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From: PERLMUTTER, Michael [mailto:mperlmutter@audubon.org]

Sent: Thursday, January 22, 2009 12:52 PM

To: Weyman Lee

Cc: 'VACATIONPOMBO@aol.com'; TAYLOR, Dan; 'rscimino@earthlink.net';
'evcormier@sbcglobal.net'

Subject: deny Prevention of Significant Deterioration permit for proposed Russell City Energy Center near sensitive Hayward Shoreline

Dear Mr. Lee,

Please consider the attached comments, on behalf of Audubon California, regarding the Prevention of Significant Deterioration permit for the proposed Russell City Energy Center in Hayward, CA.

Sincerely,

Mike Perlmutter

Bay Area Conservation Coordinator

Audubon California

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January 22, 2009

Weyman Lee
P.E.
Senior Air Quality Engineer
Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109

RE: deny Prevention of Significant Deterioration permit for proposed Russell City Energy Center near sensitive Hayward Shoreline

Dear Mr. Lee:

On behalf Audubon California's nearly 100,000 members and supporters and our eight local Bay Area chapters, I write to request denial of a Prevention of Significant Deterioration permit for the proposed Russell City Energy Center, sited near sensitive endangered wetland species habitat along the Hayward shoreline in Hayward, California. Thus far, environmental review by the California Energy Commission (Commission) for the project has inadequately addressed potential environmental impacts to sensitive species and a full Biological Opinion by the United States Fish & Wildlife Service is required to ensure protection of sensitive species and their habitats that would be significantly and negatively impacted by the proposed project.

The Commission's 2002 Final Staff Assessment of the proposed Russell City Energy Center outlined numerous environmental impacts of the proposed project, requisite mitigation, and additional environmental review and permitting required by the Service, US Army Corps of Engineers, and the San Francisco Bay Regional Water Quality Control Board. These reviews are intended to provide additional guidance to ensure the maximum protection of sensitive biological resources that include threatened and endangered species, air and water quality, and sensitive wetland habitats. Since Calpine's petition to relocate the proposed power plant 1,300 feet away from its original proposed siting, staff reports by the Commission indicate that some of the originally mandated mitigation, as well as all environmental review and permitting by the Service, US Army Corps of Engineers, and the San Francisco Bay Regional Water Quality Control Board are no longer required due different conditions at the amended site location.

Although the amendment to the proposed project location and some design changes to the proposed project will mitigate some impacts identified in the Commission's 2002 staff report on the proposed Russell City Energy Center, other impacts remain and warrant further mitigation and biological review by the Service in the form of a Biological Opinion as originally called for in the Commission's 2002 report. According to the 2002 report background noise increases caused by 24 hour/day, 7 day/week operation of the proposed plant could "directly impact sensitive species breeding areas and wildlife using the surrounding areas." The report then went on to detail some of the possible impacts. Although the proposed project site has been moved by 1300 feet, the proposed project still remains nearby sensitive

habitat. Warehouses situated between sensitive marsh habitat and the new proposed project location could, according to the Commission's 2007 report, "funnel the noise to the sensitive area without achieving the fully anticipated decrease in noise levels." Given the potential negative impacts caused by construction and operational noise of the proposed power plant omission of a Biological Opinion by the Service is a tremendous oversight, and could lead to permitting of activities that cause harm to sensitive species and habitats.

Neither the 2002 nor the 2007 Commission reports on the proposed Russell City Energy Center addressed the terrestrial habitat impacts of nitrogen deposition originating from nitrogen oxides emitted as air pollution from the proposed power plant. Recent studies by Dr. Stuart Weiss describe the habitat conversion effects of increased nitrogen deposition on sensitive plant habitats. Many of the San Francisco Bay Area's soils are nutrient limited. Native plants indigenous to the Bay Area are adapted to these nutrient depauperate conditions while many species of invasive plants are limited by local soil conditions. Increased nitrogen inputs from aerial pollution sources can modify soil conditions in ways that make invasive plants more competitive and facilitate type conversion of habitat from native to exotic plant-dominated systems.

The Hayward shoreline is a significant element of the San Francisco Bay South Important Bird Area and would be impacted by construction and operation of the proposed Russell City Energy Center. Important Bird Areas are part of a global and international network of bird conservation, representing the most critical habitats for bird populations worldwide. On behalf of the birds, other wildlife, and habitats of the Hayward Shoreline, Audubon California respectfully calls for the careful evaluation all environmental impacts of the Russell City Energy Center prior to proceeding any further with the process.

Thank you for your consideration of our views.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Perlmutter". The signature is fluid and cursive, with a large initial "M" and "P".

Mike Perlmutter
Bay Area Conservation Coordinator, Audubon California

CC:

Rich Cimino, Ohlone Audubon Society
Ernie Pacheco, Citizens Against Pollution
Dan Taylor, Audubon California