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15 STATE OF CALIFORNIA  
16 State Energy Resources  
Conservation and Development Commission  
17

18 In the Matter of:

Docket No. 06-AFC-06

19  
20 Application for Certification For the  
21 Eastshore Energy Center  
22  
23  
24

**CHABOT-LAS POSITAS  
COMMUNITYCOLLEGE DISTRICT AND  
CHABOT-LAS POSITAS FACULTY  
ASSOCIATION'S WITNESS TESTIMONY  
EXHIBIT LIST**

25 **CHABOT INTERVENORS SUBMIT THE FOLLOWING:**

26 EXHIBIT LIST

27 Testimony of Carolyn Arnold

Exhibit 600

28  
WITNESS TESTIMONY EXHIBIT LIST  
06-AFC-06

**DOCKET**  
**06-AFC-6**

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Student Characteristics Report, Fall 2007 Attachment A to Exhibit 600

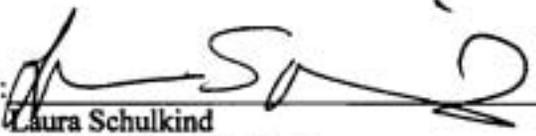
Biennial Student Survey, Fall 2007 Attachment B to Exhibit 600

Testimony of Susan Sperling Exhibit 601

Testimony of Rachel Ugale Exhibit 602

Dated: December 6, 2007

Liebert Cassidy Whitmore

By: 

Laura Schulkind  
Attorneys for Intervenor  
Chabot-Los Positas Community College  
District

Check box if continuation pages are attached.  
(Proof of Service attached.)

50711.1 CH030-032

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**TESTIMONY OF  
CAROLYN ARNOLD  
EXHIBIT 600**

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**TESTIMONY OF CAROLYN ARNOLD ON**  
**BEHALF OF CHABOT INTERVENORS**  
**PERTAINING TO ENVIRONMENTAL**  
**JUSTICE**

23 I am the Coordinator of Institutional Research and Grants for Chabot College, and I have  
24 served in this capacity for fourteen years. A copy of my curriculum vitae is part of the record of  
25 this proceeding and was filed in conjunction with the Chabot Intervenors' Prehearing Conference  
26 Statement.  
27  
28

1 My office is responsible for tracking student characteristics, success, and outcomes at  
2 Chabot College. Our information is based on quantitative and qualitative data gathered through  
3 my office and the office of admissions. My office is responsible for analyzing this data, as well  
4 as supplying it for state and federal reporting requirements.

5 I have reviewed our most recent Student Characteristic Report (a true and correct copy of  
6 which is attached to my sworn testimony as Attachment A.) Among other things, this report  
7 indicates the following:  
8

9 --During the course of a semester, Chabot College serves over 14,000  
10 students;

11 --During the course of a full academic year, Chabot College serves  
12 approximately 22,000 students; and

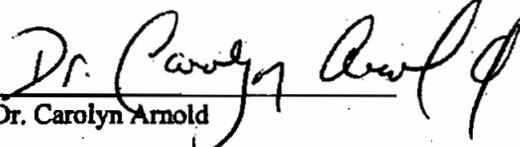
13 --Approximately 70% of our students are minorities.  
14

15 Additionally, my office just completed Chabot College's biennial student survey (a true  
16 and correct copy of which is attached to my sworn testimony as Attachment B.) Among other  
17 things, this survey indicates the following:

18 --40% of Chabot College's students are in their family's first generation to  
19 attend college; and

20 --60% of Chabot College's students are low-income by either federal or  
21 local standards.  
22

23 I declare under penalty of perjury under the laws of the State of California that the  
24 foregoing is true and correct and that this declaration was executed on December 6, 2007 at  
25 Hayward, California.

