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 To: Susan Geffer <Sgeffer@energy.state.ca.us>, "County Counsel Massey Andrew...
 CC: Docket Optical System <Docket@energy.state.ca.us>, <docket@energy.state...
 Date: 1/8/2008 11:06 AM
 Subject: Eastshore Exhibit List, Docket 06-AFC-6
 Attachments: CEC Eastshore Grp Pet. EXHIBIT LIST-3.doc; cec eastshore faa richards hayward traffic pattern.pdf; CEC Eastshore AOPA 12-15-07-3.pdf

Susan Geffer
 Hearing Officer
 Eastshore AFC Committee
 California Energy Commission

Greetings:

Attached is Group Petitioners' corrected Exhibit List

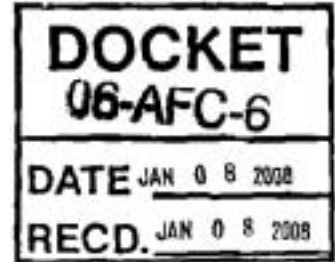
Also attached for docketing is a copy of Gary Cathey's declaration which was already docketed Dec. 7, 2007 to be offered into Evidence on January 14, 2007. Similarly, attached for docketing is a copy of Gary Cathey's Field Notes and Andy Richards' December 15, 2007 letter on behalf of the FAA, both of which were already accepted into evidence on December 18, but have yet to be docketed. These are respectively marked 729, 728 and 727.

Additionally, we attach for docketing to be offered as exhibits into evidence the letters from the Sierra Club's San Francisco Bay Chapter submitted under Public Comment on December 17 and the December 15, 2007 letter from AOPA which was submitted during the testimony of Carol Ford on December 18, 2007. (Based on our information, both organizations already submitted this correspondence directly to the CEC.) These are respectively marked and listed as Exhibits 730 and 731. Group Petitioners sponsor them under Land Use. Unless we receive notice by or before the close of business tomorrow, Wednesday, January 9, 2008, that a party wishes to cross-examine the writers on behalf of these organizations on January 14, 2008, we will otherwise provide declarations by or before January 14, 2008, that these letters constitute the true and correct positions of these organizations.

Lastly, please note that Exhibits 728, 729 & 730 are attached/page. (Our apologies to the docket unit for any inconvenience.) Therefore, I will send them in separate emails. Regards, Jewell



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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 HAYWARD
BY TIERRA ENERGY

DOCKET NO. 06-AFC-6
(AFC ACCEPTED 11/8/06)

TENTATIVE EXHIBIT LIST

APPLICANT'S EXHIBITS

- EXHIBIT 1** Application for Certification for the Eastshore Energy Center, dated September 22, 2006, docketed September 22, 2007. Sponsored by Applicant, and received into evidence on December 17, 2007.
- EXHIBIT 2** Supplement in Response to Data Adequacy Comments on the Application for Certification for the Eastshore Energy Center, dated October 31, 2006, docketed October 31, 2006. Sponsored by Applicant, and received into evidence on December 17, 2007.
- EXHIBIT 3** City of Hayward Application for Development Permit for the Eastshore Energy Center, dated November 2, 2006, docketed November 2, 2006. Sponsored by Applicant, and received into evidence on December 18, 2007.
- EXHIBIT 4** Reserved
- EXHIBIT 5** Eastshore's System Impact Study Report – Revision 2 and Facility Study Report, dated January 11, 2007, docketed January 25, 2007. Sponsored by Applicant, and received into evidence on December 17, 2007.
- EXHIBIT 6** Eastshore Data Responses Set #1, dated January 15, 2007, docketed January 15, 2007. Sponsored by Applicant, and received into evidence on December 17, 2007.

- EXHIBIT 7** Eastshore's Letter to City of Hayward Planning Commission re: Eastshore Project's conformance with General Plan and Industrial Zoning District, dated February 15, 2007, docketed February 15, 2007. Sponsored by Applicant, and received into evidence on December [redacted], 2007.
- EXHIBIT 8** Eastshore Data Responses Set #2, dated March 5, 2007, docketed March 5, 2007. Sponsored by Applicant, and received into evidence on December [redacted], 2007.
- EXHIBIT 9** Eastshore Data Responses Set #3, dated April 3, 2007, docketed April 3, 2007. Sponsored by Applicant, and received into evidence on December [redacted], 2007.
- EXHIBIT 10** Response to Committee Questions in Revised Scheduling Order on Alternatives, dated May 4, 2007, docketed May 4, 2007. Sponsored by Applicant, and received into evidence on December [redacted], 2007.
- EXHIBIT 11** Cumulative Air Quality Impact Analysis Modeling Files, dated May 4, 2007, docketed May 4, 2007. Sponsored by Applicant, and received into evidence on December 17, 2007.
- EXHIBIT 12** Supplemental Data Response (March 19, 2007 Workshop Questions 1-17), dated May 4, 2007, docketed May 4, 2007. Sponsored by Applicant, and received into evidence on December 17, 2007.
- EXHIBIT 13** Comments on the Preliminary Staff Assessment, dated September 19, 2007, docketed September 19, 2007. Sponsored by Applicant, and received into evidence on December 17, 2007.
- EXHIBIT 14** Project Owner's Supplemental Testimony in Transmission System Engineering and Local System Effects dated November 26, 2007. Sponsored by Applicant, and received into evidence on December [redacted], 2007.
- EXHIBIT 15** Project Owner's Supplemental Testimony in Air Quality, dated November 21, 2007. Sponsored by Applicant, and received into evidence on December 17, 2007.
- EXHIBIT 16** Project Owner's Supplemental Testimony in Alternatives dated November 23, 2007. Sponsored by Applicant, and received into evidence on December [redacted], 2007.

