



Anderson Springs

Community Alliance

Preserving our natural resources & quality of life

September 15, 2009

Honorable James Comstock
Supervisor for District 1
Board of Supervisors
County of Lake
255 North Forbes Street
Lakeport, CA 95453

Dear Jim,

Attached is a complaint and petition from 109 residents and property owners of Anderson Springs concerning the growing number of earthquakes caused primarily by geothermal operations of Calpine Corporation/Geysers Power Company, LLC at The Geysers. These earthquakes, of which there have been 1,068 of Magnitude 2.0 or larger within 5 miles of Anderson Springs since 2000, represent an ongoing public nuisance that infringes on the rights of residents and property owners to the quiet enjoyment of their homes, damages their property and diminishes its value, and poses potential risks to their health & safety (see references to relevant sections of California Civil Code on page 2).

There is now a significant body of qualified, independent scientific evidence about induced seismicity, along with extensive public comments, documentation, and media coverage, demonstrating the extent of problems for residents and their property. It has become clear that most of these earthquakes are caused by geothermal development activities, and the instrumentation is now adequate to pinpoint their exact location and quantify resulting ground-shaking in Anderson Springs.

Although the impacted communities are primarily in Lake County, Calpine's operations causing geothermal earthquakes occur both within Lake and Sonoma Counties and are permitted by their respective County planning/community development departments. We recognize the importance of geothermal power production; we are not against geothermal energy, nor are we seeking to halt geothermal operations. However, the wastewater disposal needs of Lake and Sonoma Counties, along with the business interests and profit motivations of Calpine Corporation, are being served at the expense of our small community and its residents.

We believe this public nuisance is self-evident and can be abated through County restrictions as to the proximity and extent to which Calpine can engage in geothermal development activities near our community, as well as by enacting an ordinance that fines geothermal operators for induced seismicity in the same manner that such ordinances already exist for regulating air quality and noise. If the Board has doubts about whether the impacts we describe amount to a public nuisance and/or whether they are caused by geothermal development activities, we request that the County seek a declaratory judgment in a court proceeding to establish these facts.

The Board of Supervisors and District Attorney's office for both counties have the authority and obligation under the California Civil Code to abate known public nuisances once their existence is clear. Therefore, we ask you to take whatever actions are necessary to recognize an ongoing public nuisance and proceed to better regulate Calpine's operations, so the same rights and quality of life can be restored for our residents as is afforded all other county residents.

Sincerely yours,

Jeffrey D. Gospe, President
Anderson Springs Community Alliance

Robert Marelli, President
Anderson Springs Homeowners Association

Cc: Paul Kelley, Supervisor, District 4, County of Sonoma
Stephan Passalacqua, District Attorney, County of Sonoma
Jon Hopkins, District Attorney, County of Lake

CIVIL CODE SECTIONS 3479 AND 3480 (PUBLIC NUISANCE)

A "nuisance" is defined in section 3479 of the California Civil Code as "[a]nything which is injurious to health, is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property."

A "public nuisance" is defined in section 3480 of the California Civil Code as a nuisance "which affects at the same time an entire community or neighborhood, or any considerable number of persons..."

Pursuant to California Code of Civil Procedure section 3494, a public nuisance may be abated by any public body or officer authorized thereto by law.



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**COMPLAINT & PETITION
TO THE BOARD OF SUPERVISORS OF LAKE & SONOMA COUNTIES
for Remedy of Ongoing Public Nuisance from Geothermal Earthquakes
Caused by Operations of Calpine Corp./Geysers Power Company, LLC at The Geysers
September 5, 2009**

The community of Anderson Springs experiences a growing number of earthquakes caused primarily by the operations of Calpine Corporation/Geysers Power Company, LLC. These earthquakes, of which there have been 1,068 of Magnitude 2.0 or larger within 5 miles of Anderson Springs since 2000, represent an ongoing public nuisance that infringes on the rights of residents and property owners to the quiet enjoyment of their homes, damages their property and diminishes its value, and poses potential risks to their health & safety.

State law defines a public nuisance as any nuisance that “affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.” (Cal. Civil Code § 3480.) We seek the assistance of the Board of Supervisors for Lake & Sonoma Counties, who have a duty to protect the public health, safety, peace & welfare of their residents, which includes taking action to abate public nuisances.

A specific instance of this nuisance began this morning (at 01:48:41AM on Saturday, September 5, 2009), with a series of small earthquakes, the largest of which measured Magnitude 2.8 and generated 118.3cm^2 of peak ground acceleration (i.e., 12.1%g) on the strong ground motion station at the end of Hot Springs Road in Anderson Springs. This event was epicentered next to Calpine’s MLM Wellpad by Castle Rock Springs, 1 mile from Anderson Springs (1,300 feet from the closest residence), and at a shallow depth of 1.6 miles (consistent with man-made, geothermal earthquakes).

Most residents of Anderson Springs were awakened by the jolt and noise of this earthquake; many were frightened and had difficulty going back to sleep. Over the following 10 minutes, residents were disturbed by the rumblings & noise of numerous smaller earthquakes, most of which did not register on the USGS seismic network.

As evidenced by our signatures below, we request that the Board of Supervisors for Lake & Sonoma Counties take whatever actions are necessary to resolve this ongoing public nuisance from geothermal earthquakes.

