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Arizona Department of Consumer Affairs

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Testimony before the ACC Power Plant and Line Siting Committee
Tuesday, November 28, 2000
Case # L00000B-00-0105

Mark Sequeira
Citizens Opposed to SanTan



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History - COST

COST was formed to 1. Inform the public re: SanTan (esp. considering SRP was not including information residents needed to support/oppose the plant)
2. engage SRP in dialogue and help them understand what impacts the plant could have on surrounding neighborhoods. 3. Enlist the support of Gilbert local government. 4. Represent individuals and community concerns and opposition on behalf of those individuals and communities.

This representation was requested in the form of personal requests as well as letters to the ACC requesting the same.

Careful to verify the 790 tons of pollution figure and showed them the flyer. Asked them to choose how to tell neighbors about the impacts but to tell them. Involve the neighbors and HOAs before it gets out of hand. Let them know that if they did not release information to residents that we would organize.

Concerned that by the time they actually found out about the facility it would be too late. Remember that this was May and the CWG had been going since December.

Concerned that the proposed expansion did not solve the 2700mw need. SRP refused to tell COST or the community how they would meet this need in the future. No plan.

Asked SRP if they had been to the HOAs and they said yes, they had presented to Finley Farms not long ago. Multiple Finley Farms Boards members deny that SRP EVER spoke about the plant expansion or the impacts and instead focused on the RS18 lines and the trees, etc. they would exchange for the usage.

Disclosure

SRP has claimed to be FULLY INFORMING residents re: SanTan
In talking to area residents as late as last week:
The vast majority still do not know the full impact of SanTan.
If they have heard of it - believe that the Town already approved it.

STOP in Tempe admitted in discussions that they experienced the same issues with SRP's slam-polling and mailers.

SRP refused to hold any kind of forum or community meeting where residents could hear both sides or at least hear other resident's questions. Each resident was forced to find out 'detrimental' information independently.

Janeen Rohovit who is listed as the contact person on all the mailers (It is her

phone number) told me in a phone conversation that she "chose to present the plant in a positive light" and that she "sees it as a positive project and need not mention negative impacts." She said this after I asked about the need to disclose facts about the plant when 100's of homes are still being sold to the North and East of the facility and their children must attend these schools. Interestingly enough Janeen wasn't asked to testify. I was also told that neither she nor any other SRP employee other than those called by Mr. Sundloff intended to testify.

Since the Town was referring all calls to Janeen at SRP and since no other information was on their website, there was no way for buyers or R.E. agents to know about the impacts or possible property devaluation when buying their homes.

SRP in testimony claimed that they did not release information about stack height even to the community working group because they did not know the height for sure.

However Randy Dietrich told me on May 19th that the stacks had to be 150 at least because of passing air quality standards. SRP knew this information from Tempe. We are in the same airshed. If it was so in Tempe didn't it HAVE TO BE SO in Gilbert as well?

Community Working Group

I sat on it for a few sessions. Three to Four residents, a business owner, people from the Town (Water, Parks, Maggie Cathey and George Petit,..), and 20+ people from SRP and EPG. A very daunting group. Information was presented as "would you like A or B?," recommendations were not heeded - The CWG liked the stacks with the elevator in the middle. Randy and Randy told me personally at the open house that the same was true. Now they are saying something different. Was cost a factor?

Only 8 residents out of 100,000 people. Only 35 on a call list. Out of 35,000 living with 2 miles. How many from the RS 18 CWG? Three of the eight were later opposed to the plant. None were asked by their HOA to attend with the possible exception of Cathey Lopez (at Marshall Green's request?).

CWG meetings were held during the morning on weekdays. ending most residents ability to participate who so desired. Some later requests to the group were denied.

No one (Town, EPG or SRP) suggested going to the HOAS to alert them to the CWG or to place a member on it. WHY NOT? Wouldn't they be the best people to ask? They know the area and the needs best.

Note that no CWG member was asked to testify.

Open House

Publication of the June 7th open house was not on the website at all until stressed by myself to SRP. The phone line had the open house date but not the time of the meeting until brought to SRP's attention by myself one week prior to the event.

The December open house drew 35 people according to SRP.

