

J. Mike Monasmith
Siting Project Manager
California "Energy Commission
1516 Ninth Street MS-15
Sacramento, Ca. 95814

January 28, 2009

DOCKET	
07-AFC-6	
DATE	JAN 28 2009
RECD.	FEB 02 2009

Re: Carlsbad Energy Center Project (07-AFC-6)
Comments regarding the CECP PSA.

Dear Mr. Monasmith,

Enclosed please find "Comments regarding Preliminary Staff Assessment for the CECP".
If you have any questions, please do not hesitate to call me at 760-438-5611.

Sincerely,

Kerry Sickmann
Kerry Sickmann
Intervener, Terramar Assn.

Cc: Proof of Service

1. SB1368-Per the CEC's PSA (p. 4.1-1, last paragraph)" The Carlsbad Energy Center Project would replace a less efficient existing facility." In fact, the CECP does not replace the entire existing facility so together these create one large facility that should fall under the requirements of SB1368 Emission Performance Standards. It appears inappropriate to call the CECP a separate project. Please consider evaluating the CECP under SB1368.
2. Meteorological Conditions- The climate description (p. 4.1-4,5) does not mention or appear to evaluate the marine layer that frequently persists on site and along the coast, especially during May and June and how that affects emission dispersion and the chemical reactions resulting from the emissions and their dispersions. Fog is another frequent climate condition that needs thorough evaluation and how it effects emission dispersion and the chemical reactions that result from fog mixed with emissions. Please consider evaluating these conditions.
3. "Air Quality-Per Air Quality Table 3-"Federal & State Attainment Status for the San Diego Air Basin", (p.4.1-7), ozone is evaluated as nonattainment (8hr) Federal and serious nonattainment (1hr) State, and PM10 and PM2.5 are both nonattainment State. The proposed CECP would increase PM10, PM2.5 and ozone emissions. The proposed CECP would push the air in my neighborhood and the other neighborhoods surrounding the plant into a greater level of nonattainment. Based on an article that appeared in the San Diego Union Tribune, Thursday, January 22, 2009, entitled, "Cleaner air linked to longer life spans" the findings were "Better air's benefit: Researchers calculated that a reduction in air particulates between 1978 and 2001 had a role in raising life expectancy." The CEC is set up to protect the public, how can the CEC approve a project that increases emissions in an area surrounded by neighborhoods.
4. Air Quality- Have all environmental impacts been considered, under CEQUA guidelines, in a cumulative assessment – during startup and shutdown of units 6-7, along with startup and shutdown of units 4-5, while 8-10 lanes of rush hour traffic are sitting next to the proposed CECP during a Santa Ana event?
5. Air Quality- Carbon Monoxide-(p. 4.1-16) - If "CO is considered a local pollutant" (p. 4.1-17) how can it be properly measured when the closest monitoring station is in Oceanside? So I would ask staff, "During start ups and shutdowns of the proposed CECP units 6 and 7 with simultaneous startups and shut downs of Encina units 4 and 5, occurring during rush hour traffic of the I-5 (8-10 lanes of stop and slow traffic) is the Oceanside monitoring station appropriate to measure the local pollutant of CO (1 Hr and 8 Hr) during these times?
6. Air Quality- NO-(p. 4.1-17) - "NO2 air quality summary" table measurements after 2001 are all taken from Camp Pendleton. The stack at Encina is 400 feet. The proposed stack is 300 feet shorter. How can NO, as well as an other emission measurements, be appropriate to measure any more from a monitoring station so far away from the proposed CECP?
7. Air Quality-Pollution emissions from the Encina plant (Units 1-5) have spread throughout the county due to the enormous 400 foot stack height. The stack was built because of all the negative impacts to the air and property from the Encina

plant when they burned oil. In the most recent past the Encina station has burned natural gas almost exclusively and the surrounding neighborhoods have continued to benefit from the spread of emissions from the 400 foot stack height. Therefore, all measurement tables used in the PSA are based on the spread of Encina emissions from a 400 foot stack height. Now you are modeling the emissions for the proposed CECP. The stack height is measured at approximately 100 feet above ground. Doesn't this mean that the historical data used for modeling is inappropriate to use, since it is based on a stack height 4 times higher than the stack you are modeling?

