144.01

Two filling stations are located to the west and northwest of the subject property. Exxon (945 Tamarack Avenue) and Chevron (970 Tamarack Avenue) were identified in the EDR database report with releases to the soil and groundwater. Records were requested and copied from the San Diego County Department of Environmental Health (SDCDEH).

PHYSICAL SETTING

The subject property is located in the Peninsular Ranges Physiographic Region of California. The general area is characterized by a series of ranges that are separated by northwest trending valleys, subparallel to faults branching from the San Andreas Fault.

Elevations at and around the subject property range from 50 to 100 feet (San Luis Rey, California, Photorevised 1981). In general the topographic gradient of the subject property is to the southwest, towards the Pacific Ocean (3/4 mile to the west of the subject property). According to the EDR database report, the soil on and around the subject property consists of Marina loamy coarse sand. Marina loamy coarse sand consists of deep and moderately deep, moderately well drained soils with moderately coarse textures. The subject property is underlain by Cenozoic Quaternary Stratified Sequence (EDR, 2006).

The regional shallow groundwater flow direction is inferred to be westerly, based on surface topography. However, topography is not always a reliable basis for predicting groundwater flow direction. The local gradient under the subject property may be influenced naturally by zones of higher or lower permeability, tidal fluctuations, or artificially by nearby pumping or recharge, and may deviate from the regional trend. The average groundwater depth is expected to be 13.6 feet below ground surface (bgs) at the northwest adjoining Chevron filling station (GeoTracker, 2006).

Groundwater was not encountered to a depth of 15 feet bgs during our investigation.

INVESTIGATION SUMMARY

On October 19, 2006, soil vapor sampling activities were conducted at the subject property to evaluate the presence of contaminants in soil vapor originating from the adjoining dry cleaning facility. The general site location is shown on Figures 1 and 2 and the sampling locations are shown on Figure 3.



Mr. Dale Uchiyama
Vons, a Safeway Company
October 27, 2006

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Clayton Project No. 25006-006144.01

The following tasks were conducted to accomplish the objectives of the investigation:

- Prepared a Health and Safety Plan that was specific to the work to be conducted at the subject property.
- Marked the locations of the boreholes.
- As required by law, notified Underground Services Alert prior to commencement of field activities.
- Advanced four soil vapor probes to a total depth of 15 feet below ground surface (bgs); one centered in the front of the Vons store, one closer to the front of the dry cleaning facility, one behind the dry cleaning facility and one behind the Vons store. Soil vapor samples were collected at approximately 5 and 15 feet bgs from each of the four locations and all eight samples were analyzed by Jones Environmental's onsite mobile laboratory.

The installation and sampling of the soil gas probes were conducted in general accordance with Section 5.0 of the Site Assessment and Mitigation (SAM) Program with San Diego Department of Health Services.

For each soil vapor sample location, once the boring was advanced to 15 feet bgs, a vapor probe with attached tubing was set and approximately one foot of sand was placed into the annular space around the vapor probe. The boring was then backfilled with hydrated bentonite to a depth of approximately six feet bgs and an additional vapor probe with attached tubing was set in place and the annular space was filled with approximately one foot of sand. The boring was then backfilled to the surface with hydrated bentonite with both tubes extending from the surface. Subsequent to vapor probe installation, each sample point was allowed to equilibrate for 20 minutes prior to sampling. The purge volume was calibrated by conducting a step purge test at sample location SG-1. During the step purge test, a soil vapor volume equivalent to 1, 3, and 7 times the volume of the vapor probe and tubing was extracted and analyzed, these samples were labeled SG1-5A, -5B, and -5C, respectively. Based on this test, the 3-volume purge was selected and used for all subsequent soil vapor sampling at the Site. After the equilibration period at each sample point, soil vapor was withdrawn from the tubing using a restrictive flow pump. Enough vapor was purged to flush three dead volumes of soil vapor from the probe interval. The next 20 cc of vapor was withdrawn in a sampler, plugged, and immediately transferred to the onsite mobile laboratory for analysis. Each soil vapor sample was analyzed for VOCs using EPA Method 8260B.



Mr. Dale Uchiyama
Vons, a Safeway Company
October 27, 2006

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Clayton Project No. 25006-006144.01

All boreholes were backfilled with hydrated bentonite chips upon completion of sampling.

RESULTS SUMMARY

Dichlorodifluoromethane, tetrachloroethylene and trichloroethylene were detected in most of the soil vapor samples. Tetrachloroethylene concentrations (ranging from 930 to 420,000 micrograms per cubic meter [$\mu\text{g}/\text{m}^3$]) exceeded the Shallow Soil Gas Human Health Screening Levels for both Residential Land Use ($180 \mu\text{g}/\text{m}^3$) and Commercial/Industrial Land Use ($603 \mu\text{g}/\text{m}^3$). Trichloroethylene concentrations (ranging from 120 to $5,940 \mu\text{g}/\text{m}^3$) exceeded the Shallow Soil Gas Human Health Screening Levels for Residential Land Use ($528 \mu\text{g}/\text{m}^3$) in 4 samples (SG-1-15, SG-3-15, SG-4-5 and SG-4-15) and Commercial/Industrial Land Use ($1,770 \mu\text{g}/\text{m}^3$) in 3 samples (SG-3-15, SG-4-5 and SG-4-15). There are no Screening Levels for dichlorodifluoromethane.

The analytical results have been tabulated and are included as a Table. A copy of the laboratory report with chain-of custody is included as an Attachment.

CONCLUSIONS

Based on Clayton's limited investigation of the Site, VOCs typically associated with dry cleaning operations (tetrachloroethylene and trichloroethylene) are present in the soil vapor in the area of the Site. This contamination most likely originates from the adjoining dry cleaning facility.

LIMITATIONS

The information and opinions rendered in this report are exclusively for use by Vons, a Safeway Company. Clayton will not distribute or publish this report without Vons, a Safeway Company's consent except as required by law or court order. The information and opinions included in this report were given in response to a limited scope of work and should be considered and implemented only in light of that particular scope of work. The services provided by Clayton in completing this project have been provided in a manner consistent with the normal standards of the profession. No other warranty, expressed or implied, is made.



Mr. Dale Uchiyama
Vons, a Safeway Company
October 27, 2006

Page 6
Clayton Project No. 25006-006144.01

We appreciate this opportunity to provide our services to you. If you have any questions concerning this letter report, please contact Ms. Shannon Gillespie at (714) 431-4133.

This report prepared by:

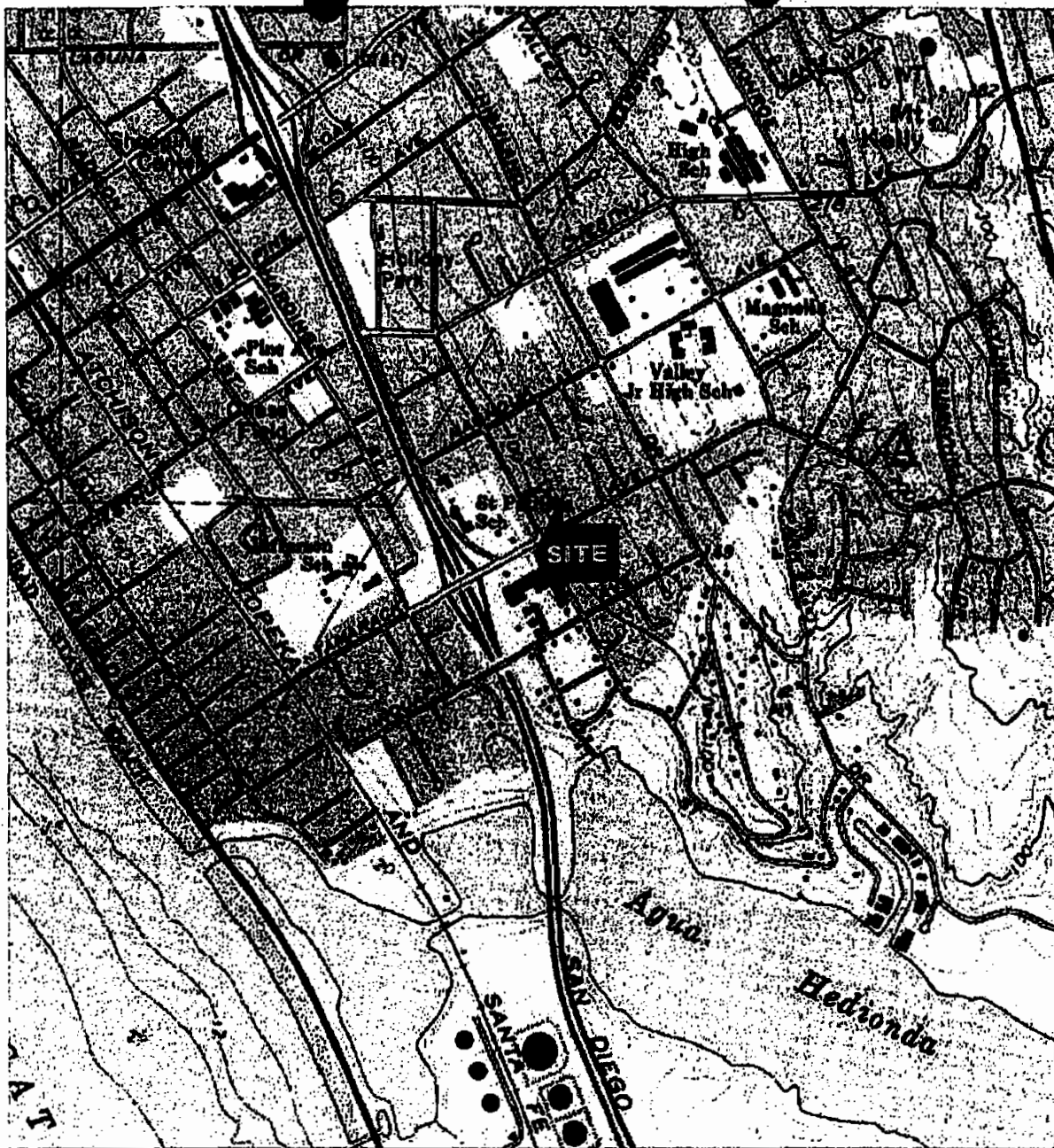
Shannon Gillespie, REA No. 03582
Manager, Due Diligence
Environmental Services
Los Angeles Regional Office

This report reviewed by:

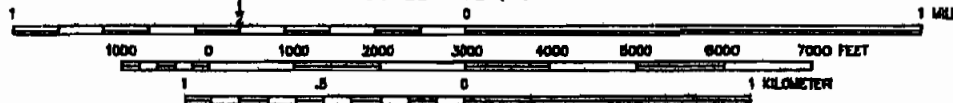
Ed Stewart
Senior Project Manager
Environmental Services
Los Angeles Regional Office



FIGURES



SCALE 1:24,000



Portion of 7.5-minute Series (Topographic) Map
United States Department of the Interior
Geological Survey
San Luis Rey, California Quadrangle 1975



BUREAU
VERITAS

Clayton Group Services, Inc.

A Bureau Veritas Company
1565 MacArthur Boulevard
Costa Mesa, CA 92626

Major (714) 431-4100
Fax: (714) 925-0685
www.us.bureauveritas.com

DATE:	08/06
DRAWN BY:	KB
CHECKED BY:	SG
PROJECT NO.:	25006-006144.00
CAD NO.:	25006-006144.00-1

SITE VICINITY MAP

VONS
985 TAMARACK AVENUE
CARLSBAD, CALIFORNIA

FIGURE

1

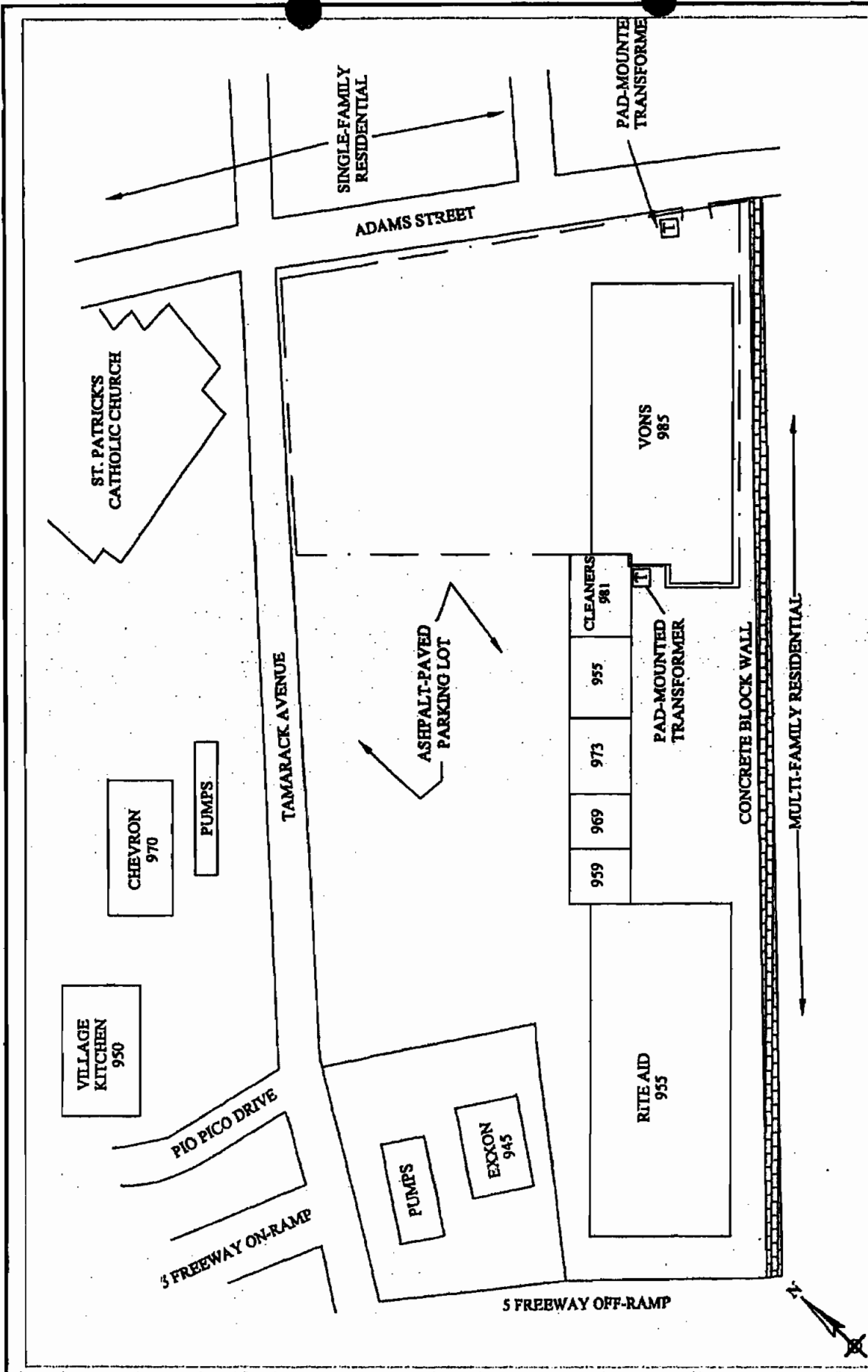


	FIGURE <div style="font-size: 2em; text-align: center;">2</div>
SUBJECT PROPERTY VONS 985 TAMARACK AVENUE CARLSBAD, CALIFORNIA Clayton Project No. 25006-006144.00	LEGEND <div style="display: flex; justify-content: space-between;"> <div> TOPOGRAPHIC SLOPE APPROXIMATE SUBJECT PROPERTY BOUNDARY </div> </div>

Appendix E

Site Photographs

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**

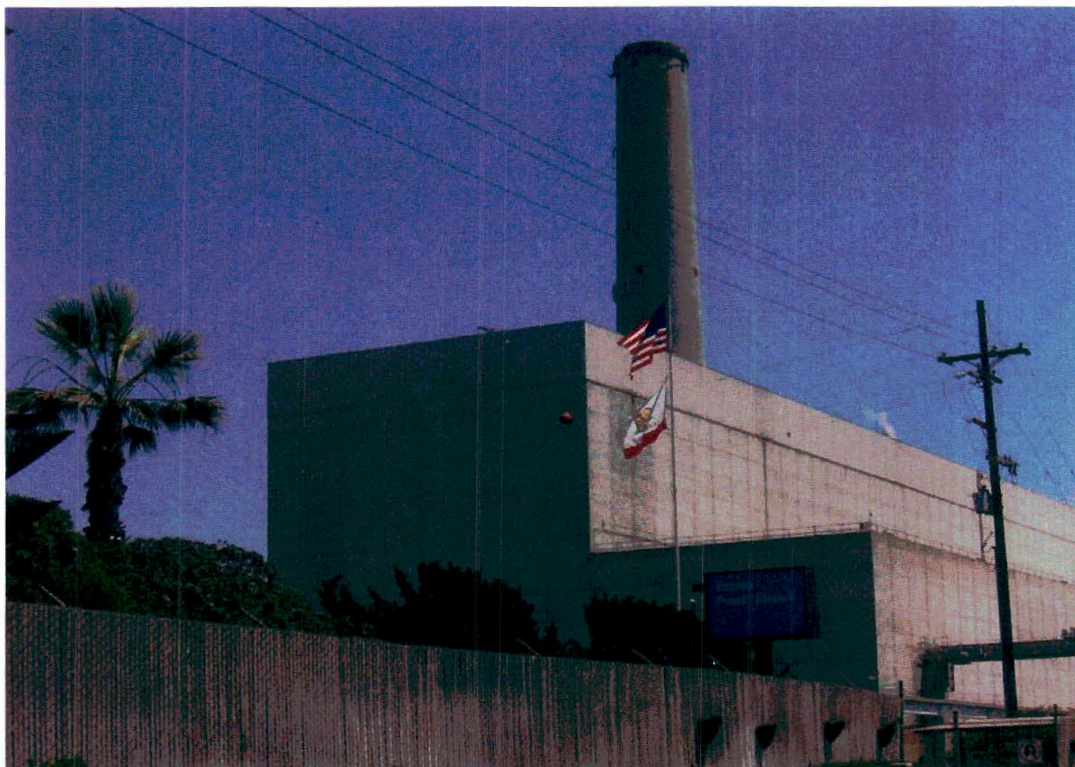


Photo 1: View of Encina Power Station from Carlsbad Boulevard.



Photo 2: View toward Encina Power Station looking southward across outer Agua Hedionda Lagoon. Carlsbad Boulevard is visible on the right.

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**



Photo 3: View looking south showing the west side of the Encina Power Station.



Photo 4: View looking west showing the east side of the Encina Power Station. The Encina Power Station Electrical Substation is visible in the foreground.

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**

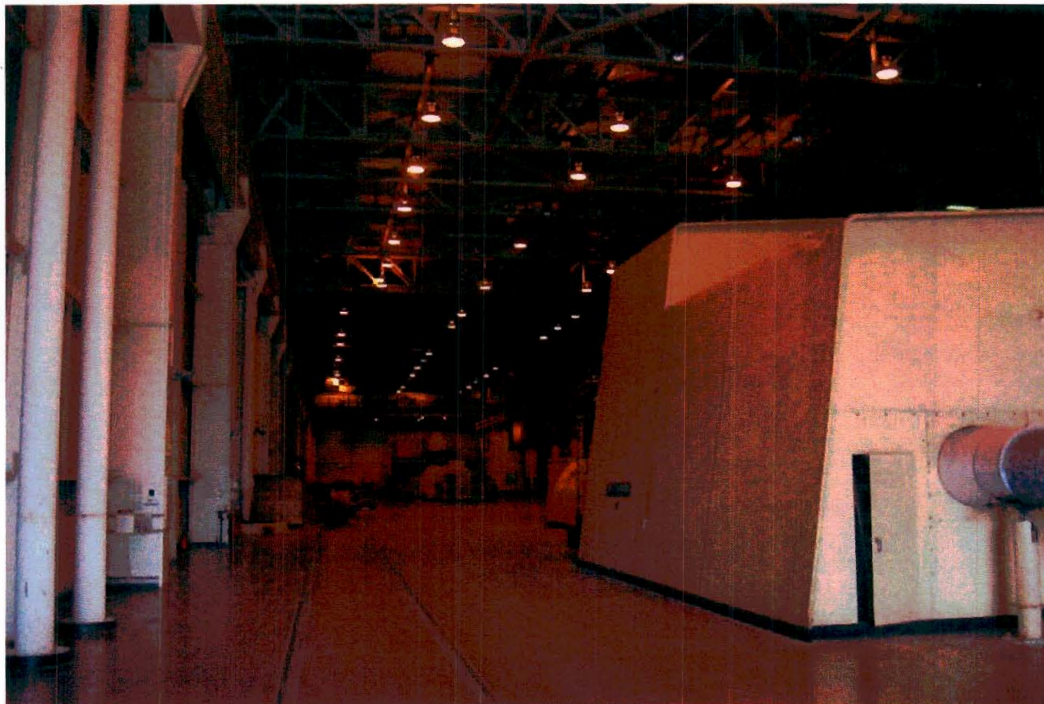


Photo 5: View of the steam turbines located inside the Encina Power Station.



Photo 6: View of typical AST located inside the Encina Power Station used to store turbine oil.

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**



Photo 7: View of storage area for petroleum, oils, and lubricants inside the Encina Power Station.

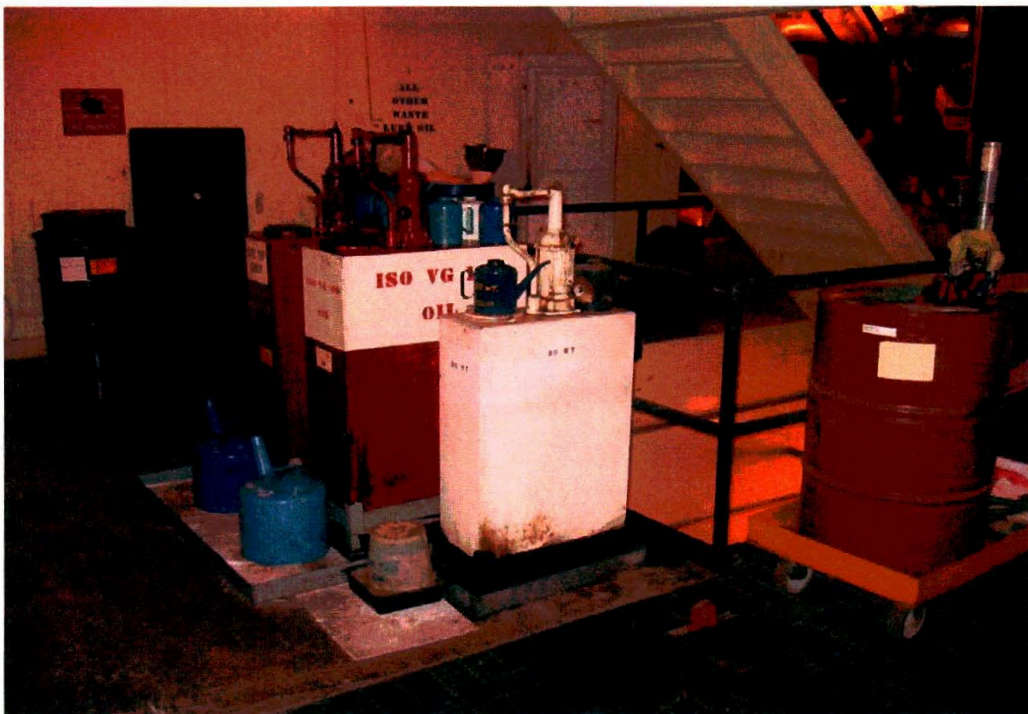


Photo 8: View of storage area for petroleum, oils, and lubricants inside the Encina Power Station.

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**

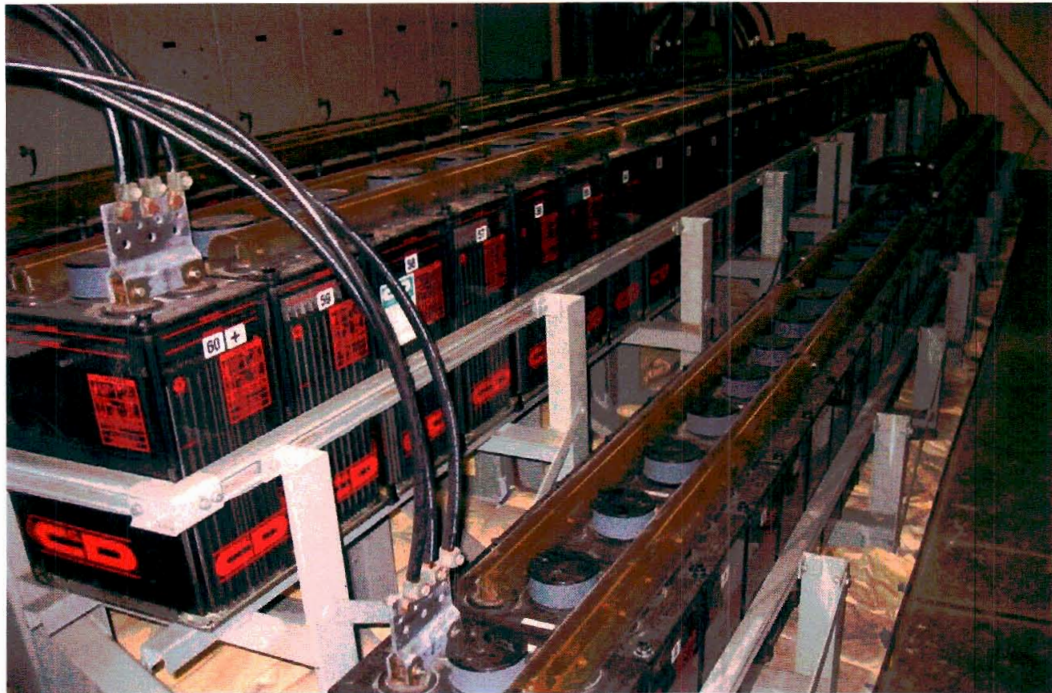


Photo 9: View of batteries located inside the Encina Power Station.



