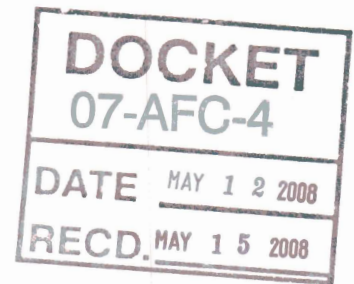




PO Box 6064, Chula Vista, CA 91909, (619) 425-5771



5/12/08

California Energy Commission,

I have yet to read the entire PSA, but just the parts I have read cause me to be extremely disappointed. We had hoped that public comments and concerns would have been a major concern, but obviously politics is more important than protecting the residents of our community. It is also upsetting that the report is so biased instead of at least attempting to take a neutral position and backing up positions with facts.

Executive Summary

I really object to the continuous references to this plant as having lower emissions than the existing peaker. If this were so there would be no need for emissions credits. There is a huge difference from being cleaner per megawatt and being cleaner per hour. The replacement plant, which will be a totally **NEW** plant, will be dirtier per hour for Vox, Sox and particulate matter, according to the information provided. This is a very serious concern. This simply should not be allowed. Reducing emissions at Heartland Meat should be done anyway and is totally unrelated to the pollution caused by this plant. Also Heartland is not the major polluter in this area. The warehouse should never have been built adjacent to the housing. This is a violation of the CARB Land Use Handbook. The city and the developer are responsible for this problem and the remediation. MMC should not take away their obligation. This is NOT an acceptable plan.

The existing fence and sound attenuation wall will become even more inadequate than they are now, because the new plant will be further north and the sound wall is only at the southern end. It is absolutely useless for protecting the new businesses. The chain link fence with slats is a joke. Any child can climb it and since there is no one there the majority of the time this is an extremely dangerous situation. The location of the plant is such that no one would be aware of anyone entering it at night and/or weekends. Ammonia, natural gas and oil on site would make quite an explosion if an incendiary device or two were placed in the right places. We saw what happened at the Federal Courthouse last weekend and that is on a busy street with security guards. This is just too close to other businesses and homes to allow such a risk to exist in these post 9/11 times. A much better security plan in force 24 hours per day and a much better, higher fence with sound attenuation around the entire facility should **absolutely** be required at the minimum.

Reclaimed water is available at a reasonable distance or will be when the already permitted homes are built east of the landfill. Also there is talk of a sewage treatment plant in the area, which could also provide water. Why are we trying to save MMC money? If they were building this further east where the real demand is they would be very close to recycled water instead of targeting a lower income minority neighborhood to save money on infrastructure.

The LORS are not being met. This project violates the General Plan of Chula Vista for several reasons and several ordinances. When we were working on the General Plan Update we were aware of this peaker and wanted to be sure this particular peaker was not enlarged or replaced with another peaker. The policy in the General Plant specifically refers to this peaker. ***E 6.4 Avoid siting new or re-powered energy generation facilities and other major toxic air emitters within 1,000 feet of a***

- B. Automobile and metal appliance manufacturing and assembly, structural steel fabricating shops and machine shops;*
- C. Brick or pottery manufacturing and stone or monument works;*
- D. Trucking yards, terminals, and distributing operations;*
- E. Electrical generating plants and liquefied natural gas plants;**
- F. Temporary tract signs, subject to the provisions of CVMC 19.58.320 and 19.60.470;**

This peaker plant is a non-conforming use in a limited industrial zone and as such:
19.64.050 Enlargement, extension or reconstruction prohibited – Exceptions.

A nonconforming use shall not be enlarged, extended, reconstructed, substituted or structurally altered, except in conformity with the order of a duly constituted authority, unless the use is changed to a use permitted in the zone in which such building or premises is located, and except as set forth in CVMC 19.64.060 through 19.64.180. (Ord. 1212 § 1, 1969; prior code § 33.1102).

Code Enforcement has a policy of encouraging the phase out of non-conforming uses by not allowing them to do anything to improve their property while citing them for inadequacies. They are persecuting our small, local, longtime businesses for painting their offices. This expansion clearly is a violation of the SUP issued in 2001 and **would not be allowed by the city for any other business.** Nowhere in the SUP is expansion mentioned or encouraged. What is mentioned and has not been done is a total upgrading of the pollution control equipment and generators every two years. This plant is actually in violation of this and should receive a notice of violation from Code Enforcement if the city had a policy of fair and equitable code enforcement, which it does not.

