

## DOCKETED

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Testimony on the Puente Power Project, Oxnard, CA, submitted by David Pellow,  
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Environmental Justice Project, University of California Santa Barbara, January 18, 2017

### Qualifications

In my 25 years as an Environmental Justice Studies scholar, my expertise has been recognized through appointments to consult for and serve several community-based, national, and international organizations dedicated to improving the living and working environments for people of color, immigrants, indigenous peoples, and working class communities, including: the Silicon Valley Toxics Coalition, the International Campaign for Responsible Technology, Global Action Research Center, the Center for Urban Transformation, Citizens for a Better Environment, the National Food Justice Network, United Church of Christ Commission for Racial Justice, the Santa Clara Center for Occupational Safety and Health, Global Response, Greenpeace USA, International Rivers, and the Prison Ecology Project. My publications address environmental justice issues in communities of color spanning the U.S. and globally. These books include: *Keywords for Environmental Studies* (New York University Press, 2016); *Total Liberation: The Power and Promise of Animal Rights and the Radical Earth Movement* (University of Minnesota Press, 2014); *The Slums of Aspen: Immigrants vs. the Environment in America's Eden* (New York University Press, 2011)

### Statement

I strongly urge the California Energy Commission to deny NRG's permit for the proposed power plant in Oxnard. For generations, electricity for the Central Coast region has been produced by polluting gas-fired power plants, concentrated in Oxnard, a working-class community that is 85% people of color and 75% Latino. Oxnard already has three power plant smokestacks along its shoreline, more than any other city on the coast of California. The city also has a toxic superfund site and many neighborhoods in Oxnard are above the 90<sup>th</sup> percentile of asthma rates in the state of California—they are literally gasping for air and choking over the historical greed of these power companies.

It seems that every time energy firms and state agencies conclude that there is a need for energy in our region, they move to address that need with gas-fired power plants in Oxnard. These power plants would never be built on the beaches of nearby wealthy communities like Malibu or Montecito. Oxnard, a community that is predominantly Latino, immigrant and people of color, is always made the sacrifice zone. One in four children in Oxnard live in poverty and one in five residents don't have health coverage. Fortune 200 corporations like NRG, the largest operator of power plants in the United States, have made Oxnard the perpetual dumping ground. NRG is proposing yet another power plant in Oxnard, continuing a long legacy of injustice. Over the past three years, hundreds of Oxnard residents have publicly registered their opposition to this proposal—making it crystal clear that this is an unwanted additional stressor on this already overburdened community. Thankfully, the Oxnard City Council did its job and responded to the community's wishes, voting down the proposal unanimously. Notably, many of

Oxnard's elected county, state, and federal representatives and the California Coastal Commission have all opposed the project as well. Unfortunately, NRG decided to continue with its efforts to pursue a permit through other channels and bodies that have the authority to override the City Council's decision. This is not only abusive; it is evidence that there is a democracy deficit in Oxnard and the State of California. If the citizens and residents of this community cannot have their wishes translated into policy that will protect their public health then we have a crisis of democracy.

This latest proposal for a power plant in Oxnard suggests a clear pattern of mistreatment and abuse that is known as environmental racism. Oxnard, like far too many other communities around the nation, is a majority people of color city that has been asked to shoulder a disproportionate burden of environmental pollution, no matter the cost to human lives and local ecosystems. We can do better than this. California is leading the nation and the world in clean energy innovation and the struggle for climate justice, yet in low-income communities of color like Oxnard, we see troubling relics of our shameful past persist—more proposals for dirty, dangerous, and polluting fossil fuel plants that emit particulate matter into the lungs of our children and elders.

