

DOCKET	
06-AFC-4	
DATE	MAY 08 2009
RECD.	MAY 08 2009

TO: Julia Levin, Presiding Member
James Boyd, Associate Member
Gary Fay, Hearing Officer
Mike Monasmith, Project Manager

FROM: Communities for a Better Environment, Mothers of East L.A., Boyle Heights Resident Homeowners Association, Inc., Antonia Mejia and Miguel Alfaro

SUBJECT: Opposition to Vernon Power Plant (also known as "Southeast Region Energy Project") 06-AFC-4

DATE: May 8, 2009

I. Introduction

The proposed Vernon Power Plant ("VPP") will adversely affect the health of hundreds of thousands of people who live in Huntington Park, Maywood, East Los Angeles, Boyle Heights, and other communities surrounding Vernon. Indeed, the South Coast Air Quality Management District ("District") projects that VPP's emissions could lead to several hundred deaths over its 30-year lifespan. Further, the proposed plant is sited in what the District has determined to be an Environmental Justice Area. This determination simply confirms the reality: that the low-income communities of color that will suffer the power plant's effects have already been burdened by disproportionate amounts of pollution. Consequently, a groundswell of opposition has emerged in opposition to VPP. This Status Report outlines some of the public responses to the proposed VPP, and updates the CEC on the status of air pollution credits for VPP.

II. Public Opposition to VPP is Widespread

City of Los Angeles

On November 27, 2007, the City of Los Angeles moved to oppose the development of VPP and to intervene in the CEC approval process. The City stated that stopping construction of the VPP was imperative to protect the interests, health, and well-being of its residents because:

These power plant emissions will not only affect the residents of Vernon, they will directly and dangerously affect children and families of neighboring communities including Boyle Heights. The unpredictability of prevailing winds are such that emissions from the power plant are very likely to blow towards the City of Los Angeles. Many neighborhoods in eastern and southern Los Angeles are already heavily impacted by pollution from industrial facilities, diesel trucks and other harmful emission sources.

Attached as Exhibit A is a true and correct copy of the City of Los Angeles' Petition to Intervene.

County of Los Angeles

On December 18, 2007, the County of Los Angeles, concerned about the public health of the citizens of Los Angeles, resolved to move to intervene in VPP's application as an interested party (CEC granted intervention January 22, 2008.) Noting that if constructed and operated as proposed, VPP would be one of the largest new stationary sources of air pollution in the greater Los Angeles air basin, the County stated:

The Los Angeles region has the dirtiest air basin in the nation. The communities surrounding Vernon have some of the most unhealthy air in Los Angeles. With the multiple stationary and mobile sources of air pollution in this region, residents face increased health risk from asthma, emphysema and other respiratory disease. Studies have shown children are most vulnerable and can suffer permanent lung impairment. Adding more air pollutants to this region is unacceptable—the opposite must occur.

Attached as Exhibit B is a true and correct copy of the County of Los Angeles' Motion by Supervisor Molina.

Los Angeles Unified School District

On February 12, 2008, the Governing Board of the Los Angeles Unified School District formally opposed the development of VPP. Representing nearly 700,000 students, the Board "has a vested interest in protecting the health and safety of the students and families it serves." The Board's concern was that VPP's emissions, associated with smog, cancer, asthma and other respiratory illnesses, would "most certainly have a negative impact on air quality for generations...."

Attached as Exhibit C is a true and correct copy of the Governing Board of the Los Angeles Unified School District's resolution.

City of Huntington Park

On February 19, 2008, the City of Huntington Park passed a resolution opposing VPP. Citing the existing poor air quality in the area, as evinced by the South Coast Air Basin's status as a non-attainment area, the City declared that "permitting [Electrical Generating Facilities] in non-attainment areas would increase the negative effects of harmful emissions that would further endanger the health of persons within the City and surrounding areas."

Attached as Exhibit D is a true and correct copy of the City of Huntington Park's resolution.

City of Maywood

On April 8, 2008, the City of Maywood resolved to oppose to development of VPP. The Maywood City Council, noting the existing poor air quality in Maywood, also expressed deep concern about the damaging effects of harmful emissions from VPP. The City urged the CEC and SCAQMD to deny permits for the construction and operation of VPP.

Attached as Exhibit E is a true and correct copy of the City of Maywood's resolution.

