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CALIFORNIA ENERGY COMMISSION**RECORD OF CONVERSATION****Siting, Transmission & Environmental Protection Division**

FILE: Waste Management PSA	PROJECT: Carlsbad Energy Center Project (07-AFC-06)	
Telephone Conversation		
NAME: Ellie Townsend-Hough	DATE: 2/04/09	TIME: 8:30 AM
BETWEEN: San Diego County Department of Environmental Health & Cal/EPA Unified Program		
SUBJECT: Waste Management PSA, Aboveground Petroleum Storage Act		

BACKGROUND:

The 23-acre Carlsbad Energy Center Project (CECP) is proposed for construction on the Tank Farm and Impoundment Basin area of the 95-acre Encina Power Station (EPS). The EPS has seven large aboveground storage tanks (AST) that store or have stored No. 6 fuel oil used by EPS Units 1 through 5. The AT&SF railway divides the seven ASTs into the West Tank Farm and the East Tank Farm. The older West Tank Farm contains Fuel Oil Tanks No. 4, 5, 6, and 7. Tanks 5, 6 and 7 will be demolished, and the CECP is proposed for construction where they now reside.

California Energy Commission staff received 'comments on the Preliminary Staff Assessment' from SWAPE/CURE. The some of the comments were concerned with Aboveground Petroleum Storage Act and the Spill Prevention, control and Countermeasures (SPCC) Plans.

PURPOSE:

Determine what the San Diego County Department of Environmental Health (the local CUPA) had accomplished on their mandates to facilitate the Aboveground Storage Act. Also, to find out what Cal/EPA's process and timeline for the CUPA's completing the requirements of Aboveground Petroleum Storage Act.

DISCUSSION:

I talked with the San Diego County Hazardous Material Management Section manager, Robert Rapista and Jon Paine, Cal/EPA Unified Program this morning. They explained that the **Aboveground Petroleum Storage Act** is a brand new program that started implementation in the fall of 2008. The RWQCBs have just started transferring the authority and responsibility for administration of the Aboveground Petroleum Storage Act to the Certified Unified Program Agencies (CUPA). The CUPA's haven't received

training, the training does not begin until April of this year (San Diego will receive training in May).

To comply with the **Aboveground Petroleum Storage Act**, a property owner needs to:

- *prepare and implement a Spill Prevention Control and Countermeasure (SPCC) Plan

- *file a tank facility statement (before 2010)

- *pay a fee (by 2010)

SUMMARY: Staff determined that compliance with the Spill Prevention Control and Countermeasure (SPCC) Plan is in the early stages for the majority of CUPAs. Many of the CUPA's staff has not been trained on the aspects of the Act. Also, two-thirds of the requirements will not be implemented to 2010.