8. Air Quality-The use of units 1, 2 and 3 at the Encina power station has declined in recent past years. Wouldn't the past two years be a more appropriate model for the San Diego Air Pollution Control District to use to calculate the proposed CECP units 6 and 7 pollution credits?
9. The Greenhouse Gas Table 3 from the PDOC shows 846,076 metric tons per year of potential greenhouse gas emissions during operation. This is compared to 162,545 metric tons emitted in 2006 from Encina Units 1, 2 & 3. The CECP's greenhouse gas emissions are enormous compared to Encina Units 1, 2 and 3. Greenhouse gas emissions are a huge planetary issue! The proposed plant is modeled to emit huge amounts of greenhouse gas. This fact is of grave concern to the Governor of California and the new administration in Washington. The applicant compares the greenhouse gas emissions from the proposed CECP to a coal fired plant to show improved efficiency. But we have no coal fired power plants in our area.
10. Air Quality-The CECP's Project GHG Emissions Performance-mt CPO2-equivalent per MWh is modeled at .405. The PSA fails to take into account when modeling the rate per MWh the amount of energy used by CECP to run its own desalination plant. This would effectively make the CECP rate higher, diminishing some of the benefit of the proposed project.
11. Air Quality-The neighborhoods surrounding three sides of the proposed CECP have many elderly, people with health risks and children living in them. The pollution impacts from construction, no matter how much mitigation is performed, will be enormous. The proposed time period for construction is very long. Often, as we all know, construction time frames become even longer. It would be a great hardship for the residential neighborhoods to endure the additional pollutants created by the construction of the proposed CECP.
12. Air Quality-The proposed CECP will increase the air pollution in Carlsbad. We already have a power plant polluting the air in Carlsbad. Fortunately, Encina is in a declining stage. We have been waiting for years for this plant to shut down. It needed to be in this location when it was built. Now power plants don't have to be near the water. NRG is a for profit company. Their goal is to make a profit. They need to find a location that won't impact our city in so many negative ways. There are residents living on three sides of the plant. On the fourth side is one of the greatest jewels that the state of California has - the Pacific Ocean. Please protect our air quality and our ocean. No amount of mitigation can replace clean air.

13. Heat Impacts-Heat Impacts from the proposed CECP are of grave concern to the residents living close to the site. Has the CEC considered the possible heat impacts to wildlife in the area?
14. Visual Impacts- The Visual Impacts from the proposed CECP are enormous. It would negatively impact the home values of many residents in Carlsbad - those who live near the site and those whose view will be impacted by the industrial look of the proposed plant. (The old Encina station is disguised by the building that houses the industrial works of the plant.) Carlsbad is a beach city with many hotels, restaurants, businesses and a theme park dependent on vacationers. I know that I would never take a vacation or stay in a hotel anywhere near a power plant that looks as industrial scary as the proposed CECP. When SDG&E builds the proposed switch yard next to the proposed plant the look will get even more industrial. The visual impacts could severely impact the economy of the area. The proposed CECP & switch yard would negatively affect the feel of our beautiful city and more importantly our economy. Every person driving on the I-5 would see the proposed plant and switch yard right in the center of Carlsbad and Coastal North County!
15. Noise Impacts-One of the items suggested during the hearings in Carlsbad was a screening wall to block the view of the proposed CECP from the I-5. A screening wall could create some serious noise reverberation from the proposed CECP for the neighborhoods located southwest and northwest of the proposed plant. Also the screening wall could bounce the I-5 noise eastwardly, up the hill to the residents living around the lagoon. Has a study been done to evaluate these negative noise impacts?
16. Noise Impacts-Noise impacts from the construction phase of the proposed CECP are of great concern to the residents on all three sides of the plant. Noise impacts once the proposed CECP is in operation are of great concern also. This is a beach community, not an industrial area. This could really affect peace and quiet of our community, especially since the proposed CECP is reported to be louder than Encina. We would then have the noise from both the proposed CECP and Encina.
17. Land Use - During the January 7-8, 2009 workshop with CEC staff (regarding the CECP) it came to light that the CEC staff performed the analysis for the California Coastal Commission. Though the CEC does its part to protect the public and the environment, its primary function is to permit power plants. The California Coastal Commission's primary function is to protect coastal property. How could this not be a huge conflict of interest to have the CEC performing both functions at the same time?
18. Safety-During the January 7-8, 2009 CEC workshop, the Carlsbad Fire Chief reported that the location for the proposed CECP was difficult to access because of its location. If there were a major event at the plant, fire protection would be stretched beyond capacity. What about fire coverage for the neighborhoods close to the plant as well as the rest of the city during that event?
19. Land Use - Many of the residents of San Diego County have been very excited about the Coastal Rail Trail. The Coastal Rail Trail is a very appropriate use of Coastal land. San Diego county residents would hate to see the rail trail blocked because of issues with the proposed CECP.

