



Department of Toxic Substances Control

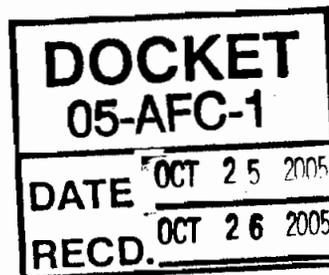


Alan C. Lloyd, Ph.D.
Agency Secretary
Cal/EPA

8800 Cal Center Drive
Sacramento, California 95826-3200

Arnold Schwarzenegger
Governor

October 25, 2005



Mr. James W. Reede, Jr., Ed. D.
Project Manager
California Energy Commission
1516 Ninth Street – MS-15
Sacramento, California 95814 -5512

REVIEW OF THE CALIFORNIA ENERGY COMMISSION'S (CEC) PRELIMINARY STAFF ASSESSMENT FOR THE PASTORIA ENERGY FACILITY EXPANSION PROJECT (Docket # 05-AFC-01)

Dear Mr. Reede:

Thank you for providing the Department of Toxic Substances Control (DTSC) the opportunity to review the California Energy Commission's Preliminary Staff Assessment (PSA) for the Pastoria Energy Facility Expansion (PEFE) Project, dated September 23, 2005.

The PSA indicates that the proposed project, owned and operated by Calpine Corporation, will consist of an additional 160 MW electric generating unit located on two acres within the existing Pastoria Energy Facility's (PEF) property boundaries. The existing PEF, licensed by the CEC on January 22, 2001 and currently operational, is located on a 31-acre site approximately 30 miles south of Bakersfield. The PSA reports that the proposed PEFE electric generating unit will be the only new component constructed. The PEFE would use the existing linear facilities and roads, and require no additional offsite construction. No new ground disturbance beyond the boundaries of the existing PEF site is proposed for the PEFE project. Furthermore, the site preparation, lay-down area, parking lots and offsite utilities that will be utilized for the PEFE were completed during construction of the licensed and approved PEF project.

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 PSA 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 (SMP).

PROOF OF SERVICE (REVISED 9/13/05) FILED WITH ORIGINAL MAILED FROM SACRAMENTO ON 10/26/05
AKH

Mr. James W. Reede, Jr., Ed. D.
October 25, 2005
Page 2

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

The PSA Waste Management Section discusses the management of hazardous wastes which are expected to be generated during the construction and operational phases of the proposed facility expansion. The PSA also states that these potential hazardous wastes are 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 PSA reports that no hazardous waste will be stored on-site greater than 90 days and 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 proposed management of hazardous waste at the PEFE. However, it is requested that the following "condition of certification" be included as part of the CEC approval:

- 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.

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

DTSC has previously reviewed and concurred with the CEC's findings for the Pastoria Energy Facility 250 MW Expansion, Application For Certification, dated February 2001. A copy of our letter, dated April 30, 2001, is provided as an attachment. Additionally, DTSC reviewed and concurred with the determination contained in the Pastoria Energy Facility Phase II Subsurface Soil Investigation Report (Pastoria Energy Facility 250 Expansion, Application For Certification, 99-AFC-7c), dated November 26, 2001. A copy of this letter, dated January 18, 2002 is also provided as an attachment to this letter.

Therefore, based upon DTSC's review and concurrence of the referenced PSA documentation, in addition to previously approved documentation for the existing PEF, we concur 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.

Mr. James W. Reede, Jr., Ed. D.
October 25, 2005
Page 3

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,

A handwritten signature in black ink, appearing to read 'Richard Hume', with a long horizontal line extending to the right.

Richard Hume, Chief
National Priority List Unit

Attachments

cc: Mr. Guenther Moskat, Chief
Planning and Environmental Analysis Section
Department of Toxic Substances Control
1001 "I" Street
P. O. Box 806
Sacramento, California 95812-0806

Mr. James L. Tjosvold, P.E. Chief
Northern California-Central Cleanup Operations Branch
Department of Toxic Substances Control
800 Cal Center Drive
Sacramento, California 95826-3200

Ms. Lorraine Larsen-Hallock
Senior Hazardous Substances Engineer
Land Disposal Branch
Hazardous Waste Management Program
Department of Toxic Substances Control
800 Cal Center Drive
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Department of Toxic Substances Control