- EXHIBIT 17** Project Owner's Supplemental Testimony in Land Use dated November 26, 2007. Sponsored by Applicant, and received into evidence on December [REDACTED], 2007.
- EXHIBIT 18** Project Owner's Supplemental Testimony in Noise dated November 22, 2007. Sponsored by Applicant, and received into evidence on December 18, 2007.
- EXHIBIT 19** Project Owner's Supplemental Testimony in Public Health dated November 21, 2007. Sponsored by Applicant, and received into evidence on December 17, 2007.
- EXHIBIT 20** Project Owner's Supplemental Testimony in Traffic and Transportation dated November 23, 2007. Sponsored by Applicant, and received into evidence on December 18, 2007.
- EXHIBIT 21** Declarations of Project Owner's Witnesses dated November 21, 2007. Sponsored by Applicant, and received into evidence on December 17, 2007.
- EXHIBIT 22** Letter from the City of Hayward Regarding the Airport Approach Zoning Regulations, dated June 27, 2007, docketed June 27, 2007. Sponsored by Applicant, and received into evidence on December [REDACTED], 2007.
- EXHIBIT 23** Reserved
- EXHIBIT 24** Reserved
- EXHIBIT 25** Reserved
- EXHIBIT 26** Advisory Circular 139-05(0) "CASA" Guidelines for Conducting Plume Rise Assessments, dated: June 2004. Sponsored by Applicant, and received into evidence on December 18, 2007.
- EXHIBIT 27** Reserved
- EXHIBIT 28** CEC's Preliminary Staff Assessment for the Russell City Energy Center. Dated April 3, 2007. Sponsored by Applicant, and received into evidence on December 18, 2007.
- EXHIBIT 29** CEC's Final Staff Assessment for the Russell City Energy Center, dated July 2, 2007. Sponsored by Applicant, and received into evidence on December 18, 2007.

- EXHIBIT 30** Katestone Environmental Final Plume Vertical Velocity Assessment for the Russell City Energy Center, dated July 11, 2007. Sponsored by Applicant, and received into evidence on December 18, 2007.
- EXHIBIT 31** Katestone Environmental Addendum to the Final Plume Vertical Velocity Assessment for the Russell City Energy Center, dated July 11, 2007. **Docketed** _____. Sponsored by Applicant, and received into evidence on December 18, 2007.
- EXHIBIT 32** CEC's Errata to the Final Staff Assessment for the Russell City Energy Center, dated July 19, 2007. Sponsored by Applicant, and received into evidence on December 18, 2007.
- EXHIBIT 33** Russell City Energy Center July 19, 2007 Evidentiary Hearing Transcript, dated July 19, 2007. Sponsored by Applicant, and received into evidence on December 18, 2007.
- EXHIBIT 34** Reserved
- EXHIBIT 35** September 5, 2007 electronic mail from Will Walters to Gregory Darwin and Eric Knight re: Eastshore Plume Analysis Dated: September 5, 2007. **Docketed** _____. Sponsored by Applicant, and received into evidence on December 18, 2007.
- EXHIBIT 36** CEC Business Meeting Transcript, September 12, 2007, dated September 12, 2007. Sponsored by Applicant, and received into evidence on December 18, 2007.
- EXHIBIT 37** Letter and two e-mails from Federal Aviation Administration dated September 18 and 19, 2007, re FAA Written Response Regarding Hayward Powerplant Issue, dated September 18, 2007, docketed September 18, 2007. Sponsored by Applicant, and received into evidence on December 18, 2007.
- EXHIBIT 38** CEC Business Meeting Transcript, September 26, 2007, dated September 26, 2007. Sponsored by Applicant, and received into evidence on December 18, 2007.
- EXHIBIT 39** FAA's Safety Risk Analysis of Aircraft Overflight of Industrial Exhaust Plumes, Safety Study Report DOT-FAA-AFS-420-06-1. Dated January 2006. **Docketed** _____. Sponsored by Applicant, and received into evidence on December 18, 2007.

- EXHIBIT 40** FAA's Determination of No Hazard to Air Navigation, dated May 17, 2007, docketed May 17, 2007. Sponsored by Applicant, and received into evidence on December 18, 2007.
- EXHIBIT 41** FAA's Comments and Position Regarding TFR & NOTAM Flight Issues, dated October 16, 2007, docketed October 16, 2007. Sponsored by Applicant, and received into evidence on December 18, 2007.
- EXHIBIT 42** Letter from Federal Aviation Administration Regarding the Exhaust Stacks, dated July 18, 2007, docketed August 3, 2007. Sponsored by Applicant, and received into evidence on December 18, 2007.
- EXHIBIT 43** Letter from Federal Aviation Administration regarding Russell City Energy Center Impact on Hayward Executive Airport, dated September 25, 2007, docketed September 25, 2007. Sponsored by Applicant, and received into evidence on December 18, 2007.
- EXHIBIT 44** Federal Aviation Administration's Comments on the Eastshore Energy Center, dated October 16, 2007, docketed October 17, 2007. Sponsored by Applicant, and received into evidence on December 18, 2007.
- EXHIBIT 45** Letter from Federal Aviation Administration regarding Response to 8-23-07 Request for Comments on the Eastshore Energy Center, dated October 9, 2007, docketed October 12, 2007. Sponsored by Applicant, and received into evidence on December 18, 2007.
- EXHIBIT 46** City of Hayward Conditions for the Russell City Energy Center, dated May 25, 2007, docketed: May 25, 2007. Sponsored by Applicant, and received into evidence on December 18, 2007.
- EXHIBIT 47** City of Hayward's Response to Eastshore Energy Center and Russell City Energy Center Projects on One Site, dated June 1, 2007, docketed June 1, 2007. Sponsored by Applicant, and received into evidence on December 18, 2007.
- EXHIBIT 48** Letter from City of Hayward to CEC re: Application of Airport Approach Zoning Regulations to the Russell City Energy Center, dated June 27, 2007, docketed June 29, 2007. Sponsored by Applicant, and received into evidence on December 18, 2007.

