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Bottle Rock Power Steam Project

Response to Comments Final Environmental Impact Report / Environmental Assessment

State Clearinghouse No. 2009102035
December 9, 2010



County of Lake
Community Development Department
255 North Forbes St
Lakeport, CA 95453

AECOM

**BOTTLE ROCK POWER STEAM PROJECT
FINAL ENVIRONMENTAL IMPACT REPORT /
ENVIRONMENTAL ASSESSMENT
RESPONSE TO COMMENTS**

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9.0 COMMENTS AND RESPONSES

9.1 INTRODUCTION TO THE COMMENTS AND RESPONSES

This Final Environmental Impact Report / Environmental Assessment (Final EIR/EA) contains the public and agency comments received during the public review period on the *BRP Steam Project Draft Environmental Impact Report / Environmental Assessment* (Draft EIR/EA). This document has been prepared by the Lake County Community Development Agency, in accordance with the California Environmental Quality Act (CEQA).

The Draft EIR/EA is an informational document intended to disclose to the Lake County Planning Commission and Board of Supervisors, other agencies (e.g., the BLM), and the public the environmental consequences of approving and implementing the *BRP Steam Project*.

Lake County prepared, and on September 16, 2010, circulated the Draft EIR/EA on the proposed project. During the public review period from September 16, 2010 to November 1, 2010 and at the public hearing on November 3, 2010, comments on the Draft EIR/EA were solicited from governmental agencies and the public. All written comments received during the 45-day public review period and comments received at the public hearings are addressed in this Final EIR/EA.

This Final EIR consists of two volumes: the *Response to Comments on the Draft EIR* (this volume), and the Draft EIR/EA of September 16, 2010. The governmental agencies, organizations, and individuals who commented on the Draft EIR/EA are listed in *Section 9.2 Persons Commenting*.

Section 9.3 Master Responses provides master responses that have been prepared for selected comment topics to provide a comprehensive analysis of major issues raised in multiple comments. These master responses are often referred to in response to individual comments in Section 8.4.

Section 9.4 Response to Comments presents and responds to all comments on the Draft EIR/EA. The original comment documents (i.e., letters, e-mails, and website responses) are reproduced here and the minutes from the Planning Commission's public hearing on the Draft EIR/EA are also included. The comments are numbered in the margins of the comment letters and minutes from the public hearings, and responses are keyed to the comment numbers.

Comments received on the Draft EIR can generally be classified into one of three categories. These categories are as follows:

1. **Project Merits / Process Comments** - These comments do not pertain to physical environmental issues but to the merits of the project or pertain to comments on the County's review process. These comments are included in this document although responses to these comments are not necessary. Inclusion of these comments will make the commentor's views available to public officials who will make decisions about the project itself.
2. **Commentor Opinion** - These are comments from commentors, which either support or disagree with the conclusions of specific information included in the Draft EIR/EA. Although a commentor may hold a different opinion than the information provided in the Draft EIR, these comments do not; however, focus on the adequacy of Draft EIR/EA. Section 15151 of the *State CEQA Guidelines* states that an EIR should be prepared with a sufficient degree of analysis to provide

decision-makers with information that enables them to make a decision that intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Furthermore, disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. In light of Section 15151, commentor's opinions are included in this document although responses to these comments are not necessary. Inclusion of these comments will make the commentor's views available to public officials who will make decisions about the project itself. Where appropriate, some additional explanatory information to help clarify information provided in the Draft EIR/EA is provided.

3. **Questions Regarding Adequacy of Draft EIR** - These are comments from commentors who question the adequacy of specific information in the Draft EIR. Responses to individual comments requiring clarification of environmental issues regarding the Draft EIR are provided in this document. In some instances, text changes, including revisions to mitigation measures, resulting from the comments and responses are recommended. In these instances, information that is to be deleted is ~~crossed-out~~, and information that is added is underlined.

The text changes and revisions to mitigation measures resulting from comments and responses have been incorporated in the original Draft EIR/EA text, as indicated in the responses. All of these changes result in modifications to the original Draft EIR/EA. However, they do not raise new or more severe impacts or new mitigations or alternatives not considered in the Draft EIR/EA and do not require recirculation for further review and comment in accordance with *State CEQA Guidelines* Section 15088.5.

9.2 PERSONS COMMENTING

Comments on the Draft EIR/EA were received from the following agencies, organizations, and individuals. The numbers provided below correspond with the comment letter numbers.

Written Comments

STATE AGENCIES

1. California Energy Commission – multiple authors, November 3, 2010
2. Department of Toxic Substances Control – Richard B. Hume, Supervising Hazardous Substances Engineer, November 1, 2010
3. Native American Heritage Commission – Katy Sanchez, Program Analyst, September 27, 2010

LOCAL AGENCIES

4. Lake County Air Quality Management District – Douglas Gearhart, Air Pollution Control Officer, November 1, 2010

5. County of Lake Health Services Department – Julie Pimentel Environmental Health Technician II, October 26, 2010

INTERESTED INDIVIDUALS

6. Sierra Club Lake Group – Cheri Holden – November 1, 2010

7. Friends of Cobb Mountain – Hamilton Hess – October 31, 2010

8. California Native Plant Society – C. Michael Hogan, PhD - October 29, 2010

9. Robert Reynolds – October 17, 2010

10. Mr. and Mrs. Sone – October 25, 2010

11. Mr. and Mrs. Sone – October 27, 2009

12. Coleman Family – November 1, 2010

13. Glen Goodman – November 1, 2010

14. Gerry Fletcher – November 9, 2009

15. Kelly Fletcher – November 1, 2010

16. Randall Fung – November 1, 2010

17. Ron Fidge – November 1, 2010

18. Ron Fidge – November 1, 2010

19. Ron Fidge – November 1, 2010

20. Scot Stegeman – November 3, 2010

21. Robert Stark – November 3, 2010

Public Hearing Comments

A. November 3, 2010 Lake County Planning Commission

9.3 MASTER RESPONSES

This section provides master responses that have been prepared for selected comment topics to provide a comprehensive analysis of major issues raised in multiple comments. These master responses are referred to in the response to individual comments in *Section 8.4 Response to Comments*. The master responses cover the following topics:

Master Response 1 – Use Permit and Past Violations

Master Response 2 – Cumulative Air Quality/H₂S Emissions

Master Response 3 – Alternate Access (Glenbrook and Coldwater Creek Roads)

Master Response #1 – Use Permit and Past Violations

OVERVIEW

A number of public comments were submitted on the Draft EIR/EA regarding past and alleged existing or ongoing violations of the existing use permit (UP 85-27) and Traffic Control Plan. While these comments are not applicable to the geothermal field development and power plant operations proposed by Bottle Rock Power, LLC (BRP) and, therefore are not required to be addressed by the Environmental Impact Report (pursuant to the CEQA Guidelines Section 15378), this Master Response has been prepared in order to provide responses to the public concerning these issues for informational purposes. This Master Response includes a detailed outline that describes the various actions taken by the County of Lake Community Development Department and BRP over the past three years to ensure that the violations were corrected and that ongoing efforts to upgrade existing facilities were done in accordance with all regulations. This outline (see “Bottle Rock Power Compliance Outline [November 2007 to November 2010] below) focuses primarily on the activities that occurred on the Francisco leasehold, but also contains a discussion of issues with the use and maintenance of High Valley Road.

This site was dormant for a number of years while under the ownership of DWR. As operations were restarted at the site, they were initially done so under a few different business entities with separate chains of command until operations were consolidated in December 2007. Prior to this date, there was no overall management structure in place to maintain consistent operations and maintenance practices. As a result, a significant number of use permit violations and grading and stormwater violations occurred, all in a relatively short period of time. The County typically conducts one mitigation and monitoring inspection per year on geothermal operations, and was unaware of the violations until neighbors starting lodging complaints. BRP has for the past three years taken all necessary action to correct violations. These corrective actions resulted in increased activities (i.e. traffic on High Valley Road). The County has been actively monitoring the progress of corrective actions over the past three years, with numerous inspections performed. All necessary permits have been obtained by BRP from the Community Development Department for their corrective work. All on-site violations were rectified by the summer of 2010 and the Community Development Department continues to monitor the site regularly.

HIGH VALLEY ROAD

Complaints of local residents concerning the use of High Valley Road by BRP have continued for several years, and there have been demands that the gate be staffed with a guard. The existing Use Permit and Traffic Control Plan contain conditions for the use of the road, and the Traffic Control Plan specifies the circumstances of when a guard is to staff the gate. The following two use permit conditions and excerpts from the Traffic Control Plan are provided with discussions after each, in order to describe the current issues and why the Community Development Department believes that revisions to these conditions are necessary.

UP 85-27 Condition G.6.

“The permit holder shall, except in cases of verified emergency or unforeseen unusual need, schedule delivery of supplies and travel by large vehicles over the leasehold to the hours of 7:00 a.m. to 7:00 p.m. The use of leasehold roads by heavy vehicles or equipment shall be strongly discouraged on Saturdays, Sundays, all legal holidays, and during school bus hours, except in verified emergency.

The hours of large truck traffic, defined as vehicles over one (1) ton in weight, shall be restricted to the hours from 7:00 a.m. to 7:00 p.m., except when setting casing and in cases of verified emergency. An emergency is defined for the purpose of this permit as a spill, accident, imminent loss of equipment or other unforeseen event requiring immediate action to protect public health, safety or welfare. All such emergencies shall be reported to the Noise Control Officer and Planning Department as soon as possible and in no case more than one hour after occurrence.”

Condition G.6. includes a definition of *emergency*, but does not define what constitutes an “*unforeseen unusual need*”. This condition also strongly discourages the use of leasehold roads by *heavy vehicles or equipment* during weekends and holidays, but does not prohibit them. Condition G.6 further states that *vehicles over one (1) ton in weight, shall be restricted to the hours from 7:00 AM to 7:00 PM, except when setting casing and in cases of verified emergency.*

The current practice of BRP is to schedule regular deliveries of supplies and equipment to the site during weekdays, between the hours of 7:00 AM and 7:00 PM. However, there have been a number of situations where, in the opinion of the Community Development Director, unforeseen unusual need has been justified, and the Director has authorized truck deliveries on weekends and outside of the normal daytime hours. BRP staff continue to contact CDD when these situations arise. Some examples include: delivery of hydrogen peroxide used to abate hydrogen sulfide on a weekend; deliveries of concrete for a well casing repaired (a situation in which the repair work was not finished in time and could not be stopped in the middle of the repair project); when asphalt needed to be delivered for a resurfacing project at the power plant prior to 7:00 AM due to the out-of-area batch plant’s night-time operational hours and the need to lay down the asphalt while it was still hot (the resurfacing project at the power plant was not under the permit authority of UP 85-27, as everything behind the fence at the plant is under the jurisdiction of the California Energy Commission.); delivery of equipment on a Saturday because the shipment, that came from Montana, was delayed in route twice, and could not reach the site until 9:00 or 10:00 PM on Friday, had it proceeded. (In this case BRP contacted CDD once it became evident that the delivery would not reach the site prior to 7:00 PM Friday, and it was determined that the best course of action was to delay the delivery overnight in the Sacramento Valley and have it delivered after 9:00 AM on Saturday).

The Community Development Department does not view these incidents as violations of the use permit, and in fact authorized BRP to proceed. BRP has been notifying CDD of these situations and has been requesting authorization in advance of these deliveries. Normal deliveries of supplies and equipment continue to be scheduled on weekdays between 7:00 AM and 7:00 PM. However, there will continue to be situations that warrant deliveries on weekends or after hours. Every effort is now being made by BRP to minimize situations whereby large trucks use High Valley Road on weekends or after hours.

CDD has interpreted this condition to apply to vehicles in excess of one (1) ton *capacity*, not one (1) ton in *weight*. Even small subcompact passenger vehicles weigh more than one ton. Revisions to this condition are proposed that would clarify that capacity is what was meant by the condition.

UP 85-27 Condition M.13.

“Permit holder shall submit a revised traffic control and road maintenance plan for High Valley Road. This plan shall require car pooling and/or bussing of employees whenever possible and take into account the great increase in heavy truck traffic which will accompany full field development and expansion of the Bottle Rock site. The plan shall also address sign requirements and the coordination of heavy truck traffic (on Sulphur Creek Road) with the school district to reduce safety concerns to school children. The plan shall suggest mitigations which will prevent or alleviate the concomitant increase in danger due to traffic accidents and damage to the road which may occur following development. This plan shall be approved prior to issuance of a grading permit for pad; road, or pipeline construction.”

The Traffic Control Plan was last revised in June 1987, in accordance with this Use Permit condition. BRP continues to encourage their employees to carpool, but unfortunately this has not been a practical option for most. The context of this Use Permit condition is important to consider. In 1987, expansion of the steam field within the Francisco leasehold was planned, including the 4th and 5th well pads and additional geothermal wells and pipelines. At the time it was anticipated that there would be a substantial amount of new construction traffic resulting from the approvals of these additional facilities. The additional two (2) well pads were never constructed, nor were any additional wells, though they are still listed in the approved, vested use permit (UP 85-27). Existing steam field development on the Francisco leasehold consists of three (3) well pads, approximately nineteen (19) geothermal wells, two (2) condensate reinjection wells, and the pipelines and access roads. The Community Development Department is recommending that modifications to the existing use permit be approved by the Planning Commission to remove the two additional well pads and the 14 additional wells that were authorized on those two pads, in light of the proposed expansion project onto the Binkley leasehold.

Traffic Control and Road Maintenance Plan (Page 2, item 2.) June, 1987

“Until the key card/phone system has been installed and determined to be operational by Planning Department staff, MGC shall provide a staffed guard gate. The guard gate shall also be staffed 7:00 a.m. to 7:00 p.m. daily during construction activities and continuously during drilling activities. In cases of power outage or emergency the gate shall remain open to allow residents egress and emergency response agencies ingress.”

When Use Permit 85-27 was approved, the current remote entry system at the gate at Bottle Rock Road did not exist, and new construction of pads and wells was anticipated. The current system at the gate employs a high definition camera with a key-pad for entering an access code. Residents, BRP staff, and BRP’s long-term on-site contractor and their employees, and key County staff have the access code. Everyone else is required to call the control room at the power plant or the steam field office in order to be granted access, including short-term contractors and rig crews.

The Community Development Department does not consider well maintenance operations, such as well casing repair and work-overs, to constitute construction or drilling activities, and therefore these activities do not warrant a guard to be stationed at the gate pursuant to the Traffic Control Plan. Other activities, such as safety hazard work for safer travel, resurfacing of existing roads, and culvert repair or replacement under existing roads for surface runoff control are considered maintenance activities, not new construction.

Also, it should be noted that the last two well rig moves onto the Francisco leasehold (for well work-overs/repairs) have been done through the use of roads to the north. BRP has been able to coordinate

rig moves with Calpine, which operates fields to the west in Sonoma County, in order to minimize impacts to the residents along High Valley Road. When a rig is brought in, BRP coordinates as much maintenance and repair work as possible. The rigs are moved from one pad to the next in the process, but the transportation off-site is minimized to the greatest extent possible.

Easement Rights to Use High Valley Road

Questions have also been raised by neighbors about BRP's legal right to use High Valley Road for access to the new proposed project. Lake County Counsel conducted a thorough review of the recorded documents referencing the High Valley Road easement and concluded that BRP has secured the easement rights to use the road for their existing operations and for the proposed expansion on the Binkley lease. A legal opinion was prepared by County Counsel in May, 2010 addressing this issue and was made available to the neighbors. This legal opinion is attached as **Appendix H**.

BOTTLE ROCK POWER COMPLIANCE OUTLINE (NOVEMBER 2007 TO NOVEMBER 2010)

Period	BRP Compliance Status
Prior to 11/12/2007	A consultant was in charge of hazardous waste for the power plant. The president of BRP was covering air quality and other regulatory compliance as it related to the power plant. ThermaSource was managing the steam field. Material was being removed from Francisco Sump to maintain free board level by use of rented equipment.
County Involvement before Issuance of NOVs	
In May of 2008, Karon Thomas contacted the County Community Development Department (CDD) with questions on land management in regard to tree maintenance. CDD sent a representative to the plant to review the site of the tree removal within one week of the request. The Following list is a summary of CDD and BRP Staff interactions not related to the issuance of NOVs issued later by the County.	
5/28/2008	Ron Yoder conducted inspection of BRP drilling pads and provided direction for sump material removal and BMPs for firebreaks.
6/11/2008	BRP requested copy of Use Permit from Lake County Community Development.
8/22/2008	Meeting with Ron Yoder about complaints from neighbor regarding firebreaks created by BRP along fence line in eastern portion of the BRP lease hold. Neighbor/ resident believed the fence line was on property owned by his family as well as the fire break. Neighbor/ resident complained about culvert repair by BRP on High Valley Road. Repair at issue occurred prior to 2008. Also at question was the increased sediment that may have happened the previous year in Coleman Creek. The complaint alleged that a downstream swimming hole was not as deep due to sediment.
7/14/2008	BRP called County Community Development for clarification of language in attachments to use permit.
10/20/2008	BRP called County Community Development to determine if a small trenching project required a permit. No permit was required.
11/5/2008	BRP called County Community Development about culvert water and BMPs for the old pipe yard.
8/26/2008	Community Development requested weekly e-mail updates be sent from BRP to residents/ neighbors.

Period	BRP Compliance Status
Use Permit NOV (PL090102-02) – Issued January 24, 2009	
The list below outlines the actions taken before and after the issuance of the Use Permit violations cited in the Notice of Violation. Actions taken prior to the Notice of Violation are in italics and actions after are in bold .	
Condition I.7 - Pipe Pad Removal	
Sept. 2008	County informed BRP that no permit was issued for installation of pipe pad west of steam field yard.
Oct. 2008	Silt controls put in place in drainage from High Valley Road to pipe yard area and along West side of steam field yard and pipe yard.
6/29/2009	Grading Permit was issued by County for removal of pipe yard west of steam field yard.
9/23/2010	The pipe yard was removed and the winterization of pad was put into place as approved by Lake County Community Development.
9/30/2010	Water diversion for Francisco drainage complex was installed pursuant to a County issued grading permit.
Condition B.7 - Well Pad Berms	
1/20/2009	Temporary repairs installed until the following grading season.
6/17/2009	Francisco Pad engineered cement berm installed as approved by Lake County Community Development.
6/2/2009	Coleman Pad berm installed as approved by Lake County Community Development.
6/17/2009	West Coleman berm installed as approved by Lake County Community Development.
Contractor Training - Condition C.1	
3/31/2009	As approved by Lake County Community Development, training is provided to all BRP Contractors for environmental awareness and use permit compliance. Annual training is being performed.
Three Feet of Freeboard in Sumps - Condition C.2	
Material removal from the sumps began in 2008 and has continued through 2010. Plans have been implemented to insure that water collected in the sumps is maintained with the three feet of freeboard required by the use permit. BRP informed CDD on October 4th 2008 that the Francisco sump reached a free board of only two feet during a heavy rain storm. This was within the requirement of CRWQCB waste discharge orders but not in compliance with the use permit condition. The freeboard level of three feet was reached within a few hours by transferring of sump water.	
Nov. 2009	Level indication equipment installed at each of the three sumps on BRP drilling pads with alarm to Power Plant Operator.

Period	BRP Compliance Status
Sump Management	
Nov-2007 - Feb. 2008	Drill cuttings placed on meadow for further drying and staged to ship off site.
2/1/2007	February 2007 de-watering unit being used at the Francisco sump removed by BRP off site after it was confirmed by BRP that the previous steam field management group did not have authorization from California Regional Water Quality Control Board to utilize the de-watering unit on the site.
7/30/2008	Full assessment of materials in each sump conducted by contracted testing agency.
7/30/2008	CDD Consultant Melissa Floyd spoke with BRP concerning sump material management. BRP Staff was informed that sump material could not come into contact with native soil but could be kept on pad temporarily with a plastic lining underneath.
8/13/2008	An outline of Sump Material Plan Disposal was submitted to CRWQCB for the removal of sump material, use of dewatering unit and sand screw.
8/27/2008	The remaining stored drill cutting was removed from the Coleman Pad.
10/13/2008	Sump material was removed from West Coleman sump.
11/7/2008	Dewatering unit was test run by BRP staff.
8/6/2009	Material removed from west Coleman sump was sent to Altamont landfill (class II) and Kettleman Hills (Class III). Naturally occurring asbestos was detected on some samples.
7/1/2010	Sump Closure Plan submitted to California Regional Water Quality Control Board.
8/11/2010	Sump material removal from West Coleman pad was started.
9/10/2010	Sump material removal complete at West Coleman pad and sump.
11/15/2010	All sump material in Francisco sump was removed.
Contingency Plans - Condition C.3	
11/1/2007	Emergency Spill Response Plan Created prior to issuance of NOV. Requested as part of NOV by County Community Development.
1/30/2008	Plan for Emergency Pumping of Well Pad Sumps existed prior to the issuance of the County NOV, but CDD was not aware of its existence at the time. Copy of Pumping Plan was submitted on January 30, 2008 to the CDD.
1/5/2009	BRP received a Down Stream Users List. BRP submitted with the NOV update response and resubmitted the list to County Geothermal Coordinator in October of 2010.

Period	BRP Compliance Status
Contingency Plan for Deformation of pipe lines - Condition C.41	
1/28/2009	BRP submitted a Contingency Plan with NOV response.
Sump Integrity - Condition C.5	
3/24/2009	Sump integrity sample plan was submitted by BRP to CDD and California Regional Water Quality Control Board (CRWQCB) for review and approval.
4/15/2009	Plan approval from CRWQCB received by BRP Staff.
6/15/2009	Sump sampling began with CDD taking parallel samples to independent laboratory selected by County.
10/30/2009	BRP Staff submitted Sump Integrity Report to CRWQCB.
2/22/2010	Secondary Background Sampling Plan submitted to CRWQCB.
7/30/2010	Final Sump Integrity Report submitted to CRWQCB.
Annual Report to Lake County Community Development Department - Condition M.8	
3/15/2009	First report submitted by BRP Staff.
Surety Bond - Condition M.16	
2/10/2009	Surety bond in place by BRP.
1/8/2009	Permit Bond in place by BRP.
Coleman Meadow Integrity - Condition II.G	
January 2008	Placement of material on meadow started.
February 2008	Meadow material placement stopped.
7/8/2008	Inquired with County if permit was needed to keep Drilling mud on site.
7/28/2008	Community Development Department agreed with the non-hazardous drill cuttings to being hauled to S Bar S Quarry for their restoration plan requirement.
8/7/2008	Soil removal from meadow begins by BRP contractor.
8/13/2008	Picture of Coleman meadow with silt controls submitted to Ron Yoder.
8/14/2008	Drilling mud waste stream approved by Quakenbush for acceptance at their facility.
8/14/2008	BRP staff was informed by County that sump material staged on well pads was a violation of Use Permit Condition E.2. BRP pushed all material back into sumps.
8/18/2008	Material started being hauled to S-Bar-S Quarry.

Period	BRP Compliance Status
8/20/2008	BRP staff submitted a letter to County regarding removal of material from meadow.
9/3/2008	Material delivery to S-Bar-S stopped.
9/3/2008	All material removed from Coleman meadow.
10/20/2008	Hydro seeding of meadow performed by BRP contractor.
11/5/2008	CRWQCB approved Altamont as Class II land fill to take S-Bar-S and Quakenbush material to Hay Road Landfill (Class II).
2/11/2009	Soil Sampling Plan Submitted to County Community Development Department and CRWQCB for review.
April 2009	CRWQCB and CDD approved meadow Soil Sampling Plan.
4/3/2009	Material removal from S-S Quarry began.
4/13/2009	Core sampling performed on Coleman meadow by third party contractor with County Community Development Department collecting parallel samples.
County of Lake - Stormwater Notice of Violation (PL0902-26-01)	
BMP's were in place prior to notice of violation being issued by Community Development Department. However, the BMP's installed by BRP staff were not adequate to ensure that silt loading would be prevented during a large storm. Pictures were sent by a resident of the Brinkley Ranch to the County Geothermal Coordinator which showed that the BMPs in place between the steam field yard and the pipe yard (slated to be removed during the next grading season) contained a heavy silt load.	
2/28/2009	Community Development Department Staff met on site with BRP Compliance Manager and third party hydrologist to review areas to be corrected.
3/27/2009	Remediation Plan submitted to County Community Development Department.
8/1/2009	Erosion Control and Drainage Management Plan submitted to County Community Development Department.
9/25/2009	Grading Plan for Steam Field Storage Yard and Surrounding Areas submitted to County Community Development Department.
2/15/2010	Storm Water Pollution Prevention Plan in place with CRWQCB - Note: BRP was not required by CRWQCB to submit a SWPPP: it was a request by the County to have done by BRP.
2/26/2010	NOV from Community Development Department was issued for storm water violations
2/28/2010	BRP's third party contractor, who hired to perform full lease drainage study, met on site with Community Development Department staff.

Period	BRP Compliance Status
6/18/2010	Drainage correction made on West Coleman road by BRP staff, as approved by CDD. Included installation of three additional culverts, rip wrapping of drain inlets, removal of berm on the side of the road and rip rap added to a wash out near the Coleman tie in access road as approved by County Community Development Department.
Lee Road (PL0903-18-02)	
<p>Note: Notice of Violation was issued to Oski Energy, but repairs were completed by BRP staff. Some damage occurred during the moving of rig equipment over the New Year's holiday 2008/09. It was the understanding of both BRP staff and the contractor completing repairs that the work fell under maintenance.</p> <p>Due to the lack of a surface agreement in place, BRP obtained permission from the Binkley Family Trust to complete the work to be done on Lee Road.</p>	
3/19/2009	NOV issued by CDD for Lee Road.
3/30/2009	Documentation of damages submitted to County Community Development Department staff.
6/18/2009	Feasibility study done by engineering company for repairs.
6/26/2009	Third party consultant hired to complete repairs.
High Valley Creek Crossing (PL0903-02-01)	
<p>Note: Notice of Violation was issued to Oski Energy, but repairs were completed by BRP staff. High Valley Creek crossing is located on the Binkley Ranch just off of High Valley Road. BRP Compliance Manager stopped work being performed on access road by BRP contractor because of involvement of the contractor with Cow and Coleman Creek Crossings. No surface agreement was in place between BRP and the Binkley Ranch at the time the work was done. The work being performed was requested by Binkley Ranch Manager.</p> <p>Due to the lack of a surface agreement in place, BRP obtained permission from the Binkley Family Trust to complete the work to be done within the leasehold.</p>	
8/27/2008	Community Development Department staff conducted a site visit to inspect the creek crossing at the request of BRP staff. Mr. Mahnke' (Binkley Ranch Manager) accompanied the staff and the BRP Compliance Manager on the inspection. BMPs were discussed to winterize the area. The concern of Mr. Mahnke was the blocking of passage on the road.
9/30/2008	All required BMPs were installed, which included waddles, jute net and silt fencing by BRP staff.
3/19/2009	West Pad Road located on Binkley lease had to have silt controls repaired by BRP staff due to vehicle traffic by ranch guest.
5/3/2010	BRP staff repaired BMPs on creek crossing do to vehicle damage by Binkley Ranch guest.

Period	BRP Compliance Status
Notices of Violations from Other Government Agencies	
The following are corrections made to the lease that was cover under the Jurisdiction of non-county regulating agencies.	
Creek Remediation - Department of Fish & Game Stipulated Judgment	
8/22/2008	Community Development Department staff conducted a site visit to investigate resident complaint of swimming hole in Coleman Creek being filled with sediment. No recent evidence of sedimentation could be determined.
8/26/2008	David Coleman requested site visit for creek damage he found on lease and showed BRP Compliance Manager fire break through Coleman Creek.
8/27/2008	The BRP Compliance Manager contacted the Department of Fish & Game and informed DFG of creek damage.
8/28/2008	BRP staff contacted DFG to determine who the area DFG contact is for inspections and to obtain advice on remediating the problem.
8/29/2008	BRP staff contacted DFG requesting inspection on Coleman Creek crossing.
9/4/2008	Department of Fish & Game conducted a site visit to inspect damage. DFG staff had met previously with Mr. Coleman and also showed the BRP Compliance Manager the fire break through Cow Creek.
9/29/2008	Third Part contractor hired for remediation of creek bed issues.
10/31/2008	Winterization Plan submitted to DFG and County by BRP staff.
11/7/2008	Winterization Plan approval granted by DFG.
11/11/2008	Winterization of creek beds complete by BRP staff.
3/4/2009	A Stipulated Judgment was issued to Fish and Game against BRP for failure to notify, as a result of an enforcement action taken by Fish and Game.
5/21/2009	Remediation work started by BRP staff.
8/15/2009	Restoration Plan of creek beds Submitted to DFG by BRP staff.
10/1/2009	BRP Restoration Plan approval granted by DFG.
9/29/2010	Final Restoration Report submitted to DFG by BRP staff.
2008-2009	Monitoring conducted over winter by BRP staff.
2009-2010	Monitoring conducted over winter by BRP staff.
2010-2013	Monitoring will continue for three years by BRP staff.

Period	BRP Compliance Status
California Regional Water Quality Control Board Notice of Violation (Issued January 6, 2009)	
1/6/2009	CRWQCB issued NOV requiring removal of material from S-Bar-S Quarry and Quakenbush Reclamation. Freeboard of Francisco Sump from self reporting done on October 4, 2008. The NOV also addressed the complaint of the sump integrity and required a technical report to be prepared by a Civil Engineer addressing the integrity of the sumps.
BRP addressed the sump integrity by having a third party contractor perform sampling of the sump liner and surrounding area of the sump. The free board issue mentioned was addressed prior to the issuance of the NOV but BRP has worked continuously to remove material from each sump. All drilling activities have been conducted as “sumpleless drilling operations” since January of 2009. In July of 2010 BRP submitted a Sump Closure Plan to the CRWQCB and is awaiting final approval. A revised Closure Plan was prepared and submitted in October 2010 that includes a proposal for third party verification.	
Other Corrections not related to NOV	
High Valley Road Maintained	
8/28/2008	Inspection of High Valley Road drainage conducted by BRP staff.
10/24/2008	Speed monitoring equipment installed to be able to photograph vehicles going over 15mph.
11/5/2008	Feasibility study performed by third party contractor for High Valley Road Conditions that included drainage, and possible needed repairs to the integrity of the surface and sub surface.
2/1/2009	Maintenance and Reporting Plan to cover three years submitted to County Community Development Department.
4/15/2009	Adler Creek bridge study performed by third party civil engineer.
8/19/2009	High priority repairs performed on High Valley Road, which included drainage repairs and resurfacing a portion of High Valley Road.
8/20/2009	Suggested maintenance performed on bridge on High Valley Road by BRP staff.
8/9/2009 to Sept. 2009	Speed bumps placed on High Valley Road between steam field office parking lot and Francisco Pad by BRP staff due to safety concerns for BRP staff. Speed bumps determined by CDD to be too high. BRP instructed to reduce height.
10/14/2010	Curve realignment completed by BRP staff.
Noise Abatement	
7/2/2008	Full plant Noise Study conducted by third party contractor.
10/27/2008	First Steam Field Noise Survey conducted.

Period	BRP Compliance Status
11/3/2008	Rig blankets installed for first time by BRP staff.
11/3/2008	Auxiliary equipment sound walls installed for first time by BRP staff.
11/4/2008	Steam Field Noise Study report completed by third party contractor. During air drilling, highest reading at resident location was 57 dBA.
1/12/2009	Second Noise Study conducted between 12/19/2008 - 12/22/2008 by third party consultant. The monitoring was conducted at the edge of the Francisco Pad to evaluate the noise reduction of the newly installed blankets during drilling operations and at the Fung's fence line toward High Valley Road. The blankets reduced the rig noise by 16 dBA and the highest reading at the Fung's fence line was 43 dBA. (Road traffic shows contribution to noise level).
6/9/2009	Well pad noise blankets Purchased by BRP and installed.
8/1/2009	Cyclone muffler began being used for well clearings by BRP staff.
3/2/2010	Noise study conducted by California Energy Commission from 2/17/2010 to 2/24/2010- found to be operating within compliance limits at both Fidge and Coleman residences. Report released 3/2/2010 by BRP staff.
Chip Sealing of Roads	
5/9/2009	Three year plan to chip seal interior lease roads submitted to County by BRP staff.
7/11/2009	Coleman Pad access road and a section of High Valley Road chip sealed by BRP staff.
6/11/2010	West Coleman Road chip sealed and prior chip sealing resealed by BRP staff.
Firebreak Management Project	
6/2/2006	Cal Fire representative met with BRP Safety Contractor on fire break maintenance.
6/2/2008	Community Development Department staff made a sit visit to assist in firebreak management and BMPs.
7/1/2008	David Mintch of CalFire on site to perform inspection and help in reducing fire breaks by BRP staff on lease.
8/14/2008	Silt controls placed on fire breaks to be abandoned. All fire breaks inspected for proper BMPs and design by BRP staff.
8/14/2008	Silt controls installed for fire breaks by BRP staff.
1/7/2009	Permit Application to conduct fire break repairs requested by BRP staff.
4/24/2009	First annual inspection completed.

Period	BRP Compliance Status
5/5/2009	Grading Permit issued to BRP by CDD for repairs to fire breaks.
9/28/2009	BRP staff met with CalFire on reducing amount of fire breaks on BRP lease.
1/20/2010	Grading Permit for fire breaks finalized by Community Development Department staff.
Glenbrook Road	
Work that was performed by a resident on Glenbrook Road was causing various drainage problems including the possibility of wash-out along a large section of the road. The land owner had filed for a permit from the County but was unable to complete the work that was started due to financial difficulty. BRP worked with Community Development Department staff, the landowner and the contractor to ensure that the work was completed appropriately. All road repairs were completed before the end of October 2008.	
10/24/2008	BRP staff completed a site visit with Community Development Department staff on land to the south of Glenbrook Road and the Glenbrook Road issues. Community Development Department staff granted an extension to the grading season for this project so that the road repairs could be made.

Source: Lake County Community Development Department, December 2010.

Master Response #2 – Cumulative Air Quality/H₂S Emissions

A number of comments were received from the Lake County Air Quality Management District (LCAQMD) and members of the public regarding the cumulative impacts of project related air emissions, in particular hydrogen sulfide (H₂S). As noted in the Draft EIR/EA (pages 5.3-39 through 5.3-44), project H₂S emissions would be derived from the well field because of well venting during drilling and flow testing and from venting when the power plant operations are in startup/shutdown. Because the Bottle Rock Power Plant employs a Stretford process to scrub H₂S, emissions from the plant operations were estimated to be below the 5.0 pounds per hour (lbs/hr) permitted limit and would not change under the proposed project, and therefore the project emissions were determined to a less-than-significant impact (see *Impact 5.2-10 Long-term Exposure to Odorous Emissions* on page 5.3-41).

Well pad emissions were analyzed in the Draft EIR/EA in relation to one-hour maximum levels and under an assumed 5.0 lbs/hr required emissions limit and were determined to be a significant impact of the project. The Best Available Control Technology (BACT) requirements (include scrubbing of steam at the well site) enforced by the LCAQMD, that would achieve that emission limit, still would not achieve the BAAQMD screening level one hour trigger threshold for toxic emissions (the LCAQMD does not have a similar screening level threshold) of 0.093 lb/hr (see **Exhibit 5.3-9** on page 5.3-36). Therefore the project H₂S emissions with BACT would not be sufficient to reduce the impact to a less-than-significant level, and Mitigation Measure 5.3-5 would include a Hydrogen Sulfide Detection and Abatement Performance Plan (HSDAPP) to reduce emissions greater than 5.0 lbs/hr. While the mitigation measure is expected to reduce these impacts substantially, the Draft EIR/EA determined that the H₂S emissions from the well pads would be a significant and unavoidable impact of the project. This is because the details of the HSDAPP and performance standard acceptable to the LCAQMD would remain to be developed, with a specific, technically-achievable level established as a target. The impacts would be transient and short-term because the venting would be brief events at various times over the years of proposed well drilling.

The Draft EIR/EA also includes an estimation of emissions at well heads during periods of startup and shutdown of the power plant when releases of H₂S emissions would occur for short periods during adverse meteorological conditions. Equipment employed at the plant would reduce the emissions to 3.75 lbs/hr, which exceeds the 1-hour BAAQMD screening level of 0.093 lb/hr for toxic emissions (see **Exhibit 5.3-11** on page 5.3-40). Therefore, the impact was determined to be significant. Mitigation Measure 3.5-9 (the same as Mitigation Measure 3.5-5) was proposed to reduce impacts to a less-than-significant level. The proposed mitigation measure is expected to reduce power plant H₂S one-hour emissions to below the trigger, and therefore the impact after mitigation was determined to be less than significant.

Annual H₂S mass emissions, however, were estimated at 75 lbs/year, which is well below the BAAQMD trigger level of 390 lbs/year, which would be a less-than-significant impact of the project.

The proposed project would add cumulatively to H₂S emissions from other sources in the general vicinity of the proposed project steam field and the existing power plant. As noted in the Draft EIR/EA (page 7.0-1) two geothermal power plants in the project general vicinity were identified by BLM for purposes of cumulative impact assessment. Both are located in Sonoma County and are being developed by Geysers Power Company. These geothermal projects include the Buckeye Development Project (UPE 08-0061) with proposed 21 wells on five pads, and the Wildhorse Development Project

(UPE 08-0062) that includes two proposed pads and an unspecified number of wells. No information is provided about the size of the proposed power plants, but since they are being approved by the County, instead of the CEC, it is assumed that they are less than 50 MW.

