

DOCKETED

Docket Number:	15-AFC-02
Project Title:	Mission Rock Energy Center
TN #:	222113
Document Title:	City of Santa Paula letter expressing opposition to Mission Rock Energy Center project
Description:	Specifies opposition with focus on Environmental Justice, water resources and aesthetics
Filer:	Mike Monasmith
Organization:	City of Santa Paula
Submitter Role:	Public Agency
Submission Date:	1/8/2018 1:48:10 PM
Docketed Date:	1/8/2018



"Citrus Capital of the World"

City of Santa Paula

970 Ventura Street • Santa Paula, California • Mailing Address: P.O. Box 569 • 93061 • Phone: (805) 525-4478 • Fax: (805) 525-6278

December 21, 2017

Via Electronic Submission and Regular Mail

California Energy Commission

Attn: Mike Monasmith

Senior Project Manager

1516 Ninth Street, MS-15

Sacramento, CA 95814

Reference: Mission Rock Energy Center (Docket Number: 15-AFC-02)

Dear Mr. Monasmith:

As you know, on October 17, 2016, the Council resolved to oppose the 275-MW natural gas-fired peaking power plant about two miles west of the City ("MREC Plant") and urged the California Energy Commission to deny MREC's application to construct the facility. The City's concerns remain unresolved despite the release of the PSA and the City strenuously opposes the Proposed Mission Rock Energy Center.

The City is cognizant the PSA is not the decision document for the Proposed Mission Rock Energy Center; but rather staff's preliminary evaluation of the Proposed Mission Rock Energy Center. Eventually CEC staff will publish its Final Staff Assessment that will serve as staff's testimony during the evidentiary hearing held by the Committee of two Energy Commissioners of the California Energy Commission. Nevertheless, the City hopes that staff will take seriously the below concerns and either address them adequately or revise staff's conclusions in the Final Staff Assessment.

The Proposed Mission Rock Energy Center is meant to provide new peaking capacity for Southern California Edison's ("SCE") Moorpark sub-area of the Big Creek/Ventura¹ local reliability area and is planned to be connected – via a 6.6 mile transmission line – to SCE's Santa Clara Substation. Per the PSA, this additional "peaking capacity is needed to respond to increases in the local demand for electricity that typically occur during the summer afternoons." In essence, the Proposed Mission Rock Energy Center is meant to ensure other – typically wealthier – regions have plenty of power for hot summer afternoons. The area where the Proposed Mission Rock Energy Center is proposed to be sited does not need any additional energy generation.

The PSA identifies numerous unresolved or problematic environmental impacts and proposed mitigation measures. While not an exhaustive list of the issues surrounding the Proposed Mission Rock Energy Center, the project is lacking in the following areas: environmental justice as, among other things, the air quality determination is unknown making it impossible to determine the impacts of the affected environmental justice population; air quality

¹ This sub-area stretches to Ormond Beach in the south. Goleta to the north west. and Pardee to the east.

as the applicant has not identified any specific emissions reduction credits it would use to comply with local Air Pollution and Control District's rules and regulations; and water resources as applicant has not demonstrated any viable source of water nor has the applicant demonstrated where the wastewater would go.

ENVIRONMENTAL JUSTICE

The PSA concludes that until the air quality impacts have been fully mitigated, the determination on environmental justice is indeterminate. While the City concurs with this conclusion, the environmental justice analysis in the PSA is lacking for several other reasons as well.

As an initial matter, the PSA defines environmental justice based on the federal U.S. Environmental Protection Agency's definition as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies." The PSA further references the pertinent California code sections defining environmental justice. However, absent from the PSA's explanation of what is required under environmental justice is reference to the May 8, 2012 California Attorney General Report entitled "Environmental Justice at the Local and Regional Level – Legal Background." This report elaborates and explains what is required under CEQA's environmental justice obligations. In pertinent, the report defines fairness² to mean:

"The benefits of a healthy environment should be available to everyone, and the burdens of pollution should not be focused on sensitive populations or on communities that already are experiencing its adverse effects."

Moreover, the report goes on to interpret CEQA to require that the public health burdens of a project as they relate to environmental justice for certain communities must be considered and that when the environmental setting of a project is to be considered, agencies must assess the cumulative impacts of a project by examining a project's effects in connection with the effects of past, current, and probable future projects, along with effects on nearby communities.

Here, the environmental justice analysis required for the environmental justice communities recognized by the PSA in the City is lacking. These environmental justice communities must already bear the burden of a nearby waste dump, wastewater treatment plant, and a correctional facility. The PSA makes little to no mention of the cumulative effects of these projects and instead supports siting another environmentally harmful power plant in an area that is already overburdened with impacts of pollution. Far from ensuring that the "burden of pollution should not be focused on . . . communities that already are experiencing its adverse effects" the PSA supports piling on these environmental justice communities with yet another project that disproportionately impacts these communities.

