
Final

Phase I ESA Report Encina Power Station

Located at

4600 Carlsbad Boulevard
Carlsbad, California 92008

Prepared for

Cabrillo Power I LLC

Prepared by



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: *Kathaleen Daul* 9/06/2007
Kathaleen Daul
Environmental Scientist
CH2M HILL
714-435-6289
3 Hutton Center Drive, Suite 200
Santa Ana, CA 92707
Date

Reviewed By: *Dave Golles* 9/06/2007
Dave Golles
Environmental Scientist
CH2M HILL
714-429-2000
3 Hutton Center Drive, Suite 200
Santa Ana, CA 92707
Date

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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.

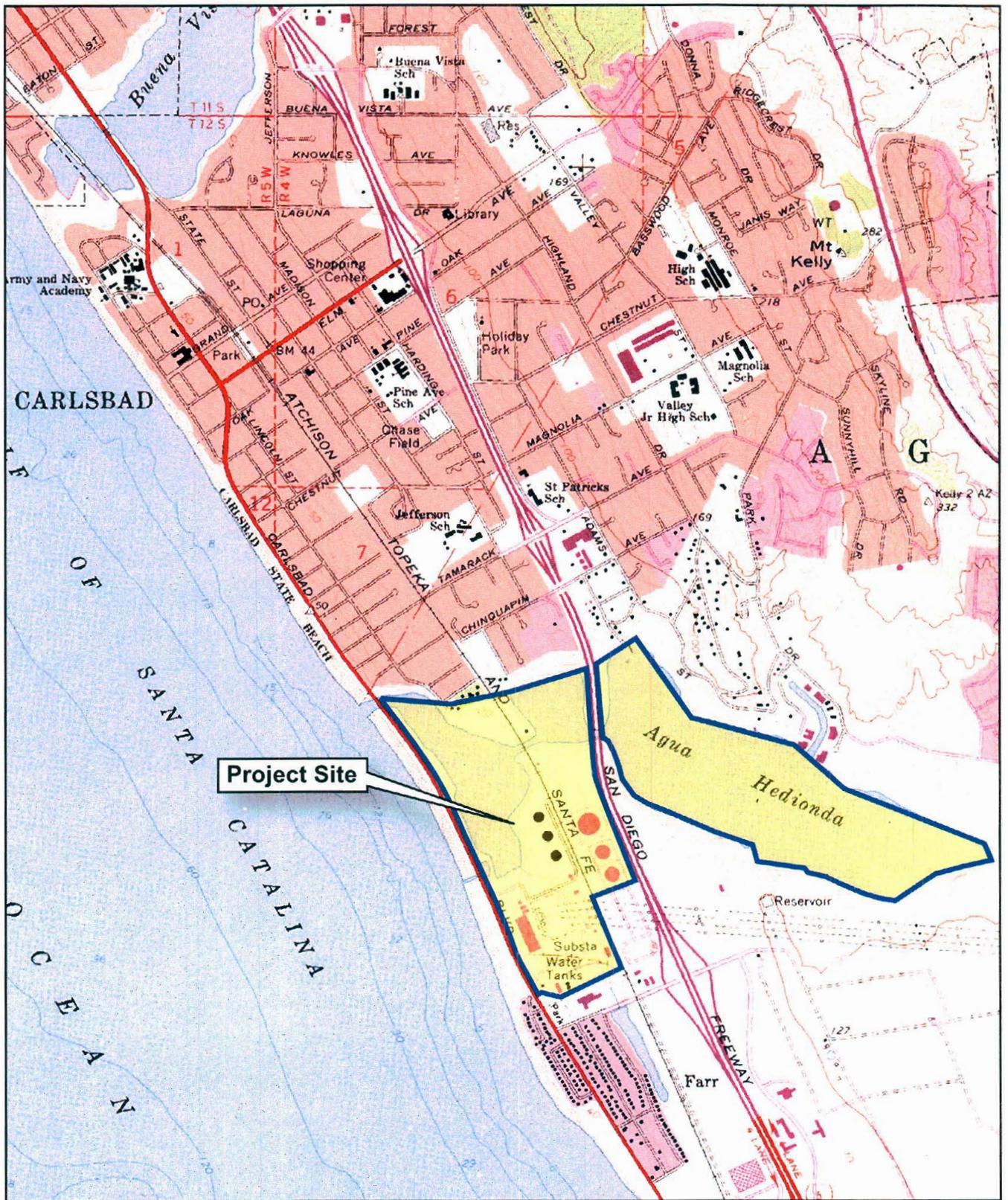


Figure 1-1
 Site Vicinity Map
 Encina Power Station
 Cabrillo Power I LLC
 Carlsbad, California

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

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.

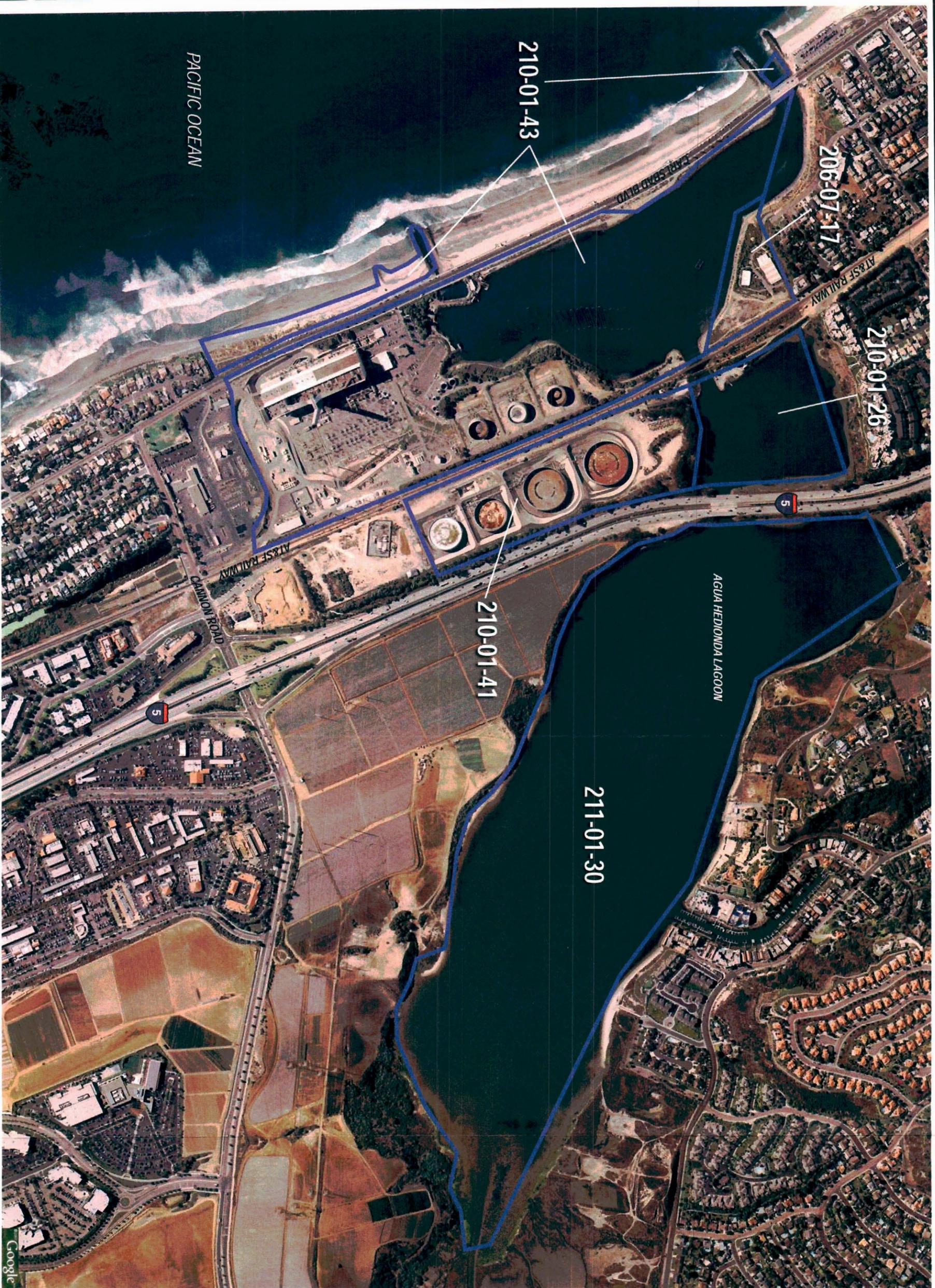
2.5 Current Uses of the Adjoining Properties

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

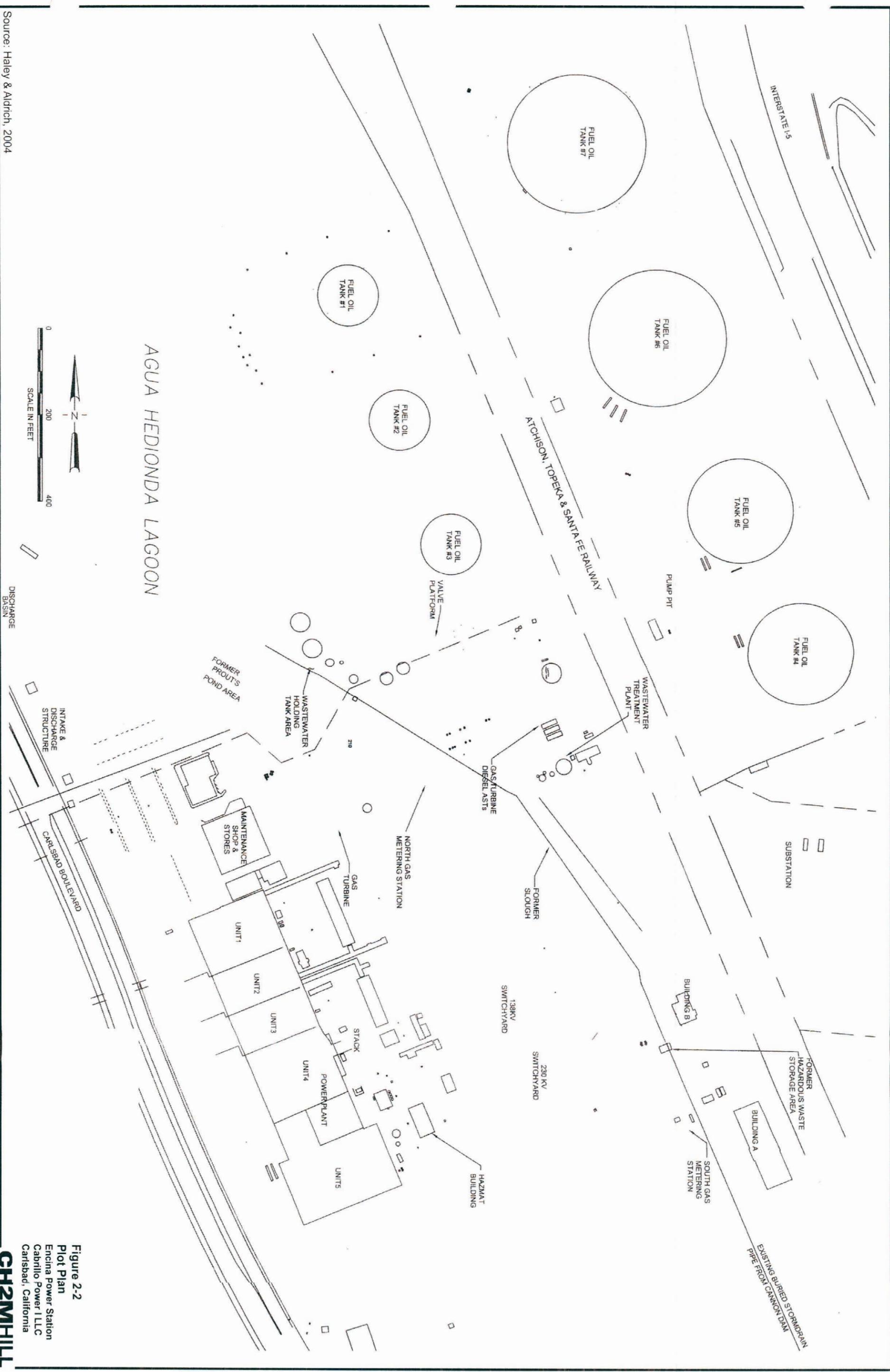
| Direction From Site | Occupant | Use |
|---------------------|---|---|
| North | Private Residences; California Waters Sports; Hubbs-Sea World Research Institute Marine Fish Hatchery | Residential and commercial |
| East | Private Residences, Vacant Land, Interstate 5, and Agricultural Farms | Residential, 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.

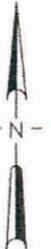


Legend:
 206-07-17 = Subject Property Assessor Parcel Numbers

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



AGUA HEDIONDA LAGOON



0 200 400
SCALE IN FEET

DISCHARGE BASIN

Figure 2-2

Plot Plan

Encina Power Station
Cabrillo Power I LLC
Carlsbad, California

CH2MHILL

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 HMMMD | 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.

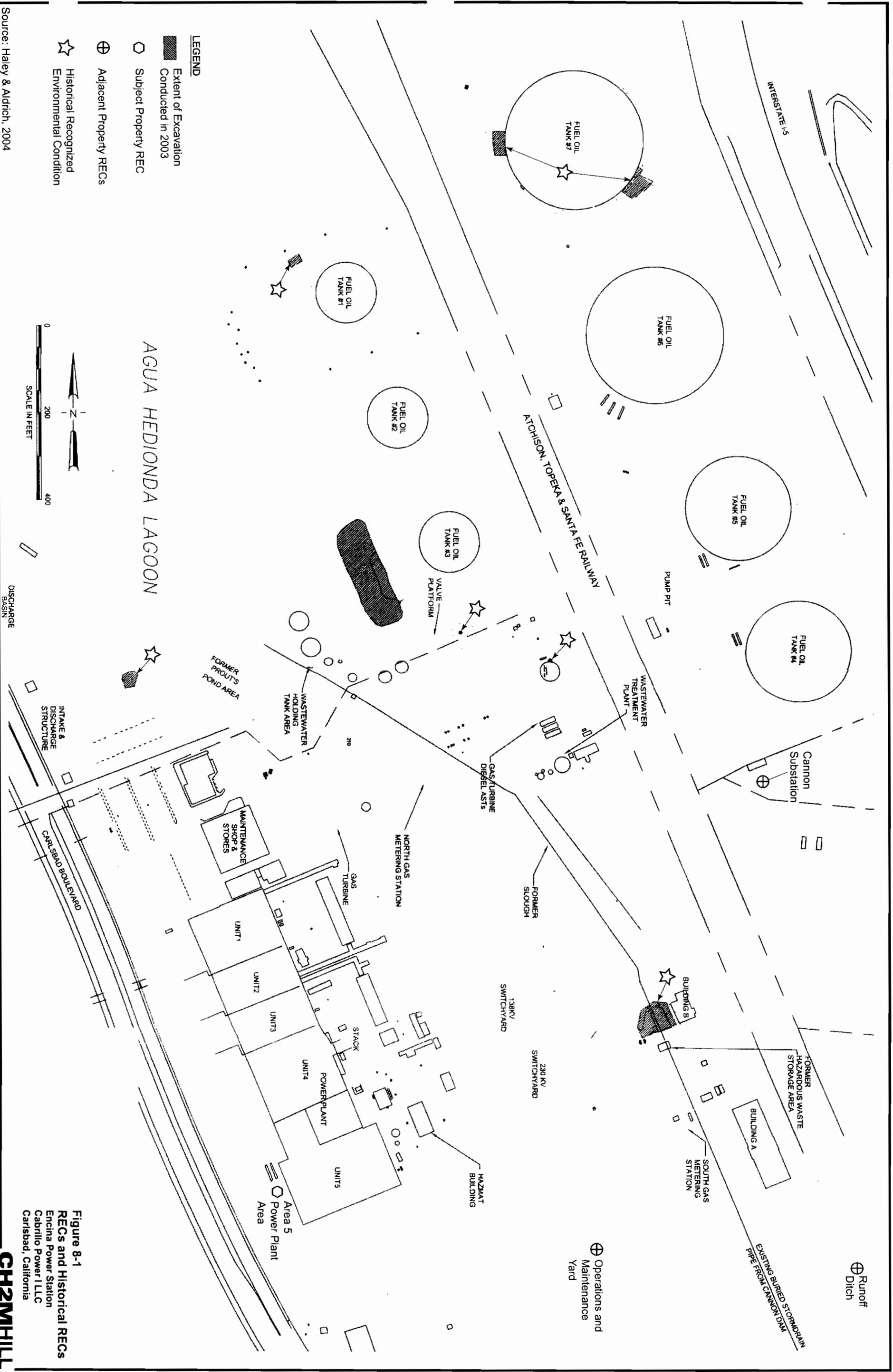
8. Opinions

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.

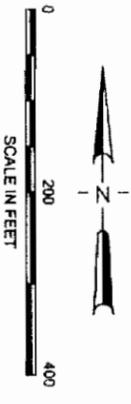
Source: Haley & Aldrich, 2004



LEGEND

- Extent of Excavation Conducted in 2003
- Subject Property REC
- ⊕ Adjacent Property RECs
- ☆ Historical Recognized Environmental Condition

AGUA HEDIONDA LAGOON



DISCHARGE BASIN

INTAKE & DISCHARGE STRUCTURE

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

CH2MHILL

⊕ Operations and Maintenance Yard

⊕ Runoff Ditch

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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- 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



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



FB
4P
1000

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 \$ D.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

SDA375284.3

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



SD375284J

11913

EXHIBIT "A"
DESCRIPTION OF REAL PROPERTY

PARCEL 1

(HUBBS SEAWORLD)

[PARCEL 2 OF 11]

PARCEL 2:

THAT PORTION OF RANCHO AGUA MEDIONDA, 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. 2001-789086 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, 931.76 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

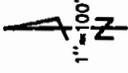
[PARCEL 9 OF 11]

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. 1985-0532900; THENCE ALONG THE NORTHEASTERLY LINE THEREOF SOUTH 33°44'36" 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, 244.66 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 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.

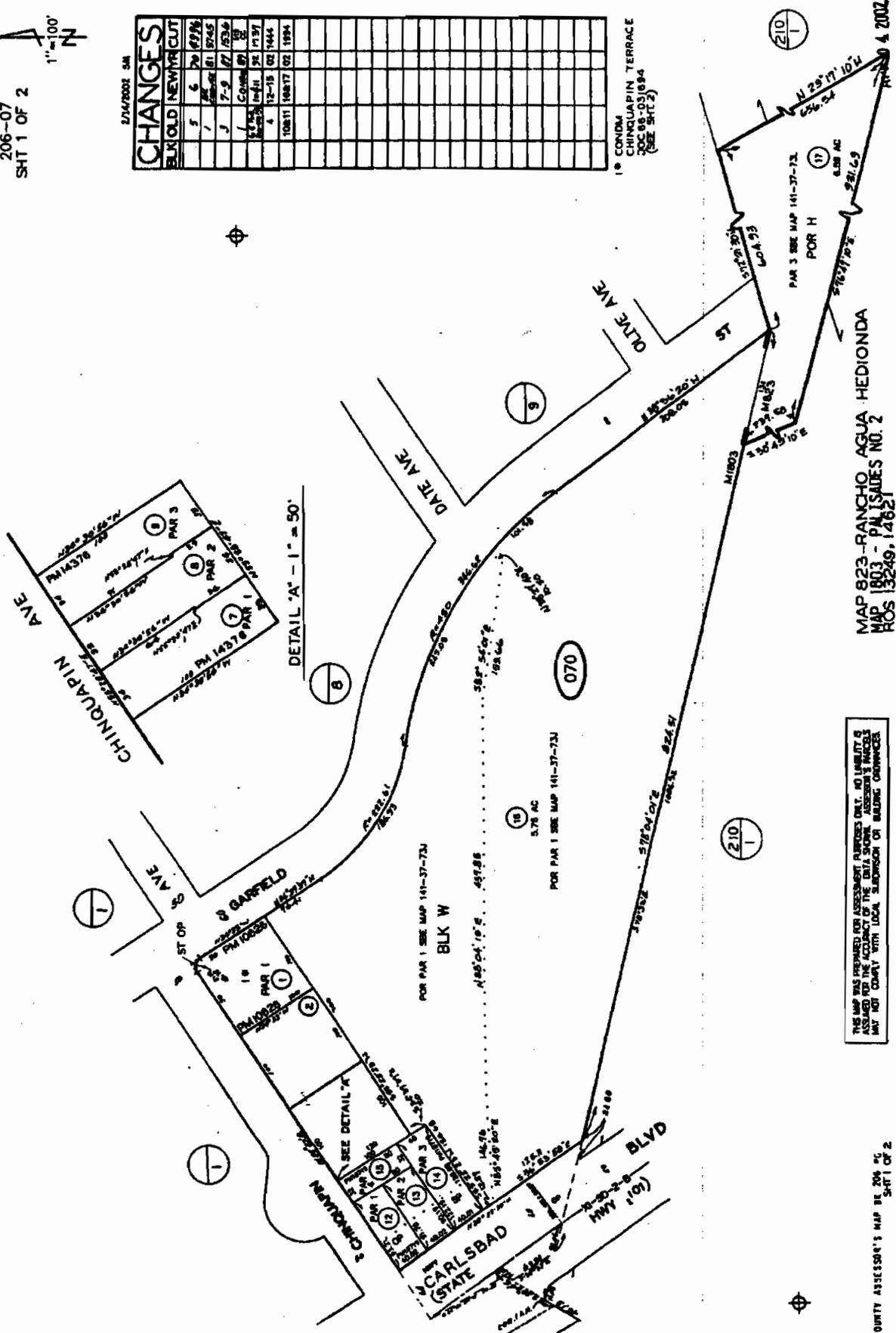
206-07
SHT 1 OF 2



2/14/2003 SAM

| CHANGES | | BLK OLD NEW/RCUT | |
|---------|----|------------------|------|
| 5 | 6 | 70 | 6776 |
| 7 | 8 | 81 | 5745 |
| 9 | 10 | 87 | 5236 |
| 11 | 12 | 89 | 18 |
| 13 | 14 | 91 | 1137 |
| 15 | 16 | 92 | 1444 |
| 17 | 18 | 93 | 1894 |
| 19 | 20 | 94 | 1894 |
| 21 | 22 | 95 | 1894 |
| 23 | 24 | 96 | 1894 |
| 25 | 26 | 97 | 1894 |
| 27 | 28 | 98 | 1894 |
| 29 | 30 | 99 | 1894 |
| 31 | 32 | 100 | 1894 |

18 CONDOMINIUM
CHINGUAPIN TERRACE
206.08-031894
(SEE SHT 2)



MAP 823-RANCHO AGUA HEDIONDA
H.P. 1803 - PALM SADES NO. 2
R.O.S. 13249, 14621

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT CORRELATE WITH LOCAL SUBDIVISION OR BUILDING DIVISIONS.

SAN DIEGO COUNTY ASSESSOR'S MAP NO. 206.07
SHT 1 OF 2

09

206-07
L0-902

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 TO

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER

NAME Cabrillo Power I LLC
Attn: Alisa B. Johnson
ADDRESS 1000 Louisiana, Suite 5800
CITY Houston
STATE & ZIP Texas 77022

FEES: 86.00
DC: AFNF

TAX: N.D.



1999-0347262

GRANT DEED

PH
UP
MS
OC
1-000

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: [Signature]
Name: Gary D. Cotton
Title: Senior Vice President

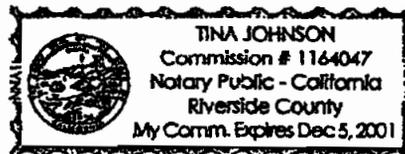
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO, s.s.

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 [Signature]



DOCUMENT PROVIDED BY STEWART TITLE OF CALIFORNIA, INC.

GENERATED.DOC

~~3820~~

3829

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, 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. 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

~~3881~~

3830

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 HEREBIN 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.

~~3822~~

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:

~~3833~~

3832

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:

~~2004~~

3833

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 LIE 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 SAND 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

~~8843~~

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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 A

LEGAL 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 Cornel C. Johnson, Deputy

EXHIBIT C

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 WAYS: 2
PAGES: 50



2005-0475686

RECORDING REQUESTED BY
STEWART TITLE OF CALIFORNIA

1 RECORDING REQUESTED BY AND:
2 WHEN RECORDED MAIL TO:

3 CALIFORNIA COASTAL COMMISSION
4 89 S. California Street, Suite 200
5 Ventura, CA 93001-2801

6261

6 Attn: Legal Division

*A
50P
2/20*

8 **OPEN SPACE DEED RESTRICTION**

9
10
11 I. WHEREAS, San Diego Gas and Electric Company, a corporation, hereinafter
12 referred to as "Owner," is the record owner of the following real property:

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

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

17 III. WHEREAS, the Property is located within the coastal zone as defined in §
18 30103 of Division 20 of the California Public Resources Code, hereinafter referred to as the
19 "California Coastal Act of 1976,"(the "Act"); and

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

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

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

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including, but not limited to, the following condition:

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

13 **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the

14 applicant shall execute and record a deed restriction in a form and content acceptable to

15 the Executive Director, reflecting the above restrictions on development. The deed

16 restriction shall include legal descriptions of the applicant's entire parcel(s). The deed

17 restriction shall run with the land, binding all successors and assigns, and shall be

18 recorded free of prior liens that the Executive Director determines may affect the

19 enforceability of the restriction. This deed restriction shall not be removed or changed

20 without a Commission amendment to this coastal development permit.

21 **VII. WHEREAS,** the Commission found that but for the imposition of the above

22 condition the proposed development could not be found consistent with the provisions of the

23 California Coastal Act of 1976 and that a permit could therefore not have been granted; and

24 **VIII. WHEREAS,** Owner has elected to comply with the conditions imposed by the

25 Permit and execute this Deed Restriction so as to enable Owner to undertake the development

26 authorized by the Permit.

27 **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 1. COVENANT, CONDITION, AND RESTRICTION. The undersigned Owner,

2 for itself and for its heirs, assigns, and successors in interest, covenants and agrees that: the

3 use of the Protected Land as shown on Exhibits B-1 and B-2, attached hereto and incorporated

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

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

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

24 3. TAXES AND ASSESSMENTS. It is intended that this Deed Restriction is
25 irrevocable and shall constitute an enforceable restriction within the meaning of a) Article
26 XIII, § 8, of the California Constitution; and b) § 402.1 of the California Revenue and
27 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 Seifert
JAMES SEIFERT
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

1
2
3 On JUNE 2, 2005, before me, COLLEEN FINO, a Notary Public
4 personally appeared JAMES SEIFERT, personally known to me (or
5 ~~proved to me on the basis of satisfactory evidence~~) to be the person(s) whose name(s) ~~is/are~~
6 subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the
7 same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the
8 instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the
9 instrument.

10
11 WITNESS my hand and official seal.



12
13 Signature [Handwritten Signature]

14
15 STATE OF CALIFORNIA
16 COUNTY OF _____

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

24
25 WITNESS my hand and official seal.

26
27 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 will 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.

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
7375 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370

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.

[...]

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

CALIFORNIA COASTAL COMMISSION

San Diego Coast Area Office
7575 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, Uc, 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)
Date: October 15, 2002
Permit Application No.: 6-01-167

6290

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
Bill Ponder
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

6291

(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

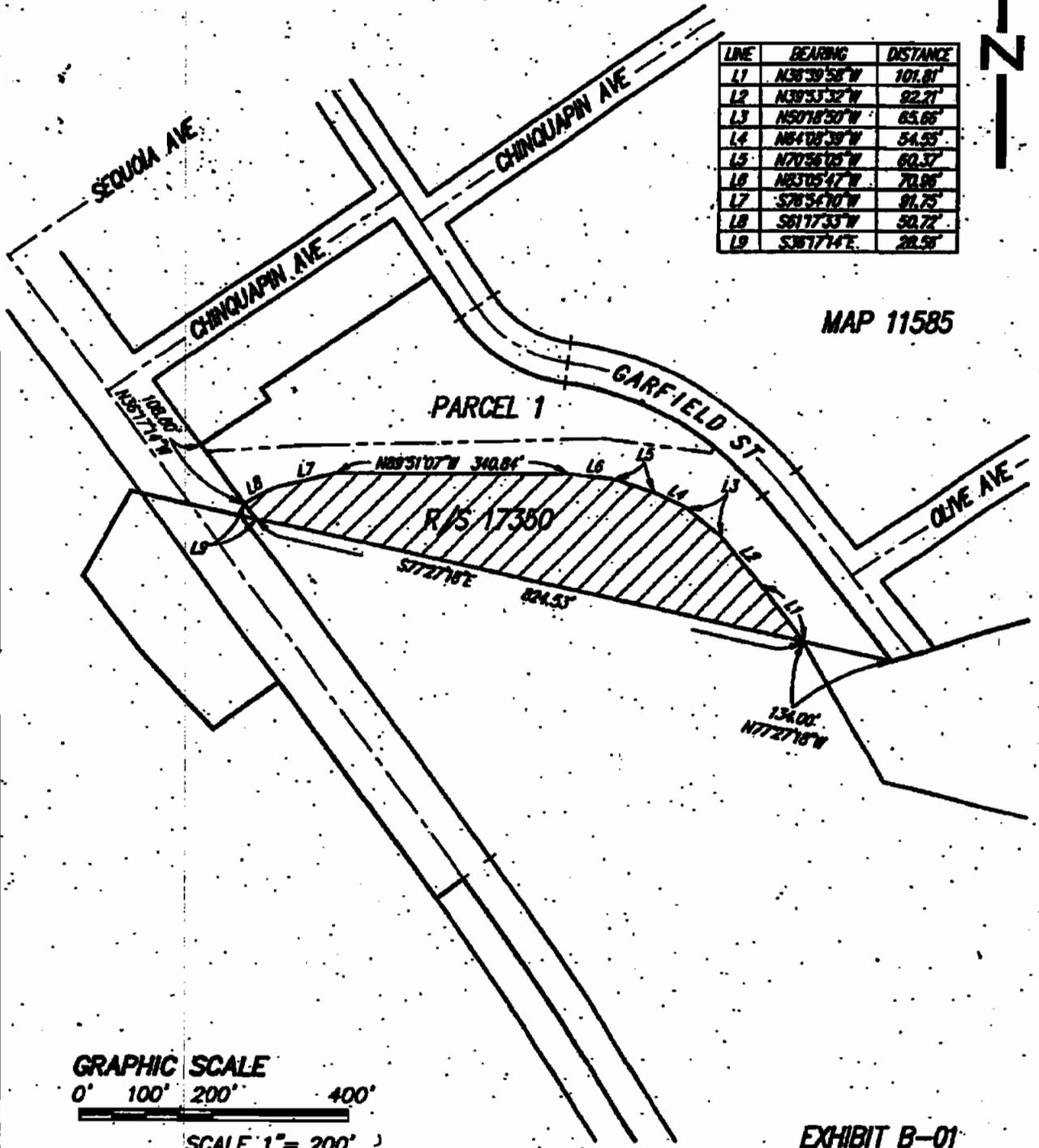
AREA: 10000-L, 10000-R, 00, 10000, 10000A, 0000-00, open_space, 000000

6295

 INDICATES WATER LOCATION EASEMENT
2.25 ACRES

| LINE | BEARING | DISTANCE |
|------|-------------|----------|
| L1 | N36°39'58"W | 101.81' |
| L2 | N39°53'32"W | 82.21' |
| L3 | N50°18'30"W | 65.65' |
| L4 | N84°08'39"W | 54.55' |
| L5 | N70°36'05"W | 60.37' |
| L6 | N83°05'47"W | 70.96' |
| L7 | S26°56'10"W | 81.75' |
| L8 | S81°17'33"W | 50.72' |
| L9 | S38°17'44"E | 28.56' |

MAP 11585



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

EXHIBIT B-01

DATE: 04/24/03
SERVICE: SD
DATE: 11/31/04
SERVICE: SD
DATE: 04/24/03
SERVICE: SD
DATE: 04/24/03
SERVICE: SD

NOLTE
BEYOND ENGINEERING

15070 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92128
619.363.0300 TEL. 619.363.0400 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°51'28" West, 2025.21 feet from the Northeast corner of said Parcel 10; thence leaving said Northerly line South 00°00'56" East, 60.71 feet; thence South 86°10'57" West, 235.28 feet; thence South 83°26'23" West, 290.38 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 South 85°28'55" West, 134.42 feet; thence South 65°47'04" West, 372.24 feet; 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 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°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.

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

N:\SDGESD\970046\Document\waterparcel 10.doc

REPORT: 10203-2, 10203-3, 10203-4, 10203-5, 10203-6, 10203-7, 10203-8, 10203-9, 10203-10, 10203-11, 10203-12, 10203-13, 10203-14, 10203-15, 10203-16, 10203-17, 10203-18, 10203-19, 10203-20, 10203-21, 10203-22, 10203-23, 10203-24, 10203-25, 10203-26, 10203-27, 10203-28, 10203-29, 10203-30, 10203-31, 10203-32, 10203-33, 10203-34, 10203-35, 10203-36, 10203-37, 10203-38, 10203-39, 10203-40, 10203-41, 10203-42, 10203-43, 10203-44, 10203-45, 10203-46, 10203-47, 10203-48, 10203-49, 10203-50, 10203-51, 10203-52, 10203-53, 10203-54, 10203-55, 10203-56, 10203-57, 10203-58, 10203-59, 10203-60, 10203-61, 10203-62, 10203-63, 10203-64, 10203-65, 10203-66, 10203-67, 10203-68, 10203-69, 10203-70, 10203-71, 10203-72, 10203-73, 10203-74, 10203-75, 10203-76, 10203-77, 10203-78, 10203-79, 10203-80, 10203-81, 10203-82, 10203-83, 10203-84, 10203-85, 10203-86, 10203-87, 10203-88, 10203-89, 10203-90, 10203-91, 10203-92, 10203-93, 10203-94, 10203-95, 10203-96, 10203-97, 10203-98, 10203-99, 10203-100

6297

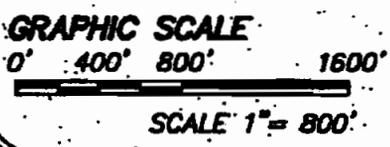
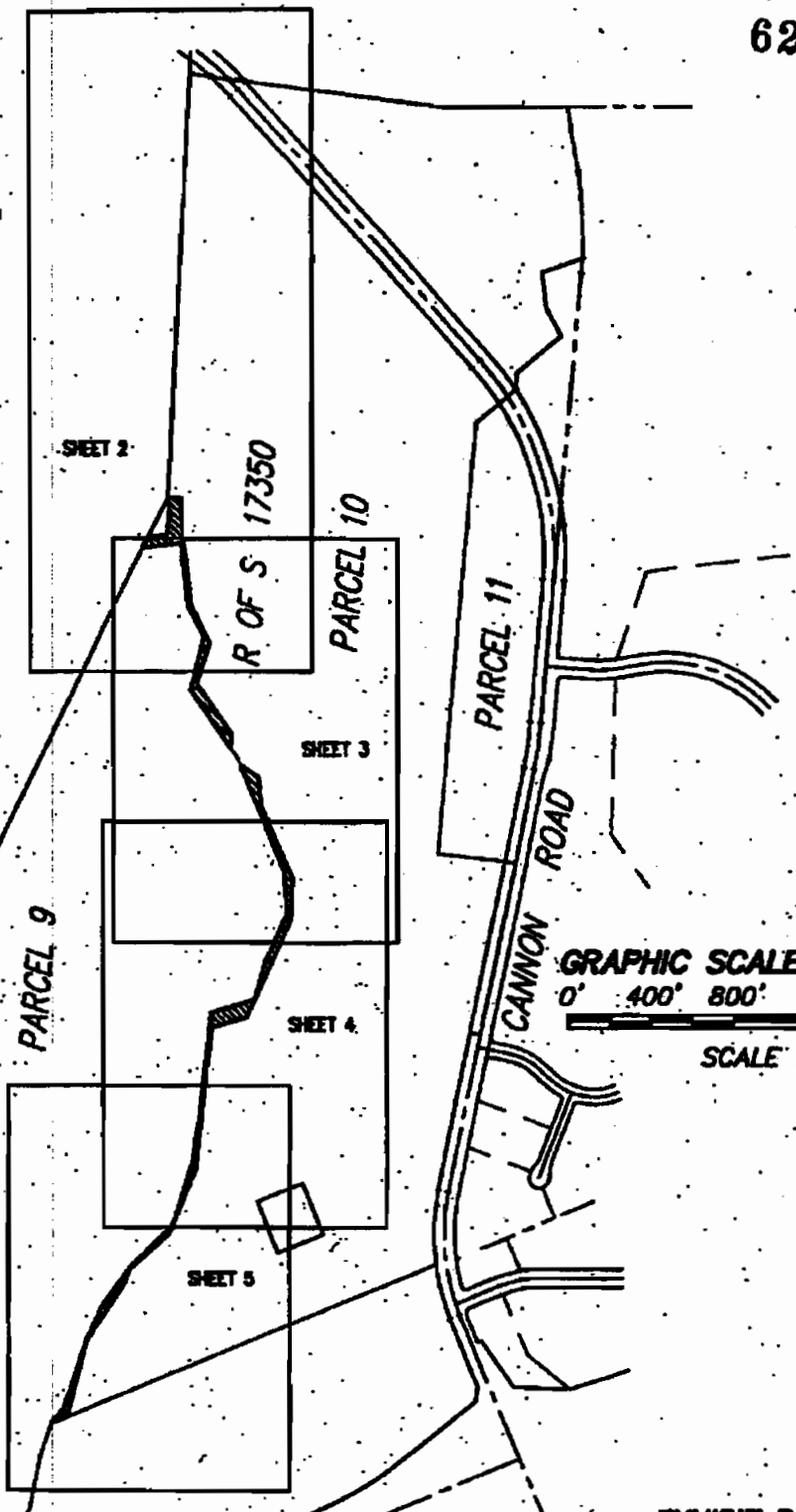


EXHIBIT B-2

DATE: 04/08/03
SERVICE: SD
TIME: 7:33 a.m.
SERIAL: 8030
PATH: H:\SVC\SD\70048\Cadd\DRAWING\NAME_LOC-922-WATERLOC-PAR10.DWG

NOLTE

18076 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92129
658.385.0500 TEL. 658.385.0400 FAX WWW.NOLTE.COM

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

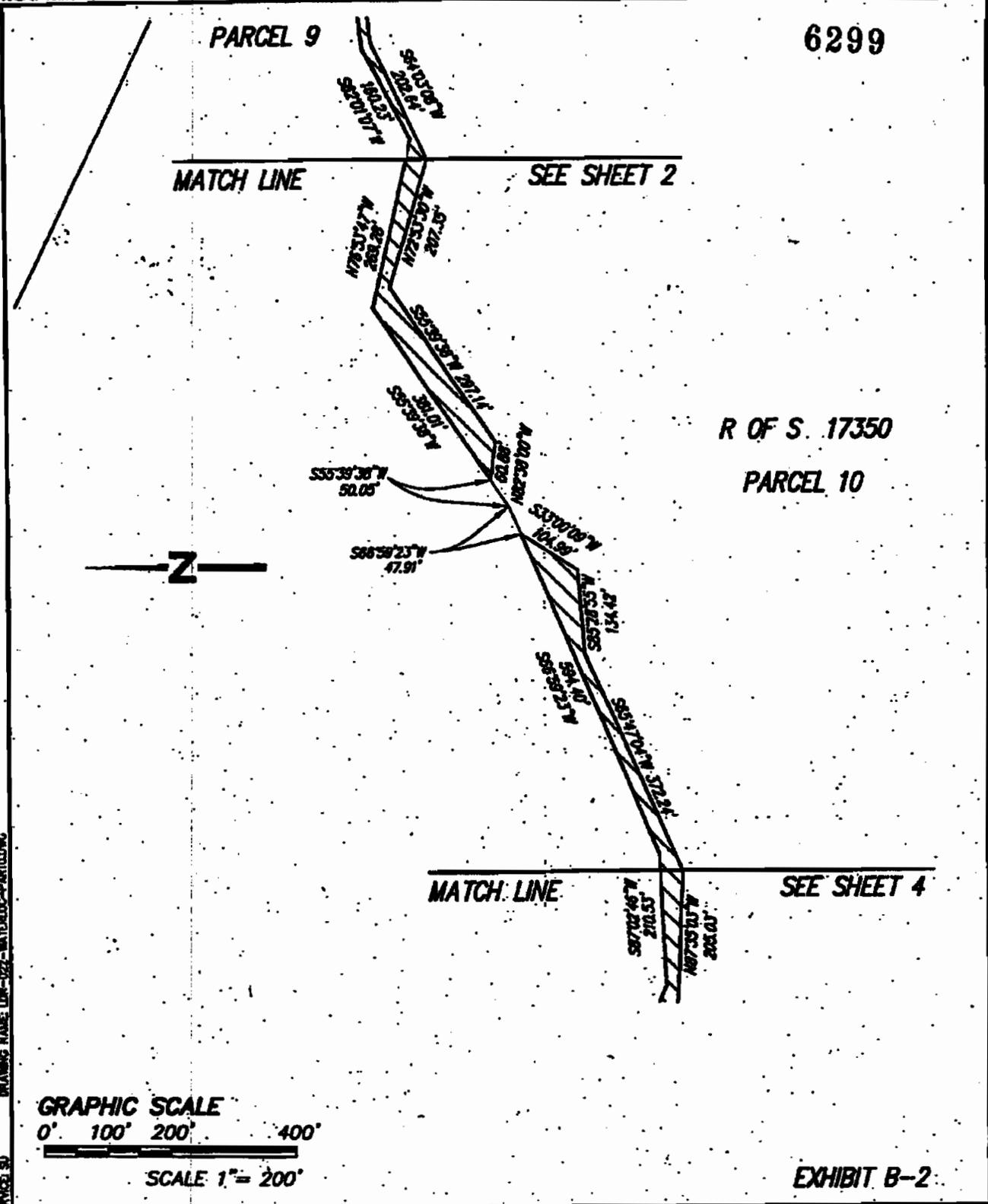
PREPARED FOR:

DATE SUBMITTED: 01/28/03

| |
|--------------|
| SHEET NUMBER |
| 1 |
| OF 5 SHEETS |
| JOB NUMBER |
| SD3032 |

Page 2 of 6

DATE: 01/28/03 DRAWING NAME: LDR-022-WATERLOC-PARTILOWING



DATE: 01/28/03
 DRAWING NAME: LDR-022-WATERLOC-PARTILOWING
 SERVICE: SD30

NOLTE

15870 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92128
 (619) 594-0600 TEL. (619) 594-0400 FAX WWW.NOLTE.COM

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

PREPARED FOR:

DATE SUBMITTED: 01/28/03

| | |
|--------------|----------|
| SHEET NUMBER | 3 |
| OF 5 SHEETS | |
| JOB NUMBER | SD3032 |

page 4 of 6

02P2: TUGA-C, TUGA-J, UL RALS, LABUASA, CLUM-LP, open_space, ALL111XP

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

DATE: 04/08/03
SERVICES: SU
PAR: 16 URGE: 02170044 (Cadd)
DRAWING NAME: LPR-021-WATER-LOC-PARROLDWG
TIME: 7:43 AM
DRAWN: SD30

13570 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92128
619.383.0500 TEL. 619.383.0408 FAX WWW.NOLTE.COM

PREPARED FOR:

DATE SUBMITTED: 01/28/03

page 5 of 6

AREA: 17350-R, 17350-R, 17350-R, 17350-R, 17350-R, 17350-R, 17350-R, 17350-R, 17350-R, 17350-R

6301

MATCH LINE

SEE SHEET 4



N.A.P.

PARCEL 9

PARCEL 10

LAGOON

PARCEL 8

MOST NLY CORNER PARCEL 10

GRAPHIC SCALE

0' 100' 200' 400'

SCALE 1" = 200'

EXHIBIT B-2

DATE: 01/28/03
DRAWING NAME: 17350-R-02-WATERLOC-PARRLOW
DATE: 01/28/03
SERIAL: 51
DATE: 7-13-03
SCALE: 200'

NOLTE

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

SHEET NUMBER

5

OF 5 SHEETS

15070 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92128
659.385.8500 TEL. 659.385.0480 FAX
WWW.NOLTE.COM

PREPARED FOR:

DATE SUBMITTED: 01/28/03

JOB NUMBER
SD3032

Page 6 of 6

6302

EXHIBIT C

PUBLIC RESOURCES CODE § 30106

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

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EXHIBIT D
LEGAL DESCRIPTION AND GRAPHIC DEPICTION OF
THE PROPERTY

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.

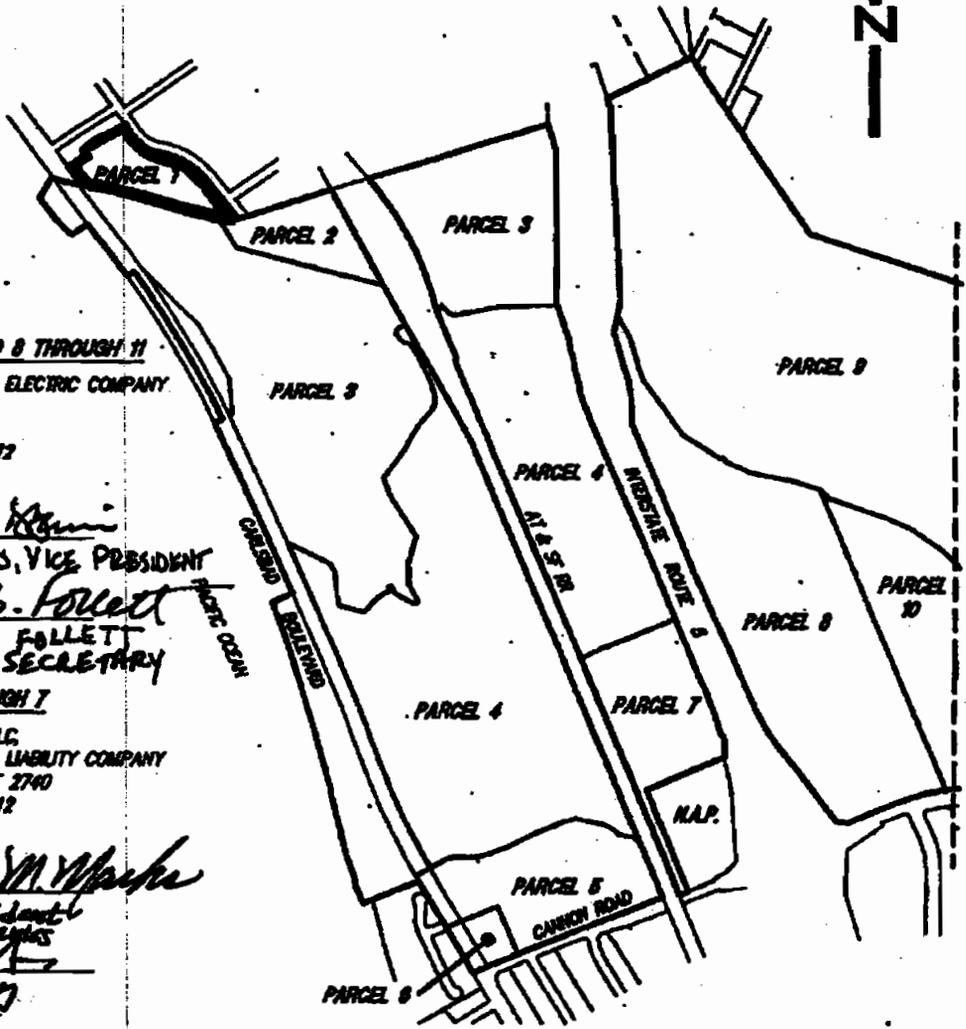
EXCEPTING THEREFROM, THE NORTHEASTERLY 300 FEET OF THE NORTHWESTERLY 100 FEET THEREOF.

