

Environmental Health Coalition

COALICION de SALUD AMBIENTAL

401 Mile of Cars Way Suite 310 • National City, CA 91940 • (619) 474-0220 ■ FAX: (619) 474-1210
ehc@environmentalhealth.org • www.environmentalhealth.org

January 11, 2008

Harry Scarborough, Vice President
MMC Energy, Inc.
11002 Ainswick Drive
Bakersfield, CA 93311
hscarborougli@mmcenergy.com

DOCKET 07-AFC-4
DATE <u>JAN 11 2008</u>
RECD. <u>JAN 11 2008</u>

RE: Chula Vista Energy Upgrade Project (07-AFC-4)
Data Requests [Set 1 (#s 1-35)]

Dear Mr. Scarborough:

Pursuant to Title 20, California Code of Regulations, section 1716, **Environmental Health Coalition (EHC)** submits ~~the~~ following enclosed data requests. The **information** requested is necessary to: (1) more fully understand the project; (2) assess whether the project will result in significant environmental impacts; (3) assess whether the facilities will **be** operated in a manner protective of public health; and (4) assess potential alternatives and mitigation measures.

This set of data requests is being **made** in the areas of Siting Location, Air Quality, Aqueous Ammonia, Possible Future Expansion, Water Resources, Cooling Process, Alternatives, and Other Related Issues.

If you are unable to provide the information requested, need additional time, or object to providing the requested information, you **must** send a written notification to the Committee and me within **10** days of receipt of this notice. **This** notification must contain the reasons for the inability to provide the **information** or the grounds for any objections. (Title 20, California Code of Regulations, Section 1716 (f)).

Thank you for your attention to these requests.

Sincerely,



Leo Miras,
Environmental Health Coalition

BACKGROUND: SITING- CHULA VISTA LAWS, ORDINANCES, REGULATIONS, AND STANDARDS

The Application for Certification (AFC) appears to be contradictory regarding Chula Vista laws, ordinances, regulations, and standards (LORS) with respect to the siting of a power plant in the proposed location. The Chula Vista Energy Upgrade Project (CVEUP) would be located roughly 350 feet from the nearest residential community and less than 1500 feet from an elementary school. Recently, Chula Vista updated its general plan and specifically passed a policy focusing on the siting of power plants near residences and schools. According to the Chula Vista General Plan policy E 6.4, the city shall "avoid siting new or re-powered energy facilities and other major toxic emitters within 1,000 feet of a sensitive receptor." Furthermore the location of the CVEUP, as described in the AFC, shows that the proposed location would violate current zoning designations for that area. CEC staff has already pointed out that the proposed site is designated "light industrial", while a power plant is considered an example of a "heavy industrial" use.

DATA REQUEST

1. Explain how the project conforms to Chula Vista General Plan policy E 6.4.
2. Explain how the project conforms to current Chula Vista zoning designations.
3. Given the close proximity to many sensitive receptors, what enforceable guarantees will MMC offer to ensure that no variances, Executive Orders, or other expansion or allowance of additional air emissions will ever occur?

BACKGROUND: SITING SCHOOLS

The AFC claims that 9 schools lie within 2 miles of the CVEUP, however, an independent search has shown a much larger number of schools and day care facilities.

DATA REQUEST

4. Please provide a revised assessment of how many schools and day care facilities are located within a 2 mile radius of the project.

BACKGROUND: SITING SOCIOECONOMICS

The AFC reviews socioeconomic data for the area within 6 miles of the proposed power plant. This, however, includes areas outside the poorer, largely people of color neighborhoods that make up the community immediately surrounding this area. Therefore, the AFC may have used a larger coverage area to 'dilute' the demographic numbers and provide a distorted picture of the ethnic and economic make-up of those areas that will be most heavily affected by the power plant. For an accurate assessment of what the most affected communities look like both ethnically and economically, the

scope of the area reviewed must be decreased. Furthermore, since where the air contaminants fall depends on wind patterns, the demographics within several different area sizes should be analyzed.

DATA REQUEST

5. Please provide a more accurate demographic study of the surrounding community. Provide current economic and ethnic information for community residents and workers within 0.5 miles, within 1 mile, and within 2 miles.

BACKGROUND: AIR QUALITY- CUMULATIVE IMPACTS

The AFC does not contain adequate data on the cumulative impacts of the surrounding community that the CVEUP would bring in. Such information is necessary to assess the long-term environmental and health effects to the region.

DATA REQUEST

6. Please provide details regarding the cumulative impacts to the surrounding community including but not limited to traffic, hazards materials risks, cumulative air quality impacts.
7. Please provide growth-inducing impacts of this project for the site, area, and region.
8. Please provide detailed information of the current air quality in the surrounding community.

