

DOCKET

06-AFC-3

DATE Sep 15 2006

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INFORMATIONAL HEARING AND SITE VISIT
BEFORE THE
CALIFORNIA ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:)
)
South Bay Replacement Project) Docket No.
Application for Certification) 06-AFC-3
_____)

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FRIDAY, SEPTEMBER 15, 2006

2:20 p.m.

Reported by:
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COMMITTEE MEMBERS PRESENT

John L. Geesman, Presiding Member

HEARING OFFICER AND ADVISORS

Garret Shean, Hearing Officer

STAFF AND CONSULTANTS PRESENT

Eileen Allen

Alvin Greenberg
Aspen Environmental

PUBLIC ADVISER

Mike Monasmith

APPLICANT

Christopher Ellison, Attorney
Ellison, Schneider and Harris

Andrew Trump
Kevin Johnson
LS Power South Bay, LLC

ALSO PRESENT

Laura Hunter
Environmental Health Coalition

Barbara Breheny

Terry Thomas

Scott Alevy
San Diego Regional Chamber of Commerce

Jim Peugh
San Diego Audubon Society

ALSO PRESENT

Patti Krebs
Industrial/Environmental Association

Lupita Jimenez
The Green Party

Rochel Becker
Alliance for Nuclear Responsibility

Georgette Gomez
Environmental Health Coalition

Martin Breheny

Jan Cortez
American Lung Association, San Diego

Dan McAirnan
Environmental Health Coalition

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1 P R O C E E D I N G S

2 2:20 p.m.

3 PRESIDING MEMBER GEESMAN: I want to
4 thank you all for coming out this afternoon for
5 the site visit and informational hearing on the
6 South Bay Replacement AFC.

7 I'm John Geesman, a member of the State
8 Energy Commission, and the member of the
9 Commission that's been assigned the Presiding
10 Member of this proceeding. Commissioner Art
11 Rosenfeld is the Associate Member, but he's unable
12 to join us today.

13 This is the first public event, at least
14 the first public event that I have been involved
15 with, of what will probably be a series going on
16 for about a year. Our process is supposed to be
17 completed within a year after an application is
18 filed. We don't always make that, but we do
19 always try. And it is my intent to try and
20 achieve that if we can.

21 I'm not going to be at all of the public
22 events. We have a number of staff workshops that
23 will be held here on specific topic areas. Those
24 are for informational purposes; they're also to
25 attempt to reach closure between the various

1 parties on specific topic areas.

2 After today the times that you'll see me
3 will be evidentiary hearings. And the purpose of
4 those evidentiary hearings is in areas where there
5 are disputes. Both -- I shouldn't say both -- all
6 of the parties in the proceeding are offered the
7 opportunity to put on evidence.

8 We compile a record, not just of the
9 verbal testimony given, but of the written
10 documents filed, as well. And ultimately those
11 will all go into my determination, along with
12 Commissioner Rosenfeld, of what the Commission's
13 decision on this application should be.

14 I really want to emphasize in the
15 evidentiary hearings what counts as evidence. I
16 have a great capacity and enjoyment for
17 entertainment and for argument, and I do respect
18 opinions. And I want to talk about opinions a
19 little bit later. But what really counts for the
20 case is the development of evidence. So don't
21 feel compelled to be particularly theatrical or
22 dramatic; what I will focus upon is the factual
23 evidence presented in the hearing, itself.

24 Each time we have an evidentiary hearing
25 we will reserve as much time as we need for public

1 comment, because the expression of opinions, I
2 think, is an important part of our process, as
3 well.

4 Our typical practice is to ask that you
5 fill out the blue cards that the Public Adviser
6 distributes so that we can recognize your name
7 appropriately in our record; and then listen to
8 your opinion. Human tolerance being what it is,
9 we ask that comments not be too repetitious of
10 each other, but I understand in matters where
11 feelings are pretty intense, that a lot of times
12 those opinions will be a bit repetitious. And
13 that will be fine within limits.

14 After we conclude the evidentiary phase
15 of the case Mr. Shean will assist Commissioner
16 Rosenfeld and me in preparing what's called a
17 Presiding Member's Proposed Decision. That will
18 be our recommendation to the full Energy
19 Commission as to whether the application should be
20 granted, or whether it should be denied. And if
21 it is granted, what conditions should attach to
22 the license.

23 We'll hold a public hearing on that
24 proposed decision. And then the Commission, at a
25 business meeting in Sacramento, will ultimately

1 take action on the recommendation.

2 When things work to perfection that
3 process is completed within 12 months. And as I
4 indicated, it's my intent to try and achieve our
5 deadlines. Oftentimes what prevents that from
6 happening is the unavailability of necessary
7 technical information to complete our record. And
8 most frequently that's air quality-related.

9 So, I make no promises that we will be
10 done within a year, but I want everybody to
11 understand it's my firm intent to try to achieve
12 that.

13 With that I think I'm probably best off
14 turning this over to the real professional in the
15 room, Garret Shean, who is one of our most
16 experienced hearing officers. He will conduct
17 every evidentiary proceeding that we have in this
18 matter. Garret.

19 HEARING OFFICER SHEAN: Thank you,
20 Commissioner. There's only just a little bit to
21 add to the Commissioner's comments.

22 The Energy Commission, as we are here
23 today, really is a three-part agency. We have the
24 Commissioner representing the decisionmakers; we
25 have the Commission Staff; and we also have Mr.

1 Monasmith, who is in the Office of the
2 Gubernatorially appointed Public Adviser.

3 He is the public outreach fellow. He is
4 the guy, the go-to guy in terms of getting some
5 assistance with regard to your participation here.
6 So, the 800 number for the Public Adviser's
7 Office, as well as the email address, if you
8 intend to participate, is one of the things you
9 should begin to know early.

10 The Commission Staff, which is also
11 here, represents an independent element within the
12 Energy Commission of technical experts on
13 everything from air quality to zoning, A to Z
14 throughout every substantive topic that's required
15 to be examined under the California Environmental
16 Quality Act, as well as other public health and
17 public safety and engineering aspects of the
18 project.

19 As they will describe a little bit
20 later, they will produce two independent documents
21 which will be used in the evidentiary hearings
22 discussed by the Commissioner as the staff's
23 independent view of what is in the public interest
24 with respect to the review and possible
25 certification of this project.

1 Also, as the Commissioner indicated, we
2 are going to back out of this after this hearing,
3 and the staff is going to begin a phase of
4 discovery, which is asking more questions of the
5 applicant; and its analysis, writing up its
6 documents; and the public workshop phase of this
7 proceeding.

8 I think it's fair to say, as I look at
9 this, and your participation, what you initially
10 want to do now is shift your focus to the staff
11 and the nature of the information its gathering.
12 And if you choose to become a party on a par with
13 the applicant and the staff, you have discovery
14 opportunities, yourself.

15 So, let me just discuss this aspect of
16 our proceeding which is unique in not only the
17 state bureaucracy, but also most local
18 bureaucracies.

19 We have an opportunity for you to become
20 what's known as an intervenor or a party, which
21 gives you rights to ask information from the
22 applicant, and occasionally the staff; and also at
23 the subsequent evidentiary hearings put on
24 evidence and cross-examine witnesses from other
25 parties.

1 Now, that is the most rigorous of the
2 means of participation in our proceedings. And to
3 do that, you need to file a petition to intervene.
4 And you can get the assistance from the Public
5 Adviser's Office to do that.

6 At a lower level, if you will, is merely
7 to monitor the case. And you could do that both
8 actively and passively. If you want to, and you
9 sign up, up here, and give us either your postal
10 address or your email address, we will send you
11 copies of essentially all the notices and the
12 documentation produced by the staff or by the
13 Committee. And that will give you an idea, at
14 least from our side, what's the exchange of
15 documents that's occurring in the case.

16 If you don't want to be receiving that
17 all the time, either in your mailbox or in your
18 email, what you can choose to do then is go to the
19 Commission's website and you will find links that
20 will take you to this Niland case (sic) and you
21 can look up what is the latest event, either in
22 terms of a hearing or workshop to be conducted --

23 PRESIDING MEMBER GEESMAN: Garret, we're
24 in Chula Vista, not Niland.

25 HEARING OFFICER SHEAN: I beg your

1 pardon.

2 (Laughter.)

3 HEARING OFFICER SHEAN: You can look up
4 what is going on in the proceeding, either the
5 last document that has been filed, or the next
6 public hearing that's to be conducted in Chula
7 Vista.

8 All right. I just had a hearing with
9 them yesterday, so I guess I have not quite
10 shifted out of that gear.

11 So, I think one other thing that's
12 important to stress to your members of the public,
13 so that you have some confidence that this process
14 is run totally above-board. And that basically
15 is, is that the Commissioners cannot make their
16 decision based upon anything other than what is
17 developed in a public record.

18 There is an ex parte rule at the
19 Commission which essentially bars anybody from
20 having private communications with the
21 Commissioners or myself at anytime during the
22 proceeding.

23 So every time there is a piece of
24 factual information that comes to the
25 Commissioner, it has to be in a public setting.

1 And that means you will get notice of it, and you
2 can be there if you choose to be.

3 With that, what we intend to do with
4 respect to the rest of this afternoon is to have a
5 presentation by the applicant. That will be
6 followed by a presentation by the Commission
7 Staff. And we also have, from the public, a
8 request from the Environmental Health Coalition to
9 put on a presentation, that I believe is going to
10 include a PowerPoint presentation.

11 At the conclusion of their presentation,
12 we'll open the floor to anyone who wants to make
13 additional comments. And we're here today for
14 you, so please make sure that you have no
15 hesitancy about coming up and telling us either
16 your feelings about the project, whether they're
17 positive or negative. And any questions that you
18 may have, so that you can leave here today being
19 as fully informed as we can help make you at this
20 particular point in the proceeding.

21 So, with that, we're going to turn this
22 over now to the applicant to introduce its people,
23 and then put on its presentation.

24 MR. TRUMP: I'm going to try to move it
25 a little bit out of the way here so some other

1 people can see.

2 Hi, Commissioner Geesman and Hearing
3 Officer Shean, thanks for scheduling and moving us
4 forward. And to folks in the public, thanks for
5 having us here.

6 My name is Andrew Trump; I'm the person
7 who's working with LS Power to coordinate the
8 activities of the Energy Commission process.

9 Today Kevin Johnson, with LS Power, is
10 here to answer questions that might be of him. We
11 also have some of our consultants and our
12 attorney, Chris Ellison, here, as well. So as
13 questions come up there's some folks available;
14 they're going to dig into the details, if that's
15 appropriate.

16 Today we wanted to -- advance the slide.
17 So we're just going to cover a couple topics very
18 briefly today. I'm not going to read every slide.
19 I think a lot of folks can figure out what's on
20 the slides.

21 These are some context photos from the
22 existing power plant. You know, it's been there
23 for a long time; been there for over 40 years.

24 One way we like to think about, or I
25 like to think about the energy challenges of the

1 region, and I certainly look at all the articles
2 in the newspaper. And there's an awful lot of
3 questions right now for California and for the
4 region.

5 And, you know, one way I think that's
6 helpful to think about what we're doing as part of
7 the project here is, you know, we can think of the
8 challenges, and we can think about a toolbox
9 necessary to confront the challenges.

10 And you know, there's a lot of different
11 tools in a toolbox. There's clearly a very very
12 important role of conservation; there's activities
13 in the area of demand response, which you may hear
14 about from the utilities; clearly renewables and
15 transmission upgrades; advanced metering
16 initiative is going forward where we may get
17 advanced meters that help us appreciate how we're
18 using our energy every day.

19 And, you know, here, as part of our
20 process, we're focused on a generation project.
21 And generation, whether that be a project here or
22 a peaker or other types of generation projects,
23 are a really really big part of the toolbox and
24 the tools that are needed.

25 And I personally don't believe that

1 we're going to get out of the challenges without
2 really addressing systematically all the different
3 tools that are part of this toolbox. And the
4 generation project is an important part of that.

5 So, quickly, what is the South Bay
6 project, just to go to the nuts and bolts of it,
7 we're proposing a project that will replace the
8 existing South Bay Power Plant. It will result in
9 the demolition of the South Bay Power Plant.

10 We're proposing a plant that will be
11 using natural gas; a very modern and efficient
12 facility; very high level of emission controls.
13 The total capacity is designed at 620 megawatts.
14 And that compares to the existing plant which is a
15 little bit over 700 megawatts. So, a little bit
16 smaller.

17 Advanced emission controls; very high
18 efficiency. I know that number doesn't mean a lot
19 to the lay folks, but that's a very good number in
20 terms of the overall plant efficiency of how much
21 energy you get for every unit of energy into the
22 plant.

