

**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

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**DEVELOPMENT SERVICES AGENCY**

**Ted James, AICP, DSA DIRECTOR**

Administrative Operations

Engineering, Surveying and Permit Services

Planning and Community Development

Roads

TN 59460

January 10, 2011

File: Hydrogen Energy California Project

California Energy Commission  
Attn: Rod Jones, Project Manager  
1516 Ninth Street MS-15  
Sacramento, California 95814

California Energy Commission

**DOCKETED**

**08-AFC-8A**

TN # 65958

Jun 27 2012

<b>DOCKET</b>
08-AFC-8
DATE <u>Jan 10, 2011</u>
RECD <u>Jan 11, 2011</u>

**RE: Kern County Planning Department Comments and Request for Conditions; Review of Preliminary Staff Assessment - Hydrogen Energy International (HEI) Application for Certification (08-AFC-8)**

Dear Mr. Jones,

The Kern County Planning Department appreciates the opportunity to participate in the permitting process and to provide comments and request conditions of approval on the application for certification by Hydrogen Energy International (HEI) for a proposed Integrated Gasification Combined Cycle power generating facility in unincorporated Kern County. The following are staff comments and requests for conditions based on our review of the Preliminary Staff Assessment, Part 1 (August 2010) and recommended by the Kern County Board of Supervisors on September 14, 2010.

**Traffic and Transportation**

1. Amend Trans -1, Trans -2, and Trans -7 to read "Kern County Roads Department."
2. Amend Trans -1 to include provision for obtaining all necessary permits for oversized or overweight loads.
3. Amend Trans -2 to include provisions that all required and necessary encroachment permits are to be obtained from the Kern County Roads Department.
4. The Elk-Hills Buttonwillow Airport is owned and operated by the Kern County Airport Department. Trans-4 is not implementable as there is no (Automatic Weather Observation System) AWOS at that airport. Staff recommends contact be made with Kern County Airports Director, Jack Gotcher at (661) 391-1800 to discuss appropriate wording that reflects the authority retained by Kern County to operate the airport.

**Worker Safety and Fire Protection**

The Kern County Fire Department has reviewed the project and the proposed conditions and has the following requests:

5. Due to the scope and complexity of the project HECA shall provide a Fire Protection Specialist to the Department during the plan review process. HECA will be allowed to select the Specialist from a list of qualified specialists provided by the Department.
6. Worker Safety - 8 should be amended to include the following specific requirements: HECA is required to purchase and deliver to the County a fully equipped industrial Foam pumper/tender (estimated cost \$500,000) and 5,000 gallon cache of foam (estimated cost \$100,000) with the following conditions:

- a. The industrial Foam pumper/tender shall be manufactured to the Department's standards with no substitutions.
- b. (construction and delivery time is estimated to nine months) to the Department 30 days prior to the start-up of the project. Additional time may be required in order to place the Industrial Foam pumper/tender in service and to allow for training personnel assigned to operate the pumper.
- c. The Industrial Foam pumper/tender shall be fully equipped to Department specifications.
- d. The final authority on the specifications for the industrial Foam pumper/tender shall rest with the County.
- e. The Title for the Industrial Foam pumper/tender shall be transferred to the County upon delivery.
- f. The cache of foam shall meet the Department's standards.
- g. If the Department responds to an emergency at HECA and uses the cache of foam to control or contain the emergency, HECA will be required to replace the amount used within 30 days of the incident.

With these requirements the projects impacts are considered fully mitigated.