26  
27   
28 Dr. Carolyn Arnold

**ATTACHMENT A  
OF EXHIBIT 600**

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## Chabot College Student Characteristics Fall 2007 Preliminary Census

			Number	Percent										
			<b>Total Students</b>	14,212	100%									
<b>Gender</b>	<b>Female</b>	8,036	57%											
	<b>Male</b>	5,855	41%											
	<b>Unknown</b>	321	2%											
			<b>Student Type</b>			<b>Enrollment Pattern</b>								
			Full-time			Day only								
			12 or more units			4,194	30%	Both Day and Eve/Sat						
			Part-time			Evening or Eve/Sat								
			6 to 11.5 units			4,286	30%	Saturday only						
			.5 to 5.5 units			5,732	40%	Independently Scheduled						
<b>Race-ethnicity</b>						<b>Enrollment Status</b>								
African-American			2,102	15%	First time any college			2,603 18%						
Asian-American			2,414	17%	First time transfer			1,448 10%						
Filipino			1,445	10%	Returning transfer			1,489 10%						
Latino			3,268	23%	Returning			352 2%						
Middle Eastern			36	0%	Continuing			8,083 57%						
Native American			101	1%	In High School			237 2%						
Pacific Islander			371	3%										
White			3,110	22%										
Other			252	2%										
Unknown			1,113	8%										
<b>Citizenship</b>						<b>Student Educational Level</b>								
U.S. Citizen			11,838	83%	In High School			427 3%						
Permanent Resident			1,706	12%	Freshman (< 30 units)			7,863 55%						
Student Visa			105	1%	Sophomore (30-59 un.)			2,231 16%						
Other			561	4%	Other undergraduate			1,427 10%						
						AA/AS degree			837 6%					
						BA/BS or higher deg.			1,427 10%					
<b>Age</b>						<b>Official residence</b>								
19 or younger			3,452	24%	District Resident			9,635 68%						
20-21			2,256	16%	Other CA Districts			4,280 30%						
22-24			2,095	15%	Other States			154 1%						
25-29			1,790	13%	Other Countries			143 1%						
30-39			1,844	13%										
40-49			1,302	9%	Note: Cities in the District include									
50 or older			1,473	10%	Castro Valley, Dublin, Hayward,									
						Livermore, Pleasanton, San Leandro,								
						San Lorenzo, and Union City.								
<b>Local residence: Cities with over 100 students</b>									<b>New Students: High school districts</b>					
Hayward			4,247	30%	San Lorenzo			755 5%		Chabot College Districts				
San Leandro			2,045	14%	Newark			315 2%		Castro Valley				
Union City			1,444	10%	Alameda			183 1%		Hayward				
Castro Valley			1,062	7%	Pleasanton			103 1%		New Haven				
Oakland			916	6%	Livermore			115 1%		San Leandro				
Fremont			1,111	8%	Dublin			105 1%		San Lorenzo				
						Other local cities			1,811 13%		San Lorenzo			
												Moreau		
												28 1%		
												Dublin/Livermore/Pleas		
												33 1%		
												Other Alameda County		
												328 13%		
												Other Bay Area		
												132 5%		
												Other California		
												556 21%		
												Other States		
												85 3%		
												Other Countries		
												130 5%		
												<b>Total new students:</b>		
												2,603 100%		
												<b>Transfer students: Previous college</b>		
												CA Community College		
												1,602 55%		
												California State Univ.		
												365 12%		
												University of California		
												127 4%		
												CA private colleges		
												173 6%		
												Out of state		
												281 10%		
												Out of country		
												228 8%		
												Unknown		
												161 5%		
												<b>Total transfers:</b>		
												2,937 100%		

SOURCE: Chabot-Las Positas Institutional Research Dataset, Fall Census, preliminary count as of 10/18/07.