23 I think as Joe mentioned on the plant
24 tour, we're proposing no use of Bay water; it will
25 be air cooled; very compact on about 13 acres.

1 That compares to about 115 acres total of the
2 existing plant site, so much more compact.

3 And another important thing is reusing a
4 site means that we can continue to utilize the
5 gasline, the potable waterline, the sewage line,
6 the transmission infrastructure. So there's
7 opportunities to continue to use that
8 infrastructure and not have to replicate or to
9 create that in another location.

10 So, just a little bit of context.
11 Here's the existing power plant. We wish we could
12 have taken you over to the marina to look at this.
13 But I'm sure many of you have been there and seen
14 this view, looking from the north to the south.
15 And there is a photosimulation of the new power
16 plant without some of the architectural treatment
17 we've been discussing. But this gives you some
18 kind of perspective on the before and the after
19 around the existing and the old power plant.

20 So, what is the schedule for SBRP,
21 that's South Bay Replacement Project; a bit of a
22 tongue-ful of an acronym, but we think it captures
23 what we're trying to do here because of the
24 emphasis on replacement.

25 So, if we are capable of getting through

1 the Energy Commission process in a timely fashion,
2 in that 12-month time period that Commissioner
3 Geesman mentioned, we'll be in a position here to
4 begin the construction around early 2008. And
5 it's about a two-year construction period, which
6 means that the new plant would be operational
7 usually around, by the springtime frame of 2010.
8 Usually try to insure construction's complete by
9 then so you can meet the summer requirements.

10 And then we would immediately begin the
11 demolition of the existing power plant. And that
12 might take about two years. The structure might
13 come down a lot faster than that, but in terms of
14 all the demolition activities, maybe around two
15 years after that.

16 So, I wanted to introduce LS Power, and
17 for that I'm going to turn it over to Kevin for
18 that.

19 MR. JOHNSON: Thank you, Andy, and thank
20 everyone for coming, Commissioner Geesman, Officer
21 Shean. My name's Kevin Johnson and I'm Vice
22 President of LS Power, headquartered, or my office
23 is in San Jose, California.

24 LS Power is a privately held firm that
25 develops, owns and operates power assets. We have

1 about 8000 megawatts of generation nationwide. We
2 currently lease, operate and maintain the South
3 Bay Plant from the Port of San Diego. And we are
4 the applicant in this proceeding.

5 Some of you may have seen this
6 announcement on LS Power and Dynegy's behalf.
7 Last night LS Power and Dynegy announced that they
8 had reached an agreement to combine their assets.
9 That would be our generation assets, Dynegy's
10 generation assets in a new company. That new
11 company will be named Dynegy.

12 Also we are going to create a joint
13 venture development company that will be owned to
14 look at greenfield repowering projects and
15 repowering projects like South Bay. There's a lot
16 of press on that. It's a new and late-breaking
17 transaction. Wanted everyone to be aware that
18 that was going on.

19 I think from the South Bay standpoint of
20 this project, it's excellent news. A better
21 credit rating; more stable platform; an entity
22 that's involved in the development of projects
23 that is sophisticated, national in scale, and
24 national in scope. So, we're looking forward to
25 our relationship with Dynegy.

1 MR. TRUMP: Excuse me. Just in case,
2 just to orient some folks who might have not been
3 on the site tour, and maybe for those who have
4 been, here is an aerial of the existing power
5 plant. And the red shows the outside boundary of
6 the existing power plant property.

7 The red inside that is the SDG&E
8 substation, about five acres or so. The blue --
9 this is like our second stop or third stop, it's
10 hard to hold these things steady -- the blue
11 outline is the 33-acre former LNG site. And
12 that's where, of course, the new power plant is
13 going to be located.

14 The yellow shows what we call the SDG&E
15 transmission easement. That is a 300-foot
16 corridor that's set aside permanently for SDG&E's
17 transmission facilities. The brown on the western
18 edge is the 100-foot buffer. The green is the
19 area for the new substation. Let me point that
20 out right there.

21 And then lastly, in the nice fuchsia, I
22 guess, is the 13 acres for the new power plant
23 facility. So, transmission, substation, new power
24 plant all on that 33-acre site.

25 So, what are some of the key project

1 benefits? Well, we think there are a number of
2 very important benefits. I'm just going to click
3 them all up there. We're going to eliminate the
4 use of Bay water. We think that's very important.
5 There'll be a decrease in potable water use of 40
6 percent.

7 There's all the benefits associated with
8 the demolition activities, by virtue of the fact
9 that you can demolish that plant, open up those
10 115 acres for alternative uses. We think that the
11 reusing of infrastructure is very important.

12 Because the plant is much more compact
13 in both its overall volume, as well as its
14 footprint, we think there'll be a significant
15 improvement in the visual landscape.

16 There's a lot of energy-related
17 benefits. Very efficient from an air emissions
18 perspective. Also I'm going to talk a little bit
19 about this in a second, by developing a local
20 power plant, what happens is the region reduces
21 its dependence on imported energy, which is less
22 efficient, if nothing more, because you have to
23 import it. And there's lots of losses as you
24 transmit that power over powerlines.

25 So, a lot of different benefits. And

1 also, of course, the economic benefits. We think
2 it's more positive for the region to be putting
3 that money into a local energy project than to
4 spend that money and maybe develop a project in
5 Arizona or Mexico.

6 So, I'd like to talk a little bit about
7 that energy picture very briefly. And before
8 giving you all the numbers let me just set this up
9 a little bit. What we're going to do is we're
10 going to show you the total energy demand for the
11 region, for the County, for the San Diego region.
12 And we're going to show that as it relates to 2009
13 through 2016. And this is information that the
14 Energy Commission has developed and worked with
15 SDG&E. You see it increases over time. This is
16 what they call their one-in-five-year forecast.

17 Now what I'm going to show is all the
18 resources, all the resources for energy that have
19 been identified as part of the planning process.
20 The first stack is all the nonrenewable energy,
21 9600 gigawatt hours of energy that has been
22 identified out there, that they can point to a
23 facility and say, I can contract with that
24 facility and I can buy that power. That's 9600
25 megawatts of the problem, of the challenge.

1 And by the way, I picked 2012 simply as
2 an illustration. I could have picked out another
3 year, and it's fairly similar relationship.

4 The next bar is the contribution that I
5 personally hope will be made by renewables. This
6 bar of 4000 gigawatts hours assumes that the
7 region is completely successful in meeting the 20
8 percent renewable requirement, okay.

9 So it says, look, let's make sure, let's
10 win on that. Let's make sure we get the 20
11 percent renewables. I think the area is at around
12 5 or 6 percent today; I'm not sure of the exact
13 figure.

14 So we still have a gap. So the
15 difference between the top of the bar here and
16 that line is still the energy gap that this region
17 does not have an identified resource to fill. So
18 the facility here at South Bay would make this
19 contribution to this overall energy gap.

20 So there's a couple of points. One is
21 the plant here isn't the magic bullet. It's not a
22 solution somehow to all the energy problems.
23 Secondly, it can make an important contribution.
24 And thirdly, it has absolutely no relationship to
25 crowding out the ability and the need to secure 20

1 percent of the energy through renewables.

2 You know, there's been a lot of
3 questions which we respect. We're listening about
4 the air quality situation, about how does this
5 plant relate to air quality. So I'd like to talk
6 a little bit about that briefly as well.

7 And the first slide I'm going to show
8 you is going to talk about efficiency. It's going
9 to talk about how many pounds of emissions will
10 the -- does the old plant produce in comparison to
11 the proposed new plant. Okay. So we're going to
12 talk about things like pounds per unit of energy,
13 okay.

14 And we're going to do that in two ways.
15 We're going to look at that in terms of all the
16 things that contribute to ozone; we call this
17 precursors to ozone. And all the things that
18 contribute to particulate; we call those
19 precursors to particulate. In this case PM10.

20 So the first stack bar shows the
21 existing or old plant and number of pounds per
22 megawatt hour. And the new proposed power plant,
23 roughly twice the level of improvement. Over half
24 or under half the level of the existing facility.

25 And in a similar way, same kind of

1 relationship with all the precursors to PM10, not
2 just PM10, but all the things that contribute to
3 PM10, which we believe is most meaningful way,
4 when you think about the real effect on air
5 quality.

6 So, you may have also heard, well,
7 that's good, that's a good thing, we're going to
8 do something more efficient. But, you know, you
9 may have also heard, but isn't the new power plant
10 going to run a lot more and therefore will not air
11 quality maybe take a second seat, or degrade or be
12 a concern because of that.

13 And so we want to just talk a little
14 bit, again, about the total emissions that would
15 be permitted to come out of the new plant, okay.
16 Now, to do that, again, I want to talk about ozone
17 precursors and particulate precursors. But let me
18 just talk about ozone precursors. And I'm going
19 to show you the historical actual total emissions
20 that have come out of the existing South Bay Power
21 Plant, okay, on a tons-per-year basis.

22 So this starts at 1980 or so; I'm going
23 to try to use my laser pointer over there without
24 hitting Commissioner Geesman, and over to 2005.

25 So this is the actual historical that's coming out

1 of South Bay Power Plant.

2 Now, why is it going down? It's going
3 down for a couple reasons. The South Bay Power
4 Plant hasn't been running as much. Last year it
5 ran about 30, 35 percent of the time.

6 Secondly is there's no more fuel oil
7 that's being used. That was phased out a couple
8 years ago. But, as Joe mentioned on the plant
9 tour, there's also been a big improvement in this
10 timeframe because of the application of what's
11 called SCR, the catalyst to control emissions,
12 okay. So, from 1980 at 3000 tons a year down to
13 this level here, a couple hundred tons a year in
14 2004, 2005.

15 So how does this relate to the new power
16 plant? Well, we are proposing permit conditions
17 baked into our proposal on our application that
18 will insure that the new power plant, while twice
19 as efficient, and while producing two or three
20 times more emissions, will not exceed the actual
21 historical emissions from South Bay.

22 Now, this isn't the permitted possible
23 emissions from existing South Bay; this is the
24 actual, okay. And it's not the actual in 1993 or
25 1998 or 2000, but it's the actual in 2004 and 2005

1 when it's down around 100 tons.

2 So, in summary, the new power plant will
3 be prohibited from operating above the actual
4 historical average of 2004, 2005 under any
5 condition. While producing two to three times
6 more energy and while being twice as efficient.
7 And we think in total that's a very positive air
8 quality story. And to be able to do that while
9 insuring that there's absolutely no risk from a
10 public health perspective.

11 In a similar way I have a very similar
12 chart on the precursors to particulate. And a
13 very similar way, we have the exact same
14 prohibition that we will not exceed that green
15 line there for particulate.

16 Just again, context photo of the
17 existing power plant, and, of course, the
18 simulation of the new power plant. I just wanted
19 to touch upon some of the activities that we have
20 been involved in the last couple years.

21 Just very briefly, you know, one of
22 our -- we've really been at this for four or five
23 years. And one challenge was to engineer
24 everything on that site, as you saw. A lot of
25 moving pieces, the substation, transmission lines

1 and that sort of thing.

2 We've worked on outreach activities,
3 both informally and formally. We have worked to
4 identify alternative sites. At one point we were
5 looking at 29 different sites.

6 There's been important activities at the
7 community advisory, community level, which we've
8 been part of that. You know, that's clearly a
9 very important initiative for the larger
10 community. We have participated in that.

11 There was a South Bay Power Plant
12 working group. Let me mention that because I
13 think to EHC's credit, and Laura Hunter's credit,
14 you know, that process fundamentally, you know, I
15 think we heard very clearly, look, there's no
16 project here moving forward unless there's
17 elimination of the Bay cooling. And so we heard
18 that very clearly.

19 And early on in 2003 Duke Energy at the
20 time made the commitment that were we to move
21 forward there will not be any use of Bay water.
22 And that was a very positive element. And there's
23 been some other activities, including the --
24 community sessions.

25 So we've been working, we'll continue to

1 work as far as this process. And we're in the
2 middle of it. This isn't somehow the end of the
3 process.

4 And very briefly, this is a map from the
5 website of the Port. Early concept. I'm not
6 representing this is the final concept. But I
7 just wanted to say one of our planning activities
8 has been let's make sure what we do is in concert
9 with, in lockstep with the Bayfront planning
10 process. And the plan does accommodate this gray
11 area, which is designated the energy utility zone.
12 And that's where we were today, out here on this
13 33-acre site. So just to kind of put that in
14 context. This has been a very very important part
15 of our planning process moving forward.

16 So, thank you. And also, just in terms
17 of our -- the person here in Chula Vista or South
18 Bay, who the public, you folks, can contact, in
19 addition to myself, is David Hicks, the Manager of
20 Public Affairs. And that's his contact
21 information.

