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August 26, 2009

Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906
Attn: Mr. David Schwartzbart

Item #14 - Dynegy Moss Landing - Oppose Permit

Dear Chair Young, Board Members, Mr. Schwartzbart, and Staff:

Monterey Coastkeeper opposes the proposed 5-year renewal of exemptions from the Toxic Pits Cleanup Act for the metal cleaning ponds at the Dynegy power plant facility at Moss Landing.

Due to problems with noticing and comment deadlines we suggest that Dynegy be given a one-year extension and the project be re-noticed and re-examined. We also believe staff should reconsider the monitoring results and methods used to establish concentration limits.

As noted in the staff report, Dynegy published notice in the Salinas Californian advertising that this matter would be heard by the RWQCB at its regular meeting in September. No notice appears in the public notice section of the RWQCB website. Written public notice was mailed to the Monterey Coastkeeper and says that written comment will be taken until noon on August 31. The staff report for this item gives no time on August 31 as a cutoff (comment is generally accepted until 5pm). To act on this item is to take action before the media advertised deadline of September and before the Board's own comment deadline.

The Monterey Coastkeeper, like the RWQCB, believes in good public process. However, over the past year:

- we have seen numerous stormwater plans approved with scores of unwritten, yet to be negotiated, required changes. This process undermines the public's ability to review and comment on stormwater plans.
- staff is currently reviewing a 401 Certification for 100 miles of Salinas River channel bulldozing that is based on a cursory and inadequate environmental document (RWQCB staff, State Lands, and the Air Pollution Control District agree and have provided written comment to Monterey County saying as much). But in order to allow the bulldozing to continue, staff is considering administratively extending a previous 401 Certification that is based on an even weaker environmental document. This potential administrative extension would completely end-run appropriate CEQA process.

The Monterey Coastkeeper believes it is entirely inappropriate for the Board to approve a five-year permit before the public has the opportunity to comment.

Public notice for this item or the staff report did not include any monitoring data or link to the monitoring data. A quick review of the monitoring data shows incredible variability in test results for many test parameters including pH, chloride, magnesium, sulfate, bromide, and an incredible spike late last year in ammonia. As these ponds are used intermittently, we

do not find variable data reassuring. This data is shown in Section 2 of the Q1 2009 monitoring results.