*Chabot College Office of Institutional Research*

**ATTACHMENT B  
OF EXHIBIT 600**

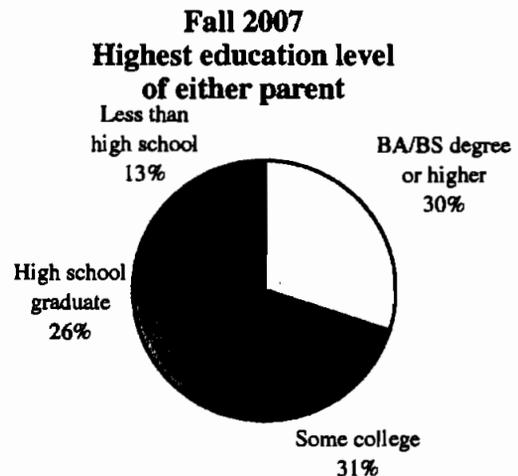
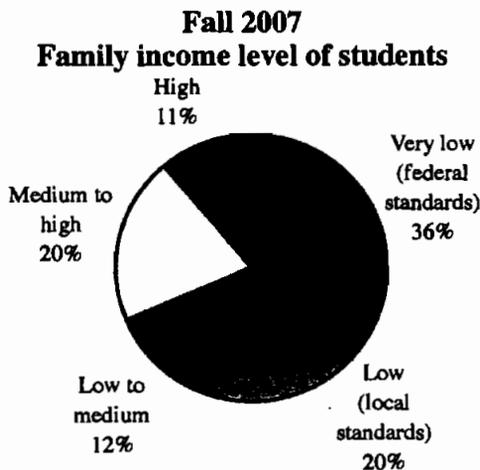
# Chabot College Student Accreditation Survey: Fall 2007

## Highlights

### Family Income and Status

The Student Accreditation Survey collects student demographic data that is not otherwise available, such as family income, parents' education, childcare needs, and living situations. This information is used to plan services and grants that respond to our students' needs. In 2007, 36 percent of Chabot students have low incomes according to federal standards and another 20% have low incomes based on local standards. This means that more than half (56%) of Chabot students are low-income. In addition, almost 60 percent of the students live with their parents, and almost 40 percent are in the first generation of their family to attend college.

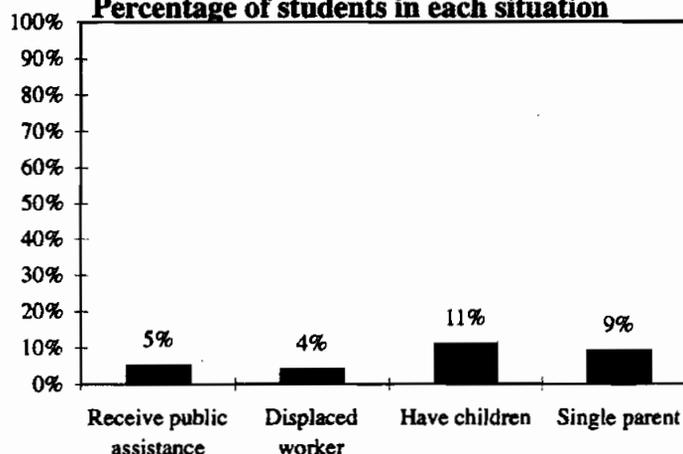
The Student Accreditation Survey was conducted in October 2007 in a representative sample of 69 classes. Surveys were completed by 1,379 students (63% full-time; 37% part-time).



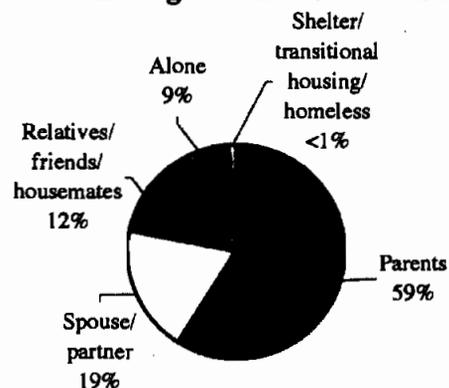
Notes: Family income was self-reported and adjusted by household size. Very low income is defined by the Federal government (i.e., US Department of Health and Human Services) as income earned up to 150% of national poverty level. Low income is defined as about 50% of local median income by the US Department of Housing & Urban Development.

NOTE: All percentages have a margin of error of 2 to 4 percentage points.

**Chabot College Fall 2007**  
**Other income and childcare information**  
**Percentage of students in each situation**



**Fall 2007**  
**Living situation of students**



**TESTIMONY OF  
SUSAN STERLING  
EXHIBIT 601**

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14 STATE OF CALIFORNIA  
15 State Energy Resources  
16 Conservation and Development Commission

17 In the Matter of:

Docket No. 06-AFC-06

18 **Application for Certification For the**  
19 **Eastshore Energy Center**

**TESTIMONY OF SUSAN SPERLING ON**  
**BEHALF OF CHABOT INTERVENORS**  
**PERTAINING TO PUBLIC HEALTH AND**  
**ENVIRONMENTAL JUSTICE**

