

--- On **Fri, 9/3/10, Michael Boyd <michaelboyd@sbcglobal.net>** wrote:

From: Michael Boyd <michaelboyd@sbcglobal.net>
Subject: 60-days notice to file a citizens suit pursuant to 42 U.S.C. 7604 against BAAQMD, US EPA, CPUC, and the City of Hayward California Re: Russell City Energy Center Fw: Robert A. Bauman City of Hayward Director of Public Works ["Work is expected to start in the next few days"]
To: scrockett@baaqmd.gov, martinhomec@gmail.com, slazerow@cbeal.org, zabel.allan@epa.gov, Benjamin.Fisherow@usdoj.gov, jackson.lisa@epa.gov
Cc: hym@cpuc.ca.gov, CityClerk@hayward-ca.gov, Yolanda.Cruz@hayward-ca.gov, Maureen.Conneely@hayward-ca.gov, Robert.Bauman@hayward-ca.gov, DFouquet@chabotcollege.edu, dzuliani@chabotcollege.edu, laurie.price@csueastbay.edu, andy_psi@sbcglobal.net, VACATIONPOMBO@aol.com, Sarveybob@aol.com, michaelboyd@sbcglobal.net, finntastic4@yahoo.com, jewelhargleroad@mac.com, JKinnamon@clpccd.org, cehlofft@comcast.net, "Rob Simpson" <rob@redwoodrob.com>, svolker@volkerlaw.com, "josh harris" <jharris@volkerlaw.com>
Date: Friday, September 3, 2010, 12:10 PM

Dear Mr. Crockett,

This is a CALifornians for Renewable Energy, Inc. (CARE) 60-days notice to file a citizens suit pursuant to 42 U.S.C. 7604 against Bay Area Air Quality Management District (BAAQMD), US EPA, CPUC, and the City of Hayward California for allowing Russell City LLC to commence construction without a District approved Authority to Construct (ATC) and PSD permit.

Michael E. Boyd President

CALifornians for Renewable Energy, Inc. (CARE)

5439 Soquel Drive

Soquel, CA 95073

Phone: (408) 891-9677

E-mail: michaelboyd@sbcglobal.net

From: fpss-no-reply@cpuc.ca.gov <fpss-no-reply@cpuc.ca.gov>
Subject: CPUC-FPSS Subscription: 'Michael Boyd'
To: michaelboyd@sbcglobal.net
Date: Friday, September 3, 2010, 10:54 AM

Below are the documents you have subscribed to using the California Public Utilities Commission Subscription Service. Details of this subscription are listed below the document links.

Proceeding #: A0809007

D1009004 Modification of Power Purchase Agreement Between Pacific Gas and Electric Company and Russian Energy Center

http://docs.cpuc.ca.gov/WORD_PDF/FINAL_DECISION/123017.pdf (161 kb)

http://docs.cpuc.ca.gov/PUBLISHED/FINAL_DECISION/123017.htm

http://docs.cpuc.ca.gov/WORD_PDF/FINAL_DECISION/123017.DOC (92 kb)

Subscription Details:

Subscription Name: Michael Boyd

Subscription Type: Specific Proceeding

Proceeding Number: A0809007

Delivery Frequency: Immediate

Email Address: michaelboyd@sbcglobal.net

Use the links below to manage your subscription:

To delete this subscription go to:

<http://subscribecpuc.cpuc.ca.gov/fpss/Manage.aspx?email=michaelboyd@sbcglobal.net&account=159&cancel>

To manage your subscription service go to:

<http://subscribecpuc.cpuc.ca.gov/fpss/Manage.aspx?email=michaelboyd@sbcglobal.net&account=159>

For help with the system go to: <http://subscribecpuc.cpuc.ca.gov/fpss/FAQ.aspx>

--- On Fri, 9/3/10, rob@redwoodrob.com <rob@redwoodrob.com> wrote:

From: rob@redwoodrob.com <rob@redwoodrob.com>

Subject: RCEC "Work is expected to start in the next few days"

To: "Helen Kang" <hkang@ggu.edu>, "Jewell Hargleroad"