Photo 10: View of AST used to store fuel additive, located on the east side of the Encina Power Station.

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**

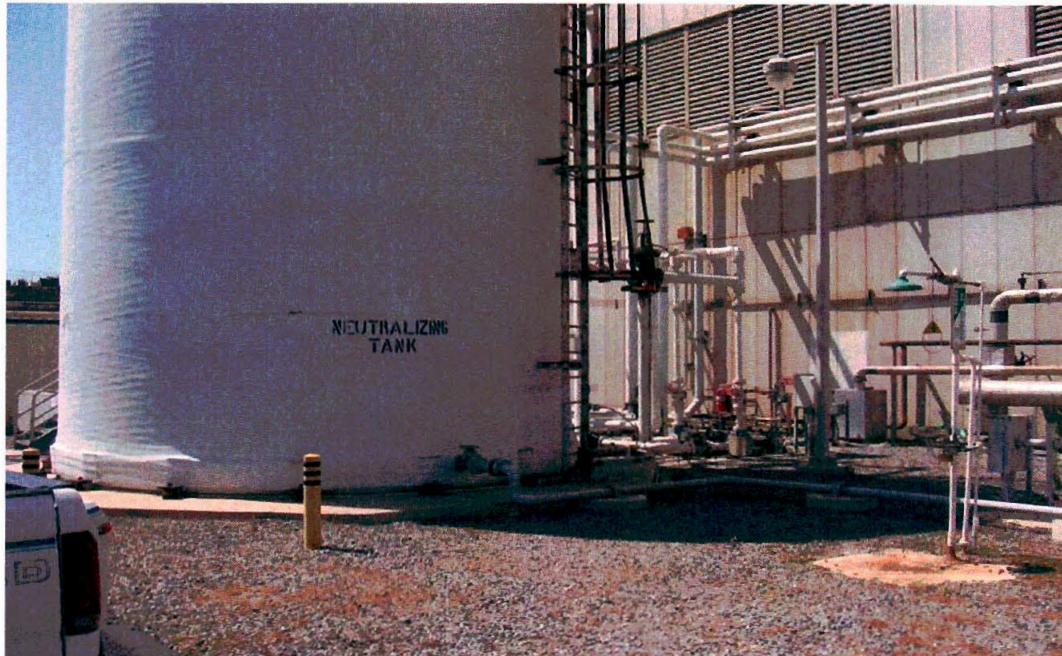


Photo 11: View of the neutralizing tank located on the east side of the Encina Power Station.



Photo 12: View looking north showing the southwest corner of the Encina Power Station. Compressed gas cylinders containing hydrogen is visible in the foreground.

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**

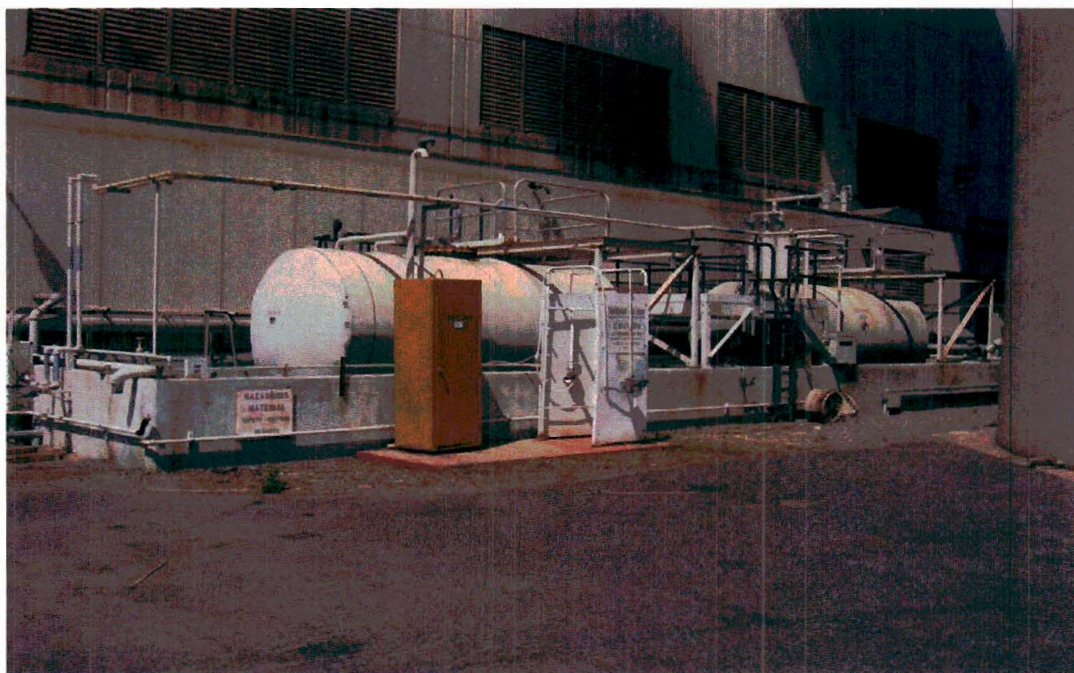


Photo 13: View of inactive ASTs that were used to store caustic soda and sulfuric acid. These ASTs are situated on the east side of the Encina Power Station.



Photo 14: View of the shed located on the east side of the Encina Power Station that is used to store waste asbestos.

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**



Photo 15: View of the hazardous materials/hazardous waste storage area located on the east side of the Encina Power Station.



Photo 16: View of the non-hazardous waste treatment facility.

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**



Photo 17: View of the paint booth located to the east of the Encina Power Station.

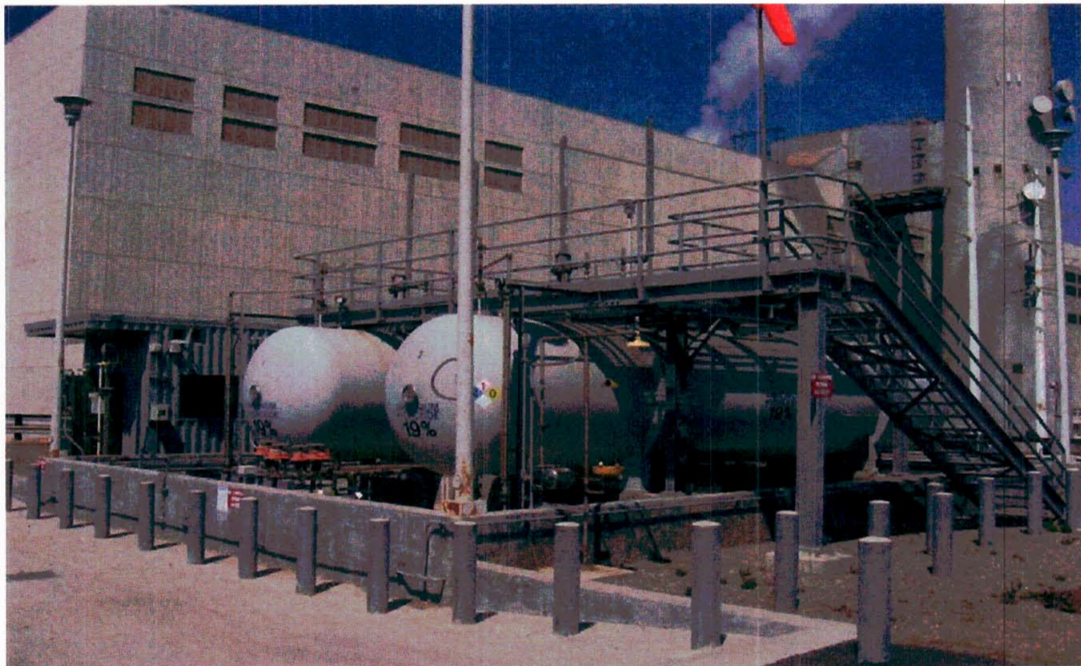


Photo 18: View of the Ammonium Hydroxide ASTs located on the east side of the Encina Power Station.

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**

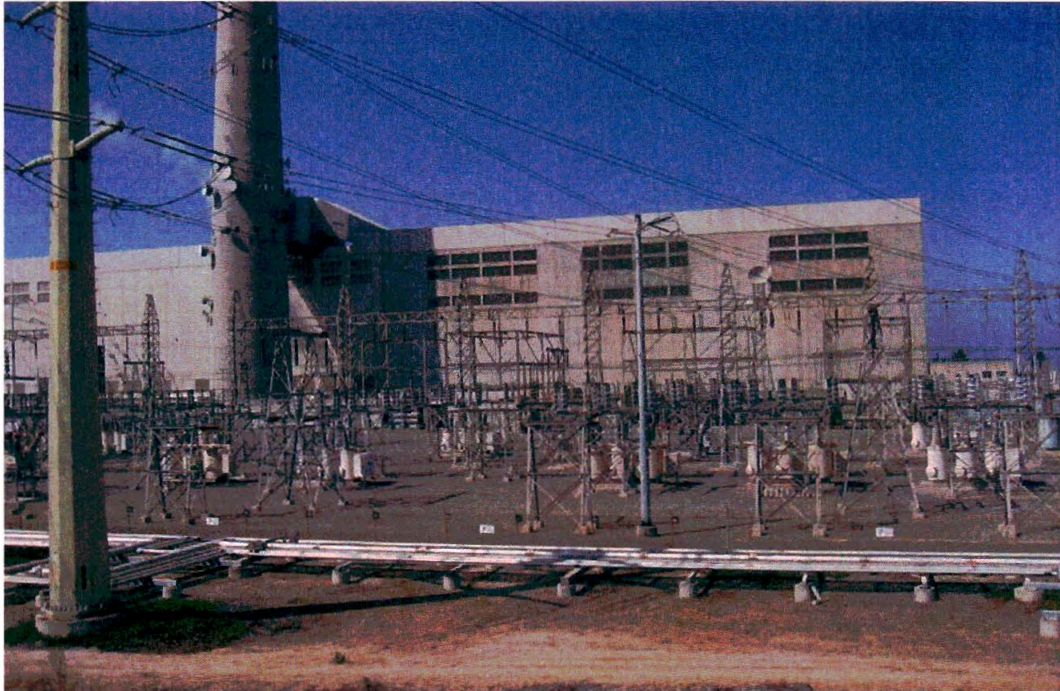


Photo 19: View looking west toward the Encina Power Station Electrical Substation.

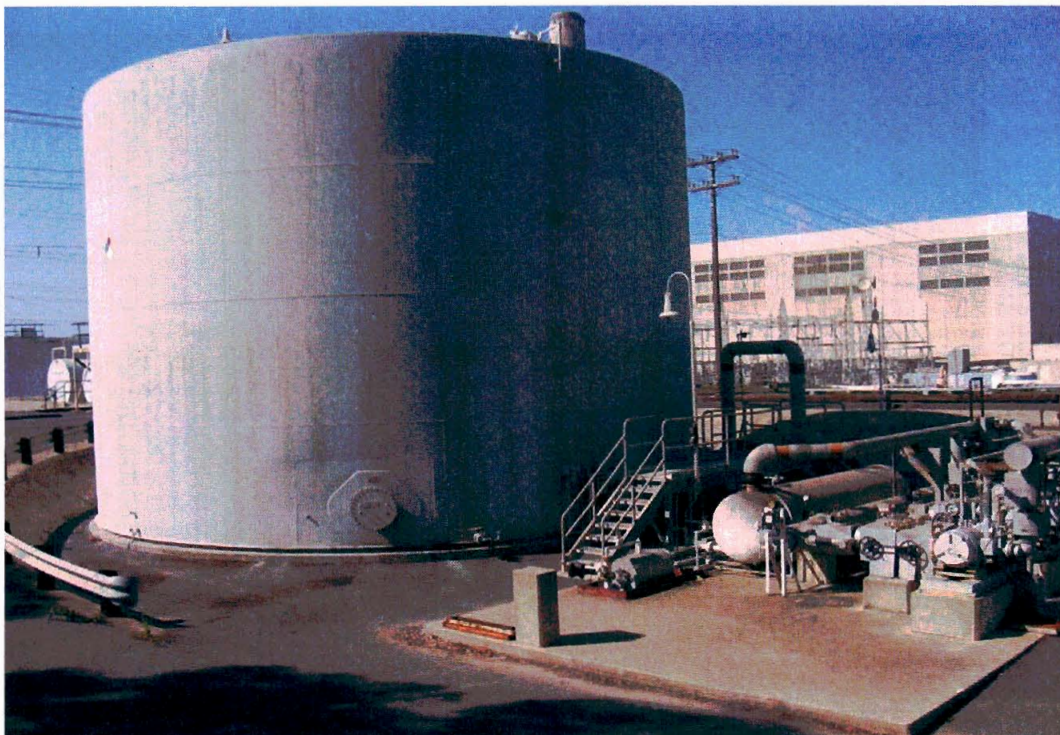


Photo 20: View of the displacement oil tank AST.

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**



Photo 21: View of the fuel oil re-load/un-load pumps.

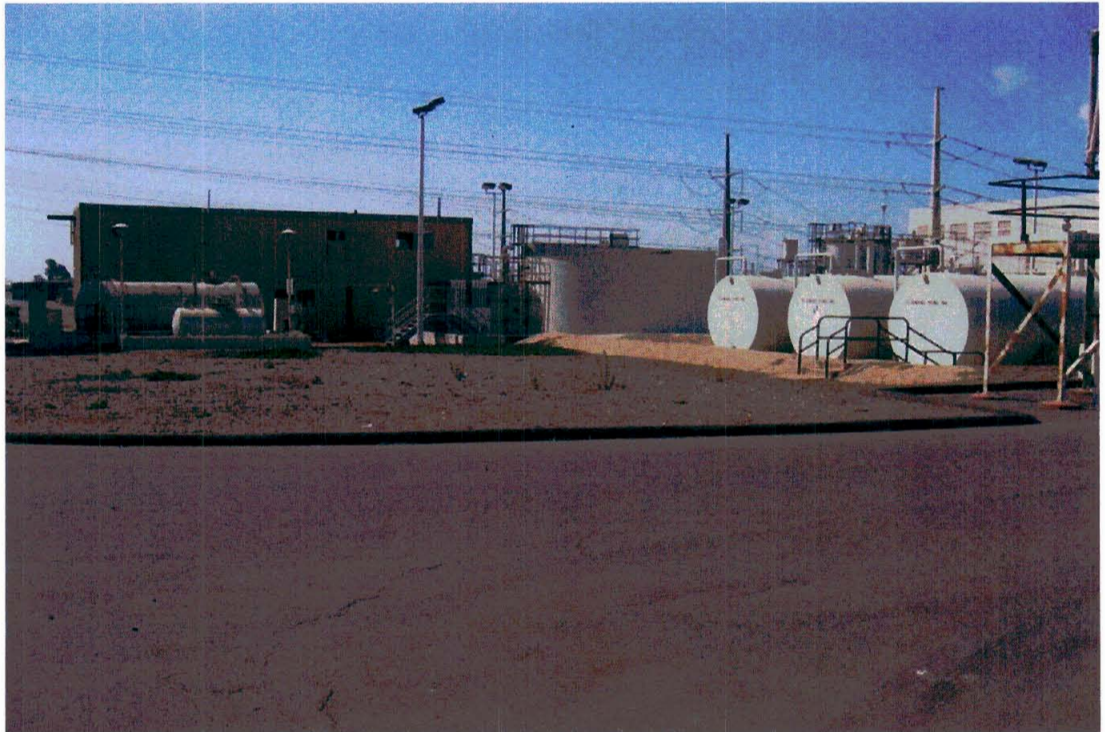


Photo 22: View of the former hazardous waste treatment facility.

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**

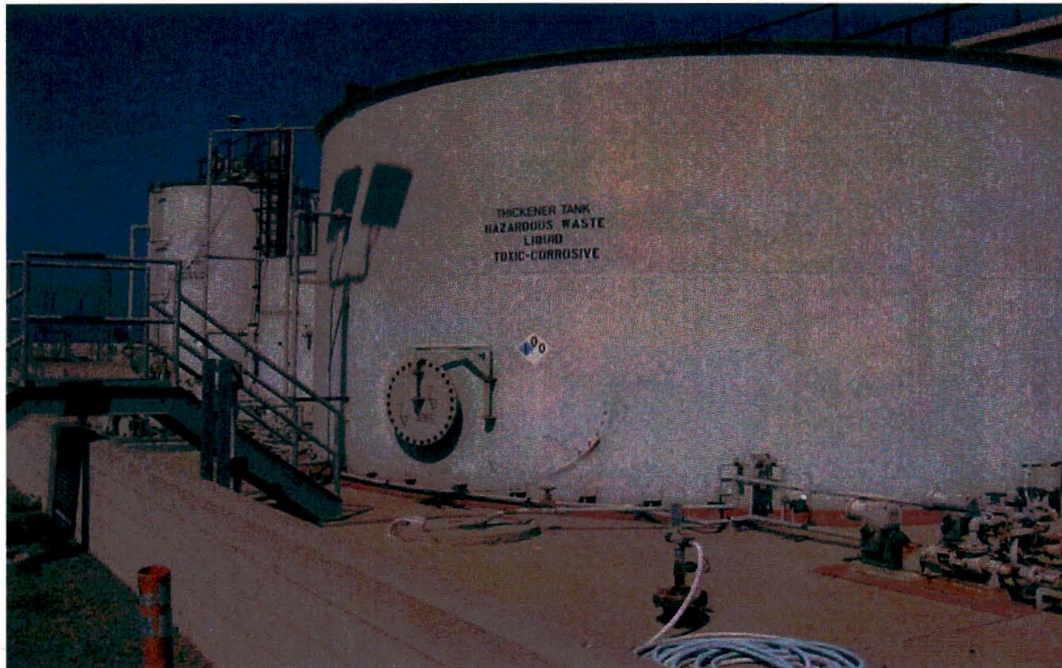


Photo 23: View of the inactive tanks that were used as part of the former hazardous waste treatment facility.



Photo 24: View looking south toward the machine shop for the Encina Power Station.

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**

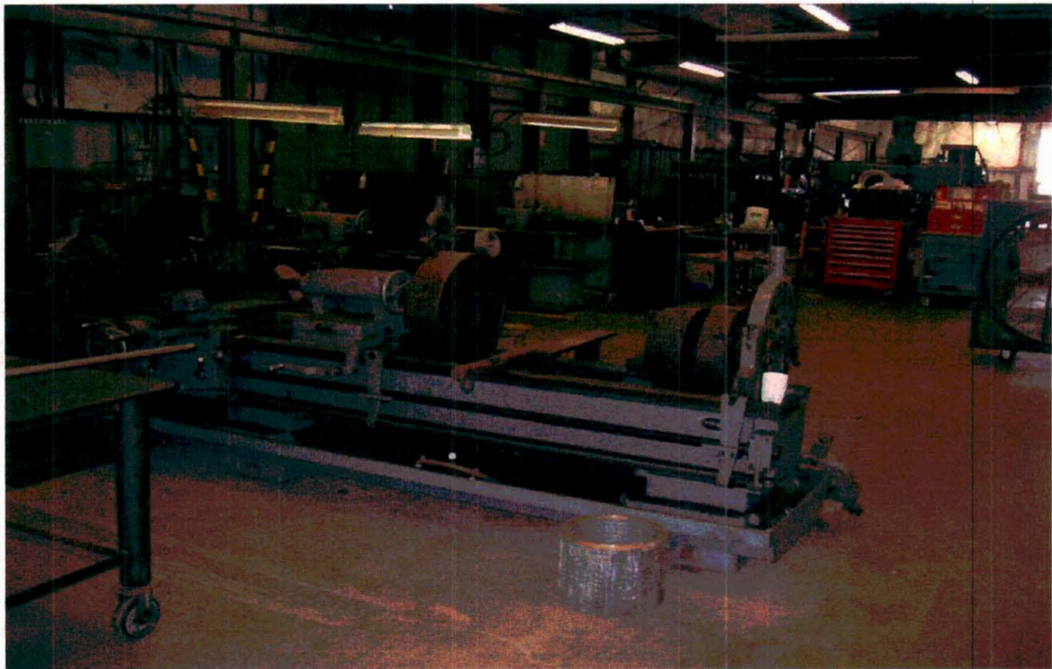


Photo 25: Interior view of the machine shop.

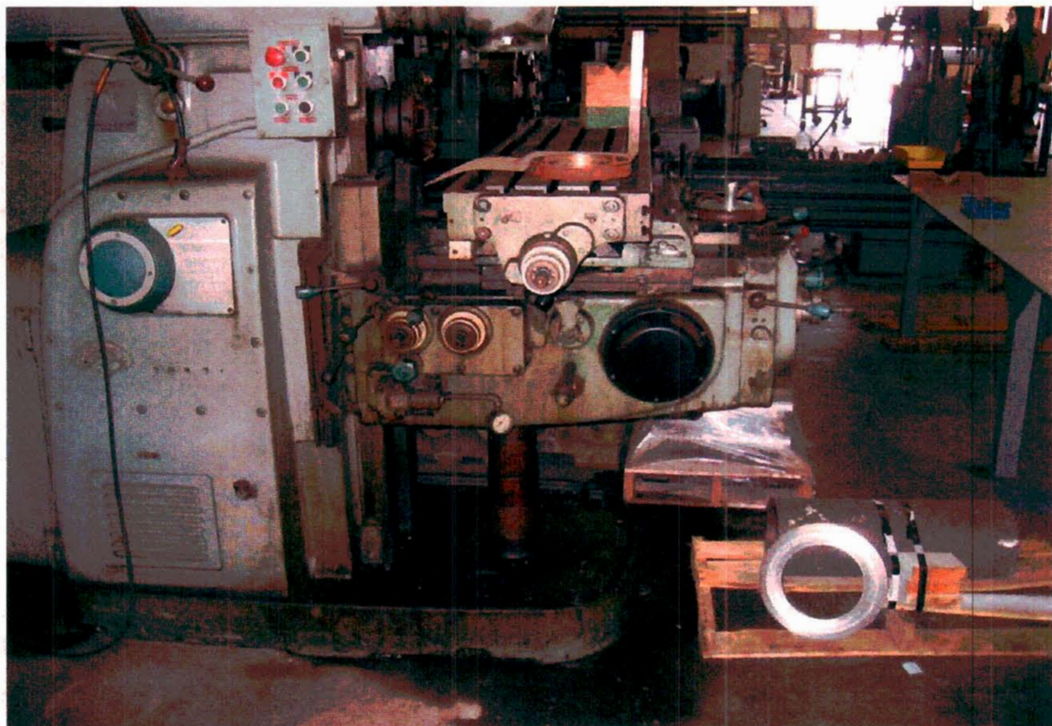


Photo 26: View of floor staining from lubricants and coolants used during machining operations.

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**



Photo 27: View looking north toward the bulk storage ASTs located to east of the Encina Power Station. Tank No. 6 is shown on the right in this photograph.



Photo 28: Typical view of distribution piping, pumps, and heaters that are associated with the bulk storage ASTs.

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**



Photo 29: View of typical secondary containment system for AST Nos. 4, 5, 6, and 7.