20 I am a tenured faculty member of the Chabot-Las Positas Community College District,  
21 and have been teaching at the Chabot College campus for twenty-one years, primarily in the  
22 areas of biological and cultural anthropology. Also as a biocultural anthropologist and  
23 postdoctoral fellow at UCSF, I have researched the relationship between multiple stressors on  
24 immigrant communities and health outcomes, and have taught first and second year medical

1 students at UCSF in the CAB Program (Culture and Behavior across the Curriculum) about these.  
2 This is now a required element of medical training at UCSF and in it we examine health  
3 behaviors and outcomes in the context of ethnicity, race and socioeconomic class. Medical  
4 students are referred to a robust body of research indicating, among other things, that the impact  
5 of accumulated environmental stresses may have a differential effect on morbidity and mortality in  
6 disenfranchised communities when compared to control populations. These stresses include the  
7 presence of heavy traffic, air pollution, and industrial plants, among other things. A copy of my  
8 curriculum vitae is part of the record of this proceeding and was filed in conjunction with the  
9 Chabot Intervenors' Prehearing Conference Statement.

10 I have reviewed the sworn testimony of Dr. Carolyn Arnold, regarding the demographics  
11 of Chabot College. As a long-standing member of the Chabot faculty, I am also familiar with the  
12 demographics of the College and surrounding community. Chabot Community College is located  
13 in a census tract with a highly diverse immigrant, poor and working class population and this is  
14 reflected in the demographics of the college itself. I have worked at Chabot with many students  
15 who have no reliable access to routine health care and who are confronting a variety of life  
16 stresses unknown to young adults in more affluent families. Many young people spend much of  
17 the work week, as do many infants and preschoolers (served by Chabot's Early Childhood  
18 Center) on the College campus. Faculty and other staff spend up to 40 or more hours a week at  
19 the College. So the College community shares with other local communities certain population  
20 features as well as risks.

21 I have reviewed the Final Staff Assessment (FSA) in this matter and find significant flaws  
22 in the methodology used by staff to analyze Environmental Justice ("EJ") impacts on the  
23 surrounding community, including Chabot College. It is my conclusion that these errors make  
24 the ultimate conclusions that there are no significant EJ impacts flawed and unreliable.

25 **Failure to Consider the Chabot College Student Community**

26 It is clear from a review of the FSA, that its demographic screening did not consider the  
27 presence of approximately 15,000 majority-minority students on the Chabot campus in its EJ  
28 analysis. In my opinion, it is appropriate to consider student populations, as well as residential

1 populations in conducting demographic screening and EJ analysis. I am aware that, even without  
2 considering the demographics of the Chabot student population, the FSA found that the  
3 surrounding community is over 50% minority and therefore conducted a disparate impact analysis  
4 in certain areas. However, students have unique vulnerabilities which should have been part of  
5 the disparate impact analysis. In particular, a majority of our students are the first in their family  
6 to attend a post-secondary educational institution and are at significant risk of dropping out. Any  
7 increased stressors increase the risk that they will not continue their education. A thorough EJ  
8 analysis would take into consideration the impacts on an educational institution devoted largely to  
9 minority and poor students who are seeking an education to break out of the cycle of poverty.

10 **Failure to Recognize Chabot-Las Positas Community College District as an**  
11 **Interested Local Agency**

12 As recognized in the FSA, EJ factors include not only the negative environmental impacts  
13 on minority and low-income communities, but their equal access to the process for approving  
14 power plant sites. It is very troubling that the community of Chabot students—who largely come  
15 from minority, low-income and immigrant communities—did not receive the protection and  
16 advocacy of their college district. Their greatest opportunity to be heard and have their interests  
17 articulated is through the community college. By failing to solicit the required analyses and  
18 recommendations from the District, a historically disenfranchised community was relegated to the  
19 fringes of this process.