- EXHIBIT 49** City of Hayward City Council, Resolution No. 05-125, Resolution Authorizing the Execution A Cooperation and Option Agreement with the Russell City Energy Center, dated October 11, 2005. Sponsored by Applicant, and received into evidence on December [redacted], 2007.
- EXHIBIT 50** City of Hayward City Council, Resolution #01-104, Resolution Finding the Russell City Energy Center Power Plant Use is Consistent with the General Plan and Zoning Ordinance. Dated July 10, 2001. Sponsored by Applicant, and received into evidence on December [redacted], 2007.
- EXHIBIT 51** City of Hayward Mayor and City Council Members' Closing Comments on the Eastshore Energy Center; 3/6/2007 and 3/13/2007 City of Hayward City Council Meetings; UNOFFICIAL TRANSCRIPT, dated March 13, 2007. Docketed [redacted]. Sponsored by Applicant, and received into evidence on December [redacted], 2007.
- EXHIBIT 52** Letter Report from Trinity Consultants re: stack modeling, dated March 8, 2006. Docketed [redacted]. Sponsored by Applicant, and received into evidence on December 18, 2007.
- EXHIBIT 53** Applicant's Proposed Revisions to Staff's Recommended Conditions of Certification, dated [redacted]. Docketed [redacted]; sponsored by Applicant and received into evidence on December 18, 2007.
- EXHIBIT 54** Errata to Eastshore Energy Center's Pre-Hearing Conference Statement, dated November 20, 2007. Docketed [redacted], sponsored by Applicant and received into evidence on December 18, 2007.
- EXHIBIT 55** BAAQMD's Spare the Air Tonight study regarding "Santa Clara County's Woodsmoke Rebate Program," 2006-2007 Winter Wood Smoke Season, dated March 2007. Docketed December [redacted], 2007. Sponsored by Applicant and received into evidence on December 18, 2007.

EXHIBITS 56-199 Reserved for Applicant's additional exhibits.

ENERGY COMMISSION STAFF'S EXHIBITS

- EXHIBIT 200** Final Staff Assessment for the Eastshore Energy Center, dated October 9, 2007, docketed October 9, 2007. Sponsored by Staff; received into evidence on December 17, 2007.
- EXHIBIT 201** Final Determination of Compliance. Bay Area Air Quality Management District, dated October 17, 2007, docketed October 23, 2007. Sponsored by Staff; received into evidence on December 17, 2007.
- EXHIBIT 202** Preliminary Staff Assessment for the Eastshore Energy Center, dated August 17, 2007, docketed on August 17, 2007. Sponsored by Staff; received into evidence on December 17, 2007.
- ▶ *Staff's initial Exhibit 202 is now City of Hayward Exhibit 513; Staff's current Exhibit 202 was Applicant's former Exhibit 34.*
- EXHIBIT 203** Letter from Gary Cathey, Chief, Office of Airports, California Department of Transportation, Division of Aeronautics, regarding the Eastshore Energy Center project. Dated November 1, 2007, docketed November 5, 2007. Sponsored by Staff; received into evidence on December 18, 2007.
- EXHIBIT 204** Letter from Joseph Rodriguez, Supervisor, Environmental Planning and Compliance Section, Western-Pacific Region, Airports Division, regarding the Eastshore Energy Center, dated October 9, 2007, docketed October 12, 2007. Sponsored by Staff; received into evidence on December 18, 2007.
- EXHIBIT 205** Port of Oakland Letter comments on the Preliminary Staff Assessment for the Eastshore Energy Center, dated September 14, 2007, docketed September 17, 2007. Sponsored by Staff; received into evidence on December 18, 2007.
- EXHIBIT 206** E-mail from David Butterfield, Flight Standards, Western Region, to Eric Knight, California Energy Commission, dated October 16, 2007, docketed October 17, 2007. Sponsored by Staff; received into evidence on December 18, 2007.
- EXHIBIT 207** Letter from Gregory T. Jones, City of Hayward City Manager, Comments on the Eastshore Preliminary Staff Assessment. Dated October 9, 2007, docketed October 10, 2007. Sponsored by Staff; received into evidence on December 18, 2007.

- EXHIBIT 208** Hayward Executive Airport Penetration Gate Plot for Gate East Shore, dated April 02-April 29, 2007, representing Shaelyn Strattan's testimony. Docketed [REDACTED]. Sponsored by Staff and received into evidence on December 18, 2007.
- EXHIBIT 208A** Track Target 370, dated April 27, 2007, representing Shaelyn Strattan's testimony. Docketed [REDACTED]. Sponsored by Staff and received into evidence on December 18, 2007
- EXHIBIT 209** Plume Velocity Curves for 7 Engines, representing Will Walters' testimony, dated [REDACTED] Docketed [REDACTED] Sponsored by Staff and received into evidence on December 18, 2007
- EXHIBIT 210** E-mail from Brewster Birdsall to Bill Pfanner, CEC Project Manager, regarding appropriate trading ratio for SOx to PM10, dated December 21, 2007. Docketed December 24, 2007. Sponsored by Staff and received into evidence on [REDACTED].

INTERVENOR PAUL HAAVIK'S EXHIBITS

- EXHIBIT 300** Energy Commission Memorandum to Bill Pfanner, from Shahab Khoshmashrab regarding Response to Applicant's Comments on Noise and Vibration, Preliminary Staff Assessment, dated and docketed November 6, 2007. Sponsored by Intervenor Haavik; received into evidence on December 18, 2007.
- EXHIBIT 301** Letter from the City of Hayward to Bill Pfanner, dated October 9, 2007, comments on the Energy Commission Preliminary Staff Assessment. Docketed [REDACTED] and sponsored by Intervenor Haavik; received into evidence on December 18, 2007.
- EXHIBIT 302** Letter from the Bank of Fremont from Terrence Stinnett, dated September 24, 2007. Docketed [REDACTED] and sponsored by Intervenor Haavik; received into evidence on December 18, 2007.
- EXHIBIT 303** Letter from the City of Hayward, Jesus Armas, City Manager to Bill Pfanner, dated May 31, 2007 regarding location feasibility. Docketed [REDACTED] and sponsored by Intervenor Haavik; received into evidence on December __, 2007.
- EXHIBIT 304** Letter from the City of Hayward, David Rizk, Planning Manager to Lorne Prescott, dated April 4, 2007 regarding land use issues. Docketed [REDACTED] and sponsored by Intervenor Haavik; received into evidence on December __, 2007.
- EXHIBIT 305** Letter from the City of Hayward, Jesus Armas, City Manager to Paul Richins, dated April 19, 2007 regarding inconsistencies with Zoning and the General Plan. Docketed [REDACTED] and sponsored by Intervenor Haavik; received into evidence on December __, 2007.
- EXHIBIT 306** Letter from the California Energy Commission, William Pfanner, Project Manager, to Jesus Armas, City Manager, City of Hayward, dated May 14, 2007 regarding feasibility of common sites. Docketed [REDACTED] and sponsored by Intervenor Haavik; received into evidence on December __, 2007.
- EXHIBIT 307** Hayward City Council Agenda for the March 6, 2007 City Council Meeting. Determination of whether the EASTSHORE project is consistent with the General Plan and Industrial Zoning District. Docketed [REDACTED] and sponsored by Intervenor Haavik; received into evidence on December __, 2007.

