



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maziar Movassaghi, Acting Director
5796 Corporate Avenue
Cypress, California 90630



Arnold Schwarzenegger
Governor

July 7, 2009

Ellie Townsend-Hough
Chemical Engineer
California Energy Commission
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PHASE I ENVIRONMENTAL SITE ASSESSMENT FOR AMENDED SALTON SEA
UNIT 6 PROJECT, IMPERIAL COUNTY

Dear Ms. Townsend-Hough:

The Department of Toxic Substances Control (DTSC) has reviewed your submitted Data Requests and CalEnergy's Responses to the Data Requests for the above referenced project. DTSC has the following comments:

- 1) DTSC provided comments on April 15, 2009 in response to the evaluation of the project's original Application for Certification (AFC). DTSC recommends that CalEnergy address those comments for the proposed project.
- 2) With the Recognized Environmental Conditions (RECs) as mentioned in the Phase I Environmental Assessment (ESA) Report and in the absence of soil sampling data provided to DTSC, it cannot be confirmed that the site is free from contamination by pesticides, herbicides, and other chemicals.
- 3) Without data for soil sampling and Phase II site investigation, DTSC cannot verify the validity of CalEnergy's responses. Of particular note is the statement pointed out in your e-mail, which says, "If the flooding of the tiles under the site adequately reduces the concentration of pesticides and herbicides on the proposed project site..." Flooding the site may dilute the contamination but will not achieve an overall reduction of contaminants. If hazardous waste levels of pesticides exist on the site, deliberate flooding of the site may constitute illegal treatment of hazardous waste. The potential for hazardous waste levels of pesticides can only be determined by soil sampling. If the site is contaminated above health-based standards, cleanup may be necessary. Alternatively, if the

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DATE	<u>July 07 2009</u>
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Ellie Townsend-Hough

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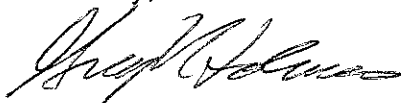
Page 2 of 2

site is contaminated above residential standards but below industrial standards, it may be possible to develop the site without cleanup under a recorded Land Use Covenant (LUC) with certain deed restrictions. Examples of LUCs can be seen on DTSC's website.

- 4) For your applicant's information, if necessary, DTSC can provide cleanup oversight through a Voluntary Cleanup Agreement (VCA). For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif Abbasi DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

If you have any questions regarding this letter, please contact me at (714) 484-5461.

Sincerely,



Greg Holmes

Unit Chief

Brownfields and Environmental Restoration Program - Cypress Office

cc: Governor's Office of Planning and Research
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