City of Commerce

On October 7, 2008, the City of Commerce observed that it already suffered from some of the California's highest concentrations of harmful air pollutants in the form of diesel emissions. The Commerce City Council took note of the fact that Vernon borders Commerce, and that pollution

from the proposed VPP would harm or kill Commerce residents. The City of Commerce therefore resolved to “adamantly oppose” construction of the proposed VPP.

Attached as Exhibit F is a true and correct copy of the City of Commerce’s resolution.

Assembly Speaker Emeritus Fabian Núñez

On May 21, 2008, then Assembly Speaker Emeritus Fabian Núñez indicated his strong opposition to VPP. Núñez represents the 46th Assembly District, which is comprised of over 400,000 people residing in Huntington Park, Maywood, Vernon, Boyle Heights, and other cities in greater Los Angeles. Referring to the already ‘devastated communities’ that he represents, Núñez wrote that the development of VPP was not in the best interests of his constituency because it would “contribute chemicals known to cause aggravated asthma, cancer, birth defects, and serious illnesses.”

Attached as Exhibit G is a true and correct copy of Assembly Speaker Emeritus Fabian Núñez’ letter of opposition to Vernon Power Plant.

Congresswoman Lucille Roybal-Allard

On July 16, 2008, Congresswoman Lucille Roybal-Allard expressed her support for efforts to oppose the VPP. Roybal-Allard represents the 34th District of California in the U.S. House of Representatives, which includes Vernon, Maywood, Commerce, and portions of East Los Angeles. Referring to the pollution problems already in existence in these areas Roybal-Allard wrote that “[t]he communities of Boyle Heights, East Los Angeles and Southeast Los Angeles are already exposed to a disproportionate share of dangerous pollutants. As a long time public health advocate, I cannot support plans to construct a power plant which would result in additional environmental degradation and detrimental impacts on the health of families in these vulnerable communities. It is time to develop strategies to reduce toxic emissions in these neighborhoods, not begin the construction of additional polluting facilities.”

Attached as Exhibit H is a true and correct copy of the Congresswoman Lucille Roybal-Allard’s letter.

California State Senator Gilbert Cedillo

On March 5, 2008, California State Senator Gilbert Cedillo joined efforts to oppose the VPP. Cedillo represents the 22nd Senate District in the California State Senate, which includes the cities of Los Angeles, Vernon and Maywood. In expressing his full support, Cedillo noted his concern for siting VPP in “the close proximity of Maywood, the most densely populated city in the state.”

Attached as Exhibit I is a true and correct copy of California State Senator Gilbert Cedillo’s letter.

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III. The District Is Prohibited from Issuing Pollution Credits for VPP

As the CEC is aware, the District adopted rules in 2006 and 2007 to create new air pollution credits to stock its internal accounts, including its "Priority Reserve" account, and to allow distribution of credits from the Priority Reserve account to proposed power plants. In its application, VPP informed CEC that it intends to use Priority Reserve credits to offset its pollution emissions. CBE, NRDC and other community groups sued the District for, among other issues, violating the California Environmental Quality Act (CEQA) by failing to adequately define, analyze and mitigate impacts from those rules.

On November 3, 2008, Judge Ann I. Jones of Los Angeles Superior Court issued a final judgment and writ of mandate. True and correct copies of the judgment and writ are attached as Exhibit J and K, respectively. In addition to finding that the District violated CEQA and, therefore, was required to rescind the rules, the court ordered the District "to set aside any other approvals or actions taken since the approval of and pursuant to the Project." *See* Exhibit K, p.3. The court further prohibited the District from issuing any credits to power plants pursuant to the flawed rules. *Id.* On November 26, 2008, the District appealed the Judgment and, on December 9, 2008, CBE and NRDC cross-appealed. Pending resolution of the appeal, the District's approval of the rules (amended Rule 1309.1 and 1315) are stayed, and it must comply with Judge Jones's writ and judgment, since prohibitory judgments and orders are self-executing and their operation is not automatically stayed by an appeal. *See Paramount Pictures Corp. v. Davis* (1964) 228 Cal.App.2d 827, 835, citing *Byrington v. Superior Court* (1939) 14 Cal.2d 68, 92.

