



CITY OF
CHULA VISTA

OFFICE OF THE CITY COUNCIL

June 16, 2009

Mr. John Robertus, Executive Director
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 Director Robertus:

As the members of the Chula Vista City Council Energy Subcommittee, we are writing to express our opposition to the proposed five-year extension of the South Bay Power Plant (SBPP) discharge permit into the San Diego Bay.


When the San Diego Regional Water Quality Control Board (Board) renewed the discharge permit in 2004, with lenient conditions that allowed the power plant to continue to operate, we believed that this would be the final renewal. The Board did not require mitigation of known impacts nor require Best Available Technology for cooling, and it allowed the operators three years to come into compliance with the copper standards.

The original agreement tied the purchase of SBPP to a ten year lease term and the repayment of bonds for purchase of the SBPP. It was widely thought that the ten year timeframe would be sufficient for the Otay Mesa Generating Station located in Otay Mesa to be permitted and constructed. The bonds are paid and the new plant should be on-line this year.

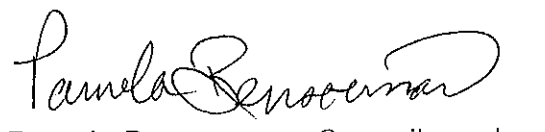
In the 2009 permit renewal application, the operator has not included proposals to eliminate the water cooling impacts to San Diego Bay, such as implementing best technology, nor committed to a date to cease operation of the power plant.

The lease for the power plant site is set to expire in November 2009 with the discharge permit set to expire the same month. We urge the San Diego Regional Water Quality Control Board to reject this permit application for renewal. Thank you for your attention.

Sincerely,



Steve Castaneda, Councilmember



Pamela Bensoussan, Councilmember