Environmental Health Coalition

COALICION de SALUD AMBIENTAL

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February 23, 2007

DOCKET	
06-AFC-3	
DATE	FEB 23 2007
RECD.	FEB 23 2007

Mr. Bill Pfanner
Project Manager
California Energy Commission
1516 Ninth Street, MS-15
Sacramento, CA 95814
Phone: 654-4206
E-mail: bpfanner@energy.state.ca.us

RE: SOUTH BAY REPLACEMENT PROJECT (06-AFC-3)
DATA REQUESTS 30-40

Dear Mr. Pfanner:

Pursuant to Title 20, California Code of Regulations, section 1716, Environmental Health Coalition (EHC) submits the following Data Requests for Commission staff. This information is necessary to: (1) more fully understand the project; (2) assess whether the project will result in significant environmental impacts; (3) assess whether the facilities will be operated in a manner protective of public health; and (4) assess potential alternatives and mitigation measures. These requests are directed to Commission staff because EHC believes that staff, among all parties to this proceeding, is in the best position to have or obtain the information requested.

These requests supplement EHC's data requests 1-30, which are directed to the applicant. These requests are necessarily incomplete because we have not yet received the CD of air modeling material submitted in support of LS Power's recent data responses. EHC has filed a request for an extension of time in which to submit data requests, and EHC intends to supplement these data requests if the request for an extension is granted. The Commission could facilitate this process by posting the air quality monitoring data on the web site for this proceeding. We also believe that this proceeding should be suspended or redirected to options more acceptable to local governmental authorities and the public.

If you are unable to provide the information requested, need additional time, or object to providing the requested information, please notify me within 10 days of receipt of this notice. The notification must contain the reasons for the inability to provide the information or the grounds for any objections. (Cal. Code Regs., tit. 20, § 1716, subd. (f).)

Thank you for your attention to these requests.

Sincerely,

Laura Hunter, Director
Clean Bay Campaign

DATA REQUESTS

South Bay Replacement Project (06-AFC-3)

Background

Even though RMR status is phasing out and being reduced, CAISO has **retained** the RMR designation from the two dirtiest and oldest power plants in San Diego County, South Bay Power Plant and Encina. At the same time, CAISO has also **released** the brand new Palomar Energy Center from its RMR designation. We have been told that this is because the old plants burn oil and the new natural gas plants do not.

Data Requests

30. Do ISOs current rules and requirements require that oil burning plants be kept under RMR as long as possible?
31. What actions can a community or operator take to remove RMR from these power plants?
32. Please discuss the authority that directs ISO to keep the dirtiest power plants under RMR while removing RMR from newer, more efficient natural gas plants?

Background

In the event that the City of Chula Vista and the San Diego Unified Port District both decide that they do not want the existing power plant or a new power plant on the Chula Vista Bayfront, we have understood ISO to say that they could somehow compel or otherwise require the current power plant to remain operational on-site, even if the current RMR designation program terminated and not renewed. Our repeated requests to ISO for a clarification of this have not been answered.

Data Requests

33. Does CEC staff believe that this an accurate understanding of ISO's position? If so, please inform us of the authority that ISO would use and how such a thing would take place.
34. By what specific authority could ISO require SDG&E to buy power from the old plant, even though SDG&E has stated that it does not want to?
35. Finally, if ISO does compel the existing plant to keep running, who would be liable for violations of air or water permits by the old plant, and who would be required to upgrade the old plant to meet more stringent standards such as the new cooling system regulations?

Background

It has been represented in various quarters that building a new large power plant guarantees removal of RMR status from the old power plant.

Data Requests

36. By what legal, contractual, or other authority can the applicant, the Commission, or the ISO guarantee that construction of the new plant will result in removal of RMR status from the old plant?
37. If construction of the new plant does result in termination of the RMR contract for the old plant, when would this occur?
38. How will this occur if ISO is no longer in charge of reliability and "duty for service?"
39. Is there any real difference between a power plant here and elsewhere (i.e., would building another power plant or plants at another location be equally effective in allowing for removal of RMR status from the old South Bay plant)?

Background

In September of 2006 the ISO Board of Governors voted to remove the RMR designation from South Bay Unit 3. In October, ISO staff administratively restored the unit to RMR.

Data Request

40. Does Commission staff have any information as to why the RMR status was restored after having been removed from South Bay Unit 3? What was the protocol for restoring the RMR? Why was it done through the administrative process without a Board vote?

STATE OF CALIFORNIA

ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of: The Application for Certification for the LSP SOUTH BAY, LLC SOUTH BAY REPLACEMENT PROJECT	Docket No. 06-AFC-3

PROOF OF SERVICE

I, Laura Hunter, declare that on February 23, 2007, I deposited copies of the attached Data Requests in the United States mail at Escondido, California, with first class postage thereon fully prepaid and addressed to the following:

California Energy Commission
Attn: Docket No. 06-AFC-3
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512

Kevin Johnson
LS Power Generation, LLC
1735 Technology Drive, Suite 820
San Jose, CA 95110

Consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210, electronic copies of the attached Data Requests also were sent to all those identified in the following list:

[see attached list]

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

Laura Hunter

Laura Hunter

Via email:

docket@energy.state.ca.us
jgeesman@energy.state.ca.us
pflint@energy.state.ca.us
pao@energy.state.ca.us
gshean@energy.state.ca.us
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