

Questions concerning the Preliminary Determination of Compliance from San Joaquin Valley Air Pollution Control District for Hydrogen Energy CA (HECA) April 15, 2013

The EPA transferred their permitting authority to the San Joaquin Valley Air Pollution Control District (SJVAPCD) this past year. When they transferred authority, the EPA brought attention to many areas of concern to be addressed about HECA. HECA Neighbors believe the air district has come up short in their research, and they are not listening to the public's concerns.

First, we are gravely concerned about the impact of coal dust on our crops. HECA is proposed on prime farmland next to food crops, and it jeopardizes the safety of what we produce. Food crops grown local are pistachios, almonds, grapes, and cherries. Several months ago I phoned the Air District to alert the engineers of the black soot in Wasco near the coal unloading depot. This is the coal dust I have been so concerned about contaminating our food crops as coal is delivered past our fields to the HECA site. Whether coal is delivered to HECA by rail or truck, coal dust will leak out and will end up on our crops. I have told the SJVAPCD of the food safety issues of toxics such as mercury, cadmium, arsenic, lead, and selenium from their coal. What would happen to our industry if someone got hurt consuming our contaminated crops, or if our crops were banned because of exposure to toxic chemicals? Ultimately, we believe the only way to protect our crops against toxic dust is to cover all the train cars and trucks from the mine to the coal plant.

We are disappointed and frustrated that the issue of dust has not been addressed. On February 26 Mr. Sadredin told the Board of Supervisors there will be no emissions of coal dust in the San Joaquin Valley. The only emissions will be in the first few miles as the coal leaves New Mexico. He said that coal is sprayed to form a crust in the train and that crust prevents any emissions. This claim is false. What is all that black powder and black chunks along the tracks in Wasco? Since his assumption is that nothing will get loose, did the district address the environmental impact of toxics from coal dust contaminating our farmland and food crops? We request that these issues be researched further before making a decision. Did you study how much new pollution this coal plant will produce? Will you tell us what the air we breathe will have in it once HECA is running, including all the truck and train emissions? Please study the effect on farm workers inhaling these newly added pollutants and coal dust as they work daily near it. I wonder what Mr. Sadredin looked at for him to say there will be no significant impact to anyone. He also touted how the enclosed unloading facility will keep all pollution particles contained. It is not working that well in Wasco.

Getting back to farmland, we believe this is the wrong site for a coal plant. Has the Air District done an alternative analysis study? We Neighbors demand a review of "alternative sites" including the Elk Hills Oil Field. Why wouldn't HECA use that

brownfield instead of land in the middle of agricultural fields? With so much marginal land available, please answer why the air district did not question the choice of prime farmland. Lorelei Oviatt from the Planning dept. said HECA is a demonstration project, never before done anywhere in the world. Mr. Sadredin contradicted her and said there is a similar one in North Dakota. Well, that one is much smaller, it does not manufacture chemicals, and they pipe their CO₂ over 200 miles away for injection in Canada. Have you studied alternative sites 200 miles away? Have you studied building it smaller if it is a demonstration project, as Lorelei stated?

The EPA had concerns about HECA's cumulative impact from other on going projects in the area. Buttonwillow and Tupman must endure the emissions from Clean Harbors hazardous waste facility, Elk Hills oils fields emissions, the close proximity to I-5 traffic emissions, the newly announced Dept. of Toxic Substance Control clean-up of former Naval Petroleum Reserve #1, and now, HECA's tons of added emissions. EPA said to identify which are analyzed, and which are not, and why. We request that you study the cumulative impacts of this project and the other pollution sources before moving forward.

The EPA asserted the project area's nonattainment status, the serious nature of the existing air quality impairment, and the disproportionate effects to children and environmental justice communities. Why then, has the Air District allowed HECA to deny Tupman's request for an air monitor in the playground next to their school? At only 1 ½ miles down wind from a chemical factory fueled by 350 truckloads of coal a day and enduring the cumulative emissions from other on-going projects in the area, these folks just asked for an aid to alert them on unhealthy air days so they can better protect the kids. 49 residence signed a petition to that effect presented at the Board of Supervisors meeting Feb 26. And I personally advocated on their behalf in January in a conference call with Kern and Fresno's air officials. With \$408 million from the Federal government, the cost issue mentioned by the Air district is a weak defense for denying it. Please reconsider Tupman's request. HECA's substitution of a weather station for the air monitor request is unacceptable.

Mr. Sadredin told the Board of Supervisors that the CEC and the DOE like this project. How can he make that assumption? Has he seen statements from them asserting that they like it? The DOE offered the grant without knowing the location. Then HECA came up with the worst air quality location in the nation. And HECA's emissions will only make our air worse. The site is located on prime farmland, it jeopardizes food safety, and it sucks up precious groundwater. I bet this is not the type of location the DOE had in mind.