Winston H. Hickox
Agency Secretary
California Environmental
Protection Agency

Edwin F. Lowry, Director
10151 Croydon Way, Suite 3
Sacramento, California 95827-2106

Gray Davis
Governor

April 30, 2001

Ms. Sandra Fromm
Project Manager
Energy Facilities Siting and Environmental Protection Division
California Energy Commission
1516 Ninth Street, MS-15
Sacramento, California 95814

RE: PASTORIA ENERGY FACILITY 250 MW EXPANSION
APPLICATION FOR CERTIFICATION

Dear Ms. Fromm:

The Department of Toxic Substances Control (DTSC) has reviewed the *Pastoria Energy Facility 250 MW Expansion Application for Certification (AFC)* from Pastoria Energy Facility, LLC to the California Energy Commission (CEC), February 2001. In keeping with the intent of Executive Order D-26-01 and D-28-01 (Executive Orders) to expedite review of proposed thermal power plants for construction and operation on an emergency basis, DTSC conducted a 'fatal-flaw' analysis of 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 (SMP).

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

The AFC Sections 3.4.10.2, Table 3.4.9-1, Table 3.4.9-2, and 5.14.2.3 discuss the management of hazardous wastes which are expected to be generated at the facility. These potential hazardous wastes are 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). The AFC indicates that no hazardous wastes will be stored greater than 90 days and that applicable laws, ordinances, regulations, and standards (LORS), including California Code of Regulations, Title 22, will be complied with.

Ms. Sandra Fromm
April 30, 2001
Page 2

DTSC's LDB has no concerns based on review of the referenced document; however, it is requested that the following "condition of certification" be included as part of the CEC approval:

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.

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

SMP has no concerns based on review of the referenced document 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 the opportunity to comment on this document. If you have questions regarding the forgoing, please contact Ms. Lorraine Larsen-Hallock at (916) 255-3578 or Mr. Richard Hume at (916) 255-3690 regarding issues relating to DTSC's Hazardous Waste Management or Site Mitigation Programs, respectively.

Sincerely,

ORIGINAL SIGNED

Lorraine Larsen-Hallock
Senior Hazardous Substances Engineer
Land Disposal Branch

Cc: Mr. Bob Borzelleri
Chief Deputy Director
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

Ms. Sandra Fromm
April 30, 2001
Page 3

Cc: Ms. Dorothy Rice
Deputy Director
Site Mitigation Programs
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

Mr. James McRitchie, Chief
Office of Environmental Analysis, Regulation and Audits
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

Mr. Frederick S. Moss, Chief
Permitting
Department of Toxic Substances Control
P.O. Box 806
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Mr. Guenther Moskat, Chief
Planning and Environmental Section
Office of Environmental Analysis, Regulation and Audits
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Mr. James L. Tjosvold, P.E., Chief
Northern California-Central Cleanup Operations Branch
Statewide Cleanup Operations Division
Department of Toxic Substances Control
10151 Croydon Way, Suite 3
Sacramento, California 95827-2106

Mr. James Pappas, P.E., Chief
Land Disposal Branch
Hazardous Waste Management Program
Department of Toxic Substances Control
10151 Croydon Way, Suite 3
Sacramento, California 95827-2106

Ms. Sandra Fromm
April 30, 2001
Page 4

Cc: Mr. Richard Hume, Chief
National Priority List Unit
Northern California-Central Cleanup Operations Branch
Department of Toxic Substances Control
10151 Croydon Way, Suite 3
Sacramento, California 95827-2106



Department of Toxic Substances Control



Winston H. Hickox
Agency Secretary
California Environmental
Protection Agency

Edwin F. Lowry, Director
8800 Cal Center Drive
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Gray Davis
Governor

COPY

January 18, 2002

Mr. Mike Ringer, Supervisor
California Energy Commission
1516 Ninth Street - MS 40
Sacramento, California 95814 -5512

REVIEW OF THE PASTORIA ENERGY FACILITY PHASE II SUBSURFACE SOIL INVESTIGATION REPORT (PASTORIA ENERGY FACILITY 250 MW EXPANSION, APPLICATION FOR CERTIFICATION, 99 - AFC - 7)

Dear Mr. Ringer:

Thank you for providing the Department of Toxic Substances Control (DTSC) The opportunity to review the Phase II Subsurface Investigation Report (Phase II Investigation) conducted for the Pastoria Energy Facility (PEF) 250 MW Expansion, Application for Certification (AFC). The AFC indicated that the proposed 31 acre PEF Plant site is located in Grapevine, Kern County, approximately 32 miles south of Bakersfield, on property owned by the Tejon Ranchcorp. General land use in the area consists of agriculture and oil field operations. The Phase II Investigation addressed the approximately 12 mile length of proposed gas pipeline route, which is intended to connect the PEF Plant Site with the existing Kern River / Mojave Gas Main.