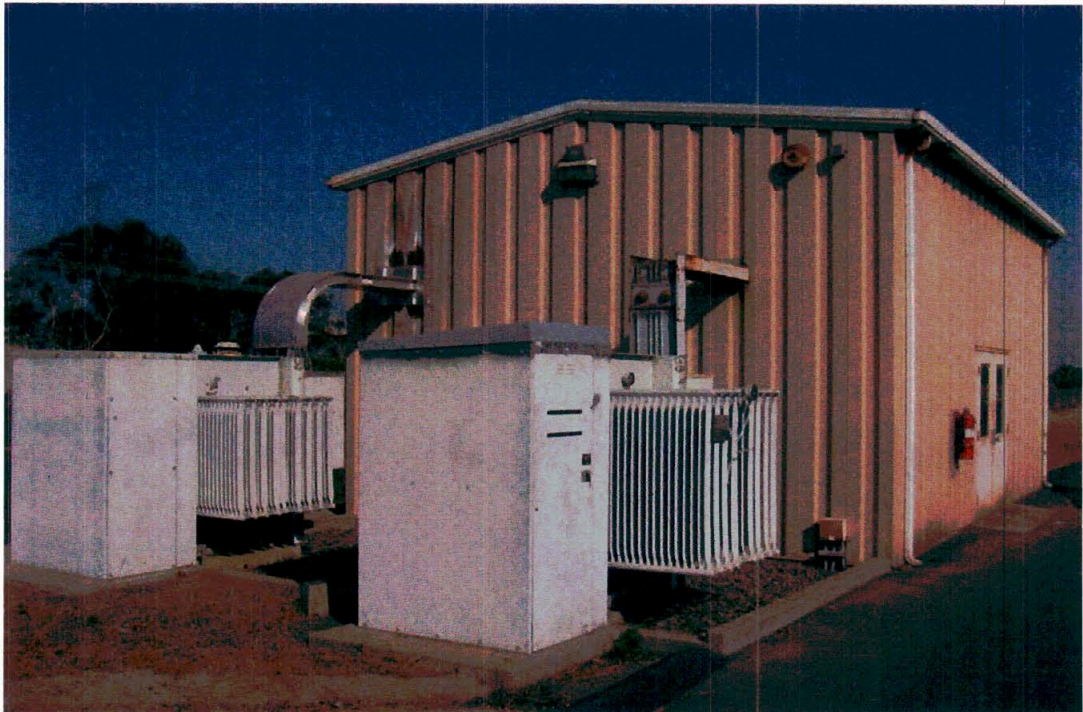


Photo 30: View of the control room and transformers for the bulk storage AST Nos. 6 and 7.

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**



Photo 31: View of control room for bulk storage AST Nos. 5 and 6.



Photo 32: View of interior of control room for bulk storage AST Nos. 5 and 6.

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**



Photo 33: View looking south toward bulk storage AST Nos. 1, 2, and 3.



Photo 34: View of lay-down yard located to the north of bulk storage AST No. 1.

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**



Photo 35: View looking east toward water intake area for the Encina Power Station located in the outer Agua Hedionda Lagoon.



Photo 36: View of water intake structure for the Encina Power Station.

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**



Photo 37: View of the discharge basin for the Encina Power Station. Discharge water flows under Carlsbad Boulevard (shown) to the Ocean (not visible).

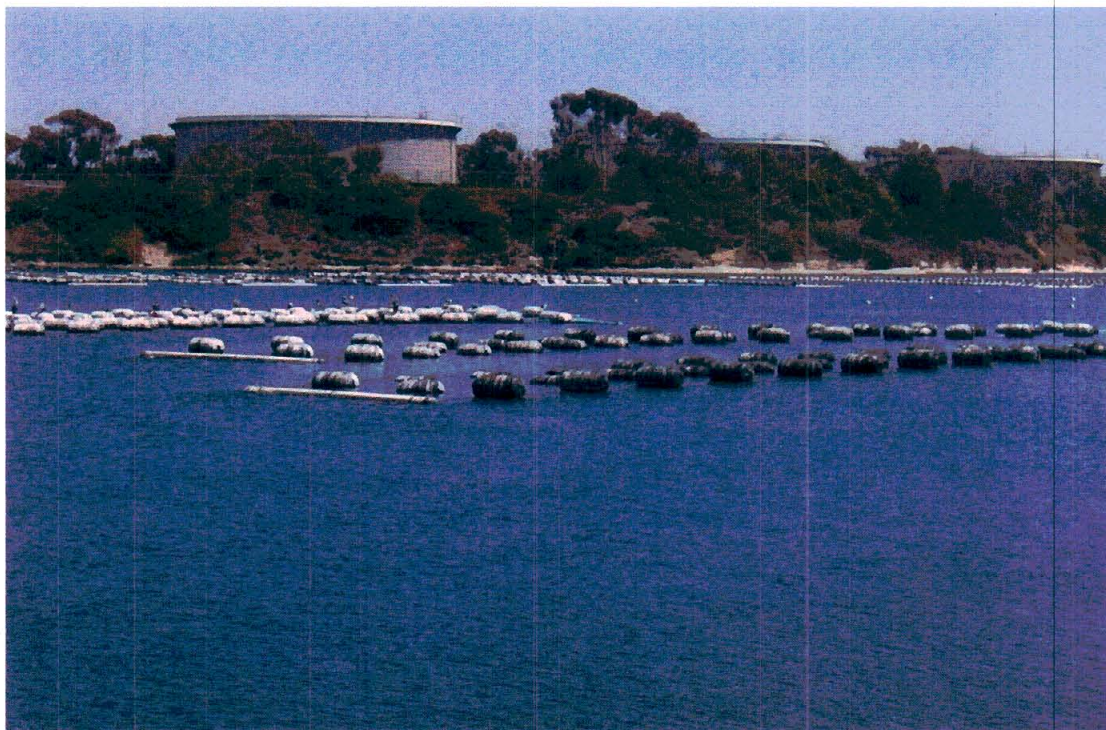


Photo 38: View of aqua farms for oysters/clams located in the outer Agua Hedionda Lagoon.

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**



Photo 39: View looking south toward outer Agua Hedionda Lagoon and the Encina Power Station.



Photo 40: View looking west toward inner Agua Hedionda Lagoon.

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**



Photo 41: View of recreational area located on the north end of inner Agua Hedionda Lagoon.

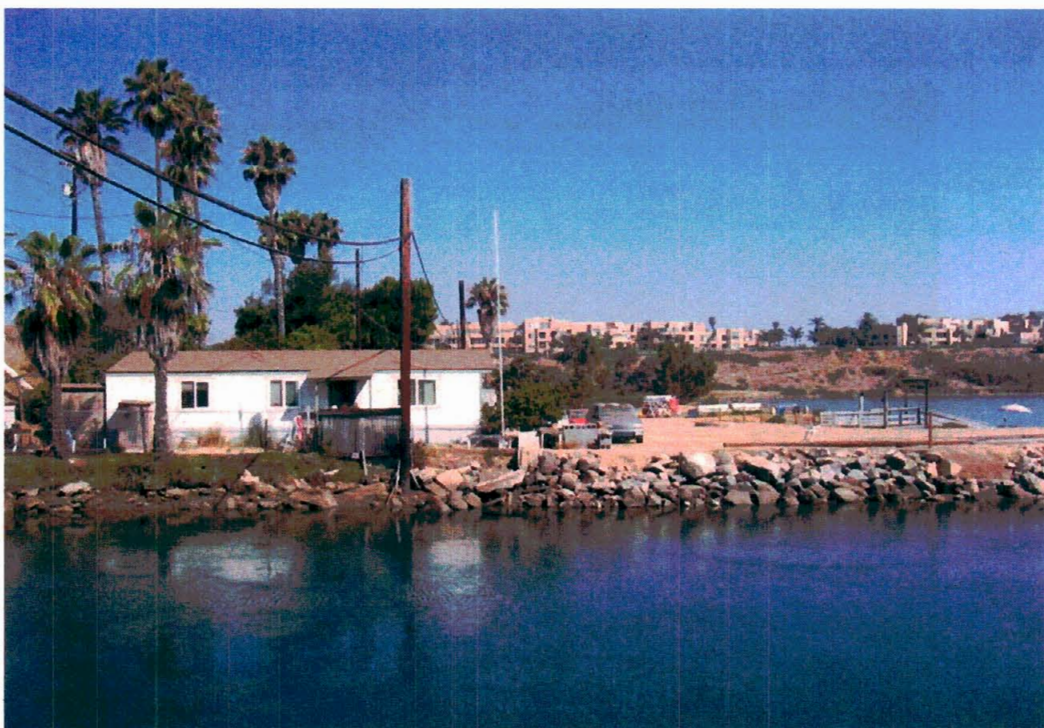


Photo 42: View of a YMCA camp located east of Interstate 5 and within the middle Agua Hedionda Lagoon.

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**



Photo 43: View looking south at the inner Agua Hedionda Lagoon.



Photo 44: View looking west toward the inner Agua Hedionda Lagoon. The Encina Power Station is visible in the distance.

Appendix F

Interview Documentation

PHASE I PRELIMINARY SITE ASSESSMENTS (PSAs)

Environmental Questionnaire

Preliminary Information Needed

The following information should be obtained for each facility (site). The person most knowledgeable about the site and its history should provide the information:

1. Name and phone number of person providing the information
Jeff Bisson – Phone (760) 268-4020
2. Property Address
4600 Carlsbad Blvd. Carlsbad, CA 92008
3. Who is the current owner of the property?
Cabrillo Power I LLC.
For how long?
Eight years
4. Who is the current occupant or operator of the property?
Cabrillo Power I LLC.
For how long?
6 years
5. What is the current use of the property?
Steam Electric Power Generation
6. What is the age of facilities on the property? (Give dates of construction and date when first started operating)
Unit 1 in service 1954
Unit 2 in service 1956
Unit 3 in service 1958
Unit 4 in service 1973
Unit 5 in service 1978
Encina Gas Turbine in service 1968 Construction same year.
Construction on all units is about 2 years
7. If relevant, who was the former owner and operator/occupant?
San Diego Gas and Electric (SDG&E)
8. What were the past uses of the site and nearby properties that could impact the site?
There has not been anything in the past uses that should impact the site. To the south there is an SDG&E Maintenance yard that has been there for many years. The site itself was used as a Rubber Plant in the 40s some time. The east portion of the property was used for

agriculture prior to the installation of the East Fuel Oil Tank farm. To the west is the Pacific Ocean. Land east of the plant site across Interstate 5 is used for agriculture and north of the plant there are lagoons that were dredged out for use as cooling water storage for the plant.

9. Provide a plot plan showing the site facilities and boundaries.

Under separate cover

10. What is the area (acres or square feet) of the site?

150 Acres

11. Who are the key property personnel? (Plant manager, plant engineer, plant environmental coordinator, etc.)

Jerry Carter is the Plant Manager, Michael Pearson is the Plant Engineer and Facility Security Officer, Jeff Bisson and Sheila Henika are the plant Environmental coordinators, Dan Bergeron is the plant Operations and Maintenance Manager.

12. Provide a brief description of site characteristics with respect to:

- Hazardous materials and chemicals used/stored/disposed

List provided under separate cover

- Asbestos containing materials (ACM)

A List is provided under separate cover. As existing ACM is encountered during maintenance or modifications to the plant it is remediated by a licensed contractor.

- Tanks

Under separate cover

- PCB equipment

Response in email 8-28

- Solid waste disposal

By contracts with solid waste contractors sent to approved TSDFs or landfill

- Sewerage

To Encina Waste Water Authority

- Water supply

Two main supplies from the City of Carlsbad

- Surrounding land uses

Outer basin of AHL has Carlsbad Aquaculture, commercial aquaculture of mussels, clams, oysters, seahorses, and abalone for research and Hubbs Sea World Research Institute for research aquaculture on white sea bass. The middle basin of AHL is leased for YMCA kayak school. Inner basin of AHL is leased to the City of Carlsbad for residential boating and recreational jet skiing. Many shores of the AHL are also available for fishing and public trails.

East of the plant is Interstate 5 then agriculture areas.

South of the plant is the SDG&E North Coast Maintenance maintenance yard

West of the plant is Carlsbad Boulevard and the Pacific Ocean with beaches used for public recreation.

13. Has there ever been a spill (reported or not reported) of material that could be deemed to have caused contamination?

☒Yes ☐No

If yes, please explain: Spill history under separate cover

14. Has there ever been an aboveground or underground tank on the site.

☒Yes ☐No

If yes, please explain: Tank list under separate cover.

15. Are there any former septic tanks or sewer leach fields on the site

☐Yes ☒No

If yes, please explain:

16. Provide a list of environmental permits for the site.

Under separate cover

17. What arrangements are needed to visit the site?

At least 24 hours notice so security and the plant Manager can be notified.

18. Have environmental studies reports or assessments been performed on the property's soil, air, or water conditions? If so, provide copies of the report(s).

☒Yes ☐No

If yes, please explain: Supplied under separate cover.

19. Has any regulatory agency listed the property as a site requiring or qualifying for cleanup under any environmental law?

☐Yes ☒No

If yes, please explain:

20. Are there any known citizen complaints or lawsuits filed against the site?

☒Yes ☐No

If yes, please explain: Surfrider Foundation is contesting the NPDES permit. For more info contact David Lloyd at NRG West Regional office.

21. If available, provide the following local geology and hydrology data: Under separate cover to CH2MHill

- Elevation of aquifers and nearest drinking water source
- Location of aquifers and nearest drinking water source
- Depth to nearest groundwater
- Use (and potential for use) of groundwater and surface waters
- Direction of groundwater flow
- Known impairments to water quality (e.g., regional pesticide contamination)

22. Does site have public water and sewer access?

☒ Yes ☐ No

If yes, please explain: Water is supplied from the City of Carlsbad sewer goes to Encina Waste Water Authority

23. Provide a list of personnel (including retired personnel) that would have knowledge of the site's operating history. N/A

24. If you were buying this property, what would you want to know that if you didn't find out until after you owned the property, you'd be upset (focus on environmental)? N/A

Specific Questions included with the "Preliminary Information Needed"

1. Have you observed evidence or do you have any prior knowledge that the property has been used for an industrial use or mining in the past?

☒Yes ☐No

If yes, please explain:

Used as a steam electric generation site

2. Have you observed evidence or do you have any prior knowledge that any adjoining property has been used for an industrial use or mining in the past?

☒Yes ☐No

If yes, please explain:

The SDG&E maintenance yard south of the plant.

3. Is any portion of the property used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility?

☒Yes ☐No

If yes, please explain: Waste storage etc under separate cover. Over 20 years ago there was a gas and diesel station for SDG&E fleet vehicles on Encina property

4. Is any adjoining property used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard or landfill, or as a waste treatment storage, disposal, processing, or recycling facility?

☒Yes ☐No

If yes, please explain: The SDG&E maintenance yard has motor repair and gasoline station facilities for filling fleet vehicles and a natural gas station for fleet vehicles.

5. Are there currently any damaged or discarded automotive or industrial batteries, pesticides, paints, or other chemicals in individual containers of >5 gal in volume or 50 gal in the aggregate, stored on or used at the property or at the facility?

☐Yes ☒No

If yes, please explain:

6. Are there currently any industrial drums (typically 55 gal) or sacks of chemicals located on the property or at the facility?

☒Yes ☐No

If yes, please explain: All materials under separate cover

7. Have you observed evidence or do you have any prior knowledge that fill dirt has been brought onto the property that originated from a contaminated site?

☐Yes ☒No

If yes, please explain:

8. Have you observed evidence or do you have any prior knowledge that fill dirt has been brought onto the property that is of an unknown origin?

☐Yes ☒No

If yes, please explain:

9. Are there currently or has there ever been any pits, ponds, or lagoons located on the property in connection with waste treatment or waste disposal?

☒Yes ☐No

If yes, please explain: up to approximately 1989 there were waste water treatment ponds that were closed out per DEH and replaced by ASTs in secondary containment.

10. Is there currently any stained soil on the property?

☐Yes ☒No

If yes, please explain:

11. Are there currently or has there ever been any registered or unregistered storage tanks (above or underground) located on the property?

☒Yes ☐No

If yes, please explain: List under separate cover

12. Are there currently or has there ever been any vent pipes, fill pipes, or access ways indicating a fill pipe protruding from the ground on the property or adjacent to any structure located on the property?

☐Yes ☐No

If yes, please explain: Don't understand what is meant by a "fill pipe"

13. Are there currently any flooring, drains, or walls located within the facility that are stained by substances other than water or are emitting foul odors?

☐Yes ☒No

If yes, please explain:

14. If the property is served by a private well or non-public water system, is there evidence or do you have prior knowledge that contaminants have been identified in the well or system that exceed guidelines applicable to the water system?

☐Yes ☐No

If yes, please explain: N/A

15. If the property is served by a private well or non-public water system, is there evidence or do you have prior knowledge that the well has been designated as contaminated by any government environmental/health agency?

☐Yes ☐No

If yes, please explain: N/A

16. Do you have any knowledge of environmental liens or governmental notification relating to past or recurrent violations of environmental laws with respect to the property or any facility located on the Property?

☐Yes ☒No

If yes, please explain:

17. Do you have any knowledge of the past existence of hazardous substances or petroleum products with respect to the property or any facility located on the property?

☒Yes ☐No

If yes, please explain: Under separate cover

18. Do you have any knowledge of the current existence of hazardous substances or petroleum products with respect to the property or any facility located on the property?

☒Yes ☐No

If yes, please explain: Under separate cover

19. Do you have any knowledge of the past existence of environmental violations with respect to the property or any facility located on the property?

☒Yes ☐No

If yes, please explain: Misc. NOVs with minor fines paid but no large scale issues such as superfund type issues.

20. Do you have any knowledge of current existence of environmental violations with respect to the property or any facility located on the property?

☒Yes ☐No

If yes, please explain: Same as above

21. Do you have any knowledge of any environmental site assessment of the property or facility that indicated the presence of hazardous substances or petroleum products on, or contamination of, the property or recommended further assessment of the property?

☒Yes ☐No

If yes, please explain: Spill history and cleanup under separate cover

22. Do you have any knowledge of any past, threatened, or pending lawsuits or administrative proceedings concerning a release or threatened release of any hazardous substance or petroleum products involving the property by any owner or occupant of the property?

☐Yes ☒No

If yes, please explain:

23. Does the property discharge waste water, on or adjacent to the property, other than storm water, into a storm water sewer system?

☐Yes ☒No

If yes, please explain:

24. Does the property discharge waste water, on or adjacent to the property, other than storm water, into a sanitary sewer system?

☒Yes ☐No

If yes, please explain: Under EWA Permit 2139 for batch discharging

25. Is there any electrical or hydraulic equipment for which there are any records indicating the presence of PCBs?

☒ Yes ☐ No

If yes, please explain: Under separate cover.

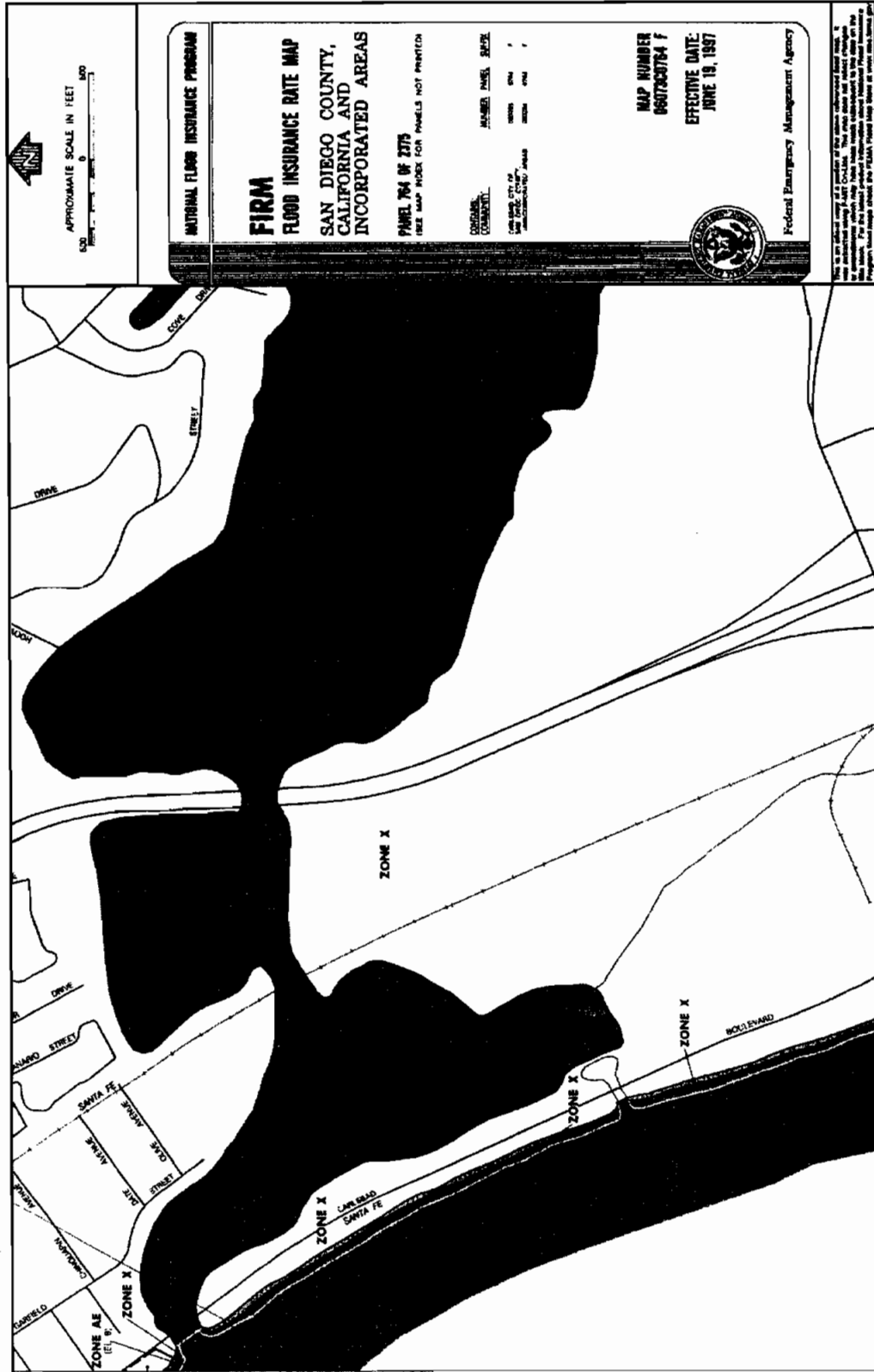
Appendix G

Additional Documentation

OVERSIZE DOCUMENT

- Too large to scan
- No digital version available
- File too large to be distributed electronically

The complete document
can be requested from the
Dockets Unit
#654-5076

[illegible]

LEGEND

SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD



ZONE A No base flood elevations determined.

ZONE AE Base flood elevations determined.

ZONE AH Flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations determined.

ZONE AO Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of altered firm flooding, velocities also determined.

ZONE APP To be protected from 100-year flood by Federal flood protection system under construction; no base elevations determined.

ZONE V Coastal flood with velocity hazard (wave action); no base flood elevations determined.

ZONE VE Coastal flood with velocity hazard (wave action); base flood elevations determined.

FLOODWAY AREAS IN ZONE AE



OTHER FLOOD AREAS



ZONE X Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood.

OTHER AREAS



ZONE X Areas determined to be outside 500-year floodplain.

ZONE D Areas in which flood hazards are undetermined.



CABRILLO POWER I, LLC



SAN DIEGO COUNTY
DEPARTMENT OF ENVIRONMENTAL HEALTH-CUPA
HAZARDOUS MATERIALS DIVISION
P.O. BOX 129261, SAN DIEGO, CA 92112-9261
1-800-253-9933 (619) 338-2222 FAX (619) 338-2377

HAZARDOUS MATERIALS BUSINESS PLAN CERTIFICATION

The California Health & Safety Code (H&SC), Division 20, Chapter 6.95, Section 25505 provides for the following:

The San Diego County, Department of Environmental Health, Hazardous Materials Division (HMD), as the administering agency, requires a business that handles hazardous materials to submit the hazardous materials inventory, a list of emergency contacts, and a site plan, in lieu of a complete Hazardous Materials Business Plan (HMBP), only after the initial submittal of a complete HMBP. The business must certify that a complete HMBP has been prepared and is maintained at the site where the hazardous materials are stored. A complete HMBP includes the items to be submitted to the HMD and an Emergency Response Plan and Employee Training Plan, as established in H&SC Section 25504. The business must also annually certify that the HMBP is current and maintained on site. See Back for instructions and further clarification.

I. IDENTIFICATION

FACILITY ID#	3	7	0	0	0	1	1	3	9	4	1		
BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As)													
Cabrillo Power I LLC, Encina Power Station													
BUSINESS SITE ADDRESS													
4600 Carlsbad Blvd.													
CITY										104	CA	ZIP CODE	
Carlsbad												92008	

II. CERTIFICATION STATEMENT

☐ **CARCINOGEN/REPRODUCTIVE TOXIN ANNUAL RENEWAL WITHOUT CHANGES:** This is an annual renewal to certify that the list of carcinogens and/or reproductive toxins last provided is a current list as specified in the San Diego County Code of Regulatory Ordinances Section 68.1113.

Check only one of the following boxes:

☐ **INITIAL CERTIFICATION:** This is to certify (H&SC Section 25505(e)(1)) that a complete HMBP, which includes the hazardous materials inventory, a list of emergency contacts, a site plan, emergency response plan, and employee training plan, has been prepared and is maintained at the site where the hazardous materials are stored.

☐ **ANNUAL CERTIFICATION WITHOUT CHANGES:** This is an annual certification (H&SC Section 25505(d)&(e)(2)) that the HMBP, which includes the hazardous materials inventory, a list of emergency contacts, a site plan, emergency response plan, and employee training plan, is current and includes all the information required in H&SC Section 25504, and 25509, and is maintained at the site where the hazardous materials are stored.

