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REPORTER'S TRANSCRIPT OF  
BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
PUBLIC COMMENT HEARING REGARDING THE PSD PERMIT  
FOR THE RUSSELL CITY ENERGY CENTER

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DATE: Wednesday, January 21, 2009

TIME: 6:33 p.m.

LOCATION: Hayward City Hall  
777 B Street  
Hayward, CA 94541

REPORTED BY: Peter D. Torreano, CSR, CRR  
Certified Shorthand Reporter  
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A P P E A R A N C E S:  
Bay Area Air Quality Management District  
By: BRIAN BATEMAN, Director of Engineering,  
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Director  
  
DANIEL SMITH, Public Information Officer  
  
OTHER BAAQMD STAFF

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1 Hayward, California

January 21, 2009

2 P R O C E E D I N G S

3 MS. FASANO: Good evening, ladies and  
4 gentlemen. Good evening. If I could have your  
5 attention. My name is Lisa Fasano. I am the  
6 communications and outreach director for the Bay Area  
7 Air District. I want to welcome you all this evening  
8 and thank you for attending the public hearing for this  
9 Russell City PSD permit.

10 I want to make -- let you know a little bit  
11 about what's going on this evening. We do have an  
12 overflow room that's just down the hall past the  
13 elevators. We need to keep this room clear so that we  
14 don't exceed the fire safety standards. We will call  
15 people from the other room to -- to come in and speak,  
16 and also you'll be able to hear there.

17 So if there isn't seating in this room, we'd  
18 ask you to please go to the overflow room that is just  
19 past the elevators. Also, the restrooms are just past  
20 the elevators over to my right, your left if you're  
21 sitting. We have water out front if you need that.

22 A few of the ground rules. We have speaker  
23 cards going around. We have Christina Chu and Dan  
24 Smith of my staff and they will pick up speaker cards  
25 from you. We have a number of speakers this evening.

1 We're going to try to get everyone through. So we are  
2 limiting speaking to three minutes.

3 If you are repeating or supporting a statement  
4 that was already said, we would ask that you please  
5 just say that you support the speaker ahead and allow  
6 more time so that we can get all of the comments in.

7 Everyone who wishes to speak will be given an  
8 opportunity to. We're going to try and get through  
9 everyone and be as quick and expeditious as possible.  
10 We have a brief ten-minute presentation up front to  
11 just let everyone here know what the Air District is  
12 looking at as far as this PSD permit. Our engineering  
13 director, Brian Bateman, will deliver that. And then  
14 we'll go right into comment and we'll try to get  
15 everyone through as quickly as possible.

16 And then we just ask that you please show  
17 respect and that we just do whatever we can to get  
18 everyone through, again, as quickly as possible. And  
19 limit your remarks to three minutes. We do have a  
20 timer and we will be working the timer and we will give  
21 you notice when your three minutes are up.

22 Oh. Also, for anyone who would like to listen  
23 in to these comments in another language, we do have  
24 Spanish language available. Translation.

25 All right. Thank you very much.

1           So at this time I'd like to introduce Brian  
2 Bateman, director of engineering for the Air District  
3 and he'll give you a brief rundown of this process.

4           Oh. One other comment, please. When you do  
5 come for your comments, I'll call two or three at a  
6 time. If you can line up on either side in the order  
7 that you're called, we will get you through as quickly  
8 as possible. We're going to have you make your  
9 comments at this podium into this mic and that way we  
10 can get them recorded.

11           Thank you.

12           MR. BATEMAN: Thanks, Lisa. Again, my name is  
13 Brian Bateman. I'm the director of engineering at the  
14 Air District and I'm also going to be the hearing  
15 officer for the public hearing later tonight, which  
16 we'll be getting to momentarily.

17           But we thought we could start out with a  
18 little bit of background about why we're here, this  
19 project, the air pollution controls that will be  
20 involved, that will be applied to the project, those  
21 types of things. But, again, the main reason that  
22 we're here is to receive your comments on this PSD  
23 permit.

24           So, I mean, the first question is what is a  
25 PSD permit. Well, "PSD" stands for prevention of

1 significant deterioration. It's a federal program for  
2 preconstruction review of proposed industrial  
3 facilities like power plants. And it applies to the  
4 areas that are in attainment of national ambient air  
5 quality standards. Now, these are safe levels of air  
6 pollution that were established by the Federal  
7 Government, by US EPA and they are supposed to protect  
8 public health and public welfare.

9 And so in the Bay Area we're fortunate enough  
10 that the air quality here for most pollutants is  
11 relatively good and we are in attainment of those  
12 standards. And so we have requirements for issuing PSD  
13 permits in our area.

14 The purpose of the program is pretty simple.  
15 It's to ensure that new emissions from these industrial  
16 facilities will not significantly deteriorate or worsen  
17 air quality.

18 What is the permit? Well, the permit's a  
19 legal document and it's going to specify what sort of  
20 construction is allowed, how the sources must be  
21 operated once they are started up, what the emission  
22 limits that must be met will be. The permit also  
23 contains appropriate compliance provisions in terms of  
24 things like monitoring, recordkeeping and reporting so  
25 that we can assure that the plant complies with the



1 limits, the emission limits on an ongoing basis.

2 So who issues a PSD permit? Well, a PSD  
3 permit can be issued by US EPA. More commonly the  
4 Federal Government EPA delegates this responsibility to  
5 another agency and in the Bay Area that's delegated to  
6 the Bay Area Air Quality Management District.

7 When we issue a permit or other state or local  
8 agencies issue a permit oftentimes we issue a PSD  
9 permit that's compliant with a permit that might have  
10 other requirements for other air pollution control  
11 regulations. In California we do have the authority to  
12 set more stringent requirements than the federal  
13 government and so the permits that we issue often  
14 integrate the PSD permit requirements into the other  
15 requirements that we have that facilities need to  
16 meet.

17 Another aspect of PSD programs is it involves  
18 the public. And so that's why we're here tonight.  
19 We've issued a public notice, posted that on the  
20 website January 5th and then the public hearing tonight  
21 is to provide another opportunity for folks to  
22 comment. Written comments are always very helpful, but  
23 if you just want to provide oral comments tonight,  
24 we're recording this and we'll definitely consider all  
25 the comments that we receive.

1           Just a little bit more detail on this PSD  
2 program in terms of its requirements. There are three  
3 basic requirements that have to be met. The first is  
4 the use of what's called best available control  
5 technology, we call BACT. And this is basically just  
6 emission limitations that represent the maximum degree  
7 of control that can be achieved. So this is something  
8 that we determine on a case-by-case basis when we're  
9 reviewing a permit.

10           There's also a requirement once these best  
11 available control technologies are in place that the  
12 remaining emissions be analyzed by an air quality  
13 impacts analysis. This isn't something that we use a  
14 computer model for. It takes the emissions that come  
15 out of the stack and projects those into the air. We  
16 plug in the local meteorology, topography, and the  
17 computer tells us what the concentrations are going to  
18 be at various locations in the surrounding area. So  
19 for that we can see whether or not the air quality  
20 standards that we mentioned before will also be  
21 protected.

22           There's also something else that comes  
23 involved in PSD, and that is PSD increments. These are  
24 concentration levels that are actually tighter than the  
25 air quality standards. It only allows a certain amount

1 of degradation of air quality beyond what you have  
2 now. So we look at that as well.

3 There's also something called an additional  
4 impacts analysis. This is something where we look at  
5 impacts that the air pollutants might have on soils and  
6 vegetation and visibility. That last part, visibility,  
7 is specific to national parks and wilderness areas. So  
8 in our area really the only place we look at is the  
9 Point Reyes Seashore.

10 Turning to this specific project, the Russell  
11 City Energy Center, this is a map that shows where it  
12 would be located. The area that's outlined in yellow  
13 there is where the project location would be. It's  
14 sort of at the west end of Depot in Hayward.

15 So what sort of equipment are we talking about  
16 here that needs to be addressed in this permit review?  
17 Well, this is going to be what's called a combined  
18 cycle plant which involves gas turbines. In this case  
19 we'll have two of them fueled exclusively by natural  
20 gas and then downstream of these gas turbines there's  
21 going to be two what's called heat recovery steam  
22 generators.

23 So these are devices that recover the waste  
24 heat from the turbines and convert that to energy in  
25 the form of steam. That steam is passed through a

1 steam turbine and that maximizes the efficiency of the  
2 process.

3           These combined cycle plants for fossil fuel  
4 generation are the most thoroughly efficient plants you  
5 can get. So in this case the efficiency is about 55  
6 percent. What that means is 55 percent of the energy  
7 that's in the natural gas turns into electricity. That  
8 doesn't sound that high, but in terms of these types of  
9 fossil fuel plants, that's actually very high. More  
10 typical utility boiler projects have thermal  
11 efficiencies in the 30 to 35 percent range. So this is  
12 quite a bit higher than that.

13           A couple of the other sources. There's going  
14 to be a cooling tower here. In this case it's going to  
15 be used -- use recycled waste water from the nearby  
16 treatment plant and there's also going to be a fire  
17 pump engine, in this case a diesel engine, which will  
18 really only be used in case there is a fire or there's  
19 a certain amount of testing of that equipment that is  
20 required.

21           So what's been proposed in terms of this best  
22 available control technology for this facility?

23           Well, a little bit more detail. There are  
24 different types of pollutants, different types of  
25 controls for different pollutants. The specific

1 pollutants that are required to be addressed under this  
2 PSD program in this case are nitrogen oxides. That's  
3 really sort of the main pollutant focus from a natural  
4 gas plant. We also have carbon monoxide and fine  
5 particulate matter which are also regulated.

6 So I mentioned natural gas and that's a really  
7 important part of the controls for this plant. I  
8 think -- now, everybody knows natural gas. Most people  
9 have it in their home. They use it for heating and  
10 cooking. It's considered a pretty clean fuel and  
11 that's definitely part of the best available control  
12 technology for this permit.

13 But in addition to that, there's still going  
14 to be emissions. I mentioned nitrogen oxides.  
15 Sometimes we call them NOx. Again, that's sort of been  
16 the pollutant focus. The NOx is not really something  
17 that gets formed from what's in the natural gas. It's  
18 just actually formed from nitrogen that's in the air.  
19 It's sort of unavoidable, but there are technologies  
20 that can be applied to reduce that to really quite low  
21 levels.

22 Specifically there are some things that we can  
23 do to determine designs themselves. These are called  
24 dry low NOx combustors. So you sort of minimize the  
25 formation of this NOx. And then after that there are

1 things that you can do downstream in terms of advanced  
2 add-on pollution controls, something called selective  
3 catalytic reduction. This uses ammonia basically to  
4 turn the NOx back into nitrogen which is the form that  
5 it is in the air.

6 So this plant will have -- is required to meet  
7 NOx limits of two parts per million, which is basically  
8 the industry standard for new plants being constructed  
9 now.

10 For carbon monoxide there will be, again,  
11 design controls in the combustors themselves and also a  
12 separate set of downstream controls. These are  
13 catalytic controls called oxidation catalysts and those  
14 will be used to essentially combust the CO into carbon  
15 dioxide water vapor and minimize the CO emissions to a  
16 limit of four parts per million.

17 Now, one of the things about these controls  
18 that I'm talking about, the catalytic controls in  
19 particular, is that they need to be at a specific  
20 temperature to work at their maximum efficiency. And  
21 during start-ups and shutdowns those controls are not  
22 going to get to those temperatures right away. It's  
23 going to take some time. And so during that portion of  
24 time there will be some elevated emissions.

25 Now, that is something that we looked at very

1 carefully for this plant in terms of what could be  
2 required to minimize those emissions during start-ups  
3 and shutdowns. And what we concluded was what we could  
4 really require in terms of the regulations are work  
5 practices basically that are recommended by the  
6 manufacturers to minimize the start-up and shutdown  
7 periods.

8 We did look at a number of other control  
9 technologies and concluded that they are either -- they  
10 have trade-offs involved in that. Some of them could  
11 use more energy or would produce more carbon dioxide  
12 greenhouse gas. And so those sort of trade-offs didn't  
13 seem to be good for us in terms of sort of minimizing  
14 these emissions because they -- start-ups and shutdowns  
15 usually are only for a few hours.

16 Other technologies that we looked for in terms  
17 of start-up and shutdown emissions we determined really  
18 aren't technically feasible at this point.

19 So that summarizes the best available control  
20 technology.

21 Just real briefly, the other requirements of  
22 PSD, the air quality impact analysis, we did the air  
23 dispersion modeling analysis for the controlled  
24 emissions after best available control technology is  
25 applied and what we found was that the emissions of the

1 three pollutants that I mentioned before are all below  
2 what's called the significant impact levels.

3 These are levels that are set in the federal  
4 regulations and those levels are so low that the  
5 implication is -- the conclusion is that if the  
6 emissions are both -- the impacts are below those  
7 levels that those emissions will not interfere with  
8 attaining or maintaining the national ambient air  
9 quality standards or exceeding the PSD increment.

10 In terms of the additional impacts analysis,  
11 there's other types of modeling that we do to look at  
12 visibility. We looked at that in terms of Point  
13 Reyes. As you might imagine, it's quite a bit distant  
14 from this plant and we didn't show any sort of  
15 significant visibility impacts there. In addition, the  
16 soils and vegetation analysis didn't indicate any  
17 likelihood of an adverse impact there.

18 So let's turn to process a little bit. Where  
19 are we on this PSD permitting process for Russell City  
20 Energy Center?

21 Well, as many of you might know, there's been  
22 sort of a -- a lot of process already in terms of  
23 getting overall approvals for this project. A lot of  
24 that has happened before the California Energy  
25 Commission, the CEC, and we definitely participated in



1 this process. We issued our original PSD permit, which  
2 was an integrated PSD permit, along with all the other  
3 requirements, state and local requirements, not just  
4 the federal PSD requirements, but all of them. We  
5 issued this integrated permit back on November 1st,  
6 2007 after the CEC licensed the project.

7 And then following that there were a number of  
8 appeals that were filed. One of them was with EPA's  
9 Environmental Appeals Board, the EAB. So this was  
10 specifically on the PSD permit. And the EAB considered  
11 this appeal for quite a period of time and then on July  
12 29th, 2008, they -- they remanded the permit, which  
13 means they basically returned it to us to do some more  
14 work. And specifically that work was noticing.

15 There are very specific federal requirements  
16 for how you go about noticing a PSD permit. We have in  
17 our own regulations, our Air District regulations,  
18 noticing requirements. They are actually somewhat  
19 different than the federal requirements. Our  
20 understanding was before this that following the Air  
21 District noticing requirements would be fine.

22 We had discussed that with our agency contacts  
23 at EPA and they -- they said that they thought that we  
24 were okay as well, but the appeals court didn't agree  
25 with that and that's why we're here now because we had

1 to go through this process again.

2 It actually took quite a bit of time. The  
3 outreach was fairly extensive, maintenance,  
4 publications, website postings. And we did issue a  
5 statement of basis, which basically just explains what  
6 we're doing in as much detail as possible. We put that  
7 on our website. It's been there since December 5th.  
8 And we're in the public comment period now.

9 Now, as this sign indicates, we've decided  
10 recently because of all the interest in this project to  
11 extend the comment period. So the notice that we  
12 issued actually said that the comment period was going  
13 to end at close of business tomorrow and so we've  
14 extended that.

