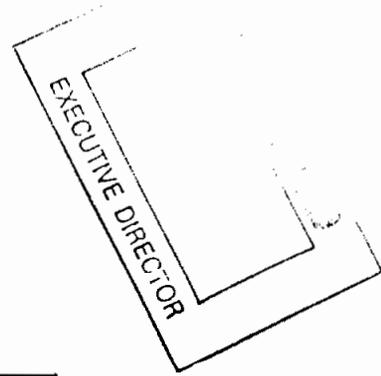


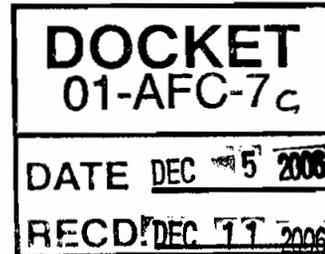


CITY OF  
**HAYWARD**  
HEART OF THE BAY

December 5, 2006



Mr. B. B. Blevins  
Executive Director  
California Energy Commission  
1516 Ninth Street, MS-29  
Sacramento, CA 95814-5512



Dear Mr. Blevins:

The California Energy Commission has certified the Russell City Energy Center, a power plant project located in the City of Hayward. Recently the project owner has filed an Amendment to the proposed project.

We have carefully reviewed the information provided by the applicant related to the noise impacts of the proposed project, as amended. Based on our review, we find that the proposed project, as amended, will be in compliance with the applicable noise ordinances and guidelines of the City of Hayward.

First, the project is in compliance with the noise ordinance of the City of Hayward, Municipal Code Section 4-1.03 Persistent and Construction Noises. Section 4-1.03 restricts construction noise on or abutting areas zoned or used for residential purpose. The Russell City Energy Center will be located in a district zoned for industrial purposes and will not abut residential properties. Therefore, the project will be in compliance with the noise ordinance of the Hayward Municipal Code.

The proposed project is also subject to the Noise Guidelines for Review of New Development, as set forth in Appendix N of the Hayward General Plan. The Land Use Compatibility Standards for Community Noise Environments (Appendix N, Figure 1) indicates CNEL or Ldn levels up to 75 dBA are normally acceptable for industrial/manufacturing facilities and levels up to 80 dBA are conditionally acceptable.

The predicted noise levels from the proposed project, as amended, are within the acceptable or conditionally acceptable levels:

- 75 dBA Ldn (69 dBA Leq) at the north and east property lines where bordering private industrial zoned properties.
- 80 dBA Ldn (74 dBA Leq) at the south and west property lines where bordering the City's property and wastewater treatment plant.
- 80 dBA Ldn (74 dBA Leq) at the west side of the ACFCD storm water channel. Between the RCEC property line and the west side of the ACFCD storm water

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channel lies the storm water channel, the City's secondary effluent channel, and the EBDA easement; all uninhabited industrial zoned areas)

To achieve these levels, we understand that the project owner has committed to construct a sound wall along the southern edge of the project site.

We conclude that the proposed project, as amended, will conform to all applicable noise laws, ordinances, standards and guidelines of the City of Hayward.

If you or your staff have any questions regarding this matter, please feel free to contact me.

Very truly yours,

  
Jesús Armas  
City Manager