Notably, the power plant will not even benefit these communities. The PSA states that the Proposed Mission Rock Energy Center is designed for peaking capacity that is needed to respond to increases in the local demand for electricity that typically occurs during the summer

² In the context of California Government Code § 65040.12 which defines environmental justice as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies."

afternoons for areas far from the proposed power plant. Projects like the Proposed Mission Rock Energy Center should be located near the power users so that: the end users will bear the burden of the impacts – not environmental justice communities like the ones in the City; the need for new infrastructure like the proposed 6 plus mile transmission line is limited; and transmission loss is minimized. These practical siting guidelines are seemingly ignored so that another harmful project – designed to benefit other regions – can be placed in environmental justice communities already subject to disproportionate environmental burdens from other projects.

POTABLE AND RECYCLED WATER

The Proposed Mission Rock Energy Center is set to use .15 acre-feet of potable water (approximately 48,877 gallons) per year and over 67-acre-feet of recycled water (approximately 21,832,045 gallons) per year. However, as the PSA acknowledges, there is no identified source for this massive amount of required water nor is there any plan for what to do with the harmful wastewater that would be generated by the project.

The City has already determined that it will not provide either potable or recycled water for the Proposed Mission Rock Energy Center. Without this reliable supply, the applicant has instead put forward a plan to drive in truckloads of potable water. There is limited discussion of how many trips this would require, how often these trips would be made and what the traffic impacts would be for trucking in all of the required potable water.

Additionally, the massive amount of recycled water is also without a reliable source. The PSA references that recycled water from the Limoneira Company could be supplied to the project; however the Limoneira Company has a very specific water permit that only allows it to use the recycled water for surface irrigation – not for use at a power plant.

Finally the wastewater generated during operation, including sanitary waste, storm water runoff, and process wastewater, is unaccounted for. The PSA readily acknowledges that the Patriot Wastewater facility is not accepting any wastewater for customers, does not have a valid conditional use permit, and is only allowed to conduct activities to clean-up following an explosion and fire.

In sum, the project's only alleged certain supply of water is the conclusory determination that the applicant will truck in its own potable water. Access to recycled water is an unknown, with the PSA seemingly relying on the amendment of a permit to allow over 21 million gallons of recycled water to be diverted from the Limoneira Company. Treatment and disposal of the wastewater generated by the project is allegedly contingent on a wastewater facility that is not taking wastewater and does not even have a valid conditional use permit somehow becoming willing and able to receive the project's wastewater.

Aesthetics

The Proposed Mission Rock Energy Center is proposed to be sited at the gateway of the Heritage Valley, a modest yet beautiful farming community. Rather than blend in with the surrounding uses, this project proposes, among other things, five (5) sixty (60) foot exhaust stacks that would tower over the surrounding area. This type of project – in the proposed location – would substantially degrade the existing visual character of the site and the surrounding farming areas by transforming the area from rural farmland to a more industrialized

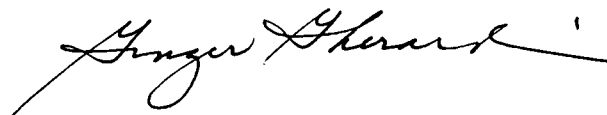
and built-up area. This transformation is simply not justified for a project designed to provide far-flung areas peaking capacity coverage for hot summer months.

The City also has grave concerns about air quality analysis,³ traffic, as well as the location of a power plant within a one-hundred (100) year flood plain. Siting infrastructure in an area prone to flooding seems counterintuitive to the goal of operational flexibility and efficient energy generation. The project plans on burning natural gas and runs the serious risk of being flooded. There is nothing flexible or efficient about a power plant requiring large exhaust stacks to properly burn natural gas that is subject to flooding.

Finally, it should be noted that in a time where renewable energy is making strident gains in terms of cost and viability, the Proposed Mission Rock Energy Center plans to rely on natural gas-fired combustion turbine generators to provide this peaking capacity. The PSA posits that this type of project would provide operational flexibility to help integrate renewable resources. However, this type of project seems a perfect candidate to rely solely on renewables as it is designed to only provide peaking capacity coverage – most likely to occur on sunny, hot, summer afternoons. It also does not follow, and is not adequately explained, how by providing peaking capacity via this natural gas-fired plant renewable resources will be increasingly integrated.

For the above mentioned reasons, the City has serious concerns about the Proposed Mission Rock Energy Center. These concerns should either be fully addressed in the Final Staff Assessment or staff should not recommend approval of the Mission Rock Energy Center as proposed.

Very truly yours,



Ginger Gherardi, Mayor
City of Santa Paula

cc: State Senator Hannah Beth Jackson, 19th District
Supervisor Kelly Long, 3rd District
Honorable City Council
Michael Rock, City Manager
John C. Cotti, City Attorney

³ See Wishtoyo Chumash Foundation's Comments on Mission Rock Energy Center PDOC submitted on December 7, 2017.