Figure 2z
Field Parameter Trend Graph

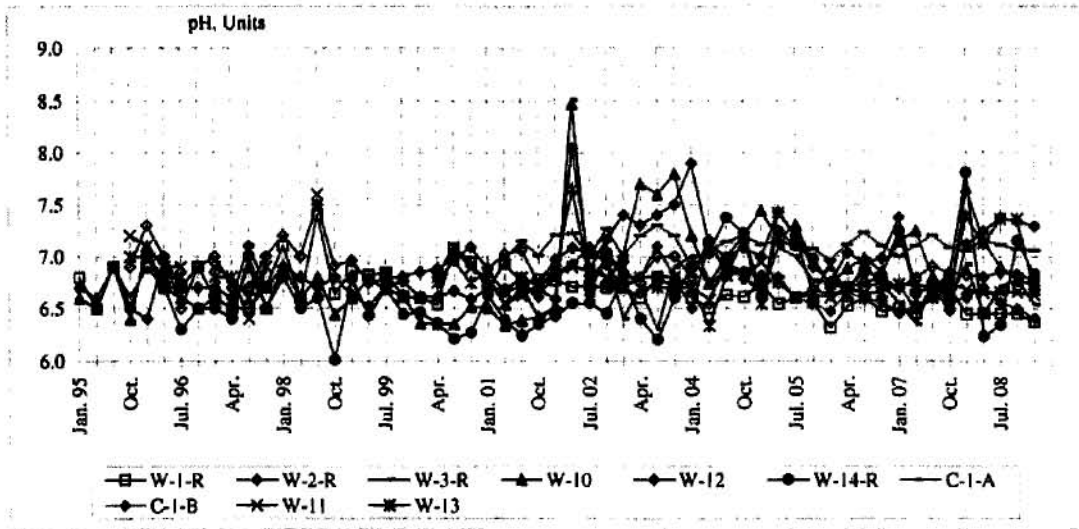


Figure 2k
Monitoring Parameter Trend Graph

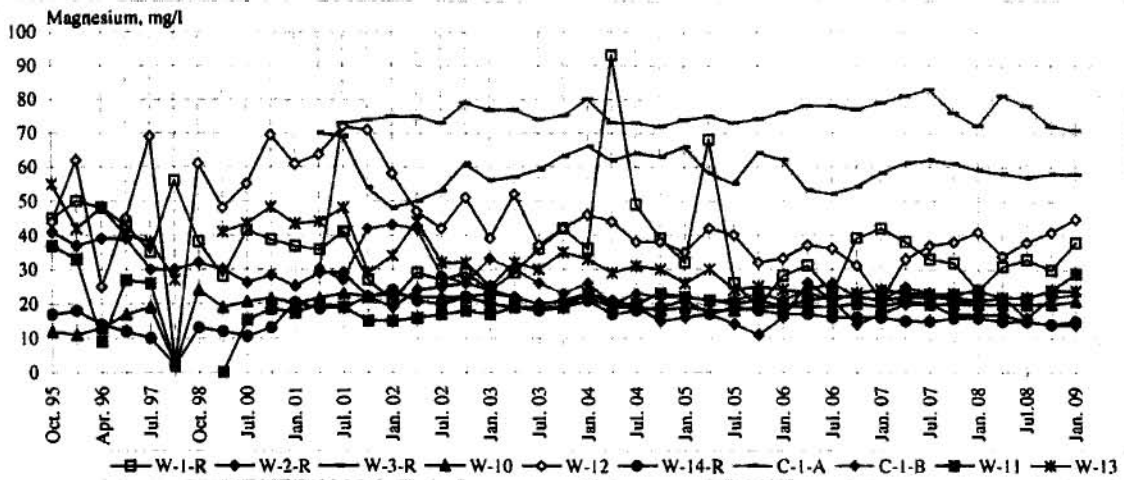


Figure 2e
Monitoring Parameter Trend Graph

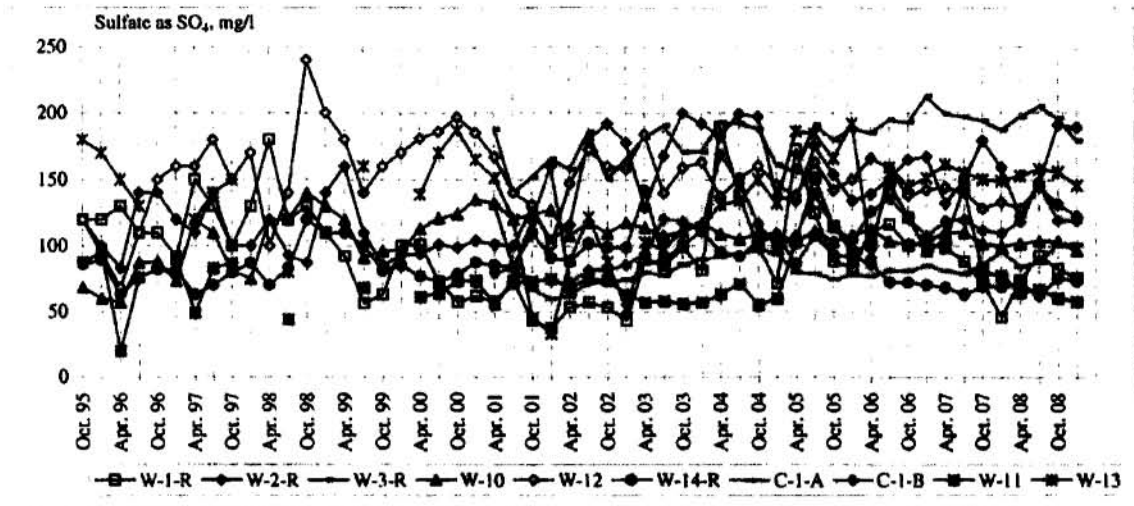
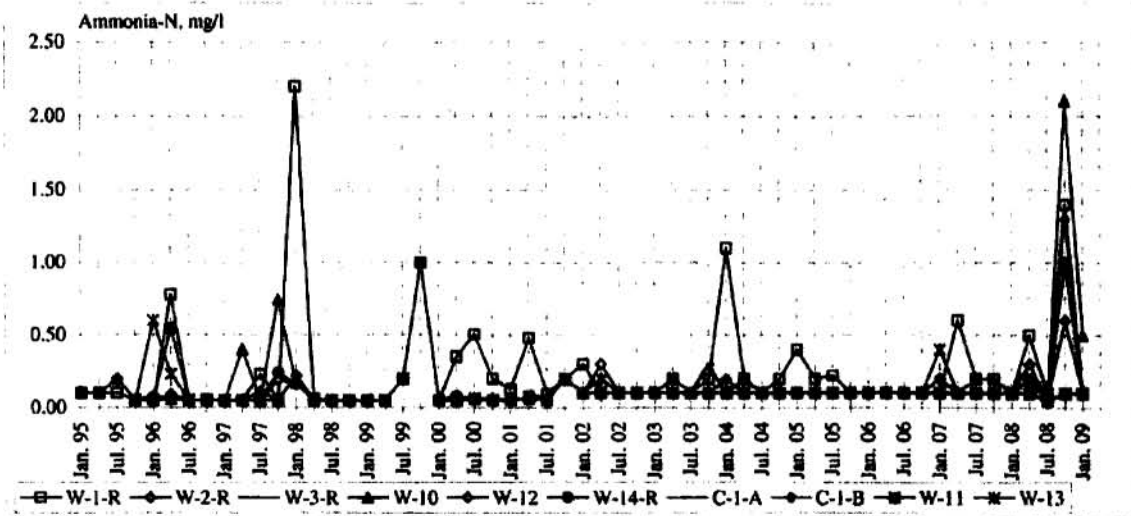