Both projects have a Sonoma County address of 9000 Geysers Rock Road, a couple miles to the general west of the proposed *BRP Steam Project* site. Both plants were approved in June 2009, and currently are under construction. For each project, a Mitigated Negative Declaration was prepared by the Sonoma County Permit and Resource Management Department. Both Sonoma County CEQA documents provide very scant information useful for cumulative impact assessment. Both Sonoma County CEQA documents conclude that there would be no significant air quality impacts of the project following mitigation and no cumulative air quality impacts are identified (air quality emissions are not identified as having cumulative impacts). The extremely limited information about these two approved Sonoma County projects prevents a meaningful quantitative assessment of cumulative impacts for the proposed *BRP Steam Project*. CEQA specifically discourages impact assessments that are speculative. Therefore, only a qualitative discussion of cumulative H₂S emissions is provided in the Draft EIR/EA (page 7.0-3) and additional discussion of the reasoning for the cumulative impact determinations is presented in this Response to Comments on the issue.

During construction, the emissions of H₂S from the two less-than-50 MW plants mentioned in this comment would be expected to employ the appropriate emissions control technologies and mitigation measures to ensure that their emissions would not cause exceedances of ambient air quality standards offsite. Sonoma County emission limits for H₂S are less stringent (that is, higher emissions are allowed) than those in place in Lake County. Therefore, even with BACT emission controls for venting of wells during construction and testing, a substantially greater amount of H₂S could be emitted from the well fields of the combined two Sonoma County projects than would be allowed from the proposed *BRP Steam Project* wells. Considering the predominantly easterly flow of air masses, the H₂S emissions from the two Sonoma County projects would be transported toward Lake County. The amount of H₂S from the two Sonoma County geothermal projects actually reaching the geographic vicinity and air mass affected by the *BRP Steam Project* would be substantially dispersed. The amount and rate of dispersion would be dependent on the amount of at-source combined emissions from all three projects (Bottle Rock, Buckeye and Wildhorse projects) at any given time, distance from the sources to the down-wind receptor areas, and meteorological conditions affecting dispersion. These are discussed further below.

While well development and testing of all three projects could overlap for certain periods, the possibility that all three projects would engage in venting and testing of wells simultaneously would be unlikely. While no schedule is provided for construction of the two Sonoma County development projects, the likelihood of even three wells (one at each project site) engaging in simultaneous releases during their drilling and testing phases is relatively low. It is expected that each project would proceed on a different development schedule and the schedules for construction of wells for each project would vary according to conditions at those sites (e.g., difficulty in drilling, variable amount and quality of geothermal resource, and other factors). Well drilling and testing are transient and activities of relatively short duration, such that the potential is low for overlap of development and testing of numerous wells at each site. Similarly, periods of venting related to startup/shutdown activities during regular operations are likely to occur at different times, although some overlap is possible. As noted in the Draft EIR, the venting periods for startup/shutdown are of relatively short duration.

The three projects are separated by a distance of approximately two miles. Other variables equal, the dispersion is typically increased over distance from the emissions source. The concentration of pollutants is highest near the source and as distance increases, the concentrations are diminished at an increasing rate (that is, pollutants tend to disperse both horizontally and vertically). The distance

between projects is sufficient to disperse air pollutants substantially, provided other factors do not influence the dispersion. The other key factors affecting pollutant dispersion include topography, wind speed, vertical mixing, and atmospheric moisture.

Rugged topography with high relief separates the two Sonoma County projects from the proposed Bottle Rock Project. Topography tends to create complex mixing and air currents that add turbulence, which promotes rapid dispersion. On the other hand, during periods of stable air conditions, topography can lead to atmospheric inversion conditions, in which colder stable air is trapped in confined valleys, thereby inhibiting vertical mixing and promoting concentration of the pollutants at the ground level, rather than dispersion upward. Inversions of this type often create the most adverse conditions for air quality in the area. High Valley itself would be such a location subject to inversions, with most of the H₂S likely concentrated from the emissions from the *BRP Steam Project* sources. Under similar (and presumably simultaneous) inversion conditions, emissions from the two Sonoma County projects are likely to be directed away from the *BRP Steam Project* site rather than toward it, such that the potential for cumulative impacts from the three projects would be substantially diminished. Emissions during periods of rain or snow also tend to be absorbed and dispersed by raindrops and snowflakes, as well as by air currents during storm events that result in vertical mixing.

BRP would employ the appropriate emissions control technologies and mitigation measures to ensure that its emissions would not cause exceedances of ambient air quality standards offsite. The mitigation measures proposed to meet LCAQMD emissions limits would be more stringent than those for the Sonoma County projects, which would have the effect of reducing the proposed project's contribution to cumulative impacts. Given the distance between these two less-than-50 MW plants and the proposed project site, and the atmospheric dispersion that would occur when pollutants travel over that distance, construction emissions are not anticipated to be cumulatively significant.

During operations, the emissions from the two less-than-50 MW plants mentioned in this comment would be expected to employ the appropriate emissions control technologies to ensure that their emissions comply with the emission limits established in their Permits to Operate, and would be not be expected to cause exceedances of ambient air quality standards offsite. Similarly, BRP will employ the appropriate emissions control technologies to ensure that its emissions comply with the emission limits established in their Permits to Operate, and would be not be expected to cause exceedances of ambient air quality standards offsite. Given the distance between these two less-than-50 MW Sonoma projects and the proposed BRP project, and the atmospheric dispersion that would occur when pollutants travel over that distance, it is unlikely that operating emissions would be cumulatively significant.

Because the proposed Bottle Rock Power Plant H₂S emissions would not change under the proposed project, and total emissions would be less than significant, the proposed project would not add to cumulative emissions.

In sum, while cumulative impacts of H₂S emissions from the proposed *BRP Steam Project*, and the approved Buckeye and Wildhorse Development Projects could occur under some conditions, the combination of low potential for simultaneous substantial emissions related to drilling and venting activities, suitable atmospheric conditions, dispersion conditions, and distance between the projects make it unlikely that the proposed project would contribute to significant concentrations of H₂S. For these reasons, the cumulative impact of the project on H₂S emissions is less than significant.

As an environmental enhancement measure, it is recommended that the project sponsor notify the LCAQMD 24-hours in advance of planned periods of well testing and venting during periods of startup/shutdown to ensure that atmospheric conditions would not exacerbate H₂S and other pollutant

concentrations. It is also recommended that LCAQMD coordinate with the Northern Sonoma County Air Quality Management District regarding similar activities for the Buckeye and Wildhorse Development Projects to minimize the potential for cumulative impacts.

Master Response 3 – Alternate Access (Glenbrook and Coldwater Creek Roads)

Numerous comments were received from members of the public regarding the issues surrounding ongoing and proposed use of High Valley Road for access to the Bottle Rock Power Plant and steamfields, including the proposed project steamfield. Most of the issues raised by the public in scoping and in comments on the Draft EIR/EA are related to vehicle traffic, access control, noise, air quality and safety concerns (e.g., blockage of passage, insufficient sight lines, and high speed of vehicle travel). As a result, the Draft EIR/EA included evaluation of the continued use of High Valley Road as the primary access to the project site (the proposed project) as well potential alternative access for the proposed project.

The proposed project includes use of High Valley Road for access to the project site. As noted in Master Response #1, Lake County Counsel conducted a thorough review of the recorded documents referencing the High Valley Road easement and concluded that BRP has secured the easement rights to use the road for their existing operations and for the proposed expansion on the Binkley lease. A legal opinion was prepared by County Counsel in May, 2010 addressing this issue and was made available to the neighbors. The new proposed use permit contains provisions to allow for an alternate construction access should easements or agreements be negotiated. If an easement or agreement can be obtained, the continued use of High Valley Road for the power plant operations, and operation of the steamfield on the Francisco Leasehold and BRP employee access would continue on High Valley Road, but new construction traffic of heavy equipment to the BRP GeoResource Leasehold could be shifted to the alternate access as well as construction and operations of the proposed steamfield on the Binkley Ranch, which is proposed by the project sponsor and analyzed in the Draft EIR/EA. This is the approach that was used in the Draft EIR/EA. Therefore, the remainder of this response addresses the alternative access considered for purposes of the proposed project. Alternative 2 in the Draft EIR/EA, pages 6.0-5 through 6.0-20 addresses potential alternative access to the proposed project on Glenbrook Road. Impacts of this alternative are presented in the Draft EIR/EA and are not repeated here. Rather, the discussion here is focused on the feasibility of the Glenbrook Road alternative as well as other access alternatives that were considered but rejected, such as Coldwater Creek Road.

CEQA (Guidelines Section 15126.6) requires that an EIR include evaluation of a reasonable range of alternatives to the project, or to the location of the project that could feasibly attain most of the basic project objectives and would avoid or substantially reduce any of the significant environmental impacts of the project. The EIR must evaluate the comparative merits of the alternative. CEQA is clear that an EIR is not required to consider every conceivable alternative to the project. Rather the EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. Additionally, an EIR need not consider alternatives which are infeasible. The selection of alternatives under the *CEQA Guidelines* is governed only by “the rule of reason”. As a general rule, impacts that are determined to be significant and unavoidable are the basis for selection of alternatives, but other alternatives can be included in the EIR. In the case of alternative access, there are no significant unavoidable impacts that would be avoided by alternative access, and the alternative access is considered in the Draft EIR/EA primarily as a means of reducing impacts and responding to public concerns about the use of High Valley Road.

The screening of alternatives for evaluation in the EIR was based on the general considerations provided by CEQA regarding feasibility. “Feasible” under CEQA means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors (Public Resources Code Section 21061.1).

The project sponsors have a specific schedule to meet with regard to securing approval of the project and initiating its construction. The schedule considerations have been important in assessing the feasibility of alternative access to the project. Bottle Rock Power's discussions with private landowners were initiated well before the Notice of Preparation was issued and have been ongoing since without ending in a secure access easement agreement. This has been a key consideration for the Glenbrook Road alternative access, and at present it appears unlikely to move forward as a feasible alternative.

Economic feasibility is an important screening criterion, and one that is commonly used for rejecting alternatives, as unduly high costs generally conflict with the project objectives. While CEQA encourages consideration of mitigation requirements and alternatives without regard to their economic costs, at the same time it allows project costs and economic constraints to be given due consideration for the feasibility of accepting or rejecting an alternative. The Glenbrook Road alternative could have high costs related to engineering improvements (widening, stream crossings), acquisition of legal easements, permitting and other considerations. The Coldwater Creek Road alternative access also may entail costs of a similar nature, which are not known at this time.

Environmental feasibility refers to whether an alternative would be constrained by any prohibitive environmental issues, such as those that might result in greater environmental impact and complex, difficult permitting. In the case of the Glenbrook Road alternative, potential significant impacts are identified in the Draft EIR/EA, including effects that may require mitigation and permits that may be associated with road improvements. Complex permitting additionally adds to cost and delay that may conflict with the project objectives and schedule.

Technical feasibility refers to whether an alternative can be constructed and operated effectively. While some access alternatives are more constrained in their engineering than others, all of them appear to be technically feasible. Glenbrook Road would require improvements as noted, but such improvements would be entirely within the range of fairly standard engineering.

Social feasibility factors include legal constraints, desirability from a public policy perspective, and general public acceptance. Legal issues involve acquiring access to private roads (noted above), liability, and consistency with County requirements for use of public and private roads. Desirability from a public policy perspective has been interpreted in CEQA case law as the extent to which it is based on a reasonable balancing of the relevant economic, environmental, social and technological factors (*City of Del Mar v. City of San Diego*, 1982, Cal.App.3rd 401). Such considerations could include, for example, the County's interest in promoting transportation alternatives, reducing inconvenience and irritation to residents affected by roadway traffic, limiting damages to sensitive habitats, etc. It is clear from CEQA case law, e.g., *California Native Plant Society v. City of Santa Cruz*, 2009 177 Cal. App.4th 957 (6th Dist), that an agency need not find an alternative to be literally impossible before it can reject it as infeasible. Rather, an alternative's undesirability based on policy considerations or project objectives is sufficient to support the agency's decision. It is worth noting here, that the determination of feasibility of an alternative is made at the time the decision is made on the project, and the EIR need only address potentially feasible alternatives. The Draft EIR/EA has evaluated the Glenbrook Road alternative access because at the time of EIR preparation it appeared to be a potentially feasible alternative and the project sponsors were negotiating an access agreement with the landowners.

Although not specifically reported, project access via Coldwater Creek Road was an alternative considered (see **Section 6.4 Alternatives Considered but Eliminated from Further Consideration** [pages 6.0-38 to 6.0-39]). However, the Draft EIR/EA did not analyze a Coldwater Creek Road alternative access because at the time of EIR preparation, the project sponsors did not feel that they

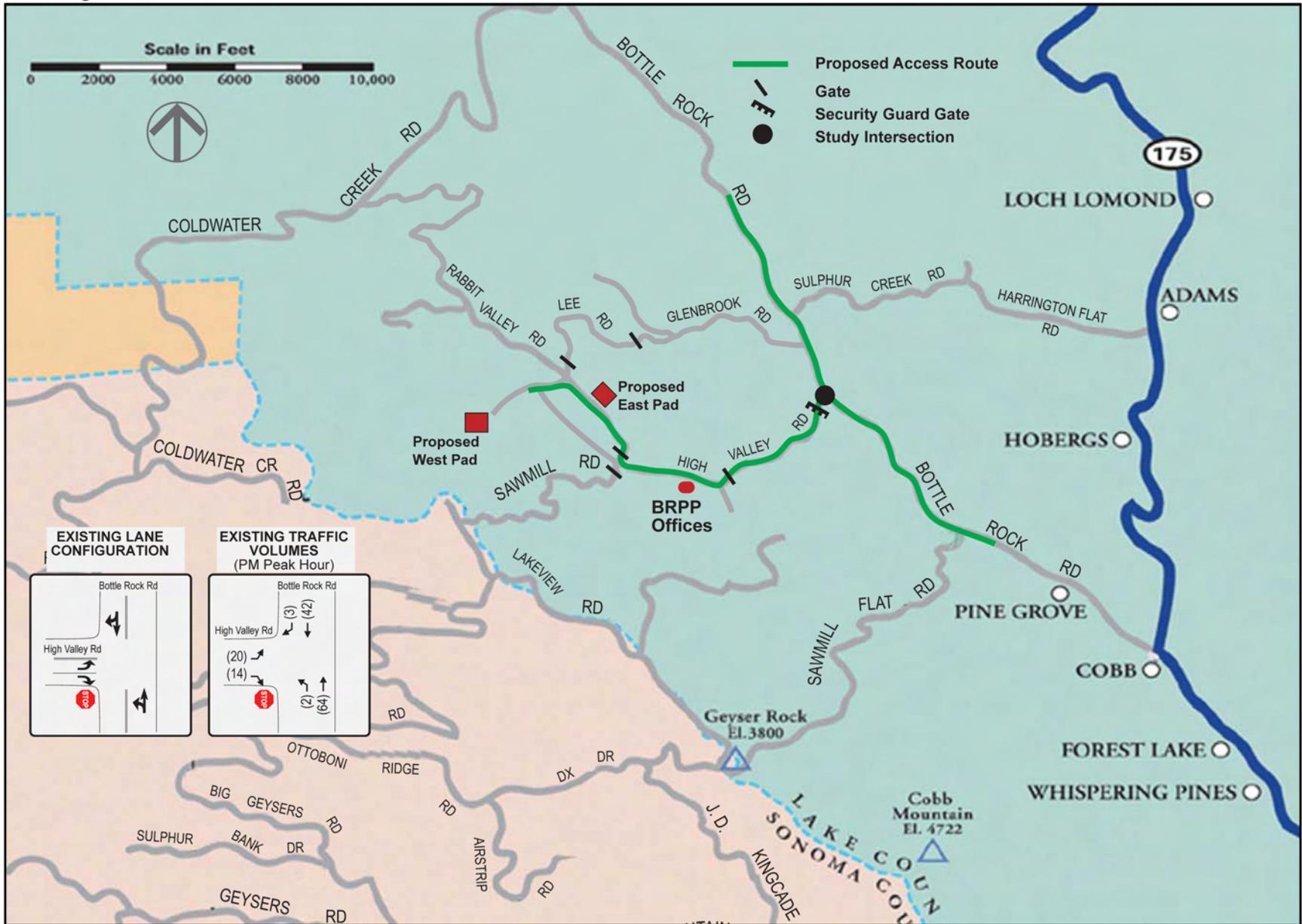
would be able to enter into an access agreement with the road owners, and therefore it was considered potentially infeasible. If Coldwater Creek Road, or another alternative access road, is proposed for use by the project sponsors for the project, supplemental environmental review could be required for purposes of compliance with CEQA if significant improvements to the road were determined to be needed for construction access. However, if no significant road improvements were needed, then the provisions within the proposed Use Permit 09-01 would allow for the alternate access to be utilized.

Revised Traffic Exhibits

Multiple comments were received during the public comment related to the Coldwater Creek Road alternate access that exhibits in the Draft EIR/EA that depict the existing road network are incorrect. The commentors are correct; Rabbit Valley Road does connect to Coldwater Creek.

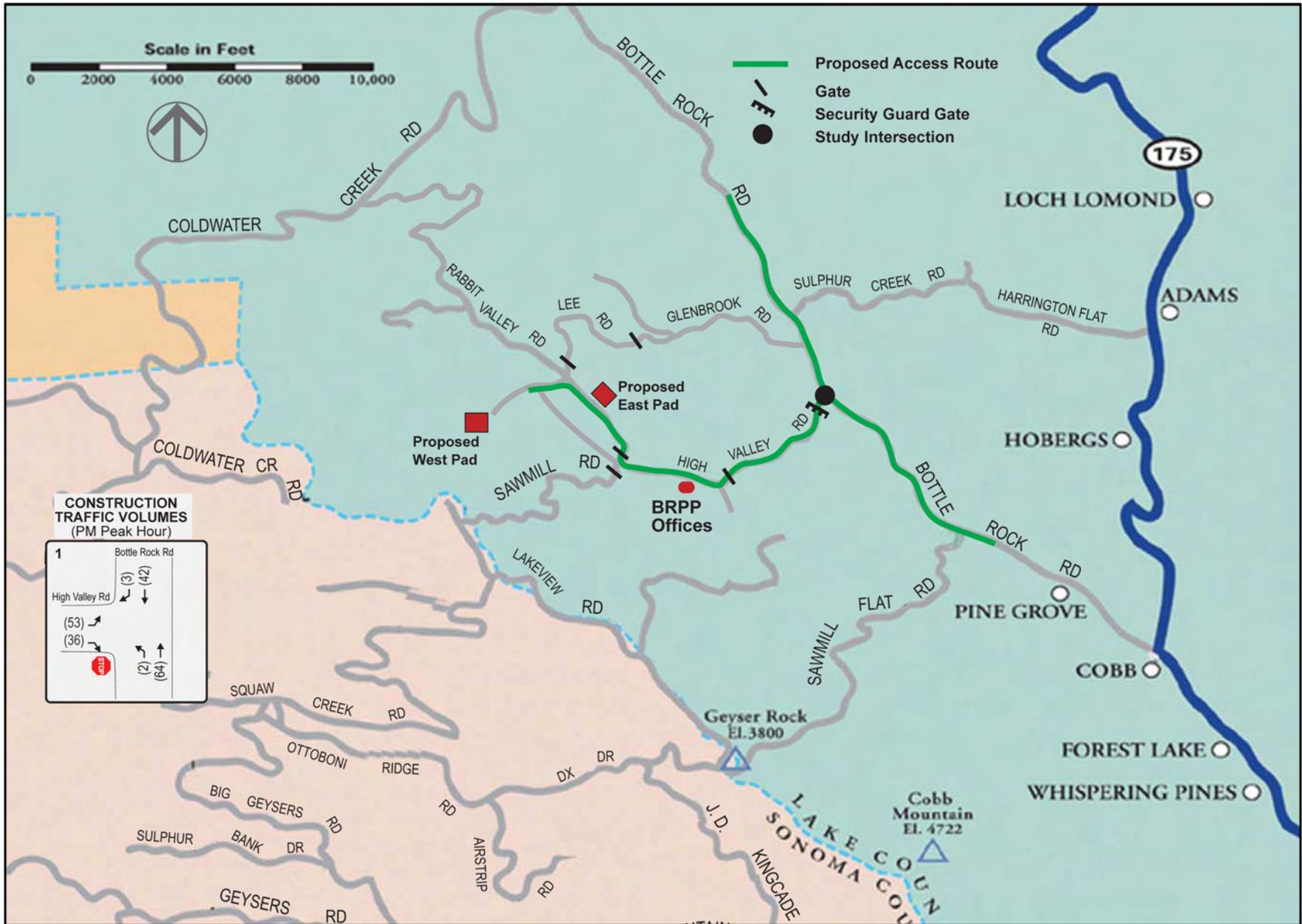
Accordingly, **Exhibits 5.2-1, 5.2-5, 5.2-13, 5.2-16, 6.0-1, and 6.0-2** have all been revised to illustrate the connection between Rabbit Valley Road and High Valley Road.

Exhibit 5.2-5
Existing Intersection Traffic Volumes



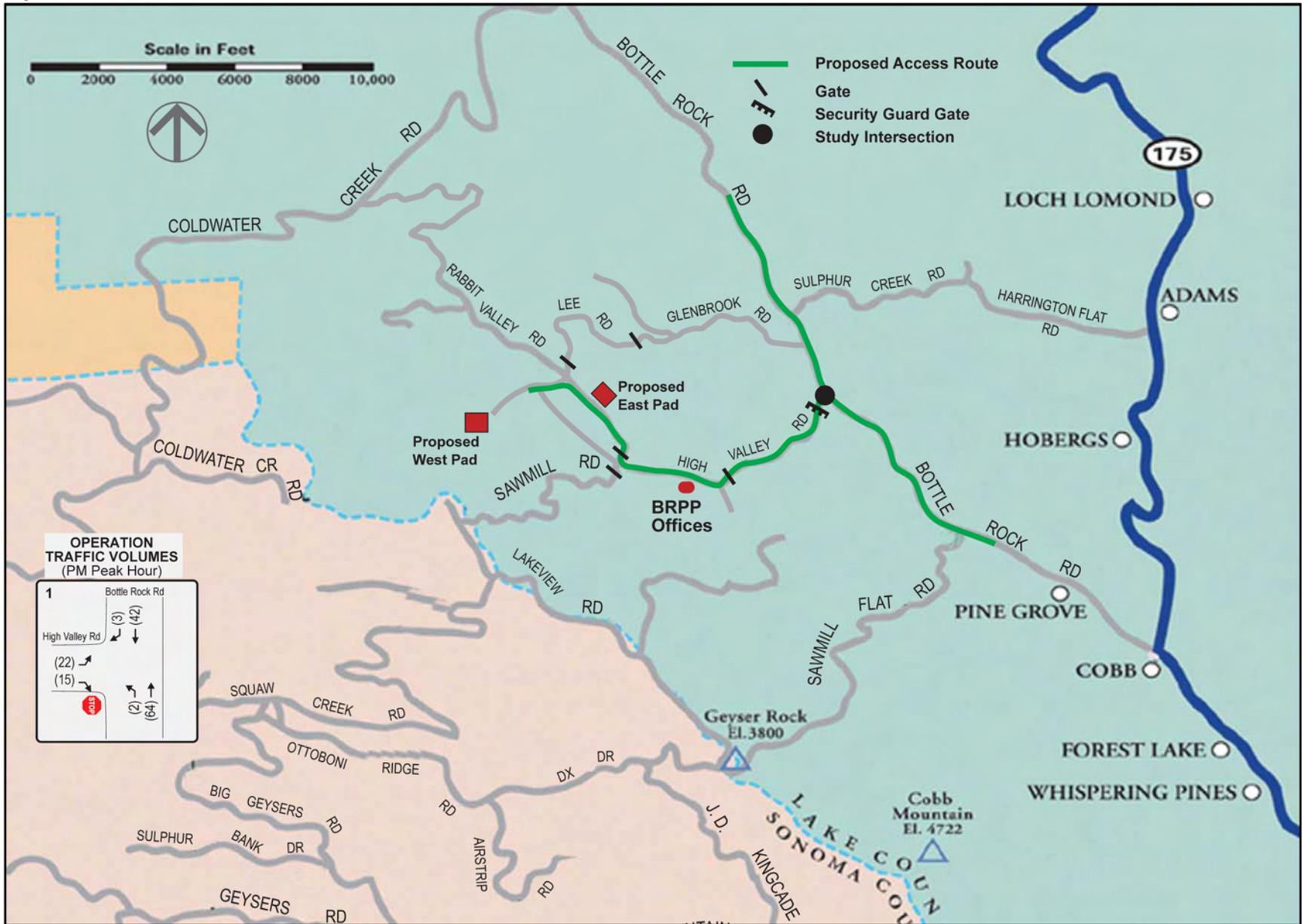
Source: W-Trans, September 2009.

Exhibit 5.2-13
Construction Phase Traffic Volumes - PM Peak Hour



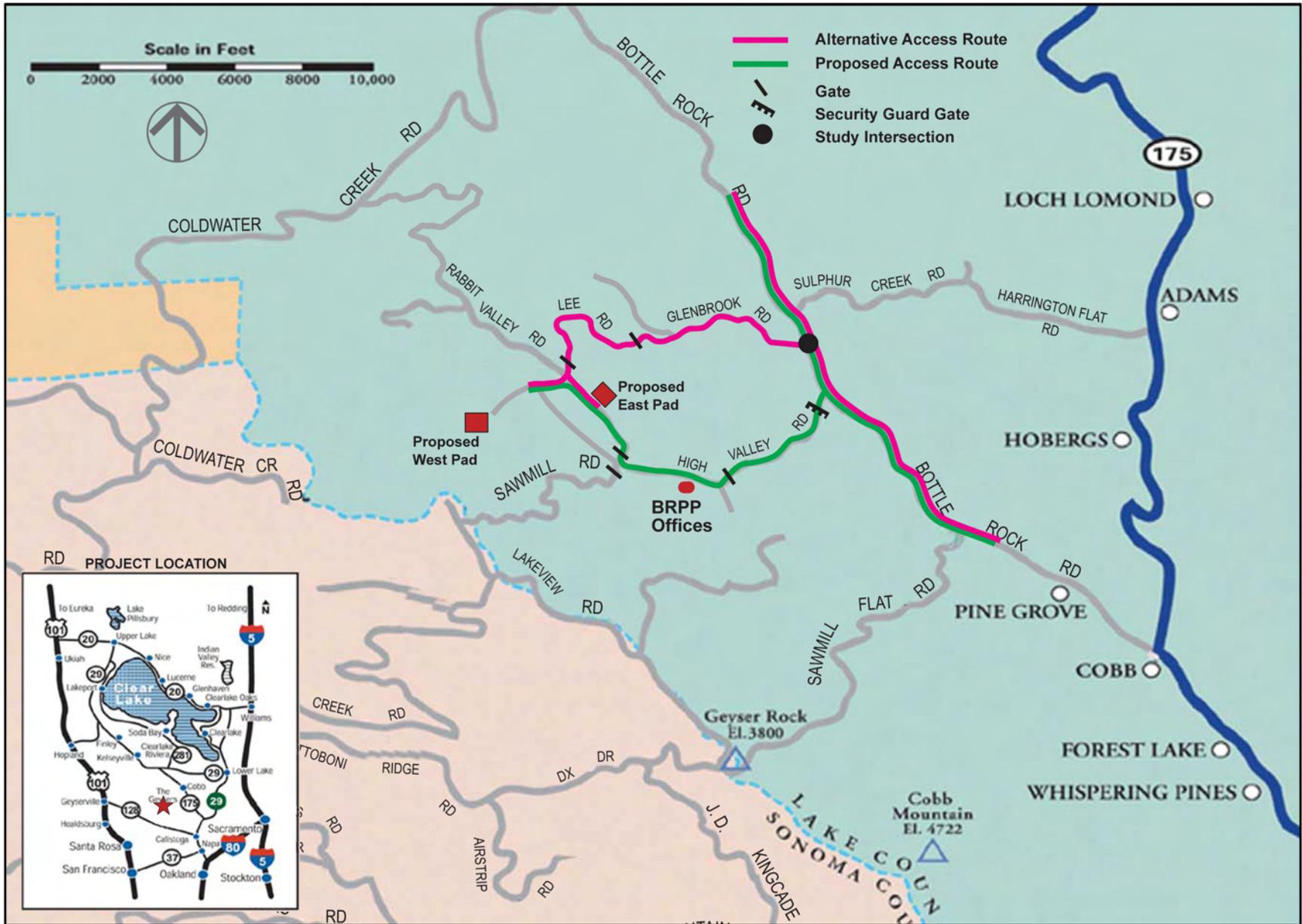
Source: W-Trans, September 2009.

Exhibit 5.2-16
Operations Phase Traffic Volumes - PM Peak Hour



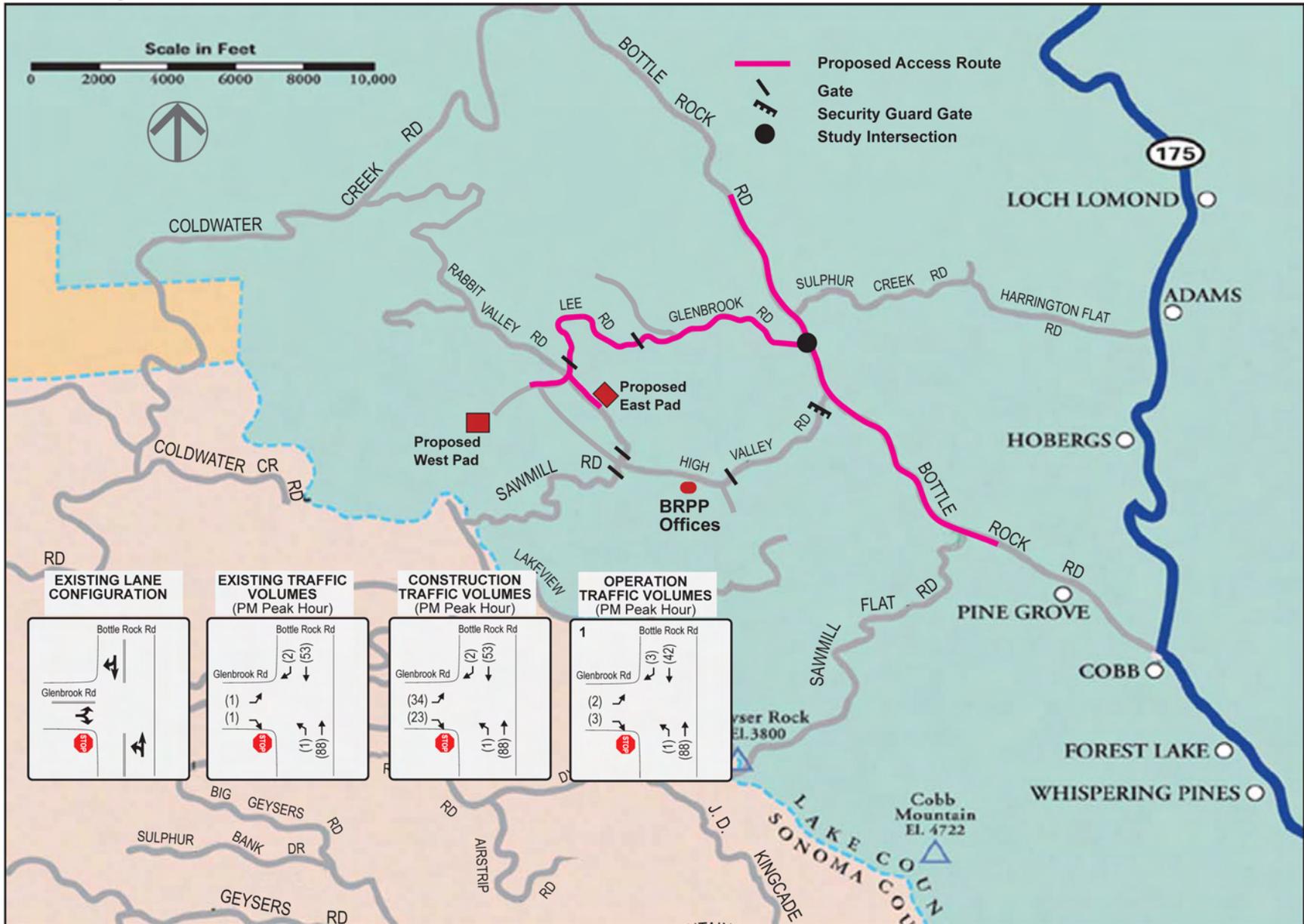
Source: W-Trans, September 2009.

Exhibit 6.0-1
Alternate Access – Glenbrook Road



Source: W-Trans, September 2009.

Exhibit 6.0-2
Lane Configuration and Traffic Volumes Associated with Alternate Access Route



Source: W-Trans, 2009.

9.4 RESPONSE TO WRITTEN COMMENTS

Response to Written Comments

All comments submitted to Lake County on the Draft EIR/EA in comment Letters 1 through 21 are presented in the following pages. The original letters are reproduced and comments are numbered for referencing with responses. Some responses refer readers to Master Responses, to other comments/responses in this section, or to the pages in the Draft EIR/EA where specific issues are discussed.

Bottle Rock Geothermal Power Plant Project (79-AFC-4C)

Lake County Draft EIR (State Clearinghouse No. SC 2009102035)

ITEM 1

9:05AM

NOVEMBER 3, 2010

Comment E

CA Energy Commission

15 pages

California Energy Commission Comments

Energy Commission Staff appreciates the comprehensive analysis completed by Lake County in the Draft EIR/EA, and submits the following comments for consideration.

Technical Area: Air Quality

Author: Jacquelyn Leyva

BACKGROUND

In the long-term exposure of sensitive receptors to toxic air contaminants impact section 5.3-9, the draft EIR states, "additionally while the water sprays and sodium hydroxide injection would limit NH₃ emissions to a certain extent, for this analysis, 75 percent control is assumed, which is not sufficient to reduce the NH₃ emissions to a less-than-significant level." The mitigation measure is the same as in 5.3-5 and requires a Hydrogen Sulfide Detection and Abatement Plan. However, a further reduction of ammonia abatement to a less-than-significant level does not exist in this plan. Further in Exhibit 5.3-11 (page 5.3-39), titled TAC emissions from Startup and Shutdown Events the facility could have a maximum daily emission rate of around four times higher than the BAAQMD acute trigger level (7.1 lb/hr). Even at 75 percent reduction, the maximum daily emission value of (28.17 lb/hr), the daily rate will be approximately equal to the acute trigger rate which is associated with a possible need to evaluate public health risks and may not be sufficiently below the acute trigger level to be deemed "less than significant".

COMMENT

1. The Black Rock Geothermal Project located in Imperial County will be controlling additional ammonia in the non condensable gas (NCG) stream by further controlling the emissions in a caustic scrubber. The scrubber blowdown will be directed to the cooling tower basin to be ultimately injected back into the geothermal brine source via one of the two plant injection wells.
 - a. Please include separate discussions for other alternatives that the applicants may need to use in order to reduce the NH₃ emissions to a less-than-significant level.

1-1

BACKGROUND

Page 5.3-36 (Impact 5.3-8 - long-term exposure to criteria pollutant emissions) provides a statement regarding the emissions associated with the diesel-fueled emergency generator engine; the estimates in Exhibit 5.3-10 are based on 50 hours of operation per year for maintenance and routine testing. The emissions values for the emergency generator and mobile sources are equivalent for the pounds per hour value and the pounds per day value.

COMMENT

- 2. Will the applicants be subject to a condition that will limit the use with documented clocked hours for the emergency generator use or the 50 hours per year for maintenance and routine testing? 1-2
- 3. Will this emergency generator be the current ARB Tier level for the size of engine? What Tier level is this engine expected to be? 1-3
- 4. Please include the specifications in the Final EIR (i.e. emissions rate, make, model, year manufactured, and break horse power) for the emergency generator. 1-4
- 5. Please verify the number of emergency generators to be used. 1-5
- 6. Please verify there will not be a fuel-fueled emergency fire water pump for this site, and is this in accordance with NFPA. 1-6

BACKGROUND

Exhibit 5.3-4: Summary of Lake County Air Quality Monitoring Data shows ambient concentrations of PM10, PM2.5, and hydrogen sulfide. Construction and operation create criteria pollutant emissions even if the main fuel is geothermal steam.

COMMENT

- 7. Please include other criteria pollutants such as NO₂, CO, SO₂, and Ozone. 1-7
- 8. In the final EIR, there should be additional exhibits showing the ambient background data for all pollutants with the impacts associated with the project emissions (one each for short term construction impacts, operation, and start-up and shut-down impact emissions) combined to get a "total impact value", then compared with the limiting standard, and the percent of the limiting standard the combined value would be. Shown is an example of a possible layout. 1-8

Pollutant	Averaging Period	Impacts (µg/m3)	Background (µg/m3)	Total Impact (µg/m3)	Standard (µg/m3)	Percent of Standard
NO2	1-hour (Calif.)					%
	Annual					%
CO	1-hour					%
	8-hour					%
SO2	1-hour					%
	1-hour fed					%
	3-hour					%
	24-hour					%
PM10	24-hour					%
	Annual					%
PM2.5	24-hour					%
	Annual					%

1-8

BACKGROUND

Exhibit 5.3-12: Cumulative Emissions includes emissions for the cooling tower; included pollutants are PM10, PM2.5, and Chloroform.