As a result of COST talking to neighbors and passing out flyers over 350 people attended the June 7th open house. Approx. 280+ of these people signed the first petitions opposing the expansion of SanTan in their community and demonstrated with signs as cars pulled in. Channel 15 and all three newspapers covered this event.

Community shown pictures that are 15-20 years away. Not the reality of the situation. Not only stacks but HRSGS. SRP could decide to pull all the mitigation shown at the last open houses. Then it would be too late for residents to speak out. They have NO PROTECTION here.

Views of the plant- deceptive. Like Superstitions they look close till you take a picture. Then appear insignificant. Film does not allow for perspective and instantaneous focus like the eye. example of the Gilbert watertower. (Show exhibit.) compare exhibit 75.

Mailers -

Consider the average person reading an SRP mailer. How would they understand it? Look at the June 7th open house invitation.

That the Town of Gilbert had already APPROVED the expansion. Look at the newsletter following the June 7th postcard.

That the expansion was no big thing.

That there was a group from the community looking after their interests.

Promises of education dollars- To a community that places the highest concern on education. That has the highest number of children per household in the Valley.

Promises of no new transmission lines- Because they had already separated out and approved the RS18. And you've heard that more new lines are coming

SRP has claimed that the plant "will be compatible with surrounding neighborhoods." What neighborhood in Gilbert or the surrounding area has 150 foot tall buildings? Making constant noise for the surrounding neighbors?

Website -

The pictures of smokestacks and their mitigation were added to the SRP website only after Randy Palmer called Elisa Warner of COST and asked her to remove digital pictures from the COST website. When he realized that this would not be happening and that we were releasing the images to the press, SRP released pictures to the press and added them to the website.

For a long time the main SRP website had no link to the Santanfacts.org site.

Until June 7th there was NO information regarding the plant to interested

homebuyers etc. except the need for power (2700mw) graph.

Zoning

In 1996 SRP discussed selling a buffer that they had bought prior with the understanding that they needed a buffer between themselves and area residents. Who were those residents at the time? Farmers on the other side of the railroad tracks.

Why was a buffer considered important at that time but not when the land around the plant was being rezoned and houses being built right up against the power plant?

Compatibility

Two things here, **ZONING** (Can they build it) and **COMPATIBILITY** (fit).

Even IF SRP can demonstrate that they do not HAVE TO ADHERE TO THE PLAN AND CODE of the Town of Gilbert, YOU SHOULD CONSIDER THAT IF IT DOESN'T AGREE WITH THE TOWN'S PLAN and ZONING CODE that IT DOESN'T FIT IN THE COMMUNITY. THAT IT IS NOT COMPATIBLE.

Compatible BASED ON WHAT? - Town Gen. Plan, Unified Land Code, Building code, neighborhood, current usage, what? Let's look at each:

Gen Plan-

Go over General Plan-WHY. Go over land usage.

CEC app. Pg 2, community integration; Pg 21, Jurisdictions 5.2; (why no zoning map in application?); Figure A-3, Existing land use(Industrial?); Figure A-2, jurisdiction (Gilbert?); Pg B-2-2 LOCAL & B-2-3 Planned Land Use (AND LAST SENTENCE OF IMPACT ASSESSMENT AT BOTTOM OF PAGE!);

Cannot be considered Multi-Use Employment.

So SRP would not be in compliance with the General Plan .

Multi-Use Empl. **is for high intensity uses 'with a retail commercial emphasis'**.

Transition zones

Buffer

Amendment

Unified Land Code-

Go over zoning map. Point out AG. Point out other I-1 or I-2 PLUS BUFFER AREAS!

Go over Land Classifications

No industrial use of AG land

If SRP is compatible THEN SHOULDN'T THE NEW PLANT CONFORM TO AREA ZONING AND STANDARDS?

Building code -

There is a code against building going over 2 stories. On AG land primary buildings cannot go over 2 stories. There are very few billboards and no telephone lines. There was recently a battle over a 35 foot sign at Warner and Gilbert. The sign had to be reduced. The only big exception are SRP's transmission lines. If the rest of the Town is regulated at one height how can the plant be compatible with that Town?