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



6306



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

CARRILLO 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 G. Parker
RONALD G. 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:
NOLTE
BEYOND ENGINEERING
2000 AVENUE OF SCIENCE, SUITE 300 SAN DIEGO, CA 92108
TEL: 619.394.0000 FAX: 619.394.0000
WWW.NOLTE.COM
@ (619) 394-0000 / (619) 394-0000

APPROVED BY:
David L. Long
DAVID L. LONG DEPUTY CITY ENGINEER
R.C.E. 33081
EXP. 6-30-2002

A.P.N.:
306-070-77
270-000-24, 25, 26, 27, 28

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

6308

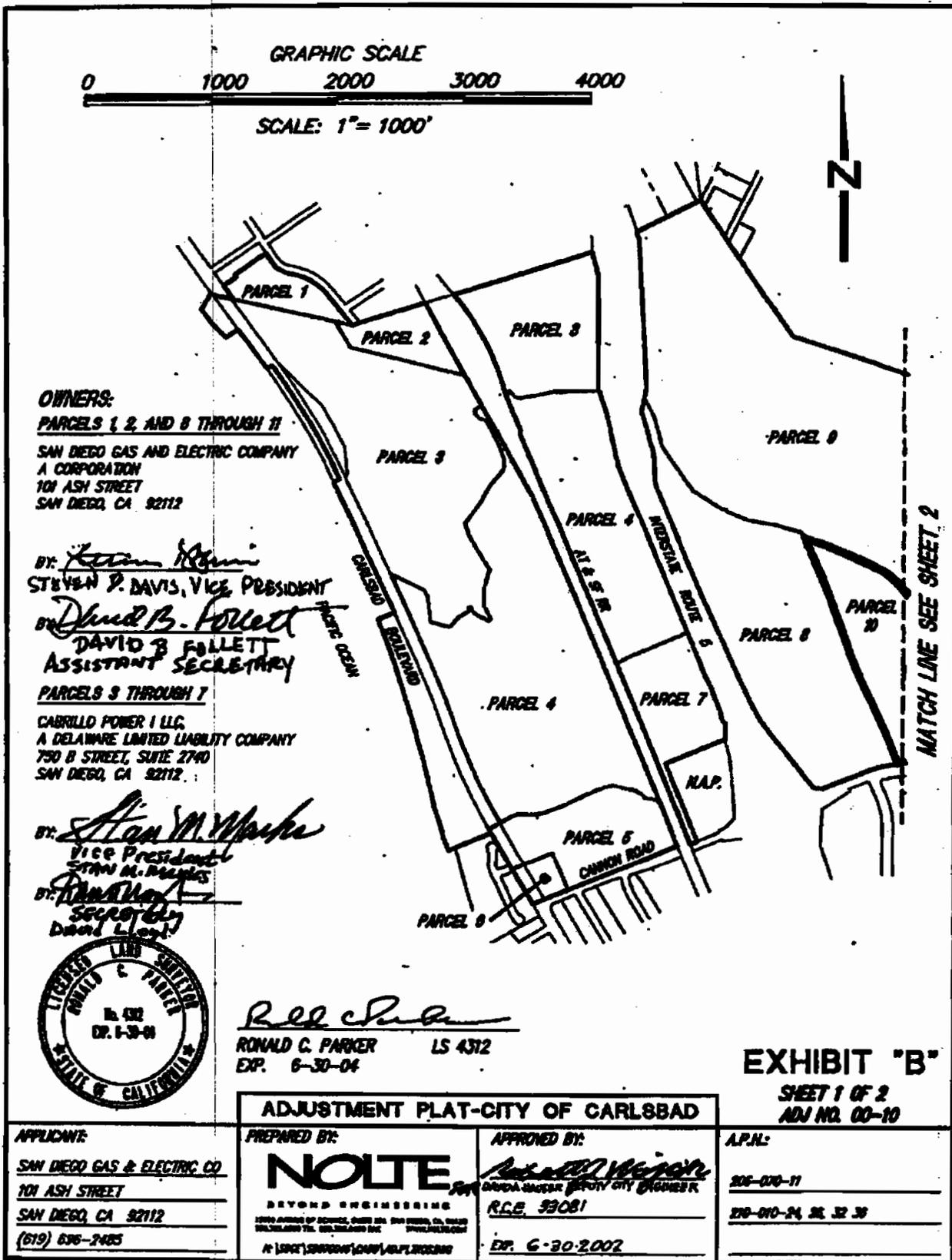
THE TRUE POINT OF BEGINNING.

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



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:

6310

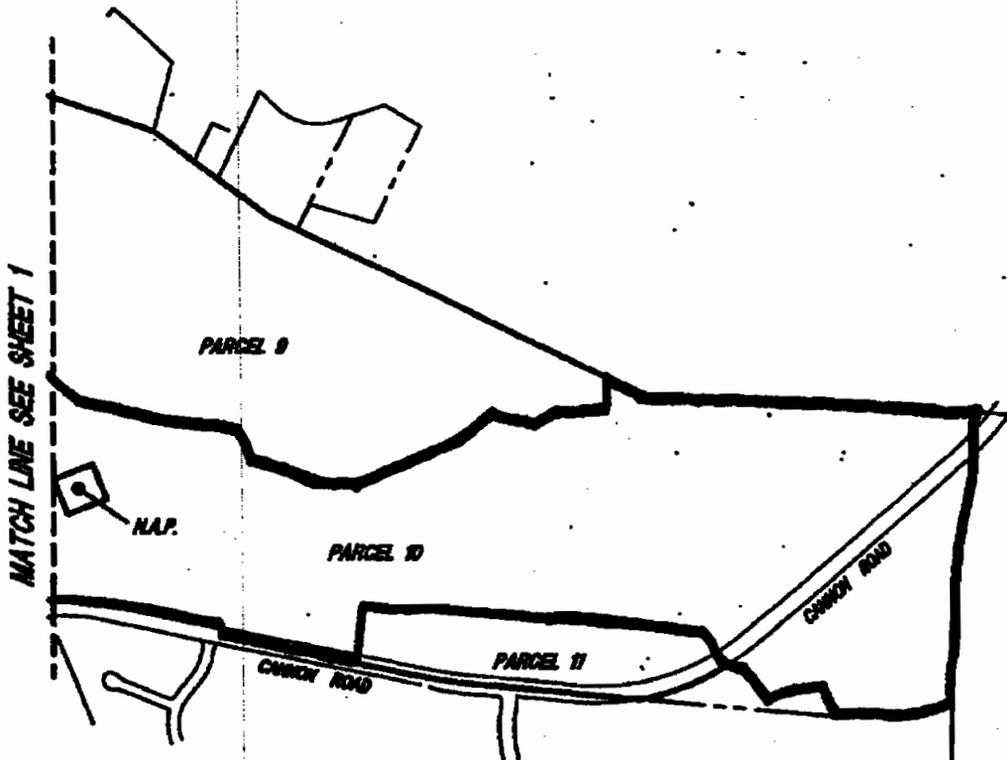


EXHIBIT "B"

SHEET 2 OF 2
ADJ NO. 00-10

| | | | |
|---|---|---|--|
| ADJUSTMENT PLAT-CITY OF CARLSBAD | | | |
| AFFILIANT: SAN DIEGO GAS & ELECTRIC CO 101 ASH STREET SAN DIEGO, CA 92112 (619) 696-2485 | PREPARED BY: NOLTE BEYOND ENGINEERING <small>2500 AVENUE OF PALMS, SUITE 200 SAN DIEGO, CA 92108 TEL: 619-594-1400 FAX: 619-594-1401 WWW.BEYONDE.COM</small> # [REDACTED] | APPROVED BY: <i>[Signature]</i> CINDY A. BAUSCH DEPUTY CITY ENGINEER RCE 33081 DP. 6-30-2002 | A.P.N.: 206-070-11 210-010-34, 26, 32, 35 |

page 4 of 4

Description: San Diego, CA Document-Year.DocID 2001.789065 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

1 RECORDING REQUESTED BY:

2 WHEN RECORDED MAIL TO:
3 California Coastal Commission
4 89 S. California St., Suite 200
5 Ventura, CA 93001 - 2801

6 Attn: Legal Division

Handwritten initials and numbers: 52, 200

7 6209

8 OPEN SPACE DEED RESTRICTION

9
10 I. WHEREAS, San Diego Gas and Electric Company, a corporation, hereinafter
11 referred to as "Owner," is the record owner of the following real property:

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

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

16 III. WHEREAS, the Property is located within the coastal zone as defined in §
17 30103 of Division 20 of the California Public Resources Code, hereinafter referred to as the
18 "California Coastal Act of 1976,"(the "Act"); and

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

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

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

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

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

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

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

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

25 1. COVENANT, CONDITION, AND RESTRICTION. The undersigned Owner,
26 for itself and for its heirs, assigns, and successors in interest, covenants and agrees that: the
27 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,

6211

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
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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: [Signature]
JAMES SEIBERT
PRINT NAME & CAPACITY OF ABOVE
REAL ESTATE MANAGER

By: _____

PRINT NAME & CAPACITY OF ABOVE

** NOTARY ACKNOWLEDGMENT ON THE NEXT PAGE **

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STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

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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 [Handwritten 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. 6-01-167 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. ST



6215

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.

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

6232



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, ~~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

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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.

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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

CALIFORNIA COASTAL COMMISSION

San Diego Coast Area Office
7575 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



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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, Uc, 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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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
Bill Ponder
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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Permit Application No.: 6-01-167

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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

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(Upon satisfaction of special conditions)

Date: October 15, 2002

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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

Page 2 of 9

NASDGE\SD970046\Document\ADR-Open Space.doc

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:
Nolte Associates, Inc.

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



STATE OF CALIFORNIA, COUNTY OF SAN DIEGO, SUPERVISOR'S OFFICE, SAN DIEGO, CALIFORNIA

6245

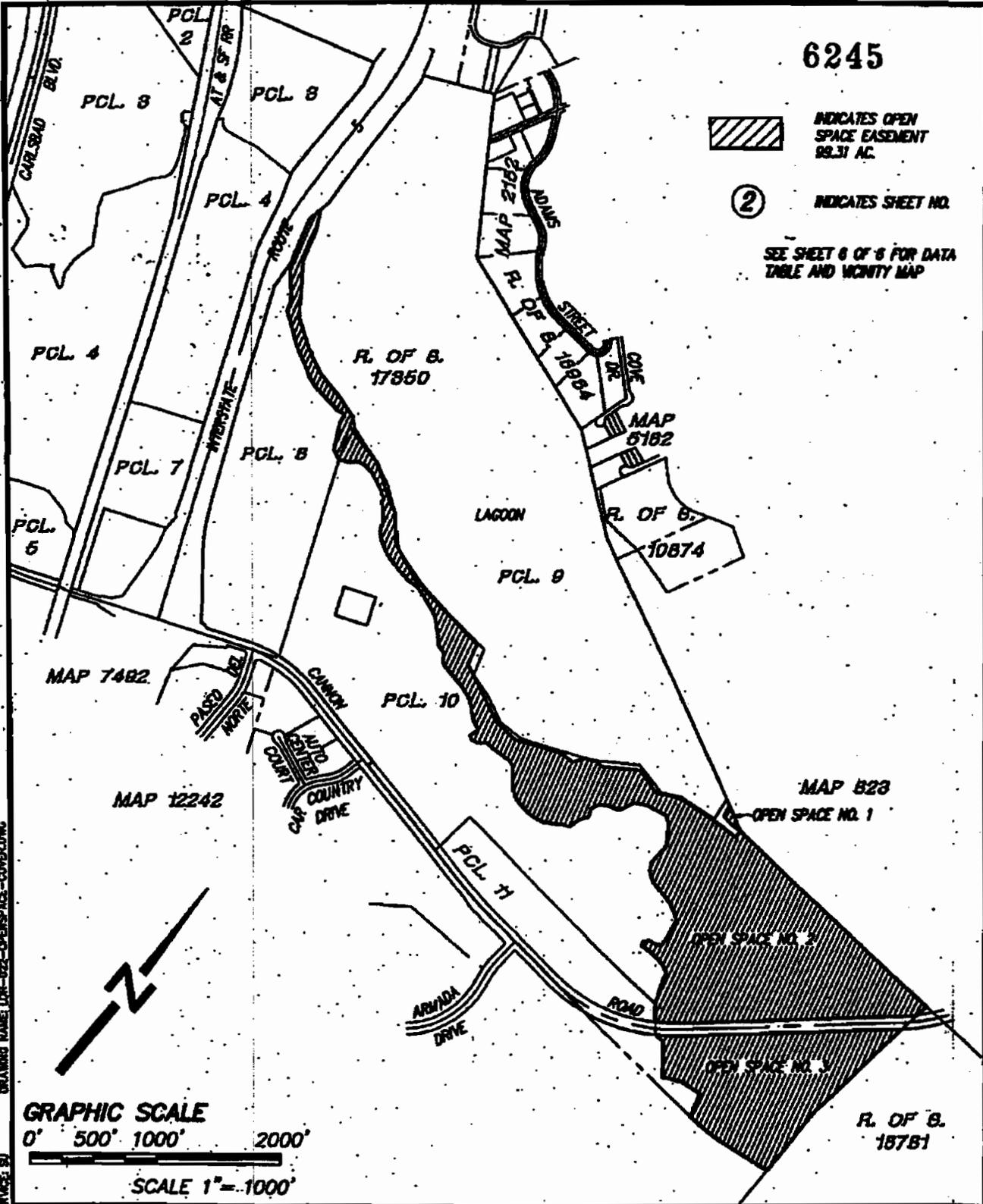


INDICATES OPEN SPACE EASEMENT 99.31 AC.



INDICATES SHEET NO.

SEE SHEET 6 OF 6 FOR DATA TABLE AND VICINITY MAP



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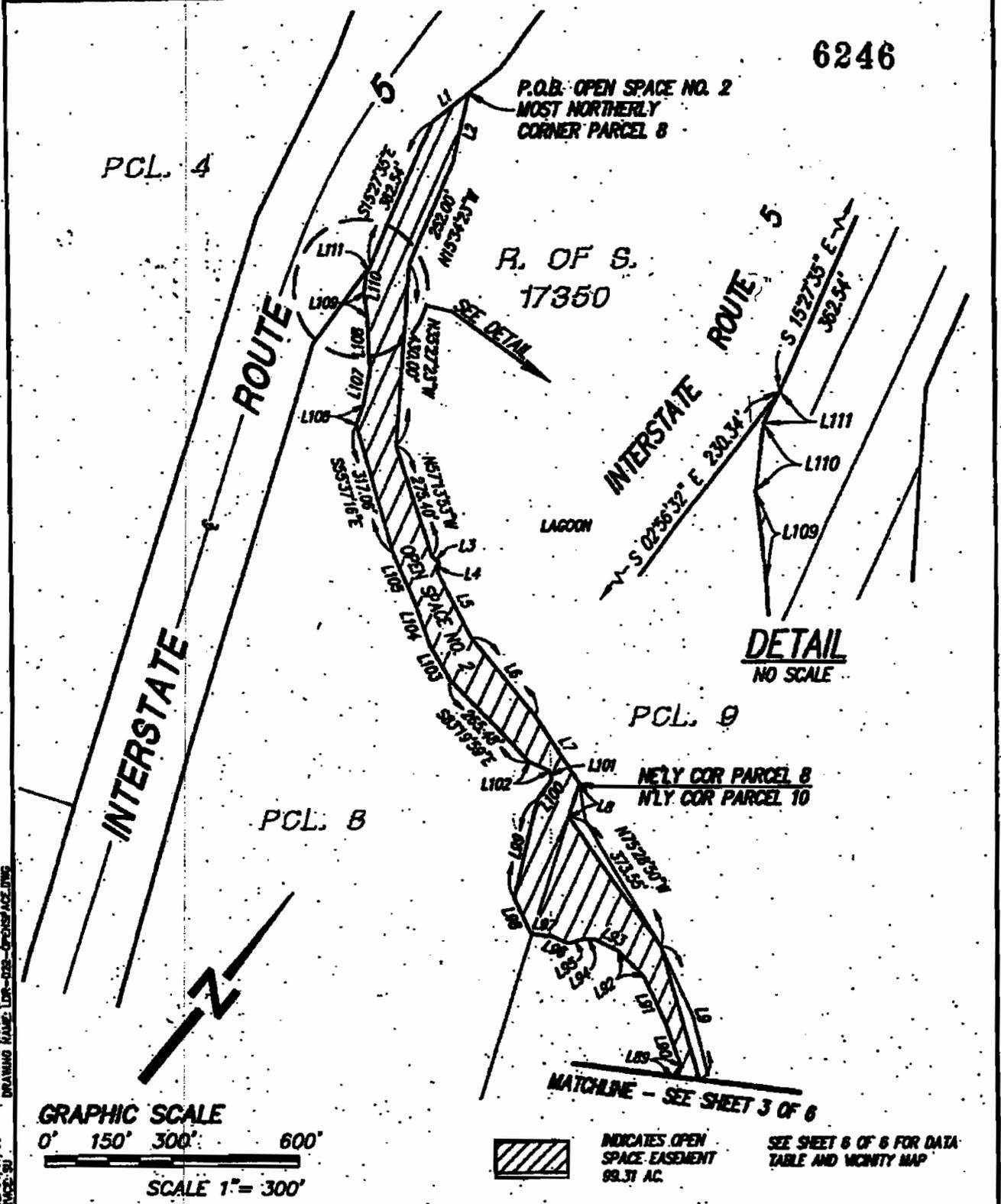
NOLTE
 BEYOND ENGINEERING
 18070 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92128
 619.383.0300 TEL. 619.383.0400 FAX WWW.NOLTE.COM

LAND DEED RESTRICTION
 PARCEL 8 & 10, R. OF S. 17350
 CARLSBAD, CA
 PREPARED FOR: SDG&E
 DATE SUBMITTED: 06/03/04

SHEET NUMBER
1
 OF 6 SHEETS
 JOB NUMBER
 SD3032

APR 23 2004 11:11 AM

6246



DATE: 04/11/05
 TIME: 8:35 AM
 SERVICE: SD30

GRAPHIC SCALE
 0' 150' 300' 600'
 SCALE 1" = 300'

NOLTE
 BEYOND ENGINEERING
 13078 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92128
 619.365.8900 TEL 619.365.0400 FAX WWW.NOLTE.COM

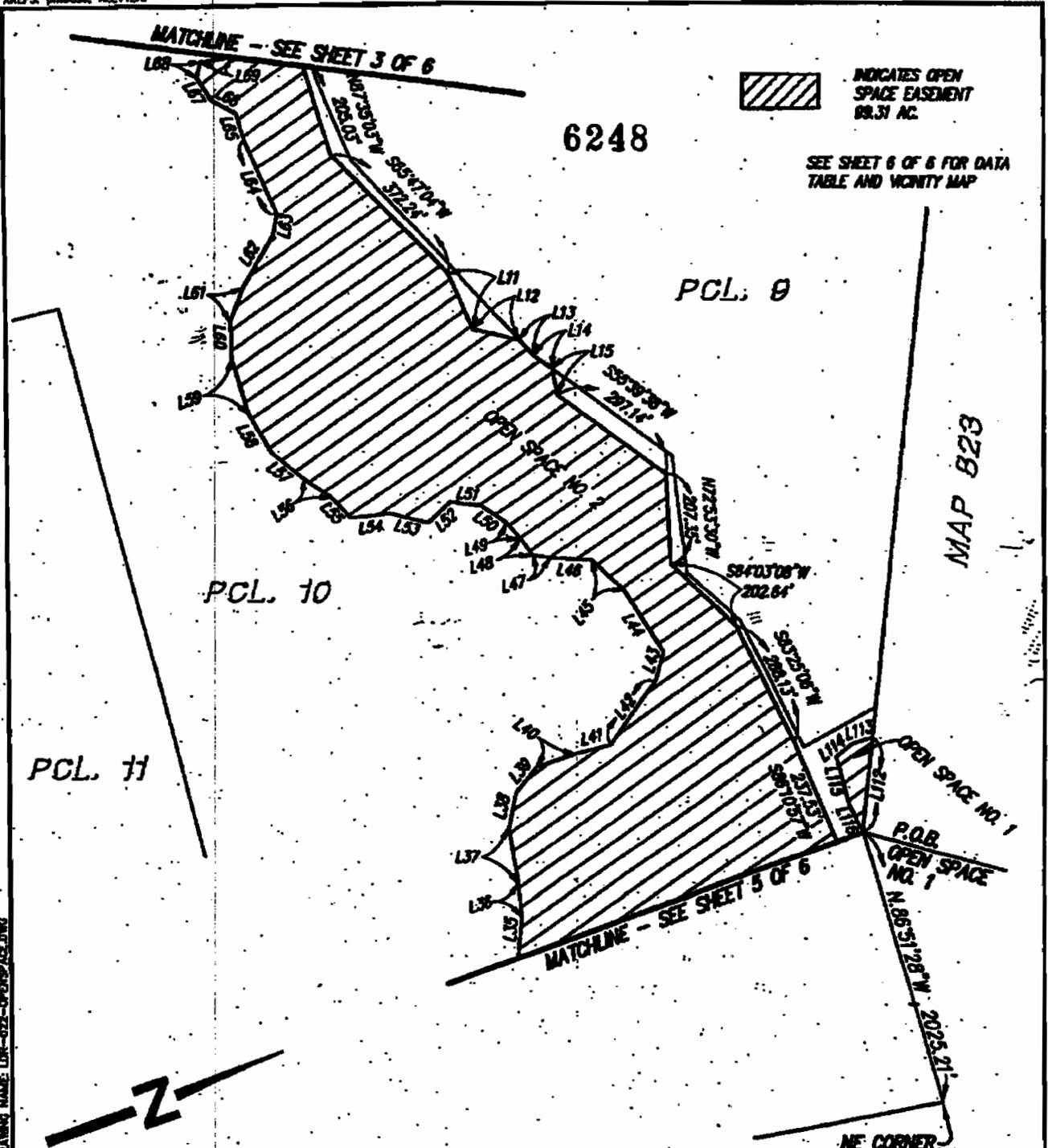
LAND DEED RESTRICTION
 PARCEL 8 & 10, R. OF S. 17350
 CARLSBAD, CA

PREPARED FOR: SDG&E DATE SUBMITTED: 08/03/04

SHEET NUMBER
2
 OF 6 SHEETS
 JOB NUMBER
 SD3032

Page 5 of 9

ARC/INFO PROPOSED, ALL 11/20/04



DATE: 04/21/05
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SERVICES: 30
DATE: 04/21/05
DRAWING: LDR-022-OPENSPACE.DWG
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SERVICES: 30

NOLTE
BEYOND ENGINEERING

13070 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92126
619.388.0800 TEL 619.383.0400 FAX WWW.NOLTE.COM

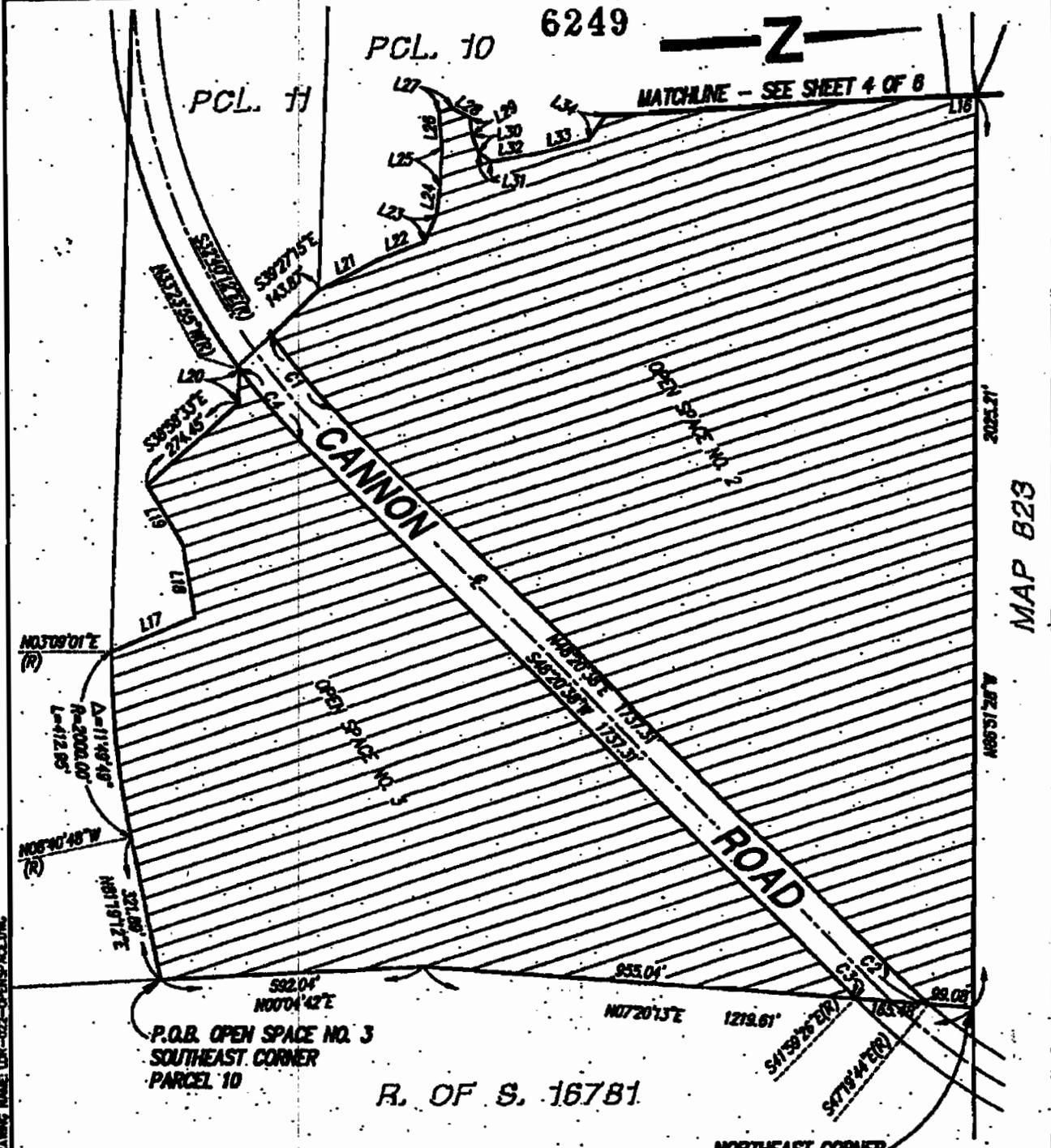
LAND DEED RESTRICTION
PARCEL 8 & 10, R. OF S. 17350
CARLSBAD, CA

PREPARED FOR: SDG&E

DATE SUBMITTED: 08/03/04

SHEET NUMBER
4
OF 6 SHEETS
JOB NUMBER
SD3032

DATE: 04/11/05
DRAWING NAME: LDR-022-OPEN SPACE



MAP 823

173501A

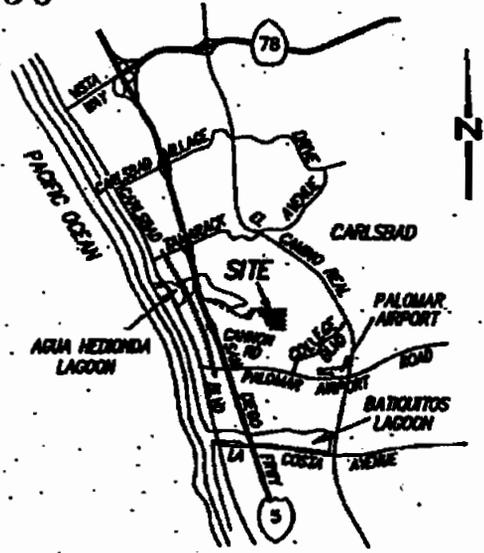
NO. 12: 08/03/04, ALL 11/11/04

DATA TABLE

| LINE | DIRECTION | DISTANCE |
|------|-----------|----------|
| L1 | S11343'W | 102.36' |
| L2 | N27122'W | 168.99' |
| L3 | N89222'W | 24.00' |
| L4 | N30102'W | 23.00' |
| L5 | N66172'W | 172.00' |
| L6 | N78146'W | 238.00' |
| L7 | N72332'W | 186.00' |
| L8 | N27273'W | 83.36' |
| L9 | N55423'W | 32.85' |
| L10 | N69212'W | 82.87' |
| L11 | N65283'W | 134.42' |
| L12 | S33000'W | 104.89' |
| L13 | S66392'W | 47.91' |
| L14 | S55383'W | 50.05' |
| L15 | N62380'W | 60.88' |
| L16 | S00005'E | 60.71' |
| L17 | S18312'E | 200.23' |
| L18 | N83532'E | 164.59' |
| L19 | N62393'E | 158.03' |
| L20 | S85033'E | 75.81' |
| L21 | S23115'E | 150.81' |
| L22 | S172410'E | 110.99' |
| L23 | S83353'E | 68.27' |
| L24 | S79293'E | 62.98' |
| L25 | S84283'E | 87.09' |
| L26 | N882413'E | 77.16' |
| L27 | S173132'E | 31.38' |
| L28 | S320010'W | 44.58' |
| L29 | S85283'W | 39.50' |
| L30 | S732944'W | 44.35' |
| L31 | S390538'W | 32.47' |
| L32 | S063910'E | 95.15' |
| L33 | S131928'E | 123.02' |
| L34 | S828112'E | 65.21' |
| L35 | S853322'E | 85.16' |
| L36 | S761549'E | 72.87' |
| L37 | S791437'E | 126.65' |
| L38 | S583027'E | 78.15' |
| L39 | S305730'E | 73.47' |
| L40 | S020034'W | 68.83' |
| L41 | S054847'W | 83.71' |
| L42 | S341507'E | 170.87' |
| L43 | S42115'E | 68.29' |
| L44 | N773945'E | 165.45' |
| L45 | N623809'E | 95.91' |
| L46 | N230749'E | 82.16' |
| L47 | N283638'E | 38.47' |
| L48 | N743440'E | 47.38' |
| L49 | N703828'E | 48.32' |
| L50 | N542744'E | 67.75' |
| L51 | N260012'E | 71.85' |
| L52 | N230132'W | 68.46' |
| L53 | N333838'E | 87.37' |
| L54 | N133209'E | 87.48' |
| L55 | N873536'E | 62.88' |
| L56 | N541925'E | 75.82' |
| L57 | N592233'E | 88.68' |
| L58 | N791257'E | 101.01' |
| L59 | S871022'E | 127.74' |
| L60 | S721519'E | 82.69' |

| LINE | DIRECTION | DISTANCE |
|------|-----------|----------|
| L61 | S483506'E | 81.49' |
| L62 | S401851'E | 136.33' |
| L63 | S593449'E | 49.34' |
| L64 | N882224'E | 177.12' |
| L65 | S863601'E | 62.97' |
| L66 | N474335'E | 65.48' |
| L67 | N755750'E | 58.45' |
| L68 | S553711'E | 38.26' |
| L69 | S131311'W | 74.48' |
| L70 | S853557'E | 64.30' |
| L71 | S410944'E | 82.92' |
| L72 | S434632'E | 41.38' |
| L73 | S32038'E | 68.72' |
| L74 | S701700'E | 114.38' |
| L75 | S784531'E | 204.33' |
| L76 | S132808'E | 47.32' |
| L77 | S172419'E | 28.84' |
| L78 | S203138'E | 31.24' |
| L79 | S723846'E | 78.21' |
| L80 | S702805'E | 239.87' |
| L81 | S90000'E | 111.83' |
| L82 | S813242'E | 117.84' |
| L83 | S751130'E | 141.74' |
| L84 | S815539'E | 107.11' |
| L85 | S483927'E | 72.01' |
| L86 | S284023'E | 114.89' |
| L87 | S293121'E | 81.68' |
| L88 | S530748'E | 47.25' |
| L89 | S00000'W | 29.93' |
| L90 | S593715'E | 105.89' |
| L91 | S834824'E | 118.15' |
| L92 | S833604'E | 84.80' |
| L93 | N784032'E | 61.51' |
| L94 | N512025'E | 30.26' |
| L95 | N333124'E | 34.07' |
| L96 | N734423'E | 38.38' |
| L97 | N574815'E | 50.28' |
| L98 | S843027'E | 98.01' |
| L99 | S281516'E | 234.83' |
| L100 | S043808'E | 58.47' |
| L101 | S550029'E | 18.23' |
| L102 | N741729'E | 52.36' |
| L103 | S701702'E | 93.21' |
| L104 | S584827'E | 108.54' |
| L105 | S634717'E | 128.53' |
| L106 | S190132'E | 48.32' |
| L107 | S283432'E | 85.22' |
| L108 | S424538'E | 128.47' |
| L109 | S460724'E | 58.81' |
| L110 | S330641'E | 43.25' |
| L111 | S133331'E | 22.60' |
| L112 | N840156'W | 208.08' |
| L113 | S022330'W | 47.59' |
| L114 | S182813'E | 45.29' |
| L115 | S853643'E | 107.43' |
| L116 | N840122'E | 68.85' |

6250



VICINITY MAP

NOT TO SCALE

| CURVE | DELTA | RADIUS | LENGTH |
|-------|--------|----------|---------|
| C1 | 85870" | 1348.00' | 211.57' |
| C2 | 41517" | 1348.00' | 133.55' |
| C3 | 02004" | 1451.00' | 8.47' |
| C4 | 81828" | 1451.00' | 208.12' |

DATE: 04/07/05
 DRAWING NAME: 104-012-000-000-AC-1000
 DATE: 04/07/05
 SERVICE: SU
 TIME: 3:43 PM
 SERVER: SD30

NOLTE
BEYOND ENGINEERING

13070 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92128
619.385.8500 TEL 619.385.0400 FAX WWW.NOLTE.COM

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

SHEET NUMBER

6

OF 6 SHEETS

JOB NUMBER
SD3032

PREPARED FOR: SDG&E

DATE SUBMITTED: 08/03/04

Page 9 of 9

6251

EXHIBIT C

PUBLIC RESOURCES CODE § 30106

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.

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EXHIBIT D

LEGAL DESCRIPTION AND GRAPHIC DEPICTION OF THE PROPERTY

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 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 01°59'30" EAST, 150.03 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"

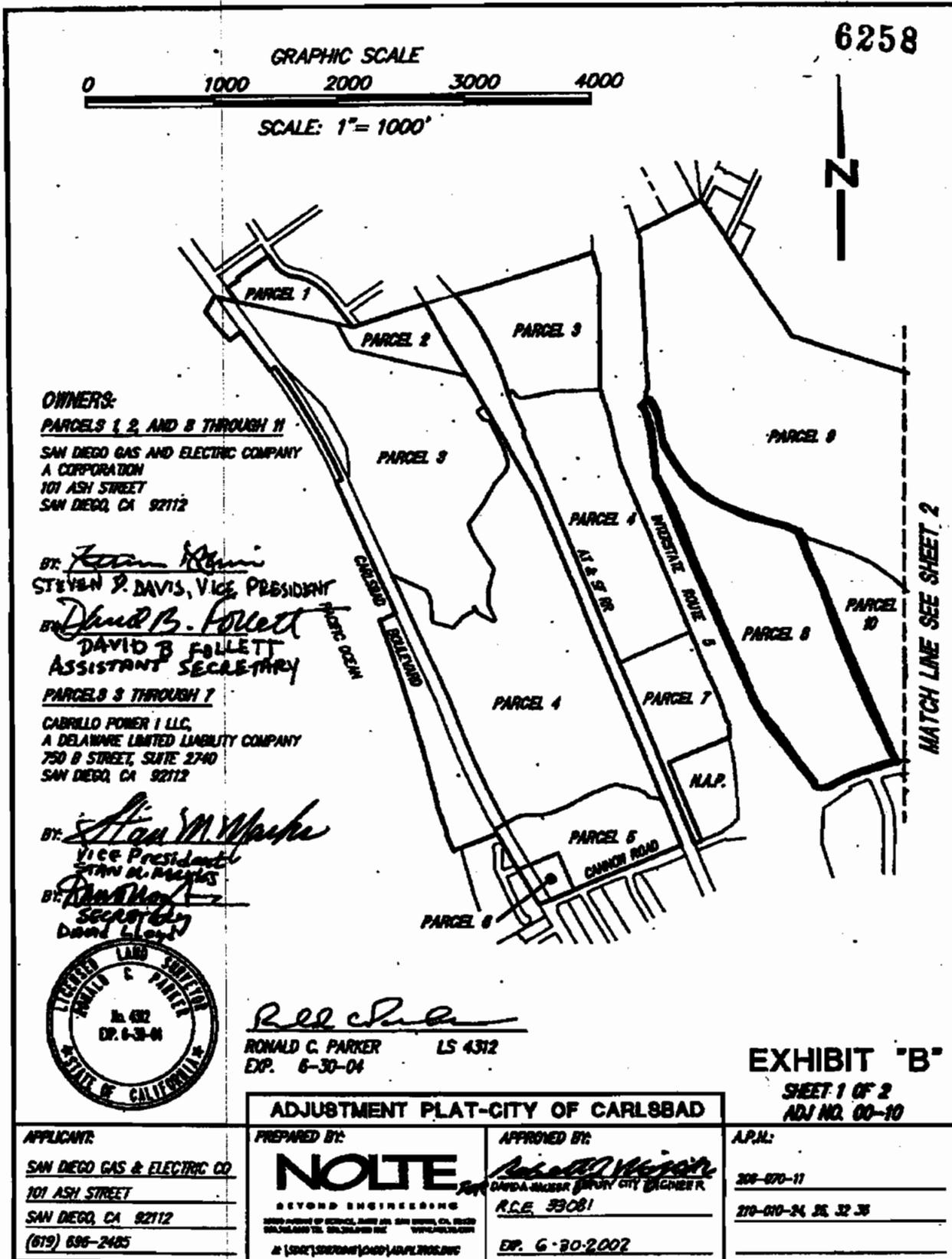
Page 3 of 7

6257

WEST; THENCE EASTERLY 412.95 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $11^{\circ}49'49''$; THENCE NORTH $81^{\circ}19'12''$ 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 $86^{\circ}04'42''$ EAST, 582.84 FEET TO POINT 8 OF SAID LOT F; THENCE NORTH $07^{\circ}20'13''$ EAST, 1,219.81 FEET TO THE NORTH LINE OF SAID LOT F; THENCE ALONG SAID NORTH LINE NORTH $86^{\circ}51'28''$ WEST, 2,025.21 FEET TO POINT 6 OF LOT F; THENCE NORTH $64^{\circ}01'56''$ 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 $21^{\circ}56'23''$ WEST 234.00 FEET (NORTH $21^{\circ}57'48''$ WEST RECORD); THENCE NORTH $68^{\circ}03'37''$ WEST 260.32 FEET TO THE POINT OF BEGINNING.



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. Maske*
 VICE PRESIDENT
 STAN M. MASKE

BY: *David G. Lloyd*
 SECRETARY
 DAVID G. LLOYD

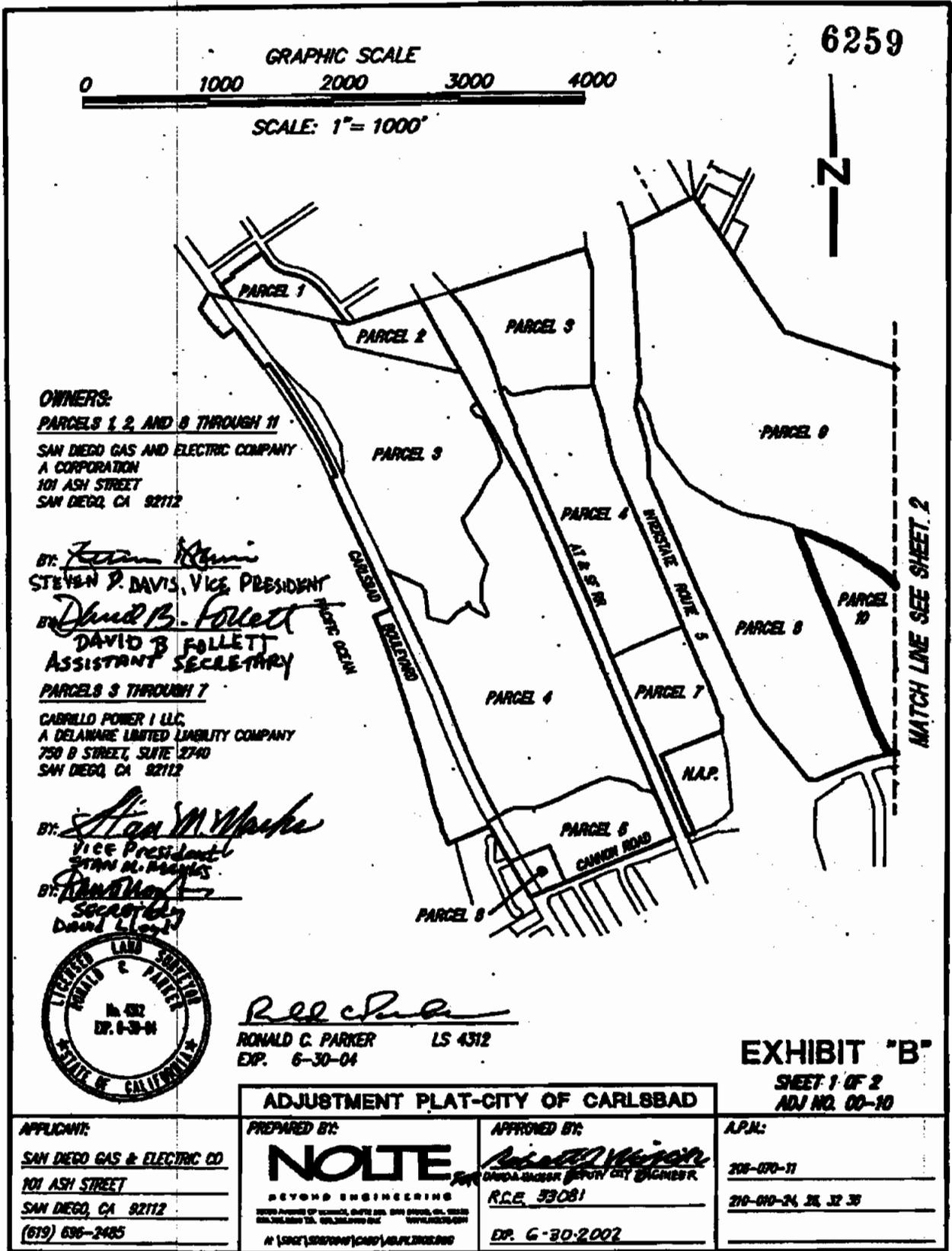


Ronald C. Parker
 RONALD C. PARKER LS 4312
 EXP. 6-30-04

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) 696-2485 | PREPARED BY: NOLTE BEYOND ENGINEERING <small>2000 AVENUE OF SCIENCE, SUITE 400 SAN DIEGO, CA 92161 (619) 594-1100 FAX (619) 594-1101 WWW.BEYONDENGINEERING.COM</small> # [505] 594-1100 / [619] 594-1101 | APPROVED BY: <i>Ronald C. Parker</i> CARLSBAD ENGINEER CITY ENGINEER R.C.E. 33081 EXP. 6-30-2002 | A.P.N.: 309-070-11 210-010-24, 25, 32, 35 |



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

CARRILLO 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. Lewis*
SECRETARY
DAVID LEWIS



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) 696-2485 | PREPARED BY: NOLTE BEYOND ENGINEERING 2500 AVENUE OF SCIENCE, SUITE 500, SAN DIEGO, CA 92161 WWW.BEYONDENGINEERING.COM | APPROVED BY: <i>Robert M. Wilson</i> CITY ENGINEER R.C.E. 33081 EXP. 6-30-2007 | AP.N.: 208-070-11 210-010-24, 25, 32, 33 |

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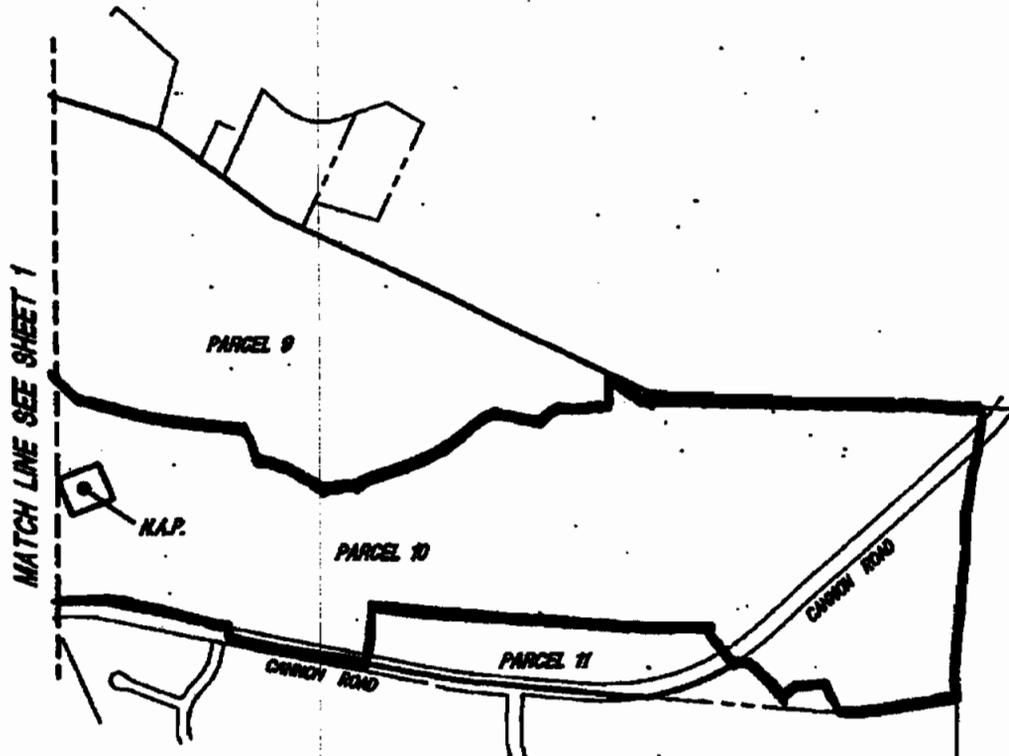
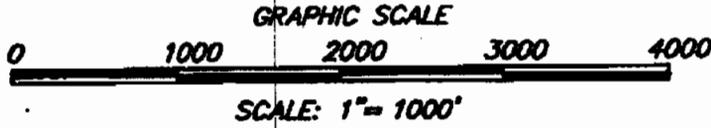


EXHIBIT "B"

SHEET 2 OF 2
ADJ NO. 00-10

ADJUSTMENT PLAT-CITY OF CARLSBAD

| | | | |
|--|--|---|--|
| <p>APPLICANT: SAN DIEGO GAS & ELECTRIC CO 101 ASH STREET SAN DIEGO, CA 92112 (619) 696-2485</p> | <p>PREPARED BY: NOLTE BEYOND ENGINEERING 2500 AVENUE OF SCIENCE, SUITE 101 SAN DIEGO, CA 92108 TEL: 619-594-7010, 619-594-4900 FAX: 619-594-7011 WWW.BEYONDENG.COM</p> | <p>APPROVED BY: <i>[Signature]</i> CANDACE A. HANCOCK, PE, CIVIL ENGINEER R.C.E. 33081 DP. 6-30-2002</p> | <p>AP.N.: 200-070-11 270-010-24, 26, 27, 28</p> |
|--|--|---|--|

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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**

1 RECORDING REQUESTED BY:
2 WHEN RECORDED MAIL TO:

3 CALIFORNIA COASTAL COMMISSION
4 89 S. California Street, Suite 200
5 Ventura, CA 93001-2801

6 Attn: Legal Division

F8
58P
NF
2CON

OPEN SPACE DEED RESTRICTION

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

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

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

16 III. WHEREAS, the Property is located within the coastal zone as defined in §
17 30103 of Division 20 of the California Public Resources Code, hereinafter referred to as the
18 "California Coastal Act of 1976,"(the "Act"); and

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

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

26 VI. WHEREAS, the Permit was subject to the terms and conditions including, but
27 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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1 recreation and resource and resource conservation uses. No development as defined in Public
2 Resources Code § 30106, attached hereto as Exhibit C and incorporated herein by reference,
3 including, but not limited to removal of trees and other major or native vegetation, grading,
4 paving, installation of structures such as signs, buildings, etc., shall occur or be allowed on
5 the Protected Land with the exception of the following, which may be permitted only if
6 approved as an amendment to the Permit or through a separate coastal development permit:

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

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

22 3. TAXES AND ASSESSMENTS. It is intended that this Deed Restriction is
23 irrevocable and shall constitute an enforceable restriction within the meaning of a) Article
24 XIII, § 8, of the California Constitution; and b) § 402.1 of the California Revenue and
25 Taxation Code or successor statute. Furthermore, this Deed Restriction shall be deemed to
26 constitute a servitude upon and burden to the Property within the meaning of § 3712(d) of the
27 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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19
By: [Signature]
DAVID LLOYD, SECRETARY
PRINT NAME & CAPACITY OF ABOVE

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** NOTARY ACKNOWLEDGMENT ON THE NEXT PAGE **

8913

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

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

10
11 WITNESS my hand and official seal.