22 Thank you.

23 HEARING OFFICER SHEAN: Thank you.

24 MS. ALLEN: Hello; I'm Eileen Allen.

25 Can you hear me?

1 Kara, would you be willing to advance
2 the slides for me? Okay. Thank you.

3 I'm Eileen Allen; I'm the Energy
4 Commission's Program Manager for energy facility
5 siting and licensing. I'm here on behalf of the
6 Commission's Project Manager for this project,
7 Bill Pfanner, who couldn't be here today. In
8 addition to me, afterwards, after my presentation
9 and when we start question and answers, I'll be
10 happy to introduce you to the other Energy
11 Commission Staff members that are here with me.
12 Some of them are technical experts and they can
13 respond to specific questions in their areas.

14 The first part of my presentation
15 addresses the process that Hearing Officer Shean
16 referred to. The purpose of the Energy
17 Commission's siting and licensing process is to
18 insure that a reliable supply of electrical energy
19 is maintained at a level consistent with the need
20 for such energy for protection of public health
21 and safety, for the promotion of the general
22 welfare and for environmental quality protection.
23 That's part of the Public Resources Code.

24 The Energy Commission's role is that it
25 is the permitting authority for thermal power

1 plants with a capacity of 50 megawatts or greater.
2 And by thermal I mean power plants that involve
3 some kind of combustion or heat element. So the
4 Energy Commission is not dealing with
5 hydroelectric facilities, wind and other things
6 that don't involve a thermal component as far as
7 the licensing activity.

8 We also look at related facilities
9 associated with these power plant proposals, such
10 as electric transmission lines, water supply
11 pipelines, natural gas pipelines, waste disposal
12 facilities and access roads.

13 The Energy Commission is the lead state
14 agency for the California Environmental Quality
15 Act and the licensing process that we have
16 fulfills the mandates of the California
17 Environmental Quality Act to look at potentially
18 significant impacts and options for mitigating
19 them.

20 The Commission Staff's process involves
21 three steps: data adequacy, which is a process
22 that begins when the application is filed. And
23 that process is finished now. The Commission
24 deemed the project application for certification
25 data adequate on August 30th. So we are finished

1 with the data adequacy phase. And the staff found
2 that as of August 30th, the application had the
3 minimum amount of information that we needed in
4 order to begin the next phase, part two, the
5 discovery and analysis phase.

6 And that phase involves an initial first
7 cut at issues identification. And the staff's
8 first cut at issues identification is contained in
9 the handout here called issues identification
10 report. That report is available in both English
11 and Spanish.

12 The issues identification phase is
13 followed by staff from various technical areas
14 coming up with a number of data requests and these
15 are basically factual questions that the staff is
16 presenting to the applicant. And the applicant is
17 obligated to present us with factual responses.
18 So we often hold data request and data response
19 workshops. All these workshops are open to the
20 public.

21 Realistically we get into a tremendous
22 array of technical questions and answers in the
23 data request workshops. Anybody can participate
24 in those as they are able to. We are also
25 available to hold less technical workshops that

1 discuss the process and issues and concerns that
2 members of the public have. So we sometimes call
3 those issues workshops; or if there's a need to
4 talk about how the process is working, we can hold
5 process workshops.

6 At the end of the discovery and analysis
7 phase the staff issues something called the
8 preliminary staff assessment. We always hold a
9 workshop on the preliminary staff assessment which
10 addresses about 22 technical areas.

11 That preliminary staff assessment
12 workshop is usually held in the community, and I
13 expect that we would hold at least one preliminary
14 staff assessment workshop here in Chula Vista.
15 That's an opportunity for public comments to be
16 provided, both verbally at the workshop, and in
17 writing; as well as the staff receiving comments
18 from the array of public agencies that we work
19 with.

20 So, following the preliminary staff
21 assessment and gathering in the comments from
22 various parties, we'll publish a final staff
23 assessment. That will carry the staff's work
24 forward to the evidentiary hearing phase. And the
25 final staff assessment will constitute staff's

1 testimony that will be presented at the
2 evidentiary hearing.

3 And as Mr. Shean noted, the staff is an
4 independent party. And the evidentiary hearings
5 are an opportunity for other parties that are
6 involved in the process, such as intervenors, to
7 present their own testimony.

8 That's followed by the decision phase.
9 Once the Committee has held evidentiary hearings,
10 the Committee, composed of two Energy
11 Commissioners, Commissioner Geesman and
12 Commissioner Rosenfeld, and the Hearing Officer,
13 produce the Presiding Member's Proposed Decision,
14 or the PMPD.

15 That Presiding Member's Proposed
16 Decision then goes before the full Commission for
17 a decision. Given sufficient public interest
18 there's usually a public workshop held by the
19 Committee on the Presiding Member's Proposed
20 Decision. So that's yet another public
21 participation opportunity.

22 This graphic lays out the relationships
23 of the various participants. The staff is noted
24 here in the middle. As I discussed, the staff
25 will presenting the staff assessment, which is

1 testimony; and then the applicant also provides
2 testimony; local, state and federal agencies have
3 an opportunity to provide input to the staff.
4 Intervenors, also.

5 The Public Adviser is there for
6 assisting members of the public in terms of how to
7 participate in the process.

8 This graphic lays out kind of who does
9 what in terms of all the participants able to
10 provide testimony. I would encourage any members
11 of the public that would like to provide testimony
12 to consider filing with the Hearing Office a
13 petition for intervenor status. It can be quite a
14 bit of work, but you also have a significant role
15 as far as being a recognized party in the process.

16 Getting to the staff's analysis of the
17 application for certification, the staff's
18 analysis addresses whether the proposed project
19 complies with laws, ordinances, regulations and
20 standards at the local, state and federal level.

21 We conduct engineering and environmental
22 analyses, identifying issues for the 22 technical
23 areas. Evaluate alternatives, which is part of
24 what we're required to do under the California
25 Environmental Quality Act. We identify mitigation

1 measures, and by mitigation I mean measures that
2 have the potential for eliminating or reducing
3 environmental impacts. And I'll talk more about
4 that in a minute.

5 We recommend conditions of
6 certification. And conditions of certification
7 are items that apply to the project construction
8 phase, or the project operation phase. For the
9 operation phase those conditions of certification
10 are enforced for the life of the project.

11 The analysis process is designed to
12 facilitate public and agency participation through
13 the public workshops and the opportunities for
14 comment. I noted the analytical products that the
15 staff will be producing, the preliminary and final
16 staff assessments. And then the staff makes
17 recommendations to the Committee in those
18 assessments.

19 The alternatives analysis is part of the
20 CEQA process. We examine alternatives that may
21 avoid or mitigate potentially significant adverse
22 impacts. We need to look at a reasonable range of
23 alternative sites, technologies and project size
24 options that are capable of meeting most of the
25 basic project objectives. We're also examining

1 the no-project alternative, which is required as a
2 part of the California Environmental Quality Act
3 or CEQA process.

4 As far as local, state and federal
5 coordination, the Energy Commission Staff works
6 closely with local, state and federal agencies.
7 For example, at the local and regional level here
8 we have worked with the Port of San Diego, the
9 City of Chula Vista, the San Diego Air Pollution
10 Control District and the San Diego Regional Water
11 Quality Control Board.

12 At the state level we work with the
13 California Air Resources Board, the Department of
14 Toxic Substances Control and the Coastal
15 Commission, among other agencies.

16 At the federal level we often work with
17 the U.S. Environmental Protection Agency and the
18 U.S. Fish and Wildlife Service.

19 At the state level we also work with the
20 Department of Fish and Game. I noticed there was
21 a Fish and Game Staff person here, so we look
22 forward to working with you and hearing about any
23 concerns you have.

24 What happens after the FSA is that the
25 Committee issues the Presiding Member's Proposed

1 Decision. It contains findings relating to
2 environmental impacts, public health and
3 engineering, and the project's compliance with
4 laws, ordinances, regulations and standards, or
5 LORS.

6 It recommends conditions of
7 certification; recommends whether or not to
8 approve the project. So this is a pretty big
9 event here when the proposed decision is released.

10 At that point the Presiding Member's
11 Proposed Decision is moved forward to the full
12 Commission. The five Commissioners make a
13 decision to approve or deny the project. If it's
14 approved, the Energy Commission monitors
15 compliance with all conditions, as I noted, for
16 the life of the project, including facility
17 closure.

18 Just a bit more about the public
19 process. We provide public notices of the
20 workshops and hearings at least ten days in
21 advance. We maintain mailing lists and those are
22 both the regular post office mail, as Mr. Shean
23 mentioned, and email list serves.

24 Documents on the project, such as the
25 application for certification, are available for

1 public review at local libraries; also libraries
2 throughout the state that are listed; the Energy
3 Commission library in Sacramento; and the Energy
4 Commission's website. So that you can go to the
5 www link there and then go to siting cases, and
6 then there'll be a special link for the South Bay
7 project.

8 All of the material is also available in
9 the Energy Commission docket unit in Sacramento.
10 The docket unit is like the master record keeper
11 and filing point.

12 Ways you may participate are submit
13 written comments or statements to the Commission;
14 provide oral comments at public meetings. You
15 have the option of becoming a formal intervenor.
16 You can provide written comments on the
17 preliminary staff assessment or PSA, or the FSA,
18 the final staff assessment. You can provide
19 written comments on the proposed decision.

20 That's the conclusion of my presentation
21 on the process. The next part is a summary of our
22 issues identification report, which I mentioned is
23 our first cut at identifying the issues from the
24 staff perspective.

25 So the purpose of the report is to

1 inform participants of the potential issues as the
2 staff sees them now; and provide an early focus on
3 topics that we think are important.

4 The criteria for identifying issues is
5 significant impacts that may be difficult to
6 mitigate; a situation where we think there's a
7 potential for lack of compliance or conflict with
8 local, state or federal laws, ordinances,
9 regulations and standards. Or conflicts between
10 parties about appropriate findings or conditions
11 of certification for the Commission decision that
12 could delay the schedule on the process.

13 For this project we've identified issues
14 on a preliminary basis in three major areas, air
15 quality, land use and waste management.

16 As far as the air quality issues, we've
17 noted that the existing power plant will not be
18 shut down until after the proposed replacement
19 project begins running. The applicant plans to
20 obtain air quality offsets for the new plant as a
21 result of the old plant being shut down. And, if
22 you want to know more about what air quality
23 offsets are, we'd be happy to talk that over
24 during the question-and-answer session.

25 Both plants may be operating at the same

1 time for a brief period, and therefore there's the
2 potential for unmitigated and possibly significant
3 impacts from the new plant because of the startup
4 and shutdown schedule. This issue was identified
5 first by the San Diego Air Pollution Control
6 District. And the staff agrees with that being a
7 concern that needs to be addressed.

8 As far as land use, as Andy noted, the
9 City of Chula Vista, the City of Chula Vista's
10 Redevelopment Agency, the Port and Pacifica
11 Companies are involved in the planning,
12 development and approval of the Chula Vista Bay
13 master plan; and the power plant is a piece of
14 that plan. Until that master plan is implemented
15 there's no local or state land use plan that
16 controls and guides the planning and development
17 of the state. So, our land use staff will be
18 looking for some kind of schedule and closure
19 point on the Chula Vista master plan in order for
20 our staff to be able to complete its land use
21 analysis.

22 Regarding waste management issues, the
23 phase one report prepared for San Diego Gas and
24 Electric, we believe addresses the existing
25 facility sites identified issues related to soil

1 and groundwater contamination.

2 A work plan resulting from that phase
3 one report was completed for San Diego Gas and
4 Electric in 2005, which presents proposed soil and
5 groundwater investigation and remediation or
6 cleanup activities.

7 The staff is uncertain what, if any,
8 additional investigation and remediation
9 activities have actually been conducted since the
10 workplan was prepared. And whether those
11 activities are applicable to the replacement
12 project site. So those are uncertainties that
13 we'd like to see clarified and cleared up.

14 Moving to the staff's proposed schedule.
15 I noted that the AFC was deemed data adequate at
16 the end of August. We issued the staff issues
17 identification report with a tentative schedule.
18 This is noted as September 12th, but it was
19 actually dated the 13th. So that's illustrative
20 of how this schedule is basically a series of
21 target dates. We set it up so we can adhere as
22 much as possible to the 12-month schedule. But we
23 have to have some flexibility. So, we try to make
24 these dates as best we can.

25 We're here today at the informational

1 hearing and site visit. We hope to issue our
2 first set of data requests around the end of the
3 month, and then notice a public workshop regarding
4 those data requests around October 19th.

5 We give the applicant a month to provide
6 responses to the data requests. So roughly a
7 month from September 29th the data responses would
8 be due from the applicant. And that would be on
9 October 31st.

