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Statement by Rosemary Dealey Woodlock
on behalf of Stakeholders Opposed To Vernon Power Plant

Environmental Justice is a policy to ensure that one segment of society — usually heavily minority, low income populations — should not bear an unfair burden of the environmental pollution or contamination resulting from activities that benefit our entire society. This concept has been the policy of the US and California EPAs for about a decade but quantifying it appears to be similar to the Supreme Court Justice's statement about pornography: I can't define it but I know it when I see it.

Despite the obfuscation throughout the documents so far prepared in support of the Vernon Power Plant, permitting and construction of this project reeks of environmental INJUSTICE, ~~primarily because~~.

The City of Vernon General Plan, adopted in 2001, specifies that Vernon is an exclusively industrial community, with approximately 90 residents, living in City-owned, discounted housing and working for the City of Vernon. Therefore, it can be assumed that they have a serious economic interest in not raising environmental issues against their employer/landlord. (According to the Los Angeles Times 16 Nov 2006, the City evicted challengers running against the incumbent mayor and City Council.)

However, approximately 44.000 people work in Vernon and, according to demographic data, mostly live in the adjacent communities such as the cities of Maywood and Huntington Park. The populations of these cities are primarily Hispanic and low-income. Therefore, this project will "have a disproportionately high and adverse impact" on this population.

AIR QUALITY: Vernon claims that the project's added impact of approximately 396 pounds of volatile organic compounds (VACs), 1,014 pounds of CO, 909 pounds of PM_{10}, 108 pounds of SOx **per day** and 329,101 pounds of NOx **per year** plus background pollution that already exceeds air quality standards will add to the existing air pollution. As mitigation, the VPP has purchased emission reduction credits. This technique of "mitigation" may work on an area-wide basis. Unfortunately, none of those credits originated in Vernon, Huntington Park, or Maywood. The result is that 396 additional pounds of VOCs, and 1405 pounds of CO, PM_{10}, and Sox, as well as 295,157 pounds of NOx will descend on the 44.000 employees and residents of Vernon, as well as the surrounding communities. What may purport to be mitigation for an entire area will be

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environmental injustice for the residents and workers within the vicinity of VPP.

SCAQMD PRIORITY RESERVE: In order to meet the full 396-pound reduction credits requirement as well as 164,979 pounds of NOx and 1405 pounds of CO, PM_{10}, and SOx RTCs, Vernon must turn to the SCAQMD Priority Reserve. However, the Priority Reserve credits are only available for "constructing or expanding essential public services". By Vernon's own statements, this project is not in the least "essential" because the objective of the project is simply "repositioning [the City of Vernon's] generation asset portfolio to 100 percent local generation" and "developing increased local generation projects". No supporting documentation is provided to support a finding that this additional source of power generation is essential to anyone, including the City of Vernon. According to the entry on the City of Vernon at the Wikipedia website: Vernon currently boasts

> a light and power department with extremely low rates, in some cases 40% cheaper than Southern California Edison and Los Angles Department of Water and Power.

Allowing Vernon to draw on the Priority Reserve to "mitigate" its tons of proposed pollutants will encourage its current policy of environmental injustice by attracting new polluting businesses and discouraging energy conservation. The provisions of state law, as set forth in SB 188, must be applied in this case.

PROJECT ALTERNATIVES: With the commercial production of solar-power collecting membranes, solar energy is a viable alternative to this project. Inspection of the aerial photographs of the City of Vernon demonstrate the preponderance of large, commercial-sized flat roofs suitable for the installation of solar equipment and the absence of trees.

DEFICIENCIES IN DOCUMENTATION: Many documents appear to be inaccurate or incomplete almost to the point of outright fraud:

1. Statements that the wind speed in the area has exceeded 11 miles per hour only 4 days per year during 1971 at the Vernon meteorological station, including September through December which is the Santa Ana Wind season in every other part of Southern California, exceed credibility. Statements regarding dispersal of air contamination cannot be accurate if based on that information. An independently verifiable study must be produced, not only for Vernon but also the surrounding area.