#### Residual Waste

The Kern County Waste Management Department has been in dialogue with the applicant regarding the potential impacts of the residual materials ( fly ash/slag) that could affect landfill capacity of the County and the attainment of diversion goals. To ensure that the impacts to the landfill and county diversion goals are mitigated please include the following conditions:

7.
  - A. Prior to acceptance of residual materials at a Kern County public landfill the applicant shall provide a characterization of waste and secure written approval from the Director of the Kern County Waste Management Department to ensure compatibility with landfill operations and fee schedules.
  - B. HECA shall conduct a market analysis of potential beneficial uses of the waste.
  - C. In the event that any residual materials generated in Kern County is disposed in any California landfill subject to jurisdictional reporting and CalRecycle does not approve an adjustment, HECA shall pay the County a payment based on the following schedule: \$30 a ton (0- 100 tons per day), \$50 a ton (101 – 200 tons per day), \$75 a ton (greater than 200) or other amount as approved by the Board of Supervisors to mitigate impacts to diversion programs. The County shall deposit the money in a Diversion Mitigation Reserve Account that will be used to fund diversion programs in Kern County.

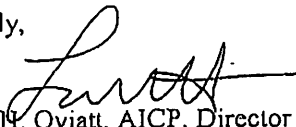
WASTE

Waste 10

January 10, 2011  
Page 3

Kern County supports all forms of renewable energy if appropriately sited with mitigation that provides protection for existing property owners and Kern County interests. Thank you for your partnership and this opportunity for Kern County to contribute to development of alternative energy in California.

Sincerely,

  
Lorelei M. Oviatt, AICP, Director  
Planning & Community Development Department

LHO:jb

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Attachments

cc: Supervisor Ray Watson  
County Administrative Office  
Ted James, Development Services Agency  
Craig Pope-Roads Dept.  
Doug Landon-Waste Management Dept.  
Chief Dunn-Fire Dept.  
Applicant - HECA

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LINDA

(661)-862-8615

Don Ferguson

COUNTY OF KERN  
RESOURCE MANAGEMENT AGENCY  
ROADS DEPARTMENT  
*Office Memorandum*

To: Ted James, Director  
Planning Department  
Attn: Christopher Mynk, Planner III  
December 1, 2009

From: Warren D. Maxwell, Transportation Development Engineer  
Roads Department *WDM*

Subject: Hydrogen Energy of California Project, Hydrogen Energy International, LLC, Map  
120-10

This Department has reviewed the Project Description, Traffic and Transportation chapters for the above-referenced project and is recommending the following:

1. Due to heavy vehicles, a future roadway analysis by the Roads Department is required to identify any roadway improvements along Dairy Road and Adohr Road, to mitigate construction and operational traffic to less than significant. This mitigation, possibly an asphalt overlay, shall be completed prior to issuance of a Certificate of Occupancy.
2. The conversion for Passenger Car Equivalent (PCE) is not an accurate assumption. Use the actual truck traffic (% Heavy Vehicles) in your analysis and revise accordingly.
3. As outlined in Figure 5.12-2, State Route 119 and Tupman Road were not reflected as primary or alternative routes, so why were they included in the analysis? Vehicular traffic shall be limited to designated access roads, as outlined on page 5.12-24 of the Environmental Information Section, unless revised. If not, revise the trip distribution and the analysis to reflect to proposed route along Interstate Route 5, Stockdale Highway, Dairy Road, and Adohr Road.
4. If the route is revised to utilize State Route 119 and Tupman Road, it should be included with this concern addressed. Table 5.10-7, Page 5.10-17, The PM Peak hour Average Delay (sec/veh) for intersection #8 (State Route 119 and Tupman Road) appears to be too high, which may be directly related to the concern expressed in Item #2. Please revise.
5. Project Applicant shall reconstruct the intersection of Dairy Road and Adohr Road to accommodate the turning radii needed by the large trucks accessing the site.
6. Project Applicant shall obtain all necessary Encroachment Permits for any proposed work within the County road right of way. These permits may be obtained from the Roads Department Permits Office.
7. Project Applicant shall obtain all necessary Transportation Permits for any oversized or overweight (heavy) loads that will utilize County maintained roads, which may require California Highway Patrol escort. These permits may be obtained from the Roads Department Permits Office.

Thank you for the opportunity to comment on this project, if you have any questions or comments please contact Steven Young at 862-8860.