10 Then we envision holding a data response
11 workshop to discuss the applicant's responses
12 around mid-November. Towards the end of the year
13 we expect to have local, state and federal agency
14 draft determinations such as the Air Pollution
15 Control District's preliminary determination of
16 compliance.

17 Following our receipt of those
18 determinations from the various public agencies,
19 we hope to file the preliminary staff assessment,
20 which would be our preliminary overall look in the
21 22 technical areas, about February 12th. Then in
22 late February we would hold workshops here in
23 Chula Vista on that preliminary staff assessment.

24 About the end of February the agencies
25 would be due to file their final determinations.

1 We would then be looking for filing of final staff
2 assessment around the end of March '07.

3 Now, these are idealized dates here.
4 But this is roughly how we see it going.

5 And then the majority of the staff's
6 developmental work is finished at that point.
7 Then it would go into the phase leading to the
8 hearings and the proposed decision.

9 So we envision that those would be on a
10 to-be-arranged basis sometime after the end of
11 March; a Committee prehearing conference;
12 evidentiary hearings; and then the proposed
13 decision phase.

14 So, meeting this schedule will depend on
15 the applicant's timely response to our data
16 requests; the timing of the Air District's filing
17 of the preliminary and final determinations of
18 compliance; determinations of other local, state
19 and federal agencies; and then other factors that
20 may come up that we aren't aware of at the time.

21 If you'd like to get in touch with
22 members of the staff, here are the ways you can
23 contact us. The project manager, Bill Pfanner, is
24 available through this telephone number in
25 Sacramento, or by email.

1 You can also read about the project on
2 the webpage, as I noted earlier. Mr. Shean's
3 telephone number and email is here. Finally,
4 Margret Kim, the Public Adviser, is listed. And
5 you can call a toll-free number to get in touch
6 with her and her staff, such as Mr. Monasmith.
7 Her email is here.

8 And then here are contact telephone
9 numbers and emails for David Hicks of LSP and
10 Andrew Trump, who spoke to you earlier. So that's
11 how to get in touch with LS Power.

12 That concludes my presentation.

13 HEARING OFFICER SHEAN: Thank you. Let
14 me just help the members of the public convert
15 some bureaucratize into what happens in the real
16 world and real life.

17 If you just want to monitor and follow
18 what's going on to make sure that whatever your
19 interest in this project is being addressed by the
20 Commission Staff, my recommendation to you is that
21 you look out about five to six months when that
22 preliminary staff assessment is going to be issued
23 and publicly released by the staff.

24 And then read the section that's
25 important to you. And if, when you read that, you

1 think it does not do what you would like to see
2 done, you'd better attend one of the workshops
3 that the staff is going to have on its preliminary
4 staff assessment.

5 This is sort of the squeaky wheel
6 approach to regulation at the Energy Commission.
7 Come talk to the staff; tell them what your
8 concern is, whether it's their factual
9 representation or analysis, or a condition that
10 they recommend in their preliminary staff
11 assessment. You will either get them to add
12 something or you won't.

13 If by the time you see the final staff
14 assessment, your views are still not addressed to
15 your satisfaction, then you need to anticipate
16 becoming a party in the proceeding and making your
17 presentation on your view to the Committee at the
18 evidentiary hearing.

19 Then we will take that into account. We
20 will analyze it. And based upon the weight of the
21 evidence, that is the best interpretation of all
22 the information that we have before us, the
23 Committee will make a decision. And that will be
24 in this proposed decision.

25 You then have one more shot, assuming

1 you're not satisfied with the proposed decision,
2 at trying to convince the full five-member Energy
3 Commission that your view should prevail.

4 So that's the squeaky wheel approach to
5 this. Read the documentation initially from the
6 staff in the preliminary staff assessment; then
7 see whether or not your views and their views are
8 in accord in the final staff assessment. If not,
9 come to the Committee at the hearings; make your
10 pitch. If the proposed decision isn't to your
11 satisfaction then your final pitch will be to the
12 full Commission.

13 So that's how you translate all of that
14 into what you may or may not want to do.

15 With that, we are going to have a
16 presentation now by the Environmental Health
17 Coalition. Ms. Hunter.

18 MS. HUNTER: Yes, does everyone have one
19 of our meeting summaries that we prepared, that we
20 often do for meetings? Oh, great. Thanks. And
21 you can change it for me or -- okay. Or I can do
22 the clicker, okay.

23 Thank you. I want to thank the CEC
24 Staff very much for letting us do a presentation
25 today. We're passing out our meeting summary,

1 some information, things that we prepare in
2 advance of meetings like this.

3 Many of you in the audience are very
4 familiar with Environmental Health Coalition. But
5 just for Mr. Geesman and Mr. Shean, just a couple
6 slides by way of introduction.

7 Environmental Health Coalition is a 26-
8 year-old environmental justice organization.
9 We're based in San Diego/Tijuana region. We're
10 focused on environmental and human health. Our
11 Director was the former chair and member of the
12 CalePA Environmental Justice Advisory Committee.
13 I sit as a member of the SANDAG energy working
14 group. We are a member of the Apollo Alliance,
15 and we were members of the CAC for the Chula Vista
16 Bayfront Development.

17 The way we see this decision is a little
18 bit different than the CEC sees this decision. We
19 see this about the context, where the project is
20 in the context of the region. When you look at
21 this graph the big red dots are the major toxic
22 air emitters that are located in the region. The
23 bit white little circle with the plus is where the
24 South Bay Power Plant currently is. And the green
25 dots are all hazardous materials storage and

1 emitters that are regulated by the County.

2 Underlying that are the map of cancer
3 risks. We have a map like this for respiratory
4 risks and for reproductive risks. But you can see
5 where these kinds of emitters are concentrated;
6 that's where people's risks are the highest. So
7 that is the framework; that's the map against
8 which we evaluate these kinds of decisions.

9 We think it's very important that you
10 know who lives downwind. Downwind of the current
11 power plant and the proposed one are 77 percent
12 people of color. Thirty percent of the households
13 closest to the site live below the federal poverty
14 level. Depending on the area of impact you have
15 between 60 schools and preschools. And
16 neighborhoods are already impacted by several
17 discrete sources, I-5, BF Goodrich. So there's a
18 cumulative impact issue here.

19 We're going to talk a lot about air
20 quality, because you know what, when does this
21 community get clean air if we don't require new
22 power plants and new operations to be cleaner than
23 the existing ones. And I'm going to talk a little
24 bit about the slides you saw out there, and how we
25 see that differently.

1 This community really deserves a full
2 and fair vetting of all of the alternatives that
3 can improve the environmental quality of their
4 lives as part of this process.

5 You'll note, if you've read the AFC you
6 know that LS Power has objectives for the project.
7 Well, we have objectives, too. Ours are
8 community-health based objectives. We want to see
9 a strategy that replaces the power plant,
10 eliminate impacts to the Bay, eliminate or greatly
11 reduce current levels of air pollution; support a
12 clean, secure energy future; and involves the most
13 impacted public in the decision.

14 I want to stop here because I have to
15 say we are very disappointed in how this first
16 public meeting has been handled. Can everyone
17 please raise your hand if you are a resident of
18 Chula Vista?

19 Okay, thank you. How many live south of
20 L and west of Third? Okay. Three people are here
21 today who are actually the ones who will be
22 breathing pollution, that are most likely to be
23 breathing the pollution that comes out of this
24 power plant.

25 How many of you have a 9:00 to 5:00 job

1 that you have to normally work every day, who are
2 here today? Okay. Lots of people are not here
3 because we're in the middle of the day; we're not
4 in the community that's impacted; and I don't know
5 if you've been to a Chula Vista hearing, but this
6 is not a good turnout for a Chula Vista meeting.
7 Chula Vista's a very very active community. This
8 is the wrong place; it's the wrong time of day.
9 And I'm sad to say that we did have some
10 residents, but they speak Spanish. We didn't know
11 we were supposed to request the Spanish. We
12 assumed that the Spanish translation would be
13 offered.

14 So we would ask you, as a first request,
15 to hold this hearing again in an hour when people
16 can come here and in a location where they can
17 come to.

18 We also request that the permit process
19 follows the CalEPA EJ working groups. I know that
20 CEC is not part of CalEPA, but you could use their
21 excellent recommendations.

22 We want to give credit where credit is
23 due. And there are aspects in the AFC in this
24 proposal that we support. The dry cooling is very
25 very significant. And we want to thank Duke and

1 LS Power, and we hope Dynergy, or Dynegy will
2 honor that commitment. I don't know who it'll be
3 tomorrow, but anyway today it's still there, we're
4 happy about that. So we do appreciate that, and
5 we fully support that aspect of it.

6 The removal of the current power plant
7 is also very important. I was not aware they were
8 going to have dualing power plants emitting
9 pollution for some period of time, so I guess
10 we'll have to continue to talk about that.

11 However, there are very significant
12 problems with the current proposal on the table.
13 No one is arguing, least of all, Environmental
14 Health Coalition or our membership, that we don't
15 need energy. We need energy. The question is
16 where is it going to come from; where is it going
17 to be located; who is it going to impact; who is
18 it going to benefit. And what are the people who
19 are going to have to live with the impacts going
20 to have to say about it?

21 This does not, as proposed, reduce the
22 overall air pollution. And I'm going to talk
23 about that in a minute because we see it very
24 differently than the slides that Andy showed.

25 Chula Vista already violates the PM

1 standards, so we have some work to do. And we're
2 not just trying to keep the status quo. We
3 actually have to get some improvement here.

4 Environmental Justice. There's going to
5 be a big debate between do we look at this as a
6 regionalized impact or a localized impact. Well,
7 if you're the third grader sitting at Harborside
8 School, we care about the localized impact. Not
9 what the whole County, what's diluted by the whole
10 County, but who are the people who are actually
11 subject to that impact. So we look at it as
12 localized.

13 And, frankly, Eileen's thing talked
14 about proving the need. We're not sure that we
15 need a large power plant in this location. That
16 need has not been proved, and the case for it gets
17 weaker and weaker every day.

18 And this also perpetuates our energy and
19 economic insecurity based on limited volatile-ly
20 priced natural gas resource. And, frankly, it
21 does hamper our Bayfront development more than it
22 should. And we're going to talk about that, too,
23 if we have time.

24 This is the slide I want to spend a
25 little bit of time with. I talked about there's a

1 localized way to look at this and a regionalized
2 way to look at it. There's a per-hour per-
3 megawatt-hour way, and that was what Andy showed
4 you. Yeah, that's a measure of efficiency. We
5 get that this plant is more efficient.

6 But this shows you the tons per year.
7 The old plant is the yellow, and we get that
8 that's a historical actual; the dark orange is the
9 permitted maximums. And that is the tons per
10 year, and you can see the overall mass loading,
11 nothing to write home about.

12 And we're very concerned is that we
13 cannot guarantee that there will be less pollution
14 from this plant on a mass-loading or tons-per-year
15 basis.

16 Remember that again the single source
17 with a localized population for the people
18 breathing the pollution it does not get diluted by
19 the regional air basin, and they're subject to
20 just about the same thing as they always have
21 been.

22 We did find there is an error in the AFC
23 about the stacks. If you look at the equipment
24 list it does say it's a 145-foot stack. So,
25 hopefully that can get changed.

1 And why we worry so much about
2 particulate matter. Particulate matter is what
3 buries itself deep in your lungs, your nasal
4 passages, your nose hairs can't get rid of it. It
5 affects your heart. It's something we're very
6 concerned about.

7 What do we mean by particular matter?
8 That sounds like a long technical word. The
9 potential for particulate matter to induce health
10 effects is really related to the size of it. If
11 you look at a human hair, you look at a PM10, and
12 you look at a PM2.5, you can see how very very
13 small they are.

14 And here's what we know they cause.
15 Increased asthma attacks; they aggravate
16 bronchitis; slow lung growth in children; lower
17 birth weight; and increased number of premature
18 births; and contribute to premature death.

19 There are lots of studies that have
20 reaffirmed this over and over. And studies, and
21 they're listed there and we can submit those. I'm
22 sure that the CEC has that.

23 And it's not like we live in a pristine
24 environment where everything's just hunky-dory,
25 and we can just trade out one source for another

1 source. This maps the childhood hospitalization
2 rates for asthma, which, in Chula Vista, are 20
3 percent higher than the County average right now.
4 So, again, we have a lot of work to do on that.

5 One of the things, and I know Eileen was
6 there, and several staff were there, but we were
7 pretty irate, maybe we bordered on theatrical, I
8 don't know, with some presentations that were made
9 by the Duke air consultant at the last public
10 workshop in May, saying that the analysis wasn't
11 done but we're pretty sure that everything was
12 fine and, you know, don't worry, you know,
13 everything's okay.

