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April 23, 2008

Mr. Christopher Meyer
Project Manager
California Energy Commission
1516 9th Street
Sacramento, CA 95833

Dear Mr. Meyer:

I served on the General Plan Update Environment, Open Space and Sustainable Development Subcommittee of the City of Chula Vista as did Laura Hunter of the Environmental Health Coalitions (EHC). I was a member of the City's Resource Conservation Commission. The Subcommittee's primary role was to assist with identification and discussion of issues and concerns, opportunities and constraints, and key values and objectives related to environmental and sustainable development considerations for the General Plan Update.

I disagree with Laura's interpretation of the General Plan and have a different recollection as to the Subcommittee's intent on the wording of the GP as it relates to the siting of energy generation facilities. My recollection of the intent of the policy was to avoid the placement of a new or re-powered energy facility that is *also* a major toxic air emitter within 1,000 feet of a sensitive receiver.

In fact, Policy E6.4 of the GP reads: "Avoid siting new or re-powered energy generation facilities and other major toxic air emitters within 1,000 feet of a sensitive receiver, *or the placement of a sensitive receiver within 1,000 feet of a major toxic emitter.*" (See General Plan, p. E-32). The second half of the sentence which only refers to "major toxic emitters" and does not include the words "new or re-powered energy generation facilities," when read in connection with the first half of the sentence, further suggests that Policy E6.4 is intended to apply only to a new or re-powered energy generation facility that is *also* a major toxic air emitter.

In addition, while the term "major toxic air emitter" is not defined in the City's General Plan, the phrase "major source" of hazardous air pollutants is defined in the federal Clean Air Act and in the San Diego Air Pollution Control District regulations. Since the federal Clean Air Act and the SDAPCD regulations apply to any "new or re-powered energy generation facilities," the phrase "major toxic air emitter" can be interpreted to have the same definition as "major source." Hence, Policy E 6.4 does not apply to the CVEUP, as it will not be a "major source" for hazardous air pollutants as those terms are defined in the federal Clean Air Act and SDAPCD regulations.

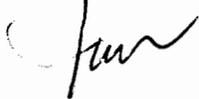
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We were aware that a peaker plant was already in existence at the site now being proposed for the CVEUP. My recollection on the word "site" in the policy was intended to apply to the siting of industries or uses not yet in existence. It was not our intent to prevent older existing facilities from upgrading to cleaner and more efficient technology.

I believe that the CVEUP Project is consistent with the City's General Plan and the applicable Redevelopment Plan for the area. In addition to being in compliance with many generally applicable provisions, the Project would directly implement and support the following specific objectives and policies: Maintain Main Street primarily as a limited industrial corridor, Encourage the preservation and expansion of existing industrial uses in areas designated as industrial, Ensure adequate energy supplies throughout Chula Vista, and encourage siting and design techniques that minimize community impacts and utilize the best available control technology to the greatest extent practicable.

For the above reasons and the assurance that the CVEUP will provide twice the amount of electricity and do it cleaner, more efficiently and with a substantial economic benefit to the City, I wholeheartedly support the upgrading of this project and urge the CEC's approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Juan", written in a cursive style.

Juan Diaz