PROOF OF SERVICE (REVISED

ORIGINAL MAILED FROM SACRAMENTO OF

Department of Toxic Substances Control

Maureen F. Gorsen, Director 5796 Corporate Avenue Cypress, California 90630

November 7, 2007

Mr. James W. Reede, Jr. Project Manager 1516 9th Street, MS-15 Sacramento, California 95814

REVIEW OF CALIFORNIA ENERGY COMMISSION APPLICATION FOR CERTIFICATION (AFC) FOR CARLSBAD ENERGY CENTER PROJECT (DOCKET# 07-AFC-6)

Dear Mr. Reede:

The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Preparation of a Supplemental EIR for the above-mentioned project. The following project description is stated in your document: "The proposed project would be a 558 megawatt (MW) gross combined-cycle generating facility configured using two Siemens SCC6-5000F, natural gas-fired combustion turbine generators (CTG), two heat recovery steam generators (HRSG), and two steam turbine generators (STG). The Carlsbad EC units would connect to the electrical transmission system via 138 kilovolt (kV) and 230 kV lines that connect to the nearby SDG&E switchyards at the existing Encina Power Station."

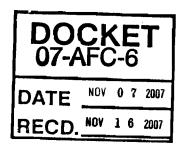
Based on the review of the submitted document DTSC has the following comments:

- 1) The AFC should identify the current or historic uses at the project site that may have resulted in a release of hazardous wastes/substances.
- 2) The AFC should identify the known or potentially contaminated sites within the proposed Project area. For all identified sites, the AFC should evaluate whether conditions at the site may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:
 - National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).



Arnold Schwarzenegger

Governor





Linda S. Adams

Secretary for

Environmental Protection

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Mr. James W. Reede, Jr. November 7, 2007 Page 2

- Envirostor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
- 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.
- Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
- The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).
- 3) All environmental investigations, sampling and/or remediation for the site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found should be clearly summarized in a table.
- 4) 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.

Mr. James W. Reede, Jr. November 7, 2007 Page 3

- 5) If buildings or other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should be conducted for the presence of other related hazardous chemicals, lead-based paints or products, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.
- 6) The project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.
- 7) If during construction/demolition of the project, the soil and/or groundwater contamination is suspected, construction/demolition in the area would cease and appropriate health and safety procedures should be implemented.
- 8) If the site was used for agricultural or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.
- 9) Envirostor (formerly CalSites) is a database primarily used by the California Department of Toxic Substances Control, and is accessible through DTSC's website. DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA please see <u>www.dtsc.ca.gov/SiteCleanup/Brownfields</u>, or contact Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489 for the VCA.

Mr. James W. Reede, Jr. November 7, 2007 Page 4

If you have any questions regarding this letter, please contact Ms. Eileen Khachatourians, Project Manager, at (714) 484-5349 or email at EKhachat@dtsc.ca.gov.

Sincerely,

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Greg Holmes Unit Chief Southern California Cleanup Operations Branch - Cypress Office

cc: Governor's Office of Planning and Research State Clearinghouse P.O. Box 3044 Sacramento, California 95812-3044

> CEQA Tracking Center Department of Toxic Substances Control Office of Environmental Planning and Analysis 1001 | Street, 22nd Floor, M.S. 22-2 Sacramento, California 95814

CEQA# 1894

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

APPLICATION FOR CERTIFICATION FOR THE CARLSBAD ENERGY CENTER PROJECT

Docket No. 07-AFC-6 PROOF OF SERVICE (Est. 11/6/07)

<u>INSTRUCTIONS:</u> All parties shall 1) send an original signed document plus 12 copies <u>OR</u> 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed <u>OR</u> electronic copy of the documents that <u>shall include a proof of service declaration</u> to each of the individuals on the proof of service:

CALIFORNIA ENERGY COMMISSION Attn: Docket No. 07-AFC-6 1516 Ninth Street, MS-14 Sacramento, CA 95814-5512 docket@energy.state.ca.us

<u>APPLICANT</u>

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Electricity Oversight Board 770 L Street, Suite 1250 Sacramento, CA 95814 esaltmarsh@eob.ca.gov

INTERVENORS

ENERGY COMMISSION

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