COMMENT

9. Are there any emissions associated with the cooling tower and NH₃ or H₂S? If so, please include these emissions.
10. For the Black Rock Geothermal Project located in Imperial County, a ChemOx system is used to eliminate the formation and management of biomass and the potential for plugging and corrosion of the cooling towers due to formation of sulfur or iron sulfide sludge that would have occurred in the formerly proposed biological oxidation H₂S emissions control process. Is this a possibility or necessary for this proposed project?

1-9

1-10

BACKGROUND

Exhibit 5.3-2: Federal and California Ambient Air Quality Standards uses an outdated figure which omits the new standards (i.e. the new 1-hr NO₂ federal standard of 0.100 ppm, and the new 1-hr SO₂ Federal Standard).

COMMENT

11. Please include the most current Ambient Air Quality Standards table from the Air Resources Board, such as shown below.

Federal and State Ambient Air Quality Standards

Pollutant	Averaging Time	California Standard	Federal Standard
Ozone (O ₃)	1 Hour	0.09 ppm (180 µg/m ³)	None
	8 Hour	0.070 ppm (137 µg/m ³)	0.075 ppm (147 µg/m ³) ^a
Respirable Particulate Matter (PM ₁₀)	24 Hour	50 µg/m ³	150 µg/m ³
	Annual	20 µg/m ³	None
Fine Particulate Matter (PM _{2.5})	24 Hour	None	35 µg/m ³
	Annual	12 µg/m ³	15 µg/m ³
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m ³)	35 ppm (40 mg/m ³)
	8 Hour	9 ppm (10 mg/m ³)	9 ppm (10 mg/m ³)
Nitrogen Dioxide (NO ₂)	1 Hour	0.18 ppm (339 µg/m ³)	0.100 ppm (188 µg/m³)^b
	Annual	0.030 ppm (57 µg/m ³)	0.053 ppm (100 µg/m ³)
Sulfur Dioxide (SO ₂)	1 Hour	0.25 ppm (655 µg/m ³)	0.075 ppm^b
	3 Hour	None	0.5 ppm (1300 µg/m ³)
	24 Hour	0.04 ppm (105 µg/m ³)	0.14 ppm (365 µg/m ³)
	Annual	None	0.03 ppm (80 µg/m ³)

Source: ARB (<http://www.arb.ca.gov/research/aaqs/aaqs2.pdf>), October 2010.

Notes:

a. On January 6, 2010, the U.S. EPA proposed to reduce the federal 8-hour ozone standard to 0.06 to 0.07 ppm, but the standard change has not yet been implemented.

b. The U.S. EPA and BAAQMD are in the process of implementing the new federal 1-hour NO₂ standard, which became effective April 12, 2010, and the new SO₂ standard became effective August 23, 2010. The NO₂ NAAQS is based on the 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations. The SO₂ NAAQS is based on the 3-year average of the 99th percentile of the yearly distribution of 1-hour daily maximum concentrations.

Technical Area: Biological Resources

Author: Joy Nishida

BACKGROUND

According to the Aquatic Habitats and Waters of the U.S. section on page 5.5-45 in the Draft EIR/EA, the USACE will still need to verify the delineation of waters of the U.S.

COMMENT

1. Please also include the status of the California Department of Fish and Game 1602 Lake and Streambed Alteration Agreement, if appropriate.

1-12

BACKGROUND

In the Special-Status And Commercial/Recreational Species Section, a special-status plant, serpentine collomia, (*Collomia diversifolia*) is discussed on page 5.5-50. There is some confusion regarding serpentine collomia and serpentine bird's-beak (*Cordylanthus tenuis* ssp. *brunneus*) as both plant species are discussed here.

COMMENT

2. Please include separate discussions for serpentine collomia and serpentine bird's-beak.

1-13

BACKGROUND

According to Impact 5.5-3, Riparian Habitat or Other Sensitive Natural Communities in the Impact Analysis Section on page 5.5-66 in the Draft EIR/EA, the proposed steam pipeline would be parallel to the existing steam pipeline to the power plant. Impacts to biological resources from the construction of the proposed pipeline is stated to be limited as the pipeline would be placed on stanchions with very little ground disturbance or in already developed areas.

COMMENT

3. The installation of the proposed steam pipeline within the fenced boundary is not explained in great detail. Therefore, an explanation of the placement of the proposed steam line (e.g., on stanchions, on the surface, and/or underground) and how the connection to the power plant would be facilitated is needed for the document. Please also include the following:
 - a. If any clearing and/or grading of vegetation or trenching is to be utilized, please explain to what extent and what the subsequent plans for revegetation would be.

1-14

- b. Please describe what impact avoidance or minimization measures would be used to protect downhill resources from disturbance caused by construction of the proposed steam line.

Technical Area: Land Use, Population, and Housing
Author: Jeanine Hinde

BACKGROUND

The project to modify and improve the existing Bottle Rock Geothermal Power Plant (proposed project) is located in unincorporated Lake County. The *Lake County General Plan* land use designation for the area encompassing existing and proposed project facilities (project area) is Rural Lands (RL).

The existing geothermal facilities at the project site are in the 350-acre Francisco Leasehold (geothermal leasehold). Parcels in the Francisco Leasehold are zoned Rural Lands (RL). The purpose of the RL zoning district is "to provide for resource related and residential uses of the County's undeveloped lands that are remote and often characterized by steep topography, fire hazards, and limited access." (Article 7 of the Lake County Zoning Ordinance addresses regulations for the RL district.) A geo-field (i.e., geothermal) development project is one of the various special uses that are generally permitted in the RL district with a major use permit (Article 27 of the Lake County Zoning Ordinance, Section 27.11, Table B).

The bulk of new geothermal resource facilities for the proposed project would be constructed in the approximately 450-acre BRP GeoResource Leasehold north of the Francisco Leasehold. Parcels in the BRP GeoResource Leasehold are zoned Planned Development Residential (PDR). Article 13 of the Lake County Zoning Ordinance specifies uses that are permitted in any PDR district provided that such uses are not inconsistent with an approved general or specific plan of development. No uses relating to geothermal development are permitted in the PDR district.

Article 41 of the Lake County Zoning Ordinance establishes performance standards applicable to proposed uses in the county and describes conditions under which a use permit shall be required (pages 5.1-27 and 5.1-28 of the DEIR/EA). A Major Use Permit is required when the performance characteristics of the proposed use have the potential to (1) significantly impact the environment; (2) create substantial public controversy; or (3) injure the public health, safety or welfare. The project applicant submitted an application for a Major Use Permit to the Lake County Community Development Department in July 2009 (pages 3.0-32 and 5.1-34 of the DEIR/EA).

COMMENTS

Land Use

4. On page 5.1-1 of the DEIR/EA, under "Land Uses within the Project Site," Exhibit 3.0-3 is referenced with text indicating that the exhibit shows existing land uses by assessor parcel number (APN) and leasehold area. Exhibit 3.0-3 is missing from the DEIR/EA. Exhibit 3.0-2 shows the leasehold boundaries, proposed project facilities, and the APNs, but it does not show existing land uses (e.g., residences, recreation facilities, Binkley Ranch, Bottle Rock Power Plant well pads, and other geothermal power plants). Energy Commission staff requests an exhibit be included in Chapter 3.0 or Section 5.1 showing existing land uses in the project area, including those listed above. 1-16
5. Energy Commission staff requests addition of an exhibit showing the location of the 115 acres that are the subject of the rezone request submitted to Lake County (bottom of page 5.1-2 of the DEIR/EA). Also, if there is a defined project site inside of the Francisco and BRP GeoResource Leaseholds, please show those boundaries. 1-17
6. Exhibit 5.1-7 in the DEIR/EA is the table addressing applicability of Lake County Zoning Ordinance regulations to the proposed project. The area where most of the project facilities would be constructed is zoned Planned Development Residential (PDR). Energy Commission staff requests that information on the PDR district be added to the table, including a list of permitted uses. Staff requests that text be added to the table stating that the proposed project is currently inconsistent with the PDR zoning district. Please include information on the request to rezone 115 acres of the project site. 1-18
7. The discussions of permitting on pages 5.1-33 and 5.1-35 of the DEIR/EA state that "[v]iolations of previous use permit have been or are in the regulatory process of being complied with." Energy Commission staff requests that text be added explaining the nature of the previous use permit violations and how compliance is being achieved. 1-19
8. The applicability and consistency tables include text under the column, "Project Consistency," stating that "[p]roject would be consistent with this policy with incorporation of recommended mitigation measures." (Refer to pages 5.1-11 through 5.1-20, 5.1-22 and 5.1-23, 5.1-25, 5.1-28 through 5.1-32, and 5.1-37 through 5.1-46.)
 - a. Energy Commission staff requests that references to specific mitigation measures be provided for all applicable policies and ordinances. 1-20
 - b. The tables also generally refer to "enhancement measures" on pages 5.1-16, 5.1-20, and 5.1-37. Staff requests text explaining the nature and scope of the enhancement measures.
9. On page 5.1-51 of the DEIR/EA, the analysis of project consistency with applicable plans and policies states that "the project sponsor has also applied for 1-21

a Major Use Permit to allow geothermal field development and road construction on the project site.” The discussion on page 3.0-11 of the DEIR/EA summarizes components of the proposed project. Energy Commission staff requests that the impact discussion in Section 5.1 clarify whether the Major Use Permit would cover other proposed modifications and improvements outside of the boundary of the existing power plant, including:

- insulated steam and injection pipelines,
- backup standby power generation equipment,
- 9,000-gallon water storage tank, and
- road surface and drainage features along the proposed access via High Valley Road

1-21

Employment

10. The job data provided on page 5.1-9 of the DEIR/EA is from 2006. Industry employment and labor force data for Lake County is provided on the California Employment Development Department website through 2009. Energy Commission staff requests that the text be revised to include updated employment data to better reflect existing conditions. Staff also requests that the discussion include data on the current civilian employment and unemployment, and the unemployment rate in the county.
11. The text provides numbers of businesses and jobs in the Cobb Mountain Planning Area. Energy Commission staff requests that a source and year be provided for this information (last paragraph on page 5.1-9 of the DEIR/EA).

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1-23

Technical Area: Socioeconomics and Environmental Justice
Author: Jeanine Hinde

BACKGROUND

The region of influence (ROI) for the socioeconomics analysis is Lake County. A total of approximately 45 people would be employed to construct the proposed well pads, steam pipelines, and the new access road. Approximately 12 to 15 well drillers would be needed per pad, for a total of 24 to 30 well drillers. Except for the well-drilling jobs, which would be filled by geothermal specialty crews, project-related personnel would likely come from Lake County (page 5.12-6 of the DEIR/EA). The project would add five permanent operating jobs to the existing workforce at the Bottle Rock Geothermal Power Plant (page 5.12-7 of the DEIR/EA). The project would have an overall beneficial socioeconomic impact on Lake County (page 5.12-7 of the DEIR/EA).

COMMENTS

1. On page 5.12-2 of the DEIR/EA, sources are listed that include the Bureau of Economic Analysis 2007 and the Center for Economic Development 2009. Staff requests that complete references be provided for these cited sources. On 5.12-3 of the EIR/EA, the third citation refers to local, state, and national average annual growth rates for 1996–2006. The corresponding reference is for unemployment rates from the Bureau of Labor Statistics. Staff notes that the reference provided may be incorrect and requests that all citations and references be reviewed and corrected and/or updated as necessary.
2. Staff notes that page 5.12-8 of the DEIR/EA states that the project would not result in a substantial adverse change to social, economic, physical, environmental, or health conditions so as to disproportionately affect any particular low-income or minority population. To provide the reader with data on the presence of environmental justice populations, staff requests that the DEIR/EA include a table on the demographics of Lake County by persons below poverty level and by race.

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1-25

Technical Area: Traffic and Circulation
Author: Jeanine Hinde

BACKGROUND

The project to modify and improve the existing Bottle Rock Geothermal Power Plant (proposed project) would include improving the existing access roads to the project site and constructing a new road between the proposed East and West Pads (page 3.0-11 of the DEIR/EA). Access to the project site from Bottle Rock Road is provided by two narrow private roads. High Valley Road is paved, and sections of this road are currently being widened. Rabbit Valley Road is unpaved. Both roads also provide access to the rural residences in the area (pages 5.2-1 through 5.2-4 of the DEIR/EA).

COMMENTS

1. On page 5.2-1 of the DEIR/EA, the text states that several gates along High Valley Road restrict access to the geothermal operations and other land uses in the area. Energy Commission staff requests that text be added describing whether changes to operation of these access gates could be required during project construction. Staff requests the addition of text addressing any necessary security measures that would be implemented during project construction. 1-26

2. On page 5.2-9 of the DEIR/EA, the text states that the current hazardous material disposal volume is estimated to average one truck load per week. Staff requests that text be added describing whether implementation of the proposed project would result in generation of additional hazardous material that would be trucked off-site. 1-27

3. On page 5.2-19 of the DEIR/EA, the text refers to Section 3 of the Lake County Road Design and Construction Standards. The text states that because this is a private road and is not required to be offered for dedication to the County, these County road standards do not apply. The text also states that minimum safety standards need to be applied when necessary. Staff requests that text be added describing the minimum standards that are considered applicable to the proposed project. 1-28

4. Exhibit 5.2-11 in the "Regulatory Setting" section lists regulations relating to traffic and circulation that are applicable to the proposed project. Energy Commission staff notes that none of the identified goals, policies, plans, and regulations identified in Exhibit 5.2-11 are included in the policy consistency table in Section 5.1, "Land Use, Population, and Housing."
 - a. Staff requests that the list of goals, policies, plans, and regulations in Exhibit 5.2-11, "Traffic and Circulation," be the same as those presented in Exhibit 5.1-6 in Section 5.1 of the DEIR/EA. 1-29

 - b. Staff requests that identified goals, policies, plans, and regulations relating to traffic and circulation be evaluated for consistency with the proposed 1-30

- project. (See also Comment 5.a. in the comments on Land Use, Population, and Housing.)
5. The significance criteria on page 5.2-21 include the requirement to address emergency access. Staff requests that text be added to the impact section describing requirements for emergency access to the project site and whether the existing access routes would provide sufficient access for emergency vehicles during project construction and operation.
 6. On page 5.2-22 of the DEIR/EA, the text states that the proposed access route would be via Bottle Rock Road and High Valley Road. On page 5.2-23 of the DEIR/EA, the text describes the construction schedule and work crew requirements for "access road work." The large scale and generalized view of the map showing the project sites (Exhibit 5.2-1) make it difficult to identify the extent of the proposed road work.
 - a. Energy Commission staff requests that text and/or a new exhibit be added describing the project-related roadway improvement work on High Valley Road and Rabbit Valley Road. Please include a description of the extent (i.e., locations and limits) of construction activities.
 - b. Staff requests that text be added describing measures to ensure continued access to High Valley Road and Rabbit Valley Road for local residents during project construction. Please include a description of any lane closures that could be necessary.
 7. On page 5.2-17 of the DEIR/EA, the text states that available stopping sight distance was determined to be insufficient on Bottle Rock Road, approximately 1 mile north of the intersection of Bottle Rock Road and High Valley Road. Impact 5.2-6 of the DEIR/EA identifies a potential hazard relating to increased truck traffic on High Valley Road. The corresponding mitigation measure addresses the requirement for construction work zone signage on High Valley Road. Given the potential hazard identified for stopping sight distance on Bottle Rock Road, staff requests that text be added to the mitigation measure describing required signage and any other necessary safety measures on Bottle Rock Road during project construction.
 8. On page 5.2-28 of the DEIR/EA under Mitigation Measure 5.2-6, the text states that all roadway improvements and construction zones shall adhere to Part 6 of CA-MUTCD, Temporary Traffic Controls. Energy Commission staff requests that text be added to the environmental setting or regulatory discussions describing the purpose of the California Manual on Uniform Traffic Control Devices and its applicability to the proposed project.
 9. The text under Mitigation Measure 5.2-6 states that "[f]urther evidence of site-specific safety problems can indicate the desirability of providing roadside clear zones or guardrails." Staff requests that the mitigation measure be edited to clarify whether that statement is providing direction relating to mitigating the

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impact. Please consider using a bulleted list to identify specific safety measures and other requirements under Mitigation Measure 5.2-6.

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10. On page 5.2-28 of the DEIR/EA under "Responsibility and Monitoring," the text states that the County would be responsible to ensure the traffic safety plan was updated by the project sponsor. Energy Commission staff requests that text be added describing the existing traffic safety plan. Please clarify whether Mitigation Measure 5.2-6 requires updating the traffic safety plan and if the specified mitigation will be incorporated in the updated plan.

1-37

Technical Area: Visual Resources
Author: Jeanine Hinde

BACKGROUND

The Bottle Rock Geothermal Power Plant is located along the southeastern flank of the Mayacamas Mountains in southwestern Lake County. Portions of the project site are visible from two county roads, Bottle Rock Road and Sulfur Creek Road, and from several rural residences in the project area. The project site cannot be directly viewed from any vantage points along State Route (SR) 175, which is the nearest highway to the project area.

COMMENTS

11. The "Regulatory Setting" section includes a list of policies from the *Lake County General Plan* relating to the protection of visual resources (pages 5.11-2 through 5.11-4 of the DEIR/EA). The text states that "[c]onsistency with the above policies and provisos...are described in Section 5.1 Land Use, Population, and Housing." Several of the policies listed in Section 5.11, "Visual Resources," are not included in the policy consistency table in Section 5.1. Energy Commission staff requests that these policies be evaluated for consistency with the proposed project and added to the policy consistency table in Section 5.1:
 - Policy OSC-2.1 Design Guidelines for Structures in Rural Areas
 - Policy OSC-2.7 Landscaping Techniques
 - Policy OSC-2.11 Grading Impacts
 - Policy OSC-2.16 Low Glare Building Materials
 - Policy LU-7.10 Visual Access
 - Policy LU-7.15 Screening
12. On pages 5.11-5, 5.11-6, and 5.11-10 of the DEIR/EA, it is stated that an analysis of a project's effect on private views is not within the purview of the California Environmental Quality Act (CEQA). It is also stated that the visual resources analysis of the project's visual impacts only pertains to public views. Energy Commission staff notes that CEQA does *not* limit the analysis of aesthetic (i.e., visual) impacts of a project to views from public areas. An analysis of the visual impacts of a project subject to CEQA takes into account views of a project site from private residences and residential areas. Staff requests modification of the text and analysis as necessary and removal of the identified statements.
13. On page 5.11-6 of the DEIR/EA, it is stated that "[e]xisting public views (i.e., from distant public roads and vantage points) of the project site would be, to a great extent, filtered by the area's topography and vegetation." Staff notes that the visual resources analysis does not include photographs of the project sites or key observation points (KOPs). The Petition to Amend that was submitted by the

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project applicant in September 2009 identifies three KOPs for the project and includes photographs of existing conditions and photographic simulations for each KOP.¹

- a. Energy Commission staff requests that the visual resources analysis in the DEIR/EA include the photographs from the Petition to Amend that show views during drilling (without mitigation) and views during drilling (5 years after construction) (Figures 4.15-12, -13, -14, -18, -19, and -20). (1-40)
 - b. Staff requests that the impact analysis incorporate a discussion of the change in views for the selected KOPs.
14. The impact discussion under Impact 5.11-1 states that the project sponsor would implement specific Best Management Practices and develop a Revegetation Plan to reduce adverse changes to the existing visual quality. Energy Commission staff notes that implementation, enforcement, and monitoring of identified practices and plans can only be guaranteed if the identified practices and plans are required as mitigation for potential impacts of the project on visual resources (e.g., to mitigate potential inconsistencies with relevant policies).
- a. Energy Commission staff requests that the measures listed under “Best Management Practices,” “Revegetation Plan,” and “Measures to Reduce Drilling Impacts” be modified as necessary and identified as Mitigation Measure 5.11-1. (Addition of Mitigation Measure 5.11-2 may be necessary to accommodate inclusion of two or more plans.) (1-41)
 - b. Energy Commission staff requests that text be added requiring review and approval of the plans by Lake County prior to issuance of any grading permits for site development.

¹ California Energy Commission 2009—*Petition to Amend the California Energy Commission Final Decision on Bottle Rock Power Plant (79-AFC-4C)*. Submitted by Bottle Rock Power, LLC, September 30, 2009. Prepared for the California Energy Commission. Prepared by RMT, Inc. for Bottle Rock Power, LLC.

RESPONSE TO LETTER 1 – CALIFORNIA ENERGY COMMISSION, JACQUELYN LEYVA – NOVEMBER 3, 2010

Response to Comment 1-1

The commentor suggests that BRP propose additional controls to address significant impacts from ammonia emissions, based on technology proposed at another geothermal power facility. The caustic scrubber technology suggested by the commentor was proposed for the Black Rock facility in Imperial County, CA, to treat the full steam volumes from the wells prior to input in the generation steam cycle during normal plant operations, and was not proposed for use during well development activities. For the Black Rock project, the scrubber effluent, a concentrated caustic solution, would be injected in a brine aquifer.

A significant adverse impact was identified for the proposed Bottle Rock Power Steam Project due to ammonia emissions that would occur during well venting during drilling and flow testing. These are activities that are short-term, transient, and would occur at or immediately adjacent to the well pad. The scrubber technology suggested by the commentor is not appropriate for installation or use at the well pad for these short-term events. The proposed project would also have significant adverse impacts from ammonia emissions during start-up activities. As start-up is projected to be an infrequent activity, mitigation in the form of the suggested scrubber would be unnecessarily burdensome, and disposal of the caustic effluent may have adverse environmental consequences that outweigh the benefits achieved by the ammonia treatment.

Response to Comment 1-2

The project sponsor has agreed to accept a permit of 50 hour per year for maintenance and testing, as is conventional for emergency engines. If the project is approved, LCAQMD is expected to issue a Permit to Operate with a condition limiting hours of operation. As the emissions would not lead to a significant adverse impact, CEQA mitigation above and beyond the LCAQMD permit condition is not required.

Response to Comment 1-3

The emergency generator engine will be a Tier 2 engine as required by Title 40 Code of Federal (CFR) Regulations Part 60, Subpart IIII.

Response to Comment 1-4

The emission rates for the emergency generator engine shown in the Draft EIR/EA are based on SCAQMD default emission factors for propane combustion. The SO_x emissions rates are representative, as SO_x emissions are based on fuel sulfur content. The NO_x, VOC, CO and PM₁₀ emissions are likely over-estimated, as Tier 2 emissions standards are lower than the default emission factors used in this analysis. Based on preliminary engineering design, the engine is expected to be a 1,006 horsepower (Hp) engine, as shown in the emission estimates provided as **Appendix C** of the Draft EIR/EA. The make, model, and year manufactured will be specified in the Use Permit, if the project is approved. Those specifications also would be provided to LCAQMD for inclusion in the Permit to Operate for that device.

Response to Comment 1-5

There would be one emergency generator engine for the proposed project. It would be centrally located and provide emergency power to all three well pads.

Response to Comment 1-6

The well pads would not be equipped with fuel-fired emergency fire water pumps, as there are no flammable materials or combustible structures on the well pads. NFPA standards do not require fire water protection for geothermal wells.

Response to Comment 1-7

In response to this comment, **Exhibit 5.3-4** is revised as follows:

<i>Glenbrook – High Valley Road Ambient Air Quality Statistics</i>	2007	2008^a	2009
PM₁₀¹			
Maximum 24-hr measurement, (ug/m ³)	19	84.4 ^b	15.1
Number of days exceeding State standard (50 ug/m ³)	0	12	0
Number of days exceeding federal standard (150 ug/m ³)	*	*	*
PM_{2.5}¹			
Maximum 24-hr measurement, ug/m ³	*	*	*
Number of days exceeding federal standard (35 ug/m ³)	*	*	*
H₂S¹			
Maximum 24-hr value, ppm	0.028	0.018	0.016
Number of days exceeding state standard (0.03 ppm)	0	0	0
NO_x²			
Maximum 1-hr measurement, (ppm)	<u>0.046</u>	<u>0.049</u>	<u>0.045</u>
Number of days exceeding State standard (18 ppm)	<u>0</u>	<u>0</u>	<u>0</u>
SO_x³			
Maximum 24-hr measurement, (ppm)	<u>0.004</u>	<u>0.003</u>	<u>0.003</u>
Number of days exceeding State standard (0.04 ppm)	<u>0</u>	<u>0</u>	<u>0</u>
CO²			
Maximum 8-hr measurement, (ppm)	<u>1.71</u>	<u>1.49</u>	<u>1.34</u>
Number of days exceeding State standard (9 ppm)	<u>0</u>	<u>0</u>	<u>0</u>
Number of days exceeding federal standard (9 ppm)	<u>0</u>	<u>0</u>	<u>0</u>

a Statistics may include data that are related to an exceptional event (e.g., fire in June 2008)

b Exceedances of ambient air quality standards are shown in *italics*

¹ Glenbrook – High Valley Road (Lake County)

² Santa Rosa – 5th Street (Sonoma County)

³ Vallejo – 304 Tuolumne Street (Bay Area)

* Insufficient data

Source: LCAQMD/ARB, 2010.

Ozone data are not available for this station. As noted in the Draft EIR/EA (page 5.3-6), Lake County is currently in attainment with all federal and state ambient air quality standards.

Response to Comment 1-8

In LCAQMD, CEQA significance for construction is based on a comparison of proposed emissions to mass-daily significance thresholds (presented in **Exhibit 5.3-5**), not ambient air quality standards; thus it is not required and not appropriate to model the project emissions for comparison to ambient air quality standards. During normal operations, the proposed project would have virtually no emissions at the project site (i.e., the well heads); emissions related to the steam produced by the project wells would occur at the Bottle Rock Power (BRP) Plant. The power plant is already permitted for the emissions associated with the steam the project would provide and thus modification of the power plant emission limits is not required. Because there would be no changes to the permitted emissions at BRP, modeling of start-up, shutdown, and normal operating emissions is not required.

Response to Comment 1-9

As the process is configured, steam is extracted from the formation and is first processed through a caustic scrubber. The purpose of the scrubber is to remove chlorides (present as hydrochloric acid) and particulate matter from the steam to protect the turbine from corrosion and damage. As ammonia is highly soluble in water, and is stable in an aqueous solution at high pH, a large fraction of ammonia is expected to be scrubbed from the steam in the scrubber. For the analysis, 75 percent ammonia removal is assumed. The scrubber may remove some hydrogen sulfide as well, but due to low solubility in water, the simplifying assumption was made that no H₂S would be removed by the scrubber. Scrubber blowdown is directed to a knock-out pot, pumped to a hot well, and finally injected in the formation. Thus the ammonia removed by the scrubber would be injected in the formation and would not be released to atmosphere.

The clean steam is then sent to the turbine for power generation and through a condenser. Based on a low solubility in water and a high vapor pressure, hydrogen sulfide is assumed to remain with the non-condensable gas (NCG) as the steam passes through the turbine and condenser, and is assumed to not partition to the water phase (i.e., the condensate). The NCGs are then processed in the Stretford unit for sulfur removal. Since the H₂S does not enter the condensate, it could not be emitted from the cooling tower.

The ammonia not removed by the scrubber is expected to be present in both the NCG and the condensate. The fraction present in these two process streams would depend on the ammonia solubility and vapor pressure at the temperature and pH of the condensate. The NCG phase is processed through the Stretford unit; any ammonia present in the NCG is assumed to pass through that unit untreated and would be released to atmosphere. The condensate is used for cooling tower make-up water. Although ammonia is highly soluble in water, the ammonia would eventually partition to the air in the cooling tower and be emitted to atmosphere. In this situation, the cooling tower would function as much like an air stripper for ammonia removal.

For the ammonia emission estimates, a simplifying assumption was made that any ammonia present in the steam following the caustic scrubber would be emitted to atmosphere with the NCGs from the Stretford process stack. This assumption avoids the need to understand the partitioning of ammonia in the various process streams. The total mass of ammonia emissions resulting from the project is correctly reported in **Exhibit 5.3-12**; however, it is likely that the ammonia emissions from the Stretford stack are over-estimated and the ammonia emissions from the cooling tower are under-estimated as a result of this simplifying assumption. For this analysis, because the BRP facility is currently permitted to operate at 55 MW, the ammonia emissions associated with the Project wells are assumed to be permitted and therefore assumed to comply with CEQA. With this approach, the actual

release point was not relevant to the conclusion, so the simplifying assumption does not alter the conclusion.

Response to Comment 1-10

The Bottle Rock Power Plant uses a chemical treatment process that is similar to the Chem-Ox proposed for the Black Rock Project. The Bottle Rock Power Plant does not use a biological process in its cooling tower, so biofouling is not expected to occur.

Response to Comment 1-11

Based on this comment, **Exhibit 5.3-2** is replaced by the table: on the following page:

**Revised Exhibit 5.3-2
 Federal and California Ambient Air Quality Standards ¹**

Ambient Air Quality Standards						
Pollutant	Averaging Time	California Standards ¹		Federal Standards ²		
		Concentration ³	Method ⁴	Primary ^{3,5}	Secondary ^{3,6}	Method ⁷
Ozone (O ₃)	1 Hour	0.09 ppm (180 µg/m ³)	Ultraviolet Photometry	—	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.070 ppm (137 µg/m ³)		0.075 ppm (147 µg/m ³)		
Respirable Particulate Matter (PM ₁₀)	24 Hour	50 µg/m ³	Gravimetric or Beta Attenuation	150 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m ³		—		
Fine Particulate Matter (PM _{2.5})	24 Hour	No Separate State Standard		35 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	12 µg/m ³	Gravimetric or Beta Attenuation	15.0 µg/m ³		
Carbon Monoxide (CO)	8 Hour	9.0 ppm (10mg/m ³)	Non-Dispersive Infrared Photometry (NDIR)	9 ppm (10 mg/m ³)	None	Non-Dispersive Infrared Photometry (NDIR)
	1 Hour	20 ppm (23 mg/m ³)		35 ppm (40 mg/m ³)		
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m ³)		—		
Nitrogen Dioxide (NO ₂)	Annual Arithmetic Mean	0.030 ppm (57 µg/m ³)	Gas Phase Chemiluminescence	53 ppb (100 µg/m ³) (see footnote 8)	Same as Primary Standard	Gas Phase Chemiluminescence
	1 Hour	0.18 ppm (339 µg/m ³)		100 ppb (188 µg/m ³) (see footnote 8)	None	
Sulfur Dioxide (SO ₂)	24 Hour	0.04 ppm (105 µg/m ³)	Ultraviolet Fluorescence	—	—	Ultraviolet Fluorescence; Spectrophotometry (Pararosaniline Method) ⁹
	3 Hour	—		—	0.5 ppm (1300 µg/m ³) (see footnote 9)	
	1 Hour	0.25 ppm (655 µg/m ³)		75 ppb (196 µg/m ³) (see footnote 9)	—	
Lead ¹⁰	30 Day Average	1.5 µg/m ³	Atomic Absorption	—	—	—
	Calendar Quarter	—		1.5 µg/m ³	Same as Primary Standard	High Volume Sampler and Atomic Absorption
	Rolling 3-Month Average ¹¹	—		0.15 µg/m ³		
Visibility Reducing Particles	8 Hour	Extinction coefficient of 0.23 per kilometer — visibility of ten miles or more (0.07 — 30 miles or more for Lake Tahoe) due to particles when relative humidity is less than 70 percent. Method: Beta Attenuation and Transmittance through Filter Tape.		No Federal Standards		
Sulfates	24 Hour	25 µg/m ³	Ion Chromatography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m ³)	Ultraviolet Fluorescence			
Vinyl Chloride ¹⁰	24 Hour	0.01 ppm (26 µg/m ³)	Gas Chromatography			

See footnotes on next page ...

For more information please call ARB-PIO at (916) 322-2990

California Air Resources Board (09/08/10)

¹ California Air Resources Board, September, 2010.

1. California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, suspended particulate matter—PM10, PM2.5, and visibility reducing particles, are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
2. National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest eight hour concentration in a year, averaged over three years, is equal to or less than the standard. For PM10, the 24 hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above $150 \mu\text{g}/\text{m}^3$ is equal to or less than one. For PM2.5, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact U.S. EPA for further clarification and current federal policies.
3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
4. Any equivalent procedure which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used.
5. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
6. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
7. Reference method as described by the EPA. An "equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the EPA.
8. To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 0.100 ppm (effective January 22, 2010). Note that the EPA standards are in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national standards to the California standards the units can be converted from ppb to ppm. In this case, the national standards of 53 ppb and 100 ppb are identical to 0.053 ppm and 0.100 ppm, respectively.
9. On June 2, 2010, the U.S. EPA established a new 1-hour SO_2 standard, effective August 23, 2010, which is based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. EPA also proposed a new automated Federal Reference Method (FRM) using ultraviolet technology, but will retain the older pararosaniline methods until the new FRM have adequately permeated State monitoring networks. The EPA also revoked both the existing 24-hour SO_2 standard of 0.14 ppm and the annual primary SO_2 standard of 0.030 ppm, effective August 23, 2010. The secondary SO_2 standard was not revised at that time; however, the secondary standard is undergoing a separate review by EPA. Note that the new standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the new primary national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.
10. The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
11. National lead standard, rolling 3-month average: final rule signed October 15, 2008.

Response to Comment 1-12

Based on this comment, the following text is added to paragraph 3, line 7 of page 5.5-45:

The applicant has not yet applied for a 1602 agreement for this project. An agreement will be required prior to construction for any work performed within waters of the U.S. and/or within the waters and associated riparian habitat under the jurisdiction of the California Department of Fish and Game.

Response to Comment 1-13

Based on this comment, the following modifications are made to paragraphs 3 and 4 of page 5.5-50 of the Draft EIR/EA:

Serpentine Collomia

Serpentine collomia was also observed, growing in the middle of the pioneer road to the West Pad and in another graded road south of the West Pad. Approximately 20 or more individuals of this species were observed. This species also appears to be adapted to disturbance. ~~Serpentine bird's-beak was observed in a non-native grassland off the side of High Valley Road.~~

Serpentine Bird's-beak

Serpentine bird's-beak was observed in non-native grassland off the side of High Valley Road. Approximately 20 to 30 individuals of this species were observed in this area. Serpentine bird's-beak is not likely to be impacted by the project as the road at this location would probably not need to be improved or altered for the project.

Response to Comment 1-14

The EIR/EA authors are unable to find a reference to a “fenced boundary” in the biological resources section. Mitigation Measure 5.5-3(a) states: “Exclusion fencing (e.g., orange safety fencing) shall be installed to buffer avoided areas”. If this is the fenced area referred to, it pertains only to areas that will be avoided and is intended to prevent inadvertent intrusion into areas that will not otherwise be disturbed as part of project construction. However, the comment also requests additional detail regarding the technique used for placement of the steam pipeline. A detailed description of the proposed pipeline with graphics is located in the Draft EIR/EA on pages 3.0-16 to 3.0-21. The proposed steam pipeline would be located above ground on supports (sleepers), each secured in a drilled and poured concrete pier foundation from the proposed West and East Pads to the Francisco Pad. At the Francisco Pad, the new steam pipeline would connect into the head of the existing steam line. Later, as more steam is collected, an additional steam pipeline would be mounted on top of the existing pipeline from the Francisco Pad to the tie-in to the main line to the power plant. As an alternative, a larger single pipeline could be constructed in place of a dual pipeline.

The ground at the proposed pipeline would be cleared of vegetation to avoid any contact with the pipe and to construct the piers and supports. Because contact of the pipeline with vegetation could pose hazards, revegetation underneath the pipeline would consist of low-growing grasses that do not require regular irrigation and which would retard soil erosion.

Response to Comment 1-15

Exhibit 5.5-10 provides a table of acreage to be disturbed within each habitat type within the project boundaries. Mitigation Measure 5.5-3(b) describes proposed revegetation techniques for use in serpentine soils. Impact 5.5-1 addresses impacts to special-status plant species, mitigation, and significance of impact following mitigation. Mitigation measure 5.5-1(b) would require development of a revegetation plan for approval by the California Department of Fish and Game (DFG). As discussed under Section 5.5-1(b), “Significance After Mitigation”, there is a difference of opinion regarding the use of revegetation between Zander and Associates, who proposed this mitigation, and Northwest Biosurvey, who conducted peer review and prepared the original draft of the Draft EIR/EA text. An additional Mitigation Measure 5.5-3(c) (that was not included in the Draft EIR/EA) describes proposed compensatory mitigation for loss of sensitive serpentine plant habitat with the approval of the DFG.