12
13 Signature Arleen E. McCartney

14
15 STATE OF CALIFORNIA
COUNTY OF _____

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

24
25 WITNESS my hand and official seal.

26
27 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

8915

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
(619) 763-5716

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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.

(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 |

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92168-4402
(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 ~~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

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)

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EXHIBIT A-1

NOTICE OF INTENT TO ISSUE PERMIT

DATED OCTOBER 15, 2002

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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

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Page: 1 of 4

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
Bill Ponder
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)

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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)

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EXHIBITS B-1 and B-2

LEGAL DESCRIPTION AND GRAPHIC DEPICTION OF PROTECTED LAND

EXHIBIT B-1

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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.

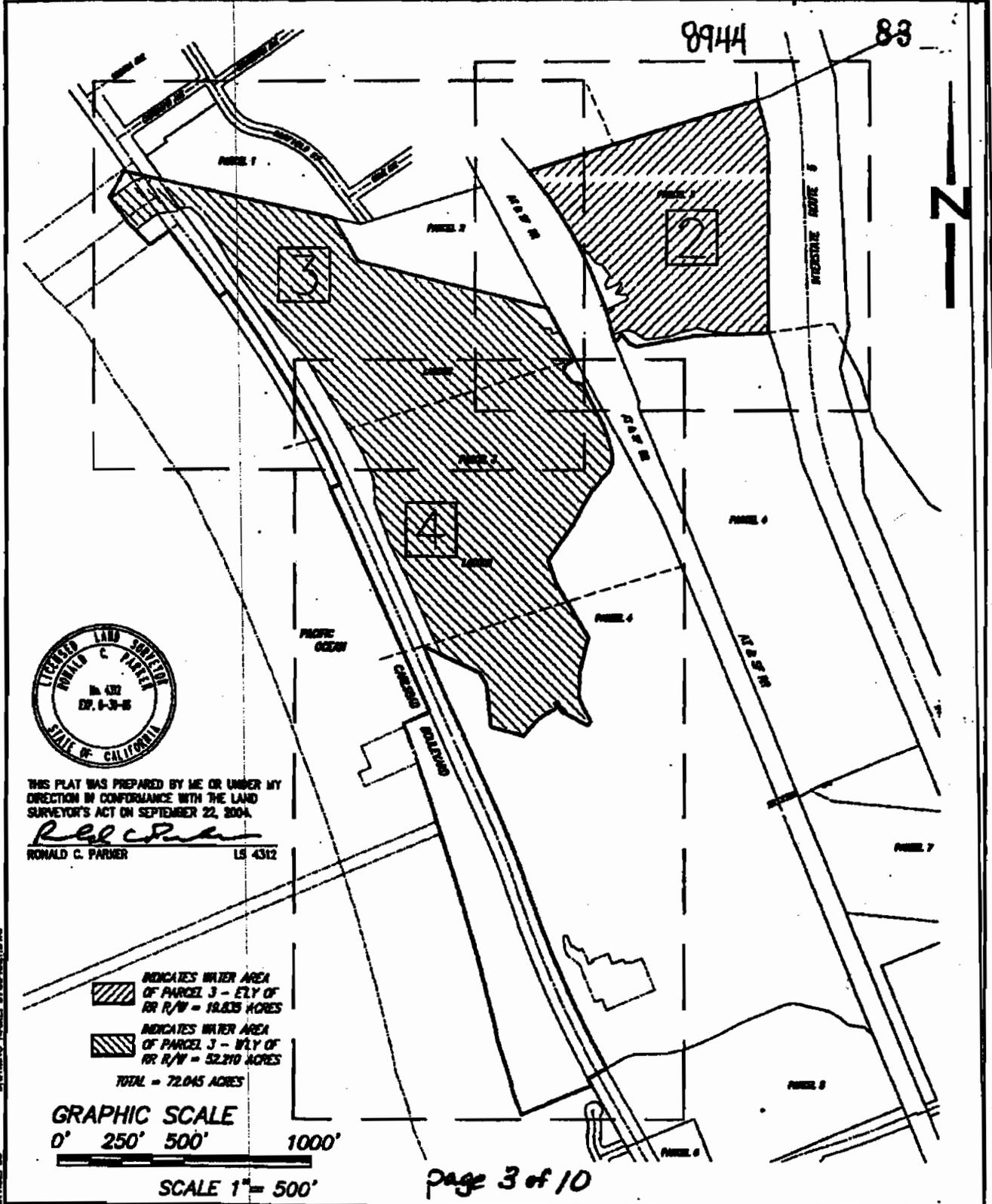
Prepared by:

Nolte Associates, Inc.

Ronald C. Parker 9/22/04
Ronald C. Parker Date
Director of Survey



ANR/PD: ALL 11/13/04, 10283-W



THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE LAND SURVEYOR'S ACT ON SEPTEMBER 22, 2004.
Ronald C. Parmer
 RONALD C. PARMER LS 4312

INDICATES WATER AREA OF PARCEL 3 - ELY OF RR R/W - 19.825 ACRES
 INDICATES WATER AREA OF PARCEL 3 - WLY OF RR R/W - 52.210 ACRES
 TOTAL = 72.045 ACRES

GRAPHIC SCALE
 0' 250' 500' 1000'
 SCALE 1" = 500'

page 3 of 10

PART: 16 SDGE (SD070048) CADW/
 DRAWING NAME: 0700481.DWG
 DATE: 09/22/04
 SERVICE: SU
 TIME: 11:55 a.m.
 SERVER: SD30

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

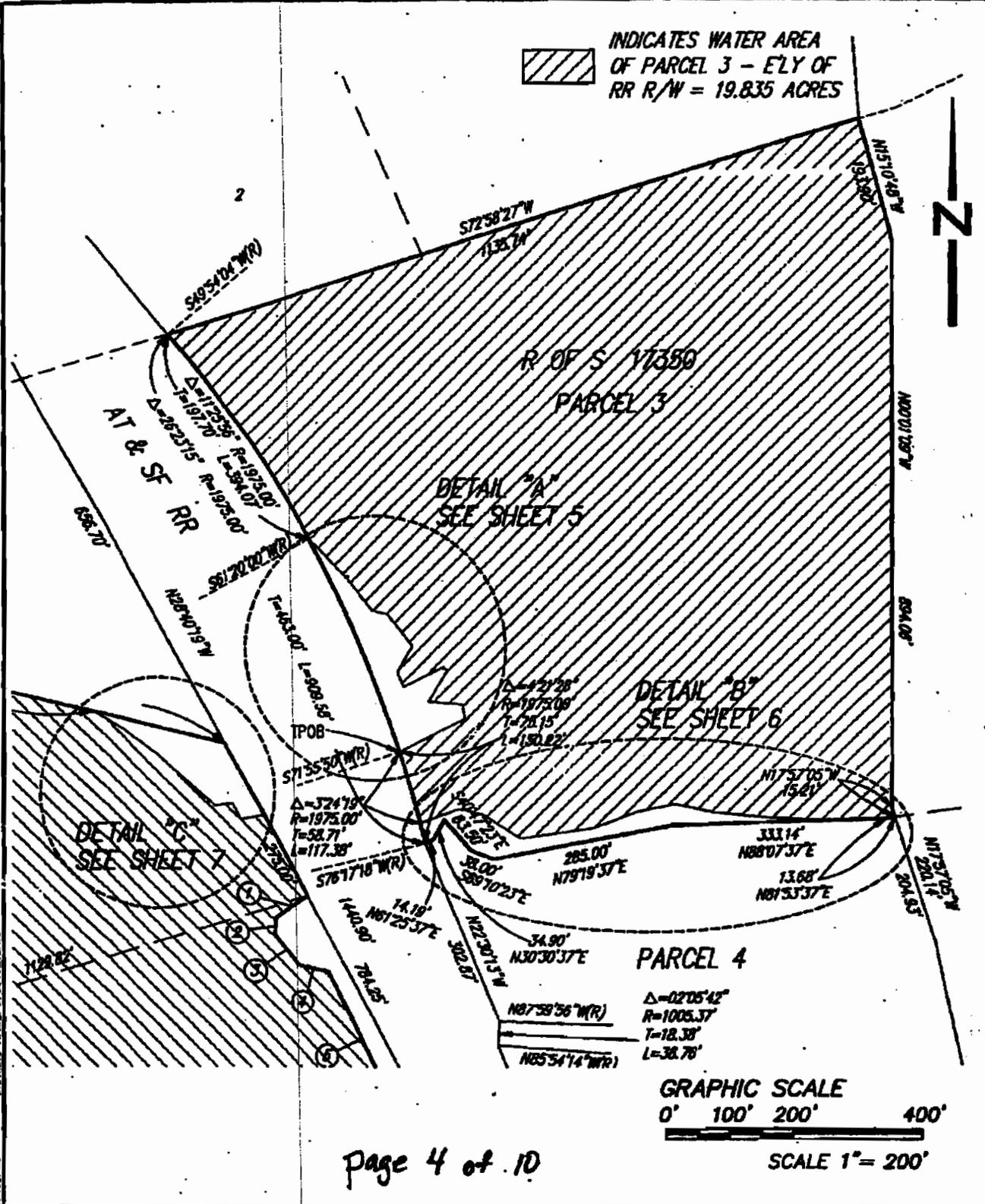
DATE SUBMITTED: 09/22/04

SHEET NUMBER
1
 OF 8 SHEETS
 JOB NUMBER
 SD3032

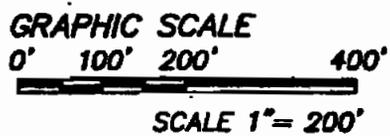
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AREA: ALL ROAD, 10233-W

 INDICATES WATER AREA OF PARCEL 3 - ELY OF RR R/W = 19.835 ACRES



Page 4 of 10



DATE: 09/22/04
 TIME: 11:55 a.m.
 SERVICE: SD0
 DRAWING NAME: 87004651.DWG
 PATH: H:\SDG\80870046\CA001

NOLTE
 BEYOND ENGINEERING

15070 AVENUE OF SCIENCE, SUITE 300 SAN DIEGO, CA 92128
 619.385.0500 TEL. 619.385.0400 FAX WWW.NOLTE.COM

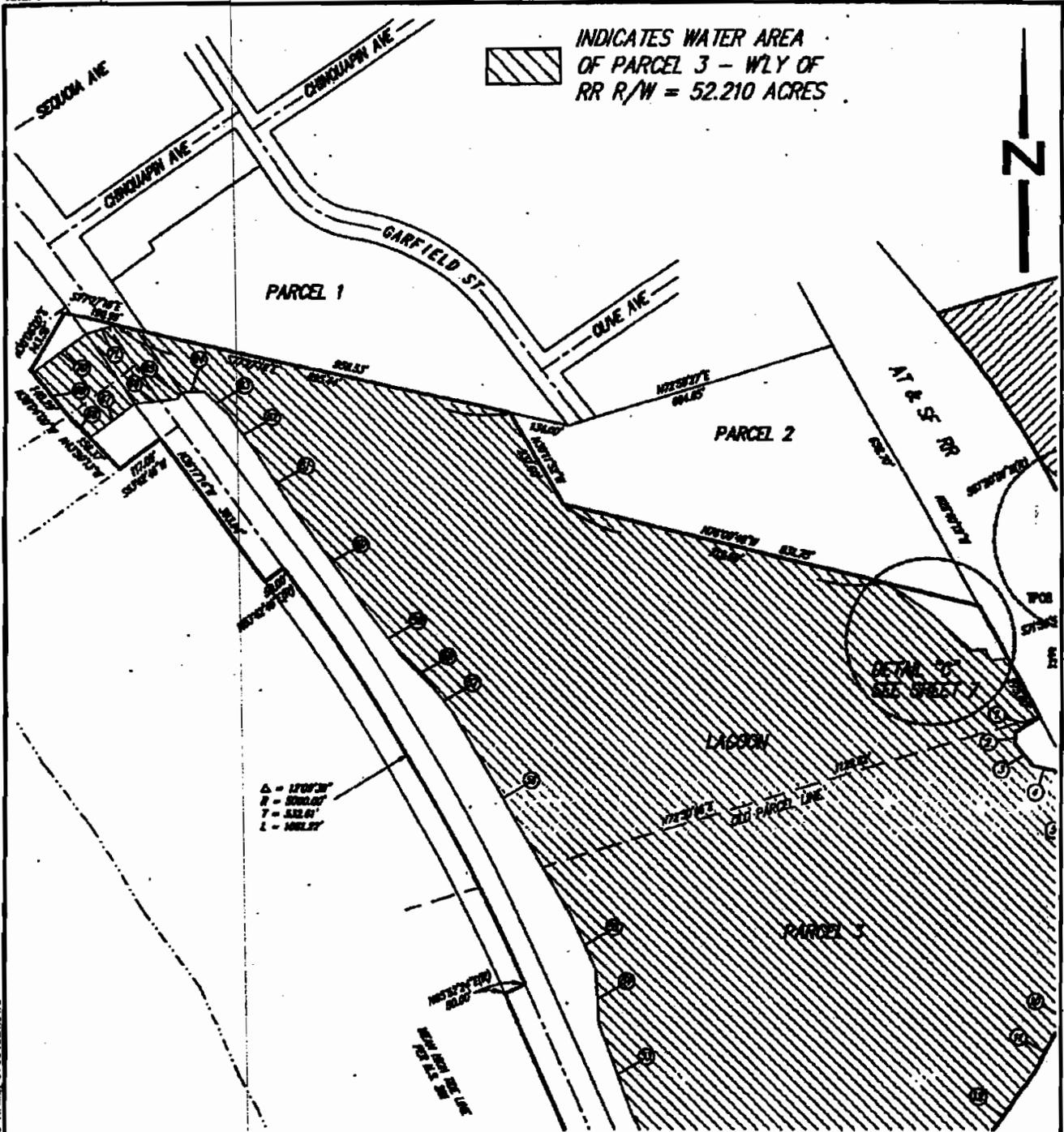
WATER LOCATION
 PARCEL 3, R of S 17350
 CARLSBAD, CA

PREPARED FOR: SDG&E

DATE SUBMITTED: 09/22/04

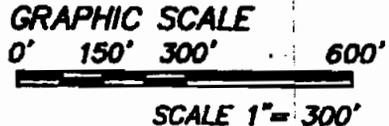
SHEET NUMBER
2
 OF 8 SHEETS
 JOB NUMBER
 SD03032

ARC/INFO AL2:111hp, 10263-W



DATE: 09/22/04
 SERVICE: SU
 TIME: 11:55 a.m.
 SERVER: SD03

PATH: N:\SDGE\SD070046\CADD\DRAWING NAME: 070046Z1.DWG



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 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

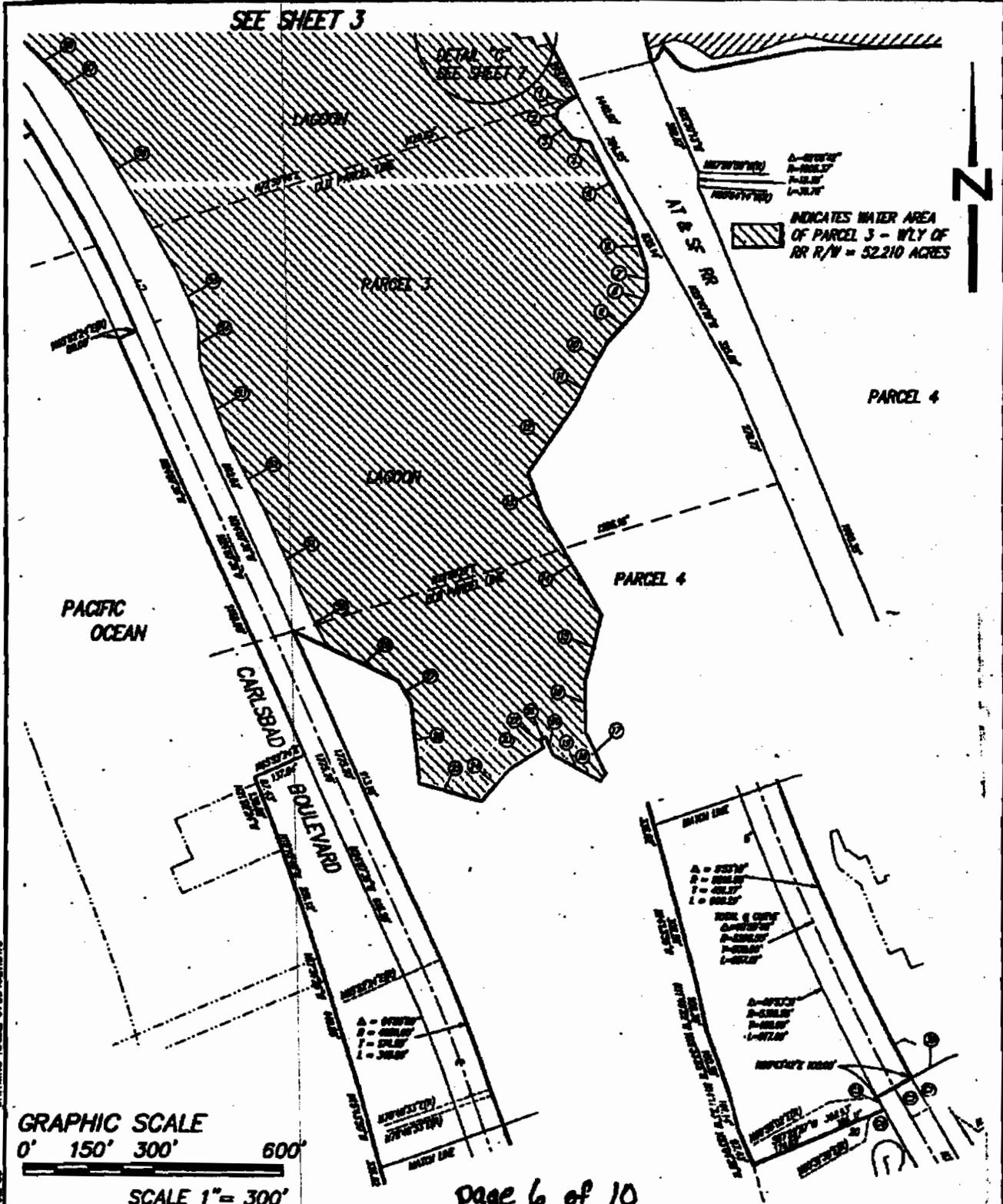
SHEET NUMBER
3
 OF 8 SHEETS

JOB NUMBER
 SD03032

8947

NOLTE: ALL RIGHTS RESERVED

SEE SHEET 3



page 6 of 10

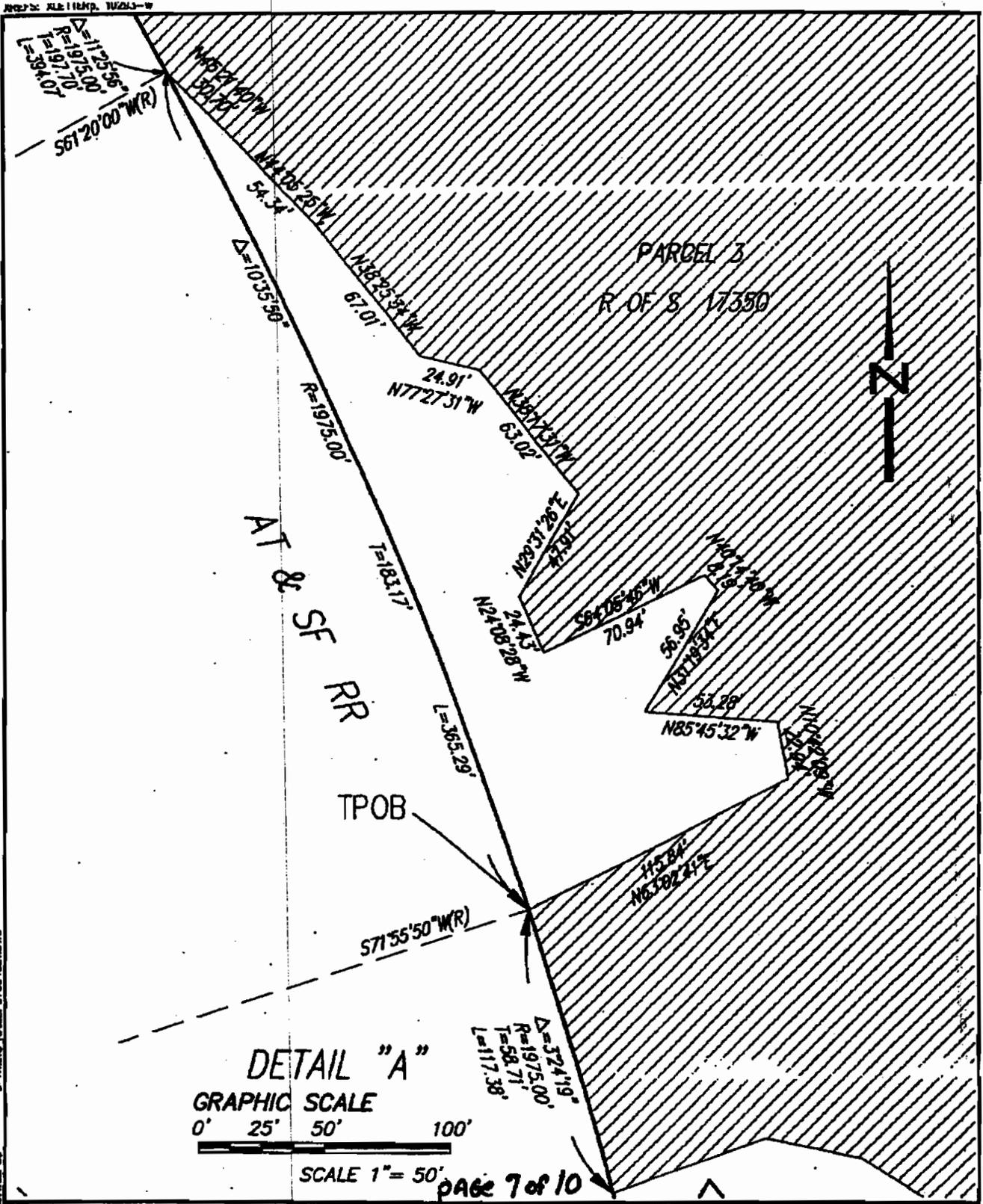
DATE: 09/22/04
 DRAWING NAME: SD03032.DWG
 DATE: 11/25/04
 DRAWING NAME: SD03032.DWG

GRAPHIC SCALE
 0' 150' 300' 600'
 SCALE 1" = 300'

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 BEYOND ENGINEERING
 13070 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92128
 619.595.0590 TEL. 619.595.0400 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
4
 OF 8 SHEETS
 JOB NUMBER
 SD03032



P-TH: N:\SDGE\53870048\CADD\DRAWING NAME: 8720-4621.DWG
 DATE: 09/22/04
 SERVICE: SU
 TIME: 11:55 a.m.
 SERVER: SD30

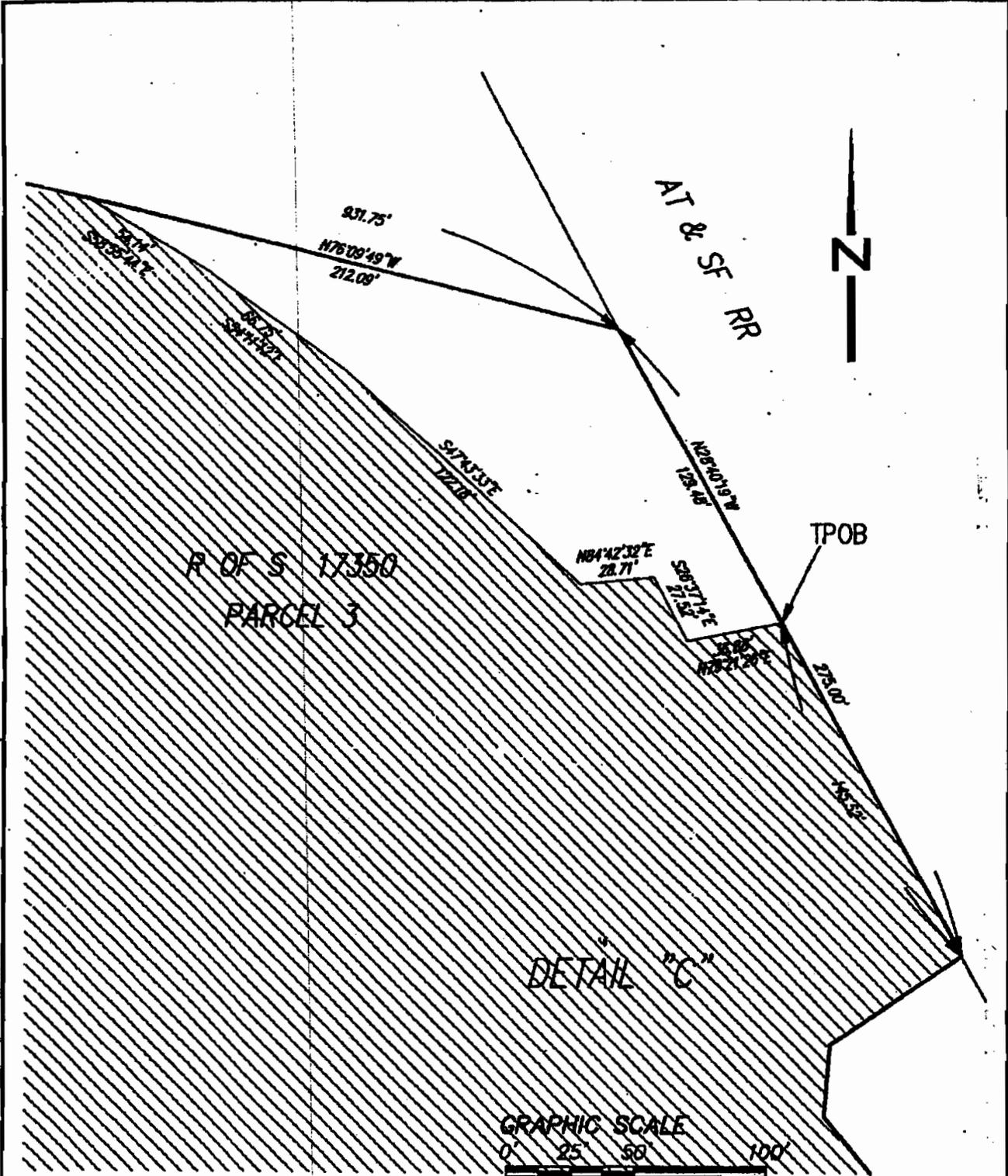
NOLTE
 BEYOND ENGINEERING

13070 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA. 92128
 858.385.8500 TEL. 858.385.0400 FAX WWW.NOLTE.COM

PREPARED FOR: SDG&E
 DATE SUBMITTED: 09/22/04

SHEET NUMBER
5
 OF 8 SHEETS
 JOB NUMBER
 SD3032

DATE: 09/22/04



page 9 of 10 SCALE 1" = 50'

DATE: 09/22/04
 SERVICE: SI
 TIME: 7:57 a.m.
 SERVER: SD30
 PATH: N:\SDGE\SD30\04\1\JOB1\DRAWING\NAME: 87004SETL.DWG

NOLTE
 BEYOND ENGINEERING
 15070 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA. 92128
 USA. 619.595.0300 TEL. 619.595.0400 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

REF: 21.1140, 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' |

Page 10 of 10

DATE: 09/22/04
 TIME: 7:57 a.m.
 SERVER: S050
 PATH: N:\SDGE\SD3032\CADD\DRAWING\NAME_07004851.DWG
 SERVICE: SU

NOLTE
 BEYOND ENGINEERING

16070 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92128
 619.385.0300 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

8

OF 6 SHEETS

JOB NUMBER
 SD3032

EXHIBIT B-2

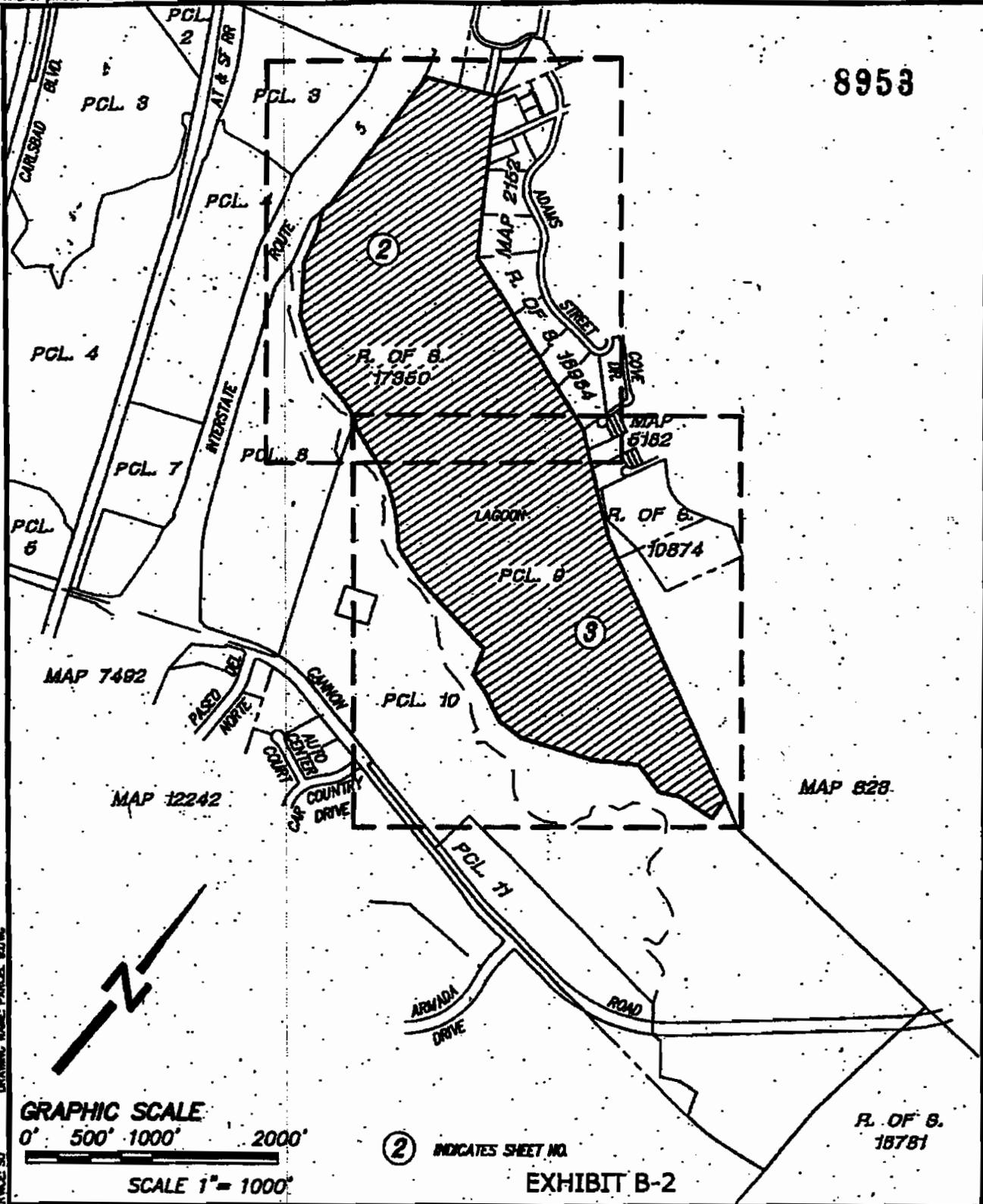
PARCEL 9:

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 I DUMP



8953

MAP 828

R. OF S. 18781

PART: N USDC (S877004) (CADD)
DRAWING NAME: PARCEL B.DWG
DATE: 04/04/05
SERVICE: SI
TIME: 7:45 A.M.
SHEET: 5050

GRAPHIC SCALE
0' 500' 1000' 2000'
SCALE 1" = 1000'

② INDICATES SHEET NO.

EXHIBIT B-2

NOLTE
BEYOND ENGINEERING

PARCEL 9
R. OF S. 17350
CARLSBAD, CA

SHEET NUMBER
1
OF 4 SHEETS

18670 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92128
858.363.4900 TEL. 858.363.0400 FAX WWW.NOLTE.COM

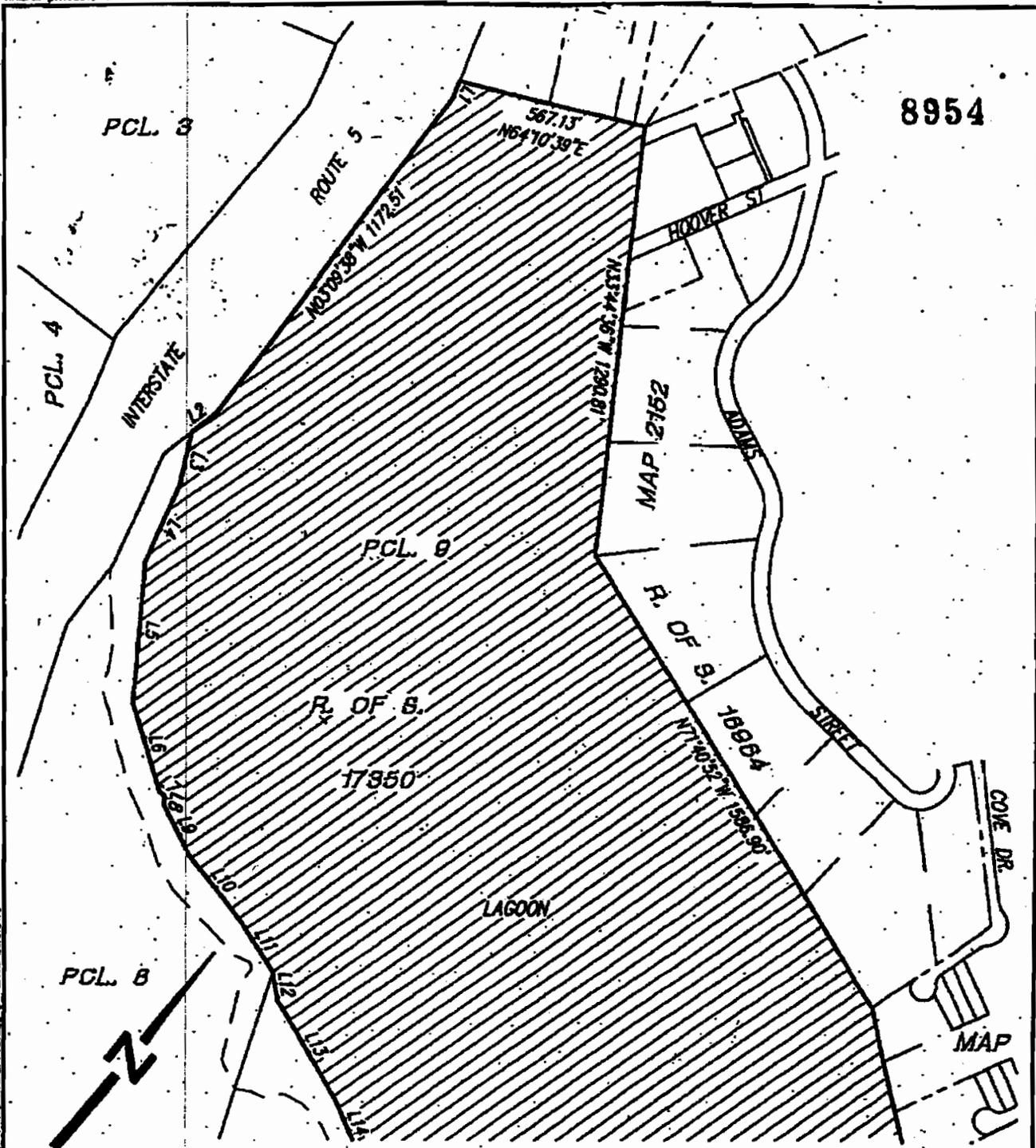
PREPARED FOR: SDG&E

DATE SUBMITTED: 08/03/04

JOB NUMBER
SD3032

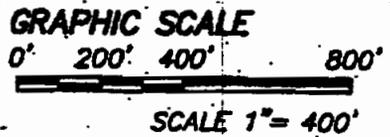
Page 2 of 5

08/23/04 process, ALL 11/10/04



8954

DATE: 04/04/05
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 TIME: 7:52 a.m.
 SERVER: SD30
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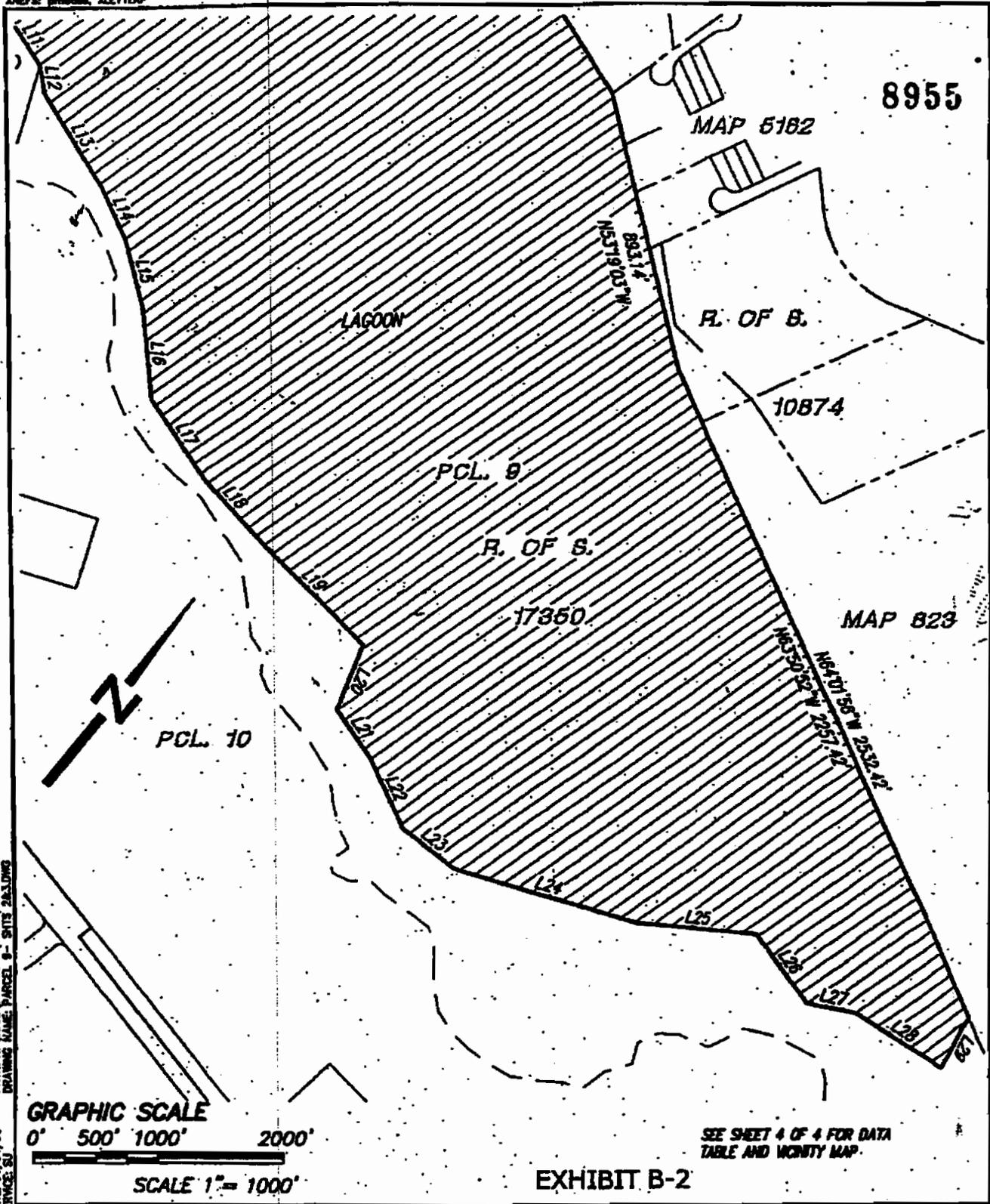


SEE SHEET 4 OF 4 FOR DATA TABLE AND COUNTY MAP

| | | |
|--|---|---|
| NOLTE BEYOND ENGINEERING 13070 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92126 619.385.4500 TEL. 619.385.0400 FAX WWW.NOLTE.COM | EXHIBIT B-2 PARCEL 9 R. OF S. 17350 CARLSBAD, CA | SHEET NUMBER 2 OF 4 SHEETS |
| | PREPARED FOR: SDG&E | DATE SUBMITTED: 08/03/04 |

page 3 of 5

3/8/04: 08000, ALL 11/04



DATE: 04/04/05
 SERVICE: SU
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 SERVICE: SU
 DATE: 04/04/05
 SERVICE: SU
 DATE: 04/04/05
 SERVICE: SU

GRAPHIC SCALE
 0' 500' 1000' 2000'
 SCALE 1" = 1000'

SEE SHEET 4 OF 4 FOR DATA TABLE AND VICINITY MAP.

EXHIBIT B-2

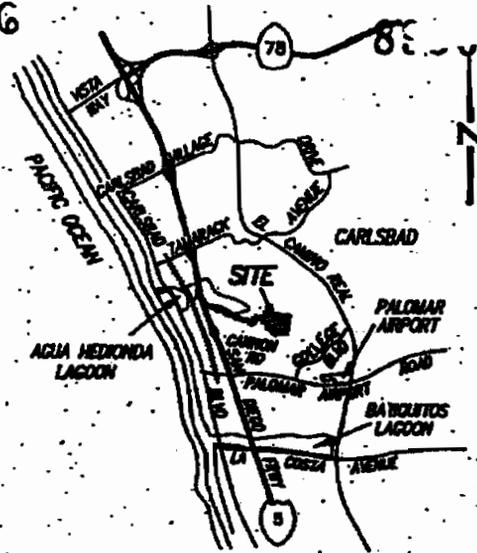
| | | |
|--|---|--|
| <p>NOTE BEYOND ENGINEERING 13670 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92128 619.365.0500 TEL. 619.365.0400 FAX WWW.BEYONDE.COM</p> | <p>PARCEL 9 R. OF S. 17350 CARLSBAD, CA</p> | <p>SHEET NUMBER 3 OF 4 SHEETS</p> |
| | <p>PREPARED FOR: SDG&E</p> | <p>DATE SUBMITTED: 08/03/04</p> |

Page 4 of 5

DATE: 04/20/05

| 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: 04/20/05
SERVICE: SU

DATE: 04/20/05
SERVICE: SU

DATE: 04/20/05
SERVICE: SU

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BEYOND ENGINEERING

19070 AVENUE OF SCIENCE, SUITE 100 SAN DIEGO, CA 92128
TEL: 361.305.0000 FAX: 361.361.0400 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

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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.