☒ **CERTIFICATION OF CHANGES/REVISIONS:** This is to certify that the HMBP has been reviewed (H&SC Section 25505(c) & 25510) and all necessary changes/revisions have been made. The HMBP is current and is maintained at the site where the hazardous materials are stored. Attached are changes to the hazardous materials inventory and/or list of emergency contacts. For site map revisions, submit only the pages that have a change or revision and attach to this certification. This submittal satisfies annual certification requirements specified in H&SC Section 25505(d)&(e)(2).

AS AN AUTHORIZED REPRESENTATIVE, I CERTIFY UNDER THE PENALTY OF LAW, THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED AND BELIEVE THE INFORMATION IS TRUE, ACCURATE, AND COMPLETE.

SIGNATURE OF OWNER/OPERATOR OR DESIGNATED REPRESENTATIVE

DATE

NAME OF SIGNER (print)
Jerry L. Carter

TITLE OF SIGNER
Plant Manager

O
F
F
I
C
E

INSTRUCTIONS TO CLERICAL STAFF FOR HMBP ACCEPTANCE

- ☐ Site Map
☐ *Emergency Contacts
☐ *Chemical Inventory

*Note: Indicate the date that the inventory and/or ER contact information in the KIVA database was reviewed and changes were submitted for processing. If the inventory and ER contact information are exactly the same as it is recorded in KIVA, no changes need to be submitted.

Hazardous Materials Business Plan acceptance date will be changed to the acceptance date on new site map.
A letter will be mailed to business after processing of site map updates.

HIRT SITE ☐ **

Specialist's Signature: (only required for new plans or for changes to site maps, chemical inventory and/or emergency contacts)

FIRE DIST. _____

REMARKS: _____

** If HIRT box is checked, follow HIRT policy to indicate on the inventory forms which hazardous materials make this a HIRT site.



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1-800-253-9933

BUSINESS OWNER/OPERATOR IDENTIFICATION

Page 1 of 1																	
I. IDENTIFICATION																	
FACILITY ID#	3	7	0	0	0	1	1	3	9	4	1	BEGINNING DATE	100	2006-03-01	ENDING DATE	101	2007-03-01
BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As)												BUSINESS PHONE		102			
Cabrillo Power I LLC, Encina Power Station												(760) 268-4000 x					
BUSINESS SITE ADDRESS														103			
4600 Carlsbad Blvd.																	
CITY										104	CA	ZIP CODE		105			
Carlsbad												92008-					
DUN & HADSTREET										106		SIC CODE (4 digit #)		107			
												4911					
COUNTY														108			
San Diego																	
BUSINESS OPERATOR NAME										109	BUSINESS OPERATOR PHONE		110				
NRG Cabrillo Power Operations Inc.											(760) 268-4000 x						
II. BUSINESS OWNER																	
OWNER NAME										111	OWNER PHONE		112				
Cabrillo Power I LLC											(760) 268-4000 x						
OWNER MAILING ADDRESS														113			
4600 Carlsbad Blvd.																	
CITY										114	STATE	115	ZIP CODE		116		
Carlsbad											CA		92008-				
III. ENVIRONMENTAL CONTACT																	
CONTACT NAME										117	CONTACT PHONE		118				
Sheila Henika, Env. Specialist											(760) 268-4018 x						
CONTACT MAILING ADDRESS														119			
4600 Carlsbad Blvd																	
CITY										120	STATE	121	ZIP CODE		122		
Carlsbad											CA		92008-				
IV. EMERGENCY CONTACTS																	
-PRIMARY-												-SECONDARY-					
NAME										123	NAME		128				
Jeff Bisson											Shift Supervisor						
TITLE										124	TITLE		129				
Env. Specialist/Fuel Administrator											Shift Supervisor						
BUSINESS PHONE										125	BUSINESS PHONE		130				
(760) 268-4020 x											(760) 268-4062 x						
24-HOUR PHONE										126	24-HOUR PHONE		131				
(760) 688-8451 x											(760) 268-4062 x						
PAGER #										127	PAGER #		132				
(760) 688-8451 x											(760) 268-4066 x						
ADDITIONAL LOCALLY COLLECTED INFORMATION:																	
E-MAIL: *												E-MAIL: *					
jcff.bisson@nrgenergy.com												sheila.henika@cabrillopowers.com					
*This information is optional and will remain confidential. Complete if you want to receive periodic program updates from HMD.																	
ALWAYS SUBMIT A COPY OF THIS COMPLETED PAGE WITH SUBMITTAL OF ANY OTHER UNIFIED PROGRAM CONSOLIDATED FORM.																	
Certification: Based on my inquiry of those individuals responsible for obtaining the information, I certify under penalty of law that I have personally examined and am familiar with the information submitted and believe the information is true, accurate, and complete.																	
SIGNATURE OF OWNER/OPERATOR OR DESIGNATED REPRESENTATIVE										DATE	133	NAME OF DOCUMENT PREPARER		135			
										3/27/07		Sheila Henika, P.E.					
NAME OF SIGNER (print)										136	TITLE OF SIGNER		137				
Jerry L. Carter											Plant Manager						



SAN DIEGO COUNTY
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Hazardous Materials Business Plan - II. Emergency Response Plan

H 1 3 9 4 1

Emergency Coordinator Information

Please list the name, title/position and phone numbers (office and home/24 hr) of the emergency coordinator and alternatives who are qualified and authorized to assist emergency response personnel (for example, fire personnel) in the event of an emergency.

ITEM	NAME OF EMERGENCY COORDINATOR	TITLE	WORK PHONE	CELL PHONE	NUMBER	STREET	CITY
001	Sheila Henika	Env'tl Specialist	7602684018	7605352705	4600	Carlsbad Blvd.	Carlsbad CA 92008
002	Jeff Bisson	Env'tl Specialist	7602684020	7606888451	4600	Carlsbad Blvd.	Carlsbad CA 92008
003	Shift Supervisor	Control Rm 3 & 4	7602684062	7602684066	4600	Carlsbad Blvd.	Carlsbad CA 92008



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1-800-253-9933

Hazardous Materials Business Plan - II. Emergency Response Plan

11 1 3 9 4 1

SIC Code: 4911

1. Business Name Cabrillo Power I LLC

2. Business Site Address 4600 Carlsbad Blvd., Carlsbad, CA 92008

3. Business Telephone (760) 268-4018 24-Hour (760) 268-4062 Cell (760) 535-2705

4. Brief description of product manufactured and/or service provided Electric Generation

5. Evacuation Procedures: Personnel are alerted to evacuate by plant sirens and a paging alert system. All personnel have pre-designated staging areas where they will be accounted for in the case of an emergency and where they will receive emergency instructions. Staging areas are as follows:

- West side of Maintenance Shop
- South Parking Lot near Unit 5
- Wastewater Treatment Building

6. Notification Procedures:

the event of a release or threatened release of a hazardous material the following agencies are to be notified:

Phone No.

A. Local Emergency Response Agencies
Hazardous Materials Management Division

911
(619) 338-2222 (911 after working hours)

B. State Office of Emergency Services

(800) 852-7550 (916) 845-8911 Warning Center
(916) 845-8510 Main Number

C. National Response Center

(800) 424-8802

Name of person (s) responsible for completing notifications:

Sheila Henika, Environmental Specialist; Jeff Bisson, Environmental Specialist /Fueling Administrator

Describe notification procedures: In the event of an emergency response regarding hazardous materials or hazardous waste, the Plant Shift Supervisor is notified, either by direct call to the business and 24-hour numbers above or by dialing the in-house emergency number 6911. The Shift Supervisor will notify appropriate personnel including the above environmental positions. Personnel are alerted to evacuate according to the above procedures.

Emergency Procedures: Local emergency response: Fire/Police/Medical: 911 Facility emergency response: 6911

Small spills: Plant personnel will control spilled material, provide clean-up and provide notification.

Large spills: Plant personnel will minimize the spread of spilled material, call for clean-up contractor and provide notification.

Clean-up contractor: NRC Environmental, 24-hr. phone (800) 337-7455

Spill Reporting Procedures are listed in the Spill Prevention Control and Countermeasure Plan (SPCC), listing reporting defines in the event of small or large spills.



SAN DIEGO COUNTY
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HAZARDOUS MATERIALS DIVISION

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1-800-253-9933

____/____/____
Date Submitted

HAZARDOUS MATERIALS BUSINESS PLAN - III. Employee Training Description

H 1 3 9 4 1

The following describes the employee training provided for all employees that handle hazardous substances.

1. Training Topic - Procedures for handling hazardous materials, including hazardous wastes:

Personnel Trained: All Encina Power Station Employees

Training Time: Four (4) hours Refresher Frequency: Annual Refresher Time: Four (4) hours

Training Content: Training covers California Required Hazard Communication, Hazard Locations, Hazard Identification, Hazardous Material/Waste Handling, and Hazardous Material/Waste Disposal.

2. Training Topic - Procedures for coordination with emergency response agencies:

Personnel Trained: All Encina Power Station Employees

Training Time: One (1) hour Refresher Frequency: Annual Refresher Time: One (1) hour

Training Content: Training covers what phone numbers to call and how, emphasizing calling x6911 on site and allowing operations personnel to call 911.

3. Training Topic - Use of emergency response equipment and materials under the business control:

Personnel Trained: All Encina Power Station Employees

Training Time: Two (2) hours Refresher Frequency: Annual Refresher Time: Two (2) hours

Training Content:

- One hour of fire fighting training with hands on use of fire fighting equipment.
- One hour of hazardous material equipment and material training.

4. Training Topic - Emergency Response Plan implementation:

Personnel Trained: All Encina Power Station Employees

Training Time: Two (2) hours Refresher Frequency: Annual Refresher Time: Two (2) hours

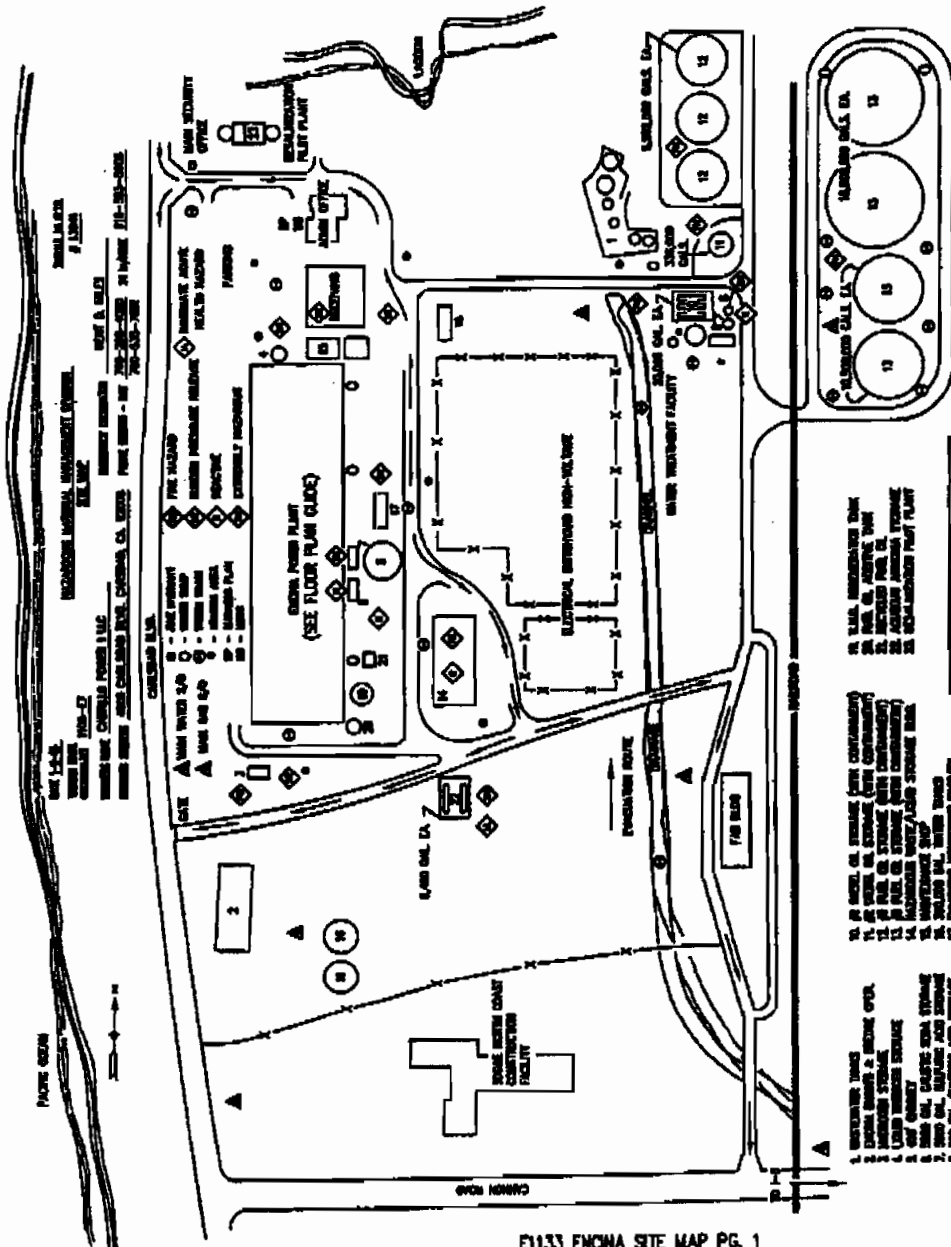
Training Content: Covers purpose of plan, potential hazards, emergency notification procedures (alarms, phone calls, etc) and emergency evacuation.

4. Training Topic - Hazardous Waste Operations and Emergency Response (HazWOPER)

Personnel Trained: Management, Supervisory, and Environmental Personnel

Training Time: Forty (40) hours Refresher Frequency: Annual Refresher Time: Eight (8) hours

Training Content: California State certified HazWOPER training format under 29 CFR 1910.120



E1133 ENCMA SITE MAP PG. 1

A9/01

R96F0334.DWG/TIF

REVISIONS		DATE	BY	CHKD	APPD	DATE	BY	CHKD	APPD
C	ENCMA-EP	3/24/99	ENCMA-EP			3/24/99	ENCMA-EP		
D	ENCMA-EP	3/24/99	ENCMA-EP			3/24/99	ENCMA-EP		
E	ENCMA-EP	3/24/99	ENCMA-EP			3/24/99	ENCMA-EP		
F	ENCMA-EP	3/24/99	ENCMA-EP			3/24/99	ENCMA-EP		

PROJECT No.	ENCMA-EP
SCALE	NONE
SHEET	1
OF 1	
DATE	3/24/99
BY	ENCMA-EP
CHKD	ENCMA-EP
APPD	ENCMA-EP

PROJECT No.	ENCMA-EP
SCALE	NONE
SHEET	1
OF 1	
DATE	3/24/99
BY	ENCMA-EP
CHKD	ENCMA-EP
APPD	ENCMA-EP

PROJECT No.	ENCMA-EP
SCALE	NONE
SHEET	1
OF 1	
DATE	3/24/99
BY	ENCMA-EP
CHKD	ENCMA-EP
APPD	ENCMA-EP

PROJECT No.	ENCMA-EP
SCALE	NONE
SHEET	1
OF 1	
DATE	3/24/99
BY	ENCMA-EP
CHKD	ENCMA-EP
APPD	ENCMA-EP

PROJECT No.	ENCMA-EP
SCALE	NONE
SHEET	1
OF 1	
DATE	3/24/99
BY	ENCMA-EP
CHKD	ENCMA-EP
APPD	ENCMA-EP

PROJECT No.	ENCMA-EP
SCALE	NONE
SHEET	1
OF 1	
DATE	3/24/99
BY	ENCMA-EP
CHKD	ENCMA-EP
APPD	ENCMA-EP

PROJECT No.	ENCMA-EP
SCALE	NONE
SHEET	1
OF 1	
DATE	3/24/99
BY	ENCMA-EP
CHKD	ENCMA-EP
APPD	ENCMA-EP

PROJECT No.	ENCMA-EP
SCALE	NONE
SHEET	1
OF 1	
DATE	3/24/99
BY	ENCMA-EP
CHKD	ENCMA-EP
APPD	ENCMA-EP



SAN DIEGO COUNTY
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HAZARDOUS MATERIALS DIVISION
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1-800-253-9933

Date Submitted

HAZARDOUS MATERIALS INVENTORY CHEMICAL DESCRIPTION

One page per material per building or area

☐ ADD

☐ DELETE

☐ REVISE

20

Page 1 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA Doing Business As)

Cabrillo Power I LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL
EPCRA ☐ YES ☒ NO

FACILITY ID #

3 7 0 0 0 H 1 3 9 4 1

MAP# (optional)

NOT USED

GRID# (optional)

NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME

Nalco 356 Neutralizing Amine

COMMON NAME

Nalco 356

CAS# 108-91-8

TRADE SECRET ☐ YES ☒ NO

If Subject to EPCRA, refer to instructions

EHS# ☒ YES ☐ NO

*If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL
TYPE (Check one item only)

☐ a. PURE ☒ b. MIXTURE ☐ c. WASTE

RADIOACTIVE ☐ Yes ☒ No

CURIES

PHYSICAL STATE
(Check one item only)

☐ a. SOLID ☒ b. LIQUID ☐ c. GAS

LARGEST CONTAINER 55 gallon drum/458 lbs

FED HAZARD CATEGORIES
(Check all that apply)

☒ a. FIRE ☐ b. REACTIVE ☐ c. PRESSURE RELEASE ☒ d. ACUTE HEALTH ☐ e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT

99 gallons/824 lbs.

MAXIMUM DAILY AMOUNT

110 gallons/916 lbs.

ANNUAL WASTE AMOUNT

0

STATE WASTE CODE

UNITS*

(Check one item only) * If EHS, amount must be in pounds.

☐ a. GALLONS ☐ b. CUBIC FEET ☒ c. POUNDS ☐ d. TONS

DAYS ON SITE:

356

STORAGE
CONTAINER

☐ a. ABOVE GROUND TANK ☐ e. PLASTIC/NONMETALLIC DRUM ☐ i. FIBER DRUM ☐ m. GLASS BOTTLE ☐ q. RAIL CAR
☐ b. UNDERGROUND TANK ☐ f. CAN ☐ j. BAG ☐ n. PLASTIC BOTTLE ☐ r. OTHER
☐ c. TANK INSIDE BUILDING ☒ g. CARBOY ☐ k. BOX ☐ o. TOTE BIN
☐ d. STEEL DRUM ☐ h. SILO ☐ l. CYLINDER ☐ p. TANK WAGON

STORAGE PRESSURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT

STORAGE TEMPERATURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT ☐ d. CRYOGENIC

%WT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1 20-40

Cyclohexylamine

☒ Yes ☐ No

108

2 5-10

Morpholine

☐ Yes ☒ No

110-91-8

3

☐ Yes ☐ No

4

☐ Yes ☐ No

5

☐ Yes ☐ No

ADDITIONAL LOCALLY COLLECTED INFORMATION

- ☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) ≤ 10 ppm.
THIS HAZARDOUS MATERIAL MUST BE INVENTORIED IN ANY QUANTITY.
☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS SUBJECT TO RMP REQUIREMENTS AND/OR CALARP REQUIREMENTS



SAN DIEGO COUNTY
DEPARTMENT OF ENVIRONMENTAL HEALTH - CUPA
HAZARDOUS MATERIALS DIVISION
P.O. BOX 129261, SAN DIEGO, CA 92112-9261
(619) 338-2222 FAX (619) 338-2377
1-800-253-9933

____/____/____
Date Submitted

HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per building or area)

☐ ADD

☐ DELETE

☐ REVISE

Page 2 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As)

Cabrillo Power 1 LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL
EPCRA ☐ YES ☒ NO

FACILITY ID #

3

7

0

0

0

H

1

3

9

4

1

MAP# (optional)

NOT USED

GRID# (optional)

NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME

Mobil DTE 797

COMMON NAME

DTE 797 Lubricating Oil

CAS# N/A, non-hazardous

TRADE SECRET ☐ YES ☒ NO

If Subject to EPCRA, refer to instructions

EHS*

☐ YES ☒ NO

*If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL
TYPE (Check one item only)

☐ a. PURE ☒ b. MIXTURE ☐ c. WASTE

RADIOACTIVE ☐ Yes ☒ No

CURIES

PHYSICAL STATE
(Check one item only)

☐ a. SOLID ☒ b. LIQUID ☐ c. GAS

LARGEST CONTAINER 6,000 gallons

FED HAZARD CATEGORIES
(Check all that apply)

☐ a. FIRE ☐ b. REACTIVE ☐ c. PRESSURE RELEASE ☐ d. ACUTE HEALTH ☐ e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT

2,700 gallons

MAXIMUM DAILY AMOUNT

3,000 gallons

ANNUAL WASTE AMOUNT

48,730 lbs.

STATE WASTE CODE

221, 352, 134

UNITS*

(Check one item only) * If EHS, amount must be in pounds

☒ a. GALLONS ☐ b. CUBIC FEET ☐ c. POUNDS ☐ d. TONS

DAYS ON SITE:

356

STORAGE
CONTAINER

☒ a. ABOVE GROUND TANK ☐ e. PLASTIC/NONMETALLIC DRUM ☐ i. FIBER DRUM ☐ m. GLASS BOTTLE ☐ q. RAIL CAR
☐ b. UNDERGROUND TANK ☐ f. CAN ☐ j. BAG ☐ n. PLASTIC BOTTLE ☐ r. OTHER
☐ c. TANK INSIDE BUILDING ☐ g. CARBOY ☐ k. BOX ☐ o. TOTE BIN
☐ d. STEEL DRUM ☐ h. SLO ☐ l. CYLINDER ☐ p. TANK WAGON

STORAGE PRESSURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT

STORAGE TEMPERATURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT ☐ d. CRYOGENIC

%WT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1

☐ Yes ☐ No

2

☐ Yes ☐ No

3

☐ Yes ☐ No

4

☐ Yes ☐ No

5

☐ Yes ☐ No

ADDITIONAL LOCALLY COLLECTED INFORMATION

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) \leq 10 ppm.
THIS HAZARDOUS MATERIAL MUST BE INVENTORIED IN ANY QUANTITY.

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS SUBJECT TO RMP REQUIREMENTS AND/OR CALARP REQUIREMENTS



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HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(If one page per material not building or areas)

☐ ADD

☐ DELETE

☐ REVISE

Page 3 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As)

Cabrillo Power I LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL
EPCRA ☐ YES ☒ NO

FACILITY ID #

3

7

0

0

0

H

I

3

9

4

1

MAP# (optional)

NOT USED

GRID# (optional)

NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME

Hydrochloric Acid

TRADE SECRET ☐ YES ☒ NO

(If subject to EPCRA, refer to instructions)

COMMON NAME

Inorganic Acid

FHS*

☐ YES ☒ NO

CAS# 7732-18-5

*If FHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL
TYPE (Check one item only)

☐ a. PURE ☒ b. MIXTURE ☐ c. WASTE

RADIOACTIVE ☐ Yes ☒ No

CURIES

PHYSICAL STATE
(Check one item only)

☐ a. SOLID ☒ b. LIQUID ☐ c. GAS

LARGEST CONTAINER 5 gallon container

FED HAZARD CATEGORIES
(Check all that apply)

☐ a. FIRE ☐ b. REACTIVE ☐ c. PRESSURE RELEASE ☒ d. ACUTE HEALTH ☐ e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT

630 gallons

MAXIMUM DAILY AMOUNT

700 gallons

ANNUAL WASTE AMOUNT

0

STATE WASTE CODE

UNITS*

(Check one item only) * If FHS, amount must be in pounds.

☐ a. GALLONS ☐ b. CUBIC FEET ☐ c. POUNDS ☐ d. TONS

DAYS ON SITE:

356

STORAGE
CONTAINER

☐ a. ABOVE GROUND TANK ☐ c. PLASTIC/NONMETALLIC DRUM ☐ i. FIBER DRUM ☐ m. GLASS BOTTLE ☐ q. RAIL CAR
☐ b. UNDERGROUND TANK ☐ e. CAN ☐ j. BAG ☒ n. PLASTIC BOTTLE ☐ r. OTHER
☐ c. TANK INSIDE BUILDING ☐ g. CARBOY ☐ k. BOX ☐ o. TUB/BIN
☐ d. STEEL DRUM ☐ h. SILO ☐ l. CYLINDER ☐ p. TANK WAGON

STORAGE PRESSURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT

STORAGE TEMPERATURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT ☐ d. CRYOGENIC

%WT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1 64 - 74

Hydrogen Chloride

☐ Yes ☒ No

7647-01-0

2 36 - 26

Water (H₂O)

☐ Yes ☒ No

7732-18-5

3

☐ Yes ☐ No

4

☐ Yes ☐ No

5

☐ Yes ☐ No

ADDITIONAL LOCALLY COLLECTED INFORMATION

- ☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) \leq 10 ppm.
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HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

10 lines per material per building or area

☐ ADD

☐ DELETE

☐ REVISE

Page 3 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As)

Cabrillo Power I L.L.C.