From the first paragraph, the CEC's Final Staff Assessment displays one of the most glaring inaccuracies in its assessment of the Puente project. The Executive Summary states that "If Puente is approved and developed, the existing MGS Units 1 and 2 would be decommissioned." This is false, and a grave mischaracterization of the proposed project, as MGS Units 1 and 2 cannot continue to operate under the State Water Control Board's regulations on once-through-cooling generation, whether Puente is approved or not. NRG has stated its intention to shut these units down rather than retrofit them, regardless of the outcome of this proceeding. The benefit NRG is offering as a condition of the project is the physical removal of the structure, **not** the decommissioning. The analysis of this project must differentiate between decommissioning and demolition of MGS. The demolition of MGS may be considered an environmental benefit of the proposed project, but reduced emissions from the decommissioning is an entirely separate issue, and therefore cannot be subtracted from increased emissions from the Puente project. The subtraction of these old emissions are at the core of the CEC's conclusion that this new project would not result in significant public health and air quality impacts on the established environmental justice community in Oxnard. Adding 1 new power plant, after 2 power plants are already slated for decommissioning regardless of the outcome, means +1, not -2 or even -1.

The CEC's conclusion of no significant impacts also relies on emissions credits from projects elsewhere in the county. Ventura County contains some of the most affluent communities in the country, and has long relied on Oxnard as a dumping ground for its most polluting projects, including all of its polluting energy production. To "mitigate" pollution from siting more power plants in Oxnard by providing offsets elsewhere in the county adds insult to the injury of continuing this legacy of environmental racism. Reducing pollutants like NOx in other nearby cities while increasing them in Oxnard does not mitigate this inequity, it exacerbates it. It is not Ventura, Ojai, or Fillmore, but Oxnard that has many neighborhoods with asthma hospitalization rates above the 90<sup>th</sup>

percentile in California. Meanwhile, it is more affluent communities farther away from existing generation and with higher energy usage like Goleta and Simi Valley that benefit from the Puente project, not Oxnard.

Moreover, the alternatives considered by the CEC do not include any consideration of preferred resources such as renewable energy. The project has been assessed based on a foregone conclusion that a gas-fired peaker plant must be built somewhere in the Moorpark Sub-Area, which has limited the CEC to considering a nearly identical project at nearby sites. The benefits of a preferred resources alternative would include no impact on coastal wetlands habitat, no increase in carbon emissions contributing to climate change, and no increase in pollutants impacting an environmental justice community.

A total lack of consideration of renewable energy alternatives in this proceeding leaves the CEC, a state agency, standing directly in contrast to the intentions of California's democratically elected state policymakers. In the short period since Edison's RFO, California's legislature and governor have signed historic policies into law including SB350, AB1937, SB32, and AB197. These policies set aggressive goals for increased renewable energy generation, slashed carbon emissions, ending the concentration of fossil fuel power plants in environmental justice communities, and direct emissions reductions in these most impacted communities. Although the Puente project was chosen by Edison before these bills were signed into law, state agencies like the CEC are now reviewing it with an understanding of the environmental goals of California's legislators. Approving Puente would be a major step backwards that will make it significantly harder for California to reach this vision in the coming years. Despite NRG's condescending moniker translating to "bridge" in Spanish, the Puente project is a bridge to nowhere.

The blatant lies about the decommissioning of MGS, the deeply flawed arithmetic used by NRG, and the illusion of mitigation are all sleights of hand that conceal the irrefutable fact that there will be more pollutants in the lungs of Oxnard's children if the CEC chooses to approve Puente than there would be if the Commission denies the project. In essence, the CEC is telling the people of Oxnard that because their community has been made the sacrifice zone for generations, that it is acceptable to perpetuate this injustice for decades. For a child born in Oxnard today, the baseline is the state-mandated decommissioning of Mandalay and Ormond Beach Generating Stations and the future cleaner air in their community as a result. By approving this project, the CEC is robbing the promise of cleaner air from that child with another power plant in an already impacted community suffering from among the worst rates of asthma in the state.

As a home owner in Santa Barbara County and the father of a son who has struggled with asthma since he was a toddler, I have first hand experience with the consequences of living with compromised air quality. I urge you to cast a vote for environmental justice, climate justice, democracy, and common sense. Thank you for your consideration.



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