8959

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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

page 1 of 4

8961

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 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

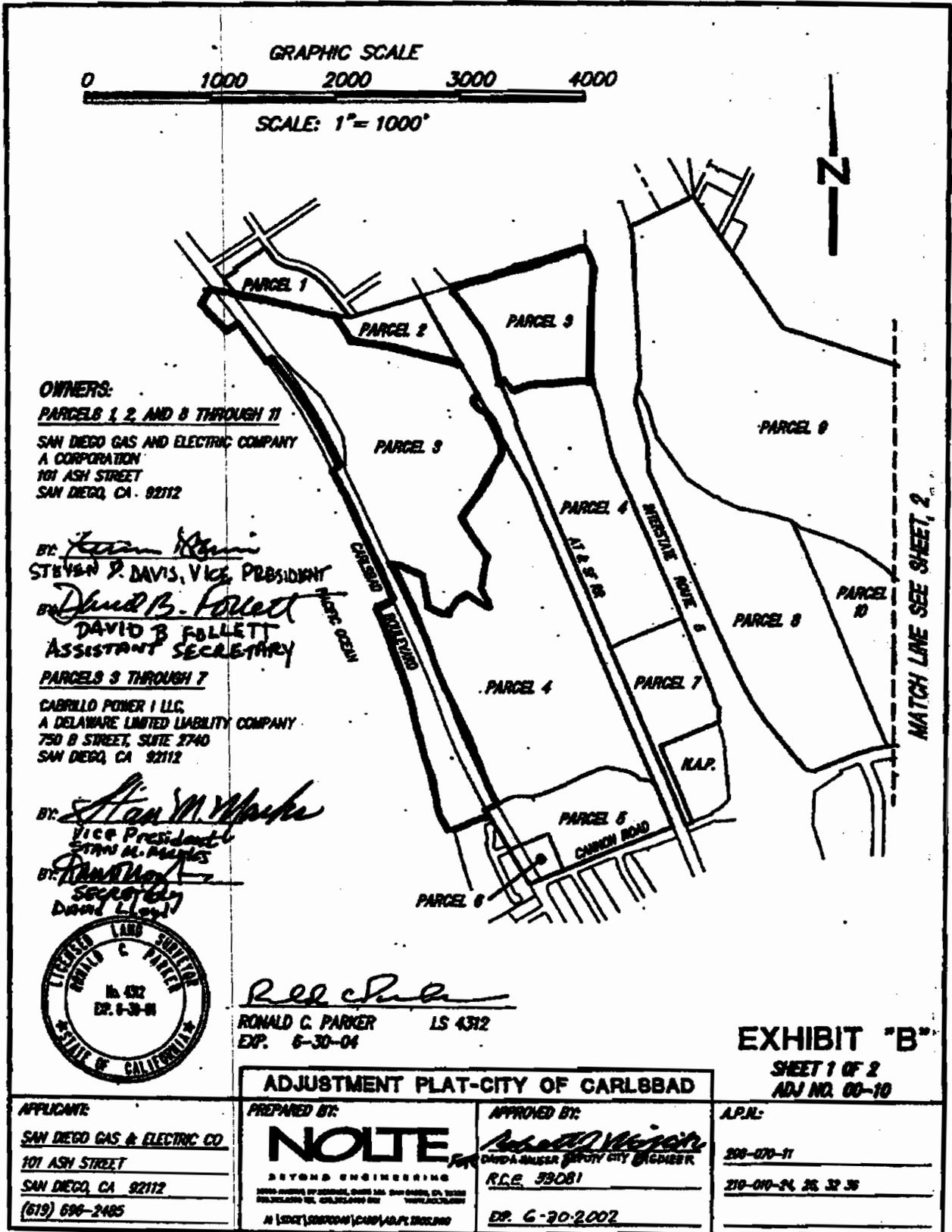
page 2 of 4

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

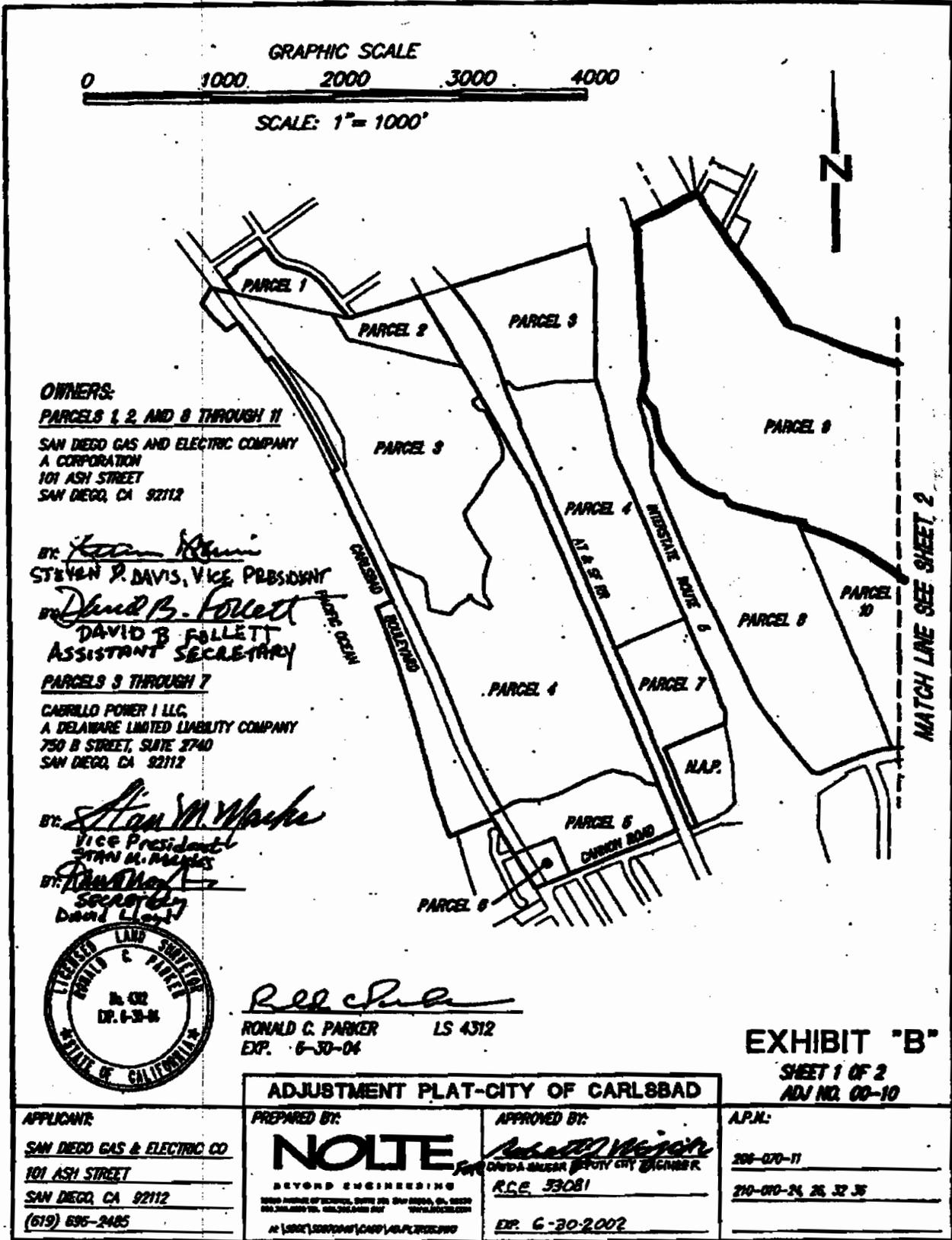
EXHIBIT D-2

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



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. Marks*
 VICE PRESIDENT
 STAN M. MARKS
 BY: *David Lloyd*
 SECRETARY
 DAVID LLOYD



Ronald C. Parker
 RONALD C. PARKER LS 4312
 EXP. 6-30-06

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: NOLTE BEYOND ENGINEERING <small>2000 AVENUE OF TECHNOLOGY, SUITE 200 SAN DIEGO, CA 92161 (619) 594-0000 FAX: (619) 594-0001 WWW.BEYONDENG.COM</small> # [0000] [0000000] [0000] [0000] [0000] | APPROVED BY: <i>Richard Weigert</i> RICHARD WEIGERT, CITY ENGINEER R.C.E. 53081 EXP. 6-30-2002 |
| | | A.P.N.: 200-070-11 210-070-24, 25, 32, 35 |

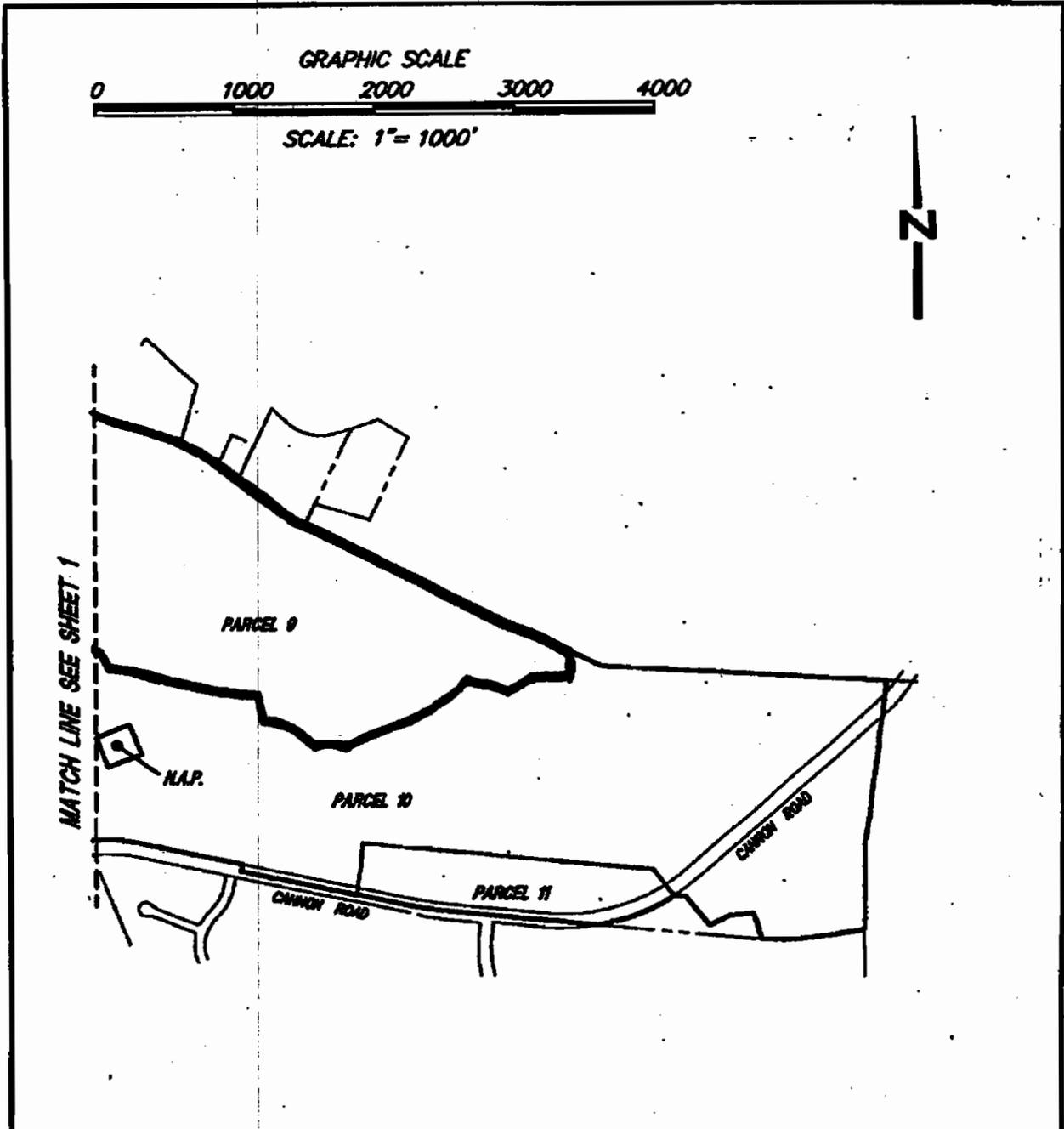
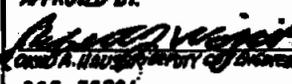


EXHIBIT "B"

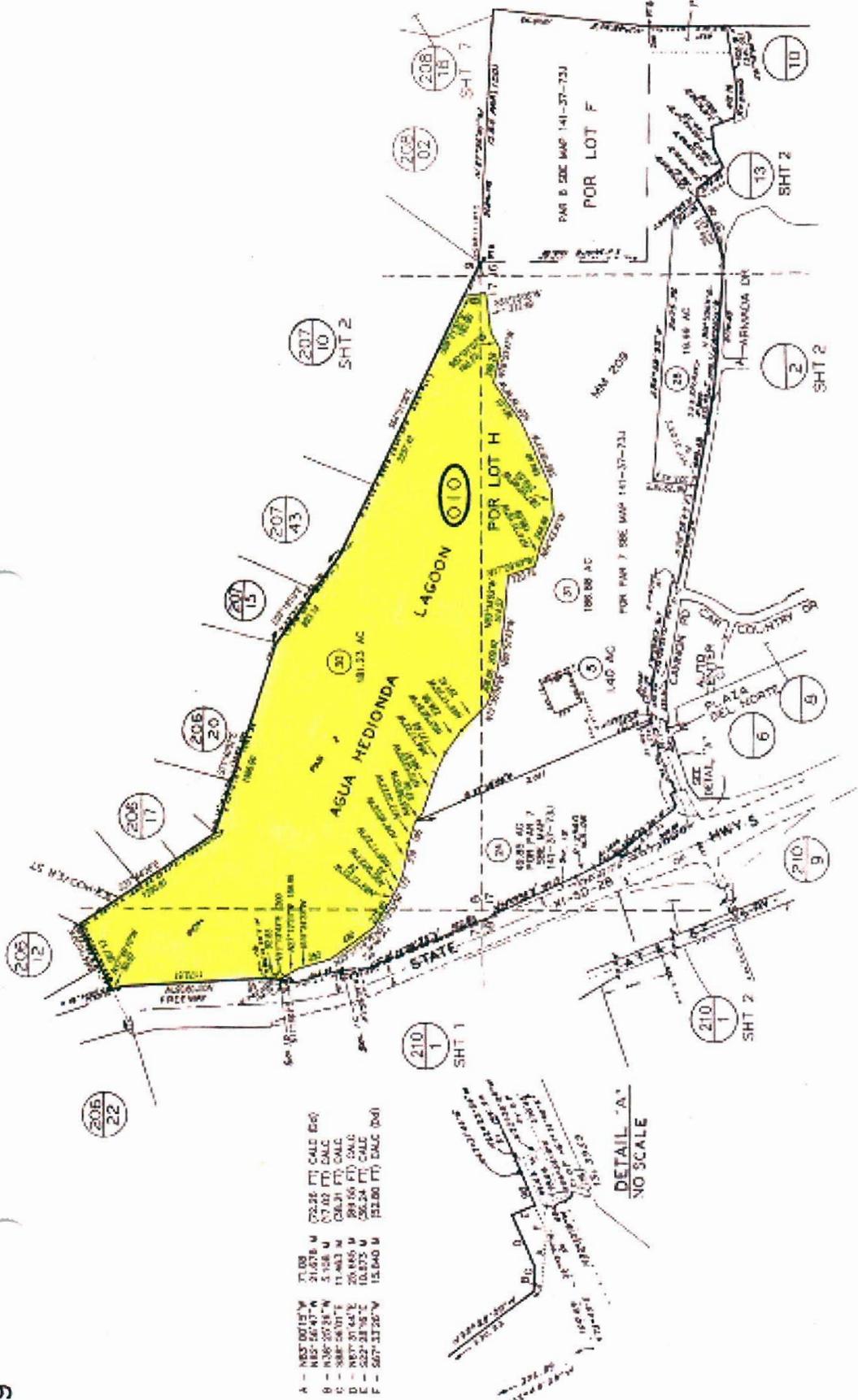
SHEET 2 OF 2
ADJ NO. 00-10

| | | |
|---|--|---|
| ADJUSTMENT PLAT-CITY OF CARLSBAD | | |
| APPLICANT: SAN DIEGO GAS & ELECTRIC CO 101 ASH STREET SAN DIEGO, CA 92112 (619) 696-2485 | PREPARED BY: NOLTE BEYOND ENGINEERING <small>REGISTERED PROFESSIONAL ENGINEER, CIVIL ENGINE, STATE OF CALIFORNIA, LICENSE NO. 44528</small> 11100 SAN DIEGO AVENUE, SUITE 100, SAN DIEGO, CA 92121 (619) 594-0000 | APPROVED BY:  DAVID A. HOUSER, DEPUTY CITY ENGINEER R.C.E. 33081 DP. 6-30-2002 |
| APN: 206-070-11 310-070-24, 25, 32, 35 | | |



W1506 JORD

| CHANGES | | |
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- A - N53°00'12" W 21.00' M 732.26 FT CALC (50)
- B - N53°56'43" W 51.676' M 573.02 FT CALC
- C - N38°20'28" W 11.463' M 526.31 FT CALC
- D - N53°31'44" E 20.665' M 599.56 FT CALC
- E - S22°28'38" E 12.875' M 562.24 FT CALC
- F - S67°31'26" W 13.040' M 512.06 FT CALC (50)



THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. ACCURACY IS ASSURED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR/PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

Appendix B

Historical Research Documentation



EDR® Environmental
Data Resources Inc

The EDR Aerial Photo Decade Package

**Encina Redevelopment Project AFC -
4600 Carlsbad Boulevard
Carlsbad, CA 92008**

Inquiry Number: 2000693.5

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 Aerial Photo Decade Package

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Please contact EDR at 1-800-352-0050
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>Year</u> | <u>Scale</u> | <u>Details</u> | <u>Source</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'



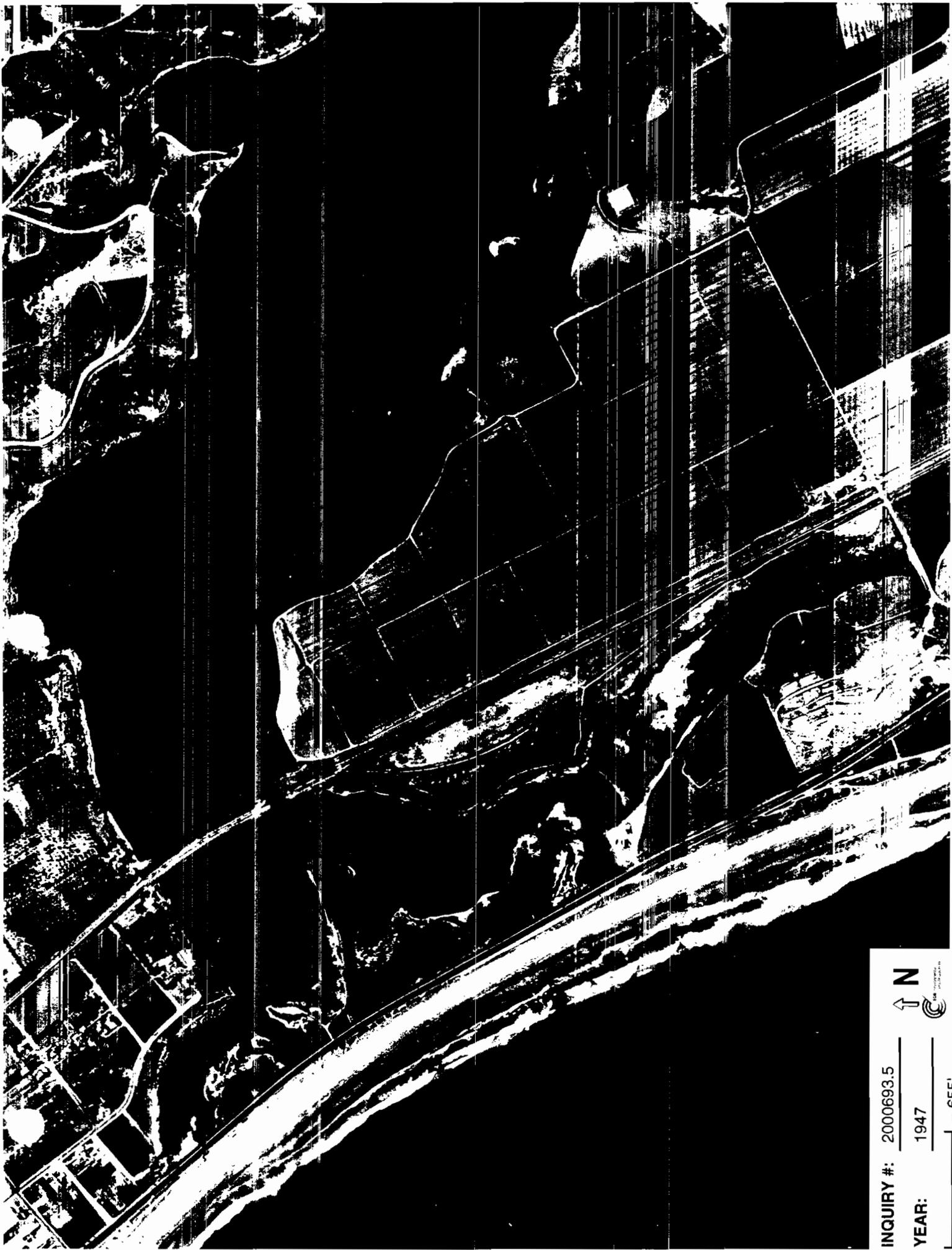


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YEAR: 1939

1" = 666'





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YEAR: 1947

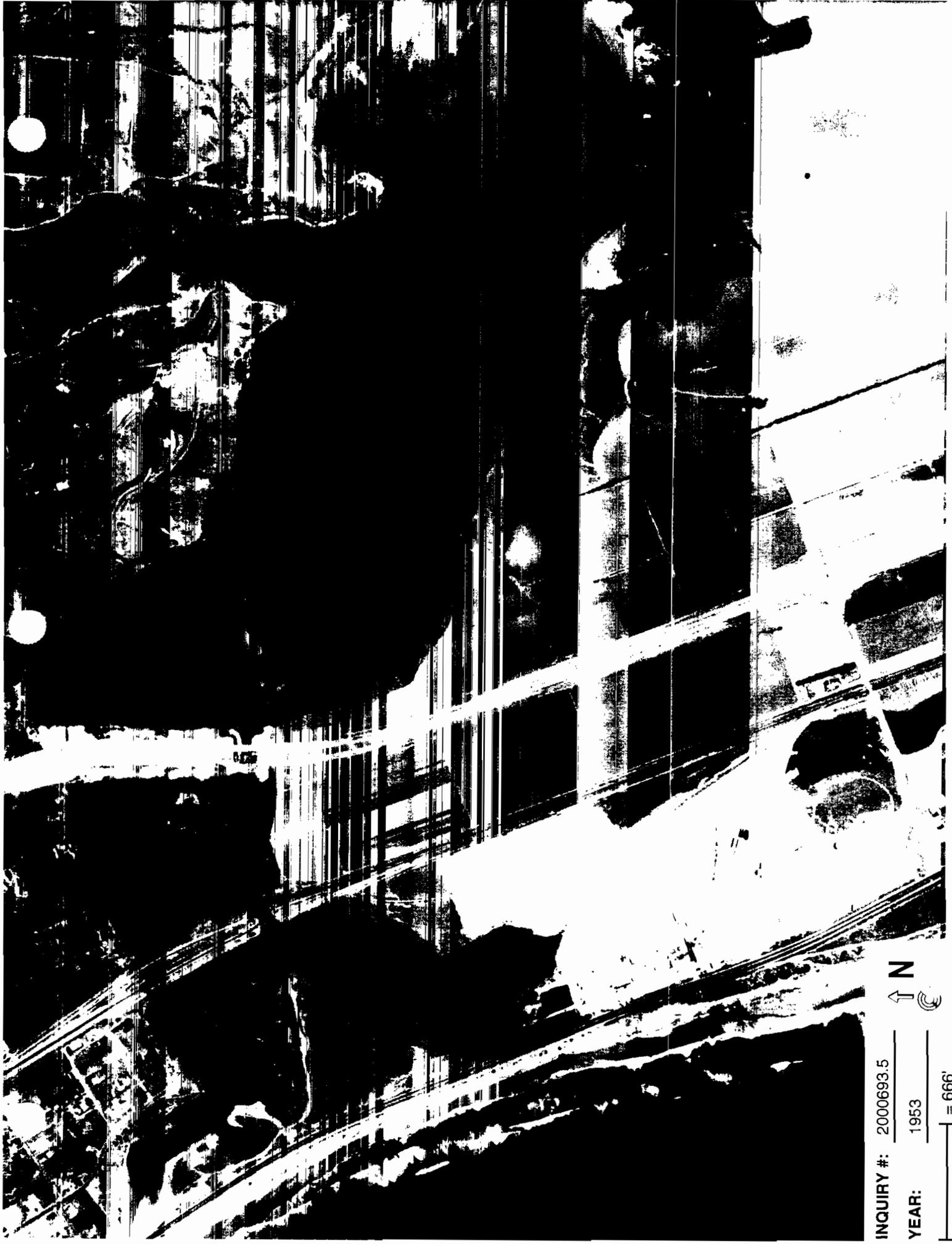
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INQUIRY #: 2000693.5

YEAR: 1947

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INQUIRY #: 2000693.5

YEAR: 1953

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INQUIRY #: 2000693.5

YEAR: 1953

| = 666'



INQUIRY #: 2000693.5

YEAR: 1963

— = 666'



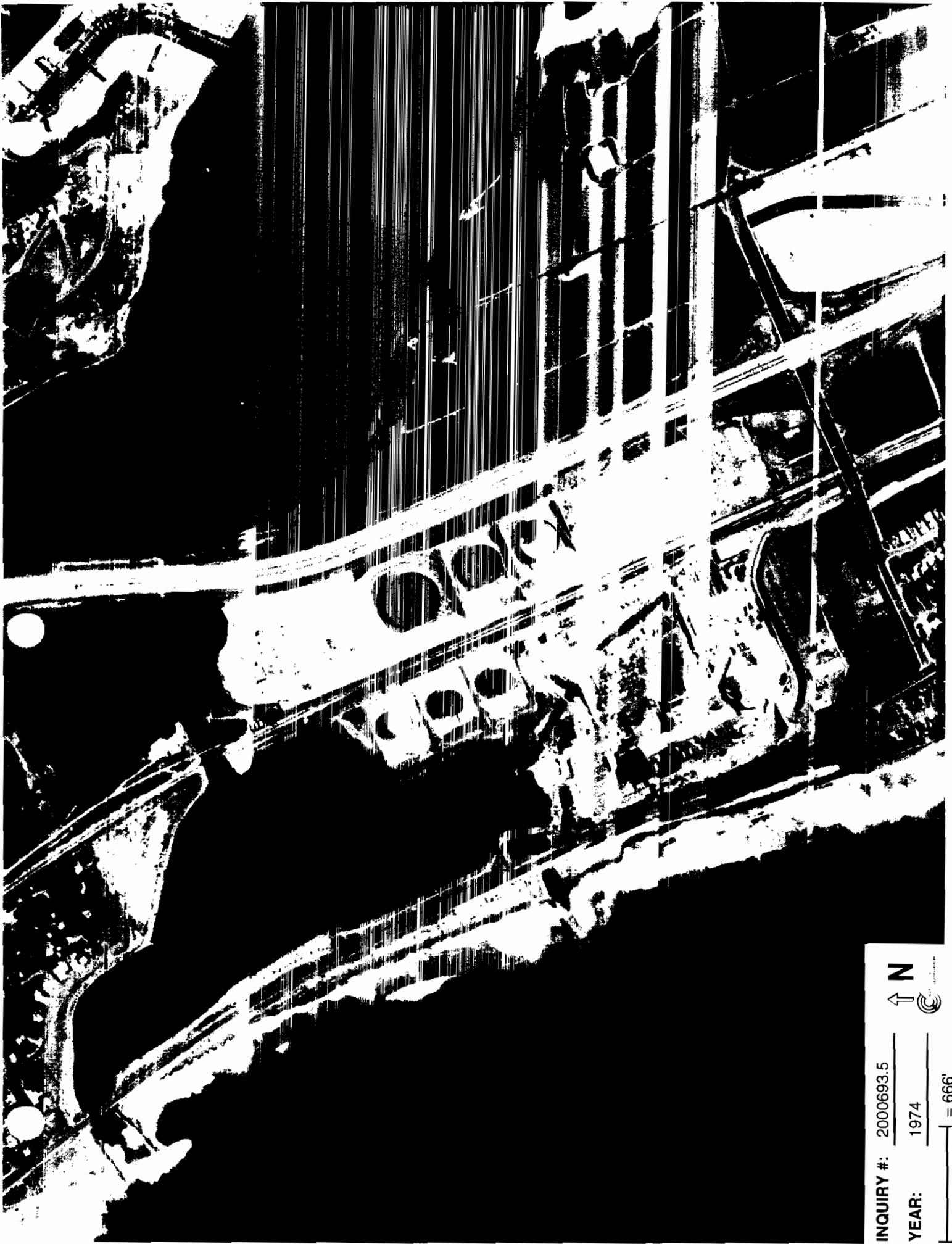


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YEAR: 1963



| = 666'



INQUIRY #: 2000693.5

YEAR: 1974

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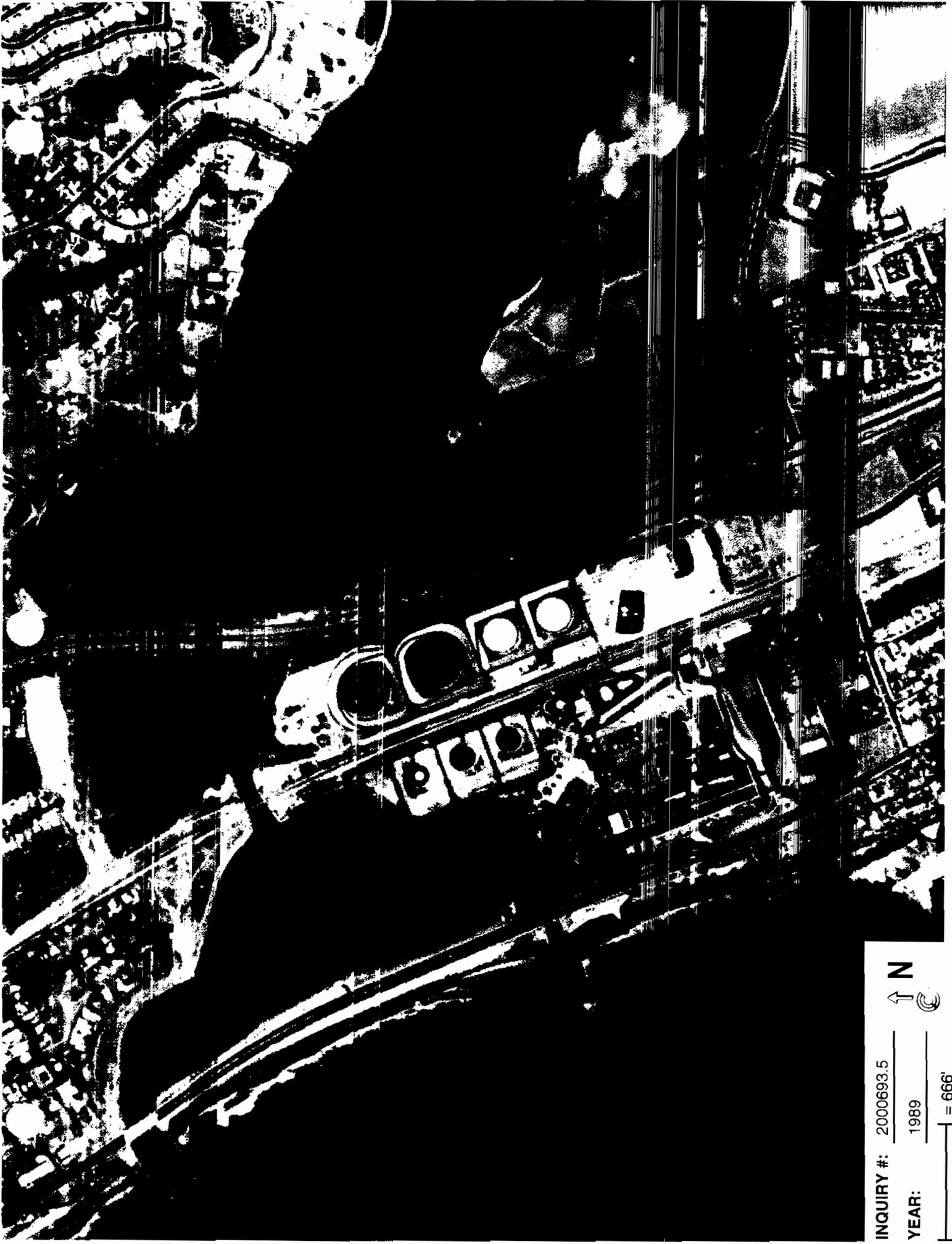


INQUIRY #: 2000693.5

YEAR: 1974

| = 666'





INQUIRY #: 2000693.5

YEAR: 1989

| = 666'



INQUIRY #: 2000693.5

YEAR: 1989

| = 666'



INQUIRY #: 2000693.5

YEAR: 1994

| = 666'





INQUIRY #: 2000693.5

YEAR: 1994

1" = 666'



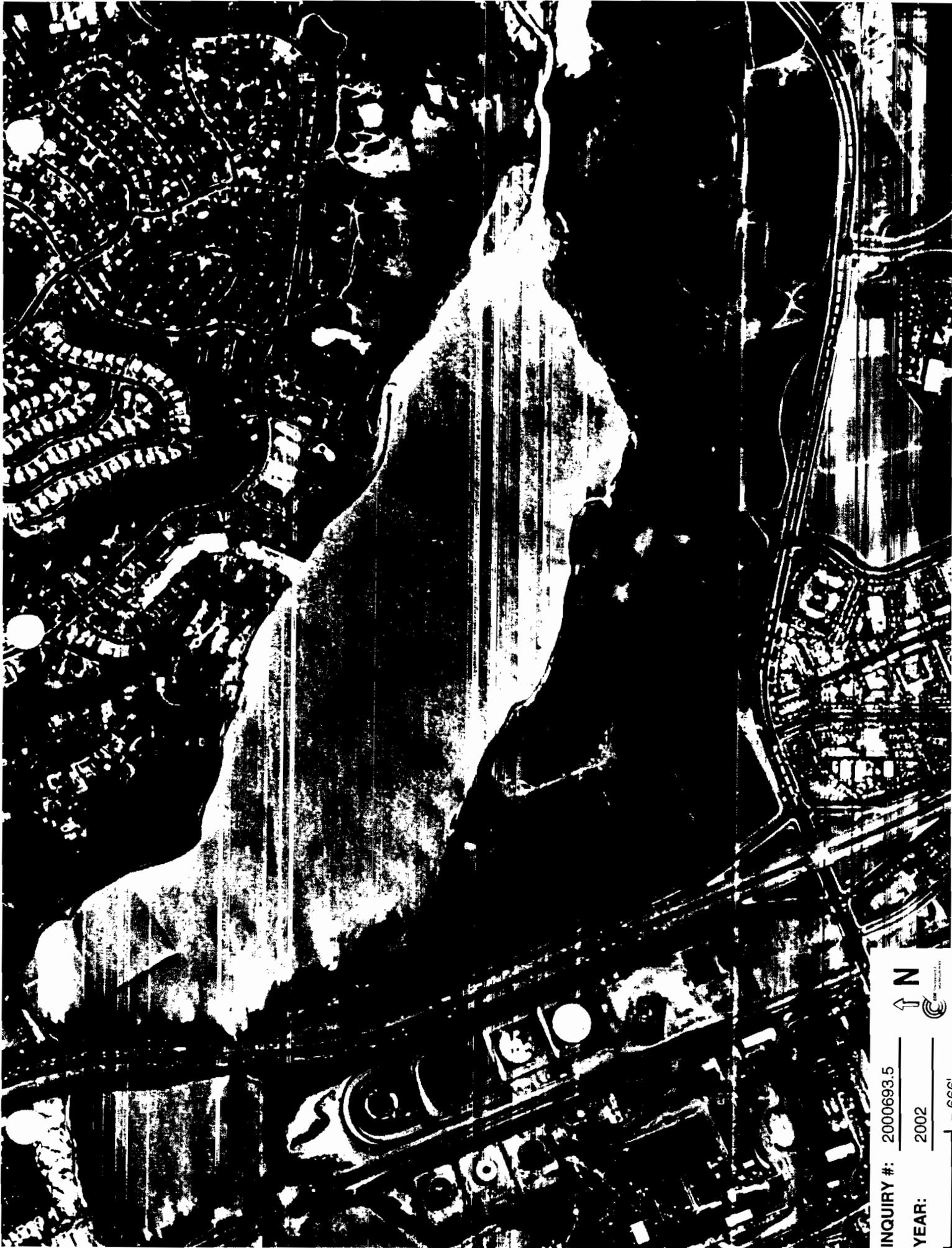


INQUIRY #: 2000693.5

YEAR: 2002

| = 666'





INQUIRY #: 2000693.5

YEAR: 2002

— = 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



**EDR® Environmental
Data Resources Inc**

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**440 Wheelers Farms Rd
Milford, Connecticut 06461**

Nationwide Customer Service

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

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with any questions or comments.

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Historical Topographic Map



| | | | |
|---|-----------------------------|----------------------------------|-----------------------|
|  N E | TARGET QUAD | SITE NAME: | CLIENT: |
| | NAME: OCEANSIDE | Encina Redevelopment Project | CH2M Hill, Inc. |
| | MAP YEAR: 1901 | ADDRESS: 4600 Carlsbad Boulevard | CONTACT: David Golles |
| | SERIES: 15 | Carlsbad, CA 92008 | INQUIRY#: 2000693.4 |
| SCALE: 1:62500 | LAT/LONG: 33.139 / 117.3331 | RESEARCH DATE: 08/09/2007 | |

Historical Topographic Map



| | | | | | |
|--|--------------------|------------|------------------------------|----------------|-----------------|
|   | TARGET QUAD | SITE NAME: | Encina Redevelopment Project | CLIENT: | CH2M Hill, Inc. |
| | NAME: SAN LUIS REY | ADDRESS: | AFC - Phase I ESA | CONTACT: | David Golles |
| | MAP YEAR: 1901 | LAT/LONG: | 4600 Carlsbad Boulevard | INQUIRY#: | 2000693.4 |
| | SERIES: 30 | | Carlsbad, CA 92008 | RESEARCH DATE: | 08/09/2007 |
| | SCALE: 1:125000 | | | | |

Historical Topographic Map



| | | | |
|-------------------|---|--|--|
| <p>N</p> <p>1</p> | <p>TARGET QUAD</p> <p>NAME: SOUTHERN CA SHEET 2</p> <p>MAP YEAR: 1904</p> | <p>SITE NAME: Encina Redevelopment Project</p> <p>AFC - Phase I ESA</p> | <p>CLIENT: CH2M Hill, Inc.</p> |
| | <p>SERIES: 60</p> <p>SCALE: 1:250000</p> | <p>ADDRESS: 4600 Carlsbad Boulevard</p> <p>Carlsbad, CA 92008</p> <p>LAT/LONG: 33.139 / 117.3331</p> | <p>CONTACT: David Golles</p> <p>INQUIRY#: 2000693.4</p> <p>RESEARCH DATE: 08/09/2007</p> |

Historical Topographic Map



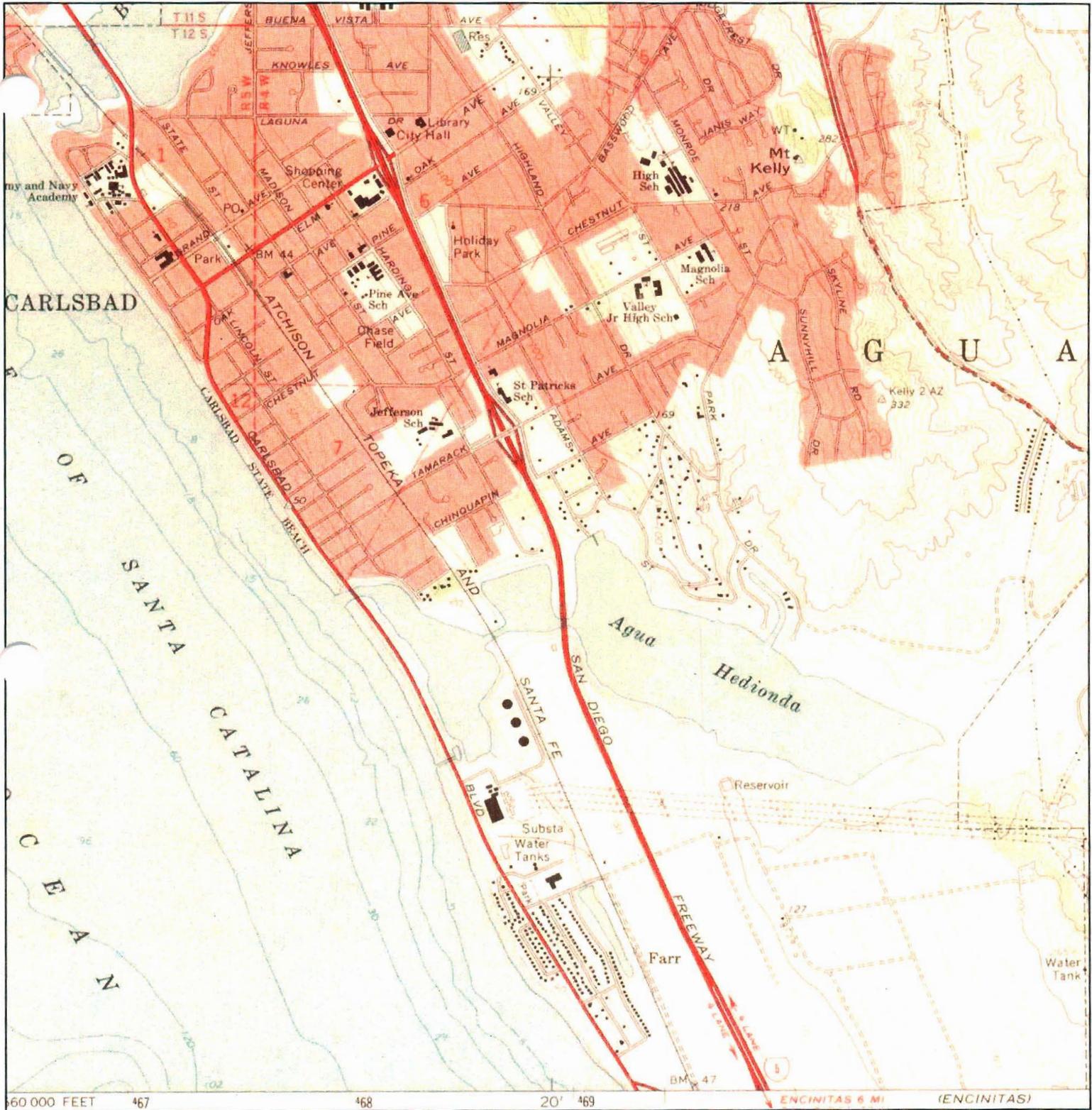
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|--|--|--|--|
|  | TARGET QUAD NAME: OCEANSIDE MAP YEAR: 1947 | SITE NAME: Encina Redevelopment Project AFC - Phase I ESA | CLIENT: CH2M Hill, Inc. CONTACT: David Golles |
| | SERIES: 15 SCALE: 1:50000 | ADDRESS: 4600 Carlsbad Boulevard Carlsbad, CA 92008 | INQUIRY#: 2000693.4 RESEARCH DATE: 08/09/2007 |
| | LAT/LONG: 33.139 / 117.3331 | | |

Historical Topographic Map



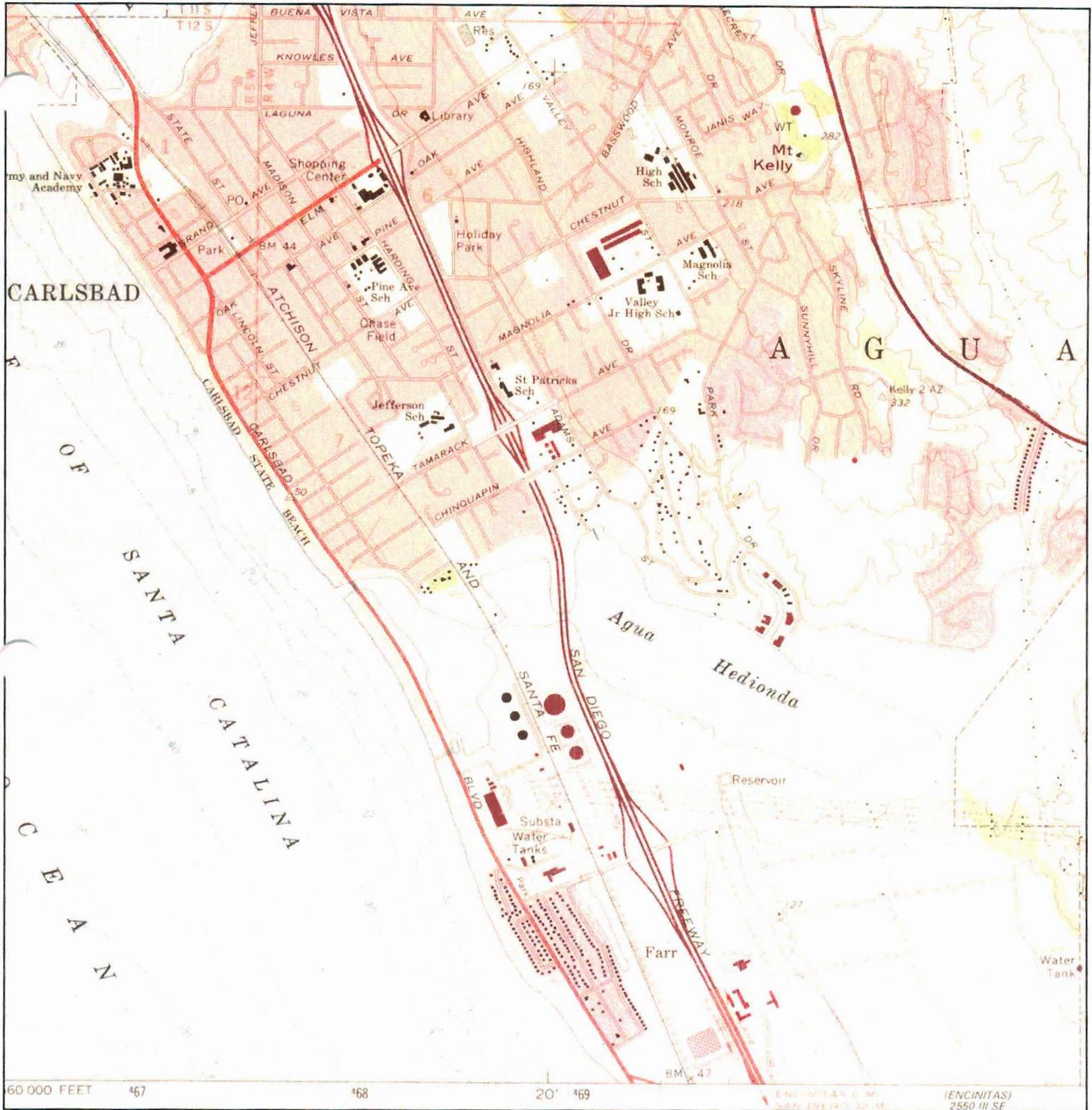
| | | | |
|--|---|--|--|
|   | TARGET QUAD NAME: SAN LUIS REY MAP YEAR: 1949 | SITE NAME: Encina Redevelopment Project AFC - Phase I ESA ADDRESS: 4600 Carlsbad Boulevard Carlsbad, CA 92008 | CLIENT: CH2M Hill, Inc. CONTACT: David Golles INQUIRY#: 2000693.4 RESEARCH DATE: 08/09/2007 |
| | SERIES: 7.5 SCALE: 1:24000 | LAT/LONG: 33.139 / 117.3331 | |

Historical Topographic Map



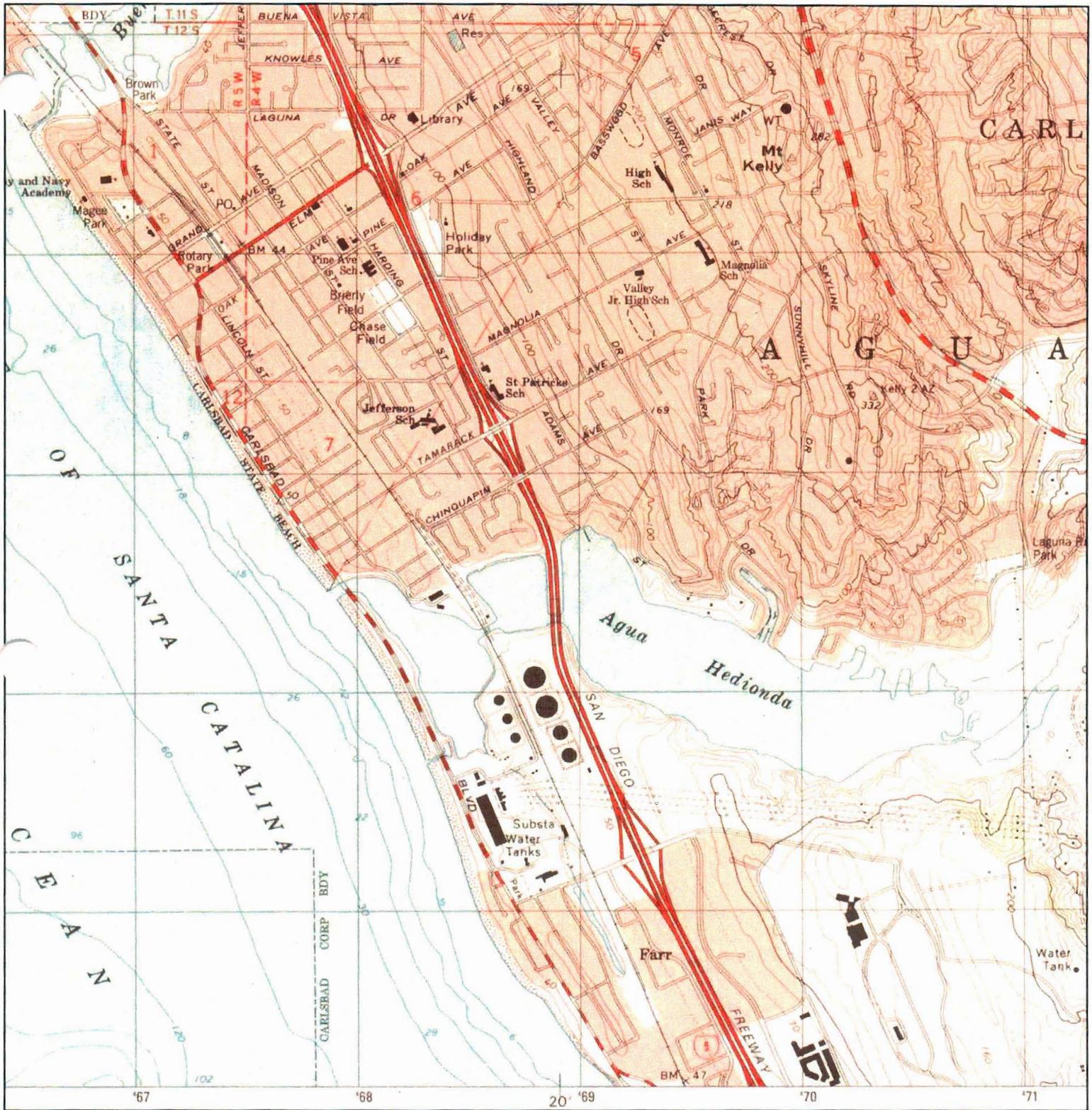
| | | | |
|--|--|---|--|
|  | TARGET QUAD NAME: SAN LUIS REY MAP YEAR: 1968 | SITE NAME: Encina Redevelopment Project AFC - Phase I ESA | CLIENT: CH2M Hill, Inc. CONTACT: David Golles |
| | SERIES: 7.5 SCALE: 1:24000 | ADDRESS: 4600 Carlsbad Boulevard Carlsbad, CA 92008 | INQUIRY#: 2000693.4 RESEARCH DATE: 08/09/2007 |