CHEMICAL LOCATION

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL
EPCRA ☐ YES ☒ NO

FACILITY ID # 3 7 0 0 0 H 1 3 9 4 1

MAP# (optional)

NOT USED

GRID# (optional)

NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME

Texaco Multi-gear Oil

TRADE SECRET ☐ YES ☒ NO

If subject to EPCRA, refer to instructions

COMMON NAME

Lubricating Oil

EHS* ☐ YES ☒ NO

CAS# Mixture, see below

*If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL
TYPE (Check one item only)

☐ a. PURE ☒ b. MIXTURE ☐ c. WASTE

RADIOACTIVE ☐ Yes ☒ No

CURIES

PHYSICAL STATE
(Check one item only)

☐ a. SOLID ☒ b. LIQUID ☐ c. GAS

LARGEST CONTAINER

OTHER HAZARD CATEGORIES
(Check all that apply)

☐ a. FIRE ☐ b. REACTIVE ☐ c. PRESSURE RELEASE ☐ d. ACUTE HEALTH ☐ e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT

50 gallons

MAXIMUM DAILY AMOUNT

55 gallons

ANNUAL WASTE AMOUNT

0

STATE WASTE CODE

UNITS*

(Check one item only) * If EHS, amount must be in pounds.

☒ a. GALLONS

☐ b. CUBIC FEET

☐ c. POUNDS

☐ d. TONS

DAYS ON SITE

356

STORAGE
CONTAINER

☐ a. ABOVE GROUND TANK
☐ b. UNDERGROUND TANK
☐ c. TANK INSIDE BUILDING
☒ d. STEEL DRUM

☐ e. PLASTIC/NONMETALLIC DRUM
☐ f. CAN
☐ g. CARBOY
☐ h. SHED

☐ i. FIBER DRUM
☐ j. BAG
☐ k. BOX
☐ l. CYLINDER

☐ m. GLASS BOTTLE
☐ n. PLASTIC BOTTLE
☐ o. TOTE BIN
☐ p. TANK WAGON

☐ q. RAIL CAR
☐ r. OTHER

STORAGE PRESSURE

☒ a. AMBIENT

☐ b. ABOVE AMBIENT

☐ c. BELOW AMBIENT

STORAGE TEMPERATURE

☒ a. AMBIENT

☐ b. ABOVE AMBIENT

☐ c. BELOW AMBIENT

☐ d. CRYOGENIC

%VT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1 80 - 94.99

Hydrotreated C25 Lube Oil

☐ Yes ☒ No

7262-38-37

2 1 - 3.99

Heavy Paraffinic Petroleum Distillate

☐ Yes ☒ No

6474-26-50

3 1 - 3.99

Sulfur-Containing C4-C8 Olefin

☐ Yes ☒ No

4

☐ Yes ☐ No

5

☐ Yes ☐ No

ADDITIONAL LOCALLY COLLECTED INFORMATION

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) ≤ 10 ppm.
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Date Submitted

HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per building or area)

☐ ADD

☐ DELETE

☐ REVISE

201

Page 3 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As)

Cabrillo Power LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL
EPCRA ☐ YES ☒ NO

FACILITY ID #

3 7

0 0 0

H 1 3 9 4 1

MAP# (optional)

NOT USED

GRID# (optional)

NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME

Texaco Rando Hydraulic Oil AZ

TRADE SECRET ☐ YES ☒ NO

If Subject to EPCRA, refer to instructions

COMMON NAME

Hydraulic Oil

EHS*

☐ YES ☒ NO

CAS# Mixture, see below

*If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL
TYPE (Check one item only)

☐ a. PURE ☒ b. MIXTURE ☐ c. WASTE

RADIOACTIVE ☐ Yes ☒ No

CURIES

PHYSICAL STATE
(Check one item only)

☐ a. SOLID ☒ b. LIQUID ☐ c. GAS

LARGEST CONTAINER 55 gallons

FED HAZARD CATEGORIES
(Check all that apply)

☐ a. FIRE ☐ b. REACTIVE ☐ c. PRESSURE RELEASE ☐ d. ACUTE HEALTH ☐ e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT

50 gallons

MAXIMUM DAILY AMOUNT

55 gallons

ANNUAL WASTE AMOUNT

0

STATE WASTE CODE

UNITS*

☒ a. GALLONS

☐ b. CUBIC FEET

☐ c. POUNDS

☐ d. TONS

DAYS ON SITE:

356

STORAGE
CONTAINER

☐ a. ABOVE GROUND TANK
☐ b. UNDERGROUND TANK
☐ c. TANK INSIDE BUILDING
☒ d. STEEL DRUM

☐ e. PLASTIC/NONMETALLIC DRUM
☐ f. CAN
☐ g. CARBOY
☐ h. SILO

☐ i. FIBER DRUM
☐ j. BAG
☐ k. BOX
☐ l. CYLINDER

☐ m. GLASS BOTTLE
☐ n. PLASTIC BOTTLE
☐ o. TOTE BIN
☐ p. TANK WAGON

☐ q. RAIL CAR
☐ r. OTHER

STORAGE PRESSURE

☒ a. AMBIENT

☐ b. ABOVE AMBIENT

☐ c. BELOW AMBIENT

STORAGE TEMPERATURE

☒ a. AMBIENT

☐ b. ABOVE AMBIENT

☐ c. BELOW AMBIENT

☐ d. CRYOGENIC

%WT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1 80 - 95

Mineral Oil

☐ Yes ☒ No

8042-47-5

2 5 - 10

Methacrylate polymer

☐ Yes ☒ No

3 1 - 5

Zinc Dithiophosphate

☐ Yes ☒ No

4

☐ Yes ☐ No

5

☐ Yes ☐ No

ADDITIONAL LOCALLY COLLECTED INFORMATION

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) ≤ 10 ppm.
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☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS SUBJECT TO RMP REQUIREMENTS AND/OR CALARP REQUIREMENTS



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HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per building or area)

☐ ADD

☐ DELETE

☐ REVISE

Page 6 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As)

Cabrillo Power I LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL
EPCRA ☐ YES ☒ NO

FACILITY ID # 3 7 0 0 0 H 1 3 9 4 1

MAP# (optional)

NOT USED

GRID# (optional)

NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME

Argon Gas

TRADE SECRET ☐ YES ☒ NO

If Subject to EPCRA, refer to instructions

COMMON NAME

Compressed gas

EHS* ☐ YES ☒ NO

CAS# 7440-37-1

*If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASS (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL
TYPE (Check one item only)

☒ a. PURE ☐ b. MIXTURE ☐ c. WASTE

RADIOACTIVE ☐ Yes ☒ No

CURIES

PHYSICAL STATE
(Check one item only)

☐ a. SOLID ☐ b. LIQUID ☒ c. GAS

LARGEST CONTAINER 336 cu. ft.

FEED HAZARD CATEGORIES
(Check all that apply)

☐ a. FIRE ☐ b. REACTIVE ☒ c. PRESSURE RELEASE ☒ d. ACUTE HEALTH ☐ e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT

5400

MAXIMUM DAILY AMOUNT

6000

ANNUAL WASTE AMOUNT

0

STATE WASTE CODE

UNITS*

(Check one item only) * If EHS, amount must be in pounds.

☐ a. GALLONS ☐ b. CUBIC FEET ☒ c. POUNDS ☐ d. TONS

DAYS ON SITE:

365

STORAGE
CONTAINER

☐ a. ABOVE GROUND TANK ☐ e. PLASTIC/NONMETALLIC DRUM ☐ i. FIBER DRUM ☐ m. GLASS BOTTLE ☐ q. RAIL CAR
☐ b. UNDERGROUND TANK ☐ f. CAN ☐ j. BAG ☐ n. PLASTIC BOTTLE ☐ r. OTHER
☐ c. TANK INSIDE BUILDING ☐ g. CARBOY ☐ k. BOX ☐ o. TOTE BIN
☐ d. STEEL DRUM ☐ h. SLO ☒ l. CYLINDER ☐ p. TANK WAGON

STORAGE PRESSURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT

STORAGE TEMPERATURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT ☐ d. CRYOGENIC

%WT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1

☐ Yes ☐ No

2

☐ Yes ☐ No

3

☐ Yes ☐ No

4

☐ Yes ☐ No

5

☐ Yes ☐ No

ADDITIONAL LOCALLY COLLECTED INFORMATION

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) ≤ 10 ppm.
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☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS SUBJECT TO RMP REQUIREMENTS AND/OR CALARP REQUIREMENTS



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HAZARDOUS MATERIALS DIVISION
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Date Submitted

HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per building or area)

<input type="checkbox"/> ADD		<input type="checkbox"/> DELETE		<input type="checkbox"/> REVISE		Page 2 of 31	
I. FACILITY INFORMATION							
BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As) Cabrillo Power I LLC							
CHEMICAL LOCATION SEE SITE MAP/PLAN						291	292
						CHEMICAL LOCATION CONFIDENTIAL EPCRA <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
FACILITY ID #		3	7	0	0	0	0
		H	1	3	9	4	1
MAP# (optional)						GRID# (optional)	
NOT USED						NOT USED	
II. CHEMICAL INFORMATION							
CHEMICAL NAME Calcium Nitrate Aqueous Solution LO-1						295	296
COMMON NAME						TRADE SECRET <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
						If Subject to EPCRA, refer to instructions.	
CAS# Calcium Nitrate -- 13477-34-4 Water -- 7732-18-5						297	298
						EHS* <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
						*If EHS is "Yes", all amounts below must be in lbs.	
FIRE CODE HAZARD CLASSES (Complete if required by CUPA) NOT REQUIRED BY SAN DIEGO COUNTY							
HAZARDOUS MATERIAL TYPE (Check one item only)		<input type="checkbox"/> a. PURE <input checked="" type="checkbox"/> b. MIXTURE <input type="checkbox"/> c. WASTE		211	RADIOACTIVE <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		212
PHYSICAL STATE (Check one item only)		<input type="checkbox"/> a. SOLID <input checked="" type="checkbox"/> b. LIQUID <input type="checkbox"/> c. GAS		214	LARGEST CONTAINER		215
PHD HAZARD CATEGORIES (Check all that apply)		<input type="checkbox"/> a. FIRE <input type="checkbox"/> b. REACTIVE <input type="checkbox"/> c. PRESSURE RELEASE		<input type="checkbox"/> d. ACUTE HEALTH		<input type="checkbox"/> e. CHRONIC HEALTH	
AVERAGE DAILY AMOUNT		MAXIMUM DAILY AMOUNT		ANNUAL WASTE AMOUNT		STATE WASTE CODE	
500		6000		0			
UNITS* (Check one item only) * If EHS amount must be in pounds.		<input checked="" type="checkbox"/> a. GALLONS <input type="checkbox"/> b. CUBIC FEET <input type="checkbox"/> c. POUNDS <input type="checkbox"/> d. TONS		221		DAYS ON SITE:	
						365	
STORAGE CONTAINER		<input checked="" type="checkbox"/> a. ABOVE GROUND TANK <input type="checkbox"/> c. PLASTIC/NONMETALLIC DRUM		<input type="checkbox"/> i. FIBER DRUM <input type="checkbox"/> m. GLASS BOTTLE		<input type="checkbox"/> q. RAIL CAR	
		<input type="checkbox"/> b. UNDERGROUND TANK <input type="checkbox"/> d. CAN		<input type="checkbox"/> j. BAG <input type="checkbox"/> n. PLASTIC BOTTLE		<input type="checkbox"/> r. OTHER	
		<input type="checkbox"/> e. TANK INSIDE BUILDING <input type="checkbox"/> g. CARBOY		<input type="checkbox"/> k. BOX <input type="checkbox"/> o. TOTE BIN			
		<input type="checkbox"/> f. STEEL DRUM <input type="checkbox"/> h. SILO <input type="checkbox"/> l. CYLINDER <input type="checkbox"/> p. TANK WAGON					
STORAGE PRESSURE		<input checked="" type="checkbox"/> a. AMBIENT <input type="checkbox"/> b. ABOVE AMBIENT <input type="checkbox"/> c. BELOW AMBIENT					
STORAGE TEMPERATURE		<input checked="" type="checkbox"/> a. AMBIENT <input type="checkbox"/> b. ABOVE AMBIENT <input type="checkbox"/> c. BELOW AMBIENT <input type="checkbox"/> d. CRYOGENIC					
% WT	HAZARDOUS COMPONENT (For mixture or waste only)				EHS		CAS #
1 50.2	Calcium Nitrate				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		13477-34-4
2 49.8	Water				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		7732-18-5
3					<input type="checkbox"/> Yes <input type="checkbox"/> No		
4					<input type="checkbox"/> Yes <input type="checkbox"/> No		
5					<input type="checkbox"/> Yes <input type="checkbox"/> No		
ADDITIONAL LOCALLY COLLECTED INFORMATION							
<input type="checkbox"/> CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) \leq 10 ppm. THIS HAZARDOUS MATERIAL MUST BE INVENTORIED IN ANY QUANTITY.							
<input type="checkbox"/> CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS SUBJECT TO RMP REQUIREMENTS AND/OR CALARP REQUIREMENTS							



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1-800-253-9933

1 / 1
Date Submitted

HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per building or area)

☐ ADD

☐ DELETE

☐ REVISE

200

Page 8 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA Doing Business As)

Cabrillo Power I LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

201

CHEMICAL LOCATION CONFIDENTIAL
EPCRA

☐ YES ☒ NO

202

FACILITY ID #

3

7

0

0

0

0

H

1

3

9

4

1

MAP# (optional)

NOT USED

GRID# (optional)

NOT USED

204

II. CHEMICAL INFORMATION

CHEMICAL NAME

Nitrogen, liquid

205

TRADE SECRET

☐ YES ☒ NO

206

If subject to EPCRA, refer to subpart one

COMMON NAME

207

EHS*

☐ YES ☒ NO

208

CAS# 7727-37-9

209

*If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

210

HAZARDOUS MATERIAL
TYPE (Check one item only)

☒ a. PURE

☐ b. MIXTURE

☐ c. WASTE

211

RADIOACTIVE ☐ Yes ☒ No

212

CURIES

213

PHYSICAL STATE
(Check one item only)

☐ a. SOLID

☒ b. LIQUID

☐ c. GAS

214

LARGEST CONTAINER 3,100 gallons

215

HAZARD CATEGORIES
(Check all that apply)

☐ a. FIRE

☐ b. REACTIVE

☒ c. PRESSURE RELEASE

☐ d. ACUTE HEALTH

☐ e. CHRONIC HEALTH

216

AVERAGE DAILY AMOUNT

217

2790

MAXIMUM DAILY AMOUNT

218

3,100

ANNUAL WASTE AMOUNT

219

0

STATE WASTE CODE

220

UNITS*

(Check one item only) * If EHS, amount must be in pounds.

☒ a. GALLONS

☐ b. CUBIC FEET

☐ c. POUNDS

☐ d. TONS

221

DAYS ON SITE

222

365

STORAGE
CONTAINER

☒ a. ABOVE GROUND TANK

☐ c. PLASTIC/NONMETALLIC DRUM

☐ i. FIBER DRUM

☐ m. GLASS BOTTLE

☐ q. RAIL CAR

☐ b. UNDERGROUND TANK

☐ e. CAN

☐ j. BAG

☐ n. PLASTIC BOTTLE

☐ r. OTHER

☐ c. TANK INSIDE BUILDING

☐ g. CARBOY

☐ k. BOX

☐ o. TOTE BIN

☐ d. STEEL DRUM

☐ h. SILO

☐ l. CYLINDER

☐ p. TANK WAGON

223

STORAGE PRESSURE

☒ a. AMBIENT

☐ b. ABOVE AMBIENT

☐ c. BELOW AMBIENT

224

STORAGE TEMPERATURE

☒ a. AMBIENT

☐ b. ABOVE AMBIENT

☐ c. BELOW AMBIENT

☐ d. CRYOGENIC

225

%WT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1

226

☐ Yes ☐ No

228

2

227

☐ Yes ☐ No

229

3

228

☐ Yes ☐ No

230

4

229

☐ Yes ☐ No

231

5

230

☐ Yes ☐ No

232

ADDITIONAL LOCALLY COLLECTED INFORMATION

236

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) ≤ 10 ppm.
THIS HAZARDOUS MATERIAL MUST BE INVENTORIED IN ANY QUANTITY.

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS SUBJECT TO RMP REQUIREMENTS AND/OR CALARP REQUIREMENTS



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HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per tanking or area)

☐ ADD

☐ DELETE

☐ REVISE

Page 9 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As)

Cabrillo Power I LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL
EPCRA ☐ YES ☒ NO

FACILITY ID # 3 7 0 0 0 H 1 3 9 4 1 MAP# (optional) NOT USED GRID# (optional) NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME Diesel Oil, #2 TRADE SECRET ☐ YES ☒ NO
If Subject to EPCRA, refer to instructions

COMMON NAME EHS* ☐ YES ☒ NO

CAS# 68334-30-5 *If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL TYPE (Check one item only) ☒ a. PURE ☐ b. MIXTURE ☐ c. WASTE RADIOACTIVE ☐ Yes ☒ No CURIES

PHYSICAL STATE (Check one item only) ☐ a. SOLID ☒ b. LIQUID ☐ c. GAS LARGEST CONTAINER 20,000 gallons

FED HAZARD CATEGORIES (Check all that apply) ☒ a. FIRE ☐ b. REACTIVE ☐ c. PRESSURE RELEASE ☐ d. ACUTE HEALTH ☐ e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT 54,000 MAXIMUM DAILY AMOUNT 60,000 ANNUAL WASTE AMOUNT 0 STATE WASTE CODE

UNITS* ☒ a. GALLONS ☐ b. CUBIC FEET ☐ c. POUNDS ☐ d. TONS DAYS ON SITE 365
(Check one item only) * If EHS, amount must be in pounds.

STORAGE CONTAINER ☒ a. ABOVE GROUND TANK ☐ c. PLASTIC/NONMETALLIC DRUM ☐ i. FIBER DRUM ☐ m. GLASS BOTTLE ☐ q. RAIL CAR
☐ b. UNDERGROUND TANK ☐ e. CAN ☐ j. BAG ☐ n. PLASTIC BOTTLE ☐ r. OTHER
☐ d. TANK INSIDE BUILDING ☐ g. CARTON ☐ k. BOX ☐ o. TOTE BIN
☐ f. STEEL DRUM ☐ h. SILO ☐ l. CYLINDER ☐ p. TANK WAGON

STORAGE PRESSURE ☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT

STORAGE TEMPERATURE ☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT ☐ d. CRYOGENIC

%WT	HAZARDOUS COMPONENT (For mixture or waste only)	EHS	CAS #
1		<input type="checkbox"/> Yes <input type="checkbox"/> No	
2		<input type="checkbox"/> Yes <input type="checkbox"/> No	
3		<input type="checkbox"/> Yes <input type="checkbox"/> No	
4		<input type="checkbox"/> Yes <input type="checkbox"/> No	
5		<input type="checkbox"/> Yes <input type="checkbox"/> No	

ADDITIONAL LOCALLY COLLECTED INFORMATION

- ☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) < 10 ppm
THIS HAZARDOUS MATERIAL MUST BE INVENTORIED IN ANY QUANTITY
☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS SUBJECT TO RMP REQUIREMENTS AND/OR CALARP REQUIREMENTS



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HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material not including cover sheet)

☐ ADD

☐ DELETE

☐ REVISE

299

Page 10 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As)

Cabrillo Power I LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL
EPCRA ☐ YES ☒ NO

FACILITY ID #

3

7

0

0

0

0

H

1

3

9

4

1

MAP# (optional)

299

GRID# (optional)

294

NOT USED

NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME

#6 Fuel Oil

TRADE SECRET ☐ YES ☒ NO

If Subject to EPCRA, refer to instructions

COMMON NAME

Fuel Oil #6

EHS# ☐ YES ☒ NO

CAS# 68553-00-4

*If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL
TYPE (Check one item only)

☒ a. PURE ☐ b. MIXTURE ☐ c. WASTE

RADIOACTIVE ☐ Yes ☒ No

CURIES

PHYSICAL STATE
(Check one item only)

☐ a. SOLID ☒ b. LIQUID ☐ c. GAS

LARGEST CONTAINER 18.9 million gallons

FED HAZARD CATEGORIES
(Check all that apply)

☒ a. FIRE ☐ b. REACTIVE ☐ c. PRESSURE RELEASE ☐ d. ACUTE HEALTH ☐ e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT

30,000,000

MAXIMUM DAILY AMOUNT

30,000,000

ANNUAL WASTE AMOUNT

0

STATE WASTE CODE

UNITS*

(Check one item only) * If EHS, amount must be in pounds.

☒ a. GALLONS ☐ b. CUBIC FEET ☐ c. POUNDS ☐ d. TONS

DAYS ON SITE:

365

STORAGE
CONTAINER

☒ a. ABOVE GROUND TANK ☐ e. PLASTIC/NONMETALLIC DRUM ☐ i. FIBER DRUM ☐ m. GLASS BOTTLE ☐ q. RAIL CAR
☐ b. UNDERGROUND TANK ☐ f. CAN ☐ j. BAG ☐ n. PLASTIC BOTTLE ☐ r. OTHER
☐ c. TANK INSIDE BUILDING ☐ g. CARBOY ☐ k. BOX ☐ o. TOTE BIN
☐ d. STEEL DRUM ☐ h. SHED ☐ l. CYLINDER ☐ p. TANK WAGON

STORAGE PRESSURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT

STORAGE TEMPERATURE

☐ a. AMBIENT ☒ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT ☐ d. CRYOGENIC

%WT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1

☐ Yes ☐ No

2

☐ Yes ☐ No

3

☐ Yes ☐ No

4

☐ Yes ☐ No

5

☐ Yes ☐ No

ADDITIONAL OR ALTY COLLECTED INFORMATION

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) ≤ 10 ppm
THIS HAZARDOUS MATERIAL MUST BE INVENTORIED IN ANY QUANTITY.

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS SUBJECT TO RMP REQUIREMENTS AND/OR CALARP REQUIREMENTS



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HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per building or area)

☐ ADD

☐ DELETE

☐ REVISE

200

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I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA Doing Business As)

Cabrillo Power I LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL
EPCRA ☐ YES ☒ NO

FACILITY ID# 3 7 0 0 0 H 1 3 9 4 1 1 MAP# (optional) 203 GRID# (optional) 204
NOT USED NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME

Sulfuric Acid

COMMON NAME

CAS# 7664-93-9

TRADE SECRET ☐ YES ☒ NO

If Subject to EPCRA, refer to instructions

EHS# ☒ YES ☐ NO

*If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL ☒ a. PURE ☐ b. MIXTURE ☐ c. WASTE 211 RADIOACTIVE ☐ Yes ☒ No 212 CURIES 213

PHYSICAL STATE (Check one item) ☐ a. SOLID ☒ b. LIQUID ☐ c. GAS 214 LARGEST CONTAINER 55 gallon drum/ 498.04 lbs. 215

FED HAZARD CATEGORIES ☐ a. FIRE ☒ b. REACTIVE ☐ c. PRESSURE RELEASE ☒ d. ACUTE HEALTH ☒ e. CHRONIC HEALTH 216

AVERAGE DAILY AMOUNT 217 MAXIMUM DAILY AMOUNT 218 ANNUAL WASTE AMOUNT 219 STATE WASTE CODE
26,234 lbs. 3,500 gallons/29,148 lbs. 0

UNITS* ☐ a. GALLONS ☐ b. CUBIC FEET ☒ c. POUNDS ☐ d. TONS 221 DAYS ON SITE: 222
(Check one item only) * If EHS, amount must be in pounds. 365

STORAGE CONTAINER ☒ a. ABOVE GROUND TANK ☐ c. PLASTIC/NONMETALLIC DRUM ☐ i. FIBER DRUM ☐ m. GLASS BOTTLE ☐ q. RAIL CAR
☐ b. UNDERGROUND TANK ☐ d. CAN ☐ j. BAG ☐ n. PLASTIC BOTTLE ☒ r. OTHER
☐ e. TANK INSIDE BUILDING ☐ k. CARBOY ☐ l. BOX ☐ o. TOTE BIN
☐ f. STEEL DRUM ☐ h. SILO ☐ p. TANK WAGON 223

STORAGE PRESSURE ☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT 224

STORAGE TEMPERATURE ☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT ☐ d. CRYOGENIC 225

% WT	HAZARDOUS COMPONENT (For mixture or waste only)	EHS	CAS #
1 226	227	<input type="checkbox"/> Yes <input type="checkbox"/> No 228	229
2 230	231	<input type="checkbox"/> Yes <input type="checkbox"/> No 232	233
3 231	235	<input type="checkbox"/> Yes <input type="checkbox"/> No 236	237
4 238	239	<input type="checkbox"/> Yes <input type="checkbox"/> No 240	241
5 242	244	<input type="checkbox"/> Yes <input type="checkbox"/> No 244	245

ADDITIONAL LOCALLY COLLECTED INFORMATION

CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) ≤ 10 ppm.
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☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS SUBJECT TO RMP REQUIREMENTS AND/OR CALARP REQUIREMENTS



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____/____/____
Date Submitted

HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per building or area)

☐ ADD

☐ DELETE

☐ REVISE

200

Page 13 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA Doing Business As)

Cabrillo Power I LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL
IF RA ☐ YES ☒ NO

FACILITY ID #

3

7

0

0

0

H

1

3

9

4

1

MAP# (optional)

NOT USED

GRID# (optional)

NOT USED

J. CHEMICAL INFORMATION

CHEMICAL NAME

Elimin-Ox

TRADE SECRET ☐ YES ☒ NO
If Subject to EPCRA, refer to instructions

COMMON NAME

Oxygen Scavenger

EHS* ☐ YES ☒ NO

CAS#

*If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL
TYPE (Check one item only)

☐ a. PURE ☒ b. MIXTURE ☐ c. WASTE

RADIOACTIVE ☐ Yes ☒ No

CURIES

PHYSICAL STATE
(Check one item only)

☐ a. SOLID ☒ b. LIQUID ☐ c. GAS

LARGEST CONTAINER 55 gallons

FED HAZARD CATEGORIES
(Check all that apply)

☐ a. FIRE ☐ b. REACTIVE ☐ c. PRESSURE RELEASE ☐ d. ACUTE HEALTH ☐ e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT

99

MAXIMUM DAILY AMOUNT

110

ANNUAL WASTE AMOUNT

0

STATE WASTE CODE

UNITS*

(Check one item only) * If EHS, amount must be in pounds.