- EXHIBIT 308** Letter from the City of Hayward, Jesus Armas, City Manager to Lorne Prescott, dated January 12, 2007 regarding items for discussion. Docketed [REDACTED] and sponsored by Intervenor Haavik; received into evidence on December ____, 2007.
- EXHIBIT 309** Report of Conversation with Lorne Prescott and Jesus Armas, Docketed [REDACTED] and sponsored by Intervenor Haavik; received into evidence on December ____, 2007.
- EXHIBIT 310** Testimony of Jesus Armas, City Manager, City of Hayward. Docketed [REDACTED] and sponsored by Intervenor Haavik; received into evidence on December ____, 2007.
- EXHIBIT 311** Testimony of Beth Fancher, dated November 19, 2007. Docketed [REDACTED] and sponsored by Intervenor Haavik; received into evidence on December 18, 2007.

INTERVENOR CITY OF HAYWARD EXHIBITS

- EXHIBIT 401** Land Use Testimony and Resume of David Rizk, Planning Manager, dated December 6, 2007. Docketed December [REDACTED], 2007. Sponsored by Intervenor City of Hayward; received into evidence on December ____, 2007.
- EXHIBIT 402** Land Use and Traffic and Transportation Testimony and Resume of Robert Bauman, Director of Public Works, dated December 6, 2007. Docketed December [REDACTED], 2007. Sponsored by Intervenor City of Hayward; received into evidence on December 18, 2007.
- EXHIBIT 403** Letter from Larry Arfsten, Hayward Fire Chief to Roger Johnson, CEC, dated October 20, 2006. Docketed October 20, 2006. Sponsored by Intervenor City of Hayward; received into evidence on December ____, 2007.
- EXHIBIT 404** Resolution 07-028 of the Hayward City Council, dated March 13, 2007. Docketed April 4, 2004. Sponsored by Intervenor City of Hayward; received into evidence on December ____, 2007.
- EXHIBIT 405** Letter from Jesus Armas, Hayward City Manager to Shaelyn Stratten, CEC, dated June 27, 2007. Docketed June 27, 2007. Sponsored by Intervenor City of Hayward; received into evidence on December ____, 2007.
- EXHIBIT 406** Hayward General Plan Land Use Element, dated March 2002. Docketed December [REDACTED], 2007. Sponsored by Intervenor City of Hayward; received into evidence on December ____, 2007.
- EXHIBIT 407** Hayward General Plan Economic Development Element, dated March 2, 2007. Docketed December [REDACTED], 2007. Sponsored by Intervenor City of Hayward; received into evidence on December ____, 2007.
- EXHIBIT 408** Hayward Municipal Code Zoning Ordinance, current. Docketed December [REDACTED], 2007. Sponsored by Intervenor City of Hayward; received into evidence on December ____, 2007.
- EXHIBIT 409** Hayward Municipal Code Airport Approach Zoning Ordinance, current. Docketed December [REDACTED], 2007. Sponsored by Intervenor City of Hayward; received into evidence on December 18, 2007.

- EXHIBIT 410** Hayward Executive Airport, Airport Master Plan, dated April 2002. Docketed December [REDACTED], 2007. Sponsored by Intervenor City of Hayward; received into evidence on December 18, 2007.
- EXHIBIT 411** Department of Transportation, Federal Aviation Administration, Order 5190.6A – Airport Compliance Requirements, dated October 2, 1989. Docketed December [REDACTED], 2007. Sponsored by Intervenor City of Hayward; received into evidence on December 18, 2007.
- EXHIBIT 412** Reserved (*See Exhibit 513*)
- EXHIBIT 413** City of Hayward, City Services, Pilot Guide, current. Docketed December [REDACTED], 2007. Sponsored by Intervenor City of Hayward; received into evidence on December 18, 2007.
- EXHIBIT 414** California Department of Transportation, Airport Land Use Planning Handbook, dated January 2002. Docketed December [REDACTED], 2007. Sponsored by Intervenor City of Hayward; received into evidence on December 18, 2007.
- EXHIBIT 415** Reserved (*See Exhibit 204*)
- EXHIBIT 416** Letter from George Aiken, Manager, Safety and Standards. FAA, to Ross Dubarry, Airport Manager, Hayward Executive Airport, dated December 17, 2007. Docketed [REDACTED]. Sponsored by City of Hayward and received into evidence on December 18, 2007.
- EXHIBIT 417** Hayward Executive Airport, Penetration Gate Plot for Gate Eastshore, dated May 01–May 31, 2007. Docketed [REDACTED]. Sponsored by City of Hayward; received into evidence on December 18, 2007.
- EXHIBIT 418** Hayward Executive Airport, Penetration Gate Plot for Gate Eastshore, dated May 31–June 30, 2007. Docketed [REDACTED]. Sponsored by City of Hayward; received into evidence on December 18, 2007.

INTERVENOR ALAMEDA COUNTY EXHIBITS

- EXHIBIT 500** Testimony of Dr. Paolo Zannetti, docketed December [REDACTED], 2007. Sponsored by Intervenor Alameda County; received into evidence on December 18, 2007.
- EXHIBIT 501** Declaration and Resume of Dr. Paolo Zannetti, docketed December [REDACTED], 2007. Sponsored by Intervenor Alameda County; received into evidence on December 18, 2007.
- EXHIBIT 502** Reserved
- EXHIBIT 503** Reserved
- EXHIBIT 504** Testimony of Eileen Dalton, docketed December [REDACTED], 2007. Sponsored by Intervenor Alameda County; received into evidence on December ____, 2007.
- EXHIBIT 505** Declaration and Resume of Eileen Dalton, docketed December [REDACTED], 2007. Sponsored by Intervenor Alameda County; received into evidence on December ____, 2007.
- EXHIBIT 506** Final Eden Area Redevelopment Plan, dated July 2000, docketed December [REDACTED], 2007. Sponsored by Intervenor Alameda County; received into evidence on December ____, 2007.
- EXHIBIT 507** Map of all Redevelopment Subareas, docketed December [REDACTED], 2007. Sponsored by Intervenor Alameda County; received into evidence on December ____, 2007.
- EXHIBIT 508** Eden Area Redevelopment Project Five-Year Implementation Plan, FY 2004/05 – 2008/09, May 2005, docketed December ____, 2007. Sponsored by Intervenor Alameda County; received into evidence on December ____, 2007.
- EXHIBIT 509** Joint Redevelopment project Five Year Implementation Plan, FY 2004/05 – 2008/09, May 2005, docketed December [REDACTED], 2007. Sponsored by Intervenor Alameda County; received into evidence on December ____, 2007.
- EXHIBIT 510** Redevelopment Plan for the Alameda County – City of San Leandro Redevelopment Project, dated June 1993, docketed

December [REDACTED], 2007. Sponsored by Intervenor Alameda County; received into evidence on December [REDACTED], 2007.