Historical Topographic Map



| | | | | | |
|---|-------------------------|------------|------------------------------|----------------|-----------------|
|  | TARGET QUAD | SITE NAME: | Encina Redevelopment Project | CLIENT: | CH2M Hill, Inc. |
| | NAME: SAN LUIS REY | ADDRESS: | AFC - Phase I ESA | CONTACT: | David Golles |
| | MAP YEAR: 1975 | LAT/LONG: | 4600 Carlsbad Boulevard | INQUIRY#: | 2000693.4 |
| | PHOTOREVISED FROM: 1968 | | Carlsbad, CA 92008 | RESEARCH DATE: | 08/09/2007 |
| | SERIES: 7.5 | | | | |
| | SCALE: 1:24000 | | | | |

Historical Topographic Map



| | | | |
|--|--|---|--|
| | TARGET QUAD NAME: SAN LUIS REY MAP YEAR: 1997 | SITE NAME: Encina Redevelopment Project AFC - Phase I ESA | CLIENT: CH2M Hill, Inc. CONTACT: David Golles |
| | SERIES: 7.5 SCALE: 1:24000 | ADDRESS: 4600 Carlsbad Boulevard Carlsbad, CA 92008 LAT/LONG: 33.139 / 117.3331 | INQUIRY#: 2000693.4 RESEARCH DATE: 08/09/2007 |

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

440 Wheelers Farms Rd
Milford, Connecticut 06461

Nationwide Customer Service

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

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. |

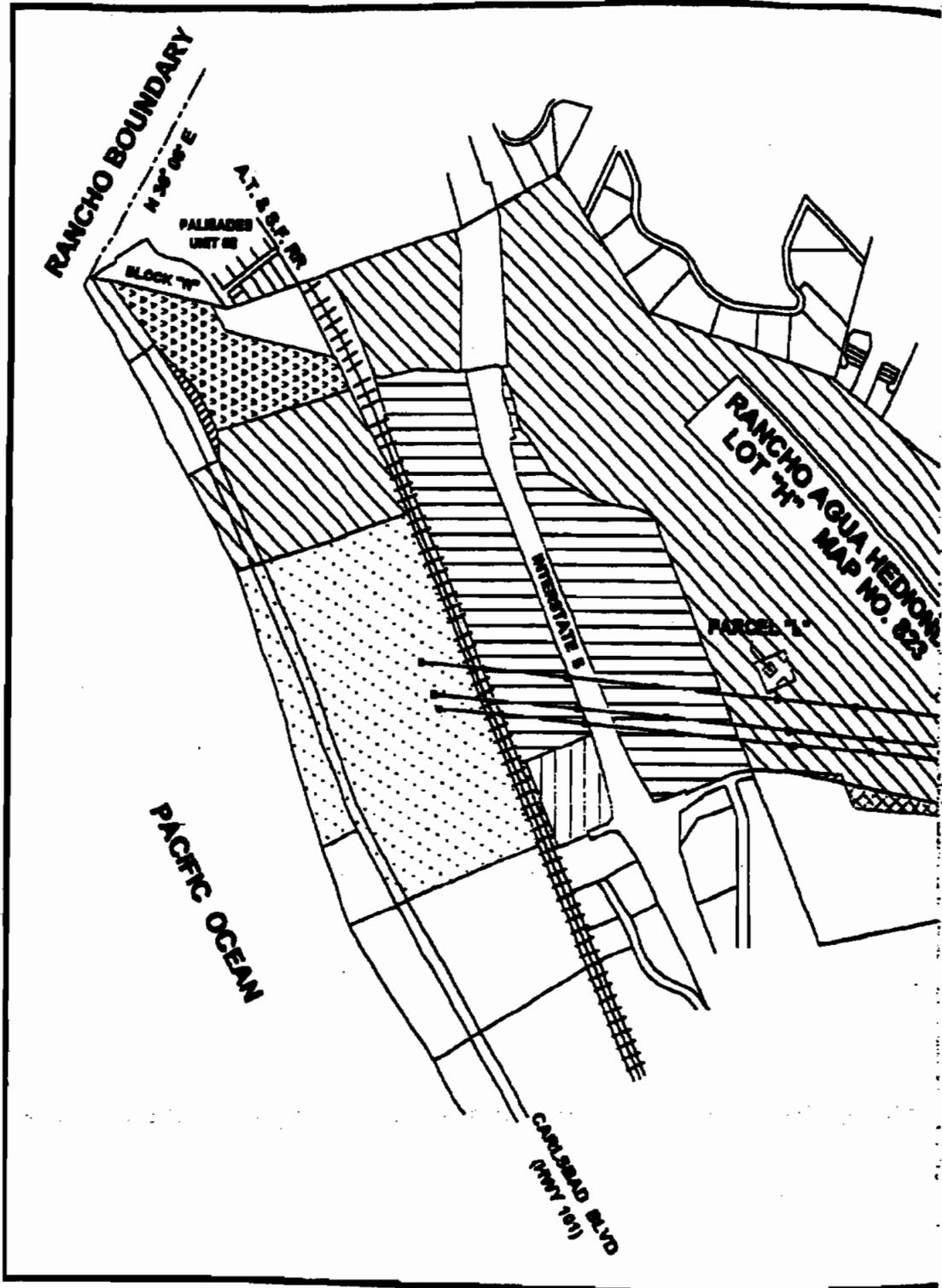
| <u>Year</u> | <u>Uses</u> | <u>Source</u> |
|-------------|--|-----------------------------|
| 1966 | Address Not Listed in Research Source | R. L. Polk & Co. |
| 1970 | **CARLSBAD BLVD** SD G & E CO ENCIRA PWR PLANT 4600 CART\$BIED BI C (4600) | John M. Ducey |
| 1971 | Address Not Listed in Research 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 | **CARLSBAD BLVD** SEAFARMS WEST (4600) | R. L. Polk & Co. |
| 1989 | Address Not Listed in Research Source | PACIFIC BELL WHITE PAGES |
| 1991 | **CARLSBAD BLVD** SEAFARMS WEST (4600) | Pacific Bell White Pages |
| | **CARLSBAD ST** METALCLAD INSULATION CORP (4600) | Pacific Bell White Pages |
| 1992 | Address Not Listed in Research Source | Pacific Bell White Pages |
| 1995 | **CARLSBAD BLVD** 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. |

| <u>Year</u> | <u>Uses</u> | <u>Source</u> |
|--------------------|---------------------------------------|---------------------------------------|
| 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. |
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| 1956 | Address Not Listed in Research Source | R. L. Polk & Co. |
| 1960 | Address Not Listed in Research Source | R. L. Polk & Co. |
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| 1962 | Address Not Listed in Research Source | Community Directory Co. |
| 1965 | Address Not Listed in Research Source | Luskey Brothers Co., Inc. |
| 1966 | Address Not Listed in Research Source | R. L. Polk & Co. |
| 1970 | Address Not Listed in Research Source | 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. |

| <u>Year</u> | <u>Uses</u> | <u>Source</u> |
|--------------------|---------------------------------------|--------------------------|
| 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 |

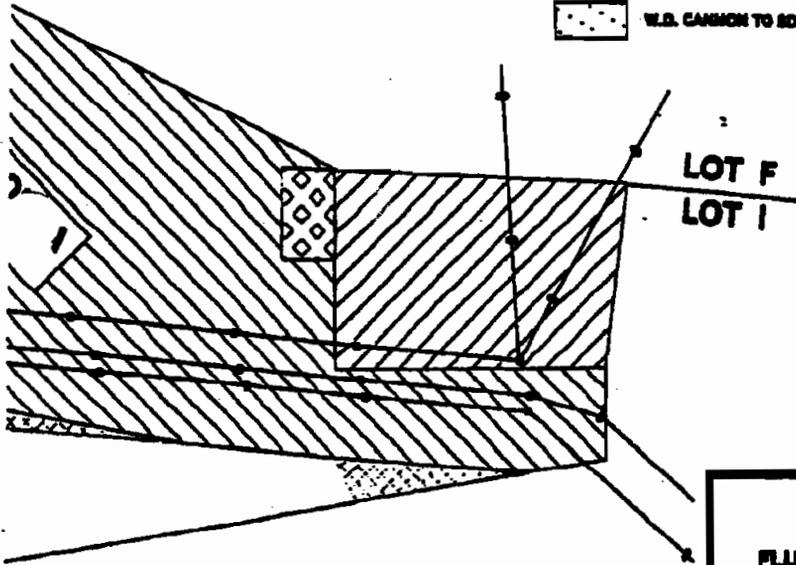


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LEGEND

-  ECKE TO ECKE JANUARY 13, 1900; FILE/PG. NO. 6788
-  OUTGRANT TO ECKE
-  ECKE TO ECKE APRIL 18, 1903; BK. 4821, PG. 187
-  ECKE TO ECKE, APRIL 18, 1903, BK. 4821, PG. 188 C.J.R.
-  JACOBSEN ET AL TO ECKE APRIL 18, 1902, BK. 4488, PG. 48
-  KELLY (TORRENS), MAY 28, 1903 BK. 6888, PG. 447 C.J.R.
-  W.D. CANNON TO ECKE, DECEMBER 12, 1902, BK. 4722, PG. 289 C.J.R.
-  W.D. CANNON TO ECKE, OCTOBER 2, 1900, BK. 2876, PG. 1
-  W.D. CANNON TO ECKE, SEPTEMBER 27, 1900, BK. 2874, PG. 483 C.J.R.



| | | | |
|---|-------------|------------------------|---------------------|
|  | | 0 FEET 1000 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: FIG. D-1 |
| P/M: | | P/E/NO: | |

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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 jackknifed 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 sump berm. |
| Fuel Oil Tank #2, floor | July 1976 | No. 6 fuel oil/5 bbl | Mixed with sand and 7 drums of soil disposed. Tank removed from service and floor sealed with fiberplugs in 1978. |
| 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. |

ENCINA

NOEE

TABLE 3-1
SITE RELEASE HISTORY
ENCINA POWER PLANT

| Location | Date | Material/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 1600 yds ³ impacted soil. |
| Pipeline ruptures 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 Washwater (LWW) line between plant and ponds broken in parking lot, some loss to the stormwater system | 4/18/88 | 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 | 11/2/88 3/3/89 5/19/88 | 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. |

000798 20EE

TABLE 3-1
SITE RELEASE HISTORY
ENCINA POWER PLANT

| Location | Date | Material/Volume | Actions Taken |
|---|----------------|---|--|
| 6" 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 | 6" 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 | | | |
| Fleet LST area, south side Building 8 | 4/18/84 | Diesel/40 gallons | Washed cleaned 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. |

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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. & 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 | 6/9/97 | 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

03-1-1998

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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 25208) 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 B-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 8.12.

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CLOSURE CERTIFICATION REPORT FOR WASTEWATER PONDS LOCATED AT ENCINA POWER PLANT

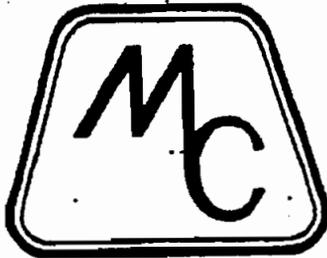
Prepared for:

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. ONLY

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SDGE
Encina Power Plant
Wastewater Ponds Closure

1-1

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
Rev: 0
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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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SDGE
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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June 1992
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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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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 23, 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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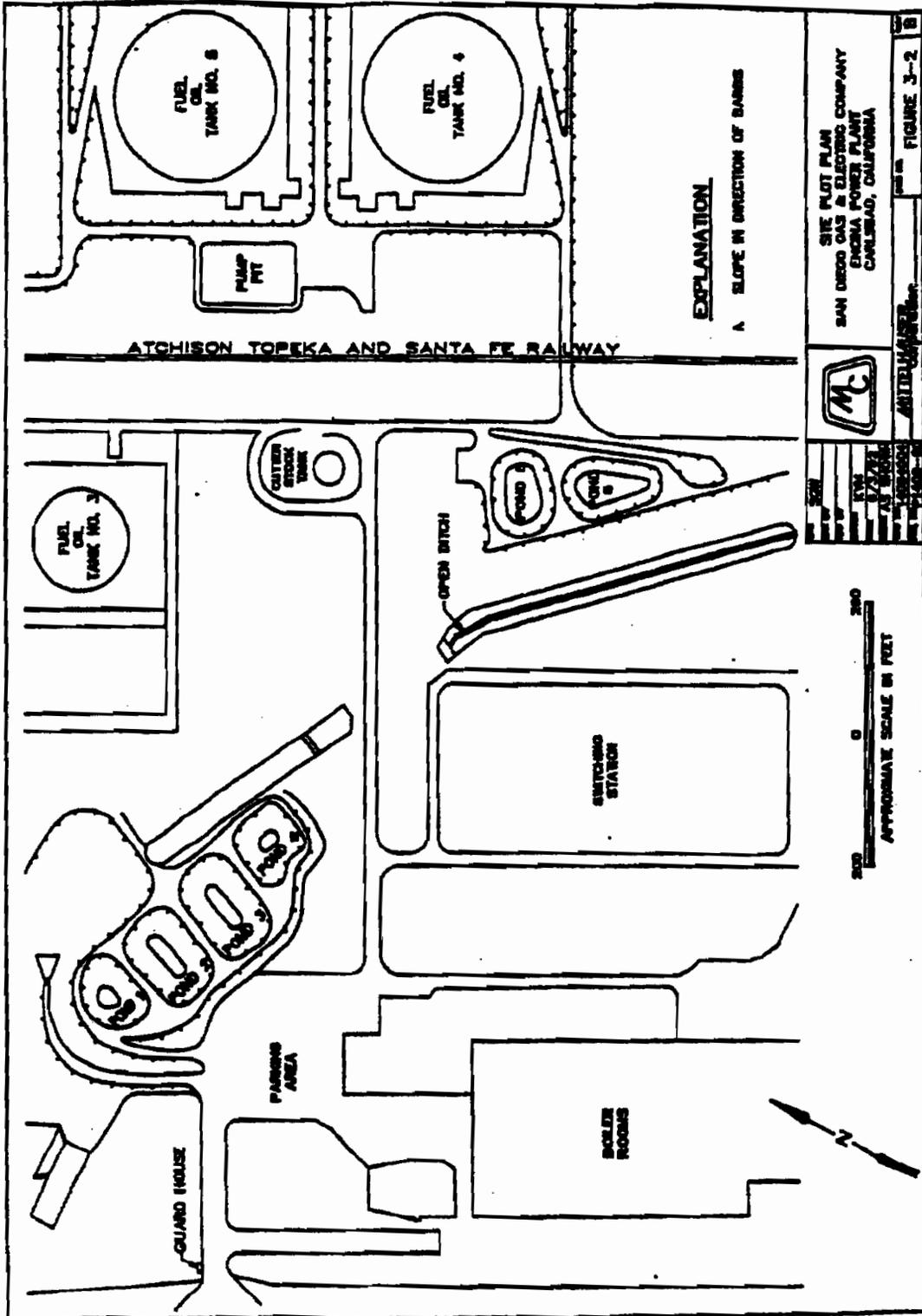
The six surface impoundments were grouped together in two separate areas as shown on the site plot plan, Figure 3-2. Ponds 1, 2, 3, and 4 are located to the north of the power plant. From west to east, Ponds 1 and 2 contain low-volume wastewater, and Ponds 3 and 4 contain metal-cleaning wastewater. Ponds 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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SDGE
Encina Power Plant
Wastewater Ponds Closure

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June 1992
Rev: 0
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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

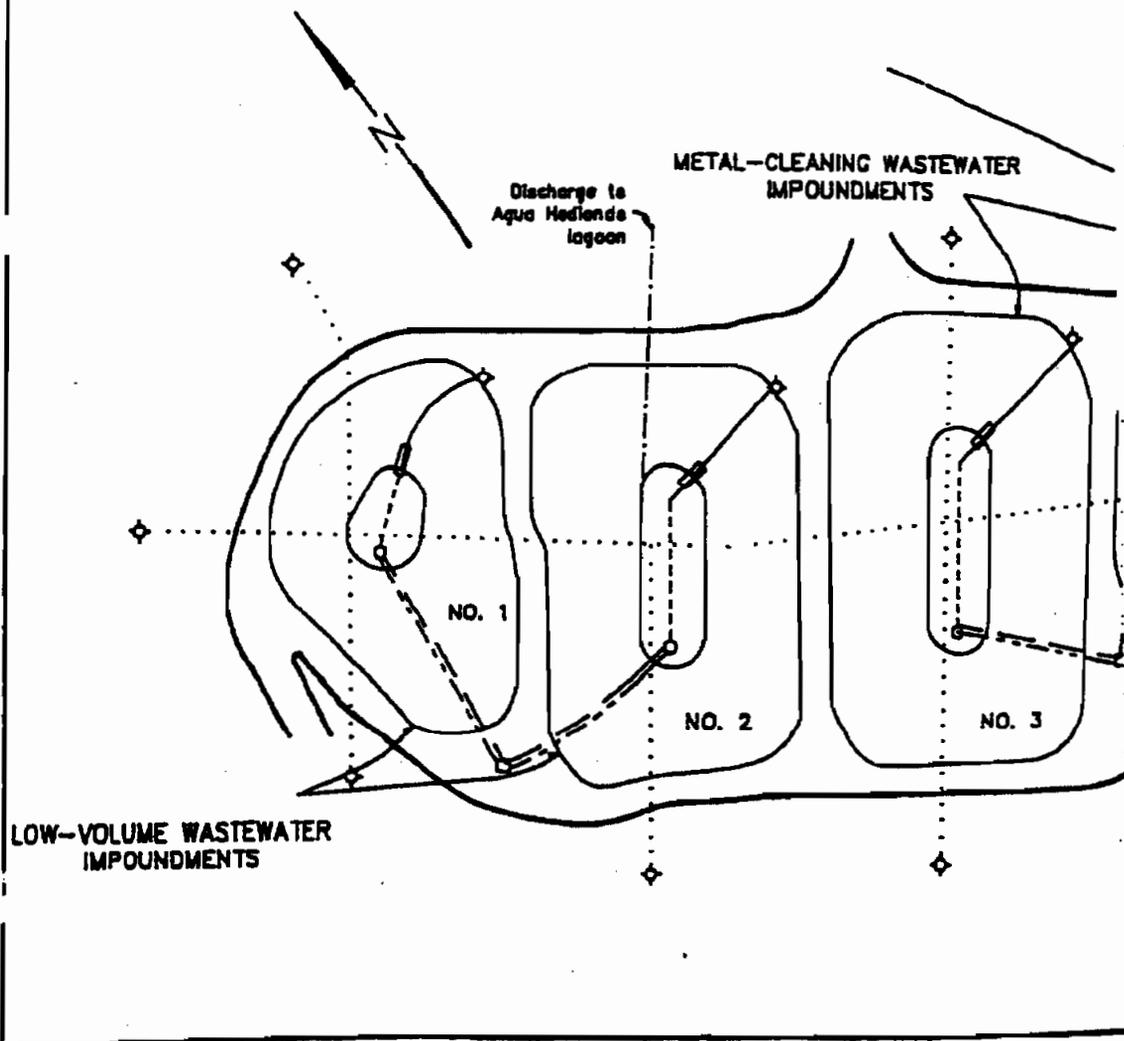
GROUNDWATER SUBDRAIN SYSTEM

- Perforated Subdrain (6")
- - - - Subdrain Collector (6")

LEACHATE COLLECTION SYSTEM

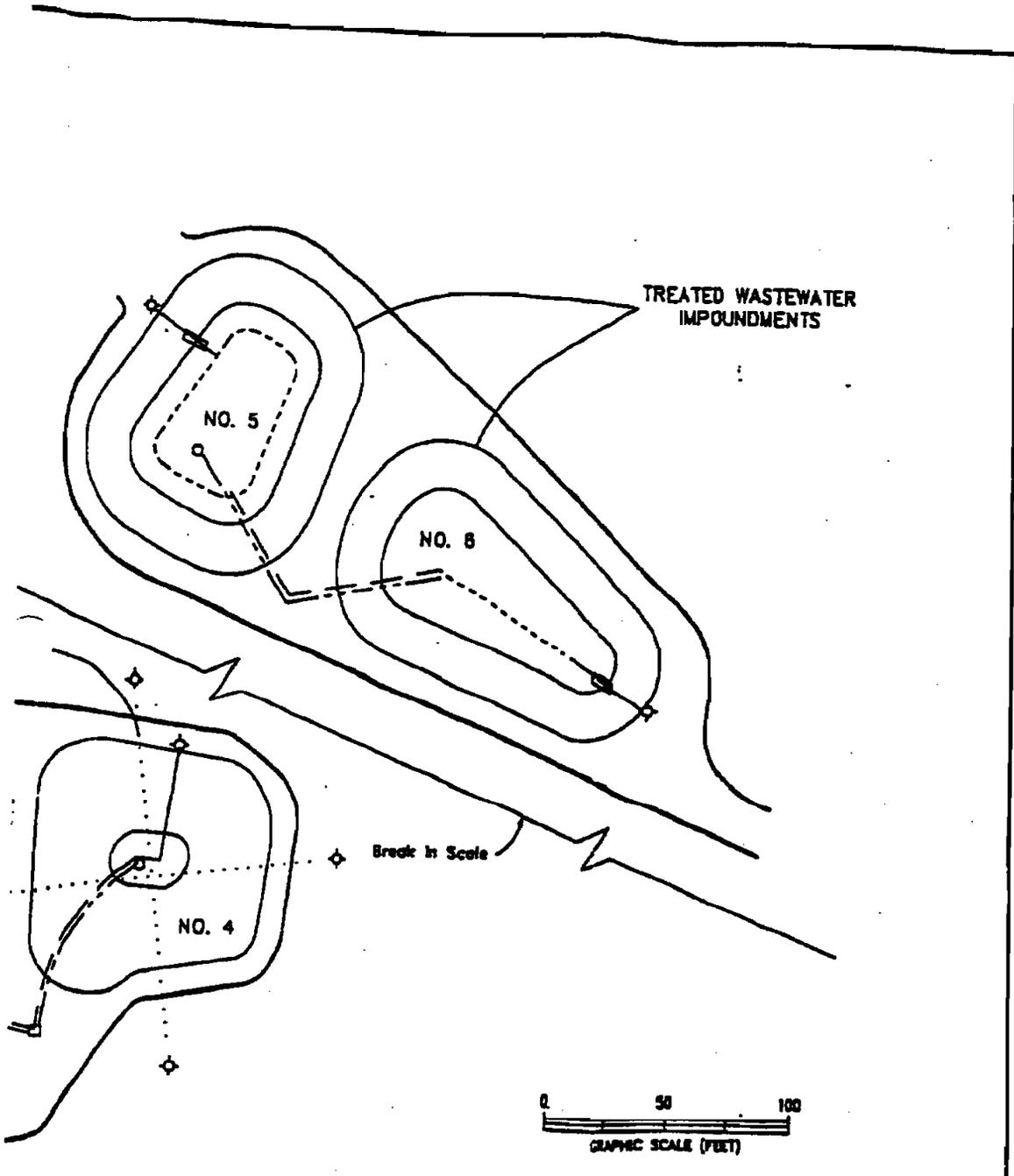
- Inlet Piping (6")
- - - - Perforated Drain (6")
- - - - Drain Collector (6")
- Drain Flushing Riser (3")
- Control Structure/Sump
- ◇ Drain Cleanout
- Impoundment Inlet Structure

• Inner Diameter



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AFTER SDG&E, PIPING PLANS, SHEETS C-18 AND C-19

| | | | | | | | | | | | | | | |
|---|-------|--------------------|----|----|---------|--|------|--|------------------|--|--------------|--|---|---|
| <table border="1"> <tr><td>DATE</td><td>11/88</td></tr> <tr><td>BY</td><td>MC</td></tr> <tr><td>CHKD BY</td><td></td></tr> <tr><td>DATE</td><td></td></tr> <tr><td>NO. OF REVISIONS</td><td></td></tr> <tr><td>NO. OF PAGES</td><td></td></tr> </table> | DATE | 11/88 | BY | MC | CHKD BY | | DATE | | NO. OF REVISIONS | | NO. OF PAGES | |  | <p>FIGURE 3-4 GROUNDWATER SUBDRAIN AND LEACHATE COLLECTION SYSTEMS IMPOUNDMENT CLOSURE PLAN</p> <p>TRINIC FEDERAL POWER PLANT</p> |
| DATE | 11/88 | | | | | | | | | | | | | |
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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

1771 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
ARTHUR L. COE
Executive Officer

JFA:enc&ares.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

SFH 310.2

Mr. Lee R. McDonald
Environmental Services Administrator
San Diego Gas & Electric
P.O. Box 1831
San Diego, California 92112

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,

M.S. Sandhu
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
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BUNKER "C" FUEL OIL SPILL
SDG&E ENCINA POWER PLANT
4600 CARLSBAD BOULEVARD
CARLSBAD, CALIFORNIA
APN NO. 210-010-34

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4600 CARLSBAD BOULEVARD
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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 | (in milligrams per kilogram) | | | |
|-------------|------------------------------|---------|---------------|---------|
| | Benzene | Toluene | Ethyl benzene | Xylenes |
| 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> |
|------------------------|---|
| July 25, 1995 | |
| 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 |
| August 4, 1995 | |
| 12 | 240 |
| 13 | 790 |
| 14 | 730 |
| 15 | 560 |
| 16 | 960 |
| 17 | 1,300 |
| 18 | 250 |
| 19 | 410 |

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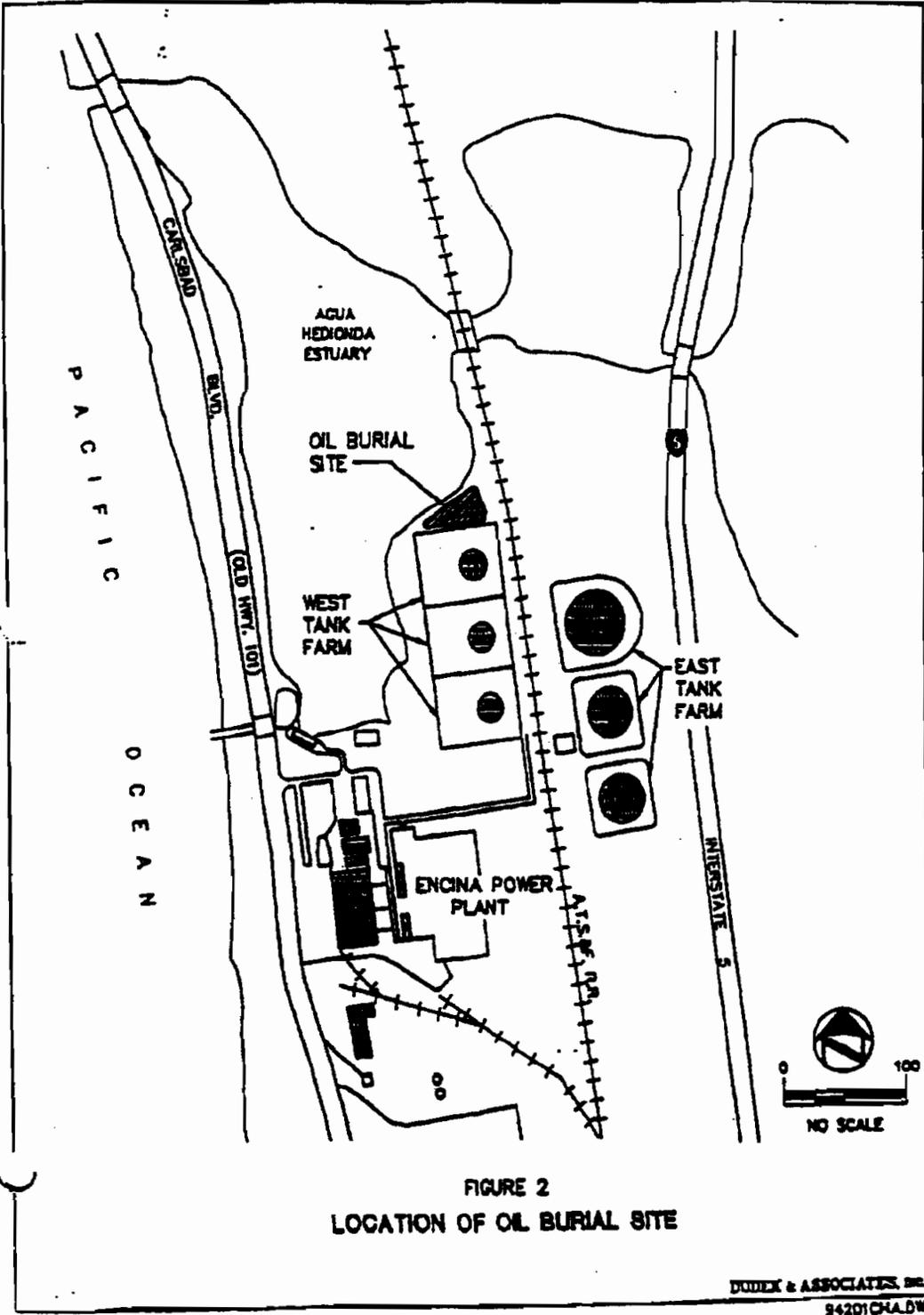


FIGURE 2
LOCATION OF OIL BURIAL SITE

DODIX & ASSOCIATES, INC.
94201 CHA.DWG

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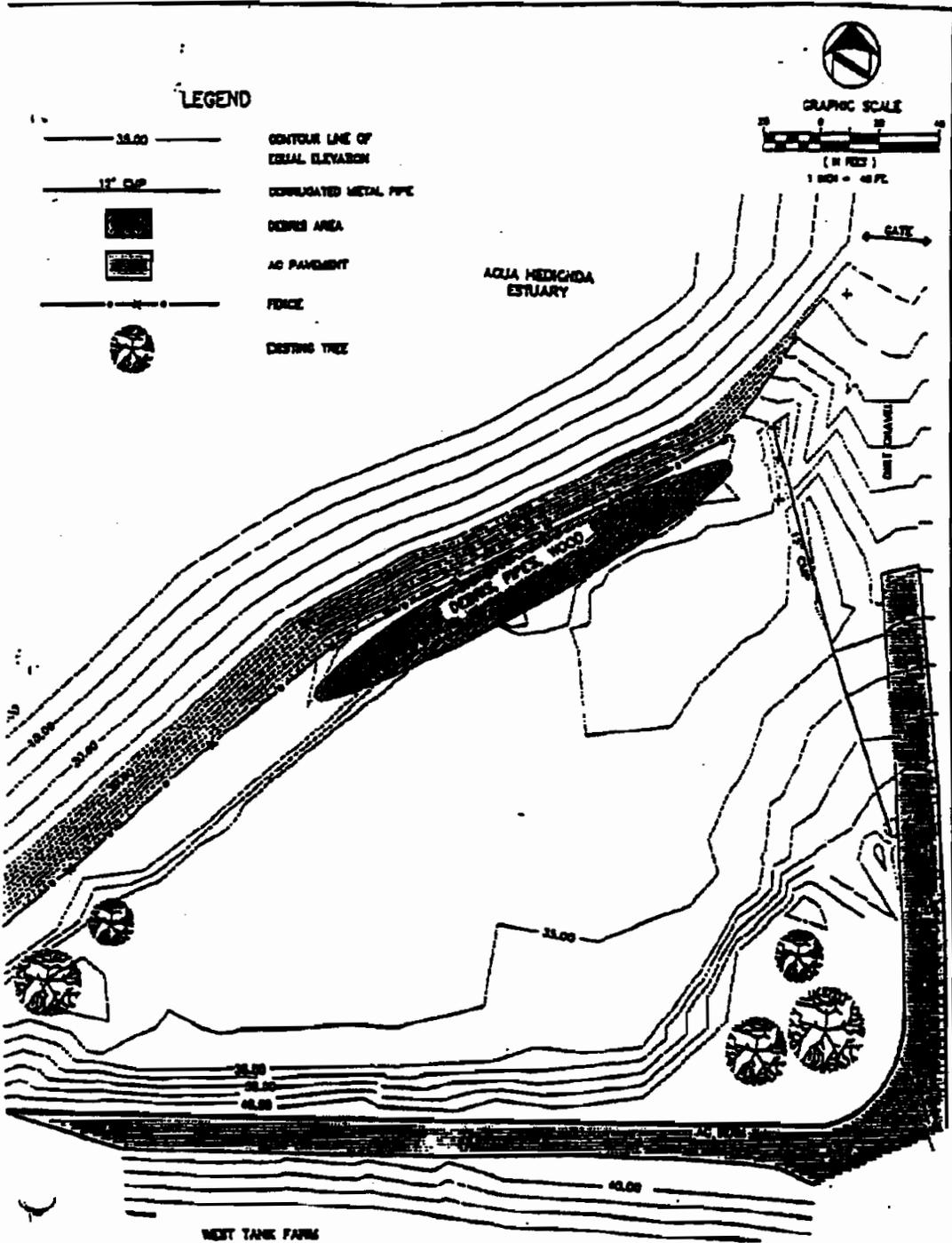


FIGURE 3
SITE TOPOGRAPHY
PRIOR TO EXCAVATION

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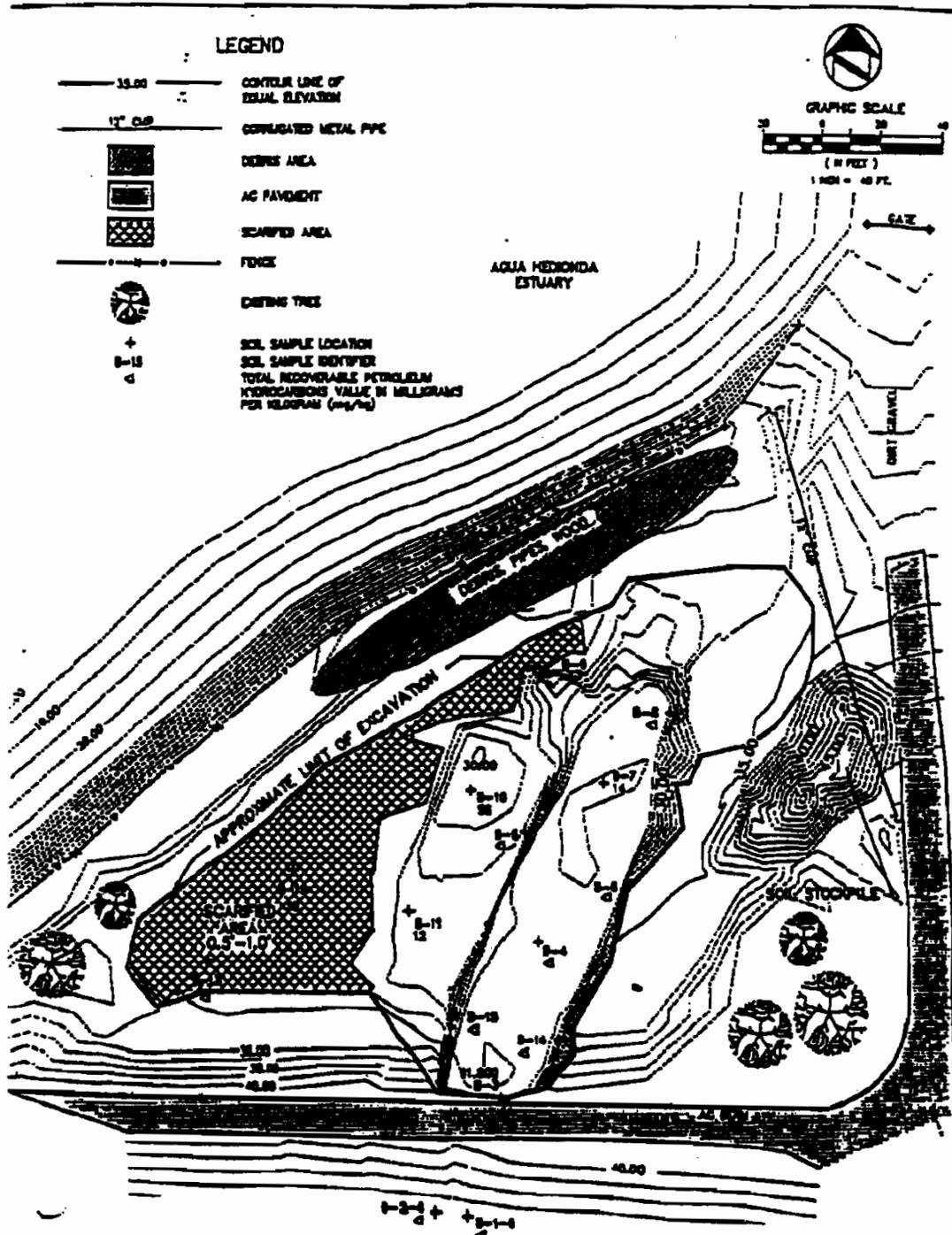


FIGURE 6
SITE TOPOGRAPHY
POST EXCAVATION AND SOIL SAMPLE RESULTS

PERKINS & ASSOCIATES, INC.

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County of San Diego

DANIEL J. AVERA
DIRECTOR

LARRY T. AGER
ASSISTANT DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
P.O. BOX 2281, SAN DIEGO, CA 92108-0281
(619) 338-2222 FAX (619) 338-2377

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 FRYATEL, Chief
Site Assessment and Mitigation Division**

CP:gl

Enclosure

cc: Marisela Humphries, RNOCE

"Prevention Comes First"

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SAN DIEGO GAS & ELECTRIC

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ENVIRONMENTAL
DEPARTMENT

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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 85261 San Diego, CA 92184-2261 | Phone: (619) 338-2323 Fax: (619) 338-3319 |
| DEW 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, Carlisle, CA 92008-4301 | | |
| Property Owner: San Diego Gas & Electric (Dave Sline) | Address: P.O. Box 1821 San Diego, CA 92113-4184 | Phone: (619) 594-3600 |
| Responsible/Requesting Party: none | Address: | Phone: |
| Type of Case: Non-Tank | | |
| EPCRA approved DEW Oversight: Yes | | |

III. SITE CHARACTERIZATION AND/OR INFORMATION

| | | | |
|--|-----------------------------|--|--|
| Case and Type of Contamination (if any): 10,000 gallon spill of Number C fuel oil in 1994 | | | |
| Site Characterization Adequate? Yes | | | |
| Monitoring Wells Installed? 20 | Total Number: N/A | Proper Spaced Interval? N/A | Number of commissioned wells: N/A |
| Range of groundwater levels on the site? N/A | | | Groundwater flow direction: N/A |
| Does Sensitive Current Use of Groundwater/Surface water: None | | | |
| inking Water Wells Affected? No | | EPCRA Basis Number: 9.21 Aqua Nodiosa Hydrologic Summit: 4.21 | |
| Is Surface Water Affected? No | | Nearest Surface Water name: Aqua Nodiosa Lagoon | |
| Off-Site Beneficial Use Experts (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 | treatment and recycled at TFS Technologies, Adalense, CA | 6-27-95 to 7-13-95 |
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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)

| Contaminant | INER DOCUMENTED CONTAMINANT CONCENTRATIONS -- BEFORE AND AFTER CLEANUP | | | | | | | | |
|-------------------------|--|--------|-------------|-------|-------------|------------|-------|-------------|-------|
| | Soil (ppm) | | Water (ppm) | | Contaminant | Soil (ppm) | | Water (ppm) | |
| | Before | After | Before | After | | Before | After | Before | After |
| Number 6 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-cleanup 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 Action Rescinded: **N/A**

LOCAL AGENCY REPRESENTATIVE DATA

| | |
|---|---|
| Name: Chuck Pryzkal | Title: Division Manager Site Assessment and Mitigation |
| Signature: _____ | Date: _____ |
| Hydrogeologist Concurrence: KMPA | Date: 10/30/96 |

VI. RCQS NOTIFICATION

| | |
|--|---------------------------|
| Date submitted to the RCQS: N/A (soil project only) | RCQS Response date: _____ |
| RCQS Staff: _____ | Title: _____ |

VII. SUMMARY COMMENTS, PAGE TWO

In 1994, Number 6 Fuel oil was spilled into a water under building pond. The spill was estimated as 12,000 gallons. The spilled oil was excavated 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 6 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 mailed to TPA Technologies for treatment and recycling.

The maximum depth of excavation was approximately 9 feet below grade. Based on EICAT's conclusions, 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 6 Fuel oil is still in place. Based on the physico-chemical characteristics of the released fuel, the spill/leak type and the estimated depth to groundwater, the consultant concluded that groundwater has not been impacted by the release.

Cleanup 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

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

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 |
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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

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.sdcounty.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 or
Exact Address (Street, City and Zip Code) 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 # _____ | # _____ | # _____ | # _____ |
|-----------------------|------------------|---------|---------|---------|

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
(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.sdcounty.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:

5600 Avenida Encinas, Carlsbad, CA 92008 or
Exact Address (Street, City and Zip Code) 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:

- Contaminated Property Investigation(s) (SAM Cases)
- Purchasing/Selling Property
- Hazardous Materials Permit and Underground Storage Tank Files
- SAM Closure Letter/Report
- Other

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.

- 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 _____



| | |
|------------------------|-------|
| OFFICE USE ONLY | |
| File # | _____ |
| Request# | _____ |
| No Records | _____ |

County of San Diego

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JACK MILLER
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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

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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 # _____ | # _____ | # _____ | # _____ |
|-----------------------|------------------|---------|---------|---------|

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 _____

**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 | Address | Phone Number |
| SDG&E | 6875 CONSOLIDATED WAY SAN DIEGO, CA 92121 | 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 | Amount (Include Units) | Action (Treatment or Disposal) | Date |
| Contaminated soil | 4,426 Cubic yards | Transported to TPS Technologies for recycling | 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.

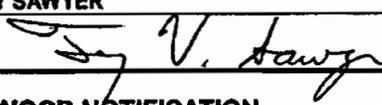
IV. CLOSURE

| |
|--|
| 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

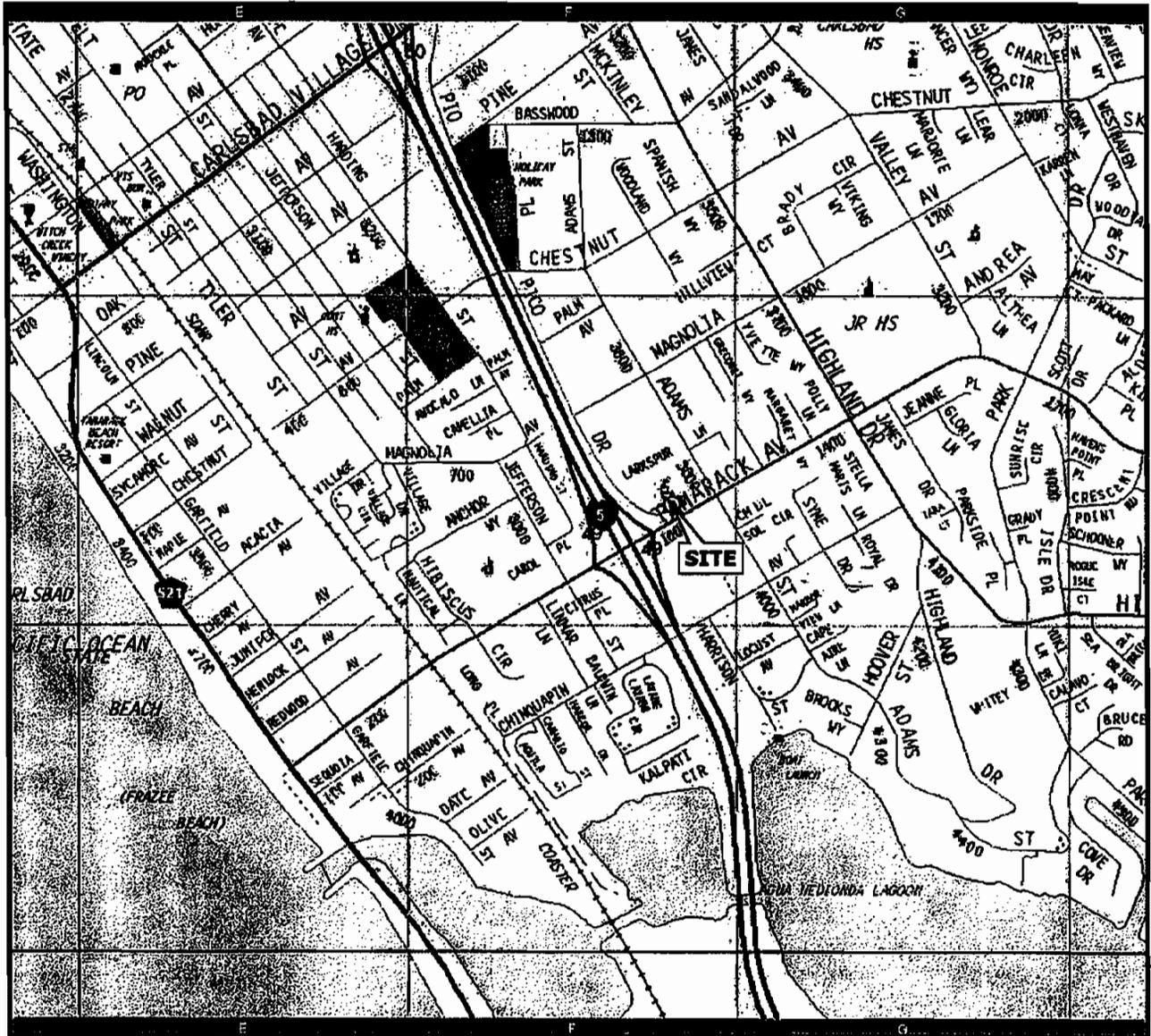
Based on the findings of the site assessment, SECOR makes the following conclusions concerning the nature, extent, and severity of petroleum hydrocarbon impacts to subsurface soil, soil gas, and groundwater at the site and in the site vicinity:

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.

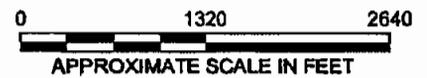
8.0 RECOMMENDATIONS

Based on the information presented in this report, SECOR recommends the following:

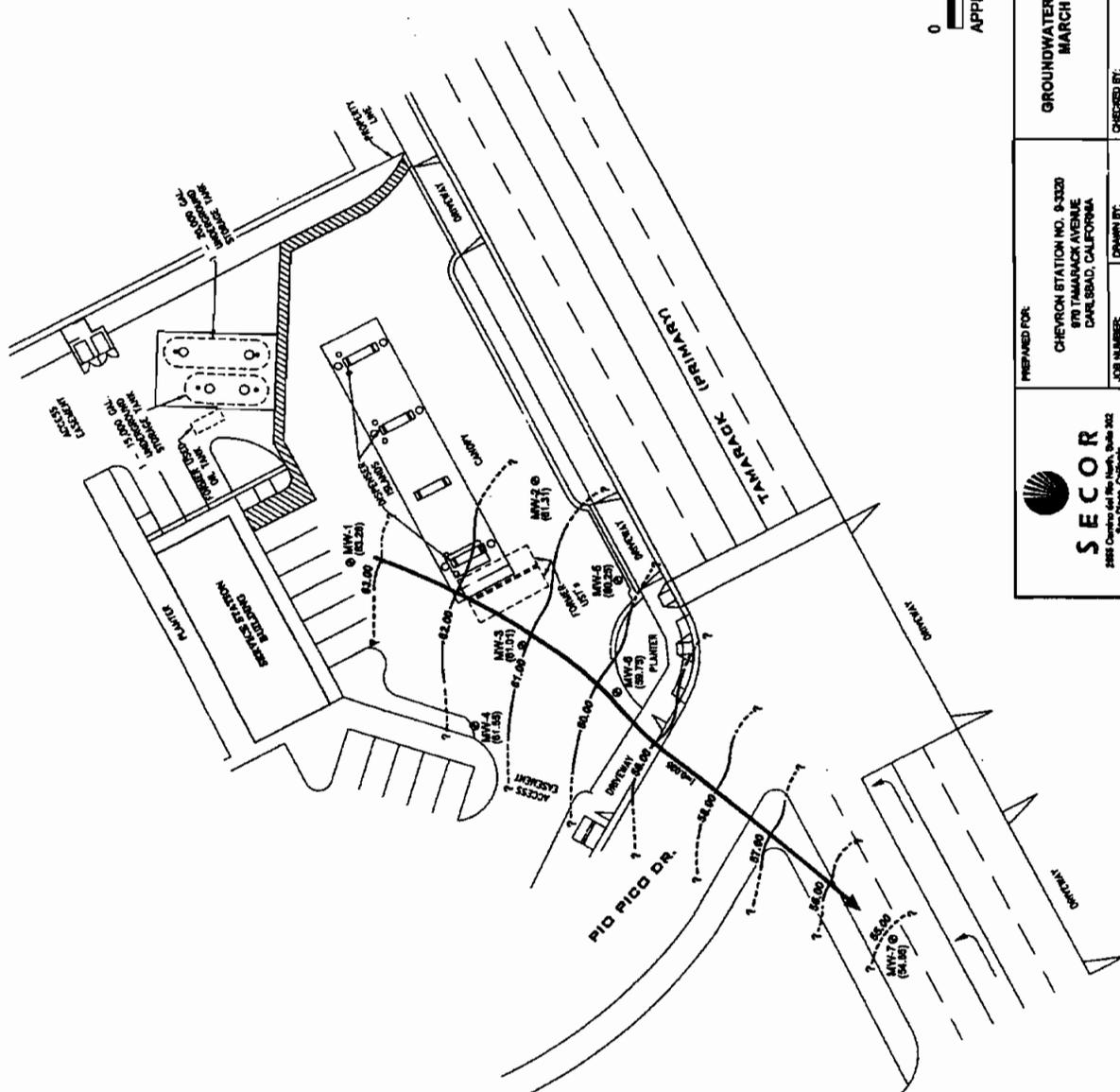
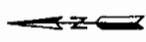
1. Continue to perform quarterly well gauging and semi-Annual groundwater sampling events for all existing site groundwater MWs.
2. Install one more groundwater MW to the south-southwest of the site, and incorporate this groundwater MW into the semi-annual well sampling schedule.



