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California Energy Commission
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DOCKET	
01-AFC-24C	
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Subject: Public Health & Safety Complaint – Palomar Energy Center (Docket No. 01-AFC-24C)

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The California Energy Commission (CEC) staff analysis conducted for the Palomar Energy Center (PEC) improperly failed to take into account all conditions of operation of the facility and its impacts to the surrounding community and businesses has resulted in the project creating adverse impacts to public health and safety, nuisance and left cause for impacts in the area of aviation safety. Failure by both the CEC and the San Diego Air Pollution Control District (SDAPCD) to consider or conduct a comprehensive evaluation of airborne pathogens, including, but not limited to mold, viruses, and bacteria released from the operation of the cooling towers at the PEC puts the community and surrounding business at risk and has already created a Public Health issue. The need to properly examine impacts on the community and adjacent land uses, including impacts arising from increased airborne pathogens, contaminated moisture, particulate matter, health and safety and, the effects of the pathogens and other contaminants must take place to properly address impacts from an already flawed analysis done on this facility. Impacts to a nearby business and the noted increased respiratory problems to elderly residences are already documented impacts resulting from an environmental impact study and analysis already proving to be inadequate.

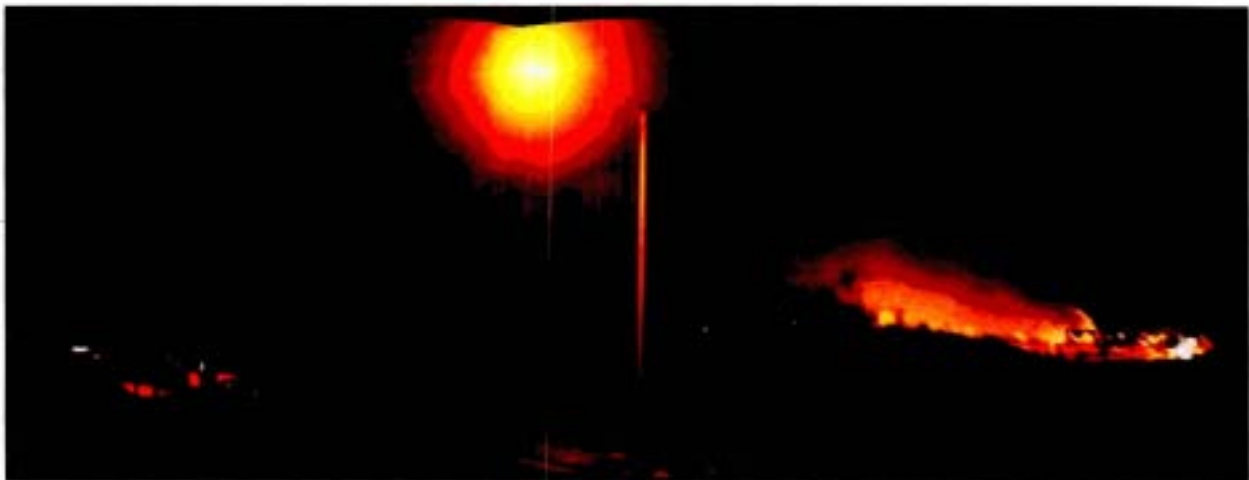


Figure 1

¹ Title 9, Section 318.14 of the Federal Code of Regulations provides, in relevant part, "In the event there is polluted water...in an official establishment, all products and ingredients for use in the preparation of such products that have been rendered adulterated by the water shall be condemned."

The failure to take into account all conditions especially those during night or during rain or fog conditions because the CEC staff determination felt them irrelevant would result in the violation of the Federal Code noted above by the U.S. Food and Drug Administration, Centers for Disease Control, and California state departments with responsibility for public health in food processing facilities would then be deemed inappropriate for the health and well being for any facility being proposed for development in the Escondido Research and Technology Center (ERTC). That would especially apply to the proposed hospital and its patients which are in the direct path of the plume above in **Figure 1** and in the simulated photo in **Figure 2** not to mention the surrounding residential neighborhoods. Documented inappropriate operation of the PEC facility also puts into question the validity of additional aviation safety related issues because of the failure to analyze the vertical plume and the problems associated with its operation during nighttime and other atmospheric conditions omitted in the analysis of this facility.



Figure 2 (Hospital Simulation Photo) Opposite View from Figure 1

Evidence submitted in the past and ignored by the CEC has clearly indicated time frames of continued inappropriate operation of the PEC facilities, which clearly appears to be by choice by the owner not to operate its on-site equipment properly. Evidence submitted also shows that this mode of operation is not a seasonal occurrence and creates a frequency threshold much higher than ten percent for plume occurrences without seasonal restrictions. Condition of Certification VIS-8 ensures that the project owner will implement plume abatement measures to reduce visible plumes to insignificant levels while it does "not" address any potential health and safety issues because of this allowed operational mode. Failure by both the facility owner and the CEC to properly implement/enforce proper measures has resulted in a public nuisance and public health and safety issues. Evidence submitted also shows that any automated notification system and sensors is either being ignored or turned off when the project owner deems appropriate to operate in these conditions. The on-site control room log apparently does not seem to site any plume occurrences (noted by the previous CPM) that raises yet another issue that there is another misrepresentation of factual operational data on a continuing basis that is being allowed.

Under the air pollution law enforcement and evaluation of New Source Review (NSR) and Prevention of Significant Deterioration (PSD) pollutants along with New Source Performance Standards (NSPS) results in the failure to meet CEQA requirements not to expose sensitive receptors to substantial pollutant concentrations. Absence of any guidance in California and the PEC project to assess whether vertical plumes are likely to have adverse implications fails to point out the fact that very buoyant plumes can readily interact with the overlying inversion and give rise to other problems that may require addressing in environmental impact assessments. This would also include industrial flares or intended releases from pressurized pipelines that occur at this facility on a regular basis that can create significant risk to the nearby community especially dealing with air traffic.



Figure 3

The data that I have obtained from the Vernon Power Plant Project (06-AFC-4) once again points out that the CEC Staff has concerns regarding cooling tower plume and vapor drift related to health, safety, and contamination. What seems even more surprising is that all this concern is based on conditions resulting from the operation allowed at the PEC, yet the PEC is still allowed to operate in this condition. To this date the CEC Compliance Division and SDG&E have ignored and never publicly addressed this issue after almost a year of continued attempts by myself to have the plume issue addressed.

The CEC analysis of the Palomar Energy Center has never been properly evaluated in their independent modeling nor has the CEC attempted performed a more detailed analysis because of the known conditions. Adoption Order No. 03-0806-05 needs to be readdressed for both existing and proposed usage.

Under Section 1237(a)(5) of Title 20, the owner of the PEC should be required to publicly apologize to the residents of Escondido and County of San Diego for its questionable business practices in the operation of the PEC facility. The owner should also be required to provide an online site that provides logs of compliance and monitoring information for verification by the public since none of this has taking place in the past either by local or state agencies associated with this project. The CEC should also needs to readdress Adoption Order No. 03-0806-05.

Under Section 1237(a)(6) of Title 20, the Energy Commission was the lead agency and set these requirements for this project to be built and should have the authority to enforce any action requested unless it has no intention of enforcing its own policies and/or requirements.

Under Section 1237(a)(7) of Title 20, I hereby declare that the comments and evidence submitted are truthful and correct.

Thank you for your time and attention to the matter.

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