APPENDIX 4

REFERENCES

Walters, R.A., R.T. Cheng, T.J. Conomos. 1985. Time scales of mixing processes of San Francisco Bay waters. Hydrobiologia 129: 13-36.

Henderson, P.A. Are Coastal power stations affecting Northern European inshore fish populations? http://www.irchouse.demon.co.uk/infoal.html (as posted 6-27-01).

Horst, T. J. 1975 The assessment of impact due to entrainment of ichthyoplankton. In Fisheries and Energy Production (ed. S. B. Saila), pp. 107-118. Lexington, MA: D.C. Heath.

Nichols, F.H. and J.K. Thompson. 1985. Time scales of change in the San Francisco Bay benthos. Hydrobiologia 129: 121-13.

Turnpenny, A W. H. 1988. Fish impingement at estuarine power stations and its significance to commercial fishing. Journal of Fish Biology 33, 103-110.

URS, Dames & Moore. 2000. DRAFT Initial Findings Report. Offshore Sediment Sampling. Potrero Power Plant, Sept. 28, 2000. Job # 40480 –00 –043.

APPENDIX

1. Entrainment Calculation:

   Annual Potrero Unit 3 & 7 combined intake volume as percentage of South Bay volume.

   Power Plant Intake Volume: 456 million gallons per day1, 2
   = 1399.3 acre-ft per day (acre ft = 325,872 gal)

   x 365 days = 510, 752 acre-ft per year (annual intake volume)

   South Bay Volume: 1.507 x 106 acre feet (SFEI 1995 State of the Estuary Report, p.11)

   Annual Intake Volume as % of South Bay volume

   = 0.5108 x 106 acre-feet / 1.507 x 106 acre-feet

   = 33.9%

2. Shoreline segment volume calculation:

   Intake volume: 453 x 106 gal/day = 1.715 x 106 m3/day (conversion: m3 = 264.2 gal)

   Diffuser length3: 700 feet (=213.36 m)

Average diffuser depth4: 3m (Project Description Figure 8, Potrero Power Plant Unit 7

Project Proposed Intake Structure and Discharge Pipelines; = URS 4/30/01, Fig. 2).

Volume (1.715 x 106 m3/day) = depth x offshore distance x shoreline segment

1.715 x 106 m3/day = 3m x 213.36 m x shoreline segment (m)

shoreline segment = 1.715 x 106 m3/day / 640.06 m

shoreline segment = 2679 m

PSA Section 7.2 (San Francisco Bay – Circulating Cooling Water Supply; replacement page 7-1).

PSA, Section 8.14.2.2.4 (Computer Modeling of Unit 3 and Unit 7 Thermal Discharge; replacement page 814-16)

PSA Section 8.2.2.2.1 (page 8.2-15)

PSA, Project Description (Section 3, Figure 8, Potrero Power Plant Unit 7 Project Proposed Intake Structure and Discharge Pipelines; = URS 4/30/01, Fig. 2).

SERVICE LIST

In the Matter of:
MIRANT'S (FORMERLY SOUTHERN ENERGY) POTRERO POWER PLANT UNIT 7 PROJECT

I, **BRENDA J. JACKSON**, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the within entitled action. I am employed at the City Attorney's Office of San Francisco, City Hall, 1 Dr. Carlton B. Goodlett Place, Suite 234, San Francisco, CA 94102.

On **July 2, 2001**, I served the attached:

INVERVENOR CITY AND COUNTY OF SAN FRANCISCO COMMENTS ON THE PRELIMINARY STAFF ASSESSMENT

on the interested parties in said action, by placing a true copy thereof in sealed envelope(s) addressed as follows:

PLEASE SEE ATTACHED SERVICE LIST

and served the named document in the manner indicated below:

☒ **BY MAIL**: I caused true and correct copies of the above documents, by following ordinary business practices, to be placed and sealed in envelope(s) addressed to the addressee(s), at the City Attorney's Office of San Francisco, City Hall, 1 Dr. Carlton B. Goodlett Place, Suite 234, City and County of San Francisco, California, 94102, for collection and mailing with the United States Postal Service, and in the ordinary course of business, correspondence placed for collection on a particular day is deposited with the United States Postal Service that same day.

☒ **BY PERSONAL SERVICE**: I caused true and correct copies of the above documents to be placed and sealed in envelope(s) addressed to the addressee(s) and I caused such envelope(s) to be delivered by hand on the office(s) of the addressee(s). (CALIFORNIA ENERGY COMMISSION)

☐ **BY EXPRESS SERVICES OVERNITE**: I caused true and correct copies of the above documents to be placed and sealed in envelope(s) addressed to the addressee(s) and I caused such envelope(s) to be delivered to EXPRESS SERVICES OVERNITE for overnight courier service to the office(s) of the addressee(s).

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

Executed **July 2, 2001**, at San Francisco, California.

Brenda J. Jackson
BRENDA J. JACKSON

PROJECTO PARA LA PLANTA DE GENERACION ELÉCTRICA POTRERO FORMULARIO PARA RECIBIR COMENTARIOS DEL PÚBLICO

Nombre:_____

Domicilio:_____

Telefóno:_____

Correo Eléctronico:_____

(marque lo que le corresponda)

Dueño de una propiedad cercana al projecto

Residente de Communidad

Interventor

Otro

(El suministrar su dirección, teléfono, o dirección es opcional. Pero por favor tome en cuenta que con esta información nos podremos comunicar con Ud. para pedir explicaciones en referencia a sus comentarios, si es necesario)

Tema: Emissions Standards Comentario: Statement "within limits, wether plant is in SF or the dessert." This is a faulty assumption. The location - to densely populated & fast growing urban neighborhoods - is highly relevant.

Tema:_____ Comentario:_____

Tema:_____ Comentario:_____

Instrucciones: La Comisión de Energía valora la participación pública en el proceso de revisión de aplicaciones para un permiso para la construcción de plantas de generacion eléctrica. Sus comentarios son bienvenidos. Por favor sea conciso en sus preguntas y en la descripción de sus preocupaciones sobre los temas discutidos. Usaremos los comentarios escritos en la preparación del resumen de los talleres. Adicionalmente, sus comentarios escritos sobre los análisis preliminares preparados por el personal de la Comisión de Energía (PSA – abreviatura en inglés). **(Por favor, si es posible, anote la numeración de la páginas de PSA que correspondan con sus comentarios)** Mande sus comentarios por correo Sra. Roberta Mendonca, 1516 Ninth Street, MS-12, Sacramento, CA 95184. Si necesita asistencia con este formulario o si tiene alguna pregunta, por favor comuniquese con la Assesora Pública, Sra. Roberta Mendonca, at 800-822-6228.