BACKGROUND: AIR QUALITY- LIKELY OPERATING HOURS

The AFC is incomplete in several areas regarding an accurate assessment of projected emissions coming from the CVEUP. First, it is unclear how many hours the plant expects to run which determines how much emissions will be released into the nearby community. The AFC gives too large a range (500 - 4500 hours) for the community to evaluate the realistic or maximum emissions expected from this project. . Because the likely operation hours are unknown, the level of air emissions and the cumulative impact of those emissions on the surrounding community are also unknown. Furthermore, the air emission numbers are also incomplete as they do not include (or do not make clear) what the likely start up emissions would be.

DATA REQUEST

9. Please give an accurate assessment of the maximum number of hours the plant expects to run per year. Please give an accurate assessment of the maximum number of hours the plant could technically run per year. Provide air emission and hazards materials impacts for both of these.

10. Please provide information for NO_x, CO, VOC, SO_x, and PM_{10/2.5} emissions for include likely start up emissions.

BACKGROUND: AIR QUALITY- PLANT EMISSION COMPARISON

An independent analysis of the AFC data regarding a comparison of the emissions of the existing plant and the CVEUP contradicts MMC representatives claim that the new project is cleaner on a lbs/hour basis (see Appendix I).

DATA REQUEST

11. MMC claims the project is cleaner than the existing plant, yet a lbs/hr analysis of the five criteria pollutants show that three of the five would have more emissions per hour in the new plant than in the old plant. Please explain.

BACKGROUND: AIR QUALITY- AMBIENT AIR QUALITY STANDARDS

A lower National Ambient Air Quality Standard (NAAQS) for PM_{2.5} has recently been established by the US EPA. Furthermore, the monitored levels of PM in the area already exceed existing California Ambient Air Quality Standards (CAAQS) as well as the new NAAQS. EHC's internal analysis shows that within the MMC downwash zone, the background levels of 24-hour PM_{2.5} are well above the NAAQS of 35 ug/m³ at 41 ug/m³, and with the CVEUP's projected emissions added to the total impact, the levels will reach almost 44 ug/m³ (see Appendix II). However, the AFC fails to even mention the NAAQS or the CAAQS at all.

DATA REQUEST

12. Please provide information relating how the total 24-hour PM_{2.5} air quality impacts (background levels in Southwest Chula Vista combined with the CVEUP's incremental impacts) compare to the new NAAQS?
13. Please provide information regarding how the proposed CVEUP will affect local compliance with the CAAQS and the NAAQS.

BACKGROUND: AQUEOUS AMMONIA

The AFC has stated that the CVEUP will use an aqueous ammonia solution housed in a 12,000 gallon ammonia tank originally built for the original power plant. The AFC, however, is incomplete regarding the quality of safety of the ammonia storage. MMC has repeatedly used the Larkspur peaker plant as a model for likely operations of the new power plant. However, using Larkspur's information regarding worst-case scenario of either an emptying of the ammonia tank or of a less catastrophic (but more likely) yet still toxic leak from an ammonia hose, it indicates the release of toxic levels of ammonia over

1,000 feet away. Finally, the ammonia solution that will be used at CVEUP is roughly 19% ammonia, a strong solution that could cause serious injurious in the event of an accident or leak.

DATA REQUEST

14. Please provide data regarding likely emissions from the ammonia trucks.
15. Please provide information regarding the toxicity levels and likely affected area following a worst-case ammonia tank catastrophe and the levels and area following an ammonia hose leak.
16. Please provide information on the lifespan for an ammonia tank such as the one that is being planned for the CVEUP and is currently used by the existing plant.
17. Please provide information regarding the feasibility of a further diluted solution of ammonia to be used in the tank.
18. Please provide more detailed information regarding why SCONOX is not a viable alternative to ammonia.

BACKGROUND: FUTURE EXPANSION

Originally RAMCO built a 44 MW power plant in the midst of an energy emergency. The city of Chula Vista reluctantly permitted it, however, a year later, recognizing the poor location the power plant was in, fought and successfully prevented a 60 MW expansion. Now, however, this 44 MW power plant, sited only 350 feet from a residential community and 1300 feet from an elementary school, now appears to be expanded to 100 MW. The original power plant will be dismantled, allowing the southern portion of the lot to be empty. MMC has indicated an intention for a “storage shed” to be placed on that area. However, considering the history of that lot and the technical feasibility of building additional turbines on the southern portion, there is a real possibility of expansion. Such an action would further emit pollutants to the surrounding environmental justice community.

DATA REQUEST

19. Please provide a timetable for the construction of the “storage shed” on the southern portion of the lot.
20. Please provide the anticipated uses for the shed.
21. Please provide information regarding any other planned construction of the portion of the southern lot that is where the power plant is currently located.
22. Please provide any information regarding feasibility studies MMC had undertaken regarding a possible future expansion onto the southern portion of the lot currently occupied by the existing power plant.

