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April 15, 2008

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DOCKET 08-AFC-2	
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REVIEW OF THE CALIFORNIA ENERGY COMMISSION (CEC) APPLICATION FOR CERTIFICATION (AFC) FOR BEACON SOLAR ENERGY PROJECT, MOJAVE DESERT, KERN COUNTY, CALIFORNIA (DOCKET # 08-AFC-2)

Dear Mr. Pfanner:

Thank you for providing the Department of Toxic Substances Control (DTSC) the opportunity to review the Application For Certification (AFC) for the proposed Beacon Solar Energy Project, dated March 27, 2008.

The AFC states that the proposed project will be owned and operated by Beacon Solar, LLC, a subsidiary of Florida Power & Light Energy, LLC. The proposed project will consist of a concentrated solar electric generating facility to be located within an approximately 2,012-acre site on the western edge of the Mojave Desert, in eastern Kern County, California. The proposed project area is located in proximity to existing transmission structures and is projected to produce a nominal electrical output of 250 megawatts (MW). The solar thermal technology would provide 100 percent of the power generated by the plant; no supplementary energy source (e.g., natural gas combustion to generate electricity) is proposed. The majority of the project area is undisturbed, although a portion of the area operated as an alfalfa farm from approximately 1977 to 1985. If approved, Beacon Solar plans to initiate construction in the third quarter of 2009 and require approximately two years for completion of the project. Commercial operation of the proposed facility is planned for the third quarter of 2011.

DTSC, in keeping with the intent of Executive Order D-26-01 and D-28-01 (Executive Orders) to expedite the review of proposed thermal power plants for construction and operation on an emergency basis, has conducted a "fatal-flaw" analysis of specific sections of the AFC for the above-referenced project. The following comments represent the separate evaluations of DTSC's two main programs, Hazardous Waste Management Program (HWMP) and Site Mitigation and Brownfields Reuse Program (SMBRP).

HWMP's Land Disposal Branch (LDB) offers the following comments:

Section 5.16 of the AFC addresses the management of hazardous waste and specifies the types of waste expected to be generated during the construction and operational phases of the proposed facility. The AFC states that the potential generation of any hazardous waste is subject to California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and Hazardous Waste Control regulations (California Code of Regulations, Title 22, Division 4.5). Furthermore, the AFC states that the proposed project will comply with all applicable laws, ordinances, regulations and standards (LORS), including California Code of Regulations, Title 22.

Based upon our review of the referenced document, DTSC's LDB has no concerns regarding the future management of hazardous waste at the proposed Beacon Solar Energy Project. However, it is requested that the following "condition of certification" be included as part of the CEC's approval of the AFC:

- If it is determined that hazardous wastes are, or will be (a) stored in tanks or containers for more than ninety days, (b) treated on-site, or (c) disposed of on-site, then a permit from the Department of Toxic Substances Control (DTSC) may be required. The facility shall contact DTSC to initiate pre-application discussions and determine the permitting process applicable to the facility.

SMBRP's Northern California-Central Cleanup Operations Branch offers the following comments:

SMBRP's review of the Beacon Solar Energy Project focused specifically upon the Phase I Environmental Site Assessment (Phase I ESA) which addressed historical and current land use activities that may have resulted in hazardous waste contamination at the proposed project area. The Phase I ESA, conducted in conformance with the scope and limitations of ASTM Practice E 1527-05 of the subject property, reported that alfalfa farming was conducted at a portion of the project property area from the mid 1970's until the mid 1980's. DTSC has determined that due to the relatively short duration of the active farming operations, in conjunction with the type of pesticides commonly used on alfalfa crops in Kern County during this time period, it is unlikely that significant residual soil contamination is present at the project area. Additionally, the Phase II ESA also identified the presence of two underground storage tanks (USTs) and associated fueling equipment as recognized environmental concerns. Due to the approximate 30-year age of the building materials associated with the on-site residence, maintenance garage and duplexes, asbestos containing materials and lead based paint were noted as non-ASTM issues of concern.

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The Phase I ESA made the following recommendations:

1. The USTs, dispensers and associated piping should be removed in accordance with local and State guidelines.
2. An asbestos survey of the subject property should be conducted and any identified asbestos should be removed in accordance with local and State guidelines.
3. The painted surfaces of the onsite structures should be sampled to determine the lead content. If lead is determined present in the painted surfaces, the surfaces that are in poor condition should be abated by a qualified contractor in accordance with local and State regulations.

DTSC concurs with the recommendations as stated in the Phase II ESA and requests the project proponent contact the Kern County Environmental Health Department to ensure the appropriate management of the UST, asbestos and potential lead based paint related issues. Mr. Joe Canas, representing the Kern County Environmental Health Department may be reached at (661) 862-8700.

Therefore, based upon SMBRP's review of the referenced AFC documentation and the Phase I Environmental Site Assessment conducted for the proposed Beacon Solar Energy Project, DTSC concurs with the proposed project action. However, as with any real property, if previously unidentified contamination is discovered at the site, additional assessment, investigation, and/or cleanup may be required.

Thank you for providing DTSC the opportunity to comment on this document. Should you have any questions regarding DTSC's Site Mitigation Program requirements, please contact Ms. Maria Gillette at (916) 255-3953.

Sincerely,



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