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Secretary for
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Department of Toxic Substances Control

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August 27, 2008

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Ms. Felicia Miller
Energy Commission
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APPLICATION FOR CERTIFICATION (AFC) FOR THE ORANGE GROVE PROJECT (OGP).

Dear Ms. Miller:

The Department of Toxic Substances Control (DTSC) has received your submitted (AFC) document for the above-mentioned project. The following project description is stated in your document: "The OGP will consist of (1) two natural gas fired General Electric GE LM6000 PC SPRINT combination turbine generators CTGs, (2) a packaged wet cooling tower for cooling the air inlet chiller system, (3) air cooling for the fuel gas compressors and generator lube oil systems, (4) a 0.3 mile underground transmission line from the project to the Pala Substation, and (5) an approximately 2.4-mile length of natural gas lateral gas lateral pipeline will connect to the SDGE main gas line, (6) 21.1 and 12.1 acre-feet per year of fresh and reclaimed water respectively from the Fallbrook Public Utilities District will be provided water to the project site via truck transport during operations, (7) a reverse osmosis unit will employed on-site to recycle water for plant processes and eliminate liquid discharge from the project, (8) an on-site septic system will be employed to dispose of sanitary waste from the OGP".

Based on the review of the submitted AFC document DTSC has comments as follows:

1. The draft AFC needs to identify and determine whether current or historic uses at the Project site have resulted in any release of hazardous wastes/substances at the Project area.
2. The known or potentially contaminated sites within the proposed Project area should be identified. For all identified sites, the draft AFC should evaluate whether

conditions at the site pose a threat to human health or the environment. A Phase I Assessment may be sufficient to identify these sites. Following are the databases of some of the regulatory agencies:

- National Priorities List (NPL): A list is maintained by the United States Environmental Protection Agency (U.S.EPA).
 - CalSites: A Database primarily used by the California Department of Toxic Substances Control.
 - Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
 - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
 - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
 - Leaking Underground Storage Tanks (LUST) / Spills, Leaks, Investigations and Cleanups (SLIC): A list that is maintained by Regional Water Quality Control Boards (RWQCBs).
 - Local County and City maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
3. The draft AFC should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If hazardous materials or wastes were stored at the site, an environmental assessment should be conducted to determine if a release has occurred. If so, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. It may be necessary to determine if an expedited response action is required to reduce existing or potential threats to public health or the environment. If no immediate threat exists, the final remedy should be implemented in compliance with state laws, regulations and policies.

4. If the subject property was previously used for agriculture, onsite soils could contain pesticide residues. Proper investigation and remedial action may be necessary to ensure the site does not pose a risk to the future residents.
5. All environmental investigations, sampling and/or remediation should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous waste cleanup. The findings and sampling results from the subsequent report should be clearly summarized in the AFC.
6. Proper investigation, sampling and remedial actions, if necessary, should be conducted at the site prior to the new development or any construction, and overseen by a regulatory agency.
7. If any property adjacent to the project site is contaminated with hazardous chemicals, and if the proposed project is within 2,000 feet from a contaminated site, then the proposed development may fall within the "Border Zone of a Contaminated Property." Appropriate precautions should be taken prior to construction if the proposed project is within a "Border Zone Property
8. Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. A study of the site overseen by the appropriate government agency might have to be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
9. If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If such wastes are (a) stored in tanks or containers for more than ninety days, (b) treated onsite, or (c) disposed of onsite, then a permit from DTSC may be required. If so, the facility should contact DTSC at (818) 551-2171 to initiate pre application discussions and determine the permitting process applicable to the facility. Hazardous waste generators should obtain a United States Environmental Protection Agency Identification Number by calling (800) 618-6942. Certain hazardous waste treatment processes may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.

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10. If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the AFC should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight.

If you have any questions regarding this letter, please contact me (714) 484-5472 or at "ashami@dtsc.ca.gov".

Sincerely,



Al Shami
Project Manager
Brownfields and Environmental Restoration Program- Cypress Office
Department of Toxic Substances Control

cc: Governor's Office of Planning and Research
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