15 And so now it's going to end close of business  
16 Friday, February 6th. So there's another 15 days  
17 tagged on. So apologies to folks that were told that,  
18 you know, we weren't going to be extending it. This  
19 was really a fairly recent decision. We've gotten a  
20 lot of requests for extensions. So we feel that that's  
21 the right thing to do to give people ample opportunity  
22 to get their written comments in.

23 But tonight is -- is -- if you have written  
24 comments, we'll accept them, but it's more for people  
25 to speak. And so, as Lisa indicated, we have speaker

1 cards. We're going to get into the public hearing  
2 now. And so if you haven't already, if you could fill  
3 out and submit the speaker cards and we've got some  
4 staff members here that can collect those.

5 Because we have such a big crowd we're really  
6 going to try to ask that you keep your comments, if you  
7 can, to three minutes per speaker. And we're recording  
8 all these comments a couple of different ways. We've  
9 got a court reporter here. And that's really so we can  
10 really clearly understand what the comments are.

11 We're not really going to be responding to the  
12 comments now. What we're going to do is we're going to  
13 take the transcripts, go back to the office and  
14 consider them more carefully. We will be responding to  
15 all of the comments in writing and we will notify  
16 everyone who signed up for the public hearing tonight  
17 or that otherwise let us know that they cared about  
18 this project, we will notify them about that responsive  
19 comment and our decision on this permit in terms of  
20 permit issuance. Okay?

21 Now, again, we're not going to restrict the  
22 comments. You can say whatever you want, but, I mean,  
23 the types of comments that are most useful for us in  
24 terms of what we need to do in our permit evaluation  
25 are on those three points that I mentioned before: The

1 best available control technology determination; the  
2 air quality impact analysis; and the additional impacts  
3 analysis which looks at soils, vegetation and  
4 visibility impacts.

5 So with that, I'm going to walk back behind  
6 the podium here and we're going to start the public  
7 hearing.

8 MS. FASANO: Okay. I will call you up in  
9 groups of three and ask that you speak into the mic.  
10 This is picking up a recording as well. So please  
11 speak into the mic, speak clearly so we can make sure  
12 that we get a good recording of your comments.

13 Our first commenter, in this order we have  
14 Gail Steele, Dr. Joel Kinnamon and Lee Bruning. And  
15 Gail Steele is up first.

16 MS. STEELE: Hello. I am a county  
17 supervisor. I am speaking for myself, however, in  
18 these comments tonight. I'm also a 46-and-a-half-year  
19 resident of Hayward.

20 And what I have to tell you is that the  
21 inconvenient truth is that when Hayward approved this  
22 and went for this we didn't have the kind of  
23 information we have today. We didn't know, I mean,  
24 that the air board, quality board issued the permit,  
25 which is actually on old data. That is, right now the

1 new science is coming out that isn't even analyzed yet  
2 which needs to be analyzed. And some points have been  
3 made to me and I'm going to read them.

4 Pursuant to AB 32, Global Warming Solutions  
5 Act, this year Air Quality Resource Board will be  
6 issuing best available control technology regulations  
7 for greenhouse gas emissions. The proposed PSD permit  
8 will allow Russell City to emit six thousand eighty  
9 four two hundred pounds of CO2 equivalent per hour.  
10 This translates to almost 3 million tons per year.  
11 That's possibly tripling the greenhouse emissions that  
12 presently are reported by the City of Hayward in its  
13 community emissions inventory.

14 The other thing I want to add in there is that  
15 most of this air when it gets through here goes to the  
16 valley, and I'll tell you there have been no public  
17 hearings in the valley as to the impact on this air.

18 Russell City voluntarily agreed to comply with  
19 BACT greenhouse emissions that doesn't exist yet. It  
20 is simply the maintenance of the 2002 status quo,  
21 nothing more than an agreement to act as it previously  
22 planned.

23 The Bay Area quality should stay further  
24 proceedings and not issue a permit until CARB has  
25 issued those guidelines. While these state

1 regulations, instead of federal, because of the  
2 statement of bias (sic) acknowledges that no BACT  
3 exist. The CARB regulations should be used. Proposed  
4 GHG BACT is inadequate because they do not include in  
5 the offsite mitigations, carbon capture or any other  
6 post-combustion control methodologies.

7 The other thing is that the statement of basis  
8 does not adequately address the methane gas. This  
9 document discounts the effects of methane gas and by  
10 lining out the emissions in the statement of basis  
11 represents that they are not addressed by the PSD  
12 portion.

13 On the contrary, methane gas must be included  
14 in the GHG calculations and, therefore, regulated under  
15 PSD as the methane gas is 21 times more powerful than  
16 CO2 in its capacity to trap heat.

17 The Bay Area is now in -- is non-attainment  
18 for small particle (sic) matters. Particulate matters  
19 of less than 2.5 micrograms is more harmful than  
20 previously thought.

21 And what this -- I want to add something here  
22 a little bit. This reminds me of secondhand smoke. It  
23 took us years to document and figure out that  
24 secondhand smoke was just about as dangerous as  
25 cigarettes. I feel we have a similar situation here.

1 We are on the threshold of incredible knowledge. And  
2 as a country I think we're trying to go in a certain  
3 direction and it's really important to stop and do it  
4 right.

5 Recent CARB reports and analysis from the  
6 county public health department suggests that  
7 regulations may not have caught up with science. On  
8 December 18th EPA reclassified the Bay Area as  
9 non-attainment for PM 2.5 meaning that the new permit  
10 application must be reviewed under a different and much  
11 more stringent new source review permit.

12 MR. BATEMAN: Supervisor Steele, if I could  
13 ask you to wrap up, if you could. If you have written  
14 comments you're reading from, we could take those into  
15 the record. No problem.

16 MS. STEELE: I don't. I just want to say my  
17 final comment, and I didn't finish, was just that, you  
18 know, when you do have a spare the air day, you tell  
19 people not to burn wood. How can you build this  
20 thing? Give me a break.

21 MS. FASANO: Dr. Joel Kinnamon.

22 DR. KINNAMON: Thank you. Good evening. I  
23 thank you for the opportunity to participate in this  
24 proceeding concerning the proposed permit to prevent  
25 the deterioration of the air which would be generated

1 by the Russell City Energy Center.

2 I'm Joel Kinnamon, chancellor of Chabot-Las  
3 Positas Community College District. I'm here today  
4 with leaders from all sectors of the community, the  
5 Chabot College president, Dr. Barberena, trustees,  
6 faculty, classified staff and students.

7 We all come with essentially the same  
8 message. The Chabot-Las Positas Community College  
9 District has a deep, long-standing interest in the  
10 well-being of the community it serves. The district's  
11 educational and economic interest and contribution to  
12 this community is beyond question.

13 The district governs two comprehensive public  
14 community colleges in Alameda County, Las Positas  
15 College located in Livermore and Chabot College located  
16 at 2555 Hesperian Boulevard in Hayward. This is less  
17 than a mile and a half from the Russell City site.

18 Indeed, the district has been providing  
19 education and employment opportunities to Bay Area  
20 residents for over 44 years. The Chabot campus alone  
21 serves approximately 15,000 students per semester,  
22 which means that Chabot serves about one-quarter of the  
23 high school graduates in the service area and impacts  
24 almost every household.

25 One of the things that makes me so proud to be



1 associated with Chabot College as a community college  
2 such as ours, we reach out to traditionally  
3 disenfranchised groups of minorities, the poor  
4 immigrants, first generation college goers. Our  
5 students don't just mirror the community at large.  
6 They have particular vulnerabilities that should be  
7 considered in assessing the impacts of the proposed  
8 plant on the community.

9 This brings me to why the proposed draft PSD  
10 permit needs to be re-analyzed. In this regard, as you  
11 know, as the delegated authority for the EPA, you have  
12 no obligation to issue this permit. Your statutory  
13 obligation is to enforce the Clean Air Act. Our  
14 written comments to be submitted later will go into  
15 greater specificity on those points. However, in  
16 general we want to bring to your attention the  
17 following points.

18 There is no analysis of the plant's potential  
19 impact on a community of students that are at high risk  
20 for dropping out, nor is there an analysis of a student  
21 population having limited health care benefits. I am  
22 very concerned that any additional health stresses on  
23 many of our students will increase dropout rates. This  
24 potential risk, its negative impact on the students,  
25 society in general, our community and Chabot itself

1 whose funding depends on enrollment has never been  
2 analyzed.

3 As you might recall, Chabot's efforts to  
4 intervene in the California Energy Commission's  
5 proceedings were --

6 MS. FASANO: Dr. Kinnamon?

7 DR. KINNAMON: Yes.

8 MS. FASANO: That's three minutes. Can I ask  
9 you to wrap up, please.

10 DR. KINNAMON: Yes, I'll wrap up.

11 In addition, the welfare of our -- safety and  
12 welfare of our college, our faculty, students,  
13 et cetera, is very important to us. I do want to thank  
14 you, though, for extending the period to at least give  
15 an opportunity to provide some written comments and  
16 some additional documentation as to what we feel are  
17 the impacts.

18 Thank you very much.

19 MS. FASANO: Next up is Lee Bruning and then  
20 following that we have Alan Goggins, Barry Luboviski  
21 and Joel Bucklin.

22 MS. BRUNING: Good evening. I was wondering  
23 how many people in this room actually live in Hayward.

24 Okay. Who's here just for the job, to work at  
25 this plant? Yeah, I know.

1 SPECTATOR: I live in Hayward.

2 SPECTATOR: Yeah, I live in Hayward.

3 MS. BRUNING: Right. Anyway, I've lived here  
4 all my life. I've seen what's gone on here. We have  
5 three city halls. It's a fine example of poor planning  
6 in Hayward.

7 Now you're going to build a power plant with  
8 old technology that the new administration is going to  
9 come in and deem that it is not -- it's toxic. It's  
10 toxic. The only reason why we have good air in Hayward  
11 is we don't have a plant like this. I can't believe  
12 it. There are no burn days now where you can't even  
13 use your fireplace and you're going to put something  
14 like this into this area where we all -- the only place  
15 is Hayward practically in the Bay Area where you do  
16 have clean air and you're going to spoil it for a  
17 dollar, for some jobs.

18 Hey, you can put -- you can use solar. You  
19 can use wind. There's all types of technology. You  
20 don't need this type of technology where you have  
21 pollutants -- the pollutants that will go in here that  
22 all these little kids are going to pick up and destroy  
23 the air quality of people that have asthma and  
24 whatnot. How many -- how many shelter-in-place days  
25 are we going to have, sir, when you have to start up

1 and shut down?

2 I've lived in Port Costa and Benicia and  
3 Crockett and they had shelter-in-place days when these  
4 things would start up and slow down and they don't warn  
5 the public when it happens.

6 So that's all.

7 MS. FASANO: Thank you. Next up is Alan  
8 Goggins, followed by Barry Luboviski and Joel Bucklin.

9 MR. GOGGINS: Good evening. I'm not here  
10 really to lobby against having the plant. I just want  
11 to ensure that this plant is done perfectly if it's  
12 done. You're siting it right next to the Hayward  
13 shoreline, which, you know, they talk about the  
14 visibility in Point Reyes. You've got a wildlife  
15 sanctuary within a mile of this plant, but it's home to  
16 endangered species, threatened species. It sees vast  
17 migrations of migratory birds protected under both  
18 federal statute and international treaty.

19 Particulates and chemicals have this nasty  
20 habit of combining with other particulates and  
21 chemicals in the air, precipitating out, attaching to  
22 water, turning into acids, precipitating out, and over  
23 a period of years, this stuff will be accumulating in  
24 the Hayward shoreline, which is a very sensitive  
25 ecosystem.

1           And in my lifetime I have seen time and time  
2 again, oh, no significant impact, no this, no that, and  
3 then suddenly an ecosystem crashes. When these things  
4 crash they fall off a cliff. By the time you know you  
5 have a problem, it's usually almost too late, if not  
6 actually too late, to deal with the problem.

7           So I would like to request that whatever you  
8 do, you make sure that not only do you have the best  
9 state-of-the-art pollution control equipment to date,  
10 but that every few years you come back to re-analyze  
11 it. If it's out of date, upgrade it. And that there  
12 be frequent continuing testing of the Hayward shoreline  
13 to make sure that it's not being contaminated and that  
14 the animals are not manifesting problems that might be  
15 caused and linked to this and that you cooperate with  
16 the Bay Area Rec District and East Bay Regional Parks.

17           And it's not just Hayward either. I mean, you  
18 have -- down by the Dumbarton Bridge you have a big  
19 federal wildlife preserve down there where you're going  
20 to possibly have the same problems. And so I just want  
21 to make sure that you really take this into account  
22 seriously because wetlands are your filtration system.  
23 You're potentially impacting not just the ecosystems  
24 there, but the hydrology of the Bay, ecosystem of the  
25 Bay. And, okay, we need jobs. We need energy. Fine.

1 But do it right.

2 Thank you.

3 MS. FASANO: Thank you.

4 Barry Luboviski.

5 MR. LUBOVISKI: Barry Luboviski,  
6 secretary/treasurer for the Building Construction  
7 Trades Council.

8 Let me clarify first. There obviously was  
9 comment or suggestion made. There are a number of  
10 union members that are here. They are construction  
11 members, members of various construction companies that  
12 are Hayward residents. And no, union members do not  
13 and particularly construction workers do not take the  
14 position of building at any cost whether or not it  
15 victimizes the community.

16 In fact, Hayward, San Leandro, San Lorenzo,  
17 Castro Valley, this whole area is populated with a  
18 significant portion of union members and construction  
19 workers. Our people believe in clean construction. We  
20 have built coalitions with environmental groups. We  
21 fight for environmental integrity. We believe that  
22 this project is appropriate and meets standards that  
23 our people here tonight that are Hayward citizens can  
24 support with dignity and support because the project  
25 has some equity for the local community and has some

1 integrity.

2 Let me add a couple of facts since that's what  
3 we're here to do. In fact, this project is the first  
4 project to set greenhouse or limit greenhouse gas  
5 emissions as part of their PSD permit. In fact,  
6 because sustainable energy and greenhouse standards  
7 means a transition, this project will result in the  
8 closing down and shutting down of dirty plants that  
9 have been built in previous generations. This is at  
10 the front end of technology and will erase projects  
11 built many years ago that are, in fact, polluting the  
12 basin in this area.

13 This project is not something that was snuck  
14 on to the scene yesterday but started this process in  
15 2001. And we believe that it's gone through  
16 significant scrutiny, as it should, and we support  
17 that, and we believe that it's come out the other end  
18 creating a project that will produce clean sustainable  
19 electricity for the grid in the East Bay.

20 It will also create jobs at a time of  
21 unprecedented levels of unemployment and the need not  
22 only for jobs but quality jobs.

23 The building trades unions have worked with  
24 Calpine before on other projects. We find Calpine  
25 supports union labor because they understand that union

1 labor will bring the training and the quality of  
2 construction to ensure that the project comes in with  
3 the stringent standards that are necessary. Calpine  
4 has also made commitments to the local residents and  
5 that's why our residents who live in this community are  
6 here tonight. \$10 million for the library, rebuilding  
7 a bay trail, bringing in badly needed tax infusion when  
8 cities are desperate to hold on to what they have.

9 And so we support this project. We stand  
10 proudly for this project, and we think that it should  
11 go forward and create the kind of sustainable energy  
12 and jobs that would benefit our community.