A Phase I Environmental Site Assessment (Phase I ESA) was conducted for the site in June 2001, which identified six areas in proximity to the proposed pipeline alignment with the potential for soil contamination. The subsequent Phase II Investigation determined that four of the six previously identified areas did not warrant further assessment. The determination was based upon visual evidence of tank / equipment integrity, and the appearance of only short-term, limited releases of motor oil from vehicles or farm equipment.

The Phase II Investigation's sampling and laboratory analysis results indicated elevated levels of Total Petroleum Hydrocarbons (TPH) in the soil at one area, with no evidence of contamination at the remaining area. The reported TPH contamination is located adjacent to an operating oil well in the Tejon oil field, and consists of crude oil impacted soil present to a depth of five feet over an approximately 25-foot long area. The Phase II Investigation recommended that the final pipeline alignment be configured to avoid the TPH contaminated area, or make appropriate arrangements to remediate the impacted soil.

Mr. Mike Ringer, Supervisor
January 18, 2002
Page 2

Based upon an evaluation of the laboratory analysis of the soil samples, in conjunction with the current and proposed use of the property, DTSC concurs with the project actions recommended by the Phase II Investigation report. 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,



Mr. Richard Hume, Chief
National Priorities List Unit
Northern California-Central Cleanup Operations Branch

cc: Mr. Bob Borzelleri
Chief Deputy Director
Department of Toxic Substances Control
1001 "I" Street
P. O. Box 806
Sacramento, California 95812-0806

Ms. Dorothy Rice
Deputy Director
Site Mitigation Programs
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Mr. James McRitchie, Chief
Office of Environmental Analysis, Regulations and Audits
Department of Toxic Substances Control
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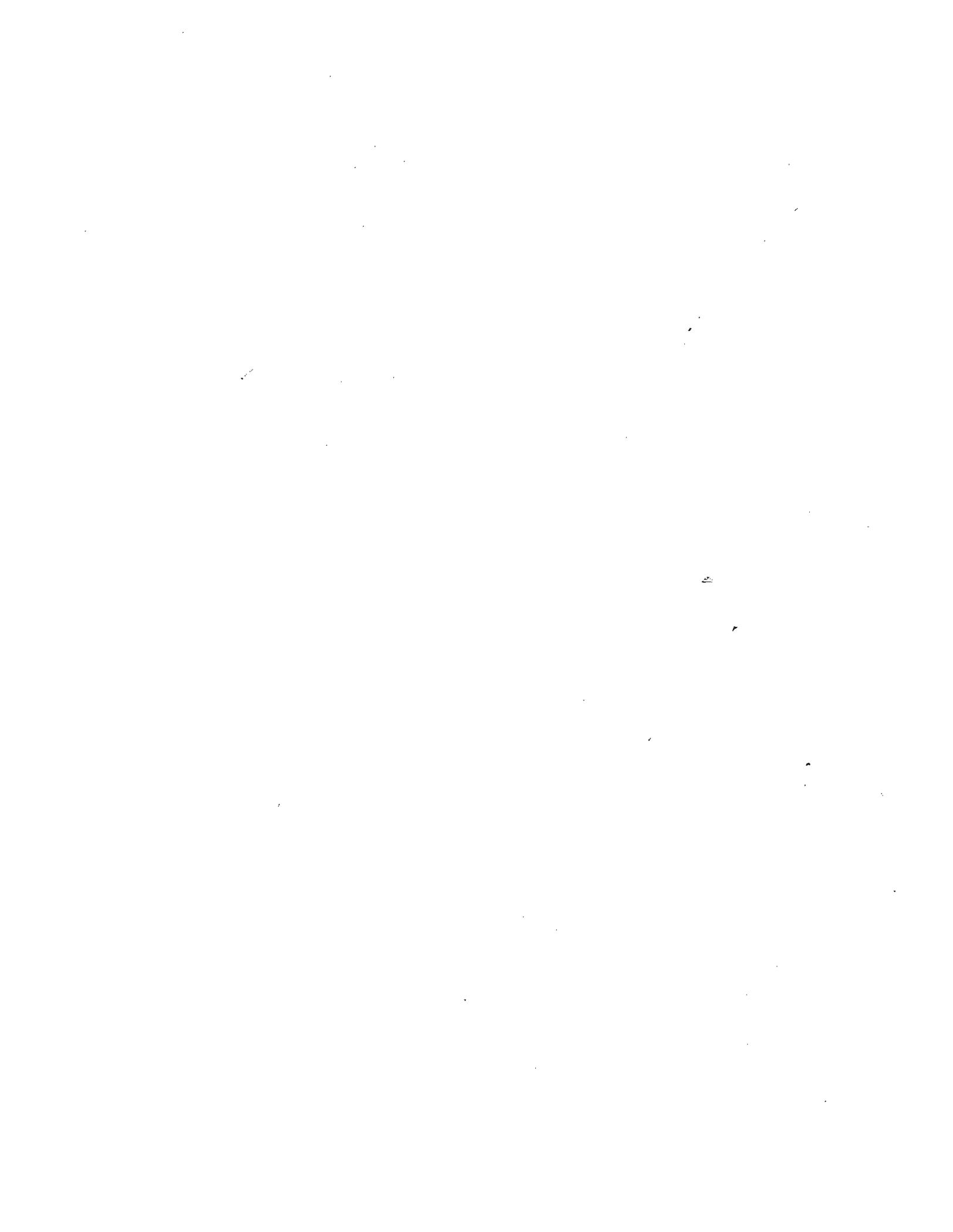
Mr. Mike Ringer, Supervisor
January 18, 2002
Page 3