20 **FSA Conclusions Relating to Land Use Compatibility and Traffic/Transportation**

21 The California Government Code at §65040.12 defines environmental justice as “fair  
22 treatment of people of all races, cultures and incomes with respect to the development, allocation,  
23 implementation, and enforcement of environmental laws, regulations and policies.” (Eastshore  
24 FSA, 2007, 2-4) In reviewing 11 areas of potential concern regarding environmental justice  
25 raised by the proposed Eastshore Project, CEC staff found only two requiring “environmental  
26 justice screening”: Land Use and Traffic, and Transportation. In each of these two areas  
27 however, staff set aside environmental justice concerns because they concluded that potential  
28 adverse public health and other effects would have no differential impact on populations by race,

1 ethnicity or socioeconomic class (Eastshore FSA 2-4.) Thus, while acknowledging that “A greater  
2 than 50% minority and low-income population have been identified within a one-mile radius of  
3 the Eastshore site” (FSA, 1-5), CEC staff does not find significant issues of environmental justice  
4 posed by the proposed Eastshore development. For the reasons discussed below, this analysis is  
5 flawed because it incorrectly assumes that different populations experience environmental  
6 impacts in the same way.

7 **FSA Conclusions that Eastshore Does Not Present Health Risks to Poor and**  
8 **Minority Communities**

9 The FSA Public Health section prepared by Dr. Greenberg (4.7-1), evaluates potential  
10 public health risks posed by the project and “does not expect there would be any significant  
11 adverse cancer, or short or long-term non-cancer health effects from the project”, and that  
12 “emissions from Eastshore would not contribute significantly to morbidity or mortality in any age  
13 or ethnic group residing in the project area.” For the reasons discussed below, this conclusion is  
14 also flawed, as it fails to consider public health concerns particular to minority and low-income  
15 communities. The FSA indicates that its analysis accounted for impacts on what it describes as,  
16 “the most sensitive individuals in a given population, including newborns and infants,”  
17 However, this methodology is inadequate, as there is no indication that it considered the unique  
18 vulnerabilities of poor and low-income residential and student communities.

19 **Methodology Concerns**

20 There are a number of lines of evidence not considered by CEC staff that call into  
21 question staff conclusions regarding potential environmental justice impact and public health. In  
22 drawing these conclusions, CEC staff have not considered a body of emerging relevant theory and  
23 data from public health/epidemiological disciplines examining the particular susceptibilities of  
24 low-income and minority populations to multiple stressors in the physical, economic and social  
25 environments. Conditions such as low birth weight, hypertension, cardiovascular disease and  
26 asthma pose problems in many low-income communities (Committee on Population, 2007;  
27 O’Neil et al.,2003). Low birth weight alone appears to predispose individuals to greater  
28 vulnerability to environmental stress over the entire lifespan (Barker, 1998). These and other

1 emergent data require that we redefine what constitute acceptable levels of air pollution for  
2 particular communities.

3 As CEC staff consultant Dr. Greenberg acknowledges in the FSA "Exposure to multiple  
4 toxic substances may result in health effects that are equal to, less than, or greater than effects  
5 resulting from exposure to the individual chemicals. Only a small fraction of the thousands of  
6 potential combinations of chemicals have been tested for the health effects of combined  
7 exposures." (Eastshore FSA, 4.7-6) Clearly the area of multiple toxics exposure is in an early  
8 stage of science. In light of this fact, the emerging data on higher susceptibilities of vulnerable  
9 populations must be reviewed by the CEC for an impartial and fair analysis of these important  
10 issues, and as mandated by CEC rules and procedures.

11 CEC staff analysis also does not adequately take into account the potential cumulative  
12 impact of siting a second new power plant in a community already at heightened risk (see  
13 below), and heavily impacted by exhaust from diesel truck traffic in the immediate vicinity of the  
14 College and the plant(s). As the FSA makes clear, the demographics of the relevant surrounding  
15 area raise potential issues of environmental justice if air quality is affected by the proposed siting  
16 of the Eastshore Project. Recent research indicates that acceptable thresholds for pollutants may  
17 vary, depending upon demographics and accumulated stresses. Thus, a threshold that applies to a  
18 socioeconomically privileged demographic may differ for disenfranchised communities. This fact  
19 is simply not addressed anywhere in the FSA.