- EXHIBIT 511** Declaration of Dave Needle, dated December 4, 2007, docketed December [REDACTED], 2007. Sponsored by Intervenor Alameda County; received into evidence on December 18, 2007.
- EXHIBIT 512** Resolution of the Airport Land Use Commission of Alameda County, dated August 15, 2007, docketed in the Russell City Amendment Proceedings (01-AFC-7C) August 16, 2007. Sponsored by Intervenor Alameda County; received into evidence on December 18, 2007.
- EXHIBIT 513** Resolution of the Airport Land Use Commission of Alameda County, dated October 17, 2007, docketed October 26, 2007. Sponsored by Intervenor Alameda County; received into evidence on December 18, 2007.
- EXHIBIT 514** Staff Report of the Airport Land Use Commission Proposed Russell City Energy Center Project, dated July 18, 2007, docketed December [REDACTED], 2007. Sponsored by Intervenor Alameda County; received into evidence on December 18, 2007.
- EXHIBIT 515** Staff Report of the Airport Land Use Commission Proposed Russell City Energy Center Project, dated August 15, 2007, docketed December [REDACTED], 2007. Sponsored by Intervenor Alameda County; received into evidence on December 18, 2007.
- EXHIBIT 516** Staff Report of the Airport Land Use Commission Proposed Eastshore Energy Center Project, dated September 19, 2007, docketed December [REDACTED], 2007. Sponsored by Intervenor Alameda County; received into evidence on December 18, 2007.
- EXHIBIT 517** Staff Report of the Airport Land Use Commission Proposed Eastshore Energy Center Project, dated October 17, 2007, docketed December [REDACTED], 2007. Sponsored by Intervenor Alameda County; received into evidence on December 18, 2007.
- EXHIBIT 518** Reserved
- EXHIBIT 519** Testimony of Larry Berlin, dated December 4, 2007, docketed December [REDACTED], 2007. Sponsored by Intervenor Alameda County; received into evidence on December 18, 2007.

EXHIBIT 520 Declaration and Resume of Mr. Larry Berlin, docketed December [REDACTED], 2007. Sponsored by Intervenor Alameda County; received into evidence on December 18, 2007.

EXHIBIT 521 Declaration and Resume of Dave Needle, docketed December [REDACTED], 2007. Sponsored by Intervenor Alameda County; received into evidence on December 18, 2007.

EXHIBIT 522 Reserved

EXHIBIT 523 Reserved

EXHIBIT 524 Reserved

EXHIBIT 525 Reserved

EXHIBIT 526 Reserved

EXHIBIT 527 Reserved

EXHIBIT 528 Reserved

EXHIBIT 529 Reserved

EXHIBIT 530 Reserved

EXHIBIT 531 Reserved

EXHIBIT 532 Testimony of Dr. Sandra Witt, dated December 5, 2007, docketed December [REDACTED], 2007. Sponsored by Intervenor Alameda County; received into evidence on December 17, 2007.

EXHIBIT 533 Declaration and Resume of Dr. Sandra Witt, docketed December [REDACTED], 2007. Sponsored by Intervenor Alameda County; received into evidence on December 17, 2007.

INTERVENOR CHABOT-LOS POSITAS COMMUNITY COLLEGE DISTRICT EXHIBITS

- EXHIBIT 600** Testimony of Carolyn Arnold, and the Student Characteristics Report, Fall 2007, and the Biennial Student Survey, Fall 2007. Docketed [REDACTED]. Sponsored by Intervenor Chabot-Los Positas Community College District; received into evidence on December 17, 2007.
- EXHIBIT 601** Testimony of Susan Sperling. Sponsored by Intervenor Chabot-Los Positas Community College District. Docketed [REDACTED] and received into evidence on December 17, 2007.
- EXHIBIT 602** Testimony of Rachel Ugale. Sponsored by Intervenor Chabot-Los Positas Community College District. Docketed [REDACTED] and received into evidence on December 17, 2007.
- EXHIBIT 603** A report referenced and cited in the written testimony of Dr. Sperling entitled Opportunities for Environmental Justice in California – Agency by Agency. Sponsored by Intervenor Chabot-Los Positas Community College District. Docketed [REDACTED] and received into evidence on December 17, 2007.
- EXHIBIT 604** Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts, National Environmental Justice Advisory Council. Sponsored by Intervenor Chabot-Los Positas Community College District. Docketed [REDACTED] and received into evidence on December 17, 2007.
- EXHIBIT 605** Resume of Dr. Susan Sperling. Sponsored by Intervenor Chabot-Los Positas Community College District; Docketed [REDACTED] and received into evidence on December 17, 2007.