13 Thank you.

14 MS. FASANO: Can I ask you to hold your  
15 applause so we can get all the speakers through.

16 We have Joel Bucklin followed by Ronald  
17 Alderman followed by Peter Garza, Sr.

18 MR. BUCKLIN: Hello. My name is Joel Bucklin  
19 and I've been a resident of the East Bay, Hayward, San  
20 Leandro and Castro Valley pretty much my whole life and  
21 I am a member of the International Brotherhood of  
22 Electrical Workers, Local 595. And so I'm here to  
23 support the project as a member.

24 But in addition to that, I'm also looking at  
25 the bigger picture here of what this project is going



1 to afford for our area that we live in and the people  
2 of this community of the East Bay. And, you know, we  
3 have -- we live in a very diverse area that's very  
4 attractive, the East Bay, the entire Bay Area, and our  
5 population is going to continue to increase. I  
6 personally have done my part to assist in that. So I  
7 know it's not going to stop.

8           Anyway, the area holds jobs. It holds lots of  
9 resources, entertainment, and this is just a very  
10 attractive place to be. It's a wonderful place to  
11 live. I've lived here all my life and I'm glad to be a  
12 part of the East Bay.

13           So with this project here, you know, we have  
14 to look at this as to what is it going to do for us for  
15 the long term. Well, it's going to help support that  
16 population increase that is inevitable. It's going to  
17 happen. So, therefore, in my opinion, it's needed,  
18 it's necessary, and it's going to serve a huge benefit  
19 for us all.

20           And I think back to in the mid '50s when the  
21 citizens of this area and the representatives of this  
22 area considered installing the BART system here. And  
23 some of those citizens in some of the areas south of us  
24 didn't buy on to it, but those who did made a very wise  
25 decision. And that BART system has dramatically

1 increased the benefits of living here in the entire Bay  
2 Area. And only now are those folks who are in the  
3 southern part of the Bay Area realizing the benefits  
4 and want to come and join us now.

5 But it was our citizens and our  
6 representatives back then who had the forethought to  
7 consider that and to see into the future what benefit  
8 a BART system would provide, and it has done all that  
9 and more.

10 The citizens of the State of California have  
11 recently adopted a similar plan and voted in the  
12 high-speed rail service that's going to go from here to  
13 LA. That again is something that's taken a lot of  
14 forethought and it's a lot of impact on the economy,  
15 but it's going to provide huge benefits.

16 The -- I see this power plant as doing the  
17 same thing. It's needed. It's necessary. And with  
18 all the regulatory agencies and all the approval  
19 processes that we've been through --

20 MS. FASANO: Mr. Bucklin, it's time.

21 MR. BUCKLIN: -- I believe that it's already  
22 passed all those requirements and it's just now that  
23 we're open to public comment here that we're getting  
24 some feedback about it not being beneficial. I'm  
25 sorry, but I think that we need it.

1 Thank you.

2 MR. BATEMAN: Thank you.

3 MS. FASANO: Ronald Alderman followed by  
4 Mr. Peter Garza, Sr.

5 MR. ALDERMAN: Good evening. My name is  
6 Ronald Alderman. I've been a resident of Hayward for  
7 all my life.

8 This project doesn't only mean jobs. It  
9 means, you know, public libraries, I mean, you know, to  
10 give children somewhere to go when they grow up. I  
11 know I have a child and one on the way and I think it's  
12 efficient enough to go on with it, you know.

13 As I said, I'm an apprentice with the IBEW and  
14 I've been an apprentice for a year and a half now. And  
15 the training that I'll get just on this job will be  
16 overwhelming. And I appreciate you guys giving us the  
17 opportunity to speak tonight and that's about all I  
18 have to say.

19 Thank you.

20 MR. BATEMAN: Thank you.

21 MS. FASANO: Thank you.

22 Mr. Peter Garza, Sr. followed by Matt Maloon  
23 and Dan Henriques.

24 MR. GARZA: Hi. Good evening. My name is  
25 Peter Garza. I am a Hayward resident for the last 18

1 years. Just as important, I am a skilled journeyman  
2 carpenter and a member of our local carpenter's union  
3 here, 713.

4 The project itself, I mean, as outlined, we've  
5 been dealing with this issue for quite some time now.  
6 I understand this is all a public hearing. Having been  
7 vetted for as long as it has we see this opportunity  
8 for, yes, jobs, which is -- is key to me as well as the  
9 other people that are in the trades. But more so the  
10 opportunity that it brings to the community from a  
11 standpoint of the public library aspect as well as  
12 the -- well, let me go back a step here.

13 I don't believe that we need to build at any  
14 cost. I having looked at this over the last several  
15 years find it extremely important to my family from an  
16 economic standpoint. We definitely need the power here  
17 in the East Bay as well as -- well, not only here in  
18 Hayward. My bill for electricity has gone up almost  
19 four times since the Enron incident back several years  
20 ago. We don't need that. We need to be able to  
21 control our destiny. We're hoping that this would be  
22 an opportunity for us, but more so, again, back to the  
23 job issue.

24 My local represents over 4,000 carpenters in  
25 the Bay Area. A large majority of that come out of

1 Hayward and we're suffering right now. We have roughly  
2 375 journeymen, skilled journeyman carpenters on the  
3 out-of-work list. These are people that have several  
4 years of experience, and not only that but the  
5 training. The amount of training that we go through to  
6 become a journeyman carpenter, it's just -- it's very  
7 frustrating to see this opportunity that we have to put  
8 people back to work especially during these hard  
9 economic times.

10 We hope that you will look favorably in  
11 issuing the PSD permit. Again, we've gone through this  
12 over the last several years. We pretty much washed it  
13 all through. We hope again that you'll look favorably  
14 and issue that permit as soon as possible.

15 Thank you.

16 MS. FASANO: Thank you. Matt Maloon followed  
17 by Dan Henriques and Kip Waldo.

18 MR. MALOON: Good evening. Thank you for the  
19 opportunity to speak on this issue. My name is Matt  
20 Maloon. I'm with the International Brotherhood of  
21 Electrical Workers. We represent about 2,000 skilled  
22 electricians in Alameda County. We're affiliated with  
23 the Alameda County building trades and the Alameda  
24 County Central Labor Council.

25 We support the Russell City Energy Center for

1 a number of reasons. Obviously, as you've heard  
2 mentioned tonight, it is a source of good jobs for  
3 local residents. Our members do live in Hayward. They  
4 live throughout the East Bay and especially in these  
5 current economic times that is no small thing.

6 It's also a valuable source of on-the-job  
7 training for our apprentices that are required to work  
8 a certain number of hours on the job in order to  
9 complete their apprenticeship. Beyond that, we see a  
10 large economic benefit to the area. It's a major  
11 source of new sales and property tax revenue for local  
12 government. It's a major source of funding for the new  
13 Hayward public library.

14 A key factor is that this project does not  
15 require public funds. This is a privately funded  
16 infrastructure investment which is needed to support  
17 the economy and the growing community in this area. It  
18 uses natural gas produced in the United States and is  
19 not dependent on foreign imports.

20 Various agencies have found Russell City to be  
21 environmentally sound. All of us have a desire for  
22 clean air and clean water. This project has been  
23 reviewed by numerous federal and local agencies who  
24 have found that it exceeds the most stringent standards  
25 applied anywhere in the country.

1           We believe the location is ideal, adjacent to  
2 a source of recycled water, close to natural gas lines  
3 and a PG&E substation. It is in a heavy industrial  
4 area that's well suited for this purpose.

5           In conclusion, unless some overriding  
6 environmental or air quality reason exists, we urge the  
7 board to proceed with the final approval of the Russell  
8 City Energy Center.

9           Thank you.

10          MR. BATEMAN: Thank you.

11          MS. FASANO: Thank you. Mr. Dan Henriques  
12 followed by Kip Waldo and Dr. Susan Sperling.

13          MR. HENRIQUES: Good evening. My name is Dan  
14 Henriques. I've been unemployed for some time and  
15 currently I'm homeless. So I do need a job, but I have  
16 a social responsibility to protect our society. As  
17 such, I do not support this project.

18          Our current president has, in fact, started  
19 social change based upon a love for all and praying for  
20 and hope for a different year.

21          Social change has started, thank God. As  
22 such, we should now secure our environmental liberty as  
23 in creating literally a trashfree Hayward, mental and  
24 physical environment.

25          People traditionally do not understand the

1 negative consequences of smoke, but recently our  
2 society has recognized that smoke of people walking by  
3 or engaged to can be inflicted by it in a negative  
4 way. Therefore, the smoke or the product production  
5 that is emitted from this company or this potential  
6 company can and probably will have a very deeply  
7 negative existence and impact upon our society.  
8 Therefore, we should not permit this to be built and  
9 constructed in Hayward or anywhere else.

10 Thank you.

11 MR. BATEMAN: Thank you.

12 MS. FASANO: Thank you. Mr. Kip Waldo  
13 followed by Dr. Susan Sperling and Darlene Besst.

14 MR. WALDO: Greetings. I'm Kip Waldo. I  
15 don't live in Hayward, but I work here at Chabot  
16 College. So I probably spend more time in Hayward  
17 during the year than I do at my home.

18 I work with a lot of students, and we're going  
19 to be -- Chabot College will be directly impacted by  
20 this we know because of the particulate matter. And  
21 probably one of the greatest concerns right now -- a  
22 lot of us can stay indoors -- is to our extensive  
23 athletics program, which is a phenomenal program. But  
24 I think beyond that, it's a great -- this hearing is  
25 very well timed because today we really have an



1 opportunity to begin on a national and a local scale to  
2 begin to chart a new course.

3 All the analysis of this plant, as Gail Steele  
4 said, was based on the past scientific precepts.

5 We live in a period now where we know that we  
6 have to get down to zero emissions of greenhouse  
7 gasses. We cannot tolerate this. If I construct a  
8 plant like this, it will not serve this community. It  
9 should be stated where the -- where this energy will be  
10 directed, across the bay, but it's not to pit one side  
11 of the bay against another.

12 But we know that this will emit greenhouse  
13 gasses. The particulate matter will fall here, but it  
14 pollutes beyond.

15 We can look at the deposit of dioxins, for  
16 instance, that are emitted through other energy, forms  
17 of energy production. Where is the greatest  
18 concentration of dioxins? In Inuit mothers' milk, that  
19 is, amongst Eskimos in the Arctic Circle. There are no  
20 power plants there. Air doesn't just stay in one area  
21 and that's what we're understanding as a world's people  
22 today.

23 So we cannot allow, just because a decision  
24 was made in 2001 and subsequent decisions based on  
25 similar regulations, to continue on this. I really

1       urge you to consider the facts and withhold your  
2       judgment until we really begin to see.

3               The EPA we know has been manipulated for the  
4       last eight years. That's a fact. Now maybe we'll  
5       start to see scientific information brought into this  
6       arena to begin to really impact and analyze what these  
7       kind of projects will do. I really -- we owe it to  
8       ourselves. We owe it to future generations to do this.

9               In addition, people mention the shoreline.  
10       We're seeing salt pond restoration. We know there is  
11       effluence. Anybody who's kayaked in this area knows  
12       that the bay is not very deep. Just the effluent from  
13       these kinds of plants can alter the area, the ecology  
14       phenomenally.

15               So we really have to think about this. I  
16       don't want to stand here and appear like I'm opposing  
17       jobs. I lived in Detroit for 18 years. I saw GM  
18       destroy neighborhoods in the name of jobs. That coal  
19       town plant is closed and I don't want to see one job,  
20       you know, one big job sort of, you know, blind us all.

21               Thank you.

22               MS. FASANO: Dr. Susan Sperling followed by  
23       Darlene Besst and MaryAnn McMillan.

24               DR. SPERLING: Thank you and good evening.  
25       I'm speaking both as an evolutionary biologist and a

1 dean at Chabot College and I want to also say that I  
2 come from a working class family with very strong labor  
3 roots and really appreciate the issue of communities  
4 and good jobs.

5 I'm speaking to urge you to reexamine the  
6 faulty database upon which you originally evaluated the  
7 Russell City Energy Center. At 600 megawatts this  
8 plant promises to dump hundreds of tons of particulates  
9 and potentially carcinogenic chemicals on Chabot, its  
10 college students and the vulnerable infants and  
11 toddlers at our child care center. It is based on a  
12 technology that is part of the past. It does not  
13 reflect the jobs or the technology of our future.

14 We've learned from the California Energy  
15 Commission that the, quote, "maximum impacted receptor  
16 center" for this pollution is the Chabot athletic  
17 field. Yet we were not consulted at the outset as  
18 sensitive receptors.

19 Dr. Sandra Witt, assistant director for public  
20 health for Alameda County, has assembled data on the  
21 dangerous synergistic potential effects of these  
22 pollutants on an already vulnerable so-called  
23 environmental justice population, communities in  
24 Hayward that are, as several speakers have mentioned,  
25 underserved in terms of medical access, have higher

1 than average rates of childhood asthma and a number of  
2 other conditions related to our demographics and our  
3 urban environment.

4 We are beginning as scientists to understand  
5 how these synergies work, that it's not an additive  
6 kind of process. And I think that Dr. Witt has made  
7 that point very eloquently in her testimony before the  
8 CEC. I urge the board to have the courage to assess  
9 these new data, to listen in a new way and to learn  
10 from the past a concept we heard articulated so  
11 eloquently in yesterday's inauguration speech.

12 This project was approved during a time when  
13 there was a panic over insufficient energy supply. We  
14 now know that that panic was the creation of a  
15 fraudulent manipulation of power supply by those who  
16 stood to profit by the deceitful gaming of power to the  
17 people of California.

18 This is, I think, widely documented and  
19 understood. I also want to mention to my fellow  
20 workers that these same processes based on an ideology  
21 of profit at all cost chew up and spit out workers,  
22 too, when they are finished with them.

23 We need to reexamine the most fundamental  
24 assumptions upon which the decision to build this plant  
25 was made.

1 MS. FASANO: Dr. Sperling, it's time.

2 DR. SPERLING: The Bay Area Air Quality  
3 Management Board is in a position to lead, to serve, as  
4 we've been called upon to do, and to take into account  
5 what we know now, that a decision to go forward with  
6 this project was based on incomplete analysis.

7 Thank you.

8 MS. FASANO: Darlene Besst followed by MaryAnn  
9 McMillan and Byron Benton.

10 MS. BESST: Good evening. My name is Darlene  
11 Besst. I'm with the Northern California chapter of the  
12 National Electrical Contractors Association. I  
13 represent the interests of over 100 union and  
14 responsible electrical contractors with offices in  
15 Alameda County who employ from a labor source of  
16 approximately 2,000 electricians.

17 Our contractors fully support the Russell City  
18 Energy Center. Our contractors have an ongoing  
19 relationship with Calpine and they know and they  
20 understand that Calpine does follow through on their  
21 commitment in the area of safety and the environment.

22 The project has undergone extensive reviews  
23 and meets or exceeds safety standards for the health  
24 and safety of not only the citizens of this community  
25 but of the workers in this room who will work on the

1 project.

2 We understand that the Air District has  
3 analyzed the project in its entirety and is in  
4 agreement that it will meet very stringent standards.  
5 I appreciate the opportunity to speak on behalf of this  
6 project and urge your issuance of the PSD permit.

