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November 14, 2001

VIA FACSIMILE

County of Riverside
Land Development Committee
9th Floor, CAC
P.O. Box 1409
Riverside, CA 92502-1409
Attn: Michael Freitas, Project Planner

Re: Comments Regarding Inland Empire Energy Center

Dear Mr. Freitas and Members of the Land Development Committee:

The Romoland School District ("District") appreciates this opportunity to provide comments on the proposal by Inland Empire Energy Center, LLC ("Calpine"), to develop a 670-megawatt power plant with two 195-foot smoke stacks and related facilities (the "Power Plant") on property located less than 1/4 mile upwind of an existing K-8 elementary school in the unincorporated Romoland community. The District respectfully requests that a copy of this letter be entered into the record of proceedings of the County's Land Development Committee ("LDC") at your meeting on November 15, 2001.

I. Introduction

The District is responsible for providing public education to the K-8 student population in the unincorporated Romoland community of the County of Riverside. The District serves a predominantly minority¹ and low-income² population. The District currently operates 2 schools, one of which, the Romoland Elementary School, services approximately 700-800 students in a location less than 1/4 mile from the proposed Power Plant site.³

1 58.36% of the District's student population is Hispanic or Latino and over 3% of the student population is comprised of African Americans or other racial or ethnic minorities.

2 Fully 75% of the District's students qualify for the Free or Reduced Lunch Program, which means that their family incomes are below federal and State poverty levels. (See California Education Code §§ 49550-49560 and implementing regulations.)

3 See attached map, Exhibit 1, which depicts the spatial relationship of the Power Plant and the



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The District has reviewed the Application for Certification ("AFC") that Calpine has filed with the California Energy Commission ("CEC") in an effort to inform itself of the impacts that the proposed Power Plant will have on the District's student population and the community. Unfortunately, there are still many unanswered questions.⁴ The District respectfully submits that it would be premature for the LDC to conclude its deliberations regarding the proposed Power Plant, and most certainly premature to recommend approval of the Power Plant under any conditions, until the missing information has been provided.

Nevertheless, if for some reason the LDC intends to formulate a "final" recommendation regarding the Power Plant at this time (as Mr. Freitas orally indicated to me in our telephone conversation last week), the District submits that the evidence before the LDC and common sense demonstrate that the proposed Power Plant is incompatible with the adjacent Romoland Elementary School. The Power Plant impacts of most concern to the District that will affect the students at Romoland Elementary School include acute and chronic health effects from air pollutants, a significant increase in ambient noise levels at the school (both during construction and operational phases), adverse change in the land use character of the surrounding area, and the potential for toxic releases. These concerns are elaborated in more detail below. Accordingly, if Calpine desires to proceed with the proposed Power Plant at this location, the District urges the LDC and the County to strongly recommend to the CEC that approval of this project be conditioned upon Calpine's provision of sufficient funding to relocate the Romoland Elementary School to a more distant site acceptable to the District prior to the commencement of construction of the Power Plant facilities.

II. Summary of the District's Environmental Concerns

Subject to the District's right to supplement its statement of concerns when adequate environmental information regarding the Power Plant project (including without limitation the

Romoland Elementary School.

⁴ We understand, for example, that Calpine's AFC still has not been accepted as complete by the CEC due to the absence of material information. See, e.g., the letter from Steve Larson, Executive Director of the CEC, dated September 13, 2001, which is available at http://38.144.192.166/sitingcases/Inland_Empire/documents/index.html. Among the areas deemed incomplete by the CEC are Air Quality, Public Health, Land Use, Noise, and Socioeconomics/Environmental Justice. The all-important "Off-site Consequences Analysis," which is supposed to evaluate the environmental risks of the Power Plant on the adjacent community, has not even been prepared. While Calpine's AFC does acknowledge that the Romoland Elementary School is within the first impact zone of the proposed Power Plant (see, e.g., Figure K-9-1, the Sensitive Receptor Map) and that the prevailing wind patterns are often to the northwest, in the direction of the Romoland Elementary School (*id.*, Figures K-1-1 - K-1-4), little or no specific impact information regarding the school is provided.



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missing Off-site Consequences Analysis) is provided, the District will summarize below the basis for its environmental concerns regarding Calpine's project.