Revegetation is an approach to mitigation that is commonly proposed in EIRs. In most cases, the revegetation plan includes specific criteria for successful reestablishment of the restored plant (e.g., target numbers of individuals that survive to a certain age, growth form characteristics such as height, and other measures). For the serpentine endemic species that would be lost by construction of the project, past experience with revegetation of those species usually has been unsuccessful and the target criteria for revegetation success seldom have been met. As a result, the opinion of the EIR/EA authors, as presented in the Draft EIR/EA (page 5.5-62), is that revegetation of sensitive serpentine plant species is unlikely to be successful and would not reduce this impact to less a less-than-significant level. For this reason, the impact was determined to be significant and unavoidable. This significance determination, however, does not relieve the project sponsors from carrying out good faith efforts for avoidance of impact in serpentine plant areas and carrying out revegetation efforts as implementation of Mitigation Measure 5.5-1(b) to achieve maximum achievable success. Additionally, compensatory mitigation (Mitigation Measure 5.5-1(c)) is proposed, in which other areas of serpentine species habitat on the leasehold would be permanently preserved (see Response to Comment 8-3).

RESPONSE TO COMMENT 1-16

Exhibit 3.0-3 is located on page 3.0-4 of the Draft EIR/EA and describes the existing uses of the five assessor’s parcels that comprise the project area shown in **Exhibit 3.0-2**. No revision of the Draft EIR/EA is considered necessary.

RESPONSE TO COMMENT 1-17

Exhibit 6.0-6 in **Chapter 6.0 Alternatives** shows the rezone map, which would rezone less than the 115 acres of the proposed project). This smaller proposed rezoning is being submitted as part of the preferred alternative (Alternative 3). A more detailed exhibit is currently being prepared and will be made available to the public before the Use Permit is presented for consideration by County decision-makers.

RESPONSE TO COMMENT 1-18

Information regarding the Planned Development Residential (PDR) zoning designation, including its purpose and permitted uses is provided in **Chapter 3.0 Description of the Proposed Project** (see “Lake County Development Code” on pages 3.0-5 to 3.0-6). Since the requested information is provided in the Draft EIR/EA, no revision of the Draft EIR/EA is considered necessary.

RESPONSE TO COMMENT 1-19

See Master Response #1 for information about past violations of the existing Use Permit and actions taken.

RESPONSE TO COMMENT 1-20

Section 1525(d) of the *CEQA Guidelines* requires EIRs to "...discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans". Inconsistencies with adopted plans and policies create significant impacts under CEQA only when an adverse physical effect would result from the inconsistency.

For each policy listed in **Exhibits 5.1-6** through **5.1-8**, the determination that the project is consistent with the policy notes that the significant physical effect to the environment is reduced to a less-than-significant level with incorporation of mitigation measures described throughout **Chapter 5.0 Environmental Setting, Impacts and Mitigation Measures**. "Enhancement Measures" referred to in the exhibits are additional mitigation agreed to by the project sponsor for impacts determined to be less than significant. CEQA requires mitigation only for significant impacts and term "mitigation" is used only in that context. If an impact is determined to have a less-than-significant impact to the environment, then measures which could further reduce the impact are referred to as enhancement measures.

The commentor's request for additional clarification is noted. However, listing each mitigation measure would make the exhibits unnecessarily long and is not required by Lake County. In general, the policies listed apply to specific topical areas and the reader is able to infer what section of the Draft EIR/EA the mitigation is located. Project Consistency with Applicable Plans and Policies on pages 5.1-49 through 5.1-51 provides additional information to this comment. No revision of the Draft EIR/EA is considered necessary.

RESPONSE TO COMMENT 1-21

The Major Use Permit would cover all project components listed on page 3.0-11 of the Draft EIR/EA. No revision of the Draft EIR/EA is considered necessary.

RESPONSE TO COMMENT 1-22

According to October 2010 data from California Employment Development Department, the Lake County total Labor Force is 25,210 people of which 20,910 of them were employed as of October. 4,310 were unemployed as of October 2010. The Unemployment Rate in Lake County as of October 2010 is 17.1 percent.

Accordingly, the text on page 5.1-9 of the Draft EIR/EA under "Employment" is revised as follows:

Based on job data from the California Employment Development Department in October 2010, Lake County had 14,890 jobs in 2006. That number has since been reduced by the ongoing economic recession, but the share of jobs by employment sectors remains relatively unchanged. the Lake County total labor force is 25,210 people of which 20,910 of them were employed and 4,310 were unemployed. The unemployment rate in Lake County as of October 2010 is 17.1 percent. The largest employment sector is government, with approximately 30

percent of jobs, followed by trade/transportation/utilities at 19 percent (much of it in geothermal power generation related to The Geysers), and education/health at 14.5 percent. Natural resources, mining, and construction accounted for six percent of total employment.

RESPONSE TO COMMENT 1-23

The source of the business information in the Cobb Mountain Planning Area on page 5.1-9 is listed below and will be added to the Draft EIR/EA

Business Summary Report by SIC Code for Cobb Mountain Planning Area, ESRI Inc, November 2009.

RESPONSE TO COMMENT 1-24

The Draft EIR/EA is revised as follows on pages 5.12-2 through 5.12-3. The full citation for **Exhibit 5.1-1** is:

Total Full-Time and Part-Time Employment by NAICS Industry, Lake County, Regional Economic Information System, Table CA25, Bureau of Economic Analysis (BEA), 2007. Accessed May 21, 2009 online at <http://www.bea.gov/regional/reis/>

The full citation for **Exhibit 5.12-2** is

Lake County Trends, Forecast, and Economic Base Industries. Presented by Dr. David Gallo. Center for Economic Development at the California State University, Chico, Center for Economic Development (CED), 2009. Accessed June 10, 2009 online at <http://www.co.lake.ca.us/Assets/Economic+Development/Lake+County+Trends+and+Forecasts.pdf>

The correct citation 3 on page 5.12-3

BEARFACTS 1997-2007, Lake County CA, Bureau of Economic Analysis, 2009. Accessed May 19, 2009 online at <http://www.bea.gov/regional/bearfacts/action.cfm?fips=06033&areatype=06033&yearin=2007>

RESPONSE TO COMMENT 1-25

The “Profile of General Demographic Characteristics: 2000 Geographic Area: Lake County, California” from the 2000 Census is provided as **Appendix I**. While it does not include demographic information for poverty level by race as the commentor requested, it does include data related to poverty level and race. The data does not change the determination of a less-than-significant impact for Impact 5.13-3 on page 5.12-8. No revision of the DEIR is considered necessary.

RESPONSE TO COMMENT 1-26

See Response to Comment 15-3.

RESPONSE TO COMMENT 1-27

Impact 5.7-1 Hazard to the Public or Environment on pages 5.7-17 through 5.7-25 of the Draft EIR/EA analyzes the anticipated impacts of the proposed project related to routine transport use and disposal of hazardous materials generated by the project. The analysis describes 30 mitigation measures that would reduce this significant impact to a less-than-significant level.

Current hazardous waste disposal is related to ongoing operation of the power plant. Operation of the wells on the existing Francisco Leasehold pads generates little hazardous waste. The proposed project operations would increase the amount of hazardous waste related to power plant operations. Hazardous wastes would be expected to be similar in kind to those reported in the Draft EIR/EA (p. 5.7-5 through 5.7-6). Some wastes would not increase substantially as a result of the project, such as used aerosol cans, electronic waste, used fluorescent bulbs/tubes and batteries, because plant operations already account for the volume of such wastes and the proposed operations would generate little additional uses of those materials. In contrast, the amount of hazardous waste would increase in general from steam and a general assumption is that there would be approximately a direct correlation in the increased amount of steam production and the use of hazardous materials and the generation of hazardous wastes. Such wastes could include metals, sulfur compounds, asbestos, acids, radon-222, and used petroleum hydrocarbon products as well as materials contaminated with such materials (e.g., corroded metal). The amount of such wastes would vary depending on the quantity and chemical characteristics of the steam from the proposed steam field. As a general guide, the assumed correlation of hazardous waste and steam production provides an estimate of the waste production. The current plant operates at 18.5 MW and an additional 36.5 MW production is proposed. Therefore, assuming a relative steam production of approximately three times current production, an additional one to two truckload of hazardous waste transport off the site would be possible on average each week.

RESPONSE TO COMMENT 1-28

The improvements that would be necessary on the existing road would be determined by CalFire. Because this is an existing private road, it would not be subject to County Subdivision Ordinance requirements for road width and design. However, the road would need to be upgraded to meet minimum safety requirements, determined by CalFire upon review and inspection of the road. Typically, turn lanes and regular intervals would be required, and areas where there is not adequate line of sight around turns would need to be improved.

RESPONSE TO COMMENT 1-29

See Response to Comment 1-20 for a discussion on consistency determinations with identified policies. Since identified physical effects to the environment in **Section 5.2 Traffic and Circulation** would be less than significant or reduced to less than significant with incorporation of mitigation, the proposed project would be consistent with applicable traffic and circulation policies of the Lake County General Plan noted by the commentator.

RESPONSE TO COMMENT 1-30

See Response to Comment 1-29.

RESPONSE TO COMMENT 1-31

See Response to Comment 14-21.

RESPONSE TO COMMENT 1-32

As described on pages 3.0-14 to 3.0-16 of the Draft EIR/EA, **Exhibit 3.0-4** illustrates the location of the proposed access roads. Access to both well pads for construction and post-construction operation would be primarily along paved High Valley Road, and Rabbit Valley Road to the east. High Valley Road would be maintained, as it already is, by BRP, pursuant to current requirements by the County and CEC.²

The project sponsor proposes a new road to provide access between the East and West Pads, which would run along the north side of the East Pad, south to High Valley Creek, and west to the West Pad. The road would be approximately 20 feet wide, surfaced initially with gravel, and maintained. Once the well pads were constructed and wells drilled, the road would be surfaced and maintained with a double chip-seal surface to make the road safe and usable for transport of heavy equipment. This new road would have a maximum slope of about 15 percent. Detailed construction drawings of the proposed access road, which would include drainage ditches, culverts, energy dissipaters, and swales designed by a California-licensed civil engineer, would be reviewed and approved by the County, pursuant to the Lake County Grading Ordinance and Lake County Stormwater Ordinance, prior to issuance of any grading permits for site development.

Construction of the new access road would disturb 5.79 acres and result in approximately 40,000 cubic yards of cut and no fill (see **Exhibit 3.0-5**). Topsoil from road construction would be salvaged and stored at an approved, designated staging area immediately north of the East Pad. Removed fill material would be properly disposed at a permitted landfill or reused on-site. Grading plans are shown in **Exhibit 3.0-6**.

RESPONSE TO COMMENT 1-33

See Response to Comment 15-3 regarding measures to control construction traffic and speeding of the proposed project. No lane closures are anticipated as part of the proposed project.

Response to Comment 1-34

Mitigation Measure 5.2-6 references the type of signage that would be required to comply with MUTCD Part 6 and provides examples of the signage. Other measures are also discussed. Signage and other measures in construction work zones would be specific to local conditions and the final design of the improvements. Further detail is not required for the Draft EIR/EA.

Response to Comment 1-35

This California Manual on Uniform Traffic Control Devices (California MUTCD) is published by the State of California, Department of Transportation and is issued to adopt uniform standards and

² Current requirements are detailed in the existing Lake County Use Permit for the Francisco Leasehold and the California Energy Commission Final Decision.

specifications for all official traffic control devices in California, in accordance with Section 21400 of the California Vehicle Code.

Accordingly, **Exhibit 5.2-11** on page 5.2-20 of the Draft EIR is revised as follows under “State Regulations”,

Exhibit 5.2-11
Applicable Traffic and Circulation Regulations

Regulation	Applicability
State Regulations	
<u>California Vehicle Code (CVC) Section 21400 and California Manual on Uniform Traffic Control Devices - Part 6</u>	<u>Specifies uniform standards and specifications for all official traffic control devices in California.</u>

Response to Comment 1-36

The text, “further evidence of site-specific safety problems can indicate the desirability of providing roadside clear zones or guardrails” provides additional guidance for County staff to mitigate impacts, should that be needed in the judgment of the County Public Works Director, related to construction traffic as part of the revised Traffic Control Plan that will accompany the proposed Use Permit being considered by County decision-makers.

RESPONSE TO COMMENT 1-37

As stated above in Response to Comment 1-36, BRP and the County would be responsible to update the Traffic Control Plan as part of the proposed Use Permit. The proposed revisions to the Use Permit and Traffic Control Plan will be made available to CEC staff at the time they are presented to County decision-makers when they deliberate on the merits of the proposed project.

Response to Comment 1-38

See Response to Comment 1-20 for a discussion on consistency determinations with identified policies. Since identified physical effects to the environment in **Section 5.11 Visual Resources** would be less than significant or reduced to less than significant with incorporation of mitigation, the proposed project would be consistent with applicable policies of the Lake County General Plan noted by the commentor.

Response to Comment 1-39

The comment is correct that CEQA does pertain to both public and private views. While CEQA requires consideration of impacts to public views, the consideration of impacts to private views is discretionary by the lead agency. Rulings of CEQA case law (for example, *Citizens for Responsible and Open Government v. City of Grand Terrace* [160 Cal. App. 4th, 2008]) generally indicate that, unless a large number of private views would be affected by a project, the impacts on private views are not considered sensitive or significant. As discussed in the Draft EIR/EA, visual impacts would occur only at two residences near the project site. For this reason, consistent with CEQA case law, only public views are evaluated in the Draft EIR/EA with respect to their potential to meet the impact

significance criteria. Nonetheless, for informational purposes the Draft EIR/EA does discuss visual impacts to those private residences.

To clarify that CEQA does have purview over private views, the text on page 5.11-5, line 13 is revised as follows:

“However, as an analysis of a project’s effect on private views is ~~not within the purview of CEQA~~ discretionary under CEQA.”

Similarly, the text on page 5.11-6, line 36 is corrected to read as follows:

“Although outside the ~~purview~~ general evaluation requirement of CEQA, the project would result in adverse impacts to private views from roads and residences in the vicinity of the project site.”

Similarly, the text on page 5.11-10, line 3 is corrected to read as follows:

“Project implementation would result in landscape changes that would substantially change the visual character of the project site and vicinity, especially from private roads and residences, although such changes are ~~beyond the purview of CEQA~~ considered discretionary under CEQA and less than significant due to the small number of residences affected by the project”.

Response to Comment 1-40

The images presented in the Petition to Amend were not included in the Draft EIR/EA because the impact on visual resources was determined by the EIR/EA preparers to be less than significant, as indicated in Section 5.11 of the Draft EIR/EA. The impacts on the area’s visual resources are described in the text in the Draft EIR/EA. The text discussion and images in the Petition to Amend add further detail to the analysis, but the independent assessment of the EIR preparers is consistent with conclusions reached in the Petition to Amend prepared for the applicant, and is referenced in the Draft EIR/EA. Similar mitigation measures have been provided in the Draft EIR/EA to those in the Petition to Amend. Readers interested in viewing the images and the discussion of KOPs is referred to Section 4.15, Visual and Aesthetic Resources, of the Petition to Amend. The use of photo documentation and Key Observation Points (KOPs) is not required by CEQA. For information purposes, the Petition to Amend used three KOPs for its analysis: (1) a location along Bottle Rock Road about 2.3 miles from the proposed east pad and 2.4 miles from the proposed west pad; (2) view from the Moore Family Winery about 1.9 miles from the proposed east pad and 2.1 miles from the proposed west pad, and; (3) view from Sulphur Creek Road about 1.7 miles from the proposed east pad and 2.1 miles from the proposed west pad. The KOPs indicate that overall scenic sensitivity levels are low to moderate from these KOPs, which is consistent with the findings of the Draft EIR/EA.

Response to Comment 1-41

Impact 5.11-1 of the Draft EIR/EA indicates that the construction related impacts on the existing visual character and quality are less than significant. This determination is based on the fact that the project would be located in an area with low visibility and scenic sensitivity, and the construction activities would be of temporary duration. As the impact is determined to be less than significant, mitigation is not required. The best management practices and revegetation plan identified in the Draft EIR/EA (pages 5.11-6 through 5.11-8, therefore are presented as enhancement measures with respect to visual resources. However, these same measures have been identified as mitigation requirements

related to the significant impacts on biological resources (Mitigation Measures 5.5-3 and 5.5-9) and hydrology and water quality (Mitigation Measure 5.6-1) and, if the project is approved, would be presented in the Mitigation Monitoring and Reporting Plan. Therefore, in effect, the best management practices and revegetation plan for biological resources and water quality protection also serve to ameliorate visual effects of the project.

As lead agency, Lake County will review and approve the mitigation measures and restoration plan. If the project is approved, these measures would be presented in the Mitigation Monitoring and Reporting Plan. As also indicated in Mitigation Measure 5.8-5 (see page 5.8-69 in 5.8 Geology, Soils and Seismicity), the County would issue a grading permit that incorporates the mitigation requirements adopted as use permit conditions and any required measures for achieving conformance with the Grading Ordinance (Lake County Code, Chapter 30).



Letter 2

Department of Toxic Substances Control

Arnold Schwarzenegger
GovernorMaziar Movassaghi
Acting Director8800 Cal Center Drive
Sacramento, California 95826-3200Linda S. Adams
Secretary for
Environmental Protection

November 1, 2010

Mr. Richard Coel
County of Lake Community Development Department
255 N. Forbes Road
Lakeport, California 95453REVIEW OF THE BOTTLE ROCK POWER STEAM PROJECT'S DRAFT
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL ASSESSMENT, (STATE
CLEARINGHOUSE NUMBER: 2009102035), BOTTLE ROCK ROAD, LAKE COUNTY,
CALIFORNIA (ASSESSOR'S PARCEL NO: 011-012-97 & 013-002-01, 03, 04 & 05)

Dear Mr. Coel:

Thank you for providing the Department of Toxic Substances Control (DTSC) the opportunity to review the Draft Environmental Impact Report/Environmental assessment (Draft EIR/EA) for the proposed Bottle Rock Power Steam Project (Project), prepared by AZCOM for the County of Lake Community Development Department, dated September 16, 2010.

The Draft EIR/EA indicates that the proposed Project will consist of an expansion of the of the existing geothermal steam field at the Bottle Rock Power Plant, and will supply additional steam and increase the amount of power generated from 18 mega watts (MW) to 55 MW. It is DTSC's understanding that the existing power plant is supplied by wells drilled on three well pads within the 350-acre Francisco Leasehold, and that the proposed Project would increase the steam supply for the power plant by constructing two new well pads on the adjacent 453-acre Bottle Rock Power GeoResource Leasehold. The proposed Project would allow for the construction of new production wells, new ancillary facilities and controls for managing steam production at the power plant, a new access road, and improvements to existing roads. The total ground disturbance associate with the proposed Project is estimated at 22.51 acres.

The Draft EIR/EA states that the proposed Project would require the following approvals from Lake County; a Conditional Use Permit (Major Use Permit), a rezoning permit and a grading permit. The proposed Project would also require the following approvals from the Bureau of Land Management (BLM); a geothermal drilling permit, an approved drilling permit, and an approved Commercial Use Permit.

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DTSC, in keeping with the intent of Executive Order D-26-01 and D-28-01 (Executive Orders) to expedite the review of proposed thermal power plants for construction and operation on an emergency basis, has conducted a "fatal-flaw" analysis of specific sections of the Draft EIR/EA for the above-referenced project. The following comments represent the separate evaluations of DTSC's two main programs, the Office of Permitting, and the Brownfields and Environmental Restoration Program.

Office of Permitting offers the following comments:

The Hazardous and Hazardous Materials Section (Section 5.7-1) discusses the management of hazardous wastes which are expected to be generated during the construction and operational phases of the proposed Project expansion. This Section also states that these potential hazardous wastes are subject to California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and Hazardous Waste Control regulations, California Code of Regulations, Title 22, Division 4.5).

Furthermore, Section 5.7-1(x) of the Draft EIR/EA states that if hazardous wastes are stored on site for more than 60 days, the Project sponsor shall obtain a determination from the California Department of Health Services (CDHS) that the requirements of a Hazardous Waste Facility Permit have been satisfied.

2-1

Based upon the DTSC Office of Permitting's review of the Draft EIR/EA, we request that the above referenced language be revised to state that the "Department of Toxic Substances Control is the lead regulatory agency in California responsible for the management of hazardous waste", and that the following "condition of certification" be included as part of Project approval:

2-2

- If it is determined that hazardous wastes are, or will be (a) stored in tanks or containers for more than ninety days, (b) treated on-site, or (c) disposed of on-site, then a permit from the Department of Toxic Substances Control (DTSC) may be required. The Project proponent shall contact DTSC to initiate pre-application discussions and determine the permitting process applicable to the Project.

The Brownfields and Environmental Protection Program offers the following comments:

2-3

Based upon DTSC's review of the Draft EIR/EA documentation, we concur

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with the proposed project action. However, as with any real property, if previously unidentified contamination is discovered at the site, additional assessment, investigation, and/or cleanup may be required.

Thank you for providing DTSC the opportunity to comment on this document. Should you have any questions regarding DTSC's permitting requirements, please contact Ms. Maria Gillette, Project Manager at (916) 255-3953.

Sincerely,



Richard B. Hume
Supervising Hazardous Substances Engineer
Brownfields & Environmental Restoration Program

cc: Mr. Guenther Moskat, Chief
Planning and Environmental Analysis Section
Department of Toxic Substances Control
1001 "I" Street
P. O. Box 806
Sacramento, California 95812-0806

Mr. Steven R. Becker, P.G.
Supervising Senior Engineering Geologist
San Joaquin Legacy Landfill Office
Brownfields and Environmental Restoration Program
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826

Ms. Maria Gillette
Project Manager
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Brownfields and Environmental Restoration Program
Department of Toxic Substances Control
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SAN JOAQUIN COUNTY COMMUNITY
DEVELOPMENT DEPT.

RESPONSE TO LETTER 2 – DEPARTMENT OF TOXIC SUBSTANCES CONTROL, RICHARD B. HUME, SUPERVISING HAZARDOUS SUBSTANCES ENGINEER – NOVEMBER 1, 2010.

Response to Comment 2-1

The comment is acknowledged.

Response to Comment 2-2

Based on this comment, Mitigation Measure 5.7-1(x) in **Section 5.7 Hazards and Hazardous Materials** (p. 5.7-24), is revised as follows:

“If hazardous wastes including Stretford sulfur effluent, are or will be (a) stored in tanks or containers for more than ninety days, (b) treated on-site, or (c) disposed of on-site, then a permit from the Department of Toxic Substances Control (DTSC) may be required. ~~stored onsite for more than 60 days, the project sponsor shall obtain a determination form CDHS that the requirements of a Hazardous Waste Facility Permit have been satisfied. The project sponsor shall contact DTSC to initiate pre-application discussions and determine the permitting process applicable to the proposed project.~~ For verification, the project sponsor shall notify the CEC in writing, with a copy to BLM and Lake County if it files an in-lieu application with ~~CDHS~~ DTSC for the operation of a Hazardous Waste Facility.”

Response to Comment 2-3

The comment is acknowledged.

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax

Letter 3



September 27, 2010

Richard Coel
Lake County Community Development Department
255 N. Forbes Street
Lakeport, CA 95453

RE: SCH#2009102035 Bottle Rock Power Steam Project; Lake County.

Dear Mr. Coel:

The Native American Heritage Commission has reviewed the Notice of Completion (NOC) regarding the above referenced project. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

- 3-1 ✓ Contact the appropriate Information Center for a record search to determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- 3-2 ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- 3-3 ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. **Sacred Lands File check completed, no sites indicated.**
 - A list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached**
- 3-4 ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez
Program Analyst
(916) 653-4040

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cc: State Clearinghouse

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT

Native American Contact List
Lake County
September 27, 2010

Letter 3

Big Valley Rancheria of Pomo Indians
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ajack@big-valley.net
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Middletown Rancheria Environmental Center
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Big Valley Rancheria of Pomo Indians
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jblueewolf@big-valley.net
(707) 263-3924
(707) 263-3977 FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2009102035 Bottle Rock Power Steam Project; Lake County.

Native American Contact List
Lake County
September 27, 2010

Letter 3

Mishewal-Wappo Tribe of Alexander Valley
Scott Gabaldon, Chairperson
PO Box 1794 Wappo
Middletown , CA 95461
scottg@mishewalwappo.
707-494-9159

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2009102035 Bottle Rock Power Steam Project; Lake County.

**RESPONSE TO LETTER 3 – NATIVE AMERICAN HERITAGE COMMISSION, KATY SANCHEZ,
PROGRAM ANALYST – SEPTEMBER 27, 2010**

Response to Comment 3-1

A cultural resources report prepared by the applicant's consultant ASI Archaeology and Cultural Resource Management and peer reviewed by AECOM's subconsultant Pacific Legacy, included a record search conducted by the Northwest Information Center (NWIC) at Sonoma State University. This records search indicated previously recorded cultural sites within or near the proposed project's APE. Based on this information, an archeological survey of the APE was conducted. A summary of the survey results is provided in the draft EIR on Pages 5.10-1 to 5.10-7.

Response to Comment 3-2

As noted above in Response to Comment 3-1, a cultural resources report prepared by the applicant's consultant ASI Archaeology and Cultural Resource Management and peer reviewed by AECOM's subconsultant, Pacific Legacy, included an archeological survey of the proposed project's APE. As noted in the comment, the final version of this report will be submitted to the Native American Heritage Commission within three months after work has been completed.

Response to Comment 3-3

As described on page 5.10-7 of the Draft EIR/EA, ASI conducted consultation with Native American stakeholders as requested by the Native American Heritage Commission on December 22, 2008. Letters requesting information about ancestral use of the project area were sent to six individuals/groups provided by the Native American Heritage Commission and no responses were received.

Response to Comment 3-4

Mitigation Measures 5.10-1(a-e) and 5.10-2(a-b) in section **5.10 Cultural Resources** provide for a cultural resources treatment plan, construction personnel training, construction monitoring, and measures to mitigate for the discovery of potential subsurface cultural resources deposits consistent with cited sections of CEQA, Health and Safety Code, and the Public Resources Code as well as requirements of the Lake County General Plan and Municipal Code.

LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT

ITEM 1

9:05AM

NOVEMBER 3, 2010

Comment H

885 Lakeport Blvd.
Lakeport, CA 95453
Phone (707) 263-7000
Fax (707) 263-0421



Douglas G. Gearhart
Air Pollution Control Officer
doug@lcaqmd.net

-MEMORANDUM-

To: Richard Coel, Director
LC Community Development Dept.

DATE: November 1, 2010

FROM: Douglas Gearhart, APCO

SUBJECT: Bottle Rock Power *** Steam Project (Steamfield Expansion) Draft EIR review, September 16, 2010.

The DEIR addresses many of the considerations brought forward by the District in the Notice of Preparation. Overall, the report, regarding air quality conditions, potential impacts, and recommended mitigation measures is lacking detail and contains inaccurate / inconsistent information, which the following comments are intended to address. The comments start with Chapter 3.

4-1

Page 3.0-30: Currently there are two less than 50MW power plants in the Use Permit Process in Sonoma County, several miles West of the project site, that may have a significant cumulative affect on the area.

4-2

Page 3.0-31: Required Approvals Permits. CEC is noticeably absent from this list of required permits / approvals for this project, yet they have many requirement listed in the Mitigation Measures. Either CEC should be listed with their required permits / approvals, or the Mitigation Measures need to be clarified to include CEC authority.

4-3

Page 5.1-17: Policy GR-2.1, Applicability to Project - The existing project currently utilizes three (3) well pads.

4-4

Policy GR2.2, Applicability to Project - The term 'Known Geothermal Resource Area' (KGRA) is the proper description. This document uses PGRA throughout, and should correct such.

4-5

Page 5.2-30: Impact 5.2-9 Replacement Wells. Utilizing 'Up to 12 replacement wells could be necessary...' inaccurately describes the potential traffic load in the area. Though an estimate of 12 replacement wells may be accurate, the document does not discuss traffic related to well maintenance, cleanouts, redrills of existing wells, etc. that would involve drill rig traffic and additional heavy equipment operations. These additional operations should be addressed and if possible quantified. Mitigation could involve bringing rigs and equipment though the Calpine Gates or alternate access routes when possible or when available to minimize traffic through rural residential areas.

4-6

Page 5.3-6: First Bullet under Non-condensable Gases. This section discusses the toxicity and flammability of Hydrogen Sulfide (H₂S), but does not discuss the concentrations at which these issues are problematic. If stating the H₂S has severe health affects, the writer needs to include a table or description of the concentration of H₂S relative to potential health affects.

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DEVELOPMENT DEPT.

4-7 Second Bullet. This section utilizes the 'Respirator Selection Guide' to determine detection limits. The appropriate document would be the Ambient Air Quality Standard Documents by the California Air Resources Board and subsequent OEHHA studies regarding H₂S. The 3M, Respirator Selection Guide is specific for Respirators and Industrial exposures, not Ambient Air detection. Most studies indicate that 5-8ppb is the level at which the average person can detect H₂S and recognize that it is H₂S, with the most sensitive individuals being able to detect it down in the less than 1ppb range.

4-8 Page 5.3-9: Fourth Paragraph under Naturally-occurring Asbestos. Though the project is not located on mapped naturally occurring asbestos (NOA) area, it is in very close proximity to an outcropping as mapped by the LCAQMD's detailed NOA / Serpentine Soils Map. NOA is not expected on the surface at the two well pads, it is expected to exist a very shallow depths, and may be exposed during grading / pad development as well as initial drilling.

4-9 Page 5.3-9: Odors. This paragraph needs to be revised to reflect that the State of California has an Ambient Air Quality Standard (AAQS) for H₂S. This standard was set at a level that was determined to be a public nuisance for odor. Significant odor impacts have been determined to cause health impacts, due to the nuisance conditions, similar to nuisance noise levels. These are not direct impacts, but are the cause of impacts.

4-10 Page 5.3-32: Mitigation Measures for Drilling Emissions: BRP in coordination with the LCAQMD shall evaluate the need for a temporary construction emissions monitoring station to be located between the drilling activities and the nearest residence to monitor impacts and take corrective actions as necessary to minimize emissions impacts. The project proponent shall fund any monitoring deemed necessary, in compliance with LCAQMD requirements.

4-11 Page 5.3-32: Responsibility and Monitoring: The Emissions Reduction Plan should incorporate a section for an emissions monitoring station, to be implemented as deemed necessary by the LCAQMD.

4-12 Page 5.3-33: Paragraph below Exhibit 5.3-8: Currently the paragraph states that the majority of nearby receptors are located upwind... This is inaccurate, though one residence is pseudo-upwind of the project, most residences are located down wind (down canyon) from the proposed project site. The analysis of the impacts needs to be corrected for this as well.

4-13 Page 5.3-36: Mitigation measure 5.3-5, Significance After Mitigation. Again there is a reference to Acute health impacts, but no levels at which one could expect to see health impacts. The writer should incorporate a table or description of the levels at which health impacts can be expected to occur, or below which levels emissions must be maintained to prevent health impacts.

4-14 Page 5.3-37: Impact 5.3-6, Top of Page. Tracer tests have shown that impacts of 21ppb H₂S can occur at the Pine Grove Store under worst case conditions with abatement to 5 lbs/hr H₂S. Unabated impacts for emissions of 20 lbs/hr can exceed 84ppb at the Pine Grove Store. Utilizing the 'Compilation And Assessment of Tracer Tests Within the Geyser KGRA Complex Terrain' Dated November 1985.

4-15 Page 5.3-37: Impact 5.3-7 Exposure to "Pink Steam". The description of the occurrences in paragraph one of this section is confusing to many readers. The statement should be made that with modern abatement technology, the only time a 'pink steam' event is likely is during a 'blowout' emergency event, when equipment fails or the abatement system fails when drilling on air.

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it's high solubility and numerous interferences in instruments. Ammonia measurements should be taken with CARB or EPA certified equipment, or alternatively samples collected and sent to a lab for analysis. Retrofitting NOx monitors may work, but is not valid if the instrument is not certified.

4-16

Page 5.7-22: Mitigation Measure 5.7-1(n). The LCAQMD has regulatory authority over emissions, and determinations of significance for stationary sources. CARB may be consulted, but the LCAQMD is the regulatory authority. Per Ca H&SC, CARB does not have authority at a Stationary Source. CEC staff should coordinate with the LCAQMD.

4-17

Page 5.7-23: Mitigation Measure 5.7-1(r). This condition, which refers to Condition 22 of the Determination of Compliance specifically relates to the Power Plant initial startup period. And only requires that BRP remain in GAMP (the Geysers Air Monitoring Program). If they remain in GAMP, the separate monitoring is not required. And as stated above, with the expansion of the northern steam field in Sonoma County, this type of study is not likely to provide significantly useful data to determine impacts from the expansion at Bottle Rock Power. Though it does provide an indication of overall impacts from geothermal development.

4-18

Page 5.7-25: Power Plant Decommissioning and Site Closure. This section refers only to BLM, CDOGGR, and CEC, but the LCAQMD has a significant part in this process. The LCAQMD is the local regulatory authority delegated to enforce the Federal NESHAP requirements for Asbestos and other hazardous air pollutants. As such, the Power Plant and all associated equipment would be required to be inspected for asbestos and other HAPs, with notice filed with the LCAQMD a minimum of 14 days prior to any removal or demolition.

The above comments should be addressed / incorporated and the summary (Section 2) updated as well.

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LAW OFFICE OF RICHARD COEL
GENERAL COUNSEL

Additionally if 'pink steam' is encountered, samples will be taken and provided the LCAQMD for analysis. If necessary, on site monitors may be available to measure the concentration in the air.

4-19

Page 5.3-37: Mitigation Measure 5.3-7. The current 'none required' should be changed to: BRP shall utilize BACT as defined by the LCAQMD and comply with LCAQMD permitting requirements to ensure no significant impacts. Onsite monitoring may be necessary, and should be coordinated with the LCAQMD.

4-20

Page 5.3-38: Impact 5.3-8 First paragraph, last sentence. Emergency operations are regulated, though hours of operation are typically not limited for true emergencies. BRP shall document emergencies, log use, and the emissions should be quantified to determine potential impacts from emergency operations.

4-21

Page 5.3-38: Exhibit 5.3-10: Project Emissions. This table needs to be corrected. The writer has carried the hourly emissions rate to the daily emissions rate, thus indicating that operations will only occur one hour per day. This is inaccurate and must be corrected and impacts reevaluated based on the results. If the hourly rate is correct, then project emissions are likely to be found to be significant, and mitigation measures should be proposed. Measures could include utilizing equipment that is less than 10 years old, or tier 2 or better.

4-22

Page 5.3-39: First full paragraph. This section should reference alternatives to venting though the vent tanks, should this be inadequate to prevent impacts. Alternatives could include venting through a cyclone on the well pad, with full abatement capabilities.

4-23

Section 5.7: Hazards and Hazardous Materials: A general comment for this section is that is incorporates a significant amount of Air Quality issues that should be located in the Air Quality Section. Clean Air Act, Air Toxics, etc are all Air Quality issues that are best included and discussed with the Air Quality Section discussions of emissions controls, toxics, etc. Additionally, many of these Mitigation Measures are taken from the DOC for the Power Plant initial startup. This is a well field expansion, and conditions / mitigation measures should reflect that.

4-24

Page 5.7-13: State Regulations: Noticeably missing from this section is the CEC and their authorities / jurisdiction.

4-25

Page 5.7-17: Last paragraph, starting mid-line 5. H₂S abatement requires the use of chemicals such as sodium hydroxide (NaOH) and Hydrogen Peroxide (H₂O₂). Sodium bicarbonate and anthraquinone disulfonate are not utilized in current abatement systems permitted by the LCAQMD. These are not proposed to be utilized, and would require significant reevaluation of the H₂S abatement plan in place with the LCAQMD prior to consideration.

4-26

Page 5.7-21: Mitigation Measure 5.7-1(m). The required monitoring is not clearly defined. Should this monitoring be performed for one year prior to construction activities, drilling activities, or commercial production of the wells? If the CEC is attempting to monitor impacts from the Power Plant as a result of steam production, then completing sampling prior to well drilling should be required, as the most significant emissions are during the drilling process. We would rec4-15end that CEC require monitoring the 'sweet gas' flow and constituents from the streford unit and from the cooling tower to determine emissions changes due to increased steam to the Power Plant. With several other steam field and power plant projects moving forward in Sonoma County, the quality of data and ability to interpret the results will be limited. Direct emissions monitoring is preferred in this instance.

4-27

Page 5.7-22: Mitigation Measure 5.7-1(m). Ammonia is a difficult compound to monitor for, due to

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LAKES COUNTY SHERIFF'S OFFICE

RESPONSE TO LETTER 4 – LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT, DOUGLAS GERHART, AIR POLLUTION CONTROL OFFICER – NOVEMBER 1, 2010

Response to Comment 4-1

During construction, the emissions from the two less-than-50 MW plants mentioned in this comment would be expected to employ the appropriate emissions control technologies and mitigation measures to ensure that their emissions would not cause exceedances of ambient air quality standards offsite. Similarly, BRP would employ the appropriate emissions control technologies and mitigation measures to ensure that its emissions would not cause exceedances of ambient air quality standards offsite. Given the distance between these two less-than-50 MW plants and the proposed project site, and the atmospheric dispersion that would occur when pollutants travel over that distance, construction emissions are not anticipated to be cumulatively significant.

During operations, the emissions from the two less-than-50 MW plants mentioned in this comment would be expected to employ the appropriate emissions control technologies to ensure that their emissions comply with the emission limits established in their Permits to Operate, and would be not be expected to cause exceedances of ambient air quality standards offsite. Similarly, BRP will employ the appropriate emissions control technologies to ensure that its emissions comply with the emission limits established in their Permits to Operate, and would be not be expected to cause exceedances of ambient air quality standards offsite. Given the distance between these two less-than-50 MW plants and BRP, and the atmospheric dispersion that would occur when pollutants travel over that distance, it is unlikely that operating emissions would be cumulatively significant.

