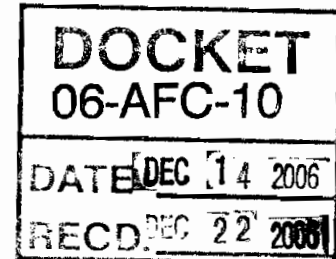




December 14, 2006

California Energy Commission
Che McFarlin, Project Manager
1516 9th Street
Sacramento, CA 95814

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LU0012799
PE 2600



Dear Mr. McFarlin:

SUBJECT: Starwood Power-Midway, LLC
LOCATION: 43649 W. Panoche Avenue, APN # 027-060-78s

The Fresno County Department of Community Health, Environmental Health Division has reviewed the subject project and offers the following comments:

- Section 5.12 Noise concludes that no impacts from operational noise were identified at locations ML2 and ML3 utilizing CNEL and Leq measurements, however, these do not directly correlate with the Exterior Noise standards outlined within the Fresno County Ordinance Code 8.40.040. As an example, short term monitoring at location ML3 indicted an Lmax of 81, which exceeds that allowed by ordinance. It is requested that the Noise Section be revised in order to relate operational noise resulting from the operation of the proposed project to the standards set forth in the Fresno County Noise Ordinance. Should the project be unable to comply with the specific requirements of the ordinance code, further mitigations shall be designed to ensure compliance.
- Prior to occupancy, the applicant shall complete and submit either a Hazardous Materials Business Plan to the Fresno County Department of Community Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information.
- All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes.
- The project description and site plan indicate the use of ammonia. Based on the information contained in the operational statement, this facility will have to comply with the California Accidental Release Prevention (Cal-ARP) Program (Title 19, California Code of Regulations, Section 2745.1(e)).

An RMP shall be submitted to the local Certified Unified Program Agency (CUPA) prior to the date in which the regulated substance (ammonia) is first present in the process above the listed threshold quantity (500 pounds). Contact the local CUPA at (559) 445-3271 for more information.

Che McFarlin
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- Should a water well be drilled, the water well contractor selected by the applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Community Health Department, Environmental Health Division. Any new well drilled shall meet industrial well construction standards. Contact the Water Surveillance Program at (559) 445-3357 for more information.

If I can be of further assistance, please contact me at (559) 445-3357.

Sincerely,



Glenn Allen, R.E.H.S.
Environmental Health Specialist
Environmental Health Division

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cc: Vince Mendes, Environmental Health Division (CT 8302)

OAR Starwood Power-Midway LLC