20 A Report of the Public Law Research Institute at UC Hastings College of Law,  
21 Opportunities for Environmental Justice in California, Agency by Agency (Auyong, 2003) raises  
22 some similar issues in CEC processes of analyzing environmental justice concerns:

23  
24 In attempting to integrate environmental justice concerns into this  
25 process the CEC focuses on three issues: demographics, public outreach,  
26 and impact assessment.....First the CEC examines the demographic nature  
27 of the potentially "affected area", i.e. within a six-mile radius of the  
28 proposed facility, or a more precise area when feasible. The criteria for  
what makes an area "affected" include air quality, water, visuals, traffic,  
public health, and noise effects. If "minority" or "low-income" individuals  
comprise over 50% of the population in this "affected area", than an  
affected minority and/or low-income population is found. This finding,

1 presumably, is the threshold for the CEC to determine that environmental  
2 justice is possibly implicated in the matter.

3 The assumptions underlying this finding, however, are debatable.  
4 For example, the determination of the affected area appears to consider  
5 only the additional impact of the power facility, not the cumulative impact  
6 of the facility with other existing conditions that affect air quality, water,  
7 public health, etc., in this area. (emphasis mine.).

8 The Hastings Report concludes that the CEC appears to be making a good faith effort to  
9 address certain environmental justice issues in the licensing of power plants, but that "Whether  
10 these efforts are sufficient is open to debate." (Auyong, 2003) The Report raises the following  
11 questions about CEC processes of considering environmental justice (pp. 19-25.):

- 12 • Are the public hearings merely informational, or are comments truly welcome?
- 13 • Have the important decisions already been made prior to any public  
14 announcements or hearing?
- 15 • Are cumulative and indirect impacts taken into full consideration and how?
- 16 • Does current and future policy take adequate account of history of the proximity of  
17 many power facilities to minority and/or low-income communities?

18 The Report concludes that the CEC is mandated to assess trends in energy consumption  
19 and to "analyze the social, economic, and environmental consequences of these trends." (Public  
20 Resources Code 25216a) and that "Having pertinent data is an essential requirement to identify,  
21 evaluate and, where appropriate, act on or dispel, environmental justice concerns."

22 The Hastings Public Law Research Institute is not alone in raising questions about the  
23 CEC's current methodology in assessing environmental justice issues. The Latino Issues Forum's  
24 Report on California Energy Planning (2001) addresses concerns that: "...the State of  
25 California's rush to build gas-fired power plants as a solution to the energy crisis (is) at odds with  
26 its mandates to protect public health, the environment, and insure environmental justice for  
27 people of color and the poor. " The study examines 18 power plant projects, 17 of which are  
28 peaker plants, (for which specific location data were available to the public at the CEC web Site  
as of June 30, 2001.) The study concludes that "the majority of power plants considered by the  
CEC are planned for or being built in neighborhoods populated by people of color---especially

1 Latinos and African Americans.” The report proposes that, in light of these data, the Governor  
2 and Legislature should place a moratorium on all present and future gas-fired generation  
3 development until the CEC completes “full and detailed environmental justice impact analyses  
4 and comprehensive environmental reviews of existing and proposed energy facilities.”

5 Clearly, there is significant debate in legal and other interested communities about the  
6 current CEC approach to environmental justice concerns and these debates also provide a context  
7 for my testimony.

8 Biocultural Factors: The Differential Impact of Cumulative Stress in low-income and  
9 Underserved Communities

10 The Committee on Population (CPOP) of the National Academy of Sciences defines stress  
11 as “environmental demands that tax or exceed the adaptive capacity of an organism, resulting in  
12 biological and psychological changes that may be detrimental and place the organism at risk for  
13 disease or disability (Cohen et al., 1998). The hypothesis that “greater exposure to stress over the  
14 life course increases susceptibility to morbidity and mortality among members of minority groups”  
15 is well supported by data from many reliable epidemiological studies both here and abroad.

16 For example, British researcher Dr. Andrew Steptoe of the Department of Epidemiology  
17 and Public Health at University College, London studied residents of 18 higher SES  
18 neighborhoods and 19 low SES neighborhoods (Steptoe et al., 2001). The study concluded that  
19 high levels of noise, smells, and fumes from industrial plants in poorer neighborhood were  
20 associated with “poorer self-rated health, psychological distress and reduced ability to carry out  
21 activities of daily living.” (Interestingly Steptoe et al. found no association between neighborhood  
22 and different levels of smoking, diet or alcohol consumption or physical activity, suggesting that  
23 the environmental factors associated with poorer neighborhoods may act as independent  
24 stressors.)