<jewellhargleroad@mac.com>, JKinnamon@clpccd.org, cehlofft@comcast.net

Cc: DFouquet@chabotcollege.edu, dzuliani@chabotcollege.edu,

laurie.price@csueastbay.edu, andy_psi@sbcglobal.net, VACATIONPOMBO@aol.com,

Sarveybob@aol.com, michaelboyd@sbcglobal.net, finntastic4@yahoo.com

Date: Friday, September 3, 2010, 9:14 AM

Regarding RCEC;

"Work is expected to start in the next few days"

Robert A. Bauman City of Hayward Director of Public Works (below)

The CEC docket also contains;

58211 08 / 26 / 2010 Calpine Corp. / G. Reeves CEC / M. Dyas Start of Construction Approval Letter 1

58258 08 / 25 / 2010 CEC / M. Dyas TRB Associates, Inc. / T. Bailey Delegate CBO Notice to Proceed 1

58151 08 / 24 / 2010 CEC / Docket Unit CEC / M. Dyas Soil & Water-8 Verification Change Approval Letter 1

58126 08 / 20 / 2010 Calpine Corporation / G. Reeves CEC / M. Dyas Amendment Approval Letter to Project Owner with Order & NOD 1

The above appears to dismiss the developer from compliance with the environmental permits required in the CEC decision below . I've checked with the County and Regional Water Quality Control Board and neither is prepared to issue a permit;

SOIL & WATER 8: Prior to the start of construction, the project owner shall provide the CPM with evidence of a Flood Canal Tie-In Permit to the Alameda County Public Works Agency (Flood Control and Water Conservation District

Verification: At least thirty (30) days prior to construction, the project owner shall submit to the CPM evidence of submitting an Application for a Flood Canal Tie-In Permit to the Alameda County Public Works Agency, Flood Control and Water Conservation District. The project owner shall also obtain a Section 401 Clean Water Act certification from the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) or provide a letter from the SFBRWQCB stating that 401 certification is not required u

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I am working on writing a legal challenge and restraining order. If anyone wants details or can help that would be great. I intend to file today.

Rob Simpson
510-909-1800

----- Original Message -----

Subject: [SPAM] RE: revised calpine public record request
From: Robert Bauman <Robert.Bauman@hayward-ca.gov>
Date: Fri, September 03, 2010 12:34 am
To: "rob@redwoodrob.com" <rob@redwoodrob.com>, CityClerk <CityClerk@hayward-ca.gov>, Maureen Conneely <Maureen.Conneely@hayward-ca.gov>
Cc: Yolanda Cruz <Yolanda.Cruz@hayward-ca.gov>

Rob,

After we talked I understood from the city clerk that you had reviewed the specific documents associated with the land transfer in her office and therefore I did not get back to you. I believe there may be a further response to that request but since you also again reference a grading permit, I wanted to provide some clarification and share some documents recently processed. First as stated by our city attorney's office in regard to your appeal regarding a grading permit:

Staff would like to clarify the process for the issuance of a grading permit for the RCEC project. While the City has been reviewing the entire rough grading plan, actual approval for grading on the RCEC site is within the authority of the California Energy Commission, through the Chief Building Official (CBO) appointed for the project. The City's specific interest is in the grading that is part of the entrance roads crossing City property, since that particular area is not within the authority of the CEC's CBO. Finally, as you acknowledge, a grading permit for this project has not yet been issued, and, thus, any appeal would be premature. In addition, pursuant to Hayward Municipal Code section 10-8.23, if the City Engineer were to approve a grading permit, only the applicant has the right to an administrative appeal. We have followed the process noted above however we also required that before we issued a permit for work on the entrance roads we requested evidence that the CEC's CBO had reviewed and signed off on the project grading plans. We have received that conformation and have therefore issued the attached grading permit limited to work on our property. The permit and drawings are signed by city engineer, and the contractor will sign the application when they come in to pick up the permit. Work is expected to start in the next few days. Because of the size of the files, I will send a separate e-mail with the approved drawings we received from CEC's CBO.