Figure 2a
Monitoring Parameter Trend Graph



Section Six of the monitoring report appears to rely on statistically significant increases in parameters to indicate a potential problem. We would suggest that given the variability of the data, this could be an inappropriate measure of compliance and success. The report does note a statistically significant and confirmed spike in iron.

And finally, we are disturbed by the shifting baseline. We do not fully understand the methodology, but it appears there is a process for updating concentration limitations. Nearly without exception, proposed limits for 2009 are much higher than previous limits. This appears to be driven by the variability of the data (that could be explained by the intermittent use of the ponds). See Monitoring results Appendix A, table 3.

The Monterey Coastkeeper believes in good process and thorough and timely review of permits. We do however recognize that scheduling comment of this item and this meeting date has been confused by furloughs and problems not of the Board's making.

We believe a resolution approving a one-year extension is appropriate.

We believe it is entirely inappropriate for this item to be given a five-year extension by placing it on the consent agenda of a telephone meeting occurring before the comment period even closes. (Although we fully admit that this will likely be the only comment you receive.)

The Moss Landing Power Plant facility sits literally on the bank of an important estuarine ecosystem. Moss Landing Harbor has many impairments. This permit deserves more scrutiny and discussion.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Shimek', written in a cursive style.

Steve Shimek
Monterey Coastkeeper

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I certify or (declare), under penalty of perjury, that the foregoing is true and correct.
s/ Louis G. Solton
Monterey County Tax Collector
Executed at Salinas, County of Monterey, California, on May 28, 2009
Published in The Californian on June 3, 10, and 17, 2009

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Legal Notice

This ordinance updates the County Code to reflect changes that have occurred in the organizational structure of the County. The County department formerly known as the Department of Planning and Building Inspection has been separated into two departments, the Planning Department and the Building Services Department. The Director of Planning and Building Inspection has been replaced by a Director of Planning and a Director of Building Services. This ordinance codifies these changes and defines the duties and functions of each. Pursuant to Government Code section 85100, this ordinance also defines the County planning agency. Numerous references throughout the County Code to the Director of Planning and Building Inspection are changed to refer to the Director of Planning or the Director of Building Services as applicable.

June 17, 2009

upon Daniel C. Thomas, Counsel for Newton County Department of Family and Children Services, whose address is P.O. Box 52, Covington, GA 30015, an answer to the Motion within sixty (60) days of the date of the Order for Service by Publication.

A copy of said Motion can be obtained from the Clerk of the Newton County Juvenile Court, at the Newton County Judicial Center, 1132 Usher Street, Covington, GA 30014.

READ CAREFULLY

This summons requires you to be present at a formal hearing in the Juvenile Court.

The child or other parties involved may be represented by a lawyer at all stages of these proceedings.

If you want a lawyer, you may choose to hire your own lawyer. If you want to hire a lawyer, please contact your lawyer immediately.

If you want a lawyer but are not able to hire a lawyer without undue financial hardship, you may ask for a lawyer to be appointed to represent you. The Court would inquire into your financial circumstances and if the Court finds you to be financially unable to hire a lawyer, then a lawyer will be appointed to represent you. If you want a lawyer appointed to represent you, you must let the Court or the officer of the Court handling this case know that you want a lawyer immediately.

Witness the Honorable Sheri C. Roberts, Judge of said Court.