On March 31, 2009, the District denied the air permit application for VPP. It reasoned that, even if Judge Jones's decision withstands appeal, VPP would not be the recipient of credits that would be available from the Priority Reserve. Thus, VPP had failed to show it would be able to offset its emissions increases, as required under District rules and the Clean Air Act. A true and correct copy of the District's denial is attached hereto as Exhibit L.

IV. Conclusion

The communities and representatives of areas surrounding Vernon have been compelled to oppose VPP. That single power plant would emit 1.7 million pounds of regional and local pollutants and 2.8 million tons of CO₂ annually, exacerbating the already grave air quality problems in the region. Such a strong show of public opposition, representing hundreds of thousands of people, is a forceful indication of the resistance to VPP at every level.

Respectfully submitted,


Shana Lazerow
on behalf of intervener
Communities for a Better Environment

David Pettit
on behalf of interveners
Mothers of East L.A., Boyle Heights Resident
Homeowners Association, Inc., Antonia Mejia
and Miguel Alfaro

NOV 27 2007

MOTION ENERGY & ENVIRONMENT

On June 30, 2006, the City of Vernon applied to the California Energy Commission for certification to build a 943 megawatt combined-cycle power generating facility in Vernon (CEC docket number 06-AFC-4). Vernon's certification proceeding is ongoing.

The proposed power plant will produce much more energy than required for the City of Vernon's power needs. In addition, introduction of a fossil fuel-fired power plant will most certainly have a negative impact on air quality for generations.

Vernon's Application for Certification states that the proposed power plant, when operational, will emit 432,248 pounds of nitrogen oxides, 32,431 pounds of sulfur oxides, 119,864 pounds of volatile organic compounds, 453,431 pounds of carbon monoxide and 294,133 pounds of PM10 particulates per year. These emissions are dangerous; they are associated with smog, cancer, asthma and other respiratory diseases. The South Coast Air Quality Management District, moreover, has estimated that emissions from the power plant will result in an increase in annual adult mortality of 4-12 persons in the area that would be typically modeled as part of the preparation of a health risk assessment.

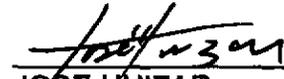
These power plant emissions will not only affect the residents of Vernon, they will directly and dangerously affect children and families of neighboring communities including Boyle Heights. The unpredictability of prevailing winds are such that emissions from the power plant are very likely to blow towards the City of Los Angeles. Many neighborhoods in eastern and southern Los Angeles are already heavily impacted by pollution from industrial facilities, diesel trucks and other harmful emission sources.

It is imperative that the City of Los Angeles protects the interests, health and well-being of its residents. We have consulted with the City Attorney who strongly supports the City's intervention in the ongoing proceedings.

I THEREFORE, MOVE that the Los Angeles City Council oppose development of the City of Vernon's proposed new 943-megawatt power plant due to the likelihood of increased adverse health impacts on children and families in Los Angeles due to the increased toxic emissions produced by the proposed power plant;

I FURTHER MOVE that Council authorize the City Attorney to intervene, on behalf of the City of Los Angeles, in California Energy Commission docket number 06-AFC-4 (City of Vernon power plant) for the purpose of insuring that toxic emissions from the proposed Vernon power plant are reduced and mitigated to the maximum extent possible using Best Available Control Technologies to ensure the health and welfare of our City's residents are being protected.

PRESENTED BY:



JOSE HUIZAR
Councilmember, 14th District

SECONDED BY:



NOV 27 2007

07-3791

December 18, 2007

MOTION BY SUPERVISOR GLORIA MOLINA

The City of Vernon has proposed the development of a 943 megawatt power plant that is currently being considered by the California Energy Commission (CEC). This facility, if approved, will produce in excess of 880 tons of air emissions per year making it one of the largest contributors of pollutants to the greater Los Angeles air basin. For some regulated pollutants the story is worse—it will tie for the 7th largest contributor of PM-10 emissions, will rank as the 16th biggest producer of carbon monoxide, and will be the 21st largest producer of nitrogen oxide emissions.

The Los Angeles region has the dirtiest air basin in the nation. The communities surrounding Vernon have some of the most unhealthy air in Los Angeles. With the multiple stationary and mobile sources of air pollution in this region, residents face increased health risk from asthma, emphysema and other respiratory disease. Studies have shown children are most vulnerable and can suffer permanent lung impairment. Adding more air pollutants to this region is unacceptable—the opposite must occur.