7 Thank you.

8 MR. BATEMAN: Thank you.

9 MS. FASANO: MaryAnn McMillan followed by  
10 Byron Benton and Frank Goulart.

11 MS. McMILLAN: Good evening. My name is  
12 MaryAnn McMillan. I'm a resident of San Lorenzo, which  
13 is to the north of this community.

14 I would like to speak for the San Lorenzo  
15 Heritage Society this evening. By a vote of its  
16 membership we passed a resolution to ban the Russell  
17 City Energy Center. As of today, the air that we  
18 breathe is already contaminated with various  
19 pollutants. For example, there was a study that was  
20 recently completed by the UC Davis regarding air  
21 pollutants as it relates to autistic children.

22 The study found a possible relationship  
23 between the metals in pesticides and other pollutants  
24 found in the air to an increase in the number of  
25 children who are diagnosed with autism.

1           Hence, we do not need any more pollutants  
2 being pumped into the air that we breathe.

3           And I have a couple of questions. What is the  
4 relationship of the Hayward library to this energy  
5 center?

6           MR. BATEMAN: Ma'am, we're not really here to  
7 discuss that.

8           MS. McMILLAN: Oh, okay.

9           MR. BATEMAN: That was, I think, an issue with  
10 the City of Hayward and the Applicant.

11          MS. McMILLAN: All right. Thank you.

12          I have a petition that our members have signed  
13 and I'd like to present it to you.

14          MR. BATEMAN: Yes, by all means. Thank you.

15          MS. FASANO: MaryAnn McMillan followed by  
16 Byron Benton and Frank Goulart.

17          MR. BATEMAN: That was MaryAnn McMillan.

18          MS. FASANO: I'm sorry. Was that MaryAnn  
19 McMillan? I'm sorry. Byron Benton.

20          MR. BENTON: Good evening. Thank you for this  
21 opportunity to speak here tonight. My name is Byron  
22 Benton. I am the training director for the Alameda  
23 County electrical apprenticeship. We are currently  
24 located in San Leandro. As you can see, we have many  
25 of our apprentices here tonight.

1           Our program began in 1946. At one time we  
2 were residents of Hayward ourselves in our training  
3 program, and currently all of our apprentices are also  
4 Chabot College students. And I'm here to speak in  
5 favor of the Russell City Energy Center.

6           But I also think it's my responsibility as a  
7 parent, as a grandfather, to also share that, of  
8 course, I'm absolutely concerned about the health of my  
9 children and my grandson and I would not for a moment  
10 support something that I thought in any way would lead  
11 to putting that in jeopardy.

12           I think one thing that's being overlooked here  
13 tonight. It's my understanding that by going forward  
14 on this plant we're actually going to be reducing  
15 pollutants in the air throughout the Bay Area as less  
16 efficient, more highly pollutant older plants are  
17 brought offline. And I think that's important to -- I  
18 believe that's the case up in Pittsburg and other parts  
19 of the Bay Area, but I think to look at the big  
20 picture, a gentleman made the comment that air doesn't  
21 stand still.

22           We're not going to get to solar and wind  
23 tomorrow. We have to have something to bridge that and  
24 these highly efficient and high air quality plants such  
25 as this are going to help us get there.



1 I'd like to share with you recently in October  
2 we had US Senator Barbara Boxer. We had the Apollo  
3 Alliance and they were doing their tour across the  
4 country and it was about new technologies, green  
5 energy. We train on that. The apprentices you see in  
6 this room tonight are learning how to do solar  
7 photovoltaic installations, how to do wind power.

8 This is not a job at all costs. This is just  
9 something that's part of the process and I think we are  
10 overlooking the fact that it will actually improve air  
11 quality here in our area.

12 Quickly, we do have to talk about jobs. We  
13 have apprentices sitting in this room here tonight who  
14 are on the verge of losing their homes. One of the  
15 things we feel proud about is we can offer living wage  
16 jobs with health and welfare benefits for apprentices  
17 and their families and they can continue to live and  
18 work in the communities they have grown up in.

19 That's what this project allows for, for our  
20 apprentices to have good employment opportunities, to  
21 be able to sustain health and welfare benefits. You  
22 saw Ron here earlier with his little baby. So that's  
23 what is really critical also in looking at this right  
24 at the moment is the fact is we're looking at 20  
25 percent unemployment in the Bay Area.

1           And so projects like this are going to get our  
2 apprentices the opportunities for training and  
3 employment opportunities, living wages, health and  
4 welfare benefits for themselves and their family.

5           MS. FASANO: Mr. Benton, that's time.

6           MR. BENTON: Thank you.

7           MS. FASANO: Frank Goulart followed by Jim  
8 Barringer followed by Douglas Grandt.

9           MR. GOULART: Thank you. I've always said  
10 Goulart, but I like Goulet. I'm Frank Goulart.

11           I've watched the previous hearings on the tube  
12 and I wasn't sure that I could really add anything,  
13 except when Barack was sworn in yesterday and suddenly  
14 things have taken a different complexion and it seems  
15 to me that the challenge is to get back to virtue and  
16 the truth.

17           And the inconvenient truth here is this plant  
18 is going to pollute the air and is not going to be good  
19 for my grandson and my granddaughter or the millions of  
20 birds that fly through here. The kids in the schools  
21 that are nearby. The people worshipping in churches  
22 nearby. The parks are going to be impacted.

23           I just don't believe that all of these health  
24 problems that they all are having, talk about the  
25 increase in all of this, isn't due to the way we're

1       messing with the environment by adding stuff to the  
2       environment that doesn't need to be here.

3               This is your job. This is your job. You're  
4       supposed to enforce the Clean Air Act. I'm not going  
5       to get into all this -- I practice law for a living,  
6       but I just want to look at the bigger picture here.  
7       There is other people that have spoken.

8               The law is changing. The time is here to get  
9       back to virtue and the truth, and the inconvenient  
10       truth is no matter how you slice it, this is going to  
11       make things worse in this area. The environment is  
12       going to get worse. It's going to be degraded. It's  
13       not right. It's not right that we should allow this  
14       kind of development to pollute when the opportunity  
15       exists to perhaps come up with something that's a  
16       little cleaner.

17               I mean, I remember a big debate that I got  
18       into about whether diesel polluted, and I was in the  
19       automotive technology program at Chabot College and I  
20       had a big argument with my instructor, Mel Edwards.  
21       And he insisted, because that was the teaching of the  
22       day, diesel engines did not pollute. And I challenged  
23       him to put up the equation.

24               I had some college chemistry at Cal. "Put up  
25       the equation and show me where that stuff is going." I

1 challenge you to do the same thing. Put the equation  
2 up on the board and tell us where it's going.

3 And please do your job. Please step to the  
4 plate. Become one of the new virtuous agencies that  
5 I'm hoping is going to come out to this transformation  
6 that we've had in Washington DC.

7 Thank you for your time and thank you for  
8 allowing me to speak.

9 MR. BATEMAN: Thank you.

10 MS. FASANO: Mr. Jim Barringer followed by  
11 Douglas Grandt followed by Mr. Jose Zapien.

12 MR. BARRINGER: Hi. I'm Jim Barringer. I'm  
13 an attorney. Part of the time I spend helping out with  
14 the environmental law and justice clinic at Golden Gate  
15 University.

16 We've reviewed the statement basis pretty  
17 carefully and we're going to submit written comments.  
18 I thought I'd give you just a preview of coming  
19 attractions. In reading through the statement of basis  
20 we couldn't help but catch at least a hint that some of  
21 the analysis is built around this 2002 technology.  
22 It's really probably a 1998 technology using this  
23 triple pressure technology. Because Calpine has  
24 already sunk the money, did that back in 2002.

25 And our concern is that -- that -- that the

1 BACT determination truly be based upon what is the  
2 current state of the art technology. And if there is  
3 an effort here to sort of grandfather in this whole  
4 technology, you know, is that based on an understanding  
5 that the district is legally bound to do that or is  
6 it -- is it based on the idea that the -- that that  
7 equipment truly represents the state of the art? I  
8 would just focus your attention on that. And, if so,  
9 what are the assumptions behind that conclusion?

10 One of the things that we've looked at is that  
11 this comparison that's been done between the triple  
12 pressure technology and the fast start technology,  
13 which is also the Siemens technology and what -- we  
14 look through the statement of basis and what it's --  
15 the comparison that was being made seemed to be done  
16 purely on a baseload scenario. And we just wonder  
17 whether the fact that this plant is going to be  
18 starting up and shutting down a lot, what impact is  
19 that going to have on whether fast start is a better  
20 technology and that it might ultimately reduce  
21 emissions.

22 Another thing we didn't see in the statement  
23 of basis was a clear statement of the range of  
24 anticipated cold start-ups and warm start-ups and hot  
25 start-ups. Maybe it's there. Maybe I just missed it.

1 I guess another thing that we wonder about is  
2 whether the district has withdrawn its GHG analysis  
3 and, if so, shouldn't you say so in the statement of  
4 basis?

5 That's really about all I have to say. My  
6 time is probably up.

7 MS. FASANO: Yes. That's time. Thank you.

8 Douglas Grandt followed by Mr. Jose Zapien and  
9 Viola Saima-Barklow.

10 MR. GRANDT: Good evening. Thank you for the  
11 opportunity to talk. My name is Doug Grandt. I live  
12 here in Hayward, but I work in Sacramento. I commute  
13 once a week over and I stay with my son and I work for  
14 the Air Resources Board, although I'm not here  
15 representing the air board. I'm representing myself  
16 and my two grandkids, 11-year-old Sean and 8-year-old  
17 Connor who live in Austin.

18 And I just want to ask you if you realize that  
19 any CO2 you put in the air here is going to affect my  
20 grandkids in Austin. I think everybody has pretty well  
21 understood that CO2 anywhere in the world affects the  
22 whole climate.

23 I am against CO2. I'm in favor of reducing  
24 fossil fuel burning. I worked on the AB 32 scoping  
25 plan, residential combustion, and it became very clear

1 to me very quickly that just relying on efficiencies of  
2 gas-burning forced air heating and water heating are  
3 not going to get us to the 80, 90 or even now they're  
4 saying 95 percent reduction that we need to get in  
5 CO2.

6 Imagine 95 percent reduction from 1990 levels  
7 is almost zero gas burning. We need to get off of gas  
8 by 2025 -- pardon me, 2050.

9 So my question is what does this power plant  
10 do to reduce CO2 emissions? Is it aligned with  
11 Governor Schwarzenegger's executive order S1408 which  
12 calls for 33 percent renewable portfolio by 2020? I  
13 don't think this is in line with that. I think the  
14 money that we spend on this gas plant is better spent  
15 putting in renewable energy, creating green jobs.

16 I'm a working person, too. I get up at five  
17 o'clock and I go to the air board. I work at a desk  
18 trying to stop diesel pollution from coming out of  
19 buses and ships. But the point is that we really need  
20 to start reducing rather than increasing more  
21 facilities that burn -- burn fossil fuels.

22 We need to get off of coal. We've heard these  
23 programs or these advertising campaigns for clean  
24 coal. There is no such thing as clean coal. There's no  
25 such thing as clean gas. It all emits CO2. Clean gas,

1 clean coal, clean oil, there is no such thing.

2 I've heard it said that gas is clean and  
3 sustainable. We're reaching peak oil. We're soon  
4 going to reach peak gas and we only have probably a few  
5 decades of coal, economically retrievable exploitable  
6 coal.

7 So, please, I support what some of the other  
8 speakers have said about we need to get to zero  
9 emissions. We need to get off of gas. Please hold  
10 this decision off until the EPA does and Barack Obama  
11 does what they need to do. This is the wrong thing to  
12 do right now.

13 Thank you.

14 MS. FASANO: Mr. Jose Zapien followed by Viola  
15 Saima-Barklow and Mr. Ron Barklow.

16 MR. ZAPIEN: Hello. My name is Jose Zapien.  
17 I'm the business manager for Laborers Local 304,  
18 Alameda County. We represent 4-000 -- give or take --  
19 800 members, which 1,100 of them reside here in Hayward  
20 where we have our main office on Mission Boulevard.

21 I'm here today in support of this project, but  
22 by no means are we pushing this at all costs to  
23 build -- to build at any cost. We agree -- we agree  
24 totally that there are regulations that need to be  
25 followed, environmental regulations. But we also ask



1 once those are done and they see that this is something  
2 that is going to work for this city and they found a  
3 way how to make it -- how to make it produce energy  
4 safely, we need to -- we need to -- we look at our  
5 halls right now.

6 We have well over 300 working men and women  
7 that are out of work right now. Many of them here from  
8 the Hayward -- from Hayward or surrounding area. But  
9 also -- also at a time, as you know, that businesses  
10 are faltering and the city also is hurting for  
11 generating funds.

12 This is very -- it's very crucial and I ask  
13 that you take the time and consideration and really  
14 look into this. And I really believe that there is --  
15 there is -- it can come down to building this safely  
16 and meeting all the requirements for EPA and having --  
17 and where everybody, labor and also the families around  
18 who live here in Hayward will benefit from this  
19 project.

20 Okay. Thank you.

21 MS. FASANO: Thank you.

22 MR. LUBOVISKI: We're going to -- Jose was  
23 going to mention that for the union members that are  
24 here that have to go to their halls tomorrow to look  
25 for work and get to work and leave at 5:00 in the

1 morning, we understand if people have to leave. We've  
2 gotten most of -- just about all of our speakers out.  
3 We thank you all for coming.

4 So our members can leave now if you want and  
5 thank you for participating.

6 MS. FASANO: Ms. Viola Saima-Barklow followed  
7 by Mr. Ron Barklow followed by Mr. Jim Forsyth.

8 MS. SAIMA-BARKLOW: Good evening. My name is  
9 Viola Saima-Barklow. I do live in Oakland now, but I  
10 was a Hayward resident for almost 30 years.

11 I would like to bring your attention, too, a  
12 letter written to you that you should have received  
13 that's from the Hayward Area Shoreline Planning  
14 Agency. Even though I live in Oakland I'm a member of  
15 the citizens advisory committee to the Hayward Area  
16 Shoreline Planning Agency which has been planning the  
17 preservation and development of the Hayward area  
18 shoreline for 35-plus years, I believe, now.

19 In the letter it's stated that HASPA,  
20 including the citizens advisory committee, we are  
21 concerned about the impact of this power plant's  
22 estimated maximum CO2 emission rate of 684,200 pounds  
23 per hour on the environment. This is not addressed in  
24 the statement of basis.

25 There is also concern about the consistency of

1 the current CEQA documentation in regard to CO2  
2 emissions and the new requirements of AB 32. And  
3 that's been brought up as an issue by prior speakers.  
4 So AB 32 is very, very important.

5 We were also concerned that there are aspects  
6 of the environment that can only be determined through  
7 a full biological survey. And this apparently has not  
8 been done and apparently you have no plans to do that,  
9 but it's very important that that be done. The Hayward  
10 area shoreline, the whole bay shoreline is considered  
11 by Audubon and other organizations as an important bird  
12 area because of the migratory birds that winter here,  
13 pass through here. This is part of the Pacific  
14 flyway. And the pollution that's put out by this plant  
15 may have a tremendous impact on the birds and I don't  
16 believe you've surveyed that.

