

# COUNTY FIRE DEPARTMENT



COUNTY OF SAN BERNARDINO  
PUBLIC AND SUPPORT  
SERVICES GROUP

OFFICE OF THE FIRE MARSHAL  
HAZARDOUS MATERIALS DIVISION  
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PAT A. DENNEN  
Fire Chief  
County Fire Warden

JUNE 23, 2006

AES HIGHGROVE, LLC  
690 STUDEBAKER ROAD  
LONG BEACH, CA 90803

<b>DOCKET</b> 06-AFC-2
DATE JUN 23 2006
RECD. JUN 27 2006

**ATTENTION: JULIE WAY, PRESIDENT**

**SUBJECT: NOTICE TO COMPLY – RISK MANAGEMENT PLAN & BUSINESS PLAN**

**FACILITY: 12700 TAYLOR STREET, GRAND TERRACE, SAN BERNARDINO COUNTY**

The San Bernardino County CUPA has determined that a Risk Management Plan (RMP) is required to be developed and implemented to satisfy the requirements of the California Accidental Release Prevention (CalARP) Program. A Risk Management Plan coordinated with this CUPA and the Business Emergency/ Contingency Plan prepared following CUPA guidelines must be submitted before operations commence with regards to this new process. This notice satisfies the requirement of CA Health and Safety Code Section 25534.2 and Government Code 65850.2. These laws require the owner or operator of a stationary source handling regulated substances to obtain from the administering agency, a notice of requirement to comply with, or determination of exemption from, the requirement for a Risk Management Plan prior to the approval of a development project or issuance of a building permit.

Based on documentation received June 2006 in the Application for Certification submitted to the California Energy Commission, this process should be a Program Level 2 Risk Management Plan for the storage of a 19% solution of aqueous ammonia, in an amount not exceeding 16,000 gallons. For Program 2 eligibility requirements, see CCR Title 19, Sections 2755.1—2755.7. You will still be submitting an RMP including the executive summary and the data elements specified in the CalARP regulations in addition to the documentation to support your Program 2 determination.

While coordination with this CUPA is required pursuant to California Code of Regulations Title 19 Section 2735.5 (a), San Bernardino County CUPA is not the implementing agency for Uniform Fire Code requirements for this project. It is advisable to coordinate with San Bernardino County Fire Department, Community Safety Division, Planning and Engineering Section, as they have jurisdiction with regards to Uniform Fire Code and City of Grand Terrace for any other activities that may require the issuance of permits.

**NOTICE TO COMPLY**  
**JUNE 23, 2006**  
**PAGE 2 OF 2**

Please note that even for substances that do not qualify for the CalARP Program, the stationary source does have a general duty under Section 112(r) of the federal Clean Air Act Amendments to prevent and mitigate the consequences of releases of extremely hazardous substances. Note that extremely hazardous substances in this case are not limited to any particular list or threshold. The general duty clause requires owners and operators of stationary sources to:

- Identify hazards which may result from releases using appropriate hazard assessment techniques;
- Design and maintain a safe facility taking such steps as are necessary to prevent releases; and
- Minimize the consequences of accidental releases that do occur.

Therefore, any process safety information and procedures used during this initial development and testing period should be thoroughly documented and care should be taken to continue to operate the facility to prevent releases.

The California Accidental Release Prevention Program requires a 45-day public review period after the RMP is determined to be complete. At the end of the formal public review process, comments from the public are reviewed and considered as part of the agency's evaluation review. In any case a complete RMP with all supporting documentation and a complete business emergency/contingency plan must be submitted prior to handling of regulated substances at the new facility.

In addition to the CalARP requirements, this facility must also notify San Bernardino County CUPA of the change in ownership. This is accomplished through submission of the San Bernardino County CUPA Business Emergency/Contingency Plan (Business Plan). Since it appears a change of ownership has taken place, this document must be completed and submitted within 30 days of receipt of this letter. The forms have been provided with this letter.

For an overview of the CalARP and Business Plan requirements, please see the enclosed documents.

These documents are also available from the Hazmat menu item of the San Bernardino County Fire Department website located at <http://www.sbcfire.org>, click on Hazmat on the left hand side of the screen, and then click on the phrase Forms and Guidelines in the upper right corner of the screen. Should you have any further questions, comments, or concerns, please feel free to contact me at (909) 386-8401 or [kriegel@sbcfire.org](mailto:kriegel@sbcfire.org).



**KRISTEN RIEGEL, MPH, REHS**  
**Hazardous Materials Division, Field Services Section**

Enc: San Bernardino County CUPA CalARP Submission Process  
General Duty Clause Fact Sheet  
Seismic Walkdown  
Business Emergency/Contingency Plan Guidelines and Forms

cc: James W. Reede, Jr., Project Manager, California Energy Commission w/out enclosures