STATE OF CALIFORNIA — THE RESOURCES AGENCY GRAY DAVIS, Govern

CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET
SACRAMENTO, CA 95814-5

Potrero Power Plant Project Workshop
Public Comment Form

Date: JUNE 11,

Name: JACKIE WILLIAMS

Affiliation:

Address: 242 LONGFORD DR. SSF, CA. 94080

Phone: (650) 994-7907

E-mail:

Title: (Circle one or more)

- Community Resident
- Nearby landowner
- Intervenor
- Other

(Address, phone number and e-mail are optional. Providing this information will allow us to contact ~~you~~ to clarify comments.)

Topic: EXEC SUMMARY Comment: TO: MARC PRYOR/DICK RATCLIFFE.

CAN WE HAVE COMMENTS & RESPONSES (ie like the EIR) ~~AS~~ MADE IN 30 DAY PERIOD ON PSA IN THE FINAL FSA - MANY OF THESE WERE JUST LEFT IN THE DOCKET FILE

Topic: Comment:

WHEN SOMEG GOLDEN GATE AT SFO WAS TAKING PLACE.

Topic: Comment:

Instructions: Public participation is a valued aspect of the Energy Commission review process. Your comments and questions are invited and encouraged. Please make your comments concise by clearly identifying your concern(s) or issue(s). Written comments will be used in preparing workshop summaries. Additionally, written comments addressing issues in the Preliminary Staff Assessment (PSA) will be reflected in the Final Staff Assessment. (Please note the page number(s) of the PSA, if known). Mail your comments to Roberta Mendonca, Public Adviser, Project Manager, 1516 Ninth Street, M.S. 12, Sacramento, CA 95814. If you need assistance with the comment form or have questions on the Energy Commission process, call the Public Adviser at (916) 654-4489 or toll-free in California at 800-822-6228. Questions and comments may be sent to the Public Adviser at pao@energy.state.ca.us

CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET
SACRAMENTO, CA 95814-5512

Potrero Power Plant Unit 7 Project
Public and Agency Comment Form

Name: Karen G. Pierce

Affiliation: BVHP Community Advocates

Address: 5021 Third Street, SF 94124

Phone: 415/715-4009/671-2862

E-mail: karen-pierce@dph.sf.ca.us
jean@citycom.com

Title: (Circle one or more)
Agency Representative
Nearby landowner
Community Resident
Intervenor

(Address, phone number and e-mail are optional. Providing this information will allow us to contact you to clarify comments.)

Topic: Health Impacts Comment:
The public health analysis is totally inadequate. The environmental impact analysis is incomplete.

Topic: Air Quality Comment: The staff's response "it's not my job", its the standard does not address the health concerns and possible health impacts of the project.

Topic: Air Quality Comment: The State's Standard Mitigation, using emission reduction credits as offsets, does not protect the residents of BVHP and Potrero Hill.

Instructions: Public participation is a valued aspect of the Energy Commission review process. Your comments are invited and encouraged. Please make your comments concise by clearly identifying your concern(s) or issue(s). Written comments will be used in preparing workshop summaries. Additionally, written comments addressing issues in the Preliminary Staff Assessment (PSA) will be considered by staff during the preparation of its Final Staff Assessment. **(Please note the page number(s) of the PSA, if known).** Mail your comments to Marc Pryor, Project Manager, 1516 Ninth Street, M.S. 15, Sacramento, CA 95814. If you need assistance with the comment form or have questions on the Energy Commission process, call the Public Advisor at 800-822-6228.

(over)

The additional mitigation recommended does not recognize and incorporate current initiatives to improve the air quality in the Southeast section of San Francisco. For instance, it is anticipated by the SFUSD that Court Ordered bussing will terminate by the next school year. Therefore, retrofitting Laidlaw school buses will not benefit the local area — because those buses will be used elsewhere.

CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET
SACRAMENTO, CA 95814-5512

Potrero Power Plant Unit 7 Project
Public and Agency Comment Form

Name: Chris Martinez

Affiliation: Our Children's Earth Southeast Alliance for Environmental Justice

Address:

Phone:

E-mail:

Title: (Circle one or more)

Agency Representative

Nearby landowner

Community Resident

Intervenor

(Address, phone number and e-mail are optional. Providing this information will allow us to contact you to clarify comments.)

Topic: Air Quality **Comment:** attached notes for oral comments

Topic: Public Health **Comment:** attached notes for oral comments

Topic: **Comment:**

Instructions: Public participation is a valued aspect of the Energy Commission review process. Your comments are invited and encouraged. Please make your comments concise by clearly identifying your concern(s) or issue(s). Written comments will be used in preparing workshop summaries. Additionally, written comments addressing issues in the Preliminary Staff Assessment (PSA) will be considered by staff during the preparation of its Final Staff Assessment. (**Please note the page number(s) of the PSA, if known**). Mail your comments to Marc Pryor, Project Manager, 1516 Ninth Street, M.S. 15, Sacramento, CA 95814. If you need assistance with the comment form or have questions on the Energy Commission process, call the Public Advisor at 800-822-6228.

COMMENTS OF OCE AND SAEJ BY CHRIS MARTINEZ

MONITORING

The PSA will allow Unit 7 to emit tons of toxic chemicals each year including up to 4208 pounds of formaldehyde, and 520 pounds of benzene. Under certain conditions, Mirant will be allowed to cease monitoring its release of these chemicals altogether. Mirant will also be allowed to cease monitoring the sulfur in the gas it uses under some conditions.

OZONE

Unit 7 will emit a significant amount of ozone precursors. As you know EPA has proposed to disapprove of the Bay Area Air Quality Plan. Purchase of credits under a deficient air quality plan is not adequate mitigation. The credits may be sufficient for a Clean Air Permit but CEQA requires real mitigation. We believe that since the plan has failed and is proposed for disapproval Mirant's offsets must affect an actual decrease in ozone precursors. Credits banked years ago under a questionable plan do not meet CEQA requirements.