Response to Comment 4-2

The CEC has permitting authority over the power plant. The existing power plant already has been permitted to operate to a capacity of 55 MW and the proposed project would serve to provide additional steam to reach that permitted capacity. For this reason, a new permit for the power plant is not required. However, a number of conditions on the existing permit require updates and adjustment to respond to current requirements. Mitigation measures which CEC has responsibility for enforcing are identified in the Draft EIR/EA.1

Response to Comment 4-3

Based on this comment the text in the second column of the first row of **Exhibit 5.1-6** on page 5.1-17 is revised as follows:

General Plan Policies	Applicability to Project	Project Consistency?
<p><i>Policy GR-2.1 Avoid Siting Near Sensitive Receptors</i> The County should avoid approving new geothermal operations near residences, commercial resorts, or other sensitive receptors where it can be reasonably expected to adversely affect their quality of life.</p>	<p>The project would be an expansion of an existing operation that already contains a power plant, two <u>three</u> well pads, and an equipment yard. Any significant noise or other impacts that would adversely affect the quality of life of nearby residents would be mitigated.</p>	<p>Project would be consistent with this policy with incorporation of recommended mitigation measures.</p>

Response to Comment 4-4

The commentor is correct and the text throughout the Draft EIR/EA will be revised to reflect “KGRA” as the correct acronym for the Known Geothermal Resource Area”.

Response to Comment 4-5

The comment refers to traffic impacts, and presumably the associated air emissions. The commentor is correct that replacement wells and maintenance would generate traffic and related emissions. The impacts would be the same as that analyzed in the Draft EIR/EA, which is focused on typical well drilling activity, only extended over a period of years. Redrilling and other maintenance activities would not likely generate more traffic or related emissions than that associated with the initial drilling of wells.

The recommendation on mitigation for routing of heavy rigs and equipment is noted and will be considered by the project sponsor and the decision makers in their deliberations on the merits of the project.

Response to Comment 4-6

In response to this comment, the text under the heading of Non-condensable gases is revised as follows (to be inserted immediately prior to **Exhibit 5.3-3**):

The primary route of exposure to hydrogen sulfide is inhalation and the gas is rapidly absorbed by the lungs. Absorption through the skin is minimal. People can smell the “rotten egg” odor of hydrogen sulfide at low concentrations in air. However, with continuous low-level exposure, or at high concentrations, a person loses his/her ability to smell the gas even though it is still present (olfactory fatigue). This can happen very rapidly and at high concentrations, the ability to smell the gas can be lost instantaneously.

Hydrogen sulfide is both an irritant and a chemical asphyxiant with effects on both oxygen utilization and the central nervous system. Its health effects can vary depending on the level and

duration of exposure. Repeated exposure can result in health effects occurring at levels that were previously tolerated without any effect. Low concentrations irritate the eyes, nose, throat and respiratory system (e.g., burning/tearing of eyes, coughing, shortness of breath). Asthmatics may experience breathing difficulties. The effects can be delayed for several hours, or sometimes several days, when working in low-level concentrations. Repeated or prolonged exposures may cause eye inflammation, headache, fatigue, irritability, insomnia, digestive disturbances and weight loss. Moderate concentrations can cause more severe eye and respiratory irritation (including coughing, difficulty breathing, and accumulation of fluid in the lungs), headache, dizziness, nausea, vomiting, staggering and excitability. High concentrations can cause shock, convulsions, inability to breathe, extremely rapid unconsciousness, coma and death. Effects can occur within a few breaths, and possibly a single breath.

The occupational exposure limits for H₂S are 20 ppmv based on continuous exposure and 50 ppmv based on a 10-minute maximum peak exposure as recommended by OSHA, although NIOSH recommends a lower 10 ppm limit for continuous exposure. The Immediately Dangerous to Life and Health (IDLH) limit is 100 ppm. Entry into IDLH atmospheres can only be made using: 1) a full facepiece pressure demand self-contained breathing apparatus (SCBA) with a minimum service life of thirty minutes, or 2) a combination full facepiece pressure demand supplied-air respirator with an auxiliary self-contained air supply. If H₂S levels are below 100 ppm, an air-purifying respirator may be used, assuming the filter cartridge/canister is appropriate for hydrogen sulfide. A full facepiece respirator will prevent eye irritation.

Response to Comment 4-7

The detection limit cited in the 3M Respirator Selection Guide of 0.5 ppb is lower than, but generally consistent with the limit of “less than 1 ppb” cited in the documents referenced by the commenter (the ARB and OEHHA guidance). As the information is generally consistent, no revisions to the Draft EIR/EA are made in response to this comment.

Response to Comment 4-8

In response to this comment, the fourth paragraph under the heading Naturally-Occurring Asbestos (page 5.3-9) is revised (replaced) as follows:

~~The project site is not located in an area identified by the California Department of Conservation as having an elevated likelihood of containing naturally occurring asbestos. However, areas determined to have a higher likelihood of asbestos containing serpentinite soils are located within one mile of the project site.~~

Although the proposed project site is not located in an area designated by the State of California as having an elevated likelihood of asbestos-containing soils, serpentinite soils containing naturally occurring asbestos have been mapped beneath the well pads, as shown in Exhibit 5.8-2 in Section 5.8 Geology, Soils and Seismicity.

Response to Comment 4-9

In response to this comment, the section entitled Odors (page 5.3-9) is revised as follows:

Although offensive odors rarely cause physical harm, they can be very unpleasant, leading to considerable stress among the public and often generating citizen complaints to local governments and agencies. Facilities commonly known to produce odors include wastewater treatment facilities, chemical manufacturing facilities, painting/coating operations, feed

lots / dairies, composting facilities, landfills, and transfer stations. Because offensive odors rarely cause physical harm, no requirements for their control are included in State or federal air quality regulations. Any actions related to odors are based on citizen complaints to local governments and the LCAQMD. Hydrogen sulfide is present in the steam resources throughout The Geysers geothermal resource area. As noted above, even at low (non-toxic) concentrations, H₂S imparts a "rotten egg" smell that can be detected by the sensitive human nose at concentrations as low as 0.5 parts per billion. In 1962, the California Board of Public Health adopted an air quality standard at the "adverse" level for H₂S of 0.1 ppm for one hour. In 1969, the ARB adopted a standard for H₂S of 0.03 ppm for a one-hour average and in 1984, the ARB retained this standard.

Response to Comment 4-10

In response to this comment, the following mitigation will be added to the list of required mitigation for drilling (Mitigation Measure 5.3-2 Emissions Reduction Plan, Drilling Emissions):

- € The applicant will install and operate an emissions monitoring station between the drilling site and the nearest downwind residence. The location of the monitoring station shall be approved by the LCAQMD prior to installation. Pollutants to be monitored are H₂S and particulate matter (PM₁₀).

Response to Comment 4-11

In response to this comment, the Responsibility and Monitoring section of Mitigation Measure 5.3-2 is revised as follows:

Responsibility and Monitoring The project sponsor would prepare the Emissions Reduction Plan in consultation with and approved by the LCAQMD prior to construction. The responsibility for implementation of the Emission Reduction Plan would be shared by the project sponsor's Construction Supervisor, who would be responsible for those activities associated with well pad, access road and bridge construction, and the Drilling Supervisor, who would be responsible for those activities associated with drilling activities. The LCAQMD would be responsible for periodic enforcement inspections associated with the plan. The project sponsor would prepare the emissions reduction measures study and submit it to the LCAQMD for review and approval at least 60 days prior to the start of drilling operations. The project sponsor will provide a written plan for installing an emissions monitoring station between the drilling site and the nearest downwind residence. The plan shall include, at a minimum, a description of the proposed monitoring station, specifications for the monitoring equipment, analytical methods to be used to evaluate the collected samples, and location of the monitoring station. The plan shall be approved by the LCAQMD prior to installation.

Response to Comment 4-12

Based on this comment, the first paragraph following **Exhibit 5.3-8** is revised as follows:

Uncontrolled construction-related emissions of DPM could result in localized increases in pollutant concentrations at nearby receptors. Health-related risks associated with DPM are primarily associated with long-term exposure and the associated risk of contracting cancer. For residential receptors, the estimation of cancer risk associated with exposure to TACs is typically calculated based on a 70-year period of continuous exposure. ~~Although the majority~~

~~of nearby~~ There are residential receptors ~~are located both~~ upwind and downwind of the proposed project site, and given variations in wind direction that can occur in the project area, construction activities could have a short-term adverse air quality impact on nearby receptors. This would be a significant impact. DPM emissions would be mitigated in the same manner as PM₁₀ and PM_{2.5} emissions associated with mobile sources and drilling operations, as discussed in Mitigation Measure 5.3-2.

Response to Comment 4-13

In this section, CEQA significance is evaluated, not direct health impacts. The CEQA significance thresholds for TAC emissions are established in **Exhibit 5.3-5**. Consistent with BAAQMD guidance, the TAC Screening Levels are used as a surrogate for HIC and HIA when determining significance in this Draft EIR/EA. The TAC Screening Levels are shown in **Exhibit 5.3-9**. The health impacts and exposure thresholds are added to the Draft EIR/EA in Response to Comment 4-6.

Response to Comment 4-14

Based on this comment, the second paragraph under Impact 5.3.6 is revised as follows:

According to the project sponsor, previous tracer tests and Gaussian modeling studies at nearby source locations based on a release rate of five pounds per hour resulted in maximum H₂S impacts of two parts per billion at a nearby receptor. ^{††} Thirteen tracers studies were conducted over a two-year period in 1978 and 1979 to evaluate the potential impacts of pollutant releases from the Bottle Rock Power Plant on downwind receptors. According to one of the studies, a release of five pounds per hour of H₂S from the plant resulted in impacts at a nearby receptor of 21 ppb. As these tracer studies were did not conducted evaluate releases from any point in the immediate vicinity of at the proposed well pad locations, ~~so~~ the actual impacts at a receptor may differ from the impacts predicted by the previous studies. Given the low odor threshold for H₂S, Therefore, it is possible that the project would generate objectionable odors that would be detected at nearby sensitive receptors.

Response to Comment 4-15

The comment is acknowledged.

Response to Comment 4-16

The comment is acknowledged.

Response to Comment 4-17

The comment is acknowledged and the recommendation will be considered by the project sponsor.

Response to Comment 4-18

The comment is acknowledged. The following text is added on p. 5.7-26, immediately ahead of "Conclusion":

[1] *Rules and Regulations from LCAQMD*, Lake County Air Quality Management District, 2006. Accessed September 4, 2009 online at <http://www.arb.ca.gov/DRDB/LAK/CURHTML/LCAQMDRULEBOOK2006.PDF>

The LCAQMD is the local regulatory authority delegated to enforce the federal NESHAP requirements for asbestos and other hazardous air pollutants. As such, the power plant and associated equipment would be required to be inspected for asbestos and other HAPs, with a notice filed with the LCAQMD a minimum of 14 days prior to any removal or demolition.”

Response to Comment 4-19

The commentor proposes adopting a mitigation measure including the application of BACT for impacts related to a release of “pink steam” from the project during drilling activities. Because the impacts were determined to be less than significant, mitigation is not required under CEQA. However, the applicant understands that a drilling permit is required from LCAQMD, and that permit will require the use of control technologies to minimize emissions. Therefore, rather than changing the mitigation requirements, to address this comment, the third paragraph under Impact 5.3-7 is revised as follows:

Improvements in drilling technology and steam capture systems including the application of BACT as required by the LCAQMD-issued drilling permit are considered likely to reduce the likelihood of steam blowouts and, therefore, the incidence of pink steam. While incidents may occur, such releases would be short-lived and, therefore, this would be a less-than-significant impact.

Response to Comment 4-20

Based on this comment, the last sentence in the first paragraph of Impact 5.3-8 is revised as follows:

Although the emissions from emergency operations are not regulated, and therefore hours of operation and the corresponding emissions are not restricted during emergency operations. Therefore, emissions were not quantified.

Response to Comment 4-21

The hourly and daily emissions reported in **Exhibit 5.3-10** are correct, as planned operation of the emergency generator is one hour per day, one day per week, 50 weeks per year. By its nature, an emergency is an unpredictable event, thus the duration of and associated emissions from such an event are unknown. Based on the planned operation, the emissions are not significant, and mitigation is not required.

However, to clarify the basis for the emission calculations and address the commentor’s concern for a Tier-compliant engine, the first paragraph under Impact 5.3-8 is revised as follows:

Normal operation of proposed well pads would include emissions from the gasoline-fueled maintenance vehicles and a back-up, propane-fired emergency generator. The emissions associated with maintenance vehicle usage were based on the anticipated fuel usage provided by the project sponsor, a calculated fuel economy, and emission factors provided by OFFROAD2007 for lightweight pickup trucks. The emissions associated with the emergency generator engine were based on the installation/use of a Tier 2-compliant engine as required 40 CFR 60 Subpart IIII, the engine size (1,006 Hp), propane fuel, and 50 hours of operation per year for maintenance and testing. Emissions from emergency operations are not regulated and therefore were not quantified.

Response to Comment 4-22

Three alternative control scenarios are described in the paragraph in question, 1) the use of the rock muffler abated with the wet chemistry process, 2) the use of the rock muffler and bypassed to the Stretford Unit at the Bottle Rock Power Plant, and 3) vented through the vent tank with treatment using soda ash. BRP has extensive experience with the control of emissions from geothermal wells, and believes that one of these three options is adequate emissions control for any foreseeable operating scenario.

Response to Comment 4-23

The comment is acknowledged. The organization of the EIR/EA attempted to group similar issues, recognizing that air-borne and water-borne hazardous substances would be involved with the proposed project.

Response to Comment 4-24

The CEC authorities are acknowledged with regard to oversight of hazardous materials and wastes at the power plant.

Response to Comment 4-25

Based on this comment, the fourth sentence of the last paragraph on page 5.7-17 is revised as follows:

H₂S abatement requires the use of chemicals such as sodium hydroxide and hydrogen peroxide
~~sodium bicarbonate and anthraquinone disulfonate.~~

Response to Comment 4-26

See Response to Comment 4-17.

Response to Comment 4-27

Based on this comment, Mitigation measure 5.7-1(m) is revised as follows

Ammonia measurements shall be performed using CARB or EPA certified equipment or alternatively, samples collected and sent to a lab for analysis. ~~a continuous NO-NO₂ analyzer, retrofitted with a high temperature converter that is designed for ammonia determination.~~

- ~~• Measurement methods other than those specified above may be proposed and used by BRP as approved by the CEC staff.~~



COUNTY OF LAKE

HEALTH SERVICES DEPARTMENT

Division of Environmental Health

Lakeport:

922 Bevins Court, Lakeport, CA 95453-9739
Telephone 707/ 263-1164 FAX: 263-1681

Letter 5

Jim Brown
Health Services Director

ITEM 1
9:05 AM
November 3, 2010
Comment B

Raymond Ruminski, R.E.H.S.
Environmental Health Director

Memorandum

DATE: October 26, 2010
TO: Richard Coel, Community Development Director
FROM: Julie Pimentel, Environmental Health Technician II *Jp*
RE: Draft EIR for BRP steamfield expansion project
AP: 011-012-97, 013-002-01, 03, 04 & 05

The Lake County Division of Environmental Health has reviewed the Draft EIR for the Bottle Rock Power Steamfield Expansion project. Hazardous materials and hazardous wastes have been identified and the proposed mitigation measures have addressed this Division's concerns. It should be noted that hazardous material storage must be at least 100 feet from any water well or potable water source.

5-1

RESPONSE TO LETTER 5 – COUNTY OF LAKE HEALTH SERVICES DEPARTMENT, JULIE PIMENTEL, ENVIRONMENTAL HEALTH TECHNICIAN II – OCTOBER 26, 2010.

Response to Comment 5-1

The comment is acknowledged.

RECEIVED

NOV 01 2010

ITEM 1
9:05 AM
NOVEMBER 3, 2010
Comment D

Sierra Club Lake Group
P. O. Box 27
Lakeport, CA 95453

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT.

Mr. Richard Coel
Community Development Department
Planning Division
255 N. Forbes Street
Lakeport, CA 95453

Thank you for the opportunity to comment on the Bottle Rock Expansion Project Environmental Impact Report.

Combating climate change is central to the mission of the Sierra Club, which strongly favors the development of renewable energy sources on appropriate sites, as part of a comprehensive national strategy to reduce greenhouse gas emissions and dependence on fossil fuels, but as a matter of basic policy also believes that the costs and benefits of each such development must be assessed individually. That assessment must take into account both the potential value of the renewable resource and any environmental impacts.

The proposed project intends to increase the BRP output from 18 megawatts to 55 megawatts. Our areas of concern are as listed below.

1. Given the history of resources in this area, it is highly speculative whether the amount of steam to create 55 megawatts could be developed or maintained.

6-1

2. Historically, the steam in that area has high non-condensable gas content and contains high levels of chlorides. Measures used to mitigate chlorides [which can involve the injection of sodium hydroxide [NaOH] into the steam piping.] in themselves present a

6-2

significant environmental impact. Additionally a concern arises around monitoring and controlling injection.

6-2

3. This EIR states that a NaOH injection system on some high chloride content wells is presently in use, as well as experimentation with a down hole system. A significant environmental impact would present itself if any of the NaOH solution leaked into the watershed.

6-3

4. Bottle Rock Power Company is seen as very conscientious regarding testing the integrity of their wells' steam piping. However, caused by corrosion deterioration, a steam pipe leak would be a significant environmental impact.

6-3

5. Finally, regarding chloride mitigation, water injection in conjunction with NaOH tends to cool down the steam further reducing a well's total heat energy. To meet the 55 megawatt goal could well require sinking more wells. Storing large amounts of NaOH solution also raises safety issues.

6-4

In summary, though a planned future expansion is possible, Sierra Club Lake Group believes the current draft EIR for the Bottle Rock Power expansion project...

6-5

1. Understates the potential negative environmental impact.
2. 55 megawatts output is an unrealistic goal for this project.
3. The amount of power generated will not warrant the potential environmental impact.

Thank you and Regards;

Cheri Lee Glenn Holden

Cheri Holden
Chair, Sierra Club Lake Group
cherisierraclub@gmail.com

RESPONSE TO LETTER 6 – SIERRA CLUB LAKE GROUP, CHERI HOLDEN, CHAIR – NOVEMBER 1, 2010

Response to Comment 6-1

The opinion expressed in the comment is noted. **Chapter 4.0 Geothermal Resources** of the Draft EIR/EA presents an evaluation of steam resources for the project.

Response to Comment 6-2

The comment is noted, however, it is not clear from the comment what impact regarding sodium hydroxide is at issue. Therefore, it is assumed that this comment is an introduction to the following comment 6-3 regarding effects of an accidental release (spill) of sodium hydroxide.

Response to Comment 6-3

As noted in Draft EIR/EA **Section 5.7 Hazards and Hazardous Materials**, sodium hydroxide and other hydrogen sulfide abatement and treatment chemicals are corrosive and toxic to human health and the environment. Abatement chemicals are now and would be stored at the power plant in containers approved for such storage and containment under the project sponsor's Spill Prevention, Control and Countermeasure Plan (SPCCP). The SPCCP presents measures to prevent a spill of sodium hydroxide and other hazardous/toxic substances at the power plant. In addition, an on-site Contingency Plan for planned and unplanned closure of the power plant would be required for the project and updated regularly or upon order of the regulators. Operations also would be conducted under an Emergency Preparedness Action Plan, as well as Fire and Worker Safety (accident prevention) Plans.

Response to Comment 6-4

The project includes a proposal to construct 1.3 miles of 30-inch pipeline with a 0.5-inch wall thickness. Pipeline design and engineering would be required to meet current codes and industry standards and specifications and would occur under the oversight of the County, BLM, CDOGGR, and CEC. This applies as well to the pipeline supports, site soils and other design and engineering considerations that could affect performance of the operational system. A potential leak of steam and other substances, including toxic substances in the steam pipeline, could result in health hazards and environmental damages. As noted in the Draft EIR/EA, the proposed steam collection pipeline system would be inspected regularly for indications of corrosion or other potential sources of leakage. While accidental releases of steam from the pipeline cannot be completely discounted, the proposed and required pipeline construction requirements, safety and accident prevention plans, containment plans for hazardous/toxic substances, inspection program and steam monitoring programs would reduce the hazards of a spill to acceptable levels under established regulatory oversight. The potential effects of a spill, however, are speculative because the effects would depend on the amount of spilled hazardous/toxic substances, duration of the spill, location of the leak and discharge of the spill plume in surface and groundwater, meteorological and hydrological conditions at the time of the spill, and the nature of the environment directly and indirectly affected by the spill. Were an accidental leak to occur with contamination discharge to the environment, the project sponsors would be required to conduct full clean up, repair and site restoration under regulatory oversight of multiple agencies (such as Lake County, California Department of Health Services, Regional Water Quality Control Board, California Department of Fish and Game, USDI BLM, EPA, and US Fish and Wildlife Service).

The project proposal for development of up to 22 wells is presented in the Draft EIR/EA in **Chapter 3.0 Description of the Proposed Project/Proposed Action**. Were additional wells to be developed, supplemental CEQA review would be required. The storage of sodium hydroxide, and the associated requirements for its safe storage, handling, transport and use, is discussed in the Draft EIR/EA in **Section 5.7 Hazards and Hazardous Materials**.

Response to Comment 6-5

The opinions expressed in the comment are noted and will be considered by the decision-makers in their deliberations on the project.

October 31, 2010

Mr. Richard Coel, Director
Department of Community Development
County of Lake
255 Forbes Street.
Lakeport, CA 95453

RECEIVED
NOV 01 2010
LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT

Dear Mr. Coel:

Friends of Cobb Mountain welcomes the opportunity to review the draft EIR/EA appertaining to the proposed Bottle Rock GeoResource steam field project. One can only admire the vast amount of work that went into its preparation, although the material is drawn from various sources which sometimes leads to inconsistencies of data. A prime example of this is There are also a number of treatments and findings that are incorrect and must be remedied and others that are missing and must be supplied before the EIR/EA can be deemed acceptable under CEQA and NEPA. It is to these that we give our attention. First, we point out what we believe to be three major flaws, one of which is procedural and the other two concern topical treatment. Each of the following are separate comments and demand individual answers.

SCOPING PROCEDURE

To begin with, we strongly object to the method and conduct employed at the scoping session at the Little Red Schoolhouse in Cobb Valley on October 27, 2009. The meeting was not officially recorded, and the comments and questions of the forty to fifty persons in attendance, many of their statements extensive and complex, cannot have been adequately preserved for EIR response by the one AECOM representative who was writing the comments on note cards. For this reason we believe that our questions were not adequately preserved and some of them not answered in the EIR.

7-1

PROJECT SETTING

At least two factors not so included need to be treated in the project setting. These are hydrogen sulfide emissions and earthquakes. Within a three county geothermal field (Lake, Sonoma, and Mendocino) that has shared collective impacts on the total environment, the two major ones are air quality degradation (most notoriously the frequently experienced odor of hydrogen sulfide and earthquakes. Prevailing westerly winds bring these gases and particulate matter into the Cobb area of Lake County, close to the geothermal operations in the other counties, from the western portion of The Geysers steam field. Earthquakes are a common experience in the communities of Cobb and Anderson Springs, and they are a profound annoyance factor for many residents, so much so, in fact, that the Anderson Springs Community Alliance some months ago filed a public nuisance complaint with the Lake County Supervisors. Nothing has come of this. A number of instances of structural damage to homes in Anderson Springs have been documented and repaired with funds provided for that purpose. All quakes over M2.0 are felt generally throughout the region, and virtually all of them are induced by geothermal steam production or water injection into the steam reservoir. For data and conclusions on this issue we refer you to the procedural minutes of the Seismic Monitoring Advisory Committee (SMAC) appointed by the

7-2

7-3

Lake County Board of Supervisors prior to 1997. These aspects of the BRP GeoResource setting must be included in the EIR/EA, and the mitigations should direct that a Bottle Rock Power representative should participate in the Geysers Air Monitoring Program (GAMP) and in SMAC.

7-3

SENSITIVE PLANT POPULATIONS

The first faulty topical treatment concerns the matter of certain sensitive botanical species which characteristically, if not exclusively, grow in serpentine soils. At issue is the fact that populations of these plants will be of possible occurrence in the areas under the proposed third project alternative of locations that would be cleared for drilling pads and roads. The original east and west pad locations (in Alternative 1) have been inventoried by the botanical specialists named in the report, and the botanical values and their complexity in these locations have led to negative conclusions. Because of the verified occurrence of five of these species in the initially designated localities for the construction of the two pads avoidance of the populations was considered impossible, and replacement through seeding is known to have an 85% failure rate.

Consequently, it has been proposed as an alternate that the location of the east pad should be changed and that of the west pad shifted to decrease the likelihood of destructive impact on the sensitive populations. For this and other benefits that could result from moving the east pad this may be a desirable alternative, but it cannot be done as suggested within the intent and requirements of CEQA. What is being proposed at this late date is moving and shifting the pads to other locations that allegedly have less, but still some, serpentine habitat. (see 6.0-29: "Accordingly, the alternate pad locations are located predominantly outside of serpentine plant communities", and "Alternative 3 would avoid or substantially reduce the loss of special status plants found on serpentine soils near areas of proposed well pad construction. With implementation of Mitigation Measures 5.5-1(a) and (b)) that require construction surveys to identify and avoid or minimize impacts to those species and that require developing and implementing a revegetation plan, this impact would be reduced to a less-than-significant level.") And regarding the outcome of such a plan it is stated on page 6.0-20 that "Recommended measures to replace special-status plant species associated with serpentine soils would not adequately mitigate for their loss as survivorship rates for mitigation plantings have been historically low".) Other statements in the same section also speak in terms of reduction and not total avoidance of the serpentine environment. Under this plan, the alternate sites would first be approved with the approval of this EIR, and the suggested pre-construction plant surveys would be conducted afterward, and by whom we are not told. This is the exact reverse of the procedure required by CEQA, and we are told by the authors of the biology section of the EIR that plant surveys need to be "seasonally timely", clearly meaning during the spring and summer growing and blooming periods when the plant populations can be seen and recognized. The primary reason for the re-positioning of the pads is stated to be the avoidance of serpentine soils. How was the conclusion reached that the newly proposed positioning is better than the earlier, and who designed the repositioning? Were borings taken and soils tested? Is there data available to support the conclusion and the design of the repositioning plan? As acknowledged in the plan itself, serpentine soils will still not be completely avoided, and with the CEQA requirement of a seasonal survey there is no possible way that this survey can be made prior to the next spring and summer blooming season. And as we have seen, planting seeds or seedlings of sensitive plants for replacement is not a probable solution. Two CEQA problems remain: the necessity of a professional plant survey prior to permitting the GeoResources project as a whole, and the need for the survey to be conducted in late spring and summer.

7-4

PROJECT TRANSPORTATION ROUTE

One of the most serious environmental problems arising from the past, present, and proposed future is the use of High Valley Road for access to and egress from the Bottle Rock power plant and steam field operations. The industrial use of this road is simply incompatible with the residential use for which the road has been employed for over one hundred years, and hence it is unreasonable. As is well known and well documented, the problems began when the Bottle Rock plant was established by the California Department of Water Resources. The present problems are many, and they are thoroughly relevant to consideration of the use of the road as the route of access to and from the proposed GeoResources steam field project: traffic congestion on an essentially one way road; danger of accidents between vehicles and between vehicles and pedestrians; traffic noise, some of it heavy; air pollution along the route from vehicle exhaust, some of it diesel smoke, and all of it as a breathing hazard for the residential public, their children and their guests; and lack of security for residents and their properties. By the personal knowledge of the present author, in earlier, pre-power plant years there was either no lock on the gate or it was left open with little threat for security felt. With geothermal development in High Valley and the advent of industrial traffic, the security issue emerged. During the DWR years there was a guard at the gate. Now there is essentially no security at all and with apparently no plans for it in the future. The gateway is porous with a seemingly uncontrollable supply of keys, or entrance can be gained with no key at all by simply waiting for another vehicle and following it in. This is unacceptable to the security-vulnerable residents, and will be an issue of continual contention until a guard is permanently stationed at the gate 24/7. All but the security issue could be greatly ameliorated, if not totally solved, by establishing a different access route for the proposed BRP GeoResource project. The obvious candidate for this is the Cold Water Creek Road connecting with the Rabbit Valley Road from the north. This was explicitly presented as a request at the scoping meeting for the project at the Little Red School House. This request is nowhere addressed in the draft EIR/EA and the maps in that extensive document do not show the existing connection of the Cold Water Creek Road to the Rabbit Valley Road, which leads to the project site. Such linkage, in fact, is established, and it is a CEQA requirement that all issues presented in the scoping process be addressed.

7-5

7-6

7-7

ISSUES IN SECTION 3.0

page 3.0-12 -- It is stated that a geotechnical study of the pad sites would be conducted prior to pad construction. Why will these studies not take place prior to the permitting of the project? If slope stability is shown to be inadequate the permit will have to be canceled and new pad sites and access roads selected and subjected to CEQA analysis.

7-8

page 3.0-26 -- Why must east pad construction be allowed to continue daily until 10:00 pm, when all other construction activities are confined to 7:00 am to 7:00 pm?

7-9

page 3.0-25 -- It is stated that during flow testing steam would be treated and H2S abated according to LCAMD specifications. Will other toxic constituents (mercury, asbestos, arsenic, radon, and others) be tested for? If they cannot be abated how can public exposure be prevented? If they are not controlled by county, state, or federal regulations and cannot be abated, how can public exposure to them be justified? The breathing public demands relief from this. As for noise during flow testing, cyclone mufflers are better than no mufflers, but what other options are available under Best Available Control Technology (BACT)? Relief from well-blowing noise is

7-10

7-11

7-11 | urgent, even if it is below the legal limit. It is continuous and aggravating to most neighboring residents.

7-12 | page 3.0-30 -- Bonding for financial coverage of project abandonment must be realistic and tied to power plant abandonment, for if one is abandoned so will likely be the other. It must be assured that the costs of abandonment do not in any way fall on the County or on the Coleman and Binkley families and estates. The monetary size of the bonding must be open to the escalation of costs brought on by inflation. Periodic review of the issue should be scheduled in public hearing at regular intervals.

4.0 GEOTHERMAL RESOURCES

7-13 | The anticipated geothermal steam supply to be obtained from the proposed project raises a serious question. The Geothermex study provided for the EIR on this question estimates that the highest steam supply that the field can produce translates into 50 MW, but with the uncertainty of this steam source accompanies this with a low estimate of 6 or 7 megawatts with a median estimate of 24 MW. In view of this uncertainty, the County has a decision to make in accordance with General Plan Policy GR 3.1. in the Geothermal Element. This reads, "Prior to approval of new power plants, documentation shall be provided demonstrating sufficient geothermal resources to support existing and proposed power generation." This certainly applies to the present situation given the massive land transformation, road construction and other environmental impacts, temporary and permanent, that this project entails, so that more steam

7-14 | will be available at the power plant. If the project is approved, we suggest that the pads be built one at a time with test wells being drilled on the first pad before the second pad is built, so that a reappraisal can be possible before the second pad is constructed and its impacts may be avoided.

5.3 AIR QUALITY AND CLIMATE CHANGE

7-15 | Air pollution problems are at the top of the list among negative impacts from the proposed operations. The objectionable odor of hydrogen sulfide and the physical reactions to it experienced by some people is of the most notorious concern, but probably no more serious in terms of human health than mercury, arsenic, and radon and exposure to asbestos and dangerous levels of fine particulate matter, most notoriously pm10. The EIR cites applicable policies contained in the Geothermal Element of the Lake County General Plan (EIR pp. 3.0-25 to 27) and gives an extensive list of mitigations for air quality control during construction (pp. 3.0-29 to 32). Who, realistically, can effectively monitor and enforce the observance of these? Certainly not the short-staffed County agencies, and we are left with a hit and miss mitigation program at best. Furthermore we are told that "Even with add-on particulate control . . . and with 90% reduction, PM10 and PM2.5 emissions would exceed the Bay Area Air Control Management District daily mass based threshold." (Lake County has no such threshold). The final conclusion in this section of the EIR is, "Therefore, construction emissions from well drilling activities would have a significant unavoidable impact on air quality." We, the breathing public, find this unacceptable.

5.6 Hydrology and Water Quality

7-16 | It is stated on page 5.6-37 that "ground water pumping during the drilling construction phase of the proposed project could have a substantial adverse effect on surrounding wells". Mitigation in the form of substitute water supplies in such cases is specified, and it would presumably be done at water user request. Water purity in neighboring wells and springs should also be tested for on

Letter 7

user request and not only at the times specified in Mitigation Measure 5.6-6(c). In case of contamination a stable water supply must be made available.

7-16

In case of major spills reaching High Valley Creek, an alarm system to alert downstream creek-bank property owners as far down as Clear Lake should be installed and remain annually updated and operational.

7-17

PUBLIC ANNOYANCE EFFECT

We place this last in our categories of comment because while not a CEQA issue in itself, we believe that it clearly belongs among cumulative effects as it is cumulative in nature and forms a barrier of public opinion against a project which has multiple adverse impacts on neighboring residential communities. It is from this that vocal opposition, political action and sometimes legal action arises. If it can be moderated or even mollified it can lead to peaceful relation between developers and communities, which is probably the long run goal for all parties concerned. The scoping meeting relating to the Bottle Rock Power GeoResources steam field proposal reflected a large volume of public annoyance based on past experience with geothermal projects in the area and this is well reflected in written comments submitted in the scoping as well as being heard in verbal comments during the meeting, which were largely lost by the circumstances described above. It is our impression from study of the EIR that even the written comments were scarcely noticed. The scoping letter from Ms. Gerri Fletcher is one of the most discerning and relevant to the potential project impacts on local residents. It is calm, firm, informed, and objective, and clearly represents what we are calling the "public annoyance effect" stemming from home owner experience of past and present of Bottle Rock and other geothermal power operations in a combination of factors each of which is generally classified by EIRs as being insignificant, which some might well be if it were the only one. Together they constitute a disturbing intrusion into the lives of nearby, and sometimes not so nearby, residents and homeowners of the region. At least one family, the Fletchers, has moved from their High Valley Road home to another residence in Cobb to escape environmental and personal impacts. The impacts of common experience are vile odors of hydrogen sulfide, mercaptans and, diesel exhaust; air pollution by particulate matter left by vehicle tires on roads, and chemical content and particulate matter in blowing steam and vehicle exhaust, both of which cause health hazards and asthma attacks for some; visual and night lighting intrusion for those who live in line of sight; noise from drilling rigs, truck traffic and blowing wells; industrial traffic intrusion; earthquake intrusion. For most of these some degree of mitigation in the form of reduction is possible, but limits set by state, federal and county governments in the matters of air quality, noise and traffic are not stringent enough to allay the annoyance factor, and those limits in air pollution, noise and visual impacts are frequently exceeded. It is difficult to believe that the points made in this commentary can have any effect within the present CEQA system and its application, but it may help to reveal why "no significant impact" is frequently disputed, and will perhaps help to lead to a more comprehensive understanding of the human experience of negative impact and particularly so in this environment.

7-18

MITIGATIONS

Approximately one-hundred and sixty-five mitigations are listed serially from page 2.0-3 to page 2.0-62 in section 2.0 SUMMARY. Some of the mitigations run to several pages and it is difficult is some instancto see whether some mitigations are separate from others or not; hence the difficulty in counting the number. However the number is vast and the coverage extensive.

7-19

7-19

Mitigations included in an EIR are mandated for enforcement if the project is approved. Given the unacceptability of self-monitoring and self enforcement by the project sponsor, monitoring and enforcing the mitigations for this project are immense, and it is inconievable how this could be done apart from a team of qualified experts hired permanently for the job at the expense of the project operator. County and State and Federal agents clearly lack the person power to do it. What solution to this problem does the County and AECOM suggest?

7-20

Sectin 7.0 IMPACT OVERVIEW

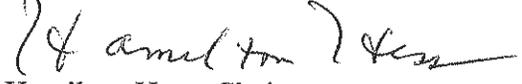
The EIR's flat denial of cumulative impact arising from the implementation of the proposed project is simply, and literally incredible, and false. Impacts from traffic, on air quality, of noise, on biological resources, on water and hydrology (testing already asked for by the residents, but little done), spillage of hazardous materials, and seismicity have already taken place, and further impacts in these categories will obviously take place by the very nature of the operations if the project is permitted. Two examples -- Air pollution (H2S and other gasses accompanying it) from both Sonoma County geothermal operations and Bottle Rock Power periodically, past and present, impact the Cobb area with occasional exceeds beyond legal emissions; cumulative impact. Seismic events caused by geothermal operations measuring M2.0 and above, no matter

7-21

where they occur in The Geysers field, are generally felt throughout the region; Cumulative impact (documentation, data from Calpine earthquake telephone reporting service).