17 And then I just want to mention one thing.  
18 When I was living in Hayward I lived not too far from  
19 here up in the foothills. There were plenty of  
20 mornings when the air -- you would look outside, the  
21 sky was blue. You would step outside and you'd take a  
22 deep breath and it smelled like the bottom of a  
23 barbecue pit. That was air pollution. It took me  
24 quite a while to figure out that's what it was. And  
25 that was then and now you're going to put a plant in

1 and you're going to make it worse.

2 Thank you.

3 MS. FASANO: Thank you. Mr. Ron Barklow  
4 followed by Mr. Jim Forsyth followed by Andrea  
5 Furtado.

6 MR. BARKLOW: I'm Ron Barklow. I'm with my  
7 wife, a member of the Hayward Area Shoreline Planning  
8 Agency, the citizens advisory group. We did live up in  
9 Hayward.

10 One thing I should bring up is the Pacific  
11 flyway. Also, what's flying up overhead in that area  
12 is the airplanes, both small planes going to the  
13 Hayward Airport and to the major -- larger planes  
14 flying over to the Oakland Airport, the fly path to the  
15 airport. So that thing shooting up and down, it could  
16 cause big damages to the plane.

17 You're also not covering all the rest of the  
18 parts. I mean, you've got -- my wife was mentioning  
19 the Hayward shoreline. Also beyond the hill areas  
20 you've got the area of regional park above the --  
21 what's called Cal State Hayward or East Bay College now  
22 and up on the hill the residents call the athletic  
23 fields that are going on that area.

24 So all the union workers who just left, I was  
25 an apprentice carpenter and was a journeyman carpenter,

1 too, for ten years, but I say it is going to solar  
2 paneling putting up on a house still by union workers,  
3 and that way you don't have to worry about having any  
4 power outage when a car hits a power line or a strong  
5 wind sends a tree across the power lines.

6 You mentioned a lot of time on the Point  
7 Reyes. What's going on at Point Reyes? They've got a  
8 sensing device that covers the amount of pollutions  
9 coming from China across the ocean through Point Reyes,  
10 plus some units up in the Sierra Nevadas. You should  
11 address to see how far those pollutions are going.

12 So one thing I think what we got here going  
13 including locally putting this as the Agent Orange of  
14 Hayward. So you see what happened in Vietnam. You see  
15 the technologies and other cities are now putting solar  
16 panels on the houses. And also you want to worry about  
17 being in violation of the Mandatory Bird Treaty Act.

18 MS. FASANO: Thank you.

19 Mr. Jim Forsyth followed by Andrea Furtado  
20 followed by Audrey LePell.

21 MR. FORSYTH: Yeah. I'm Jim Forsyth. I'm a  
22 long-time resident of Hayward. I'm also here  
23 representing the Hayward Demos Democratic Club which  
24 took a strong stand against this power plant. I'm  
25 also -- I guess the main reason why I'm up here and why

1 I'm speaking against this power plant is I have a  
2 six-year-old grandson who has asthma and he lives here  
3 in Hayward and I just don't want any more pollution in  
4 our air because this young man struggles to get his  
5 breath when he has an asthma attack and I don't want to  
6 put any more additional burden onto him.

7 I think it's very shortsighted for us to build  
8 any more fossil fuel plants when the technology is  
9 there for solar and wind and retrofitting. And this  
10 also creates many, many jobs, that's clean renewable  
11 energy, and it's obviously the way we have to go in the  
12 future. And if we don't start doing that now, when  
13 will we ever start? I think we need to draw the line  
14 here. No more fossil fuel plants. Use the money, the  
15 investment, in clean renewable energy and  
16 retrofitting.

17 Thank you.

18 MS. FASANO: Andrea Furtado followed by Audrey  
19 LePell followed by Bradley Angel. Andrea Furtado?

20 SPECTATOR: She had to leave.

21 MS. FASANO: She left?

22 SPECTATOR: Yes.

23 MS. FASANO: Audrey LePell followed by Bradley  
24 Angel followed Rob Simpson.

25 MS. LePELL: Good evening. My name is Audrey

1 LePell. I'm the president of an organization called  
2 CAP, Citizens Against Pollution. I have lived in  
3 Hayward 44 years.

4 Thank you for arranging this meeting regarding  
5 the air quality of the Russell City Energy Center if  
6 built with permission of the Bay Area Air Quality  
7 Management District.

8 I have a petition which I will give to you  
9 when I'm finished with my remarks of over 472 names.  
10 This petition was presented to the California Energy  
11 Commission about Russell City some year and a half ago,  
12 and our petition was not even acknowledged by another  
13 state agency, that is, and we were very disappointed.

14 So we are -- in your capacity we are  
15 addressing you with that petition. The petition was  
16 addressed to the California Energy Commission, the City  
17 of Hayward and the Alameda County Board of Supervisors  
18 because we were speaking at all of those events.

19 I will quote from your notice that you  
20 published in 2008. Nitrous oxides are 134.6 tons per  
21 year. Carbon monoxide, 389.3 tons per year of  
22 poisonous gas, of course. Particulate matter or PM,  
23 86.8 tons per year. All equaling 610 tons .70 tons per  
24 year or 1,221,400 pounds per year. That could be put  
25 out by Russell City if it's built.

1           Can you or anyone imagine how much that might  
2 be? I'll try.

3           Imagine a million boxes of one pound of sugar  
4 each. Put in those named gasses, evaporate the sugar  
5 and the boxes, and you have those unwanted gasses  
6 circulating around the air in Hayward and surrounding  
7 communities. Two of the gasses are acrolein and  
8 formaldehyde. Those are known cancer-causing toxics.

9           When reading your statement, I want just to  
10 say one more thing. I'm quoting. The analysis used  
11 sophisticated EPA-approved pollution models to evaluate  
12 the ambient air impacts from air pollution emissions  
13 from the proposed facility. That is RCEC.

14           Paraphrasing, the analysis found that the  
15 emission from the proposed facility would not cause or  
16 contribute to air pollution in violation of any  
17 national ambient air quality standard or applicable PSD  
18 increment, but your numbers say a different story.

19           We know those air pollutants will pollute our  
20 air. How can the Bay Area Air Quality Management  
21 District say yes to Russell City when we citizens say  
22 no? Say no to the PSD permit. I will present you with  
23 the petition.

24           MR. BATEMAN: Thank you.

25           MS. FASANO: Mr. Bradley Angel followed by Rob



1 Simpson followed by Juanita Gutierrez.

2 MR. ANGEL: Good evening. My name is Bradley  
3 Angel and I'm the director of Green Action for Health  
4 and Environmental Justice. And we're here to support  
5 Citizens Against Pollution and other residents in  
6 urging you to follow the mandates of the law and deny  
7 this permit.

8 I want to start by saying, first of all, our  
9 organization is extremely pro union. We are obviously  
10 pro jobs. We understand the economy. We also  
11 understand that those issues have nothing to do with  
12 this permit decision, nor should they. This permit  
13 should be -- permit decision should be decided upon the  
14 law and should be decided upon a legitimate, fair and  
15 appropriate permit process that is not tainted.

16 And I want to say a couple of things about the  
17 tainted process. Tonight's meeting started with  
18 Mr. Bateman, the hearing officer, misleading the  
19 public, and I believe unintentionally, but the fact is  
20 it happened. He said and I quote: "There's going to  
21 be." "This plant will have."

22 You haven't made a decision yet, Mr. Bateman.  
23 So we don't know if there's going to be or this plant  
24 will have. You should say "it could have," "if built,"  
25 "if approved." But this has been a recurring problem

1 with your agency that our organization and allies have  
2 dealt with your agency repeatedly for several years now  
3 about misstating and basically putting out a foregone  
4 conclusion, a decision that hasn't been made yet.

5 We also -- your so-called fact sheet as well  
6 as your graphic in the hallway here is extremely  
7 misleading and I believe fraudulent and it has a  
8 graphic -- in fact, I asked one of your Air District  
9 staff where was the stack on your graphic. He couldn't  
10 find it because you don't have it. All you have is  
11 something that says "warm exhaust," but that needs to  
12 be replaced by the words "toxic" and "polluted."

13 So you have a misleading graphic that looks  
14 like company propaganda, not accurate information from  
15 an agency that's required to put accurate information  
16 out.

17 The air pollution control officer of the Air  
18 District is often seen on television proclaiming the  
19 evils of fireplaces and smoke from fireplaces. We  
20 agree that that's a health hazard. However, you also  
21 know that a 600-megawatt fossil fuel power plant will  
22 put out toxic pollutants and pollutants that can  
23 trigger asthma, cancer and other problems.

24 We know that the claim that we've heard  
25 tonight that this will clean the air is ridiculously

1 false. We know that -- and your own fact sheet, in  
2 fact, has a list of pollutants that are anything but  
3 cleaning the air. You know this is a non-attainment  
4 area for certain pollutants. You know that the 880  
5 corridor communities are heavily impacted with  
6 unacceptable levels of air pollution.

7 Your health analysis that you claim was done  
8 was not done accurately. Your own board of directors  
9 instructed the staff to look into in your policies and  
10 regulations the cumulative and synergistic impacts of  
11 pollution. You clearly did not do that. There is no  
12 cumulative impact analysis of all the pollution sources  
13 and how this proposed plant would impact the already  
14 existing problems we have with air quality.

15 Lastly, I want to say that you're also  
16 prohibited from issuing this permit, we believe, by the  
17 negative and harmful and disproportionate and  
18 discriminatory impacts that this massive polluting  
19 facility, if built, would have on the community,  
20 particularly low income people of color, including but  
21 not limited to the students and kids in child care at  
22 the neighboring colleges. The nearest community is low  
23 income people of color, working class community.

24 So you are subject to your own environmental  
25 justice policies, the state environmental justice and

1 civil rights laws and to federal civil rights laws as  
2 recipients of federal funding.

3 Lastly --

4 MS. FASANO: That's time.

5 MR. ANGEL: Yes. And if I could just wrap up  
6 by saying that one of the speakers said that Calpine is  
7 wonderful company. Calpine, first of all, has a  
8 troubled track record. They are engaged in a racist  
9 power plant siting up in Medicine Lake in Shasta County  
10 which would desecrate indigenous lands and as a  
11 financially pressed company we question whether they  
12 would be able to adhere to any regulations you might  
13 apply to them post plant.

14 Thank you.

15 MS. FASANO: Mr. Rob Simpson followed by  
16 Juanita Gutierrez and JoAnne Gross.

17 MR. SIMPSON: Good evening. I'm Rob Simpson.  
18 I'm the person who won the remand from the EPA  
19 regarding this permit. So don't blame me for being  
20 here.

21 Thank you.

22 Now, I might as well talk to the people here  
23 because they are not really hearing us. Jack Broadbent  
24 has already said in his staff meeting last week that  
25 whatever happens here, they are going to permit this

1 plant. They fully intend to permit this plant. But  
2 we're winning. We are winning this thing because of  
3 the people that are here. Because of the people who  
4 spent thousands of hours of their time to -- to prevent  
5 this desecration of our city.

6 What most of us here know is if we dump this  
7 80 tons of year of particulate matter into our  
8 neighborhood it's going to affect people's health.  
9 They say, well, it's safe because we're going to get  
10 pollution credits from San Francisco. We're going to  
11 make San Francisco cleaner while we dump on Hayward and  
12 send the power back to San Francisco.

13 Now, enough of us have stood there and said,  
14 no, this is not what's right for Hayward. What's right  
15 for Hayward are jobs, are clean green jobs that can be  
16 produced -- we can produce ten times the number of jobs  
17 by going with locally farmed clean energy.

18 So we have an opportunity here. The  
19 opportunity is not with the Air District. The  
20 opportunity to stop this plant will be in courts. It  
21 will be in the EPA appeals and it will be in other  
22 venues. It will be with Fish and Wildlife. It will be  
23 with Bay Conservation Development Commission. It will  
24 be with the City of Hayward who owns the land that this  
25 plant is -- this project is planned to be on.

1           Now, our city has an agreement with Calpine to  
2 give them this piece of land. Our city has a  
3 preexisting agreement with the people of Hayward to  
4 protect us. But that's not happening here. We need to  
5 continue to push our city leaders to not give city  
6 shoreline to the fifth biggest polluter in the Bay Area  
7 and the way we're going to do it is the way we're doing  
8 it here.

9           Thank you. I'll submit my comments in  
10 writing.

11           MR. BATEMAN: Thank you.

12           MS. FASANO: Juanita Gutierrez followed by  
13 JoAnne Gross and Mr. Bob Williams.

14           MS. GUTIERREZ: Ladies and gentlemen, I am  
15 Juanita Gutierrez. I live at 2236 Occidental Grove  
16 just a few blocks from the proposed power plant. I --  
17 as a layperson, all I can say is all you need is common  
18 sense. You saw the area they show us at the  
19 beginning. The power plant is here. Right there is  
20 the shoreline. In what brain could conceive to put a  
21 power plant there? It doesn't make sense to me. So  
22 please all I'm asking you is use common sense and deny  
23 the permit.

24           Thank you.

25           MS. FASANO: Ms. JoAnne Gross followed by

1 Mr. Bob Williams followed by Barbara Fields.

2 MS. GROSS: Hi. My name is JoAnne Gross. I'm  
3 a Hayward resident and a Hayward native. Thank you for  
4 giving the public the opportunity to address our  
5 concerns to you tonight regarding the building of the  
6 Russell City Energy Center.

7 I can't understand how your agency could have  
8 issued an authority to construct this power plant. I  
9 went on the website of the California Air Resources  
10 Board today and it says the major goals of the Air  
11 Resources Board are to provide safe and clean air to  
12 all Californians, to protect the public from exposure  
13 to toxic air contaminants and to reduce California's  
14 emissions of greenhouse gasses.

15 Its mission is to promote and protect public  
16 health, welfare and ecological resources through the  
17 effective and efficient reduction of air pollutants  
18 while recognizing and considering the effects on the  
19 economy of the state.

20 When Calpine proposed this power plant to the  
21 City of Hayward they offered two things in the way of  
22 mitigation for the damage it would do to our  
23 community. One was to offer Hayward residents a  
24 fireplace retrofit program to reimburse people for part  
25 of the cost of replacing our fireplaces with gas

1 burning ones. Each qualifying homeowner would get  
2 approximately \$400 to apply to the cost of  
3 approximately \$1,500 for a fireplace retrofit.

4 How many spare the air days have we had this  
5 winter where we have been notified by your agency not  
6 to burn wood in our fireplaces? I counted the spare  
7 the air days on your website today and I counted 18  
8 total days for winter and summer. I've read that your  
9 agency may recommend banning wood burning in the Bay  
10 Area altogether.

11 So what Calpine is offering in the way of  
12 mitigation to our community is essentially zero. They  
13 did offer the city \$10 million for a new library, but  
14 that doesn't do anything to mitigate the air pollution  
15 that we will be forced to breathe daily when this plant  
16 is in operation. And as Calpine has had financial  
17 difficulties, I don't trust that they'll have that  
18 money for the library anyway.

19 Will the power plant be shut down during spare  
20 the air days? Somehow I don't think it will.

21 A policy which makes no sense to me is the  
22 granting of emission reduction credits which are banked  
23 with you. That is bought and paid for by the Applicant  
24 to mitigate the increase of emissions produced by new  
25 polluting facilities.



1 I think it's clear that with the passage of  
2 AB 32 that we should not be looking just at no net  
3 increase in emissions but rather to decrease them to  
4 the lowest extent possible.