BACT

Under the Clean Air Act Mirant is required to use the Best Available Control Technology for ozone precursors including NO_x. The PSA allows Mirant to emit 2.5 pmm NO_x using a selective catalytic reduction system. However Massachusetts has determined that the maximum emission standard using SCR is 1.5 ppm. Massachusetts has determined that the max emissions standard for ammonia slip using this technology is 2 ppm. The PSA allows Mirant to emit 5 ppm ammonia slip. The standards for emissions under BACT should be reexamined.

PM TEN

The PSA correctly states that the small partical pollution-PM10- from Unit 7 is a significant impact. The staff further recognizes the potential that reductions of pollution achieved elsewhere will not relieve the damaging health effects of Unit 7 on a local population already exposed to PM10 in excess of state and federal standards.

Unit 7 will emit over Potrero 110 tons of PM10 a year. The proposed mitigation, which is supposed to alleviate that pollution, is a one-time investment in vehicle emissions reduction with no clear guarantee that the reduction will meaningfully reduce PM10s in the Potrero area. The proposed mitigation divides the 110 tons of PM10 emissions by 4 based on the assumption that PM10 is a problem only in one season. However the mitigation will not occur all in that season so the mitigation is inadequate

The PSA states in some places that Mirant funds would retrofit buses and trucks in the area of Unit 7 and in another place that the funds would be used to retrofit school buses throughout the Bay Area. However buses are already required by state and federal law to reduce emissions. It is especially important to note that the plant will continue to

emit tons of PM10 decades after the one time contribution of Mirant has been expended and decades after the buses are scraped. The proposal for emissions reduction contradicts itself and fails to provide mitigation to protect people in the area of Unit 7 from the damaging effects of PM10 exposure.

PM2.5

Although the PSA admits to the PM10 problem they virtually ignore the more dangerous PM2.5 problem. The only reference to PM2.5 is on page 4.1-12 where the staff claims that PM2.5 typically remains within 40% and 50% of the measured PM5. However the Air Resources Board Table quoted shows that PM2.5 was over 90% of PM10 in the months of January and March and the table failed to measure PM2.5 in February when the problem would be just as bad. The PSA fails to deal with PM2.5 and misrepresented the extent of the PM2.5 problem. Impacts from air polution are far more serious than admitted by staff. due to their failure to evaluate the health impacts of PM 2.5.

PUBLIC HEALTH

There is no question that Unit 7 will affect public health. The most obvious damage to human health will be from air emissions. The PSA's failure to deal straight forwardly with PM2.5 emissions and PM10 mitigation and its willingness to grant Mirant the privilege of polluting without even monitoring show a lack of responsible concern and sensitivity to public health, especially the health of people of Potrero and Hunters Point.

COMMUNITIES FOR A BETTER ENVIRONMENT

TURN
THE UTILITY REFORM NETWORK

GLOBAL EXCHANGE

Unplug the Energy Thugs ...

Take Back the Power

RALLY TO SUPPORT PLANT SEIZURE NOW!

TIRED OF BEING *HELD HOSTAGE* BY ...

... ENERGY ROBBER BARONS?

THE CHOICE BEFORE US IS CLEAR

WE MUST SEIZE *POWER PLANTS, POWER LINES* AND *POWER CONTRACTS* NEEDED TO ENSURE RELIABLE AND AFFORDABLE ENERGY SUPPLIES

What: Rally against the out-of-state energy cartel to demand the immediate takeover of in-state power plants, lines and contracts essential for meeting California's energy needs this summer

Where: Gather at Esprit Park, Minnesota Street between 19th & 20th Streets, San Francisco. Then march on the Potrero Hill Power Plant, owned by Mirant Company of Georgia. Then attend California Energy Commission public hearings on Mirant's expansion plans for the Potrero Hill plant at the Potrero Hill Neighborhood House, 953 De Haro Street.

When: Tuesday, June 12. Meet at 4:30 PM at the park. March on power plant until 5:30 followed by neighborhood public hearings.

THE TIME FOR ACTION IS NOW

For more information, please contact TURN at (415) 929-8876 or CBE at (415) 642-1091

STATE OF CALIFORNIA — THE RESOURCES AGENCY

GRAY DAVIS, Governo

CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET
SACRAMENTO, CA 95814-5

Potrero Power Plant Project Workshop
Public Comment Form

Date: June 14, 2001

Name: Medea Benjamin

Affiliation: Global Exchange

Address: 2017 Mission St #303

Phone: 415-255-7296

E-mail: medea@globalexchange.org

Title: (Circle one or more)

Community Resident

Nearby landowner

Intervenor

Other

(Address, phone number and e-mail are optional. Providing this information will allow us to contact you to clarify comments.)

Topic: MUD **Comment:** We in SF will be voting in Nov. for a public power system & will have a totally new scenario that may well include the use of eminent domain to take over generation. Prudent to keep this all on hold until after Nov 6!

Topic: **Comment:**

Topic: **Comment:**

Instructions: Public participation is a valued aspect of the Energy Commission review process. Your comments and questions are invited and encouraged. Please make your comments concise by clearly identifying your concern(s) or issue(s). Written comments will be used in preparing workshop summaries. Additionally, written comments addressing issues in the Preliminary Staff Assessment (PSA) will be reflected in the Final Staff Assessment. (Please note the page number(s) of the PSA, if known). Mail your comments to Roberta Mendonca, Public Adviser, Project Manager, 1516 Ninth Street, M.S. 12, Sacramento, CA 95814. If you need assistance with the comment form or have questions on the Energy Commission process, call the Public Adviser at (916) 654-4489 or toll-free in California at 800-822-6228. Questions and comments may be sent to the Public Adviser at pao@energy.state.ca.us

STATE OF CALIFORNIA — THE RESOURCES AGENCY

GRAY DAVIS, Governo

CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET
SACRAMENTO, CA 95814-5

Potrero Power Plant Project Workshop
Public Comment Form

Date: _____

Name: Carter Payne

Affiliation: 2129 24th St

Address: San Francisco CA 94107

Phone: 415-401-9650

E-mail: carterwpayne@yahoo.com

Title: (Circle one or more)

- Community Resident
- Nearby landowner
- Intervenor
- Other

(Address, phone number and e-mail are optional. Providing this information will allow us to contact ~~you~~ to clarify comments.)