Neighborhood -

Currently SRP isn't conforming to the neighborhood and they haven't since we've been there. SRP's

property is an eyesore with four foot tall weeds, dirt shoulder that causes cars to throw rocks at windshields and creates dust, no maintenance. Yet SRP wants us (and you) to believe that they will be compatible in the future? That they 'fit'? Please go drive this corner tonight if you haven't already. Look at all the surrounding areas.

Is there currently height restrictions in place for retail and residential?

Is there currently noise restrictions in place for both retail and residential? Is there a consensus on what the neighborhood should look like? Is there a consensus over noise and visual nuisance? The HOAs and Town documents say there is. IF SRP's EXPANSION CONTRADICTS THESE DOCUMENTS AND AGREEMENTS AS TO WHAT THE NEIGHBORHOOD AND AREA SHOULD BE can it be compatible?

Not just MY HOME- If my neighbor across the way moves out as a result of this plant, if Cathey or Saretta or Elisa Warner or Dave move out - That affects me. How can I replace a neighbor who cares enough to get involved. To go out and talk to their neighbors in front of their houses? In a world that is increasingly self-absorbed and non-neighborly? THE **COMMUNITY** IS IMPORTANT. Because it is a community. We borrow from one another and assist one another.

SRP understood that Kyrene was a better site yet minimized the expansion at that location. If that is so why is this plant expansion in Gilbert a good thing? It has less of a buffer, no industry surrounding it except for the railroad, insignificant industry in the town (as a whole as opposed to Tempe), they have to run more gas lines from the Kyrene facility, they have to divert water and they have to add additional powerlines (RS18).

The mitigation shown doesn't address two-story homes and their views of the facility or the steam plume which at 4 to 6 times it's present size will make it appear that we have a nuclear facility in our neighborhood. SRP has admitted that this plant will be visible from the U.S. 60 freeway (E-4, Regional Area, last line).

Air quality will go UP for all but NOX. This pollution will now be 310 days a year (85%), on an average, up from 105 days (30%).

Offsets do not have to come from Gilbert or the East Valley at all.
SRP has not definitively stated where offsets will come from.

The pollution is cleaner but who would have thought that the current plant would be so pollutive? In it's day it was 'clean' compared to COAL. Now it's grandfathered as this plant will be. In 20 years when cars are considerably cleaner polluting, as they are today compared to 10 years ago, this plant will not be required to be cleaned up.

Do we really believe that even though our air is measured Valleywide (the airshed) that the air in Gilbert and the East Valley will be the same or better as a result of this expansion? There are only three monitoring stations and the closest is three miles away upwind at Lindsay and Guadalupe.

Noise pollution: How long did SRP testify about noise? One page? Maybe two minutes? Has SRP demonstrated a 48-50db sound level? No. They have said it is equivalent to an air conditioner running outside and soft music from a radio. Personally I don't like hearing other people's music. I think they should keep it to themselves. It will ruin our quiet nights. Our neighbor talks about how quiet it is at night in our neighborhood. so much for sitting on the back porch relaxing.

All the HOA CC&R's have noise/nuisance ordinances. why is that important? They are trying to PROTECT the quality of life that CURRENTLY EXISTS. How can this be compatible?

What's more, these plants will cycle on and off so we will have up to three times as much venting and startup/shut-down noise in the 68-70+ db range. (Both these recorded ventings were at midnight BTW) According to the community working group notebook (On pg 7 of tab Meeting #3), at 68-70db there are

"widespread complaints and could be several threats for legal action or strong appeals to local officials to stop noise." Yet this will not bring down the value of homes in the area? You can approve this? 68-70db is as loud if not louder than normal speech. Like someone else talking at the same time?

Barking dogs only reach 60db according to page 4 of tab Meeting #3

THIS IS AFTER all mitigation is in place according to statements made by SRP and EPG at the community working group. AND ACCORDING TO THE CEC application, I-1, last paragraph. This level includes the brick wall as a noise buffer! (CEC, I-2)

THIS NOISE will now be heard 85% of the time night and day, seven days a week. That is not compatible with our community(ies)

How many HOAS or HOA presidents have come out in support of the facility? At least three are here in opposition. They felt they had to speak out on behalf of their residents. They even passed motions that allowed them to inform their homeowners about possible impacts regarding the facility and in support of COST.

