

July 9, 2008

Jeffrey D. Byron  
Presiding Member  
Commission Docket Unit  
Energy Resources Conservation and Development Commission  
1516 Ninth St., MS-15  
Sacramento, CA 95814

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

Dear Presiding Member Byron and Commission Members:

I am writing in support of the Presiding Member's Proposed Decision (PMPD) and to urge its final adoption. The proposed Eastshore Energy Center (ECC) in Hayward poses unacceptable and non-mitigated impacts to the public safety, health, and welfare in the 13<sup>th</sup> Congressional District. The ECC is inconsistent with both the City of Hayward's and Alameda County's zoning ordinances and land use plans. The Hayward City Council unanimously voted against the ECC (City Council Resolution 07-728) and found it was not consistent with the City's General Plan. In addition, I have received thousands of letters and phone calls from constituents who are strongly opposed to licensing another power plant less than one mile from the recently approved Russell City plant.

The PMPD correctly concludes that the thermal plumes generated by the ECC would present a significant safety hazard for flights utilizing the Hayward Executive Airport. Aircraft regularly fly over the potential ECC site, which sits only 400 feet from the traffic pattern for one of the airport runways. The City of Hayward and Alameda County have zoning regulations designed to prevent hazards near the airport and prevent uses that would impair the utility of the airport. As the danger posed to aircraft by thermal plumes is not able to be mitigated, the ECC violates both City and County zoning law. Although the Commission does have the authority to override zoning ordinances, there is no evidence in this case that the benefits to utility consumers of approving the ECC outweigh the considerable safety problems that will arise if the ECC is approved. Furthermore, I am concerned that should the Commission overturn the PMPD, the Federal Aviation Administration will become involved, further delaying a final resolution of this matter.

Many of my constituents have raised concerns with my office regarding the potential for increased air pollution and the attendant health risks if the ECC is approved. The ECC site sits only 1,100 feet away from a residential neighborhood and is also in close proximity to schools, hospitals, and convalescent centers. The East Bay is already a non-attainment area for ozone and particulate matter pollution. The siting of an additional power plant in the Hayward community could exacerbate the health risks associated with air pollution, particularly for children and seniors in the nearby area.

During the application process, the Commission has thoroughly weighed the many negative consequences of approving the ECC against the marginal public benefits that the project would bring. Both the Final Staff Assessment and the PMPD have found numerous reasons to recommend that the Application for Certification be denied. I strongly urge the Commission to continue to act in the public interest and deny licensure for the Eastshore Energy Center.

Respectfully Submitted,

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Pete Stark  
Member of Congress