Topic: ~~Alternative Energy~~ Comment: Help start this (away from fossil fuels)
look at this (cleaner sources of energy)
encourage this (ex: solar)
Subsidize this

Topic: ~~Energy Conservation~~ Comment: DO THIS
look at this
encourage this
Subsidize this

Topic: Health + Environmental effects Comment: these seem significant

Instructions: Public participation is a valued aspect of the Energy Commission review process. Your comments and questions are invited and encouraged. Please make your comments concise by clearly identifying your concern(s) or issue(s). Written comments will be used in preparing workshop summaries. Additionally, written comments addressing issues in the Preliminary Staff Assessment (PSA) will be reflected in the Final Staff Assessment. (Please note the page number(s) of the PSA, if known). Mail your comments to Roberta Mendonca, Public Adviser, Project Manager, 1516 Ninth Street, M.S. 12, Sacramento, CA 95814. If you need assistance with the comment form or have questions on the Energy Commission process, call the Public Adviser at (916) 654-4489 or toll-free in California at 800-822-6228. Questions and comments may be sent to the Public Adviser at pao@energy.state.ca.us

CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET
SACRAMENTO, CA 95814-5

Potrero Power Plant Project Workshop
Public Comment Form

Date: 6-12-01

Name: ELLIOT GOLIGER

Affiliation: RARE EARTH LANDSCAPES

Address: 2130 23RD ST.

Phone: 415-641-9870

E-mail: elliot@rareearthlandscapes.com

Title: (Circle one or more)

- (Community Resident)
- Nearby landowner
- Intervenor
- Other

(Address, phone number and e-mail are optional. Providing this information will allow us to contact you to clarify comments.)

Topic: AIR POLLUTION Comment: LOW EMISSION GAS MICROTURBINE GENERATION SHOULD BE REQUIRED BEFORE ANY INCREASED ELECTRICITY GENERATION IS APPROVED

Topic: HIGH VOLTAGE WIRES Comment: SHOULD BE REQUIRED TO PLACE UNDERGROUND

Topic: Comment:

Instructions: Public participation is a valued aspect of the Energy Commission review process. Your comments and questions are invited and encouraged. Please make your comments concise by clearly identifying your concern(s) or issue(s). Written comments will be used in preparing workshop summaries. Additionally, written comments addressing issues in the Preliminary Staff Assessment (PSA) will be reflected in the Final Staff Assessment. (Please note the page number(s) of the PSA, if known). Mail your comments to Roberta Mendonca, Public Adviser, Project Manager, 1516 Ninth Street, M.S. 12, Sacramento, CA 95814. If you need assistance with the comment form or have questions on the Energy Commission process, call the Public Adviser at (916) 654-4489 or toll-free in California at 800-822-6228. Questions and comments may be sent to the Public Adviser at pao@energy.state.ca.us

CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET
SACRAMENTO, CA 95814-5

Potrero Power Plant Project Workshop
Public Comment Form

Date: 6 12 01

Name: GAIL MALLIMSON

Affiliation:

Address: 2130 23rd ST / SF, CA 94107

Phone: 415 · 648 · 5019

E-mail: GMALLIMSON@MINDSPRING.COM

Title: (Circle one or more)

- Community Resident
- Nearby landowner
- Intervenor
- Other

(Address, phone number and e-mail are optional. Providing this information will allow us to contact ~~you~~ to clarify comments.)

Topic: Global Warming **Comment:** Last week the Nat'l Institute of Sciences released a study stating that global warming will continue at an alarming rate if human pollution is not lessened. The pollution from this project will contribute to human illness, rising water levels & other ~~bypod~~ problems, which ~~so~~ will wind up costing us much more than any ~~ecological~~ economic benefit from the project.

Topic: Outdated Technology - **Comment:** Power plants which do not utilize state of the art technology which emits much less pollution should not even be considered.

Topic: medical costs **Comment:** Please consider future medical costs to CA (ie. medical) from side effects of those people living near the plant.

Instructions: Public participation is a valued aspect of the Energy Commission review process. Your comments and questions are invited and encouraged. Please make your comments concise by clearly identifying your concern(s) or issue(s). Written comments will be used in preparing workshop summaries. Additionally, written comments addressing issues in the Preliminary Staff Assessment (PSA) will be reflected in the Final Staff Assessment. (Please note the page number(s) of the PSA, if known). Mail your comments to Roberta Mendonca, Public Adviser, Project Manager, 1516 Ninth Street, M.S. 12, Sacramento, CA 95814. If you need assistance with the comment form or have questions on the Energy Commission process, call the Public Adviser at (916) 654-4489 or toll-free in California at 800-822-6228. Questions and comments may be sent to the Public Adviser at pao@energy.state.ca.us

STATE OF CALIFORNIA — THE RESOURCES AGENCY GRAY DAVIS, *Governor*

CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET
SACRAMENTO, CA 95814-5512

CAN HELP FLYER

Potrero Power Plant Unit 7 Project
Public and Agency Comment Form

Name: Allison Shore

Affiliation: Bernal Heights Resident

Address: 91 Manchester St, SF, CA 94110

Phone: (415) 282-8295

E-mail: al-shore@yahoo.com

Title: (Circle one or more)

Agency Representative

Nearby landowner

Community Resident

Intervenor

(Address, phone number and e-mail are optional. Providing this information will allow us to contact you to clarify comments.)

Topic: Enviro Justice Comment:

Please consider analysis of exposed populations as dust travels to unexposed populations in determinations of risk. See works of Andrew Szasz & Meuser, also Laura Pulido

Topic: Comment:

Thank you!

Topic: Comment:

Instructions: Public participation is a valued aspect of the Energy Commission review process. Your comments are invited and encouraged. Please make your comments concise by clearly identifying your concern(s) or issue(s). Written comments will be used in preparing workshop summaries. Additionally, written comments addressing issues in the Preliminary Staff Assessment (PSA) will be considered by staff during the preparation of its Final Staff Assessment. (**Please note the page number(s) of the PSA, if known**). Mail your comments to Marc Pryor, Project Manager, 1516 Ninth Street, M.S. 15, Sacramento, CA 95814. If you need assistance with the comment form or have questions on the Energy Commission process, call the Public Advisor at 800-822-6228.

