

## DOCKETED

<b>Docket Number:</b>	08-AFC-08A
<b>Project Title:</b>	Hydrogen Energy Center Application for Certification Amendment
<b>TN #:</b>	203881
<b>Document Title:</b>	Letter of Concern From Association of Irritated Residents re: Concerns Over Improper and Illegal Actions of the City of Wasco
<b>Description:</b>	N/A
<b>Filer:</b>	Tom Frantz
<b>Organization:</b>	Association of Irritated Residents
<b>Submitter Role:</b>	Intervenor
<b>Submission Date:</b>	3/15/2015 11:17:55 AM
<b>Docketed Date:</b>	3/16/2015

Intervenor: Association of Irrigated Residents  
Tom Frantz, President  
Kern County, California

March 15, 2015

California Energy Commission  
Sacramento, California

Re: Hydrogen Energy California Power Plant Project

Docket # 08-AFC-8A

Dear Commissioners,

The Wasco City Council voted on March 18, 2014, to uphold the Wasco Planning Commission decision approving the huge expansion of the Savage Coal Facility so that it may potentially serve as a vendor to the HECA power plant (more accurately described as a fertilizer and enhanced oil recovery facility). Before making that decision, Wasco failed to complete an environmental impact analysis for this expansion as required by California State Law.

The Wasco Planning Commission on February 10, 2014 committed a Brown Act violation by not allowing public comment on the Public Hearing agenda item listing the Savage expansion as an item to be considered. They approved the expansion that day and told several members of the public who wished to speak that the hearing was closed to public comment even though it was listed on the agenda as part of the public hearing for that meeting.

The purpose of the Savage permit expansion is for Savage to serve as a potential vendor for HECA, supplying a steady stream of coal via rail car and truck, as the main fuel for HECA. This expansion meant the Savage operation would go from a current operation of less than 200,000 tons per year to 1.5 million tons per year. It would mean a huge increase in Wasco rail and truck traffic. The expansion would mean more air pollution, more toxic emissions, more dust, plus increased noise, inconvenience, and danger to the surrounding area which is designated an environmental justice community high on the Cal Enviro Screen list of the most impacted areas in California. The Farm Labor Camp residents of approximately 200 families live immediately adjacent to the Savage facility and would be impacted the most.

It should be noted that the CEC has yet to do an environmental justice analysis of the potential expansion of the Savage Coal facility or any type of CEQA analysis as well.

On top of the above issues, it has now come to light that on March 18, 2014, one of the Wasco City Council members, John Martin, unethically and possibly illegally, voted to uphold the Planning Commission decision approving the Savage Expansion. It so happens, that at the time of his vote, Mr. Martin apparently owned property across the street from Savage, less than 500 feet away, and road improvements which Savage was ordered to perform as a condition of their expanded permit would directly affect his property. Mr. Martin, as an elected official, is not

supposed to vote in that situation according California Fair Political Practices rules. Worse yet, Mr. Martin was the deciding vote in favor of the Savage expansion which was counted 3-2. Mr. Martin has been fined \$4,000 by the FPPC for violating State rules.

This story just recently hit local television news broadcasts and the local paper in a big way.

Below are copies of a couple related stories that appeared in the press.

The first story below was on the Bakersfield KGET Channel 17 web page on March 13, 2015. It was also broadcast as a top story on the 11 pm news on March 12 and the 6 am news on March 13.

## **Wasco official fined for controversial HECA vote**

03/13/2015 09:22 AM

BAKERSFIELD, CA - A Wasco city councilman has been fined by the Fair Political Practices Commission for a vote he took linked to the controversial HECA power project.

The FPPC in late February hit councilman John Martin with a \$4,000 fine.

The commission disciplined Martin for his vote last March to allow Savage Coal Company to expand operations in order to fuel a hydrogen energy California power plant targeted for Tupman.

The FPPC said that because Martin owns property adjacent to Savage Coal, he had a financial interest in the decision, and should have abstained from the vote.

Martin did not contest the fine.

The HECA project has received more than \$153 million in federal taxpayer money in the form of grants and has yet to break ground.

