

Memorandum

Date : May 11, 2007

Telephone: (916) 653-1227

To : John L. Geesman, Presiding Member
 Jeffrey D. Bryon, Associate Member

From : California Energy Commission - Lance Shaw, Compliance Project Manager
 1516 Ninth Street
 Sacramento, CA 95814-5512

Subject : **RUSSELL CITY ENERGY CENTER (01-AFC-7C) STATUS REPORT #2**

DOCKET	
01-AFC-7	
DATE	MAY 11 2007
RECD.	MAY 11 2007

Staff Assessment (SA) Part 1 was filed on April 3, 2007. It contained staff's analyses for 12 non-controversial technical areas. Part 2 is anticipated to be filed on or near June 8. It will contain the technical analyses for Air Quality, Cultural Resources, Land Use, Public Health, Traffic and Transportation, Visual Resources, Waste Management, as well as the Alternatives and Reconducting Impact analyses. In addition, the technical sections filed in Part 1 (with changes based on comments received and other necessary corrections or changes based on new information) will also be included to provide a complete document.

Since the last Committee schedule was issued on March 21, staff has conducted two public workshops in the City of Hayward (April 9 and 25), the project owner has responded to all of staff's data requests, and staff has received information necessary for its analysis from various sources. At this time, the only outstanding information is the City of Hayward's recommended conditions for the Russell City Energy Center (RCEC) that staff will incorporate in the Staff Assessment as appropriate. The technical areas with potential issues or outstanding information are described below.

Land Use

- o On or about May 18, the City of Hayward plans to provide staff with the Conditional Use Permit conditions that they would apply to the project were they the permitting agency.
- o The Alameda Airport Land Use Commission (AALUC) will use the Staff Assessment Part 2 to make a determination regarding the compatibility of the new proposed location for the RCEC facility with airport land use plans. The AALUC will provide comments on the Staff Assessment Part 2 to Energy Commission staff. Their comments will be considered and will be included in the errata for Part 2.
- o The Mt. Eden Annexation Final EIR contains mitigation measures for development of the parcels being annexed by the City of Hayward. Three project-related parcels are affected by this annexation. These measures must be incorporated into staff's analysis as conditions of certification in affected technical areas.

Traffic and Transportation

- o On May 9, staff received approach and departure flight pattern information from the City of Hayward for the Hayward Airport that indicates multiple over-flights of the proposed RCEC site on a regular basis.
- o Staff is near completion on the thermal plume analysis, related to aviation safety. The project owner and staff disagree on the methodology for the plume velocity calculations.

Based on the information above, and most notably the May 18 expected date for staff to receive information from the City of Hayward that is necessary to complete staff's analysis, staff proposes the following schedule for the RCEC amendment for the Committee's consideration.

**Energy Commission Staff's Proposed Schedule for the
Russell City Energy Center (01-AFC-7C)
Major Amendment**

Activity	Committee Date	Proposed/ Actual Date
Amendment petition filed	Nov 17, 2006	
Informational Hearing and Site Visit	Dec 15	
Staff files data requests	Dec 20	
Petitioner owner files data responses	Jan 15, 2007	
Local, state, and federal agency preliminary determinations filed	Jan 17	
Staff data response workshop	Jan 22	
Parties file Status Report #1	Feb 27	
Staff files second round of data requests	Mar 8	Mar 08
Staff Assessment Part I filed	Mar 30	Apr 03
Staff files AQ data requests	Mar 30	Apr 02
Staff Issue Resolution, Data Response and SA Workshop	Apr 09	Apr 09
Preliminary Determination of Compliance issued	Apr 02	Apr 12
Agency comments on Staff Assessment Part 1 filed	Apr 16	None
Petitioner files responses to air quality data requests	Apr 16	Apr 24*
Staff Issue Resolution, Data Response AQ Workshop		Apr 25
Final Determination of Compliance issued by District	Jun 1	Jun 1
Staff Assessment Part 2 (with revised Part 1) filed		Jun 08
Agency comments on Assessment		Jun 22
Staff Assessment Workshop		Jun 22
Errata for Staff Assessment Part 2 filed	FDOC + 2 weeks	Jul 6
Pre-hearing Conference	TBD	
Evidentiary hearing	TBD	
Committee files PMPD	TBD	
Committee conference on the PMPD	TBD	
Revised PMPD** for 14 day comment period**	TBD	
Commission Decision	TBD	

Bold = Staff proposed dates; TBD = to be determined; * = round 3 data responses; ** = if necessary

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE
STATE OF CALIFORNIA

Amendment to the APPLICATION
FOR CERTIFICATION OF THE
RUSSELL ENERGY CENTER
POWER PLANT PROJECT

Docket No. 01-AFC-7C
PROOF OF SERVICE
(Revised 4/9/07)

INSTRUCTIONS: All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

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DECLARATION OF SERVICE

I, Marci Errecart, declare that on May 11, 2007, I deposited copies of the attached Russell City Energy Center (01-AFC-7C) Status Report #2 in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.



[signature]