2. Inadequate analysis of the toxic chemicals recently or currently produced at the proposed site. According to the EPA 2003 figures for toxic chemicals, Pechiney Cast Plate Company was producing Manganese Air Emissions of 250 pounds and transferred offsite for further waste management 1,270 pounds as well as nickel, transferring 250 pounds for disposal and 750 for further waste management offsite. This quantity of toxic waste disposal is not adequately discussed in the Geomatrix Phase I Environmental Site Assessment (2005) which implies that the major toxic waste is oily rags. In addition, Geomatrix did not inspect all the areas in operation.

Because no soils tests have been conducted and because no realistic assessment of wind activity, the environmental impacts of construction and operation cannot be adequately addressed.

3. Inadequate groundwater discussion, including no water testing, resulting from improper testing procedures. According to § 3.4 (Groundwater) of the Geotechnical Report, no groundwater was encountered because:

> It should be noted that the borings may not have been left open long enough to establish static groundwater conditions....It should be noted that the groundwater table might fluctuate due to seasonal variation, variations in rainfall, nearby construction, irrigation, and other man-made and natural influences. (VPP Initial Geotechnical Report).

Inadequate assessment of potential groundwater variations and a lack of tests on the soil borings bring the conclusions regarding seismic hazards (especially liquefaction), and groundwater and soil contamination into question.

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THE STATE

Vernon mayor and ex-official are indicted

One is accused of voting illegally; the other, of corruption.

By Hector Becerra
Times Staff Writer

November 16, 2006

Capping years of investigation, Los Angeles County prosecutors filed public corruption charges Wednesday accusing Vernon's longtime mayor of voter fraud and the former city administrator of using public funds for personal purposes.

The indictments come after decades of complaints by critics that the small, quirky industrial city a few miles south of downtown Los Angeles is operated as a fiefdom by city leaders, including Mayor Leonis Malburg, who has been in office for more than 50 years and is the grandson of Vernon's founder.

Most of the homes in Vernon are owned by Malburg, other council members and the city, and a majority of the 91 residents are city employees.

Prosecutors charge that Malburg, 77, has been fraudulently voting in Vernon elections for decades as he allegedly lives in his grandfather's former estate in Hancock Park, 20 miles away.

The mayor's alleged voter fraud dates to at least 1967, according to a criminal complaint.

The mayor's wife, Dominica Malburg, and their son John, were also accused of illegal voting in Vernon.

"These charges go to the heart of the problem in Vernon, where they're trying to maintain the status quo and control the pool of voters," said David Demerjian, the head of the district attorney's Public Integrity Unit. "If they were voting, they should be voting in L.A., not Vernon."

The district attorney's office also charges that longtime city administrator Bruce Malkenhorst Sr., 71, spent $60,000 in city money for personal use, including massages, golf outings, meals and political contributions.

Malkenhorst was the highest paid municipal official in the state before stepping down two years ago, earning more than $600,000 a year for running a city with fewer than 100 residents. The city also paid for a limousine to transport him.

Prosecutors alleged that Malkenhorst regularly reimbursed himself for expenses — including paying off his personal Visa credit card — without seeking approval from anyone, including the City Council.

"I can't come up with a reason for why massages would be paid for with public money," said Max Huntsman, a deputy district attorney leading the case.

The charges mark the biggest challenge in decades to the reign of Malburg and his allies. Prosecutors say their investigation is continuing.

Earlier this year, the city hired gun-toting private investigators to follow challengers seeking to unseat Malburg and the other council incumbents.

The city evicted the candidates from their dwellings and kicked them off the ballot, although a judge later ruled that the election, Vernon's first in 25 years, had to go forward.

Malburg was reelected in a disputed election that was the subject of months of court challenges.