25 The Eastshore FSA notes that asthma rates vary by race/ethnicity in Alameda County,  
26 with African Americans experiencing over twice the rate of asthma as non Hispanic whites.  
27 Public health research in numerous studies has demonstrated the prevalence of asthma at  
28 epidemic levels among minority populations in California and elsewhere. Given the apparent

1 greater susceptibility of certain groups to environmental stressors, including pollution, a uniform  
2 “acceptable level” of plant emissions may not apply to such populations. Risk factors may accrue  
3 in logarithmic progressions rather than additively. Again, research on the prevalence low birth  
4 weight in low-income communities(Barker, 1998) suggests that this factor alone can lead to  
5 greater effects from cumulative environmental challenges and higher morbidity and mortality at  
6 every life stage. The Eastshore FSA acknowledges “It is evident that further research is needed to  
7 definitively link emissions from gas-fired plants as a cause or exacerbation of asthma (FSA: 4.7-  
8 15). Given this fact, how then can we know, as stated two pages later, that “All impacts at all  
9 receptors, including sensitive receptors such as schools, would be below the level of significant  
10 impact.” (FSA: 4.7-17) What is an acceptable level of emissions from a second gas-powered plant  
11 near communities with potentially heightened susceptibilities, given that by CEC staff’s own  
12 admission, further research is needed to establish a linkage between such emissions and asthma?

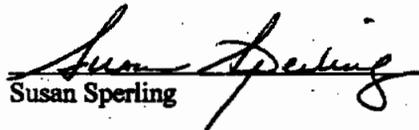
13 Yet, even without definitive data on such, we know quite a lot about populations at risk  
14 and the environmental hazards they tend to confront. According to the U.S. National Academy of  
15 Sciences Understanding Racial and Ethnic Differences in Health in Late Life: a research agenda  
16 ( 2004 ) “A considerable body of evidence has established that individuals of low socioeconomic  
17 status are more likely to suffer from disease, to experience loss of functioning, to be cognitively  
18 and physically impaired, and to experience higher mortality. The influence of socioeconomic  
19 status on health is assumed to begin in the prenatal environment and continue through life.  
20 Parents’ socioeconomic status affects childhood conditions, such as exposure to toxins and  
21 infectious agents. These conditions affect health immediately and possibly for years afterwards,  
22 the effects being only partly moderated by later changes in status...”

23 Recent data indicate that the interaction between socioeconomic status and air pollution in  
24 low-income communities is not just additive. Such emissions as produced by a natural gas-  
25 powered plant may have a greater impact on the health of working class and low-income  
26 communities. . A study by O’Neil et al. (2003) in the journal Environmental Health Perspectives  
27 notes that groups with lower socioeconomic status may receive more exposure to air pollution,  
28 and that such groups have already experienced greater material deprivation, less consistent access

1 to health care and greater psychosocial stress, and may therefore be more susceptible to the health  
2 effects of air pollution. Because of this mix of greater susceptibility and greater exposure to air  
3 pollution, such populations are apt to suffer differential and worse health effects from the  
4 presence of pollution plants than more economically privileged communities. These include  
5 reduced life expectancy, poorer birth outcomes and higher rates of asthma and cardiovascular  
6 disease.

7 In conclusion, I am confident that a more thorough review by CEC staff of relevant  
8 research on the potential adverse effect of the proposed siting of the Eastshore Project will indeed  
9 raise issues of environmental justice. The many low income, immigrant and minority  
10 communities served by the College are at potentially increased risk of suffering negative health  
11 impacts. It is incumbent upon us as an academic community to bring to your attention the most  
12 current, valid and heuristic science to consideration of these crucial issues.

13 I declare under penalty of perjury under the laws of the State of California that the  
14 foregoing is true and correct and that this declaration was executed on December 6, 2007 at  
15 Hayward, California.

