DOCKET
06-AFC-6
DATE NOV 20 2007
RECD. NOV 20 2007

**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<br>(AFC Accepted 11/8/06) |

# ERRATA TO EASTSHORE ENERGY CENTER'S PREHEARING CONFERENCE STATEMENT

**November 20, 2007**

Jane E. Luckhardt
Nicolaas W. Pullin
DOWNEY BRAND LLP
555 Capitol Mall, 10th Floor
Sacramento, California 95814
Telephone: (916) 444-1000
FAX: (916) 444-2100
E-mail: npullin@downeybrand.com
**Attorneys for Eastshore Energy Center**

November 20, 2007

**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<br>(AFC Accepted 11/8/06) |

**ERRATA TO EASTSHORE ENERGY CENTER'S PREHEARING CONFERENCE STATEMENT**

**November 20, 2007**

Eastshore Energy Center ("Eastshore") provides the following corrections to its Prehearing Conference Statement filed on November 19, 2007:

1. Based upon the interest of other parties to discuss Socioeconomics and visual blight, Eastshore will have subject matter experts Tom Priestley (CH2M HILL) and Fatuma Yusuf (CH2M HILL) available for cross-examination and to respond to testimony of other parties. Both of their resumes were included in the Witness Qualifications submitted in Eastshore's Prehearing Conference Statement.

2. Eastshore adds the resume of Noise and Vibrations subject matter expert Farshad Farhang (CH2M HILL) as Attachment 1. Farshad Farhang's resume was inadvertently left out of the Witness Qualifications submitted in Eastshore's Prehearing Conference Statement.

3. Regarding Air Quality Condition of Certification AQ-SC8, Eastshore corrects its Comments on the Conditions of Certification submitted in Eastshore's Prehearing Conference Statement in the highlighted portion below to read:

**AQ-SC8:** The project owner shall obtain and surrender emission reduction credits (ERCs) to offset 20.4 tons per year of PM10 emissions and 3.0 tons per year of SO2 emissions. The emission reduction credits **(ERCs)** shall originate**, to the extent feasible,** from sources in the areas of Oakland, Hayward, Fremont, San Jose, and San Francisco**. If project owner is unable to obtain ERCs from the aforementioned areas despite a good faith effort to do so, project owner shall be permitted to provide ERCs from any location within the BAAQMD.**

PM10 emissions during the November 1 through February 28 PM10 nonattainment season shall not exceed 6.8 tons and SO2 emissions shall not exceed 1.0 tons except as provided below. SO2 ERCs may be substituted for PM10 ERCs at a ratio of **3.0**~~5.3~~-to-1.0. Compliance with this condition will be established by use of the most recent District-approved source test data, and the average load-based (grams/bhp-hr) PM10 and SO2 emission rates from all engines tested.

The project owner shall notify the CPM if the project exceeds the PM10 emission limit in this condition. The owner shall surrender additional ERCs or other CPM-approved mitigation for any excess emission (equaling the difference between calculated actual emissions and the emission limit). Surrendering additional ERCs will establish a new, annual emission limitation equal to 6.8 tons PM10 and 1.0 tons SO2 plus the quantity of reductions surrendered for November 1 through February 28.

Fireplace or wood burning stove retrofits for Hayward residents**, or other CPM-approved mitigation,** may be used to satisfy any additional mitigation requirement and shall be credited using the following factors for each certified unit retrofit: ~~2.4 lb PM10/PM2.5 per year per fireplace without insert~~, 19 lb PM10/PM2.5 per year per fireplace with insert, and 24 lb PM10/PM2.5 per year per wood stove. The program may be made available to all residents in the cities of Fremont, Newark, Union City, San Leandro, Oakland, Emeryville, Albany, Piedmont, Berkeley, Alameda, and the unincorporated areas of Alameda County west of the Oakland/East Bay hills after twelve (12) months from the start date of the **mitigation** ~~fireplace retrofit /woodstove replacement~~ program. The emission reductions from any **CPM-approved mitigation program** ~~fireplace or wood-burning stove retrofits~~ , must occur in accordance ~~to~~ with the following schedule:

a. achieving 15% of the mitigation (3.1 tons per year) of PM10 within six (6) months after start of construction,

b. achieving 30% of the mitigation (6.2 tons per year) of PM10 within nine (9) months after start of construction.

c. achieving 50% of the mitigation (10.2 tons per year) of PM10 within twelve (12) months after start of construction.

d. achieving 80% of the mitigation (16.3 tons per year) of PM10 within eighteen (18) months after start of construction.

e. achieving 100% of the mitigation (20.4 tons per year) within twenty four (24) months after start of construction.

During the 24-month period following the start of construction, ERCs may also be used to supply additional mitigation.

