

Association of Irrigated Residents
Tom Frantz, President

May 8, 2013

RE: 08-AFC-08A Hydrogen Energy CA



This is an Association of Irrigated Residents response to HECA's recent response to Concerned Neighbors and HECA's explanation of the PDOC and private mitigation agreement processes with the San Joaquin Valley Air Pollution Control District.

First of all, HECA claims there will be no problem with coal in fields and dust in the air because something is sprayed on the open railcars as they leave New Mexico and the unloading will be inside an enclosed building.

HECA is either not telling the truth or they are woefully ignorant of the situation in Wasco where coal trains have been unloaded over the past 20 years. I choose to believe they are not ignorant.

These coal trains come into Wasco and the cars are parked on a siding approximately one mile long. They are then unloaded one car at a time in an enclosed building. It is true that only small amounts of coal dust escape during the unloading. But, any observer can look at these coal cars along the mile long siding and see copious amounts of coal in the form of chunks and dust sitting in piles between the rails and just outside the rails. Every train that comes into Wasco leaves more coal on the ground but it is also slowly disappearing in the surrounding environment. This was clearly visible as recently as April 25, 2013 when a coal train of approximately 80 railcars was unloaded in Wasco. The amount of coal currently on the ground in the form of chunks and dust over this one mile siding could be measured in the tons. There are numerous houses within 300 feet of the siding in Wasco that this coal dust must certainly contaminate occasionally. On top of that, coal spilled from rail cars can be found along the BNSF tracks anywhere between the Wasco depot and Bakersfield where the BNSF separates from the Southern Pacific. This includes where the tracks cross over the Kern River. This coal is more scattered but easy to see. It may measure anywhere from 50 to 100 pounds per mile if everything not already in dust form were collected. When this coal is on the ground it weathers, oxidizes, and breaks apart into smaller pieces until it turns to dust light enough to be picked up by winds and dust devils and also small enough to be washed away in the rain.

HECA proposes to use the Wasco depot or build one of their own on with a rail siding through surrounding farmland. The plans at the HECA site seem to be a mile long oval where the coal cars will sit as they are being unloaded. There is no reason to believe coal will not litter this rail siding on the HECA property just as it does the rail siding leading into Wasco. There is also no reason to believe that coal, in very significant quantities, will not fall off the train on its way to the HECA site just as it does currently. What is different with the HECA site is the tracks will take the train through a low income part of south Bakersfield and then across the Kern River and the Kern Water Bank property, and then ultimately through a narrow right of way through surrounding farmers' fields.

HECA is implying there will be no significant coal or coal dust from the trains carrying coal into California and to Wasco or their own alternative site. That is not even close to the truth. The

CEC and DOE need to demand a truthful analysis and mitigation of this problem and reprimand HECA for trying to hide this serious issue.

In regards to the process at the SJV Air District, HECA is pretending a problem exists with the CEC process in order to cover up a huge injustice with their process with the Air Board. They are saying it was very important for the secretly negotiated mitigation agreement between the air district and HECA to get into the Preliminary Staff Assessment. On that basis, it had to be approved before the end of April. HECA ignores the even greater problem that the public had no chance to make comments to the air district before they approved the agreement. HECA also ignores the fact that the FDOC from the air district will not be available to the CEC before the scheduled release of the PSA.

This private mitigation deal came before the air board for approval with only one air board member aware of any public concerns over the agreement. That air board member, David Couch, voted against the agreement. He represents the HECA site as a Supervisor and has attended at least three hearings and workshops concerning HECA. What would the outcome have been with the rest of the Board if there had been a public comment period on this agreement? Public commenting on the agreement to the CEC is vastly different than public commenting to the Air Board before they can take a vote. Any fool can see the difference but HECA pretends there is no problem.

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

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

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I, Tom Frantz _____, declare that on May 8, 2013, I served and filed copies of the attached _____ document _____, dated May 8____, 2013. This document is accompanied by the most recent Proof of Service, which I copied from the web page for this project at:
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Dated: May 8, 2013

Tom Frantz