MOTION

Molina	_____
Yaroslavsky	_____
Knabe	_____
Antonovich	_____
Burke	_____

The California Energy Commission will conduct the environmental review of this proposal. The CEC is empowered to approve or deny the power plant as proposed; make modifications including reducing the size of the facility; and order any mitigations necessary to reduce its negative impacts. Also of note, the facility has been approved to purchase ninety million dollars of "Priority Reserve" air pollution offsets from SCAQMD that should, but have not yet been allocated to reduce pollutants from other pollution sources in nearby communities.

While residents of all surrounding communities deserve representation in the important CEC review process, it is especially the responsibility of the County to represent the interests of unincorporated residents of Florence Firestone, and East Los Angeles.

The CEC process allows for the intervention of concerned parties whereby interveners can directly participate in hearings, produce and examine witnesses, and otherwise represent their interest in the proceedings. The National Resources Defense Council has intervened on behalf of the Mothers of East Los Angeles, the Boyle Heights Residents Association and others. The City of Los Angeles, upon unanimous approval of the City Council, is seeking to intervene. It is incumbent upon the County to intervene to assure that any facility that is constructed is allowed only if a simultaneous greater reduction of pollutants by other pollution sources in the vicinity can be guaranteed.

I, THEREFORE, MOVE that the Board of Supervisors instruct the Chief Executive Officer, with the assistance of County Counsel and any appropriate

departments, to expeditiously apply to the California Energy Commission to intervene as an interested party in the proposed Vernon Power Plant application (Docket number 06-AFC-4), and work with the City of Los Angeles and the National Resources Defense Council to assure that the air quality and public health of Los Angeles County residents is protected as the review proceedings proceed.

GH/ch

**MOTIONS/RESOLUTIONS PRESENTED TO
THE LOS ANGELES CITY BOARD OF EDUCATION FOR CONSIDERATION**

SUBJECT: Protection of Air Quality of Los Angeles Unified School District Communities

DATE NOTICED: 1-29-08

PRESENTED FOR ACTION: 2-12-08

PRESENTED BY: García/Flores Aguilar/Galatzan **MOVED/SECONDED BY:** Canter/
Vladovic

MOTION:

RESOLUTION: X

Whereas, The Los Angeles Unified School District has a vested interest in protecting the health and safety of the students and families it serves;

Whereas, The City of Vernon proposes to build a fossil fuel-fired power plant that would produce much more energy than required for the City of Vernon's power needs;

Whereas, The City of Vernon's Application for Certification states that the proposed power plant, when operational, will emit 432,248 pounds of nitrogen oxides, 32,431 pounds of sulfur oxides, 119,864 pounds of volatile organic compounds, 453,431 pounds of carbon monoxide and 294,133 pounds of PM10 particulates per year;

Whereas, These emissions are associated with smog, cancer, asthma, and other respiratory diseases;

Whereas, The South Coast Air Quality Management District (SCAQMD) has estimated that emissions from the power plant will result in an increase in annual adult mortality of 4-12 persons in the area that typically would be modeled as part of the preparation of a health risk assessment;

Whereas, These power plant emissions will most certainly have a negative impact on air quality for generations, affecting not only the residents of Vernon, but also the children and families of neighboring communities served by the Los Angeles Unified School District, including Boyle Heights;

Whereas, On June 30, 2006, the City of Vernon applied to the California Energy Commission for certification to build the 943 megawatt combined-cycle power generating facility in Vernon (CEO docket number 06- AFC-4); and

Whereas, The City of Vernon's certification proceeding is ongoing; now, therefore, be it

Resolved, That the Governing Board of the Los Angeles Unified School District opposes the development of the City of Vernon's proposed new 943 megawatt power plant due to the likelihood of increased adverse health impacts on the children and families served by the District.