cc: Mr. Frederick S. Moss, Chief
Permitting
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Mr. Guenther Moskat, Chief
Planning and Environmental Analysis Section
Department of Toxic Substances Control
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Ms. Lorraine Larsen-Hallock
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DEPARTMENT OF
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TELECOPIER MESSAGE

Date: 10-25-05

Please Deliver ASAP

To: Dr. James Reed

Phone #: (916) 453-1245

Fax #: () 654-3882

From: MARIA GILBERT

Phone #: () 255 3953

Fax #: (916) 255-3696

Special Instructions: PASTORIA ENERGY FACILITY EXPANSION
DISC CONCURRENCE W/ THE DEC PSA REPORT

July 1997

Number of Pages Including Cover Sheet: 11

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

IN THE MATTER OF:

APPLICATION FOR CERTIFICATION FOR THE
PASTORIA ENERGY FACILITY (PEF)
160 MW EXPANSION
BY CALPINE CORPORATION

DOCKET No. 05-AFC-1
PROOF OF SERVICE LIST
[ESTABLISHED 9/13/05]

DOCKET UNIT

Instructions: Send an original signed document plus 12 copies or an electronic copy plus one original paper copy to the address below:

CALIFORNIA ENERGY COMMISSION
DOCKET UNIT, MS-4
Attn: Docket No. 05-AFC-1
1516 Ninth Street
Sacramento, CA 95814-5512
docket@energy.state.ca.us

Also send a printed or electronic copy of all documents to each of the following:

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INTERVENORS

No Intervenors to date.

INTERESTED AGENCIES

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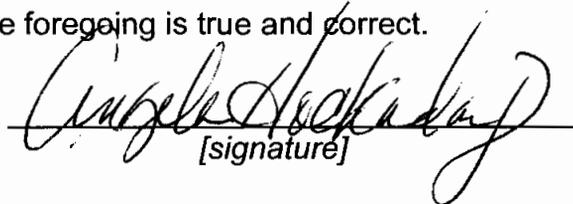
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DECLARATION OF SERVICE

I **Angela Hockaday** declare that on **October 26, 2005**, I deposited copies of the attached **Pastoria Letter from Richard Hume/Dept. of Toxic Substances Control to James W. Reede Jr./CEC dated October 25, 2005 regarding the Review of the CEC PSA (05-AFC-1)** in the United States mail at **Sacramento, CA** with first class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above. Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210.

I declare under penalty of perjury that the foregoing is true and correct.


[signature]

* * * *

INTERNAL DISTRIBUTION LIST

FOR YOUR INFORMATION ONLY! Parties **DO NOT** mail to the following individuals. The Energy Commission Docket Unit will internally distribute documents filed in this case to the following:

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