REFERENCE: 2003 THOMAS GUIDE CD-ROM, PAGE & GRID 1106 F6.



| | | | | | |
|---|---|-----------------|--------------------------|--------------|-------------------------|
|  SECOR 2855 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.83320.08 | DRAWN BY: PD | CHECKED BY: | APPROVED BY: | DATE: 5/16/05 |

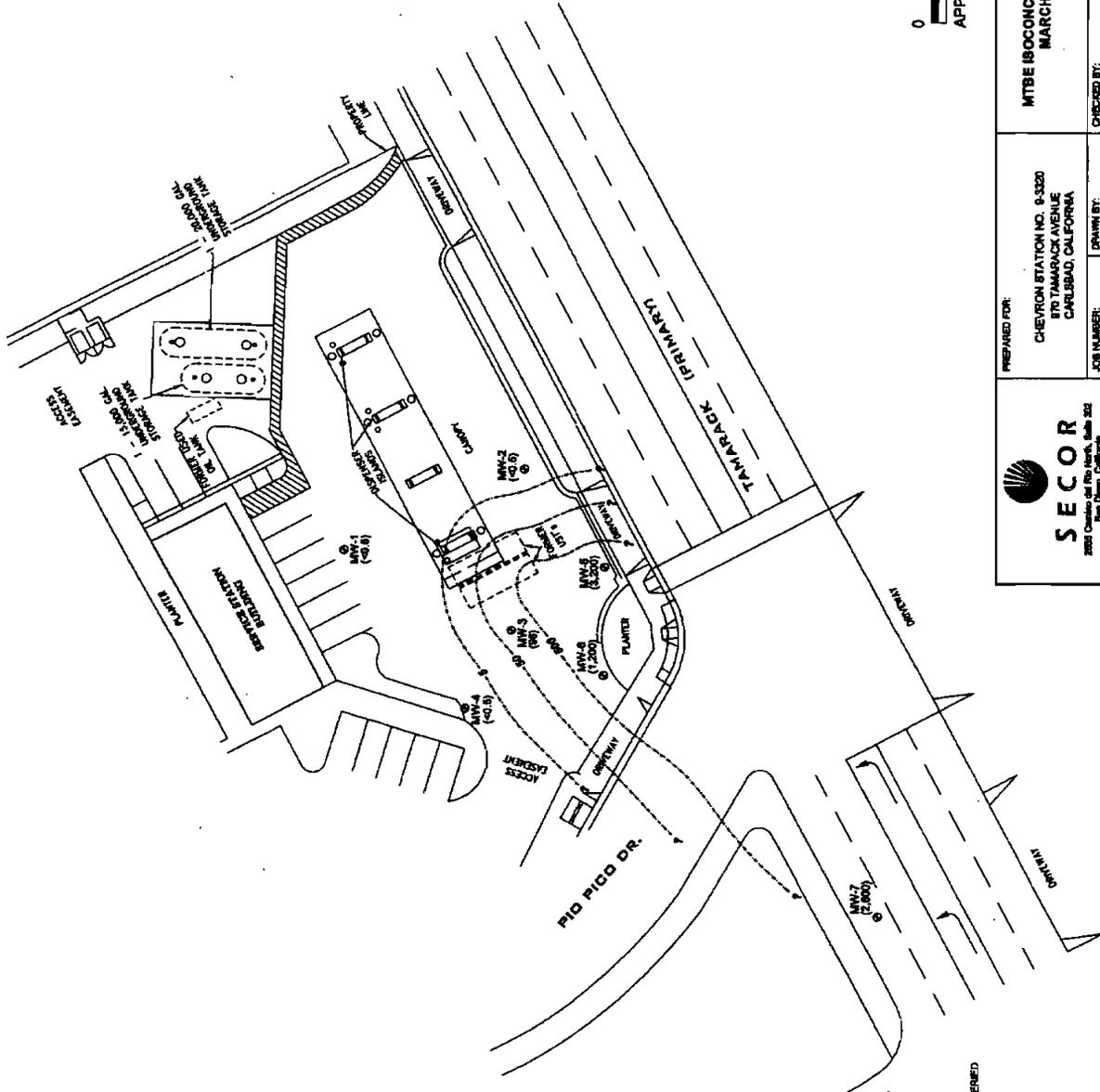
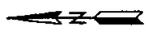


- LEGEND:**
- MW-7 ○ GROUNDWATER MONITORING WELL LOCATION (83.28)
 - GROUNDWATER ELEVATION IN FEET ABOVE MEAN SEA LEVEL (MSL)
 - ESTIMATED GROUNDWATER ELEVATION CONTOUR IN FEET ABOVE MSL, DASHED WHERE INFERRED, DOTTED WHERE UNKNOWN
 - APPROXIMATE DIRECTION OF GROUNDWATER FLOW AND HYDRAULIC GRADIENT (H)

MAP REFERENCE: SOUTHERN CALIFORNIA SURVEY MARCH 31, 2003

| | | |
|--|--|-----------------------------|
| <p>SECOR 2885 Century 46th St., Suite 302 San Diego, California 619-294-1888 Fax 619-294-4188</p> | <p>PREPARED FOR: CHEVRON STATION NO. 9-3320 870 TAMARACK AVENUE CARLSBAD, CALIFORNIA</p> | <p>FIGURE: 5</p> |
| | <p>JOB NUMBER: UTON1333013 DRAWN BY: PD CHECKED BY: [blank] APPROVED BY: [blank]</p> | <p>DATE: 8/10/03</p> |

FILEPATH: C:\AD\Map\pach0303013.dwg | Chevrn\Tst\0303013.dwg | [pach03] May 17, 2006 11:12:56 | Layout: Model 9-3320DWG-08

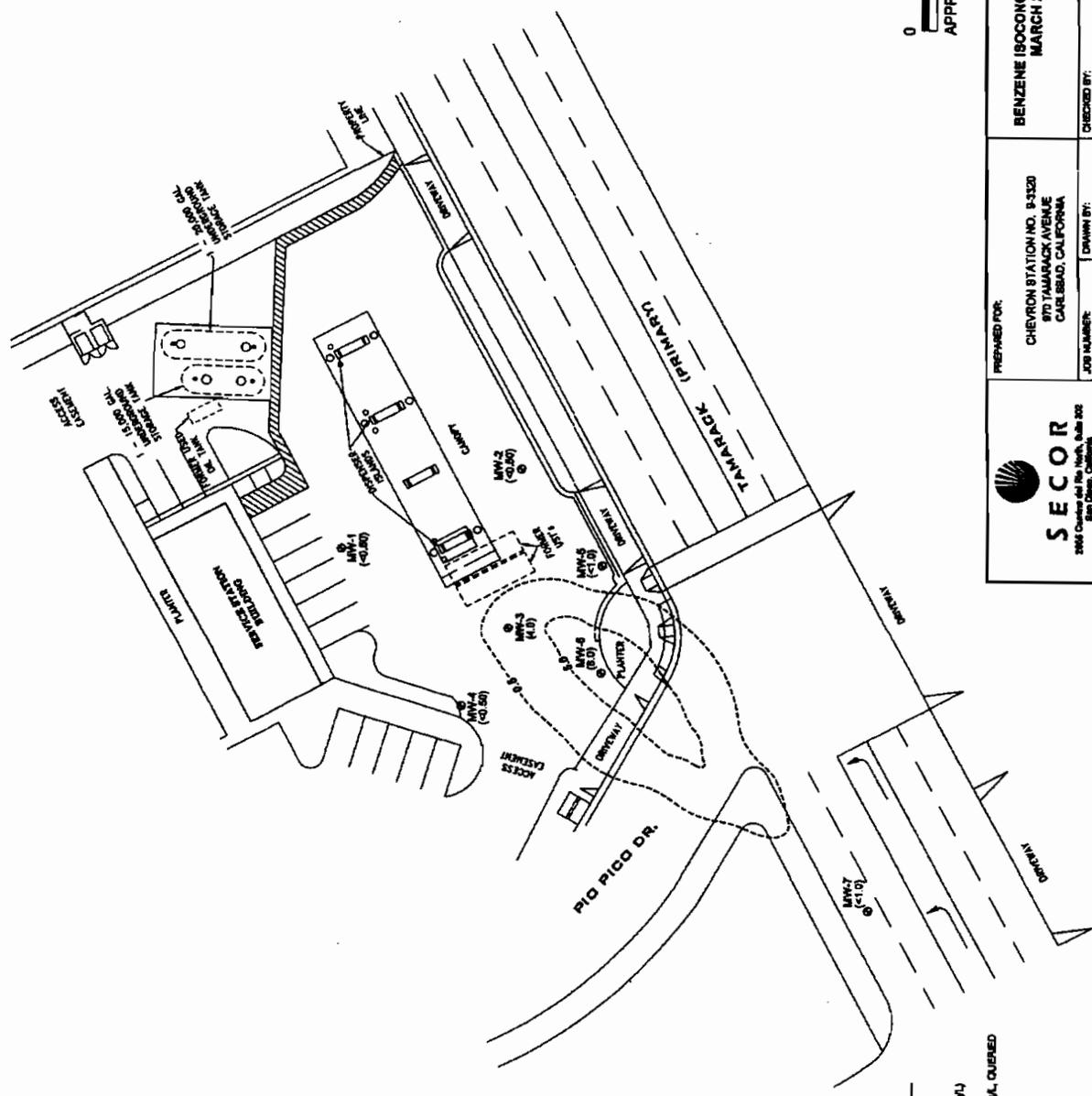
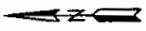


- LEGEND:**
- MW-7 GROUNDWATER MONITORING WELL LOCATION
 - (40.0) MTBE CONCENTRATION IN MICROGRAMS PER LITER ($\mu\text{g/L}$)
 - (80) ESTIMATED MTBE ISOCONCENTRATION CONTOUR IN $\mu\text{g/L}$, QUERIED WHERE UNKNOWN
 - MTBE METHYL TERT-BUTYL ETHER
 - BELOW LABORATORY REPORTING LIMIT

MAP REFERENCE: SOUTHERN CALIFORNIA SURVEY MARCH 21, 2005

| | | | |
|--|---|---|----------------------------|
| <p>SECOR 2880 Camino del Rio North, Suite 300 San Diego, California 619-594-1188 Fax 619-594-8188</p> | <p>PREPARED FOR:</p> <p>CHEVRON STATION NO. 9-3320 870 TAMARACK AVENUE CARLSBAD, CALIFORNIA</p> | <p>MTBE ISOCONCENTRATION MAP MARCH 29, 2005</p> | <p>FIGURE 7</p> |
| | <p>JOB NUMBER: MTC-13320-04</p> <p>DRAWN BY: PG</p> | <p>CHECKED BY:</p> | <p>APPROVED BY:</p> |

FILE PATH: F:\CAD\MapDocs\2005\Map\Chevron\Tamarack\Map\9-3320\MTBE-04.dwg [Joblog] May 17, 2005 at 12:24 [Layout: Model] 8-3320MTBE.dwg

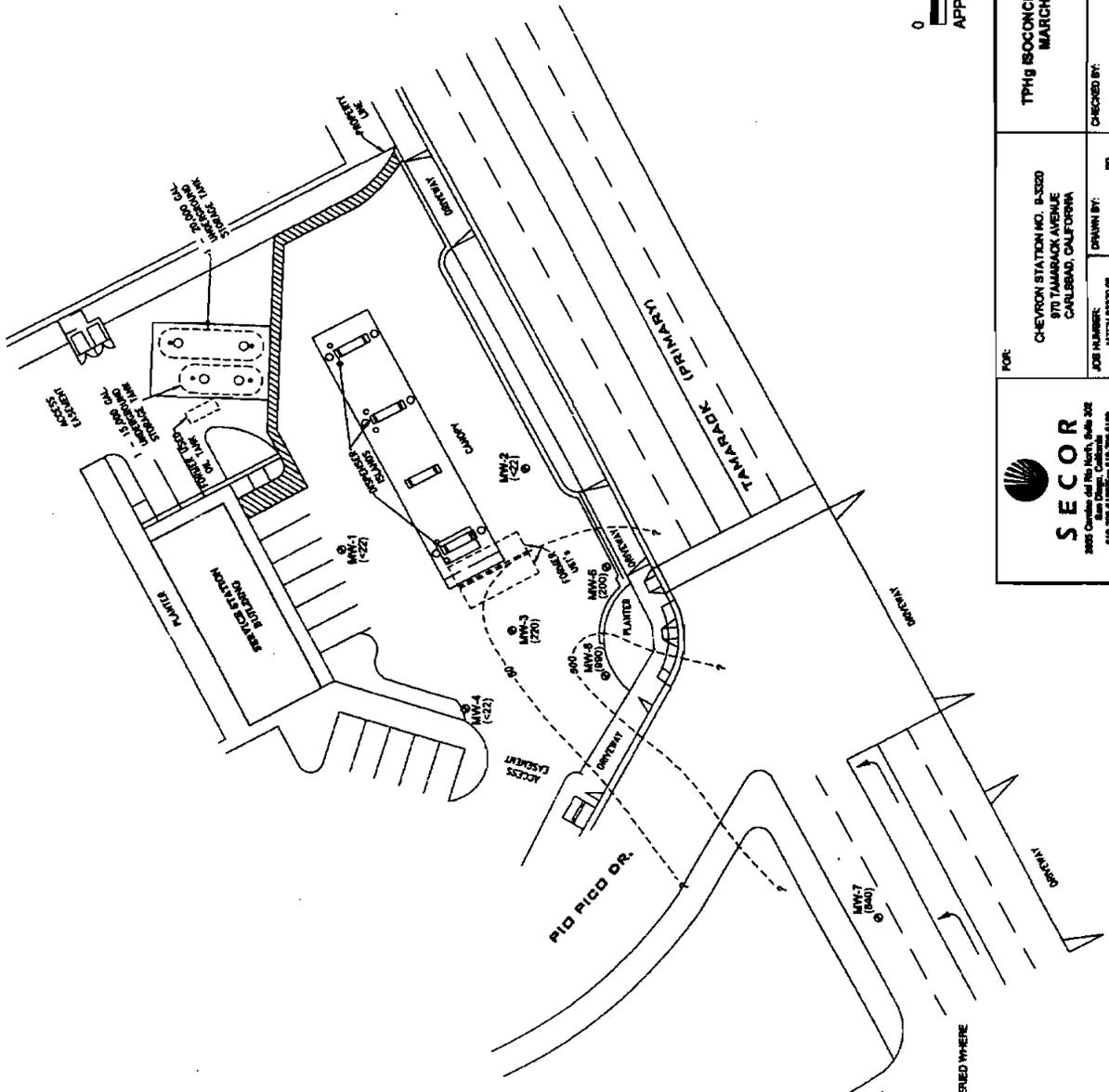
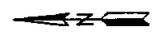


LEGEND:
 MW-7 (1.0) GROUNDWATER MONITORING WELL LOCATION
 (0.0) BENZENE CONCENTRATION IN MICROGRAMS PER LITER (µg/L)
 8.0 ESTIMATED BENZENE ISOCONCENTRATION CONTOUR IN µg/L, QUENCHED WHERE UNKNOWN
 1.0 BELOW LABORATORY REPORTING LIMIT

MAP REFERENCE: SOUTHERN CALIFORNIA SURVEY MARCH 21, 2005

| | | |
|--|--|-----------------------------|
| <p>SECOR 2965 Courtes del Norte, Suite 202 San Diego, California 619-584-1600 Fax 619-584-1199</p> | PREPARED FOR: CHEVRON STATION NO. S-3320 870 TAMARACK AVENUE CARLSBAD, CALIFORNIA | FIGURE: 8 |
| | JOB NUMBER: MITCHELLS018 DRAWN BY: PO | CHECKED BY: APPROVED BY: |

FILEPATH: C:\WORK\Projects\2005\3320-S-3320\SECOR\Station\Tamarack\Map\Map17_2005.dwg (17_2005.dwg) (Layout: Model)



- LEGEND:**
- MW-7 GROUNDWATER MONITORING WELL LOCATION
 - (-22) TP19 CONCENTRATION IN MICROGRAMS PER LITER ($\mu\text{g/L}$)
 - ESTIMATED TP19 ISOCENTRATION CONTOUR IN $\mu\text{g/L}$. QUERIED WHERE UNKNOWN
 - TP19 TOTAL PETROLEUM HYDROCARBONS AS GASOLINE
 - BELOW LABORATORY REPORTING LIMIT

MAP REFERENCE: SOUTHERN CALIFORNIA SURVEY MARCH 21, 2005

| | | |
|--|---|-------------------------|
| <p>SECOR 2805 Central Exp. Hwy North, Suite 308 818-284-1100 • FAX 818-284-6189</p> | <p>FOR: CHEVRON STATION NO. B-3220 970 TAMARACK AVENUE CARLSBAD, CALIFORNIA</p> | <p>FIGURE: 9</p> |
| | <p>DATE: 3/19/05</p> | <p>APPROVED BY:</p> |
| <p>JOB NUMBER: MITC13320.08</p> | <p>DRAWN BY: PD</p> | <p>CHECKED BY:</p> |
| <p>FILE PATH: \\C:\00-00\Projects\2005\CHEVRON\B-3220\B-3220-TP19-05\B-3220-TP19-05.dwg</p> | | |

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 | TRPH | TPHg | Benzene | Toluene | Ethylbenzene | Xylenes | MTBE* | MTBE** | 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 | 0.01 | 0.02 | <0.035 | -- | -- | -- | -- | -- | -- |
| 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 | 1/28/99 | -- | <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 | 14.5 | 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 | -- | 380 | 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 Tamazack 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 | 0.67 | 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 | 0.6 | 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
 TAME = tert-Amyl Methyl Ether
 TBA = tert-Butanol
 -- = Not analyzed
 < = Less than the analytical detection limits indicated
 * = Analyzed by EPA Method 8021
 ** = Analyzed by EPA Method 8260
 ft bgs = Feet below ground surface
 TRPH = Total Recoverable Petroleum Hydrocarbons

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) | Volume (yd ³) | Mean (mg/kg) | Mass (lbs) | Gallons |
| <i>Estimated Volume</i> | | | | | | | |
| 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
619-338-2222/FAX 619-338-2315/1-800-253-9933

www.sdcounty.ca.gov/deh/twq

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 | | | | | | | Total Xylenes [1] µg/l (ppb) | DIPE [1] µg/L (ppb) | ETBE [1] µg/L (ppb) | TAME [1] µg/L (ppb) | TBA [1] µg/L (ppb) |
|-------------|---------|------------|-------------------|----------------------|------------------------|------------------------|------------------------------|---------------------|-------|------------------------------|---------------------|---------------------|---------------------|--------------------|
| | | | Elevation (feet)* | TPH-g [1] µg/l (ppb) | Benzene [1] µg/l (ppb) | Toluene [1] µg/l (ppb) | Ethyl-benzene [1] µg/l (ppb) | MTBE [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 | <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 | <5.0 | | |
| MW-3 | 3/29/05 | 15.60 | 61.01 | 220 | 4.0 | 6.0 | 0.8 | 96 | <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 | <5.0 | | |
| MW-5 | 3/29/05 | 15.95 | 60.25 | 200 | <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 | 0.7 | 59 | 1200 | <0.50 | <0.50 | 110 | 180 | | |
| MW-7 | 3/29/05 | 18.80 | 54.85 | 840 | <1.0 | <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, 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, 870 Tamarack Avenue, Carlsbad, California

| Well No. and Elevation (feet)* | Date | DTW (feet) | Groundwater | | Corrected Groundwater Elevation (feet)** | LPH Thickness (feet)** | Benzene [2] µg/L (ppb) | Toluene [2] µg/L (ppb) | Ethylbenzene [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) |
|--------------------------------|----------|------------|-------------------|--------------------|--|------------------------|------------------------|------------------------|-----------------------------|------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|--------------------|
| | | | Elevation (feet)* | Elevation (feet)** | | | | | | | | | | | | |
| MW-1 77.14 | 2/11/99 | 19.62 | -- | 59.69 | 59.69 | -- | <0.30 | <0.30 | <0.30 | <0.60 | <1.0 | -- | -- | -- | -- | -- |
| | 3/12/99 | 16.78 | 60.36 | 62.53 | 60.36 | -- | <0.50 | <0.50 | <1.5 | <1.0 | -- | -- | -- | -- | -- | -- |
| | 5/8/00 | 17.45 | 59.69 | 61.86 | 59.69 | -- | <0.50 | <0.50 | <1.5 | <1.0 | <1.0 | <1.0 | <5.0 | <5.0 | <5.0 | <5.0 |
| | 8/28/00 | 17.91 | 59.23 | 61.40 | 59.23 | -- | <0.50 | <0.50 | <1.5 | 1.4 | -- | -- | -- | -- | -- | -- |
| | 10/26/00 | 17.98 | 59.16 | 61.33 | 59.16 | -- | <0.50 | <0.50 | <1.5 | -- | -- | 6.7 | <5.0 | <5.0 | <5.0 | <5.0 |
| | 1/23/01 | 18.04 | 59.10 | 61.27 | 59.10 | -- | <0.50 | <0.50 | <1.5 | -- | -- | <1.0 | <5.0 | <5.0 | <5.0 | <5.0 |
| | 4/25/01 | 17.45 | 59.89 | 61.86 | 59.89 | -- | <0.50 | <0.50 | <1.5 | -- | -- | <1.0 | <2.0 | <2.0 | <2.0 | <2.5 |
| | 10/18/01 | 18.09 | 59.05 | 61.22 | 59.05 | -- | <0.50 | <0.50 | <1.5 | -- | -- | <1.0 | <2.0 | <2.0 | <2.0 | <2.5 |
| | 4/15/02 | 18.24 | 58.90 | 61.07 | 58.90 | -- | <0.50 | <0.50 | <1.5 | -- | -- | <1.0 | <2.0 | <2.0 | <2.0 | <2.5 |
| | 10/3/02 | 18.84 | 60.47 | 60.47 | 60.47 | -- | <0.50 | <0.50 | <1.5 | -- | -- | <1.0 | <2.0 | <2.0 | <2.0 | <2.5 |
| 79.31 | 4/22/03 | 17.59 | 61.72 | 61.72 | 61.72 | -- | <0.50 | <0.50 | <1.5 | -- | -- | <1.0 | <5.0 | <5.0 | <5.0 | <2.5 |
| | 11/3/03 | 17.75 | 61.56 | 61.56 | 61.56 | -- | <0.50 | <0.50 | <1.5 | -- | -- | <1.0 | <5.0 | <5.0 | <5.0 | <2.5 |
| | 6/17/04 | 17.65 | 61.66 | 61.66 | 61.66 | -- | <0.50 | <0.50 | <1.5 | -- | -- | <1.0 | <5.0 | <5.0 | <5.0 | <2.5 |
| | 12/1/04 | 16.88 | 62.83 | 62.83 | 62.83 | -- | <0.50 | <0.50 | <1.5 | -- | -- | <1.0 | <5.0 | <5.0 | <5.0 | <2.5 |
| 4/22/2003 | Ethanol | <0.50 | -- | -- | -- | <0.30 | <0.30 | <0.60 | <1.0 | <1.0 | -- | -- | -- | -- | -- | |
| MW-2 76.72 | 2/11/99 | 17.98 | -- | 60.89 | 60.89 | -- | <0.30 | <0.30 | <0.60 | <1.0 | <1.0 | -- | -- | -- | -- | -- |
| | 3/12/99 | 18.04 | 56.88 | 60.83 | 56.88 | -- | <1.0 | <1.0 | <3.0 | 720 | 860 | -- | -- | -- | -- | <50 |
| | 5/8/00 | 18.75 | 57.97 | 60.12 | 57.97 | -- | <0.50 | <0.50 | <1.5 | -- | 120 | <5.0 | <5.0 | <5.0 | <5.0 | <50 |
| | 8/28/00 | 19.21 | 57.51 | 59.66 | 57.51 | -- | <0.50 | <0.50 | <1.5 | -- | 120 | <5.0 | <5.0 | <5.0 | <5.0 | <50 |
| | 10/26/00 | 19.29 | 57.43 | 59.58 | 57.43 | -- | <0.50 | <0.50 | <1.5 | -- | 42 | <5.0 | <5.0 | <5.0 | <5.0 | <50 |
| | 1/23/01 | 19.38 | 57.34 | 59.49 | 57.34 | -- | <0.50 | <0.50 | <1.5 | -- | 130 | <5.0 | <5.0 | <5.0 | <5.0 | <50 |
| | 4/25/01 | 18.76 | 57.96 | 60.11 | 57.96 | -- | <0.50 | <0.50 | <1.5 | -- | 1.2 | <2.0 | <2.0 | <2.0 | <2.0 | <2.5 |
| | 10/18/01 | 19.33 | 57.39 | 59.54 | 57.39 | -- | <0.50 | <0.50 | <1.5 | -- | <1.0 | <2.0 | <2.0 | <2.0 | <2.0 | <2.5 |
| | 4/15/02 | 19.41 | 57.31 | 59.46 | 57.31 | -- | <0.50 | <0.50 | <1.5 | -- | <1.0 | <2.0 | <2.0 | <2.0 | <2.0 | <2.5 |
| | 10/3/02 | 20.07 | 58.80 | 58.80 | 58.80 | -- | <0.50 | <0.50 | <1.5 | -- | <1.0 | <2.0 | <2.0 | <2.0 | <2.0 | <2.5 |
| 78.67 | 4/22/03 | 18.78 | 60.09 | 60.09 | 60.09 | -- | <0.50 | <0.50 | <1.5 | -- | <1.0 | <2.0 | <2.0 | <2.0 | <2.0 | <2.5 |
| | 11/3/03 | 19.00 | 59.87 | 59.87 | 59.87 | -- | <0.50 | <0.50 | <1.5 | -- | <1.0 | <2.0 | <2.0 | <2.0 | <2.0 | <2.5 |
| | 6/17/04 | 18.93 | 59.94 | 59.94 | 59.94 | -- | <0.50 | <0.50 | <1.5 | -- | <1.0 | <2.0 | <2.0 | <2.0 | <2.0 | <2.5 |
| | 12/1/04 | 18.05 | 60.82 | 60.82 | 60.82 | -- | <0.50 | <0.50 | <1.5 | -- | <1.0 | <2.0 | <2.0 | <2.0 | <2.0 | <2.5 |
| MW-3 76.17 | 2/11/99 | 21.16 | -- | 57.19 | 57.19 | -- | 6690 | 55 | 26 | 206 | 3700 | 3000 | -- | -- | -- | -- |
| | 3/12/99 | 18.04 | 58.13 | 60.30 | 58.13 | -- | 620 | 15 | 15 | 15 | 800 | 740 | -- | -- | -- | <200 |
| | 5/8/00 | 18.84 | 57.33 | 59.50 | 57.33 | -- | <500 | 24 | 3.9 | 2.8 | -- | 710 | <20 | <20 | 51 | <50 |
| | 8/28/00 | 19.22 | 56.95 | 59.12 | 56.95 | -- | <500 | 7.9 | 1.8 | 8.1 | -- | 780 | <5.0 | <5.0 | 48 | <50 |
| | 10/26/00 | 19.29 | 56.88 | 59.05 | 56.88 | -- | <500 | 5.1 | <0.50 | 1.8 | -- | 380 | <20 | <20 | 21 | <200 |
| | 1/23/01 | 19.37 | 56.80 | 58.97 | 56.80 | -- | <500 | 6.0 | 0.56 | 3.2 | -- | 330 | <10 | <10 | 20 | <100 |
| | 4/25/01 | 18.70 | 57.47 | 59.64 | 57.47 | -- | 530 | 29 | 1.5 | 4.4 | -- | 3200 | <4.0 | <4.0 | 180 | 120 |
| | 10/18/01 | 19.22 | 56.95 | 59.12 | 56.95 | -- | <500 | 23 | 1.2 | 6.5 | -- | 1300 | <100 | <100 | <100 | <1200 |
| | 4/15/02 | 19.46 | 56.71 | 58.88 | 56.71 | -- | <500 | 15 | 0.53 | 5.0 | -- | 1500 | <200 | <200 | <200 | <2500 |
| | 10/3/02 | 20.01 | 58.33 | 58.33 | 58.33 | -- | <500 | 21 | 0.70 | 7.5 | -- | 520 | <2.0 | <2.0 | 37 | 110 |
| 78.34 | 4/22/03 | 18.65 | 59.69 | 59.69 | 59.69 | -- | <500 | 23 | <2.0 | 17.0 | -- | 1000 | <20 | <20 | 69 | 670 |
| | 11/3/03 | 18.68 | 59.46 | 59.46 | 59.46 | -- | <500 | 2.5 | <2.5 | <7.5 | -- | 440 | <2.5 | <2.5 | 400 | 400 |
| | 6/17/04 | 18.80 | 59.54 | 59.54 | 59.54 | -- | <2500 | 13 | <2.5 | <7.5 | -- | 150 | <2.5 | <2.5 | <2.5 | 2000 |
| | 12/1/04 | 17.88 | 60.46 | 60.46 | 60.46 | -- | <2500 | 13 | <2.5 | <7.5 | -- | 150 | <2.5 | <2.5 | <2.5 | 2000 |
| MW-4 76.14 | 2/11/99 | 19.15 | -- | 59.16 | 59.16 | -- | <500 | <0.30 | <0.30 | <0.60 | <1.0 | -- | -- | -- | -- | -- |
| | 3/12/99 | 17.59 | 58.55 | 60.72 | 58.55 | -- | <500 | <0.30 | <0.30 | <0.60 | <1.0 | -- | -- | -- | -- | -- |

MAR 28 2007



SECOR
INTERNATIONAL
INCORPORATED

www.secor.com

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.

KH



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.sdcounty.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.

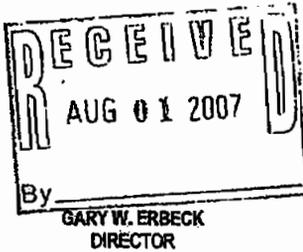
Sincerely,

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 129261, SAN DIEGO, CA 92112-9261
619-338-2222/FAX 619-338-2316/1-800-253-9933
www.sdcounty.ca.gov/deh/lwq

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:

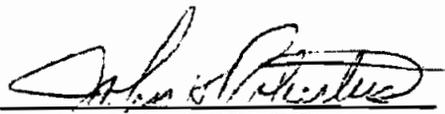
1. Cleanup and Abatement Order No. 87-17 was issued to Unisys Corporation, (hereinafter discharger) Carlsbad Facility. The Order was issued in response to a subsurface investigation conducted in April 1986 and subsequent discovery of an unauthorized release of chlorinated volatile organic compounds (VOCs) 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

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 inquires 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

s:\site\orders\cao-slic\87-17cls.ltr:

FILE NO. 02-0382.05

Attachment



Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

Case Closure Summary

SPILL, LEAK, INVESTIGATION AND CLEANUP (SLIC) PROGRAM

I. 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 |
|---------------------|------------------------------|--|---------------------------|---------|
| <i>Soil</i> | NA | | | |
| <i>Groundwater</i> | 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 |
| <i>Free Product</i> | NA | | | |
| <i>Barrel(s)</i> | NA | | | |
| <i>Tank(s)</i> | NA | | | |
| <i>Piping</i> | NA | | | |

V. CLOSURE

| | | |
|---|---------------------------------|---------------------------|
| <i>Does completed corrective action protect beneficial uses per the RWQCB Basin Plan? Yes</i> | | |
| <i>Should corrective action be reviewed if land use changes? No</i> | | |
| <i>Monitoring wells decommissioned? Yes</i> | <i>Number decommissioned: 4</i> | <i>Number retained: 6</i> |
| <i>Enforcement actions taken: CAO 87-17</i> | | |
| <i>Enforcement actions rescinded: Yes, rescinded by Order 97-34</i> | | |

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
3802-4444

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

RFV



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

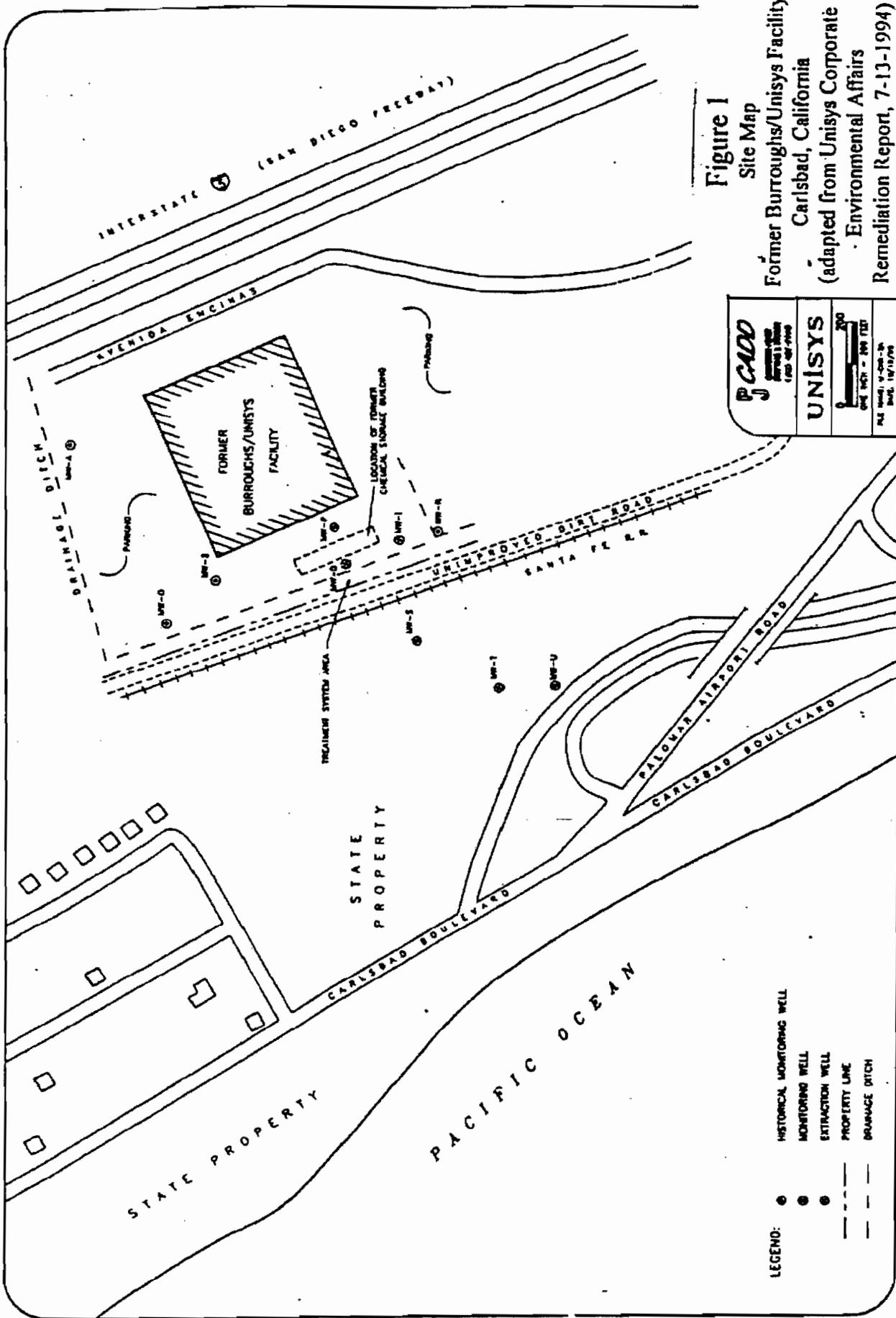
- ☛ Ground water underlying this site is contaminated by three volatile organic compounds, 1,1,1-TCA, 1,1-DCE, and 1,1-DCA, referred to hereafter as TCA, DCE, and DCA.
- ☛ Soil contamination apparently persists and in several instances, ground water VOC concentrations have increased. The increases in 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)



03



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 10/2006-
20-0220.03 STATUS: 0



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

Page 4
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

Page 5
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 [ug/m^3]) exceeded the Shallow Soil Gas Human Health Screening Levels for both Residential Land Use ($180 \text{ ug}/\text{m}^3$) and Commercial/Industrial Land Use ($603 \text{ ug}/\text{m}^3$). Trichloroethylene concentrations (ranging from 120 to $5,940 \text{ ug}/\text{m}^3$) exceeded the Shallow Soil Gas Human Health Screening Levels for Residential Land Use ($528 \text{ ug}/\text{m}^3$) in 4 samples (SG-1-15, SG-3-15, SG-4-5 and SG-4-15) and Commercial/Industrial Land Use ($1,770 \text{ ug}/\text{m}^3$) in 3 samples (SG-3-15, SG-4-5 and SG-4-15). There are no Screening Levels for dichlorofluoromethane.

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

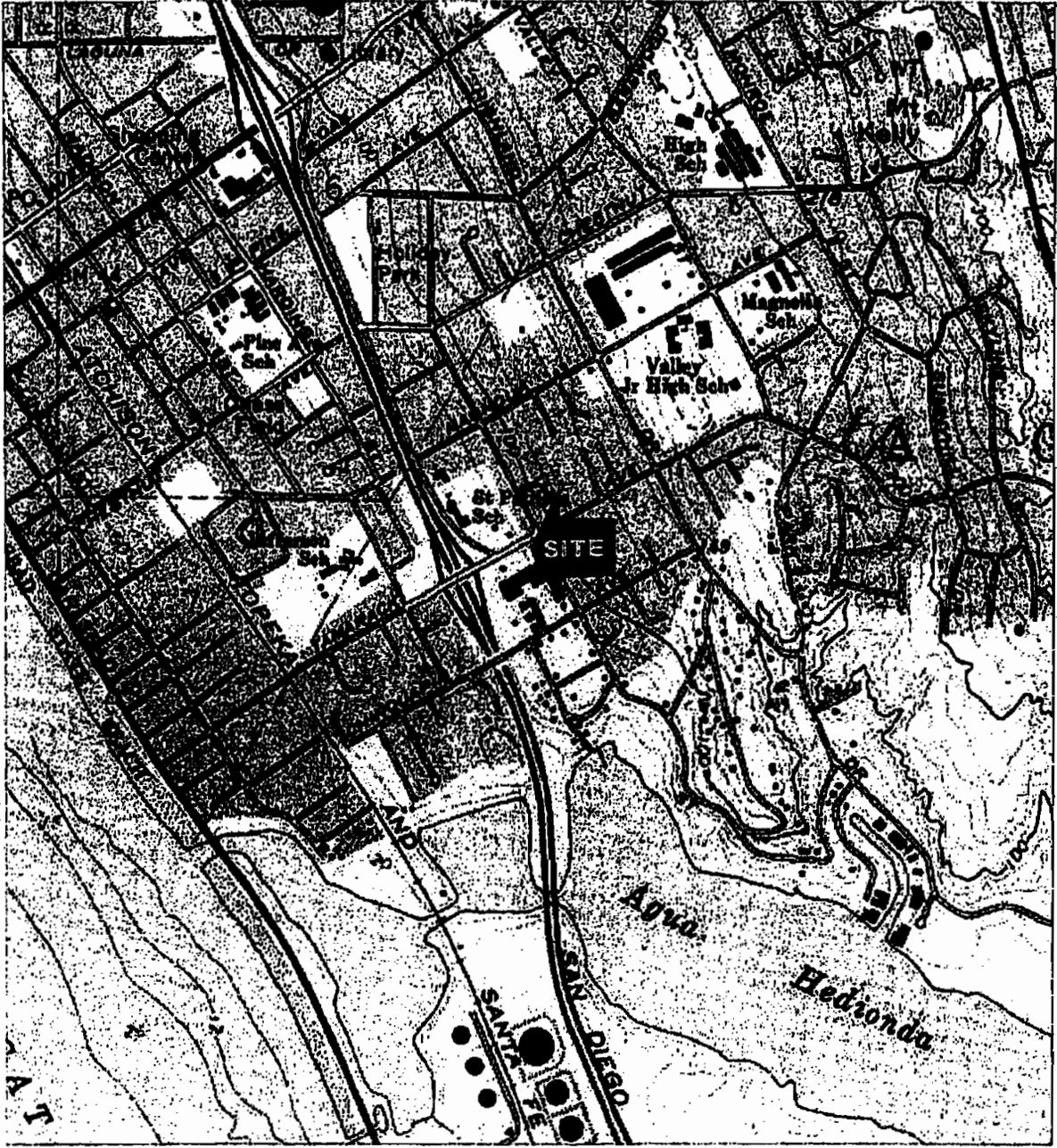
This report reviewed by:

Ed Stewart
Senior Project Manager
Environmental Services
Los Angeles Regional Office



BUREAU
VERITAS

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



Clayton Group Services, Inc.
 A Bureau Veritas Company
 1565 MacArthur Boulevard
 Costa Mesa, CA 92626
 Major (714) 431-4100
 Fax: (714) 923-0685
 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

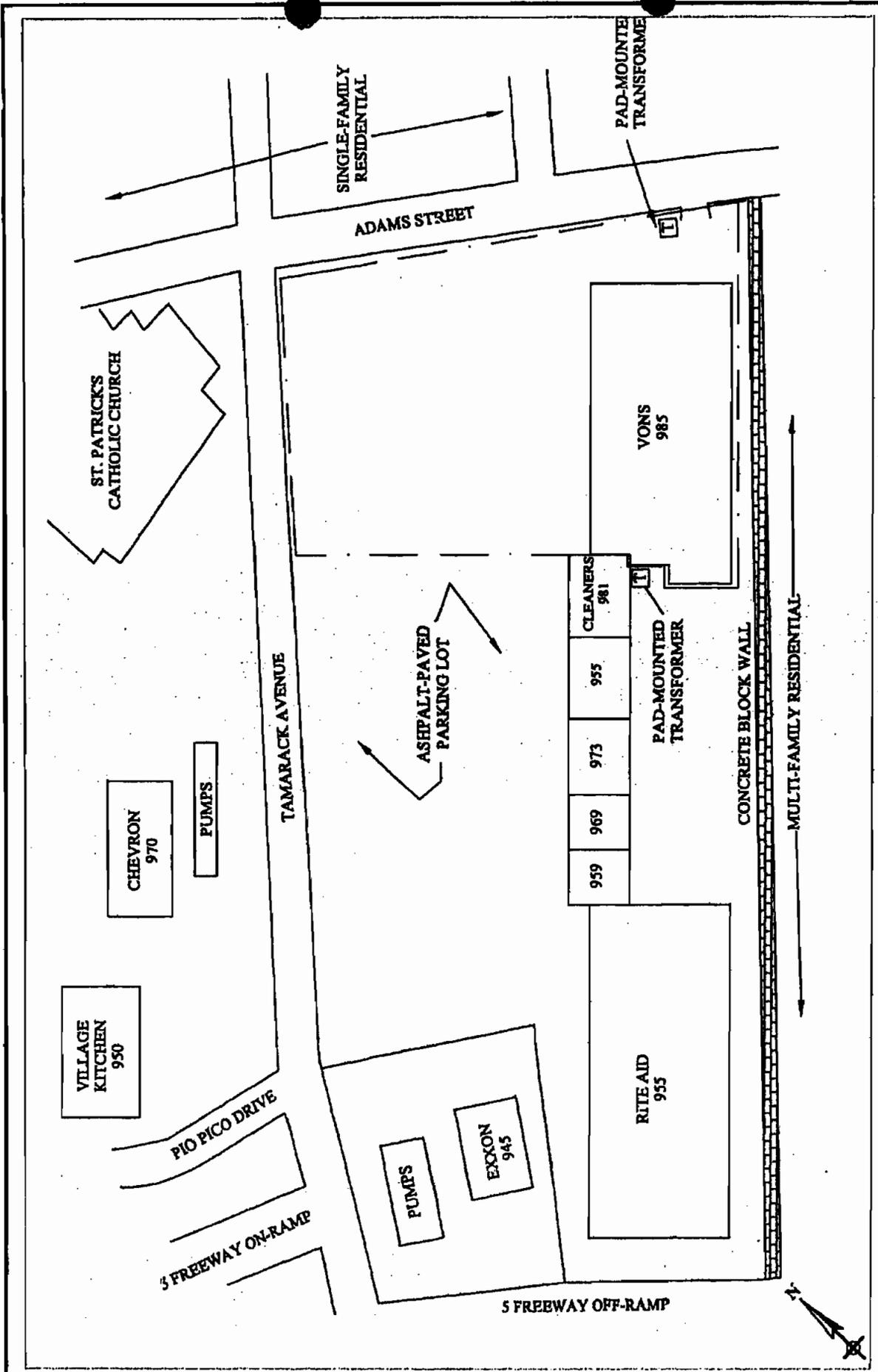


FIGURE
2

SUBJECT PROPERTY
 VONS
 985 TAMARACK AVENUE
 CARLSBAD, CALIFORNIA
 Clayton Project No. 25006-006144.00

LEGEND
 TOPOGRAPHIC SLOPE
 APPROXIMATE SUBJECT PROPERTY BOUNDARY

Appendix E

Site Photographs

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**

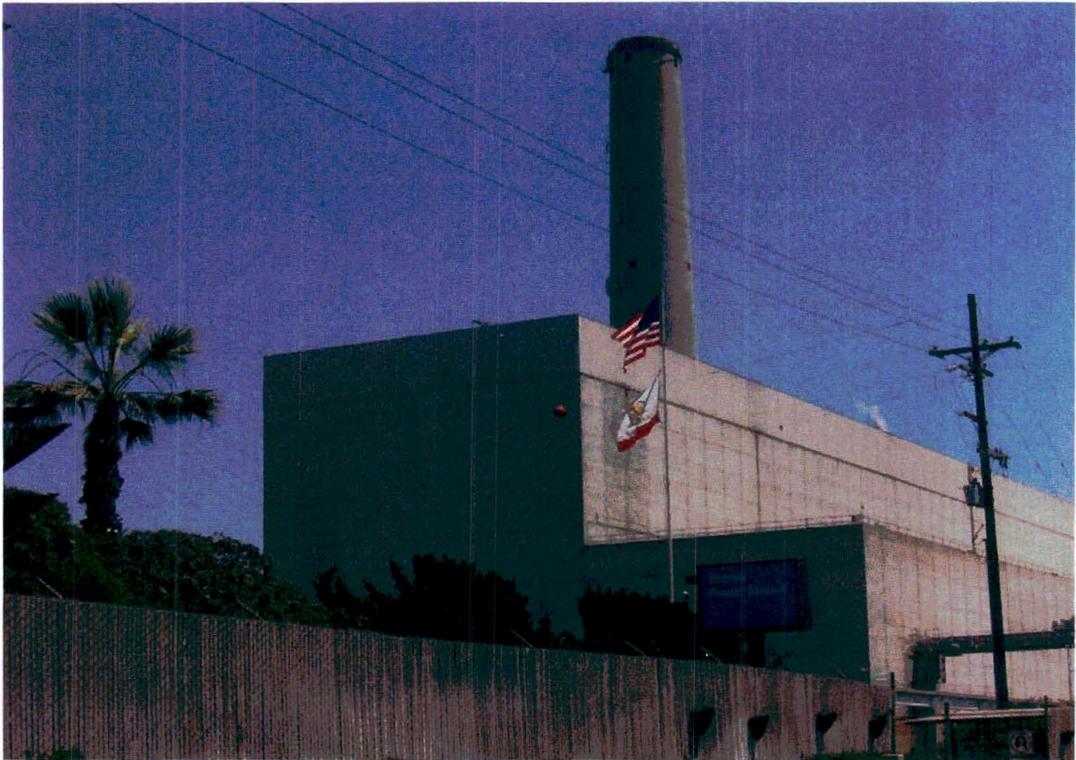


Photo 1: View of Encina Power Station from Carlsbad Boulevard.