INTERVENOR GROUP PETITIONERS' EXHIBITS

- EXHIBIT 700** Toxicological Profile for Acrolein, U. S. Department of Health and Human Services, Public Health Service Agency for Toxic Substances and Disease Registry, dated August 2007. Sponsored by Intervenor Group Petitioners; docketed December 7, 2007; received into evidence on December 17, 2007.
- EXHIBIT 701** Prioritization of Toxic Air Contaminants, Children's Environmental Health Protection Act, dated October 2001. Sponsored by Intervenor Group Petitioners; docketed December 7, 2007; received into evidence on December 17, 2007.
- EXHIBIT 702** AB 2588 Appendix F – Criteria for Inputs for Risk Assessment Using Screening Air Dispersion Modeling. Sponsored by Intervenor Group Petitioners; docketed December 7, 2007; received into evidence on December 17, 2007.
- EXHIBIT 703** National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines. U. S. Environmental Protection Agency, Federal Register, dated March 5, 2004. Sponsored by Intervenor Group Petitioners; docketed December 7, 2007; received into evidence on December 17, 2007.
- EXHIBIT 704** South Coast Air Quality Management District Board Meeting, date March 2, 2007, Agenda Item 3, Execute Contract to Demonstrate Feasibility of Refinery Fenceline Monitoring. Sponsored by Intervenor Group Petitioners; docketed December 7, 2007; received into evidence on December 17, 2007.
- EXHIBIT 705** Emission Factor Documentation for AP-42 section 3.2, Natural Gas Fired Reciprocating Engines, prepared for the U. S. EPA, dated July 2000. Sponsored by Intervenor Group Petitioners; docketed December 7, 2007; received into evidence on December 17, 2007.
- ▶ *Same as Exhibit 802.*
- EXHIBIT 706** California Air Toxics Emission Factor Database, front page, last updated October 12, 2007. Sponsored by Intervenor Group Petitioners; docketed December 7, 2007; received into evidence on December 17, 2007.

- EXHIBIT 707** California Air Toxics Emission Factors, Detail Report, available on line December 6, 2007. Sponsored by Intervenor Group Petitioners; docketed December 7, 2007; docketed December 7, 2007; received into evidence on December 17, 2007.
- EXHIBIT 708** A Survey of Monitoring Instruments for Measurement of Airborne Pollutants, prepared for the Energy Commission by New York State Energy Research and Development Authority, dated October 2002. Sponsored by Intervenor Group Petitioners; received into evidence on December 17, 2007.
- EXHIBIT 709** June 2005 Bay Area Air Quality Management District Air Toxics NSR program Health Risk Screening Analysis; docketed December 12, 2007 [listed December 6, 2007 by Group Petitioners]; received into evidence on December 17, 2007.
- EXHIBIT 710** Environmental Justice, Frequently Asked Questions, California Energy Commission, CEC Public Adviser's Office. Sponsored by Intervenor Group Petitioners; docketed December 12, 2007 [listed December 6, 2007 by Group Petitioners]; received into evidence on December 17, 2007.
- EXHIBIT 711** Declaration of Jay White, dated December 4, 2007. Sponsored by Intervenor Group Petitioners; docketed December 7, 2007; received into evidence on December 18, 2007.
- EXHIBIT 712** Declaration of Jay White, dated October 24, 2007, filed in the Russell City Energy Center. Sponsored by Intervenor Group Petitioners; docketed December 7, 2007; received into evidence on December 18, 2007.
- EXHIBIT 713** Declaration of Carol Ford, dated December 6, 2007. Sponsored by Intervenor Group Petitioners; docketed December 7, 2007; received into evidence on December 18, 2007.
- EXHIBIT 714** Declaration of Carol Ford, dated November 6, 2007, filed in the Russell City Energy Center. Sponsored by Intervenor Group Petitioners; docketed December 7, 2007; received into evidence on December 18, 2007.
- EXHIBIT 715** Federal Aviation Administration Grant Agreement, Part 1 – Offer, Project No. 3-06-0103-13, dated September 16, 2002. Sponsored by Intervenor Group Petitioners; docketed December 7, 2007; received into evidence on December 18, 2007.

- EXHIBIT 716** Declaration of Sherman Lewis, dated October 24, 2007, filed in the Russell City Energy Center. Sponsored by Intervenor Group Petitioners; docketed December 7, 2007; received into evidence on December [REDACTED], 2007.
- EXHIBIT 717** Declaration of Michael Toth, dated October 23, 2007, filed in the Russell City Energy Center. Sponsored by Intervenor Group Petitioners; docketed December 7, 2007; received into evidence on December [REDACTED], 2007.
- EXHIBIT 718** Declaration of Michael Toth, dated November 6, 2007, filed in the Russell City Energy Center. Sponsored by Intervenor Group Petitioners; docketed December 7, 2007; received into evidence on December [REDACTED], 2007.
- EXHIBIT 719** Letter dated November 2, 2007, to James Adams, California Energy Commission, from Carol Ford, California Pilots Association, with attachments: Assurances, Airport Sponsors, dated 9/99, and the Hayward Executive Airport Economic Benefit Study Executive Summary. Sponsored by Intervenor Group Petitioners; docketed December 7, 2007; received into evidence on December 18, 2007.

► *Exhibits submitted with Group Petitioners' Amendment to Exhibit List served on December 11, 2007:*

- EXHIBIT 719-A** Scientific Journal Article: "Acrolein is a major cigarette-related lung cancer agent: Preferential binding at p53 mutational hotspots and inhibition of DNA repair", Feng et al., PNAS 103 (42): 15404. (2006). Sponsored by Intervenor Group Petitioners; docketed December 12, 2007; received into evidence on December 18, 2007. (Exhibit number inadvertently repeated)
- EXHIBIT 720** Scientific Journal Article: "Lung cancer, cardiopulmonary mortality, and long-term exposure to fine particulate air pollution." Pope, et al., JAMA. 2002 Mar 6;287(9):1132-41. PMID: 11879110 [PubMed - indexed for MEDLINE]. Sponsored by Intervenor Group Petitioners; docketed December 12, 2007; received into evidence on December 18, 2007.
- EXHIBIT 721** Scientific Journal Article: "Reduction in fine particulate air pollution and mortality: Extended follow-up of the Harvard Six Cities study.", Laden, et al., Am J Respir Crit Care Med Vol 173. pp 667-672, 2006. Sponsored by Intervenor Group Petitioners; docketed December 12, 2007; received into evidence on December 18, 2007.

