

## DOCKETED

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BEFORE THE ENERGY RESOURCES CONSERVATION AND  
DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA

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AMENDED APPLICATION FOR )  
CERTIFICATION )  
FOR THE HYDROGEN ENERGY ) Docket No. 08-AFC-08A  
CALIFORNIA PROJECT, )  
)

Reporter's Transcript of the  
California Energy Commission Committee Conference  
on the Preliminary Staff Assessment/  
Draft Environmental Impact Statement  
Wednesday, November 20, 2013  
Buttonwillow, California

Reported by: Bree Mervin, CSR No. 13057, RPR, CRR

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APPEARANCES

For the Committee: JENNIFER NELSON  
ELI HARLAND  
KAREN DOUGLAS  
RAOUL RENAUD  
ANDREW McALLISTER  
PAT SAXTON  
EILEEN ALLEN  
GARRETT LARIMER

For the Applicant: GEORGE LANDMAN  
GEORGE CAMPOPIANO  
MARISA MASCARO  
DALE SHILEIKIS  
MIKE CARROLL

For the Intervenors: PETRA PLESS  
ANDREW ISSOD  
TOM FRANTZ  
CHRIS ROMANINI

For the Commission Staff: LISA DeCARLO  
JOHN HEISER

1                                    Buttonwillow, California  
2                                    Wednesday, November 20, 2013; 3:15 p.m.  
3                                    Buttonwillow Recreation and Park District  
4                                    Multi Purpose Facility

5  
6                                    MS. DOUGLAS: Good afternoon. I would like to  
7 welcome everybody to this committee workshop for the  
8 Hydrogen Energy California amended application for  
9 certification. My name is Karen Douglas. I'm the  
10 presiding member of the committee assigned to this  
11 proceeding.

12                                    To my left is our hearing officer, Raoul  
13 Renaud, and to his left is Andrew McAllister,  
14 Commissioner McAllister, the associate member of this  
15 committee.

16                                    To Commissioner McAllister's left is Patrick  
17 Saxton. Pat is Commissioner McAllister's advisor, and  
18 to Pat's left is Eileen Allen. She's the commissioner's  
19 technical advisor for facility siting.

20                                    Back now on my right, Jennifer Nelson is my  
21 advisor. Eli Harland is my advisor and helps me here.  
22 Garrett Larimer next to the left, and he's helping us  
23 with the WebEx.

24                                    Ask applicant if you can introduce yourselves.

25                                    MS. MASCARO: Hello. I'm Marissa Mascaro with

1 Hydrogen Energy, the applicant.

2 MR. CARROLL: Mike Carroll with Latham and Watkins,  
3 we are outside counsel to the applicant.

4 MR. CAMPOPIANO: Mark Campopiano, outside  
5 counsel for the applicant.

6 MR. LANDMAN: George Landman, Hydrogen Energy  
7 California.

8 MR. SHILEIKIS: Dale Shileikis with URS.

9 MS. DOUGLAS: Thank you. And staff, will you  
10 introduce yourselves?

11 MR. HEISER: Yes. John Heiser, California Energy  
12 Commission, project manager for HECA.

13 MS. DeCARLO: Good afternoon. Lisa DeCarlo,  
14 Energy Commission staff attorney.

15 MS. DOUGLAS: Thank you.

16 Now, I'll turn to the interveners.

17 Sometimes we call them by order of intervention, but I  
18 don't have that in front of me right now. I'll just  
19 call them, if you don't mind, in the order I've got in  
20 my notes.

21 Sierra Club.

22 MS. ISSOD: I'm Andrea Issod with the Sierra  
23 Club.

24 MS. PLESS: Good afternoon. Petra Pless,  
25 consultant to the Sierra Club.

1 MS. DOUGLAS: NRDC? Not here.

2 HECA Neighbors.

3 MS. ROMANINI: Hello. I'm Chris Romanini with  
4 HECA Neighbors.

5 MS. DOUGLAS: What about the Kern County Farm  
6 Bureau?

7 MS. ROMANINI: They were just here. They left.  
8 They made a statement. They just left.

9 MR. FRANTZ: Tom Frantz from Shafter,  
10 California.

11 MS. DOUGLAS: Anyone here from EDF?

12 I think we have covered the interveners. I  
13 normally now will go down a list of federal, state, and  
14 local agencies.

15 I have heard that we have a Kern County  
16 supervisor in the room. Supervisor Couch, are you here?

17 Let me ask then is anyone here from any federal  
18 agencies? State agencies other than the Energy  
19 Commission? Is the Department of Energy on the phone?

20 MR. DETWILER: Yes.

21 MS. DOUGLAS: Could you introduce yourselves,  
22 please?

23 MR. DETWILER: Paul Detwiler.

24 MS. DOUGLAS: Thank you.

25 What about the Kern County? I saw the planning

1 director. Welcome.

2 Anyone here from any other public agencies?

3 All right. If you can introduce yourself at the  
4 microphone, please?

5 MS. EWERT: Nancy Ewert, Kern County Waste  
6 Management.

7 MS. DOUGLAS: Any other public agencies  
8 represented here?

9 With that, I'll turn this over to the hearing  
10 officer who just walked over to talk to staff. Here he  
11 comes.

12 MR. RENAUD: Okay. Thank you, Commissioner  
13 Douglas.

14 MS. DOUGLAS: I failed to introduce the public  
15 advisor. Alana, could you stand up? I know a lot of  
16 folks have been working with her. She's the public  
17 advisor. We'll introduce her again when we get to the  
18 public comment period when we have more people here as  
19 well. Thank you.

20 MR. RENAUD: Okay. Thank you. Thank you all  
21 for coming. We scheduled this committee conference to  
22 give the members of the committee assigned to review  
23 this project an opportunity to come to the vicinity of  
24 the project and later on today, listen to public  
25 comment, but also to discuss the project with the

1 parties.

2           For those of you not familiar with our process,  
3 by "parties," I mean those who are engaging in the legal  
4 process of preparing an evidentiary record. That means  
5 the applicant, the commission staff, and then the  
6 intervenors who have entered into the proceeding in a  
7 formal manner so they can participate in the evidentiary  
8 process.

9           Eventually, we will get to a stage in the  
10 proceeding where we'll have a formal evidentiary  
11 hearing, which is something like a trial, at which the  
12 committee -- the commissioners will hear evidence and  
13 listen to testimony from witnesses and that sort of  
14 thing.

15           The commission itself is made up of five  
16 commissioners. When a power plant siting case comes in,  
17 the commission appoints a committee of two  
18 commissioners, and so in this case, it's Commissioners  
19 Douglas and McAllister.

20           At today's conference, I think the way we might  
21 work out to proceeding is to ask each party to give us a  
22 little summary of where things stand, from your  
23 perspective, and also tell us what's going on with the  
24 workshops and how those are proceeding, if you're making  
25 progress.

1           So I think we'll start with the applicant. If  
2 you can give us kind of an off-the-cuff rundown of any  
3 important news you would like the committee to hear.

4           MR. CARROLL: Yes, thank you. Mike Carroll on  
5 behalf of the applicant.

6           We obviously have been engaged in this process  
7 for quite some time. I would say that the process has  
8 been slower than applicant would have preferred, but  
9 having said that, I think we are making real progress.  
10 We had a series of productive workshops here in October.  
11 We had a productive workshop again today where we  
12 covered a variety of topics, and we have had some  
13 smaller subject-specific workshops including a workshop  
14 in Sacramento last week related to greenhouse gas  
15 emissions that I thought was very productive.

16           We are most anxious to move to the next step in  
17 the process, which would be the issuance of a final  
18 staff assessment of the CDC staff and what we understand  
19 to be proposed a revised draft, EIS of the DOE staff.

20           We did submit a proposed schedule yesterday  
21 that we're prepared to talk about today. So we feel  
22 that we have made real progress. We are well behind  
23 where we had hoped to be, but then we discussed schedule  
24 at the previous committee conference that we had in  
25 Sacramento, where we identified some dates by which we

1 thought certain milestones needed to be achieved in  
2 order to keep us on schedule. We are behind that, but  
3 as I said, we feel we have been making good progress and  
4 that we're hopeful that we can get on to a schedule that  
5 results in a PSA draft -- revised draft DEIS in the very  
6 early part of next year.

7           With that, we're hopeful we're shaving time off  
8 from subsequent steps in our process related to  
9 financing and some of the other things that need to be  
10 done to bring the project to fruition. There's only so  
11 much we can do. We're still hopeful by compressing  
12 things at the back end, we can make up with time we have  
13 lost in getting through the certification process,  
14 provided it doesn't drag on for too much longer.

15           There are still some substantive areas we have  
16 a disagreement. The last topic we discussed prior to  
17 adjourning the workshop is water supply. We sort of ran  
18 out of time. I don't think we were able to resolve all  
19 the outstanding issues between the applicant and the  
20 staff. There are substantive areas where we have  
21 disagreements.

22           Frankly, I think we may be approaching a point  
23 of diminishing returns in continuing to talk to  
24 each other about those issues. I think there may be  
25 some matters for the committee to make decisions on

1 where the applicant and the staff are not of one mind.  
2 As I said, I think we have narrowed the scope of those.

3 I'm not saying we're not going to make any  
4 further progress in resolving issues in the next four to  
5 six weeks, but I think we are approaching a point of  
6 diminishing returns in terms of workshops and dialogue,  
7 and that's what we really need to focus on is getting on  
8 with the final staff assessment and revised DEIS so we  
9 understand with clarity where we may have difference of  
10 opinion between applicant staff and the intervenors and  
11 prepare for evidentiary hearings to give us our case  
12 with respect to our respective positions. Thank you.

13 MR. RENAUD: Thank you. I think if we have  
14 scheduled public comment period to start at five  
15 o'clock. If we get to a point where we have time before  
16 then, it would be useful to you folks, you can resume  
17 the workshop for a while. We'll see if we get there.

18 Let's turn to staff and ask if you would like  
19 to have -- share the news with us, where things stand  
20 and where you think we're going, how's the workshop  
21 proceeding.

22 MR. HEISER: Thank you, Raoul. John Heiser  
23 from the California Energy Commission. We have had a  
24 number of workshops and conference calls with the  
25 applicant. There's been a lot of data requests and

1 responses exchanged. There's still some areas of  
2 resolution that need to be, of course, resolved in  
3 differences rather than distilled water. We would still  
4 like to continue that discussion.

5           We're still trying to hone in on and close up  
6 on the air quality greenhouse gas, SB 3062 commission  
7 appliance calculations. We still have some outstanding  
8 requests of information on biological resources related  
9 to the Occi portion of the project, and the applicant  
10 has provided that information recently, but the staff  
11 and staff update services need to analyze that  
12 information as well as all the other submitted  
13 information presented recently. So we're still going  
14 through that.

15           MS. DeCARLO: Lisa DeCarlo, Energy Commission  
16 staff attorney.

17           I believe, as the applicant said, we made  
18 headway in narrowing down the issues in the PSA. I  
19 don't know if we have reached resolution or agreement on  
20 substantive issues, but there are plenty of technical  
21 areas where staff feels it has enough information to  
22 start writing the FSA; however, there are other  
23 technical areas where that is not the case.

24           The applicant has been diligent in getting us  
25 information; however, there's a lot of information to be

1 had remaining. This is a very complicated project, and  
2 there's also areas where we need additional agencies  
3 involvement, either additional agency documents we're  
4 waiting for or further coordination. We also have, as  
5 John mentioned, outstanding informational needs  
6 mentioning the Occi site. That's a complicated issue,  
7 must be considered in our sequence analysis.

8           It's just a bit tricky to get information from  
9 Occi and make sure we have enough information that we  
10 feel comfortable reaching conclusions on the analysis  
11 and identifying mitigation measures to recommend to  
12 other agencies that would have jurisdiction over Occi.  
13 We're making headway.

14           We issued a status report yesterday identifying  
15 those technical areas where we think more work is  
16 needed, more information or more coordination with other  
17 agencies. The applicant, I think, is optimistic in  
18 thinking we can have an FSA by the end of January. I  
19 would think maybe the end of first quarter might be a  
20 more realistic target, if that. It's hard to pin down a  
21 date at this point considering that there are  
22 significant outstanding technical areas that we still  
23 need to grapple with.

24           MR. RENAUD: Okay. Great. Thank you. We  
25 will, when we come back around to everybody once they

1 have made their initial statement here, we'll go over  
2 the proposed schedule from the applicant and go through  
3 your status report. We'll be coming back to you.

4 Let's turn to the interveners and start with  
5 Sierra Club. Any news you would like to share with us?

6 MS. PLESS: Yeah, I would love to summarize  
7 Sierra Club's position and our involvement in the  
8 project.

9 Sierra Club has been actively involved in the  
10 workshops and submitting written comments since this  
11 second incarnation project in May of 2012. We have  
12 hired a few different consultants, one here with us  
13 today, to evaluate different issue areas and submit the  
14 written comments.

15 Air quality continues to be one of our primary  
16 concerns. I'm sure I recalled the first public comment  
17 the commissioners attended last year. We heard a lot of  
18 air quality concerns from the public and in September,  
19 we had a full house speaking to air quality and health  
20 concerns. I'm sure you're going to hear some more about  
21 that this evening. That continues to be an area that  
22 we're concentrating on.

23 We submitted over 100 pages of technical  
24 comments on the air district 's proposed conditions and  
25 the air district's final determination of compliance did

1 not address our comments, and we continue to believe  
2 that the air quality conditions do not comply with the  
3 clean air act or the local rules.

4           We have been having a discussion with staff.  
5 We talked about it a little bit in Sacramento last week  
6 and a little bit more today, whether the CEC believes  
7 that it has the authority to evaluate the project's  
8 compliance with the clean air act requirements or  
9 whether it's just relying on the air district's  
10 analysis.

11           So what I heard today is the CEC must defer to  
12 the agency analysis, and I'm still not completely clear  
13 on that, but we continue to be of the position that  
14 these requirements have not been met. The Press Act  
15 gives over these conditions, and it takes away citizen's  
16 right to judicial review in any other forum. So we  
17 cannot bring our grievances to the air district the way  
18 we would be able to for any project under 50 mega watts  
19 or however exactly that works.

20           So we're cut off from that review. This is our  
21 only forum to address it. So we hope and we're  
22 encouraged the staff is considering -- continuing to  
23 consider our comments and evaluate them independently of  
24 the air district.

25           Just to highlight a few of our concerns, I'm

1 sure you're well aware that Kern County is one of the  
2 dirtiest air basins in the country for ozone and  
3 particulate matter, and so the way you can build a new  
4 project is by purchasing emission reduction credits and  
5 investigated the credits and found they actually -- for  
6 the VOC's, they're based on the shut down of a facility  
7 that was over 30 years ago, and those credits were never  
8 valid in the first place, according to the local rules,  
9 and they were traded in restrictions on their  
10 compliance. So we understand staff is focusing on  
11 mitigating actual air impacts on the ground. We  
12 appreciate that. The project still needs to comply with  
13 the clean air act and the local rules.

14 Just briefly, a few other major concerns are  
15 the railcars. They need to be covered. There's coal  
16 spillage, maybe the other interveners, local  
17 interveners, can speak more about this, but there's coal  
18 all around the Wasco terminal and it's surrounded by  
19 environmental justice community, and there's no evidence  
20 that spraying something on top of these railcars is  
21 going to prevent the spillage or coal dust from  
22 contaminating the crops nearby, and we would like to see  
23 the spillage from the bottom of the cart addressed. We  
24 talked about that today.

25 Finally on the air issue, on the air issues, we

1 continue to believe that staff should be requiring HECA  
2 to acquire offsets of four to one to one ratio because  
3 that's what the air district itself believes it will  
4 take to bring it to compliance.

5           So to just go through two or three more issue  
6 areas quickly. Water supply. Just top concern of  
7 interveners and the public, you'll hear a lot more about  
8 that, I'm sure. Sierra Club support staffs' robust  
9 analysis in the PSA, since the identified water is not  
10 actually degraded, it's actually being used currently  
11 for crop irrigation and local farmer and Tom  
12 Giovanni has been commenting and participating in these  
13 workshops and submitted some comments to that effect.  
14 We believe dry clean was not evaluated properly and  
15 appreciate staff is evaluating that alternative.

16           On biological resources, we have made the  
17 comment that -- we have been working with a consultant,  
18 and the information gaps are just so large right now.  
19 We need a revised PSA and not to be going so quickly  
20 forward into a final assessment when we're just at such  
21 a -- such significant information on this. We need to  
22 have enough time for public comment and review of the  
23 assessment in that issue area after we have the adequate  
24 information.

25           There's a really good primary concerns we have

1 been weighing in on traffic and the local community is  
2 certainly weighing in on that area as well. There's a  
3 lot of concerns about school bus stops and so forth. I  
4 would leave that one, maybe one last -- two more issues  
5 quickly on efficiency.

6           We question staff's analysis that this could be  
7 considered an efficient power plant given that -- given  
8 staff's own analysis that under a maximum power  
9 scenario, it's only supplying about 50 mega watts to the  
10 grid and under maximum fertilizer production scenario  
11 it's pulling 60 mega watts. Lastly, we submitted a  
12 comment about the potential for CO2 well blowouts, and  
13 we believe that staff is -- we appreciate staff is  
14 looking into that.

15           We submitted a new story from where the  
16 recovery is going on in Mississippi and Louisiana. The  
17 wells have blown out. I don't recall how many days they  
18 were uncontrolled, but there was recorded deaths of deer  
19 and other animals. It was a pretty large blowout going  
20 on for a while raising significant concerns.

21           Thanks for listening. We appreciate that  
22 you're here today.

23           MR. RENAUD: Thank you for the clear and  
24 thorough summary. That's really very helpful. We  
25 appreciate it very much.

1           Let's turn to Chris Romanini at HECA Neighbors.

2           MS. ROMANINI: Thank you.

3           Our family farms pistachios very close to the  
4 HECA proposed facility. We were the first people to  
5 plant pistachios in this area, and we learned a lot in  
6 the last 30 some years, and we have learned that they  
7 are a very salt tolerant crop. The water that we are  
8 using is what they're calling brackish.

9           Even if the water was even worse, we have  
10 learned you can blend it. This is very usable water.  
11 This year, the water district for the first time in a  
12 long time, asked us maybe we shouldn't put any water at  
13 all in our canals because we're in such a low water  
14 amount from Isabella. We have had -- maybe we don't  
15 have enough to put in our canals this year. Maybe we  
16 should put none.

17           Some people were asked maybe they wouldn't even  
18 farm their land this year. We can't do that with our  
19 trees, but anyway, we can pump it out of the ground. We  
20 didn't even get an acre foot of water out of the canals.  
21 We're saying you start taking water out there, we don't  
22 know what's going to happen with the overall basin.  
23 It's good water. So many farmers went out to where  
24 they're talking about putting their water wells to  
25 supply this project, and there are successful crops

1 growing as we speak with the water they're pumping out  
2 of the ground. You could take a ride yourself. It's  
3 not too far and see if it's not that bad of water.

4           Then you talk about this air. It is the worst  
5 air in the nation, and HECA is going to put another 500  
6 tons per year into our air. This poor little community  
7 of Tupman is downwind a mile and a half from the  
8 facility. Up the street just a bit we have one of the  
9 two hazardous waste dumps in all of California. Those  
10 kids have to inhale what comes from there and now it's  
11 HECA, it's right up against the mountains.

12           We have asked for an air monitor, and everyone  
13 has been silent about this. Fortunately, the EPA last  
14 month said give them an air monitor, but they're saying  
15 for hazardous materials. Yes, for hazardous materials,  
16 but we want something that is for ozone and particulate  
17 matter.

18           That is what they grade when they say we're the  
19 worse air in the nation. That's what they put in the  
20 newspaper in the morning, which we have had ever so many  
21 in the last month or two with these are hazardous air --  
22 what do they call it? Hazardous -- in the newspaper, it  
23 says how bad the air is.

24           High school did not have competitive plays  
25 since school has started because one day it was so bad

1 with our air, and yet we're going to go ahead and not  
2 look seriously at this.

3           They purchased the 30 year old air credits,  
4 HECA will be a net air quality benefit? Do we really  
5 trust that judgment? I was glad the EPA has said about  
6 the air -- the water, incidentally, they said last month  
7 that if air cooling is feasible for HECA, that it should  
8 be a requirement, and that you should not give them a  
9 permit, if it is feasible. And they choose to move  
10 forward with water. Don't give them a permit. They  
11 told the DOE they shouldn't give them financing.

12           The EPA said the PSA has insufficient  
13 information in it, and I say the public, we don't have  
14 information we need to make good public comments. We  
15 need a revised PSA before you come out with an FSA.

16           The coal on the ground is incredible that  
17 nobody has taken us seriously. In January, I turned it  
18 into the San Joaquin Air Pollution District. The coal  
19 in the ground between the tracks in Wasco was four  
20 inches deep for as far as the eye could see, and San  
21 Joaquin Air District forgot that I had made that comment  
22 when I called them four months later.

23           They said, "Well, because we didn't tell you to  
24 make a formal complaint, I guess we forgot that you made  
25 your first complaint." Then in December, we had the 17

1 news went out with us as we showed as far as you could  
2 see, there is coal between the tracks in Wasco.

3 Finally, last month, I've got a photograph with  
4 me, they finally started cleaning it up, but my whole  
5 problem with all this is who's watching? Who's  
6 watching? Who's going to protect the public? And  
7 that's the scary thing. We have lived with the  
8 hazardous waste dump. We have to see what they're  
9 supposed to be doing.

10 We know in the community the things we're  
11 supposed to do, but nobody is watching. We see trucks  
12 coming through our town. They have a route they're  
13 supposed to take that hazardous waste to the hazardous  
14 waste dump, but they don't follow it. There's nobody --  
15 who's supposed to watch it? We watch them go past that  
16 school. They're not supposed to. Who's going to be  
17 watching what they're supposed to be doing here?

18 It's scary because we live with experience.  
19 I'm just saying, please, we need more information, and  
20 we would like to see what's happening with the water,  
21 air cooling, that we can respond to. We want to know  
22 what's happening to the waste. We would like to see  
23 what Occidental's contract looks like before -- we want  
24 a revised PSA before we can -- before a final comes out  
25 so the public can comment on this insufficient document.

1 Thank you.

2 MR. RENAUD: Thank you very much for your  
3 comments. Okay. Mr. Frantz.

4 MR. FRANTZ: Yes, thank you. Tom Frantz for  
5 Association of Irrigated Residents. This project is advertised as  
6 clean energy, over and over in the public eye. We need  
7 electricity. So they're going to produce clean low  
8 carbon electricity, but as you just heard, if they  
9 average the fertilizer with the electricity production  
10 and take away all the uses of electricity that they have  
11 at the plant, there's very little going to the grid.  
12 The project uses everything they have got, and they're  
13 not even counting all the energy that goes into this  
14 project, like transportation and so on and pumping  
15 water.

16 It's really not an energy project. I know you  
17 have to permit it they're producing at one point 300 or  
18 400 mega watts of electricity. It's not going to the  
19 grid. It's going to manufacturer CO2 because that is a  
20 commodity they sell for enhanced oil production and  
21 manufacturing fertilizer they will sell.

22 Enhanced oil production, that's more oil, and  
23 it's also oil that would stay in the ground otherwise  
24 because Occidental has said several times that there's  
25 no way to get that oil out of the ground without CO2.

1           They're manufacturing CO2 in order to get  
2 unobtainable fossil fuel in the ground that will put  
3 lots more CO2 into the air. The fertilizer issues will  
4 put lots of CO2 equivalent gas into the air on a  
5 worldwide basis.

6           The project is very ironic. They say clean  
7 energy, but yet we have the 500 tons of new criteria air  
8 pollutant, right here, where we do have the worse air in  
9 the nation. Though it's mitigated with 30 year old  
10 emission credits, it's still new pollution right here,  
11 locally, at the very southern end of the valley where  
12 the air is indeed the worst that it could be in the  
13 nation. The worst in the nation.

14           It's an ironic type of project. It really  
15 doesn't do what it says. Our air quality here is so bad  
16 Cal State Fullerton peer review study says it's causing  
17 the Central Valley 6 billion dollars per year to breathe  
18 the lousy air in economic costs. You can put a billion  
19 to a billion and a half to Kern County residents where  
20 the project would be located. This project will add  
21 significantly to our bad air.

