

<b>DOCKETED</b>	
<b>Docket Number:</b>	01-AFC-25C
<b>Project Title:</b>	Malburg Generating Station-Compliance
<b>TN #:</b>	233502
<b>Document Title:</b>	Approval of Request to Increase Size of Hypochlorite and Sulfuric Acid Tanks, MGS Project as Allowed by Cond of Cert HAZ-1
<b>Description:</b>	N/A
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<b>Organization:</b>	California Energy Commission
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**CALIFORNIA ENERGY COMMISSION**

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SACRAMENTO, CA 95814-5512  
www.energy.ca.gov



June 1, 2009

Mr. Douglas Halliday, COO  
Bicent (California) Malburg  
4963 Soto Street  
Vernon, CA 90058

**APPROVAL OF REQUEST TO INCREASE SIZE OF HYPOCHLORITE AND  
SULFURIC ACID TANKS, MALBURG GENERATING STATION PROJECT AS  
ALLOWED BY CONDITION OF CERTIFICATION HAZ-1, 01-AFC-25C**

Dear Mr. Halliday:

This letter is in response to your letter of April 24, 2009. As Chief Operating Officer of Bicent (California) Malburg, LLC (Bicent), you are requesting an equipment change at the Malburg Generating Station Project (MGS). The change you are requesting is specifically addressed in Condition of Certification HAZ-1, which makes provision for increasing the size of sulfuric acid and hypochlorite tanks used for cooling tower water treatment with approval of the Energy Commission's Compliance Project Manager (CPM) for MGS.

Your two specific requests are the following: first, to increase the size of the sulfuric acid tank from 500 to 4,400 gallons; second, to increase the size of the hypochlorite tank from 500 to 2,000 gallons. The current usage rates of these chemicals necessitate weekly filling of these tanks. The larger size tanks would reduce the filling frequency to monthly. Both tanks would be constructed of crosslinked polyethylene and have adequate secondary containment.

Bicent is requesting approval to install these new tanks in order to significantly reduce the raw material costs and delivery/fuel costs of these materials. The installation and operation will reduce the number of trips to the site and allow for larger loads. Fuel costs have dramatically increased since the time the MGS project was certified and therefore, the current increased delivery costs were not known at the time of the original submittal and certification.

Your request states that public and worker safety will be improved because of the reduction in the number of deliveries and fill operations of the chemicals, which are the most common factors in accidental releases. Neither of these materials is covered by the federal Accidental Release Prevention regulations or the California Accidental Release Prevention regulations. Both rules include oleum, which is fuming sulfuric acid, or sulfuric acid concentrated with at least 100 pounds of sulfur trioxide. Your request states that MGS will not receive sulfuric acid that meets these definitions.

You have provided a copy of a February 19, 2009 letter from the City of Vernon approving the proposed plans described in your request. The city's approval has the following three contingencies:

- o Obtaining the services of a certified Chief Building Official (CBO) to review and approve plans and inspect the construction;
- o Proper labeling of the tanks; and
- o Submission of a hazardous materials inventory chemical description form for each product prior to the first initial delivery to reflect the new inventory.

We concur with the City's requested contingencies and will work with you to obtain the services of a CPM-approved CBO to perform plan check/plan review and inspection services for the new construction.

Staff has reviewed your request described above and concurs that this change is consistent with the requirements of Condition of Certification HAZ-1. Staff also concurs with your conclusion that this change will have a positive impact on public and worker safety due to the decreased risk of accidental releases because of the 75 percent reduction of chemical deliveries that will result. Therefore, your request is approved.

Thank you for your information and cooperation. If you have any questions, you may call me at 916-654-3936.

Sincerely,



STEPHEN D. MUNRO  
Compliance Project Manager  
Siting, Transmission and Environmental  
Protection Division

cc: Erik Knudson, Plant Manager