

California State Senate

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CHANCELLOR
CLPCCD

March 18, 2010

Joel L. Kinnamon, Ed.D., Chancellor
Chabot-Las Positas Community College District
Office of the Chancellor
5020 Franklin Drive
Pleasanton, CA 94588

Re: Request to Reconsider Appeal to RCEC Air Permit

Dear Chancellor Kinnamon and Members of the Board,

It has come to my attention that the Chabot-Las Positas Community College District's Board of Trustees has approved a resolution to continue to use general fund monies and staff resources to oppose the Russell City Energy Center (RCEC) in Hayward via an appeal of the facilities air permit to the U.S. Environmental Protection Agency's (EPA) Environmental Appeals Board (EAB).

As Chair of the Senate's Education Committee, and member of the Senate Subcommittee on Educational Governance and Accountability, it is unclear why the College would dedicate its scarce resources to oppose a project that has taken over nine years to permit and been reviewed and approved by all of the appropriate agencies, including twice by the California Energy Commission (CEC), three times by the Bay Area Air Quality Management District (BAAQMD), twice by the EPA, and upheld twice by the California Supreme Court. Also, the California Independent Systems Operator (CAISO) has found that the facility is necessary to support the implementation of California's aggressive renewable portfolio standard.

The result of this very lengthy, robust and exhaustive public permitting process is a facility that meets, or in many cases exceeds, all applicable state and federal requirements. In fact, the air permit which you seek to appeal has been characterized by Jack Broadbent, the BAAQMD's Air Pollution Control Officer, as "the most stringent the Air District has ever issued." The project has the first-of-its-kind greenhouse gas limit, which has received international attention and been hailed by environmentalists and regulators, such as the Sierra Club, NRDC, and the Secretary of CalEPA for its precedent-setting and first-of-its-kind air permit. BAAQMD found that the facility's emissions would not cause or contribute to a violation of any applicable federal air quality standards, nor result in an increase in the concentration of criteria pollutants in air surrounding the project above federal "significance" thresholds. Most importantly, the BAAQMD found that an increased cancer risk, and risk of other health hazards posed to someone exposed to the highest possible concentrations of air contaminants caused by the

project, are below what the Air District, EPA, or any other public health agency considers significant.

Calpine is ready to spend over a half-billion dollars and begin construction on the RCEC in August, creating 650 union construction jobs, \$30 million in one-time tax revenue and over \$4 million in annual property taxes. Once on-line, RCEC will provide approximately 25 full-time, living-wage operation jobs. Total payroll, including benefits, is estimated at \$3 million per year. These construction and operation jobs could ostensibly be filled by graduates of Chabot College. Additionally, the company has been a strong community partner and committed \$10 million toward a new library in Hayward.

As you referenced in your June 26, 2009 public letter, we are witnessing record budget cuts to public education from which your institution is not immune. Your work to preserve operating revenues and reduce costs is commendable at a time when our community colleges are fighting to protect the quality of the education they provide.

We, too, are working hard in Sacramento to find solutions to protect higher education and reduce unemployment which exceeds 10 percent in the Bay Area and is over 30 percent among many of the trades. RCEC is just the type of project California needs now.

I am disappointed that the College has never accepted any of Calpine's requests to meet with them to discuss your concerns. RCEC represents a potential lifeline to the Chabot-Las Positas Community College District. A responsible, long-term employer in Hayward can only contribute to the District's mission of furthering higher education and serving the community. The continued expenditure of taxpayer dollars on this activity only serves to erode public confidence in the College's ability to prioritize its objectives.

Regulators and environmentalists have heard your concerns and acted accordingly to ensure this project will not impose a health impact on the College's student body or faculty. I ask that your board also act prudently to swiftly reconsider plans to appeal RCEC; investing the College's limited budget and resources in students, not lawyers and lawsuits. If you choose to continue to pursue this, I will expect a full accounting of all of your expenditures to-date (both monetary and staff time), an explanation of your reasoning, and the factual issues that you believe have not been addressed by the myriad state and federal permitting agencies. This accounting may come in the form of an oversight committee hearing or through an audit request to the California State Auditor.

Thank you very much.

Sincerely,



Gloria Romero,
24th Senate District
Chair, Senate Education Committee

GR:re

Cc:

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