This the 14th day of April 2009.
Odessa Johnson
(Deputy) Clerk
Newton County Juvenile Court
June 3, 10, 17, 24, 2009

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CALIFORNIA CENTRAL COAST WATER BOARD
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401-7906

Public Notice No. R3-2009-0049
NOTICE OF PUBLIC HEARING
APPLICATION FOR RENEWAL OF WASTE DISCHARGE REQUIREMENTS
ORDER NUMBER R3-2009-0049
(Discharge to Hazardous Waste Surface Impoundments and Toxic Pits Cleanup Act Exemptions)

FOR

DYNEGY MOSS LANDING, LLC;
MOSS LANDING POWER PLANT
HIGHWAY 1 & DOLAN ROAD
MOSS LANDING, CA
MONTEREY COUNTY

The California Regional Water Quality Control Board, Central Coast Region (Water Board), proposes to reissue waste discharge requirements which allow continued operation and renewal of exemptions from the Toxic Pits Cleanup Act for hazardous waste surface impoundments located at the Dynegy Moss Landing, LLC Power Plant.

Adoption of the Waste Discharge Requirements will be considered by the Regional Board at a public hearing scheduled as follows:

Date: Friday, September 11, 2009
Time: 8:30 a.m.
Place: California Central Coast Water Board
895 Aerovista Place, Suite 101, San Luis Obispo

Persons wishing to comment upon the proposed waste discharge requirements may submit comments in writing to the California Central Coast Water Board at 895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906 (attn. David Schwartzbart) by July 31, 2009. The comments may thus be considered in staff recommendations regarding the waste discharge.

Interested persons may attend the public hearing and provide oral comments relevant to the adoption of the Waste Discharge Requirements. Persons making presentations should confine their statements to this issue. The Water Board will limit the time of oral comments (three minute maximum).

The Report of Waste Discharge, related documents, the Central Coast Water Board's proposed requirements and all comments and petitions received may be inspected and copied, by appointment, at the office of the California Central Coast Water Board, 895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401-7906. For additional information you may call David Schwartzbart at (805) 542-4643. The documents most directly relevant to this renewal are also available on the SWRCB Geotracker website at the following link: http://geotracker.swrcb.ca.gov/profile_report.asp?global_id=SL203111247

Please bring the foregoing to the attention of any persons known to you who would be interested in this matter.

June 17, 2009

**CALIFORNIA CENTRAL COAST WATER BOARD
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401-7906**

**Public Notice No. R3-2009-0049
NOTICE OF PUBLIC HEARING [REVISED HEARING DATE]**

**APPLICATION FOR RENEWAL OF WASTE DISCHARGE REQUIREMENTS
ORDER NUMBER R3-2009-0049 and
EXTENSION OF TOXIC PITS CLEANUP ACT EXEMPTION
(Discharge to Hazardous Waste Surface Impoundments
and Toxic Pits Cleanup Act Exemptions)**

FOR

**DYNEGY MOSS LANDING, LLC;
MOSS LANDING POWER PLANT
HIGHWAY 1 & DOLAN ROAD
MOSS LANDING, CA
MONTEREY COUNTY**

The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board), proposes to renew exemptions from the Toxic Pits Cleanup Act for hazardous waste surface impoundments located at the Dynegy Moss Landing, LLC Power Plant, and to reissue waste discharge requirements which allow continued operation of the impoundments.

Renewal of the exemption and issuance of the Waste Discharge Requirements will be considered by the Regional Board at a public hearing scheduled as follows ***[note change of previously noticed meeting date]***:

Date: **Monday, August 31, 2009**
Time: **8:30 a.m.**
Place: **Central Coast Water Board
895 Aerovista Place, Suite 101, San Luis Obispo**

Persons wishing to comment upon the proposed waste discharge requirements may submit comments in writing to the Central Coast Water Board at 895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906 (attn. David Schwartzbart) by noon on August 31, 2009. However, persons wishing to comment are strongly encouraged to submit comments **by August 14, 2009**, to allow staff to consider them before the hearing.

Interested persons may attend the public hearing and provide oral comments relevant to the adoption of the Waste Discharge Requirements. Persons making presentations should confine their statements to this issue. The Water Board will limit the time of oral comments (three minute maximum).

The Report of Waste Discharge, related documents, the Central Coast Water Board's proposed requirements and all comments and petitions received may be inspected and copied, by appointment, at the office of the Central Coast Water Board, 895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401-7906. The documents most directly relevant to this renewal are also available on the Central Coast Water Board's website at: <http://www.waterboards.ca.gov/centralcoast/>

For your convenience, additional documents can be found at the State Water Resources Control Board Geotracker website at the following link: http://geotracker.swrcb.ca.gov/profile_report.asp?global_id=SL203111247.

For additional information you may call David Schwartzbart at (805) 542-4643 or email at dschwartzbart@waterboards.ca.gov.

Please bring the foregoing to the attention of any persons known to you who would be interested in this matter.