AYES NOES ABSTAIN ABSENT

Ms. Canter	x			
Ms. Korenstein	x			
Ms. LaMotte	x			
Dr. Vladovic	x			
Ms. Galatzan	x			
Ms. Flores Aguilar	x			
Ms. Garcia	x			
TOTAL	7			

ACTION: ADOPTED

1 **WHEREAS**, the City of Huntington Park is also considered to be a part of an
2 Environmental Justice Area (EJA) which consists of communities characterized by low-
3 income and /or minority populations; and

4 **WHEREAS**, on November 16, 2006, the Health Education Commission of the City
5 of Huntington Park heard public testimony from resident and members of the community
6 concerning air quality issues related to the proposed VPP and unanimously approved a
7 motion to recommend that the City Council of the City of Huntington Park formally oppose
8 the VPP; and

9 **WHEREAS**, on December 4, 2006, the City Council approved a motion to formally
10 oppose the proposed VPP; and

11 **WHEREAS**, on December 18, 2006, the City Council authorized staff to submit
12 comments to the California Energy Commission (CEC) and the South Coast Air Quality
13 Management District (SCAQMD) expressing opposition to the proposed VPP.
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18 **NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUNTINGTON**
19 **PARK DOES HEREBY RESOLVE AS FOLLOWS:**

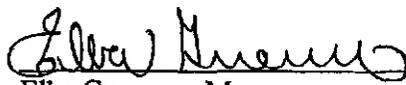
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21 **SECTION 1:** The City Council of the City of Huntington Park formally opposes the
22 development of the proposed Vernon Power Plant.

23 **SECTION 2:** The City of Huntington Park hereby urges the California Energy
24 Commission (CEC) and the South Coast Air Quality Management District (AQMD) to
25 consider the concerns expressed herein and deny any permits for operation and /or
26 construction for the proposed power plant.
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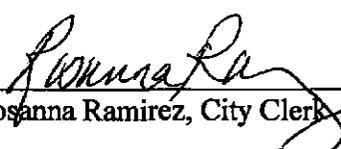
28 **SECTION 3:** The City Clerk shall certify the adoption of this Resolution

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PASSED , APPROVED AND ADOPTED by the City Council of the City of
Huntington Park this 19th day of February, 2008.


Elba Guerrero, Mayor

Attest:


Rosanna Ramirez, City Clerk

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ATTEST:

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF HUNTINGTON PARK)

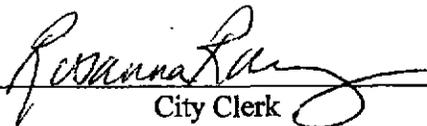
I, Rosanna M. Ramirez, City Clerk of the City of Huntington Park, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Resolution, being Resolution No. 2008-8 was duly passed and adopted by the City Council of the City of Huntington Park, approved and signed by the Mayor of said City, and attested to by the City Clerk of said City, all at a regular meeting of the City Council held on the 19th day of February, 2008, and that the same was so passed and adopted by the following vote, to wit:

AYES: Council Members – Hernandez, Gomez, Noguez, Guerrero

NOES: Council Members – None

ABSENT: Council Members – Romo

ABSTAIN: Council Members – None



City Clerk

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAYWOOD OPPOSING THE DEVELOPMENT OF THE PROPOSED VERNON POWER PLANT

WHEREAS, on June 30, 2006, the city of Vernon filed an Application for Certification ("AFC") with the California Energy Commission ("CEC") to construct and operate a 943 megawatt combined-cycle power plant using natural gas fired combustions; and

WHEREAS, the proposed project site for the Vernon Power Plant ("VPP") is located very close to the City of Maywood ("City") boundary at the southeast corner of Fruitland and Boyle Avenues within the city of Vernon; and

WHEREAS, on September 14, 2006, the CEC deemed the AFC complete, which initiated CEC staff's review of the proposed project and provides opportunity for public comment; and

WHEREAS, the City, which abuts the city of Vernon, is concerned about the poor and deteriorating air quality that exists in the City and the immediate surrounding areas and the negative impacts that will result from additional emissions produced by new Electrical Generating Facilities ("EGFs"); and

WHEREAS, the United States Environmental Protection Agency has designated the South Coast Air Basin as a non-attainment area, of which the City and surrounding communities contain some of the worst air quality in the region; and

WHEREAS, permitting EGFs in non-attainment areas would increase the negative effects of harmful emissions that would further endanger the health of persons within the City and surrounding areas; and

WHEREAS, the City is also considered to be a part of an Environmental Justice Area which consists of communities characterized by low-income and /or minority populations; and

WHEREAS, the City Council of the City of Maywood wishes to indicate its opposition to the city of Vernon's Application for Certification with the California

Energy Commission to construct and operate a 943 megawatt combined-cycle power plant using natural gas fired combustions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAYWOOD DOES RESOLVE AS FOLLOWS:

SECTION 1. The City Council of the City of Maywood formally opposes the development of the proposed Vernon Power Plant.