A. Air Quality

A primary concern of the District is the potential for health impacts to school children due to the emission of air pollutants from the Power Plant. These school children will undoubtedly figure among the maximum exposed population due to their attendance at school five days per week for nine months per year over a period of several years. Recent research has indicated that existing air quality standards may not adequately protect the most vulnerable portions of the population, especially young children. This concern about the adequacy of our air quality standards is shared by the State Legislature, which is currently evaluating existing standards pursuant to the Children's Environmental Health Protection Act (California Senate Bill 25, Escutia 1999).⁵

Calpine's AFC that was filed with the CEC identifies among its air quality significance criteria the "[exposure of] sensitive receptors to substantial pollutant concentrations." Yet, the AFC section on Air Quality contains no specific discussion of the impacts that would occur to the school children at Romoland Elementary. Most of the information provided in the AFC section on air quality relates to compliance with regulatory standards at the regional level. The District views this failure to address potential concerns related to Romoland Elementary students as a significant, unfortunate omission in the AFC.

The AFC clearly states that the Power Plant will result in emission of nitrogen oxide ("NOx"), carbon monoxide ("CO"), volatile organic compounds ("VOCs"), sulfur dioxide ("SO2"), and particulates less than or equal to 10 microns in diameter ("PM10"). Page II-4-5 of AFC. Based on the potential operation of the Power Plant for up to 24 hours per day, 7 days per week, school children face the possibility of being exposed to air pollutants from the Power Plant continuously during the nine years (K-8) of attendance at Romoland Elementary. Moreover, the

⁵ The Children's Environmental Health Protection Act (CEHPA, California Senate Bill 25, Escutia 1999), required the ARB and other state agencies to perform an evaluation of all health-based ambient (outdoor) air quality standards to determine whether these standards adequately protect human health, particularly that of infants and children. This evaluation suggested that health effects may occur in infants, children, and other potentially susceptible groups exposed to pollutants at levels near several of the current standards, prioritizing PM10, ground-level ozone (O³) and nitrogen dioxide (NO₂) for review. Staff is reviewing published studies on health effects of particulate matter (the first standard under review), and will present their recommendations on possible revisions of the PM standards to the Air Resources Board in May of 2002. Staff will also review similar literature on ground-level ozone and nitrogen dioxide over the next several years. Over time, the lower priority ambient air quality standards will be reviewed as well.

(See, California Air Resources Board, <http://arbis.arb.ca.gov/research/uaqs/caaqs/caaqs.htm>.)



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project will more than double the maximum concentration of NOx at certain times of the day (Table V.C4-13 indicates an impact of 244.3 $\mu\text{g}/\text{cubic meter}$ above a background concentration of 211 $\mu\text{g}/\text{cubic meter}$) and will increase the concentration of SO2 by almost 30 percent. Page V.C4-13.

The AFC's focus on compliance with regional air quality standards does not alleviate the District's concerns related to the students at the nearby Romoland Elementary School, who will bear the brunt of this new source of air pollution.

B. Public Health and Safety

The Public Health and Safety section of the AFC also addresses potential impacts from the release of air pollutants. This section includes a discussion of the public health risks to the Maximum Exposed Individual ("MEI") at the Maximum Impact Receptor ("MIR") based on air dispersion modeling. However, no mention of the Romoland Elementary School children is made in the section on Public Health and Safety aside from pointing out that the Romoland Elementary School is the location of the Sensitive Receptor nearest to the project site.

According to the dispersion modeling, the "cancer burden" of the project is not significant in terms of public health risk. At the same time, the AFC states that numerous non-criteria pollutants, such as ammonia, acetaldehyde, acrolein, benzene, ethylbenzene, formaldehyde, hexane, propylene, propylene oxide, toluene, xylene, chrysene, and other PAHs, may potentially be emitted to the air from the Power Plant. Page V.D5-4. The AFC goes on to acknowledge that "exposure to any level of a carcinogen has been considered to have a finite risk of inducing cancer." Page V.D5-5. ***The District is concerned that the analysis in the AFC does not appear to have taken into account the circumstances of the Romoland School students, who constitute a vulnerable population that will be almost continually exposed to the output of the Power Plant for an extended, multi-year period.***

C. Noise

The Power Plant will result in increased noise levels in the areas surrounding the project site, especially during construction.⁶ This increase in noise would have a significant adverse impact on Romoland students. The AFC, however, does not directly address the potential impact on students at Romoland School.