5 How on earth can you tell us that these banked  
6 paper credits paid for by Calpine will make up for our  
7 having to breathe every year nearly 135 tons of nitrous  
8 oxide, 389 tons of carbon monoxide, 87 tons of  
9 particulate matter, 12 tons of sulfur dioxide and 28  
10 tons of organic compounds? Your engineers need to look  
11 beyond the charts and tables and start looking at the  
12 human beings who live their lives here and breathe this  
13 air.

14 This is a densely populated area. There are  
15 preschools, elementary schools, high schools, colleges,  
16 hospitals, nursing homes and a majority minority  
17 socioeconomic population here. There are documented  
18 high rates of asthma and other respiratory diseases  
19 here.

20 MS. FASANO: Ms. Gross, that's time.

21 MS. GROSS: Okay. My last statement of  
22 concern is the precedent that will be set for building  
23 and operating heavy industrial facilities in the  
24 central East Bay. We all saw how Tierra Energy  
25 instantly jumped at the opportunity to piggyback on the

1 Russell City plant and tried to push through the  
2 Eastshore Energy Center. Once this huge Russell City  
3 power plant is located here you can bet there will be  
4 other big polluters following.

5 Thank you.

6 MS. FASANO: Mr. Bob Williams followed by  
7 Barbara Fields followed by Sherman Lewis.

8 MR. WILLIAMS: Yes. My name is Bob Williams.  
9 I was born and raised in Hayward just a few blocks from  
10 where the power plant is going to be. I can walk to  
11 where the site is proposed to be in maybe 20 minutes.  
12 I live right on Depot Road, but that's my own personal  
13 thing.

14 What this is really about is money. It's  
15 about big money. There's nothing I can really add to  
16 what already has been said except that no one really  
17 knows the effects of pollution. The science is still  
18 developing. It's a -- we're gambling. Well, the big  
19 companies that are standing to make profit at our  
20 expense say it's a good gamble. The people that are  
21 here representing the unions, for a couple of years  
22 they will be put to work.

23 But this power plant should not be seen as a  
24 solution to the United States economic problems. Just  
25 as an aside, our president was inaugurated and the

1 inauguration cost \$170 million. This is during the  
2 worst recession we've had since -- I don't know when --  
3 the Depression? And who bankrolled that? Any guess?  
4 Wall Street. Wall Street controls us all.

5 They are the ones that own these companies  
6 that want to set these power plants and, yes, there  
7 will be more jobs. The health industry is going to  
8 make a lot of money off of the people that are coming  
9 down with increased asthma and ill health in the  
10 future.

11 So the agencies that are supposed to protect  
12 us, you being one of them, like the Securities and  
13 Exchange Commission that can't even keep track of the  
14 people that are ripping us off. It goes on and on and  
15 on. Our system is broken.

16 And citizen -- citizens are not stepping up to  
17 the plate. They've been disenfranchised. I'm glad to  
18 see you people here, but how many people live in  
19 Hayward? No, I'm not. I mean, how many people live in  
20 Hayward? 150,000 maybe?

21 SPECTATOR: We had one day's notice.

22 MR. WILLIAMS: Okay. One day's notice. Well,  
23 you're not hearing from them. They are the silent  
24 majority, the real silent majority, and they are not  
25 part of the system anymore. The system has

1 disenfranchised these people, the people that are going  
2 to take the brunt of this.

3 And my last statement is do we really need  
4 this plant for energy?

5 SPECTATOR: No.

6 MR. WILLIAMS: You know, maybe by learning how  
7 to conserve our energy better we don't need to have  
8 these plants online.

9 MS. FASANO: Mr. Williams, that's time.

10 Barbara Fields followed by Sherman Lewis  
11 followed Carlos Cordero.

12 MS. FIELDS: Hello. My name is Barbara  
13 Fields. I've lived here for about 38 years.

14 This plant was approved in 2001. This is not  
15 2001. It's time we did a little changing. Governor  
16 Gray Davis was in office when this was planned and the  
17 energy standards were relaxed because we had a problem  
18 with energy. We don't have that now. We need to look  
19 to the future. We want Hayward to have a good plan.  
20 We want Hayward -- it to be good for Hayward. We want  
21 the technology to be good for Hayward, not to be  
22 polluting Hayward.

23 We understand we have needs for energy.  
24 However, there are wonderful things that are coming and  
25 to put this old plant as another burden, just like our

1 city hall, eleven stories that is now sitting cracked  
2 and been vacant since the Loma Prieta Earthquake. We  
3 don't need another power plant structure that will be  
4 condemned that will have to be removed from Hayward.  
5 We want good things for Hayward.

6 Thank you.

7 MS. FASANO: Thank you.

8 Sherman Lewis followed by Carlos Cordero  
9 followed by Ron Mahood.

10 MR. LEWIS: My name is Sherman Lewis. I'm the  
11 president of the Hayward Area Planning Association. I  
12 want to thank the Air District for having a hearing  
13 here in Hayward where we could reach here easily and  
14 also at a time when people could come because they  
15 wouldn't have to be at work.

16 The Hayward Area Planning Association on this  
17 issue is primarily represented in policy issues by Rob  
18 Simpson and on legal issues by Joel Spaulding. I'm  
19 going to make some short policy comments.

20 I think that this plant is not using advanced  
21 technology and we need to make sure that it does. If  
22 you want to know how people who support libraries feel  
23 about the money -- I realize this is not an adverse  
24 issue, but it's come up in discussion -- and you should  
25 ask the Library Commission and the Friends of the

1 Library which are the two library groups in this city.  
2 My knowledge of them, my wife is very active in library  
3 affairs, is that they do not want to get a library at  
4 the cost of polluting the city.

5 I also like the idea I've heard earlier. If  
6 you want to shut down our fireplaces on spare the air  
7 days, make sure you shut down the Calpine plant, also.

8 We have a problem that you need to confront  
9 more clearly, which is what is the choice. If the  
10 choice is between a natural gas plant, closing down the  
11 old plants, then I think we would want to build this  
12 plant. But if the choice is between burning more  
13 fossil fuels and finding less dependency on fossil  
14 fuels through sustainable and efficiency measures, then  
15 clearly the sustainable and efficiency approach is the  
16 preferred way to get the energy that we need.

17 If jobs are involved, let's study the jobs.  
18 We have heard from organized labor. We have not heard  
19 from disorganized labor. The disorganized labor are  
20 all the people out there who are going to make money  
21 off of energy-efficiency homes, off of solar  
22 collectors, off of wind and off of all these other  
23 alternatives.

24 We also have an organized corporation in  
25 Calpine. We do not have representation here from the

1 disorganized corporations, all the businesses that  
2 would benefit from this kind of green sustainable  
3 economy.

4 The fact that you're taking very serious  
5 pollution and diluting it and then saying it meets  
6 standards is really quite questionable as a method of  
7 analysis.

8 On the carbon dioxide issue, it's  
9 incontrovertible that this is causing major problems.  
10 We have AB 32. We have the Air District participation  
11 in the joint policy committee and this has in the Bay  
12 Area a climate change program. This plant is  
13 inconsistent with that climate change program.

14 I do not want staff to be a filter between  
15 everything said here tonight and reaching the board  
16 through Mr. Bateman. I think we here in the audience  
17 need to go directly to the board with our concerns, but  
18 I also hope that you will be effective in reaching the  
19 board with everything we have said.

20 Thank you.

21 MR. BATEMAN: Thank you.

22 MS. FASANO: Thank you.

23 Mr. Carlos Cordero followed by Ron Manhood  
24 (sic) followed by Betty Moose.

25 Mr. Carlos Cordero? Ron Manhood (sic)?

1 MR. MAHOOD: The name is Ron Mahood, but as a  
2 man, I'll take "Manhood."

3 I did my Ph.D. thesis on this energy center.  
4 So let's talk science. I don't like that. I think I  
5 can talk loud enough.

6 MS. FASANO: We want to make sure that you  
7 record. So please speak into the mic.

8 MR. MAHOOD: I go back in Hayward 25 years. I  
9 live downwind of the energy center. I've been a union  
10 member. I've been a union shop steward of 120 people.  
11 I'm sorry the IBEW people have already left because I  
12 wanted to talk with them, also.

13 I've been somewhat disappointed in my union  
14 career. I heard they said it wasn't any -- anything --  
15 whatever the phrase was -- anything but jobs and work.  
16 When you deny something -- you know, "I'm not a  
17 crook." That was Nixon. No, he was. I've always  
18 thought that about union workers is I want them to  
19 think outside of their jobs and their money, which, of  
20 course, is important. I'm a wage earner. I'm not  
21 retired. I'm right in the work force. I actually  
22 support some other people.

23 I'm a class A truck driver. I drive  
24 everywhere. Everywhere. I've been all across this  
25 whole country, in fact. I drive in Hayward. I have



1 actually been right there where this plant is going to  
2 go many times. I actually went there yesterday again  
3 because I wanted to refresh my memory.

4 Every single thing in this country that goes  
5 to and from a place goes there by truck. So somehow I  
6 would be affected, but my vote is against this plant.  
7 That's the main thing. I don't know who these people  
8 are over here. I sat in the other room.

9 When I go home I'm going to google your name  
10 because I know how important you are. I didn't know  
11 who you were until I just saw that. I know how  
12 important your opinion is. An opinion is a vote.  
13 Well, I wish -- I've never voted for you. I've  
14 probably never -- all these people are appointed  
15 people, staff and various, and I would just like to  
16 vote on -- on -- on what affects my life.

17 But some of the science. This -- Obama just  
18 became president going in a new direction. He's got a  
19 10-year plan of spending money and he's heading green.  
20 There's something called the Green Job Alliance, which  
21 I didn't hear from these IBEW people and there's  
22 people -- which they need to think about. I'm actually  
23 in some political organizations and other organizations  
24 which I will not name because I'm just speaking for  
25 myself, but this whole country starting right from the

1 top, but you also, you need to show some leadership.

2 Make a good policy decision. Change the  
3 direction of this -- Calpine is a natural gas energy  
4 company, but we need to have with -- I drive around. I  
5 just drive everywhere in this East Bay. I see empty  
6 buildings everywhere. There are -- there are -- we've  
7 exported all -- all of the work and all of the jobs out  
8 of the country. There's tons of empty, empty giant big  
9 buildings. This city hall would fit --

10 MS. FASANO: Mr. Mahood, that's time.

11 MR. MAHOOD: Thank you.

12 MS. FASANO: Betty Moose followed by Michael  
13 Toth followed by Al Murach.

14 MS. MOOSE: Good evening. I'm Betty Moose.  
15 I'm a resident of San Lorenzo. It's a border of the  
16 City of Hayward. Very close.

17 I'm also here for four points. First, the  
18 location. The power plant is located in Hayward which  
19 does not give any power to the citizens of Hayward or  
20 to the area around it. This plant should be where the  
21 services are going to be serviced, not in Hayward.

22 The emissions are toxic and the reason I know  
23 that is because of the fact I moved from Bethlehem,  
24 Pennsylvania where the Bethlehem Steel Company operated  
25 which emissions were highly, highly toxic, which in

1 those days they had no EPA, did not know anything about  
2 our environment or toxics or anything like that.

3 People were continually sick. They couldn't  
4 breathe. It wasn't called asthma. It was called  
5 consumption in those days. I moved to California to  
6 get away from that. I'm not getting away from it. I'm  
7 living in it. And I am a cancer victim. I have  
8 asthmatic children and a bronchitis husband who died of  
9 that all because of toxics in the air. And this plant  
10 will produce everything.

11 It's an old plant. Bethlehem Steel was an old  
12 plant. It no longer functions. So there's a good  
13 comparison there for this. It traveled 50 miles, that  
14 fumes, so it does not stay in one area.

15 I also want to let you know I served as a  
16 trustee on HASPA, Hayward Area Shoreline Planning  
17 Agency, for 11 years and this item came before us. It  
18 was continually voted down because of a bankruptcy  
19 plant. It had no trust. You could not depend on it.  
20 And I say to you you're taking a risk. It is a high,  
21 high risk for you to take.

22 Also, the aesthetics of this plant on the  
23 shoreline is not acceptable or compatible. It is  
24 conducive to obstruction of the beauty of the  
25 shoreline. It is also contaminating the animal life.

1 Those who use the shoreline, they will also be  
2 breathing the air, as well as the residents. And I  
3 oppose the project.

4 Thank you.

5 MS. FASANO: Michael Toth followed by Al  
6 Murach followed by David Foquet.

7 MR. TOTH: Hi. My name is Mike Toth. I live  
8 about a mile and a half downwind from the plant.

9 Initially when I looked at the Air District's  
10 analysis I saw one thing. As I proceeded to follow the  
11 hearings and had gone through the -- through the CEC  
12 analysis I rapidly learned that my understanding of the  
13 initial analysis on its face, I was, in fact, misled.  
14 There is a lot of interesting information here that can  
15 be arrived at by digging through this analysis.

16 The most primary one is this little thing that  
17 they mentioned about start-ups and shutdowns. Well,  
18 actually, the Air District did not limit the number of  
19 start-ups and shutdowns of the plant and, as a matter  
20 of fact, the CEC in their permit approval said that,  
21 quote: "The facility operating schedule would be 24  
22 hours a day, seven days a week and 8,364 hours per year  
23 per turbine, which is full time, for -- facility  
24 estimated start-up and shutdown events would be one  
25 cold start and one hot start, two shutdowns for each

1 turbine per day. The maximum number of start-up and  
2 shutdown events would be about 104 cold starts, 520 hot  
3 starts and 614 shutdowns per year."

4 What I don't see is an analysis of the toxic  
5 air contaminants.

6 Now, you did an analysis, a health risk  
7 analysis for toxic air contaminants in the permit.  
8 What you neglect to include in that analysis is that  
9 that analysis does not include start-up and shutdown.  
10 During start-up and shutdown, the emission controls are  
11 not functioning up to -- they are either not turned on  
12 or they're not warmed up functioning up to standard.

13 Now, what I don't understand is how you could  
14 allow this permit to proceed on when understanding that  
15 there would be no limitations on start-ups and  
16 shutdowns. Potentially start-ups and shutdowns could  
17 account for the majority of operation of this plant and  
18 that you did not see fit to do a health risk analysis  
19 based on the incredible increase in toxics emitted  
20 during start-up and shutdown when there are no  
21 pollution controls, the engine is running  
22 inefficiently, there's a lot of fuel that comes out  
23 unburned or partially burned.

24 You know, I was awed by this person who came  
25 up and, frankly, her commenting on shelter in place

1 during shutdowns of other plants. You know, this may  
2 not be another -- this may not be the case with Russell  
3 City. We don't know. You guys really need to inform  
4 the public of what is going to be emitted from this  
5 plant during start-ups and shutdowns.

6 In addition, the EPA does have less regulation  
7 for -- for toxic air contaminants. They cause them  
8 hazardous air pollutants, but, as I believe,  
9 formaldehyde is one of them. So, according to EPA  
10 rules, we kind of need to know how much the  
11 contribution of start-ups and shutdowns is going to be  
12 towards the cumulative formaldehyde emissions at the  
13 plant.

14 MS. FASANO: Thank you, Mr. Toth.

15 Al Murach followed by David Foquet followed by  
16 Mr. J.V. McCarthy.

17 MR. MURACH: My name is Al Murach. I'm a  
18 long-time resident of Hayward. Thank you for giving us  
19 the opportunity to speak to you night.