7-22

Respectfully submitted,



Hamilton Hess, Chair
Friends of Cobb Mountain
P.O.Box 131,
Cobb, CA 95426

RECEIVED

NOV 01 2010

LAKES COUNTY COMMUNITY
DEVELOPMENT DEPT

**RESPONSE TO LETTER 7 – FRIENDS OF COBB MOUNTAIN, HAMILTON HESS, CHAIR –
NOVEMBER 3, 2010**

Response to Comment 7-1

As noted in **Appendix A** of the Draft EIR/EA, “Notice of Preparation and Public Scoping”, oral comments on the content of the document that were made at the public meeting were summarized (see **Section 2.5 Areas of Controversy** in the Draft EIR/EA). Recordation of oral comments are not required under CEQA. Those oral comments that were not specific to the proposed project identified in the NOP or to its physical environmental impacts (e.g., past violations of the existing Use Permit) are not addressed in the Draft EIR/EA because they are outside of the scope of CEQA except as related to describing the existing environment. For a summary of the type of comments not addressed, see the first and second pages of **Appendix A**. Master Response #1 presents a summary of past actions related to the Use permit for informational purposes. While excluded from evaluation in the EIR, these comments may be considered by the decision-makers at the time they consider whether to approve or disapprove the proposed project.

Response to Comment 7-2

See Master Response #2.

Response to Comment 7-3

With respect to the part of the comment that “earthquakes” were not included in the “project setting,” see **Section 5.8 Geology, Soils, and Seismicity**, which describes both the regional and project site and vicinity settings of the proposed project. The Draft EIR/EA describes the issue of induced seismicity in detail on pages 5.8-18 through 5.8-58. The potential impact of induced seismicity was analyzed in the Draft EIR/EA (see pages 5.8-63 through 5.8-66) and found to be less-than-significant; therefore, mitigation is not required under CEQA. Enhancement Measure 5.8-3(b) (see page 5.8-66), if adopted by the decision-making body, would require the installation and maintenance of a seismometer in the Leasehold, at a location deemed appropriate by the BLM, in agreement with the County and with advisement of the USGS. All seismographic data shall be reviewed and submitted to the BLM and County, and presented to the Lake County Seismic Monitoring Advisory Committee (LCSMAC).

Representatives of Bottle Rock Power have presented information about the proposed project to the LCSMAC. No specific recommendations have been made to date (the date of the publication of the Draft EIR/EA) by the Advisory Committee with regard to the proposed project.

The recommendations in the comment that Bottle Rock Power shall assign a representative to SMAC and shall participate in the GAMP will be considered by the decision-makers in their deliberations on the project. While such recommendations would be productive, they would not be a mitigation measure as defined by CEQA.

Response to Comment 7-4

Errata: Reference to Exhibit 5.5-11 (page 6.0-29) in the first paragraph under the heading “Biological Resources - Special-Status Plant Species” is incorrect. The correct reference is to Exhibit 5.5-6(a) and 5.5-6(b).

Under the proposed project, the West Pad and East Pad would affect approximately 1.55 acres and 2.4 acres of serpentine soils, respectively, and the impact is deemed to be significant and unavoidable even with proposed mitigation (Draft EIR/EA, page 5.5-1(b)). However, under Alternative 3, the affected acreage would be substantially reduced to about 0.15 acres and 0.06 acres, respectively. Even with this substantial reduction in impact, the proposed project Mitigation Measures 5.5-1(a) and (b) are also proposed for Alternative 3; thus, reducing this impact to a less-than-significant level. The alternative was developed by BRP engineers using information from the botanical surveys carried out for the project. Preconstruction surveys could be required (in Spring) and would be carried out by a professional botanist approved by the County.

Response to Comment 7-5

The Draft EIR/EA analyzed LOS impacts to High Valley Road and the intersection of Bottle Rock Road/High Valley Road during construction and long-term operation determined that High Valley Road and the intersection would operate acceptably at LOS A under Lake County standards (see page 5.2-26, 5.2-27, 5.2-34, 5.2-35), and thus, there is less-than-significant impacts. CEQA does not require mitigation for less-than-significant impacts.

The traffic analysis for the Draft EIR/EA found a significant impact with respect to truck/passenger vehicle collisions during construction, replacement of wells, and long-term operation; thus, mitigation was proposed to reduce the level of impact to a less-than-significant level (see pages 5.2-27 to 5.2-28; 5.2-30; and 5.2-35). Furthermore, it was determined that replacing wells over the proposed time horizon would cause a similar level of impact, and the mitigation measure proposed for construction would reduce that impacts to a less-than-significant level. The Draft EIR/EA analyzed air emission and noise impacts related to project related traffic in **Sections 5.3 Air Quality and Climate Change** and **5.4 Noise** and determined that the impacts would be less-than-significant.

Response to Comment 7-6

See Response to Comment 15-3 regarding amendments to the existing Traffic Control Plan proposed by County staff.

Response to Comment 7-7

See Master Response #3.

Response to Comment 7-8

As noted in the Draft EIR/EA, previous studies have identified potential landslide areas within the BRP GeoResource Leasehold (see page 5.8-67). **Exhibit 5.8-2** identified three areas of potential landslide materials in similar locations to those identified in the two previous studies. None of these landslides appear to potentially adversely affect any of the proposed well pad sites. The East Pad site was previously evaluated for landslide potential and no landslides were identified. The West Pad appears to be free of probable landslide zones. However, no geotechnical studies have been performed to confirm the absence of landslides; thus, adverse effects from seismically-induced landslides at the West Pad site could occur and appropriate mitigation measures were developed. Mitigation Measure 5.8-5(c), "Report Adverse Site Conditions to Lake County Staff" anticipates the potential that the geological studies could result in changes to the proposed project, and identifies the steps the project proponent must take to comply. The project sponsor would also be required to submit a Soils Grading Report, Geotechnical Investigation Report, and Geologic Grading Report for review and approval of the CDD prior to issuance of grading permits for pad construction as required by the Building Codes and Lake County Grading Ordinance.

It is common practice with CEQA to prepare detailed geotechnical studies after a project is approved, rather than prior to the CEQA review. CEQA only requires that the potential hazard be identified in the CEQA document and mitigation provided if a significant hazard is determined to be present. This approach has been employed for this Draft EIR/EA. As noted, the County and BLM require detailed geotechnical studies including the proposed method to ensure stability issues are addressed.

Response to Comment 7-9

The Lake County Zoning Ordinance Noise Limits includes standards for noise emissions produced by activities on property zoned for residential, commercial or industrial use from the hours of 7:00 AM to 10:00 PM, if they fall within the specified range (see page 5.4-13).

Based on review of noise levels associated with the construction vehicles and equipment, noise levels during well pad preparation activities would range from 70 to 95 dBA, with average noise levels between 80 to 85 dBA at a distance of 50 feet from the center of construction activities. Construction activities associated with preparation of the East Pad (i.e., grading and construction of the well pad) are anticipated to occur from 7:00 AM to 10:00 PM, seven days a week for six to eight weeks (see page 5.4-18). The East Pad is located the farthest from a sensitive receptor (see page 5.4-7, first paragraph).

Response to Comment 7-10

The Draft EIR/EA analyzed the impacts of short-term exposure of sensitive receptors to toxic air contaminants from well venting during drilling and flow testing and determined that short-term exposure of sensitive receptors to TACs would be a significant impact (see page 5.3-34). Mitigation Measure 5.3-5 (see page 5.3-36) requires the project sponsor to implement the provisions of the Hydrogen Sulfide Detection and Abatement Performance Plan during well venting activities, including venting during drilling and well testing. The monitoring plan described in the Hydrogen Sulfide Detection and Abatement Performance Plan shall be used to determine when additional abatement measures will need to be taken at the well site. Even with mitigation, the construction-related H₂S and arsenic emissions from well venting could have unavoidable short-term impacts. Although this impact would be short-term and transient in nature, these pollutants have the potential to cause acute health problems based on short-term exposure and, therefore, this is considered a significant unavoidable impact.

Response to Comment 7-11

A worst-case analysis was prepared for well drilling and testing, which assumed two concurrent drilling operations occurring on the same well pad. As shown in **Exhibit 5.4-11**, noise levels during product testing and air drilling at Residences 1 and 3 would exceed the 55 dBA standard (see page 5.4-22). This would be a significant impact and mitigation is required. Two mitigation measures are recommended (see pages 5.4-22 through 5.4-23):

- Mitigation Measure 5.4-1(a) Limit Hours to Reduce Well Testing Noise Levels Well and
- Mitigation Measure 5.4-1(b) Implement Well Drilling and Well Testing Noise Control Measures to Reduce Well Construction Noise Levels

Implementation of the above mitigation measures would reduce the impact to a less-than-significant level (see page 5.4-24).

Response to Comment 7-12

The opinions expressed in the comment are noted and will be considered by the decision-makers in their deliberations on the merits of the proposed project. There have been projects in the Geysers and elsewhere that were abandoned with insufficient or no funds available for implementing proper abandonment and site closure. The result was that the burden for abandonment was placed on the public, rate payers or the private landowner. Bonding of itself does not provide mitigation of environmental impacts, and therefore, is not identified in the Draft EIR/EA as a mitigation measure. However, bonding provides one mechanism by which the project requirements and mitigation, including implementation of preventative and corrective mitigation measures, during all phases of the project, including abandonment, can be assured to be undertaken if the project sponsors do not meet their mitigation requirements. As lead agencies, Lake County, USDI BLM and the CEC have the authority to require bonding if deemed appropriate.

Response to Comment 7-13

Comment noted. Lake County General Plan Policy GR-3.1 is not applicable to the expansion project as it only applies to new power plant proposals. However, County decision-makers will take into account steam availability as part of its decision-making process at the time they consider whether to approve or disapprove the proposed project.

Response to Comment 7-14

The recommendation of the commentor is noted and will be considered by the decision-makers in their deliberations on the project.

As described in **Section 6.4 Alternatives Considered but Eliminated from Further Consideration**, phased development was considered but rejected because it would extend the construction period considerably, thereby extending the time period where impacts from noise, traffic, and other impacts would occur. The applicant has also rejected this alternative because it does not meet the project objectives and likely delay construction of the second pad for an additional year. The GeothermEx report concludes that two pads are warranted in order to reach the entire leasehold and produce adequate steam.

Response to Comment 7-15

The comment incorrectly references several pages in the EIR. The correct page references are 5.3-25 to 5.3-27 for the analysis of the project's consistency with the applicable air quality policies presented in the *Lake County General Plan*. The correct page reference for air quality mitigation measures is 5.3-30 to 5.3-32.

The EIR provides the public, agencies and the decision-making body with information about the potential environmental effects, significance and mitigation measures of the proposed *BRP Steam Project*. This information is then used by the County on whether to approve the project. If the decision is to approve the project, the County must make findings (CEQA Guidelines Section 15091) and provide a Statement of Overriding Consideration (CEQA Guidelines Section 15093) if there are unavoidable environmental risks. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

LCAQMD would be the responsible agency to monitor implementation of recommended mitigation measures and their own permit conditions if the project is approved and permitted. The opinion represented in the comment about the ability of “understaffed” County agencies to enforce recommended mitigation measures and the acceptability of the air quality impact is noted and will be considered by the decision-makers in their deliberations on the project.

Response to Comment 7-16

The comment incorrectly states that the mitigation for groundwater drawdown would be in “the form of substitute water supplies ... presumably be done at the water user request.” The mitigation measure in the Draft EIR is for the project sponsor to evaluate feasible alternatives for *project water supply* (emphasis added) (see page 5.6-38), and not to provide water to surrounding well users. Mitigation Measure 5.6-6(c), “Groundwater Water Quality Sampling” calls for the sampling of water at regular intervals.

The recommendation expressed in the comment regarding testing upon user request is noted and will be considered by the decision-makers in their deliberations on the project.

Response to Comment 7-17

Mitigation Measure 5.5-3(a), “Minimize Disturbance to Riparian Habitat and other Sensitive Habitats” requires that any work in or near the stream zone shall take place during the driest part of the year, when no active flow or residual ponding are likely to occur in this reach of High Valley Creek (see page 5.5-67). This measure would minimize the potential for contamination of the creek.

See the response to “Comment 6-4.” The recommendation expressed in the comment regarding a downstream alarm system is noted and will be considered by the decision-makers in their deliberations on the project.

Response to Comment 7-18

As acknowledged by the commentor, the “public annoyance effect” is not a CEQA issue and thus, is outside of the scope of the EIR. See “Response to Comment 7-1” above and “Master Response #1.” The opinions expressed in the comment are noted and will be considered by the decision-makers in their deliberations on the project. The proposed Use Permit includes a condition requiring that a portable air monitoring station be available. The station will be moved to various locations to obtain more local data. In addition, amendments are proposed to the 1987 Use Permit and Traffic Control Plan to help address concerns over traffic (see Master Response #1 to comments concerning Use Permit violations).

Response to Comment 7-19

CEQA Guidelines Section 15097, “Mitigation Monitoring or Reporting” requires the public agency (i.e., the County) to adopt a program for monitoring or reporting on the revisions that it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. Until mitigation measures have been completed, the lead agency (i.e., the County) remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The County may choose whether its program will monitor mitigation, report on mitigation, or both. “Reporting” generally consists of a written compliance review that is presented to the decision making body or authorized staff person. A report may be required at various stages during project implementation or upon completion of the mitigation measure. “Monitoring” is generally an ongoing

or periodic process of project oversight. The Community Development Department supports a condition that requires the permit holder to submit a detailed annual report of their ongoing permit compliance actions. The reports are then reviewed by staff prior to staff conducting a site inspection to verify compliance.

Response to Comment 7-20

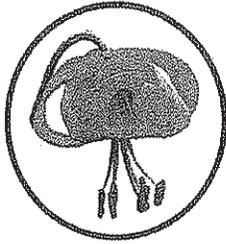
Cumulative impacts on traffic, air quality and noise are described on page 7.0-3; biological resources, water quality and hydrology, and hazards and hazardous materials on page 7.0-4 and geology, soils, and seismicity on page 7.0-5.

Response to Comment 7-21

See Master Response #2.

Response to Comment 7-22

As noted in the EIR (page 7.0-5), impacts related to geology and soils of the Wildhorse and Buckeye projects as well as future geothermal and development projects consistent with the *Lake County General Plan* would also be limited to their respective project sites and would be reduced with similar mitigation measures. The Wildhorse and Buckeye projects would result in induced seismicity similar in magnitude to that of the *BRP Steam Project* but given the distance to those projects, a substantial cumulative effect would not be expected.



California Native Plant Society
Milo Baker Chapter

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OCT 29 2010

LAKELAND COMMUNITY
SOCIAL SERVICES DEPT

ITEM 1
9:05AM
NOVEMBER 3, 2010
Comment F
CA Native Plant Society

Comments of the Milo Baker Chapter of the California Native Plant Society on the Bottle Rock Power Steam Project Draft EIR/EA dated Sept 16, 2010

The following comments are herewith submitted to the County of Lake, California pursuant to procedures of the California Environmental Quality Act and guidelines thereof of the State of California and the County of Lake. It is herein requested that these comments be personally delivered to to each County Supervisor , Planning Commissioner, Director of Community Development, all staff assigned to this project and the project applicant due to the weight of the comments herein and the potential illegalities implied by the underlying Draft EIR.

The comments can be grouped as follows:

- Technical flaws in the biological analysis
- Substantive inconsistency in the analysis
- Omission in statement of significant impact
- Problems with the alternatives analysis

Technical flaws in the biological analysis. There are a number of serious deficiencies in the technical analysis, especially in the botanical analysis. These flaws include lack of adequate sampling time in the field, ignoring crucial secondary impacts on rare and endangered flora, ignoring edge effects of habitat destruction, ignoring particulate impacts from construction and post construction dust generation upon stomatal metabolism in angiosperm species, ignoring the entire concept of metapopulation extinction relative to species viability, ignoring rescue effects of metapopulation extinction, ignoring potential year to year metapopulation variations that may be present (requiring the necessity of multi year field observations), inadequate attention to the take permits required to carry out the project and its implied metapopulation extinctions of rare and endangered species.

First as to sampling time in the field, the studies including Zander study are wholly inadequate to sample for rare and endangered species, due to the small numbers typical of the rare and endangered species present and potentially present. The limited flowering times and year to year variation in metapopulation levels make it essential that further years of sampling be conducted to insure that all metapopulations are found. In a given year a given metapopulation may simply be too small to be observed by standard transect methods. Furthermore, a thorough study would have more time sampling points to make sure that the flowering interval is not missed. The latter process is particularly

important to address potential climate change phenomena and the resultant alteration of bloom appearance.

Perhaps the most serious scientific flaw in the Draft EIR is the failure to address secondary impacts on metapopulations. It is well known in metapopulation extinction analysis that secondary effects are as important as primary destruction. Thus the edge effects, alteration of drainage, particulate dust impacts on leaf surfaces and overall habitat fragmentation are likely to create destructive impacts or cause extinction of entire metapopulations of the rare and endangered species present. (e.g. *S. barbiger*, *C. diversifolia*, *C. tenuis* ssp *brunneus*, *A. Manzanita* ssp *elegans*, *C. collina* [two subspecies]). The very reason that most of the species which are rare and endangered are in that vulnerable state is the lack of adaptability to drainage, air quality and other abiotic habitat variation, so that alteration of these parameters is likely to be highly destructive to such populations.

There is utterly no analysis of the role of extinction of the rare and endangered metapopulations on site to the broader question of viability of the entire species. There is no analysis of minimum viable population or rescue effect impacts relative to other colonies of the subject rare and endangered flora, even within the Mayacamas Range.

Substantive inconsistencies. The chief substantive inconsistency in the biology analysis is recognition of significant impacts upon loss of endangered species and failure to recite that significant unavoidable adverse impact in the summary table. The text notes that transplant or seed collection is rarely effective in preserving rare populations, but the summary table cavalierly dismisses extinction phenomena as "Less than significant". This apparent transcription error is most misleading to decision makers and the public and rises to the level of complete misstatement of fact.

Similar inconsistencies are present with the analysis of the great difficulty of mitigating loss of serpentine habitat. The text of the Draft EIR first recognizes the severe obstacles of recreating serpentine habitat, and yet the summary table ignores admonitions of the text and accepts the ability to reduce serpentine impacts to "Less than significant". A similar difficulty exists with oak woodland mitigation, although even the text fails to adequately analyze the profound difficulty in replicating oak woodland. It is well known that replication of oak woodland habitat in the Mayacamas and other areas of Lake County is extremely difficult if not impossible, due to the low seedling viability, the utter impossibility of replicating understory and the impacts of drainage and soils adaptive problems.

Omission in statement of significant adverse impact. The project as proposed, as well as Alternative 3, will have a significant unavoidable adverse impact on rare and endangered flora of Lake County. This impact is applicable to at least six species. The inherent data for this finding is actually partially within the EIR, but the conclusions and summary table fail to communicate this basic matter.

Problems with the alternatives analysis. The simplistic text under Alternative 3 and the other alternatives fails utterly to meet the CEQA standard for meaningful biological analysis. The brief text fails to address metapopulation dynamics, lack of adaptability of rare and endangered species to altered circumstances including indirect impacts of dust, edge effects and habitat fragmentation. The text utterly fails to account for lack of survivability of seedling or seed development for any replacement

colonies. If the county elects to proceed with Alternative 3, it should be advised that the text presented under this alternatives analysis is entirely inadequate to base a project review upon.

8-4

Thank you for this opportunity to comment on the Bottle Rock project. We hope that you will study these comments as a way to provide constructive input to the subject project, but we also encourage the County to be aware of the significance of proceeding on a project with significant adverse unavoidable impacts with a severely flawed EIR. In these circumstances taking of colonies of rare and endangered species would constitute a theft of an identified public resource and expose the County to potential civil and criminal proceedings.

8-5

Sincerely

C. Michael Hogan PhD

Conservation Chairman, California Native Plant Society, Milo Baker Chapter

P.O. Box 892 Santa Rosa, CA 95402

**RESPONSE TO LETTER 8 – CALIFORNIA NATIVE PLANT SOCIETY MILO BAKER CHAPTER:
MICHAEL C. HOGAN, PHD – OCTOBER 29, 2010**

Response to Comment 8-1

The Northwest Biosurvey peer review letter of December 17, 2009 for the Zander and Associates Biological Assessment (Draft EIR/EA Appendix E, page 90) addresses the adequacy of field surveys. Section 3, page 2 of the review letter states that 11 site visits were made by Zander and Associates staff between April 16 and July 15, 2009. As noted in the letter, this is typically double the number of visits that would be made during a survey season and meets or exceeds professional standards for botanical surveys.

Multi-year surveys are typically not consistent with mandatory local and state agency permitting deadlines. Section 21100.2 of the CEQA Guidelines specifies time limits for completion of EIRs, generally on the order of about a year. While longer periods of EIR preparation are common, schedules longer than a year are allowed only through agreement of the lead agency, the applicant and other permitting authorities. In any case, extensions of EIR preparation periods generally are not allowed for the purpose of accommodating multiple growing seasons to establish a better baseline for one or more species. More than one year of surveys is occasionally requested by regulatory agencies for species known to skip blooming seasons if very specific criteria are not met. A classic example would be vernal pool species that may not bloom if annual rainfall is not adequate to create seasonal wetland conditions within the vernal pools of a specific survey area (note: no vernal pool habitat was observed in the survey area – see Draft EIR/EA **Exhibit 5.5-3**). Often additional surveys are included as mitigation or part of permit conditions rather than being a required part of the EIR baseline. Additionally, a belief that negative survey results simply means that a species is present but not blooming during that survey year would make botanical surveys a relatively meaningless exercise any time a species is searched for and not found. If a species is not present, even an additional decade of surveys would still not find it. As a consequence, the generally accepted professional standard for botanical surveys requires a seasonally appropriate, floristic-level survey conducted by a professionally trained and experienced biologist and involving a sufficient number of site visits to cover the entire blooming season. This typically includes a period from early spring to late summer (usually after die-off of annual grasses and forbs). As noted in the Draft EIR/EA, these seasonally appropriate surveys were conducted for the proposed project and the requirements of CEQA with respect to the approach to biological assessment have been met. Additional pre-construction surveys would be required as part of mitigation for project impacts and surveys for alternatives would be required if selected by the decision-makers instead of the proposed project.

Response to Comment 8-2

A metapopulation is a group of spatially separated populations of the same species, which, at least occasionally, participate in the same gene pool through dispersal of individuals or, in the case of plants, exchange seed or pollen, etc. between populations. An example of this in the Geysers would be the total populations of any one of the serpentine-adapted plants. These populations may occur on isolated patches of serpentine soils that are spatially separated from one another, but the plants may still be capable of seed or pollen exchange between these populations.

While any population of a plant with sensitive regulatory status has significant value and is by definition protected by state or federal regulations, it is expected that individual populations within a metapopulation will occasionally become extinct even through natural causes. As a corollary, the potential loss of individuals in a population does not necessarily equate to a potential for the species to

be driven to extinction, although unnatural losses are usually assumed to be adverse because they reduce the number of individuals and its gene pool reservoir, which in turn possibly contributes to a decline in the population. In general, not enough is known about the metapopulation of most sensitive plant species, and a conservative approach suggests that any losses are adverse impacts. The value of a metapopulation is that the remaining, surrounding populations of the species will provide new individuals to repopulate a site from which a population has been lost, provided that conditions at the site are suitable at some time in the future. The presence of metapopulations of sensitive plant species within the project area is therefore a natural mitigating influence and not an added liability with regard to project impacts. While the presence or absence of metapopulations is considered by biologists as part of the environmental impact assessment for a project, this level of survey and technical (ecological) evaluation is typically not included in the scope of CEQA documents except in unusual circumstances.

Comment 8-2 also lists a number of potential secondary impacts to sensitive plant populations. These include edge effects, effects of particulates, change in drainage, and habitat fragmentation. Assessing the significance of any of these potential impacts in a definitive manner would require an extensive understanding of the species biology, which simply does not exist even for many domestic plants. By practical necessity, the CEQA review process focuses on those impacts judged to be potentially significant based on the collective experience of professionals in the field. While all of these considerations could contribute adversely to the plants in some locations, the effects would be localized due to other considerations. For example, the County requires stringent dust control for work in any area of serpentinite rock exposure, generally through aggressive sprinkling. Such required sprinkling would reduce the effects of particulates on nearby sensitive plant populations. Analysis of such effects that would have to be carried down to the very specific level of individual plants to establish the effects is beyond the requirement of CEQA, particularly when approaches of avoidance and mitigation have been identified. Mitigation does include both pre-construction surveys and a monitoring component.

In the case of impacts to sensitive plant populations, both Zander and Associates and Northwest Biosurvey focused on the direct impacts of habitat loss. Secondary impacts are still addressed in the EIR through more generalized mitigation measures. Dust mitigation is addressed by Mitigation Measure 5.3-2, edge effects and habitat fragmentation are dealt with through recommendations to relocate the drill pads out of serpentine soils (Alternative 3) and to use existing pipeline corridors for new pipelines (Mitigation Measure 5.5-3(a)). With regard to “take permits”, Mitigation Measure 5.5-1(b) requires California Department of Fish and Game (CDFG) approval of a revegetation plan and a compensatory mitigation for preservation of existing sensitive serpentine habitat elsewhere on the leasehold is presented in the Response to Comment 3, below. By necessity, any firm conducting revegetation with sensitive plant species will require collecting permits from CDFG.

Response to Comment 8-3

Section 5.5-1(b) does recognize the loss of the sensitive species associated with the project as a significant and unavoidable impact. On page 5.5-62, paragraph 3, line 8 the text states the following:

“As revegetation could not be counted on to successfully reduce this substantive adverse effect to special-status plant species, this impact would be **significant and unavoidable.**”

However, the basis for Mitigation Measure 5.5-1(b) may require further clarification. In the original biological assessment prepared by Zander and Associates, the Zander staff proposed revegetation with sensitive serpentine plant species as a means of reducing adverse impacts to less-than-significant levels. This is a common approach to mitigating losses of plants. They also recommended

preconstruction surveys of the pad sites in order to reduce loss of sensitive plants by adjusting project components to avoid them. However, in their peer review of the Zander report and in preparation of the original draft text for the Draft EIR/EA, Northwest Biosurvey questioned whether this approach to mitigation would be effective and stated that, based on its observations and unpublished studies conducted by the California Department of Fish and Game of the results of revegetation of sensitive species on serpentine soils, the mitigation measure is unlikely to be successful. In addition, the use of preconstruction (post-approval) surveys to map and avoid sensitive populations within the proposed pad sites was unlikely to succeed because the typical close spacing of these sensitive plants in serpentine communities would leave no unoccupied areas large enough to fit the proposed pad site and its associated cuts and fills, regardless of where they are placed with the serpentine plant community. Within the scale of the proposed pads, the distribution of the sensitive plants on serpentine soils may be regarded as homogenous. Northwest Biosurvey concluded that the proposed mitigation likely would not be effective in mitigating the loss of the special status plants on these soils and, for purposes of a conservative approach, the loss of sensitive plants on serpentine soils is considered to be a significant and unavoidable impact.

In response to this determination, the EIR consultants and the County recommended moving the well pads out of serpentine soils and conducting new botanical surveys at the new location. The applicants then developed an alternative design for the pad layout, which is presented in the Draft EIR/EA as Alternative 3 rather than a modification of the original project. Northwest Biosurvey further recommended that a survey be conducted of the entire leasehold as part of the CEQA review in order to determine the extent of the entire population (metapopulation) of each of the sensitive plants as a means of determining the significance of a loss of a portion of these populations in the event that the relocated pad still included some serpentine soils (which it does). The EIR retains the mitigation measure (5.5-2(b)) to develop and implement a restoration plan because some success in restoration of the small area effect could be achieved, even if limited. However, in the last sentence of the section, as a conservative the impact is considered to be significant and unavoidable is presented (the sentence quoted above).

In addition, because the impacts are determined to be significant and unavoidable, compensatory mitigation is presented below as a modification to Mitigation Measure 5.5-1.

The following modifications should be made to Mitigation Measure 5.5-1(a), page 5.5-61:

Mitigation Measure 5.5-1(a). To minimize impacts to populations of special-status plants, the project sponsor shall perform preconstruction surveys for these plants to identify the specific boundaries of populations with respect to proposed clearing and grading. To the extent feasible, the project footprint shall be modified to avoid or minimize impacts to these plant populations. The total area of each population that will be lost to project development will be determined as a basis for revegetation planning.

Mitigation Measure 5.5-1(b) is revised as follows:

With input from CDFG, appropriate area(s) in the general project vicinity shall be identified which could benefit from in-kind revegetation and shall be revegetated according to the revegetation plan. Revegetation shall be carried out to achieve the maximum feasible level of success, recognizing that 100 percent replacement is not likely to be achievable. Success criteria shall be at a ratio determined acceptable to CDFG (e.g., minimum revegetation efforts would be initiated with 3:1 replacement, and carried out for at least five years to achieve a 1:1 replacement).

The following new Mitigation Measure 5.5-1(c) is added to the text as follows: .

Mitigation Measure 5.5-1(c). As compensatory mitigation for significant unavoidable impact on sensitive serpentine plant communities, a seasonally appropriate survey shall be conducted of serpentine soils within the entire leasehold in order to characterize and map the locations and extent of each sensitive endemic plant population. The project sponsor shall then enter into a conservation agreement with the California Department of Fish and Game and the County to set aside either all remaining populations of the serpentine endemic species populations or to preserve populations at a ratio determined acceptable to CDFG.

The Summary Table (Section 5.5-1 Special Status Plants, page 20-16) does list the level of significance after mitigation as SU (Significant and Unavoidable). However, the text of the mitigation measures are modified as discussed above for measures 5.5-1(a-b) and new measure 5.5-1(c) is added to the Summary Table.

Response to Comment 8-4

Alternative 3 was proposed after completion of the field surveys and analysis conducted for the original pad sites and lies partially outside of the original biological survey boundaries. The biological impacts for this alternative are discussed on pages 6.0-29 and 6.0-30 of the Draft EIR/EA.

The CEQA Guidelines provide the following guidance regarding the amount of information to be provided for the evaluation of alternatives:

Section 15126.6 Consideration and Discussion of Alternatives to the Proposed Project;

“(d) Evaluation of Alternatives. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed...”

Alternative 3 was specifically designed with the objective of reducing impacts to serpentine soils and their sensitive plant populations. As noted in the Draft EIR/EA, the impacts of the proposed project on sensitive plant resources are determined to be significant and unavoidable even after mitigation. Alternative 3 would substantially reduce the area of impact on the serpentine endemic species. The area of serpentine soils at the proposed West Pad would be reduced from the proposed 1.5 acres to 0.15 acre under Alternative 3 and at the East Pad from 2.4 acres (proposed) to 0.06 acre (Alternative 3). Thus, the net reduction of impact on potential serpentine endemic plant habitat would be from 3.9 acres (proposed project) to 0.21 acre (Alternative 3). This is regarded as a substantial reduction in the impact compared to the proposed project. Additional significant impact on the serpentine endemic species would **not** result from implementation of this alternative. However, although substantially reduced, a small loss of habitat still would occur, and mitigation would be required as noted on Draft EIR/EA page 6.0-29.

Response to Comment 8-5

The comment is acknowledged.

October 17, 2010

Richard Coel, Director
County of Lake Community Development Department
Planning Division
255 N Forbes Street
Lakeport, CA 95453

Re: Review of Draft Environmental Impact Report for BRP Steamfield expansion project – Comments in Response of R. Reynolds

Dear Mr. Coel:

The DEIR while offering volumes of information fails to properly address several aspects. Of most concern are:

- 1) The apparent failure to realize and/or describe the PM control systems used during the last couple of decades during air/steam drilling and certain time critical ventings. The system has also improved upon and is an integral part of the H2S abatement system. The air drilling particulate control is dependent on down hole misting, a constricting venturi scrubber (used for low flow), a non constricting venturi scrubber (used for high flow) with proper water entry for shearing, blooie line expansion for particulate size growth and, proper entry into a cyclone separator capable of separating the resulting large particles into the working water. The present particulate control system used by BRP should be described and incorporated into the identified mitigation (Description and required method of use is readily available in existing LCAQMD NSR permit reviews).
- 2) The pink plume referencing as a “blow out”, Pg 5.3-37, is believed in error and should be corrected. The pink plume was noted to occur while air drilling just before discovering steam or while air drilling in steam, and at locations near the subject project. The pink plume (or red) was noted only while air drilling not while venting steam, thus the steam values verses sampled particulate is of little value. The plume most likely resulted from material being drilled. If encountered, the requirement for a variety of steps including the slowing of the drilling rate if particulate emissions control cannot be maintained is incorporated into adjacently located LCAQMD issued drilling permits. The reference to low concentrations of toxics is misleading, as even 0.1 to 0.3% is 1,000 to 3,000 ppm and hardly insignificant for Cr or As compounds. The LCAQMD files should include estimated actual levels. While pink plume events were typically short, the statement “In all cases, the wells were clean after approximately one hour of flow” seems odd given the plume did not occur when steam alone was produced. It is correct to state the discovered toxicity and small size of the particulate did initiate the redesign of the cyclone/ mufflers to cyclone separators combined with other

9-1

9-2

components to make a complete and more efficient particulate emissions control system. This was for the health protection of both the employees working on site and public. The design now in use is much improved over that in use during the pink plume events referenced, and does not resemble the Unocal design.

9-2

- 3) The air drilling in serpentine containing asbestos may occur, and the approach required in recently issued LCAQMD geothermal drilling permits, or something better should be incorporated as recommended mitigation.
- 4) Issued LCAQMD geothermal drilling permits that are near residence incorporate the ability of the APCO to lower H2S emissions to a targeted 2.5 #/hr and should be incorporated in the mitigation to avoid odor nuisance events to nearby residences resulting from cumulative effects or extremely bad meteorology.
- 5) Some events such as the initial clearing of pipelines, pulling or running open pipe during fishing and while in the tight portion of the hole, inserting hot liners, or cold steam line startups can all be greatly mitigated by conducting only during times of acceptable dispersive meteorology and existing low background air quality degradation. It should be listed as mitigation, and especially given the statement "operating TAC emissions from well startup and shutdown would result in a significant unavoidable impact" (Page 5.3-40).
- 6) It is not clear how completed wells once tested but prior to being connected to the pipeline will be handled and such should be clarified.
- 7) And most importantly, if this is an expansion project, the existing LCCCDD use permit and LCAQMD facility permits should be incorporated and used as a starting point for required performance levels and recommended/required mitigation for the expansion of that existing project. And, since the existing BRP staff is experienced and largely successful with existing technologies, a premium should be put on continuing those mitigations that have worked.

9-3

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Sincerely,

Robert L. Reynolds
(retired-LCAPCO 1979-2008)
7467 Evergreen Drive
Kelseyville, CA 95451

CC: Doug Gearhart, APCO
Interested Parties

RESPONSE TO LETTER 9 – ROBERT REYNOLDS - (RETIRED LCAQMD APCO) – OCTOBER 17, 2010

Response to Comment 9-1

The emission controls proposed by the applicant are consistent with the emission controls described by the commentor (i.e., down-hole misting, a constricting venturi scrubber, a non-constricting venturi scrubber, blooie line, and cyclone scrubber), and the applicant anticipates that the emission controls described by the commentor would be required as BACT by the LCAQMD for the drilling permit. The emission controls are proposed as an integral part of project construction, thus should not be considered as mitigation. As a result of this comment, the text in paragraph 6 under Impact 5.3-2 is revised as follows:

The well drilling phase includes several sources of emissions: drill rig equipment, forklifts, cement trucks, water trucks, fuel trucks, worker commute vehicles, and dust emissions from air drilling and well venting. The emissions from vehicle usage (cement trucks, water trucks, fuel trucks and worker commute vehicles) were calculated using emissions factors from EMFAC2007 and estimated vehicle miles traveled. The drill rig emissions were based on use of a ThermaSource Rig 108 and on fugitive dust generated during the air drilling phase of the well. Emissions generated from well venting during drilling were calculated using detailed information provided by GeothermEx Inc. (see **Appendix A**) on the composition of the NCGs from existing, nearby wells and maximum anticipated steam flow rate and venting durations. Emission controls planned for use during drilling activities include down-hole misting, a constricting venturi scrubber for low-flow conditions, a non-constricting venturi scrubber for high flow condition, a blooie line expansion for particulate control, and cyclone scrubber for large particle removal. The control efficiency of each of these devices is applied to uncontrolled emissions to determine controlled emissions for the project.

Response to Comment 9-2

The commentor's concerns regarding the pink plume in general, and the characterization of 0.1 to 0.3 percent as "low" are noted. However, the published information regarding pink plumes suggests that the majority of the heavy metal present in the pink plume is iron (present as iron oxide), not arsenic or chrome, and while 1,000 to 3,000 ppm of arsenic or chrome would be of concern, there is no evidence that the concentration of arsenic or chrome are as high as 1,000 to 3,000 ppm. The information provided by the commentor further substantiates that the pink plume phenomenon is a transient and short-term event that can be effectively controlled by the same particulate control measures the applicant has proposed for controlling particulate emissions during drilling. As a result of this comment, the third paragraph under Impact 5.3-7 is revised as follows:

Improvements in drilling technology and steam capture systems including the use of particulate control technology including down-hole misting, a constricting venturi scrubber for low-flow conditions, a non-constricting venturi scrubber for high flow condition, a blooie line expansion, and cyclone scrubber are considered likely to reduce the likelihood of steam blowouts and, therefore, the incidence of pink steam. While incidents may occur, such releases would be short-lived and, therefore, this would be a less-than-significant impact.