- EXHIBIT 722** Commissioned study: "IN-SITU ENGINE EMISSIONS TESTING AND COMPARISON FOR A HIGH SPEED FERRY AND COMPETING LAND TRANSIT VEHICLE, PHASE I: TASK 7.0: Final Report", Seaworthy Systems Inc., P.O. Box 965, Essex, CT 06426, prepared for Center for Commercial Deployment of Transportation Technologies (CCDoTT) California State University, Long Beach 6300 State University Drive, Long Beach, CA 90815. Sponsored by Intervenor Group Petitioners; docketed December 12, 2007; received into evidence on December 18, 2007.
- EXHIBIT 723** Product literature: "Gasmet In Situ Continuous Gas Monitoring analyzer", Avensys Inc. 400 Montpelier, Montreal, Quebec H4N 2G7, Tel: (514) 428-6766, Fax: (514) 428-8999. Sponsored by Intervenor Group Petitioners; docketed December 12, 2007; received into evidence on December 18, 2007.
- EXHIBIT 724** Product literature: "Extractive FTIR Air Emissions Testing", GE Energy, 4200 Wildwood Parkway, Atlanta, GA 30339. Sponsored by Intervenor Group Petitioners; docketed December 12, 2007; received into evidence on December 18, 2007.
- EXHIBIT 725** Scientific Journal Article: "Origin, Occurrence, and Source Emission Rate of Acrolein in Residential Indoor Air", Seaman, et al., Environ. Sci. Technol. 2007, 41, 6940-6946. Sponsored by Intervenor Group Petitioners; docketed December 12, 2007; received into evidence on December 18, 2007.
- EXHIBIT 726** "Source contributions to the mutagenicity of urban particulate air pollution.", Hannigan, et al., J Air Waste Management Assoc. 2005 Apr;55(4):399-410. Sponsored by Intervenor Group Petitioners; docketed December 12, 2007; received into evidence on December 18, 2007.
- EXHIBIT 727** Letter from Andy Richards, District Manager, San Francisco Air Traffic Control District, FAA, to California Energy Commission, dated December 18, 2007. Docketed January 8, 2008. Sponsored by Intervenor Group Petitioners, received into evidence on December 18, 2007.
- EXHIBIT 728** Field Notes for "Sutter Powerplant Overflight" from Gary Cathey, Chief, Office of Airports, Caltrans, Division of Aeronautics, dated February 18, 2003. Docketed January 8, 2008. Sponsored by Intervenor Group Petitioners and received into evidence on December 18, 2007.

- Exhibit 729** Declaration of Gary Cathey in support of Group Petitioners' petition to intervene, reopen the administrative record and for reconsideration executed on October 22, 2007, in Russell City Energy Center CEC Docket 01-AFC-7C. Docketed December 7, 2007. Sponsored by Intervenor Group Petitioners and received into evidence on January 14, 2008.
- Exhibit 730** Letter submitted on December 17, 2007, under Public Comment by San Francisco Bay Chapter of the Sierra Club executed by Terry Preston, Executive Committee Member of Southern Alameda County Chapter. Docketed January 8, 2007. Sponsored by Group Petitioners and received into evidence on January 14, 2008.
- Exhibit 731** December 15, 2007 letter from Aircraft Owners and Pilots Association executed by Bill Dunn, Airports Division submitted under Public Comment on December 17, 2007. Docketed January 8, 2008. Sponsored by Group Petitioners and received into evidence on January 14, 2008.

INTERVENOR ROBERT SARVEY'S EXHIBITS

- EXHIBIT 800** Testimony, Declaration, and Resume of Robert Sarvey. Docketed on December 7, 2007. Sponsored by Intervenor Sarvey; received into evidence on December 17, 2007.
- EXHIBIT 801** ARB New Release "Air Board Approves Stronger Nitrogen Dioxide Standards" docketed on December 7, 2007. Sponsored by Intervenor Sarvey; received into evidence on December 17, 2007.
- EXHIBIT 802** EPA AP-42 Emission Factors for Reciprocating Engines, docketed on December 7, 2007. Sponsored by Intervenor Sarvey; received into evidence on December 17, 2007.
- EXHIBIT 803** BAAQMD Reply Comments to ARB on PDOC Comments, docketed on December 7, 2007. Sponsored by Intervenor Sarvey; received into evidence on December 17, 2007.
- EXHIBIT 804** BAAQMD Reply comments to PDOC Comments, docketed on December 7, 2007. Sponsored by Intervenor Sarvey; received into evidence on December 17, 2007.
- EXHIBIT 805** ARB Fremont Chapel Way Maximum 1 hour average Data, docketed on December 7, 2007. Sponsored by Intervenor Sarvey; received into evidence on December 17, 2007.

EXHIBIT 806 Intervenor Sarvey's Proposed Revisions to Air Quality Condition AQ-SC8, dated December 17, 2007, and docketed . Sponsored by Intervenor Sarvey; received into evidence on December 17, 2007.



U.S. Department
of Transportation
**Federal Aviation
Administration**

Federal Aviation Administration
San Francisco Air Traffic Control Tower
T2-6-30
San Francisco, CA 94128

December 18, 2007

California Energy Commission
1516 Ninth Street
Sacramento, California 95614-5512

Dear Commissioners and Staff:

This correspondence is in response to the November 16, 2007 letter from the Commission requesting comments on the Final Staff Assessment (FSA) regarding the Eastshore Energy Center (Eastshore) project.

As District Manager of the Air Traffic Control function in the Bay Area, I oversee air traffic operations at both Hayward Executive and Oakland International Airports. I am very concerned about the impacts of the Eastshore project as it relates to both airports.

I agree with the your staff assessment which states that “the project site’s proximity to the traffic pattern for the Hayward Executive Airport and the downwind departure route for Runway 28L would unreasonably complicate aircraft maneuverability”. The project site will also impact departure procedures for runway 10R when the airport is in a southeast configuration. Additionally, based on the information I have researched in your docket, we have conducted a preliminary review of the impacts to the airport and the traffic pattern. I would like noted in the record that altering the Hayward Airport traffic pattern for plume avoidance is not a reasonable alternative.

Any alteration to the Hayward Airport traffic pattern would not only impact local Hayward pilots, but also affect aircraft arrivals into Oakland International Airport. Raising the pattern altitude would place the aircraft at Hayward in an unsafe proximity to turbojet aircraft arrivals to runway 29 at Oakland International Airport. The raised traffic pattern would not have the separation the FAA requires to have both airports operate independently. If not operated independently, both airports would suffer from greatly reduced efficiency.

Before the Air Traffic Organization (ATO) considers any alterations to the National Airspace System, a complete safety and risk analysis must be completed. The Airport Sponsor would have to put in a request to change the airport air traffic operation, and then the ATO would take the request under consideration. Additionally, any change would require the appropriate environmental analysis based on the current federal standards.

