

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

March 16, 2010

Item: 1.3.d

Subject: Adoption of Resolution No. 10-0910

RUSSELL CITY ENERGY CENTER (RCEC LLC-CALPINE,
HEADQUARTERED IN HOUSTON, TEXAS) PROPOSED 600 –MEGAWATT
GAS FIRED FOSSIL FUEL THERMAL POWER PLANT – APPEAL TO THE
ENVIRONMENTAL APPEALS BOARD

Read Out:

The Board of Trustees adopted Resolution No. 10-0910 authorizing legal action to appeal to the Environmental Appeals Board (EAB) of the United States Environmental Protection Agency (USEPA) the issuance of permit number 15487 for “Prevention of Significant Deterioration Permit” to Russell City Energy Company of Texas for the construction and operation of the Russell City Energy Center to be located at 3862 Depot Road, near Depot Road and Cabot Blvd., in Hayward, California;

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

RESOLUTION NO. 10-0910

RUSSELL CITY ENERGY CENTER
(RCEC LLC-CALPINE, HEADQUARTERED IN HOUSTON, TEXAS)
PROPOSED 600 –MEGAWATT GAS FIRED FOSSIL FUEL THERMAL POWER PLANT –
APPEAL TO THE ENVIRONMENTAL APPEALS BOARD

WHEREAS, students, faculty, staff, and administrative leaders of Chabot College have expressed health and safety concerns and have submitted several hundred letters and signatures in opposition to the construction and operation of the Russell City Energy Center (RCEC) thermal fossil fuel power plant;

WHEREAS, Section 6300 of the Labor Code, Sections 105400-105430 of the Health & Safety Code; and Sections 21157-21157.7 of the Public Resources Code charges this Board with the legal duty to create and maintain a safe college campus – which includes an environmentally safe campus for the health and safety of its students, employees and members of the public;

WHEREAS, the Chabot campus serves thousands of community residents on a daily basis and has a student population in excess of 15,000 students, approximately 600 employees, and provides a childcare program;

WHEREAS, the Chabot campus has served historically disenfranchised populations, with the majority of students from race-ethnicity groups consisting of African American, Asian American, Filipino, Latino, as well as socio-economically disadvantaged Caucasian students;

WHEREAS, the Chabot campus in 2009 qualified under federal law for designation as a Hispanic-Serving Institution (HSI), with its Latino students making up approximately 32 percent of all new students on campus, and 26 percent of total enrollment;

WHEREAS, the Chabot campus is located in Western Alameda County, a community identified by the Bay Area Air Quality District's (BAAQMD or Air District) Community Air Risk Evaluation (CARE) Program where higher levels of exposure to air pollution already presently have elevated residents' health risks from air pollution;

WHEREAS, the Chabot campus is located in a community identified by the Alameda County Public Health Department already suffering from disproportionately higher chronic health issues than other communities in the Bay Area as documented in the testimony of Dr. Sandra Witt of Alameda County's Public Health Department at the Eastshore evidentiary hearing before the California Energy Commission, and by Alameda County Public Health's publication, *Race, Class, and the Patterns of Disease Distribution in Hayward; Decision- Making that Reinforces Health Inequality*;

WHEREAS, the Air District of the San Francisco Bay Area has been designated as in violation or in non-attainment of the Clean Air Act for 8-hour ozone and PM2.5 air pollutants;

WHEREAS, the Environmental Protection Agency air quality data ranks Alameda County with having the highest ozone concentration than any other Bay Area County which is linked to serious health problems and premature death;

WHEREAS, BAAQMD has issued a "Prevention of Significant Deterioration Permit" (PSD) for the construction and operation of a 600 megawatt thermal fossil fuel power plant known as Russell City Energy Center (RCEC) allowing for the emissions of over 1.9 million tons of CO2 which would qualify as the sixth biggest stationary polluter in the nine Bay Area Counties to be located within approximately 1.35 miles of the Chabot Campus, which falls within the "significantly impacted" area as identified by BAAQMD;

WHEREAS, many students attending Chabot College lack medical insurance coverage, consisting of groups who are particularly sensitive to external environmental degradation, which would result due to the emissions from the RCEC;

WHEREAS, the District's legal obligations toward its staff, students, and community members, as well as respecting its significant capital investment in the community, give it a genuine interest in the siting of a thermal gas fired power plant due to the close proximity of the plant to the Chabot campus which falls within the significantly impacted area as acknowledged by the Air District;

WHEREAS, CO2, ozone and PM2.5 are federally recognized dangerous pollutants under the Clean Air Act and harmful to the public health and safety and this plant will emit millions of tons of pollutants approximately 1.35 miles from the Chabot campus, placing it within close proximity of the particularly significantly adversely impacted area as acknowledged by the Air District based on air modeling which has been challenged as understated;

WHEREAS, the public comments in response to the Air District's proposed issuance of the PSD permit have challenged the Air District's determination that RCEC is utilizing the Best Available Control Technology (BACT) and/or achieving the Lowest Achievable Emissions Rate (LAER) for certain pollutants as required by the Clean Air Act and, based on the District's investigation, the Air District has not satisfied that legal obligation;

WHEREAS, the air modeling inputs by BAAQMD for traffic excluded highway 880, its intersections and truck traffic, and all other road segments within the identified approximate six mile significantly impacted area, and only included one roadway segment, highway 92;

WHEREAS, Chabot College plays a significant educational and economic role in the community serving as an educational leader, contributing its resources to the intellectual, cultural, physical, and economic vitality of the region;

NOW, THEREFORE, BE IT RESOLVED:

That the Governing Board of the Chabot-Las Positas Community College District on March 16, 2010, authorize legal action to appeal to the Environmental Appeals Board (EAB) of the United States Environmental Protection Agency (USEPA) the issuance of the Prevention of Significant Deterioration (PSD) permit for the Russell City Energy Center to be located at 3862 Depot Road, Hayward, California;

That the Governing Board is committed to providing a safe and healthy environment to the students, faculty, staff, and visitors of Chabot College;

That the Governing Board is committed to fulfill the fiduciary responsibility to protect the community investment in Chabot College in order to continue its educational and economic role in the community.

PASSED AND ADOPTED by the following roll call vote this 16th day of March 2010:

AYES: Cedillo, Dvorsky, Gelles, Gin, Mertes, Mitzman

NOES: None

ABSTENTIONS: None

ABSENT: Vecchiarelli

I, Secretary of the Governing Board of Chabot-Las Positas Community College District of Alameda County, State of California, certify that the foregoing is a full, true and correct copy of a resolution adopted by the said Board at a regular meeting thereof held at a regular public place of meeting and the resolution is on file in the office of said Board.

3-16-10
Date

Barbara J. Mertes
Secretary of the Board of Trustees
Chabot-Las Positas Community College District
State of California