



**CITY OF  
CHULA VISTA  
OFFICE OF THE MAYOR**

August 14, 2009

Richard Wright, Chair  
California Region Water Quality Control Board  
San Diego - Region 9  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340

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

Dear Chair Wright and Board Members,

The Chula Vista City Council is unanimous in its support of the July 15, 2009, letter (Attached) to John Robertus and in its expectation that the discharge permit for the South Bay Power Plant (SBPP) not be renewed or extended. The residents of Chula Vista have shouldered the negative environmental and economic impacts of this regional facility for almost five decades. The plant uses an old technology that constrains public access and economic development plans for 135 acres of bayfront property, and inhibits the restoration and protection of adjacent habitat. The City requests that the Agency reconsider its position and act promptly on neither renewing nor extending this permit.

We are aware that public agencies are facing limited resources, including our own. However, this is a once-in-five-years process that we all had the obligation to plan for. The SBPP is one of the two largest facilities in the region and according to the State Water Resources Board, the most recent study indicates that SBPP uses up to 600,000,000 gallons of bay water per day, kills approximately 390,000 fish through impingement and 2.4 billion larvae through entrainment annually. The RWQCB general statement says, "The primary duty of the Regional Board is to protect the quality of the waters within the Region for all beneficial uses." We ask the RWQCB to make the process for denial of this permit a priority. Failure to process the permit within the five year permit cycle would inappropriately abdicate local authority for one of the largest water bodies and significant natural resources in the region.

Five years ago, as a responsible partner Duke Energy included the City in the process at the very early stages of permit application development. As stated in our letter to Mr. Robertus, the City did not intervene in the RWQCB process and supported Duke and the Port in minimizing impacts and costs to SBPP operation by phasing in minimal standards. That collaboration was based on the founding principle that SBPP would not operate beyond the current lease term, would be decommissioned by February 2010, and would therefore not need or seek an extended permit from the RWQCB. Dynegy's current permit request represents a failure to meet that commitment.

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The bay and surrounding habitat will not begin to fully restore itself from 50 years of this facility's impacts until the plant ceases drawing and discharging exceptionally large volumes of water through this closed water body. The community will not realize the financial means to restore and preserve that habitat, provide public access and the economic opportunities the bayfront represents until the SBPP is decommissioned and dismantled, and the adjacent marine habitat has the resources and time to be restored.

Please help us convey in the strongest manner to the SBPP operator and the other state regulatory agencies that 1950s technology and discharge practices of the past century do not meet this region's water quality standards for this unique watershed today. We ask that you provide an open, transparent and inclusive opportunity for South Bay residents to hear from all parties and review the data by conducting these meetings in Chula Vista. Thank you for your consideration.

Respectfully,



Cheryl Cox  
Mayor



Rudy Ramirez  
Deputy Mayor



Steve Castaneda  
Councilmember



Pamela Bensoussan  
Councilmember

Attached: Letter to John H. Robertus

cc: David King, Vice Chair  
Eric Anderson, Boardmember  
Wayne Rayfield, Boardmember  
Gary Thompson, Boardmember  
Jim Sandoval, City Manager, Chula Vista

John Robertus, Executive Officer  
George Loveland, Boardmember  
Grant Destache, Board member  
Marc Luker, Boardmember