Thank you for considering our input in your decision-making process. If you have any additional questions, please contact me at (650) 348-6168 or e-mail at andy.richards@faa.gov.

Sincerely,

Andy Richards
District Manager, San Francisco Air Traffic Control District

cc.
City Manager, City of Hayward
California Pilots Association



AIRCRAFT OWNERS AND PILOTS ASSOCIATION

421 Aviation Way • Frederick, Maryland 21701-4798
Telephone (301) 695-2000 • FAX (301) 695-2375

December 15, 2007

Mr. James S. Adams, MA
Environmental Office, MS 40
California Energy Commission
1516 9th Street
Sacramento, California 95814-5504

Subject: Eastshore Energy Center

Dear Mr. Adams:

The Aircraft Owners and Pilots Association (AOPA) represents the general aviation interests of 414,000 members, more than two-thirds of the nation's pilots-including over 50,000 members in the State of California. AOPA is committed to ensuring the future viability and economic development of general aviation airports and their facilities as part of the state and national transportation system. Any development that threatens the safety of aircraft operating near airports can be considered a threat to the viability of a local airport and the national aviation transportation system. This is especially true in highly developed metropolitan areas such as the San Francisco Bay area and Hayward, CA.

While the Association can understand the need to meet the ever-growing demands for electric energy in Northern California and Hayward, based on the information we have reviewed regarding the above referenced project, AOPA is strongly opposed to approval and construction of the Eastshore Energy Center at the currently proposed location which is roughly one-mile from Hayward Executive Airport (HWD). HWD, with over 477-based aircraft and nearly 125,000 operations each year, is a major reliever airport in the Bay Area.

We believe that the Staff Assessment clearly demonstrates and identifies a number of potential safety impacts to aviation operations and that thermal plumes generated by the facility could create hazards to aircraft operating into and out of the Hayward Executive Airport.

The staff report, issued in October 2007 under Land Use at page 4.5-2, states:

“The cumulative effect of the Eastshore and nearby Russell City Energy Center (RCEC) projects on Hayward airport airspace increases the potential for serious impairment to the utility of the airport by effectively limiting the use of a significant portion of the airport's usable airspace and has the potential to interfere with or unduly restrict existing or future use of the Hayward Executive Airport. Therefore, Energy Commission staff concludes that the project could, in conjunction with construction of the proposed RCEC project, have a significant adverse environmental impact that could not be avoided if the project is implemented.”

The report, in this same section also states:

"However, Energy Commission staff has concluded that the project would result in significant adverse indirect and cumulative impacts by interfering with or unduly restricting the existing and future uses of the Hayward Executive Airport and the surrounding airspace. This impact cannot be avoided or mitigated if the project is implemented at the proposed location, or anywhere within the airspace of the Hayward Executive Airport. In addition, the project does not conform to the purposes of several City of Hayward LORS, as indicated above." [emphasis added]

We believe, and the staff report support his belief, that the Eastshore proposal is inconsistent with City of Hayward Airport Approach Zone Plan as codified in Hayward Municipal Code § 10-6.00 as well as the Alameda County Airport Land Use Plan.

We are particularly concerned that while local pilots may be familiar with the facility if it is constructed, over flights from transient aircraft unfamiliar with the facility will occur.

Additionally, during certain atmospheric conditions, vapor plumes created by this plant will create turbulent conditions for aircraft that over fly the site either on approach to HWD or another airport in the same geographic area. Such vapor plumes will also have an impact on visual navigation equipment used for navigation to the airport under either visual or instrument conditions.

A similar generation facility is located approximately the same overall distance (approximately 1 mile) from the Blythe, California airport. Our members have reported to us the same detrimental effect on their ability to land safely at that airport. Aircraft have experienced flight "upsets" due to turbulence encountered while over flying the exhaust stacks of that facility. It is our understanding that a number of mitigation measures promised by the proponent of the Blythe site was never implemented as promised.

The FAA Flight Procedure Standards Branch, AFS-400, has issued a report on "Safety Risk Analysis of Aircraft Overflight of Industrial Exhaust Plumes." In January 2006, this study was issued as a report and published under Safety Study Report DOT-FAA-AFS-420-06-1.

In summary, the report indicated:

The underlying presumption is that high efflux temperature or velocity from industrial facilities may cause air disturbances via exhaust plumes. Two hazards were identified during brainstorming sessions by members of the safety risk analysis team.

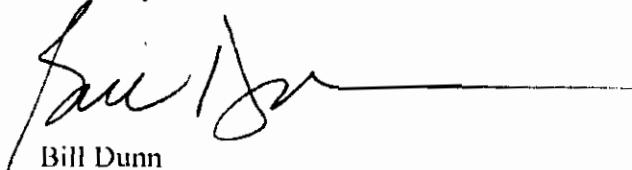
The first hazard recognized turbulence that may be associated with plumes that could result in possible airframe damage and/or negative effects on aircraft stability in flight. The second hazard discussed was the possible adverse effects of high levels of water vapor, engine/aircraft contaminants, icing, and restricted visibilities produced by these plumes. These hazards taken individually or cumulatively, could possibly result in the loss of the aircraft or fatal injury to the crew, as well as substantial damage to ground facilities. The SME team considered these situations to be most critical for general aviation (GA) aircraft flying at low altitudes during the takeoff and/or landing phase when an aircraft is in close proximity to an airport. The safety risk analysis team performed their analysis of the predictive risks associated with the plumes and determined the effects of the hazards as low, or in the green section of the risk matrix.

The consequences of even one aircraft being upset by the thermal plumes and resulting in incident or accident could affect the lives of the aircraft occupants and people on the ground. Such an unfortunate occurrence would undoubtedly lead to attempts to restrict operations at the airport, or worse, attempts to close the airport.

We would like to raise one additional issue that does not appear to have been addressed and that is one of liability exposure. If this project is built as proposed, the proponent and owner of the facility may well face extensive exposure to litigation claims should an incident or accident occur that can be linked to operation of this facility.

In closing, we again respectfully request that the Commission reject approval of this project. While we clearly understand the need for development of energy to serve the public, we recommend another location that will not have a detrimental safety impact on aircraft operations in the Bay Area and at Hayward Executive Airport specifically.

Sincerely,



Bill Dunn
Vice President
Airports