☒ a. GALLONS ☐ b. CUBIC FEET ☐ c. POUNDS ☐ d. TONS

DAYS ON SITE:
365

STORAGE
CONTAINER

☐ a. ABOVE GROUND TANK ☐ c. PLASTIC/NONMETALLIC DRUM ☐ i. FIBER DRUM ☐ m. GLASS BOTTLE ☐ q. RAIL CAR
☐ b. UNDERGROUND TANK ☐ d. CAN ☐ j. BAG ☐ n. PLASTIC BOTTLE ☐ r. OTHER
☐ e. TANK INSIDE BUILDING ☒ g. CARTON ☐ k. BOX ☐ o. TOTE BIN
☐ f. STEEL DRUM ☐ h. SILO ☐ l. CYLINDER ☐ p. TANK WAGON

STORAGE PRESSURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT

STORAGE TEMPERATURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT ☐ d. CRYOGENIC

%WT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1

Carbohydrazide

☐ Yes ☒ No

497-18-7

2

Water

☐ Yes ☒ No

7732-18-5

3

☐ Yes ☐ No

4

☐ Yes ☐ No

5

☐ Yes ☐ No

ADDITIONAL LOCALLY COLLECTED INFORMATION

CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) ≤ 10 ppm.
THIS HAZARDOUS MATERIAL MUST BE INVENTORIED IN ANY QUANTITY.

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS SUBJECT TO RMP REQUIREMENTS AND/OR CALARP REQUIREMENTS



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HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(If box for material not building or area)

☐ ADD

☐ DELETE

☐ REVISE

200

Page 13 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA (Doing Business As))

Cabrillo Power LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL

EPICRA

☐ YES ☒ NO

FACILITY ID #

3 7 0 0 0

H 1 3 9 4 1

MAP# (optional)

NOT USED

GRID# (optional)

NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME

Fyrquel EHC

COMMON NAME

CAS# Mixture, see below

TRADE SECRET

☐ YES ☒ NO

If Subject to EPCRA, refer to instructions

EHS*

☐ YES ☒ NO

*If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL
TYPE (Check one item only)

☐ a. PURE ☒ b. MIXTURE ☐ c. WASTE

RADIOACTIVE ☐ Yes ☒ No

CURIES

PHYSICAL STATE
(Check one item only)

☐ a. SOLID ☒ b. LIQUID ☐ c. GAS

LARGEST CONTAINER 55 gallons

FED HAZARD CATEGORIES
(Check all that apply)

☐ a. FIRE ☐ b. REACTIVE ☐ c. PRESSURE RELEASE ☒ d. ACUTE HEALTH ☐ e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT

198

MAXIMUM DAILY AMOUNT

220

ANNUAL WASTE AMOUNT

0

STATE WASTE CODE

UNITS*

(Check one item only) * If EHS, amount must be in pounds.

☒ a. GALLONS ☐ b. CUBIC FEET ☐ c. POUNDS ☐ d. TONS

DAYS ON SITE

365

STORAGE
CONTAINER

☐ a. ABOVE GROUND TANK ☐ c. PLASTIC/NONMETALLIC DRUM ☐ i. FIBER DRUM ☐ m. GLASS BOTTLE ☐ q. RAIL CAR
☐ b. UNDERGROUND TANK ☐ e. CAN ☐ j. BAG ☐ n. PLASTIC BOTTLE ☐ r. OTHER
☐ c. TANK INSIDE BUILDING ☐ g. CARBOY ☐ k. BOX ☐ o. TOTE BIN
☒ d. STEEL DRUM ☐ h. SLO ☐ l. CYLINDER ☐ p. TANK WAGON

STORAGE PRESSURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT

STORAGE TEMPERATURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT ☐ d. CRYOGENIC

%WT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1 7 - 13

Triphenyl Phosphate

☐ Yes ☒ No

2 40 -- 50

Butylated Triphenyl Phosphate Mixture

☐ Yes ☒ No

3 40 - 50

Trixylenyl Phosphate

☐ Yes ☒ No

4

☐ Yes ☐ No

5

☐ Yes ☐ No

ADDITIONAL LOCALLY COLLECTED INFORMATION

CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) ≤ 10 ppm
THIS HAZARDOUS MATERIAL MUST BE INVENTORIED IN ANY QUANTITY.

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS SUBJECT TO RMP REQUIREMENTS AND/OR CALARP REQUIREMENTS



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____/____/____
Date Submitted

HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material not including air area)

☐ ADD

☐ DELETE

☐ REVISE

206

Page 1 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA (Doing Business As))

Cabrillo Power LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL
EPCRA ☐ YES ☒ NO

FACILITY ID#

3

7

0

0

0

0

H

1

3

9

4

1

1

MAP# (optional)

NOT USED

GRID# (optional)

NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME

Oxygen Gas

COMMON NAME

CAS# 7782-44-7

TRADE SECRET ☐ YES ☒ NO

If Subject to EPCRA, refer to section 302

EHS* ☐ YES ☒ NO

*If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL
TYPE (Check one item only)

☒ a. PURE ☐ b. MIXTURE ☐ c. WASTE

RADIOACTIVE ☐ Yes ☒ No

213

PHYSICAL STATE
(Check one item only)

☐ a. SOLID ☐ b. LIQUID ☒ c. GAS

LARGEST CONTAINER 250 cu. ft.

FED HAZARD CATEGORIES
(Check all that apply)

☒ a. FIRE ☐ b. REACTIVE ☒ c. PRESSURE RELEASE ☐ d. ACUTE HEALTH ☐ e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT

2,700

MAXIMUM DAILY AMOUNT

3,000

ANNUAL WASTE AMOUNT

0

STATE WASTE CODE

UNITS*

(Check one: item only) * If EHS, amount must be in pounds.

☐ a. GALLONS ☒ b. CUBIC FEET ☐ c. POUNDS ☐ d. TONS

DAYS ON SITE

365

STORAGE
CONTAINER

☐ a. ABOVE GROUND TANK ☐ c. PLASTIC NONMETALLIC DRUM ☐ i. FIBER DRUM ☐ m. GLASS BOTTLE ☐ q. RAIL CAR
☐ b. UNDERGROUND TANK ☐ j. CAN ☐ n. PLASTIC BOTTLE ☐ r. OTHER
☐ e. TANK INSIDE BUILDING ☐ g. CARBON ☐ k. BOX ☐ o. TOTE BIN
☐ d. STEEL DRUM ☐ h. SLO ☒ l. CYLINDER ☐ p. TANK WAGON

STORAGE PRESSURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT

STORAGE TEMPERATURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT ☐ d. CRYOGENIC

%WT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1

☐ Yes ☐ No

2

☐ Yes ☐ No

3

☐ Yes ☐ No

4

☐ Yes ☐ No

5

☐ Yes ☐ No

ADDITIONAL LOCALLY COLLECTED INFORMATION

CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) ≤ 10 ppm.
THIS HAZARDOUS MATERIAL MUST BE INVENTORIED IN ANY QUANTITY.

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS SUBJECT TO RMP REQUIREMENTS AND/OR CALARP REQUIREMENTS



SAN DIEGO COUNTY
DEPARTMENT OF ENVIRONMENTAL HEALTH - CUPA
HAZARDOUS MATERIALS DIVISION
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1-800-253-9933

____/____/____
Date Submitted

HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(This page per material per building or area)

☐ ADD

☐ DELETE

☐ REVISE

200

Page 1 of 1

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA Doing Business As)

Cabrillo Power I LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL
EPCRA ☐ YES ☒ NO

FACILITY ID #

3 7

0 0 0

H

1

3

9

4

1

MAP# (optional)

NOT USED

GRID# (optional)

NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME

Hydrogen Gas

TRADE SECRET ☐ YES ☒ NO

(If Subject to EPCRA, refer to instructions)

COMMON NAME

EHS*

☐ YES ☒ NO

CAS#

1333-74-0

*If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CIIA)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL
TYPE (Check one item only)

☒ a. PURE ☐ b. MIXTURE ☐ c. WASTE

RADIOACTIVE ☐ Yes ☒ No

213

PHYSICAL STATE
(Check one item only)

☐ a. SOLID ☐ b. LIQUID ☒ c. GAS

LARGEST CONTAINER 3244.83 cu ft.

FED HAZARD CATEGORIES
(Check all that apply)

☒ a. FIRE ☐ b. REACTIVE ☐ c. PRESSURE RELEASE ☒ d. ACUTE TOXICITY ☐ e. CHRONIC TOXICITY

AVERAGE DAILY AMOUNT

35,045

MAXIMUM DAILY AMOUNT

38,938

ANNUAL WASTE AMOUNT

0

STATE WASTE CODE

UNITS*

☐ a. GALLONS ☒ b. CUBIC FEET ☐ c. POUNDS ☐ d. TONS

DAYS ON SITE

365

STORAGE
CONTAINER

☐ a. ABOVE GROUND TANK ☐ e. PLASTIC NONMETALLIC DRUM ☐ i. FIBER DRUM ☐ m. GLASS BOTTLE ☐ q. RAIL CAR
☐ b. UNDERGROUND TANK ☐ f. CAN ☐ j. BAG ☐ n. PLASTIC BOTTLE ☐ r. OTHER
☐ c. TANK INSIDE BUILDING ☐ g. CARBOY ☐ k. BOX ☐ o. TOTE BIN
☐ d. STEEL DRUM ☐ h. SLO ☒ l. CYLINDER ☐ p. TANK WAGON

STORAGE PRESSURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT

STORAGE TEMPERATURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT ☐ d. CRYOGENIC

%WT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1

☐ Yes ☐ No

2

☐ Yes ☐ No

3

☐ Yes ☐ No

4

☐ Yes ☐ No

5

☐ Yes ☐ No

ADDITIONAL LOCALLY COLLECTED INFORMATION

CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV): 10 ppm
THIS HAZARDOUS MATERIAL MUST BE INVENTORIED IN ANY QUANTITY.

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS SUBJECT TO RMP REQUIREMENTS AND/OR CAL/ARP REQUIREMENTS



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HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per building or area)

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☐ DELETE

☐ REVISE

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Page 1 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As)

Cabrillo Power I LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL
EPCRA ☐ YES ☒ NO

FACILITY ID #

3

7

0

0

0

0

11

1

3

9

4

1

MAP# (optional)

NOT USED

GRID# (optional)

NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME

Acetylene Gas

COMMON NAME

TRADE SECRET ☐ YES ☒ NO

If Subject to EPCRA, refer to instructions

EHS* ☐ YES ☒ NO

*If EHS is "Yes", all amounts below must be in lbs.

CAS#

74-86-2

FIRE CODE HAZARD CLASSES (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL
TYPE (Check one item only)

☒ a. PURE

☐ b. MIXTURE

☐ c. WASTE

211

RAIOACTIVE ☐ Yes ☒ No

212

CURIES

PHYSICAL STATE
(Check one item only)

☐ a. SOLID

☐ b. LIQUID

☒ c. GAS

213

LARGEST CONTAINER 400 cu. ft.

214

FED HAZARD CATEGORIES
(Check all that apply)

☒ a. FIRE

☐ b. REACTIVE

☒ c. PRESSURE RELEASE

☐ d. ACUTE HEALTH

☐ e. CHRONIC HEALTH

215

AVERAGE DAILY AMOUNT

1,350

MAXIMUM DAILY AMOUNT

1,500

217

ANNUAL WASTE AMOUNT

0

218

STATE WASTE CODE

365

UNITS*

(Check one item only) * If EHS, amount must be in pounds.

☐ a. GALLONS

☒ b. CUBIC FEET

☐ c. POUNDS

☐ d. TONS

221

DAYS ON SITE

365

STORAGE
CONTAINER

☐ a. ABOVE GROUND TANK

☐ c. PLASTIC/NONMETALLIC DRUM

☐ i. FIBER DRUM

☐ m. GLASS BOTTLE

☐ q. RAIL CAR

☐ b. UNDERGROUND TANK

☐ f. CAN

☐ j. BAG

☐ n. PLASTIC BOTTLE

☐ r. OTHER

☐ e. TANK INSIDE BUILDING

☐ g. CARBOY

☐ k. BOX

☐ o. TOTE BIN

☐ d. STEEL DRUM

☐ h. SILO

☐ l. CYLINDER

☐ p. TANK WAGON

223

STORAGE PRESSURE

☒ a. AMBIENT

☐ b. ABOVE AMBIENT

☐ c. BELOW AMBIENT

224

STORAGE TEMPERATURE

☒ a. AMBIENT

☐ b. ABOVE AMBIENT

☐ c. BELOW AMBIENT

☐ d. CRYOGENIC

225

%WT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1

226

227

☐ Yes ☐ No

228

229

2

230

231

☐ Yes ☐ No

232

233

3

234

235

☐ Yes ☐ No

236

237

4

238

239

☐ Yes ☐ No

240

241

5

242

243

☐ Yes ☐ No

244

245

ADDITIONAL LOCALLY COLLECTED INFORMATION

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) ≤ 10 ppm.
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HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per building or area)

☐ ADD

☐ DELETE

☐ REVISE

Page 17 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA Doing Business As)

Cabrillo Power I LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL
EPCRA ☐ YES ☒ NO

FACILITY ID #

3 7

0 0 0

11 1 3 9 4 1

MAP# (optional)

NOT USED

GRID# (optional)

NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME

Nitrogen Gas

TRADE SECRET ☐ YES ☒ NO

If Subject to EPCRA, refer to unit section

COMMON NAME

Nitrogen, Compressed

EHS* ☐ YES ☒ NO

CAS#

7727-37-9

*If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL
TYPE (Check one item only)

☒ a. PURE ☐ b. MIXTURE ☐ c. WASTE

RADIOACTIVE ☐ Yes ☒ No

CURIES

PHYSICAL STATE
(Check one item only)

☐ a. SOLID ☐ b. LIQUID ☒ c. GAS

LARGEST CONTAINER 228 cu. ft.

FED HAZARD CATEGORIES
(Check all that apply)

☐ a. FIRE ☐ b. REACTIVE ☒ c. PRESSURE RELEASE ☐ d. ACUTE HEALTH ☐ e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT

450

MAXIMUM DAILY AMOUNT

500

ANNUAL WASTE AMOUNT

0

STATE WASTE CODE

UNITS*

☐ a. GALLONS

☒ b. CUBIC FEET

☐ c. POUNDS

☐ d. TONS

DAYS ON SITE:

365

STORAGE
CONTAINER

☐ a. ABOVE GROUND TANK
☐ b. UNDERGROUND TANK
☐ c. TANK INSIDE BUILDING
☐ d. STEEL DRUM

☐ e. PLASTIC/NONMETALLIC DRUM
☐ f. CAN
☐ g. CARBOY
☐ h. SILO

☐ i. FIBER DRUM
☐ j. BAG
☐ k. BOX
☒ l. CYLINDER

☐ m. GLASS BOTTLE
☐ n. PLASTIC BOTTLE
☐ o. TOTE BIN
☐ p. TANK WAGON
☐ q. RAIL CAR
☐ r. OTHER

STORAGE PRESSURE

☒ a. AMBIENT

☐ b. ABOVE AMBIENT

☐ c. BELOW AMBIENT

STORAGE TEMPERATURE

☒ a. AMBIENT

☐ b. ABOVE AMBIENT

☐ c. BELOW AMBIENT

☐ d. CRYOGENIC

%WT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1

☐ Yes ☐ No

2

☐ Yes ☐ No

3

☐ Yes ☐ No

4

☐ Yes ☐ No

5

☐ Yes ☐ No

ADDITIONAL LOCALLY COLLECTED INFORMATION

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) ≤ 10 ppm.
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HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

If one page per material per building or area

☐ ADD

☐ DELETE

☐ REVISE

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I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As)

Cabrillo Power I LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL
EPCRA ☐ YES ☒ NO

FACILITY ID #

3

7

0

0

0

H

1

3

9

4

1

MAP# (optional)

NOT USED

(IRID# (optional)

NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME

Nalco 8322

TRADE SECRET ☐ YES ☒ NO

If Subject to EPCRA, refer to instructions

COMMON NAME

Corrosion Inhibitor

EHS*

☐ YES ☒ NO

CAS# Mixture - see below

*If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL
TYPE (Check one item only)

☐ a. PURE ☒ b. MIXTURE ☐ c. WASTE

RADIOACTIVE ☐ Yes ☒ No

CURIES

PHYSICAL STATE
(Check one item only)

☐ a. SOLID ☒ b. LIQUID ☐ c. GAS

LARGEST CONTAINER 55 gallons

MSD HAZARD CATEGORIES
(Check all that apply)

☐ a. FIRE ☐ b. REACTIVE ☐ c. PRESSURE RELEASE ☒ d. ACUTE HEALTH ☐ e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT

45 gallon

MAXIMUM DAILY AMOUNT

55 gallon

ANNUAL WASTE AMOUNT

0

STATE WASTE CODE

UNITS*

☒ a. GALLONS

☐ b. CUBIC FEET

☐ c. POUNDS

☐ d. YONS

DAYS ON SITE

365

STORAGE
CONTAINER

☐ a. ABOVE GROUND TANK

☒ c. PLASTIC/NONMETALLIC DRUM

☐ e. FIBER DRUM

☐ m. GLASS BOTTLE

☐ n. RAIL CAR

☐ b. UNDERGROUND TANK

☐ f. CAN

☐ j. BAG

☐ o. PLASTIC BOTTLE

☐ r. OTHER

☐ c. TANK INSIDE BUILDING

☐ g. CARBOY

☐ k. BOX

☐ u. TOTE BIN

☐ d. STEEL DRUM

☐ h. SILO

☐ l. CYLINDER

☐ p. TANK WAGON

STORAGE PRESSURE

☒ a. AMBIENT

☐ b. ABOVE AMBIENT

☐ c. BELOW AMBIENT

STORAGE TEMPERATURE

☒ a. AMBIENT

☐ b. ABOVE AMBIENT

☐ c. BELOW AMBIENT

☐ d. CRYOGENIC

%WT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1 1 - 1

Sodium Hydroxide

☐ Yes ☐ No

1310-73-2

2 1.0 - 5.0

Sodium Molybdate

☐ Yes ☐ No

1310-73-2

3 1. - 5.0

Sodium Tolyltriazole

☐ Yes ☐ No

64665-57-2

4 1. - 5.0

Sodium Metaborate

☐ Yes ☐ No

7775-19-1

5 95 - 99

Water

☐ Yes ☐ No

7732-18-5

ADDITIONAL LOCALLY COLLECTED INFORMATION

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) ≤ 10 ppm.
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Date Submitted 1/1

HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per building or area)

☐ ADD

☐ DELETE

☐ REVISE

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I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As)

Cabrillo Power I LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL
EPCRA ☐ YES ☒ NO

FACILITY ID #

3

7

0

0

0

0

0

0

0

0

0

0

0

MAP# (optional)

NOT USED

GRID# (optional)

NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME

Super Big Tex

COMMON NAME

Super Big Tex, aqueous alkaline surfactant

CAS# Mixture - see below

TRADE SECRET ☐ YES ☒ NO

If Subject to EPCRA, refer to instructions

EHS* ☐ YES ☒ NO

*If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL
TYPE (Check one item only)

☐ a. FLUORIDE

☒ b. MIXTURE

☐ c. WASTE

RADIOACTIVE ☐ Yes ☒ No

CORIES

PHYSICAL STATE
(Check one item only)

☐ a. SOLID

☒ b. LIQUID

☐ c. GAS

LARGEST CONTAINER **55 gallons**

FED HAZARD CATEGORIES
(Check all that apply)

☐ a. FIRED

☐ b. REACTIVE

☐ c. PRESSURE RELEASE

☐ d. ACUTE HEALTH

☐ e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT

99

MAXIMUM DAILY AMOUNT

110

ANNUAL WASTE AMOUNT

0

STATE WASTE CODE

UNITS*

(Check one item only) * If EHS, amount must be in pounds

☒ a. GALLONS

☐ b. CUBIC FEET

☐ c. POUNDS

☐ d. TONS

DAYS ON SITE:

365

STORAGE
CONTAINER

☐ a. ABOVE GROUND TANK

☐ e. PLASTIC/NONMETALLIC DRUM

☐ i. FIBER DRUM

☐ m. GLASS BOTTLE

☐ q. RAIL CAR

☐ b. UNDERGROUND TANK

☐ f. CAN

☐ j. BAG

☐ n. PLASTIC BOTTLE

☐ r. OTHER

☐ c. TANK INSIDE BUILDING

☐ g. CARBOY

☐ k. BOX

☐ o. TOTE BIN

☒ d. STEEL DRUM

☐ h. SILO

☐ l. CYLINDER

☐ p. TANK WAGON

STORAGE PRESSURE

☒ a. AMBIENT

☐ b. ABOVE AMBIENT

☐ c. BELOW AMBIENT

STORAGE TEMPERATURE

☒ a. AMBIENT

☐ b. ABOVE AMBIENT

☐ c. BELOW AMBIENT

☐ d. CRYOGENIC

%WT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1 unknown

Sodium Metasilicate

☐ Yes ☒ No

6834-92-0

2 unknown

Tripropylene glycol monomethyl ether

☐ Yes ☒ No

25498-49-1

3 unknown

2,6,8-Trimethyl-4-nonyloxypolyethyleneoxyethanol

☐ Yes ☒ No

60828-78-6

4

☐ Yes ☐ No

5

☐ Yes ☐ No

ADDITIONAL LOCALLY COLLECTED INFORMATION

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) < 10 ppm.
THIS HAZARDOUS MATERIAL MUST BE INVENTORIED IN ANY QUANTITY.

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS SUBJECT TO RMP REQUIREMENTS AND/OR CALARP REQUIREMENTS



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HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per building or area)

☐ ADD

☐ DELETE

☐ REVISE

Page 20 of 21

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As)

Cabrillo Power 1 LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL
EPCRA ☐ YES ☒ NO

FACILITY ID #

3 7 0 0 0 11 1 3 9 4 1

MAP# (optional)

NOT USED

GRID# (optional)

NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME

Spectrus NX1106

TRADE SECRET ☐ YES ☒ NO

If Subject to EPCRA, refer to regulations

COMMON NAME

EHS* ☐ YES ☒ NO

CAS# Mixture - see below

*If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL
TYPE (Check one item only)

☐ a. PURE ☒ b. MIXTURE ☐ c. WASTE

RADIOACTIVE ☐ Yes ☒ No

CURIES

PHYSICAL STATE
(Check one item only)

☐ a. SOLID ☒ b. LIQUID ☐ c. GAS

LARGEST CONTAINER 55 gallons

RED HAZARD CATEGORIES
(Check all that apply)

☐ a. FIRE ☐ b. REACTIVE ☐ c. PRESSURE RELEASE ☒ d. ACUTE HEALTH ☐ e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT

45

MAXIMUM DAILY AMOUNT

55

ANNUAL WASTE AMOUNT

0

STATE WASTE CODE

UNITS*

(Check one item only) * If EHS, amount must be in pounds.