14 Well, one is it wasn't okay; and the Air
15 District filed a letter of many deficiencies that
16 were with the air modeling that they did. We
17 agree with all of those. The one thing that we
18 would ask the CEC, and I think I've called it the
19 wrong thing, I mean that to say data requests. We
20 would ask -- and the Air Board, there are going to
21 be new standards for particulate matter that come
22 out in the NAAQ, the National Ambient Air Quality
23 standards, blah-de-blah.

24 But the point, the take-home message is
25 that the feds are going to significantly lower the

1 NAAQ, which is an air quality standard. It's not
2 a done-deal yet, so the Air District said we don't
3 have regulatory authority yet. When we get that,
4 but the scientific advisory board told EPA you got
5 to lower the standard because the science is
6 telling us it needs to be lower.

7 So we want you to make them bring back a
8 project to you that would get us towards complying
9 to the NAAQ. And, here's my bar chart. It's a
10 little different, again, than LS Power's, that we
11 have a problem. We're already in violation of the
12 California ambient air quality standards. And
13 we're going to continue to be in violation of the
14 national air quality standards.

15 I want to also point out that these
16 violations are occurring in that same period that
17 Andy showed on his slide where you have the lowest
18 emissions and it looked pretty good because the
19 rest of it was so bad before. People have been
20 living here since 1981, you know, and have been
21 breathing that all that time.

22 But the take-home message is even with
23 that last little bit where they said they're
24 meeting that level of air pollution, we've been in
25 violation. So we're going the wrong direction and

1 we would -- we think this is very significant.

2 So, we do oppose the size and the duct
3 firing of this plant. I'm going to talk about
4 that next. And unfortunately, there were two
5 major assumptions, I think probably many more,
6 that the proponents made. One was we're going to
7 get out of the Bay. They did that. Thank you.
8 We appreciate it.

9 The other one was that they made an
10 assumption we're going to start with today's
11 pollution and not do worse than today. That was
12 the wrong assumption. We wished they would have
13 said we're going to look at what the region needs,
14 what strategically what kind of power is being
15 emitted, and maybe if the current power plant is
16 emitting X amount of power, we'll do a more
17 efficient plant that would emit that same amount
18 of power. That would greatly reduce the air
19 emissions. But they didn't do that.

20 We don't want the status quo. We need
21 it better than the status quo. And we have some
22 ideas about how to do that. So, our data request
23 on this, and we do disagree with the staff's idea
24 of issues, full analysis of alternatives needs to
25 be done. And it has not been done in the AFC.

1 So, we don't just like to complain,
2 although we do that a lot sometimes, but we do
3 like to propose solutions. So here are some of
4 the alternatives that we would really like you to
5 look into.

6 There are onsite and offsite solutions.
7 And there are technology alternatives. And I'm
8 going to go into those a little bit.

9 One of the things you have to really
10 remember that a smaller plant has less of an area
11 of air impact than a larger plant. We ran an
12 analysis; it was on a power plant that was
13 differently cooled. It had a cooling tower, so
14 this is not relevant. The slide I'm going to show
15 you next. And I know some people don't like when
16 we show this slide, the but the only thing I want
17 you to note here is the same technology plant, one
18 650 megawatts, one 65 megawatts, if the red area
19 is the area of concern, you can see how much
20 smaller it is.

21 We don't have a map like this, but for
22 the new proposal, and this was not the same
23 cooling system, but the point is that size is
24 really going to matter a lot in the case when
25 we're trying to look at community impacts.

1 Well, on that one -- can I go back --
2 well, never mind. But the schools and preschools
3 were also mapped on that map.

4 There are a number of onsite
5 alternatives. Removing the duct firing. You
6 know, you've heard that it's a 620 megawatt power
7 plant, but it's really 500 plus 120. A 500
8 megawatt baseload plant plus 120 megawatts with
9 duct firing.

10 Duct firing really needs to go, and
11 we're going to talk about that in a minute. You
12 can look at smaller plants, and you could look at
13 a scalable peaker for this site. We'd like to see
14 the health assessments on that.

15 Did I screw this up? And then there are
16 a number of offsite locations I'll talk about in a
17 minute. I'll try to hurry up, I'm sorry, I messed
18 it up. What did I do?

19 And, in fact, CEQA, which is you CEQA
20 equivalent requires you to do this, look at those;
21 it would avoid or substantially lessen the
22 impacts. And look at those that meet most of the
23 basic objectives. The AFC reject a lot of
24 technology alternatives because it didn't meet one
25 objective. No, no, it met most of them, and

1 that's really the standard here.

2 Duct firing, I want to talk about that
3 because duct firing is the practice of getting --
4 basically getting more energy generation, but it
5 also reduces the efficiency of a plant from what
6 it would have been without the duct firing, and
7 elevates the emissions and the risks.

8 A plant with duct firing is called a
9 fired plant. That's what we're looking at right
10 now, a 620 megawatt fired plant.

11 An unfired plant would be if they just
12 took that capacity out and we'd still have a 500
13 megawatt baseload unfired plant. There are a lot
14 of advantages for an unfired plant. Lower
15 emissions during peak hours and overall. This is
16 especially important because the duct firing
17 basically turns the big power plant into a peaker;
18 and they're going to use that additional energy
19 when the air quality's already bad and the
20 emissions are already highest, just like he said,
21 in July, during the heat wave, everyone was
22 running everything. The air quality was pretty
23 bad around then.

24 Unfired plants are more efficient in
25 their terms of natural gas. We cannot afford, at

1 this point, to be squandering natural gas at all.
2 So we need the maximum efficiency that we can have
3 there, and an unfired plant is more efficient.

4 And the other benefit is that if you
5 don't have duct firing, you have smaller dry
6 cooling unit. So the footprint is smaller, and
7 you can, you know, easily fit into that 13-acre
8 site.

9 GE even says that as time goes on and
10 the natural gas price world gets crazier, that a
11 plant optimized for capacity, meaning the most
12 efficient unfired plant, is going to be more
13 economically advantaged. I know that's a lot of
14 mumbo-jumbo, but that's basically what that means
15 there.

16 Onsite alternatives, data requests that
17 we would ask you to do, is full analysis for
18 projects that are unfired at this location. A 500
19 or 350 and a 200; there's other sizes. We'd be
20 happy to offer those, but I think you understand
21 the point.

22 There are offsite locations that were
23 either not even mentioned at all, or should be
24 looked at. The NPAX (phonetic) location at
25 Miramar; it's right next to the Sycamore

1 substation. We know it's a good place to put
2 energy because they're trying to put that stupid
3 Sunrise power link to bring that right into the
4 Sycamore substation.

5 (Laughter.)

6 MS. HUNTER: There's a lot of things
7 that that site has going for it. I hear rumors
8 they even have their air credits lined up. That
9 should have been evaluated. It wasn't even
10 mentioned in the AFC as far as we could see. And
11 it's a glaring deficiency.

12 The Otay Mesa site came up. I think
13 that needs some better discussion. The yellow is
14 for residential uses; the red are industrial.
15 Well, there's a downwind direction; 70,000 people
16 at least downwind of the current power plant
17 proposal. Zippity-do-dah, people located directly
18 downwind are lots of residential. We are fighting
19 very hard to keep that area industrial zoned.
20 Now, there is an effort to put residential there,
21 and I think there's potential conflicts in the
22 future, but right now it would be a better
23 location.

24 And i want to say, also, as we make
25 these plants independent of coastal location,

1 meaning we're not using ocean water anymore, we
2 can put them where they're best located. Where do
3 they strategically make the most sense. Where is
4 the best from a human health perspective to locate
5 them, and it's not directly upwind of tens of
6 thousands of people.

7 So, one question is do we even need this
8 project. We're all learning a lot. I mean many
9 of us around the room have been started on the
10 little energy learning curve together. We didn't
11 know a lot about this and we're all learning.

12 When we started out we thought it was
13 simple. RMR on South Bay, need to get rid of RMR
14 to get rid of that god-awful thing. And we really
15 want to get rid of it. So we have to build a
16 plant to take the RMR. Well, what we've learned
17 since then is RMR gets refigured every year; it
18 goes up and down. And sure enough, you know, just
19 last month they voted to terminate one of the RMR
20 contracts.

21 Now, maybe we have this wrong, but we
22 brought the motion and all of the stuff from the
23 Cal-ISO, so does that mean all of a sudden 174
24 megawatts is removed. And then, hey, guess what,
25 a 500 megawatt remaining plant. Well, that's the

1 size of an unfired plant exactly what they're
2 proposing now. So we think this is -- what we've
3 learned is that the energy web is -- you guys
4 already know this, but we're learning this. It's
5 like this ecological web that you pull on one part
6 of it and something else happens over here. So
7 there's still a lot of things that are up in the
8 air.

9 This is my chart from the SDG&E
10 application on Sunrise. And the number I really
11 want you to look at is the 737 deficit megawatt
12 that we don't get to until 2015. So, as I
13 mentioned earlier, I'm on the energy working group
14 and we had a hearing on this. And I said, gosh,
15 so we don't really have a huge deficit, about a
16 power plant-sized deficit, until we get to 2015.
17 And this assumes no South Bay -- that South Bay
18 retires and we don't build a new one at all. It
19 assumes that Otay Mesa goes online. And it
20 assumes no Sunrise power link. So, pretty good
21 bunch of assumptions.

22 So I asked the ISO representative, I
23 said, so if we really only need 700 megawatts by
24 2015, is there only one way we can do that.
25 Should we just build a big power plant; maybe we

1 build it at the Sycamore station. Is that the
2 best way to do it, or are there alternatives. Can
3 we build like two or three strategically located
4 smaller power plants around the county.

5 He said, there's a lot of ways you could
6 do it, but I would advise you against filling that
7 gap with one big power plant. He said, you'd be
8 better off from a reliability perspective to break
9 it into smaller pieces. So, again, we think that
10 we have options for that. And that is an SDG&E
11 chart.

12 Technology alternatives. We were asking
13 you to really get serious about some meaningful
14 analysis of renewable energy options that can be
15 incorporated into this energy strategy. The other
16 thing I note about the NPAX project is they're
17 financing 5 megawatts of solar, too. This doesn't
18 have any solar financed with it yet. I'm hoping
19 we can come together on that.

20 These are just two projects. There was
21 a big article in the paper today about an
22 affordable housing complex that just was featured
23 in the UT today. All of their carports are
24 covered with solar panels.

25 With energy so import and so scarce to

1 the economic future of this region, and here
2 sunshine is so abundant we are really ill advised
3 to pursue any future project with the absence of
4 something that moves us down this road.

5 A last major issue I want to bring up is
6 will the public who are really going to feel the
7 impacts of this plant be involved. Those who live
8 with the results should be involved in the
9 decisionmaking. The meetings should be held when
10 working people can attend and where in locations
11 in the impacted area.

12 Is there anybody here with a child who
13 attends Harborside Elementary School? Okay. So
14 no parent is here whose child is right in harm's
15 way in terms of this power plant. I think that's
16 significant. And, Tanya, I hope you took note of
17 that before you leave. Okay. Anyway.

18 So, you know, why -- and we hope not to
19 be a squeaky wheel kind of organization to engage
20 in this process. I mean we want to be involved in
21 a way that's meaningful and can really get to a
22 meaningful change and a better project.

23 But we can't just trust the process,
24 because the process hasn't worked all that well
25 for us. One reason is we didn't get involved with

1 Palomar Energy Project, and we were told, oh,
2 you're not going to have a plume. Well, this is
3 what we have. Now this is not blow-off from that
4 plant; this was because the cooling tower,
5 whatever they did, it didn't work, something
6 failed. And we had days and days of this. I live
7 up there, and I'm kicking myself because now my
8 town looks like Gary, Indiana on some days. So we
9 can't trust that.

10 We were told, ah, you don't need
11 renewables factored into the Palomar Energy
12 Project because all those public goods charges
13 you're paying, those are going into renewable
14 energy for the region. Well, no, they're not.
15 APEC (phonetic) reported September 7th that we're
16 getting less than half -- half or less than half
17 of our money into renewable energy projects.

18 They said, oh, it's going to have this
19 amount of air pollution. Well, no, it's not. Now
20 they're getting variance after variance after
21 variance to release even more air pollution. They
22 got six shorter variances; and then finally they,
23 you know, were getting seven variances later.
24 They're saying, well, hopefully we have our act
25 together now. So we can't even rely on what got

1 permitted. They went to the Air Board and got a
2 bunch of variances.

3 Land use is very very important. You
4 know what they're proposing to build within 1000
5 feet of this power plant? Our hospital. Put the
6 sickest people closest to a pollution source. How
7 does that happen?

8 So, we want to be partners; we want to
9 help create the right thing. But we're just not
10 going to, you know, kick back and hope for the
11 best.