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.

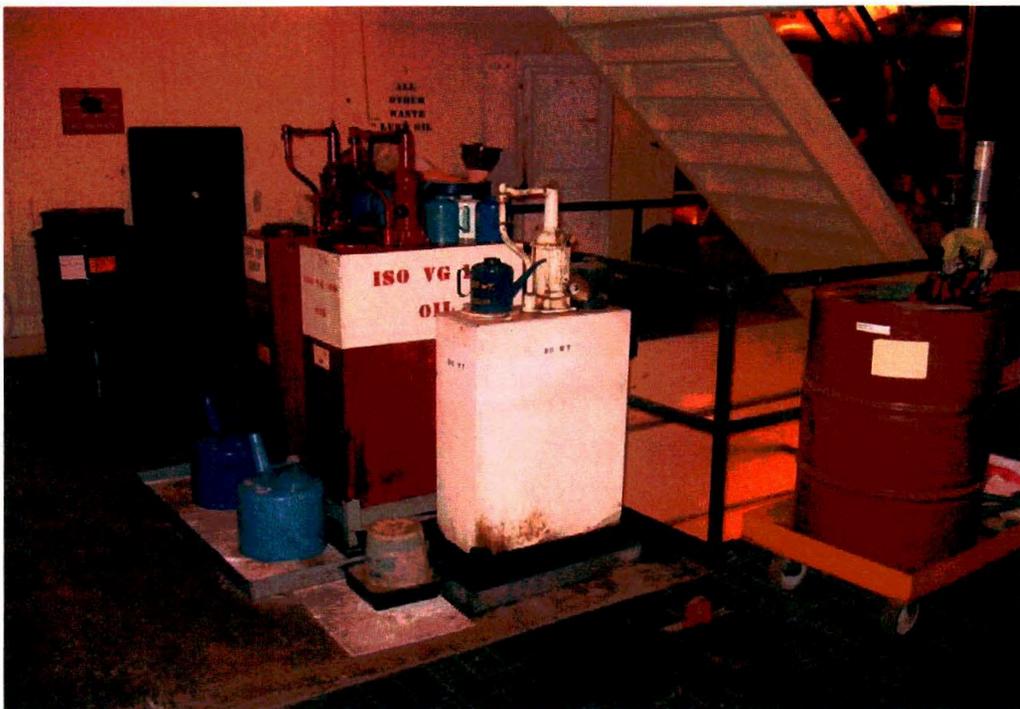


Photo 8: View of storage area for petroleum, oils, and lubricants inside the Encina Power Station.

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**

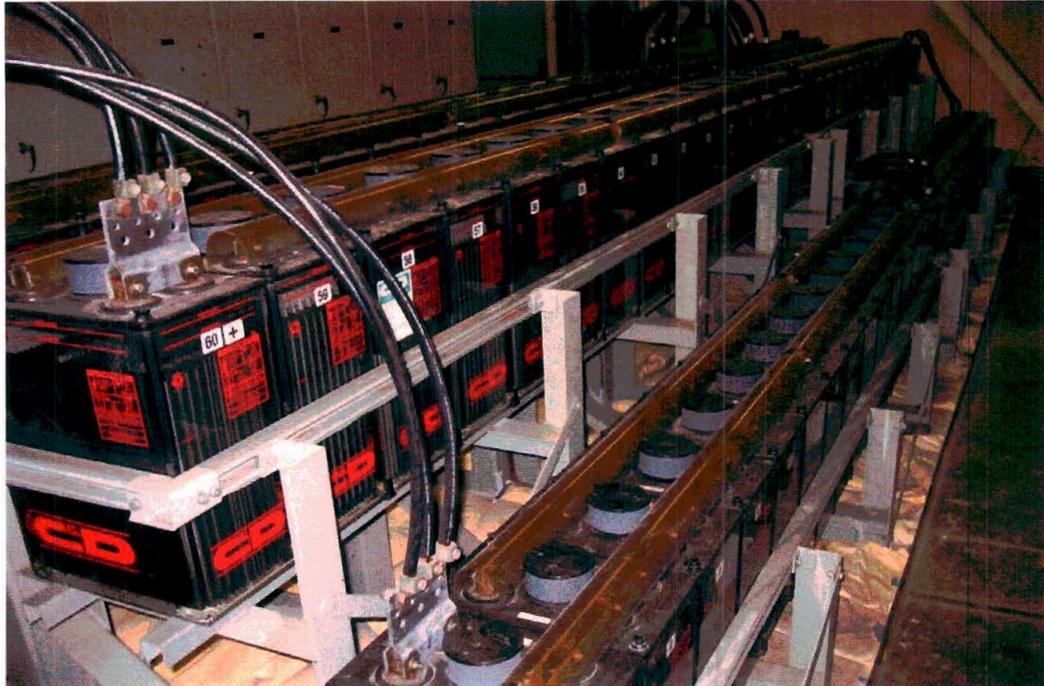


Photo 9: View of batteries located inside the Encina Power Station.



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**

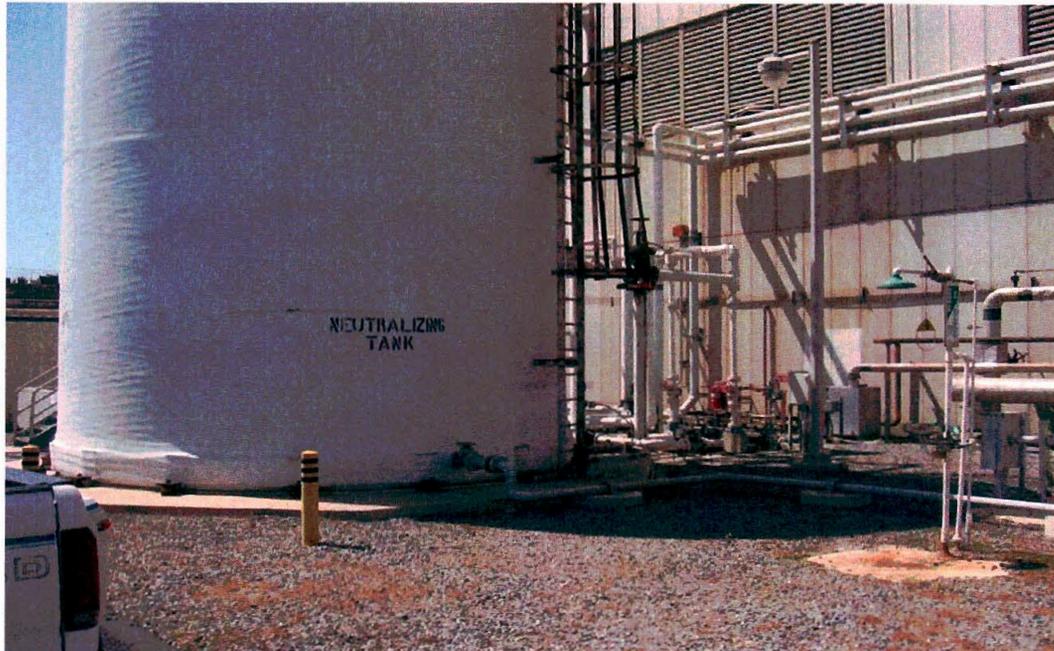


Photo 11: View of the neutralizing tank located on the east side of the Encina Power Station.



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**

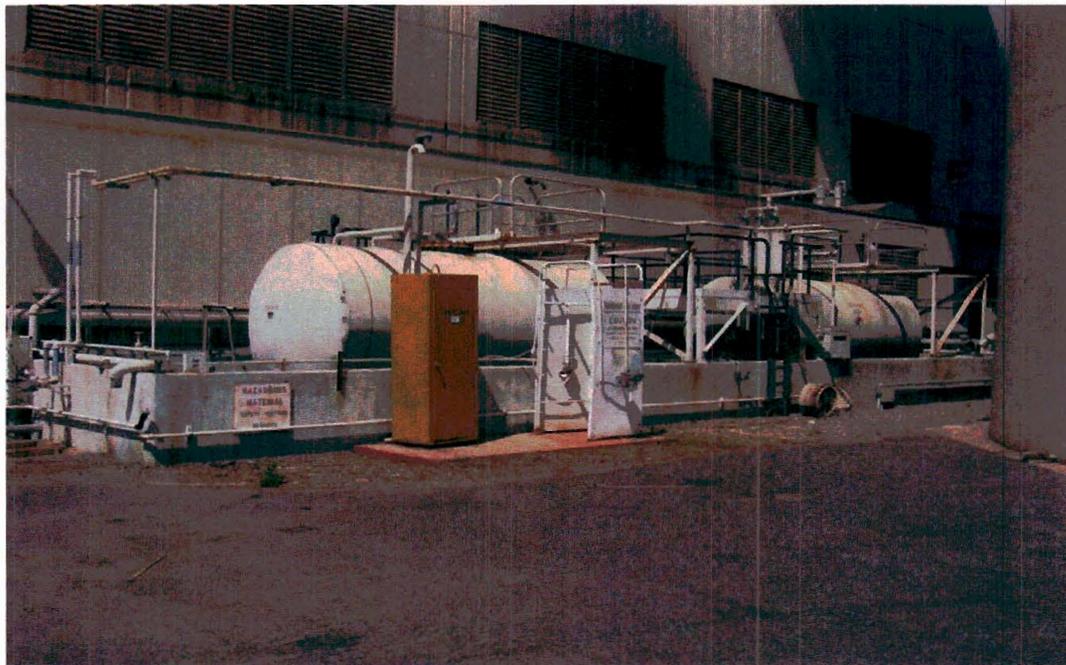


Photo 13: View of inactive ASTs that were used to store caustic soda and sulfuric acid. These ASTs are situated on the east side of the Encina Power Station.



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**

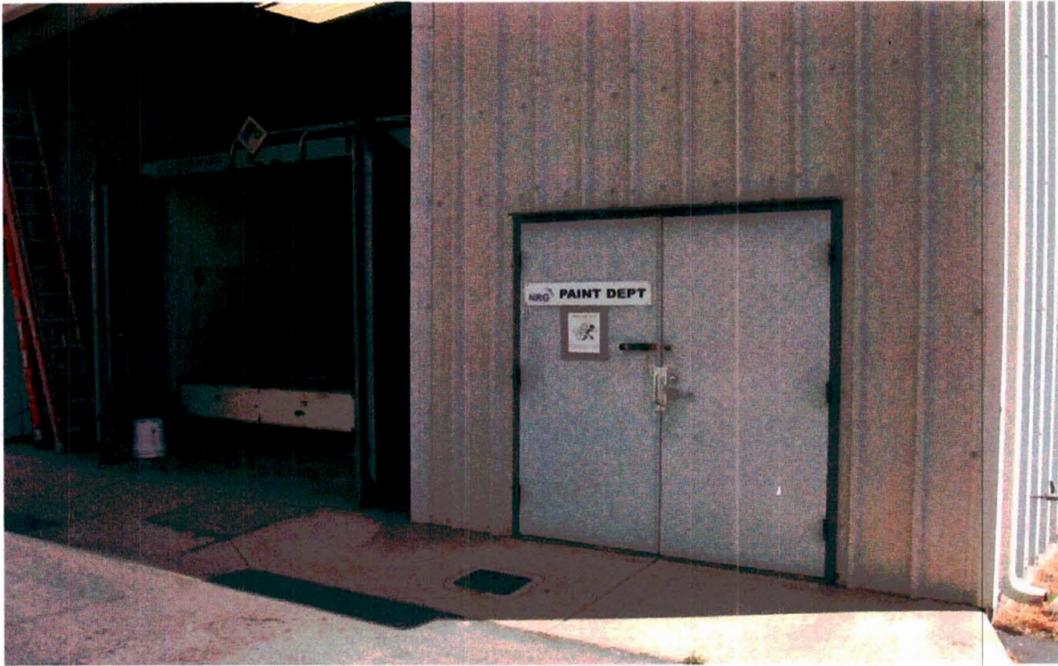


Photo 17: View of the paint booth located to the east of the Encina Power Station.



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**

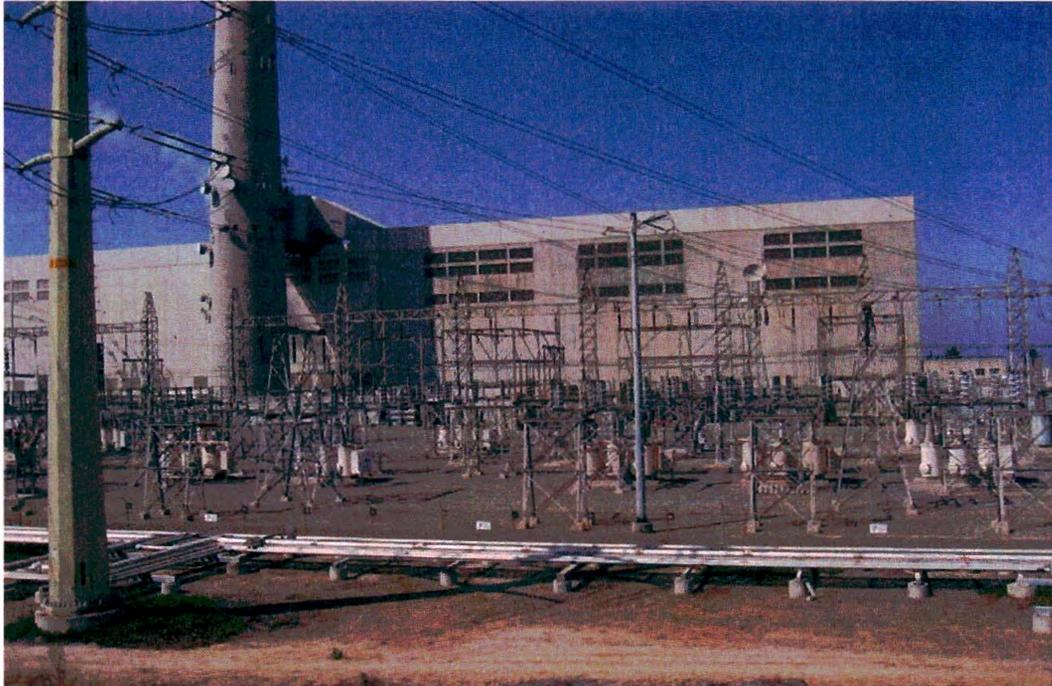


Photo 19: View looking west toward the Encina Power Station Electrical Substation.

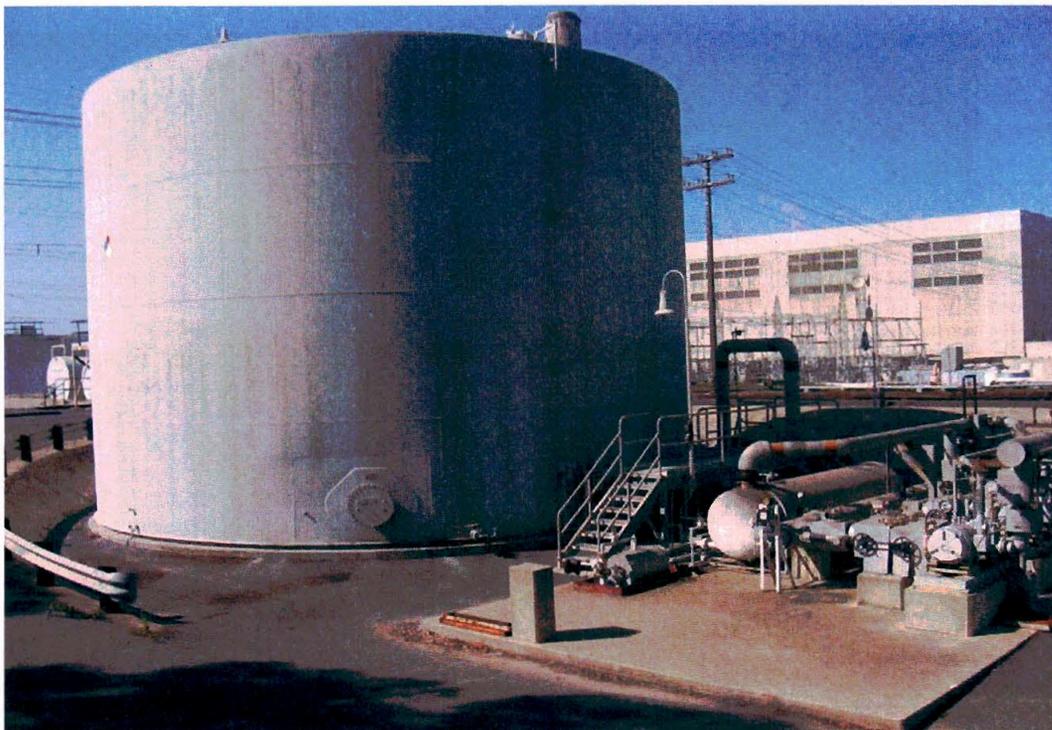


Photo 20: View of the displacement oil tank AST.

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**



Photo 21: View of the fuel oil re-load/un-load pumps.

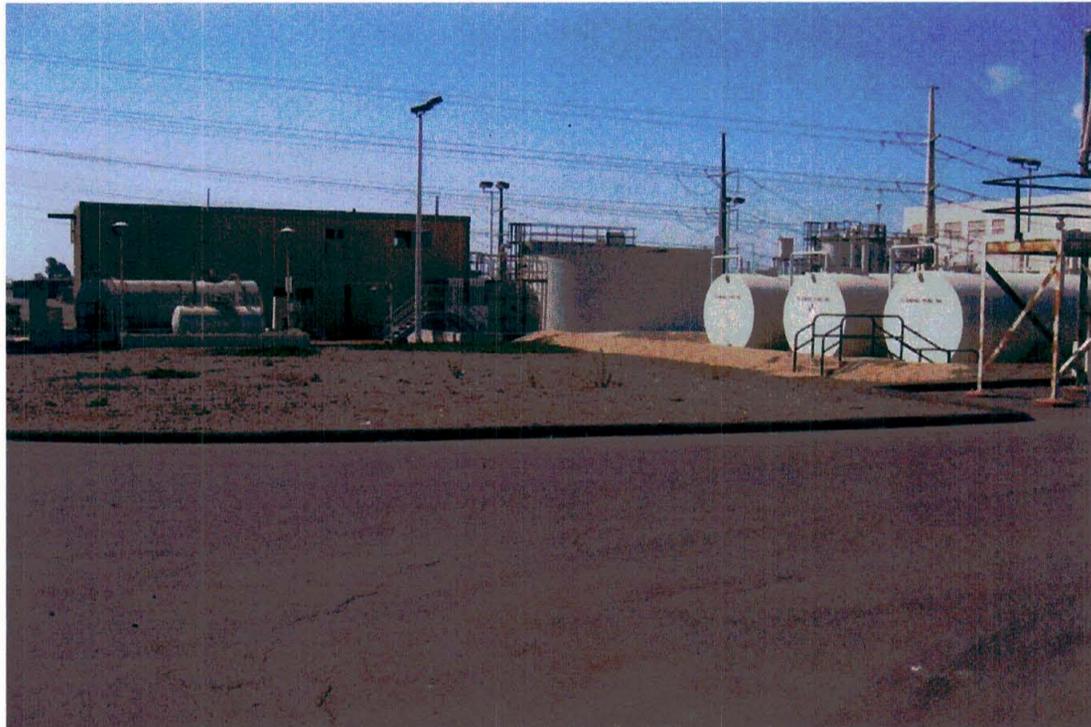


Photo 22: View of the former hazardous waste treatment facility.

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**

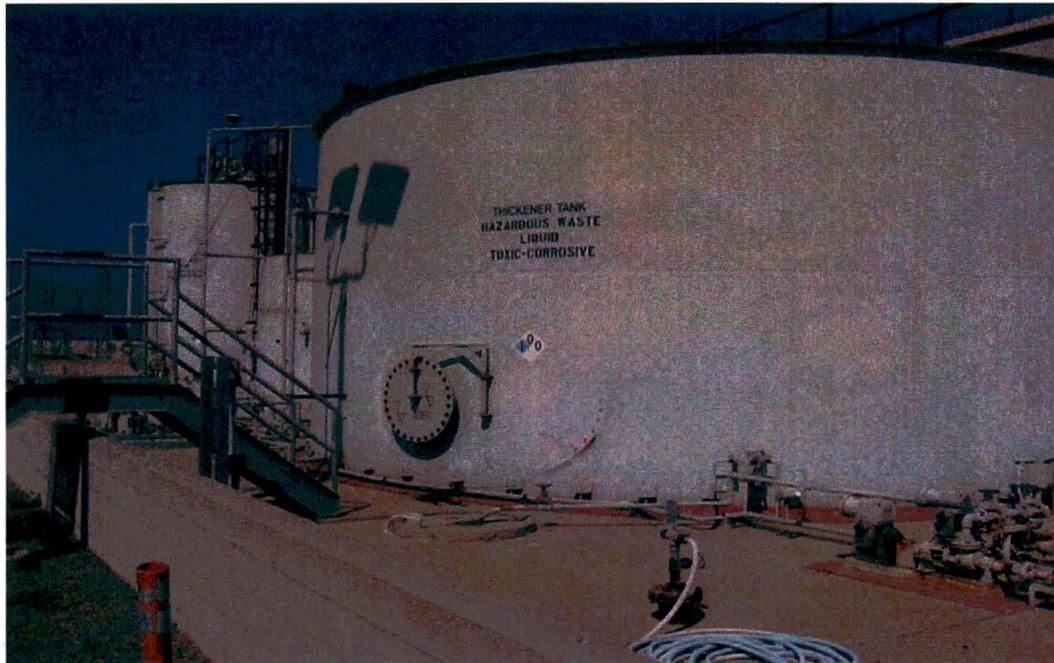


Photo 23: View of the inactive tanks that were used as part of the former hazardous waste treatment facility.



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.

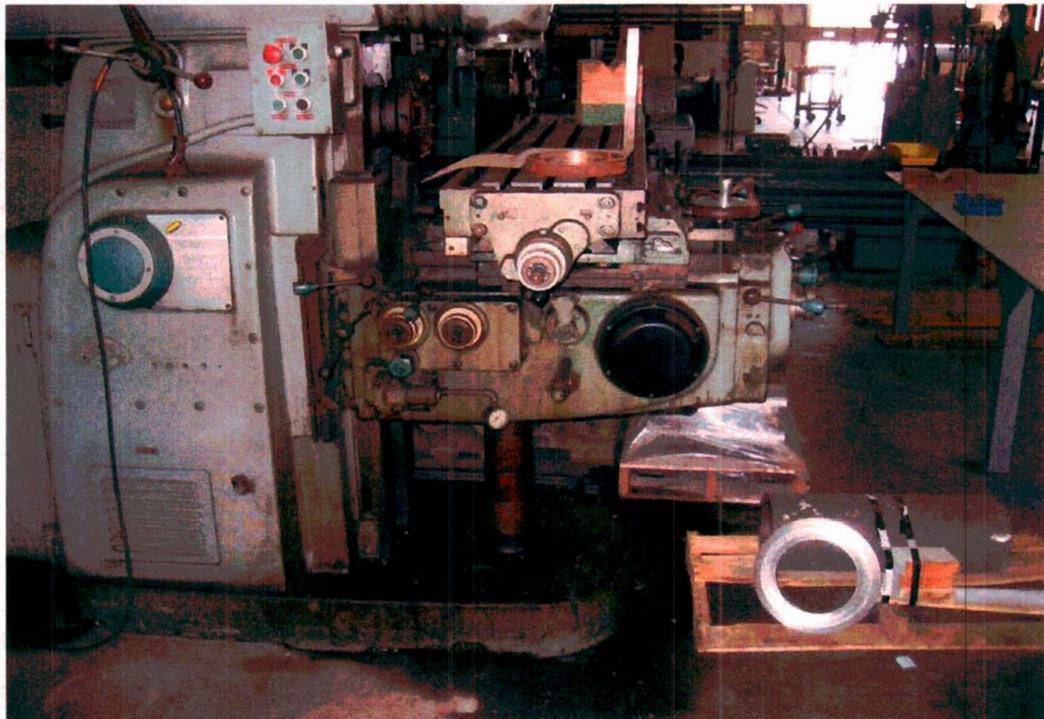


Photo 26: View of floor staining from lubricants and coolants used during machining operations.

**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.

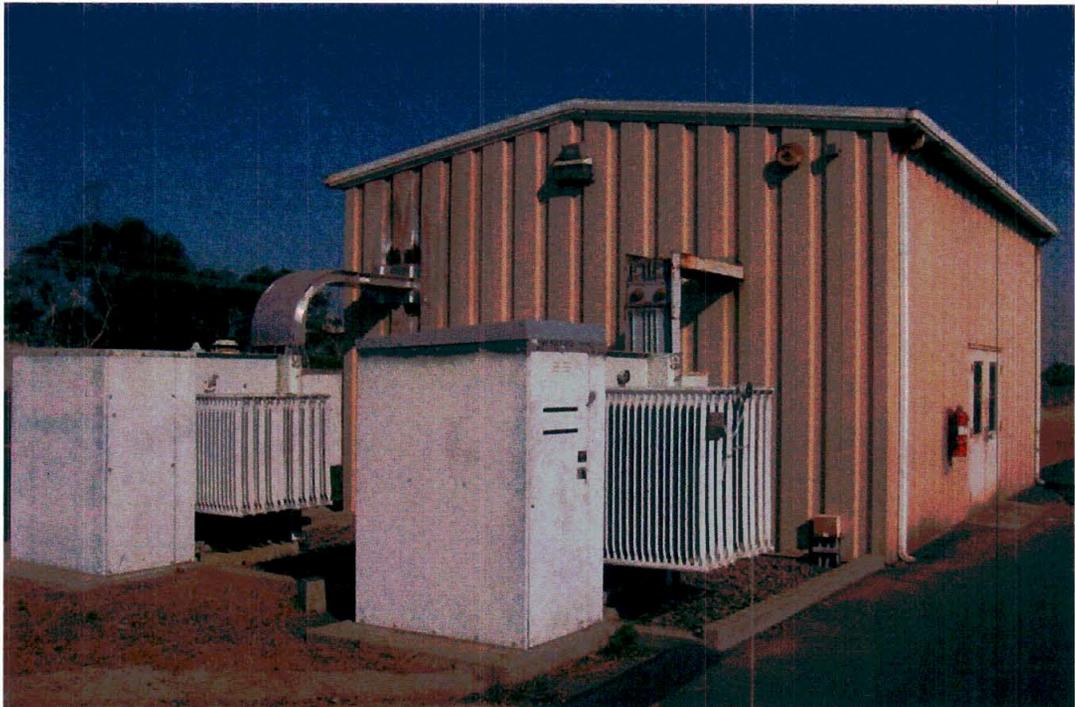


Photo 30: View of the control room and transformers for the bulk storage AST Nos. 6 and 7.

**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.

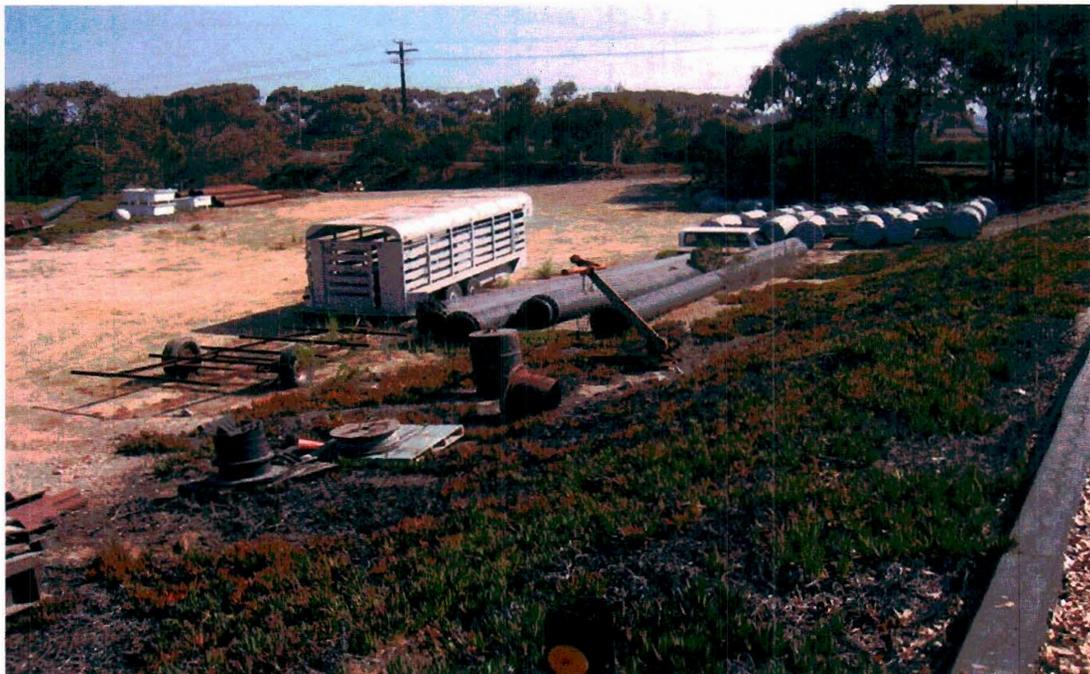


Photo 34: View of lay-down yard located to the north of bulk storage AST No. 1.

**Phase I Environmental Site Assessment
NRG - Encina Power Station
Carlsbad, California**

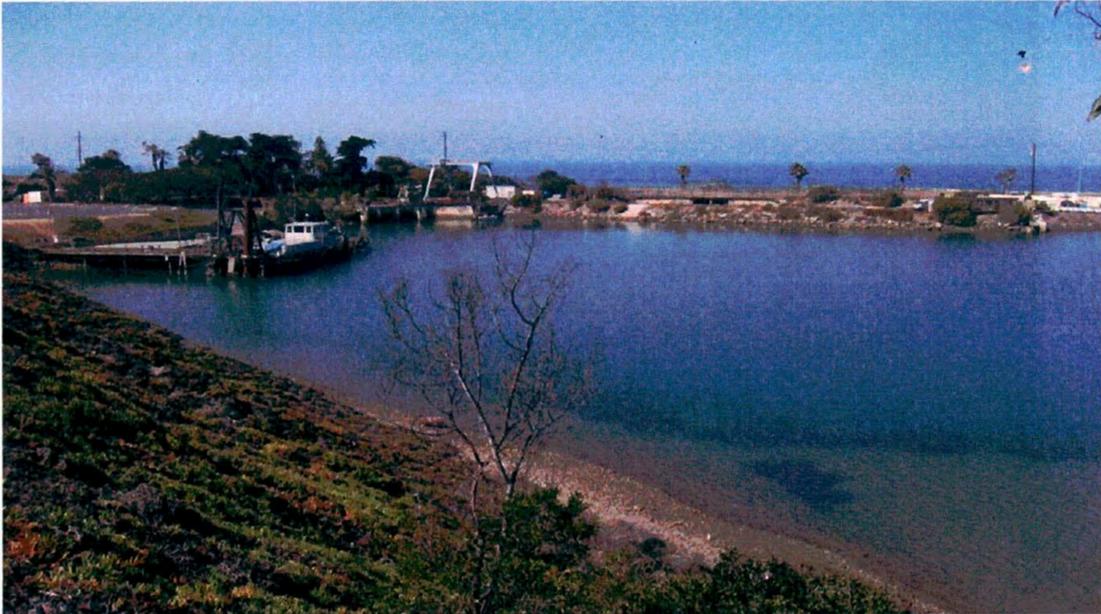


Photo 35: View looking east toward water intake area for the Encina Power Station located in the outer Agua Hedionda Lagoon.



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).

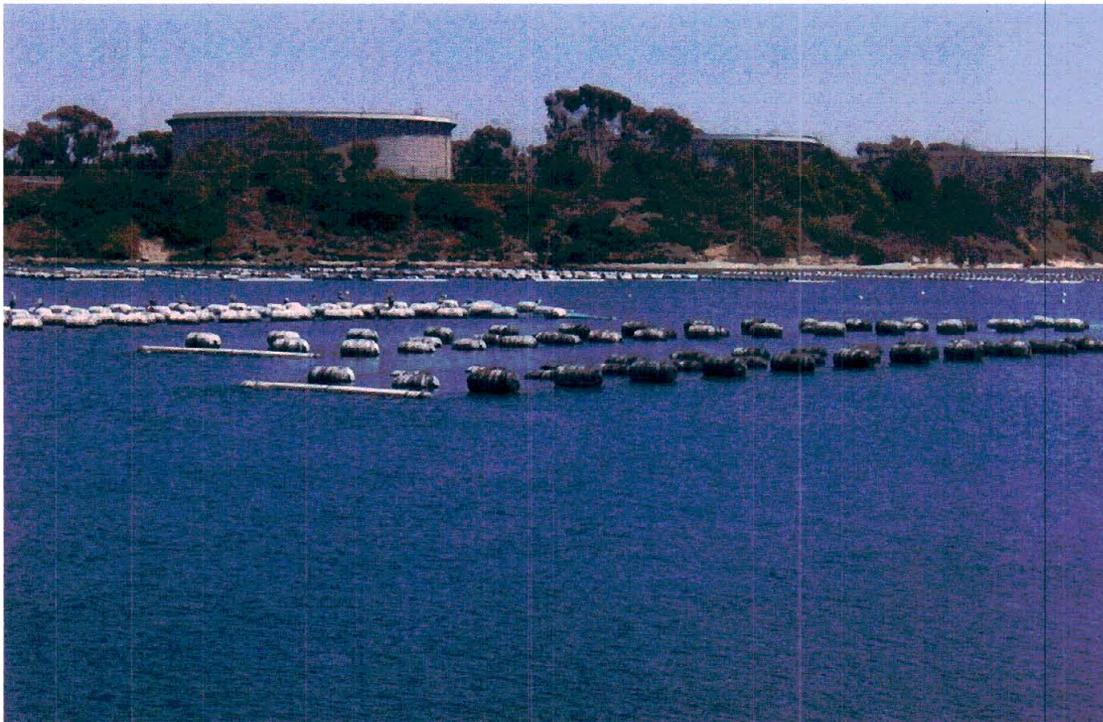


Photo 38: View of aqua farms for oysters/clams located in the outer Agua Hedionda Lagoon.

**Phase I Environmental Site Assessment
NRG - Encina Power Station
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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**

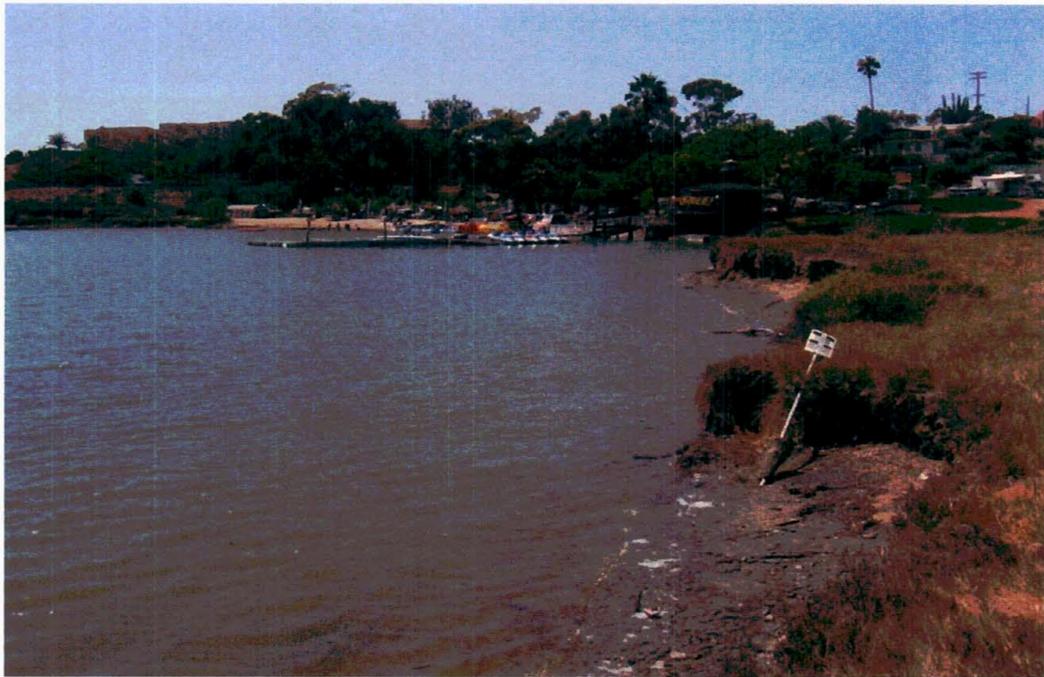


Photo 41: View of recreational area located on the north end of inner Agua Hedionda Lagoon.

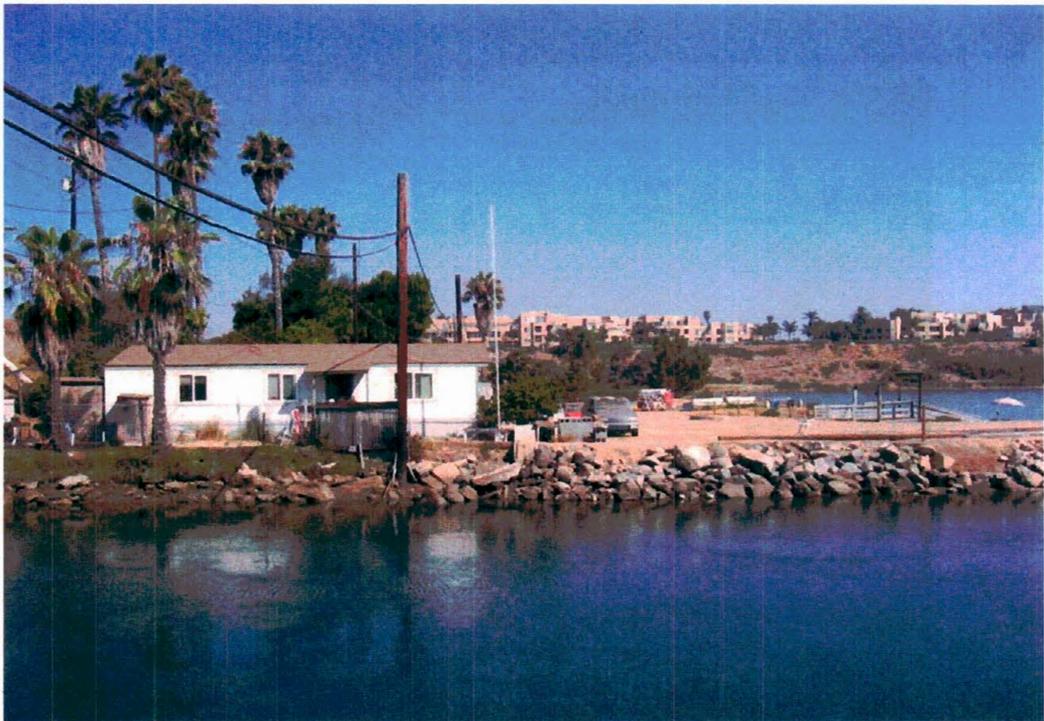


Photo 42: View of a YMCA camp located east of Interstate 5 and within the middle Agua Hedionda Lagoon.

**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

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 abutted fill 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



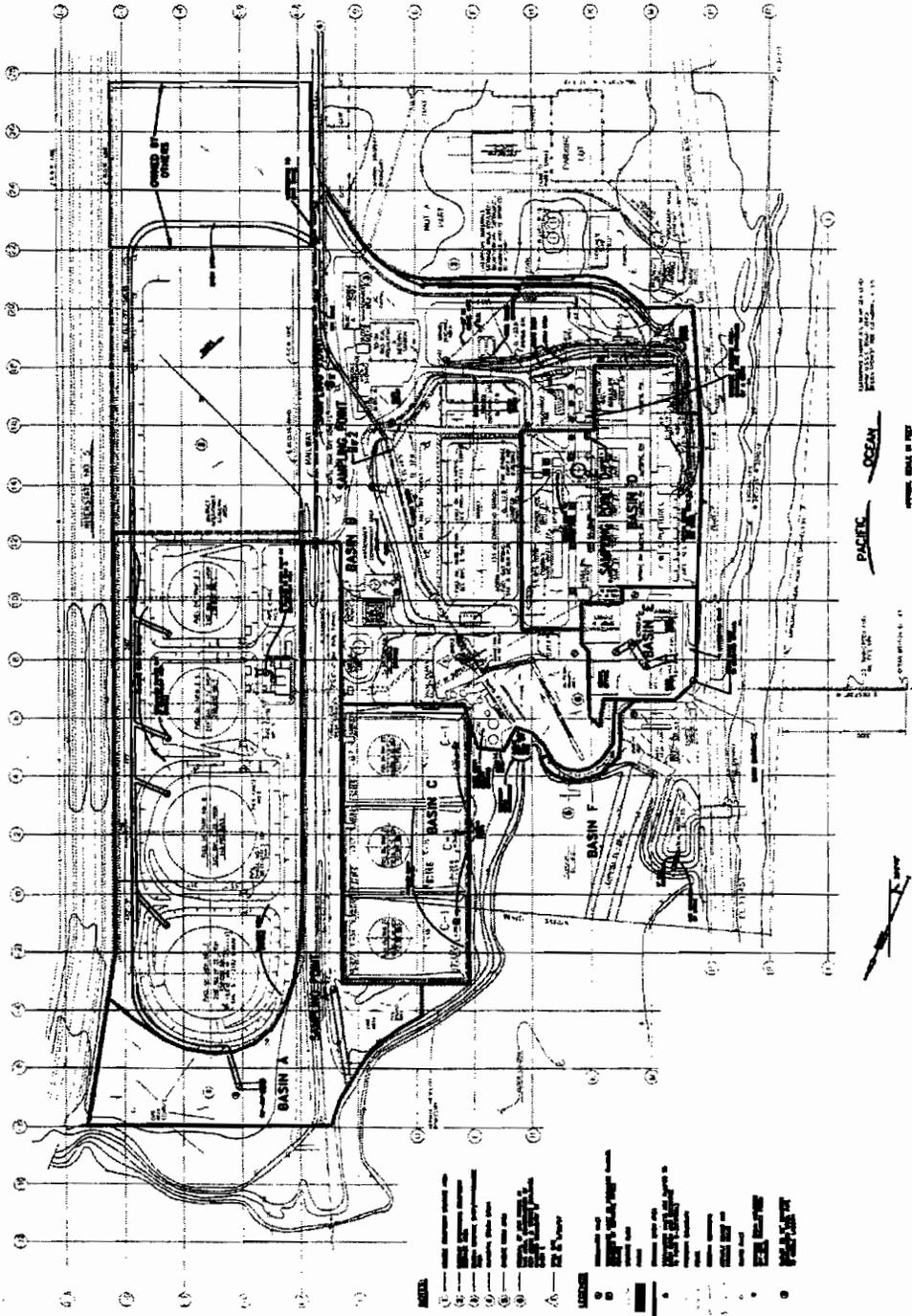
ZONE X Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood.

OTHER AREAS



ZONE X Areas determined to be outside 500-year floodplain.

ZONE D Areas in which flood hazards are undetermined.



1/28

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 | Carlsbad | | | | | | | | 104 | CA | ZIP CODE | 105 |
| | 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 <i>Jerry L. Carter</i> | DATE 3/27/07 |
| 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 | <input type="checkbox"/> Site Map _____ <input type="checkbox"/> *Emergency Contacts _____ <input type="checkbox"/> *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 <input type="checkbox"/> ** FIRE DIST. _____ | Specialist's Signature: (only required for new plans or for changes to site maps, chemical inventory and/or emergency contacts) | REMARKS: _____ |

** If HIRT box is checked, follow HIRT policy to indicate on the inventory forms which hazardous materials make this a HIRT site.



