

V. Rodriguez

Environmental Health Coalition

COALICION de SALUD AMBIENTAL

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May 20, 2009

Mr. John Robertus, Executive Director
Attn: Core Regulatory Unit
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

RE: NPDES Permit Application for Renewal of NPDES Waste Discharge
Requirements for permit No. CA0001368, Order No. R9-2004-0154 for Dynegy
South Bay, LLC- South Bay Power Plant

Dear Mr. Robertus:

We are writing today regarding the application for a renewal of the SBPP NPDES permit. We are urging you not to issue another renewal for this permit.

We understood that 2004 would be the last time that the permit would be renewed because the power plant was not planned to be operated beyond the end of its lease with the Port- November, 2009.

Since 2004, the Riverkeeper II decision and other commitments and guidance from agencies like the California Energy Commission, the Ocean Protection Council, and the State Water Resources Control Board have set a priority for the timely phase-out of once-through cooling systems at antiquated power plants.

Yet, there is nothing in the application indicating that the operators plan to replace the cooling operations so that bay water is no longer used. We do not believe that a renewal based on conditions required in the current permit is, in any way, defensible today.

There is no reason to continue the devastating cooling operations of the SBPP for another five years. The South Bay Power Plant has blighted South Bay communities long enough. The use of the sensitive Bay waters for cooling the power plant is destructive and not only undermines recovery of the Bay in general, but especially impacts the fish nursery function of South Bay. The plant's air emissions continue to contribute to our poor air quality and the location of the plant frustrates important development for local communities.

The SBPP is currently operating under a reliability contract which expires on December 31, 2009. The issue of whether or not reliability contracts might be renewed with the California Independent Systems Operators (ISO) is irrelevant to your deliberations. There is no vested 'right' to an ISO contract, no provision for override of environmental standards, nor is damage to the Bay required to operate the power plant. It is merely an expensive proposition for Dynegy to retrofit the plant with an air-cooling system. This plant should not be allowed to damage San Diego Bay for another five years.

If you do choose to issue a Tentative Order, before it is issued, we request an opportunity to meet with your staff regarding this application. We also request that your staff respond in writing regarding the justification of allowing another renewal of the NPDES permit.

Last, we request that all workshops and hearings related to the South Bay Power Plant be held in the communities most heavily impacted by the plant, Southwest Chula Vista, Old Town National City, San Diego District 8, and Imperial Beach.

There is significant local political and community support for removing the SBPP as soon as possible. The ten-year lease with the Port was developed to allow the purchase bonds to be paid off and to allow sufficient time for the Otay Mesa Generating Station to be permitted and constructed. The bonds are paid off and the Otay Mesa plant is expected to begin operations by the end of the summer.

It is time for the South Bay Power Plant to go.