22           The mitigation is Valley Wide, and its emission  
23 reduction credits, in theory, we're still making  
24 progress to federal air quality standards with this  
25 project, but it doesn't mean our air locally is not

1 getting even worse at the same time or that it's not  
2 getting as clean as it could and suffering this huge  
3 economic loss.

4           The project is not what it says it is. It's --  
5 I don't see how you can even properly permit a  
6 fertilizer plant the way it's conceived here.

7           Things about water are very important. I'm a  
8 farmer myself. My water table has been dropping  
9 drastically the last two years. It dropped as much the  
10 last two years as it did the previous 50 years. We're  
11 really an overdraft.

12           Here's a project that would take enough usable  
13 water to irrigate 2,500 acres of farmland each year.  
14 The applicant is saying, "Oh, no. It's a benefit to  
15 take that water." It doesn't make sense to us. There's  
16 no benefit there.

17           You're going to hear -- it's like black and  
18 white, opposites, one side to the other side, what you  
19 hear from one side to the other side. You really have  
20 to be judges here to determine what is really going on  
21 and what is in the best interest of the people of  
22 California.

23           I sit on the Environmental Justice Advisory  
24 Committee for the last five years since AB 32 started  
25 being implemented. The language of that bill clearly

1 says nothing to reduce climate change gases should  
2 impact air quality, the move toward cleaner air, yet  
3 this project does exactly that. It impacts greatly or  
4 more toward cleaner air. We don't get the benefits from  
5 this project promised in AB 32 law.

6 Thank you.

7 MR. RENAUD: Thank you, Mr. Frantz. I think  
8 maybe now we'll circle back.

9 Turning to the applicant first. Mr. Carrolll, in  
10 your summary, you stated there were some areas where you  
11 felt your discussions had reached a point of diminishing  
12 returns. I'm just wondering if you could tell us what  
13 those areas were and perhaps a little summary of what  
14 you're butting heads about.

15 MR. CARROLL: Sure. So one of the areas that was  
16 mentioned by others is with respect to the water supply  
17 proposal for the project that I think as the committee  
18 is aware, the proposal is to acquire brackish water.  
19 The district has a brackish water remediation program they  
20 developed prior to because it could be proposed in this  
21 area.

22 So it was a project the district wanted to  
23 undertake in an effort to improve the quality of the  
24 ground water by distracting high salient water that is  
25 -- while it may be usable for certain periods of time,

1 on certain crops, it's not -- high quality water for use  
2 on crops limits the types of crops that can be in the  
3 areas.

4 Water district had a program in place, what  
5 they needed was an off ticker for the brackish ground  
6 water and HECA is first, and to my knowledge, the only  
7 participant in the brackish brown water remediation.

8 Our view from the very beginning was this was a  
9 win, it was a source of water for the project. It had  
10 beneficial impacts on the environment and according to  
11 the Buena Vista Water Storage District. I think that we  
12 continue to have a difference of opinion amongst the  
13 experts.

14 Our experts believe that the program makes very  
15 good sense, that it's very beneficial for the ground  
16 water basin. The Buena Vista Water Storage District  
17 that's here today, agrees with that. I think that the  
18 CEC staff remains to be convinced that in reality, the  
19 program will play out the way the modeling suggests that  
20 it will.

21 We have had projects in the past that I think  
22 some of you have participated in where we get into the  
23 battle of the ground water modeling experts and whose  
24 model is most -- the best predictor of what will  
25 actually happen in the future. I think that's kind of

1 where we are now, and I think that if we have a very  
2 firm view on how we think the basin will be affected as  
3 a result of the pumping of the ground water.

4 I think the CEC staff has equally firm views  
5 that are not completely consistent with ours and not  
6 completely inconsistent. But there are certain areas we  
7 don't agree. That's one area, and again, I'm always  
8 hesitant to sort of throw in the towel. I'm an eternal  
9 optimist. I'm hopeful that we can continue to move  
10 closer together, but I really do think that we're  
11 probably approaching a point of diminishing returns of workshop  
12 that issue and get the experts together.

13 I think with respect to cultural resources, we  
14 are approaching a point of diminishing returns where the  
15 situation is a little bit different, and it's less  
16 differences of opinion about the substantive analysis and  
17 more about whether or not some of the additional  
18 analysis to the staff is looking for is really  
19 necessary.

20 So for example, today we had a proposal from  
21 the staff to conduct an analysis of the historical built  
22 environment along the truck route from the cold terminal  
23 to the project in a half mile on each side. Keep in  
24 mind, this truck route hasn't changed since the  
25 application for certification was submitted. Just

1 yesterday the staff report, there was a suggestion we  
2 should go out and evaluate all the historical buildings  
3 within a half mile of the roads that the trucks were  
4 followed.

5 Our view is we're not proposing a new road  
6 here. That's an existing road, designated as a truck  
7 route. It's being used by dozens or hundreds of trucks  
8 a day. We are going to incrementally increase the  
9 traffic on that road. We don't deny that. What we  
10 would be putting up is a small percentage of the total  
11 traffic on the road. Most importantly, it's an existing  
12 roadway that was built to handle truck traffic.

13 If we're going to resist pretty aggressively  
14 that most recent request from cultural resource staff.  
15 There are other areas like that in cultural resources, I  
16 think we really have narrowed those. I was feeling  
17 pretty good about cultural resources up until yesterday  
18 when we got the most recent request from the staff  
19 because we have been -- there have been quite a bit of  
20 back and forth between the applicant and staff on that  
21 topic. We had succeeded in closing out a lot of issues.  
22 That's on the table. That's another example.

23 With respect to the greenhouse gas emissions  
24 project and demonstrating compliance with SB 1368, the  
25 subject of the workshop we had last week, again, I think

1 we made a lot of progress last week, and staff has been  
2 producing initial analysis. We'll see how much progress  
3 we have made once that comes out, but I think we still  
4 have differences of opinion there. To some extent,  
5 we're a little bit in the weeds.

6 I think at this point, everybody agrees that  
7 the project complies with the standard. We'll be  
8 suggesting the project -- the power from this project  
9 wouldn't meet the emission performance standard under SB  
10 1368. The question is how far below is the standard of  
11 the project.

12 While we have come a long way in the time we  
13 have been working on this, we recently produced a white  
14 paper on this topic that I think advanced the  
15 discussions. We're still not there, and I'm not sure we  
16 ever will get there. Some question about whether we  
17 really do need to -- I think the staff was requesting to  
18 some extent at the workshop last week.

19 If we need to make compliance, do we need to  
20 figure out what the number is or determine the year  
21 below, 1100 per megawatt hour? Our view is just meeting  
22 the standard isn't really good enough for us. We would  
23 like to have a determination of what exactly the number  
24 is. That's why we have been pressing so hard on what we  
25 think the appropriate methodology is in evaluating the

1 project under SB 1368.

2 That's another area where we continue to have  
3 disagreement. I'm not sure we will come to complete  
4 closure on that. As I said, we're a little bit in the  
5 weeds on that issue and the details.

6 MR. RENAUD: By in the weeds, do you need  
7 guidance with somebody or sort of stuck?

8 MR. CARROLL: I'm not sure I get that -- in the  
9 weeds, we're -- it's had a lot of attention by a lot of  
10 very smart engineers. Let's put it that way. To some  
11 extent, I'll rephrase diminishing returns it's more  
12 descriptive that it's had a lot of exhaustive analysis  
13 applied to it. I'm just not sure that we're going to  
14 make that much more progress on that topic.

15 I think related to the SB 1368 has two  
16 components, the CO2 emission with the project and  
17 outcome of the project. Suffice it to say, we believe  
18 it's 350 mega watts. Some of the statements made  
19 earlier about the project using 50 mega watts or getting  
20 a draw on the electric grid, we disagree with. There  
21 are -- staff doesn't adhere to those more extreme points  
22 of view, but there are differences of opinions with the  
23 applicant and staff with respect to -- it's not so much  
24 what are the CO2 emissions associated with the various  
25 components of the project, but which components go into

1 the SB 1368 analysis. And that's with respect to both  
2 the emissions and the power output.

3 There are some differences of opinion between  
4 the applicant staff with respect to the GHG performance  
5 of the project, not whether or not it complies with the  
6 requirements but how far it exceeds those requirements.

7 I think those are the main topics. There are  
8 outstanding issues in other areas, biological resources,  
9 but I think that -- you asked what areas was I referring  
10 to when I made the reference to diminishing returns, I  
11 think we are going to eventually come to closure on most  
12 of the other areas. I would say those areas I have  
13 identified are the ones where it's frankly unlikely  
14 we're going to come to complete agreement with the staff  
15 prior to evidentiary hearings.

16 MR. RENAUD: One question about the request to  
17 analyze the historical environment along the truck route. What is  
18 the truck route? Is it from Wasco to the site?

19 MR. CARROLL: Correct.

20 MR. RENAUD: What's the length of that route?

21 MR. CARROLL: It's 27 miles.

22 MR. RENAUD: Does that go through Buttonwillow?  
23 We were trying to figure out what the route was. We  
24 thought it might go through Buttonwillow.

25 MR. CARROLL: It does not go through

1 Buttonwillow. It's --

2 MR. CAMPOPIANO: It goes on 43 and on Stockdale  
3 Highway and takes a left, right, and crosses Tupman Road  
4 on the east side.

5 MR. RENAUD: Thank you for that, Mr. Carroll.

6 I want to ask staff, first, if you would care  
7 to respond to any of those things. I wrote it down so I  
8 can kind of tell you what. The first one would be the  
9 water supply, basically, Mr. Carroll states that the  
10 applicant thinks they presented a good water proposal  
11 and that staff -- it sounds like you think it won't  
12 work. Maybe you would like to respond to that?

13 MS. DeCARLO: Sure. I don't want the committee  
14 to think we're workshopping issues to death that are  
15 resolvable. We're trying to make sure we fully vetted  
16 the position in the areas we disagree so we can  
17 understand the applicant's viewpoint, as well as the  
18 interveners, and the public.

19 I will note the applicant asked us to come for  
20 water, specifically, today. There was a dialogue that  
21 the applicant was openly engaged in today. Mr. Carroll is  
22 correct we have pretty much, most likely, reached an  
23 impasse on this issue. It's a lot of water. 7500 acre  
24 feed from a basin that is already in overdraft. That's  
25 a serious concern to staff. It's been a long time since

1 Energy Commission has permitted a project proposing to  
2 use ground water.

3 The applicant does have a point this is high  
4 TDS water, but the question is how high is it going to  
5 be? Staff's analysis shows a range a little over 900  
6 TDS to a little under 4,000. We have intervenor and  
7 public comment that indicate agricultural folks, the  
8 farmers can actually use water that's pretty high in  
9 TDS, about 2,000 or maybe a little bit more. Staff is  
10 taking this issue very seriously.

11 We're in the process of investigating dry  
12 cooling option to see how possible -- feasible that is.  
13 Unfortunately, dry cooling option wouldn't reduce all  
14 the water use, a lot is process water use. It might  
15 reduce 2500 acre feet, but 2500 acre feet is a lot.  
16 That's basically the water use for a traditional  
17 combined cycle; however, it would also have a potential  
18 energy hit as well. We have to balance that. So we're  
19 looking at that.

20 We're also looking at a possibility of a  
21 condition requiring the applicant to stay within a range  
22 of TDS for the well that they use. We heard for the  
23 first time today that's possible that as they pump the  
24 water, there's enough measures they can take to try and  
25 ensure they stay within a certain range. We'll look at

1 that closely.

2 I do think we have kind of reached the limit of  
3 agreement between the engineers about modeling, about  
4 how high the TDS water is likely to be, and so staff is  
5 going to go back and see what options they can present  
6 to the committee and in terms of trying to mitigate for  
7 this potential impact.

8 MR. RENAUD: Thank you. Mr. Carroll brought up  
9 the cultural and basically indicated that there was some  
10 additional analysis of cultural resources being  
11 requested. Anything you would like to tell us about  
12 that?

13 MS. DeCARLO: We did insert as one of the  
14 multiple data requests, submitted yesterday, asked the  
15 applicant about the possibility of looking at historic  
16 resources along the route. We got some push back from  
17 the applicant today. We have decided to go back and  
18 discuss the likelihood of an impact resulting from the  
19 increased traffic to historic resources and see if we  
20 ultimately actually need that information.

21 There are going to be a lot of trucks on this  
22 road, 13 dedicated to the Wasco facility, but they're  
23 going to be running back and forth 20 hours a day.  
24 That's about 150 truck trips. That's a lot of movement  
25 on this road. Now, the question is does that

1 actually -- it's unlikely that the vibration magnitude  
2 would increase but the duration would.

3           We have to go back to our engineers and find  
4 out, would that translate into any physical impact to  
5 these historic resources? We're going to take a look at  
6 that. At the end of the day, we may not pursue it. It  
7 was a concern to staff. We wanted to make sure we were  
8 evaluating the entirety of the potential impacts for  
9 this project, which has a lot of legs. It has the Occi  
10 side, the Wasco side. It's a big project.

11           MR. RENAUD: All right. Thanks. On the EPS  
12 issue, Mr. Carroll told us that the -- no matter how you  
13 cut it, the project meets the standard, but the issue is  
14 by how much, and I'm actually looking at a chart on Page  
15 4.3-47 of the PSA that shows those numbers. Would you  
16 care to add anything to that description of what the  
17 concern or issue is?

18           MS. DeCARLO: Yeah, everyone agrees, as  
19 Mr. Carroll said, the project falls below the EPS. The  
20 applicant is concerned about showing how far below the  
21 EPS it actually falls. So the question is how do we  
22 fundamentally pin down those numbers?

23           I think we made some great headway last week  
24 about trying to figure out which portions of the  
25 facility emission should be attributed to the energy

1 production side and what should be attributed to the  
2 fertilizer side.

3           It becomes complicated because a lot of  
4 facility portions do both. What percentage do you  
5 attribute to each? I think we narrowed it down. I  
6 think we ended up with area staff conceded to certain  
7 areas and tried to meet the applicant halfway on others.  
8 So I think we narrowed it down.

9           At the end of the day, we probably won't have  
10 the same numbers, but it will be, I guess -- staff  
11 committed to presenting the applicant's version in their  
12 FSA to give the committee a full understanding of how  
13 the engine -- how each side is doing the classification.  
14 At the end of the day, the committee will need to decide  
15 if they need to pin down an exact number or enough to  
16 say regardless of what part of the range they choose.  
17 It all falls under the EPS or whether the committee does  
18 want to pin down an actual absolute number.

19           MR. RENAUD: I thank you for that.

20           The one other thing, Mr. Carroll brought up was  
21 the issue of what the project output is. I see where  
22 you have gone back and forth about that. Do you want to  
23 add anything further to that?

24           MS. DeCARLO: I think we're still evaluating  
25 that. I believe we received some additional information

1 from the applicant after our PSA workshop about the  
2 power balance. We're still trying to pin down what the  
3 ultimate output is.

4 The power output, you attribute under SB 1368,  
5 is potentially different than what we would do under an  
6 analysis because SB 1368 would probably wouldn't take  
7 into consideration a lot of the Occi power use for the  
8 EOR. We're still trying to pin down those numbers.

9 MR. RENAUD: I think that's -- I'm not expert  
10 on this. That's pretty much what the white paper was  
11 about was largely on that topic.

12 MR. CARROLL: That's right. The larger question  
13 is allocating between the components of the project.  
14 Whereas a traditional gas fire project, they're doing  
15 one thing, producing electricity so the fuel is coming  
16 in, essentially ready to go and combusting the fuel and  
17 producing the electricity. At this project, we're doing  
18 a lot of things. We're essentially manufacturing our  
19 fuel onsite. We're producing fertilizer onsite and  
20 producing CO2 onsite.

21 There are a lot of components to this project,  
22 and our view is that not all the emissions associated  
23 with the various components is related to the EPS. The  
24 EPS is focused on what are the CO2 emission with the  
25 electricity production not associated with fuel

1 production or fertilizer production or anything else.

2           So it's really a question of the terminology we  
3 have been using in where do you draw the box? You have  
4 the diagram of the project of the various components.  
5 Which components do you put inside the SB 1368 box? And  
6 that's what we're going back and forth in large part,  
7 and what the white paper is intended to address.

8           MS. DeCARLO: I would note the main large of  
9 it, the largest sticking point, do you attribute the air  
10 separation unit to the project? It's being built  
11 onsite. It's built contemporaneous to the project.  
12 It's currently its sole product is used by the project.  
13 Granted, it will be run by a third party, but staff  
14 doesn't believe in and of itself, that is sufficient to  
15 separate it from the project's power use. It will be  
16 drawn from the grid, but we believe it should still be  
17 taken into consideration in doing the calculations.

18           MR. RENAUD: I think that the -- one thing the  
19 committee might find useful, although it would be -- I  
20 don't know how much extra work it would be, but if a  
21 response to that white paper. I think could be a very  
22 useful tool for the committee. I know somebody has to  
23 actually do that, but that white paper did focus in on a  
24 difficult issue.

25           MS. DeCARLO: Okay.

1           MR. RENAUD: Okay. That's not a command or  
2 anything. It's a suggestion. It could be something we  
3 could go to the evidentiary hearings and brief it at  
4 that point.

5           MS. DeCARLO: We'll see what we can do.

6           MR. McALLISTER: Mr. Carroll mentioned that the  
7 water district was here today. I didn't see them raise  
8 their hand at the beginning. I'm wondering if they can  
9 opine on the water issue.

10          MR. CARROLL: I believe they were in the lobby  
11 when we were making introductions. Representatives from  
12 Buena Vista Water Storage District are in the room now,  
13 and I assume available for questions.

14          MR. RENAUD: If you would like to come forward?  
15 We would be interested to hear from you.

16          MR. McALLISTER: It looks like part of the  
17 disagreement is the appropriate use of the water,  
18 particularly the role of the mitigation program or the  
19 remediation program you had. It would be good to have  
20 context straight from you.

21          MR. RENAUD: Before you start. Let's get your  
22 name.

23          MR. ETCHECHURY: Maurice Etchechury, the  
24 administrative manager from the Buena Vista Water  
25 Storage District.

1           I want to make sure I understand the question,  
2   and I'm sorry I wasn't here when you started the  
3   meeting. The question is just to address our brackish  
4   water remediation project and how that ties into this  
5   project? Is that where I'm going with this?

6           MR. McALLISTER: Yes. It seemed like that  
7   program was developed -- it's got a timeline and a  
8   purpose. I want to hear your view of whether that  
9   purpose is still front and center and what your view  
10   about the usability of the water is and the ongoing need  
11   for remediation and sort of your view of how this  
12   potential project fits into the water supply plans.

13          MR. ETCHECHURY: I'll try to zero in on that  
14   without wandering too far field. In 2009, prior to  
15   that, the district, and I was not with the district at  
16   that time but was developing a program called a ground  
17   water management plan, and a component of this was the  
18   brackish water remediation project.

19          The district has areas -- this district is a  
20   very narrow, probably averages three miles wide and 26  
21   miles long. It's built over an old -- an ancient swamp  
22   that was drained shortly after the civil war so it could  
23   be farmed. So the concept was there are areas of the  
24   district that the ground water has very high TDS, in  
25   excess of 3,000 TDS.

1           In those areas, if I was to show you a map of  
2   the district, there are many wells within the district,  
3   but in this particular area, there is an absence of  
4   wells. That's not to say there are no wells but there's  
5   an absence of density. Basically, the farmers have  
6   determined that water is not water they want to pump  
7   from the ground to apply to their crops.

8           In an -- what has happened over time is the  
9   district has seen, basically, what they call the ground  
10  water interface from high TDS water to very high quality  
11  water, move from west to east through the district.  
12  High TDS water flowing in from the west, and that is  
13  because there is a demand. There's no doubt Kern County  
14  is in overdraft to support its agriculture. We're  
15  victims of our own success; however, Buena Vista Water  
16  Storage District, by virtue of his propose active right  
17  on the Kern River and state water contract is actually  
18  in positive balance, okay, if that makes sense.

19           It's an oxymoron, but basically we put more  
20  water in the ground water than we consume actively for  
21  our crop production. So part of what we were looking at  
22  is we want to remove what -- what I'm going to refer to  
23  as bad water from the aquifer. We have a user that is  
24  going to take water as a district we don't see farmers  
25  using. We want to remove it from the system and remove

1 the salt complete from the system and not apply to the  
2 soil or blend it but remove it from the system and  
3 hopefully move the ground interface from the current  
4 location and move it back to the west where it used to  
5 be 30 years ago.

6           There are two different programs that were  
7 identified. Staff has appropriately examined both. One  
8 was a perch water program we had in the very northern  
9 portion of the district. We think we already -- this is  
10 a plan developed in 2009. We think we are currently  
11 implementing a plan that deals with the perched water  
12 problem. We have not been able to find someone that was  
13 willing to take the water. That is the brackish water,  
14 and remove it from the system.

15           We have not had our own farmers volunteer to  
16 take that water and blend it with their own wells  
17 because they are concerned about the long term impact of  
18 application of high TDS water to their crops and the  
19 soil.

20           Additionally, I think we are basically out in  
21 front of an issue here that is addressed by a program  
22 called CB Salts, of which they have our proposing new  
23 regulations of new reporting requirements through -- the  
24 regional water control board to make sure agriculture is  
25 sustainable and would not -- over time would not

1 basically burn itself out by the application of high TDS  
2 water to the soil which then basically renders the soil  
3 unproductive.

4           There are crops -- I'm not disputing there are  
5 crops that are higher tolerance to salts, but we see  
6 this as a very good project in the fact it is removing  
7 salts from the system. I think they describe that in  
8 their -- in their project report that they will be, I  
9 don't know, some -- I thought it was close to 50 tons a  
10 day of salts leaving the site from the water that  
11 they're using.

12           So we see it as very positive, but the water  
13 storage district is organized under the California Water  
14 Code. We have very strong ability under the law to  
15 perform under the contract that's proposed and to meet  
16 whatever standards the CEC places on the project as far  
17 as the certificate -- their certification -- conditions  
18 of certification.

19           We are a quasi/special district. It's been  
20 organized since 1924. We are by any means a fly by  
21 night operating out of a trailer type of district. We  
22 have a substantial commitment to support and managing an  
23 asset of the farmers within the district. I hope I  
24 didn't get too far field.

25           Is there any follow up you might add?

1 MS. DOUGLAS: I do have a couple of followup  
2 questions. Thank you for that explanation.

3 When you talked about your district being in  
4 positive balance in terms of ground water, by how much?

5 MR. ETCHECHURY: There's going to be different  
6 arguments. We're going to keep it at the common number  
7 we're using here is 32,000 acre feet a year that we add  
8 to the basin, and I will tell you that it does flow out  
9 of the district to districts that do not have the water  
10 rights that we have. So basically, there are adjacent  
11 districts that abstract this water and basically take it  
12 out of the underground.

13 Eventually, those issues will be addressed.  
14 Kern County is very active in trying to deal with these  
15 issues. There's been many acres of farmland that have  
16 been removed from production to try to bring -- in an  
17 effort to bring Kern County back into overall balance.

18 MS. DOUGLAS: Okay. So you're in positive  
19 balance by around 32,000 acre feet a year, and obviously  
20 this isn't an evidentiary hearing but questions to help  
21 inform the committee at the early stage of the  
22 proceeding, but I want to ask, can somebody remind me  
23 how much water the project --

24 MR. ETCHECHURY: 7,500 acre feet per year would  
25 be the maximum.

1           MR. McALLISTER: To be sure, the positive  
2 balance comes from your water rights state water  
3 project?

4           THE WITNESS: From the state water project and  
5 the district is the holder of an active right on the  
6 Kern River. So that is the substantial portion of  
7 our -- of the water we provide to the area. The state  
8 water contract is 21,000 -- probably 21,000 acre feet.  
9 Even if you wanted to remove that from the equation.  
10 We're still in a positive balance to cover the project.

11           MS. DOUGLAS: I think that understanding of it  
12 raises other questions to me about other districts in  
13 where they might be in terms of their balance. That's  
14 no longer a question. I won't ask that at this moment  
15 unless you want to volunteer.

16           What do you think the impact would be -- never  
17 mind. We need to step back.

18           How far are wells actively used for pistachio  
19 farming, for example, from the point at which you would  
20 be proposing to extract water from this project?

21           MR. ETCHECHURY: I'm sorry. I heard -- you  
22 asked how far away a well is from the proposed well  
23 feed?

24           MS. DOUGLAS: Exactly.

25           MR. ETCHECHURY: I'm going to say, I think it's

1 approximately a mile. I do have some slides. I don't  
2 think we're going to take up the time to bring up a  
3 Power Point presentation. I believe it's about a mile  
4 away.

5 MS. DOUGLAS: Thank you.

6 MS. ALLEN: This is Eileen Allen.

7 Is Buena Vista part of an adjudicated water  
8 basin?

9 MR. ETCHECHURY: No. The water basin in Kern  
10 County is not adjudicated.

11 MS. DOUGLAS: I think you can sit down. I  
12 think we're done with questions for now.

13 MR. McALLISTER: Thank you very much. I  
14 appreciate you being here.

15 MS. DOUGLAS: Thanks for sticking around. We  
16 had a lot of exchange between the committee and staff  
17 and applicant. I wonder if the interveners had  
18 something they would like to say or add at this point?

19 MS. ISSOD: This is Andrea from Sierra Club.

20 That was a bit of a one-sided conversation, but  
21 we assume that you have read the staff's analysis and  
22 understand. We're supporting staff analysis with  
23 regards to water quality.

24 MS. PLESS: This is Petra Pless.

25 I would like to point out that by removing

1 water from the water district where they have a problem  
2 with TDS with transferring, all the TDS comes that's in  
3 there into the already polluted air becomes a problem  
4 with the jurisdiction, the air pollution control  
5 district.

6 MR. FRANTZ: Tom Frantz.

7 EPA has an issue with sending a letter that the  
8 CO2 associated with using the fertilizer should be  
9 counted in some form against this project. I don't know  
10 if it goes against AB 1368, the EPS. If it doesn't go  
11 there, it should be mitigated for it somehow.

12 The other mitigation, there's a question for  
13 this project that we want to see. We want to see better  
14 mitigation for the air quality. Even the air district  
15 had already approved almost a year ago a four to one  
16 ratio when you do that switching, yet an EPA was  
17 strangely silent on that, and we're waiting to hear from  
18 that as well. Better mitigation.

19 We've requested an air monitor for criteria air  
20 pollutants in this part of the valley that really  
21 doesn't have one. There's one over in Bakersfield.  
22 There's nothing over here. This is a unique area  
23 against the hills and everything drifting down and  
24 building up right here.

25 Since they will contribute significantly, at

1 least the formal mitigation is to protect the health of  
2 formal residents. With an actual air monitor that can  
3 be accessed and paid for by the project, that would show  
4 up on the Web page and Real-Time Air Advisory Network of  
5 the air district a formal monitor but privately run.  
6 That's been done elsewhere.

7           There's an alternative route from the coal from  
8 Wasco to here. The earlier project had decided to use,  
9 yet this applicant has decided not even to analyze that  
10 culture in the route in taking highway 46 to I-5 and  
11 getting off close to the site on Stockdale Highway, not  
12 going through parts of Wasco and Shafter, several school  
13 districts, and many, many bus stops and narrow roads and  
14 the Tule fog that encloses the region. It would be  
15 safer to take the alternative route, slightly longer.  
16 They're not analyzing that. We want to see a better  
17 analysis.

18           The air cooling we're talked about. They are  
19 using all this water, the air cooling cuts out the water  
20 and a very controversial part of the project but cuts  
21 out tons and tons of emissions to go to air cooling.  
22 It's a real benefit for air quality as well.

23           Mitigation and air analysis in all these areas  
24 are still needed. Thank you.

25           MS. DOUGLAS: Thank you.

1           I'll just ask one more question of applicant or  
2 staff. The alternate transportation route that wasn't  
3 analyzed, what was the reason for dropping it? The  
4 question is for applicant.

5           MR. LANDMAN: This is George Landman with the  
6 applicant. I think the route in question is  
7 approximately -- the way that our route was selected,  
8 the first decision was finding routes that were  
9 qualified to carry heavy haul trucks. So they have the  
10 perfect shoulders and fog lanes and such, and then tried  
11 to pick a route most efficient so it resulted in the  
12 least amount of emissions.

13           The route in question that Mr. Frantz brought  
14 up is 25 miles longer. Multiply that by the trucks that  
15 we have coming to and from the site each day. It  
16 results in quite a few extra miles. You would have  
17 about 6,000 extra miles of diesel exhaust per day.  
18 You're talking millions of miles on an annual basis that  
19 you don't have with the route that's currently proposed.

20           MS. DOUGLAS: Thank you.

21           MR. RENAUD: We also received from staff a  
22 status report for which we thank you, and in reviewing  
23 that, the committee came up with a couple of things we  
24 would like to ask for a report on or discussion under  
25 the carbon sequestration and GHG section. Staff

1 indicates that staff needs the applicant to provide the  
2 contractual terms that Oxy will enter into.

3           Maybe you can elaborate or  
4 perhaps applicant can tell us what's the problem here?  
5 Is that going to happen or if not, why?

6           MS. DeCARLO: Sure. This gets to the issue of  
7 the fact that Occi will be the entity that will actually  
8 be engaging in the sequestration and enhanced oil  
9 recovery with the carbon dioxide. The Energy Commission  
10 does not have jurisdiction over Occi. It's not the one  
11 proposing the power plant and has chosen not to come  
12 before and submit itself to the Energy Commission.  
13 We're trying to figure out how are we going to ensure  
14 the carbon sequestration does happen as required without  
15 this direct oversight of Occidental petroleum.

16           We engaged in conversations with the applicant  
17 since the filing. At one point, we were talking about  
18 seeing the actual contract. It appears that might not  
19 work out time-wise. The actual contract negotiation  
20 might take place after certification, and so then staff  
21 discussed the ability to at least see a draft contract  
22 or at least those critical terms that the -- that HECA  
23 intends to enter into with Occidental to ensure there is  
24 some connection so the conditions of certification that  
25 the Energy Commission imposes upon HECA for handling the

1 CO2, the monitoring and all of that, actually transfer  
2 over to Occi.

3 MR. RENAUD: Has there been expressed  
4 unwillingness to provide that information?

5 MR. CAMPOPIANO: This is Marc Campopiano,  
6 counsel for the applicant, and no, the negotiations for  
7 the contract are ongoing, and we're working diligently  
8 with Occi for that.

9 The time of negotiations may not occur at the  
10 same framework fit into the FSA publication. We don't  
11 think it's essential to happen beforehand the  
12 requirements to apply to HECA will necessarily be  
13 wrapped into that so we have that, the CDC has  
14 assurances those conditions will be helped. We can  
15 assure the contract been finalized before the FSA.

16 MR. RENAUD: Okay. That's helpful for me to  
17 know. Thank you.

18 I think that's all the questions I had  
19 concerning the status report. Anybody else?

20 We did review the proposed schedule from the  
21 applicant. I think the committee is going to have to  
22 make some decisions about what will work and issue a  
23 revised schedule and do that in the future. There's  
24 nothing else to discuss at the committee conference.

25 The next thing on the agenda would be public



1 make a recommendation to the commission as to what the  
2 commission, what action the commission ought to take on  
3 the project.

4 My -- I'll introduce everyone at the podium to  
5 my left is our hearing officer, Raoul Renaud. To his  
6 left is Commissioner McAllister. He is the associate  
7 member of the committee. To the left is Patrick Saxton.  
8 He is Commissioner McAllister's advisor. To my right is  
9 Jennifer Nelson, and to her right, Eli Harland. They  
10 are my advisors, and the gentleman to Eli's right is  
11 helping us.

12 Let me ask quickly for all the parties to  
13 introduce themselves. So everybody knows who's here  
14 beginning with the applicant.

15 MS. MASCARO: Good evening. Marissa Mascaro  
16 with Hydrogen Energy California, the applicant.

17 MR. CAMPOPIANO: Good evening. Mark  
18 Campopiano, counsel for the applicant.

19 MR. LANDMAN: Hello, George Landman with  
20 Hydrogen Energy California.

21 MR. SHILEIKIS: Good evening. Dale Shileikis  
22 with URS, the environmental consultant to the applicant.

23 MS. RUSHMORE: Kathy Rushmore with URS.

24 MS. GARLOCK: Jenn Garlock with URS.

25 MS. DOUGLAS: Thank you.

1 Staff?

2 MR. HEISER: John Heiser, Energy Commission.

3 MS. DeCARLO: Lisa DeCarlo, Energy Commission  
4 staff attorney.

5 MS. DOUGLAS: Interveners, please?

6 MS. ROMANINI: Chris Romanini with HECA  
7 Neighbors.

8 MR. FRANTZ: Tom Frantz with the Association of  
9 Irrigated Residents.

10 MR. GILESPY: Ivan Gilesby, Sierra Club.

11 MS. DOUGLAS: Briefly, by way of introduction,  
12 I wanted to say that Commissioner McAllister and I came  
13 here at a very early time in this process. We're not  
14 here to make any decisions tonight. There are no  
15 decisions to make at this point. The staff analysis is  
16 still under way.

17 We really came here to hear from the public and  
18 to really to hear from all of you tonight. We  
19 appreciate you being here. It's hard to take time out  
20 of your work lives and family lives to come to these  
21 public meetings, and we know that. So we're really  
22 appreciative that you have done that, and you have come  
23 here.

24 I know there are a number of members to the  
25 public here who are taking advantage of the Spanish

1 translation as well. We're prepared to hear comments in  
2 English or Spanish.

3 I was going to say just a brief greeting to  
4 members of the public who speak Spanish. Excuse me for  
5 one moment. Those of you who don't.

6 Commissioner McAllister.

7 MR. McALLISTER: So I would like to also  
8 welcome everybody. Thank you very much for coming.  
9 What she said.

10 It's -- these projects are big. They -- just  
11 the application process requires a lot of resources on  
12 all fronts, both the applicant, our staff, certainly,  
13 the interveners. It's not a trivial thing to take on.  
14 So we really appreciate.

15 At the same time, the public participation is  
16 critical. California, policy wise, certainly encourages  
17 public participation in ways that most states do not  
18 really. It's a fundamental part of the process of  
19 making a large decision like this. You only get on the  
20 record if you're here and you're participating. It  
21 really is valuable. The currency of this whole process  
22 is your participation and your opinions.

23 So we want to hear what everybody has to say  
24 and get it down to consider it in the process. I also  
25 am very much interested in hearing from diversity of the

1 population and residents here in the region that are  
2 going to be impacted, regardless of language, ethnicity,  
3 culture, economic status. Everybody has a voice.

4 So I also am going to speak directly to the  
5 folks who are Spanish speakers here.

6 I'll pass it back to Karen for her management.  
7 It looks like it's going to be quite a task of the blue  
8 cards.

9 MS. DOUGLAS: It is in deed.

10 A couple of the ground rules for public  
11 comment. We ask people to keep their comments to three  
12 minutes each, please, that way we get through everybody,  
13 and people who came in a little later, hopefully won't  
14 be here until the middle of the night. Respecting  
15 everybody's time, we really appreciate people keeping  
16 their time to three minutes.

17 Before I go to the stack of blue cards, I would  
18 like to ask the county to come forward. Supervisor  
19 Couch is here and Lorelei Oviatt.

20 MS. OVIATT: Thank you very much for this  
21 opportunity. I'm Lorelei Oviatt, the Director of  
22 Planning and Community Development for Kern County.

23 We do appreciate the working relationship that  
24 we have always had with the California Energy Commission  
25 on many power plants and policy issues, and we have a

1 working relationship with the staff as well.

2           So at the direction of the Kern County Board of  
3 Supervisors, my department has been coordinating  
4 department comments that address public safety and  
5 impacts to services, and we have provided those  
6 documents to the staff and been working with the staff,  
7 as well as the applicant.

8           However, and it is docketed, we have  
9 highlighted specific mitigation measures of PSA that are  
10 still unacceptable to the board of supervisors, and I  
11 would like to highlight them. Specifically, the costs  
12 in equipment that we have requested, worker safety,  
13 foreign aid have been validated by the Kern County Fire  
14 Department, accepted by the applicant, and we would ask  
15 that you use our numbers.

16           In addition, we have a number of hazardous  
17 mitigations. These are tools that the Kern County First  
18 Responders, the Kern County Environmental Health  
19 Services Department needs to take care of the public  
20 safety issues, and we would assert that based on our  
21 extensive experience with chemical plants, oil  
22 refineries, and oil and gas, that we have an expertise  
23 that the consultants may not have that the CEC is  
24 relying on.

25           We would ask this question: If there's an

1 emergency on the fertilizer component, are the  
2 consultants going to respond, or are Kern County going  
3 to respond? So in this place, we normally defer to the  
4 CEC staff on power plants. It has been very successful  
5 for us, and we're very happy with the power plants that  
6 have been permitted and are operating.

7           This, however, is a fertilizer plant that  
8 produces power, and we do believe that Kern County  
9 should be given more deference than has been given in  
10 other projects the CEC has permitted, and there are  
11 other minor issues that we have raised in this comment  
12 letter that I would also like to remind you of the dire  
13 fiscal considerations for our recycling goals if the  
14 waste that is produced by this operation is not  
15 diverted.

16           The current language is unacceptable because it  
17 does not have dollar figures that we have provided in  
18 the case of the applicant disposing of this in a  
19 landfill anywhere in California or disposing of it. It  
20 would destroy the recycling goals in Kern County and not  
21 able to establish any of the Kern County. Nancy Ewert,  
22 from Kern County Waste, is to give you some of those  
23 comments.

24           In conclusion, we would ask that given the  
25 circumstances and the potential consequences of the

1 fertilizer component, that you provide us with the tools  
2 that we need. The applicant once again has not objected  
3 to any of these, and therefore, we would just ask for a  
4 little more deference and move off of these public  
5 safety issues and to many of the other important issues  
6 you're still attempting to resolve with the applicant.

7 Our staff will continue to work extensively  
8 with the applicants, answer intervenor questions, and  
9 work with the staff to make sure this project will not  
10 have unintended consequences that force the taxpayers of  
11 Kern County to bear the cost of this, rather than  
12 Hydrogen Energy. Thank you very much.

13 MS. DOUGLAS: Thank you, Ms. Oviatt.

14 I will say this is a complex project. It is an  
15 unusual project. In fact, an unprecedented one for the  
16 Energy Commission. I agree the county has very  
17 important expertise and appreciate the county's close  
18 work with our staff and expertise that you're offering.

19 Supervisor Couch.

20 MR. COUCH: Thank you. David Couch, Kern  
21 County Supervisor, Fourth District.

22 Commissioner Douglas, Commissioner McAllister  
23 and Hearing Officer Renaud, thank you for the  
24 opportunity for you to hear our local voice in  
25 considering permitting of the Hydrogen Energy California

1 power plant project. As you just said, it's an unusual  
2 project. It includes both the power plant and the  
3 manufacturing of fertilizer for agricultural use.

4 I'm going to be a little redundant and go  
5 quickly. Our Kern County staff has brought forth our  
6 concerns and requested mitigation, and we appreciate the  
7 diligent work of your CEC staff, the discussions in  
8 resolution of the issues.

9 We do, however, remain concerned that instead  
10 of deferring to the extensive local expertise of Kern  
11 County departments on public safety and the public  
12 service impact mitigation, that CEC staff may be leaning  
13 a little too much upon the hired consultants for better  
14 formulations or better answers for mitigation.

15 Kern County has real-world experience with  
16 heavy industry, chemical uses, and we ask, much as I  
17 want to reiterate what Director Oviatt said, that the  
18 commission defer to the departments who are the experts,  
19 including our first responders on what we need to  
20 protect and for what that's going to cost.

21 Our planning director provided the details on  
22 the parts of the final report we requested to be  
23 implanted. The final project is going to be here and  
24 not in Sacramento if it's built and operated. I ask  
25 that you listen to the county, its departments, the

1 residents and property owners, and continue to resolve  
2 the outstanding questions of this project.

3 We appreciate the long and very productive  
4 relationship that we have had on many power plant  
5 projects and power generation projects in Kern County  
6 and the relationship that we have with the commission  
7 and look forward to future discussions. Thank you very  
8 much.

9 I believe Nancy Ewert is here from the County  
10 Waste Management.

11 MS. DOUGLAS: Thank you very much, Supervisor  
12 Couch, and Nancy, if you're ready, please come forward.

13 MS. EWERT: Good evening. My name is Nancy  
14 Ewert. I'm senior engineering manager for the Kern  
15 County Waste Management Department, and I will restrict  
16 my comments simply to the impacts on the waste stream  
17 and the achievement of diversional credits for the  
18 county and incorporated area to put this project in  
19 prospective.

20 This project is estimated to generate 857 tons  
21 per day of waste, 800 tons per day of that would be  
22 gasification solids, and 57 would be mixed municipal  
23 other waste. So we have 857 tons per day. When we look  
24 at the entire county and incorporated area, representing  
25 the waste generated by 307,000 residents and all the

1 businesses in the county and incorporated area, that  
2 entire waste stream is 861 tons per day. So we are  
3 basically doubling the entire waste stream of the county  
4 incorporated area.

5           If this waste -- going back. Kern County has  
6 worked 23 years to achieve 62 percent diversion,  
7 exceeding the current waste diversion goals of the  
8 state. We're very proud of this achievement, but if the  
9 HECA waste hits the disposal county system within the  
10 State of California, just to maintain our 50 percent  
11 diversion, the county would have to divert another 61  
12 percent of our entire current waste stream. That is a  
13 significant impact.

14           We are already aware that California has moved  
15 past that. We have legislation that has set new goals  
16 of 75 percent waste diversion and recycling by the state  
17 of the year 2020. Kern County would have to achieve 137  
18 percent diversion of its existing waste stream to meet  
19 that goal. That is both physically and mathematically  
20 impossible to do.

21           Again, to put this in perspective, Kern County  
22 operates seven landfills throughout the county for the  
23 benefit of residents and businesses for both the city  
24 and the county and incorporated area. Not one ounce of  
25 Kern County waste would be able to be disposed in any

1 Kern County landfill to achieve these goals.

2           Every blade of grass, every scrap of paper,  
3 every scrap of food would have to be composted. Every  
4 piece of paper, plastic, fabric, every miscellaneous  
5 piece of waste would have to be diverted or recycled,  
6 and we still would not meet the 75 percent goal.

7           Kern County has asked for mitigation measures.  
8 One has been currently included. The other three were  
9 tentatively denied. It is really important that all  
10 four mitigation measures be included. It's important  
11 that the HECA project components have come forward with  
12 their market analysis, it was very excellently done.

13           We want to make sure that the mitigation  
14 measures provide adequate mitigation and adequate  
15 incentive for the project component to develop  
16 economically sustainable and recession proof markets for  
17 these gasification solids. Basically, the gasification  
18 solids are primarily going to a construction type  
19 industry.

20           We all saw what happened when we hit a  
21 recession and construction ground to a halt. In that  
22 case, Kern County needs to be protected. Its residents  
23 and businesses need to be protected so we do not have to  
24 go to extreme lengths to achieve goals within the State  
25 of California. That's the end of my comment.

1           MS. DOUGLAS: Thank you, Ms. Ewert. I think we  
2 have got the comments now from Kern County. I want to  
3 thank the county representatives. If we missed anybody,  
4 we'll hear from them soon.

5           I would like to ask other elected officials to  
6 come forward at this point. You probably filled out a  
7 blue card and find it and take it out of the stack.

8           MR. VIDOVICH: My name is John Vidovich. I'm  
9 the president of the board of directors of Buena Vista  
10 Water Storage District. I do have a letter, and I'm not  
11 going to read the whole letter to you, but it's  
12 available for you.

13           My family and local partners farm approximately  
14 11,000 acres in Buena Vista, and Buena Vista is a  
15 district converting from low value crops such as cotton  
16 to the high value crops, the ones that we farm are  
17 pomegranate, dried on the vine raisins, and pistachios.  
18 We also are investing in processing in the district and  
19 the processing is enabled by the ability for us to farm  
20 the crops that we farm.

21           In the northern area where we do most of our  
22 farming, we have a big problem with the brackish water,  
23 saltwater, which is intruding, and it makes the crops  
24 much less productive. We look at hydrogen energy as a  
25 unique solution because they can use that brackish water

1 and the intrusion is minimized. It will make the area  
2 more productive.

3           We process the area and process raisin juice  
4 and pomegranate juice. We're the second largest  
5 processor of those juices. You see Pom Wow, that's a  
6 bigger processor, but by processing in the district, we  
7 actually save fuel, we save diesel fuel. I know you  
8 have to make your decision on overall, but I'm just  
9 giving you the benefits that hydrogen energy is doing  
10 for us.

11           With hydrogen energy in there, it will take a  
12 major portion of our district to make it more  
13 profitable. Our company's investment will be between  
14 250 and 350 million dollars. It creates higher paid  
15 jobs because we're going from a low value crop with hand  
16 labor with mechanized labor. We also increased local  
17 services, the need for local services, and it helps the  
18 economy in general.

19           What we're doing is being mirrored by our  
20 neighbors, and that's a big benefit for us. That's all  
21 I have to say. I'm here for questions, and I have the  
22 letter.

23           MS. DOUGLAS: Thank you. Thanks for being  
24 here.

25           MR. VIDOVICH: Where do I give the letter to?

1 MS. DOUGLAS: The public advisor. Anyone that  
2 wants to walk by there can get the letter.

3 Other elected officials that would like to  
4 speak, please.

5 TERRY KEGA: Yes. My name is Terry Kega, I'm a  
6 local farmer, family has been here since 1904. I'm also  
7 a member on the Buena Vista Water Storage District.  
8 Been there for 28 years, and I own approximately a  
9 little over 2,100 acres in the district, valued at  
10 probably a little over 30 million, and a large  
11 investment with pistachios and conservation lands that I  
12 have.

13 Anyhow, in the HECA analysis, there's Plan A  
14 and a Plan B for the water, where the water is going to  
15 be extracted from the 7,500 acres, acre feet. I own  
16 lands in both A and B. My lands are directly affected  
17 by this high TDS water.

18 I have five deep wells, which are south of the  
19 B area, and they run from an east to westerly direction.  
20 The westerly well, I can't even use because of the high  
21 salts. I have to mix it. Otherwise, it just -- I  
22 cannot use the water. It's that salty. That's been an  
23 issue.

24 The -- back in 2008, the district had elected  
25 to work with HECA, and I was on that board at that time,

1 obviously, and we thought that this, as my president  
2 just said, this was a way to help us alleviate the  
3 brackish problem we have in the district, and the  
4 problem is actually growing. We're finding that water  
5 is moving easterly, and it's starting to affect crops.

6 I'm just thankful to have the time to make my  
7 comment. I would like to submit a letter as well.

8 MS. DOUGLAS: Thank you. Please bring that to  
9 the public advisor's table.

10 I'll ask one more time, elected officials that  
11 would like to come forward, please come forward.

12 MR. BALTAZAR: Good evening. My name is Rocky  
13 Baltazar, legislative assistant to Assembly Member Rudy  
14 Salas, 32nd Assembly District.

15 Assembly Member Salas is not here this evening  
16 but asks I read a statement. He would like to thank the  
17 California Energy Commission for holding this important  
18 meeting in Buttonwillow, the location of the proposed  
19 HECA power plant.

20 As the commission continues to discuss the  
21 proposed power plant, he asks you consider the comments  
22 made by the residents of this community tonight. He  
23 strongly believes in transparency and everything  
24 possible be done to address the concerns being raised  
25 this evening and environmentally sound manner. Thank

1 you.

2 MS. DOUGLAS: Thank you very much.

3 MR. REYES: Good evening, everyone. My name is  
4 Javier Reyes, Jr. I'm here representing the office of  
5 the State Assembly Woman Shannon Grove, the Assembly  
6 Woman Grove apologizes for not being able to attend  
7 tonight.

8 She is requesting the commission carry out the  
9 due diligence as it is already listening to the members  
10 of the community and using the technical and planning  
11 research necessary in making your decisions. She also  
12 requests that whatever the impact of this proposed HECA  
13 project, that it be mitigated through the environmental  
14 review process. Thank you.

15 MS. DOUGLAS: Thank you. Thanks for being  
16 here.

17 I don't see anyone else running to the  
18 microphone in the elected official list. I do have a  
19 card -- I do have a card from Orchel Krier, City of  
20 Taft, mayor pro tem. I'm sorry. I complete  
21 mispronounced.

22 MR. KRIER: Thank you very much. My name is  
23 Orchel Krier. I'm the mayor pro tem of the City of  
24 Taft, and I'm also a grower, my daytime job.

25 We ask if Taft loves HECA so much, why don't you

1 put it there instead? Well, I would like that  
2 very much, but unfortunately, infrastructure and  
3 proximity of the grid, is not feasible to be built in  
4 Taft. I would love to have it there, that way we would  
5 have the jobs for our women and our men there that are  
6 unemployed and our future for our kids that live there  
7 in Taft and work up to and jobs it would bring to our  
8 city and our town and the growth and the area involved  
9 is also good for the air surrounded here in  
10 Buttonwillow. There is a lot of great activity here.

11           You heard before, and I'll say it again, the  
12 project will bring Kern County much needed jobs and pour  
13 millions of dollars in our local economy. Throughout  
14 the project lifetime, not only will the power plant  
15 boost the county's economy but help the rural areas  
16 Tupman, Taft, and Buttonwillow, and there's no telling  
17 how bad we need the jobs here.

18           I'm a local grower, too. There are two issues  
19 I notice come up in regards to agriculture and address  
20 them. The first is the HECA use of water. HECA has  
21 worked with the Buena Vista Water Storage District to  
22 ensure fresh water is preserved. Taft will use brackish  
23 water, not fresh, brackish for processing and recycled  
24 that water for reuse within the plan. As a grower, I  
25 know you can't mix brackish water and clean water and

1 use it on your crops. Brackish water is still dirty.  
2 That doesn't change no matter what you try to do to mix  
3 it with.

4 HECA's use of brackish water will make clean  
5 water easier to access since they will be using all the  
6 dirty water currently in the way. In Taft, we have no  
7 clean water. All the water in the Taft area and the  
8 west side is all brackish, all sea water, saltwater from  
9 millions of years ago. We have to import our water from  
10 about 20 miles from Taft, 10 or 15 miles from Taft from  
11 the wells we have here in our reservoir and also get  
12 water from the aqueduct. That's the only way to get  
13 fresh water into Taft. The water is no good. That will  
14 help in the area here.

15 The other issue HECA uses, you're probably  
16 aware. The land would be better used for ag and ag will  
17 lose work, which is totally untrue. In fact, 72 acres  
18 of the land they're requesting on is if you're in the  
19 pistachio business already, 72 acres, it would not  
20 increase labor at all. It would be the same equipment  
21 that you have, tractors and such. The 72 acres is  
22 insignificant.

23 If you insist on the general farmland of 72  
24 acres, it would be a one-person job or maybe an  
25 assistant. A lot of times, we use contractors come

1 pruning time, you hire a pruning crew. It's a short  
2 season, but mainly because of the part to get people to  
3 work is they use mechanical pruners to prune. That cuts  
4 out labor and stuff. Most equipment is used by  
5 mechanical harvesting, mechanical shakers, sweepers, and  
6 equipment trailers and hauling trucks. There's very  
7 little labor intensive.

8           The use of labor is very insignificant as far  
9 as farm labor where HECA will bring in over 2,000 jobs  
10 for the next two years as the plant is okayed and have  
11 full-time job of over 200, full-time jobs. A lot more  
12 than one or two of the farm labors in agriculture.

13           I really encourage they approve the project as  
14 needed in this area and Kern County and the great asset,  
15 and I think that a lot of people are poor. We're all  
16 busy, like myself, out in the fields, farming. I farm  
17 about 6,000 acres. We employ about 300 people on those  
18 6,000. That's all I have to say. Thank you for your  
19 time and consideration.

20           MS. DOUGLAS: Thank you. Thanks for being  
21 here.

22           As we're sitting here, I can't help but hear  
23 the voice of little kids in the room or at least one.  
24 If you have young children, and I know this is going to  
25 be extra hard for you and for them. Please tell your

1 name to the public advisor, and she will get your name  
2 and find your card and call you up so you can get them  
3 to bed or whatever needs to be done.

4           With that, I'll call Don Vanlue from Tupman,  
5 California.

6           MR. VANLUE: My name is Don Vanlue. I'm from  
7 Tupman, California. I have talked to every one of these  
8 meetings. A lot of people like me and a lot of people  
9 don't because I just tell the truth the way this is and  
10 the way we see it. The community of Tupman is a small  
11 community. We're set 1.5 miles downwind of the HECA  
12 project. The school sets 1.3 miles downwind from the  
13 HECA project, and at any given time during the day,  
14 there's a couple of hundred kids in that school.

15           The amount of people that set there and the  
16 people that live there at times, some of them have good  
17 jobs and some of them don't because the economy has been  
18 down, and some live there because that's the only place  
19 they have got.

20           My lady and I have two places there. One  
21 across the street from each other. They're not very  
22 overly rated places and nobody has anyplace to go. If  
23 this project is built and anything happens at that  
24 project, the US Energy Commission says HECA has stubbed  
25 its toes on their modeling of any type of catastrophic

1 disaster. They're using the most lightest point that  
2 they can use instead of the highest point that the EPA  
3 says should be done.

4 For instance, they say, "Oh, nothing could go  
5 out if we had a leak of hydrogen ammonia to get past the  
6 fence line. The EPA says it would go five to seven  
7 miles or if it had a tank eruption, it could go to 25  
8 miles. That's quite a ways.

9 Now, the only thing that I'm asking is that you  
10 take all of this into consideration that we're sitting  
11 one and a half miles downwind of this project where the  
12 wind going out of the northwest at five to seven miles  
13 an hour at most times. We have had gusts come out of  
14 there as much as 40 and 50 mile an hour.

15 Any kind of a leak of anything in that vicinity  
16 would be disastrous to those kids and a lot of the  
17 adults in Tupman. We believe we should have particulate  
18 matter and ozone monitor near that school that can  
19 notify and read at any given time. I thank you for your  
20 time.

21 MS. DOUGLAS: Thank you for your comments.

22 Scott Frazier, and following Scott Frazier, so  
23 you know and you're ready, will be Joe Alvidrez.

24 MR. FRAZIER: Thank you for this opportunity to  
25 address the California Energy Commission. My name is

1 Scott Frazier, and I'm a longtime Kern County resident  
2 and a Kern County native.

3 As you know, our air quality is frequently bad.  
4 By virtue of that, we pay penalties for motor vehicle  
5 registration. We do not need or want HECA. You have  
6 heard about importing coal to New Castle, but what the  
7 petroleum industry we have here, you can view as being  
8 very summer to New Castle. That is of course in England  
9 but the analogy still holds.

10 In the past, there were winter days when a  
11 person could see the Sierra Nevada mountains. That's a  
12 very rare event. If you stay overnight tomorrow because  
13 you're here on a day it rains, one of the few days it  
14 rains, you might have the opportunity. It's extremely  
15 rare. We do not want or need HECA. Many local  
16 residents are sensitive to airborne dust due to  
17 allergies. The 20 percent of children in schools in the  
18 SAN Joaquin valley are asthmatic. Clearly, this project  
19 would aggravate as to that.

20 So I request your support for clean air. The  
21 traffic volumes on Highway 58 is already thin. If you  
22 haven't had the pleasure of driving through Bakersfield  
23 on 58 at rush hour, I request you stick around a while.  
24 You're going to import how many truckloads of coal from  
25 the railhead to Buttonwillow when? Please, I'm

1 requesting your help. Please don't do this to us that  
2 live here. This would be a travesty.

3           The saline water supplies HECA proposes to use  
4 are already being used. As one of the previous speakers  
5 told you, it is blended with higher class agricultural  
6 waters, and it is used, therefore HECA will displace  
7 other users of that water. So there's no net gain here.

8           These masks are a serious symbol of our  
9 concern. So again, as you know, the prevailing winds  
10 coming through the straights from the Bay Area, when  
11 that air pollution comes to the Sacramento valley,  
12 prevailing winds bring it south. We get the benefit of  
13 the pollution from the Bay Area. We have abundant  
14 pollution of our own. We drive cars and commute to work  
15 and extensive petro chemical processing plants here that  
16 necessarily, I suppose, pollute the air. We don't need  
17 or want HECA on top of that.

18           Thank you for this opportunity.

19           MS. DOUGLAS: Thank you for your comments.

20           Please come forward, Joe Alvidrez, followed by  
21 John Spaulding.

22           MR. ALVIDREZ: Hello, my name is Joe Alvidrez,  
23 third generation in my family from Buttonwillow. I want  
24 to again make the point executive director of San  
25 Joaquin Valley Air Pollution District that if you put

1 imaginary pollution at the point of worse impact, for so  
2 many years, 24 hours a day breathing the worse possible  
3 concentration this facility would put out for that  
4 person the impact is not significant. Look at CO,  
5 Mercury, every pollutant, all those that in reality does  
6 not really exist staying there for 24 hours a day.

7 I want to point out detailed and Association of  
8 Irritated Residents data response, extensive air  
9 quality, public health modeling approved by the EPA that  
10 this project will not cause a violation of any state and  
11 federal ambient air quality standards and will not  
12 significantly abuse to existing violations of standards.

13 Per San Joaquin Valley Air Pollution Control  
14 District summary of determination of compliance with the  
15 DOC, this district has concluded that the proposed  
16 equipment will not cause a violation of any federal air  
17 quality standard. Also, we remind everyone per the DOC  
18 this project does comply with the San Joaquin Valley Air  
19 Pollution controlled district regulations that if it was  
20 them permitting the HECA project complies with all  
21 regulations.

22 I need to communicate to the CEC why local  
23 support is very timid and very afraid to come out and  
24 support. These intimidations going on here in  
25 Buttonwillow in support of this project, the subject of

1 losing employment. I personally know of two cases. I  
2 have been personally subject in two incidents. I have  
3 witnesses and proof.

4 There are also an incident where Frantz, the  
5 intervenor, during the last made comments, turned and  
6 looked to those in support and commented people in color  
7 are uneducated. The condemnation from environmental  
8 justice of neighbors of HECA or is that your moniker?

9 My statement to neighbors, HECA, Frantz, and  
10 those arguing for air monitors, get the monitors now.  
11 HECA still has about four years before it gets started.  
12 I did go to San Joaquin Air Pollution Control District.  
13 I did find out the process. I even did better. Here's  
14 some companies right here to get going for neighbors for  
15 air monitors that they can support and Neighbors of HECA  
16 could fund them.

17 As to our valley air, it has gotten better  
18 since 2002. It is a combination of air, oil -- ag, oil,  
19 transportation, and the education. Let's not forget the  
20 citizens of this state doing their part. Here's proof  
21 of 2013 stating cleanest on record. Right here.

22 MS. DOUGLAS: Excuse me, can I ask if you could  
23 wrap it up? That would be appreciated.

24 THE WITNESS: I have 49 seconds.

25 It's a combination of citizens of state.

1 Here's the proof -- I'm trying to hurry up. Economic  
2 benefits will be tremendous. This will bring more than  
3 2,000 possibly up to 3,000 direct and indirect jobs to  
4 Kern County. Contractors, vendors, manufacturers, and  
5 maximum family with this project. This will help  
6 Buttonwillow, Kern County, California, and the good old  
7 USA.

8           This will bring 200 permanent and skilled jobs,  
9 even a resident of Buttonwillow gave a great idea.  
10 Hopefully that we could bring a trade involved in this  
11 project would open a train site in Buttonwillow. These  
12 are opportunities this project brings. Please support  
13 the project to move forward. Thank you.

14           MS. DOUGLAS: Thank you. John Spaulding  
15 followed by Trudi Douglas.

16           MR. SPAULDING: Good evening, members of the  
17 commission of California Air Commission. Thank you very  
18 much for being here tonight.

19           My name is John Spaulding. I represent the  
20 Building and Construction Trades Counsel here in Kern  
21 County. We represent nearly 8,000 members, and contrary  
22 to popular belief, we are still approximately 25 percent  
23 unemployed. This project alone promises nearly 2,500  
24 jobs for approximately four years. These are numbers  
25 that careers are started and launched for young and

1 middle aged people, and these are middle class jobs.

2 They're well paying jobs with benefits.

3           The crafts collaborate with Bakersfield  
4 College, Employers Training Resource Investment Board,  
5 and will reach out to the veterans. Present programs  
6 have suffered through this down turn in the economy, but  
7 they are ready to reinvigorate and bring in local  
8 people.

9           This project is under a lot of project labor  
10 agreement with a contractor that has worked here before,  
11 floor constructors, and they have, if you will, a task  
12 given to them by the developer that they will use local  
13 hire, and that we will reach out into the community and  
14 recruit and bring people in from the surrounding area,  
15 even here in Buttonwillow, Wasco, Shafter, Taft,  
16 Bakersfield, but they will be local hired. We will be  
17 able to bring a lot of members working out of the area  
18 and have been to maintain living for their families. We  
19 will be able to bring them home and work here in Kern  
20 County.

21           SES could have taken their project anywhere.  
22 Why they chose California, which is one of the toughest  
23 states to develop a project, I don't know, but I do know  
24 that they have been given a lot of mitigation measures  
25 by the Kern County. And I have not once heard him say

1 anything but we'll do it, if it's been more boards, it's  
2 do it. If it's road, school, to accommodate children  
3 being dropped off in buses, we'll do it. If it's waste  
4 management problems, we'll take care of it. We'll help.  
5 We'll do our part.

6 They are anxious to become a good neighbor with  
7 a good project, and Kern County Building Trades asks you  
8 to speed the process up. We're ready to go to work. We  
9 need the jobs, and this is a good project. They're  
10 ready to mitigate. Thank you.

11 MS. DOUGLAS: Thank you. Trudi Douglas,  
12 followed by Georgette Theotig.

13 MS. DOUGLAS: Hello. My name is Trudi Douglas.  
14 The San Joaquin Valley Air Pollution Control District  
15 refused to include coal dust in their assessment of the  
16 impact that HECA project will have on the air, air and  
17 health of the valley. This is more than an oversight.  
18 It's a criminal act.

19 Santa Fe research on coal trains reports that  
20 from 500 to 200,000 pounds of coal dust is lost from  
21 each uncovered coal car transit. It's blown off the  
22 tops or out of the bottom dump areas. This daily  
23 exposure to coal and dust will affect every town, farm,  
24 and home that these trains pass, making the round trips.  
25 Not only is this dust a potential problem, but the

1 movement of the coal en route can be so violent it  
2 unbalances the weight of the car and can cause  
3 derailments. There have been 19 coal derailment in the  
4 first eight months of 2013.

5           There is mitigation that can be made. HECA  
6 says they're going to use the new redesigned coal  
7 trains. These cars carry a larger load and have a lower  
8 center of gravity to help prevent derailment, but  
9 they're not covered.

10           New Mexico coal can be ship covered, and  
11 there's Australian company that can retrofit the coal  
12 cars with cover lids. There is no current way known to  
13 prevent the coal dust and fine particulates that seep  
14 from the undercarriage. Moving the coal on the tracks  
15 has health risks but it is the unloading process that  
16 has the most intensely dirty aspect of handling coal.

17           One car at a time is taken into a plastic  
18 covered dumping area, but as the first car moves all the  
19 attached cars move forward and stop by running into each  
20 other. The coal and dust and fine particulates of coal  
21 are thrown off and flown off into the air with every  
22 jerk and stop. This takes place in Wasco or next to  
23 Tupman, there are serious health risks for all families  
24 in the vicinity.

25           Coal dust has long been associated with

1 respiratory diseases but contains many heavy metals  
2 known to cause cancer, neurological diseases.  
3 Mitigation for this unloading danger could be to make a  
4 tunnel the length of the town so everything is covered  
5 in bag houses, the bag houses used for the dust are  
6 there.

7 I know the air pollution control district is  
8 celebrating our cleaner air numbers but the removal of  
9 the monitor that had the worse readings does not make  
10 the air better. We must keep going back to the fact  
11 that the southern San Joaquin Valley air is the worse in  
12 the nation and that we have the highest per capita at  
13 that number of people suffering from heart disease in  
14 the state.

15 The determination of compliance was a joke. It  
16 was pathetic. It didn't include coal trains, trucks, or  
17 10 percent of the CO<sub>2</sub>, a coal chemical factory is not a  
18 safe choice for our valley and under any circumstances.  
19 So please say no to HECA.

20 MS. DOUGLAS: Thank you. Georgette Theotig.  
21 Followed by Rogelio Vargas.

22 MS. THEOTIG: My name is Georgette Theotig, and  
23 I'm a 42 year resident of Tehachapi in Eastern Kern  
24 County where I live just one and a half hours from the  
25 proposed site of this plant. I have three major

1 concerns. The first concern is air quality. Emissions  
2 from the hundreds of truck miles carrying coal and  
3 fertilizer and waste products through Kern County will  
4 certainly adversely impact our already polluted air. In  
5 addition, emissions from the gasification of coal and  
6 will add toxic pollutants to the worst air in the nation  
7 here in Kern County. How can a project like this not  
8 affect the air?

9           Second, my concern is water. Here in the west,  
10 we have just experienced two years of severe drought.  
11 In the land of little water, this project will consume  
12 4,600 gallons of water per minute. Local farmers need  
13 that water for growing crops here in the Southern San  
14 Joaquin Valley.

15           The third concern is loss of farmland. The  
16 Southern San Joaquin Valley agricultural land has been  
17 much diminished by housing development, oil and gas  
18 drilling, and now solar projects are being built. The a  
19 addition of a polluting industrial plant like this one  
20 not only takes farmland away, it leaves polluted air  
21 where crops are grown. I worry the toxic pollutions  
22 emitted from this plant will drift up to Tehachapi where  
23 I live and affect negative health issues in a area still  
24 known for clean air.

25           I urge the California Energy Commission to

1 reject this proposed plant. Thank you for this  
2 opportunity to speak.

3 MS. DOUGLAS: Thank you for being here.  
4 Rogelio Vargas, followed by Maria Saucedo.

5 MR. VARGAS: Rogelio Vargas Castro. I came  
6 here to the County of Kern in 1979. Since that time to  
7 the present, I believe that I have some knowledge in  
8 theory how the county is. There's something very  
9 important to look at that's very scared. Currently we  
10 can walk in Lake Isabella, practically. It's empty.  
11 The river, the Kern River is dry. We don't have the  
12 opportunity to see that water now. The water is being  
13 used for the nourishment of the city, the town.

14 Now, agriculture is extremely important for the  
15 human existence and Kern County is number two in  
16 production in agricultural production. Besides that, we  
17 nourish the rest of the country, also, it's sent to  
18 other countries, the products that are here in Kern  
19 County.

20 How is it possible that one can forget that  
21 this company comes and takes the water that's the blood  
22 of the plants so it can be destroyed and it can become  
23 and give life to a plant of destruction?

24 I'm not a chemist, but I remember what happened  
25 in Texas. They speak about a perfection of a perfection

1 that's technical. Do you believe that? While there are  
2 human beings there are involved in this, there will  
3 always be a fault and an accident like this is nothing  
4 small.

5 Do you remember everything that happened in  
6 Texas? Remember that. I want for that to be an example  
7 that we should take into account, and you, with all due  
8 respect, I hope, that you have the energy to say no to  
9 this because we have the future of our children. They  
10 need to live better than we do.

11 Thank you very much. And excuse me for going  
12 over five minutes.

13 MS. DOUGLAS: When there needs to be  
14 translation, if you can just wait and pause so we can  
15 hear the English and Spanish? Can you do that, or would  
16 it be easier for people to follow? It will be easier  
17 for me to follow.

18 Maria Saucedo and followed by Richard Chapman.

19 MS. SAUCEDO: Good evening.

20 MS. DOUGLAS: Pardon.

21 MS. SAUCEDO: Good evening. My name is Marie  
22 Saucedo. I have been a resident of Kerman City for 17  
23 years. Unfortunately, I had a daughter with birth  
24 defects. She passed away in 2009. Because I live in an  
25 area that's very contaminated.

1           I am a resident of Kerman City. I am here  
2   representing Green Action and the justice and health of  
3   the environment, supporting the community so they will  
4   not issue the permit for their project because I come  
5   from an area where a lot of trucks pass through, and we  
6   know that each truck releases a lot of pollution, and  
7   all of that causes asthma and cancer, skin problems,  
8   breathing problems, and that's why I ask the authorities  
9   who want to issue the permit that I completely am  
10  against it because we don't want anymore deaths due to  
11  the pollution. That's enough and no more pollution, and  
12  thank you for your time.

13           MS. DOUGLAS: Richard Chapman followed by Ann  
14  Gallon.

15           MR. CHAPMAN: Good evening. My name is Richard  
16  Chapman, the president and CEO of the Kern Developmental  
17  Corporation, a nonprofit coalition of business and  
18  public entities, and we're charged for executing the  
19  county's economic development strategy and creating,  
20  retaining, and recruiting family wage, high value jobs  
21  for Kern County.

22           Our test is pretty clear and straight forward.  
23  Does the project rate capital investment, bring income,  
24  jobs, and also public revenue to pay for infrastructure?

25           We talk about high speed rail, eight to ten

1 billion. This is four billion specifically for Kern  
2 County. We have seen in the last year, because of  
3 mainly automation and the like, other reasons, 10,000  
4 fewer jobs in ag as of August of this year versus last  
5 year. We need to find these jobs, jobs that may or may  
6 not be coming back, and this project is part of that  
7 diversification.

8 I ask, respectfully, that you support the HECA  
9 project. Thank you.

10 MS. DOUGLAS: Thank you very much. Thanks for  
11 being here.

12 Ann Gallon followed by Manuel Ramunez.

13 MR. RAMUNEZ: Commissioners and staff. My name  
14 is Ann Gallon. I appreciate this opportunity to tell  
15 you my concerns because I couldn't be at the last  
16 hearing. I am opposed to locating a coal powered plant  
17 in Kern County. I live on the far west side of  
18 Bakersfield. I'm going to be close to the project. It  
19 will affect the air I breathe and the traffic near my  
20 house, not to forget my safety if there is an accidental  
21 explosion of the fertilizer like we saw in Texas.

22 I urge you to look very closely at the proposed  
23 location with the future in mind, not just five or 25  
24 years, but 50 to 100 years out. You're the Energy  
25 Commission of all of California. This project is only

1 going to have 200 full-time jobs in the future going  
2 out. That's the same number jobs a new Winco store in  
3 Bakersfield is going to have.

4 I have two reasons why I don't believe this  
5 belongs in Kern County, the air quality and water, and  
6 you know the saying, what happens in Vegas stays in  
7 Vegas. Well, the pollution from way up the valley  
8 drifts down to this end and stays here.

9 You're hearing many people tell you personal  
10 stories of medical problems due to our unhealthy air,  
11 and you know Bakersfield and the south end of LA have  
12 serious problems attaining air quality standards. I  
13 don't understand this paper project of credits. HECA is  
14 going to add tons of pollution to our air on the south  
15 end of the valley.

16 About water, you know about water shortages  
17 worldwide, and you may have heard that future wars may  
18 be fought over water. Right now, the city of  
19 Bakersfield is being sued by a local water district over  
20 water and Governor Brown wants to spend billions of twin  
21 tunnels to ship water down here.

22 HECA needs 7,500 acre feet of water per year,  
23 and that equals the amount of 5,800 average homes just  
24 for a comparison. I would rather see that 7,500 acre  
25 feet of water used by our local farming community. They

1 know what crops to plant. They know this water is  
2 usable, and it's best used for farming and feeding  
3 people.

4 I also want to know, is there a need for more  
5 fertilizer? Is that documented? On a worldwide basis,  
6 the use of fertilizer is declining as per acre  
7 production rises. If HECA is a good idea, why does the  
8 applicant want to sell it once it's built?

9 I support families who face daily medical  
10 problems. I support the farming families who need the  
11 water and oppose HECA because it's not in the best  
12 interest of the majority of citizens in Kern County,  
13 most citizens will not reap financial benefits. Thank  
14 you for your support.

15 MS. DOUGLAS: Thank you. Next we have Monroe  
16 Ramunez followed by Esedro Lopez.

17 Esedro Lopez, are you here?

18 MR. LOPEZ: I need somebody to speak Spanish.

19 My name is Esedro Lopez. I have been residing  
20 here for 40 years in the valley. I live three miles  
21 from where that plant is projected. The way of thinking  
22 I have for the years that I have lived here, is that the  
23 valley is extremely contaminated to add more  
24 contamination to it. We have all spoken about  
25 sicknesses and everything that has happened here. I

1 have already passed through that personally.

2 My father and my mother came to visit me, and I  
3 couldn't wear this when there was air, there was a sand  
4 storm. They didn't pay attention to me. They didn't  
5 think that the valley was polluted with Valley Fever.  
6 My father already passed away. My mother is still  
7 alive, but she's suffering. All of my savings are gone  
8 and doctors and with medicine, and I continue working so  
9 my mother can be --

10 MS. DOUGLAS: Mr. Lopez --

11 THE WITNESS: So that the people who come to  
12 this valley who do not believe that sickness exists, but  
13 it's real, and I recommend for them to wear this because  
14 a few minutes of absorbing that polluted dirt, that's  
15 enough to acquire that sickness. I ask you to please to  
16 think about it thoroughly and to make a decision that's  
17 correct. Thank you.

18 MS. DOUGLAS: Thank you. Anna Martinez  
19 followed by Jaime Recanno.

20 MS. MARTINEZ: Good afternoon, everyone. I'm  
21 here today to ask the CEC representatives not to move  
22 forward with the HECA project. To begin with, the  
23 initiation of this project began with the racist act,  
24 actually, against Latino farmworkers, Spanish residents.  
25 By not providing information to them about the project

1 at important meetings and today excluding the farmworker  
2 community continues.

3           This workshop/meeting began to take -- took  
4 place during the morning hours when farmworkers are at  
5 work and just now getting off. Unfortunately, many  
6 people will not be attending, due to the schedule of  
7 this meeting.

8           Again, I asked the CEC to please take into  
9 consideration the cumulative impacts surrounding this  
10 community, the valley itself does not need more  
11 pollution and people do not need more health problems.  
12 Enough is enough. We have hazardous waste landfills,  
13 diesel admissions, and other oil refinery projects  
14 adding to the bad quality air.

15           At this point, it would be irresponsible for  
16 the CEC to approve the HECA project. Again, please take  
17 into consideration that asthma is on the rise. Money  
18 should not come first before health. Please take that  
19 into consideration. Thank you.

20           MS. DOUGLAS: Thank you for being here.

21           Jaime Recanno followed by Jose Sanchez.

22           MR. RECANNO: Good evening. My name is Jaime  
23 Recanno. The standard ability of words is as a result  
24 of significant concerns about the social environment and  
25 economic consequences of rapid population growth,

1 economic growth, and consumption of our natural  
2 resources.

3 I thought about that word how this meeting  
4 brings that together. The building trades in California  
5 counties have been part of this growth, have been part  
6 of sustainability.

7 Ten years ago, we fought in places like this,  
8 meeting like this for La Paloma Power Plant five miles  
9 west. La Paloma Plant, there were four more power  
10 plants built. Again, through the process that we're  
11 doing here today. In the last 15 years, projects have  
12 continued. The building trade has been part of six high  
13 schools, 23 elementary schools and infrastructure.

14 One of the projects we fought for is now built  
15 is the West Way Parkway, five miles of freeway heading  
16 this way towards the 5 Freeway. In this plant, by the  
17 way, as I mentioned before, this plant has cleared the  
18 toughest air quality in the country by the EPA by you in  
19 California. California is the toughest state of all in  
20 the USA. That's to me sustainability is that process.

21 You bring economic responsible growth,  
22 environmental responsible growth, regulatory  
23 regulations, and bring it together. And we have growth,  
24 we have progress, and we all benefit from it. Like John  
25 said earlier, the economic growth for us and is nearly a

1 thousand jobs and a thousand jobs afterwards. That's  
2 why we're here and the passion, look at the people  
3 around you, there's passion on both sides.

4 I think sustainability is the word we need to  
5 remember, a word that all of you use every day to  
6 regulate and to approve projects like this. So I urge  
7 you and ask you, and I hope that you approve this  
8 project. Thank you very much.

9 MS. DOUGLAS: Thank you. Jose Sanchez followed  
10 Marianne Vargas. Jose Sanchez?

11 Marianne Vargas? Followed by Brad Bone.

12 MS. VARGAS: Thanks for the opportunity. As  
13 you know, my name is Marianne Vargas. I'm a retired  
14 elementary school counselor who has lived in Bakersfield  
15 for 44 years. When I first moved here, it was three  
16 weeks before I even knew there were mountains just to  
17 the east. I couldn't see them until one day when  
18 returning home on the crosstown freeway, they were  
19 suddenly there. Our extreme air pollution had kept them  
20 hidden.

21 At first, the air pollution didn't seem to  
22 bother me much, but it has affected me. Now, on bad air  
23 days, it has hard to get a good breath of air, and I  
24 just don't feel well being outside. We raised three  
25 children in Bakersfield, none of whom are willing to

1 live here because of the bad air.

2 Irritatingly, they send news articles to us  
3 every time Bakersfield makes another most polluted list  
4 and complain about congestion and burning eyes when they  
5 come to visit.

6 Of acting against one's better judgment would  
7 be permitting HECA to be built in our valley, a basin  
8 that already has the worse air quality in the nation, a  
9 high incidents of pollution-related illness and chronic  
10 drought in a geographic region that relies on  
11 agriculture for its economic prosperity.

12 Concerns have been expressed time and time  
13 again about the hazards that HECA would bring to our  
14 valley. Increased pollution from diesel truck exhaust  
15 and coal dust, contamination of our already scarce water  
16 resources, risks to safety and health from increased  
17 HECA related traffic on roads, risks to health and our  
18 economy from contamination of crops, hazards to our  
19 children, I see in placing an untested hydrogen energy  
20 chemical fertilizer plant one and a half miles from an  
21 elementary school and the irreparable negative impacts  
22 to wildlife and the environment.

23 Do you remember learning about Pavlov's  
24 hierarchy of needs in school? Think a minute. How in  
25 order for people to survive and thrive in society, they

1 must first be able to meet their basic needs. These  
2 include food, water, shelter, and healthy air to  
3 breathe. These are not spendable items. Permitting  
4 HECA to be built would jeopardize our ability to meet  
5 these basic needs.

6 HECA is not in our best interest. Our health  
7 and safety are not expendable. Please vote no on HECA.  
8 Save our air, save our water, and protect our health and  
9 agriculture. Please, vote no on HECA. Thank you.

10 MS. DOUGLAS: Thank you, Ms. Vargas.

11 Brad Bone followed by Bob Hampton.

12 MR. BONE: I'm a resident of this area. Our  
13 family also farms for at least four generations. We  
14 were just talking about that. It's maybe more than  
15 that, but I'm real concerned about the air problems with  
16 HECA and the project, also concerned about the water  
17 issues.

18 I have a family, we have an 18-month old  
19 daughter, with my wife, and these are things real  
20 concerning. The air is a big issue, especially with  
21 this being one of the worst areas -- the worst area in  
22 the country for air.

23 Water, I know, HECA is going to be a big  
24 consumer of water. I know there's an argument that they  
25 will be taking brackish water, but it never works that

1 way, especially since this is backed by the federal  
2 government. They're a big investor, and things never  
3 work out that way, it seems like.

4 I'm thinking in ten years we could be looking  
5 back thinking, remember they told us they would just  
6 take the brackish water? Water is a big problem in this  
7 valley. The two biggest problems, water and air. I'm  
8 concerned about that. I'm concerned about, also, the  
9 fact that it's subsidized by the federal government.  
10 It's not sustainable. It's technology that's not  
11 proven. For that very reason, it's got to be supported  
12 by the administration.

13 So I just ask you to consider these concerns,  
14 and thank you for your time.

15 MS. DOUGLAS: Bob Hampton followed by Brad  
16 Biddleston.

17 MR. HAMPTON: Bob Hampton, owner of Westside  
18 Waste Management Company. The particular HECA acreage  
19 is a part of my county regulated franchise garbage  
20 collection area, and I have been listening to this  
21 debate, whether HECA should be able to build this power  
22 plant since August the 8th of 2010.

23 There's the front page of the Bakersfield  
24 California. Being in an extremely environmentally  
25 sensitive business, waste hauling, recycling, and

1 demolition, there hasn't been any environmental  
2 regulation on the state or federal level that HECA has  
3 been able to avoid or to not consider as being  
4 significant.

5 I support the project here in Kern County, and  
6 I hope you approve the application for certification of  
7 the plant. I appreciate the opportunity to speak.  
8 Thank you very much.

9 MS. DOUGLAS: Thanks for being here.

10 Brad Biddleston followed by Jane Pruitt.

11 MR. BIDDLESTON: Good evening. My gosh, I wish  
12 I had more than three minutes. I listen to all these  
13 people up here and hear all the great comments that  
14 everybody talks about and all the concerns and for the  
15 project.

16 I live right off of Stockdale Highway,  
17 approximately about a mile and a half northeast of the  
18 plant. My main concern is what would happen with this  
19 plant if, you know, just by chance there was release of  
20 anhydrous ammonia.

21 In case you don't know exactly what that is,  
22 that's actually, when I was a boy, we fumigated  
23 squirrels with anhydrous ammonia. It's some pretty bad  
24 stuff. We don't know -- I don't own a farm but used to  
25 have a crop dusting company. I'm very familiar with a

1 lot of these chemicals that HECA is going to be  
2 proposing.

3           One other thing that concerns me is the  
4 numerous trucks that will basically be running directly  
5 in front of my ranch. We live right off of Stockdale  
6 Highway. The main concern on that is we travel, my  
7 family, travels that road multiple times a day. I keep  
8 hearing that there's anywhere from 200 to 800 trucks  
9 that's going to be going basically in front of my ranch  
10 every day. That concerns me. What happens if it's  
11 foggy? We have a lot of fog, Tule fog, and I'm  
12 concerned on that aspect.

13           Also, as far as brackish water goes. We farm  
14 as well, but not those areas. I do know the brackish  
15 water only affects certain farms, but the HECA project  
16 affects the whole county. We need to weigh our options,  
17 jobs, yeah. I'm happy that it could create jobs, but  
18 you know what, is that -- does that basic go above and  
19 beyond the citizens of Kern County? I don't think so.

20           As far as sustainability, sustainability means  
21 a recurring system that goes over and over, and as far  
22 as I know, HECA is going to be done in 25 years. What  
23 do we do then? Thank you.

24           MS. DOUGLAS: Thank you, Mr. Biddleston.

25           You know and everyone knows, but it bears

1 repeating, you will have all the opportunities, multiple  
2 other opportunities to comment on this proceeding, on  
3 this project, both here and the community and also in  
4 writing. So I appreciate your three minutes now and  
5 look forward to hearing from you later.

6 Jane Pruitt.

7 MS. PRUITT: Good evening. My name is Jane  
8 Pruitt.

9 Why is this project even being considered for  
10 Kern County? Why? There's only one positive about it.  
11 Short-term employment. The other issues are all  
12 negatives. HECA will no doubt be a major polluter,  
13 especially when you consider all those many, many  
14 railcars carrying coal and coal dust.

15 What about the large amount of water this  
16 project will be using? Water that the farmers need for  
17 their crops. What about the disposal of wastewater? Is  
18 it safe to pump it underground? Will it contaminate our  
19 wells and drinking water? I have read this process for  
20 making fertilizer has not been perfected yet.

21 Kern County does not need anymore problems. We  
22 already have enough. Thank you.

23 MS. DOUGLAS: Thank you. Maricela Tora,  
24 followed by John Romanini.

25 MS. TORA: Good evening. My name is Marsala

1 Tora. I'm here as a resident of Kettleman City, and as  
2 a member for Clean Air and Water of Kettleman City.

3 I'm here to support the residents of the area  
4 that is similarly overburdened with pollution like our  
5 area. Similar to Kettleman City, this area is home to a  
6 toxic waste landfill, one of only three in the state.  
7 Hundreds of diesel trucks pass through the community on  
8 a daily basis, subjecting the residents to the dangers  
9 of diesel admissions.

10 With so many sources of pollution, is it really  
11 a good idea to add to it? The Central Valley and  
12 especially Kern County are a land plagued with air  
13 quality issues. Although the air district would like to  
14 tattoo its own horn about the progress that has been  
15 made toward cleaning up the air, the facts are evident  
16 in the number of residents that are, especially  
17 children, suffer from the affects of bad air quality.  
18 Even if the date on air quality was as rosy as the  
19 district would like to paint it, the fact is the Central  
20 Valley cannot continue to accept projects that  
21 contaminate our environment.

22 Unfortunately, this project doesn't just have  
23 implications on air but on water as well. All up and  
24 down the valley, farmers are hurting for water.  
25 Communities are suffering from water contaminated. If

1 the HECA project is allowed to proceed, they will be  
2 using large amount of water from an area that can  
3 scarcely afford it.

4           Finally, Dave Warner from the air district at  
5 the last hearing, he stated that this project would  
6 increase global warming, although it wouldn't have a  
7 direct affect on health. I think the residents of  
8 places devastated by recent storms would very much  
9 disagree with Mr. Warner on the dangers of global  
10 warming.

11           Please reconsider this project for the health  
12 and welfare for all the residents of the San Joaquin  
13 Valley, and one last thing I would like to add as well  
14 since I have a minute, I'm wondering just how much crap  
15 does the Central Valley need?

16           In Kettleman City, we have been approved for a  
17 project that would bring in 500,000 tons of sewage  
18 sludge from LA to be processed into compost, which we  
19 have been assured is the best quality compost. We're  
20 worth the best quality crap, and now this project is  
21 bringing additional crap.

22           Is this the crapper of the world? Why? Why is  
23 this happening to the Central Valley, and how does that  
24 help us in cleaning up the air from people being sick  
25 from air contamination? I would really like to know

1 that. Thank you.

2 MS. DOUGLAS: Thank you for being here.

3 John Romanini, followed by Justin Bone.

4 MR. ROMANINI: Good evening. My name is John  
5 Romanini. I am a neighboring farmer to HECA.

6 I challenge that HECA did not do an alternative  
7 side study. Isn't that a required part of your process?  
8 They did turn in paperwork on alternative sites, but  
9 their paperwork is bogus. The number one alternative  
10 property that they identified in their study was my  
11 land, but they did not approach me to purchase my land.  
12 I have no idea how they filled out their paperwork  
13 without my knowledge, and I have no idea how they did  
14 their research on my property. It makes you wonder if  
15 they approached the other few properties they mentioned  
16 in their alternative site study.

17 The Kern County Board of Supervisors identified  
18 this failure to the CEC in writing. They asked the CEC  
19 to investigate if the other property owners were  
20 approached by HECA, yet the CEC has not responded to  
21 Kern's questioning. The bogus alternative study should  
22 alert everyone to the character of the people proposing  
23 HECA. This report is shady.

24 What else are they doing underhandedly? It is  
25 a shame that HECA selected prime farmland for their

1 chemical factory. From the rich farmland you can still  
2 see sterile alkaline land within a mile or so.  
3 Certainly there are multiple appropriate sites HECA  
4 could have chosen.

5           As an example, to calm fears about HECA being  
6 new technology, the San Joaquin Valley Air Pollution  
7 Control District stated before the board of supervisors  
8 in February that a similar project is located in North  
9 Dakota, and it is successfully sequestering CO2. That  
10 company pipes its CO2 over 200 miles away to sequester  
11 it. With a 200 mile radius, HECA has vast options for  
12 an alternative site other than on prime farmland.

13           Maybe marginal land, maybe land not in the  
14 dirtiest air in the nation, but they have a 200 mile  
15 radius per the head of the air district.

16           Please re-address the alternative side study  
17 and ask HECA to look for an alternative site, but maybe  
18 your hands are tied. Didn't the DOE say they would not  
19 give HECA the federal money if the site got changed  
20 after 2010? How can you do a true assessment with this  
21 pressure like that from the DOE?

22           Hope your hands are not tied on water. Most of  
23 the water I irrigate with is pumped from the ground.  
24 HECA will be using 5,000 gallons a minute for 20 years.  
25 This cannot be sustained in our over drafted water

1 basin, and HECA is using water I can irrigate with.

2 Thank you.

3 MS. DOUGLAS: Thank you.

4 Justin Bone followed by Regina Halogen.

5 MR. BONE: Thank you for the opportunity to  
6 comment. I'm a farmer in this area and live in this  
7 area as well and have a family here. This is the  
8 profession I chose, and I guess I plan to be here a  
9 while. I just don't know how long HECA plans on being  
10 here.

11 We have been diligent in our operation of  
12 reducing pollution, and I just don't know how diligent  
13 HECA will do. They claim they can be effective, but in  
14 reality, anything they will do will reverse any  
15 sacrifices we have made not only in our operation but  
16 also at home as well. So please reject this project.  
17 Thank you.

18 MS. DOUGLAS: Thank you.

19 Regina Halogen, followed by Jane Parsons.

20 Regina Halogen is at a meeting. We'll put a card at the  
21 bottle of the file and call her again.

22 Jane Parsons.

23 MS. PARSONS: My name is Jane Parsons. I'm a  
24 member of the four generation farming family. Our home  
25 ranch is south of Buttonwillow, close to Stockdale

1 Highway. There are a few things I have heard during  
2 these hearings that create great questions for me. One  
3 of them being the fact that the Occidental oil portion  
4 of this project is not even being looked at, and how can  
5 you possibly make a determination on any project without  
6 all the facts and all the components?

7           The next thing that concerns me is what route?  
8 Where are these trucks going? I travel Stockdale  
9 Highway every day to work. My family, I see children  
10 waiting for their bus. This is a residential area. It  
11 may seem rural to you, but it's residential to us.

12           Thirdly and most importantly is all of this  
13 information is solely on paper. No one has ever done a  
14 project of this size. No one knows how it's really  
15 going to work. These are the models. This is what has  
16 been observed and may be a smaller thing or something  
17 similar, but this has never been done. So to say that  
18 it won't affect our oil, our air, our soil, our crops,  
19 our road, our lives, I don't see how you can say that.

20           Lastly, I would just ask you to consider these  
21 are our neighborhoods, our roads, our farms, our  
22 children, and our air that we breathe every day, every  
23 hour, every minute. Thank you.

24           MS. DOUGLAS: Thank you, Miss Parsons.

25           Majore Stone, followed by Michael Rock.

1           MS. STONE: Thank you for coming all the way  
2 down into the Central Valley for this discussion, and we  
3 really appreciate that you're listening attentively.

4           I am a 47 year resident of Kern County. I  
5 wasn't born here. I came here as a teacher in 1967 and  
6 now retired. I'm concerned about many aspects of the  
7 hydrogen energy plant and followed the commentaries  
8 closely on the CEC website. By now you certainly know  
9 that lots of us are concerned about air pollution, water  
10 use, and general quality of life issues.

11           We're skeptical for a variety of reasons. We  
12 have experienced, in my generation and from younger  
13 people, far too many problems in recent years caused by  
14 negligence on the part of big corporations, too many not  
15 to be skeptical about HECA.

16           These include the BP oil rig disaster in the  
17 Gulf, the explosion of the fertilizer factory in west  
18 Texas, and pipeline oil spills. We're locked in the  
19 southern valley where the air is highly polluted.  
20 Although advertised as clean, this plant will produce an  
21 abundance of toxins and particulate matter. At least 10  
22 percent of the carbon from the gasification process  
23 cannot be caught.

24           Bringing more coal is an assault on our  
25 families and children. I heard a short program on NPL,

1 this morning or yesterday, about residents of Detroit  
2 complaining about petcoke dust and how it's ruining the  
3 air quality once you get some wind going. I don't know  
4 about that. I just heard it.

5 Our kids already miss a great deal of school  
6 because of respiratory illnesses caused by pollution.  
7 Absences hurt our kids and school and eventually our  
8 economy.

9 Water issues, I will leave to the experts, but  
10 a water cool plant seems ridiculous in this part of  
11 California at the edge of a desert constantly suffering  
12 from water shortages. When there are water shortages,  
13 big corporations that can afford to pay more usually win  
14 out over the farmers.

15 One more thing, there was an article appearing  
16 in October. I believe the date it was finally approved  
17 was October 4th, 2013, from the proceedings of the  
18 National Academy of Sciences, a peer reviewed  
19 publication about gasification, gas injection -- not  
20 gasification. Gas injection projects in Texas or the  
21 oil field in Texas. Seems to be showing that the gas  
22 and CO2 injection into the wells has triggered the 2006,  
23 soon 2011, big time caused by seismic activity. Causing  
24 earthquakes of over three magnitude. Understanding when  
25 gas injection triggers earthquakes will help evaluate

1 risks associated with large scale carbon capture and  
2 storage as a strategy for managing climate change.

3 One more note, the HECA publicist are paid to  
4 promote this project, and I'm sure they believe in it,  
5 totally. But the rest of us standing here, have devoted  
6 hours and hours and hours of volunteer work, and we  
7 really feel like the downwind people whose way of life  
8 and health are threatened right now. Thank you for  
9 listening.

10 MS. DOUGLAS: Thank you very much for being  
11 here.

12 Michael Roth followed by Chris Romanini.

13 MR. ROTH: Good evening, staff and commission.  
14 My name is Mike Roth, the local representative Farmers  
15 and Steam Fitters United Association. I represent over  
16 700 members here locally. I'm urged by that membership  
17 to urge you to support this project.

18 They live here locally, too, and they're  
19 interested in environmentally friendly project. They  
20 live here, and they're interested in that, and with the  
21 air quality report that they have and it speaks for  
22 itself, we believe that this report is responsible and  
23 we urge you to support.

24 MS. DOUGLAS: Thank you.

25 Chris Romanini followed by Jackie Flores.

1 MS. ROMANINI: Hello. We farm very near the  
2 HECA project. Our family has been working this land for  
3 over 100 years when grandpa came as a laborer to build  
4 the canals you see today. Our grandchildren make the  
5 fifth generation, but we wonder, will they be safe and  
6 healthy? Is it safe and healthy to let this fifth  
7 generation remain if HECA is our neighbor?

8 Is it wise for us to encourage this heritage in  
9 our family? So we look to the PSA for answers, but our  
10 concerns are mostly unresolved. Much like a great deal  
11 of the PSA, it does not give us answers because it is  
12 not complete. So I was relieved in October when the  
13 Environmental Protection Agency rated the PSA as  
14 insufficient information.

15 Two items in the EPA report speak to my  
16 concerns for my family the most. Let's take health.  
17 The PSA acknowledges we have the worst air in the  
18 nation. It goes on to list preexisting health  
19 conditions. We have the highest death rate in  
20 California for asthmatics and for coronary heart  
21 disease. Our Valley Fever rate is on the rise. We have  
22 recently learned that polluted air causes lung cancer,  
23 but with the 500 tons of new emissions from HECA making  
24 our air even dirtier, the PSA concluded that HECA would  
25 not result in any significant risks to our health.

1           I was baffled how they came to that conclusion,  
2 but fortunately, the EPA report last month said the same  
3 thing, they said that it's not clear how the preexisting  
4 health conditions were considered, how this information  
5 affected the conclusion if at all. The EPA recommended  
6 that you clarify your assessment.

7           Then take a look at your -- take a look at how  
8 you did your preexisting health problems in Kern County.  
9 You submitted studies by zip code. You had zip codes  
10 for Shafter, Taft, and several for Bakersfield. But  
11 only two had studies that included the zip code for  
12 Buttonwillow, and how many times did you include the zip  
13 code for Tupman, the community most at risk of HECA's  
14 fumes? Not once. Your study is incomplete.

15           I can't tell from your study that my  
16 grandchildren will be health protected per the EPA. You  
17 need to go back and clarify how the health risk  
18 assessment consider preexisting health conditions for  
19 the most sensitive individuals. Then take the -- then  
20 take the risk of being near hazardous materials.

21           You did modeling showing the results of the  
22 most likely release of ammonia from a pipe, how it would  
23 extend a little beyond the fence line. You went on to  
24 say, the storage and use of anhydrous ammonia will not  
25 result in a significant risk to the off-site public.

1           After telling us how, you did a study on a risk  
2 of an accidental release of one tank of anhydrous  
3 ammonia. That tank holds almost two million gallons.  
4 You showed how far those fumes would go, but you  
5 provided that report to staff under confidential cover.  
6 What are you hiding? Why can't you disclose to the  
7 public these figures? I cannot know if my grandchildren  
8 will be safe from an accidental release of ammonia from  
9 your assessment.

10           Fortunately, the EPA gave us some information.  
11 They used your exact figures to do some modeling. The  
12 tank, if it released over a ten-minute period, the EPA  
13 showed that the toxic end point would be up to 25 miles.  
14 The Tupman school is only a mile and a half from the  
15 tank, and my grandchildren are a lot closer. The EPA  
16 went on with several suggestions to be included in your  
17 assessment --

18           MS. DOUGLAS: Ms. Romanini, you have prepared a  
19 lot for this, and I see that. I want to point out  
20 you're about a minute and a half over. If you could  
21 wrap up or hit the high points. There will be multiple  
22 opportunities.

23           MS. ROMANINI: I have a wrap up sentence.

24           MS. DOUGLAS: Go for it, please. I wouldn't  
25 have spoken if I knew that.

1 MS. ROMANINI: If I were a teacher grading this  
2 report, I would hand it back to you and tell you to  
3 complete it before you turn it in for a grade. I am  
4 saying to go back, fill in the missing pieces in your  
5 PSA, and give us a revised PSA before we get a final.  
6 Include in that, we want to see an Occi contract, we  
7 want to see a discussion of dry cooling, and I  
8 appreciated Mr. McAllister acknowledging the importance  
9 of public participation. We want to participate before  
10 you come up with your final assessment.

11 Thank you for giving me extra time.

12 MS. DOUGLAS: Thank you for your comments.

13 Jackie Flores followed by Lupe Martinez.

14 MS. FLORES: My name is Jackie Flores, and I'm  
15 here because I want to show my support for HECA. This  
16 project is a great idea for many reasons. It has  
17 already been approved by numerous health and safety  
18 authorities that it is a clean energy plant and will  
19 bring thousands of jobs to Kern County. In the economic  
20 hardships we are in, I don't understand why you would  
21 want to block a project that is clearly safe and good  
22 for the community.

23 I urge you to permit this project and help our  
24 community thrive in a productive manner. Thank you.

25 MS. DOUGLAS: Thank you.

1           Mr. Martinez.

2           I was just going to say that in these  
3 processes, we generally don't object in any way to  
4 applause. If you hear something that you particularly  
5 like, please feel free to applaud. Sometimes what  
6 happens is the people get into almost an applause  
7 contest with supporters and opponents feeling like they  
8 need to out applaud each other. That really just will  
9 make the night longer and harder on all of us. If we  
10 could ask for golf claps, we would really appreciate it.

11           Mr. Martinez, please.

12           MR. MARTINEZ: Good evening and thank you for  
13 giving me the opportunity to speak tonight. This is my  
14 first time I'm here.

15           I am a Kern County resident and have been here  
16 pretty much all of my life, but I do have some concerns,  
17 and of course, those concerns are around the water, air,  
18 the transportation, the explosions or any catastrophic  
19 thing that could happen, and of course, always, about  
20 enforcement, which seems to be the time when enforcement  
21 is needed, it doesn't happen or it gets lost somewhere  
22 along the line.

23           So there's too many items for me to cover  
24 tonight in three minutes. Even if you gave me another  
25 two more minutes, but I want to talk about water, and

1 certainly with the whole issue of water, I think we have  
2 enough trouble as it is with our water contaminated in  
3 our area, not only for the farmer's but also for our  
4 communities.

5           Everyone right now doesn't drink water out of  
6 the tap anymore. Everybody buys bottled water because  
7 it has nitrates, you name it, it's got it. So we have a  
8 big issue, and with my understanding from the company,  
9 with that issue of water and how much water it's going  
10 to use, then that's going to be a bigger problem,  
11 knowing that we're in an area in our communities,  
12 Buttonwillow and all these communities up to Tulare  
13 County, they're farmworkers. Therefore it becomes a  
14 real issue of jobs, which has always been the hook for  
15 our communities that are deprived of jobs of how to  
16 bring in these -- as a lady a little while ago said,  
17 these crap things into this counties.

18           I believe that that's been the way that why we  
19 have the land fills, why we have a lot of issues because  
20 when they come to us, they come and tell us, it's going  
21 to be about jobs, but under this information, I see that  
22 it says that the jobs is going to be about 2,000, but  
23 they're only temporary jobs, and I heard tonight, either  
24 it's two years, three years, or four years. I don't  
25 even know what that really means, but in the end, in the

1 end, it will be about 200 jobs and probably less.

2           It's really what it's going to come down to,  
3 and at what cost? At what cost are we going to have  
4 profits over lives if there is a catastrophic issue that  
5 happens here, and what happens when we don't have  
6 anymore water and you start end up losing farmworker  
7 jobs in itself? Thank you.

8           Ron James followed by Tom Frantz.

9           MR. JAMES: Thank you for letting me come up  
10 today.

11           My name is Ron James, district representative  
12 for Operating Engineers, Local 12.

13           This is a good project for Kern County. We all  
14 know it's going to create electricity for approximately  
15 160,000 homes, 2,000 construction jobs. Everything I'm  
16 saying, it's been said. I know that. 200 operating  
17 engineers on this project. We did a survey, inspection,  
18 crane operators, dirt, we can move dirt, that's what we  
19 do. Besides a 200 permit jobs that's going to last for  
20 over 25 years.

21           We need these jobs. The downturn of the  
22 economy in Kern County and the nation for years. We  
23 have numbers of lost houses, divorces, cars, whatever.  
24 We need this project.

25           As far as construction and people working here,

1 2,000 people for a short term, that's what we do. We  
2 pave roads and finish that and move on to the next one.

3 We need the energy. I don't know about anybody  
4 else, but you know when the power goes off in my house,  
5 I'm not happy when I can't watch TV and 110 degrees  
6 outside and my air conditioner doesn't work. We need  
7 the energy, and we need this project.

8 San Joaquin Valley air okayed this project and  
9 say it's a go. Hopefully you'll consider that and vote  
10 yes on this project and get started. Build this thing.  
11 It's great for the economy and Kern County, and I don't  
12 know what else to say except please, let's get started  
13 on this thing.

14 Tom Frantz, followed by Ryan Bunsen.

15 MR. FRANTZ: Tom Frantz, I'll speak personally  
16 now instead of as an intervenor. I'm a fourth  
17 generation farmer, just a few miles northeast of here.  
18 I grew up watching both of my grandfathers farm very  
19 nearby and all of that.

20 I have watched people in my close family die  
21 from what I can figure is the bad air because when you  
22 can no longer get oxygen to your brain, you die. I  
23 watched my father, a healthy young 80 years of age, he  
24 could no longer get the oxygen he needed. He passed  
25 slowly away.

1           It was very obvious it was in a time of extreme  
2 particulate problems in January, which we have every  
3 year. His arteries were getting clogged, his heart was  
4 getting damaged. The lungs had been sun burned from  
5 ozone for decades already. There was a lot of damage  
6 there from air pollution, and we do die prematurely, all  
7 of us, who live a lifetime here in this valley right  
8 now. We die five to seven years earlier on average.

9           It's a serious matter, a serious economic  
10 consequences, of course, which have been measured in the  
11 hundreds of millions of dollars. It takes a toll on our  
12 communities, too, to realize we lived over on the coast,  
13 our sinuses would be clear, and we wouldn't die as soon.  
14 It's a preventible problem.

15           The 500 new tons of pollution from this project  
16 don't make a lot of sense in an area like this. The  
17 mitigation is up and down the valley, using 30 year old  
18 mission reduction credits and so on. I understand how  
19 that works on paper.

20           So maybe the project is fully mitigated, but  
21 that doesn't change the fact it's going to make our air  
22 worse right here. It will make our air worse. It's new  
23 pollution and removing hundreds of acres of prime  
24 farmland doesn't make a lot of sense in this world. If  
25 you're going to let them take all that water, prime

1 farmland removed as well from that. That is usable  
2 water. That's obvious.

3 It's new technology and jobs, but it doesn't  
4 justify all the negatives. HECA, it's the wrong project  
5 and the wrong place at this time. So please, deny this  
6 application.

7 MS. DOUGLAS: Thank you, Mr. Frantz. It's a  
8 lot of work to intervene in these processes, and we  
9 recognize that. Thanks for your participation.

10 Ryan Hawsman, followed by Ryan Romanini. Ryan  
11 Hawsman? Great.

12 MR. HAWSMAN: Thanks for hearing me out. I  
13 suffer from CAD, coronary artery disease, two double  
14 bypasses at the age of 32. It has nothing to do with  
15 the air quality. It has to do with the food you put in  
16 your body. What it comes down to, Kern County needs  
17 jobs and the people in Kern County need to work.

18 Air pollution, it's Kern County. It's always  
19 going to be there, always has been there. It's --  
20 health issues about fighting McDonalds coming on the  
21 corner. Don't fight this. Kern County needs the jobs.  
22 Thank you.

23 MS. DOUGLAS: Thank you.

24 We are going to take one more comment from  
25 Brian Romanini and take a short break to give the court

1 reporter a break to get the words into the record and  
2 don't want her to fizzle out on us. We want her to stay  
3 strong through the evening. Go ahead, please.

4 MR. ROMANINI: Thanks for listening to us.

5 Honestly, I didn't want to be here tonight. I  
6 would much rather be at home with my kids. Being on  
7 almost wintertime, I'm looking forward to possibly  
8 lighting a fire at home and having my kids around. I'm  
9 confronted and frustrated by the government imposed  
10 regulations by the San Joaquin Valley Air District that  
11 goes like this.

12 (Video played.)

13 We are the dirtiest air district in America,  
14 and I just feel, HECA, you're going to help solidify  
15 staying in the number one spot unable to freely burn in  
16 our fire places at home. I ask you guys, would you want  
17 this chemical plant in your town or in your front yard?  
18 I don't think so. Neither do I. Just do the right  
19 thing. New Jersey rejected almost the same type of  
20 project. Thank you very much.

21 MS. DOUGLAS: Thank you.

22 MR. ROMANINI: Our air is too fragile.

23 MS. DOUGLAS: Thank you. Thanks for being  
24 here.

25 We're going to take a ten-minute break, and my

1 iPhone says seven o'clock. We'll be back at 7:10 ready  
2 to start. Thanks.

3 (Recess taken.)

4 MS. DOUGLAS: Thanks, everyone. Thank you for  
5 your patience.

6 The next speaker will be Cynthia Pollard,  
7 followed by Jessica Ceja.

8 Cynthia Pollard, are you here? Great. We're  
9 on the record. Please come forward.

10 MS. POLLARD: Thank you very much. Sorry I  
11 took the break and just got back in.

12 Commissioners, my name is Cindy Pollard. I'm  
13 the president and CEO of the Greater Bakersfield Chamber  
14 of Commerce. We represent local businesses, taxpayers  
15 and consumers, and I'm here to express our support for  
16 the Hydrogen Energy California project for its potential  
17 to create new jobs and make significant contributions to  
18 the local tax base.

19 This project will create 200 permanent jobs  
20 once its operational, and in addition to the 200  
21 permanent and skilled jobs created for the operation of  
22 the power and enhanced recovery and oil operations, the  
23 project will create hundreds of jobs in Kern County. We  
24 need that here.

25 The HECA project is also expected to generate

1 approximately 77.4 million dollars in taxable sales  
2 revenue of which an estimated 10.1 million will be  
3 retained here in Kern County providing the needed  
4 revenue for Municipal services that the county is  
5 struggling to provide for at this time. After the  
6 construction is complete, additional sales tax revenue  
7 will continue as materials and supplies are purchased  
8 during operation.

9           The project carries additional process  
10 benefits, specifically in the effort to reduce  
11 greenhouse gas emissions, primarily carbon monoxide by  
12 removing thousands of tons of gas from the atmosphere.  
13 300 mega watts of power would be exported to  
14 California's energy grid, allowing us to stop relying on  
15 imported power.

16           This will help California remain on the  
17 forefront of clean energy technology, while providing  
18 essential, reliable, low carbon electricity and  
19 fertilizer to the local markets.

20           Because of its positive economic impact, the  
21 Greater Bakersfield Chamber of Commerce, representing  
22 1,300 member businesses, supports the HECA project. In  
23 times of economic challenge, this project will help  
24 business development and economic growth not just in  
25 Kern County but throughout California. So we urge your

1 support and approval of the project. Thank you.

2 MS. DOUGLAS: Thank you. Thanks for being  
3 here.

4 Jessica Ceja followed by Esther Flores.

5 MS. CEJA: My name is Jessica Ceja, and I'm  
6 here to support the HECA project. So many times I think  
7 arguments being made against the project are not factual  
8 and are applied for emotional affect. The oppositions  
9 insist this is a dirty energy plant, but time and time  
10 again HECA has been approved by air and water  
11 authorities who say it is a clean energy facility.

12 How many times are people going to get up here  
13 and grapple about something they really don't  
14 understand? I know the facts, and one of them is HECA  
15 will produce a clean healthy source of energy that is  
16 going to bring thousands of jobs to Kern County. Please  
17 approve and permit this project. Thank you.

18 MS. DOUGLAS: Thank you.

19 Esther Flores, please. Followed by Ellenor  
20 Plascencia.

21 MS. FLORES: Good evening. My name is Esther  
22 Flores, and I just wanted to say that HECA needs to be  
23 approved. This project can do so much good for the  
24 community and major economic stimulus, construction, and  
25 operations of planet alone will add thousands of jobs to

1 the local market.

2 We should be jumping on this as an opportunity  
3 to push Kern County to new levels of success. This  
4 project is clean and approved on a health and community  
5 impact level. It is the selfish and misguided thoughts  
6 of others that are stifling the process of this process.  
7 I earnestly hope you can look past all of this and see  
8 the project for what it truly is. Please approve and  
9 permit HECA, and thank you very much.

10 MS. DOUGLAS: Thank you. Ellenor Plascencia,  
11 followed by Maria Bonilla.

12 MS. PLASCENCIA: I'm here tonight to show my  
13 support for the Hydro Energy California project. I was  
14 born and raised in Kern County, and I am very pleased  
15 with the response so far from HECA from government  
16 agencies. Our local air control district, which  
17 probably has the strictest rules, has found that HECA  
18 will not have any negative impacts on our residents, our  
19 nearby crops.

20 CEC staff members, I ask that you help us move  
21 forward with this HECA project. There are so many  
22 benefits that this project will bring to the Central  
23 Valley. Thank you.

24 MS. DOUGLAS: Thank you.

25 Maria Bonilla, followed by Mara Ceja.

1           MS. BONILLA: Good evening. My name is Maria  
2 Bonilla, but I'm known by Maria Bonilla, but my name is  
3 Cleo Bonilla.

4           I'm here because I am opposed to the fact they  
5 want to have here in Buttonwillow because I have my  
6 family and grandchildren here in the Kern County area.  
7 We want air that's clean. We don't want air that's  
8 dirty, that's filthy because two weeks ago I went to the  
9 clinic in Shafter, and I was told that I had asthma.

10           The only thing that I was given in the clinic  
11 in Shafter is an inhaler. I have to use that inhaler  
12 daily. I don't have any help of any kind. I pay for my  
13 medications. I'm not just using that, I'm using this  
14 two times per day. I'm also using this other medication  
15 that can open up my lungs because I was told by the  
16 doctor -- it's due to the air that's very filthy.

17           You should think that if I feel bad, a small  
18 child that's a year old or two years that has that  
19 problem, just think and realize it's happening now and  
20 what's coming in the future.

21           Now, like they say this problem is ugly. It  
22 feels really bad because I'm living it. Now a small  
23 child and that will lead to you if you want to kill us  
24 and the children from here from the Kern area. We don't  
25 want that thing that they're going to put here. We have

1 a lit bit -- you have a little pity for the people in  
2 Buttonwillow for the area of Kern. Stop and think about  
3 the things you're doing.

4 For this medicine, I almost paid \$300. I paid  
5 \$95 for the consultation. I don't have anything. I  
6 don't have Medi-Cal or anything, and I have to be  
7 refilling these medicines every two weeks. And where am  
8 I going to get that money if it's not from my husband?

9 MS. DOUGLAS: Ma'am.

10 THE WITNESS: Fine. So therefore I would like  
11 for you to see if you really have pity for the children  
12 and for the family here from Kern County, because it's  
13 not going to be convenient for you for them to place  
14 that factory over there where you live, but it's  
15 convenient for you, why don't you do it where you live?  
16 I would like for you to respond or to give me that  
17 reply.

18 That's all I have to say. Thank you very much  
19 for taking the time to hear me. We're not going to give  
20 up. We're going to continue forward, and hopefully, God  
21 willing, you will have pity on us. That's it. Thank  
22 you.

23 MS. DOUGLAS: Thank you. Mara Ceja followed by  
24 Rene Carbona.

25 THE WITNESS: My name is Maria Ceja, and I

1 believe HECA is to be approved. This project has  
2 everything, clean air, clean energy is bringing jobs,  
3 and it's going to help get oil. This is a good project.

4 Frankly, I'm surprised there's still up for  
5 discussion. I can't think of anything -- any good  
6 reason why we shouldn't allow them to build this  
7 wonderful energy option in our county.

8 Please approve and permit this project and help  
9 our community set the example on clean energy. Thank  
10 you.

11 MS. DOUGLAS: Thank you. Rene Carbona,  
12 followed by Brenda Higgins.

13 MR. CARBONA: Good evening. My name is Rene  
14 Carbona. I will be real brief and express my opinion.  
15 I'm here tonight to support the HECA project. HECA has  
16 been, already, approved from many different  
17 organizations and has been labeled as a source of clean  
18 energy production. That being said, this project needs  
19 approval. Please approve this project that we stimulate  
20 the economy and create jobs. Thank you.

21 MS. DOUGLAS: Thanks for being here.

22 Brenda Higgins, followed by Gladys Gonzales.  
23 Brandon, sorry.

24 MR. HIGGINS: It's Brandon.

25 California needs the energy that HECA is

1 producing. We're growing fast, and we're not going to  
2 slow down any time soon, even if ever. The Santa Anna  
3 nuclear plant has shut down, and our coastal power  
4 plants are scaling back because of cooling regulations  
5 implemented by the Environmental Protection Agency.

6           The EPA is enforcing stricter rules on older  
7 power plants, and they have set limits for carbon  
8 emissions. That means we're losing energy producers we  
9 have relied on for years. Time we find some new ones.  
10 HECA has met the EPA standards. So I don't understand  
11 why we're having such a holdup. Thank you, and please  
12 help bring them here.

13           MS. DOUGLAS: Gladys Gonzales followed by Mark  
14 Romanini.

15           MS. GONZALES: Thank you for giving me the  
16 opportunity to speak. My name is Gladys Gonzales, and  
17 I'm here on behalf of the North of the River Chamber of  
18 Commerce, and our membership did express concern about  
19 the environmental impact on the project; however, the  
20 chamber stands in support of the HECA project for the  
21 benefits it will bring to Kern County. We heard over  
22 the 2,000 jobs they will have for construction, and once  
23 that's completed, there will be 200 permanent jobs.

24           Due to our economic state, we do need, not to  
25 mention the millions of dollars in tax revenue the

1 county will be receiving, and for these issues and these  
2 facts, we support the HECA project. Thank you.

3 MS. DOUGLAS: Mark Romanini, followed by Manika  
4 Mendez.

5 THE WITNESS: Good evening. My name is Mark  
6 Romanini. Thank you again for being here tonight to  
7 hear the concern. I like this gentleman here have  
8 struggled from the beginning as to why the site of the  
9 project was selected. A, being in California, but more  
10 importantly, B, why would we want to attempt a  
11 demonstration project in the worst air basin in the  
12 country?

13 If we wanted to try to find a worse place to do  
14 this in regards to an air basin, it would be impossible  
15 for find a worst place. We're stuck with a project  
16 we're touting at times as green. I'm not sure what  
17 portion of this project of the green aspect of it really  
18 has any impact on the local residents.

19 Sequestering carbon dioxide has no bearing on  
20 the air we breathe here whatsoever, but the criteria  
21 pollutants as a single flow off to a tune of 500 tons  
22 will have significant impacts on the people here  
23 locally. Though I think the merits of the project from  
24 a global standpoint are warranted, absolutely, why are  
25 we trying to do it here? I'm baffled by it.

1           We look back at the struggles we have, our  
2    compromised air basin we live in today. Our own air  
3    district says in regards to meeting the eight-hour  
4    ozone, the technology, in their little thing, the  
5    technology doesn't currently exist to achieve all the  
6    emission reductions that are necessary to reach the  
7    standards set by the EPA today.

8           As a matter of fact, we can't even meet the  
9    goals they set in 1997. So we have these things in  
10   place, but what are they doing to really improve our  
11   air? We made slight improvements, yes, we have. That's  
12   great, but we are so far from being anywhere close to  
13   accomplishing what the clean air act set out to do, to  
14   get people clean air to breathe, and that things was  
15   implemented decades ago.

16           So 500 tons of criteria pollutants, being  
17   offset, I'm sorry, again, on paper with air credits that  
18   are a decade old, two decades old. Some over three  
19   decades old. To say that has any bearing on the air  
20   we're breathing today, I think is a true disregard for  
21   the air we are truly breathing and people are struggling  
22   with today.

23           I adopt to commend the CEC, thank you for  
24   helping this process become a little more or the  
25   applicant numbers being a little more transparent. You

1 have shown and looked at the project in its entirety.  
2 They are making 300 mega watts, yes, but once you  
3 sequester it, and you throw the energy there, then that  
4 power to the grid is minimal when they were making  
5 fertilizer, we are drawing from the grid.

6           So this 300 mega watts isn't truly what it  
7 looks like, and I thank you guys for digging and  
8 exposing that fact to us. Again, I just look at this  
9 project, the risk of it to the reward and the risks are  
10 numerous from water, to traffic, to air pollution. It  
11 does not complement our air business at all.

12           I don't see how it belongs, and I would like to  
13 complement the county for putting in projects lately  
14 that do. Thousands of mega watts of wind and solar have  
15 been permitted and built in the county and commend them  
16 for their efforts complementing what we have to offer  
17 here in our county. Thank you very much.

18           MS. DOUGLAS: Thank you very much. Vivicia  
19 Mendez followed by Samantha Frias.

20           MS. MENDEZ: Good evening. I really appreciate  
21 all the time that HECA has taken to get to know our  
22 community and how they are trying to make the presence  
23 here positive.

24           It's my personal opinion and observe that HECA  
25 is putting the community as a top priority. The fact

1 that they listen to us about our concerns with the truck  
2 routes and altered the routes is one example. HECA is  
3 even working on a possible route offshoot into their  
4 plans as another plan of input and output for the  
5 facility. It's actions like these that lead me not to  
6 only approve HECA, but personally endorse it as a  
7 community member. Thank you.

8 MS. DOUGLAS: Samantha Frias, followed by Casey  
9 Peterson.

10 MS. FRIAS: Good evening. My name is Samantha  
11 Frias. I believe HECA will benefit us in a lot of ways  
12 because of its commitment to alternative energy. We  
13 need to do things differently. It will be a model for  
14 other energy plants. It will also make Kern County an  
15 energy leader. Thank you.

16 MS. DOUGLAS: Thank you. Casey Peterson,  
17 please, followed by Martina Inez.

18 MS. PETERSON: Hi. I would like to express my  
19 support for the HECA plant. This project has been  
20 through a ringer of tests ranging from community health  
21 to impact on the community, and it has passed all its  
22 standards.

23 I believe it's an excellent way for Kern County  
24 to set a precedent for clean county in the nation.  
25 We're known for our horrible air quality, but maybe

1 clean energy could be a gateway to make everything else  
2 better. I do support it and hope you build it. Thanks.

3 MS. DOUGLAS: Martina Inez, followed by Brett  
4 Martinez.

5 MS. MARTINEZ: Good afternoon. My name is Inez  
6 Martinez, and I would like to take this time to express  
7 my support for HECA. I see this project as an excellent  
8 opportunity for Kern County to grow. I believe I bring  
9 to the table the opinion from a younger generation, a  
10 generation that wants to enact positive change and  
11 growth in the community that we are becoming more active  
12 members of.

13 I am ready to see the big change happen, the  
14 decisions we make today will have a tremendous impact on  
15 us and what happens in the future. Please help HECA and  
16 Kern County set a precedent for other counties to turn  
17 to alternative energy. Thank you.

18 MS. DOUGLAS: Thank you. Brent Martinez,  
19 followed by Leticia Garcia.

20 MR. MARTINEZ: Good evening. My name is Brent  
21 Martinez. As a supporter of the HECA project, I would  
22 like to comment this, ten years ago is no longer the  
23 1990's, and ten years down the line is already past  
24 2020. Just as innovations of the past have been doubted  
25 of positive influence, pollution control and stable

1 energy source is beneficial to outlying areas.

2 We have come to a fork in the road so to speak.  
3 Alternative energy source is necessary in the future and  
4 opportunity of a lifetime to permit the HECA project. I  
5 appreciate your time, and I am in favor of this project.

6 MS. DOUGLAS: Thank you for being here.

7 Leticia Garcia, followed by Raymond Garcia.

8 MS. GARCIA: Good evening. My name is Leticia  
9 Garcia. I am here to support this great project called  
10 HECA because I consider that it will be a great support  
11 for the economy. It will generate thousands of  
12 employment, which will benefit our community, and the  
13 bad environment that already exists, has not been  
14 fabricated by any company. Thank you.

15 MS. DOUGLAS: Thank you. Raymond Martinez  
16 followed by Mike Mason.

17 MR. MARTINEZ: My name is Raymond Martinez. I  
18 want to say I'm in favor of the HECA project because  
19 between the ways and the -- like all the work, it's all  
20 a lot of work, and I believe HECA is the right people  
21 for the job, and it will take a lot of work and create a  
22 whole lot of jobs and a whole lot of people that need  
23 work right now. I'm in favor of this project. Thank  
24 you.

25 MS. DOUGLAS: Thank you. Eric Martinez,

1 followed by Edward Razzari.

2 MR. MARTINEZ: I can see that Kern County is  
3 striving to be kind of productive in its way. So I can  
4 see on both sides Kern County wants to be productive and  
5 there also needs to be, you know, exercises to make  
6 whatever energy that you're trying to create, but I  
7 think you need to weigh the consequences and proceeds or  
8 what is being weighed out to make this energy and these  
9 nitrates and stuff like that.

10 What I'm noticing is I'm trying to get to the  
11 water irrigation system to benefit the crops for farming  
12 in the soil and stuff like that. Hopefully in the long  
13 run, some air quality change, but I'm thinking if you  
14 were actually going to try to make Kern County more  
15 productive, their project would have to both benefit the  
16 environment just because of the evolutionary change with  
17 so much with the weather.

18 I think it's -- this might be somewhat of a  
19 short-term benefit to me is what I think it would be.  
20 Not really saying that it's not beneficial to us. It  
21 will light homes and create energy and the nitrates --  
22 the growing soil that you're making, I'm hearing there's  
23 already laws and stuff against the productivity in the  
24 soil. This is going against the water. So if you're  
25 making fertilizers and stuff, this is going to affect

1 the water, and again, we're back to where we are again.

2 We're in a deep pit with our food generation.

3 I think if we were to actually take a step back and look  
4 at what we're going to be doing in the long run, whether  
5 this is going to be beneficial for our environment, then  
6 go for it, but I think there needs to be a lot of  
7 covers -- corners covered for you make any haste  
8 decisions about this.

9 I would like to -- it's a pull. It's 2013.

10 There has to be some other better beneficial stuff  
11 better for the environment and helping the area  
12 specifically with water and air and stuff like that and  
13 not just turn your back on the quality of the air and  
14 the land, which was farming here first.

15 I think that there's a lot of other ideas out  
16 there that are going to be floating around in the future  
17 to benefit both with creating energy and helping the  
18 water and stuff like that. I think a little bit more  
19 speculation on what's going to be official would be  
20 okay, but as long as everybody is not being affected, a  
21 equalization. There's going to be so many good ideas.  
22 That's it. Coal seems kind of old school. That is it.  
23 I'm sorry. The timer. I apologize.

24 MS. DOUGLAS: Thank you for being here and no  
25 need to apologize.

1 Edward Casares.

2 MR. RAZZARI: Forgive me for sounding  
3 redundant, but pollution, pollution, pollution. When BP  
4 started this project, they came to me and my neighbor  
5 with a private conversation, and they wanted us to  
6 support their project. We asked them about what they  
7 were going to do with the waste they had from this  
8 product. Their answer to us was, of course, this is a  
9 new project.

10 HECA now, I understand, is their new people,  
11 but I still hadn't heard from what they were going to do  
12 with the waste from this project. Their answer was,  
13 "We're working on that. We don't know." Worse case  
14 scenario, it would go to our landfill. When the  
15 landfill is full, then everybody in the whole county  
16 suffers because of this, because our rates all go up.  
17 Every time a landfill gets full, we need more  
18 transportation, costs have gone up, things have changed.

19 In the event of a problem with this plant,  
20 catastrophic, some call it fear mongering, all we have  
21 to do is look to the news around the United States, and  
22 there's no fear mongering. These things, accidents do  
23 happen. We have to be levelheaded and open-minded about  
24 it.

25 We ask that us as farmers in the area become

1 indemnified. Ensure us in some form to possibly to the  
2 tune of 500 million that in case something happens and  
3 our crops become worthless to those people, that they  
4 sell them to, that something will be done in our favor  
5 and this affect and all we get is that it's not  
6 economically feasible or viable. That's what we got  
7 from our HECA Neighbors.

8           Furthermore, when we build something in Kern  
9 County, I think it's in all the counties and the State  
10 of California, that we go through a permit process. We  
11 go through our supervisors, we go through planning, we  
12 draw a plan, whatever it is we want to build. From a  
13 factory to an outhouse.

14           All of a sudden now, our local administrators,  
15 our local supervisors, our local planning, has been hand  
16 strung in this process. They're completely taken out of  
17 the picture, and it's given over to Sacramento to decide  
18 in our area what is good for us or what is bad for us.  
19 I am baffled at this time. Why is it not pertain to  
20 them? All they're allowed to do is advisory position.  
21 That's all. Their vote means basically nothing.

22           My daughter, who has a bachelor of science  
23 degree in biology, did a project, a paper in her school  
24 about projects of this nature that come to communities  
25 like Buttonwillow, and they seek out communities like

1 this where the voice is weak, where the voice is mild,  
2 and there is not a lot of response to it.

3 So they seek this out so that their projects  
4 can be approved, and this is a documented social fact  
5 that can be documented. I feel that's what HECA has  
6 done in this situation, thinking the community will just  
7 lay down and allow this to happen, and we have seen and  
8 heard too many personal stories of children, women that  
9 have come forth the last meeting we had here, a  
10 gentleman was in tears with his children that have to go  
11 to the hospital at 2:00 or 3:00 in the morning because  
12 of asthma attack. Asthma kills.

13 At the beginning, at the outset of this  
14 project, 10 percent go into the air, and we are the ones  
15 that live in the community that will suffer the worse.  
16 There are people involved here. Think about the people,  
17 not the dollars, not the jobs that will go away someday  
18 and only leave 200, but think about the people in this  
19 community and this complete area.

20 Thank you very much for your time. I think you  
21 know my -- I'm not voting for HECA. Thank you.

22 MS. DOUGLAS: Thank you very much. Keith  
23 Woolridge followed by Florentina Oliveira.

24 MR. WOOLRIDGE: Good evening, commissioners.  
25 On behalf of Mr. Patrick Jackson, president of the NAACP

1 Bakersfield branch. We have been paying close interest  
2 in this, and the president asked me to read the  
3 comments.

4 We support the hydrogen alternative generation  
5 project near Buttonwillow, which is important for Kern  
6 County's future. When completed HECA will provide  
7 electricity for approximately 160,000 homes and increase  
8 local oil production and local supply of fertilizer  
9 products and many local environmental benefits and  
10 create jobs. This job is clearly a win/win for Kern  
11 County. It is now time to move forward.

12 The project already has the support of the US  
13 Department of Energy and recognition of the project's  
14 importance and safe and cost effective way to produce  
15 clean energy.

16 Earlier this year, the San Joaquin Valley Air  
17 Pollution Control District found HECA complies with  
18 district offsetting regulations and will be a net  
19 benefit to the region's air quality. They will mitigate  
20 emissions but allow Kern County to invest in the air  
21 pollution reduction methods and improve the air quality.  
22 Programs such as running clean school buses, traffic  
23 light, agricultural pumps, and infrastructure  
24 improvements.

25 Equally important the HECA project will have a

1 direct and positive impact on our lives by creating jobs  
2 and economic growth right here. It is expected to  
3 generate approximately 3.4 billion in economic stimulus  
4 to Kern County during construction and additional 291  
5 million in economic impact over its lifetime. More than  
6 2,000 high quality construction jobs and more than 200  
7 permanent operation jobs will be created during the  
8 period where our economy is still struggling.

9           This is welcome news when Employment  
10 Development Department indicates while Kern County  
11 unemployment rate has come down slightly but still at  
12 10.9 percent, a full two points higher than the rest of  
13 the state.

14           So in conclusion, now, let's get this right.  
15 If we are to create jobs we need, rebuild our economy  
16 and create a cleaner energy environment for future  
17 generations, the hydrogen energy project should be  
18 approved. Respectfully and sincerely, Patrick Johnson,  
19 NAACP, Bakersfield branch.

20           MS. DOUGLAS: Thank you for being here.  
21 Florentina Oliveira, followed by Lucy Clark.

22           MS. OLIVEIRA: Good evening. My name is  
23 Florentina Oliveira.

24           Our economy means more options for the people  
25 that live here. The HECA project can bring these

1 options to improve our economy at the same time to bring  
2 our air cleaner. Thank you very much.

3 MS. DOUGLAS: Thank you very much.

4 Lucy Clark, followed by Ernie Unruh.

5 MS. CLARK: Well, I hardly know what to say. I  
6 have heard so many different sides about this situation,  
7 the HECA project. I have been an environmentalist since  
8 I moved to Delano in 1974. I'm a retired child  
9 development professor at Bakersfield College where I  
10 taught my students to be advocates for children, and  
11 that's what I have done since I retired.

12 I have worked on environmental issues. This,  
13 to me, is a major environmental issue. I know the  
14 dangers of coal. We already have coal powered plants in  
15 this county, and I am worried about the Mercury, I'm  
16 worried about all the vehicles. I heard the last time I  
17 spoke in this room, 500 trips a day, which made a  
18 thousand round trips a day of trucks.

19 Hopefully, they will be in compliance with the  
20 new air board requirements for new engines. Even then,  
21 the loading, the unloading, I worry about the children  
22 in the schools. I know they have changed the roots, but  
23 still, it's in the neighborhood.

24 When I moved here, I loved living in the  
25 valley. I could go back packing. I never thought in my

1 30's, 40's, 50's, even my 60's, when I was backpacking,  
2 that asthma would hit me.

3 At the doctor, the last question on the new  
4 patient information was, "How long have you lived in the  
5 Bakersfield area?" And that was a message. I live on  
6 steroids twice a day. I carry in my purse at all times  
7 this, I cannot ride in the car does not have a  
8 recirculating air system because the air is so bad here.

9 I truly hope this will not happen. If it  
10 happens, it needs to happen elsewhere. I'm a big  
11 supporter of alternative energy. My energy bill has  
12 never hit, until this past July, \$50 a month. I have a  
13 package solar home. I drive a hybrid car, I walk a lot,  
14 but we just can't keep adding things that make the air  
15 worse, and these 30 year old clean air credits, that's  
16 such a bunch of hooey. You can't trade in something  
17 that hadn't operated in seven years to use now. We know  
18 this is going to add a certain amount of pollution to  
19 the air. Thank you for being here and good night.

20 MS. DOUGLAS: Thank you very much.

21 Ernie Unruh, followed by Alex Brood.

22 MR. UNRUH: Good evening. My name is Ernie  
23 Unruh, the superintendent of the Rio Bravo-Greeley  
24 School District. I appreciated a working relationship  
25 with HECA. As far as dialogue is concerned and

1 discussion.

2           In my first meeting with them, I became a  
3 little frustrated because I kept hearing about the  
4 thorough transportation plan that they had in place, and  
5 yet they didn't know Rio Bravo really existed. Two  
6 campuses with a thousand students by Highway 43 and a  
7 main artery that dead ends into the school. I  
8 appreciated them coming and visiting with me with two  
9 board members, bringing transportation folks along to  
10 talk about safety, communication with our buses, regular  
11 drivers on the route that would know the route, regular  
12 safety meetings. I appreciate those kind of things.

13           What I don't appreciate is an expert coming in  
14 and spending 40 minutes on my campus and telling me how  
15 these number of trucks will not affect my campus. You  
16 can see the beginning of school from a quarter to 8:00  
17 to 8:15, and you get a snapshot, but you don't  
18 understand minimum days, you don't understand fog delay  
19 days. You don't understand a swim team of 300 and how  
20 many people show up at an event. You don't understand  
21 track and cross country events for the county. You  
22 don't understand a league that includes Maple,  
23 Buttonwillow, Lost Hills that meets every Friday in  
24 different sports that brings all these people on to our  
25 campuses.

1           I am expecting a written letter from HECA in  
2 regards to memorializing some of the things that they  
3 shared that I can share with our board. I appreciate  
4 those things. They're great ideas, but it does not  
5 mitigate the safety of our students.

6           I have had the privilege of working in the  
7 school district for 25 years. I call fog delays myself  
8 and cancellations for 15 of those 25 years. I  
9 understand the safety issues. I have been in my office  
10 when cars have by passed the stop sign, and in one year,  
11 took out two flag poles in two separate occasions. I  
12 have been involved where my bus has been hit head on and  
13 killed the occupant of the other vehicle. I have had  
14 our buses broadsided at times.

15           This increase in transportation needs to be  
16 mitigated. We need to have more discussions. This was  
17 not a thorough plan of transportation, in my opinion.  
18 My understanding is that BP's original route was out to  
19 I-5, straight out from Wasco on Highway 46. I  
20 understand why you're not considering that. I drove it  
21 the other day. It's about 20 extra miles.

22           The economics of that, the additional pollution  
23 from the trucks, I understand that, but let's not forget  
24 about a school district that has been there for over 100  
25 years that has been a community center for over 100

1 years, that you're going to have a major affect on  
2 whether or not your folks come in from out of town,  
3 spend 30 minutes evaluating.

4 Believe it or not, I look forward to continued  
5 discussions with HECA. I hope as we look at this  
6 project as a community, we weigh it, we come together,  
7 we figure it out, but in my opinion, folks, the  
8 mitigation issues are great in a lot of different areas.  
9 We need to look at a different route. If we can't do a  
10 different route, we need to be able to put into place  
11 some things that assure the safety of our students.  
12 Thank you for your time.

13 MS. DOUGLAS: Thank you very much.

14 Alex Bravo followed by Heraldo Pompa.

15 MR. BRAVO: Good evening. My name is Alex  
16 Bravo. I'm a resident of this area. We do need the  
17 jobs in this area, especially here in Kern County. We  
18 do need them for the economy and for it, but it also  
19 hits me that I am a new business here. I'm also a  
20 farmer, starting under farming. So I do need clean  
21 water.

22 I depend on my water well. Clean energy  
23 source, I also depend on that, but I can't also take the  
24 thought of Texas, what happened on that area and it  
25 could happen here. We're not perfect.

1           The gentleman that just finished speaking, he  
2 hit a very good point towards me because my kids go to  
3 that school. So traffic, yes, it's something that can  
4 be worked around. If that school has been there for  
5 years, it's a great, great city we can do better than  
6 that. Why throw so much traffic, especially through Rio  
7 Bravo? There's a lot of farmland. There's a lot of  
8 things that we can do as people here. There's more  
9 options than just saying that's it. We're going to use  
10 that and that's the end of it.

11           I'm for the economy, for jobs, I need the  
12 economy to grow and the jobs for me and my employees,  
13 for people. I'm for it, but also, I'm against it  
14 because we depend on the water, we depend on the air.  
15 Restrictions, we need them for it. I'm for the jobs at  
16 this point.

17           MS. DOUGLAS: Thank you. Heraldo Pompa. I  
18 can't read the letters here. Followed by Michelle with  
19 the same last name. Make it easy.

20           MR. POMPA: My last name is Pompa.

21           MS. DOUGLAS: Welcome.

22           MR. POMPA: The bottom line is the economy, you  
23 know? Health issues have been around forever. You  
24 can't blame one plant for everything. We're here to  
25 pretty much everybody needs to survive. Everybody needs

1 a job. We've got families to feed. I'm for it. I  
2 think it's a great thing to bring in to Kern County.  
3 Thank you.

4 MS. DOUGLAS: Thank you. Michelle Pompa  
5 followed by Regina Houchin.

6 MS. POMPA: Hello. I'm Michelle Pompa. I  
7 don't know if I should say good evening or good night.  
8 I would like to start by saying I am a parent. I have  
9 always -- I'm very cautious about the environment and  
10 how it's going to affect my children.

11 When I first heard of HECA project, I was  
12 skeptical, but like any concerned parent, I looked into  
13 the project to find the fact, and what I discovered was  
14 very reassuring. The studies conclude that this power  
15 plant would have no negative impacts on the environment  
16 or the people around the project.

17 I understand that this power plant isn't going  
18 to power the whole valley, but it comes at the standards  
19 and being a beacon for clean energy for people to follow  
20 to finally turn the air quality in this region around.  
21 Thank you.

22 MS. DOUGLAS: Thank you. Regina Houchin  
23 followed by Manuel Bermudez.

24 THE WITNESS: Commissioners, first of all, I  
25 appreciate the fact that you put me back in the rotation

1 since I was at a previous meeting on community water  
2 safety. I oppose the HECA project. I serve on the  
3 board of directors of the Buttonwillow Union School  
4 District and the Buttonwillow Recreation Park District.

5 I do not represent those boards today, but  
6 wanted you to understand that I'm involved in my  
7 community, particularly with children. It is important  
8 to maintain a safe, secure environment for the children,  
9 not only of Buttonwillow, but all of Kern County. Over  
10 the last several years, the community was working  
11 diligently to promote health and safety. I work and  
12 live in Buttonwillow. Three of my children live in  
13 Buttonwillow. Five of my grandchildren live in  
14 Buttonwillow.

15 Emotions run high when you speak of those you  
16 love and the decisions you make will certainly have a an  
17 impact on their future. I did not attend the initial  
18 meetings in opposition of the project but to gather  
19 information about it; however, as I have listened, the  
20 information provided and the failure to adequately  
21 answer questions made it impossible for me to support  
22 and in fact alarms me enough to oppose it. The shift  
23 from energy to manufacturing fertilizers makes it even  
24 moral alarming and confusing.

25 I understand there is usually a good or

1 positive side and a bad or negative side to every  
2 project, but we collectively are charged with weighing  
3 the impact on those. In this case, the immediate impact  
4 is on children. Tupman School is within two miles of  
5 the site. The trucks are likely to pass in front of Rio  
6 Bravo School. Buttonwillow school children could be  
7 impacted with truck travel from the coastal area, but  
8 travel for their school staff will be highly impacted.

9           These are county roads with slow moving farm  
10 equipment, bus stops, and subject to two months of Tule  
11 fog. These county roads are already impact by the  
12 travel to and from the oil fields. I apologize for the  
13 repetition of comments regarding traffic, air quality,  
14 and the potential loss of agricultural commodities, but  
15 the possible project deficiencies, if you will, cross  
16 all effective communities and families. The concerns  
17 are heartfelt and worthy of repeating.

18           These concerns if the project is approved will  
19 have to be dealt with by the communities. Lost revenue  
20 could mean agricultural layoffs, lower property values,  
21 and quite likely the end of some farming operations and  
22 the future for their children and grandchildren. Yes,  
23 there is dust from almond shaking, which is  
24 approximately four weeks of the year, and yes, farmers  
25 apply chemicals, both are monitored by regulatory

1 agencies, and the fact remains that this is who we are  
2 in this part of the value. Farming was our choice.

3           The livelihood for the Buttonwillow student  
4 parents is from farming. Maybe this project will bring  
5 2,000 jobs for two to four years, but what then? The  
6 what if's are so alarming, what if the heat from the  
7 facility and the truck traffic raises the surrounding  
8 temperatures by two degrees, preventing the 900 chill  
9 hours required for pistachios to develop?

10           Now if we're talking about the loss of jobs,  
11 those that affect this community, what if, God forbid,  
12 an explosion at Tupman School or the surrounding farms  
13 are destroyed? How do we handle this type of emergency?  
14 What if the pollution from the plant and the additional  
15 traffic is much greater than the models show? What if  
16 is something we don't want to accept.

17           I want to believe the worst won't happen, but I  
18 fear, based on recent years of total destruction, it's  
19 not really a what if but a when. From my prospective,  
20 it doesn't balance. HECA will bring more harm than good  
21 to Tupman local farmers and Kern County. Jobs and  
22 revenue can't offset health and safety. Please don't  
23 approve this project.

24           MS. DOUGLAS: Thank you. Manuel Ramirez, are  
25 you here?

1 Irene Pena followed by Julieta Oveda.

2 MS. PENA: Hi there. I have a big box full of  
3 cards that I have collected that show the support for  
4 the HECA project. There's over a thousand cards here,  
5 and copies will be made and sent out for you guys to  
6 have copies, but on a side note, I wanted to say that it  
7 seems to be the recurring theme that people are talking  
8 about is the pollution and how this plant is going to  
9 cause a lot of pollution.

10 I live on a ranch. I'm surrounded on all four  
11 sides from almond orchards. Many times, I have walked  
12 out of my door and my children have actually been hosed  
13 with chemicals where they have yellow flakes and all  
14 sorts of stuff. My gardens have been killed. Nobody  
15 seems to mention that. That is because of the chemicals  
16 that are being used. Now, of course that's necessary  
17 for our existence and we come from a farming town, and I  
18 fully support it, but the HECA has complied with all the  
19 requirements.

20 I have also heard someone say how they're  
21 losing farmland right and left. What they fail to  
22 mention is a lot of them, and I have a lot of farmer  
23 friends, that they have actually elected to sell. They  
24 have sold to the oil rigs, surrounded a lot of the  
25 orchards by my house have been sold out to oil derricks.

1 So I just think it's kind of one-sided.

2 I do feel that this is going to create a lot of  
3 jobs, and as long as they comply with what they have  
4 said, I don't see why there's so much opposition.

5 Again, I have here in this box a thousand cards  
6 that have been collected throughout the community that  
7 show all of the support for all of those that are going  
8 to benefit. Thank you.

9 MS. DOUGLAS: Thank you. Julieta Oveda  
10 followed by Jose Sanchez.

11 MS. OVEDA: Good evening. My name is Julieta  
12 Oveda. The reason that I am here is I support the HECA  
13 project because it will help with more jobs in my  
14 community. It will help us with more opportunities to  
15 advance. I ask you to approve this project, and that is  
16 what we need here, more jobs. That's all. Thank you.

17 MS. DOUGLAS: Thank you. Jose Sanchez followed  
18 by Arthur Unger. Jose Sanchez, are you here? Maybe  
19 not. People have done a good job hanging in here  
20 considering how long we have been here. We'll come back  
21 and call these names later.

22 Arthur Unger, followed by Larrea Snow.

23 MR. UNGER: I have had asthma since long before  
24 I moved to Bakersfield, but moving coal here isn't going  
25 to help me. Moving coal here is going to take away

1 water from the local farmers. HECA trucks are bad for  
2 Kern County roads. These little roads will have to be  
3 rebuilt. HECA is worst of all, bad for the world. It  
4 is made to take oil out of the ground where it does no  
5 harm and put it in the -- in our hands where we can burn  
6 it to carbon dioxide.

7 Many scientists say developed countries need to  
8 be achieved zero energy related carbon dioxide  
9 emissions. In seven years, in 17 years, depending on  
10 who you talk to, so the time to avoid tragedies like  
11 just went on in the Philippines is now. Thank you.

12 MS. DOUGLAS: Thank you very much. Larrea Snow  
13 followed by James Tussani.

14 MS. SNOW: Hi. My name is Larrea Snow, and I'm  
15 a farmer here in Buttonwillow. I'm a pistachio farmer.  
16 My grandfather and his three sons came here in the early  
17 1930's. When they first started farming, there was a  
18 lot of water available to them. They flood irrigated  
19 the cotton, and we had rice and alfalfa. All of our  
20 crops were flood irrigated.

21 Times changed. The cotton prices were good  
22 every year, they kind of fluctuated, and a lot of  
23 farmers were facing hard economic times, and so they  
24 began to look for alternative crops. One by one, all  
25 the cotton gins closed here, and now there's only two

1 cotton gins opened in Buttonwillow.

2           The engines yards look ghostly compared to what  
3 I remember when cotton was king. The chamber -- the  
4 Buttonwillow chamber has an annual carnival every year  
5 for the community, and it used to be called The Cotton  
6 Harvest Festival. Now it's called the Fall Farm  
7 Festival. Cotton is not king anymore. We have also had  
8 water concerns, too. Northern California, we weren't  
9 getting as much water, and I haven't seen a rice field  
10 here since I was a kid.

11           The farmers were pumping their water. We  
12 weren't getting canal water. So we had to drill wells,  
13 deeper wells. The ground water table was lowering.  
14 Everybody was using that ground water. So we were faced  
15 with not only less water but we weren't able to get a  
16 stable crop -- a commodity. Price were fluctuating  
17 every year, and then came pistachios.

18           Pistachios are water efficient compared to  
19 other crops. They can tolerate that brackish definitely  
20 water that the -- the Buena Vista Water Storage District  
21 is so eager to sell to HECA. Farmers have been forced  
22 to use drip irrigation and sprinklers and the Kern  
23 County residents, they have also made concessions to  
24 reduce water use.

25           If you allow HECA to come in, they're going to

1 be using thousands of gallons of water every day that  
2 everyone in Kern County needs, not just the farmers.

3           Getting back to pistachios, they economically  
4 have been a God sent for us farmers. Kern County is  
5 number one in bearing acres of pistachios, and we also  
6 have the highest yield per acre in California. Our  
7 beautiful clay soil is not suited for every crop. With  
8 pistachios, we have just the right conditions.

9           MS. DOUGLAS: You're about two minutes over.

10          MS. SNOW: Two minutes over?

11          MS. DOUGLAS: Yes.

12          MS. SNOW: What I'm going to do is I'm  
13 jumping -- what I'm trying to say is that pistachio  
14 production is in its infant stages. We're experience  
15 higher prices and more demand globally, and it's -- we  
16 -- we are just enjoying the fruits of our labor here.

17                 We're a produce group, us farmers. If you just  
18 took some time to take a look at Buttonwillow, you can  
19 see how manicured our crops are. We take pride in what  
20 we're doing. It's not all just money. We have an  
21 industry here. It's farming. It's always been that  
22 way. HECA is just in the wrong place for us. It's  
23 going to affect the whole area. I just -- you just need  
24 to consider that farmland is a natural resource, also.  
25 Anyway, thank you.

1                   MS. DOUGLAS: Thank you. Jay Tamsey, followed  
2 by Stephanie Moreno.

3                   MR. TAMSLEY: Good evening, and thank you for  
4 taking time out of your busy schedule and being here  
5 tonight. I'm president/CEO of the Kern County Hispanic  
6 Chamber of Commerce. I come before you today  
7 representing our 700 members strong and over 410,000  
8 Hispanics in Kern County.

9                   The goal of the Kern County Hispanic Chamber of  
10 Commerce is to promote Hispanic and minority owned  
11 businesses and those that cater to and employ Hispanics.  
12 I'm excited about the fact that HECA intends to employ  
13 and be diverse and local workforce of qualified  
14 individuals. Our board is thrilled HECA will create  
15 2,400 jobs during peak construction and 200 permanent  
16 jobs once running, which is very vital for our  
17 community.

18                   We believe Kern County residents will benefit  
19 from this project, not just those who represent. HECA  
20 will have major economic impact of Kern County if  
21 approved. More importantly, they will provide  
22 California with the cleaner source of energy.

23                   Commissioners, I ask that you approve the  
24 permanent HECA needs in order to make the project more  
25 efficient and neighbor friendly. Thank you.

1           If I can just turn a switch, my hat. I also am  
2 the president of the Filipino Community of Delano. I am  
3 half Mexican, half Filipino and grew up in Delano and a  
4 product of a farmworker. My parents were farmworkers.  
5 Times have changed.

6           I'm very excited about the jobs it's going to  
7 create, permanent or not. When I grew up, a job was a  
8 job, three months to a year took 20 years when a  
9 paycheck is needed and to support your family and your  
10 loved ones, a job is a job regardless of permanent or  
11 not. Please consider approving the project. Thank you.

12           MS. DOUGLAS: Thank you. Stephanie Moreno  
13 followed by Jan Barnett.

14           MS. MORENO: Hello. My name is Stephanie. I  
15 would like to take a few moments to speak in support of  
16 the HECA project. I am a recent college graduate, and a  
17 long time resident of Kern County. One of the biggest  
18 lessons I learned in college was to embrace change.  
19 Change means growth and the opportunity for great  
20 success.

21           I am a firm believer of taking leaps when they  
22 are not blind ones. HECA has been tried and tested on  
23 many occasions, and so far our regulatory agencies have  
24 found it will not make our air worse and have the  
25 potential to have a major positive impact in very

1 industries throughout the county. It is a clean energy  
2 plant and has proven that time and time again. I urge  
3 you, as the CEC, to aid in the further progression and  
4 development of my community by okaying this project.  
5 Thank you.

6 MS. DOUGLAS: Thank you very much. Priscilla  
7 Chavez, followed by Jan Barnett.

8 MS. BARNETT: Hello. My name is Jan Barnett.  
9 Thank you for allowing us to speak with you this  
10 evening. I'm going to ask you to imagine, just for two  
11 minutes and 47 seconds that you live here. Come on.  
12 Jump off the fence on to my side and take a big breath  
13 and don't choke. I want you to imagine that my concerns  
14 are your concerns and your concerns are mine, that  
15 you're my family. All of the people you love live right  
16 here. Your children, your grandchildren, your future.  
17 How do you like it?

18 We are concerned about our air, our water, our  
19 roads, our crops, and the quality of the crops that will  
20 be affected by this plant. We are affected -- we're  
21 concerned about our children and the safety of those  
22 children at school, Tupman School, all these schools  
23 around here. The trucks coming and going all day long.  
24 We're concerned about the teachers of the schools, the  
25 health that will be affected by this plant, especially

1 the people that are right in the backyard of the plant,  
2 at the school.

3 This plant is going to affect all of us with  
4 additional pollutants, and it's going to have a big  
5 affect on all of us, the whole community. You know the  
6 stats on the condition of our air. Remember, you live  
7 here. This is our air. Sometimes we feel like we're  
8 chewing instead of breathing. It can be so bad. You  
9 can see it.

10 To put the plant here and make the bad air even  
11 worse doesn't make any sense at all. I'm not well  
12 versed on air credits at all, but the condition of our  
13 air being the worst in the nation says to me we have  
14 outweigh too many air credits because it has  
15 progressively gotten worse, and especially since we all  
16 get -- get all the bad air that comes down from the  
17 north, too.

18 For HECA to add to the pollution just because  
19 it has these air credits is rather oxymoron to me. If  
20 none of these points cause you to think twice about  
21 putting this plant here, please consider our children  
22 and our grandchildren. They are our future. I ask you  
23 to not allow this project to be built here in Kern  
24 County.

25 Thank you for hearing us, and I think the

1 solution is so simple. Put it somewhere else. Thank  
2 you.

3 MS. DOUGLAS: Thank you. Ernesto Garcia,  
4 followed by Jim Elrod.

5 MS. CHAVEZ: Hello. My name is Priscilla  
6 Chavez. I'm here to support the HECA project. When I  
7 think of the HECA project, I think of a corporation that  
8 will help our community and people, for example, there  
9 will be a lot of job opportunities for our people and  
10 our community. So thank you.

11 MS. DOUGLAS: Thank you.

12 Ernesto Garcia.

13 MR. GARCIA: My name is Ernesto. Of course, I  
14 want to keep this short. I know everybody has talked  
15 about it a lot and mentioned a lot of points I'm going  
16 to mention, but regardless, I'm here today because I  
17 support the HECA project. This project will stimulate  
18 our economy. Like they mentioned earlier, this is a  
19 billion dollar project for an economy because it's in  
20 the millions. That should be a no brainer why it should  
21 be approved.

22 We'll get great jobs and not just any jobs but  
23 jobs that will surely pay more than the Winco jobs they  
24 mentioned earlier, and they're permanent jobs. Of  
25 course, this means more spending money in tax revenue

1 for our local economy. Also, not only will they produce  
2 energy for the state grid, but it will help -- it will  
3 help out the ag and oil industries as well. Please help  
4 this project come to Kern County. We really need it.  
5 Thank you.

6 MS. DOUGLAS: Thank you. Jim followed by Rene  
7 Nelson.

8 MR. ELROD: Good evening. My name is Jim  
9 Elrod. I'm a 55 year resident of Kern County. I'm  
10 presently the business manager for the International  
11 Brotherhood of Electrical Workers here in Kern County.  
12 Our air covers Kern County. I represent over 550  
13 members. Those members are all residents of Kern  
14 County.

15 This project would be a very good boost for our  
16 economy. I can assure you that myself and all 550 plus  
17 members do not want anything built in our community  
18 that's not going to be to top standards of air quality,  
19 pollution, anything. We watch this carefully through  
20 our building trades, we monitor every project that gets  
21 proposed in this town, and we fight diligently to make  
22 sure they're at the cleanest level they can be.

23 We believe the HECA project meets those  
24 standards. That's why we support these. I'm also the  
25 secretary of our apprenticeship program, and this would

1 be a fantastic opportunity to bring people into the  
2 apprenticeship program, a five-year training program, a  
3 very strict and diligent, but these projects like this,  
4 the high speed rail, other projects in the future are  
5 opportunities for people to actually build a career,  
6 have a pension, have a good health plan, and not be a  
7 burden to the community, the state, or the federal  
8 government. On behalf of my members, we support the  
9 HECA project, and thank you very much.

10 MS. DOUGLAS: Thank you very much.

11 Rene Nelson followed by Sophia Gomez.

12 MS. NELSON: Good evening. Thank you for being  
13 here. I know it was a drive for me, and I am in this  
14 community. It was an hour drive in the dark and rain.  
15 My title tonight is President of Clean Water and Air  
16 Matter.

17 I did submit written comments, and I'm not sure  
18 if you had the chance to read those. I'm not going to  
19 reiterate them completely, but I will state for the  
20 record that I did comment on the seismic issues which I  
21 found to be lacking in any kind of real review.

22 I am here tonight as a volunteer. I want to  
23 qualify that as well. We look at the seismic activity  
24 that a project might have -- I'm going to start that  
25 over again. We look at the effect of seismic activity

1 on the project. We know that this project is adjacent  
2 to and very close to the San Andreas fault, a major  
3 fault in the State of California, but instead of  
4 understanding what is the project going to do to the  
5 fault, we're talking about carbon dioxide pumped in  
6 addition to what Occi is putting into the ground pretty  
7 much every day. If it has to go in.

8           If it doesn't go into the ground, it goes into  
9 the air and doesn't hit targets that's including the 10  
10 percent not going into the ground as well. I did read  
11 some of the document, I can't say all of it. A lot of  
12 people haven't had that opportunity as well.

13           The Occi part has said there will be 20 years.  
14 This HECA part is 25 years. We have a five-year gap  
15 that is not reconciled.

16           I would really like to see a lot more extensive  
17 review on the seismic issues and the southern part of  
18 the valley, we have a chain of faults that run along,  
19 comes into other falls and bump into the San Andreas  
20 fault.

21           There are other projects the county has  
22 approved, I will call them clean energy, somewhat  
23 detrimental in other ways to species and different  
24 aspects of ag land, actually, but nothing has ever been  
25 done in terms of the cumulative affect of those

1 projects. I would like to see that reviewed in there.

2 I would like to say this is about energy. We  
3 don't need a giant plant that's maybe or maybe not going  
4 to have the power to come to this community. We don't  
5 need coal imported to do it. We have sun. We have that  
6 now. It's a clean source. We can put it into our  
7 communities now.

8 You want more jobs, high speed rail. It's  
9 coming. Let's use it. There was an issue about  
10 subsidence. I don't know if that was covered very well.  
11 I didn't find it in the document. I would like to see a  
12 little more on that. That's with the ground water over  
13 draft. A few people mention that and very precursory in  
14 the document.

15 Finally, in my review of the document, the  
16 County of Kern, the board of supervisors does need to  
17 grant a conditional use permit. I don't know what the  
18 stance of the county will be. I hope you decide it's  
19 not a good place. We don't need a demonstration  
20 project.

21 MS. DOUGLAS: Sonia Sanchez.

22 MS. SANCHEZ: Good evening. My name is Sonya  
23 Sanchez. This project can bring energy that's clean for  
24 California and help the economy in many ways. This  
25 project is going to produce cleaner energy where I live.

1 The economy will also grow in different methods, and  
2 because of these reasons, I ask you to approve this  
3 project. Thank you very much.

4 MS. DOUGLAS: Thank you. Mark Lamboy followed  
5 by Flora Vera.

6 MR. LAMBOY: Good evening, my name is Mark  
7 Lamboy. Speaking at the end, you feel redundant and my  
8 concerns have been so eloquently presented already that  
9 I almost feel like what can I say? I have one last  
10 point on earthquakes. That was just incredible  
11 mentioned.

12 Anyway, these are my concerns. I am a local  
13 farmer in the area. Water supply was talked about, the  
14 brackish water, and there is actual farm ground that is  
15 being farmed with brackish water being shown it can be  
16 used. We're in an over draft situation with water.  
17 There is a tremendous severe concern for local farmers  
18 for this county.

19 Again, air quality. We have heard about it.  
20 Over and over and over, the trucks, 350 trucks times two  
21 is 700 bringing in product, waste, 150 trucks times two  
22 is 300, a thousand trucks right there. People say it's  
23 such a clean plant. How can the air board say it's  
24 clean when it's not? Look at these trucks, they're not  
25 electric but diesel trucks no matter how clean the

1 motorers are going to be. There's trucks tomorrow that  
2 weren't here yesterday. It is an issue. It will have  
3 an impact.

4           Net air benefit carbon creditors. None of us  
5 are carbon credit experts. The bottom line is there's  
6 just going to be more trucks in this community. It's  
7 going to be a mess. Think of a thousand trucks on the  
8 roads. They're willing to help out improving the roads  
9 and off ramps and turn lanes. In a perfect condition,  
10 it's still a tremendous amount of vehicles, and then you  
11 have bad weather, you have a potential accident. It's  
12 going to happen. This many years, this many trucks,  
13 it's going to be a mess.

14           Kern County is already known as a leader in  
15 energy production. Do we really need this mineral  
16 energy that is getting less and less as they're needing  
17 more and more to run the plant? Fertilizer factory now,  
18 as farmers, we're told we can't use as much fertilizer.  
19 We can't use it. There's enough coming out of this  
20 thing supposedly that could feed the entire state. So  
21 that doesn't seem like it makes any sense.

22           Again, the earthquake, well put there. The  
23 best available technology is not any guarantee of any  
24 kind of catastrophic event. We hear about the great  
25 tanks they're building. An earthquake is an earthquake,

1 and who's to say what would happen if the big one hit  
2 along the San Andres Fault. It's right there. It's  
3 unthinkable for something like that to be in this area.  
4 Again, to allow when we know better now from all the  
5 studies and all the science that's out there. It's  
6 unthinkable that this thing could come.

7 We know you're doing a very thorough analysis  
8 on all aspects of this proposal, and we truly thank you  
9 for that.

10 MS. DOUGLAS: Thank you very much.

11 Oliveira: Hello. My name is Flora Vera, and I  
12 want to say that the air pollution control district  
13 decided that the HECA plant is actually in full  
14 compliance with their standards. With the benefits that  
15 HECA will bring the valley's air pollution control  
16 district has committed to using the additional funding  
17 to approve air quality in the community.

18 As someone who battled with asthma as a child  
19 and as an adult, I am here to support -- I'm here today  
20 in support of cleaner air for everyone and the HECA  
21 project. Thank you.

22 MS. DOUGLAS: Thank you. Michael Lampman,  
23 followed by Chris Harper.

24 Lampman: Are your eyes all glazed over? Mike  
25 Lampman, retired iron worker, iron worker for 43 years.

1           You look at -- I have been -- you talk about  
2 coal products. You talk about power plants. We build  
3 power plants. I built power plants when I was 19 years  
4 old. You don't build them the same you did today as you  
5 did 40 years ago. Progress has taken on. That's what  
6 HECA is, it's a clean project.

7           You want -- I had one lady, I heard one lady  
8 talk about their children and the almonds. I have a  
9 grandson that can't breathe when they shake the almonds.  
10 He can't breathe when they spray for the cotton. Nobody  
11 here talks about -- HECA has put through -- I was a BA  
12 for five years, and I worked with HECA when I was a BA.  
13 They have been after it for over five years. There's  
14 not a farm around here that would go through the  
15 scrutiny that HECA is going through right now to plant  
16 one almond orchard, not one. They would say, fine, I  
17 can't do it and walk away.

18           It's a clean project. You talk about your  
19 children, you talk about wanting to do right for the  
20 future. The future -- nobody talked about windmills 40  
21 years ago or solar plants 50 years ago. You have to  
22 look to the future. The future is hydrogen energy.  
23 It's the right thing to do.

24           I have got grandkids that live here. I don't  
25 plan on going anywhere. I'm concerned about the air.

1 This is going to be a good project. Build the project.  
2 I applaud them for sticking around for as long as they  
3 have. It's time to get off the pot. Get it out. Build  
4 it.

5 MS. DOUGLAS: Thank you.

6 Chris Harper followed by Allysa Eaves.

7 MR. HARPER: It's hard to follow that. I don't  
8 know what else I can say. I just want to take a second  
9 and thank the commission for coming out here to our nice  
10 little corner of the state.

11 Kern County has always been a pioneer and a  
12 leader in energy and energy development. That has been  
13 obvious with our industry in the oil business. I  
14 believe that HECA is the next step. It's this new  
15 generation of cleaner energy production because it's  
16 better than the production that we have been having for  
17 the past 50 years or so.

18 While we know that oil isn't the cleanest out  
19 there and we have talked a lot about the status quo of  
20 pollution that we have now, all of that is irrelevant.  
21 We can't say that the pollution that we already have is  
22 being caused by a plant that hasn't come into production  
23 yet. I believe it's part of a new generation of cleaner  
24 energy and embrace this opportunity.

25 As the brochure talks about, HECA can provide

1 the energy that solar and wind plants cannot because the  
2 wind does not always blow, and the sun shines 12 to 14  
3 hours out of the day. So when it's nighttime or when  
4 the wind is not blowing, we have to use our energy  
5 reserves that we have built up. That's the hardest  
6 thing we have to deal with is storing the energy that we  
7 have produced. So if we have developed a way like HECA,  
8 that would progressively and slowly kind of trickle  
9 charge our grid, if you will. I believe that will be a  
10 definite good thing.

11 I like the idea, I heard somebody say that  
12 maybe HECA could partner with Bakersfield College or  
13 with Cal State University of Bakersfield. I think  
14 that's a fantastic idea. Other people here from  
15 different unions were talking about different  
16 partnerships. Jobs, jobs, jobs. People have been  
17 saying it all night. When it gets down to it. There  
18 won't be much of a community support if we don't have  
19 the economy as our foundation.

20 I think that's really it. Thank you for your  
21 time.

22 MS. DOUGLAS: Thank you for being here tonight.  
23 Allysa Eaves followed by Don.

24 MS. EAVES: Hello. I am approving the HECA  
25 project. I believe that California needs the power that

1 HECA will bring because that just makes sense.

2           The CO2 that would be stored underground seems  
3 like a good way to keep pollutants out of our air while  
4 allowing us to create energy already needed. We can't  
5 rely on burning coal anymore, which is why I think  
6 HECA's gasification process is such a great idea.

7           While I agree solar is an important part of the  
8 energy equation, is not the cure all for energy  
9 problems. Like said before me, the wind does not always  
10 blow and the sun does not always shine.

11           Power producers and environment lifts need to  
12 learn to work together to make sure we're getting  
13 sensible decisions made on our behalf. In my opinion,  
14 HECA has done a pretty good job with listening to our  
15 concerns, but the opposition had a toxic attitude I fear  
16 will have us sitting in the dark, literally. Please  
17 approve our project. It does make sense.

18           MS. DOUGLAS: Thank you.

19           MR. VANLUE: Again, my name is Don Vanlue and  
20 represent the community of Tupman. There is one thing I  
21 would like to know about this project, and I have read  
22 most of the preliminary report, and I haven't read it  
23 all, but I have been on it since I got my copy and I  
24 read most of it.

25           There's one thing that bothers me. The cooling

1 towers on this project. Who owns them? HECA doesn't,  
2 says so in the project. A third party does. They're  
3 going to own them, build them, and maintain them. Who?  
4 Nobody knows. Nobody wants to say who's going to do  
5 this. They're not liable for anything. Who's going to  
6 be liable for these? If somebody else owns them and  
7 somebody else builds them and somebody else maintains  
8 them.

9 I think that's something the Energy Commission  
10 should find out, and they should really want to know.  
11 Somebody has to be in charge of them. HECA says they're  
12 not. So I think that's something that ought to be found  
13 out. Thank you.

14 MS. DOUGLAS: Thank you very much. I am now  
15 going to read through the names of people who submitted  
16 their cards but didn't come forward, probably because  
17 they left but possibly because they were out of the  
18 room. I'll go through these names and then go to  
19 comments by WebEx or phone. We only have two people on  
20 the WebEx. I very much doubt that we'll have comments,  
21 but we may. We'll go to the WebEx, the phone -- just  
22 WebEx. We will say some thank you and adjourn.

23 Jose Sanchez, Sophia Gomez, Maddie Elsie,  
24 Manuel Bermudez. If any one of you is in the room,  
25 please come forward.

1           At this point I don't see anyone. Let's please  
2 open the WebEx. If you would like to speak, please  
3 speak now. There does not appear to be any public  
4 comment over the WebEx.

5           I think Commissioner McAllister and I have some  
6 thank yous first to the community. Thank you for being  
7 here, for turning out, for sharing your views with us,  
8 and your perspectives. A lot of you have come in here  
9 for a lot of hours. We know it isn't easy. We want to  
10 thank our translators and our court reporter for their  
11 hard work tonight. We'll ask Commissioner McAllister,  
12 any closing comments?

13           MR. McALLISTER: Those of you left in the room,  
14 you are real troopers. One in six or one in seven stuck  
15 it out to the bitter end. We appreciate it and  
16 certainly are, I know, Commissioner Douglas and I are  
17 both happy with our staffs and all the support staff of  
18 the Energy Commission are happy to be here in your neck  
19 of the woods.

20           Obviously, somebody said, this plant would not  
21 go in Sacramento, it would go down here. It's important  
22 to get the diversity and local view on this plan. We  
23 hope that as many of you as possible either individually  
24 or an aggregate through your representative groups can  
25 continue to participate in the proceedings.

1           Again, never stops being important to  
2 participate. Lots of issues come up, and they need to  
3 be talked about and discussed. That's the fundamental  
4 part of our process. We live in a democracy, and that's  
5 how decisions are made.

6           I want to thank -- ditto what Commissioner  
7 Douglas said. Thanks all of you and our staff, the  
8 Energy Commission, and the applicant for their diligence  
9 and hitting the ball back and forth. There's a lot of  
10 interaction and all the other agencies that we have to  
11 interact with to get the right information.

12           A lot of people are working very hard to figure  
13 out the path forward and there's disagreements about it.  
14 That's exactly the record we need to develop to make an  
15 informed decision. This is an important part of the  
16 process. Thank you all for being here.

17           MS. DOUGLAS: With that, we look forward to  
18 being back in Buttonwillow or the vicinity down the road  
19 after the staff has had, no doubt, more workshops and  
20 final staff assessment out, and we come at that point to  
21 future hearings. That's when you'll see the committee  
22 next.

23           In the meantime, stay engaged with the staff  
24 and stay engaged with the process. We will be back  
25 here. Appreciate your engagement.

1                   With that, we're adjourned.

2   (9:00 p.m.)

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1 STATE OF CALIFORNIA )  
2 COUNTY OF KERN ) ss.

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5 I, Bree Mervin, a Certified Shorthand Reporter  
6 for the State of California, hereby certify that I was  
7 present and reported in stenotypy all the proceedings in  
8 the foregoing-entitled matter; and I further certify  
9 that the foregoing is a full, true, and correct  
10 statement of such proceedings and a full, true, and  
11 correct transcript of my stenotype notes thereof.

12 Dated at Visalia, California, on Monday,  
13 December 3, 2013.

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Bree Mervin, CSR No. 13057

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