**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**

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 | ENDING DATE | 101 |
| | | 2006-03-01 | | 2007-03-01 | |
| BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As) | | | | BUSINESS PHONE | |
| Cabrillo Power I LLC, Encina Power Station | | | | (760) 268-4000 x | |
| BUSINESS SITE ADDRESS | | | | | |
| 4600 Carlsbad Blvd. | | | | | |
| CITY | | | 104 | STATE | 105 |
| Carlsbad | | | CA | ZIP CODE | 92008- |
| DUN & BRADSTREET | | | 106 | SIC CODE (4 digit #) | |
| | | | | 4911 | |
| COUNTY | | | | | |
| San Diego | | | | | |
| BUSINESS OPERATOR NAME | | | | 109 BUSINESS OPERATOR PHONE | |
| NRG Cabrillo Power Operations Inc. | | | | (760) 268-4000 x | |

II. BUSINESS OWNER

| | | | | | |
|-----------------------|--|--|-----|------------------|--------|
| OWNER NAME | | | 111 | OWNER PHONE | |
| Cabrillo Power I LLC | | | | (760) 268-4000 x | |
| OWNER MAILING ADDRESS | | | | | |
| 4600 Carlsbad Blvd. | | | | | |
| CITY | | | 114 | STATE | 115 |
| Carlsbad | | | CA | ZIP CODE | 92008- |

III. ENVIRONMENTAL CONTACT

| | | | | | |
|--------------------------------|--|--|-----|------------------|--------|
| CONTACT NAME | | | 117 | CONTACT PHONE | |
| Sheila Henika, Env. Specialist | | | | (760) 268-4018 x | |
| CONTACT MAILING ADDRESS | | | | | |
| 4600 Carlsbad Blvd | | | | | |
| CITY | | | 120 | STATE | 121 |
| Carlsbad | | | CA | ZIP CODE | 92008- |

-PRIMARY-

IV. EMERGENCY CONTACTS

-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@cabrillopower.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 | 134 | NAME OF DOCUMENT PREPARER | 135 |
| <i>Jerry L. Carter</i> | 3/27/07 | | Sheila Henika, P.E. | |
| NAME OF SIGNER (print) | TITLE OF SIGNER | 136 | TITLE OF SIGNER | 137 |
| Jerry L. Carter | Plant Manager | | | |



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

Hazardous Materials Business Plan – II. Emergency Response Plan

H I 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 | |
| 0 0 1 | S h e i l a H e n i k a | |
| 15 | 21 | |
| TITLE | WORK PHONE | CELL PHONE |
| E n v i r o n m e n t a l S p e c i a l i s t | 7 6 0 2 6 8 4 0 1 8 | 7 6 0 5 3 5 2 7 0 5 |
| 51 | 71 | 78 |
| NUMBER | STREET | CITY |
| 4 6 0 0 | C a r l s b a d B l v d . | C a r l s b a d C A 9 2 0 0 8 |
| 88 | 93 | 110 |

| | | |
|---|---------------------------|-------------------------------|
| ITEM | NAME OF ALTERNATE | |
| 0 0 2 | J e f f B i s s o n | |
| 15 | 21 | |
| TITLE | WORK PHONE | CELL PHONE |
| E n v i r o n m e n t a l S p e c i a l i s t | 7 6 0 2 6 8 4 0 2 0 | 7 6 0 6 8 8 8 4 5 1 |
| 51 | 71 | 78 |
| NUMBER | STREET | CITY |
| 4 6 0 0 | C a r l s b a d B l v d . | C a r l s b a d C A 9 2 0 0 8 |
| 88 | 93 | 110 |

| | | |
|-----------------------------|-------------------------------|-------------------------------|
| ITEM | NAME OF ALTERNATE | |
| 0 0 3 | S h i f t S u p e r v i s o r | |
| 15 | 21 | |
| TITLE | WORK PHONE | 24-Hr. PHONE |
| C o n t r o l R o o m 3 & 4 | 7 6 0 2 6 8 4 0 6 2 | 7 6 0 2 6 8 4 0 6 6 |
| 51 | 71 | 78 |
| NUMBER | STREET | CITY |
| 4 6 0 0 | C a r l s b a d B l v d . | C a r l s b a d C A 9 2 0 0 8 |
| 88 | 93 | 110 |



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

Hazardous Materials Business Plan – II. Emergency Response Plan

11 13 94 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:

- | | <u>Phone No.</u> |
|---|--|
| 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) 845-8911 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
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 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

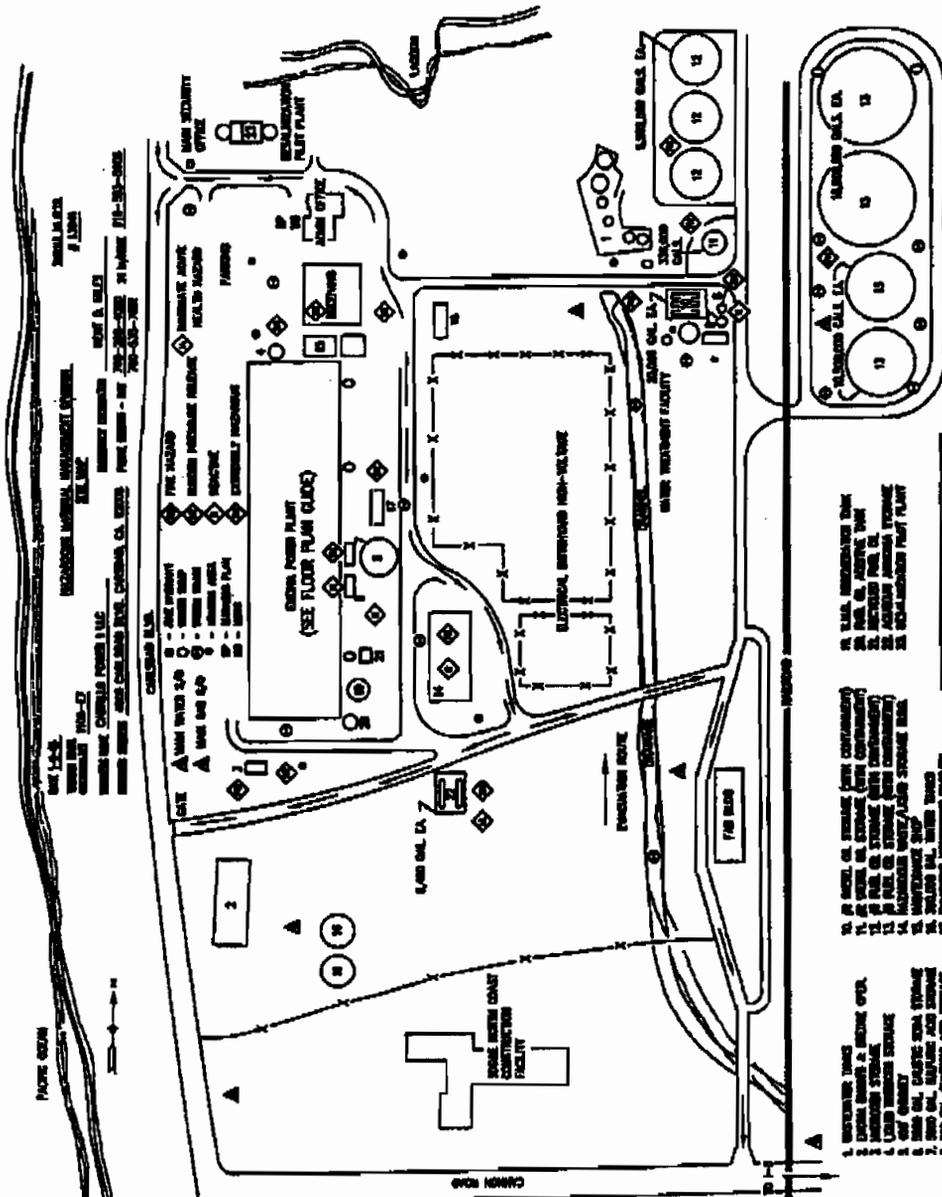
Training Content: Covers purpose of plan, potential hazards, emergency notification procedures (alarms, phone calls, etc) and emergency evacuation.

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



A9/01

R96F0334.DWG/TIF

| | |
|-----------------|----------|
| NO. PROJECT NO. | ENCNA-EP |
| PROJECT No. | ENCNA-EP |
| SCALE | NONE |
| DATE | 1 |
| REV. | F |
| JOB No. | E1133 |

CABRILLO POWER I LLC
 HAZARDOUS MATERIAL
 MANAGEMENT DIVISION
 SITE MAP

| | |
|------|---------|
| DATE | 3/24/09 |
| DATE | 3/25/09 |

HAZARDOUS MATERIAL
 MANAGEMENT DIVISION
 SITE MAP



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

One page per material per building or area

ADD DELETE REVISE 296 Page 1 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA Doing Business As) 3

Cabrillo Power I LLC

CHEMICAL LOCATION 201

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL EPCRA 202
 YES NO

FACILITY ID # 3 7 0 0 0 H 1 3 9 4 1 1 MAP# (optional) NOT USED 203 GRID# (optional) NOT USED 204

I. CHEMICAL INFORMATION

CHEMICAL NAME 205 TRADE SECRET YES NO 206

Nalco 356 Neutralizing Amine

If Subject to EPCRA, refer to instructions

COMMON NAME 207

Nalco 356

EHS# YES NO 208

CAS# **108-91-8** 209

*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 212 CURIES 213

PHYSICAL STATE (Check one item only) a. SOLID b. LIQUID c. GAS 214 LARGEST CONTAINER **55 gallon drum/458 lbs** 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 **99 gallons/824 lbs.** MAXIMUM DAILY AMOUNT 218 **110 gallons/916 lbs.** 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: **356** 222

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 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 20-40 226 | Cyclohexylamine 227 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 228 | 108 229 |
| 2 5-10 230 | Morpholine 231 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 232 | 110-91-8 233 |
| 3 234 | | <input type="checkbox"/> Yes <input type="checkbox"/> No 235 | |
| 4 236 | | <input type="checkbox"/> Yes <input type="checkbox"/> No 237 | |
| 5 238 | | <input type="checkbox"/> Yes <input type="checkbox"/> No 239 | |
| | | <input type="checkbox"/> Yes <input type="checkbox"/> No 240 | |
| | | <input type="checkbox"/> Yes <input type="checkbox"/> No 241 | |
| | | <input type="checkbox"/> Yes <input type="checkbox"/> No 242 | |
| | | <input type="checkbox"/> Yes <input type="checkbox"/> No 243 | |

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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1-800-253-9933**

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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) 1

Cabrillo Power I LLC

CHEMICAL LOCATION 201 CHEMICAL LOCATION CONFIDENTIAL 202
EPCRA YES NO

SEE SITE MAP/PLAN

FACILITY ID # 3 7 0 0 0 H 1 3 9 4 1 203 MAP# (optional) 204 GRID# (optional) 204
NOT USED *NOT USED*

I. CHEMICAL INFORMATION

CHEMICAL NAME 205 TRADE SECRET YES NO 206

Mobil DTE 797

COMMON NAME 207 EHS* YES NO 208

DTE 797 Lubricating Oil

CASE *N/A, non-hazardous* 209 *If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSIFICATION (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 212 CURIES 213

PHYSICAL STATE (Check one item only) a. SOLID b. LIQUID c. GAS 214 LARGEST CONTAINER **6,000 gallons** 215

FGP 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

2,700 gallons **3,000 gallons** **48,730 lbs.** **221, 352, 134**

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

356

STORAGE CONTAINER a. ABOVE GROUND TANK e. PLASTIC/NONMETALLIC DRUM i. FIBER DRUM m. GLASS BOTTLE q. RAIL CAR 223
 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 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 | | <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 240

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

(Use page per material not building or areas)

ADD DELETE REVISE Page 31 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 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. TUB/BEN
 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) ≤ 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 101 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 1 MAP# (optional) NOT USED GRID# (optional) NOT USED

I. CHEMICAL INFORMATION

CHEMICAL NAME **Texaco Multi-gear Oil** TRADE SECRET YES NO

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 _____

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 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. TOILE 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 80 - 94.99 | Hydrotreated C25 Lube Oil | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 7262-38-37 |
| 2 1 - 3.99 | Heavy Paraffinic Petroleum Distillate | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 6474-26-50 |
| 3 1 - 3.99 | Sulfur-Containing C4-C8 Olefin | <input type="checkbox"/> Yes <input checked="" 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



**SAN DIEGO COUNTY
DEPARTMENT OF ENVIRONMENTAL HEALTH - CUPA
HAZARDOUS MATERIALS DIVISION
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(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 301 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As) _____

Cabrillo Power LLC

CHEMICAL LOCATION _____ CHEMICAL LOCATION CONFIDENTIAL EPCRA YES NO

SEE SITE MAP/PLAN

FACILITY ID #

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| 3 | 7 | 0 | 0 | 0 | H | 1 | 3 | 9 | 4 | 1 |
|---|---|---|---|---|---|---|---|---|---|---|

 MAP# (optional) _____ GRID# (optional) _____

NOT USED NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME _____ TRADE SECRET YES NO

Texaco Rando Hydraulic Oil AZ

If Subject to EPCRA, refer to instructions

COMMON NAME _____ EHS* YES NO

Hydraulic Oil

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 _____ MAXIMUM DAILY AMOUNT _____ ANNUAL WASTE AMOUNT _____ STATE WASTE CODE: _____

50 gallons **55 gallons** **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: _____

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 k. CARBOY l. BOX o. TOTE BIN d. STEEL DRUM h. SILO p. TANK WAGON i. CYLINDER

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 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 8042-47-5 |
| 2 5 - 10 | Methacrylate polymer | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| 3 1 - 5 | Zinc Dithiophosphate | <input type="checkbox"/> Yes <input checked="" 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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1-800-253-9933**

Date Submitted

HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per building or area)

ADD DELETE REVISE Page 60 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As) 201

Cabrillo Power I LLC

CHEMICAL LOCATION 202

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL 202

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 205 TRADE SECRET YES NO 206

Argon Gas

If Subject to EPCRA, refer to instructions

COMMON NAME 207

Compressed gas

EHS* YES NO 208

CASH 7440-37-1 209

*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 212 CURIES 213

PHYSICAL STATE (Check one item only) a. SOLID b. LIQUID c. GAS 214 LARGEST CONTAINER **336 cu. ft.** 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 MAXIMUM DAILY AMOUNT 218 ANNUAL WASTE AMOUNT 219 STATE WASTE CODE 220

5400 **6000** **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: **365** 222

STORAGE CONTAINER a. ABOVE GROUND TANK e. PLASTIC/NONMETALLIC DRUM f. FIBER DRUM m. GLASS BOTTLE q. RAIL CAR b. UNDERGROUND TANK g. CAN j. BAG n. PLASTIC BOTTLE r. OTHER c. TANK INSIDE BUILDING h. CARBOY k. BOX o. TOTE BIN d. STEEL DRUM i. SLO 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 | | <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 226

- 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 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 I LLC**

CHEMICAL LOCATION **SEE SITE MAP/PLAN**

FACILITY ID # **3 7 0 0 0 H 1 3 9 4 1** MAP# (optional) **NOT USED** GRID# (optional) **NOT USED**

I. CHEMICAL INFORMATION

CHEMICAL NAME **Calcium Nitrate Aqueous Solution LO-1** TRADE SECRET YES NO

COMMON NAME **Water - 7732-18-5** EHS* YES NO

CAS# **Calcium Nitrate -- 13477-34-4** *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 **6000 gallons**

PHD HAZARD CATEGORIES (Check all that apply) a. FIRE b. REACTIVE c. PRESSURE RELEASE d. ACUTE HEALTH e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT **500** 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 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

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 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

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
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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)

ADD DELETE REVISE Page 8 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As) 3

Cabrillo Power I LLC

CHEMICAL LOCATION 201 CHEMICAL LOCATION CONFIDENTIAL 202

SEE SITE MAP/PLAN

EPCRA YES NO

FACILITY ID # 203 MAP# (optional) 204 GRID# (optional) 204

3 7 0 0 0

H 1 3 9 4 1

NOT USED

NOT USED

I. CHEMICAL INFORMATION

CHEMICAL NAME 205 TRADE SECRET YES NO 206

Nitrogen, liquid

If subject to EPCRA, refer to subsection

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) 210

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL TYPE (Check one item only) 211 RADIOACTIVE Yes No 212 CURIES 213

a. PURE b. MIXTURE c. WASTE

PHYSICAL STATE (Check one item only) 214 LARGEST CONTAINER **3,100 gallons** 215

a. SOLID b. LIQUID c. GAS

HAZARD CATEGORIES (Check all that apply) 216 d. ACUTE HEALTH e. CHRONIC HEALTH

a. FIRE b. REACTIVE c. PRESSURE RELEASE

AVERAGE DAILY AMOUNT 217 MAXIMUM DAILY AMOUNT 218 ANNUAL WASTE AMOUNT 219 STATE WASTE CODE 220

2790

3,100

0

365

UNITS* a. GALLONS b. CUBIC FEET c. POUNDS d. TONS 221 DAYS ON SITE 222

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

c. TANK INSIDE BUILDING g. CARBOY k. IBOX 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 # |
|-----|---|--|-------|
| 226 | | 228 | 229 |
| 1 | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| 230 | | 232 | 233 |
| 2 | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| 234 | | 236 | 237 |
| 3 | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| 238 | | 240 | 241 |
| 4 | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| 242 | | 244 | 245 |
| 5 | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |

ADDITIONAL LOCALLY COLLECTED INFORMATION 246

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 tanking - if 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

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**

STORAGE CONTAINER a. ABOVE GROUND TANK b. UNDERGROUND TANK c. TANK INSIDE BUILDING d. STEEL DRUM e. PLASTIC/NONMETALLIC DRUM f. CAN g. CARTON 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 | | <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 building or area)

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 H 1 3 9 4 1 1 MAP# (optional) NOT USED GRID# (optional) NOT USED

I. 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 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

| %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 OR ALIY 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 11 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

I. CHEMICAL INFORMATION

CHEMICAL NAME

Sulfuric Acid

TRADE SECRET

YES NO

If Subject to EPCRA, refer to instructions

COMMON NAME

EHS*

YES NO

CAS# 7664-93-9

*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

a. PURE b. MIXTURE c. WASTE

RADIOACTIVE Yes No

CURIES

PHYSICAL STATE (Check one item)

a. SOLID b. LIQUID c. GAS

LARGEST CONTAINER **55 gallon drum/ 498.04 lbs.**

FED HAZARD CATEGORIES

a. FIRE b. REACTIVE c. PRESSURE RELEASE d. ACUTE HEALTH e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT

26,234 lbs.

MAXIMUM DAILY AMOUNT

3,500 gallons/29,148 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 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. IRON l. CONTAINER 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 | | <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 CAL/ARP REQUIREMENTS



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HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per building or area)

ADD DELETE REVISE Page 13 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA Doing Business As)
Cabrillo Power I LLC

CHEMICAL LOCATION **CHEMICAL LOCATION CONFIDENTIAL**
 SEE SITE MAP/PLAN YES NO

FACILITY ID # 3 7 0 0 0 H 1 3 9 4 1 **MAP# (optional)** NOT USED **CIRID# (optional)** NOT USED

J. CHEMICAL INFORMATION

CHEMICAL NAME
Elimin-Ox **TRADE SECRET** YES NO

COMMON NAME
Oxygen Scavenger If Subject to EPCRA, refer to instructions

CAS# **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 99 **MAXIMUM DAILY AMOUNT** 110 **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 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. TRUCK o. TOTE BIN
 f. 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 | Carbohydrazide | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 497-18-7 |
| 2 | 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

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 the page for material not building or area)

ADD

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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
EPCRA YES NO

FACILITY ID #

3 7

0 0 0

H 1 3 9 4 1

MAP# (optional)

NOT USED

GRID# (optional)

NOT USED

I. CHEMICAL INFORMATION

CHEMICAL NAME

Fyrquel EHC

TRADE SECRET YES NO

If Subject to EPCRA, refer to instructions

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**

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*

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
 d. TANK INSIDE BUILDING g. CARBOY k. BOX o. TOTE BIN
 h. STEEL DRUM i. 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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HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material (no building or area))

ADD DELETE REVISE Page 1 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA (Doing Business As)) 3

Cabrillo Power I LLC

CHEMICAL LOCATION 201 CHEMICAL LOCATION CONFIDENTIAL 202
EPCRA YES NO

SEE SITE MAP/PLAN

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 205 TRADE SECRET YES NO 206

Oxygen Gas

If Subject to EPCRA, refer to section 302.

COMMON NAME 207 EHS* YES NO 208

CAS# **7782-44-7** 209 *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 212 CERIES 213

PHYSICAL STATE (Check one item only) a. SOLID b. LIQUID c. GAS 214 LARGEST CONTAINER **250 cu. ft.** 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

2.700 **3.000** **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. CARBON h. SILE 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 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 226 | HAZARDOUS COMPONENT (For mixture or waste only) 227 | EHS 228 | CAS # 229 |
|--|--|---|--|
| 1 230 | | <input type="checkbox"/> Yes <input type="checkbox"/> No 231 | |
| 2 232 | | <input type="checkbox"/> Yes <input type="checkbox"/> No 233 | |
| 3 234 | | <input type="checkbox"/> Yes <input type="checkbox"/> No 235 | |
| 4 236 | | <input type="checkbox"/> Yes <input type="checkbox"/> No 237 | |
| 5 238 | | <input type="checkbox"/> Yes <input type="checkbox"/> No 239 | |
| 240 | | <input type="checkbox"/> Yes <input type="checkbox"/> No 241 | |
| 242 | | <input type="checkbox"/> Yes <input type="checkbox"/> No 243 | |

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

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201

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 Appendix A

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 CII/A)

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL TYPE (Check one item only)

a. PURE b. MIXTURE c. WASTE

RADIOACTIVE Yes No

CFR/HS

PHYSICAL STATE (Check one item only)

a. SOLID b. LIQ. ID c. GAS

LARGEST CONTAINER **3244.83 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

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 NON-METALLIC 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



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 200 Page 1 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As) 201

Cabrillo Power I LLC

CHEMICAL LOCATION 202

SEE SITE MAP/PLAN

CHEMICAL LOCATION CONFIDENTIAL 203

EPCRA YES NO

FACILITY ID# 3 7 0 0 0 II 1 3 9 4 1 MAP# (optional) 205 **NOT USED** GRID# (optional) 206 **NOT USED**

I. CHEMICAL INFORMATION

CHEMICAL NAME 207 **Acetylene Gas** TRADE SECRET YES NO 208

COMMON NAME 209

If Subject to EPCRA, refer to instructions

EHS* YES NO 210

CAS# 211 **74-86-2** *If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA) 212

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL TYPE (Check one item only) 213 a. PURE b. MIXTURE c. WASTE 214

RAI/OACTIVE Yes No 215 CURIES 216

PHYSICAL STATE (Check one item only) 217 a. SOLID b. LIQUID c. GAS 218

LARGEST CONTAINER **400 cu. ft.** 219

FED HAZARD CATEGORIES (Check all that apply) 220 a. FIRE b. REACTIVE c. PRESSURE RELEASE d. ACUTE HEALTH e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT 221 **1,350** MAXIMUM DAILY AMOUNT 222 **1,500** ANNUAL WASTE AMOUNT 223 **0** STATE WASTE CODE 224

UNITS (Check one item only) * If EHS, amount must be in pounds. 225 a. GALLONS b. CUBIC FEET c. POUNDS d. TONS 226

DAYS ON SITE: **365** 227

STORAGE CONTAINER 228 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 229

STORAGE PRESSURE a. AMBIENT b. ABOVE AMBIENT c. BELOW AMBIENT 230

STORAGE TEMPERATURE a. AMBIENT b. ABOVE AMBIENT c. BELOW AMBIENT d. CRYOGENIC 231

| %WT 232 | HAZARDOUS COMPONENT (For mixture or waste only) 233 | EHS 234 | CAS # 235 |
|---------|---|--|-----------|
| 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 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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1-800-253-9933**

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HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per building or area)

ADD

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REVISE

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

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 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 | | <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) \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 per building or area

ADD DELETE REVISE Page 1 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As) 1

Cabrillo Power I LLC

CHEMICAL LOCATION 201 CHEMICAL LOCATION CONFIDENTIAL 202

SEE SITE MAP/PLAN

EPCRA YES NO

FACILITY ID #

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| 3 | 7 | 0 | 0 | 0 | H | 1 | 3 | 9 | 4 | 1 |
|---|---|---|---|---|---|---|---|---|---|---|

203 MAP# (optional) 204 (IRIS) (optional) 205

NOT USED *NOT USED*

I. CHEMICAL INFORMATION

CHEMICAL NAME 206 TRADE SECRET YES NO 207

Nalco 8322

If Subject to EPCRA refer to instructions

COMMON NAME 208 EHS* YES NO 209

Corrosion Inhibitor

CAS# Mixture - see below 210 *If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA) 211

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL TYPE (Check one item only) a. PURE b. MIXTURE c. WASTE 212 RADIOACTIVE Yes No 213 CURIES 214

PHYSICAL STATE (Check one item only) a. SOLID b. LIQUID c. GAS 215 LARGEST CONTAINER **55 gallons** 216

HAZARD CATEGORIES (Check all that apply) a. FIRE b. REACTIVE c. PRESSURE RELEASE d. ACUTE HEALTH e. CHRONIC HEALTH 217

AVERAGE DAILY AMOUNT 218 MAXIMUM DAILY AMOUNT 219 ANNUAL WASTE AMOUNT 220 STATE WASTE CODE 221

45 gallon **55 gallon** **0**

UNITS* a. GALLONS b. CUBIC FEET c. POUNDS d. YONS 222 DAYS ON SITE: **365** 223

STORAGE CONTAINER a. ABOVE GROUND TANK c. PLASTIC/NONMETALLIC DRUM e. FIBER DRUM g. GLASS BOTTLE i. RAIL CAR b. UNDERGROUND TANK d. CAN f. BAG h. PLASTIC BOTTLE j. OTHER c. TANK INSIDE BUILDING g. CARBOY k. BOX d. TOTE BIN e. STEEL DRUM h. SLO l. CYLINDER p. TANK WAGON 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 227 | HAZARDOUS COMPONENT (For mixture or waste only) 228 | EHS 229 | CAS # 230 |
|--|--|--|--|
| 1 .1 - 1.0 | Sodium Hydroxide | <input type="checkbox"/> Yes <input type="checkbox"/> No | 1310-73-2 |
| 2 1.0 - 5.0 | Sodium Molybdate | <input type="checkbox"/> Yes <input type="checkbox"/> No | 1310-73-2 |
| 3 1. - 5.0 | Sodium Tolyltriazole | <input type="checkbox"/> Yes <input type="checkbox"/> No | 64665-57-2 |
| 4 1. - 5.0 | Sodium Metaborate | <input type="checkbox"/> Yes <input type="checkbox"/> No | 7775-19-1 |
| 5 95 - 99 | Water | <input type="checkbox"/> Yes <input type="checkbox"/> No | 7732-18-5 |

ADDITIONAL LOCALLY COLLECTED INFORMATION 231

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 12 of 21

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As) 4

Cabrillo Power I LLC

CHEMICAL LOCATION 201 CHEMICAL LOCATION CONFIDENTIAL 202
EPCRA YES NO

SEE SITE MAP/PLAN

FACILITY ID # 37000113941 203 MAP# (optional) 204 NOT USED 205 GRIN# (optional) 206 NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME 207 TRADE SECRET YES NO 208

Super Big Tex

If Subject to EPCRA, refer to instructions

COMMON NAME 209 EHS* YES NO 210

Super Big Tex, aqueous alkaline surfactant

CAS# **Mixture - see below** 211 *If EHS is "Yes", all amounts below must be in lbs.

FIRE CODE HAZARD CLASSES (Complete if required by CUPA) 212

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL TYPE (Check one item only) a. FLUORIDE b. MIXTURE c. WASTE 213 RADIOACTIVE Yes No 214 CURIES 215

PHYSICAL STATE (Check one item only) a. SOLID b. LIQUID c. GAS 216 LARGEST CONTAINER **55 gallons** 217

FED HAZARD CATEGORIES (Check all that apply) a. FIRES b. REACTIVE c. PRESSURE RELEASE d. ACUTE HEALTH e. CHRONIC HEALTH 218

AVERAGE DAILY AMOUNT 219 MAXIMUM DAILY AMOUNT 220 ANNUAL WASTE AMOUNT 221 STATE WASTE CODE 222
99 **110** **0**

UNITS* (Check one item only) * If EHS amount must be in pounds a. GALLONS b. CUBIC FEET c. POUNDS d. TONS 223 DAYS ON SITE: **365** 224

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 225

STORAGE PRESSURE a. AMBIENT b. ABOVE AMBIENT c. BELOW AMBIENT 226

STORAGE TEMPERATURE a. AMBIENT b. ABOVE AMBIENT c. BELOW AMBIENT d. CRYOGENIC 227

| %WT | HAZARDOUS COMPONENT (For mixture or waste only) | EHS | CAS # |
|--|--|--|--|
| 1 unknown 228 | Sodium Metasilicate 229 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 230 | 6834-92-0 231 |
| 2 unknown 232 | Tripropylene glycol monomethyl ether 233 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 234 | 25498-49-1 235 |
| 3 unknown 236 | 2,6,8-Trimethyl-4-nonyloxypolyethyleneoxyethanol 237 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 238 | 60828-78-6 239 |
| 4 240 | | <input type="checkbox"/> Yes <input type="checkbox"/> No 241 | |
| 5 242 | | <input type="checkbox"/> Yes <input type="checkbox"/> No 243 | |

ADDITIONAL LOCALLY COLLECTED INFORMATION 244

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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1-800-253-9933**

Date Submitted / /

HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(Use one page per material per building or site)

ADD DELETE REVISE Page 20 of 21

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As) 3

Cabrillo Power I LLC

CHEMICAL LOCATION 201 CHEMICAL LOCATION CONFIDENTIAL 202

SEE SITE MAP/PLAN

EPCRA YES NO

FACILITY ID # 203 MAP# (optional) 204 GRID# (optional) 205

3 7 0 0 0 11 1 3 9 4 1 1 *NOT USED* *NOT USED*

I. CHEMICAL INFORMATION

CHEMICAL NAME 206 TRADE SECRET YES NO 207

Spectrus NX1106

If subject to EPCRA, refer to regulations

COMMON NAME 208 EHS* YES NO 209

CAS# *Mixture - see below* 200 *If EHS is "Yes", all amounts below must be in lbs. 201

FIRE CODE HAZARD CLASSES (Complete if required by CUPA) 210

NOT REQUIRED BY SAN DIEGO COUNTY

HAZARDOUS MATERIAL TYPE (Check one item only) 211 RADIOACTIVE Yes No 212 CURIES 213

a. PURE b. MIXTURE c. WASTE

PHYSICAL STATE (Check one item only) 214 LARGEST CONTAINER **55 gallons** 215

a. SOLID b. LIQUID c. GAS

HELD HAZARD CATEGORIES (Check all that apply) 216 d. ACUTE HEALTH e. CHRONIC HEALTH

a. FIRE b. REACTIVE c. PRESSURE RELEASE

AVERAGE DAILY AMOUNT 217 MAXIMUM DAILY AMOUNT 218 ANNUAL WASTE AMOUNT 219 STATE WASTE CODE 220

45 **55** **0**

UNITS* (Check one item only) * If EHS, amount must be in pounds. 221 DAYS ON SITE 222

a. GALLONS b. CUBIC FEET c. POUNDS d. TONS

365

STORAGE CONTAINER 223

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

c. TANK INSIDE BUILDING g. CARBOY k. BOX o. TOTE BIN

d. STEEL DRUM h. SLO l. CYLINDER p. TANK WAGONS

STORAGE PRESSURE 224 a. AMBIENT b. ABOVE AMBIENT c. BELOW AMBIENT

STORAGE TEMPERATURE 225 a. AMBIENT b. ABOVE AMBIENT c. BELOW AMBIENT d. CRYOGENIC

| %WT | HAZARDOUS COMPONENT (For mixture or waste only) | EHS | CAS # |
|-----------|---|---|------------|
| 1 unknown | Magnesium Nitrate | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 10377-60-3 |
| 2 unknown | 5-Chloro-2-Methyl-4-isothiazolin-3-one | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 26172-55-4 |
| 3 unknown | Water, H ₂ O | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 7732-18-5 |
| 4 | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| 5 | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |

ADDITIONAL LOCALLY COLLECTED INFORMATION 226

- 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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1-800-253-9933**

Date Submitted / /

HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(Check page per material per tanking or area)

ADD DELETE REVISE 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) | GRIP# (optional) |
| | | | | | | | | | | | | NOT USED | NOT USED |

I. CHEMICAL INFORMATION

| | |
|---|--|
| CHEMICAL NAME Nitric Oxide (NO) | TRADE SECRET <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| COMMON NAME Nitric Oxide | EHS* <input checked="" type="checkbox"/> YES <input type="checkbox"/> 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) <input checked="" type="checkbox"/> a. PURE <input type="checkbox"/> b. MIXTURE <input type="checkbox"/> c. WASTE | RADIOACTIVE <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | CURBS |
| PHYSICAL STATE (Check one item only) <input type="checkbox"/> a. SOLID <input type="checkbox"/> b. LIQUID <input checked="" type="checkbox"/> c. GAS | LARGEST CONTAINER 140 cF / 8731.8 lbs. | |

HEALTH 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 |
|--|---|---------------------------------|------------------|

| | |
|---|-----------------------------|
| LEAKS* (Check one item only) * If EHS, amount must be in pounds. <input type="checkbox"/> a. GALLONS <input type="checkbox"/> b. CUBIC FEET <input checked="" type="checkbox"/> c. POUNDS <input type="checkbox"/> d. TONS | DAYS ON SITE: 365 |
|---|-----------------------------|

| | | | | | |
|-------------------|--|--|---|--|--------------------------------------|
| STORAGE CONTAINER | <input 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"/> e. CAN | <input type="checkbox"/> j. BAG | <input type="checkbox"/> n. PLASTIC BOTTLE | <input type="checkbox"/> r. OTHER |
| | <input type="checkbox"/> c. TANK INSIDE BUILDING | <input type="checkbox"/> g. CARIQY | <input type="checkbox"/> k. BOX | <input type="checkbox"/> o. TOTE BIN | |
| | <input type="checkbox"/> d. STEEL DRUM | <input type="checkbox"/> h. SILO | <input checked="" type="checkbox"/> l. CYLINDER | <input type="checkbox"/> 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) \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

(One page per material per building or area)

ADD DELETE REVISE Page 22 of 33

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** 202 MAIL# (optional) **NOT USED** 203 CRID# (optional) **NOT USED**

II. CHEMICAL INFORMATION

CHEMICAL NAME **Carbon Dioxide gas** 204 TRADE SECRET YES NO

COMMON NAME **Carbon Dioxide gas** 207 IF Subject to EPCRA, refer to instructions

CASH **124-38-9** 209 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** 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 **143 cu. ft.** 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 **450** 217 MAXIMUM DAILY AMOUNT **500** 218 ANNUAL WASTE AMOUNT **0** 219 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 **365** 222

STORAGE CONTAINER a. ABOVE GROUND TANK c. PLASTIC/NONMETALLIC DRUM e. 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. CARBIDY k. BOX o. TOTE BIN

d. STEEL DRUM h. SILO i. 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 | | <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



**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

(Use page per material per building or area)

ADD DELETE REVISE Page 23 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Name 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** MAIL# (optional) **NOT USED** GRID# (optional) **NOT USED**

I. 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 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

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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1-800-253-9933**

Date Submitted / /

HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per tanking or area)

ADD DELETE REVISE Page 24 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As) _____

Cabrillo Power LLC

CHEMICAL LOCATION ²⁰¹ CHEMICAL LOCATION CONFIDENTIAL ²⁰²
EPCRA YES NO

SEE SITE MAP/PLAN

FACILITY ID # 3 7 0 0 0 H 1 3 9 4 1 ²⁰³ MAP# (optional) ²⁰⁴ GRID# (optional) ²⁰⁴
NOT USED *NOT USED*

I. CHEMICAL INFORMATION

CHEMICAL NAME ²⁰⁵ TRADE SECRET YES NO ²⁰⁶

Vitec 3000

COMMON NAME ²⁰⁷ EHS* YES NO ²⁰⁸

Vitec 3000

CAS# **Proprietary mixture** ²⁰⁹ *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) ²¹¹ a. PURE b. MIXTURE c. WASTE ²¹² RADIOACTIVE Yes No ²¹³ CURIES ²¹³

PHYSICAL STATE (Check one item only) ²¹⁴ a. SOLID b. LIQUID c. GAS ²¹⁵ LARGEST CONTAINER **4,000 gallons**

FED HAZARD CATEGORIES (Check all that apply) ²¹⁶ a. FIRE b. REACTIVE c. PRESSURE RELEASE d. ACUTE HEALTH e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT ²¹⁷ **3,600** MAXIMUM DAILY AMOUNT ²¹⁸ **4,000** ANNUAL WASTE AMOUNT ²¹⁹ **0** STATE WASTE CODE ²²⁰

UNITS* ²²¹ a. GALLONS b. CUBIC FEET c. POUNDS d. TONS ²²² DAYS ON SITE: **365**

STORAGE CONTAINER ²²³ a. ABOVE GROUND TANK b. PLASTIC/NONMETALLIC DRUM c. FIBER DRUM d. GLASS BOTTLE e. RAIL CAR f. UNDERGROUND TANK g. CAN h. BAG i. PLASTIC BOTTLE j. OTHER k. TANK INSIDE BUILDING l. CARBOY m. BOX n. TOTE BIN o. TANK WAGON p. STEEL DRUM q. SILO r. CYLINDER

STORAGE PRESSURE ²²⁴ a. AMBIENT b. ABOVE AMBIENT c. BELOW AMBIENT

STORAGE TEMPERATURE ²²⁵ a. AMBIENT b. ABOVE AMBIENT c. BELOW AMBIENT d. CRYOGENIC

| %WT ²²⁶ | HAZARDOUS COMPONENT (For mixture or waste only) ²²⁷ | EHS ²²⁸ | CAS # ²²⁹ |
|--------------------------|--|---|----------------------------|
| 1 < 12 ²³⁰ | Phosphonic Acid Salt ²³¹ | <input type="checkbox"/> Yes <input type="checkbox"/> No ²³² | proprietary ²³³ |
| 2 < 9 ²³⁴ | Alkali Hydroxide ²³⁵ | <input type="checkbox"/> Yes <input type="checkbox"/> No ²³⁶ | proprietary ²³⁷ |
| 3 0 - 16 ²³⁸ | Aminotrialkylphosphonic Acid ²³⁹ | <input type="checkbox"/> Yes <input type="checkbox"/> No ²⁴⁰ | proprietary ²⁴¹ |
| 4 0 - 1 ²⁴² | Phosphonic Acid ²⁴³ | <input type="checkbox"/> Yes <input type="checkbox"/> No ²⁴⁴ | proprietary ²⁴⁵ |
| 5 0 - 0.2 ²⁴⁶ | Inorganic Acid ²⁴⁷ | <input type="checkbox"/> Yes <input type="checkbox"/> No ²⁴⁸ | proprietary ²⁴⁹ |

ADDITIONAL LOCALLY COLLECTED INFORMATION ²⁵⁰

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 25 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As) 3

Cabrillo Power I LLC

CHEMICAL LOCATION 201 CHEMICAL LOCATION CONFIDENTIAL 202

SEE SITE MAP/PLAN

EPCRA YES NO

FACILITY ID # 203 MAP# (optional) 204 GRID# (optional) 204

3 7 0 0 0

H 1 3 9 4 1

NOT USED

NOT USED

II. CHEMICAL INFORMATION

CHEMICAL NAME 205 TRADE SECRET YES NO 206

Sodium Hypochlorite

If Subject to EPCRA, refer to instructions

COMMON NAME 207 EHS* YES NO 208

CAS# **7681-52-9** 209 *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) 211 RADIOACTIVE Yes No 212 CURIES 213

a. PURE b. MIXTURE c. WASTE

PHYSICAL STATE (Check one item only) 214 LARGEST CONTAINER **55 gallons** 215

a. SOLID b. LIQUID c. GAS

FED HAZARD CATEGORIES (Check all that apply) 216

a. FIRE b. REACTIVE c. PRESSURE RELEASE d. ACUTE HEALTH e. CHRONIC HEALTH

AVERAGE DAILY AMOUNT 217 MAXIMUM DAILY AMOUNT 218 ANNUAL WASTE AMOUNT 219 STATE WASTE CODE 220

55

110

0

UNITS* (Check one item only) * If EHS amount must be in pounds. 221 DAYS ON SITE: 222

a. GALLONS b. CUBIC FEET c. POUNDS d. TONS

365

STORAGE CONTAINER 223

- | | | | | |
|--|---|--|--|--------------------------------------|
| <input type="checkbox"/> a. ABOVE GROUND TANK | <input checked="" type="checkbox"/> e. PLASTIC/NONMETALLIC DRUM | <input type="checkbox"/> l. 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"/> c. TANK INSIDE BUILDING | <input type="checkbox"/> g. CARBOY | <input type="checkbox"/> k. BOX | <input type="checkbox"/> o. TOTE BIN | |
| <input type="checkbox"/> d. STEEL DRUM | <input type="checkbox"/> h. SILD | <input type="checkbox"/> i. CYLINDER | <input type="checkbox"/> p. TANK WAGON | |

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 12% | Sodium Hypochlorite | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 7681-52-9 |
| 2 89% | Water, H ₂ O | <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 240

- 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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1-800-253-9933**

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HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per building or area)

ADD

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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

I. 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*

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. SGO 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 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 7681-52-9 |
| 2 99.9% | Water, H ₂ O | <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

- 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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1-800-253-9933**

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HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

ADD DELETE 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 YES NO 202

FACILITY ID# **3 7 0 0 0 11 1 3 9 4 1** 203 MAP# (optional) **NOT USED** 204 GRID# (optional) **NOT USED**

I. CHEMICAL INFORMATION

CHEMICAL NAME **Hi-Chem HMP** 205 TRADE SECRET YES NO 206
If Subject to EPCRA, refer to instructions.

COMMON NAME 207 EHS* YES NO 208

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** 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 **55 gallons** 215

PIED HAZARD CATEGORIES (Check all that apply) a. FIRE b. REACTIVE c. PRESSURE RELEASE d. ACUTE HEALTH e. CHRONIC HEALTH 216

AVERAGE DAILY AMOUNT **45** 217 MAXIMUM DAILY AMOUNT **55** 218 ANNUAL WASTE AMOUNT **0** 219 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: **365** 222

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. SHIP l. CYLINDER p. TANK WAGON 224

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 | | <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 226
 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
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HAZARDOUS MATERIALS DIVISION
P.O. BOX 129261, SAN DIEGO, CA 92112-9261
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HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per building or area)

ADD DELETE REVISE 201 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**

I. 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* (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 68 - 70 | Nitric Acid | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 7697-37-2 |
| 2 29 - 31 | Water, H ₂ O | <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

- 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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1-800-253-9933**

Date Submitted / /

HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

if one page per material (not including cover)

ADD DELETE REVISE Page 30 of 31

I. FACILITY INFORMATION

| | | | | | | | | | | | | | | | |
|--|---|---|---|-----|---|---|---|---|---|---|---|----------------|-----------------|------------------|-----|
| BUSINESS NAME (name as FACILITY NAME or DBA - Doing Business As) | | | | 201 | | | | | | | | | | | |
| Cabrillo Power I LLC | | | | | | | | | | | | | | | |
| CHEMICAL LOCATION | | CHEMICAL LOCATION CONFIDENTIAL | | 202 | | | | | | | | | | | |
| SEE SITE MAP/PLAN | | EPCRA <input type="checkbox"/> YES <input checked="" type="checkbox"/> 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 | 205 | TRADE SECRET | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | 206 |
| Ammonium Hydroxide | | <small>If Subject to EPCRA, refer to instructions</small> | | |
| COMMON NAME | 207 | EHS* | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | 208 |
| Aqueous Ammonia, 19% | | *If EHS is "Yes", all amounts below must be in lbs. | | |
| CAS# 1336-21-6, mixture - see below | 209 | | | |

FIRE CODE: HAZARD CLASSES (Complete if required by CUPA) 210
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 | CURIES | 213 | | |
| 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 10,000 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 checked="" type="checkbox"/> d. ACUTE HEALTH <input type="checkbox"/> e. CHRONIC HEALTH | 215 | | | | | | |
| AVERAGE DAILY AMOUNT | 217 | MAXIMUM DAILY AMOUNT | 218 | ANNUAL WASTE AMOUNT | 219 | STATE WASTE CODE | 220 | |
| 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. | <input type="checkbox"/> a. GALLONS <input type="checkbox"/> b. CUBIC FEET <input checked="" type="checkbox"/> c. POUNDS <input type="checkbox"/> d. TONS | 221 | | | | | DAYS ON SITE: | 222 |
| 365 | | | | | | | | |

| | | | | | |
|-------------------|--|---|--|---|-----|
| STORAGE CONTAINER | <input checked="" type="checkbox"/> a. ABOVE GROUND TANK <input type="checkbox"/> c. PLASTIC/NONMETALLIC DRUM <input type="checkbox"/> f. FIBER DRUM <input type="checkbox"/> m. GLASS BOTTLE <input type="checkbox"/> q. RAIL CAR | <input type="checkbox"/> b. UNDERGROUND TANK <input type="checkbox"/> e. CAN <input type="checkbox"/> j. IBC <input type="checkbox"/> n. PLASTIC BOTTLE <input type="checkbox"/> r. OTHER | <input type="checkbox"/> d. TANK INSIDE BUILDING <input type="checkbox"/> g. CARBOY <input type="checkbox"/> k. BOX <input type="checkbox"/> o. TOTE BIN | <input type="checkbox"/> h. STEEL DRUM <input type="checkbox"/> l. SILO <input type="checkbox"/> i. CYLINDER <input type="checkbox"/> 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 # |
|----------|---|---|------------------|
| 15 - 19 | Ammonia | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 7664-41-7 |
| 281 - 95 | Water, H₂O | <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 226

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
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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 30 of 31

I. FACILITY INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As) 3

Cabrillo Power I LLC

CHEMICAL LOCATION 201 CHEMICAL LOCATION CONFIDENTIAL 202

SEE SITE MAP/PLAN

EPCRA YES NO

FACILITY ID # 37000R13941 MAP# (optional) NOT USED GRID# (optional) NOT USED

I. CHEMICAL INFORMATION

CHEMICAL NAME 203 TRADE SECRET YES NO 206

Helium gas

If Subject to EPCRA, refer to instructions

COMMON NAME 207 EHS* YES NO 208

Helium gas

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 212 CURIES 213

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: **365** 222

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 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 # |
|-------|---|---|------------------|
| 1 100 | Gaseous Helium | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 7440-59-7 |
| 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 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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Date Submitted

HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

(One page per material per building or area)

ADD DELETE REVISE Page 21 of 21

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

Sodium Hydroxide

TRADE SECRET YES NO

COMMON NAME

Caustic Soda, palletized form

If Subject to EPCRA, refer to instructions

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 l. 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 i. 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



**SAN DIEGO COUNTY
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1-800-253-9933**

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: 0 0 1 NAME OF EMERGENCY COORDINATOR: S h e l l i a H e n i k a

TITLE: E n v t ' l S p e c i a l i s t WORK PHONE: 7 6 0 2 6 8 4 0 1 8 CELL PHONE: 7 6 0 5 3 5 2 7 0 5

NUMBER: 4 6 0 0 STREET: C a r l s b a d B l v d . CITY: C a r l s b a d C A 9 2 0 0 8

ITEM: 0 0 2 NAME OF ALTERNATE: K e n t M i l e s

TITLE: E n v t ' l S p e c i a l i s t WORK PHONE: 7 6 0 2 6 8 4 0 2 0 CELL PHONE: 7 6 0 5 3 5 7 8 5 1

NUMBER: 4 6 0 0 STREET: C a r l s b a d B l v d . CITY: C a r l s b a d C A 9 2 0 0 8

ITEM: 0 0 3 NAME OF ALTERNATE: S h i f t S u p e r v i s o r

TITLE: C o n t r o l R m 3 & 4 WORK PHONE: 7 6 0 2 6 8 4 0 6 2 24-Hr. PHONE: 7 6 0 2 6 8 4 0 6 6

NUMBER: 4 6 0 0 STREET: C a r l s b a d B l v d . CITY: C a r l s b a d C A 9 2 0 0 8



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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:

| | <u>Phone No.</u> |
|---|--|
| 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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1-800-253-9933

____/____/____
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)

| <u>Shipment Number</u> | <u>Shipment Date</u> | <u>Quantity Shipped</u> |
|------------------------------------|----------------------|-------------------------|
| EN06012 | 8/11/2006 | 274.00 Pounds |
| 267700 Total: 274.00 Pounds | | |

Profile Number: 268779

Profile Description: CHLORIDE LAB WASTE LIQUID (WATER, DISSOLVED MINERALS)

| <u>Shipment Number</u> | <u>Shipment Date</u> | <u>Quantity Shipped</u> |
|------------------------------------|----------------------|-------------------------|
| EN06005 | 4/12/2006 | 400.00 Pounds |
| 268779 Total: 400.00 Pounds | | |

Profile Number: 268780

Profile Description: Used Oil

| <u>Shipment Number</u> | <u>Shipment Date</u> | <u>Quantity Shipped</u> |
|---------------------------------------|----------------------|-------------------------|
| EN06005 | 4/12/2006 | 6060.00 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

| <u>Shipment Number</u> | <u>Shipment Date</u> | <u>Quantity Shipped</u> |
|--------------------------------------|----------------------|-------------------------|
| 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

| <u>Shipment Number</u> | <u>Shipment Date</u> | <u>Quantity Shipped</u> |
|--------------------------------------|----------------------|-------------------------|
| 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

| <u>Shipment Number</u> | <u>Shipment Date</u> | <u>Quantity Shipped</u> |
|------------------------|----------------------|--------------------------|
| 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)

| <u>Shipment Number</u> | <u>Shipment Date</u> | <u>Quantity Shipped</u> |
|------------------------|----------------------|-------------------------|
| EN06012 | 8/11/2006 | 135.00 Pounds |
| 514692 Total: | | 135.00 Pounds |

Profile Number: 600503

Profile Description: Antifreeze and Water

| <u>Shipment Number</u> | <u>Shipment Date</u> | <u>Quantity Shipped</u> |
|------------------------|----------------------|-------------------------|
| 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

| <u>Shipment Number</u> | <u>Shipment Date</u> | <u>Quantity Shipped</u> |
|------------------------|----------------------|-------------------------|
| EN06012 | 8/11/2006 | 150.00 Pounds |
| 600833 Total: | | 150.00 Pounds |

Profile Number: MESA ENV.OILY DEBRIS

Profile Description: Oily Debris

| <u>Shipment Number</u> | <u>Shipment Date</u> | <u>Quantity Shipped</u> |
|------------------------------------|----------------------|-------------------------|
| 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

| <u>Shipment Number</u> | <u>Shipment Date</u> | <u>Quantity Shipped</u> |
|------------------------|----------------------|-------------------------|
| 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 grt

| <u>Shipment Number</u> | <u>Shipment Date</u> | <u>Quantity Shipped</u> |
|------------------------------------|----------------------|-------------------------|
| 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

| <u>Shipment Number</u> | <u>Shipment Date</u> | <u>Quantity Shipped</u> |
|------------------------|----------------------|-------------------------|
| 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

| Material | Receiving Location (Basin B) | Handling Location plant | Storage Location (Basin B) | Quantity/Capacity |
|---|--|--|--|---|
| Used Oils (tube 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 |
| Demineralizer 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 |