Regulators say the clean coal plant needs to find a buyer for the carbon dioxide it would produce.

Critics of the project released a statement on March 12 stating they are pleased that the commission recognized the unethical vote of Martin, who should have recused himself.

The statement adds that Martin's vote allowed the coal facility to double it's operations without doing a new environmental impact report and without consideration of the impact to the community, traffic, and air quality.

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This next story appeared in the Bakersfield Californian on March 14, 2015 as the top Local Section story of the day.

## **Councilman agrees to pay fine**

# Wasco's John Martin will pay \$4,000 to settle conflict of interest charge

BY JOHN COX The Bakersfield Californian [jcox@bakersfield.com](mailto:jcox@bakersfield.com)

A Wasco city councilman has agreed to pay \$4,000 to settle accusations he violated California's Political Reform Act by voting in his official capacity on a project he had a financial interest in.

The California Fair Political Practices Commission said Councilman John Martin cast a swing vote last year on a coal terminal expansion project involving street improvements and other work within 500 feet of a 9-acre property he owned at 1316 J St.

The 3-2 vote of approval March 18 allowed Savage Services Corp. to increase its terminal's operating capacity by two-thirds to 1.5 million tons of non-metallic minerals per year. As part of the expansion, the company was required to pay for roadway reconstruction near the councilman's commercial rental property.

Martin "knew or should have known" the matter represented a conflict of interest for him, commission staff determined. Commission filings state Martin initially told investigators he had given the parcel to his son prior to the vote. But they determined the property transfer was not recorded until more than three months after the vote.

They also found the councilman was collecting rent checks from at least one tenant at the property as of the time of the vote.

The commission chose not to seek a stiffer penalty against the councilman because he cooperated with the agency's investigation, agreed not to contest the accusation and had no prior record of violating the reform act.

Martin did not respond to a message left for him Friday at Wasco City Hall.

The fine will be deposited into the state's General Fund.

At the bottom of this letter is a photo showing how the story looked in the newspaper with its attention gathering headline.

Finally, an attachment will be docketed with this letter that details the decision of the California Fair Political Practices Commission to fine Mr. Martin \$4,000.

In light of the above, the Association of Irrigated Residents requests that the California Energy Commission inform the City of Wasco that the CEC will not consider Wasco's approval of the Savage expansion for the purposes of the HECA project as being valid, proper, complete, and final. The CEC should inform the City of Wasco that if Savage is selected by HECA and approved by the CEC to supply coal to the HECA project then Wasco, at that time, will have to approve the Savage expansion through a new public process because the previous vote is invalid. Alternatively, if Wasco or the CEC wishes to approve the Savage expansion now, then a complete environmental impact report following CEQA guidelines must be performed first by the City or the CEC regarding the expansion.

Sincerely,

Tom Frantz, President  
Association of Irrigated Residents

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Compton Junior High School woodshop teacher Dale Reed, left, works with a student on a project.

CASEY CHRISTIE / THE CALIFORNIAN

## Woodshop class may be chucked

## Services set for Shawn, Diane Carroll

BY THEO DOUGLAS  
The Bakersfield Californian  
tdouglas@bakersfield.com

Valley Valve, the oil industry service company where the late Shawn Carroll worked, expressed its condolences to the surviving members of the southwest Bakersfield family via news release late Friday.

A Bakersfield Police Department investigation continues and the contents of a 911 tape have not yet been released, but detectives believe Carroll, 56, shot his wife Diane, 55, then himself, in a murder-suicide Tuesday evening.

The couple, who had two adult daughters, had separated on Valentine's Day after being married more than 27 years, and Diane had filed for divorce Monday, citing irreconcilable differences.

Shawn Carroll was found dead in the back yard of the family's Stockdale Estates house when BPD officers responded at 5:21 p.m. Tuesday. Diane Carroll was found mortally wounded near the front door of their house in the 7800 block of De Calores Court and died later that night at Kern Medical Center.

Their deaths stunned friends and colleagues.

The owners, employees, family members and friends of Valley Valve would like to thank the Kern County community for their outpouring of concern following the passing of one of our owners, Shawn Carroll.