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Preliminary Comments on extension of time for Construction for the East Altamont Energy Center 01-AFC-4C

Dear Ms Stone,

The project applicant has had 5 years to commence construction for this project. Since that time conditions under which the project was licensed have changed dramatically and as with all EIR's time has rendered many of the findings and conclusions in the original Commission Decision incorrect or obsolete. The commission must reexamine many of its original findings and make the necessary changes needed to comply with CEQA or the Commission must deny the extension of time for construction. It is important that the commission consider that the public opposed this project from its inception as the San Joaquin County Board of Supervisors passed a resolution opposing the project on behalf of the residents of Mountain House and the County. The project was also opposed by the Bay and Mother Load Chapters of the Sierra Club and numerous other civic organizations in San Joaquin County. At no time has this project had the support of the public as it was licensed with two other power projects within six miles of the city of Tracy. Of the three projects approved by the CEC near Tracy the Tesla 1100MW power plant, the GWF Peaker Plant 169 MW, and the EAEC 1100MW only one project has been constructed. That Project the GWF Peaker Plant ran less than 100 hours each year since construction. <http://www.gwfpower.com/>

Air Quality

The new rules on PM 2.5 are now adopted and the projects PM 2.5 emission impacts need to be reevaluated under the new rules. Finding 11 on page 150 of the Commission Decision for the EAEC states, "The new Federal standards for PM_{2.5} are not relevant to this case because there have been no violations of the standards and implementation of the new AAQS has not begun." Federal standards for PM 2.5 are now implemented and the SJVUAPCD has been classified as serious non attainment and has instituted draconian measures to combat the problem. The new PM plan was recently approved by the ARB.

The SJVUAPCD has a mitigation agreement which must be renegotiated due to the fact that the cost of emission reductions has increased dramatically. Findings 13, 14, 16, and 17 on page 150 of the commission decision on the

EAEC are no longer valid. Stringent new rules for air pollution sources have been imposed upon valley residents so the valley can meet the air quality goals of its new PM 2.5 plan and its new Ozone plan. The old mitigation scheme is no longer viable for reducing pollution in the Valley that will be generated by this project on the Alameda and San Joaquin County Border. The cost of emission reductions has increased dramatically over the last 5 years and the SJVUAPCD can no longer meet the NOx reduction targets in the mitigation agreement with the funding provided by the AQMP between the District and the applicant.

The project applicant has changed the Emission Reduction Credit Package for the EAEC to accommodate the siting of the Russell City Project in Hayward and the CEQA efficacy of the mitigation package must be examined.

The projects 1 hour startup impact combined with background NO2 levels is listed as 385 ug/m3 in the Commission decision on page 122. That impact will violate the new NO2 Standard for the State of California which is 338 ug/m3. The new California NO2 standard was approved by the Office of Administrative law on February 19 2008. The project should include fast start technology to avoid violating the new NO2 standard during startup.

The project does not comply with best available control technology (BACT) for ammonia slip. All newly approved large combined cycle plants have adopted a 5 ppm ammonia slip and the EAEC has a 10ppm limit. Finding Number 10 page 149 of the Commission Decision on the EAEC is no longer true.

Best available control technology for CO for large combined cycle units in the BAAQMD is now 4ppm. (<http://www.baaqmd.gov/pmt/bactworkbook/89-1-6.htm>) Finding number 9 on page 149 of the commission decision is no longer valid at this time conditions have changed.

The BAAQMD now requires a fee for the production of greenhouse gasses effective July 1, 2008. <http://www.latimes.com/news/local/la-me-carbontax22-2008may22,0,7383756.story>

Since the granting of the license for the EAEC in 2003 the project area has changed dramatically. The new Mountain House Community has constructed several thousand homes near the proposed site. Some of the new homes are planned directly across the street from the project and the Energy Commission did not know of the existence of these homes when it first licensed the project. Air Quality impacts to these new residents needs to be examined under the current air quality background levels.

Hazardous Materials

The project as licensed was allowed to utilize anhydrous ammonia. No recent project has been allowed to utilize anhydrous ammonia and all projects now utilize aqueous ammonia. The ammonia incident at the Blythe Power plant on September 27, 2004 demonstrates the dangers of using anhydrous ammonia at a power plant site. The new Mountain House community will surround the site.

Worker Safety and Fire Protection

The Tracy Fire Department provides service to the Mountain House area. The Tracy Fire department is understaffed and has no ability to provide hazardous material response or the equipment to combat a large fire at the project site. (<http://www.ci.tracy.ca.us/modules/content/index.php?id=159>) Since the project was licensed traffic has increased and response times from the Alameda County Fire to the project site have increased. The Tracy fire Department would require equipment and training to safely respond to an incident at the power plant site.