

Memorandum

Date : May 11, 2007
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To : John L. Geesman, Presiding Member
Jeffrey D. Bryon, Associate Member

From : California Energy Commission - Lance Shaw, Compliance Project Manager
1516 Ninth Street
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Subject : **RUSSELL CITY ENERGY CENTER (01-AFC-7C) STATUS REPORT #2**

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

- 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.
- 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.
- 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

- 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.
- 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