**Verification:** **At least ninety (90) days before the start of construction,** ~~T~~the project owner shall submit to the CPM **a plan detailing the fireplace/woodstove replacement program, or other proposed mitigation, for approval. The plan should include at a minimum, the description of the program, the amount of rebates or other mitigation funding provided, the person (or agency) who oversees program implementation, the responsible person who**

**reports to the CPM on the progress of the program implementation, the target milestones, and procedures to follow if target milestones have not been met.** ~~prior to initiating construction evidence of surrendering the emission reduction credits or evidence that sufficient emission reductions from any fireplace or wood stove retrofit program will be achieved in accordance with the specified schedule.~~ The project owner shall notify the CPM within 10 days of exceeding the PM10 emission limit in this condition. The owner shall surrender additional ERCs or other CPM-approved mitigation for any excess emission (equaling the difference between calculated actual emissions and the emission limit) within 60 days of the date that actual emissions exceed the limit in this condition. Quarterly status reports on the program meeting the milestones following the start of construction shall be submitted to the CPM.

DATED: November 20, 2007 DOWNEY BRAND LLP

By: _____
Nicolaas W. Pullin

# ATTACHMENT 1

**"Resume of Farshad Farhang"**

# Farshad Farhang, CH2M HILL

**Noise Specialist**

## Education

M.B.A, Administration
B.S., Electrical Engineering

## Distinguishing Qualifications

- Extensive experience in the field of acoustics, with emphasis on analysis and control of noise from industrial and transportation sources
- Expert in the integration of noise model results with GIS, and CAD techniques for evaluation of land use and population noise impacts
- Familiar with noise regulatory requirements, including NEPA and numerous state and local criteria

## Relevant Experience

Mr. Farhang has more than 20 years of experience in the field of acoustics, with emphasis on analysis and control of noise from transportation and industrial sources. He has extensive experience in measurement and analysis, including modeling, of environmental noise. Mr. Farhang is fully familiar with noise regulatory requirements, including CEQA, NEPA, FAA, FHWA, Federal Transit Administration, and state and local criteria.

## Representative Projects

**Eastshore Energy Center, Hayward, California.** Provided senior review of project-related noise issues. Also attended a public outreach session related to community noise level concerns for the proposed 115-MW natural gas-fired power plant. Community concerns were related to the proximity of the power plant to neighboring residences, business, and schools.

**Woodland Generation Station Unit 2, Modesto Irrigation District, California.** Coordinated the background noise monitoring, conducted the noise modeling, assessed compliance with local and state noise criteria, and authored the noise section of the AFC. The noise fieldwork entailed an extensive noise survey to obtain and establish existing baseline noise levels at noise-sensitive areas near the project site. Noise levels from the proposed facility were calculated at specific noise-sensitive locations, and plant noise contours were developed. Compliance with local noise criteria was determined based on the results of the noise survey and predicted

power plant noise levels. Noise level targets were developed in terms of individual equipment specifications.

**East Altamont Energy Center, Alameda County, California.** Noise task leader for this proposed power plant. Coordinated the background noise monitoring, oversaw the subconsultant's noise modeling effort, assessed compliance with local and state noise criteria, and authored the noise section of the AFC. The noise fieldwork entailed an extensive noise survey to obtain and establish existing baseline noise levels at noise-sensitive areas near the project site. Noise levels from the proposed facility were calculated at specific noise-sensitive locations, and plant noise contours were developed. Compliance with local noise criteria was determined based on the results of the noise survey and predicted power plant noise levels. Noise mitigation measures in terms of required noise reduction for the plant and for individual equipment were also developed.

**Teayawa Energy Center, Riverside County, California.** Coordinated the background noise monitoring, oversaw the development of noise modeling and generation of noise contour maps for the proposed plant, assessed compliance with local and state noise criteria, and authored the noise section of the EIR. The noise survey entailed continuous and short-term measurements of existing noise conditions at noise-sensitive areas near the project site. Noise levels from the proposed facility were calculated at all noise-sensitive locations, and plant noise contours were developed. Compliance with local noise criteria was determined based on the results of the noise survey and predicted power plant noise levels. Development of plant design parameters needed for compliance with the local noise criteria was a part of the project scope.

**Virginia Gateway Central Reliable Energy Center, Prince William County, Virginia.** Coordinated the background noise monitoring and conducted noise modeling for this combined cycle power facility. The work entailed establishing the baseline noise conditions, generating noise contour maps for the proposed plant, and assessing compliance with local noise criteria. The noise survey included both continuous and short-term measurements of existing noise conditions at noise-sensitive areas near the project site. Noise levels from the proposed facility were calculated at all noise-sensitive locations, and plant noise contours were developed. Compliance with local noise criteria was determined based on the results of the noise survey and predicted power plant noise levels. Development of plant design parameters needed for compliance with the local noise criteria was a part of the project scope. The results of the study were summarized in a noise technical report.

**Duke Power Plant, St. Lucie County, Florida.** Noise task manager for a proposed power facility. Coordinated fieldwork, performed noise calculations, developed power plant noise contours, and assessed compliance with local noise criteria. The proposed project consisted of four power modules, each including two combustion

turbine assemblies and their associated exhaust stacks, air cooler units, and generators. For the noise analysis, individual equipment noise emission data were obtained from the equipment manufacturers. Noise levels from the proposed facility were calculated at specific noise-sensitive locations, and plant noise contours were developed. Compliance with local noise criteria was determined based on the results of the noise survey and predicted power plant noise levels.