20 I'm here as a representative of the Southern  
21 Alameda County Friends of the Sierra Club, and the club  
22 has spoken on this issue numerous times in the past at  
23 other hearings, but we just wanted to reiterate our  
24 current opposition to the granting of this amended  
25 permit for reasons that have been well covered, I

1 think, already. But basically we're sort of concerned  
2 about possible adverse effect on air quality and even  
3 with the controls built in we are not sure that's  
4 sufficient.

5 So thank you very much.

6 MS. FASANO: David Foquet followed by  
7 Mr. McCarthy followed by Mr. Jeffrey Bui.

8 MR. FOQUET: My name is David Foquet. I have  
9 taught at Chabot College since 1992 full time. I teach  
10 mathematics. I'm also the vice-president of the  
11 Chabot-Las Positas Faculty Association for the Chabot  
12 campus. So I speak for our executive board as well.

13 I'm also a local resident. Both my house and  
14 my office are in the high impact zone of the hazardous  
15 emissions of the Russell City plant.

16 So right or wrong or justly or unjustly, I  
17 have a perception based on things that have been  
18 brought to our executive council that health risks may  
19 exist from the Russell City plant beyond -- or that go  
20 beyond the criteria from which the PSD would be issued.

21 Now, specifically those would break down into  
22 a couple of categories. One is EPA regulations that  
23 are not fully observed. For instance, the acrolein  
24 emissions was one of them. And incidentally on that  
25 when I looked over the CEC analysis I tried to see if

1 the evidence of looking at -- taking into account all  
2 those known hazardous emissions, including acrolein,  
3 and I could not see any evidence that acrolein -- the  
4 quantitative element of it, I could not see any  
5 evidence it was taken into account.

6 Of course, I'm just a mathematician. I'm not  
7 an environmental guy, but it's just something I could  
8 not find any evidence with the things that I saw and I  
9 looked at things extensively to find the evidence of  
10 this.

11 We're also worried about the synergistic or  
12 cumulative effects of the pollutions that would be  
13 emitted by the Russell City plant that go in addition  
14 to the other pollutants that already exist and that  
15 have already been mentioned. We're also worried about  
16 the multiple start-stop procedures that have just been  
17 mentioned by Michael Toth.

18 And then, lastly, we're worried that some of  
19 the real pollution that may be emitted is being allowed  
20 to go with the -- being mitigated by pollution  
21 credits. And the problem with pollution credits is  
22 they don't help the health of the people locally. That  
23 is a big issue.

24 So we feel it is absolutely imperative that  
25 the district address these issues and so we're calling



1 upon you to make sure that these are absolutely and  
2 properly and fully addressed before any PSD can be  
3 issued.

4 And, lastly, I just want to mention that if --  
5 well, we have a new president just inaugurated as well  
6 as a governor who are both fully committed to leading  
7 the way in green energy. And to that end I do have a  
8 solar power system on my roof. So I am a provider to  
9 PG&E.

10 In addition, at the Chabot campus, if you  
11 look, they're right now constructing a one-megawatt  
12 system that will also be providing a lot of energy into  
13 the grid or otherwise will be consumed by the college.

14 So we feel that with the advent of solar and  
15 other sources that there are many ways that we can lead  
16 the way in that regard.

17 So thank you very much.

18 MS. FASANO: Mr. McCarthy followed by Jeffrey  
19 Bui followed by Mr. Mel Switzer.

20 MR. McCARTHY: I use my initials, J.V.  
21 McCarthy. I retired from the Army Reserves several  
22 years ago. About half of my military experience was  
23 with military aviation. The reason I mention aviation  
24 is going to question starting with the notice that you  
25 all sent out citing some details on the pollution,

1 nitrogen, carbon monoxide and particulate matter in  
2 particular.

3 If the amended permit is issued as referred to  
4 in this notice as stated in the notice of public  
5 hearing for January 21st, tonight -- right? -- the  
6 potential hazard to aviation could be similar to what  
7 was presented per the Eastshore Energy Center  
8 proposal.

9 If the permitted pollutants contribute to a  
10 sudden vapor clouding as detailed quite a bit for the  
11 other plant proposal, the Eastshore proposal, during  
12 the hearings, sudden instrument flight conditions  
13 present a potential hazard to a multiple air traffic  
14 area.

15 And you should be hearing about this over and  
16 over and over again regarding that whole southwest side  
17 all the way to the bay from the Hayward air terminal.

18 SFO and Oakland final approach levels, one  
19 over the other, stack on top of rotorcraft approach,  
20 which is, by the way, building up as the years go by,  
21 not decreasing, particularly on that southwest side for  
22 approach and departure of rotorcraft. Although the  
23 Energy Commission disregarded their original staff  
24 concerns and twice blocked the concerns expressed by  
25 Caltrans aeronautics chief Gary Cathey, the legitimate

1 concerns are especially for rotorcraft.

2 Does the Bay Area Air Quality Management  
3 District care to be called per an FAA issue? You could  
4 be setting yourself up for this.

5 As far as the labor representation that was  
6 here in force tonight promoting this power plant from  
7 building trades, would they promote such a plant in  
8 Hayward while living in San Leandro or over the  
9 foothills? How convenient especially for their  
10 pocketbook. How many San Leandro people would like the  
11 Russell City Energy Commission built out of their way  
12 in Hayward? Kind of like San Francisco having their  
13 power out of their way in Hayward.

14 Thank you.

15 MS. FASANO: Mr. Jeffrey Bui followed by Mel  
16 Switzer followed by Dominic Bunin.

17 MR. BUI: Good evening, ladies and gentlemen  
18 of the board. I'm a Hayward resident, member of the  
19 IBEW apprenticeship, born with asthma. So I'm ready  
20 for this power plant to be built because I believe it's  
21 going to bring jobs to my local and a lot of training  
22 that I need to continue my education as an electrician  
23 in my local.

24 We don't have any refineries that I can work  
25 in and get exposure to educating my brothers and

1 sisters and, as far as refinery work, I mostly do  
2 residential and commercial work. And part of our  
3 curriculum involves industrial mechanical work. And as  
4 far as a -- as far as a refinery, this local, we have  
5 none. So it's part of -- I can round off my  
6 education.

7 And I seem to be the youngest crowd in this  
8 group here. I'm 30 years old. I have a child who is  
9 two years old and I'm working on another one.

10 So I have total faith in the scientists and  
11 architects and engineers in Alameda County. I mean, if  
12 they can build a city hall on magnets so that, you  
13 know, it withstands earthquakes, I have total faith in  
14 their work.

15 I appreciate your time, sir, and ladies. Good  
16 night.

17 MR. BATEMAN: Thank you.

18 MS. FASANO: Thank you.

19 MR. BUI: Oh, one more thing. Hold on.

20 If you guys want brownouts, I also experience  
21 brownouts in the summer and I believe it's going to  
22 help out on the brownouts for the summers to come. We  
23 won't have to worry about electricity. I understand  
24 the electricity is going to be provided I'm also aware  
25 in San Francisco where it's needed, but that will free

1 up a lot of electricity so that Hayward residents will  
2 be able to use and not worry about brownouts.

3 Thank you.

4 MS. FASANO: Mr. Mel Switzer followed by  
5 Dominic Bunin followed by Wafaa Aborashed.

6 MR. SWITZER: Hi. My name is Mel Switzer. I  
7 am also an IBEW construction worker and teacher of  
8 apprentices who are, in fact, Chabot College students  
9 as Byron Benton, the training director, did state  
10 earlier. Our students learn all about solar  
11 photovoltaics. We learn about many green  
12 technologies.

13 It was also stated here tonight that Chabot  
14 College is putting on a solar photovoltaic system on  
15 their buildings with this new upgrade that they are  
16 doing. Guess who's doing that? The IBEW.

17 The statements that have been made here are  
18 outlandish in some cases that the IBEW is only doing  
19 this because of jobs. Certainly we want the work, but  
20 what we also want to do is make sure our people are  
21 trained, our people have jobs, and at the same time  
22 support any green environmentally sound programs.

23 To me the Bay Area Air Quality Management  
24 District has been doing their job for the last 25  
25 years. I've grown up in this area. I've lived in this

1 area all my life. I have noticed that the air  
2 pollution in this area has really been reduced. Why?  
3 Because of strict standards that have been enforced by  
4 your committee and others like you.

5 So to take you to task and say that you are  
6 not doing your job because some people don't agree with  
7 them is not fair to you because you, I think, the  
8 management district has done an excellent job over the  
9 several years that you've been in place to keep the  
10 environment in a good shape.

11 I think that our air is wonderful. I know  
12 that this plant is negative because of the pollution  
13 that it probably will cause. Okay? Nobody wants  
14 anything built in their own backyard. There's no  
15 doubt. But where do you build it? Do you built it in  
16 the Valley? Do you build it out in Modesto? Any place  
17 you build it, it's not going anywhere.

18 Second thing is that if we build more plants  
19 like this, the current administration -- everybody is  
20 speaking for Barack Obama here. Has anybody really  
21 asked him is he against these things? You don't know  
22 that. I think he would say, personally, because I  
23 voted for the man, that maybe we need to build some of  
24 these better technology plants to take offline some  
25 other plants in other areas so that we can make the

1 pollution level lower overall.

2 And nobody at the end wants it in their  
3 backyard, but we have to have it. We all go home. We  
4 turn on the lights. We'll drive our SUVs home. We  
5 will pollute the air and we will all sit here and  
6 self-righteously say that we shouldn't do this. But we  
7 all contribute to the problem. The problem is that the  
8 zero emissions is a long ways off. If you know about  
9 technology and solar photovoltaics, 600 megawatts is an  
10 unbelievable amount of power and we don't even have  
11 enough space in a particular area to build a 600-watt  
12 solar photovoltaic system.

13 So we still use power. We use electricity.  
14 We all do it. We have to build something that's going  
15 to allow us to continue our way of life or we all  
16 become an agrarian society.

17 MS. FASANO: Mr. Switzer, that's time.

18 MR. SWITZER: Oh, I'm sorry. And I just want  
19 to tell you, last thing, that the people who clap when  
20 they were told not to is not fair.

21 Thank you.

22 MR. BATEMAN: Thank you.

23 MS. FASANO: Dominic Bunin followed by Wafaa  
24 Aborashed followed by Mr. Mark Torres.

25 Dominic Bunin?

1 Wafaa Aborashed?

2 MS. ABORASHED: My name is Wafaa Aborashed and  
3 I want to thank you for holding this hearing. I think  
4 it's important that we keep reaching out to the  
5 communities that are impacted.

6 I have an organization called Healthy 880  
7 Communities. It's not about East Oakland. It's not  
8 about San Leandro. It's not about San Lorenzo or  
9 Hayward. All the 880 corridors are impacted with so  
10 much pollution today you're not in attainment yet.

11 It's really ironic that we have the union  
12 members all speak at first and it was orchestrated so  
13 well so they could come and speak and say they are  
14 worried about the jobs, they are worried about this and  
15 continue to play the fear tactics, that it really  
16 disgusts me and it tells me that we have to educate  
17 more.

18 It is important that you put out the truth.  
19 And we have to remember what our president said. We've  
20 got to get rid of these fear tactics. We've got to  
21 stop spinning and making things look like we're in  
22 desperate stages of our life that we -- there's no  
23 solutions except these polluters. We need to change  
24 that. You need to remember you adopted a resolution  
25 that says you must do cumulative impact analysis. You



1 need to do that here.

2 I want to make sure that you put verbatim,  
3 echo exactly what Bradley said and what Audrey LePell  
4 said. You need to put in my comments that I want every  
5 word be echoed. I am concerned about the fact that you  
6 come off and say you already made a decision. Why are  
7 you holding these hearings? We need to be really  
8 mindful that when we do this stuff you want to hear  
9 us. You want to make sure that you're doing the right  
10 thing by the people that live in this area.

11 It is incumbent upon you to do it and that's  
12 what your jobs are, to remember the communities that  
13 live in these areas. And I would really, really say to  
14 you that it's about people. It's not about these  
15 corporations that come and do their thing and leave.

16 By the way, just to remind you, it's only 33  
17 jobs that are going to be here. There are 1,100 -- one  
18 union member was saying he had 1,100 members.

19 I went out and talked to him. I said, "Do you  
20 know it's only 33 jobs?"

21 He said, "Oh, but there's hours over here."

22 Is that the cost of our lives? The 33 jobs  
23 that they are going to get is the cost of their  
24 children and their grandchildren and so on and so  
25 forth?

1           We need to really be equitable here and start  
2 saying the truth.

3           Thank you.

4           MS. FASANO: Mr. Mark Torres followed by Andy  
5 Wilson followed by Elizabeth DeGrassia.

6           Mr. Mark Torres?

7           Andy Wilson?

8           MR. WILSON: We'll see if they put it up. If  
9 not, we'll do it in writing.

10           Good evening. My name is Andy Wilson. I'm  
11 here on behalf of California Pilots Association.

12           Some of the things that we heard was -- we've  
13 heard where is the power going. Well, part of this  
14 project is to reconnector the cabling going across the  
15 San Mateo Bridge.

16           I'd also like to point out if you do a study  
17 between the property values of Hayward versus San  
18 Mateo, the lesser values are here in Hayward.

19           The other issue is I didn't hear anything  
20 about the purpose -- the engines that you're using  
21 don't even belong. They don't even meet the EPA  
22 requirements. They don't even meet the Bay Area  
23 requirements. There's a trading credit system set up  
24 and the only way you can put them in is for Calpine to  
25 buy the credits to apply.

1           So the other is we hear prevention of the  
2           significant deterioration. Well, we already have a  
3           deterioration around the airport. Simply by the fact  
4           of where the plant is located you've reduced the  
5           airspace at a minimum of 40 aircraft displaced per  
6           month. There was never a study for what would be for  
7           the life of the plant, 30 to 40 years.

8           Also, you've eliminated airspace because the  
9           FAA says we can't fly over the plume because of the  
10          plume velocity.

11          So you've already started a deterioration of  
12          the Hayward area. We're in a noncontainment area.  
13          We've got to purchase credits.

14          And, also, if it wasn't for the velocity of  
15          the plume, we'd be -- we're the closest significant --  
16          sensitive receptors that fly through the plume.  
17          There's been no study on pilots flying in the plume.  
18          If you look at the diagram here, I show us flying  
19          through the plume and these are the vents, the air  
20          vents, like an automobile. There's -- there's biplanes  
21          that will be flying through the plume.

22          Now, whether the plume is strictly vertical,  
23          whether it's blown horizontal, we're the -- we're the  
24          people that fly through the plume.

25          So I hereby request that you do a study on

1 pilots flying through the plume.

2 Now, your thousand foot for schools and  
3 sensitive receptors on the ground, the model doesn't  
4 cover people flying through the plume. So you've  
5 already -- you've already started a deterioration  
6 within Hayward. The airport brings in millions of  
7 dollars of revenue to the City of Hayward. That space  
8 has been reduced. They want to expand, have more  
9 traffic, air traffic.

10 So as a final, I'd just like to say that  
11 pilots are mobile sensitive receptors and that the  
12 impact on pilots will have the greatest exposure  
13 through cabin air as this plume travels through the  
14 cabin itself or in the case of an open cockpit they  
15 will be exposed directly.

