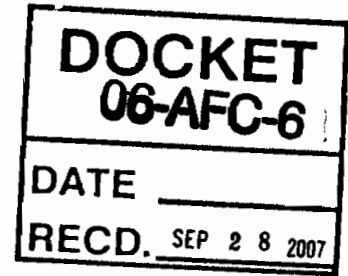


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Comments on the Preliminary Staff Assessment for the Eastshore Project
06-AFC-6

Land Use

The PSA has concluded that even if all mitigation measures and recommended conditions of certifications are adopted by the Commission and implemented by the applicant, all applicable laws, ordinances, regulations and standards (LORS) will not be complied with and significant adverse indirect environmental impacts to Land Use and Traffic and Transportation would likely result from the Eastshore project. The project should be abandoned at this time to prevent further waste of Energy Commission Resources. CEC Staff and now the FAA in its September 18, 2007 letter concur that the placement of both the Russell City Energy Center and the Eastshore project are a hazard to aircraft safety. It is clear that the project and the Russell City Project both present safety hazards for pilots at the Hayward Airport.

Public Health

I support the CEC Staff's Condition of Certification Health 1. The applicant is suggesting that the CEC PIER program analyze the emissions of toxics from the Wartsila Engines it has chosen for the project. This is nonsense to shift the applicant's burden of proof onto the CEC Staff. The Energy commission has limited resources and they should not be required to shoulder the burden of proof that rightfully belongs with the applicant. The applicant should consider another turbine one which has been tested and is not as filthy as the 14 engines proposed for this project.

Air Quality

PM-10

Air Quality Table 10 lists the projects maximum 24 hour PM-10 impact as 45 ug/m3 which is 90% of the state pm-10 standard. The maximum impact does not occur in a remote area but at Life Chiropractic College. This project should be denied in its current configuration. There is no way to mitigate this massive Pm-10 impact. Paper ERC's may mitigate the regional impact but the localized PM-10 impact cannot be mitigated. Even if the wood stove program were to be implemented in its entirety it will not reduce the 45 ug/m3 impact of the project at

Life Chiropractic College. The CEC staff should not be recommending approval of this project unless the equipment is changed.

This huge impact also eliminates any opportunity to use a seasonal mitigation scheme on this project since the projects impact alone is 90% of the state PM-10 standard. The project will create violations of the State PM-10 standard at any time during the year. Seasonal mitigation for PM impacts is not appropriate.

PM 2.5

The projects PM 2.5 impacts of 28.9 ug/m³ are 80% of the state PM 2.5 standard. This project is a disaster for all those who live in the PM 2.5 impact zone. These impacts cannot be mitigated and the CEC Staff should be recommending denial of the project based on the PM-10 and PM 2.5 impacts. To allow this project to proceed with these impacts is criminal. Any asthmatics or people with respiratory or heart disease will be severely impacted by this project emissions.

NOx

The mitigation proposal does not include any NOx reductions except for the possible reductions that may occur if the applicant is forced to use the woodstove program. While the staff assessment acknowledges the relationship of NOx to secondary PM 2.5 formation no mitigation is provided for the projects NOx emissions. The applicant has chosen to utilize only VOC emissions reduction credits. This is acceptable for the ozone impacts from the NOx emissions but not the secondary particulate formation that will occur. The proposal to use a 3 to 1 VOC to NOx ratio is also questionable. No site specific analysis has been performed to justify this interpollutant ratio. Recently the ARB has commented in the Colusa Project that VOC to NOx interpollutant substitutions are not recommended. Staff should consult the ARB and the EPA on this interpollutant ratio and not wait until the middle of evidentiary hearings to consult with the governing air quality authorities.

The Bay Area is largely responsible for the poor air quality in the San Joaquin Valley. The continued use of paper ERC's to offset emissions of new sources does not mitigate the significant air quality impact on the San Joaquin Valley. I support the proposed wood stove program to create real time emission reductions which do have a positive effect in the Bay Area and reduces transport to the San Joaquin Valley. Almost all of the projects that have been approved in the Bay Area recently have been mitigated with ERC's that have been pre 1990 or earlier. These emission reductions do not help reduce the high levels of pollutants that are transported to the San Joaquin Valley. I am requesting a meeting with the projects air quality and public health consultants to discuss these issues.