

## DOCKETED

<b>Docket Number:</b>	15-AFC-02
<b>Project Title:</b>	Mission Rock Energy Center
<b>TN #:</b>	222761
<b>Document Title:</b>	Santa Paula Alliance Comments on PSA
<b>Description:</b>	N/A
<b>Filer:</b>	System
<b>Organization:</b>	Mary Ann Krause, AICP/Santa Paula Alliance
<b>Submitter Role:</b>	Public
<b>Submission Date:</b>	2/27/2018 2:32:32 PM
<b>Docketed Date:</b>	2/27/2018

*Comment Received From: Mary Ann Krause, AICP*  
*Submitted On: 2/27/2018*  
*Docket Number: 15-AFC-02*

## **Comments on PSA**

*Additional submitted attachment is included below.*

## Santa Paula Alliance

c/o Mary Ann Krause

154 Via Solana, Santa Paula, Ca 93060; 805/415-0187

To: Commissioners Karen Douglas and Janea Scott, California Energy Commission

From: Santa Paula Alliance

Subject: Preliminary Comments on PSA, Mission Rock Energy Center

Date: February 27, 2018

The Santa Paula Alliance (hereafter “Alliance”) has some preliminary comments on the Preliminary Staff Assessment (PSA) for the Mission Rock Energy Center, which are intended to assist staff in making the PSA more complete. These comments are in no way to be considered our final comments on the PSA; it is our understanding that when more complete information is available and has been incorporated, the PSA will be re-released for formal review. Many specialists that we might otherwise consult with to ensure the adequacy of this document—from flooding and erosion specialists to wildlife biologists to botanists to historians and cultural resource specialists—are engaged in Thomas fire recovery and mitigation efforts. We therefore have relied primarily on the expertise within the Alliance itself.

With respect to **Air Quality**, we are incorporating by reference docket #221785, a letter submitted by Alliance member Karl E. Krause. This letter states our concerns regarding the lack of identified emission offsets which we believe should have been incorporated into the PSA. Additionally, community members have expressed concerns about whether the location of the offsets will be such that they have an impact on the emissions from this facility. The reality is because those offsets are available those facilities are not actually emitting those pollutants, so any pollution from this power plant will be an increase in the level of pollution in our Santa Clara River Valley. Our members are also concerned particularly about the farmworkers who spend a disproportionate share of their time working out of doors and breathing heavily due to the exertion of the work. Many are already exposed to pesticides as well as to extreme blowing dust during Santa Ana events, which are likely to be times the power plant will be in operation.

With respect to project **Alternatives**, we are submitting the information that in January of 2018 the City of Santa Paula approved a solar array and battery storage facility adjacent to the SCE substation in central Santa Paula. This is a small facility, which is expected to begin with a capacity of 5 megawatts of generation capacity, with an eventual buildout capacity of 20 megawatts. There was no opposition to this facility from the community or the Planning Commission. While this facility will satisfy only a portion of the identified need within the Moorpark Sub-Area, we believe it shows good faith on the part of our community to meet its own energy needs. If similar, small energy projects were proposed throughout the Sub-Area, the Alliance believes that they would be embraced by their communities and would reduce or eliminate the need for this proposed power plant.

We have extensive concerns about the impact of this power plant, and cumulative projects, on **Biological Resources**. In 1999 or 2000 the California Coastal Conservancy, another State agency, approached the Ventura County Board of Supervisors with a proposal to restore the Santa Clara River. The strategy was to use State money to purchase floodplain lands along the river from willing sellers, and to restore wetlands and habitat. This would allow the river to flow naturally, absorbing flood flows within wetlands. Native plants would be re-established, which would also support local wildlife. This process began shortly thereafter. The original target area was close to the river mouth near Ventura Harbor, but most of the success has been to the east and west of Santa Paula. The Nature Conservancy and Friends of the Santa Clara River eventually became partners in the operation, and restoration work has been in progress with both paid staff and volunteers over a period of 17-18 years. About 1/3 of the main stem river in the County boundary is in the program, millions of dollars have been invested, invasive species have been removed and native riparian plants have been installed. Recovery of endangered species is occurring and surveys of animals and birds using the area are encouraging.