The AFC states that, "for residential areas, CNEL or Ldn levels below 55 dBA would be acceptable and levels above 65 dBA would be unacceptable." Page V.C3-4. Presumably, an elementary school would require quiet conditions closer to the 55 dBA level in order to provide a

⁶ According to the Inland Empire Project Fact Sheet, the construction period will last two years, ending in September 2004.



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proper environment for study and concentration. Currently, "the existing noise environment is moderate to quiet in the project area," below 55 dBA during most of the school day. Page V.C3-5. The AFC indicates that noise during the construction of the Power Plant at 1665 feet from the project site would be above 55 dBA on average. Table V.C3-3 on page V.C3-8. Of course, mitigation measure 3.C-1 ("Noisy construction activities shall be limited to the hours of 7 a.m. to 7 p.m.") would not do anything to alleviate this problem for the school children. Based on this information, it appears to the District that the Power Plant would create noise levels at the school that constantly exceed the maximum tolerable levels, at least during the construction period.

D. Toxic Releases

A fourth area of concern to the District is the potential for creation of toxic gasses at the site. The AFC identifies this potential at Page V.C6-4:

The hazardous materials to be stored include such incompatible chemicals as hydrochloric acid and ammonia, and sodium hydroxide and sulfuric acid. Mixing of these chemicals has the potential to violent reactions or generates toxic gasses.

The AFC also notes that:

If the aqueous ammonia is spilled or leaks, the ammonia in solution will evaporate as a gas into the atmosphere. At concentrations greater than 140 parts per million (ppm) the gas will cause detectable effects on lung function even for short time exposures (0.5 to 2 hours). At higher concentrations of 2,500 to 7,000 ppm, the gas will cause severe effects, with death at concentrations of 2,500 to 7,000 ppm. If a spill or leak occurs, ammonia gas could migrate off-site and potentially affect the health of humans at locations surrounding the facility. (Emphasis added.)

The District is concerned that, with up to 32,000 gallons of aqueous ammonia stored at the site, the potential for either admixture or evaporation and dispersal is significant. A more detailed understanding of this problem is inhibited by the fact that the Off-site Consequences Analysis, which is to evaluate this risk, has not been made available for public review. ***Absent additional information, the District feels that the existence of this risk to the students at Romoland Elementary would not be acceptable.***

E. Land Use

A final issue that the District would like to raise is the potential adverse impact on the land use character of the area in which Romoland Elementary School is located.⁷ The AFC

⁷ While the comments of the District have focused on the inappropriateness of issuing a Conditional



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focuses mainly on the fact that the Power Plant project is located within the County's Menifee North Specific Plan. The project site is zoned M-H, which allows for uses such as refineries and explosives manufacturing. Based on the character of the Menifee North Specific Plan and the zoning for the project site, the AFC concludes that "[o]peration of the Energy Center will not significantly impact land use of the project site or surrounding area." Page 11-7-8. The conclusion of the AFC does not seem to take into account the fact that the Power Plant project site is located closer to Romoland Elementary School than most of the other areas in the Menifee North Specific Plan.⁸ As one can see from Figure V.A-2, Romoland School is located directly across Highway 74 from the proposed project site, much closer to the proposed Power Plant than most of the land within the Menifee North Specific Plan, which are not contiguous and are situated to the east of the project site.

While the District realizes that the Land Use section is primarily analyzing legal issues, the fact that other portions of the Menifee North Specific Plan may have compatible land uses is immaterial when considering the impact on Romoland Elementary School, which is situated in extremely close proximity to the project site. The AFC fails to illustrate or provide comprehensible analysis concerning the relationship of the project site to adjacent land uses, including Romoland Elementary School.⁹

Despite the conclusions of the AFC, the construction of the Power Plant—a major industrial facility—has the potential to alter the land use character of this area in a way that would not be compatible with the existing Romoland School.

Use Permit for the Power Plant without mitigating the environmental impacts to the Romoland School, the District also questions whether the County could make the necessary findings to issue the necessary variance for the stack heights of the facility. Under California law, Government Code Section 65906, a local government must make a finding that special circumstances are applicable to the property. There is no evidence in the AFC or other materials provided that explains how the project site differs from other surrounding property. As stated in the CEC staff's List of Data Inadequacies: "Provide information which would support the issuance of a zone conformity determination and a variance under County regulations, and describe the criteria for making those determinations, for those project features which conflict with County development standards." (Government Code § 65906 provides as follows: "Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. ...")