SECTION 2. The City of Maywood hereby urges the California Energy Commission and the South Coast Air Quality Management District to consider the concerns expressed herein and deny any permits for operation and for construction for the proposed power plant.

SECTION 3. Effective Date. This Resolution shall become effective upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Maywood this 8th day of April, 2008.


Felipe Aguirre, Mayor

ATTEST:

Patricia Bravo, City Clerk

APPROVED AS TO FORM:

Marco A. Martinez, Interim City Attorney

RESOLUTION NO. 08-38

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE,
CALIFORNIA EXPRESSING OPPOSITION TO THE PROPOSED CITY OF VERNON
POWER PLANT (AKA THE SOUTHEAST ENERGY POWER PROJECT) DUE TO
THE HARMFUL IMPACTS THAT THE PROPOSED POWER PLANT WILL HAVE ON
THE CITIZENS OF THE CITY OF COMMERCE AND THE ENTIRE SOUTHEAST
REGION**

WHEREAS, the City of Commerce is located in the Southeast Los Angeles region, which is part of the South Coast Air Quality Management District ("SCAQMD"), which has some of the worst air quality in the nation; and

WHEREAS, according to SCAQMD figures, the Southeast Los Angeles region has 51.7% of the total average annual PM 2.5 exceedances of the National Ambient Air Quality Standards for the entire nation, and almost 25 % of the exceedances of the 8-hour ozone standard nationwide; and

WHEREAS, according to a Health Risk Assessment recently released for the California Air Resources Board ("CARB") regarding the air quality impacts caused by the Union Pacific and BNSF railroad intermodal facilities, Commerce has some of the highest diesel particulate emissions in the State, considered by CARB to be responsible for 70% of the State's ambient air toxic cancer risks; and

WHEREAS, the City of Vernon is small industrial city bordering the cities of Commerce, Huntington Park, Maywood and South Los Angeles; and

WHEREAS, the City of Vernon has a tiny residential population of only approximately 90 people, the great majority of which are City employees; and

WHEREAS, the City of Vernon recently completed the construction of a 134 megawatt power plant, at a cost of over \$170 Million; and

WHEREAS, the City of Vernon's electrical demand is less than 200 megawatts per year; and

WHEREAS, although the City of Vernon represented to the California Energy Commission that it needed to build the 134 megawatt power plant in order to satisfy most of its demand for energy within the City, the City of Vernon recently determined that it did not need the 134 MW power plant and, therefore, sold that power plant to a private party; and

WHEREAS, the City of Vernon has proposed the construction of a new 934 megawatt combined cycle power plant, whose application is pending before the California Energy Commission; and

WHEREAS, the proposed 934 megawatt power plant will cost over \$700 Million to construct and will produce almost four times as much energy as required by the entire City of Vernon; and

WHEREAS, in spite of the fact that the City of Vernon has already sold one of its power plants and that its electrical demand is less than 200 megawatts per year, the City of Vernon has again represented that it needs to build the 934 megawatt power plant, in part, in order to serve the demand for energy in the City of Vernon; and

WHEREAS, the City of Vernon's Draft General Plan indicates that the City of Vernon is actually contemplating the construction of a third power plant. As stated on page 22 of the City of Vernon's Draft General Plan: "This facility [the 934 megawatt power plant] is in addition to the existing 134 megawatt power plant already located in the center of the City, as well as a third, 1,000 megawatt power plant also being contemplated."

WHEREAS, studies have concluded that the construction of the proposed 934 megawatt power plant will cause at least another 11 to 20 deaths per year in and around the City of Commerce; and

WHEREAS, the City of Vernon has sought to misinform City of Commerce residents by distributing literature that falsely claims that the Vernon Power Plant will be beneficial to the City of Commerce and other southeast cities by creating more parks, more medical clinics and that the Vernon Power Plant will cause a number of other benefits; and

WHEREAS, the Central Basin Municipal Water District has entered into an agreement with the City of Vernon to provide recycled water being produced by the Central Basin to the Vernon Power Plant; and

WHEREAS, representatives of the Central Basin Municipal Water District, including the Central Basin's General Counsel, have become directly involved in attempting to influence the residents of City of Commerce; and

WHEREAS, the City of Vernon has demonstrated that it does not care about the health impacts that it will cause to the children, families, senior citizens and other residents in the City of Commerce or the entire southeast area; and

WHEREAS, the City Council of the City of Commerce is adamantly opposed to the construction of the proposed 934 megawatt City of Vernon Power Plant, as well as the third 1,000 megawatt power plant being contemplated by the City of Vernon.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council hereby finds and determines that the foregoing recitals are true and correct.