*Robert A. Bauman
City of Hayward
Director of Public Works
510-583-4710*

From: rob@redwoodrob.com [mailto:rob@redwoodrob.com]

Sent: Wednesday, September 01, 2010 11:55 PM

To: CityClerk; Maureen Conneely

Cc: Yolanda Cruz; Robert Bauman

Subject: revised calpine public record request

Public records request

During my first visit to the Clerks office pursuant the below request I did not discover that the city had transferred city owned property to Calpine Corporation or completed a Certificate of Merger. I went to the planning department and learned from John Nguyen of the above. He indicated that the file was presently with Mr. Baumans office. I met with Mr. Bauman the same day and he indicated that I could review

the file but it may take a few days to provide the file. I have not yet been provided access to the file. I would still like to look at the file including; any findings or determinations to waive a parcel map. I would like to review any basis for the multi step, exchange of properties followed by merger instead of a one step transfer/merger as the code would allow.

I would like to review any additional basis for for the city's contention that "Section 66428(a)(2) of the California Government Code generally provides that a government agency is exempt from filing a parcel map in connection with a conveyance of property by or to such agency unless in individual cases a showing is made based on substantial evidence that public policy requires a parcel map With respect to the conveyance of City Parcel A described above based on the circumstances involved in this specific transaction there is no public policy reason to complete a parcel map in connection with the conveyance of City Parcel A since City Parcel A is adequately served by roads utilities and other infrastructures This conveyance falls within the scope of the exemption set forth in Government Code Section 62a6428" (letter to Stewart Title from Fran David dated April 28,2010)

Resolution 05-125 states"

"Whereas the City Council has previously found that the development of a modern, clean source of reliable energy is a benefit to the public health, safety and welfare"

Please provide the referenced previous finding and any determinations or findings that indicate that the presently proposed Russell City Energy Center development is "a modern, clean source of reliable energy"

Please provide access to any communication with others agency regarding the Russell City energy Center, within the last year.

Mr. Bauman indicated that I could not review any grading permit applications for the project in question. Please provide any permit applications including grading and any permits issued regarding the project.

Please provide access to any results from the work done by Brown and Caldwell pursuant the December 19, 2009 agreement and any other consultant or internal reports regarding the project in question.

Thank you
Rob Simpson

----- Original Message -----

Subject: RE: calpine public record request
From: CityClerk <CityClerk@hayward-ca.gov>
Date: Wed, August 04, 2010 9:32 am
To: "'rob@redwoodrob.com'" <rob@redwoodrob.com>
Cc: Yolanda Cruz <Yolanda.Cruz@hayward-ca.gov>
Good Morning Mr. Simpson,

Documents pertaining to the Russell City Energy have been scanned and placed in a LaserFiche folder. You are welcome to come in and take a look at all the scanned documents. Since there are over ten agreements regarding the Russell City Energy Center, the file will be too large to email. If you rather get hard copies, we can make copies according to the Master Fee Schedule (\$.50 for the first ten copies and \$0.10 per copy thereafter).

We do not have an interested parties list for action regarding the power plant, but I will add your name to the Council agenda email list. Council is in recess during August and the first meeting after the break is September 14th. You will begin receiving Council agendas starting September 10th.

Please let me know how you want to proceed.

Thank you,

Miriam Lens, CMC, MPA

City Clerk

777 B Street, 4th Floor
Hayward, CA 94541
Phone: 510-583-4401
Fax: 510-583-3636
www.hayward-ca.gov

Apply for Passports at the Office of the City Clerk

From: rob@redwoodrob.com [<mailto:rob@redwoodrob.com>]
Sent: Monday, August 02, 2010 9:27 AM
To: CityClerk
Subject: calpine public record request

Hi,

Can I get a copy of any public documents that the city has regarding the Calpine corporation or the Russell City Energy Center? Please include any agreements or information regarding the lot split, subdivision, or exchange of city owned property in

the area of the waste water treatment plant and any payments received or expenses incurred by the city. Also, any environmental or economic review that the city has completed. Please place me on an interested parties list for any action regarding the planned power plant process. Any documents in electronic format can be emailed and I can pick up anything that is only on paper.

Thank you

Rob Simpson
Director
Citizens Against Pollution
Hayward Area Planning Association
Old Highland Homeowners Association
27126 Grandview Avenue Hayward CA. 94542
510-909-1800