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From: Eileen Allen
To: Michael.Jarred@sen.ca.gov
Date: 10/17/2007 11:10 AM
Subject: Eastshore Energy Center project - your 10/15/07 questions

CC: Bill Pfanner; Mike Smith; Roger Johnson; Terry O'Brien

Michael,

Steve Trumbly of the Energy Commission's Office of Governmental Affairs referred your questions on the Eastshore Energy Center project to me.

1. Status of the project:

We are preparing the Eastshore Final Staff Assessment which we hope to publish no later than November 7. A publicly noticed Pre-Hearing Conference is scheduled for November 26 in Hayward, which will be followed by public Evidentiary Hearings in the community tentatively scheduled for December 17-18. A Presiding Member's Proposed Decision will likely be issued in January or February, although timing of this document is uncertain given the extremely high volume of intervener, agency, and public comments to be considered.

2. Does the Energy Commission take into account how many power plants a city already has when permitting a plant?

The Warren-Alquist Act has no discussion of limits regarding the number of power plants in a community. The Energy Commission staff addresses the question in the following ways:

Background: the Commission is the California Environmental Quality Act (CEQA) lead agency responsible for addressing the impacts of large (i.e., 50 megawatts and larger) thermal power plants, their significance, and the options for mitigation reducing any impacts to a less than significant level. The Commission is also responsible for assessing a proposed project's conformance with local, state, and federal laws, ordinances, regulations and standards (LORS).

- CEQA does not have thresholds or criteria at which point multiple facilities such as a power plant located in one community would be considered significant, or possibly excessive.

- The Commission's technical staff addresses existing sources of emissions, noise, traffic, etc. as part of the background or baseline when considering a proposed project. Environmental effects associated with an existing or already approved power plant would be considered when analyzing the potential impacts of a proposed new facility.

-The Commission and responsible agencies such as the Bay Area Air Quality Management District (District) also address your question from the CEQA cumulative impacts perspective.

The Commission and District staffs look at potential impacts of the proposed project when combined with expected impacts of reasonably foreseeable projects. Thus, for

the Hayward example, potential impacts in areas such as air quality and public health for the proposed Eastshore facility have been considered by the two staffs in conjunction with potential impacts of the Russell City facility. The two staffs assessed whether the cumulative impacts of both projects and other reasonably foreseeable projects such as Caltrans' planned I-880 reconstruction project reached a level of significance and the sufficiency of mitigation for reducing those impacts.

Please let me know if you have any further questions. I'll also let you know when the Commission's Hearing Office has settled on firm dates for the evidentiary hearings.

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