Section 2. The City Council hereby declares, on behalf of the City of Commerce, that it is adamantly opposed to the construction of the proposed 934 megawatt Vernon Power Plant, as well as the third 1,000 megawatt power plant being contemplated by the City of Vernon.

Section 3. The City Council hereby directs City staff to implement direction provided by the City Council at the October 8, 2008 City Council meeting, to produce and provide information to the City of Commerce residents about the negative impacts that will be produced by the Vernon Power Plant and the misinformation being disseminated by the City of Vernon.

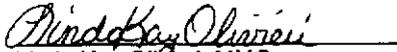
Section 4. The City Council hereby directs City Staff to continue to contact other agencies, including the Central Basin Municipal Water District, to advise them of the City of Commerce's opposition to the Vernon Power Plant and to request that the City of Commerce's representatives at such agencies oppose the Power Plant.

Section 5. The City Clerk shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED this 7th day of October, 2008.

ATTEST:


Tina Baca Del Rio
Mayor, City of Commerce


Linda Kay Oliveri, MMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)

I, Linda Kay Olivieri, City Clerk of the City of Commerce, do hereby certify that the foregoing Resolution No. 08-38 was introduced and adopted at a regular meeting provided by law of the City of Commerce held on the 7th day of October, 2008, by the following vote of the members thereof:

AYES: COUNCIL MEMBERS: Argumedo, Fierro, Lopez
Mayor Pro Tempore Aguilar
Mayor Baca Del Rio

NOES: COUNCIL MEMBERS: NONE.

ABSENT: COUNCIL MEMBERS: NONE.

ABSTAIN: COUNCIL MEMBERS: NONE.

AND I FURTHER certify that the Mayor of the City of Commerce signed said Resolution No. 08-38 on the 7th day of October, 2008.


Linda Kay Olivieri, MMC
City Clerk



FABIAN NUÑEZ
SPEAKER OF ASSEMBLY

May 21, 2008

Re: Opposition to the City of Vernon Power Plant

I write this letter to express my strong opposition of the proposed 943 megawatt power plant in the City of Vernon.

This 27 acre plant will only add to the existing emissions that already exist in the devastated communities of East and Southeast Los Angeles, which encompass the 46th Assembly District.

I am extremely concerned about the dangerously high levels of particulate matter that could add to the pollution in our communities. After extensive research and strong opposition from the community, the Los Angeles School Board of Education, elected officials and neighboring cities, I have come to the conclusion that the development of this plant is not in the best of interest of our residents. It will only contribute chemicals known to cause aggravated asthma, cancer, birth defects and other serious illnesses that will be harmful to our society.

I thank you in advance for your thoughtful consideration to this request. I am sure we both agree that the communities we aim to serve deserve to live in a safe and healthy environment. Our job is to protect the interests, health and well being of our residents. If you have any questions please contact Sonia Campos of my district office at (213) 620-4646.

Sincerely,

A handwritten signature in black ink that reads "Fabian Nuñez".

FABIAN NUÑEZ
Speaker Emeritus

Committee on Appropriations
Subcommittee on Homeland Security
Subcommittee on Labor,
Health and Human Services and
Education
Subcommittee on Transportation, and
Housing and Urban Development

Democratic Senior Whip

Congressional Hispanic Caucus

September 30, 2008



LUCILLE ROYBAL-ALLARD
34TH DISTRICT, CALIFORNIA

WASHINGTON, D.C. OFFICE:
2330 Rayburn House Office Building
Washington, DC 20515-0534
Telephone: (202) 225-1766
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DISTRICT OFFICE:
255 East Temple Street, Suite 1860
Los Angeles, CA 90012-1578
Telephone: (213) 628-9230
Fax: (213) 628-8578

www.house.gov/roybal-allard

Mayor Tina Baca Del Rio
and City Council Members
City of Commerce
2535 Commerce Way
Commerce, CA 90040

Dear Mayor and Council Members:

I am writing to express my support for your efforts to mobilize opposition to the proposed construction of the Southeast Region Energy Project, otherwise known as the Vernon Power Plant. I share your concerns that the plant as envisioned will result in increased emissions harmful to the health and well-being of our constituents.

