

**DOCKET**

**08-AFC-1**

DATE June 05 2009

RECD. June 05 2009

STATE OF CALIFORNIA

State Energy Resources  
Conservation and Development Commission

In the Matter of:

The Application for Certification for the  
AVENAL ENERGY PROJECT

Docket No. 08-AFC-1

**PETITION TO INTERVENE BY  
CENTER ON RACE, POVERTY & THE ENVIRONMENT**

June 5, 2009

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Attorney for the CENTER ON RACE, POVERTY &  
THE ENVIRONMENT

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The Center on Race, Poverty & the Environment (“CRPE”) petitions to intervene in the above-entitled proceeding pursuant to sections 1207 and 1712 of Title 20 of the California Code of Regulations.

Section 1207(a) grants “any person” the right to file a petition to intervene which sets forth “the grounds for the intervention, the position and interest of the petitioner in the proceeding, the extent to which the petitioner desires to participate in the proceedings, and the name, address, and telephone number of the petitioner.” Section 1207(c) provides that the “presiding member may grant leave to intervene to any petitioner to the extent he deems reasonable and relevant....”

CRPE is an environmental justice organization that provides legal and technical assistance to the grassroots movement for environmental justice. CRPE is spearheading a

campaign entitled “Power to the People” to support low-income Central Valley residents and especially communities of color in expressing their voices and having a stake in decisions about energy generation in the region. This campaign builds upon CRPE’s longstanding involvement with energy issues in the Central Valley. In the early 1990’s, CRPE represented a Kettleman City organization called *El Pueblo para el Aire y Agua Limpio* in its successful campaign against Chemical Waste Management’s toxic waste incinerator. Since then, CRPE has continued to represent the interests of Kettleman City residents in achieving safe air quality and protection from exposure to toxic substances. The proposed Avenal Energy Project would significantly increase daily exposure of various toxins including SOx and PM2.5 for residents of Kettleman City, Avenal and Huron. Residents in these communities are already bearing the brunt of health and environmental impacts from the Kettleman Hills hazardous waste and PCB disposal facility as well as a nearby sludge “farm” which plans to receive 900,000 tons of sewage and agricultural waste from Los Angeles.

As an organization dedicated to environmental justice, CRPE actively participates in public processes for projects with the potential to have negative health impacts that disproportionately impact low-income communities and communities of color. The proposed power plant in Avenal is such a project. The applicant’s plan to claim offsets from outside the local area fails to: 1) mitigate the project’s local air quality impacts; 2) recognize the impacts caused by localized emissions; or 3) analyze the project’s cumulative impacts in light of the other emissions sources in the vicinity. It therefore violates the California Environmental Quality Act’s (CEQA), Pub. Res. Code §§ 21000 et seq., requirements that the CEC discover, analyze, and mitigate a project’s significant impacts.

Furthermore, CRPE takes the position that California's energy demands do not warrant the construction of new natural gas power plants. The construction of a new plant in Avenal is not only unnecessary, but would undermine California's renewable energy goals. State law requires California's investor-owned utilities to procure 20 percent of their electricity from renewable sources by 2010, and to increase this percentage to 33 percent by 2020. A new natural gas power plant in Avenal would take California further away from its renewable energy goals as set forth by state law as well as CPUC and CEC policies that commit to evaluating the potential for making 33 percent of the power delivered in California renewable by 2020.

The Commission's application process provides for a balancing of the project's socioeconomic and environmental impacts. Based on its experience working with residents of Kettleman City and assessing community stances on energy issues as well as potential health and environmental impacts of similar projects, CRPE is well positioned to address the environmental impacts of the currently proposed project.

CRPE's position in this proceeding is that the functional equivalent document for the proposed Avenal Power Plant violates CEQA because it failed to properly analyze and mitigate project impacts, failed to properly inform the public of the project's impacts, and failed to assess a reasonable range of project alternatives.

CRPE wishes to participate in all phases of this proceeding and to reserve the right to present evidence and to cross-examine witnesses. Filings should be served on CRPE at the address listed below.

For the foregoing reasons, CRPE respectfully requests that the Commission grant its petition to intervene in this proceeding and allow CRPE to participate as a party.

Dated: June 5, 2009.

Respectfully submitted,

s/ \_\_\_\_\_

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PROOF OF SERVICE

I, Lauren Richter, declare that on June 5, 2009, I deposited copies of the attached PETITION TO INTERVENE BY THE CENTER ON RACE, POVERTY & THE ENVIRONMENT in the United States mail at San Francisco, California, with first class postage thereon fully prepaid and addressed to the following:

CALIFORNIA ENERGY COMMISSION  
DOCKET UNIT  
ATTN: Docket Unit 06-AFC-4  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512

Via email to:  
docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct. Executed at San Francisco, California, on June 5, 2009.

s/ \_\_\_\_\_  
Lauren Richter

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Center on Race, Poverty & the Environment  
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Petition for Financial Hardship

The Center on Race, Poverty & the Environment hereby petitions to be excused from:

- 1) Filing 12 copies with the Commission Docket unit, and
- 2) Serving papers on all other parties of record.

Compliance with the above requirements creates an undue financial hardship as the petitioner is a nonprofit organization with limited funds to participate in the proceeding.

s/ \_\_\_\_\_  
Ingrid Brostrom

June 5, 2009 \_\_\_\_\_  
Date

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I, Lauren Richter, declare that on June 5, 2009, I deposited copies of the attached PETITION FOR FINANCIAL HARDSHIP BY THE CENTER ON RACE, POVERTY & THE ENVIRONMENT in the United States mail at San Francisco, California, with first class postage thereon fully prepaid and addressed to the following:

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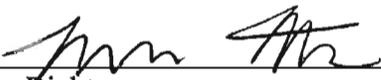
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