NO MORE SOUTH BAY POWER PLANT COALITION

Environmental Health Coalition San Diego Coastkeeper South Bay Forum
Southwest Chula Vista Civic Association Coastal Environmental Rights Foundation
San Diego Audubon Society San Diego Chapter of the Sierra Club
Surfrider Foundation, San Diego Chapter

February 22, 2010

Chairman King and Board members
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

RE: Urge Regional Board to direct staff to direct prohibition of all power plant discharges and prepare a rescission order of CA0001368, Order No. R9-2004-0154 for Dynegy South Bay, LLC- South Bay Power Plant

Dear Chairman King and Members of the Regional Board:

Our organizations represent over 25,000 residents of the San Diego region. We urge you to direct rescission of the South Bay Power Plant (SBPP) NPDES permit to, finally, bring an end to the 50 years of devastation brought on the Bay from the Plant. The attached filing provides the evidence and justification of our request and should be incorporated into the record.

It is becoming clear that the California Independent Systems Operator (CALISO) wishes to extend the life of the last two units of the SBPP, perhaps indefinitely. With that clarity comes the increasing imperative for the Regional Board to take action to end the devastation and impacts on beneficial uses and water quality from the South Bay Power Plant.

To ensure the end of impacts to beneficial uses of the bay from power plant discharges, we request the Board:

- Direct staff to bring back a Tentative Order for prohibition of the discharge as of June 1, 2010 and rescission of the Order.
- Hold any future hearings or workshops on this issue in Chula Vista per the State's guidance on environmental justice.
- Direct staff to implement the current permit requirements to mitigate known adverse impacts to the Bay.

OUTLINE OF ISSUES

1. There has been no valid assessment of true background (pre-discharge) conditions in South San Diego Bay; therefore the baseline of all subsequent studies is flawed and unrepresentative.

2. Forty-five years of regulation and study was fundamentally flawed due to the mischaracterization of a large portion of South Bay as part of the power plant and not part of the Bay requiring protection of beneficial uses.

3. The Regional Board and other agencies have found that the discharge from South Bay Power Plant has adversely impacted, and will continue to adversely impact, beneficial uses and water quality in South San Diego Bay.

4. The adverse impacts will continue as long as Units 1 & 2 continue to discharge. Impacts of the cooling system and discharge result from heat, chlorine use, impingement, entrainment, ecological disruptions, toxic materials, and cumulative impacts will not cease until the discharge is ended.

5. There is no legitimate need for the power produced by Units 1 & 2 in 2010 and after. Conditions for removal of the RMR made by ISO and Duke in 2004 have all been met.

6. The Water Board has the legal authority and mandate to end this discharge.

7. As a matter of environmental justice the discharge should be terminated.

8. Analysis of the feasibility of plant improvements have not occurred or have been compromised because of representations of the limited remaining life of the plant.

In the attached statement, we detail evidence that the discharge from the South Bay Power Plant (SBPP) has impacted and will continue to significantly impact the beneficial uses and water quality of San Diego Bay. We have provided an outline of our evidence below and 15 copies to the Board of our statement and Order No. 2004-0154 and the Regional Board Fact Sheet. The complete set of exhibits is included on the enclosed USB drive.

If the operators of the SBPP wish to continue to operate, they should be directed to bring you a plan and timeline for retrofit of their cooling system. One can expect, however, that they will instead ask you not to force them to invest in the plant because it will not operate much longer. We are naïve if we believe them again. They were not required to invest in new cooling technology that would have protected the bay because they reported that the lifespan of the plant was five years and made even more profits while the bay and the community suffered for five more years.

In closing, we wish to thank the Board members for hearing this issue. You have heard clearly and frequently from community residents and elected representatives—it is time for the power plant to go. We strongly urge you to take the action necessary to end the era of devastation heaped on South San Diego Bay and local South Bay residents. The facts overwhelmingly support this decision. It will take compassion and it will take courage to rescind the permit. But, that it what the state has empowered you to do and we hope you will rise to that call.

Such an action will be an incomparable gift to present and future generations.

Sincerely,

Laura Hunter
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Environmental Health Coalition

James A. Peugh,
Conservation Chair
San Diego Audubon Society

Marco Gonzalez
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Bruce Reznik
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Edward Kimura
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Theresa Acerro
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cc.
Designated Parties
Mr. David Gibson, Executive Officer
Ms. Kristin Schwall, Regional Board
Mayor and City Council, Chula Vista