Prosecutors have been building their cases against the city officials for years, but Vernon waged a long court battle in an unsuccessful effort to avoid turning over city records to prosecutors. Huntsman said district attorney's investigators found that many city records were missing or had been destroyed.

For nearly 80 years, critics have accused Vernon's leaders of running a political machine that kept power in the hands of the city's founding family and a small group of other leaders.

Vernon was founded in 1905 by a charismatic Basque immigrant named John Baptiste Leonis, who over the next few decades consolidated power and purchased property around the city. As early as 1925, a Los Angeles Times expose accused Leonis of operating the city as a fiefdom where dissenters were run out of town.

In the 1940s, the district attorney indicted Leonis and other Vernon leaders on charges that are eerily similar to the case presented Wednesday.

Prosecutors called Leonis a "boss" who committed voter fraud by casting ballots in Vernon when he actually lived in the Hancock Park home his grandson allegedly occupies.

But the charges against Leonis were eventually dropped, and by the time he died in 1953, he had amassed an estate reportedly worth $8 million.

The inheritance went to Leonis Malburg, who as a boy hunted doves with a BB gun at the family stockyards and took his first job as a messenger at his grandfather's bank.

Neither Malburg, Malkenhorst nor their attorneys returned calls seeking comment, nor did Vernon's city attorney.

In the past, Malburg has said he lives in an apartment atop a commercial building he owns on Leonis Boulevard, a street named after his grandfather.

People who in the past have clashed with Vernon's leaders hailed the indictment as a historic turning point for the town.

"This is a good day for democracy," said Roy Ulrich, a public interest lawyer and former Vernon property owner.

"It's a hopeful sign. It's good that [D.A.] Steve Cooley has uncovered what's been going on in Vernon, what's been apparent to a lot of people for some time now. This is not a real city. It's a business with a charter," Ulrich added.

Prosecutors said that under the law, a person is allowed only one legal domicile. That is where the person can be registered to vote.

While Malburg might spend time in his Vernon apartment, Demerjian said, he and his family clearly live in Hancock Park.

"And I don't think there's any evidence that his wife ever lived in Vernon," the prosecutor said.

"It will be up to a jury to decide whether this man lived in a mansion in Hancock Park or a little apartment in the city of Vernon."

Malburg, his wife, son and Malkenhorst are expected in Superior Court today for arraignment. If he is convicted on all 18 counts, Malkenhorst would face up to 21 years in prison while Malburg would face up to seven years.

The five-square-mile city has one of the smallest populations in California but a heavy concentration of manufacturing that draws 44,000 workers each day.

The election earlier this year focused national attention on Vernon, but within the city, some residents and business owners remained loyal to the mayor.

Residents said city leaders gave them discounts on rent for their apartments while business owners say the city is well run.

But Philip Reavis, a former Vernon Chamber of Commerce president who ran for office in 1980, said he was gratified that prosecutors examined the way business runs in the city.

"Who needs a limousine going into Vernon?" he said, referring to Malkenhorst.

As for the indicted mayor, Reavis added: "I always looked at Vernon after my experience like it was a big Erector set that Malburg inherited."

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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION FOR THE VERNON POWER PLANT PROJECT BY THE CITY OF VERNON	**DOCKET NO. 06-AFC-4** **PROOF OF SERVICE LIST** **(REVISED 1/19/07)**

INSTRUCTIONS: All parties shall (1) file a printed, original signed document plus 12 copies OR file one original signed document and e-mail the document to the Docket address below, AND (2) all parties shall also send a printed OR electronic copy of the document, plus a proof of service declaration, to each of the entities and individuals on the proof of service list:

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ENERGY COMMISSION

DECLARATION OF SERVICE

I, Joann Gonzales, declare that on February 16, 2007, I deposited the required copies of the attached Statement by Rosemary Dealey Woodlock for the Vernon Power Plant Project (06-AFC-4) in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above. I declare under penalty of perjury that the foregoing is true and correct.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

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

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