BACKGROUND: WATER RESOURCES

According to the AFC, the CVEUP's water usage could be anywhere between 4.2 million gallons per year (based on 600 hours of operation) and 28 million gallons per year (based on 4000 hours of operation). This is a very sizeable range and does not give a good indication of how much water the CVEUP will likely be using. San Diego County is a region with frequent drought conditions and the county's water supply is brought in from long distances. Given those facts, it appears imprudent that the CVEUP would use so much water. More information is needed to adequately determine if the region can afford such a water-intensive project.

DATA REQUEST

23. Detail what other purposes, apart from cooling, the water would be used for. How much water annually would go towards each purpose?
24. Provide data regarding how much water annually would go towards creating the 19% aqueous ammonia solution.
25. Please provide information regarding whether there be differences in the time of year regarding water use.
26. Please provide a smaller range of likely annual water use.
27. Please provide a comparison between CVEUP's projected water use and the existing plant's water use.

BACKGROUND- COOLING

The AFC notes that part of the reason for the large amount of water use proposed by the plant, as is the case for many power plants, is due to the cooling process. CVEUP plans on using air-intake cooling which uses a significant amount of water. The AFC does not explain why air-intake cooling was chosen for the project, nor does it mention whether any alternative cooling methods were analyzed as well.

DATA REQUEST

28. Please provide detailed justification regarding the choice of air-intake cooling for the CVEUP.
29. Provide a detailed analysis of other cooling alternatives that would reduce water use.
30. Please explain how much of the water would be used specifically for cooling.
31. Please state and explain the approximate percentage of water usage would go towards cooling as well as the approximate million gallons annually it would likely use.
32. Please provide information regarding the possible accumulation and emission of mold due to the cooling process.

BACKGROUND: ALTERNATIVES

The alternatives section of the AFC is incomplete and does not provide a complete enough analysis of alternative locations so the public cannot evaluate if other locations could meet prove to be a superior locations in terms of safety, environmental, and public health concerns.

DATA REQUEST

33. Please provide a more detailed analysis of the alternative locations reviewed in the AFC; specifically discuss these alternative locations' proximity to residential communities and schools.
34. Please provide an analysis regarding evaluation of alternative locations in the closed sections of the landfill and in the eastern section of Chula Vista.

BACKGROUND: RMR REMOVAL OF THE SOUTH BAY POWER PLANT

In addition to the MMC power plant in the southwestern portion of the city, Chula Vista is also the site of a 700 MW baseload plant built in 1963, the South Bay Power Plant (SBPP). The City is currently supporting removal of the Reliability- Must Run designation by CAISO from the plant, thus allowing it to be torn down. Recently there have been statements made by MMC representatives that have alleged that the CVEUP would lead to removal of RMR from the SBPP. However, there has not been any evidence of such a commitment presented publicly by CAISO.

DATA REQUEST

35. Please provide information regarding the CVEUP's projected impact on RMR removal of SBPP and any guarantees of RMR removal by ISO. Please include all appropriate and supportive evidence.

STATE OF CALIFORNIA

**ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

In the Matter of:
The Application for Certification
for the CHULA VISTA ENERGY
UPGRADE PROJECT

Docket No. 07-AFC-4

PROOF OF SERVICE

I, Sarah Vega, declare that on January 11, 2008, I deposited copies of the attached Data Request in the United States mail at National City, California, with first class postage thereon fully prepaid and addressed to the following:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 07-SPPE-1
1516 Ninth Street, MS-14
Sacramento, CA 95814-5512

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified in the following list:

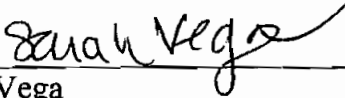
docket@energy.state.ca.us
hscarborough@mmcenergy.com
jluckhardt@downeybrand.com
ddavy@ch2m.com
Steven.blue@worleyparsons.com
LTobias@caiso.com
esaltmarsh@eob.ca.gov
mdjoseph@adamsbroadwell.com
gsmith@adamsbroadwell.com
speesapati@adamsbroadwell.com
cpomeroy@mckennalong.com
cdawson@mckennalong.com
jpfannen@energy.state.ca.us
jboyd@energy.state.ca.us
rrenaud@energy.state.ca.us
cmeyer@energy.state.ca.us
kbell@energy.state.ca.us

Energy Commission Docket Unit
Harry Scarborough, MMC Energy Inc
Jane Luckhardt, Applicant's Attorney
Douglas Davy, CH2M HILL
Steven Blue, Worley Parsons
Larry Tobias, Ca. ISO
Electricity Oversight Board
Marc Joseph, Adams Broadwell
Gloria Smith, Adams Broadwell
Suma Peesapati, Adams Broadwell
Charles Pomeroy, McKenna Long
Caren Dawson, McKenna Long
Commissioner Jackalyne Pfannenstiel
Commissioner James Boyd
Raoul Renaud, Hearing Officer
Chris Meyer, Project Manager
Kevin Bell, Staff Counsel

pao@energy.state.ca.us

Public Adviser's Office

I declare under penalty of perjury that the foregoing is true and correct.



Sarah Vega