On page 20 “public benefits” are mentioned. The information is inaccurate and misleading. The southwest redevelopment area has a 40% for RDA, 20% for schools, 20% for county 20% for affordable housing allocation formula. The amount of money from property tax to the RDA, which spends 85% of its money on debt service and salaries to no benefit at all to the community, is much lower than what the document shows. The amount of tax to the city is exactly what it now receives, since this is a redevelopment area and, therefore, is irrelevant. The eight- month construction fee of \$8.9 million is not a benefit to the city, since most if not all of these people are specialized workers MMC will bring in from the crews used to build their other facilities. The only way this would benefit Chula Vista is if 100% of the workers lived in Chula Vista and received prevailing wages or better and in any case the “benefit” would be extremely short term. As far as sales tax goes another use on this property could easily far exceed this amount without the negative environmental and social impacts. This is another attempt to mislead the public, which is unacceptable in a document authored by state employees.

The constant reference to emission reduction credits does not in anyway answer the objection to the lack of a renewable, sustainable energy component to this project. All it does is highlight the fact that the proposed plant is dirtier than the existing plant and that the city still does not have a long term sustainable energy policy in force.

The 55 houses within 350-500 feet of this plant are **NOT** in a redevelopment area or a focus area of the General Plant Update. They are **NOT** in an area of change. They are a collection of families living in an area where it is safe to let children play in the streets with their friends and everyone knows their neighbor even if they are not related. Most of the long term residents are related. They have a right to equitable treatment. They have a right to expect the government to protect them from uses like this. They have a right to be heard and respected.

This New York Company ‘s profit should NOT be more important than their peace of mind. Maybe it would cost a bit more to build at the landfill or further east, but

sensitive receiver, or the placement of a sensitive receiver within 1,000 feet of a major toxic emitter. This has nothing to do with whether staff thinks the peaker is a major polluter or not. The members of the Open Space and Environmental Committee considered it a major polluter and an unwanted use that must be eliminated. Unfortunately, as with the rest of the General Plan, staff refused to use stronger, more precise language.

There is also an Environmental Justice section in our General Plan that states: **E**

23.3 Avoid siting industrial facilities and uses that pose a significant hazard to human health and safety in proximity to schools or residential dwellings. The fact that the state of California requires the posting of a warning sign on this facility, a hazardous materials management plan and a business plan indicate that it poses a significant hazard to human health and safety.

Another General Plan Objective states:



Objective - E 20
Ensure that facilities using, storing, and handling hazardous materials and waste do not result in significant adverse effects to existing and planned surrounding land uses. The situation around this plant now is totally different than

in 2001 when it was surrounded by junkyards and other storage facilities with a variety of hazardous materials. Now to the west and soon to the east are large meat processing plants. To the east is an upscale design studio and a print shop. These businesses depend upon client visits. A facility such as a peaker plant with a cheap chain link fence with slats and two 70 foot tall smoke stacks will likely have a significant adverse effect upon these businesses just due to visual blight and public perception. Will international business people wish to attend workshops at a studio adjacent to something like this or come to drop off work or view show room samples? This is an incompatible land use with what is now adjacent to it. It was always incompatible with the homes and schools and the council realized that when RAMCOII was proposed, and fought it vigorously. The original plant was approved in a hurry without discussion of the nearby homes and schools. No one realized what it was until it was too late. Now we know and we want it gone.

Power Plants of any kind are a non-conforming use in a limited industrial zone. They are meant for a heavy industrial zone according to the city's zoning ordinances. 19.46.010 Purpose.

The purpose of the I zone is to encourage sound industrial development by providing and protecting an environment exclusively for such development, subject to regulations necessary to insure the purity of the airs and waters in Chula Vista and San Diego County, and the protection of nearby residential, commercial and industrial uses of the land from hazards and noise or other disturbances. (Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.514(A)).