Response to Comment 9-3

The commentor's concerns are noted. However, the proposed mitigation measure (Mitigation Measure 5.3-4) would require the applicant prepare and to submit for approval to the LCAQMD an Asbestos Hazard Dust Mitigation Plan within 14 days of the discovery of naturally-occurring asbestos, serpentine, or ultramafic rock. The mitigation measure further includes the requirement for the applicant to contact the LCAQMD to determine the specific control measures to be included in the Plan. Because this mitigation measure already provides for LCAQMD input and approval, no further mitigation is necessary to address this potential impact.

Response to Comment 9-4

The commentor's suggestion to lower H₂S emission rates during periods of adverse meteorological conditions is acknowledged. As a result of this comment, the fifth paragraph under Impact 5.3-5 (page 5.3-35 of the Draft EIR) is revised as follows:

As stated in the *Hydrogen Sulfide Detection and Abatement Performance Plan*, the wet chemical H₂S abatement system would use a combination of sodium hydroxide (NaOH) to scrub H₂S from the steam and hydrogen peroxide (H₂O₂) to oxidize H₂S to a non-volatile form. This technology has been proven effective for other geothermal well drilling projects at The Geysers, including the 2009 wells drilled on the Francisco Leasehold. The monitoring plan described in the *Hydrogen Sulfide Detection and Abatement Performance Plan* would be used to determine when additional abatement measures would need to be taken at the well site. Additional abatement measures would include, but not be limited to, the reduction in H₂S emissions to 2.5 pounds per hour or less during periods of adverse meteorological conditions.

And Mitigation Measure 5.3-5 (Draft EIR page 5.3-36) is revised as follows:

Mitigation Measure 5.3-5 Hydrogen Sulfide Detection and Abatement Performance Plan
The project sponsor shall implement the provisions of the *Hydrogen Sulfide Detection and Abatement Performance Plan* during well venting activities including venting during drilling and well testing. The monitoring plan described in the *Hydrogen Sulfide Detection and Abatement Performance Plan* will be used to determine when additional abatement measures would need to be taken at the well site. Additional abatement measures would include, but not be limited to, the reduction in H₂S emissions to 2.5 pounds per hour or less during periods of adverse meteorological conditions, and coordinating uncontrolled steam venting events with LCAQMD.

Response to Comment 9-5

The commentor's suggestion to limit TAC emissions during period of adverse meteorological conditions is acknowledged. Because Mitigation Measure 5.3-9 cross-references Mitigation Measure 5.3-5, and, as shown above, Mitigation Measure 5.3-5 was revised to allow for a reduction in emissions during periods of adverse meteorology, no additional changes to the Draft EIR/EA are necessary to adopt this suggestion.

Response to Comment 9-6

In response to this comment, the following paragraph is added to Impact 5.3-5 as the last paragraph in the section (Draft EIR page 5.3-36) prior to the Mitigation Measures:

Following completion of a well, and prior to connection of that well to the pipeline, each well will be vented through a one-inch orifice to the vent tank to “bleed” the well. The purpose of this steam bleed is to keep the well hot, prevent condensation, and prevent the build-up of NCGs such as H₂S from the well head. The flow rate through the orifice is a small fraction of the unrestricted flow rate, and the corresponding emissions are a small fraction of the emissions compared to other well venting activities. Impacts during well bleeding would be less than significant.

Response to Comment 9-7

The proposed project is not an expansion of the existing Bottle Rock Power Plant – the project is the development of additional steam supplies for the existing power plant that would allow BRP to operate at existing permitted levels. The proposed project would not require modification of the power plant, and thus does not trigger new source review, modification of the operating permits, or trigger the requirement to install additional controls.

Lake County Community Development Department
Richard Coel, Director
255 North Forbes Street
Lakeport, CA 95453

RECEIVED

OCT 28 2010

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT

October 25, 2010

RE: Draft EIR and EA for the Bottle Rock Power Steamfield Expansion Project

Dear Mr. Coel:

We are writing about the recent Draft EIR and EA for the Bottle Rock Power Company to drill 24 new wells on the proposed East and West Pads near High Valley Road in the town of Cobb. This comment letter also includes an attachment, which is the letter we wrote to you on October 27, 2009 opposing this project specifically referencing the NOP of an EIR for the Bottle Rock Power Company (BRP) to conduct the proposed operations in our neighborhood. We would like our 2009 letter to also be answered formally in your official response to our comments to the Draft EIR.

We have read the Draft EIR for the proposed project and have many concerns. Our comments are discussed below by subject matter.

Noise (Appendix D)

10-1

Item III on page 3 (Existing Noise Measurement Survey) identifies noise measurements taken between July 15-17, 2009. We question the validity of this noise survey conducted during only three days. My husband and I have been subjected to the noisy drilling operations from BRP since 2003 (almost 8 years now!). Imagine how frustrating it would be to find out that a noise survey was conducted for more drilling to occur in our backyard, but the survey was only done over a three day period! A more appropriate noise survey for the proposed project should have been established for a period of months rather than a measly three days. A valid noise survey would have been for the entire summer of 2009 or 2010 (from mid June to August). The reason for this would be to monitor over a substantial length of time the noise from the operations during various times of the day and night over a season so that variations and changes could be detected. Noise can change during the day, night, and during different days and nights due to many things such as topography, wind, neighborhood activities, seasons, etc. A noise survey conducted over three days is useless and does not provide information that has any valid meaning to substantiate its findings. It is even our opinion that a valid noise survey would have been over an entire year so that variations in seasons could have been detected and evaluated. To call this survey a long term noise measurement survey (as stated on page 3, Appendix D) is ludicrous. There is nothing long term about the survey.

10-2

We question the "long term" measurement locations described on pages 3-4. We live on Bottle Rock Road and have been subjected to extreme noise from BRP's drilling operations and the power plant itself since 2003. Yet, the only neighborhood households that were included in the noise survey are the Jadiker residence, Mahnke residences, and Fidge residence. Those are only three residences included in the noise survey! This is a

10-3

clear “slap in the face” to us that BRP does not care about our long history of complaints to the company that their noisy drilling operations (many times conducted over a period of 6 months at a time all day and all night) have completely interrupted not only our sleep but our daily lives. Also, we do not see how the County has cared either because they too did not include our residence in this noise survey. I have called Mr. Coel countless times over the past five or more years complaining about the noise from BRP and their drilling. We feel unheard and disrespected that our residence was not included in the noise survey.

10-4

In fact, it appears that all the residences nearby on Bottle Rock Road were not included in the noise survey because it does not appear that Bottle Rock Road is on the aerial view of the measurement locations in Figure 2 on page 5. This to us is another example how the County is just going to “rubberstamp” the proposed project simply because it brings money into Lake County. So we would like to see a revised noise survey that would actually demonstrate a long term period like about three months or longer and we would want to also have our residence included in the noise survey. We would like to point out that we are aware of the small noise surveys conducted on January 6-7, 2010 as discussed in Section 5.4 Noise on page 5.4-7 in the Draft EIR. However, our same argument still holds true for this very short and limited area of a survey.

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A couple of changes we would like to see in the Final EIR would be to not allow two simultaneous drilling operations to occur at any one time, as stated on page 13 under “Well Pad Operational Noise Levels.” To further reduce noise impacts we also suggest that the Final EIR state that drilling operations will only be conducted between the hours of 7 am to 7 pm and drilling operations shall not occur during state and federally designated holidays.

10-7

We have spent many Thanksgivings and Christmas’s listening to the horrible noise coming from BRP’s drilling rigs over the course of several years. The County must put a stop to such a disruption in the people’s lives who live in Cobb. The landscape has changed much over the last several years. When drilling operations were conducted in the beginning, very few people lived in the area. That has changed considerably. The Draft EIR states that very few people live in the area. This is simply untrue. This area is not as rural as it once was. The population has substantially changed in this neighborhood.

10-8

A major issue we have with the Draft EIR is the findings of Less-Than-Significant Impacts identified on pages 15-16 Appendix D. These pages state:

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“Based on the findings of the proceeding analyses, the proposed project would have no or less-than-significant impacts for the following significance criteria...

- Generate a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. The noise generated from the development or access roads, steam pipelines and well pads, along with drilling activities at the well pads, can be generally characterized as construction related and would be *temporary in nature.*” (Emphasis added)

The 2009 NOP for the EIR regarding this project stated that drilling operations will be carried out 24 hours a day, seven days a week and it will take an estimated 60-90 days to

drill each well. In our dealings with Bottle Rock Power since 2003, whenever we asked how long drilling would last for a particular well the drilling always lasted much much longer than what the Company had stated or proposed to me, sometimes as long as several months after the estimated date. So, we estimate that it will take 90 days to drill each of the 24 new wells. That equates to 2,160 days, which is over 5 years of drilling associated noise! This is already on top of the 7 years (almost 8 years now) we've already been subjected to the noise from the drilling and the power plant. So, in essence, we are looking at being victims of the noise for over a decade (approximately 12-13 years if not more)! First, that is simply unacceptable and second, this project is by no means "temporary in nature" as stated on page 16 of Appendix D in the Draft EIR. The phrase and justification that the project noise is less than significant and "temporary in nature" does not take into account any problems or changes in the schedule that may and as history has shown with BRP **will** happen. Meaning, five years of drilling may be increased due to mechanical failures with the drill rigs, employee issues, and a list of other things that would lead to the lengthening of the project time to get the project accomplished. After years of dealing with the noise issues from BRP, we've had to literally double the amount of time projected from BRP **and the County** for a particular project. Time and time again this has been the case. So we think it is safe to assume the proposed project will be conducted over the course of 10 years. This is by no means a project "temporary in nature." Our 1 ½ year old daughter will be 10 years old and the project would occur during her whole infancy, toddler, and preteen years! Tell her that the project is "temporary in nature!" That justification to say that the project is "temporary in nature" and so the project is less than significant is not only a lie, but it also demonstrates the lack of care and understanding from BRP and the County. The residences have been listening and subjected to BRP's noise issues for many many years. And the statements and claims of justification in the Draft EIR prove that no one is taking our concerns seriously. An environmental lawyer would win just on this count alone. The Draft EIR should be changed and projected noise emanating from the project should be found to be significant.

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Item #2 on page 17 Appendix D states that a noise barrier wall will be installed on the well pads. Our residence on Bottle Rock Road needs to be addressed here because we have been subjected to the noise from the well pads for so long. Continuous noise monitoring must be done and adhered to when the project is underway. Any noise violations must be cited by the County to the BRP when they do not abide by the new Use Permit. Heavily constructed and well engineered sound barriers must be installed.

10-11

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BRP has a bad track record of installing sound barriers or sound walls. Two years ago BRP reported to the County that sound walls were installed around the Francisco pad, then it turns out the walls were never installed and the County is well aware of this. So we of course do not believe that BRP is trustworthy of employing the mitigation measures and installing sound walls relative to the East and West pads. To explain a bit about our history with BRP and the sound walls, we would like to reference our 2009 letter below because the issues still remain and our valid to the proposed project:

10-13

"We live in a rural area. We do not live in a subdivision. We have two neighbors. Typical community noise levels (Ldn) in a rural area is between 40 and 50 dBA. 50dBA is typical for a quiet suburban residential neighborhood, not close to major roads, with little nighttime activity. When the drilling is operating (especially on or near the Francisco Pad) the noise levels at our home are well above 50 dBA. It is common to have it so loud that the television at high volumes cannot even closely mask the noise from the drilling. Imagine trying to sleep to such a high level of noise. It cannot be done. There are times where we cannot sleep in our own home because of the loudness from the drilling.

It is due time for seriously well engineered sound barriers to be constructed at the drilling sites. The fact we've lived without them for five years still astounds me. Noise levels between 70-80 dBA are generally considered unacceptable for residential use where an area is strongly affected by a major transportation source. There are many times that this is the case at our home as a result of the nearby drilling locations. It sounds like we live next to a constant freight train that never stops. It appears that again the Bottle Rock Power Company is not abiding by their Use Permit, especially regarding the extreme noise disturbance. I must state the word "again" in the previous sentence because the Company has been violating their Use Permit for years now. In fact, the County in 2008 cited the Company with over ten violations of their Use Permit. Several of these violations were detrimental to the environment.

10-13

I was told by Ron Seeze (Bottle Rock Power) that sound specialists employed by the Company would run sound tests. These tests were done on Company land and they were conducted when there was one week of no drilling. Such tests are inadequate and make a mockery out of a very serious situation.

Research conducted by the U.S. Environmental Protection Agency has determined that a threshold level for significant adverse impact occurs when noise level is above 55 decibels (dB) over a 24 hour period (Environmental Protection Agency, 1974). Normal background noise levels for residences range from 34 to 47 dB (Environmental Protection Agency, 1973). Studies have indicated that the disturbance of sleep becomes increasingly apparent as ambient noise levels exceed about 35 db(A). It has been found that the probability of subjects being awakened by a peak sound level of 40 dB (A) is 5%, increasing to 30% at 70 (A). Studies have also shown that constant noise problems can lead to stress, illness, and aggression. We've noticed ourselves in being victims of the drilling noise that we are more stressed and aggravated as a result of the constant drilling noise. It has been found that the actual loudness of a sound is only one component of the effect it has on human beings. Other factors to consider are the time and place, the duration, the source of the sound, and whether the listener has any control over it. When the drilling is being conducted, there is no rest because it is a constant operation and we notice that drilling can occur for entire seasons (months and months at a time) and sometimes longer."

5.4 Noise Draft EIR

Recent past drilling operations from BRP on the Fransisco pad have exceeded noise levels of those stated in the Lake County General Plan. When drilling operations occur on the Fransisco pad, the drilling noise is so loud inside our home with the windows closed that we can barely hear the television at times. In such instances, BRP noise levels exceed Policy N-1.3 Indoor Noise Levels stated in the Lake County General Plan. It is our utmost concern that drilling operations on the East and West pads will be at the same noise level with little concern from BRP and the County when there are clear noise violations from BRP. For years and in the recent past, BRP is in clear violation of Policy N-1.3. What will the County do when noise violations occur on the East and West pads? Nothing is currently happening when there are noise violations on the Francisco pad. Yet, here we are looking at the County approving another BRP project.

Page 5.4-11 of the Draft EIR states:

10-14

“Policy N-1.2 Sensitive Receptors states that the County will prohibit the development of new noise generating land uses adjacent to existing noise sensitive noise receptors (e.g. dwellings...) if the CNEL generated by the operation of the proposed use is expected to exceed 55 dBA Leq during daytime (7:00 AM to 10:00 PM) or 45 dBA Leq during night time (10:00 PM to 7:00 AM) at the property line a noise sensitive land use.”

Considering our past issues with the drilling activities on the Francisco pad where noise levels from BRP at our home have exceeded the decibel level requirement stated in the Lake County General Plan, it is difficult for us to trust that the Draft EIR is correct in stating that there will be no significant impact related to noise as discussed on page 5.4-16. What will the County do when the decibel levels from the East and/or West pad exceed those levels stated in the general plan? We believe that the proposed project should be rejected and not allowed due to the rules and policies set forth under the Lake County General Plan. We believe that the proposed project cannot possibly stay within the guidelines of the noise requirements stated in the general plan.

6.0 Alternatives Draft EIR

10-15

Ultimately, we support the No Project Alternative. However, because it is evident that the County will approve the BRP project, we then support Alternative 3 as stated in Section 6.3 of the Draft EIR because this provides alternative well pad locations that put the operations even further away from and more topography in between the nearby residences on Bottle Rock Road. This is the only appropriate solution for such a project within a community.

BRP traffic along Bottle Rock Road

10-16

Past and current BRP truck traffic activities have included the use of Bottle Rock Road turnouts as staging areas for their equipment. They have utilized the turnouts near our home for many days in a row throughout their yearly operations. We believe this makes a mockery of the road as a scenic corridor. Bottle Rock Road is within the Lake County

10-16

Scenic Combining District and the use of turnouts for staging equipment from BRP should be disallowed and prohibited. It is a nuisance and an eye sore.

10-17

Also, the use of "jake brakes" by BRP employees should be prohibited in the flat straight-away where we live on Bottle Rock Road (from Cobb just before the High Valley Road turn off). This should be stated as a mitigation measure in the Draft EIR. Where we live on Bottle Rock Road there is a relatively flat section of road that is straight. Truck drivers like to use their "jake brakes" here to save their regular brakes and prevent wear and tear. The use of "jake brakes" here is unnecessary and is a severe cause of noise pollution at our residence.

10-18

General comment about BRP

We have been dealing with BRP, its outlaw nature, their terrible relation with their neighbors, and their abuse of Lake County and California law for years. Remember, BRP was just the source for approximately ten violations for their conduct of recent operations on their land in Cobb. It is just so unfortunate that the County is willing to approve another project by such a formidable company.

Sincerely,



Mr. and Mrs. Sone
PO Box 1511
Cobb, CA 95426

RESPONSE TO LETTER 10 – MR. AND MRS. SONE – OCTOBER 25, 2010

Response to Comment 10-1

The commentor states that the long-term noise surveys did not occur over a long enough time period to capture variations in seasons and weather conditions. “Long-term noise surveys” describe data collection that occurs for a period of 24 hours or more and represents the professional standard used to identify the loudest daytime and nighttime noises, so that those noise levels can then be compared against applicable noise ordinances. **Exhibit 5.4-7** on page 5.4-13 identifies the Lake County Zoning Ordinance Noise Limits by land use. Please refer to **Appendix D** for results of the long- and short-term noise surveys conducted by Illingworth & Rodkin between July 15th and 17th, 2009 (beginning on page 3). In addition to the Illingworth & Rodkin noise surveys, AECOM staff conducted an ambient noise survey on January 6-7, 2010 to confirm the ambient noise levels reported by Illingworth & Rodkin. Results from the AECOM noise survey are presented in **Exhibit 5.4-3** on page 5.4-8 of the Noise section of the Draft EIR/EA. While longer periods of noise measurement would provide more data to support the analysis, the noise survey periods conducted for the project are consistent with standard procedure under CEQA/NEPA, and are sufficient to use in the model used to predict the potentially significant impacts of the project and the mitigation measures needed to reduce the impact to a less than significant level.

Response to Comment 10-2

The commentor lives near the intersection of Bottle Rock Road and High Valley Road (as described in Comment 10-17). Sites chosen for noise monitoring represent the residences closest to the proposed drilling activities and with approximately direct line of sight to the noise sources, and thus would have the greatest impacts as described in Impacts 5.4-1 through 5.4-5 on pages 5.4-17 to 5.4-30 of the Draft EIR/EA.

The commentor’s location is located at greater distance than the closest residences and has no direct line of sight to the proposed drilling pads, and intervening topography would further obstruct the transmission of noise from the proposed project. Project related noise would be less than that estimated at the closest residence. Although noise from the proposed project may be audible from the commentor’s residence, it would not exceed existing noise standards. Noise generation at the power plant would increase by 3dBA at the plant, and would be further reduced with distance from it, e.g., to the closest residence; therefore the increment in power plant noise is not considered a significant impact of the project.

Response to Comment 10-3

Commentor notes their previous concerns have been ignored by BRP and the County regarding noise from drilling activities on the site. This comment does not address the adequacy or accuracy of the Draft EIR/EA and is outside of its scope. Please refer to the Master Response #1 for additional information.

Response to Comment 10-4

The concerns of the commentor about not being heard and the County’s action on the project are noted and will be considered by the decision makers in their deliberations about the merits of the project. The selection of noise measuring locations was based on the criteria noted in Response to Comment 10-2. Intervening topography between the proposed drilling pads and residences on Bottle Rock Road

would obstruct the transmission of noise from drilling activities and reduce noise from the project at the commentor's and other residences.

Response to Comment 10-5

The commentor's request for a new noise survey to be conducted for a minimum of three months and to include their residence is noted. Please refer to Response to Comment 10-1 regarding the purpose and duration of noise surveys. Please refer to Response to Comment 10-2 regarding noise survey locations.

Response to Comment 10-6

Commentor recommends that simultaneous drilling of wells should be prohibited and included as a mitigation measure. The recommendations of the commentor are noted and will be considered by the decision makers in their deliberations about the merits of the project. Mitigation measures included in the Draft EIR/EA would mitigate impacts from one drill operating or two drills operating simultaneously. Please refer to Mitigation Measure 5.4-1(b), bullet point 2 on page 5.4-22 and bullet point 3 on page 5.4-23 regarding installation of noise barriers as mitigation for the proposed project. It is the responsibility of both the project sponsor and the County of Lake to ensure that noise barriers are erected prior to drilling activities.

Response to Comment 10-7

Commentor recommends that all drilling operations be limited to the hours of 7:00 AM to 7:00 PM, and should not occur on State and federal holidays. Commentor further requests that these recommendations should be included as mitigation measures. The commentor's suggestions are noted.

When drilling a well, drilling must occur continuously until reaching the desired depth to prevent well collapse; proposing to stop and start drilling activities would compromise the integrity of the well. Mitigation measures included in the Draft EIR/EA would mitigate impacts from nighttime drilling activities. Please refer to Mitigation Measure 5.4-1(b), bullet point 2 on page 5.4-22 and bullet point 3 on page 5.4-23 regarding installation of noise barriers as mitigation for the proposed project. It is the responsibility of both the project sponsor and the County of Lake to ensure that noise barriers are erected prior to drilling activities.

Response to Comment 10-8

The commentor notes that the Draft EIR/EA is incorrect in stating that very few people live in the area. It is unclear what aspect of the environmental review is questioned by this comment. However, please refer to paragraph two under *Population* on page 5.1-7 for a description of the population change since 2000 in the Cobb Mountain Planning Area. Also, this site is located within the Primary Geothermal Resource Area, and there are only three homes within one-quarter mile of the proposed well pads.

Response to Comment 10-9

Commentor notes that **Appendix D** finds a less-than-significant impact conclusion regarding substantial permanent increases in ambient noise levels in the project vicinity. Commentor asserts that assumptions regarding duration of drilling are likely to be erroneous based on previous experience with BRP activities. Commentor further states that the Draft EIR/EA should find ambient noise impacts to be a significant impact. **Appendix D** presents the noise report prepared by Illingworth & Rodkin, Inc. in 2009 for the proposed project. However, the Draft EIR/EA noise impact discussion,

analysis, and conclusions are included in **Section 5.4 Noise** on pages 5.4-1 through 5.4-30. Impact 5.4-1 on page 5.4-17 discusses construction-related noise impacts on sensitive (residential) receptors. Impact 5.4-1 was found to be a significant impact, and Mitigation Measures 5.4-1(a)-(b) are proposed to reduce the impact to less-than-significant levels. Impact 5.4-3 on page 5.4-26 discusses long-term operational noise impacts on sensitive receptors. Impact 5.4-3 was also found to be a significant impact. Mitigation Measures 5.4-3(a)-(b) are proposed to reduce Impact 5.4-3 to a less-than-significant level. If the applicant changes the project from that which is described in the Draft EIR/EA, then subsequent environmental review may be required by the County and BLM.

Response to Comment 10-10

The commentor recommends that the noise barrier wall described on page 17 of **Appendix D** should be modified to mention their residence. Mitigation Measure 5.4-1(b) on page 5.2-22 of the DEIR describes the installation of a noise barrier wall to block the direct line of sight from the adjacent residences to the blooie line silencer. The mitigation measure applies to any and all adjacent residences.

Response to Comment 10-11

The commentor recommends that continuous noise monitoring should be done during construction, and the County should cite any violations of the use permit to BRP. Commentor further states that well-engineered sound barriers should be installed. The commentor's suggestions are noted and will be made available to County decision makers when deliberation the merits of the proposed project.

The implementation of noise barriers and other noise-reduction practices are described in Mitigation Measure 5.4-1(b) on page 5.4-22. Mitigation Measure 5.4-1(b) on page 5.4-23 also requires a qualified acoustical specialist to monitor and report construction activities, other than drilling, that occur between the hours of 10:00 PM and 7:00 AM.

Response to Comment 10-12

The commentor notes that BRP has ignored previous requirements to install sound barriers at the drilling pads. For the proposed project, if approved, the project sponsor would be required to install sound barriers as mitigation for the proposed project and it would be the responsibility of Lake County staff to ensure that this measure is enforced.

Response to Comment 10-13

The commentor asserts that BRP has violated its use permit in the past, with regard to extreme noise disturbance. The commentor asserts that noise exceeds 50dBA at their residence and is a source of substantial annoyance. The commentor further recommends that sound barriers should be installed at the existing drilling sites. In addition, the commentor states that previous noise surveys sponsored by BRP were conducted at a time when no drilling was occurring. These comments are noted. While past noise and permit compliance issues clearly are of concern to the commentor and others, it is beyond the purview of CEQA to resolve them. Because CEQA requires evaluation of the proposed project, past permit compliance issues are not addressed as a potential effect of the project. However, a response on this issue (Master Response #1) is presented herein for information purposes. With regard to CEQA/NEPA compliance, the noise impact of the project has been determined to be significant. Please refer to Mitigation Measure 5.4-1(b), bullet point 2 on page 5.4-22 and bullet point 3 on page 5.4-23 regarding installation of noise barriers as mitigation for the proposed project, as described above under Response to Comment 10-9.

RESPONSE TO COMMENT 10-14

Commentor asserts that previous drilling activities have exceeded the noise levels allowed under the County of Lake General Plan. Consistency with the policy in question is based on the determination that noise impacts associated with the proposed project would be mitigated to a less-than-significant level through implementation of mitigation measures. Mitigation Measures 5.4-1(a)-(b) on page 5.4-22 address short-term construction noise impacts. Mitigation Measures 5.4-3 (a)-(b) on page 5.4-28 address long-term operational noise impacts. Mitigation Measure 5.4-4 on page 5.4-29 addresses long-term noise levels from well replacement operations. The project sponsor and the County of Lake would be responsible for ensuring implementation of the aforementioned mitigation measures. The County will be responsible for enforcing its adopted noise standards. The commentor further expresses an opinion that the proposed project will not comply with Policy N-1.2 of the County of Lake General Plan. The commentor's opinions are noted and will be made available to County decision makers during their deliberation on the merits of the proposed project.

Response to Comment 10-15

The commentor's recommend the No Project Alternative, and as their secondary choice Alternative 3, because it places drilling activities further away from residences is noted. The Draft EIR/EA proposes mitigation measures that would reduce short-term construction and long-term operational noise impacts to less-than-significant levels. The commentor's recommendations are noted and will be made available to County decision makers during their deliberation on the merits of the proposed project.

Response to Comment 10-16

The commentor states that use of Bottle Rock Road as a construction staging area is an eyesore and should be prohibited. The Draft EIR/EA evaluates environmental impacts of the proposed project as described in the project description (please refer to **Chapter 3.0 Description of the Proposed Project/Proposed Action in the DEIR**). Construction staging is proposed to occur at the existing pipe yard at the Francisco Leasehold, as described on page 3.0-27 under "Construction Vehicle Traffic and Equipment Staging". Use of turnouts on Bottle Rock Road for staging is not proposed but, if it were to occur would have the potential to create safety issues. Use of public roads for construction staging would not be consistent with the proposed project and could violate the proposed use permit. It is the responsibility of the project sponsor and the County of Lake to ensure that construction crews comply with any agreements regarding the location of construction equipment staging areas. The proposed use permit contains a condition prohibiting off-site equipment staging.

Response to Comment 10-17

Commentor recommends that use of 'jake-brakes' should be prohibited along flat, straight portions of Bottle Rock Road. The commentor's recommendation that this should be included as a mitigation measure is noted. Please see Response to Comment 14-1 for additional information.

Response to Comment 10-18

The commentor notes that BRP has past violations regarding their operations. Please refer to the Master Response #1 for additional information.

NOVEMBER 3, 2010

Comment A(
Soi

Lake County Community Development Department
Richard Coel, Director
255 North Forbes Street
Lakeport, CA 95453

OCT 26 2010

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT

October 27, 2009

RE: NOP of an EIR for the Bottle Rock Power Steam Project

Dear Mr. Coel:

We are writing about the recent application from the Bottle Rock Power Company to drill 24 new wells on the proposed East and West Pads near High Valley Road in the town of Cobb. The recent actions of Bottle Rock Power are very concerning to me and my husband. We bought our home off Bottle Rock Road in Cobb in July 2002. When we purchased the home, the surroundings and environment were very quiet, which was one of the reasons we decided to move here. About 1 to 1 ½ years after we moved here, we noticed a sudden and abrupt change to the quiet atmosphere. We began hearing the drilling sounds from the Bottle Rock Power drilling rigs in 2003. Since that time, I've been in contact with the Company explaining the noise nuisance that was affecting our livelihood. When the drilling is occurring we hear it throughout the morning, day, and into all hours of the night. It is an all day and all night operation. It is a very loud industrial noise which I can only compare to a loud and highly used interstate or airport. It has completely disrupted our daily and nighttime lives. My husband, who works at home, gets no rest or reprieve from the constant noise while the drilling rigs are operating.

11-1

First, I will explain some of the history between us and Bottle Rock Power so that the County can understand that we and the other members of the community have already been subjected to the noise of the drilling for many years now. I have been speaking about my noise concerns with the Bottle Rock Power Company employees for many years (since 2003). At first I was speaking with Gary Snedaker as he was the person who took noise complaints. After he left the company, I was told to speak with Ron Seeze, who had been my point person for a year or two. Both helped very little. Ron Seeze had retired and I have not been advised as to who in the Company can address our noise concerns. As a result, beginning in the summer of 2008 I finally began calling the County (Board of Supervisors Rob Brown as well as the Community Development Planning Director, Richard Coel).

I was told since 2003 by Bottle Rock Power that they would put sound barriers up around the drilling rigs to help alleviate noise problems. Since the summer of 2008, these critical sound barriers were never installed. In fact, as a result of a community meeting in November 2008, sound barriers were attempted to be installed but dismantled because they were not up to engineering specifications. What a huge disappointment to the neighbors who have suffered with the noise problems for five years now. Not to mention the wildlife impacts.

The dated Use Permit (85-27), states that

“Approval is subject to the following terms and conditions...

3. The Planning Commission may, during public hearing, modify or revoke this Use Permit any time during its term if it is determined that the use herein permitted is creating a **nuisance** or a condition hazardous or detrimental to the general public or to property in the vicinity of the use.
4. ...Project phasing shall incorporate the following general principles:
 - b. Environmental impact such as surface disturbance erosion, sedimentation, **drilling noise** and dust emissions **shall be minimized.**” (Emphasis added)

With no sound barriers around the drilling rigs the drilling noise is *not* being minimized especially when it is an all day and all night long operation. The Use Permit continues to state that in granting the permit, the County Planning Commission made the determination that “The revised noise standard of Ldn 50 dBA will reduce the likelihood of disturbance to residents in the project area.” The Permit also states that the Planning Commission further declared that:

“This use **permit may be modified or revoked** if the Lake County Planning Commission finds that the use to which this permit is put is **detrimental to the health, safety, morals, comfort, and general welfare** of the persons residing or working in the neighborhood of such use, or if it is injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the county, **or is a nuisance.**” (Emphasis added)

We live in a rural area. We do not live in a subdivision. We have two neighbors. Typical community noise levels (Ldn) in a rural area is between 40 and 50 dBA. 50dBA is typical for a quiet suburban residential neighborhood, not close to major roads, with little nighttime activity. When the drilling is operating (especially on or near the Francisco Pad) the noise levels at our home are well above 50 dBA. It is common to have it so loud that the television at high volumes cannot even closely mask the noise from the drilling. Imagine trying to sleep to such a high level of noise. It cannot be done. There are times where we cannot sleep in our own home because of the loudness from the drilling.

It is due time for seriously well engineered sound barriers to be constructed at the drilling sites. The fact we’ve lived without them for five years still astounds me. Noise levels between 70-80 dBA are generally considered unacceptable for residential use where an area is strongly affected by a major transportation source. There are many times that this is the case at our home as a result of the nearby drilling locations. It sounds like we live next to a constant freight train that never stops. It appears that again the Bottle Rock Power Company is not abiding by their Use Permit, especially regarding the extreme noise disturbance. I must state the word “again” in the previous sentence because the Company has been violating their Use Permit for years now. In fact, the County in 2008

11-2

cited the Company with over ten violations of their Use Permit. Several of these violations were detrimental to the environment.

11-3

I was told by Ron Seeze (Bottle Rock Power) that sound specialists employed by the Company would run sound tests. These tests were done on Company land and they were conducted when there was one week of no drilling. Such tests are inadequate and make a mockery out of a very serious situation.

11-4

Research conducted by the U.S. Environmental Protection Agency has determined that a threshold level for significant adverse impact occurs when noise level is above 55 decibels (dB) over a 24 hour period (Environmental Protection Agency, 1974). Normal background noise levels for residences range from 34 to 47 dB (Environmental Protection Agency, 1973). Studies have indicated that the disturbance of sleep becomes increasingly apparent as ambient noise levels exceed about 35 db(A). It has been found that the probability of subjects being awakened by a peak sound level of 40 dB (A) is 5%, increasing to 30% at 70 (A). Studies have also shown that constant noise problems can lead to stress, illness, and aggression. We've noticed ourselves in being victims of the drilling noise that we are more stressed and aggravated as a result of the constant drilling noise. It has been found that the actual loudness of a sound is only one component of the effect it has on human beings. Other factors to consider are the time and place, the duration, the source of the sound, and whether the listener has any control over it. When the drilling is being conducted, there is no rest because it is a constant operation and we notice that drilling can occur for entire seasons (months and months at a time) and sometimes longer. In reading the recent NOP, it states that drilling operations will be carried out 24 hours a day, seven days a week and it will take an estimated 60-90 days to drill each well. In my dealings with Bottle Rock Power since 2003, whenever I asked how long drilling would last for a particular well the drilling always lasted much much longer than what the Company had stated or proposed to me. So I estimate that it will take 90 days to drill each of the 24 new wells. That equates to 2,160 days, which is over 5 years of drilling associated noise! This is already on top of the 5 years we've already been subjected to the noise from the drilling and the power plant. So, in essence, we're looking at being victims of the noise for 10 years! That is simply unacceptable.

11-5

As well as constructing sound barriers, we would recommend that the drilling rigs not operate during nighttime hours (from 9pm to 7am). It seems criminal that the Company is affecting our sleep during the night with the constant drilling noise. It affects our jobs and our livelihood. We are well beyond the point that the noise should be considered a nuisance. It is a health and safety issue now and it is due time that the noise issue be resolved.

11-6

We recognize that the East and West pads appear to be located about 3/4 to one mile away from our home. We realize that there are some small hills that may affect the noise. From past experience, the well pad that screams the most noise that we hear is from the Francisco Pad. Although it is difficult to estimate just how much noise we will hear from the proposed operations, the EIR must thoroughly address and analyze the noise impacts. The past CEQA document for drilling on this land is now decades old and never

11-7

- 11-7 | adequately analyzed noise impacts in the first place. Noise tests must be done and adhered to. And violations must be cited by the County to the Company when the
- 11-8 | Company does not abide by the Use Permit. Heavily constructed and well engineered
- 11-9 | sound barriers must finally be installed.

11-10 | It is difficult for us to believe that Bottle Rock Power will help to alleviate the noise problems. They have a horrible track record of simply not caring what the neighbors are hearing or what their Use Permits prohibit or allow. I've told Bottle Rock Power for years that their drilling is extremely loud inside my home and they simply have not cared at all; my concerns have fallen on deaf ears with the Company. We'd like to see heavy County involvement. The Company simply needs to be babysat. I believe that they think they can get away with whatever they want in Lake County. I'm hoping the County will make them think twice about that.

11-11 | In the last several months (late summer of 2009), we noticed an increased use in truck traffic working for Bottle Rock Power. I mentioned this concern to Mr. Coel of the County and he stated that they used the trucks to address the violations they were subjected to recently. The trucks continuously used their "jake" brakes (compression braking) in front of our home. We are on a straight portion of Bottle Rock Road and it is flat. The use of compression braking is not required in this section where we live, the truckers simply do not want to over use their regular brakes. The noise is horrendous and the use of compression braking here is ridiculous and should not be used by the trucks working for Bottle Rock Power.

11-12 | We also would like to stop seeing the Company truckers use the turnouts on Bottle Rock Road (when heading east on Bottle Rock Road from High Valley Road) for dumping/storing their equipment. Over the years, we've seen pieces of drilling equipment, etc dumped at these turnouts on the side of the road. This road is within Lake County's Scenic Combining District and should not be used as a storage place for dumped drilling equipment from Bottle Rock Power.

11-13 | We recently gave birth to a new baby girl. The recent NOP from Bottle Rock Power greatly concerns us for several reasons. The noise problems as I mentioned above can have a detrimental impact to her growing up for all the reasons I stated previously. We are also concerned regarding the sulfuric smell emanating from the well pads.

11-14 | Sometimes the odor is so bad that being outside seems really unhealthy. I feel I must bring our daughter indoors. That is a terrible way to live life, i.e. being subjected to the noise levels and odors that we must be inside with the doors closed. It is unbelievable that Bottle Rock Power can do this. I'm hoping the County, through reading this letter and hearing other concerns from the Community, will see that this Company is actually

11-15 | environmentally damaging and not friendly to its neighbors.