MICHAEL STRAUSZ
&
Company, Inc.
REAL ESTATE

June 12, 2001

Mark Pryor, Siting Project Manager
Roberta Mendonca, Public Advisor
California Energy Commission
1516 9th Street, MS-15
Sacramento, California 95814

Re:Mirant's Potrero Power Plant Expansion

Dear Mr. Pryor and Ms. Mendonca,

This booklet contains information that shows that Mirant misrepresented or ignored proposed land use issues which my very simple investigation proves that:

1. The area in and around the power plant is presently (and since 8/99, 8 months prior to Mirant's application) zoned New Mixed Use, wherein housing development is encouraged over the underlying M-2 zoning. By Mirant's own words found in the Alternate Use" section, they would had to have determined that a new power plant on the Potrero site would be incompatible with the present and proposed uses.

2. The zoning allows for a "steam power plant". This plant is a combined cycle plant, with a steam component (which doesn't run with out the combustion turbines producing heat). Every expert in the energy business I spoke with said that no one would ever call the applicant's proposed plant a "steam power plant". The combustion plants already there are a *non-conforming use* and cannot be used as evidence for a further non-conforming application.

   Therefore, this plant cannot be approved without a change in the Planning Code by the Board of Supervisors, who are against the approval of this plant (notwithstanding the recent Ordinance, which was a simple attempt to get something from what they perceived as an unstoppable juggernaut).

3. The Potrero-Central Waterfront is presently undergoing a Better Neighborhoods planning process, which calls for upgrading the neighborhood, including encouraging building of up to 3000 residential units along the 3rd Street corridor.

These people not only hide the truth for profit, they are clueless about the risks they face in their application. I know this because, I Emailed the attached letter to Mark Harrer of Mirant explaining them and offered him a profitable and protected alternative. I never heard a peep back. He probably turned it over to his attorneys so they could prepare some sort of S.L.A.P. suit (those type of dirty tactics against the public are probably legal in Atlanta and would be expected from them...but who knows?).

Please help us stop these people who have come to gouge our pocketbooks and rob us of our health and desperately needed housing opportunities.

Yours,

Michael Strausz

2860 Laguna Street San Francisco, California 94123 (415) 921-7900

Goodbye Power Plants
Hello Central Waterfront

Table of Contents

1. A Case: A. Against the Power Plant & B. For the Central Waterfront.

2. Draft Ordinance (Modified from Supervisor Maxwell's 5/14/01 Ordinance)

   This would have the ***purpose of closing all plants*** in San Francisco and using transmission and a power plant at SFO ***to solve all the City's energy needs.***

3. Draft Resolution to Create A Redevelopment Survey Area for the Central Waterfront.

   This would have the purpose of planning a residential and mixed use redevelopment of the Central Waterfront thereby creating an intent which makes the power plants there an incompatible use.

4. A statement of support from Assemblywoman Carol Migden stating emphatic opposition to the power plant.

5. Article regarding a plan for San Francisco to build a 570 MW plant at the airport.

   This plant would be attached to the City by a transmission line which would be equivalent to the Mirant proposed plant and make it redundant. ***It could be finished in about the same time as the proposed Potrero plant.***

6. Mirant's high cost estimates for alternatives vs. PG&E's much lower figures. Does the cost even matter?

7. CEC information about California's energy outlook demonstrating *NO NEED* for the new Mirant plant.

8. San Francisco Transmission Alternatives

   Transmission lines alone will allow the closing of Hunters Point and Potrero. 3-4 years to complete.

9. The Mirant Application is in violation of the Planning Code and the present Zoning which is New Mixed Use for the land on and around the power plant. The New Mixed zoning over-rides the M-2 classification. The present zoning ***encourages housing and makes it a "principal permitted use" which is in conflict with a power plant.***

   The zoning permits a ***"Steam Power Plant"*** and not a co-generation or combustion plant. ***Mirant's plant is not allowed under this zoning.*** The following article suggests it might be converted to dirty fuel later.

10. Mirant = Southern Company (Who are these guys? And do we want them as neighbors for 50 years?)

    Southern Company, Mirant's parent, has been the first or second highest polluter in the country for the past 10 years and here is stated: "In the four states primarily served by Southern Company, one recent study estimated that nearly ***5000 people each year die prematurely*** to heart and respiratory illness directly attributable to air pollution from power plants".

11. Three studies for high density Residential and Mixed Use Development on the Central Waterfront and Potrero by The Potrero Central Waterfront Committee, by SPUR and UC Berkeley Urban Design Studio. Here also is a discussion of state waterfront "Trust" lands, showing they can be released for housing.

12. Aerial View of the Potrero and Central Waterfront areas with analysis of underused industrial land.

13. Rendering of an attractive proposed residential development across from the power plant.

    Expect that needed ***residential developments like this will not happen*** for the next two generations ***as long as the power plant creates a blight*** on the Central Waterfront.

A Case

A. *Against* The Power Plant

1. It is *NOT NEEDED.*

   A. The Hetch Hetchy SFO planned plant, which will be made *EQUIVALENT* to the Mirant plant by a transmission connection directly to the City, makes it *REDUNDANT.*

   B. The Hunters Point Power Plant can be allowed to be shut down by the building of either/or:

   The planned SFO plant
   or
   The two proposed transmission line upgrades to the City from the San Mateo and the Jefferson Substations.

   Each can be ***completed in about the same time*** as the new Potrero plant.

   These three events together provide energy reliability to San Francisco.

   A Bay crossing transmission line will OK the ***shut down of all the Potrero plants.***

2. The Potrero Power Plant (both new and old) will create a *50 YEAR BLIGHT* on the Central Waterfront.

   A. No matter how clean, no one wants to live next to a power plant.

   B. Since the Planning Staff considers the power plant application an UNSTOPPABLE JUGGERNAUT, it has solidified their decision to create an industrial protection zone on here among the dilapidated buildings and vacant land.

