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Secretary for
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Department of Toxic Substances Control

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Arnold Schwarzenegger
Governor

January 13, 2010

Mr. Mike Monasmith
Siting Project Manager
California Energy Commission
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DOCKET	
09-AFC-8	
DATE	<u>01/13/10</u>
RECD.	<u>01/20/10</u>

REQUEST FOR AGENCY PARTICIPATION IN THE REVIEW OF THE GENESIS SOLAR PROJECT, SUPPLEMENTS TO THE APPLICATION FOR CERTIFICATION (09-AFC-8), RIVERSIDE COUNTY

Dear Mr. Monasmith:

The Department of Toxic Substances Control (DTSC) has received your submitted Application for Certification (AFC) Volume 1, 2 & 3 for evaluation for the above-mentioned project. The following project description is stated in your document: "The Genesis Solar Energy Project (the Project) will consist of two independent concentrated solar electric generating facilities (aka power plants or plant) with a nominal net electrical output of 125 megawatt (MW) each, for a total net electrical output of 250 MW. The plants will use well-established parabolic trough solar thermal technology to produce electrical power using steam turbine generators (STG) fed from solar steam generators (SSG). The SSG receives heated heat transfer fluid (HTF) from solar thermal equipment comprised of arrays of parabolic mirrors that collect energy from the sun. Genesis Solar, LLC has applied for a 4,640-acre right-of-way (ROW) grant from the Bureau of Land Management (BLM) for development of the Project. Once constructed, the Project would permanently occupy approximately 1,800 acres within this area (the Project footprint), plus approximately 90 acres for linear facilities. The Project would consist of the main plant site (solar facility), 1 230-kilovolt (kV) transmission line, a natural gas pipeline, and a paved main access road. Within the 1,800-acre main plant site would be the solar arrays and associated Project facilities such as: an administrative building; operation and maintenance facilities; and evaporation ponds. The Project is located in eastern Riverside County, between the communities of Blythe, California and Desert center, California. Surrounding features include the McCoy Mountains to the east, the Palen Mountains to the north, and Ford Dry Lake to the south. Interstate 10 (I-10) is located approximately two miles south of the southernmost border of the Project site. The Project area land use is characterized predominantly by

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ORIGINAL MAILED FROM SACRAMENTO ON 1/20/10

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open space and conservation and wilderness areas. There are no existing structures within the Project area.” DTSC has the following comments:

- 1) The AFC should identify the current or historic uses at the project site that may have resulted in a release of hazardous wastes/substances, and any known or potentially contaminated sites within the proposed Project area. For all identified sites, the AFC should evaluate whether conditions at the site may pose a threat to human health or the environment. Following are the databases of some of the pertinent regulatory agencies:
 - National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
 - Envirostor: A Database primarily used by the California Department of Toxic Substances Control, at Envirostor.dtsc.ca.gov.
 - Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
 - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
 - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
 - Leaking Underground Storage Tanks (LUST) / Spills, Leaks, Investigations and Cleanups (SLIC): A list that is maintained by Regional Water Quality Control Boards.
 - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
 - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).
- 2) The AFC should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC can enter an oversight agreement in order to review such documents. Please see comment No. 10 below for more information.
- 3) All environmental investigations, sampling and/or remediation for the site should be conducted under a Workplan approved and overseen by a regulatory agency

that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found should be clearly summarized in a table.

- 4) Proper investigation, sampling and remedial actions overseen by the respective regulatory agencies, if necessary, should be conducted at the site prior to the new development or any construction. All closure, certification or remediation approval reports by these agencies should be included in the AFC.
- 5) Project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.
- 6) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. If it is found necessary, a study of the site and a health risk assessment overseen and approved by the appropriate government agency and a qualified health risk assessor should be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 7) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
- 8) If during construction/demolition of the project, the soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented.
- 9) If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary,

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should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.

10) DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies which would not be responsible parties under CERCLA, or a Voluntary Cleanup Agreement (VCA) for private parties. 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 Mr. Rafiq Ahmed, Project Manager, at rahmed@dtsc.ca.gov or by phone at (714) 484-5491.

Sincerely,



Greg Holmes
Unit Chief
Brownfields and Environmental Restoration Program - Cypress Office

cc: Governor's Office of Planning and Research
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CEQA#2776



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

**APPLICATION FOR CERTIFICATION FOR THE
GENESIS SOLAR ENERGY PROJECT**

Docket No. 09-AFC-8

PROOF OF SERVICE
(Revised 12/22/09)

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DECLARATION OF SERVICE

I, Maria Santourdjian, declare that on January 20, 2010, I served and filed copies of the attached DTSC, Request for Agency Review Response Letter, dated January 13, 2010. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [http://www.energy.ca.gov/sitingcases/genesis_solar].

The documents have been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

 x sent electronically to all email addresses on the Proof of Service list;

 x by personal delivery or by depositing in the United States mail at Sacramento, California, with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

 x sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (*preferred method*);

OR

 depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 09-AFC-8
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

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

Original Signature in Dockets
Maria Santourdjian