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**Grandview Realty**

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**From:** Tim Eichenberg [teichenberg@bcdc.ca.gov]  
**Sent:** Friday, February 08, 2008 12:52 PM  
**To:** Rob Simpson  
**Subject:** Re: Have you received notice?

Rob:

We have not received any communication from the Air Board or the EPA regarding the Russell City power plant. As you know, we met with you on December 27, 2007 in Hayward to thoroughly examine the area, and confirmed that the plant is not located in BCDC's jurisdiction; that is it is not within 100 feet of the mean high tide line or the inland edge of marsh vegetation, and not within a saltpond or managed wetlands as defined in our regulations. This confirms what we told the CEC in December 2007 and December 2006.

In my November 28 email to you, I also indicated that even if it was in our jurisdiction, it does not appear to be located in an area that we identified as inconsistent with the McAteer-Petris Act or the Bay Plan under our 2002 power plant siting study. I also indicated that the project may be subject to review under the federal Coastal Zone Management Act (CZMA).

Under section 307(c)(3)(A) of the CZMA a federal permit located inside or outside of the coastal zone (i.e. BCDC jurisdiction), affecting any land or water use or natural resource of the coastal zone, must provide a certification that the activity complies with the enforceable policies of the state's coastal management program (i.e. BCDC's laws and regs), and will be conducted in a manner that is consistent with the program. Our approved coastal management program lists, as subject to our consistency review, EPA permits for reclassification of land areas under regulations for the prevention of significant deterioration of air quality (PSD). However, at this time, we have not received any certification or communication from the EPA or Air Board that the project does or does not affect the coastal zone, or is or is not consistent with our coastal management program. Nor have we notified the Air Board or the EPA regarding these CZMA requirements. If we receive such a certification or communication we would review the federal permit and notify the agency whether we concur or object to the certification under the CZMA.

I hope this answers your question. Please call if you have any additional concerns.

Tim

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Tim Eichenberg, Chief Counsel  
SF Bay Conservation & Development Commission  
50 California Street, Suite 2600  
San Francisco, CA 94111  
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On 2/8/08 8:37 AM, "Grandview Realty" < > wrote:

**From:** Grandview Realty [

**Sent:** Monday, February 04, 2008 10:33 PM

**To:** 'time@bcdcd.ca.gov'

**Subject:** Have you received notice?

To: The Chief Counsel for the San Francisco Bay Conservation and Development Commission Mr. Tim Eichenberg,

Dear Sir ,

Have you received notice of a preliminary determination of compliance or proposed PSD permit from the Bay Area Air Quality Management District or the Environmental protection Agency for power plants planned in the city of Hayward ? One is Named Russell City Energy Center, the other is named Eastshore Energy Center.

Can you describe the requirements of the coastal zone management act or other authorities within your jurisdiction with respect to the above?

Thank you,

Rob Simpson

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