Chris Romanini
HECA Neighbors



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV**

**AMENDED APPLICATION FOR CERTIFICATION
FOR THE HYDROGEN ENERGY
CALIFORNIA PROJECT**

**Docket No. 08-AFC-08A
PROOF OF SERVICE
(Revised 3/4/13)**

SERVICE LIST:

APPLICANT

SCS Energy, LLC
Marisa Mascaro
30 Monument Square, Suite 235
Concord, MA 01742
mmascaro@scsenergyllc.com

Tiffany Rau
2629 Manhattan Avenue, PMB# 187
Hermosa Beach, CA 90254
trau@heca.com

Hydrogen Energy California, LLC
George Landman
Director of Finance and
Regulatory Affairs
500 Sansome Street, Suite 750
San Francisco, CA 94111
glandman@heca.com

CONSULTANT FOR APPLICANT

URS Corporation
Dale Shileikis, Vice President
Energy Services Manager
Major Environmental Programs
One Montgomery Street, Suite 900
San Francisco, CA 94104-4538
dale_shileikis@urscorp.com

COUNSEL FOR APPLICANT

Michael J. Carroll
Marc T. Campopiano
Latham & Watkins, LLP
650 Town Center Drive, 20th Fl.
Costa Mesa, CA 92626-1925
michael.carroll@lw.com
marc.campopiano@lw.com

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

Department of Conservation
Office of Governmental and
Environmental Relations
(Department of Oil, Gas &
Geothermal Resources)
Marni Weber
801 K Street, MS 2402
Sacramento, CA 95814-3530
marni.weber@conservation.ca.gov

INTERVENORS

California Unions for Reliable Energy
Thomas A. Enslow
Marc D. Joseph
Adams Broadwell Joseph & Cardozo
520 Capitol Mall, Suite 350
Sacramento, CA 95814
tenslow@adamsbroadwell.com

Association of Irrigated Residents
Tom Frantz
30100 Orange Street
Shafter, CA 93263
*tom.frantz49@gmail.com

Kern-Kaweah Chapter
of the Sierra Club
Andrea Issod
Matthew Vespa
85 Second Street, 2nd Floor
San Francisco, CA 94105
andrea.issod@sierraclub.org
matt.vespa@sierraclub.org

INTERVENORS (Cont'd)

Environmental Defense Fund (EDF)
Timothy O'Connor, Esq.
123 Mission Street, 28th Floor
San Francisco, CA 94105
toconnor@edf.org

Natural Resources Defense Council
George Peridas
111 Sutter Street, 20th Fl.
San Francisco, CA 94104
gperidas@nrdc.org

Kern County Farm Bureau, Inc.
Benjamin McFarland
801 South Mt. Vernon Avenue
Bakersfield, CA 93307
bmcfarland@kerncfb.com

HECA Neighbors
c/o Chris Romanini
P.O. Box 786
Buttonwillow, CA 93206
roman93311@aol.com

ENERGY COMMISSION STAFF

Robert Worl
Project Manager
robert.worl.energy.ca.gov

John Heiser
Associate Project Manager
john.heiser@energy.ca.gov

Lisa DeCarlo
Staff Counsel
lisa.decarlo@energy.ca.gov

*Indicates Change

**ENERGY COMMISSION –
PUBLIC ADVISER**

Blake Roberts
Assistant Public Adviser
publicadviser@energy.ca.gov

COMMISSION DOCKET UNIT

CALIFORNIA ENERGY
COMMISSION – DOCKET UNIT
Attn: Docket No. 08-AFC-08A
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.ca.gov

**OTHER ENERGY COMMISSION
PARTICIPANTS (LISTED FOR
CONVENIENCE ONLY):**

*After docketing, the Docket Unit
will provide a copy to the persons
listed below. Do not send copies of
documents to these persons
unless specifically directed to do
so.*

KAREN DOUGLAS
Commissioner and Presiding Member

ANDREW McALLISTER
Commissioner and Associate Member

Raoul Renaud
Hearing Adviser

Galen Lemei
Adviser to Presiding Member

Jennifer Nelson
Adviser to Presiding Member

*Hazel Miranda
Adviser to Associate Member

David Hungerford
Adviser to Associate Member

Patrick Saxton
Adviser to Associate Member

Eileen Allen
Commissioners' Technical
Adviser for Facility Siting

DECLARATION OF SERVICE

I, Chris Romanini _____, declare that on April 15, 2013, I served and filed copies of the attached Comments on SJVAPCD's Preliminary Determination of Compliance, dated April 15____, 2013. This document is accompanied by the most recent Proof of Service, which I copied from the web page for this project at:
http://www.energy.ca.gov/sitingcases/hydrogen_energy/.

The document has been sent to the other persons on the Service List above in the following manner:

(Check one)

For service to all other parties and filing with the Docket Unit at the Energy Commission:

 x I e-mailed the document to all e-mail addresses on the Service List above and personally delivered it or deposited it in the US mail with first class postage to those persons noted above as "hard copy required";
OR

 Instead of e-mailing the document, I personally delivered it or deposited it in the US mail with first class postage to all of the persons on the Service List for whom a mailing address is given.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Dated: April 15, 2013 _____

Chris Romanini
HECA Neighbors