Those who spoke at the beginning of this hearing in favor of the facility. Think back. Read their letters. They speak of a need for power and in support of meeting that need. NOT that this plant in a residential neighborhood is an ideal solution. If the plant was built somewhere, they would be happy. Many of these individuals also are supportive because of money to the public schools and no new power lines-which we now know is not the case.

TEMPE-

Has hvy industry already observable in city. Gilbert does not.

Has industrial land used for industry on North. Gilbert has Rancho Cimarron and Finley Farms (not to mention four other HOAS such as Silverstone).

Has industrial land used for industry to the East. Gilbert has Cottonwood Crossings.

Has a number of commercial buffer buildings between it and residents to the West. Gilbert has commercial retail buffer to the West.

Both facilities have a golf course to the south however Western Skies fronts the course in Gilbert.

There is a reason WHY the four largest power plants are located out in the middle of nowhere. Think about it. Because they are not compatible with PEOPLE.

WE ARE TALKING about 20,000 homes. 35,000 people. IN A TWO-MILE RADIUS of the plant.

Scott Harrelson told the Arizona Republic the same thing Wednesday, Sept 23, 1998, "The east Valley is growing so fast, and we're trying to get ahead of that growth with our systems and facilities...If we wait five or ten years, we will have a lot more subdivisions and then it causes more of a problem. If we can get ahead, people will know the facilities are there before they move to those areas."

NEED FOR POWER-

Has SRP PROVEN it's need for a new powerplant? There have been claims. I have not seen produced any records of usage, sales, generation, etc. I have not even seen PROOF that we hit a record this last year over the summer. We saw powerpoint presentations and some graphs but not PROOF. AND NOTHING TO PROVE THAT WE NEED MORE GENERATION. WE HAVE POWER. WE NEED TO GET IT INTO THE VALLEY.

When SRP negotiated a smaller facility at Kyrene they bought a long-term contract for power from someplace and found a way to bring it in. I remember the claim AT THAT TIME that the lines were maxed out yet they were able to negotiate a contract and get that power into the Valley.

SRP has not proven the need for MORE GENERATION. They have only PROVEN THAT THEY NEED TO UPGRADE THEIR SYSTEM TO GET THEIR CURRENT GENERATION INTO THE EAST VALLEY. This does not solve the need. They will be back. And what have you accomplished by granting them this permit? 5 or 6 years? When they can already go that long (according to Ms. Tripp) although it will be tight?

You will also be allowing SRP to continue to use Arizona's precious resources to sell power SRP already possesses from other SRP-owned plants on the wholesale market to other states in contravention of the law.

SRP's Randy Dietrich told me May 22, 2000 that SRP has INCREASED POWER SALES through wholesalers each year for the past three years while they have added approximately 30,000 new meters every year.

Gilbert residents should not be made to shoulder SRP's desire to keep rates artificially low.

SRP quotes (on their website and in print as well as at open houses) U.S. Energy Secretary Bill Richardson to lend authority to their claim for need of power and fear of rolling brownouts. However, the article cites "so called NIMBY fights (Not in my Backyard) make it increasingly difficult to cite new plants and power lines located IN ONE STATE THAT MAY BE ESSENTIAL TO SERVING CUSTOMERS IN ANOTHER STATE.." (U.S. Study Proposes Federal Lead Role In Preventing Summer Power Outages, John J. Fialka, Wall Street Journal, March 13, 2000)

There are alternatives to this facility. To putting the fourth largest power plant in a residential neighborhood. Randy testified that he believes "within 3 to 4 months of this permit they will begin looking at the next best site." At SanTan, the community has to bear a portion of the cost as well as the risk. It's unfair and will most likely involve lawsuits against SRP and the Town.

If new 500mw lines can be brought into existing corridors that could very well solve the problem. Arizona's power using Arizona's resources for Arizona's families. How many lines would it take to make up for SanTan?

Reliability is not a concern here because either a local power plant or a remote one may have distribution lines severed. Mr. Bonsall's testimony indicated that the VAST MAJORITY of failures on the system were on the distribution side. Generation still has to be distributed as well and poses the same risk of failure. Plus we already have 300 mw and Kyrene will have 250.