20. Safety- The proposed widening of the I-5 was public knowledge long before application was made for the proposed CECP. During the CEC workshop January 7-8, 2009, CEC staff informed us of the safety issues involved with the proposed widening of the I-5. The I-5 widening would encroach upon the berm making a fire road around the project impossible. The proposed CECP would sit dangerously close to the I-5 putting the proposed CECP and the neighborhoods surrounding in peril. During the workshop the applicant announced that if the I-5 widening occurred that they would not construct the project as submitted. Shouldn't the widening of the I-5 be resolved before this project can even be considered?
21. Visual Impact- Per the issues brought up in #20 with the widening of the I-5, the proposed project would be in full view of the I-5. All screening shrubs and trees would have to be eliminated due to the I-5 widening. This would create a visual impact even more devastating than that discussed in #13 affecting the values of all residential property in the area. It would also have an even more devastating impact on the economy of the area for all the same reasons stated in #13.
22. Land Use- The proposed CECP does not comply with applicable land use laws and regulations including the comprehensive land-use plan required for the project and does not comply with the South Carlsbad Redevelopment Plan according to the Carlsbad City Council. Since the project doesn't comply with LORS, doesn't that mean that there can be no permit?



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
 COMMISSION OF THE STATE OF CALIFORNIA
 1516 NINTH STREET, SACRAMENTO, CA 95814
 1-800-822-6228 – WWW.ENERGY.CA.GOV

**APPLICATION FOR CERTIFICATION
 FOR THE CARLSBAD ENERGY
 CENTER PROJECT**

**Docket No. 07-AFC-6
 PROOF OF SERVICE
 (Revised 1/12/2009)**

CALIFORNIA ENERGY COMMISSION
 Attn: Docket No. 07-AFC-6
 1516 Ninth Street, MS-15
 Sacramento, CA 95814-5512
docket@energy.state.ca.us

APPLICANT

David Lloyd
 Carlsbad Energy Center, LLC
 1817 Aston Avenue, Suite 104
 Carlsbad, CA 92008
David.Lloyd@nrqenergy.com

Tim Hemig, Vice President
 Carlsbad Energy Center, LLC
 1817 Aston Avenue, Suite 104
 Carlsbad, CA 92008
Tim.Hemig@nrqenergy.com

APPLICANT'S CONSULTANTS

Robert Mason, Project Manager
 CH2M Hill, Inc.
 6 Hutton Centre Drive, Ste. 700
 Santa Ana, CA 92707
Robert.Mason@ch2m.com

Megan Sebra
 CH2M Hill, Inc.
 2485 Natomas Park Drive, Ste. 600
 Sacramento, CA 95833
Meqan.Sebra@ch2m.com

COUNSEL FOR APPLICANT

John A. McKinsey
 Stoel Rives LLP
 980 Ninth Street, Ste. 1900
 Sacramento, CA 95814
jamckinsey@stoel.com

INTERESTED AGENCIES

California ISO
 P.O. Box 639014
 Folsom, CA 95763-9014
(e-mail preferred) e-recipient@caiso.com

INTERVENORS

***City of Carlsbad**
Allan J. Thompson
Attorney for the City
21 "C" Orinda Way #314
Orinda, CA 94563
allanori@comcast.net

***City of Carlsbad**
Joseph Garuba, Municipals Project Manager
Ron Ball, Esq., City Attorney
1200 Carlsbad Village Drive
Carlsbad, CA 92008
igaru@ci.carlsbad.ca.us; rball@ci.carlsbad.ca.us
rball@ci.carlsbad.ca.us

Terramar Association
 Kerry Siekmann & Catherine Miller
 5239 El Arbol
 Carlsbad, CA 92008
siekmann1@att.net

California Unions for Reliable Energy ("CURE")
 Gloria D. Smith & Marc D. Joseph
 Adams Broadwell Joseph & Cardozo
 601 Gateway Boulevard, Suite 1000
 South San Francisco, CA 94080

*indicates change

gsmith@adamsbroadwell.com

Center for Biological Diversity
c/o William B. Rostov
EARTHJUSTICE
426 17th St., 5th Floor
Oakland, CA 94612
wrostov@earthjustice.org

Power of Vision
Julie Baker and Arnold Roe, Ph.D.
P.O. Box 131302
Carlsbad, California 92013
powerofvision@roadrunner.com

Rob Simpson
Environmental Consultant
27126 Grandview Avenue
Hayward CA 94542
rob@redwoodrob.com

ENERGY COMMISSION

JAMES D. BOYD
Vice Chair and Presiding Member
jboyd@energy.state.ca.us

KAREN DOUGLAS
Commissioner and Associate Member
kidougl@energy.state.ca.us

Paul Kramer
Hearing Officer
pkramer@energy.state.ca.us

Mike Monasmith
Siting Project Manager
mmonasmi@energy.state.ca.us

Dick Ratliff
Staff Counsel
dratliff@energy.state.ca.us

Elena Miller
Public Adviser's Office
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Kerry Siekman declare that on January 29, 2009 I deposited copies of the attached letter, POS list & comment in the United States mail at CARLSBAD with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

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.

Kerry Siekman

Attachment