

CALIFORNIA ENERGY COMMISSION

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June 22, 2006

Mr. Chuck Spandri,
Compliance Manager
Calpine South Bay Projects
P.O. Box 13190
San Jose, CA 95013

Dear Mr. Spandri;

RE: LOS ESTEROS CRITICAL ENERGY FACILITY (03-AFC-2C SIMPLE-CYCLE PROJECT) WASTE-6 PETITION TO AMEND DATA REQUESTS

Pursuant to Title 20, California Code of Regulations, Section 1716, the California Energy Commission staff seeks the information specified in the enclosed data requests. The information requested is necessary to: more fully understand the petition and to assess whether the project modification will result in significant environmental impacts.

Written responses to the enclosed data requests are due to the Energy Commission staff on or before July 22, 2006, or at such later date as may be mutually agreeable.

If you are unable to provide the information requested, need additional time, or object to providing the requested information, please send a written notice to me within 10 days of receipt of this notice. The notification must contain the reasons for not providing the information, the need for additional time and the grounds for any objections (see Title 20, California Code of Regulations, section 1716 (f)).

If you have any questions, please call me at (916) 653-1227 or email me at lshaw@energy.state.ca.us.

Sincerely,

Lance Shaw
Compliance Project Manager

Enclosure

Los Esteros Critical Energy Facility II Phase I
Technical Area: Waste Management
Author: Ellen Townsend-Hough

BACKGROUND

Condition of certification Waste-6 for the Los Esteros Critical Energy Facility requires the project owner to prepare and submit to the Energy Commission Compliance Project Manager (CPM) a Soils Management Plan (SMP) for review and approval prior to any project related earthwork. The SMP is needed to further identify any contaminated soils that could be impacted by earthwork and establish procedures and mitigation measures to properly deal with the contaminated soils. During any soil disturbance for construction purposes at LECEF, onsite workers, site visitors, and the public could be exposed to the residual pesticides, elevated levels of metals, or other contamination that has been found at the site. Anticipating potential problems and using written procedures to establish how these problems will be addressed can minimize work delays and stoppages.

LECEF submitted a SMP on June 17, 2005. Energy Commission staff reviewed the SMP and returned comments on it to LECEF on September 19, 2005 indicating what was needed to complete the SMP. On April 24, 2006, LECEF informed the CPM that the project operator plans to extend the outfall to Coyote Creek this summer. The Santa Clara Valley Water District (SCVWD) has reviewed and permitted the construction of the 48-inch diameter extension pipe (District Permit 05411). LECEF has until October 15, 2006 to complete the outfall extension.

LECEF is requesting an amendment to condition of certification WASTE-6 that would allow extension of the storm water outfall without completing the Soils Management Plan that is required before any earthwork is started. LECEF is also requesting a change to the Verification delaying the submittal of the SMP from 45 days after certification of the LECEF Phase I project Decision to 45 days prior to the ground disturbance, except for earth work related to the permanent storm water outfall located outside the fence line of the project.

Staff has reviewed the amendment petition, the Energy Commission's Final Decision, past comments from the California Department of Toxic Substances Control, a letter dated June 30, 2004 to Janet Naito, Department of Toxic Substance Control from Steve De Young, Environmental Project Manager LECEF, and the Phase I and Phase 2 Environmental Site Assessments (ESA). The ESAs revealed that chemicals detected at the site included DDT, arsenic, lead, toxaphene, dieldrin and endrin, consistent with the site's past agricultural use. The ESAs were then followed by a limited site remediation, which occurred prior to the completion of the licensing. The remediation consisted of the removal and disposal of at least three underground fuel storage tanks, the disposal of lead contaminated debris, the disposal of asbestos wastes, disposal of a limited amount of toxaphene and DDT contaminated soil excavated from two pesticide mixing/storage areas, and the abandonment of several onsite water supply and groundwater monitoring wells.

Staff is concerned that soils that would be affected by the storm water pipeline extension could be contaminated by runoff from the site. Therefore, a limited amount of soil sampling along the proposed pipeline alignment is needed to determine if the soils are contaminated and whether or not they need to be covered by the SMP.

Staff requests that the project owner respond to the following data requests to verify that no on-site contamination has migrated off-site in the area of the permanent storm water outfall.

DATA REQUEST

1. Please provide a protocol and soil sampling plan to the Energy Commission Compliance Project Manager for review and approval. The plan should include a figure showing the proposed alignment for the storm water extension pipeline and indicate the location and depth where the samples would be collected. Identify the contaminants that will be analyzed in each discrete sample and the laboratory proposed to do the analyses.
2. After the soil sampling plan is approved, complete the sampling and analyses and submit a certified laboratory report of the findings.