

FORTNEY PETE STARK  
13TH DISTRICT, CALIFORNIA

COMMITTEE ON  
WAYS AND MEANS  
JOINT COMMITTEE  
ON TAXATION

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CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515

PETEMAIL@MAIL.HOUSE.GOV

April 10, 2007

Mr. B.B. Blevins  
Executive Director  
California Energy Commission  
1516 Ninth Street  
Sacramento, California 95814-5504

<b>DOCKET</b>	
<b>06-AFC-6</b>	
DATE	APR 10 2007
RECD.	APR 18 2007

EXECUTIVE DIRECTOR

Dear Mr. Blevins:

I have been contacted by the Mayor of the City of Hayward and numerous Hayward residents expressing concern about the application submitted by Tierra Energy Company to the California Energy Commission to secure a license to operate the Eastshore Energy plant in Hayward. The Hayward City Council unanimously voted against the issuance of the license and City staff has determined the proposed Eastshore Energy plant is not consistent with Hayward's General Plan and Zoning Ordinance.

**I am submitting a copy of the letter I received from Hayward Mayor Michael Sweeney. I fully concur with the Mayor's position as expressed in his letter of concern to me.**

It is my hope the California Energy Commission will consider the potential adverse impact the Eastshore plant will have on the City of Hayward and surrounding communities. The letters from my constituents include concerns about air pollution near their homes, schools, hospitals and convalescent centers which will lead to increased health risks, particularly for seniors and children. In addition, Calpine's Russell City plant is scheduled to be located about one-half mile west of the proposed Eastshore plant and residents are questioning the reason Hayward has been "targeted to shoulder the environmental burden of multiple power plants."

It is my understanding another expressed concern to the Commission relates to the high-velocity plumes generated from power plant heat stacks. The plumes could pose a hazard to the Hayward Executive Airport, which is in close proximity to the proposed Eastshore Energy Center.

I trust the California Energy Commission will give every consideration to the serious issues that have been raised around the Tierra Energy Company's application. I look forward to your response.

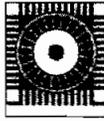
Sincerely,



Pete Stark  
Member of Congress

enclosure

PROOF OF SERVICE (REVISED 3/12/07) FILED WITH  
ORIGINAL MAILED FROM SACRAMENTO ON 4/18/07  
JP



CITY OF  
**HAYWARD**

HEART OF THE BAY

March 30, 2007

EXECUTIVE DIRECTOR  
EXECUTIVE DIRECTOR

Honorable Pete Stark  
U.S. Representative, 13<sup>th</sup> District  
39300 Civic Center Dr., Suite 220  
Fremont, CA 94538

Dear Congressman Stark:

The Tierra Energy Company, headquartered in Austin Texas, has submitted an application to the California Energy Commission (CEC) to secure a license to operate the Eastshore Energy Center in Hayward. As designed, the proposed 115-megawatt power plant is intended to respond to peak demands for electricity, primarily during the summer months. If licensed by the CEC, the plant proposes to operate up to 4,000 hours per year.

The application to the CEC has generated considerable controversy in the community, owing to its location and proximity to residences and schools in the nearby Eden Gardens neighborhood, and concerns about possible adverse impacts on the environment and public health. More specifically, only 1,100 feet separate the proposed plant from a single family home, 1,800 feet from a 300-unit apartment complex, and 3,400 feet from an elementary school. Environmental and public health concerns center on the potential for air quality and hazardous material impacts related to the use and transport of aqueous ammonia and emission of particulate matter, ammonia and nitrogen oxide. Air quality is of particular concerns since the Federal EPA has designated the San Francisco Bay Area a nonattainment area in terms of the national 8-hour ozone standard.

Under California law, licensing authority for power plants in excess of 50 megawatts rests with the CEC. While local governments can review and comment on an application, the final decision rests with the Commission. As part of the application process, the CEC must give consideration to whether a proposed plant is consistent with local ordinances, regulations and standards. After careful review of the information provided by Tierra Energy, City staff determined that the plant is not consistent with the General Plan and Zoning Ordinance. Subsequently, City staff recommended to the Council that it concur in this determination.

On March 16, the Hayward City Council held a public hearing to determine whether this plant is consistent with local land use regulations. Tierra Energy provided information and testimony in support of it application. At the same time, extensive public testimony was provided in opposition to Tierra Energy and in support of the staff recommendation. Following its own review of the material and careful consideration of the testimony

OFFICE OF MAYOR MICHAEL SWEENEY

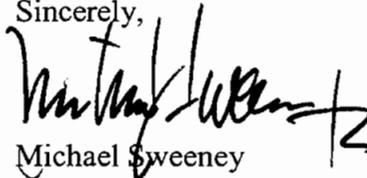
777 B STREET, HAYWARD, CA 94541-5007  
TEL: 510/583-4340 • FAX: 510/583-3601 • TDD: 510/247-3340  
EMAIL: michael.sweeney@hayward-ca.gov

presented to it, the Council voted six to zero, with one absence, to support the staff recommendation.

As previously noted, final authority on whether or not to license the Eastshore Energy facility rests with the CEC. In light of strong local objection to the plant, I am writing to seek your support for the City position that this is the wrong project at the wrong location. Further, it would be appreciated if you would write to the CEC urging it to deny Tierra Energy's application to construct and operate the Eastshore Energy Center.

City staff and I can provide you with additional information as appropriate, and stand ready to meet with you or your representative to review this issue in greater detail.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Sweeney". The signature is stylized and cursive, with a long horizontal stroke at the end.

Michael Sweeney  
Mayor

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 OF TEXAS

Docket No. 06-AFC-6

PROOF OF SERVICE  
(Revised 3/12/07)

**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](mailto:docket@energy.state.ca.us)

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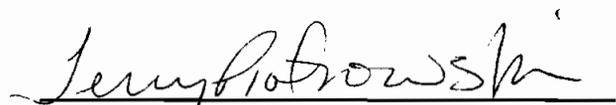
**DECLARATION OF SERVICE**

I, Terry Piotrowski, declare that on April 18, 2007, I deposited copies of the attached Letter from Pete Stark, Member of the United States Congress 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.

  
[signature]