

Comments of Michelle Murphy and Bob Perkins, Intervenors in the matter of El Segundo Power's "Amendment" to Create an Entirely New Power Plant: Responding to ESP Staff Analysis

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RE: El Segundo Power Redevelopment Project (00-AFC-14C)

An amendment is not the proper procedure with which to review a new and almost wholly original proposal to build an air cooled power plant with a different footprint, air pollution effect and indeed product (backup quick-starting power instead of continuously operating first line power).

The new power plant contemplates an entirely new configuration which uses air-cooling instead of ocean water cooling. The Energy Commission has not considered for a moment the issue of why such a power plant, which is not coastal dependent in any way, should be placed on the coast and on the windward side of ten million people who are currently breathing the worst air in this state and this country. The original application, required ocean cooling, so it was considered and approved as such. This amendment removes any need to build the plant here, yet the Commission, so far, has not addressed whether, under the Coastal Act and other LORS, it qualifies for approval at all. Instead, because the application began as coastal dependent in 2000 it is now being treated as still being coastal dependent when it is manifestly not so.

This plant may sit on this shoreline creating deadly pollutants for the next 40 or 50 years as the previous plant did. It behooves the Energy Commission to make a determination that this is the right place for this plant. Attention should be paid and findings should be made. There may be sufficient reasons to subject Los Angeles and Riverside County's citizens to the dangers of the toxins this plant will create, but the Energy Commission is derelict and in violation of the law if it fails to weigh the risks and burdens of this plant's siting versus placing it in some less populated area. It should be the Energy Commission's task to determine that this is the best site for all reasons. Pretending this is an inconsequential amendment and therefore willfully ignoring important facts does a disservice to the people of the state of California.

This petition is being called a simple repowering but the two generators it replaces have been shut down and not legally allowed to operate since 2003. If there had been no electricity generated at this site for 10 or 20 years would it still be a repowering? For how long can petitioners stall and then rely on their stalling to continue to authorize their "repowering" petition thereby avoiding the closer scrutiny and different environmental standards applicable to a new power plant??

The only hearing on this amendment was not well attended by the public unlike the scores of hearings on the water cooled plant. There was no newspaper coverage of the hearing either before or after it was held. The Hearing Officer announced the order of the proceedings which was petitioner first (who had time to brag about totally irrelevant matters, including how they help with a day care center in Tijuana, Energy Commission

staff next, and the public last. When it came time for the public the hearing officer stated that the staff had to catch a plane and there would be no time for the public to talk or ask questions. After protests he gave three neighbors of the plant a few minutes each to make statements. This is not due process.

Yesterday, June 7, 2008, the Los Angeles Times in a story about smog and exercise reported that: "...the public needs a little better education about the seriousness of the potential effects..." of toxic air pollution...especially during the smog season from May 1 to October 31. Even if this plant runs the only 60% of the time it is slated to be permitted for, it seems likely it will be running during those peak months. The Energy Commission has not investigated the effects of the worst-case scenario (start up at a fumigation time period) on the serious exercisers that throng the beach in the summer. For this issue, like all issues surrounding this plant, the proper process is hearings and findings, not a truncated workshop.