There are also development projects downstream along the Santa Clara River that have not been included in the list of cumulative projects for this permit, but we believe should be. In reviewing the list of impacts and mitigation measures for those projects, particularly to wildlife, we believe that there are unmitigable cumulative impacts. To ensure that the impacts are less than significant, we believe a Wildlife Management Plan should be prepared and implemented. We are hereby incorporating by reference docket #222720, submitted by Nina Danza of the Santa Paula Alliance.

With respect to **Cultural Resources**, we do not believe that the impact of the new transmission lines can in any way be mitigated with the measures identified. Much of the discussion of impacts considers the views from the More-Edwards Adobe and the Sharp-Thille House, two private properties with no public access. The views from these properties will be irreparably harmed. We appreciate that the monopoles will have a lower visual impact than older style transmission equipment, but they will still be highly visible. They will be particularly to the public where they cross the freeway. The proposed mitigation measures have little to do with visual impacts. We appreciate how hard it must be to address this issue, but that is one of the very reasons it makes so little sense to build a new plant so far from existing transmission facilities. The mitigation measure that proposes to repaint/repair the "Welcome to Heritage Valley" signs is now moot; the Heritage Valley Tourism Bureau had already contracted for the work when the PSA was released, and the work is now complete.

The proposed reconstruction of the More-Edwards Adobe is intriguing. It could be a community resource, if its physical condition were improved and the property owner were to permit access. However, the property owner has not wished to allow access and has done nothing to avoid building collapse. Only a tiny fraction of people in Ventura County even know that the adobe exists. It cannot be seen from any public roadway and can only be accessed via private road. While it is important to save the building regardless of these circumstances, and reconstruction would be useful in mitigating the other significant impacts of this project on cultural resources, it really does nothing to mitigate visual impacts.

The reconstruction of the garden at the Sharp-Thille House is the third mitigation measure. Again, this is a private property without public access, surrounded by working orchards. A portion of the front of the house can be glimpsed through the trees along Telegraph Road, and the back can be seen in the

distance from the freeway, but that is the current limit of public access. CEC staff in attendance at the Ventura County Cultural Heritage Board meeting in December 2017 indicated that the property owner would be amendable to the reconstruction and has been considering at least some limited public access to the site. The property owner has indicated to the Alliance that he in no way considers the reconstruction of the garden to even begin to mitigate the visual impact that his family would have to endure, and just as importantly, is not interested in having the garden reconstructed. This mitigation measure therefore appears infeasible due to lack of a willing property owner and would be ineffective for its stated purpose.

With respect to **Environmental Justice**, (hereafter "EJ") we have not been able to do extensive review of this section however, we do have some observations. From a global perspective, we know that power plants should be located as close to the point of use as possible to minimize transmission loss, and if that is not possible, locating close to existing transmission infrastructure is second best. Neither of these criteria has been satisfied in the siting of this power plant, which brings into question whether nimbyism is the primary criterion affecting siting. When nimbyism comes into play, EJ communities are generally forced to bear the burden of uses no one wants. Santa Paula is not a particularly large power user, being a city of only 30,000 with little industry, but Santa Paula residents are being faced with bearing the burden of a power plant to benefit larger cities which are also large employment centers and heavy power users.

The Alliance's overarching EJ concern is that the guiding principal for siting this project was likely that Santa Paula is a poor, primarily minority community, and has been ineffective in defending itself against the establishment of undesirable land uses in the County unincorporated areas surrounding the city. Those uses include the Todd Road Jail (adjacent this site), the Toland Landfill to the east of town, and this Mission Rock Road Industrial Area, essentially an industrial dumping ground for noxious uses that no one wants, and where this power plant is now proposed. Santa Paula and nearby property owners have complained to the County about conditions in this industrial area for decades with no satisfactory solutions. In the 1990s a conditional use permit was issued for this "industrial park", (grandfathered because it predated County zoning and conditional use requirements), and new conditions were imposed. Some of those conditions were never complied with and the County never enforced its permit to ensure surrounding properties or the community at large were protected.

