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8 Pilots Association, Citizens for Alternative
9 Transportation Solutions, San Lorenzo Homeowners
10 Association, Skywest Townhouse Homeowners Association,
11 Hayward Democratic Club and Hayward Area Planning
12 Association

13 STATE OF CALIFORNIA
14 STATE ENERGY RESOURCES
15 Conservation and Development Commission

16 In the Matter of:

17 Initially noticed as "Petition to Amend the
18 Commission Decision Approving the Application
19 for Certification for the Russell City Energy
20 Center";

21 Later Noticed as "Modification of the Application
22 for Certification for the Russell City Energy
23 Center"

Docket No.: 01-AFC-7C

DECLARATION OF CAROL FORD IN
SUPPORT OF GROUP PETITIONERS'
PETITION TO INTERVENE, REOPEN THE
ADMINISTRATIVE PROCEEDINGS,
REOPEN THE EVIDENTIARY RECORD
AND FOR RECONSIDERATION

Date: Nov. 7, 2007
Time: 10 a.m.

24 I, Carol Ford, hereby declare:

25 1. I am a resident of the City of San Carlos and the Vice President of the California Pilots
26 Association, a non-profit organization which is a member of the Group Petitioners. I have personal
27 knowledge of the facts set forth below and if called as a witness in this matter, would and could
28 testify competently to the following.

2, Late last week a CEC staff member brought to my attention a letter which was sent to the
CEC concerning the second power plant proposed, known as the Eastshore Energy Center or

1 "EEC," to be sited within just a few thousand feet of the Russell City Energy Center and within a
2 mile of the Hayward Airport. This was the first time I became aware of this letter written by the
3 Federal Aviation Administration dated October 9, 2007, otherwise I would have brought it to the
4 Commission's attention as part of the Group Petitioners' petition.

5 3. The FAA October 9, 2007 letter is from Joseph Rodriquez of the Environmental Planning
6 and Compliance section directed to Bill Pfanner, project manager for the Eastshore project.

7 Attached as Exhibit A is a true and correct copy of the letter which I received a copy of last week
8 According to the FAA, the mitigation adopted for Russell and also proposed for Eastshore of
9 adoption of Notices to Airmen would be "unreasonable and in some cases unattainable" as "pilots
10 would have to divert their attention from the traffic pattern and safe operation . . . to acquire to
11 acquire visual sightings of both facilities on the ground." In conclusion the letter states that the
12 "potential for constrains to airport operations creates a tangible impact on the future use of the
13 Hayward Executive Airport."

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15 3. Also attached as Exhibit B is a true and correct copy of my November 2, 2007 letter to
16 James Adams of the CEC concerning Eastshore. This letter discusses the same points I raised in
17 the Russell proceeding concerning the Grant Assurance Contracts which the City of Hayward
18 executed to "protect instrument and visual operations to the airport" and agreed to "restrict the use
19 of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible
20 with normal airport operations." Neither the Russell Plant or Eastshore Plant with their thermal
21 plumes are at all compatible with normal airport operations for the Hayward Airport. Based on
22 the FAA's October 9, 2007 letter, this raises a serious question as to what weight, if any, the
23 references upon which the CEC relied on to adopt Russell are entitled. Based on this new
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1 information alone, we would assert that reconsideration is required for Russell.

2 I declare under penalty of perjury under the laws of the State of California that the foregoing
3 is true and correct. Executed this 6th day of November, 2007, in San Carlos, California.

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CAROL FORD

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