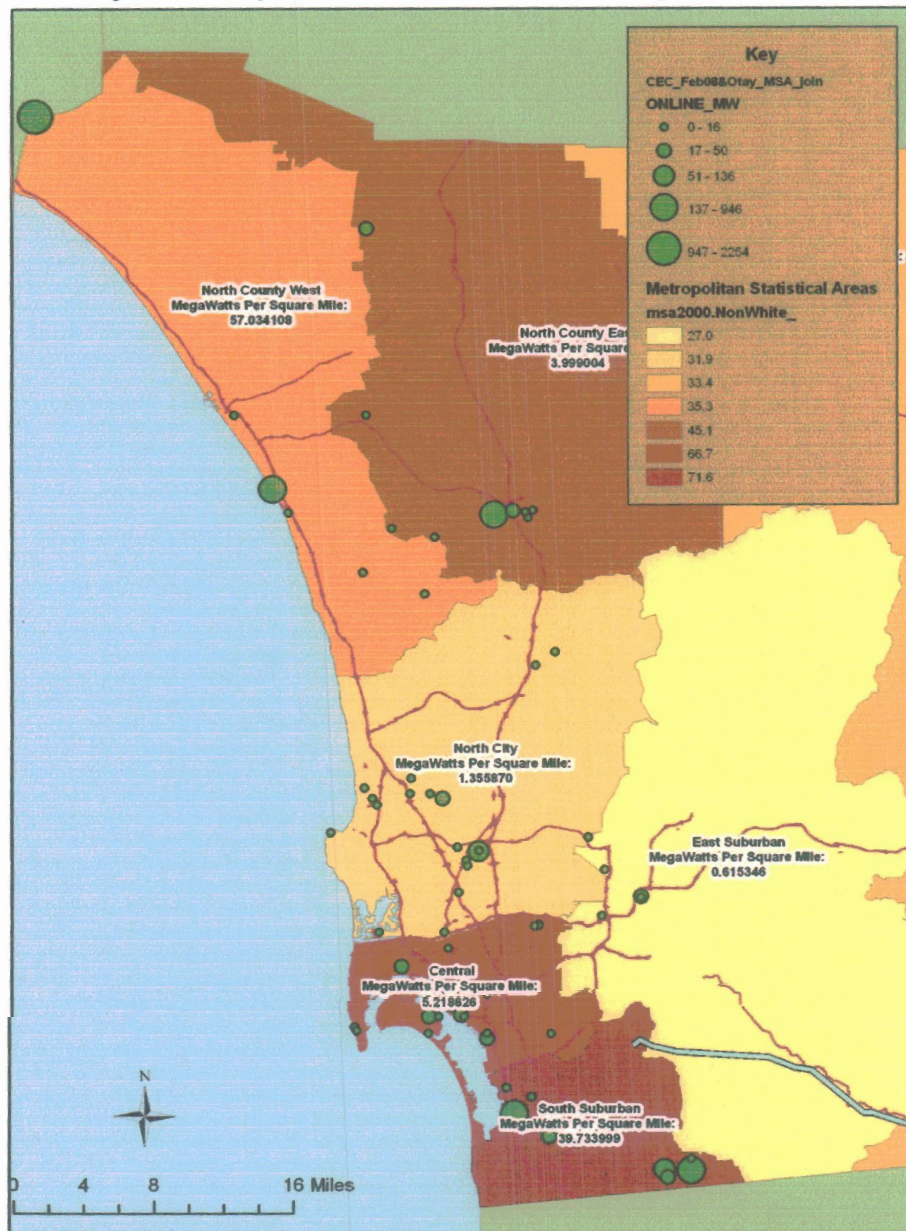
19.46.020 Permitted uses.

Permitted uses in an I zone are as follows:

A. Any manufacturing, processing, assembling, research, wholesale, or storage uses except as hereinafter modified;

it would be possible, and it would be closer to where the real load is. We don't have air conditioning. We don't use the amount of electricity that the homes in the east do; yet our area already produces almost 40mw per square mile of power and has 71.6% people of color. This new facility should be put in one of the areas producing less, not here.

MegaWatts Per Square Mile & Percent NonWhite by Metropolitan Statistical Region



Sources: CEC (Power plants)
SANDAG: MSA map layer

Feature edit map.mxd
Environmental Health Coalition, 2008.

Sincerely,

Theresa Acerro,
President, Southwest Chula Vista Civic Association and local resident