

**DOCKETED**

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| <b>Docket Number:</b>   | 01-AFC-07C   |
| <b>Project Title:</b>   | 01-AFC-7C Russell City Energy Company  |
| <b>TN #:</b>            | 249603   |
| <b>Document Title:</b>  | Senator Wahab and Assembly Member Ortega Comments - Russell City Energy Center (RCEC) Settlement Agreement |
| <b>Description:</b>     | N/A  |
| <b>Filer:</b>           | System   |
| <b>Organization:</b>    | Senator Wahab and Assembly Member Ortega   |
| <b>Submitter Role:</b>  | Public Agency  |
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| <b>Docketed Date:</b>   | 4/10/2023  |

*Comment Received From: Senator Wahab and Assembly Member Ortega  
Submitted On: 4/10/2023  
Docket Number: 01-AFC-07C*

## **Russell City Energy Center (RCEC) Settlement Agreement**

*Additional submitted attachment is included below.*



April 10, 2023

David Hochschild  
Chair, California Energy Commission  
715 P Street  
Sacramento, CA 95814

**RE: Russell City Energy Center (RCEC) Settlement Agreement (Docket 01-AFC-07C)**

Dear Chair Hochschild,

We write to share our concerns about the California Energy Commission's (CEC) proposed order approving a settlement agreement with Russell City Energy Company to resolve alleged violations of the General Conditions and Compliance Monitoring Plan.

As you are aware, the Russell City Energy Center operated by Calpine Corporation had a catastrophic failure that resulted in an explosion in the City of Hayward on May 27, 2021. This explosion scattered debris throughout the surrounding area, including a number of large pieces that landed in various areas of the City's water treatment facility. Most significantly, a roughly 10 lb. piece of debris fell through the roof of the living quarters at the City's nearby homeless navigation center. Thankfully, no one was present in the facility at the time and injuries were avoided.

While the City and Calpine ultimately came to an agreement that included a \$150,000 donation to the Fire Department towards a hazardous materials response vehicle and a \$10,000 donation to the Russell City Reparative Justice efforts, the funding does not come close to addressing all of the community impacts resulting from the explosion.

We understand that these fine revenues will go directly to the state's General Fund without potential recompense for the impacts that might have occurred to the local government where the incident occurred. We are interested to know if the settlement could have been written differently, such that some of the punitive costs could have been directed to the City, or if nothing short of a change in statute could allow such a remedy. If you have any questions, please contact Megan Mekelburg, at [megan.mekelburg@sen.ca.gov](mailto:megan.mekelburg@sen.ca.gov). Thank you for your assistance; I look forward to your response.

Sincerely,

Handwritten signature of Aisha Wahab in black ink, featuring a large, sweeping underline.

Aisha Wahab  
Senator, 10<sup>th</sup> District

Handwritten signature of Liz Ortega in black ink, with a stylized, cursive script.

Liz Ortega  
Assemblymember, 20<sup>th</sup> District

c. Hayward Mayor and City Council  
Hayward City Manager