3. Though the proposed plant is comparatively clean now, ***it could become dangerous.***

   In our lifetimes, and sooner than later, it is likely that natural gas will become too expensive or unavailable and pressure will grow to convert this plant to cheaper and more long term available fuel, like COAL, Southern Co's fuel of choice in the East, and that would be very bad indeed. See article under ~~Sec. 9~~ about plans to make ***convertible fuel*** plants to save money. Page Follows Next

   That can't be good!

B. *For* The Central Waterfront & The City

1. The Residential Redevelopment of this land is *DESPERATELY NEEDED.*

   A. This area is suitable for redevelopment into a community where more than ***50,000 people can live and work.***

   B. This will provide opportunities for low and moderate housing for as many as 10,000 people. And the ***low income housing at rates as low as $250/mo.***

2. Since the Master Plan requires 5 acres of parkland created for every 1000 units, this area can ***provide lush waterfront park land of more than 50*** acres providing ~~a needed~~ recreation, open space and waterfront access for the people of Potrero, The Bayview and Hunters Point, which now is so rare.

   When you think about how important the Esprit park was to the neighborhood, how about the ***thought of parks 40 times as large covering the waterfront?***

3. The ***eminent domain taking*** of the shut down power plant land will become the centerpiece site of fresh new community.

4. Instead of siting the new plant at Potrero, the ***alternative plan of transmission and a new plant at the airport allows the closing of all in-city power plants,*** full reliability and a fresh new waterfront district cannot help to make everyone happy.

5. This alternate plan will ***create the ENVIRONMENTAL JUSTICE*** the Southeast quadrant so much deserves.

   An approval of Mirant's application to expand the Potrero Power Plant, especially when timely ***alternatives*** are identified and available, would be unfair and harmful to the people of San Francisco and only benefit people whose wrongful and harmful business practices have recently come to light.

   That would be a sad instance indeed of the power of big money trampling the rights of the people. Not a good ending to this story.

Since Mirant has already stated that they would not built the Potrero Plant if permitted, because of possible seizure by the State or S.F. (through its planned MUD or through Redevelopment Agency Eminent Domain because of blight)

why is it being rewarded by the permit of this valuable license to pollute?

This will just mean that the seizure or eminent domain proceeding will be more costly to the very parties who are being harmed.

What's even more amazing, this company is being rewarded in spite of its manipulation of the market.

Is this fair?

Company hesitant to build power plant

Worry over state's energy policies

By Michael Peña and Lynda Gledhill
CHRONICLE STAFF WRITER

An Atlanta company that just got approval to build a power plant in Antioch is holding off on construction, citing California's push for federal price controls and rhetoric about possible seizures of power plants.

A spokesman for Mirant Corp. said such talk creates uncertainty about California's energy market rules and raises doubts about the profitability of building the new 530-megawatt plant.

The generator had planned to begin construction this summer so the plant would be online by the summer of 2003. Now, company officials say they still hope to meet that goal but aren't committing to a construction start date.

"We'd just like to see some type of competitive market structure," said spokesman Chuck Griffin. "These are huge investments. We're talking roughly a quarter of a billion dollars in investment."

For weeks, the energy industry has warned that tough talk by Gov. Gray Davis about price gouging and lawmakers' calls for a windfall profit tax and plant seizures might scare off investment in new generating units. But Mirant is the first company to directly tie a decision on plant construction to the state's political climate.

Jan Smutny-Jones, executive director of the Independent Energy Producers, said he is not aware of other companies pulling back on their plans.

"People are starting to express concern about the business climate in California," he said. "Talk of plant seizure, tax schemes and people going to prison is making California look like a pretty unstable place to do business."

Although the rhetoric is having an effect, Smutny-Jones said there is still a level of interest in doing business in the state.

The California Energy Commission gave Mirant final approval on May 29. The company plans to spend $250 million to add generation capacity to the existing Contra Costa Power Plant.

If the wait-and-see approach delays the production of much-needed power, it could put a dent in the state's goal of bringing 10,400 megawatts of new generation online by the summer of 2003.

Reaction from state officials ranged from disbelief to disappointment. Energy Commission spokeswoman Claudia Chandler said Mirant has one year to begin construction, or reapply and risk tougher scrutiny if they don't.

"They have a one-year time frame to start construction and we fully expect them to comply with that," Chandler said. "It's not a carte blanche."

A spokesman for the governor's office said he did not believe there is a problem.

"We're confident that Mirant will proceed as scheduled," said Steve Maviglio, a spokesman for Gov. Gray Davis. "There is still a substantial return on investments in California."

Maviglio said the governor's office will work with Mirant to address any concerns and get the plant up and running as soon as possible.

Mirant has one other project in the pipeline: a 540-megawatt addition to an existing plant in San Francisco's Potrero Hill neighborhood. The project is still being reviewed by the Energy Commission, but if permits were issued today, Mirant would hold off on its construction, too, for the same reason, Griffin said.

Mirant is reportedly under investigation by the California Public Utilities Commission for allegedly idling its Pittsburg plant to drive up electricity prices during periods of short supply. Mirant has denied the charge.

Remember that to Mirant, this is just about maximizing profit.

They don't care where they build new power plants, since those plants will just sell juice to the grid the same where ever they are. They just care that they be allowed to build them.

Please don't permit an out-of-state company, with known bad business practices, to come into our home, gouge our pocketbooks and rob us of our health and desperately needed housing opportunities.

Direct combustion of coal in combustion turbines has not been commercially demonstrated. Instead, coal can be gasified in a coal gasification facility and then used as combustion turbine fuel. While the proposed turbines are certified by GE to be able to utilize coal gas pursuant to the Fuel Users Act, this alternative was rejected because the high capital cost for the coal gasification facility and added operating and maintenance cost make it economically infeasible.

SUNDAY, MAY 27, 2001

★★★★★ San Francisco Chronicle A5

THE ENERGY CRUNCH | *Economy vs. Environment*

Critics call 'clean-coal' plan a sooty smoke screen

)ld industries tand to gain nost, they say

By Carl T. Hall
CHRONICLE SCIENCE WRITER

President Bush is proposing to end $2 billion on a 10-year lean-coal" initiative to help nerate electricity without foul- g the environment. But critics arge that it is just an expensive ymoron.