⁸ See attached map, Exhibit 2, for a depiction of the North Menifee Specific Plan area.

⁹ The Inland Empire Energy Center Data Adequacy Determination, prepared by the CEC, made a similar point with respect to the ambiguity of the AFC, stating: "Figures do not differentiate between General Plan Land Use designations and zoning designations. Please provide a map that clearly delineates and identifies all existing zoning classifications in the study area." (Data Adequacy Worksheet at p. 40.)



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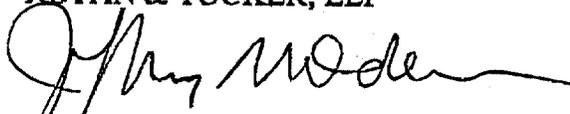
III. Conclusion

The District understands the need to meet California's growing energy needs and can see the advantages of the site selected by Calpine for its proposed Power Plant. Unfortunately, the project site also has the disadvantage of being located in close proximity to an established elementary school. In the Alternatives Analysis section, the AFC makes clear that siting the Power Plant adjacent to a planned school would be inappropriate.¹⁰ The District believes that it is even more inappropriate to site the Power Plant next to the existing Romoland Elementary School. For this reason, the District proposes that the LDC either delay making a recommendation to the County and CEC regarding the Power Plant or that the LDC include in any recommendation of approval for the Power Plant project that Calpine be fully responsible for relocation of the Romoland Elementary School to a more distant site acceptable to the District prior to the commencement of construction of the Power Plant facilities.

Once again, the District appreciates the opportunity to comment on the Inland Empire Energy Center and looks forward to working with the LDC and the County to resolve issues related to the conflicts between the proposed facility and the Romoland Elementary School.

Very truly yours,

RUTAN & TUCKER, LLP



Jeffrey M. Oderman

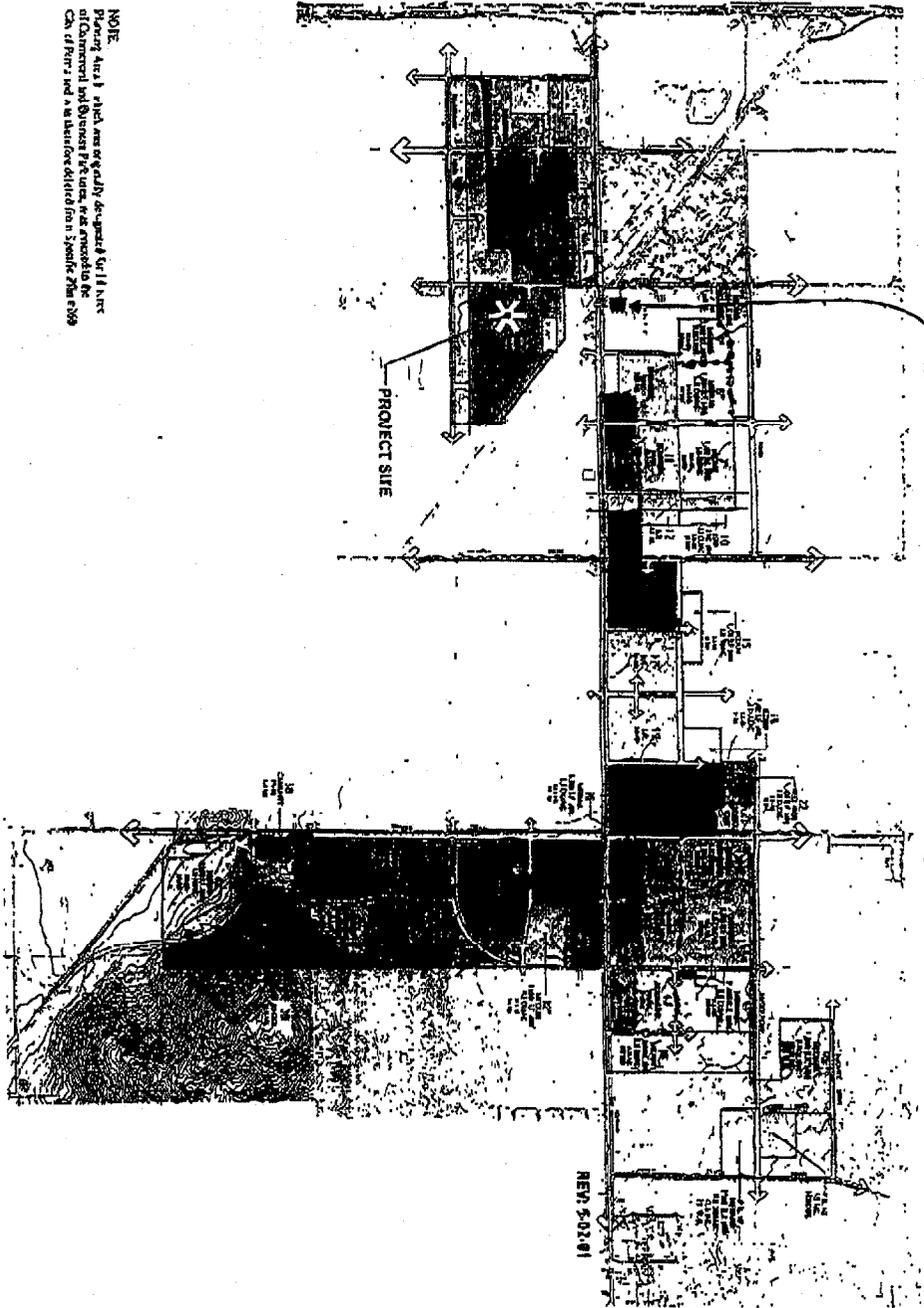
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Enclosures