**Water Treatment Plant, Century City, California** Analyzed noise exposure at nearby noise-sensitive locations resulting from a proposed water treatment plant using noise emission data from individual equipment similar to those to be used at the proposed site. The noise emission data were gathered by actual 1/3 octave noise measurements of each noise source that would operate at the facility. Data were then used in a noise model to evaluate the overall noise levels resulting from the full facility operation. Recommendations for noise mitigation measures in the form of equipment placement, enclosures, and noise barriers were developed.

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA**

| | |
|---|---|
| **APPLICATION FOR CERTIFICATION FOR THE EASTSHORE ENERGY CENTER** | DOCKET NO. 06-AFC-6<br>(AFC Accepted 11/8/06)<br><br>**PROOF OF SERVICE** |

INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 06-AFC-6
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

| | |
|---|---|
| Greg Trewitt, Vice President<br>Tierra Energy<br>710 S. Pearl Street, Suite A<br>Denver, CO 80209<br>greg.trewitt@tierraenergy.com | David A. Stein, PE, Vice President<br>CH2M Hill<br>155 Grand Avenue, Suite 1000<br>Oakland, CA 94612<br>dstein@ch2m.com |
| Jennifer Scholl, Senior Program Manager<br>CH2M Hill<br>610 Anacapa Street, Suite B5<br>Santa Barbara, CA 93101<br>jscholl@ch2m.com | Harry Rubin, Executive Vice President<br>RAMCO Generating Two<br>1769 Orvietto Drive<br>Roseville, CA 95661<br>hmrenergy@msn.com |
| Jane Luckhardt, Esq.<br>Downey Brand, LLP<br>555 Capitol Mall, 10th Floor<br>Sacramento, CA 95814<br>jluckhardt@downeybrand.com | Larry Tobias<br>CA Independent System Operator<br>151 Blue Ravine Road<br>Folsom, CA 95630<br>ltobias@caiso.com |
| Pillsbury Winthrop Shaw Pittman LLP<br>Attn: Diana Graves, Esq.<br>Attn: Michael Hindus, Esq.<br>50 Fremont Street<br>San Francisco, CA 94120<br>diana.graves@pillsburylaw.com<br>michael.hindus@pillsburylaw.com | Richard Winnie, Esq.<br>Alameda County Counsel<br>Att: Andrew Massey, Esq.<br>1221 Oak Street, Rm. 463<br>Oakland, CA 94612<br>richard.winnie@acgov.org<br>andrew.massey@acgov.org |

| | |
|---|---|
| James Sorrenson<br>Alameda County Development Agency<br>Attn: Chris Bazar & Cindy Horvath<br>224 West Winton Avenue, Room 110<br>Hayward, CA 94544<br>james.sorensen@acgov.org<br>chris.bazar@acgov.org<br>cindy.horvath@acgov.org | Greg Jones, City Manager<br>City of Hayward<br>777 B Street<br>Hayward, CA 94541<br>greg.jones@hayward-ca.gov<br>maureen.conneely@hayward-ca.gov<br>michael.sweeney@hayward-ca.gov<br>david.rizk@hayward-ca.gov |
| Law Office of Jewell J. Hargleroad<br>Jewell J. Hargleroad, Esq.<br>1090 B Street, No. 104<br>Hayward, CA 94541<br>jewellhargleroad@mac.com<br><br>Paul N. Haavik<br>25087 Eden Avenue<br>Hayward, CA 94545<br>lindampaulh@msn.com | Jay White, Nancy Van Huffel,<br>Wulf Biueschke & Suzanne Barba<br>San Lorenzo Village Homes Assn.<br>377 Paseo Grande<br>San Lorenzo, CA 94580<br>jwhite747@comcast.net<br>slzvha@aol.com<br>wulf@vs-comm.com<br>suzbarba@comcast.net |
| Jeffrey D. Byron, Presiding Member<br>jbyron@energy.state.ca.us | John L. Geesman, Associate Member<br>jgeesman@energy.state.ca.us |
| Susan Gefter, Hearing Officer<br>sgefter@energy.state.ca.us | Caryn Holmes, Staff Counsel<br>cholmes@energy.state.ca.us |
| Bill Pfanner<br>bpfanner@energy.state.ca.us | Public Adviser<br>pao@energy.state.ca.us |

## DECLARATION OF SERVICE

I, Dawn L. Willis, declare that on November 20, 2007, I deposited copies of the attached ERRATA TO EASTSHORE ENERGY CENTER'S PREHEARING CONFERENCE STATEMENT NOVEMBER 20, 2007, in the United States mail at Sacramento, California, with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

**OR**

Transmission via electronic mail was consistent with the requirements of the California Code of Regulations, title 20, sections 1209, 1209.5 and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.

Dawn L. Willis

891609.1