"Talking about 'clean coal' is out the same as saying 'safe garettes,' " said David Hawkins, director of climate studies at the Natural Resources Defense Council in Washington, D.C. "It's not clean."

The dispute boils down to a clash of visions and values that may never be resolved.

The administration foresees power-generating "energy complexes" that could vary fuel inputs — coal, natural gas and even biomass from the local garbage dump — depending on market conditions. Bush energy planners argue that energy plants need to have the flexibility to use whatever is cheap and handy.

Such complexes would be built on a foundation of scrubbed-up technology such as coal gasification, fluidized-bed combustion and high-efficiency turbines. The idea is to get efficiency up and emissions down.

These complexes also could vary their output, producing electricity, industrial chemicals, pure hydrogen for fuel cells, transportation fuels or fertilizers, shifting from one to the other with a quick turn of the controls, all driven by market signals.

It's a concept that recognizes the fact that coal is still king when it comes to generating electricity, accounting for fully half of today's production nationwide.

"We need all of the resources we can get," said Robert Kripowicz, acting assistant secretary overseeing the Department of Energy's fossil fuels section. "Renewables, fossil fuels, nuclear, energy conservation and efficiency — you need all of those things to keep the economy going."

In this picture, the only way to protect the planet's health that also makes economic sense is to invest in cleaning up traditional power sources. It's a vision that dates to the mid-1980s, when federal grants initiated 38 clean-coal demonstration projects around the country, most of which have been completed.

Advocates say it has resulted in some dramatic improvements already. Even though the use of coal has increased by 60 percent during the past 20 years, emissions of major coal pollutants like sodium dioxide and nitrogen oxides have declined 23 percent and 12 percent, respectively.

But environmentalists see nothing but smoke and soot-covered mirrors in Bush's energy vision. "It's a boondoggle. It's corporate welfare," said Lexi Shultz, a staff attorney in the Washington office of the California Public Interest Research Group.

Investing $2 billion in "clean coal," she said, is a fraud on taxpayers that subsidizes the dirtiest bunch of polluters imaginable and takes money away from truly clean renewable-energy research.

Cleaning up coal is a good idea, but "it shouldn't be a taxpayer-supported effort," Shultz said.

Bush pledged during his 2000 campaign to support standards on four major pollutants generated by coal-burning power plants, but lately he has backed away from limits on carbon dioxide — a critical component in global warming. None of the clean-coal technologies can get rid of carbon dioxide, even though more efficient burners reduce the amount released per megawatt of production.

"The big enchilada is carbon dioxide," Hawkins said. "That is the issue that really makes a difference in how clean coal really is, and that's the one thing Bush isn't talking about."

E-mail Carl T. Hall at chall@sfchronicle.com.

Coal is Mirant and Southern Company's favorite fuel. Expect that this plant can be converted to is already suitable to burn gasified coal, which is still very dirty. They and others will in the not-to-distant future do as they are doing today and manipulate the market to force regulators to allow them to use environmentally damaging fuels, as described here.

Then it will be certain that harm will come to the people who live nearby (80,000 within one mile).

Michael Strausz

From: "Michael Strausz" <strausz@consumerfunding.com>
To: <mark.harrer@mirant.com>
Sent: Wednesday, May 23, 2001 1:20 PM
Subject: Potrero Power Plant

Mr. Harrer,

I have studied the concerns the City vs. your rights and needs and I have a suggestion which I believe would be well received:

1. Obtain the right to build the 570 MW plant at the airport (all talks with El Paso have been stopped and the City's Hetch Hetchy said they would build it). Have the City pay the cost of a transmission line to attach to the City to make it equivalent to your proposed plant. Why should you care where you build it?

2. Give the City an option to purchase your Potrero land for what you paid for it with the right to run the present plants under the conditions set out in Monday's passed Potrero Plant Ordinance. It states those plants will they will be upgraded and then demolished when they are not needed (last fall's ISO SF Transmission Study suggest that three transmission lines into the City will allow that to happen).

Since the City will likely be slow in installing the transmission lines, you'll have a good run.

Since I sat by you at Supervisor Maxwell's Potrero Plant expansion hearing on August 24, I know you are well aware of how upset your application has made people.

The City has a housing crisis. Your plant is on land in a district called the Central Waterfront that has been indentified in 3 recent studies as being ideal for the redevelopment into a a high density residential and mixed use community of 50,000 people and 50 acres of waterfront parks. While the power plants are still here, this will not happen. This will remain an industrial wasteland for at least the next 50 years.

I know that you believe that you are doing a good thing for the City, since I heard you say so, by giving it power it desperately needs, but people here don't see it that way. We feel that we're being railroaded and manipulated and lots of us are real angry and upset. You heard the testimony: the speakers said they thought you were going to poison us (I know that's not true, but they actually believe it)

Therefore, you have the following varying risks:

1. The City is going to resent this for a very long time. Cooperation is going to be hard to come by. A very **tiny risk** by itself since you'll have a 40 year right to do business, but it might combine with others to cause problems.

2. There are still people lobbying to stop your application, myself included (since I have a planned 175 unit residential development across the street from your project at 1300 Illinois, which was filed 4 months before your application...imagine my surprise to learn that the old plant, which had already made my lenders nervous, was going to get bigger). This is a **small risk**, but a **real one**. We only have to convince one of the Supervisor to promote this as a land use issue, i.e., the loss of a great opportunity on the Central Waterfront, instead of a pollution issue (since your new plant actually quite clean, this line of attack I recognize as a "Chicken Little" loser).

3. Supervisor Maxwell's May 21 Ordinance calls for strict restrictions. These are: making the other plants at Potrero modern and clean, shutting them down when they are not needed, requiring closing of Hunters Point within 90 days of firing up your new plant (over which you have no control) and other things that Laurie Park of Hetch Hetchy said might be unachieveable. This is **some risk**, but the CEC will likely over-rule unreasonable provisions, but maybe not.

This ordinance requires you to shut down all the old plants when can be supplanted by transmission lines upgrades identified in the October 24, 2000 ISO SF Peninsula Long-Term Transmission Study. This is a **good risk** that you will lose the right to run these old plants in the future as one of the two needed and proposed transmission lines is already in the permitting stage.