Bearing out the community's concerns, in 2014, after years of complaints about its operations, Santa Clara Wastewater suffered a major explosion with numerous casualties. In all, over 50 people were treated at hospitals, including three Santa Paula City firefighters, who responded through mutual aid. Two of those firefighters were subsequently medically retired. The City lost a nearly-new firetruck and has temporarily replaced it with a hand-me-down from the County while litigation and criminal cases continue. The community perceives this proposed power plant as just one more facility that no one wants, and may not be properly supervised and regulated, but others think is appropriate to foist on Santa Paula because of our demographics. This is the very essence of why Environmental Justice must now be considered in siting and permitting decisions.

With respect to the Pollutant Burden chart used in the PSA, our community is exposed to diesel emissions along the freeway which cuts through the city and is the primary connection between the deep-water port at Port Hueneme, and the Interstate 5 corridor. The community endures emissions from pesticides and suffers from windblown dust during Santa Ana events that worsens asthma and

carries Valley Fever spores. The County has experienced a Valley Fever outbreak this winter, which later significantly worsened as a result of the Thomas Fire. The pollutant burden is worsened by the presence of a regional landfill on the east side of the city which is currently permitted to accept an additional 500 truckloads per day of debris from the Thomas Fire and the Montecito Mudslide. The various auto salvage and similar businesses in the Mission Rock industrial area, capped off by the Santa Clara Wastewater facility with its hazardous chemicals which resulted in the 2014 explosion, add to this burden.

The Alliance has concerns for the following special populations: our children, who have no voice in the location of this plant but must grow up with the environmental consequences; our farmworkers who spend more time working outside than most studies consider when looking at exposure to different pollutants; and the Todd Road Jail residents who are captive to whatever may occur on this site, whether it is a chemical spill, excess noise or vibration, night lighting that interferes with sleep, etc.

With respect to **Land Use**, we have not had the opportunity to review this section in detail. The County of Ventura's planning regulations apply. The County has designated the Mission Rock Road Industrial Park as "Existing Community", which means that it is an enclave of dense development either in existence prior to comprehensive planning within County jurisdiction, or which was allowed to develop due to the special characteristics of the use. Mission Rock Road is an example of the former, and Thomas Aquinas College represents the second form, requiring an isolated location to remove students from the everyday distractions of modern life. The County is in the process of updating its Comprehensive General Plan and should also update the boundaries of Existing Communities to ensure that uses allowed in various locations are consistent with floodplain boundaries. This comment has been made to County Planning staff involved with the update. The proposed intensification of this property from a use that has historically been allowed within the floodplain (vehicle storage) to a more intensive use (power plant), is inconsistent with good planning practice.

The EJ section within the land Use section erroneously concludes that there are no EJ populations in close proximity to the site or to transmission lines. The Todd Road Jail is in close proximity, and an approved medical wing addition to the jail facility will expose people in poor health to additional negative health-related influences, such as pollutants, light, glare vibration, noise, etc. People who are incarcerated still have human rights, and are unable to leave when conditions become uncomfortable, cause anxiety, or interfere with their ability to function in an incarcerated environment.

**Noise and Vibration**—See concerns in Land Use above. Section not reviewed in detail. We are very concerned that the County does not consider the jail as a noise sensitive receptor and does not consider any residence as noise sensitive during daytime hours. Neither finding is consistent with our community's values. We do not consider this valley to be "wide", and think that the distance that noise will drift from this facility will be greater than staff has projected.