☒ a. GALLONS ☐ b. CUBIC FEET ☐ c. POUNDS ☐ d. TONS

DAYS ON SITE

365

STORAGE
CONTAINER

☐ a. ABOVE GROUND TANK ☒ c. PLASTIC/NONMETALLIC DRUM ☐ i. FIBER DRUM ☐ m. GLASS BOTTLE ☐ q. RAIL CAR
☐ b. UNDERGROUND TANK ☐ f. CAN ☐ j. BAG ☐ n. PLASTIC BOTTLE ☐ r. OTHER
☐ e. TANK INSIDE BUILDING ☐ g. CARBOY ☐ k. BOX ☐ o. TOTE BIN
☐ d. STEEL DRUM ☐ h. SILO ☐ l. CYLINDER ☐ p. TANK WAGONS

STORAGE PRESSURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT

STORAGE TEMPERATURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT ☐ d. CRYOGENIC

%WT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1 unknown

Magnesium Nitrate

☐ Yes ☒ No

10377-60-3

2 unknown

5-Chloro-2-Methyl-4-isothiazolin-3-one

☐ Yes ☒ No

26172-55-4

3 unknown

Water, H₂O

☐ Yes ☒ No

7732-18-5

4

☐ Yes ☐ No

5

☐ Yes ☐ No

ADDITIONAL LOCALLY COLLECTED INFORMATION

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) ≤ 10 ppm.
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☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS SUBJECT TO RMP REQUIREMENTS AND/OR CALARP REQUIREMENTS



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____/____/____
Date Submitted

HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(Check page per material per tanking or area)

☐ ADD

☐ DELETE

☐ RE-VISE

201

Page 21 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As)

Cabrillo Power I LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL
EPCRA ☐ YES ☒ NO

FACILITY ID #

3 7

0 0 0

11 1 3 9 4 1

MAP# (optional)

NOT USED

GRID# (optional)

NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME

Nitric Oxide (NO)

TRADE SECRET ☐ YES ☒ NO

If Subject to EPCRA, refer to instructions

COMMON NAME

Nitric Oxide

EHS*

☒ YES ☐ NO

CAS# 10102-43-9

*If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL
TYPE (Check one item only)

☒ a. PURE ☐ b. MIXTURE ☐ c. WASTE

RADIOACTIVE ☐ Yes ☒ No

CURBS

PHYSICAL STATE
(Check one item only)

☐ a. SOLID ☐ b. LIQUID ☒ c. GAS

LARGEST CONTAINER 140 cF / 8731.8 lbs.

RED HAZARD CATEGORIES
(Check all that apply)

☐ a. FIRE ☐ b. REACTIVE ☒ c. PRESSURE RELEASE ☒ d. ACUTE HEALTH ☐ e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT

990 cF / 16223.328 lbs.

MAXIMUM DAILY AMOUNT

1.100 cF / 68,607 lbs.

ANNUAL WASTE AMOUNT

0

STATE WASTE CODE

UNITS*

☐ a. GALLONS

☐ b. CUBIC FEET

☒ c. POUNDS

☐ d. TONS

DAYS ON SITE:

365

STORAGE
CONTAINER

☐ a. ABOVE GROUND TANK
☐ b. UNDERGROUND TANK
☐ c. TANK INSIDE BUILDING
☐ d. STEEL DRUM

☐ e. PLASTIC/NONMETALLIC DRUM
☐ f. CAN
☐ g. CARBOY
☐ h. SILO

☐ i. FIBER DRUM
☐ j. BAG
☐ k. BOX
☒ l. CYLINDER

☐ m. GLASS BOTTLE
☐ n. PLASTIC BOTTLE
☐ o. TOTE BIN
☐ p. TANK WAGON

☐ q. RAIL CAR
☐ r. OTHER

STORAGE PRESSURE

☒ a. AMBIENT

☐ b. ABOVE AMBIENT

☐ c. BELOW AMBIENT

STORAGE TEMPERATURE

☒ a. AMBIENT

☐ b. ABOVE AMBIENT

☐ c. BELOW AMBIENT

☐ d. CRYOGENIC

%WT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1

☐ Yes ☐ No

2

☐ Yes ☐ No

3

☐ Yes ☐ No

4

☐ Yes ☐ No

5

☐ Yes ☐ No

ADDITIONAL LOCALLY COLLECTED INFORMATION

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) ≥ 10 ppm.
THIS HAZARDOUS MATERIAL MUST BE INVENTORIED IN ANY QUANTITY.

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS SUBJECT TO RMP REQUIREMENTS AND/OR CALARP REQUIREMENTS



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DEPARTMENT OF ENVIRONMENTAL HEALTH - CUPA
HAZARDOUS MATERIALS DIVISION
P.O. BOX 129261, SAN DIEGO, CA 92112-9261
(619) 338-2222 FAX (619) 338-2377
1-800-253-9933

____/____/____
Date Submitted

HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per building or area)

☐ ADD

☐ DELETE

☐ REVISE

200

Page 22 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As)

Cabrillo Power I LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

201

CHEMICAL LOCATION CONFIDENTIAL
EPCRA

☐ YES ☒ NO

FACILITY ID #

3 7 0 0 0 H 1 3 9 4 1

MAI # (optional)

203

GRH # (optional)

204

NOT USED

NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME

Carbon Dioxide gas

COMMON NAME

205

TRADE SECRET

☐ YES ☒ NO

If Subject to EPCRA, refer to instructions

207

EHS*

☐ YES ☒ NO

CASH 124-38-9

209

*If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

210

HAZARDOUS MATERIAL
TYPE (Check one item only)

☒ a. PURE ☐ b. MIXTURE ☐ c. WASTE

211

RADIOACTIVE ☐ Yes ☒ No

212

CURIES

PHYSICAL STATE
(Check one item only)

☐ a. SOLID ☐ b. LIQUID ☒ c. GAS

214

LARGEST CONTAINER 143 cu. ft.

FED HAZARD CATEGORIES
(Check all that apply)

☐ a. FIRE ☐ b. REACTIVE ☐ c. PRESSURE RELEASE

216

☒ d. ACUTE HEALTH

☐ e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT

217

MAXIMUM DAILY AMOUNT

218

ANNUAL WASTE AMOUNT

219

STATE WASTE CODE

220

450

500

0

UNITS*

(Check one item only) * If EHS, amount must be in pounds.

☐ a. GALLONS

☒ b. CUBIC FEET

☐ c. POUNDS

☐ d. TONS

221

DAYS ON SITE

222

365

STORAGE
CONTAINER

☐ a. ABOVE GROUND TANK

☐ c. PLASTIC/NONMETALLIC DRUM

☐ i. FIBER DRUM

☐ m. GLASS BOTTLE

☐ q. RAIL CAR

☐ b. UNDERGROUND TANK

☐ e. CAN

☐ j. BAG

☐ n. PLASTIC BOTTLE

☐ r. OTHER

☐ c. TANK INSIDE BUILDING

☐ g. CARBID

☐ k. BOX

☐ o. TOTE BIN

☐ d. STEEL DRUM

☐ h. SILO

☒ l. CYLINDER

☐ p. TANK WAGON

223

STORAGE PRESSURE

☒ a. AMBIENT

☐ b. ABOVE AMBIENT

☐ c. BELOW AMBIENT

224

STORAGE TEMPERATURE

☒ a. AMBIENT

☐ b. ABOVE AMBIENT

☐ c. BELOW AMBIENT

☐ d. CRYOGENIC

225

%WT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1	227	228	229
1	<input type="checkbox"/> Yes <input type="checkbox"/> No		
2	<input type="checkbox"/> Yes <input type="checkbox"/> No		
3	<input type="checkbox"/> Yes <input type="checkbox"/> No		
4	<input type="checkbox"/> Yes <input type="checkbox"/> No		
5	<input type="checkbox"/> Yes <input type="checkbox"/> No		

ADDITIONAL LOCALLY COLLECTED INFORMATION

- ☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) < 10 ppm.
THIS HAZARDOUS MATERIAL MUST BE INVENTORIED IN ANY QUANTITY.
- ☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS SUBJECT TO RMP REQUIREMENTS AND/OR CALARP REQUIREMENTS



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1 / 1
Date Submitted

HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per building on site)

☐ ADD

☐ DELETE

☐ RE-VISE

Page 23 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Name as FACILITY NAME or DBA - Doing Business As)

Cabrillo Power 1 LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL
EPCRA ☐ YES ☒ NO

FACILITY ID #

3

7

0

0

0

H

1

3

9

4

1

MAP# (optional)

NOT USED

GRID# (optional)

NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME

Carbon Monoxide

TRADE SECRET ☐ YES ☒ NO
If Subject to EPCRA, refer to instructions

COMMON NAME

EHS* ☐ YES ☒ NO

CAS# 630-08-0

*If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL
TYPE (Check one item only)

☒ a. PURE ☐ b. MIXTURE ☐ c. WASTE

RADIOACTIVE ☐ Yes ☒ No

CURIES

PHYSICAL STATE
(Check one item only)

☐ a. SOLID ☐ b. LIQUID ☒ c. GAS

LARGEST CONTAINER 140 cu. ft.

FED HAZARD CATEGORIES
(Check all that apply)

☐ a. FIRE ☐ b. REACTIVE ☒ c. PRESSURE RELEASE ☐ d. ACUTE HEALTH ☐ e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT

450

MAXIMUM DAILY AMOUNT

500

ANNUAL WASTE AMOUNT

0

STATE WASTE CODE

UNITS*

(Check one item only) * If EHS amount must be in pounds.

☐ a. GALLONS ☒ b. CUBIC FEET ☐ c. POUNDS ☐ d. TONS

DAYS ON SITE:

365

STORAGE
CONTAINER

☐ a. ABOVE GROUND TANK ☐ e. PLASTIC/NONMETALLIC DRUM ☐ i. FIBER DRUM ☐ m. GLASS BOTTLE ☐ q. RAIL CAR
☐ b. UNDERGROUND TANK ☐ f. CAN ☐ j. BAG ☐ n. PLASTIC BOTTLE ☐ r. OTHER
☐ c. TANK INSIDE BUILDING ☐ g. CARBOY ☐ k. BOX ☐ o. TOTE BIN
☐ d. STEEL DRUM ☐ h. SILO ☒ l. CYLINDER ☐ p. TANK WAGON

STORAGE PRESSURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT

STORAGE TEMPERATURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT ☐ d. CRYOGENIC

%WT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1

☐ Yes ☐ No

2

☐ Yes ☐ No

3

☐ Yes ☐ No

4

☐ Yes ☐ No

5

☐ Yes ☐ No

ADDITIONAL LOCALLY COLLECTED INFORMATION

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) ≤ 10 ppm.
THIS HAZARDOUS MATERIAL MUST BE INVENTORIED IN ANY QUANTITY
☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS SUBJECT TO RMP REQUIREMENTS AND/OR CALARP REQUIREMENTS



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HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per building or area)

☐ ADD

☐ DELETE

☐ REVISE

200

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I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As)

Cabrillo Power I.I.C.

CHEMICAL LOCATION

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL
EPCRA ☐ YES ☒ NO

FACILITY ID #

3

7

0

0

0

H

1

3

9

4

1

MAP# (optional)

NOT USED

GRID# (optional)

NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME

Vitec 3000

TRADE SECRET ☒ YES ☐ NO

If Subject to EPCRA, refer to instructions

COMMON NAME

Vitec 3000

EHS* ☐ YES ☐ NO

CAS# Proprietary mixture

*If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL
TYPE (Check one item only)

☐ a. PURE ☒ b. MIXTURE ☐ c. WASTE

RADIOACTIVE ☐ Yes ☒ No

CURIES

PHYSICAL STATE
(Check one item only)

☐ a. SOLID ☒ b. LIQUID ☐ c. GAS

LARGEST CONTAINER 4,000 gallons

FED HAZARD CATEGORIES
(Check all that apply)

☐ a. FIRE ☐ b. REACTIVE ☐ c. PRESSURE RELEASE ☒ d. ACUTE HEALTH ☐ e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT

3,600

MAXIMUM DAILY AMOUNT

4,000

ANNUAL WASTE AMOUNT

0

STATE WASTE CODE

UNITS*

☒ a. GALLONS

☐ b. CUBIC FEET

☐ c. POUNDS

☐ d. TONS

DAYS ON SITE:

365

STORAGE
CONTAINER

☐ a. ABOVE GROUND TANK
☐ b. UNDERGROUND TANK
☐ c. TANK INSIDE BUILDING
☐ d. STEEL DRUM

☒ e. PLASTIC/NONMETALLIC DRUM
☐ f. CAN
☐ g. CARBOY
☐ h. SILO

☐ i. FIBER DRUM
☐ j. BAG
☐ k. BOX
☐ l. CYLINDER

☐ m. GLASS BOTTLE
☐ n. PLASTIC BOTTLE
☐ o. TOTE BIN
☐ p. TANK WAGON

☐ q. RAIL CAR
☐ r. OTHER

STORAGE PRESSURE

☒ a. AMBIENT

☐ b. ABOVE AMBIENT

☐ c. BELOW AMBIENT

STORAGE TEMPERATURE

☒ a. AMBIENT

☐ b. ABOVE AMBIENT

☐ c. BELOW AMBIENT

☐ d. CRYOGENIC

%WT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1 < 12

Phosphonic Acid Salt

☐ Yes ☐ No

proprietary

2 < 9

Alkali Hydroxide

☐ Yes ☐ No

proprietary

3 0 - 16

Aminotrialkylphosphonic Acid

☐ Yes ☐ No

proprietary

4 0 - 1

Phosphonic Acid

☐ Yes ☐ No

proprietary

5 0 - 0.2

Inorganic Acid

☐ Yes ☐ No

proprietary

ADDITIONAL LOCALLY COLLECTED INFORMATION

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) ≤ 10 ppm.
THIS HAZARDOUS MATERIAL MUST BE INVENTORIED IN ANY QUANTITY.

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS SUBJECT TO RMP REQUIREMENTS AND/OR CALARP REQUIREMENTS



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HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per building or area)

☐ ADD

☐ DELETE

☐ REVISE

201

Page 25 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As)

Cabrillo Power 1 LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL
EPCRA ☐ YES ☒ NO

FACILITY ID #

3

7

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0

MAP# (optional)

NOT USED

GRID# (optional)

NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME

Sodium Hypochlorite

TRADE SECRET ☐ YES ☒ NO

(If Subject to EPCRA, refer to instructions)

COMMON NAME

EHS*

☐ YES ☒ NO

CAS# 7681-52-9

*If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL
TYPE (Check one item only)

☐ a. PURE ☒ b. MIXTURE ☐ c. WASTE

RADIOACTIVE ☐ Yes ☒ No

CURIES

PHYSICAL STATE
(Check one item only)

☐ a. SOLID ☒ b. LIQUID ☐ c. GAS

LARGEST CONTAINER 55 gallons

FED HAZARD CATEGORIES
(Check all that apply)

☐ a. FIRE ☐ b. REACTIVE ☐ c. PRESSURE RELEASE ☐ d. ACUTE HEALTH ☐ e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT

55

MAXIMUM DAILY AMOUNT

110

ANNUAL WASTE AMOUNT

0

STATE WASTE CODE

UNITS*

(Check one item only) * If EHS amount must be in pounds.

☒ a. GALLONS ☐ b. CUBIC FEET ☐ c. POUNDS ☐ d. TONS

DAYS ON SITE

365

STORAGE
CONTAINER

☐ a. ABOVE GROUND TANK ☒ e. PLASTIC/NONMETALLIC DRUM ☐ i. FIBER DRUM ☐ m. GLASS BOTTLE ☐ q. RAIL CAR
☐ b. UNDERGROUND TANK ☐ f. CAN ☐ j. BAG ☐ n. PLASTIC BOTTLE ☐ r. OTHER
☐ c. TANK INSIDE BUILDING ☐ g. CARBOY ☐ k. BOX ☐ o. TOTE BIN
☐ d. STEEL DRUM ☐ h. SILD ☐ l. CYLINDER ☐ p. TANK WAGON

STORAGE PRESSURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT

STORAGE TEMPERATURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT ☐ d. CRYOGENIC

%WT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1 12%

Sodium Hypochlorite

☐ Yes ☒ No

7681-52-9

2 89%

Water, H₂O

☐ Yes ☒ No

7732-18-5

3

☐ Yes ☐ No

4

☐ Yes ☐ No

5

☐ Yes ☐ No

ADDITIONAL LOCALLY COLLECTED INFORMATION

- ☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) \leq 10 ppm.
THIS HAZARDOUS MATERIAL MUST BE INVENTORIED IN ANY QUANTITY.
☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS SUBJECT TO RMP REQUIREMENTS AND/OR CALARP REQUIREMENTS



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HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per building or area)

☐ ADD

☐ DELETE

☐ REVISE

Page 2 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As)

Cabrillo Power LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL
EPCRA ☐ YES ☒ NO

FACILITY ID #

3

7

0

0

0

11

1

3

9

4

1

MAP# (optional)

NOT USED

GRID# (optional)

NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME

Sodium Hypochlorite

TRADE SECRET ☐ YES ☒ NO
If Subject to EPCRA, refer to instructions

COMMON NAME

EHS* ☐ YES ☒ NO

CAS# 7681-52-9

*If EHS is "Yes", all amounts below must be in lbs

FIRE CODE HAZARD CLASSES (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL
TYPE (Check one item only)

☐ a. PURE ☒ b. MIXTURE ☐ c. WASTE

RADIOACTIVE ☐ Yes ☒ No

CURIES

PHYSICAL STATE
(Check one item only)

☐ a. SOLID ☒ b. LIQUID ☐ c. GAS

LARGEST CONTAINER 6,000 gallons

FED HAZARD CATEGORIES
(Check all that apply)

☐ a. FIRE ☐ b. REACTIVE ☐ c. PRESSURE RELEASE ☐ d. ACUTE HEALTH ☐ e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT

10,800

MAXIMUM DAILY AMOUNT

12,000

ANNUAL WASTE AMOUNT

0

STATE WASTE CODE

UNITS*

(Check one item only) * If EHS, amount must be in pounds

☒ a. GALLONS ☐ b. CUBIC FEET ☐ c. POUNDS ☐ d. TONS

DAYS ON SITE

365

STORAGE
CONTAINER

☒ a. ABOVE GROUND TANK ☐ c. PLASTIC/NONMETALLIC DRUM ☐ i. FIBER DRUM ☐ m. GLASS BOTTLE ☐ q. RAIL CAR
☐ b. UNDERGROUND TANK ☐ f. CAN ☐ j. BAG ☐ n. PLASTIC BOTTLE ☐ r. OTHER
☐ e. TANK INSIDE BUILDING ☐ g. CARBOY ☐ l. BOX ☐ o. PUTE BIN ☐
☐ d. STEEL DRUM ☐ h. SLO ☐ k. CYLINDER ☐ p. TANK WAGON

STORAGE PRESSURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT

STORAGE TEMPERATURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT ☐ d. CRYOGENIC

%WT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1 0.1%

Sodium Hypochlorite

☐ Yes ☒ No

7681-52-9

2 99.9%

Water, H₂O

☐ Yes ☒ No

7732-18-5

3

☐ Yes ☐ No

4

☐ Yes ☐ No

5

☐ Yes ☐ No

ADDITIONAL LOCALLY COLLECTED INFORMATION

- ☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) \leq 10 ppm.
THIS HAZARDOUS MATERIAL MUST BE INVENTORIED IN ANY QUANTITY.
☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS SUBJECT TO RMP REQUIREMENTS AND/OR CALARP REQUIREMENTS



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Date Submitted

HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

<input type="checkbox"/> ADD		<input type="checkbox"/> DELETE		<input type="checkbox"/> REVISE		200		Page 27 of 31	
I. FACILITY INFORMATION									
BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As) Cabrillo Power LLC									
CHEMICAL LOCATION SEE SITE MAP/PLAN						201		CHEMICAL LOCATION CONFIDENTIAL EPCRA <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
FACILITY ID# 3 7 0 0 0 11 1 3 9 4 1						203		GRID# (optional) NOT USED	
I. CHEMICAL INFORMATION									
CHEMICAL NAME Hi-Chem HMP						205		TRADE SECRET <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
COMMON NAME						207		EHS* <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
CAS# 128-04-1						209		*If EHS is "Yes", all amounts below must be in lbs	
FIRE CODE HAZARD CLASSES (Complete if required by CUPA) NOT REQUIRED BY SAN DIEGO COUNTY									
HAZARDOUS MATERIAL TYPE (Check one item only) <input checked="" type="checkbox"/> a. PURE <input type="checkbox"/> b. MIXTURE <input type="checkbox"/> c. WASTE						211		RADIOACTIVE <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
PHYSICAL STATE (Check one item only) <input type="checkbox"/> a. SOLID <input checked="" type="checkbox"/> b. LIQUID <input type="checkbox"/> c. GAS						214		LARGEST CONTAINER 55 gallons	
FED HAZARD CATEGORIES (Check all that apply) <input type="checkbox"/> a. FIRE <input type="checkbox"/> b. REACTIVE <input type="checkbox"/> c. PRESSURE RELEASE <input type="checkbox"/> d. ACUTE HEALTH <input type="checkbox"/> e. CHRONIC HEALTH						216			
AVERAGE DAILY AMOUNT 45		217		MAXIMUM DAILY AMOUNT 55		218		ANNUAL WASTE AMOUNT 0	
UNITS* (Check one item only) * If EHS, amount must be in pounds. <input checked="" type="checkbox"/> a. GALLONS <input type="checkbox"/> b. CUBIC FEET <input type="checkbox"/> c. POUNDS <input type="checkbox"/> d. TONS		221		STATE WASTE CODE 365		222		DAYS ON SITE 365	
STORAGE CONTAINER <input type="checkbox"/> a. ABOVE GROUND TANK <input checked="" type="checkbox"/> c. PLASTIC NONMETALLIC DRUM <input type="checkbox"/> i. FIBER DRUM <input type="checkbox"/> m. GLASS BOTTLE <input type="checkbox"/> q. RAIL CAR <input type="checkbox"/> b. UNDERGROUND TANK <input type="checkbox"/> f. CAN <input type="checkbox"/> j. BAG <input type="checkbox"/> n. PLASTIC BOTTLE <input type="checkbox"/> r. OTHER <input type="checkbox"/> e. TANK INSIDE BUILDING <input type="checkbox"/> g. CARTON <input type="checkbox"/> k. BOX <input type="checkbox"/> o. TOTE BIN <input type="checkbox"/> d. STEEL DRUM <input type="checkbox"/> h. SHIP <input type="checkbox"/> l. CYLINDER <input type="checkbox"/> p. TANK WAGON		224		STORAGE PRESSURE <input checked="" type="checkbox"/> a. AMBIENT <input type="checkbox"/> b. ABOVE AMBIENT <input type="checkbox"/> c. BELOW AMBIENT		225		STORAGE TEMPERATURE <input checked="" type="checkbox"/> a. AMBIENT <input type="checkbox"/> b. ABOVE AMBIENT <input type="checkbox"/> c. BELOW AMBIENT <input type="checkbox"/> d. CRYOGENIC	
%WT		HAZARDOUS COMPONENT (For mixture or waste only)		EHS		CAS #			
1				<input type="checkbox"/> Yes <input type="checkbox"/> No					
2				<input type="checkbox"/> Yes <input type="checkbox"/> No					
3				<input type="checkbox"/> Yes <input type="checkbox"/> No					
4				<input type="checkbox"/> Yes <input type="checkbox"/> No					
5				<input type="checkbox"/> Yes <input type="checkbox"/> No					
ADDITIONAL LOCALLY COLLECTED INFORMATION									
<input type="checkbox"/> CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) - 10 ppm THIS HAZARDOUS MATERIAL MUST BE INVENTORIED IN ANY QUANTITY.									
<input type="checkbox"/> CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS SUBJECT TO RMP REQUIREMENTS AND/OR CALARP REQUIREMENTS									



SAN DIEGO COUNTY
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HAZARDOUS MATERIALS DIVISION
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1-800-253-9933

Date Submitted

HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per building or area)

☐ ADD

☐ DELETE

☐ REVISE

200

Page 28 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As)

Cabrillo Power I LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL
EPCRA ☐ YES ☒ NO

FACILITY ID # 3 7 0 0 0 H 1 3 9 4 1

MAP# (optional)

NOT USED

GRID# (optional)

NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME

Nitric Acid

TRADE SECRET

☐ YES ☒ NO

If Subject to EPCRA, refer to instructions

COMMON NAME

EHS*

☒ YES ☐ NO

CAS# 7697-37-2, mixture - see below

*If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL
TYPE (Check one item only)

☐ a. PURE ☒ b. MIXTURE ☐ c. WASTE

RADIOACTIVE ☐ Yes ☒ No

CURIES

PHYSICAL STATE
(Check one item only)

☐ a. SOLID ☒ b. LIQUID ☐ c. GAS

LARGEST CONTAINER 1 gallon

FED HAZARD CATEGORIES
(Check all that apply)

☐ a. FIRE ☐ b. REACTIVE ☐ c. PRESSURE RELEASE ☒ d. ACUTE HEALTH ☐ e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT

9 gallons/74.952 lbs.

MAXIMUM DAILY AMOUNT

10 gallons/83.28 lbs.