12 Albert Einstein. We cannot solve a
13 problem on the level that it was created. Who is
14 really going to be served by another large duct-
15 fired power plant upwind of thousands of people?
16 Is this going to be a decision that's going to
17 work? Who is this decision really going to work
18 for? Just today, this morning, we learned that
19 the plant got sold. They have their own goals of
20 maximizing profits and that kind of stuff, but,
21 you know, -- and we thank you very much for coming
22 down and hearing from us, but in a year you will
23 all be gone. And we will be left with the impact
24 of this decision.

25 We hope you will take as seriously as we

1 do the kind of decision you make. Who is this
2 going to work for? Dynegy, LS Power, whoever the
3 next future owner is. Or is it going to work for
4 Emilio Luna, who can't be here today because he's
5 at school, and would like to be, age 5, five-year
6 resident, lives south of -- I mean he lives right
7 in the area of impact. And we want to know if
8 it's going to work for him. Oh, and by the way,
9 he attends Albert Einstein Academy. So, we hope --
10 -- I know that that's probably not evidence, but
11 it's very very important to us and we hope that
12 you'll keep that in mind as you move down this
13 process.

14 Thank you.

15 (Applause.)

16 PRESIDING MEMBER GEESMAN: Thank you for
17 your presentation. When we do get to the
18 evidentiary hearings, we'll hold evening hearings
19 on air quality and other issues that are of
20 interest to the community.

21 Why don't we go to the blue cards and
22 call on those who have indicated interest to
23 speak.

24 Laura Hunter.

25 HEARING OFFICER SHEAN: She just --

1 HEARING OFFICER SHEAN: Oh, --

2 (Laughter.)

3 PRESIDING MEMBER GEESMAN: -- would you
4 like a second chance?

5 MS. HUNTER: Sure.

6 PRESIDING MEMBER GEESMAN: Barbara
7 Breheny.

8 MS. BREHENY: Yes. I have three subject
9 that I would like to address. First of all, the
10 power plant now is on our very precious land, the
11 Bayfront. And when it was put there, when we
12 first came here, we started to live in Chula Vista
13 in 1967, and the power plant was in construction
14 at that time.

15 And they said it has to be there because
16 it has water, and we have to use the water for the
17 cooling. But now we're not using the water for
18 the cooling, so why does the power plant have to
19 be on our precious, precious Bayfront?

20 The second thing I'd like to say is the
21 health of the citizens. I have taught in this
22 area for many years and every year the lung
23 problems, the asthmatic problems of my children
24 increased.

25 And thirdly, today I was looking on the

1 computer and I have ascribed to the dictionary
2 word of the day. Today's word was riparian.
3 Those of you who happen to watch Saturday night on
4 KVVU will be aware of Hyacinth's, candle light
5 suppers. Her riparian candle light suppers on the
6 banks of the rivers.

7 It is a very very, according to the
8 dictionary word of the day, of which I have no
9 support that it's true, but they state that
10 riparian is a very very important ecological
11 system for the flora and fauna of our planet.

12 And California has lost more riparian land
13 than any other state in the lower 48.

14 So I would ask the power plant to please
15 give us back our riparian South Bay. Thank you.

16 PRESIDING MEMBER GEESMAN: Thank you.

17 (Applause.)

18 PRESIDING MEMBER GEESMAN: Terry Thomas.

19 MS. THOMAS: Thank you very much for
20 having this. May I suggest that you announce the
21 next two or three people so that they could line
22 up? It might expedite it. Thank you very much.

23 My name is Terry Thomas, and I am
24 actually representing myself today, as a resident
25 of 25 years in southwest Chula Vista, as well as a

1 homeowner. And a fellow neighbor of all of the
2 people that are throughout Chula Vista and our
3 region.

4 And what I would like to briefly address
5 is a couple of things that were not addressed by
6 Laura, because Laura's Environmental Health
7 Coalition did bring up some good points.

8 My main concern are the costs and the
9 process. I believe that the process is inclusive,
10 as far as the list of the agencies, institutions,
11 authorities are concerned, that you have in your
12 presentation. However, it does not have certain
13 notifications that would be stakeholders in our
14 neighborhood, and a good example of that would be
15 the nearby cities, and the Navy, and also the
16 educational institutions. And emergency
17 responsive agencies, both federal and local, such
18 as FEMA and the -- emergency responders.

19 I assume that you're going through the
20 natural resources agencies, but I believe that you
21 should make sure you get notification to Imperial
22 Beach, to Tijuana, and expand the notification and
23 input.

24 The second thing that I would like to
25 ask in response to this, unless a new one has been

1 added within the last six months, I am aware of
2 only two monitors for the Air Pollution Control
3 District in the City of Chula Vista. And one of
4 them is at East Lake High School. For your
5 information that's quite east in a relatively
6 newer area -- well, it used to be the newer area
7 of Chula Vista. And the second one is located in
8 the western area, but a little -- J Street,
9 hilltop. And there are none at the locations
10 where we tend to receive the most input of both
11 what we call volatile organic substances, as well
12 as the other progenitors of ozone, and the
13 particulate dust matter.

14 You referred to PM10, but I could tell
15 you, as a microbiologist and also as a person who
16 has been going on holidays and visiting the sewage
17 treatment plants, water plants and solid waste
18 disposal sites throughout the world -- this is
19 what I enjoy -- and also as a professor of
20 environmental biology, that you need to address
21 PM5, as well as some of the other items.

22 And the reason is partially because of
23 the evidence. We have evidence right now from
24 this city, which is you want data, right -- the
25 evidence of the gross increase in asthma,

1 allergies and respiratory conditions, but also
2 skin conditions have been showing up and
3 arthritis, et cetera, due to these emissions.

4 And we definitely need to realize that
5 that's a cost, economic cost and human cost and
6 social cost. And it needs to be addressed. As
7 far as the reduction of all of those substances.
8 And it is possible to do that. So, collaboration
9 is necessary for the purposes of the health costs,
10 obviously.

11 At the same time we are facing very
12 exciting things. I think I personally, and I know
13 many of the people are very much involved with the
14 exciting new possibilities for our region. The
15 Bayfront, as well as within the City, and the
16 surrounding areas, and the region.

17 So we're really in favor of that. But
18 we want to see it done right. And also, with a
19 socially responsible, environmentally just, and
20 fiscally responsible way. And so it very
21 important that the cumulative costs from day one
22 be a part of the picture when you are facing the
23 choices of options as to who is going to do the
24 project, and how it is going to be done, and who
25 pays for what. For this project, as well as for

1 the other projects along the Bayfront.

2 And for that reason those costs are
3 going to be paid by the current people, but also
4 by your grandchildren. And I would highly
5 recommend that the cost of the -- you're going to
6 find that the area does need to have remediation.
7 Moreso than the peripheral remediation.

8 And my recommendation is to put an air
9 pollution monitor there. There's none at the Main
10 Street or at some of the other, to test for the
11 emissions. That's an easy thing. But the thing
12 that you need is to do a more thorough analysis of
13 the Bay, itself. Not just the water, but the Bay,
14 itself, because of the disruptions, et cetera,
15 that will be created by the various projects, but
16 specifically this project.

17 And also of the LNG site that is a
18 possible site for the new plant. Because on the
19 peripheral level if you just are doing the top
20 soil, it's not going to be enough. I can
21 guarantee it. You need to go and find out, not
22 just from the responsible parties who deposited
23 things in the past, but also those that have
24 deposited a variety of chemicals in the -- without
25 people -- covertly.

1 And then one other thing. On the
2 visitation that we had, and I thank you very much
3 for providing that one-hour bus ride. But on that
4 visitation it was mentioned by one of the parties
5 that there will actually be water going into the
6 Bay. It's not going to be a water-cooled plant,
7 and we all understood that, but there will be
8 water going into the Bay through the process that
9 will -- or maybe through sewage lines, but it will
10 be going -- there will be water emitted.

11 And I wasn't quite clear on that, and I
12 would like a clarification. Is the water going to
13 be into the Bay without treatment? Or is it going
14 to go through pipes into a sewage line more
15 directly? I think that needs to be clarified.

16 And I could tell you that one example of
17 a case where in a startup, actually was before the
18 startup, where there was much controversy for
19 years. It's the Diablo Canyon nuclear power
20 plant. If you remember that, if you're from the
21 Santa Barbara area, of that area north. It was
22 quite controversial. And their controversy was
23 mainly revolving around the possibility of it, you
24 know, being on a fault. But also of the
25 temperature impact on the bioresources, the

1 plants, the animals in the habitats, et cetera.

2 And they, I remember this one instance
3 where they were finally putting water through the
4 pipes. And the next day the headlines read -- it
5 wasn't really a headline, it was a little article,
6 it said 200 abalones killed. And actually a time
7 later they said it was 200,000 killed. And so
8 then there were other impacts that were shown.

9 And the studies showed that it wasn't
10 the temperature because there was no heating. But
11 it was the leaching of chemicals that caused the
12 killing. And so I think that even though they may
13 think that the water will not have an impact, that
14 type of thing will need to be addressed in the
15 process. And it's much easier to clean those
16 pipes at the production level rather than after
17 the fact.

18 And finally, I beg you for your
19 patience, but yesterday in my newspaper, The San
20 Diego Union Tribune, I quickly went through it and
21 there were ads. And I didn't have time to look at
22 many ads, but out fell the flyer that was a
23 notification for today's meeting.

24 It was a very well done flyer; I really
25 liked it because it had Spanish on one side and

1 English on the other. It said who, when and where
2 and all that information you needed. But it was
3 24-hour notice. And if I had just thrown away my
4 ads, which I might have done under certain
5 circumstances, I would have missed it all
6 together. So that part of the process I'd note
7 that it's not always to do that, but we appreciate
8 if that would be, the notification would be
9 upgraded.

10 And I think that -- that's all I would
11 have to say. Thank you.

12 HEARING OFFICER SHEAN: Thank you.

13 PRESIDING MEMBER GEESMAN: Thank you
14 very much.

15 (Applause.)

16 PRESIDING MEMBER GEESMAN: Scott Alevy.
17 I think I pronounced that right. Maybe Scott
18 Alevy, San Diego Regional Chamber of Commerce.

19 MR. ALEVY: Thank you, I've been called
20 worse, so it's no problem.

21 PRESIDING MEMBER GEESMAN: Which is it?

22 MR. ALEVY: Alevy. That's okay.

23 PRESIDING MEMBER GEESMAN: I'm sorry.

24 MR. ALEVY: That's fine. And I'd like
25 to welcome Ms. Hunter to Chula Vista. I'm not

1 going to speak nearly as long. I think how long
2 we speak is a correlation to how far we live from
3 here. So, since you're up in -- oh, well, never
4 mind.

5 I am here speaking as the Vice President
6 for Public Policy and Communications of the San
7 Diego Regional Chamber of Commerce. I'm also Past
8 President of the South County Economic Development
9 Council. And a former Councilman here in Chula
10 Vista.

11 I'm intimately aware of the impact of
12 this power plant, what it's done for this
13 community in the past; what the plans are for the
14 future. I know that Mike Meacham is here, and
15 other people from the City; and I know they're
16 very very interested witnesses to this. And if I
17 know Michael, he would love to be able to say
18 things about this, and probably knows more than
19 anybody in this room. But he can't because his
20 bosses won't let him. That's how it works
21 sometimes, Michael.

22 This plant has powered the south County
23 for decades. Any of us who have lived here for
24 any amount of time have seen this power plant have
25 benefitted -- I'm sorry, am I interrupting you

1 guys? We've seen and witnessed this power plant.
2 We've benefitted from it. It's powered this part
3 of the County and much of this County for decades.

4 But this County and this region have
5 changed. There are tremendously increased needs.
6 There's a very different agenda here. What we
7 need as a business community, and that's what I'm
8 representing, is a reliable source of energy. We
9 need an efficient set of energy plants. And we
10 need to eliminate environmental and visual blight.

11 California's regulatory and legislative
12 processes have made it much more expensive to do
13 business. Not only in this region, but in all of
14 California. No one item is the-sky-is-falling
15 thing, as far as we're concerned at the Chamber.
16 There's a lot of things that we read about,
17 legislation that was finally passed in the past
18 couple weeks, other regulatory things. As an
19 individual item none of them was a sky-is-falling
20 item.

21 But for us, the cumulative effect of all
22 of these things make it very expensive for
23 businesses to do business here. Businesses are
24 leaving, jobs are being lost. The cumulative
25 impact is chasing all of that away.

1 The last thing a business needs is more
2 expensive and less reliable sources of energy.
3 Businesses need to manufacture goods; we need to
4 move those goods; we need to keep the lights on in
5 the retail establishments that sell those goods to
6 the people.

7 Business deserves a state of the art
8 facility. They deserve a facility that will
9 continue providing those goods and services and
10 jobs for the citizens of this region.