**Public Health**—see concerns in Land Use above. Section not reviewed.

**Socioeconomics**—Section not reviewed.

With respect to **Soil and Water Resources**, we continue to maintain that the location of this proposed facility within the floodplain of the Santa Clara River is a fatal flaw and the project should be denied on that basis. We are concerned with the following main issues:

- Operating Reliability During Flood Event. The objective of the project is to provide peak power on demand at any time or day of the year. In times of extreme rain events, power is absolutely essential for emergency services, however, this plant is particularly vulnerable to being off line due to flood damage, CEC fails to address this situation and consider that this project will not fulfill the obvious objectives of power demand in emergency periods. In fact, CEC states in the PSA "Mission Rock is not a critical facility".
- Long Term Financial Risk and Responsibility. CEC has not considered the risk and costs of damage to the plant due to flood events. What are the expected costs for damages over the life of the plant and who is the responsible financial party? Over and over, the taxpayer has had to pay for abandoned and inoperative power infrastructure and it is the responsibility of CEC to stop that practice. Where in the PSA are the requirements for long term financial responsibility by the applicant?
- Impacts to Local Public Resources. When an extreme flood event occurs which affects this project, the local city and county agencies will likely be required to provide services and bear costs that would not occur for a plant more acceptably sited. The recent disaster in Montecito is a case in point and this project would likely require services such as: restoring road access to the plant, disposal of hazardous material, use of community landfill capacity for disposal of non-hazardous materials, overseeing and mitigating emissions, traffic and safety concerns related to site remediation, deploying both emergency and non-emergency personnel involved in recovery efforts for extended periods of time, etc.

We ask that you refer to the first paragraph under Biological Resources, above, identifying the extensive work that has been done to restore the Santa Clara River, its wetlands, its flora and its fauna. Also incorporated here by reference, are docket# 222665 prepared by Nina Danza, an Alliance member, and docket # 222101 a letter prepared by Dr. Derek Booth, UCSB.

The Alliance has various concerns about **Traffic and Transportation**, having completed only a cursory review of this section. First, the roadway in and out of the Mission Rock Industrial Park is privately owned and operated. CUP conditions requiring widening and maintaining the roadway were never complied with. A settlement agreement between Murray Pinkerton and the Mission Rock Owners Association required road improvements and maintenance, and Mr. Pinkerton considered the Property Owners Association to be in default of that agreement. Mr. Pinkerton's letter, docket #212943, is hereby incorporated by reference. The vast number of truck trips required to raise the site to satisfy very minimal floodplain requirements produce impacts on roadways, traffic and safety that are unacceptable.

While the nearby State route 126 interchange is a standard design, it is a design that is used in rural areas where left turns onto onramps are not generally problematic. The increase in truck traffic during construction will increase conflicts and wait times at these ramps. Furthermore, the 126 intersection with Pinkerton Road is non-standard, and is barely capable of handling current traffic demands. Increasing the number of truck trips to raise this site will substantially increase vehicle conflicts at this intersection.

**Transmission Line Safety and Nuisance**—Section not reviewed.

**Visual Resources**- Section not reviewed. Refer to comments in Cultural Resources.

We hope that these comments will be useful to staff in preparing version 2 of the PSA. The Alliance can be reached through the personal address and telephone of coordinator Mary Ann Krause, AICP, or through the members who have submitted to the docket.

List of Alliance Members who have approved this submission:

CAUSE (Central Coast Alliance United for a Sustainable Economy)

Mary Ann Krause, AICP, former Mayor and Councilmember, City of Santa Paula

Pamela Murphy, 68-year Santa Paula Resident

Jim Hines, Chair, Sierra Club Los Padres Chapter

Nina Danza, PE

Jan Dietrick for VC Climate Hub/ Ventura 350

Karl E. Krause, retired Engineering Manager, VCAPCD

Kit Sauer, retired IUOE Foreman

Richard Tate, J.M. Sharp Company

Arlene Pinkerton, Farmer

Patricia Kennedy, Rancher

James Procter, Attorney

Nate Pidduck, Artist and Rancher

Rev. Maddie Sifantus, minister of the Universalist Unitarian Church of Santa Paula

Kathy Bremer, Ventura Resident

Richard A. Rudman, Owner, Remote Possibilities Tech Consulting

Rev. Audrey Vincent, retired Minister, Unitarian Universalist Church

Lorenzo Moraza, President, Santa Paula Latino Town Hall, Bringing Community Together for 22 Years

Teresa Archer, retired Teacher and Santa Paula Resident

Bruce Archer, retired (Santa Paula Senior Center) and Santa Paula Resident

Olav. E. Hassel, Santa Paula Resident