Plea -

People bought homes in the area with an understanding that even if the plant was there (and that is subject to dispute due to the zoning map and lack of signage or disclosure) an expansion of this magnitude would be impossible without public hearings and town approval.

Now these same individuals can't sell without losing 6% in the process.

Some don't have that equity yet.

Yet they will have to bear the burden of paying for this facility's expansion.

IF YOU ALLOW IT TO GO THROUGH.

Ask yourself, "What recourse will this home owner have?"

"What course of action will they have if SRP decides to renege on adding trees and berms?"

Will it not be too late?

Then it will be too late to realize that you've made a mistake in giving SRP the benefit of the doubt. That you have allowed them to put the fourth or fifth largest power plant in the state into a residential neighborhood. As large as the Hoover Dam.

What will happen when the neighbor sells and loses \$8,000. because others choose to buy farther from the facility?

SRP won't guarantee home values.

They won't even pay for an independent firm to come in and work for the Town or the community to assure area residents.

What has SRP done for the area? Fed them some punch and cookies at their open houses. Promised them horse trails (95% of the areas residents do not own horse property) and a small break on their taxes.

Gilbert residents pay more in property taxes than Scottsdale or anywhere else in the Valley because they want the quality of life and did not ask for a tax break from the town or SRP. In fact, they have consistently voted to increase taxes to make their life and Town even better.

There has now been some four protests in Gilbert re" SanTan involving hundreds of people. I do not recall when there was ever a protest in Gilbert. Gilbert residents have not gotten involved in political issues. Only 5 and a half percent voted for our last town elections. Recently 700+ signed petitions to get flouride on the ballot in November. 2500 petitions is a lot of people. You could walk with me down any street in the neighborhood and approach any door and 6 out of 8 people will oppose this plant.

Some will mention tax dollars going to education. Once they understand how they have been 'had' they quickly question whether the plant is really good for the community. You see, education is the number one issue in Gilbert. And SRP knows this. So they played the education card. But look into this promise. Ask someone from the actual Gilbert School District to explain where the money will actually go. You will find that it goes to saving taxpayers but little to zero for actual schools, teachers or students.

SRP is not interested in negotiating. We have asked Grant Woods and through Todd Taylor of STOP, Mike Evans has asked on our behalf, the mayor was asked to intervene.

COST is not opposed to a limited expansion that is part of a regional solution to the east Valley's power needs. Each individual who went to SRP about opening negotiations knew that COST was flexible and realistic regarding SanTan's future. SRP has said repeatedly that they are not interested in talking with us.

SRP has also told us that they did not intend to fund ANY independent study whether for the Town or for the area's residents. No air study, no real estate valuation study, no environmental Impact Study, nothing.

We have been to the Town and have gotten no response, responses that told us 'not to worry,' rude responses from Council Maggie Cathey, a letter from the town's attorney BUT NOT DIRECTLY FROM THE TOWN-ALTHOUGH THEY AGREE, and got the run around concerning whether or not SRP has the right to build this plant on AG land as well as the Town's attorney counselling SRP for free regarding putting Mr. Petit on the stand.

The Town has admitted that they have not verified ANY of SRP's data independently or for themselves. They believe SRP.

SRP doesn't get it. They think it's about MY PROPERTY VALUE, etc. Randy has stated that I COULDN'T HEAR THE PLANT FROM MY HOUSE...Why should I care if those across from the plant can hear it?

Because this is MY community. MY neighborhood. I like living here. I like my neighbors. I'm in it for

them. For us. IF SRP GOT THIS POINT THEN WE WOULDN'T BE HERE TODAY.

We would have worked out a solution that the community could have lived with long ago. I'm not saying that everyone would be happy. But the vast majority would have accepted it.

AFTER having had a chance to discuss it and look at the alternatives. SRP did not choose to follow that route.

Look at the map (exhibit 5). A family lives in each one of those specks. f you can guarantee those people, those young families, that this is for their good and will bring their family no harm, then approve this permit. But if you have questions, if it isn't all locked down. IF THERE IS THE POSSIBILITY THAT IT COULD HURT THE FAMILY THAT LIVES IN THAT SPECK then please reject this application or at least minimize it. Put substantial restrictions in it. Make SRP accountable to these young families with children.