11 This new facility will be sort of like
12 replacing your grandfather's old pickup truck.
13 The truck gets you there; it just isn't right by
14 today's standards. This plant will do things the
15 right way, and it'll do it better.

16 And there has been an extensive public
17 process. We've been aware of it from the
18 beginning. We believe it's been part of the
19 Bayfront master planning. We're comfortable with
20 the fact that this process has been inclusive. It
21 will dramatically reduce the air emissions per
22 unit of electricity generated. It'll improve the
23 regional air quality. And on behalf of the
24 business community of this region of San Diego
25 County, we urge you to move this project forward.

1 And I thank you.

2 PRESIDING MEMBER GEESMAN: Thank you.

3 Jim Peugh, San Diego Audubon Society.

4 MR. PEUGH: Hi, I'm Jim Peugh from the
5 San Diego Audubon Society. I'm the Conservation
6 Committee Chair.

7 I'd first like to say that I am
8 disappointed to the fact that there's a daytime
9 meeting and not an evening meeting for people who
10 actually have to work. The other thing I'd like
11 to say particularly is that the, you know, not
12 using water cooling is an important thing to us,
13 and we really appreciate that that's the, you
14 know, that dry cooling is the way this plant is
15 starting out.

16 I have some real concerns. On page 5 of
17 your handout, you mentioned what you thought were
18 major issue areas. And I notice that biological
19 resources was not one of them. And that really
20 concerns me. I think there are a lot of
21 biological resource impact to this project.

22 One real simple one is the project is
23 right next to a national wildlife refuge. There's
24 going to be landscaping on the project. The
25 landscaping that's there now with the current

1 project, has all sorts of invasive plants.
2 There's a risk that they could escape into the
3 refuge area. So I hope that you'll elevate your
4 concern for biological resources. Landscaping is
5 one. There are a lot of invasive species that we
6 try to keep out of natural areas in our region.
7 That needs to be considered in your analysis and
8 in the EIR.

9 You know, I appreciate the fact we're
10 going to air cooling, but there are going to be
11 horrendous fans and air movement. There's a risk
12 that birds could get trapped in those. Some sort
13 of a screen needs to be done that won't reduce the
14 efficiency of the plant, but it will keep birds
15 from being crushed. We don't want to trade
16 killing fish for killing birds. That's not a good
17 tradeoff from our point of view.

18 And the other issue is the biological
19 impact of the effluent, the deposition of --
20 there's going to be nitrates and phosphates in
21 what comes out of the stacks on these plants.
22 That will affect the way the native plants work on
23 the hillsides, you know, downwind from it. You
24 know, those change the soil type; that changes the
25 kind of vegetation that grows best. So it can

1 actually change habitat types. So we think that
2 you really need to analyze biological resources as
3 a major issue.

4 The next one is I didn't see any heading
5 for water quality. There was water resources,
6 which I assume is water quantity from the way I
7 read EIRs normally. And there's no water quality
8 section. This -- pardon me?

9 UNIDENTIFIED SPEAKER: (inaudible).

10 MR. PEUGH: Is it? Okay, well, I want
11 to make sure that you don't consider that to be a
12 minor area. Under water quality, you know, this
13 is a 13-acre site that's now dirt. You know,
14 water that falls on it gets absorbed into it.
15 It'll be a hard surface in the future, so all that
16 water will run off into the Bay. There will be
17 all sorts of deposition, you know, from cars
18 parking on it.

19 So there's a direct run-off impact. I
20 hope that you'll look particularly to having a
21 containment structure around the entire facility.
22 Because when the facility is working well maybe
23 there won't be a lot of stuff in that parking lot.
24 When something breaks, there will be a lot of
25 stuff in that parking lot. And you really need to

1 have some sort of a containment structure around
2 it with an automatic gate, so that when somebody
3 pushes a panic button, or when some failure sensor
4 goes off, no more water will go into the Bay until
5 somebody figures out what went wrong and resolves
6 the problem. So I think that water quality should
7 be important.

8 Another reason water quality is
9 important is that the hundreds of tons of effluent
10 or stuff that comes out of those stacks is going
11 to fall on the watershed. And all of that will
12 come right back into the Bay. And that's a water
13 quality impact.

14 As far as air quality, again that's an
15 air quality/water quality slant thing. And I'm
16 kind of disappointed. You pointed out that this
17 plant won't pollute any more. When I was young I
18 bought cars that had no provision for air quality
19 and I drove them. And that was fine, and the
20 atmosphere was being ruined by it. And I didn't
21 know the difference.

22 Twenty years ago I bought a small sedan,
23 you know. It had electronic fuel injection; had
24 little computers in it; all sorts of things. And
25 it was infinitely cleaner than the car that I'd

1 bought 20 years before that.

2 Two years ago I bought a car that
3 probably has -- probably discharges, you know,
4 one-thousandth or one-ten-thousandths of what my
5 1986 car did. I am shocked that in a period of 50
6 years we're going to come up with a plant that is
7 just marginally more efficient as far as air
8 quality. I can't understand why this plant isn't
9 three orders of magnitude better than -- or the
10 new plant won't be three orders of magnitude
11 better than the one that's there. Rather than 5
12 or 10 percent better.

13 I am concerned about this thing about
14 simultaneous operation. I hope that you really
15 make sure that the simultaneous operation is only
16 during a transition period. And that, you know, I
17 know what local politicians are like, Chula Vista
18 being an exception, of course. These things, we
19 might end up with ten years of a transition
20 period. I hope that doesn't happen.

21 And I'm really disappointed when you
22 talk about subject areas, the major issues, global
23 warming is not one of them. I mean you showed
24 graphs up there that show a continuous increase of
25 power use in our region. Our Governor and our

1 Legislature just said that we're going to -- that
2 line that you show going up is going to go down to
3 the 1990 point very near in the future. Do we
4 really need this power plant, or could you do a
5 better job with putting 13 acres of photovoltaic
6 cells. And might that be just fine for the
7 future?

8 So, just to summarize. So do we really
9 need a bigger plant. And Laura talking about the
10 duct firing, to me that's insane. To put
11 something in a plant to make it less efficient.
12 You know, again I'd like to see orders of
13 magnitude improvement; not slight degradations.

14 So, my main issue I like to think about
15 are elevating your consideration for biological
16 resources and for water quality and for, you know,
17 there's cumulative impact part of environmental
18 documents. I hope that cumulative impact will
19 address global warming.

20 I mean we all complaint that we're
21 addicted to fossil fuels. What you're doing is
22 just sort of increasing the intravenous feeding of
23 fossil fuels to us. And we really don't need
24 that. We need to be looking for something else.
25 So I hope that under cumulative impacts you'll

1 address global warming very seriously.

2 Thank you very much.

3 PRESIDING MEMBER GEESMAN: Thank you.

4 (Applause.)

5 PRESIDING MEMBER GEESMAN: I should say
6 there that these individual siting cases never
7 exist in isolation from the state's energy
8 policies. And state law requires that the Energy
9 Commission, every two years, develop an Integrated
10 Energy Policy Report which addresses the
11 Commission's priorities for energy efficiency and
12 renewable sources of energy, the replacement of
13 existing power plants like the South Bay project.
14 And where conventional plants, like the
15 replacement project proposed here, fit in that
16 mix.

17 And I would invite all of you to visit
18 our website to download the 2005 Integrated Energy
19 Policy Report. It was adopted by the Commission
20 in November of 2005. We'll adopt another one in
21 November or December of 2007.

22 But as an indicator of the Commission's
23 energy policy philosophy, I'd encourage you to
24 read that document.

25 Patti Krebs, Industrial/Environmental

1 Association.

2 MS. KREBS: Good afternoon; I'm Patti
3 Krebs with the Industrial/Environmental
4 Association. We're an organization of many
5 diverse types of industries, from manufacturing to
6 high tech companies to biotech companies.

7 And if you ask them, even though they're
8 very different types of companies, if you ask them
9 what their major operational concern is, they will
10 tell you that it's having a reliable and
11 uninterrupted supply of electricity. They're
12 very dependent on that because if their
13 operations, their processes, their experiments go
14 down for even a minute sometimes years of work,
15 months of work can be ruined. And the startup is
16 very difficult and expensive.

17 After the last energy crisis we did
18 internally form an energy committee; they have
19 been very involved in looking at necessary
20 resources. They participate in the regional
21 energy working group. All of their companies have
22 goals set for renewables.

23 And we have also looked at this plant
24 and they feel that it is necessary. It will be --
25 it won't be a plant that's replacement in kind.

1 You're going to get a better plant. It's going to
2 be a smaller plant. I think the company does need
3 to be commended for going to dry cooling. That is
4 a very major step. And I also think they need to
5 be commended for keeping their air emission
6 limitations at that existing level.

7 Now there certainly are air quality
8 issues to be addressed with regard to PM, but much
9 of that also has to do with the diesel and mobile
10 sources.

11 So we would like to urge that the
12 planning process for this plant be moved forward.
13 It's going to be a highly efficient plant with a
14 lower impact. And we think that it is very needed
15 for the region. Thank you.

16 PRESIDING MEMBER GEESMAN: Thank you.
17 Lupita Jimenez, the Green Party.

18 MS. JIMENEZ: Commissioner Geesman and
19 audience, thank you for bringing this hearing down
20 to Chula Vista.

21 I have preliminary concerns, one of them
22 having to do with the time of this particular
23 meeting and hearing, which makes it impossible for
24 many people to attend.

25 And the second one is also that

1 translation services were not provided for those
2 who may need it. Those are my preliminary
3 concerns.

4 And now for the real ones. First of
5 all, I would like to ask for improved and healthy
6 air quality for South Bay residents after this
7 plant is built. And I haven't heard of improved
8 quality yet.

9 My second concern has to do with
10 renewable energy, and I'm urging you to exceed the
11 state requirements, and to help make Chula Vista
12 the city on the cutting edge of leading the State
13 of California into energy independence. Remember
14 natural gas is not all that great. There are many
15 safety and health concerns centered around natural
16 gas use.

17 The South Bay has been bearing the
18 burden of dirty air for many years. I use the
19 term environmental justice and urge you to keep
20 this in mind as you go forward with this project.
21 We ask that in your decisionmaking you use air
22 dispersement studies which are relevant and local.

23 Talking about air studies, we have in
24 front of us the example of 9/11 and what's
25 happened to the responders who went into that

1 inferno of pollution and who now are having very
2 serious lung damage and lung disease, which our
3 Administration has really not even thought about.

4 Lastly, in looking into the future when
5 demolition takes place I urge you to follow
6 environmentally friendly disposal procedures, and
7 to keep in mind recyclable opportunities. Keeping
8 in mind always the sustainability of the project,
9 of the work. Perhaps the word sustainability
10 turns you off, let's call it the greenness of the
11 work.

12 I emphasize Chief Seattle's words of
13 long ago, we do not inherit the earth from our
14 forefathers, rather we borrow it from our
15 children.

16 Thank you.

17 PRESIDING MEMBER GEESMAN: Thank you.

18 (Applause.)

19 PRESIDING MEMBER GEESMAN: Rochel
20 Becker, Alliance for Nuclear Responsibility.

21 MS. BECKER: Good afternoon. I'm here
22 today mostly to talk about process. I spend a lot
23 of time at Public Utilities Commission hearings
24 and what we term dog-and-pony shows when they come
25 to our local community. And I am very

1 appreciative of both the Commissioner and the
2 assigned Hearing Officer coming to Chula Vista for
3 this hearing. We rarely get that at the Public
4 Utilities Commission. So, it is very very nice to
5 have the people that are making decisions actually
6 come to the community.

7 (Applause.)

8 MS. BECKER: I also appreciate the
9 thoroughness of your explanation before this
10 meeting began. That's another thing that does not
11 happen at the Public Utilities Commission. We
12 jump right into hearings and we are usually
13 limited to three minutes of speaking. So I really
14 do appreciate the Energy Commission's
15 responsiveness in this.

16 In the spirit of improving the process,
17 the Public Utilities Commission does bring a
18 translator, even when one is not necessary. We
19 recently had a public meeting in San Luis Obispo
20 and we don't have anybody who ever comes to our
21 hearings that speaks any other language but
22 English. And I felt kind of sorry for the
23 translator; I felt like I should be speaking in
24 Spanish so he could translate something. But
25 anyway, a translator in this community is

1 certainly very important.

2 But one other possible plus for the
3 Public Utilities Commission which I don't think is
4 available at the Energy Commission is intervenor
5 funding. We did talk about people being
6 intervenors in this case. And while the utilities
7 have a great deal of money, usually it's our money
8 that they have a great deal of, the intervenors
9 rarely have any money to participate.