cc: Roland Skumawitz, Superintendent, Romoland School District
Chairman Jim Venable and Members of the Board of Supervisors
Greg Lamberg, Business Development Director, Calpine
Fred Good, Ed.D., Principal, PJHM Architects
Jim Bartridge, Siting Project Manager, California Energy Commission

¹⁰ As the AFC states in discussing the infeasibility of alternative sites: "[Alternative Site A] was eliminated from further consideration because it was not zoned for industrial development and would have been adjacent to planned residences *and possibly a school*." Page V.H-12 (emphasis added).

NOTE:
 Planning Area 1 which was originally designated for 11 Acres
 of Commercial and Business Park uses, was amended to be
 C-1 District and a subdivision district from a specific 2.56 Acres



MENIFEE NORTH

Menifée North Property Owners Association

SPECIFIC LAND USE PLAN

LAND USE	ACRES	PARCEL DENOM.	PU
RESIDENTIAL			
Low Density (20' x 120')	6.2	10' x 120'	18
Medium Density (20' x 120')	0.11	110' x 120'	21E
High Density (20' x 120')	0.11	110' x 120'	21F
Medium Density (20' x 120')	0.11	110' x 120'	21G
High Density (20' x 120')	0.11	110' x 120'	21H
Medium Density (20' x 120')	0.11	110' x 120'	21I
High Density (20' x 120')	0.11	110' x 120'	21J