ANNUAL WASTE AMOUNT

0

STATE WASTE CODE

UNITS*

☐ a. GALLONS

☐ b. CUBIC FEET

☒ c. POUNDS

☐ d. TONS

DAYS ON SITE

365

STORAGE
CONTAINER

☐ a. ABOVE GROUND TANK

☐ c. PLASTIC/NONMETALLIC DRUM

☐ f. FIBER DRUM

☒ m. GLASS BOTTLE

☐ q. RAIL CAR

☐ b. UNDERGROUND TANK

☐ e. CAN

☐ j. BAG

☐ n. PLASTIC BOTTLE

☐ r. OTHER

☐ c. TANK INSIDE BUILDING

☐ g. CARBOY

☐ k. BOX

☐ o. TOTE BIN

☐ d. STEEL DRUM

☐ h. SILO

☐ l. CYLINDER

☐ p. TANK WAGON

STORAGE PRESSURE

☒ a. AMBIENT

☐ b. ABOVE AMBIENT

☐ c. BELOW AMBIENT

STORAGE TEMPERATURE

☒ a. AMBIENT

☐ b. ABOVE AMBIENT

☐ c. BELOW AMBIENT

☐ d. CRYOGENIC

% WT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1 68 - 70

Nitric Acid

☒ Yes ☐ No

7697-37-2

2 29 - 31

Water, H₂O

☐ Yes ☒ No

7732-18-5

3

☐ Yes ☐ No

4

☐ Yes ☐ No

5

☐ Yes ☐ No

ADDITIONAL LOCALLY COLLECTED INFORMATION

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) \leq 10 ppm.
THIS HAZARDOUS MATERIAL MUST BE INVENTORIED IN ANY QUANTITY.

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS SUBJECT TO RMP REQUIREMENTS AND/OR CALARP REQUIREMENTS



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____/____/____
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HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

if one page per material per (including to and)

☐ ADD

☐ DELETE

☐ REVISE

200

Page 30 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Name as FACILITY NAME or DBA - Doing Business As)

Cabrillo Power LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL

EPCRA

☐ YES ☒ NO

FACILITY ID =

3

7

0

0

0

H

1

3

9

4

1

MAP (optional)

203

GRID# (optional)

204

NOT USED

NOT USED

I. CHEMICAL INFORMATION

CHEMICAL NAME

Ammonium Hydroxide

COMMON NAME

Aqueous Ammonia, 19%

CAS# 1336-21-6, mixture - see below

TRADE SECRET

☐ YES ☒ NO

If Subject to EPCRA, refer to instructions

EHS*

☒ YES ☐ NO

*If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL TYPE (Check one item only)

☐ a. PURE ☒ b. MIXTURE ☐ c. WASTE

211

RADIOACTIVE ☐ Yes ☒ No

212

CURIES

213

PHYSICAL STATE (Check one item only)

☐ a. SOLID ☒ b. LIQUID ☐ c. GAS

214

LARGEST CONTAINER 10,000 gallons

215

FED HAZARD CATEGORIES (Check all that apply)

☐ a. FIRE ☐ b. REACTIVE ☐ c. PRESSURE RELEASE ☒ d. ACUTE HEALTH ☐ e. CHRONIC HEALTH

216

AVERAGE DAILY AMOUNT

MAXIMUM DAILY AMOUNT

ANNUAL WASTE AMOUNT

STATE WASTE CODE

18,000 gallons/149,904 lbs.

20,000 gallons/166,560 lbs.

0

UNITS*

(Check one item only) * If EHS, amount must be in pounds.

☐ a. GALLONS

☐ b. CUBIC FEET

☒ c. POUNDS

☐ d. TONS

DAYS ON SITE:

365

STORAGE CONTAINER

☒ a. ABOVE GROUND TANK
☐ b. UNDERGROUND TANK
☐ c. TANK INSIDE BUILDING
☐ d. STEEL DRUM

☐ e. PLASTIC/NONMETALLIC DRUM
☐ f. CAN
☐ g. CARBOY
☐ h. SILO

☐ i. FIBER DRUM
☐ j. BAG
☐ k. BOX
☐ l. CYLINDER

☐ m. GLASS BOTTLE
☐ n. PLASTIC BOTTLE
☐ o. TOTE BIN
☐ p. TANK WAGON

☐ q. RAIL CAR
☐ r. OTHER

STORAGE PRESSURE

☒ a. AMBIENT

☐ b. ABOVE AMBIENT

☐ c. BELOW AMBIENT

STORAGE TEMPERATURE

☒ a. AMBIENT

☐ b. ABOVE AMBIENT

☐ c. BELOW AMBIENT

☐ d. CRYOGENIC

%WT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1 5 - 19

Ammonia

☒ Yes ☐ No

7664-41-7

2 81 - 95

Water, H₂O

☐ Yes ☒ No

7732-18-5

3

☐ Yes ☐ No

4

☐ Yes ☐ No

5

☐ Yes ☐ No

ADDITIONAL LOCALLY COLLECTED INFORMATION

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) ≤ 10 ppm. THIS HAZARDOUS MATERIAL MUST BE INVENTORIED IN ANY QUANTITY

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS SUBJECT TO RMP REQUIREMENTS AND/OR CALARP REQUIREMENTS



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HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per building or area)

☒ ADD

☐ DELETE

☐ REVISE

200

Page 30 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As)

Cabrillo Power I LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

201

CHEMICAL LOCATION CONFIDENTIAL
EPCRA ☐ YES ☒ NO

202

FACILITY ID #

3

7

0

0

0

0

0

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0

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0

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0

0

0

MAP# (optional)

203

GRID# (optional)

204

NOT USED

NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME

Helium gas

TRADE SECRET

☐ YES ☒ NO

205

If Subject to EPCRA, refer to instructions

COMMON NAME

Helium gas

EHS*

☐ YES ☒ NO

206

CASE# 7440-59-7

*If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE: HAZARD CLASSES (Complete if required by CUPA)

210

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL
TYPE (Check one item only)

☒ a. PURE ☐ b. MIXTURE ☐ c. WASTE

211

RADIOACTIVE: ☐ Yes ☒ No

CURIES

212

PHYSICAL STATE
(Check one item only)

☐ a. SOLID ☐ b. LIQUID ☒ c. GAS

214

LARGEST CONTAINER 217 CF

215

FED HAZARD CATEGORIES
(Check all that apply)

☐ a. FIRE ☐ b. REACTIVE ☒ c. PRESSURE RELEASE

☐ d. ACUTE HEALTH

☐ e. CHRONIC HEALTH

216

AVERAGE DAILY AMOUNT

217

MAXIMUM DAILY AMOUNT

218

ANNUAL WASTE AMOUNT

219

STATE WASTE CODE

220

2,000 CF

2,400 CF

0

UNITS*

(Check one item only) * If EHS, amount must be in pounds

☐ a. GALLONS

☒ b. CUBIC FEET

☐ c. POUNDS

☐ d. TONS

221

DAYS ON SITE:

222

365

STORAGE
CONTAINER

☐ a. ABOVE GROUND TANK
☐ b. UNDERGROUND TANK
☐ c. TANK INSIDE BUILDING
☐ d. STEEL DRUM

☐ e. PLASTIC/NONMETALLIC DRUM
☐ f. CAN
☐ g. CARBOY
☐ h. SLO

☐ i. FIBER DRUM
☐ j. BAG
☐ k. BOX
☒ l. CYLINDER

☐ m. GLASS BOTTLE
☐ n. PLASTIC BOTTLE
☐ o. TOTE BIN
☐ p. TANK WAGON

223

224

STORAGE PRESSURE

☐ a. AMBIENT

☒ b. ABOVE AMBIENT

☐ c. BELOW AMBIENT

225

STORAGE TEMPERATURE

☒ a. AMBIENT

☐ b. ABOVE AMBIENT

☐ c. BELOW AMBIENT

☐ d. CRYOGENIC

226

%WT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1 100

Gaseous Helium

☐ Yes ☒ No

7440-59-7

2

☐ Yes ☐ No

3

☐ Yes ☐ No

4

☐ Yes ☐ No

5

☐ Yes ☐ No

ADDITIONAL LOCALLY COLLECTED INFORMATION

246

☒ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) ≤ 10 ppm.
THIS HAZARDOUS MATERIAL MUST BE INVENTORIED IN ANY QUANTITY.

☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS SUBJECT TO RMP REQUIREMENTS AND/OR CALARP REQUIREMENTS



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HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per building or area)

☐ ADD

☐ DELETE

☐ REVISE

201

Page 21 of 21

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As)

Cabrillo Power LLC

CHEMICAL LOCATION

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL

EPURA

☐ YES ☒ NO

FACILITY ID #

3

7

0

0

0

0

H

1

3

9

4

1

MAP# (optional)

NOT USED

GRID# (optional)

NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME

Sodium Hydroxide

TRADE SECRET

☐ YES ☒ NO

If Subject to EPCRA, refer to instructions

COMMON NAME

Caustic Soda, palletized form

EHS*

☐ YES ☒ NO

CAS#

1310-73-2

*If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL TYPE (Check one item only)

☒ a. PURE ☐ b. MIXTURE ☐ c. WASTE

RADIOACTIVE ☐ Yes ☒ No

CURIES

PHYSICAL STATE (Check one item only)

☒ a. SOLID ☐ b. LIQUID ☐ c. GAS

LARGEST CONTAINER 5 lb. container

FED HAZARD CATEGORIES (Check all that apply)

☐ a. FIRE ☒ b. REACTIVE ☐ c. PRESSURE RELEASE ☒ d. ACUTE HEALTH ☐ e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT

22.5 lbs.

MAXIMUM DAILY AMOUNT

25 lbs.

ANNUAL WASTE AMOUNT

0

STATE WASTE CODE

UNITS*

(Check one item only) * If EHS, amount must be in pounds.

☐ a. GALLONS ☐ b. CUBIC FEET ☒ c. POUNDS ☐ d. TONS

DAYS ON SITE

365

STORAGE CONTAINER

☐ a. ABOVE GROUND TANK ☐ e. PLASTIC/NONMETALLIC DRUM ☐ i. FIBER DRUM ☐ m. GLASS BOTTLE ☐ q. RAIL CAR
☐ b. UNDERGROUND TANK ☐ f. CAN ☐ j. BAG ☒ n. PLASTIC BOTTLE ☐ r. OTHER
☐ c. TANK INSIDE BUILDING ☐ g. CARBOY ☐ k. BOX ☐ o. TOTE BIN
☐ d. STEEL DRUM ☐ h. SILO ☐ l. CYLINDER ☐ p. TANK WAGON

STORAGE PRESSURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT

STORAGE TEMPERATURE

☒ a. AMBIENT ☐ b. ABOVE AMBIENT ☐ c. BELOW AMBIENT ☐ d. CRYOGENIC

%WT

HAZARDOUS COMPONENT (For mixture or waste only)

EHS

CAS #

1

☐ Yes ☐ No

2

☐ Yes ☐ No

3

☐ Yes ☐ No

4

☐ Yes ☐ No

5

☐ Yes ☐ No

ADDITIONAL LOCALLY COLLECTED INFORMATION

- ☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS A TOXIC GAS THAT HAS A THRESHOLD LIMIT CONCENTRATION (TLV) < 10 ppm.
THIS HAZARDOUS MATERIAL MUST BE INVENTORIED IN ANY QUANTITY
- ☐ CHECK THIS BOX IF THIS HAZARDOUS MATERIAL IS SUBJECT TO RMP REQUIREMENTS AND/OR CALARP REQUIREMENTS



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Hazardous Materials Business Plan -- II. Emergency Response Plan

H 1 3 9 4 1

Emergency Coordinator Information

Please list the name, title/position and phone numbers (office and home/24 hr) of the emergency coordinator and alternatives who are qualified and authorized to assist emergency response personnel (for example, fire personnel) in the event of an emergency.

ITEM	NAME OF EMERGENCY COORDINATOR	TITLE	WORK PHONE	CELL PHONE
001	Shelia Henika	Env't'l Specialist	7602684018	7605352705
NUMBER	STREET	CITY		
4600	Carlsbad Blvd.	Carlsbad CA 92008		
002	Kent Miles	Env't'l Specialist	7602684020	7605357851
NUMBER	STREET	CITY		
4600	Carlsbad Blvd.	Carlsbad CA 92008		
003	Shift Supervisor	Control Rm 3 & 4	7602684062	7602684066
NUMBER	STREET	CITY		
4600	Carlsbad Blvd.	Carlsbad CA 92008		



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1-800-253-9933

Hazardous Materials Business Plan – II. Emergency Response Plan

H 1 3 9 4 1

SIC Code: 4911

1. Business Name Cabrillo Power I LLC

2. Business Site Address 4600 Carlsbad Blvd., Carlsbad, CA 92008

3. Business Telephone (760) 268-4018 24-Hour (760) 268-4062 Cell (760) 535-2705

4. Brief description of product manufactured and/or service provided Electric Generation

5. Evacuation Procedures: Personnel are alerted to evacuate by plant sirens and a paging alert system. All personnel have pre-designated staging areas where they will be accounted for in the case of an emergency and where they will receive emergency instructions. Staging areas are as follows:

- PRIMARY – West side of Maintenance Shop
- Secondary – Northeast Parking Lot, by the Lagoon
- Secondary – South of Unit 5
- Secondary – East of the Wastewater Treatment Building

6. Notification Procedures:

In the event of a release or threatened release of a hazardous material the following agencies are to be notified:

	Phone No.
A. Local Emergency Response Agencies	911
Hazardous Materials Management Division	(619) 338-2222 (911 after working hours)
B. State Office of Emergency Services	(800) 852-7550
	(916) 845-8510
C. National Response Center	(800) 242-8802

Name of person (s) responsible for completing notifications:

Shella Henika, Environmental Specialist; Kent Miles, Sr. Environmental Specialist

Describe notification procedures: In the event of an emergency response regarding hazardous materials or hazardous waste, the Plant Shift Supervisor is notified, either by direct call to the business and 24-hour numbers above or by dialing the in-house emergency number 6911. The Shift Supervisor will notify appropriate personnel including the above environmental positions. Personnel are alerted to evacuate according to the above procedures.

Emergency Procedures: Local emergency response: Fire/Police/Medical: 911 Facility emergency response: 6911

Small spills: Plant personnel will control spilled material, provide clean-up and provide notification.

Large spills: Plant personnel will minimize the spread of spilled material, call for clean-up response contractor and provide notification.

Clean-up response contractor: NRC Environmental Services, 24-hr. phone (800) 337-7455

Spill Reporting Procedures are listed in the Spill Prevention Control and Countermeasure Plan (SPCC), listing reporting guidelines in the event of small or large spills.



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HAZARDOUS MATERIALS DIVISION
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1-800-253-9933

1 / 1
Date Submitted

HAZARDOUS MATERIALS BUSINESS PLAN - III. EMPLOYEE TRAINING DESCRIPTION

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As)

Cabrillo Power I LLC, Encina Power Station

FACILITY ID # 3 7 0 0 0 H 1 3 9 4 1

The following describes the employee training provided for all employees that handle hazardous substances.

1. Training Topic - Procedures for handling hazardous materials, including hazardous wastes:

Persons Trained: All Encina Power Station Employees

Training Time: Four (4) hours Refresher Frequency: Annual Refresher Time: Four (4) hours

Training Content: Training covers California Required Hazard Communication, Hazard Locations, Hazard Identification, Hazardous Material/Waste Handling, and Hazardous Material/Waste Disposal

2. Training Topic - Procedures for coordination with emergency response agencies:

Persons Trained: All Encina Power Station Employees

Training Time: One (1) hour Refresher Frequency: Annual Refresher Time: One (1) hour

Training Content: Covers what phone numbers to call and how, emphasizing calling x6911 onsite and allowing operations personnel to call 911.

3. Training Topic - Use of emergency response equipment and materials under business control:

Persons Trained: All Encina Power Station Employees

Training Time: Two (2) hours Refresher Frequency: Annual Refresher Time: Two (2) hours

Training Content:

- One hour of fire fighting training with hands on use of fire fighting equipment
- One hour of hazardous material equipment and material training

4. Training Topic - Emergency Response Plan Implementation:

Persons Trained: All Encina Power Station Employees

Training Time: Two (2) hours Refresher Frequency: Annual Refresher Time: Two (2) hours

Training Content: Covers purpose of plan, potential hazards, emergency notification procedures (alarms, phone calls, etc.), and emergency evacuation

5. Training Topic - Hazardous Waste Operations and Emergency Response (HazWOPER)

Persons Trained: Management, Supervisory, and Environmental Personnel

Training Time: Forty (40) hours Refresher Frequency: Annual Refresher Time: Eight (8) hours

Training Content: California State certified HazWOPER training format under 29 CFR 1910.120.

Detail of Profiles Shipped by Facility

August 21, 2007, 3:52 PM

Shipment Date 01/01/2006 - 12/31/2006

Encina Power Station

Profile Number: 267700

Profile Description: Paint Debris (empty containers)

Shipment Number	Shipment Date	Quantity Shipped
EN06012	8/11/2006	274.00 Pounds
267700 Total: 274.00 Pounds		

Profile Number: 268779

Profile Description: CHLORIDE LAB WASTE LIQUID (WATER, DISSOLVED MINERALS)

Shipment Number	Shipment Date	Quantity Shipped
EN06005	4/12/2006	400.00 Pounds
268779 Total: 400.00 Pounds		

Profile Number: 268780

Profile Description: Used Oil

Shipment Number	Shipment Date	Quantity Shipped
EN06005	4/12/2006	6080.00 Pounds
EN06012	8/11/2006	8277.00 Pounds
EN06018	12/20/2006	9264.00 Pounds
268780 Total: 23,601.00 Pounds		

Profile Number: 328616

Profile Description: Oily Debris

Shipment Number	Shipment Date	Quantity Shipped
EN06005	4/12/2006	3539.00 Pounds
EN06012	8/11/2006	3446.00 Pounds
EN06018	12/20/2006	2893.00 Pounds
328616 Total: 9,878.00 Pounds		

Profile Number: 328618

Profile Description: Paint Waste

Shipment Number	Shipment Date	Quantity Shipped
EN06005	4/12/2006	288.00 Pounds
EN06005	4/12/2006	600.00 Pounds
EN06018	12/20/2006	203.00 Pounds
328618 Total: 1,091.00 Pounds ✓		

Detail of Profiles Shipped by Facility

August 21, 2007, 3:52 PM

Shipment Date 01/01/2006 - 12/31/2006

Encina Power Station

Profile Number: 459811

Profile Description: Blast Grit

Shipment Number	Shipment Date	Quantity Shipped
EN06005	4/12/2006	2188.00 Pounds
EN06012	8/11/2006	1057.00 Pounds
EN06018	12/20/2006	1495.00 Pounds
459811 Total:		4,740.00 Pounds ✓

Profile Number: 514692

Profile Description: Skysol Sludge (Hydrocarbons-Limonene)

Shipment Number	Shipment Date	Quantity Shipped
EN06012	8/11/2006	135.00 Pounds
514692 Total:		135.00 Pounds

Profile Number: 600503

Profile Description: Antifreeze and Water

Shipment Number	Shipment Date	Quantity Shipped
EN06012	8/11/2006	10.00 Pounds
EN06018	12/20/2006	75.00 Pounds
600503 Total:		85.00 Pounds

Profile Number: 600833

Profile Description: Battery Acid Debris

Shipment Number	Shipment Date	Quantity Shipped
EN06012	8/11/2006	150.00 Pounds
600833 Total:		150.00 Pounds

Profile Number: MESA ENV.OILY DEBRIS

Profile Description: Oily Debris

Shipment Number	Shipment Date	Quantity Shipped
EN06002	2/2/2006	600.00 Pounds
MESA ENV.OILY DEBRIS Total:		600.00 Pounds

Profile Number: P163139

Profile Description: RQ, Waste Sodium Hydroxide Solution

Shipment Number	Shipment Date	Quantity Shipped
EN06004	4/19/2006	20320.00 Pounds
EN06006	4/19/2006	10795.00 Pounds
P163139 Total:		31,115.00 Pounds

Detail of Profiles Shipped by Facility

August 21, 2007, 3:52 PM

Shipment Date 01/01/2006 - 12/31/2006

Encina Power Station

Profile Number: PACIFICTRANS SANDBLAST

Profile Description: PTSandblast grit

Shipment Number	Shipment Date	Quantity Shipped
EN06015	11/2/2006	8000.00 Pounds
EN06016	11/2/2006	8000.00 Pounds
PACIFICTRANS SANDBLAST GRIT		16,000.00 Pounds
Total:		

Profile Number: SK WASTE PAINT SOLVENT

Profile Description: Paint Washer

Shipment Number	Shipment Date	Quantity Shipped
EN06001	1/1/2006	35.00 Pounds
EN06003	2/21/2006	35.00 Pounds
EN06007	4/18/2006	35.00 Pounds
EN06008	5/17/2006	35.00 Pounds
EN06009	6/20/2006	35.00 Pounds
EN06010	8/1/2006	35.00 Pounds
EN06011	3/23/2006	35.00 Pounds
EN06013	8/30/2006	35.00 Pounds
EN06014	11/1/2006	35.00 Pounds
EN06017	11/29/2006	35.00 Pounds
EN06019	12/29/2006	35.00 Pounds
EN06020	9/28/2006	35.00 Pounds
SK WASTE PAINT SOLVENT		Total: 420.00 Pounds

Encina Power Station Total: 88,489.00 Pounds

Grand Total Shipped for All Facilities: 88,489.00 Pounds

Table 2. Significant Materials Handled and Stored at the Encina Power Station Facility

Material	Receiving Location	Handling Location	Storage Location	Quantity/Capacity
Fuel Oil	Offshore terminal	Burned in power station boilers to produce steam	East/West Tank Farms	Tank 1-3: 126,400 bbls Tank 4-5: 241,300 bbls Tank 6: 413,200 bbls Tank 7: 421,200 bbls
Displacement Oil (diesel / fuel oil mix)	Displacement oil tank (Basin B)	Used for fuel oil line purges and cutter stock	West Tank Farm	8,100-bbl tank
Diesel Fuel Oil	Gas turbine diesel fuel tanks (Basin B)	Burned in gas turbine	West Tank Farm	Three 20,000 gallon tanks
Natural Gas	Pumped to facility through one 10" main and one 20" main	Burned in power station to produce steam	N/A (pressurized pipelines on and off site)	Boiler 1: 1.2 mmcf/hr Boiler 2: 2.2 mmcf/hr Boiler 3: 1.2 mmcf/hr Boiler 4: 3.0 mmcf/hr Boiler 5: 3.0 mmcf/hr
Liquid Caustic Soda	East of Unit 4 and at WWTF (Basin B and D)	Unit 4 basement and WWTF	East of Unit 4 and at WWTF	Unit 4 area: 6,000 gal. WWTF: 4,000 gal.
Liquid Sulfuric Acid	East of Unit 4 and at WWTF (Basin B and D)	Unit 4 basement and WWTF	East of Unit 4 and west side of WWTF	Unit 4 area: 6,000 gal. WWTF: 900 gal.
Fuel Oil Additive (Calcium nitrate)	East side of Unit 5 (Basin D)	East side of Unit 5	East side of Unit 5	6,000-gallon tank
Lubricating Oils	Hazmat storage area (Basin B)	Various locations inside and outside the plant	Hazmat storage area (Basin B)	Fifteen 55-gallon drums
Transformer Oil (mineral oil)	Transformers and circuit breakers outside the plant on east side	Transformers and circuit breakers are stationary equipment	Transformers and circuit breakers are oil-filled stationary equipment on east side	Variable
Turbine Oil	Hazmat storage area	At each Unit in the power	Hazmat storage area	Ten 55-gallon drums

Storm Water Pollution Prevention Plan

1-12

Material	Receiving Location (Basin B)	Handling Location plant	Storage Location (Basin B)	Quantity/Capacity
Used Oils (lube oils, fuel oils)	East of Unit 4, near stack	East of Unit 4, near stack	East of Unit 4, near stack	600-gallon tank and up to six 55-gallon drums
Hydrochloric Acid	Tank at reverse osmosis unit	Tank at reverse osmosis unit	Tank at reverse osmosis unit	700 gallons
Low-Volume Wastewater (LVW)	Two surge tanks at LVW WWTF	Wastewater system is permanent and stationary	Two surge tanks at LVW WWTF	Two 56,000-gallon tanks
Deminerlizer Regenerant & Reverse Osmosis Membrane Cleaning Wastewater	One tank east of Unit 5	Tank is permanent and stationary	East of Unit 5, adjacent to reverse osmosis unit	One 43,750 gallon tank
Metal-Cleaning Wastewater (MCW)	Two collection tanks at LVW WWTF	Wastewater system is permanent and stationary	Two collection tanks at WWTF	Two 357,000-gallon tanks
Metal-Cleaning Wastewater (MCW)	See MCW above	MCW treatment facility east of switching yard	See Treated Wastewater below	6 treatment tanks from 735 to 121,830 gallons
Treated Wastewater	Two collection tanks at LVW WWTF	Wastewater system is permanent and stationary	Two collection tanks at WWTF	Two 95,000-gallon tanks
Sodium Hypochlorite	West side of plant on cooling water deck	West side of plant on cooling water deck	West side of plant on cooling water deck	Two 5,000-gallon tanks
Paints and Thinner	Hazmat storage area (Basin B)	Various locations inside and outside the plant	Hazmat storage area	200 gallons (mostly 1-gallon cans)
Ammonium Hydroxide	South Side of plant	South Side of plant	South Side of plant	Two 10,000-gallon tanks