10 And even at the Public Utilities
11 Commission you usually have to find an attorney
12 that will work for free for several years in hopes
13 that they will be paid some day. So I would just
14 always put that forward at the Energy Commission,
15 that I think intervenor funding is very vital to
16 public participation.

17 PRESIDING MEMBER GEESMAN: For the last
18 25 years the Legislature has seen fit to make it
19 available in Public Utilities Commission
20 proceedings, and not to make it available at the
21 Energy Commission.

22 MS. BECKER: I'll work on that bill next
23 year.

24 (Laughter.)

25 MS. BECKER: Also, I did go to your

1 website to try to find out a little more
2 information about this meeting because I just
3 found out that it was here, yesterday. I live in
4 San Diego part time. I don't live in Chula Vista,
5 but I take a walk every morning. And when I look
6 down the hill out at San Diego County I see a
7 layer of brown south of my home in Pacific Beach.

8 So, it is very important that you do
9 consider what these people are living with in
10 terms of air quality.

11 You did talk about doing everything in
12 public, and I wanted to know if the Commissioners
13 and the Hearing Officers have ex parte meetings
14 with utilities?

15 PRESIDING MEMBER GEESMAN: No.

16 MS. BECKER: The PUC does, and it's a
17 very bad process. So I'm glad to hear that you
18 don't do it. Thank you.

19 Also, I did hear also that LS Energy or
20 Dynegy, whoever is going to be here today, also I
21 saw in their -- that's why I put my glasses on, is
22 I saw that there is a Morro Bay plant that was
23 also owned. And I was wondering if the 1000
24 megawatts that aren't operating in Morro Bay were
25 included in that 4400 megawatts that they own.

1 Because Morro Bay has not been operating for quite
2 some time.

3 Eileen talked about monitoring
4 throughout the operation of a power plant, once
5 it's permitted. At Diablo Canyon the thermal
6 permit has been out of compliance for over ten
7 years, so I'm hoping you do a better job than the
8 Regional Water Quality Board does.

9 And one of the main reasons I'm here is
10 that I have for the last year and a half have
11 started attending energy working group meetings in
12 San Diego because I'm very concerned about energy;
13 and hopefully some day phasing out a nuclear power
14 plant that's upwind of here. And stopping the
15 radioactive waste which you can't see here or
16 taste, but will kill you anyway.

17 And I have been extremely impressed with
18 Mike Meacham. And I hope that you work very
19 closely, your staff and everyone else, because I
20 am very impressed with the planning in Chula
21 Vista.

22 I don't know what people usually take
23 when they take planning, when they go to college,
24 but they don't take planning; they take reacting.
25 And it's very important to plan in advance if this

1 world is to become a better place for our children
2 and grandchildren.

3 And also the last comment was that your
4 2005 report, which, as a person who is opposed to
5 nuclear power, absolutely loves, I was wondering
6 if the Governor has approved your report yet,
7 Commissioner Geesman?

8 PRESIDING MEMBER GEESMAN: I don't
9 believe he has responded to it yet.

10 MS. BECKER: Thank you for your time.

11 PRESIDING MEMBER GEESMAN: Thank you.

12 (Applause.)

13 PRESIDING MEMBER GEESMAN: I have a
14 stack of cards from individuals who identified
15 themselves as being with the Environmental Health
16 Coalition. And most of them wrote under remarks,
17 yield time to EHC.

18 I want to go through those names, and if
19 any of you would care to address us, you're more
20 than welcome to do so. But I'm interpreting
21 what's on these cards as an interest not in
22 addressing us, but just making certain that Linda
23 had sufficient time to make her remarks.

24 First one is Michel Vasquez.

25 UNIDENTIFIED SPEAKER: That's okay.

1 PRESIDING MEMBER GEESMAN: Blanca

2 Romero. Teresa Acerro. David D. Donato.

3 UNIDENTIFIED SPEAKER: He's gone.

4 PRESIDING MEMBER GEESMAN: Georgette

5 Gomez.

6 MS. GOMEZ: I'm here and I (inaudible).

7 Good evening. My name is Georgette Gomez and I'm

8 with Environmental Health Coalition. I'm a

9 community organizer.

10 And I actually just wanted to re-
11 emphasize what has been said in terms of providing
12 translation. We did have some residents that
13 leave near the power plant, and they left because
14 they didn't -- weren't able to stay so that --

15 PRESIDING MEMBER GEESMAN: I can make
16 certain that that happens when we have the
17 evidentiary hearings. I don't know if the staff
18 makes a practice of that in workshops or not.

19 MS. ALLEN: As needed, we can provide
20 translation services at our public workshops. We
21 also do -- well, I should say I've learned there's
22 a difference between translation, which I think
23 applies to written material; and then
24 interpretation, which is verbal.

25 So, we can provide interpretation at

1 public workshops, as needed; and we can also
2 provide translation.

3 As far as translation, my material has
4 been translated, and it's available here. So, the
5 answer is yes, depending on the needs of the
6 community.

7 MS. GOMEZ: Could I just ask another
8 question in terms of that? What exactly does
9 that, as needed? Do we have to inform you guys if
10 there's a hearing that we're going to bring people
11 -- it kind of makes it hard to organize for
12 something when I don't know if the people that I
13 bring are going to be able to understand.

14 MS. ALLEN: Well, yes. It would be
15 helpful if we had some advance notice. If you
16 were aware a week in advance, for example, that
17 would help. Or if you had an indication, once we
18 had let you know the date of the public workshop,
19 that would help a lot.

20 I'm not complaining, but it is something
21 we're dealing with now that there are a tremendous
22 number of power plant applications that we're
23 processing.

24 PRESIDING MEMBER GEESMAN: Let me jump
25 in there, and I'm going to guess that the

1 Environmental Health Coalition will be an
2 intervenor in the proceeding. And you might
3 simply notify Eileen each time a workshop is
4 scheduled that you feel an interpreter would be
5 helpful.

6 MS. HUNTER: We think they'll be needed
7 for all of them, so (inaudible).

8 PRESIDING MEMBER GEESMAN: You expect to
9 be involved in each of the workshops?

10 MS. HUNTER: I don't know the --

11 PRESIDING MEMBER GEESMAN: Yeah, for --

12 MS. HUNTER: But the public may want to;
13 I don't think it's just about us. The residents
14 may want to --

15 MS. ALLEN: Okay, we'll plan to have
16 interpretation available at each public event.
17 Respectfully, please let Bill Pfanner, the Project
18 Manager, know.

19 MS. GOMEZ: Thank you. And also just
20 note of the time, I think that's important, as
21 well. So that's all I had to say. Thank you.

22 PRESIDING MEMBER GEESMAN: And the last
23 blue card I have is Martin Breheny.

24 MR. BREHENY: Good afternoon, everybody.
25 Can you hear this? Okay.

1 I just want to reiterate something that,
2 or a few of the things that have come before you
3 today. And I think the most glaring thing that
4 impressed me was the fact that when that -- the
5 explanation of the particulate matter was put
6 forward and the impression I got that there's
7 absolutely no effort going to be made to improve
8 that. That it's not going to get any worse than a
9 50-year-old plant is producing now. How is that
10 possible? You know, how can you even contemplate
11 going along with something like that?

12 And it just impressed me as being on the
13 side of the ridiculous. Surely after 50 years of
14 improvement, hopefully, that wouldn't happen. You
15 know, we'd have particulate matter under control.
16 But apparently they don't even contemplate
17 anything like that happening.

18 You know, I feel very forcibly that this
19 is absolutely wrong. And for a large organization
20 to contemplate doing the same thing that's
21 apparently not even with the existing regulations,
22 you know. That, to me, is a pretty sad thing.

23 The other part which I agree with
24 absolutely is the visual situation with this plant
25 now. It's just probably the ugliest piece of

1 architecture anywhere on the west coast, probably
2 anywhere in California.

3 And I hope that that representation that
4 was presented will really reflect what the
5 presentation was. A plant that's going to be
6 lower; the emission height that's going to be
7 lower; the general architecture is going to be
8 closer to the ground. And that'll improve my
9 opinion of that end of it, anyway.

10 But thank you very much for letting me
11 speak. And I hope you take some of this criticism
12 in the way it was intended. Thank you.

13 PRESIDING MEMBER GEESMAN: Thank you,
14 sir. That exhausts --

15 (Applause.)

16 PRESIDING MEMBER GEESMAN: That exhausts
17 my supply of blue cards. Is there anyone else in
18 the audience that cares to address us? Yes, in
19 the back? Come on up.

20 MS. CORTEZ: Thank you. My name is Jan
21 Cortez and I'm from the American Lung Association
22 of California, San Diego Office.

23 And I just wanted to echo the comments
24 about improved air quality. I think that a lot
25 more can be done to improve the air quality from

1 this plant. Any of the measures, whether it's
2 unit per hour of emissions, or total tons, should
3 be a lot more health protective than what's being
4 proposed.

5 The cleanest possible plant should be
6 built. Renewables should be used. And it should
7 not be located near sensitive populations. No
8 duct firing is a good option.

9 And also the localized impact of the air
10 quality should be considered. Thank you very
11 much.

12 PRESIDING MEMBER GEESMAN: Thank you.

13 (Applause.)

14 PRESIDING MEMBER GEESMAN: Yes, sir, in
15 the back?

16 MR. MCAIRNAN: I wasn't on a card. I'm
17 Dan McAirnan with the Environmental Health
18 Coalition. And I noticed in terms of some of the
19 things Jim Peugh brought up about major issues and
20 how the staff defined those, air quality is
21 defined as a major issue.

22 So then I'm puzzled why public health is
23 not also listed as such. So, can you answer that?
24 I mean what is air quality if it isn't a public
25 health issue?

1 MS. ALLEN: I'll address that briefly,
2 and then turn that over to Dr. Alvin Greenberg.

3 Thank you for pointing this out. The
4 staff addresses air quality extensively. And in
5 that process we look at the criteria pollutants
6 and deal with health-based standards. So public
7 health is an intrinsic part of our air quality
8 analysis, particularly related to the criteria
9 pollutants.

10 The separate public health analysis
11 looks at the noncriteria pollutants like air
12 toxics, dealing with risk for cancer, and then
13 noncancer effects.

14 So, here's a public health expert.

15 DR. GREENBERG: I'm Alvin Greenberg; I'm
16 a toxicologist. I'll be writing the staff
17 assessment on such things as hazardous materials
18 and public health.

19 I couldn't have said it better myself
20 than what Ms. Allen has said. It's not that
21 public health won't be addressed, per se, it's
22 just that we have this bifurcation of addressing
23 public health issues due to criteria pollutants,
24 and that's in the air quality section. And then
25 due to noncriteria pollutants, those are the toxic

1 air contaminants. And that will be in my section.

2 So public health will be addressed in
3 the air quality section. And there are concerns
4 that -- the concerns by staff have raised that
5 issue to an issue of major importance. While in
6 the public health section in dealing with the
7 noncriteria, in other words the toxic air
8 contaminants, which are emitted in very small
9 amounts from a natural gas fired power plant, the
10 concern has not been raised to the level of major.

11 So, I know that sounds really weird that
12 public health is separated into two different
13 categories, one of which is called public health,
14 and the other is called air quality. But that's
15 due to statutory and regulations, really, that
16 separate the two out.

17 PRESIDING MEMBER GEESMAN: And the
18 discussion of particulates would come under the
19 air quality section.

20 DR. GREENBERG: That is correct. So
21 it --

22 PRESIDING MEMBER GEESMAN: Thank you.

23 MR. McAIRNAN: -- clearly --

24 DR. GREENBERG: Clearly. And besides
25 particulates, the air quality section will also

1 address oxides of nitrogen and sulfur, and then
2 there's also carbon monoxide.

3 PRESIDING MEMBER GEESMAN: Anyone else
4 care to address us? Anything more from the
5 applicant or from the staff?

6 MS. ALLEN: The staff is here available
7 to answer questions informally. I can answer
8 questions till about 5:15 to 5:30, as desired.
9 I'm not sure when the other staff are dealing with
10 airplane flights, but for the rest of the staff
11 that are here they can join me, as you like.

12 PRESIDING MEMBER GEESMAN: Mr. Shean, is
13 there anything else we need to deal with?

14 I want to thank all of you for coming.
15 You'll see a lot more of us over the course of the
16 next seven or eight months. You'll probably see
17 me next late spring, most likely at an evening
18 hearing --

19 (Applause.)

20 PRESIDING MEMBER GEESMAN: --
21 accompanied with translators.

22 Thank you, again; we'll be adjourned.

23 (Whereupon, at 4:31 p.m., the
24 informational hearing was adjourned.)

25 --o0o--

CERTIFICATE OF REPORTER

I, PETER PETTY, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Energy Commission Informational Hearing; that it was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of September, 2006.

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