According to the Vernon Power Plant application and Air Quality Management District (AQMD) assessment reports, the Vernon power plant will emit approximately 1.7 million pounds of additional pollutants and another 2.7 million tons of green house gases annually. The communities of Boyle Heights, East Los Angeles, Commerce and Southeast Los Angeles are already exposed to a disproportionate share of dangerous pollutants. As a long time public health advocate, I cannot support plans to construct a power plant which would result in additional environmental degradation and detrimental impacts on the health of families in these vulnerable communities. It is time to develop strategies to reduce toxic emissions in these neighborhoods, not begin the construction of additional polluting facilities.

I commend the tireless advocacy demonstrated by the Commerce community, members of the Resurrection Church Neighborhood Watch, Communities for A Better Environment, the Natural Resources Defense Council and their allies. Furthermore, I applaud the leadership of the City of Commerce in organizing tonight's vigil and your efforts in keeping the community informed of actions that impact their lives.

I proudly stand with the communities I represent in my 34th congressional district in opposition to the Southeast Region Energy Project, and I look forward to continuing to work with you to enhance the health and well-being of our neighbors.

Sincerely,

A handwritten signature in cursive script that reads "Lucille Roybal-Allard".

LUCILLE ROYBAL-ALLARD
Member of Congress

CAPITOL OFFICE
STATE CAPITOL, ROOM 5100
SACRAMENTO, CA 95814
TEL (916) 651-4022
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DISTRICT OFFICE
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California State Senate

SENATOR
GILBERT CEDILLO
TWENTY-SECOND SENATE DISTRICT



COMMITTEES
APPROPRIATIONS
HEALTH
PUBLIC SAFETY
RULES
TRANSPORTATION AND HOUSING
SELECT COMMITTEES
IMMIGRATION AND THE ECONOMY, CHAIR
JOINT COMMITTEES
RULES

March 5, 2008

Bill Gallegos
Executive Director
Bahram Fazeli
Research and Policy Analyst
5610 Pacific Blvd. Suite 203
Huntington Park CA 90255

Dear Bill and Bahram:

Thank you very much for your letter regarding the proposed Vernon Power Plant faxed to our offices on February 15, 2008. Communities for a Better Environment has done excellent work informing and building a broad coalition to address the environmental and health concerns related to the project. In response to your request that our office join your efforts to oppose the proposed power plant, I would like to confirm our full support.

Despite significant progress, Southern California air quality remains the worst in the nation, posing a major health concern for almost 17 million residents of the region. In fact, the predominantly minority communities surrounding the Los Angeles and Long Beach ports, and along the 710, 10 and 60 freeways, still suffer from the highest concentrations of pollution and cancer rates notwithstanding.

Given, as cited by CBE, that the close proximity of Maywood, the most densely populated city in the state, to the industry-heavy city of Vernon, accounting for 20% of all toxic releases in LA county, requires careful study, if not alternative solutions.

Thank you for including our office in your efforts. We look forward to collaborating with CBE on the Vernon Power Plant and in future efforts to address energy production solutions that are sensitive to environmental health and justice.

Sincerely,

A handwritten signature in black ink that reads "Gilbert A. Cedillo".

Gilbert A. Cedillo
State Senator, 22nd District



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV**

**APPLICATION FOR CERTIFICATION
FOR THE SOUTH EAST REGIONAL ENERGY
CENTER (FORMERLY CITY OF VERNON)**

DOCKET NO. 06-AFC-4

**PROOF OF SERVICE LIST
(REVISED 4/24/09)**

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ENERGY COMMISSION

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DECLARATION OF SERVICE

I, Bahram Fazeli, declare that on May 8, 2009, I served and filed copies of the attached X, dated May 8, 2009. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[www.energy.ca.gov/sitingcases/cityofvernon]. The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

_____ sent electronically to all email addresses on the Proof of Service list;

X by personal delivery or by depositing in the United States mail at Huntington Park, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

X sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (**preferred method**);

OR

_____ depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 06-AFC-4

1516 Ninth Street, MS-4

Sacramento, CA 95814-5512

docket@energy.state.ca.us

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



* status Report plus attachments