4. The M.U.D. on the November ballot has eminent domain taking provisions, and your property could be first. This is a **big risk.** I recall that someone from Mirant was quoted in a story that your company would delay construction until the outcome of this election, because of this risk.

The daily bad press stories about "conspiracies", "price gouging", "gaming" and worse is making people furious. It does not matter whether it's true or not, polls show that the people of California believe it to so. You must know that the sentiment in the City now is to take over all electrical property here and get in the power business.

A Supervisors Pubic Utility Committee is having public comment on Friday about Resolution # 0160690, which would inquire into the book value of PG&E's SF assets and create a task force to determine the best way to take them over.

They just haven't got around to **you** yet.

Being in the real estate development business, which is different from your business only in the commodity, I can't imagine spending the considerable effort, money and time, permitting, financing and building a property if there was any chance of it being taken away.

If you did a negotiated deal with the City to build a plant at the airport, which would give San Francisco this wonderful opportunity to redevelop the Central Waterfront, then your rights couldn't be taken away.

I see that this is an excellent chance for your company to change what are widely perceived to be black hats for white ones.

This has to be done through the Supervisors. This new Board is at ideological odds with Willie Brown and has the votes to veto him. The other members are deferring to Sophie Maxwell on this. When I first spoke to her she was investigating a putting a plant at the airport instead of permitting yours at Potrero (and it was to presumably allow you to build it). You may recall at the meeting she asked if a plant at the airport would solve the City's in-city transmission needs and she was told it would "not work". I later verified with Laurie Park, acting GM of Hetch Hetchy, who spoke for the City that day, that it only wouldn't work with the El Paso application, because they refused to do the line (now they are gone). She said with someone else it would work.

You could turn the tide of sentiment, at least here, and it can not but help you in your other dealings. What about the sentiment in Sacramento to seize all the plants?

Give me a call to discuss it. I would rather work with you, than against you, because with cooperation it's so much easier to obtain good results. Otherwise, I will continue to try to stop this plant for the good of myself and the City...and who knows? I just might.

I'm not your worry, but the above risks should concern you...they are real.

This is just about money, it's not personal. If you could come out the same financially and also make everyone happy, what's wrong with that?

Yours,

Michael Strausz
Email: michael@strausz.com
(415) 921-7900 mess. 921-7920 direct.

STATE OF CALIFORNIA

Energy Resources Conservation
and Development Commission

In the Matter of:	)	**Docket No. 00-AFC-4**
	)	
Application for Certification for Southern	)	PROOF OF SERVICE
Energy's POTRERO POWER PLANT	)	*[*REVISED 04/05/01]*
UNIT 7 PROJECT	)	

I, *Priscilla Ross*, declare that on *JUNE 14, 2001*, I deposited copies of the attached *6/13/01 Public Adviser's Memo including Public Comments on Preliminary Staff Assessment with attached REVISED PROOF OF SERVICE* in the United States mail at *Sacramento, CA* with first class postage thereon fully prepaid and addressed to the following:

DOCKET UNIT

Send the original signed document plus the required 12 copies to the address below:

CALIFORNIA ENERGY COMMISSION
DOCKET UNIT, MS-4
Attn: Docket No. 00-AFC-4
1516 Ninth Street
Sacramento, CA 95814-5512

* * * *

In addition to the documents sent to the Commission Docket Unit, also send individual copies of any documents to:

APPLICANT

***Mirant Potrero, LLC**
Mark Harrer, Project Director
1350 Treat Boulevard, Suite 500
Walnut Creek, CA 94596
Mark.harrer@mirant.com

Counsel for Applicant:

Mr. Emilio E. Varanini, III
Livingston & Mattesich
1201 K Street, Suite 1100
Sacramento, CA 95814
Graranini@lmlaw.net

INTERESTED AGENCIES

Bay Area Air Quality Management District
(BAAQMD), Permit Evaluation
Steve Hill, Manager
939 Ellis Street
San Francisco, CA 94109
Shill@baaqmd.gov

California Department of Fish and Game
(CDFG) - Central Region
Mike Rugg
P.O. Box 47
Yountville, CA 94599
Mrugg@dfg.ca.gov

Regional Water Quality Control Board
(RWQCB)
Judy Huang
1515 Clay Street, Suite 1400
Oakland, CA 94612
Jch@rb2.swrcb.ca.gov

National Marine Fisheries Service (NMFS)
Gary Stearn
National Marine Fisheries Service
777 Sonoma Ave., Rm. 325
Santa Rosa, CA 95404

San Francisco Bay Conservation and
Development Commission (BCDC)
Leslie D. Lacko
50 California Street, Suite 2600
San Francisco, CA 94111
Leslie@bcdc.ca.gov

***INTERVENORS**

***Claude Wilson, Executive Director**
Southeast Alliance for Environmental Justice (SAEJ)
744 Innes Avenue
San Francisco, CA 94124

***Counsel for SAEJ and OCE:**

***Alan Ramo**
Golden Gate University
Environmental Law and Justice Clinic
536 Mission Street
San Francisco, CA 94105
Aramo@GGU.edu

City and County of San Francisco
Gregg Wheatland, Deputy City Attorney
San Francisco City Attorney's Office
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Gregg_wheatland@ci.sf.ca.us

Californians for Renewable Energy
(CARE)
Michael Boyd
821 Lake Knoll Drive
Sunnyvale, California 94089
Mike.boyd@Aspect.com

Diana Cardenas
CDM
100 Pringle Avnue, Suite 300
Walnut Creek, CA 95496

Tiffany Schauer
Executive Director
Our Children's Earth Foundation (OCE)
915 Cole Street, Suite 248
San Francisco, CA 94117

Potrero Boosters Neighborhood Association
(PBNA)
Attn: John DeCastro, President
1459 18th Street, #133
San Francisco, CA 94107
John_decastro@yahoo.com

***Anne E. Simon, et al.**
Communities For A Better Environmen t (CBE)
1611 Telegraph Street, Suite 450
Oakland, CA 94612

***Dogpatch Neighborhood Association (DNA)**
c/o Dennis J. Herrera
1 Market Plaza, Steuart Twr., # 1400
San Francisco, California 94105
dennis.herrera@kellygill.com

INTERESTED PARTIES

***Edward Hatter**
Potrero Hill Neighborhood House
953 De Haro Street
San Francisco, CA 94107