16  
17   
Susan Sperling

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19 References Cited

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**TESTIMONY OF  
RACHEL UGALE  
EXHIBIT 602**

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20 STATE OF CALIFORNIA  
21 State Energy Resources  
22 Conservation and Development Commission

23 In the Matter of:

24 Docket No. 06-AFC-06

25 **Application for Certification For the**  
26 **Eastshore Energy Center**

27 **TESTIMONY OF RACHEL UGALE ON**  
28 **BEHALF OF CHABOT INTERVENORS**  
**PERTAINING TO IMPACT ON**  
**EDUCATIONAL RESOURCES**

I have served as a member of the classified service of the Chabot-Las Positas Community College District at its Chabot campus for thirteen years. I am also president of the Classified Senate of Chabot College, and have served in this position for three years. The Classified Senate

1 participates in shared governance of the College and participates in decisions that relate to the  
2 interests and welfare of the college's classified employees. In my capacity as Senate President, I  
3 am familiar with the needs and concerns of the college's classified employees.

4 **High Level of Exposure to the Environment**

5 Chabot College employs approximately 226 classified staff on a 94 acre campus with over  
6 30 buildings. Many classified staff has duties that require them to work outside and engage in  
7 strenuous outside activities for all or part of the day. These jobs include such things as grounds  
8 maintenance, repairs, security, transportation and delivery services, leading outside recreational  
9 activities for children, and providing athletic training to our sports teams. Additionally, virtually  
10 all classified staff are routinely required to walk from building to building in the course of  
11 fulfilling their duties.

12 This regular and often strenuous outdoor activity has raised the serious concerns of the  
13 Classified Senate as to the potential negative health impacts of the Eastshore Power Plant on  
14 classified staff. It is my understanding that the specific demographics of Chabot College were not  
15 taken into consideration in analyzing the Eastshore application, and that these concerns were  
16 therefore not adequately factored into the CEC staff's conclusions.

17 **Impacts on Staffing**

18 Additionally the Classified Senate has serious concerns that approval of a second power  
19 plant so close to the campus will negatively impact student enrollment, which in turn threatens  
20 staffing levels. Chabot College's state funding is keyed to its enrollment. Thus, as enrollment  
21 declines, so does funding; and if funding declines, cutbacks in staffing are likely to occur.

22 The Classified Senate is also concerned with the impact of siting a second power plant so  
23 close to the campus on staff recruitment and retention. As president of the Classified Senate, I am  
24 involved in the hiring and retention of classified staff. It has been my direct experience that the  
25 college is already suffering with a high turn-over rate and difficulty filling positions. The  
26 Classified Senate believes that approval of the Eastshore Plant will compound this problem.

27 **Classified Senate Resolution**

28 Due to these serious concerns, on November 30, 2007, the Classified Senate, on behalf of

1 the classified staff of Chabot College, adopted a resolution opposing approval of the Eastshore  
2 Plant.

3 I declare under penalty of perjury under the laws of the State of California that the  
4 foregoing is true and correct and that this declaration was executed on December 6, 2007 at  
5 Hayward, California.



6  
7 Rachel Ugale

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9 50009.1 CH030-032

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**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION  
OF THE STATE OF CALIFORNIA**

**APPLICATION FOR CERTIFICATION  
FOR THE EASTSHORE ENERGY CENTER  
IN CITY OF HAYWARD  
BY TIERRA ENERGY**

**Docket No. 06-AFC-6**

**PROOF OF SERVICE  
(Revised 12/04/07)**

**INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the Docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a Proof of service declaration to each of the individuals on the proof of service list shown below:**

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**DECLARATION OF SERVICE**

I, Ervietta McCullough, declare that on **December 6, 2007**, deposited a copy of the attached **Chabot-Las Positas Community College District and Chabot Faculty Association (Chabot Intervenors) Witness Testimony Declarations of Carolyn Arnold, Susan Sperling and Rachel Ugale**; in the United States mail at San Francisco , California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

**OR**

Transmitted via facsimile transmission to those identified above with a Fax number.

**OR**

Transmission via electronic mail was consistent with the requirements of the California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.

  
**Ervietta McCullough**

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**Attachments:** Witness Testimony Exhibits.PDF

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Subject: Eastshore Energy Center; 06-AFC-06  
Importance: High

Dear Parties: