

DOCKETED

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March 6, 2014

HECA Neighbors participated in the Wasco Hearing January 13, 2014 regarding the proposed CUP Amendment for Savage Coal (CUP 489-87). We submitted attached comments at the hearing.

Savage Coal CUP was continued to Feb 10, 2014. HECA Neighbors submitted additional comments for that second meeting, which are attached. However the planning department refused to address our written or public comments in February. Planners went on to approve expansion that evening to increase Savage capacity to 1.5 million tons.

We continue to believe that Wasco's approval was not appropriate. By their own CUP conditions, Savage needed to wait until the CEC completed an environmental review on HECA before Wasco could grant an expansion for Savage, or Savage needed to do their own EIR. That the planners refused to allow input at the February meeting from the concerned public and the neighboring residents should raise alarm from the CEC that Wasco has not done their job correctly.

Chris Romanini
HECA Neighbors

There are problems with Savage Coal's current operation that a lay person like me can see. It is obvious that either the rules are not sufficient, or no one is enforcing the rules. I'm talking about the build up of coal along the rail lines that is rarely addressed. And if no one is monitoring the obvious environmental nuisance that Savage is making, it makes you wonder what is not being monitored in the technical areas that a lay person does not understand. It also makes you wonder, that if Savage is allowed to almost double their current business, will the mess on the tracks also almost double, , , unless something changes?

In January 2013 I reported to San Joaquin Valley Air Pollution Control District (SJVAPCD) coal along the rail road tracks several inches deep as far as the eye could see about 1 mile south of Savage . I reported it again in May, 2013. Channel 17 news even did coverage in May of the coal mess on the tracks. It was not until October before a rail road car started sucking up coal between the tracks near Savage.

Questions: Who is responsible for monitoring the coal spilling right now? Anyone? Who says when it is time to clean it up? Per the CA Energy Commission (CEC) the HECA plant, if built in Tupman, will be required to immediately address any spillage between Savage and Tupman. But what happens south of Savage? Shouldn't Wasco set requirements to immediately clean that up, too? And what railcars are spilling this coal? Is it the empty railcars that leak the remaining coal after Savage unloads? Per the SJVAPCD , to eliminate dust and debris, HECA will be required to wash trucks once they are empty at the HECA plant in Tupman. Shouldn't Wasco require the same....that Savage wash out their empty railcars? When automobile tires crush the coal on the roads, it creates dust that blows. How often are you checking for toxics in the dust and the coal on the ground? Are there toxic dangers to the kids from the housing project who walk on it and kick it around? Per CUP condition 14, are you checking monthly the water supply around the facility to insure quality standards are met? If no, why not?

Savage claims they are capable of increasing to 1,500,000 tons with their existing plant. Wasco must investigate this claim. Savage would have to run at full capacity to meet the coal needs of HECA. Any glitch that prevents Savage from filling a truck every 6.6 minutes, 20 hours/day, will impact HECA's operation, maybe even causing HECA to shut down as Savage waits on a repair. It is unrealistic for HECA to be dependent on the limited capacity of Savage running problem free. And shut downs must be avoided as restarts by HECA put a tremendous amount of extra pollution in the air. So it is logical that Savage will have to expand.

But the EPA says the CEC in their PSA already acknowledges that Savage would require an expansion for HECA, possibly including additional storage silos and/or receiving lanes for trains and/or trucks. For Savage to expand, HECA needs CEC approval before you amend the CUP beyond 900,000. tons. Per CUP condition 81, aren't you getting things out of order, to amend the tonnage first? Per your own rules, you need to wait for the CEC's approval and then make your own review to assure it fits with local concerns and regulations.

You need to do this right.

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Chris Romanini.....HECA Neighbors

City of Wasco
Attention: Roger Mobley

Feb 3, 2014

This letter is a follow-up to last month's Wasco planning committee meeting. I commend the planners for seeing the need for more information on the expansion request of Savage Coal. Per their own CUP condition 81 you either need to do an EIR on the expansion or you need to wait until the CEC approves HECA before you allow expansion. Your community has more protection if you abide by the existing CUP and apply mitigation in areas Wasco identifies having a need. And bottom line, Wasco has CEQA review responsibility. There are currently too many conflicting statements to get a true impact of an expansion without further review. A couple stick out, such as:

1. Contradiction between Savage's URS for Wasco Coal Terminal October 2013 and Environmental Protection Agency (EPA). URS states page 1 -1 that use of the coal terminal for the HECA project would not require any physical expansion of the Coal Terminal, or construction of any new systems or additional coal storage silos.

But the EPA October 24, 2013 pg 16 of "EPA comments on HECA" said California Energy Commission's PSA/DEIS acknowledges that the existing coal transloading facility would require expansion and improvements to the facility possibly including additional storage silos and/or receiving lanes for trains and/or trucks and that these impacts were not evaluated.

You, Wasco, are responsible to evaluate the truth here.

2. Health risks: EPA also questioned the health risk assessment of HECA and the impact on communities with Environmental Justice concerns. (pg 10). (In an earlier document the EPA specifically mentioned EJ in Wasco regarding HECA) The EPA said there was insufficient information in the CEC's health report. Among other health risks, the EPA referred to the mortality rate for asthmatics in Kern County as higher than that for the rest of California. They also mentioned that the mortality rate for coronary heart disease in Kern County is 20% higher than that of the rest of the state. Yet the EPA said it is not clear how health risk assessments for HECA considered pre-existing health conditions. Per Environmental Justice /Civil Rights act Title VI you must consider the population and whether or how these considerations could affect health risks. The CEC did an insufficient study. It is your job to do it right.

3. Train engines. Currently Savage Coal uses a very polluting tier 0 switching locomotive at their terminal in Wasco. CEC staff recommends condition AQ-SC 12 which is a tier 4 locomotive, but Savage insists on only a tier 2. For the health of your community you should be involved in this impact review and demand as a condition of expansion that savage use the recommended tier 4 engines.

4. Violations? Savage claims to have a clean record with no violations. How about all that coal on the tracks? If Wasco had conditions to mitigate proper clean up, there would be teeth to enforce compliance. As it is, I reported to San Joaquin Air District twice in the past 12 months coal on the tracks. They did nothing. And since Wasco has no CUP rules to mitigate coal cleanup, nothing was done until 5 months after 17 news reported the polluted tracks. Once again, it is your job to define the conditions in which they are to operate.

There are many things you should be reviewing. How about developing procedure to patrol the rail tracks for spilled coal arriving in Wasco? The CEC is only studying spilled coal leaving Wasco going to Tupman. How about demanding Savage reveal the weight of their empty truck and trailers? What are they hiding? ? Could it be their figures don't add up as far as how many trips it will take to deliver the tons needed? How about a pedestrian walk bridge as suggested by a member of the public for the safety of the housing development east of the tracks?

You have not only the right but the responsibility to investigate what could potentially harm citizens in Wasco. You can make it better through mitigation since Savage's impact will be greater than it is currently. There is no reason to rush your decision on the expansion without seeking first the highest and best information.

On their website Savage Coal has a motto: "We're not afraid to get our hands dirty." It is up to you, Wasco, to make sure Savage Coal does not make Wasco's roads, rail lines, air-quality, and lungs any dirtier than they are now.

Sincerely,

Chris Romanini
HECA Neighbors