16 Thank you.

17 MS. FASANO: Elizabeth DeGrassia followed by  
18 Laura Baker followed by Karen Kramer.

19 Elizabeth DeGrassia?

20 Laura Baker?

21 MS. BAKER: Good evening. My name is Laura  
22 Baker. I am a 40-year resident of the East Bay and I'm  
23 here representing the East Bay chapter of the  
24 California Native Plant Society.

25 We are an organization, a non-profit

1 organization that is dedicated to conserving and  
2 protecting our native flora, vegetation communities,  
3 which would certainly include the sensitive wetlands  
4 that are adjacent to the proposed plant.

5 I would like to say that there are a couple of  
6 areas under the air quality impacts that I think are  
7 insufficient. First of all, I had an opportunity to  
8 call the person at the Air District that does the  
9 toxics modeling and I was very much surprised to find  
10 out that when that modeling is done, the contribution  
11 of the individual project is the only aspect that is  
12 looked at. In other words, the background levels of  
13 the toxic emissions that are a product of other  
14 industry in the area are not combined.

15 Therefore, it's impossible to know what the  
16 body burden is for people who would be living in the  
17 area and indeed also for sensitive animal species that  
18 are there at the marsh or in the environments.

19 I'm wondering since the plant is so close to  
20 where the marsh is, within 1,500 feet, that many of  
21 those toxic emissions are going to be raining down on  
22 the mud flats and the salt marsh.

23 We've had no analysis of what -- which of  
24 those can bioaccumulate. As it was mentioned earlier  
25 this evening, that's a designated important bird area,

1 and the shore birds that come through by the tens of  
2 thousands feed on the small invertebrates that are in  
3 the mud in the mud flats and that is the way that  
4 toxics can move up the food chain. I see no analysis  
5 of that in any of the documents that you've produced.

6 A second impact that has gone virtually  
7 undiscussed is the impact of nitrogen deposition on  
8 vegetation. And I'm not speaking now about the toxic  
9 impacts directly. I'm talking about indirect impacts  
10 that are caused by nitrogen deposition on invasive  
11 plant species.

12 This is not a -- an obscure effect. It was  
13 demonstrated at the Calpine plant in Metcalf down in  
14 San Jose. The Air Quality District is aware of this.  
15 But when nitrogen is deposited on invasive species,  
16 plant species, that can outcompete sensitive plant  
17 species, you have an impact and, in fact, the Metcalf  
18 plant had to be mitigated for that.

19 My concern is the invasive cordgrass that is  
20 there at the salt marsh at Hayward, that is actually  
21 transforming the marsh and for which there have been  
22 many efforts to try to remove it. It's all around the  
23 bay. If -- and this was a question that was posed by  
24 the East Bay Regional Park District, the Fish and  
25 Wildlife Service. If the nitrogen stimulates the

1 growth of that invasive cordgrass, it will contribute  
2 to the destruction of that marsh.

3 That's it. Thank you very much.

4 MS. FASANO: That's time. Thank you.

5 Karen Kramer followed by Krishneel Lall  
6 followed by Larry Alba.

7 Karen Kramer?

8 Krishneel Lall?

9 MR. LALL: Hello. My name is Krishneel Lall.  
10 I'm here actually to speak against this power plant.

11 As a Hayward resident, Hayward is already very  
12 polluted, 92, 880 freeways as well as being in the  
13 flight patterns of Oakland and Hayward airports.

14 And, you know, I think also as -- as a Bay  
15 Area Air District Board, I think you really have to  
16 enforce the Clean Air Act. And on top of that, I  
17 think, you know, when a lot of people were speaking  
18 about jobs and someone mentioned only 33 jobs. Even 33  
19 jobs for how long? I'm not willing to sacrifice the  
20 health of my family for someone that -- you know, for  
21 jobs that are going to be here for what? One, two,  
22 three years?

23 I think it's very important for your board to  
24 make a decision based on what the citizens of the  
25 people who will be living around here -- around it.

1           The second thing I was thinking about as well  
2 was the Hayward public library. I don't think anyone  
3 in this city would want to use a library that is  
4 also -- will be built at the expense of their health,  
5 especially the kids. I mean, the whole point of having  
6 a library nowadays is to, you know, provide materials  
7 and literature for -- I mean, as a source of  
8 learning -- as a learning environment. But most of the  
9 time I think, you know, who would want to go to a place  
10 knowing that this is built at the expense of someone's  
11 health?

12           And the second thing I want to bring up was  
13 the Hayward shoreline. It's a very ecosensitive area.  
14 And I'm not a scientist, but I think if you build more  
15 polluting -- I mean polluting power plants in the area,  
16 it's just going to -- whatever progress has been made  
17 to restore it is going to be in vain.

18           And when someone mentioned that, you know,  
19 you've done a good -- the Bay Area District has done a  
20 good job in improving the air quality, it's because you  
21 guys have not been approving plants like this. If  
22 there was plants like this that were built over and  
23 over again it's just going to keep polluting the air.

24           And, I mean, I didn't have -- I wasn't  
25 prepared to speak, but I wanted to say something to let



1 you guys know that as a resident of Hayward I'm really  
2 concerned about the amount of pollution this power  
3 plant will put in the air. And regardless of  
4 whether -- you know, and also -- regardless of the jobs  
5 it brings and doesn't bring, I don't think that's a  
6 relevant at this stage.

7 I think as your job what you need to probably  
8 consider is what are the statistics that provide --  
9 that give -- what was I going to say? Your job, I  
10 believe, is to make a decision based on the information  
11 that you get. And I also do think that your  
12 information and the way you collect your data should be  
13 independent and not provided by the company that  
14 actually is applying for the permit itself.

15 And I know that there was some question about  
16 where the -- to close it, actually, is that, you know,  
17 there has been monitoring stations that you people take  
18 data from. None of them is located in the area where  
19 this will be built in.

20 So to close, I basically want to just  
21 oppose -- urge you to oppose your issuing of the  
22 license.

23 Thank you.

24 MS. FASANO: Mr. Larry Alba followed by  
25 Professor Laurie Price followed by Suzanne Barba.

1 MR. ALBA: Hello. I agree with -- tonight I  
2 see several hundred people here and I agree with --  
3 more than 90 percent of the people, they highly oppose  
4 this. The other 10 percent pretty much like the  
5 project. And I think there's something wrong with the  
6 system of the -- of the Air -- what do you call it? --  
7 the Bay Area Air Quality Management District.

8 Because it seems like when a corporation such  
9 as the Calpine and the Russell City people, when they  
10 fill out the fancy paperwork, do the computer modeling  
11 and so forth, it seems like once that's done and the  
12 fancy paperwork is done nothing that the people say  
13 will stop it.

14 I've already talked to engineers involved in  
15 this project and other similar projects and they said  
16 as long as that paperwork is done unless the people get  
17 a court order to stop it because they found something  
18 wrong with the zoning or something else terribly wrong  
19 with it that the permit will be issued. And that's  
20 what a man about a half an hour ago he said. He said  
21 what I was going to say tonight.

22 And I think there's something wrong with the  
23 system that seems to be broken here that you have  
24 hundreds, if not close to a hundred or several  
25 hundred -- I didn't count them all -- many, many

1 people, they just don't want this in the area. And I  
2 think there's something wrong.

3 And one lady, she -- she tried to spell it  
4 out. There's 610.7 tons. That's 1,221,400 pounds of  
5 air pollution going up into a plume in the sky. That's  
6 going backwards. And for all the progress that the Air  
7 Quality Management District has made over the last 20  
8 odd years, and I certainly appreciate that good  
9 progress, we're really going backwards here and I'm  
10 really highly opposed to it.

11 And I have a two-year-old son. It's going to  
12 be blowing towards our house. I've got a friend in  
13 the back room. They've got a seven-year-old child in  
14 the family. And that's why I came here. I got friends  
15 and family and so forth. We want fresh air and that's  
16 priceless to us.

17 So, please, if there's any way at all, please,  
18 let's oppose this project. And I would be glad -- out  
19 of my pocket. You have my name there. Put me on a  
20 list. If I find out there's a lawsuit to stop it, I'll  
21 be glad to put in \$500 out of my pocket to get a court  
22 order injunction to stop it because maybe you folks  
23 can't think of a way to stop it, but I'd like to try to  
24 get the right attorney to stop it.

25 MS. FASANO: Professor Laurie Price followed

1 by Suzanne Barba followed by Doug Ligilat.

2 MS. PRICE: Hi. My name is Laurie Price and  
3 I'm a union member, too, a teacher's union. I'm a prof  
4 at Cal State East Bay. My fields are anthropology and  
5 public health, epidemiology. I also live in Hayward  
6 and we do have solar panels on the roof and they supply  
7 most of our energy needs.

8 I want to make two points here tonight. There  
9 is no question that, if built, Russell City would make  
10 the air in Hayward and on my campus dirtier and less  
11 healthy. We already have unhealthy levels of air  
12 pollution too many days of the year, but this plant  
13 also poses serious environmental justice issues.

14 A majority of students at Cal State East Bay  
15 come from low income or minority or non-English  
16 speaking families. This is also true of the majority  
17 of the residents near the proposed power plant. They  
18 are already at risk of greater morbidity and mortality  
19 and less able to gain access to health care.

20 To add to that health burden with clouds of  
21 formaldehyde, ammonia, carbon monoxide, benzene,  
22 particulates directly violates California Code  
23 65040.12, fair treatment of people of all races,  
24 cultures and incomes with respect to environmental  
25 regulations and policies.

1 Mitigations of this air pollution in other  
2 places do not meet the need for environmental justice  
3 here. Here.

4 Second, your board has been celebrating this  
5 year becoming the first in the US to levy fees for  
6 global warming gasses that are emitted. "Greenhouse  
7 gas is a threat to air quality in the Bay Area," said  
8 your vice chair this past May. "We need to take a  
9 leadership role."

10 That leadership role is upon you. It is  
11 important and it should extend to taking a much more  
12 critical view of new fossil fuel power plant  
13 construction in the Bay Area.

14 Russell City did not go through an adequate  
15 review process and I thank you for correcting that now.

16 But the Bay Area Air Quality Management  
17 District has an opportunity here to enlarge your  
18 leadership role by requiring review also of CO2  
19 emissions, global warming effects.

20 In summary, for reasons of both environmental  
21 justice and the global environment, I urge you to  
22 reject -- reject Russell City and throw your weight  
23 behind power sources that are friendly to people,  
24 friendly to animals and sustainable in the long run.

25 Thank you.

1 MS. FASANO: Suzanne Barba followed by  
2 Mr. Doug Ligilat.

3 MS. BARBA: I'm Suzanne Barba and I'm going to  
4 pass because what I wanted to say has been said.

5 MS. FASANO: Thank you.

6 MR. BATEMAN: Thank you, ma'am.

7 MS. FASANO: And our final speaker is Mr. Doug  
8 Ligilat. I apologize if I'm mispronouncing your name.

9 MR. LIGILAT: Good try.

10 Hi. My name is Doug Ligilat. I'm a  
11 nationally certified rehab counselor. I'm a former  
12 state certified addictions professional. I want to  
13 talk about a little different idea here in terms of  
14 this Russell City power plant and that's to focus on  
15 long illnesses.

16 I've been in the field of rehab as a rehab  
17 professional for several years and I have dealt with  
18 many individuals with long illness. We've heard of  
19 chronic obstructive pulmonary disease. It's the new  
20 name for COPD. We've all heard about lung cancer and  
21 everybody is terrified of that. I'm an asthmatic  
22 myself. I suffer from several different kinds of  
23 asthma.

24 Exercise-induced asthma is probably the most  
25 dangerous asthma for me. I also have seasonal asthma,

1 which I'm sort of suffering from tonight a little bit.  
2 And I've had allergy-induced asthma in the past which  
3 I've been able to deal with and successfully overcome  
4 since I've moved to Hayward.

5 This is actually a good climate for people  
6 with asthma compared to some other climates. With this  
7 power plant and with the pollution that's going to be  
8 dropped into this area individuals with lung illnesses  
9 are going to suffer.

10 I worked with a medical consultant that I met  
11 with for 15 years on a weekly basis. I won't mention  
12 his name. But he was really opposed to having to watch  
13 people die of lung illnesses. But he watched people  
14 die of lung illnesses. My father-in-law died of lung  
15 illness. My mother and father both died and I was  
16 there when they died. They had lung-related  
17 illnesses.

18 Lung illnesses are extremely painful. They  
19 are probably the most painful illness that exists when  
20 someone dies because every time you breathe -- you're  
21 in a painful state every time you breathe and you  
22 breathe every three to five seconds.

23 I want the board to really hear this because  
24 I've heard environmental issues. I've heard it from --  
25 you know, I'm also really with the union members, my

1 brothers and sisters from the union, but I really sort  
2 of I have to say embarrassed to be a union member  
3 tonight. As a former negotiator and former  
4 professional unit president of a local, this is really  
5 not a union issue tonight.

6 But I really want to emphasize the importance  
7 of looking at how this is going to affect people with  
8 lung illnesses both in the Hayward area and the  
9 surrounding areas because of the painfulness of that  
10 illness. And those of you that have had family members  
11 that have died from lung illnesses, you'll understand  
12 this is definitely not going to improve their  
13 situation.

14 Thanks.

15 MS. FASANO: That is our final speaking card  
16 for the evening unless there's any other speaker cards  
17 or anyone holding their speaker card.

18 If not, I'll turn it over to Mr. Bateman to  
19 conclude.

20 MR. BATEMAN: Well, first of all, I want to  
21 thank everybody for coming out tonight. Great  
22 attendance. Obviously a lot of interest in this  
23 project and our permitting action here. We are going  
24 to carefully consider all of the comments that we heard  
25 tonight relative to the PSD permitting requirements.



1           We still have an opportunity for folks that  
2 want to provide written comments. They can do that up  
3 through the end of February 6th, close of business  
4 February 6th. I encourage people to do that if they  
5 wish to.

6           If anybody has any questions, any further  
7 questions, we can -- I was just going to say that we  
8 probably don't have that much more time tonight, but I  
9 think we do have enough time to speak with you if you  
10 want to come up after we're done. We have a number of  
11 staff members here that can try and answer your  
12 questions.

13           SPECTATOR: Why does this keep coming up?

14           MR. BATEMAN: I'm sorry?

15           SPECTATOR: It shut down and it just keeps  
16 coming back. The EPA shut this stuff down and you just  
17 keep wanting to build it. Why does it keep coming  
18 back? It's old technology. It's a dinosaur. You're  
19 going to build it and it's going to -- by the time it's  
20 built it's going to be obsolete. That's a waste of the  
21 taxpayer's money. Why does this keep coming back?

22           STAFF MEMBER: I think someone wants to know  
23 how you submit comments.

24           MR. BATEMAN: Okay. Thank you. That's a good  
25 point.



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CERTIFICATE OF REPORTER

I, PETER TORREANO, a Certified Shorthand Reporter in and for the State of California, certify that the foregoing is a full, true and correct transcript of the Bay Area Air Quality Management District Public Comment Hearing regarding the PSD Permit for the Russell City Energy Center held on January 21, 2009, reported to the best of my ability and transcribed under my direction.

\_\_\_\_\_, 2009 \_\_\_\_\_  
Date PETER TORREANO, CSR 7623