LAND USE	ACRES	PARCEL DENOM.	PU
Non-Residential			
Business Park (100' x 100')	1.0	100' x 100'	19
Commercial (100' x 100')	1.0	100' x 100'	20
Industrial (100' x 100')	1.0	100' x 100'	22
Community (100' x 100')	1.0	100' x 100'	23
Government (100' x 100')	1.0	100' x 100'	24
Public Use (100' x 100')	1.0	100' x 100'	25
Open Space (100' x 100')	1.0	100' x 100'	26
Other (100' x 100')	1.0	100' x 100'	27
Other (100' x 100')	1.0	100' x 100'	28
Other (100' x 100')	1.0	100' x 100'	29
Other (100' x 100')	1.0	100' x 100'	30
Other (100' x 100')	1.0	100' x 100'	31
Other (100' x 100')	1.0	100' x 100'	32
Other (100' x 100')	1.0	100' x 100'	33
Other (100' x 100')	1.0	100' x 100'	34
Other (100' x 100')	1.0	100' x 100'	35
Other (100' x 100')	1.0	100' x 100'	36
Other (100' x 100')	1.0	100' x 100'	37
Other (100' x 100')	1.0	100' x 100'	38
Other (100' x 100')	1.0	100' x 100'	39
Other (100' x 100')	1.0	100' x 100'	40
Other (100' x 100')	1.0	100' x 100'	41
Other (100' x 100')	1.0	100' x 100'	42
Other (100' x 100')	1.0	100' x 100'	43
Other (100' x 100')	1.0	100' x 100'	44
Other (100' x 100')	1.0	100' x 100'	45
Other (100' x 100')	1.0	100' x 100'	46
Other (100' x 100')	1.0	100' x 100'	47
Other (100' x 100')	1.0	100' x 100'	48
Other (100' x 100')	1.0	100' x 100'	49
Other (100' x 100')	1.0	100' x 100'	50
Other (100' x 100')	1.0	100' x 100'	51
Other (100' x 100')	1.0	100' x 100'	52
Other (100' x 100')	1.0	100' x 100'	53
Other (100' x 100')	1.0	100' x 100'	54
Other (100' x 100')	1.0	100' x 100'	55
Other (100' x 100')	1.0	100' x 100'	56
Other (100' x 100')	1.0	100' x 100'	57
Other (100' x 100')	1.0	100' x 100'	58
Other (100' x 100')	1.0	100' x 100'	59
Other (100' x 100')	1.0	100' x 100'	60
Other (100' x 100')	1.0	100' x 100'	61
Other (100' x 100')	1.0	100' x 100'	62
Other (100' x 100')	1.0	100' x 100'	63
Other (100' x 100')	1.0	100' x 100'	64
Other (100' x 100')	1.0	100' x 100'	65
Other (100' x 100')	1.0	100' x 100'	66
Other (100' x 100')	1.0	100' x 100'	67
Other (100' x 100')	1.0	100' x 100'	68
Other (100' x 100')	1.0	100' x 100'	69
Other (100' x 100')	1.0	100' x 100'	70
Other (100' x 100')	1.0	100' x 100'	71
Other (100' x 100')	1.0	100' x 100'	72
Other (100' x 100')	1.0	100' x 100'	73
Other (100' x 100')	1.0	100' x 100'	74
Other (100' x 100')	1.0	100' x 100'	75
Other (100' x 100')	1.0	100' x 100'	76
Other (100' x 100')	1.0	100' x 100'	77
Other (100' x 100')	1.0	100' x 100'	78
Other (100' x 100')	1.0	100' x 100'	79
Other (100' x 100')	1.0	100' x 100'	80
Other (100' x 100')	1.0	100' x 100'	81
Other (100' x 100')	1.0	100' x 100'	82
Other (100' x 100')	1.0	100' x 100'	83
Other (100' x 100')	1.0	100' x 100'	84
Other (100' x 100')	1.0	100' x 100'	85
Other (100' x 100')	1.0	100' x 100'	86
Other (100' x 100')	1.0	100' x 100'	87
Other (100' x 100')	1.0	100' x 100'	88
Other (100' x 100')	1.0	100' x 100'	89
Other (100' x 100')	1.0	100' x 100'	90
Other (100' x 100')	1.0	100' x 100'	91
Other (100' x 100')	1.0	100' x 100'	92
Other (100' x 100')	1.0	100' x 100'	93
Other (100' x 100')	1.0	100' x 100'	94
Other (100' x 100')	1.0	100' x 100'	95
Other (100' x 100')	1.0	100' x 100'	96
Other (100' x 100')	1.0	100' x 100'	97
Other (100' x 100')	1.0	100' x 100'	98
Other (100' x 100')	1.0	100' x 100'	99
Other (100' x 100')	1.0	100' x 100'	100

LEGEND:
 1. The maximum lot size to be used shall be 10,000 sq. ft. with a minimum of 10,000 sq. ft. for each lot.
 2. The minimum lot size shall be 10,000 sq. ft. for each lot.
 3. The minimum lot size shall be 10,000 sq. ft. for each lot.
 4. The minimum lot size shall be 10,000 sq. ft. for each lot.
 5. The minimum lot size shall be 10,000 sq. ft. for each lot.
 6. The minimum lot size shall be 10,000 sq. ft. for each lot.
 7. The minimum lot size shall be 10,000 sq. ft. for each lot.
 8. The minimum lot size shall be 10,000 sq. ft. for each lot.
 9. The minimum lot size shall be 10,000 sq. ft. for each lot.
 10. The minimum lot size shall be 10,000 sq. ft. for each lot.

FIGURE VA.2



VA.4