11-16 | We are also subjected to the frequent earthquakes that are associated with the well drilling. These quakes are constant and impact our livelihood and property values. There has to be a correlation between earthquakes and the drilling of boreholes into the reservoir formation at a depth around 12,000 feet. I hope to see an earthquake analysis in

11-16

the EIR. The quakes and constant noise severely impacts our lives at home and our property values.

11-17

The CEQA analysis done decades ago to drill on Bottle Rock Power property included a severely inadequate analysis on wildlife impacts associated with drilling as well as the other projects. As a Registered Professional Forester working nearby, I know first hand that there has been a pair of Northern Spotted Owls (NSOs) on Boggs State Forest, which is located only about two air miles from the East and West pads. The new EIR must address associated impacts to this threatened and endangered species. In order to harvest timber in CA, foresters must call for NSOs six separate times in one year to determine their location or if they are even present near the harvest plan. If there are NSOs near the project, strict regulations must be adhered to because of their sensitivity to noise from trucks and logging equipment. The noise associated with the drilling operations which are proposed to occur for over 5 years all day and all night long will be a detrimental impact to any NSOs associated with the project or located near the project. I hope to see not only an analysis for the NSO, but also a thorough wildlife analysis in the EIR addressing noise impacts to threatened, rare, and endangered bird species that are especially sensitive to noise from the drilling operations.

11-18

11-19

11-20

If the recent past is any indication of how Bottle Rock Power will conduct themselves in the future, we are extremely concerned that the Company will even abide by any future Use Permits or approved EIR. Their recent actions of severe violations are abysmal and my concerns voiced to them have only fallen on deaf ears. This is not a company anyone would want as a neighbor. I know Lake County has been known to be a bit of an "outlaw" county where people can do whatever they want. I hope the County sees past the money that this Company might bring in, but instead look at the Company's past conduct with all the violations, the community unrest, the unpaid property taxes the Company still owes on and realizes that this proposed project is not in Lake County's best interest for the environment or for its citizens.

Sincerely,

Mr. and Mrs. Sone
PO Box 1511
Cobb, CA 95426

RESPONSE TO LETTER 11 – MR. AND MRS. SONE – OCTOBER 27, 2009

Response to Comment 11-1

Please see Response to Comments 10-10 through 10-14.

Response to Comment 11-2

The commentors' assertion that BRP has violated, on multiple occasions, the terms of their use permit granted by the County is noted. Please refer to the Master Response #1 for additional information.

Response to Comment 11-3

The commentors note that BRP sponsored noise surveys on BRP property, and that these surveys took place when no drilling was occurring. It is unclear as to which noise surveys the comment is referring. Two separate noise surveys took place for preparation of this Draft EIR/EA. Please refer to Response to Comment 10-1 for a description of the noise surveys and analysis.

Response to Comment 11-4

The commentors state that the EPA has established thresholds for significant adverse impacts related to noise levels. The commentors further assert that their household has suffered negative impacts resulting from drilling operations at the BRP property.

The DEIR includes mitigation measures that would reduce short-term construction and long-term operational noise impacts to less-than-significant levels. Mitigation Measures 5.4-1(a)-(b) on page 5.4-22 address short-term construction noise impacts, and include the installation of noise barriers around the drilling sites. Mitigation Measures 5.4-3 (a)-(b) on page 5.4-28 address long-term operational noise impacts. Mitigation Measure 5.4-4 on page 5.4-29 addresses long-term noise levels from well replacement operations. The project sponsor and the County of Lake would be responsible for ensuring implementation of the aforementioned mitigation measures.

Response to Comment 11-5

The commentors note that drilling activities in the past at BRP have often exceeded their original timelines. Commentors further state the opinion that this situation is likely to occur again for the proposed project, increasing their exposure to project-related noise. The Draft EIR/EA evaluates environmental impacts of the proposed project as they are described in the project description. As such, the drilling program and timeline are described on page 3.0-25 of the Draft EIR/EA (please refer to paragraph 3 on page 3.0-25 for the drilling schedule). In addition, the construction schedule is described on page 3.0-26 under the heading "Construction Schedule". The comment does not identify any new environmental impacts that would occur if the proposed project timeline were extended. Please refer to Response to Comment 11-4 regarding mitigation measures included in the Draft EIR/EA that would reduce noise impacts from drilling activities to a less-than-significant level. The project sponsor and the County of Lake would be responsible for ensuring implementation of the mitigation measures.

Response to Comment 11-6

The commentors recommend that drilling operations should be prohibited between the hours of 9:00 PM and 7:00 AM. Proper construction of the wells requires continuous drilling until the desired depth is reached. Please refer to Response to Comment 10-7 for additional information. The comment is noted and will be considered by the decision makers in their deliberations on the merits of the proposed project.

Response to Comment 11-7

The commentors note that the Draft EIR/EA must analyze noise impacts from the proposed project. Noise impact analysis is presented in Section 5-4 of the Draft EIR. The commentors further note that noise tests must be done. Illingworth & Rodkin completed short- and long-term noise surveys between July 15th and 17th, 2009. Please refer to **Appendix D** for the results of their surveys, beginning on page 3. In addition, AECOM staff conducted an ambient noise survey on January 6-7, 2010 to confirm the ambient noise levels reported by Illingworth & Rodkin. Results from the AECOM noise survey are presented in **Exhibit 5.4-3** on page 5.4-8 of the **Section 5.4 Noise**. Noise impacts from the proposed project are fully analyzed in the Draft EIR/EA on pages 5.4-16 through 5.4-30.

Response to Comment 11-8

The commentors note that Use Permit violations must be cited by County staff. Please refer to the Master Response #1 for additional information. The project sponsor and the County of Lake would be responsible for ensuring implementation of the mitigation measures.

Response to Comment 11-9

The commentors recommend that sound barriers must finally be installed. The implementation of noise barriers and other noise-reduction practices related to the proposed project are described in Mitigation Measure 5.4-1(b) on page 5.4-22. The project sponsor and the County of Lake would be responsible for ensuring implementation of the mitigation measures. Also, noise barriers are being installed by BRP and inspected by the Community Development Department prior to well work-overs on the Francisco leasehold.

Response to Comment 11-10

The commentors note that Use Permit violations must be cited by County staff. Please refer to the Master Response #1 for additional information. The project sponsor and the County of Lake would be responsible for ensuring implementation of the mitigation measures.

Response to Comment 11-11

Please see Response to Comment 14-1 for additional information regarding the use of “jake brakes”.

Response to Comment 11-12

The commentors recommend that Bottle Rock Road should not be used for storing drilling equipment because it is within the County of Lake Scenic Combining District. The Draft EIR/EA evaluates environmental impacts of the proposed project as described in the project description (please refer to **Section 3.0 Description of the Proposed Project/Proposed Action** in the DEIR). Construction staging is proposed to occur at the existing pipe yard at the Francisco Leasehold, as described on page 3.0-27 under the heading “Construction Vehicle Traffic and Equipment Staging”. It is the

responsibility of the project sponsor and the County of Lake to ensure that construction crews would comply with any agreements regarding the location of construction equipment staging areas. The proposed new use permit includes a condition prohibiting off-site storage or staging of equipment.

Response to Comment 11-13

The commentors express their concern for the effects of noise on the physical development of their daughter. Noise thresholds consider the effects of noise on sensitive receptors (e.g., residences, schools, hospitals). Policies describing the noise thresholds applicable to the proposed project are included in the Noise Element of the Lake County General Plan (please refer to page 5.4-11 of the Draft EIR/EA under “Lake County General Plan”). Mitigation measures are included in the Draft EIR/EA to reduce noise impacts from the proposed project to a less-than-significant level. Please refer to Response to Comment 11-4 for additional information.

Response to Comment 11-14

The commentors state their concern for the sulfurous odor emanating from the drilling pads with regard to the health of their family. The Draft EIR/EA analyzes impacts from short-term exposure to odorous emissions during well venting activities on page 5.3-36 under Impact 5.3-6. Implementation of Mitigation Measure 5.3-5 described on page 5.3-36 would reduce this impact, but it would remain at a significant level. The DEIR also analyzes impacts from long-term exposure to odorous emissions on page 5.3-41 under Impact 5.3-10. Implementation of Mitigation Measure 5.3-5 would reduce this impact to a less-than-significant level.

Response to Comment 11-15

The commentors state the opinion that BRP is environmentally damaging and is not a good neighbor. Physical impacts of implementing the proposed project are analyzed throughout the DEIR. The comment does not raise concerns regarding adequacy of the environmental review. The comment is noted.

Response to Comment 11-16

The commentors state that frequent earthquakes occur as a result of drilling activities. The commentors request that an earthquake analysis be included in the EIR. The commentors state that earthquakes and noise impact their property value. Induced seismicity is discussed in the **Section 5.7 Geology, Soils, and Seismicity** section of the Draft EIR/EA beginning on page 5.8-18. Noise impacts from the proposed project are fully analyzed in the Draft EIR/EA. Please refer to Response to Comment 11-4 for more information regarding noise impact analysis and mitigation. Impacts on property values are not addressed through CEQA and are not analyzed in the Draft EIR/EA.

Response to Comment 11-17

The commentors state that the Draft EIR/EA must address impacts to endangered species, such as the northern spotted owl. Project impacts to endangered species are discussed in **Section 5.5 Biological Resources. Exhibit 5.5-3** on page 5.5-6 identifies the special-status plant and animal species evaluated for potential to occur in the study area. Mitigation Measures 5.5-2(a)-(e) address project impacts on special-status wildlife species, and can be found beginning on page 5.5-63. The California Natural Diversity Database (CNDDDB) was queried for a list of special-status species and sensitive resources within a 10-mile radius of the project site (please refer to **Appendix E** page 1 under “3.0 Methods”). The northern spotted owl was not identified in this search and therefore is assumed not to

be present (please refer to Table A-1 on page A-5 of **Appendix E** for a list of animal species identified in the CNDDDB search).

Response to Comment 11-18

Commentors state that if northern spotted owls are found near the project site, regulations must be followed to protect them from drilling operations. Mitigation Measure 5.5-2(d) on page 5.5-65 describes the conditions under which a survey for active raptor and owl nests must be conducted to avoid disturbing nesting species.

Response to Comment 11-19

Commentors state that a wildlife analysis should be included in the Draft EIR/EA to address noise impacts on any threatened, rare, and endangered bird species. Proposed project impacts to endangered species are discussed in **Section 5.5 Biological Resources. Exhibit 5.5-3** on page 5.5-6 identifies the special-status plant and animal species evaluated for potential to occur in the study area. Mitigation Measures 5.5-2(a)-(e) address project impacts on special-status wildlife species, and can be found beginning on page 5.5-63. Mitigation Measure 5.5-8(a) on page 5.5-72 addresses noise reduction related to maintenance and repairs of the cross-county steam pipeline section between Sawmill and High Valley Roads. Mitigation Measures 5.4-1(a)-(b) in **Section 5.4 Noise** on page 5.4-22 address reducing noise levels from well drilling and testing that might impact sensitive receptors (e.g., residences, wildlife).

Response to Comment 11-20

Please see Response to Comment 11-15.

Bottle rock power Draft EIR Questions 11/01/10 27 pages

12-1 1) How did you keep track of the questions asked by the public at the scoping meeting.

2) How were they addressed in the Bottle Rock Power draft EIR.

12-2 3) Where is the Environmental Impact Statement for the BLM EA. The BLM/ Govt. section 8.0 is only a summery. The EIS should be made available to help make those findings more clear.

4) If the BLM EIS is not part of this EIR please state why and where can it be found for reference.

5) Was RMT the environmental consultant that BRP and the Calif Energy commission first brought in to do an environmental assessment of the BRP Geo Resource expansion project.

12-3 6) Was the RMT environmental assessment used as a base for the County of Lake scoping document for public review.

7) How is RMT connected with the draft EIR. They are not listed as consultants or contributors. RMT documents are used all though the draft EIR and are dated before the scoping meeting.

12-4 8) Who is Environ Strategies. Who hired them. Why are they not listed as consultants or contributors.

12-5 9) Can a Draft EIR have unnamed consultants, contractors and contributors.

12-6 10) Has AECOM validated all of the documents in the draft EIR that are dated before County Of Lake Scoping meeting. Will AECOM take full responsibility for the accuracy of all the documents dated before the scoping meeting.

12-7 11) What percent of the information and documentation used in DEIR came from the sponsor Bottle Rock Power LLC

12-8 12) How do Bottle Rock Power LLC, BRP Geo Resource and BRP Geo Steam Holdco differ.

12-9 13) How LLC,s are involved with Francisco lease hold and the Binkley lease hold. What U.S. States are they incorporated in.

14) Who is funding this project and do they have sufficient assets to fund this proposed project.

12-10 15) Bottle Rock Power stated at the last public meeting that there was a budget of 150,000,000 dollars for the proposed project. Is this for the life of the project. What guarantee is there that funds are there to maintain and finish the proposed project.

RECEIVED

NOV 01 2010

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT

16) In the DEIR section 4.5 you state that Bottle Rock Power plant will go from 15 mega watts to 55 mega watts. Will this increase turbine speed and noise. Will this increase the output and noise from Stretford unit. Will this increase use and noise from the cooling tower.

12-11

17) What levels of increased noise can be expected by producing 55 mega watts.

12-12

18) On Jan 5 2010 I phoned Brent Schroeder about being part of

19) Why were Bottle Rock Power Plant noises violations not taken in to consideration. On April 23, 2009 the Coleman Family complained about the noise produced by Bottle Rock Power Plant. The County of Lake Geothermal Coordinator Melissa Floyd determined that Bottle Rock Power was violating County of Lake zoning ordinances. The County Of Lake requested 72 hour survey be done by Bottle Rock Power. Melissa Floyd left the geothermal coordinator position near the the end of june 2009. (Please see attached E-mails). BRP never did a 72 hour sound survey. The County of Lake now decided this was a Calif Energy COM problem. The Calif Energy COM had Noise survey done on Feb. 17 to 24 2010. The Calif Energy also determined BRP was in Violation Calif State noise levels. (See attached disk Brown and Buntin noise monitoring survey).

12-13

20) Why was the Brown and Buntin 72 hour noise monitoring survey not taken into consideration. How will the power plant mitigate existing noise violation and how will the power plant mitigate higher expected noise levels with the increased steam from the proposed expansion.

12-14

21) Where in this DEIR can we find noise mitigation plan from Increased truck traffic on all the proposed access roads.

22) Who is responsible for writing the BLM commercial use permit, will it open for public comment. How much time will public have to address it.

12-15

23) Will the BLM commercial use permit include all proposed mitigation measures listed in DEIR for Bottle Rock Power steam project.

24) How does the BLM commercial use permit differ from the County of Lake use permit.

12-16

25) Sec 5.1 Please explain how increased traffic is less than significance when traffic, speeding, exhaust and truck noise is already a major problem.

12-17

26) How many jobs and how much more power at what cost.

12-18

27) How will more traffic, more congestion, more noise, more litter and little to no communication between truck traffic on High Valley rd make this problem better.

12-19 28) Sec 5.2-3 Where did you come up with Rabbit Valley rd. The Coleman Family has owned property in High Valley more than one hundred years. Larry and Willa Coleman Are 83 years old and I am 55 years old and we have never heard of Rabbit Valley rd. Look on any map other than the hand made maps in this DEIR no Rabbit Valley rd. Please explain when was this road contrived and by whom???

29) What happened to Cold Water Creek rd and Lee Rd. What happened to the connection between High Valley rd and Cold Water Creek rd I was just on last week.

12-20 30) Sec 5.2-4 How will you fix this intersection. Has the County of Lake Road Dept. been contacted. Is the County of Lake going pay the costs to eliminate the blind corners.

12-21 31) How much will the County of Lake be compensated for increased truck traffic on Bottle Rock Rd. I recall Dept. of Water Resources paid the County of Lake \$25,000 per year for road maintenance. Is this correct. How much would it be worth now for additional road maintenance.

12-22 32) Sec 5.2-9to14 How or who will enforce all this mitigation. With out the constant input by the Cobb residents all these traffic problems would go bad to unbearable. The current management team is incapable of handling all these problems.

12-23 34)Sec 5,7-12and 8.0-6 Does Bottle Rock Power LLC have a current EPA Facility Registry number. If so what is there number. What is

12-24 35) Is all Bottle Rock Power EPA Facility registry information up to date.

12-25 36) When was the last time Bottle Rock Power filed a National Biennial RCRA report.

12-26 37) Will BRP Geo Resource be required to have a EPA Information ID number.

12-27 38) Did the BLM take into account the USDA / NRCS soil survey of Lake County CA.

39.)Has the BLM been in contact with or used the USDA soil conservation service.

40) Sec 5.6 Were bore tests done to determine mineral content at all the different proposed pad locations.

12-28 41) If bore tests were done. How many sample holes were drilled and to what depth. Who did the bore samples and where is the data. County of Lake Geology maps show two large flows of Serpentine at the proposed pad sites locations. You state slight amounts of Serpentine Rock were found at these locations. I have seen large pieces of

Serpentine on the surface at both location sites. Recent grading at one of proposed pad sites brought up fractured Serpentine rock.

12-28 42) What do expect to find when they remove 90 ft of material. How will they mitigate solid Serpentine if found. You seem to offer more assumptions than facts. Where are the bore samples for this proposed project that are deeper than the proposed cut. What is down there.

12-29 43) Sec 5.6-3 This map only shows one well on the Coleman family property We have one 165 ft deep residential well and one 40 ft back up well we also have a spring feed cistern.

12-30 44) This map does not show the new water well on the Francisco lease hold. This well was put in when the water well on the Binkely leasehold was drilled. How deep is this well and what is it expected output.

12-31 45) You state this proposed project will have a significance impact on the water supply. If the wells and springs go dry how will the Coleman family and all affected residents be compensated. Will Bottle Rock Power/ BRP Geo Resource be responsible. Will the County of Lake be responsible. We want a guarantee that we will have access to equal or better quantity and quality of water than we have now. We also want you to address current water problems associated Bottle rock Powers water use. We would like meters on all these commercial wells to help identify water use impacts now and on the proposed project.

12-32 46) Sec 5.5-52 You state that your consultant did a "sensitive herptile survey" I have lived and spent time in High Valley most of my 55 years. You will not any reptiles or amphibians in November. They did not mention over night temps or ground temps in this survey. Your consultant spent two days in November. You either need a new consultant or better yet you need to do a complete herptile survey in the spring of 2011. Feb. though may. We have Foothill yellow leg frogs and northwestern pond turtles on the Coleman property east of Bottle Rock Power Plant and the Francisco leasehold. The yellow legged frogs are much more abundant do to the elevation drop on the Binkely lease hold where you have water flowing year round, There is a large number of turtle in the abandoned sump next to NEGU 8 well pad. Now a fresh water pond. This an completely unacceptable herptile survey.

We have made an effort to look at not only County of Lake DEIRs and EIRs. We have also looked at CEQA documents from other Calif Countys. We have gone over the County of Lake General Plan and Zoning codes as best we can.

We find it would be impossible for a lay person find all the flaws in

this DEIR for the BRP Geo Resource Steam expansion project. We can only hope that this DEIR will go back to AECOM and there consultants for a much needed reassessment and revision.

12-33

The Coleman family finds that this document "The DEIR for the BRP geo Resource Steam Field Expansion" is to flawed and biased to the sponsor. We request that it go back to AECOM. We also request that all work and permitting be stopped on the proposed Binkley lease hold until there is a finial EIR from Calif Planning and Research.

Thank you the Coleman Family
contacts

David and Cordelynn Coleman
3733 Canon Ave, Oakland Ca 94602
510-336-0974 redandcurly@yahoo.com

cc. Dale Rundquist Calif Energy Commission
cc. Sean Hagerty BLM Sacramento CA
cc. Steve Rosenbaum CVRWQCB
cc. Rich Burns BLM Ukiah
cc. Eileen Boken EPA Dist 9
cc. Peck Ha Amery Corps Of Engineers

NOISE COMPLAINT SURVEY

4-23-2009 3-19-2010

YAHOO! MAIL
Classic

Noise Survey Disc.

3-2-2010 Calif Energy

Noise Survey

Thursday, April 23, 2009 12:14 PM

Comm.

From: "cordelynn baumeister" <redandcurly@yahoo.com>
To: "Melissa Floyd" <mlbanks@yahoo.com>
Cc: "Karon Thomas <kthomas@bottlerockpower.com> Brian Harms <bharms@bottlerockpower.com> Dale Rundquist" <drundqui@energy.state.ca.us>

Melissa

I am asking again about the noise survey. This was to take place within 10 days of my complaint I believe I have been more than patient. This request is per Calif Energy Commission Docket NO 79-AFC-4C order no 06-1213-12 section 16-1 and 16-2. The noise coming from the plant is continuous 24-7. Could you or the staff at BRPC let me know what is holding the noise survey up. "45 dBA Ln at any point beyond the property line of the source".

David Coleman

RECEIVED

NOV 01 2009

LAKE COUNTY COMMISSION
DEVELOPMENT

Re: Noise Survey

Thursday, April 23, 2009 1:50 PM

From: "Melissa Floyd" <mlbanks@yahoo.com>
To: redandcurly@yahoo.com
Cc: "Karon Thomas <kthomas@bottlerockpower.com> Brian Harms <bharms@bottlerockpower.com> Dale Rundquist" <drundqui@energy.state.ca.us>, richardc@co.lake.ca.us

Dave

It was my understanding that BRP was working with you on this issue. This is the first I have heard that nothing has been moving forward since I met with you onsite. When I last spoke with Reid Morgan, he indicated that they were looking into noise attenuation measures for the streford unit. And I recall speaking with you and Karon together a while back and I thought you were working this issue out.

I have cc'd BRP on this response, so hopefully someone there can update you and I on the status of this.

Melissa Floyd
Geothermal Coordinator
County of Lake
(707) 245-9740

--- On Thu, 4/23/09, cordelynn baumeister <redandcurly@yahoo.com> wrote:

From: cordelynn baumeister <redandcurly@yahoo.com>
Subject: Noise Survey
To: "Melissa Floyd" <mlbanks@yahoo.com>
Cc: "Karon Thomas <kthomas@bottlerockpower.com> Brian Harms <bharms@bottlerockpower.com> Dale Rundquist" <drundqui@energy.state.ca.us>
Date: Thursday, April 23, 2009, 3:14 PM

Melissa

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David Coleman

Re: plant noise

Tuesday, May 19, 2009 4:18 PM

From: "Melissa Floyd" <mlbanks@yahoo.com>

To: "Brian Harms" <bharms@bottlerockpower.com>

Cc: richardc@co.lake.ca.us, "Dave Coleman" <redandcurly@yahoo.com>

Brian

I conducted a noise survey on Dave's property several months ago and brought it to Reid and Karon's attention that it appears the plant may be producing slightly above allowable noise levels during the day, and certainly at night. It appears to be coming from the stretford unit. The CEC permit references the County as the agency that enforces noise regulations per our Zoning Ordinance. At that time, Reid looked into it and suggested that some modifications could be possible to reduce the noise levels. It is my understanding that BRP would be conducting a more detailed noise study to determine exact noise levels and address any needed mitigation measures.

I will follow this email up with a more formal letter stating what next steps should be done to address this complaint and dates for action. CDD does not distinguish complaints based on whether the person is a property owner or not.

Melissa Floyd
Geothermal Coordinator
County of Lake
(707) 245-9740

From: Brian Harms <bharms@bottlerockpower.com>
To: Melissa Floyd <mlbanks@yahoo.com>; Karon Thomas <kthomas@bottlerockpower.com>
Sent: Tuesday, May 19, 2009 3:39:22 PM
Subject: RE: plant noise

Melissa,

If David has a specific question he can contact us at the plant or for issues on his parents property(the property in question is not his), they can contact us directly. Thanks. bh

Brian Harms
General Manager
Bottle Rock Power, LLC
7385 High Valley Road
PO Box 326
Cobb, CA 95426
office (707) 928-4578

cell (707) 245-0903

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P Please consider the environment - do you really need to print this email?

From: Melissa Floyd [mailto:mlbanks@yahoo.com]

Sent: Tuesday, May 19, 2009 2:00 PM

To: Karon Thomas

Cc: Brian Harms

Subject: plant noise

Hi Karon

I got a phone call from Dave Coleman wanting to know the status of noise surveys at his property line? He said you were working out an insurance issue?

Can you please update me on the status of this?

Thanks

Melissa

Melissa Floyd

Geothermal Coordinator

County of Lake

(707) 245-9740

Re: Noise complaint follow up

Saturday, June 6, 2009 9:02 AM

From: "Melissa Floyd" <mlbanks@yahoo.com>

To: "Brian Harms" <bharms@bottlerockpower.com>

Cc: richardc@co.lake.ca.us, "Dave Coleman" <redandcurly@yahoo.com>

Brian

Thank you for moving forward to address this. I will make plans to take additional readings with my rudimentary equipment. Let me know what Karon gets with her equipment as well. I'll try to get out there next week.

Thanks

Melissa Floyd
Geothermal Coordinator
County of Lake
(707) 245-9740

From: Brian Harms <bharms@bottlerockpower.com>
To: Melissa Floyd <mlbanks@yahoo.com>
Cc: Karon Thomas <kthomas@bottlerockpower.com>
Sent: Friday, June 5, 2009 2:59:39 PM
Subject: Noise complaint follow up

Melissa,

I have received your letter dated 22 May 2009 regarding a noise complaint on the neighboring Coleman property. Prior to receipt of your letter Bottle Rock had already taken some actions to reduce the noise level beyond the site boundary that we think is primarily due to the blower units associated with gas handling for the emissions process. The temporary sound walls were installed prior to receipt of your letter. I have attached photographs of the sound walls. If these measures are successful at reducing the noise from Bottle Rock to an acceptable level we will proceed with engineering a more permanent sound isolation and leave the temporary measures in place until completed. We have purchased a noise dosimeter to allow us to perform checks on noise concerns. While not as thorough as a full noise survey, it does clarify the scope of a potential problem in a more timely manner. We believe we have the noise level at the Coleman residence reduced to 45 db or less during the day which should cover night hours as well. This does not account for the varying effects of other background noise over which we have no control. It may be useful for both you and Karon Thomas to take additional measurements before I make a formal recommendation to the County. Thanks. bh

Brian Harms
General Manager

Bottle Rock Power, LLC
7385 High Valley Road
PO Box 326
Cobb, CA 95426
office (707) 928-4578
cell (707) 245-0903

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Re: Noise complaint follow up

Thursday, June 11, 2009 10:35 AM

From: "Melissa Floyd" <mlbanks@yahoo.com>

To: "Brian Harms" <bharms@bottlerockpower.com>

Cc: richardc@co.lake.ca.us, "Dave Coleman" <redandcurly@yahoo.com>

Hi Brian

On Tuesday the 9th, I went out and took some noise measurements at the Coleman residence. I was getting readings in the upper 40s to mid 50s. After talking with Dave Coleman, I'm thinking that the differences are probably related to wind directionality. The wind was coming directly out of the west from the plant when I was there and David indicated that the wind direction may have been out of the east when Karon was out. I think it would be best to do a 72 hour continuous reading so that we can get the weighted average and get some overnight measurements. Do you have equipment in house to do that or would you need to bring someone in for that?

I'm open to other suggestions if you have them.

Thanks

Melissa Floyd
Geothermal Coordinator
County of Lake
(707) 245-9740

From: Brian Harms <bharms@bottlerockpower.com>
To: Melissa Floyd <mlbanks@yahoo.com>
Cc: richardc@co.lake.ca.us; Dave Coleman <redandcurly@yahoo.com>
Sent: Monday, June 8, 2009 10:24:19 AM
Subject: RE: Noise complaint follow up

Melissa,

Our measurements during day time hours Friday 6/5 were 41 db at the property boundary and less than 40 db at the Coleman residence except when a number of birds were generating noise over which we have no control. bh

Brian Harms
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Bottle Rock Power, LLC
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From: Melissa Floyd [mailto:mlbanks@yahoo.com]
Sent: Saturday, June 06, 2009 9:03 AM
To: Brian Harms
Cc: richardc@co.lake.ca.us; Dave Coleman
Subject: Re: Noise complaint follow up

Brian

Thank you for moving forward to address this. I will make plans to take additional readings with my rudimentary equipment. Let me know what Karon gets with her equipment as well. I'll try to get out there next week.

Thanks

Melissa Floyd
Geothermal Coordinator
County of Lake
(707) 245-9740

From: Brian Harms <bharms@bottlerockpower.com>
To: Melissa Floyd <mlbanks@yahoo.com>
Cc: Karon Thomas <kthomas@bottlerockpower.com>
Sent: Friday, June 5, 2009 2:59:39 PM
Subject: Noise complaint follow up

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NOISE SURVEY.

Monday, June 22, 2009 11:27 AM

From: "redandcurly@yahoo.com" <redandcurly@yahoo.com>

To: "Melissa Floyd" <mlbanks@yahoo.com>

Cc: "Marie Buric" <mburic@water.ca.gov>, "Rick Coel" <richardc@co.lake.ca.us>, "Brian Harms" <bharms@bottlerockpower.com>, "Dale Rundquist" <drundqui@energy.state.ca.us>, "Karon Thomas" <kthomas@bottlerockpower.com>, "Emily Minton" <emilym@co.lake.ca.us>

Melissa

I am just checking on the 72 hour noise survey. Has Bottle Rock Power agreed with this. I believe we all agree the majority of the noise emanates from the stretford units blowers. Due to the atmospheric condition in the small valley and the sound bouncing off the plant it self. We will need 72 hours to see what the true noise levels are. The noise is a 24/7 problem. We are sorry to see you go and thank you again for all your hard work. David Coleman 510-336-0974

David

Re: Fw: Noise complaint follow up

Monday, June 22, 2009 2:05 PM

From: "cordelynn baumeister" <redandcurly@yahoo.com>

To: "Melissa Floyd" <mlbanks@yahoo.com>

Melissa

Thanks for the wind graphs. Couple of questions? Is the speed in mph or knots, is the wind direction in degrees. How do I judge N S E W.

David

--- On Mon, 6/22/09, Melissa Floyd <mlbanks@yahoo.com> wrote:

From: Melissa Floyd <mlbanks@yahoo.com>
Subject: Fw: Noise complaint follow up
To: "Dave Coleman" <redandcurly@yahoo.com>
Cc: "Emily Minton" <emilym@co.lake.ca.us>, "Greg Dillis" <wercd@jps.net>
Date: Monday, June 22, 2009, 12:11 PM

Hi David

This is the plan that was approved by the Department for moving forward with noise assessment.

Best of luck to you as well

Melissa

----- Forwarded Message -----

From: Melissa Floyd <mlbanks@yahoo.com>
To: Brian Harms <bharms@bottlerockpower.com>
Cc: Karon Thomas <kthomas@bottlerockpower.com>; Richard Coel <richardc@co.lake.ca.us>; Dale Rundquist <DRundqui@energy.state.ca.us>
Sent: Wednesday, June 17, 2009 9:21:33 AM
Subject: Re: Noise complaint follow up

Brian

This sounds like an acceptable plan

Pleas keep CDD in the loop on your progress in this regard.

Thank you

Melissa Floyd
Geothermal Coordinator
County of Lake
(707) 245-9740

From: Brian Harms <bharms@bottlerockpower.com>
To: Melissa Floyd <mlbanks@yahoo.com>
Cc: Karon Thomas <kthomas@bottlerockpower.com>; Richard Coel <richardc@co.lake.ca.us>; Dale Rundquist <DRundqui@energy.state.ca.us>
Sent: Monday, June 15, 2009 4:30:35 PM
Subject: RE: Noise complaint follow up

Melissa,

Karon took her measurements on 6/5 during which the wind was generally from the west, not east as David Coleman indicated. I have attached the wind direction and speed plots from the plant site during the period of measurement. Bottle Rock does not have equipment to perform monitoring for 72 hours so would need to hire a contractor for that service. I would also need to arrange access through the property owner for the contractor. At this point I do not think that will be of value. It appears that the background will be included in the measurement and therefore we will be back where we are today. I recommend that we add additional temporary sound isolation to the blowers since significant improvement has been made already and the levels are within permit levels during the day and we are fine tuning to try to get to the night limits during day hours to cover all conditions. After the additional sound reductions, the levels at the residence will be rechecked. I also will need to get a basis with the plant secured the next time the plant is shut down since I have no such data. If the background condition with wind, trees, birds, dogs, and other non power plant sources is greater than 45 db, then we will need further discussion as to how to resolve. bh

Brian Harms
General Manager
Bottle Rock Power, LLC
7385 High Valley Road
PO Box 326
Cobb, CA 95426
office (707) 928-4578
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Cc: richardc@co.lake.ca.us; Dave Coleman
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I'm open to other suggestions if you have them.

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Melissa Floyd
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County of Lake
(707) 245-9740

From: Brian Harms <bharms@bottlerockpower.com>
To: Melissa Floyd <mlbanks@yahoo.com>
Cc: richardc@co.lake.ca.us; Dave Coleman <redandcurly@yahoo.com>
Sent: Monday, June 8, 2009 10:24:19 AM
Subject: RE: Noise complaint follow up

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From: Melissa Floyd [mailto:mlbanks@yahoo.com]
Sent: Saturday, June 06, 2009 9:03 AM
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Cc: richardc@co.lake.ca.us; Dave Coleman
Subject: Re: Noise complaint follow up

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Melissa Floyd
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From: Brian Harms <bharms@bottlerockpower.com>
To: Melissa Floyd <mlbanks@yahoo.com>
Cc: Karon Thomas <kthomas@bottlerockpower.com>
Sent: Friday, June 5, 2009 2:59:39 PM
Subject: Noise complaint follow up

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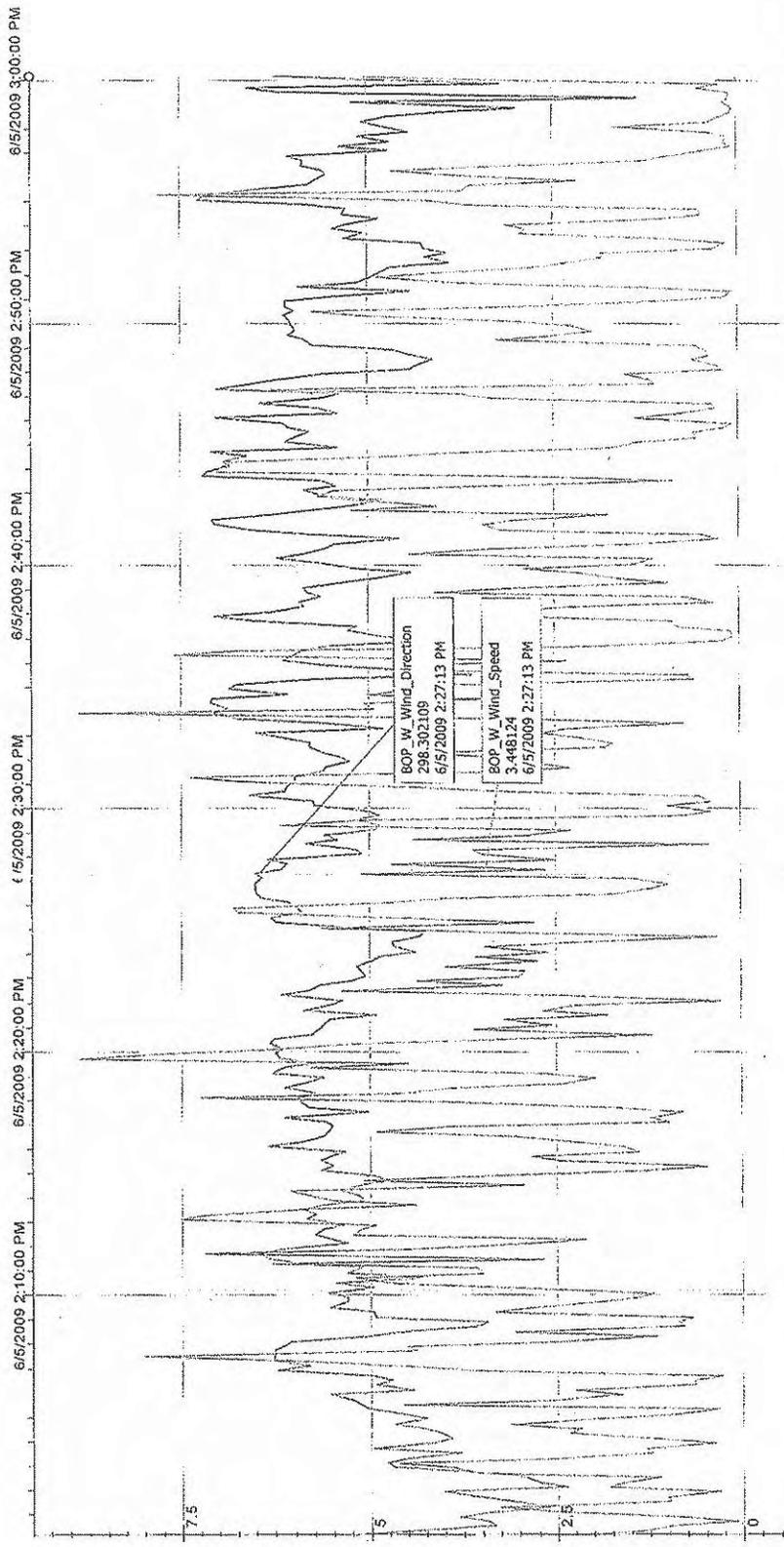
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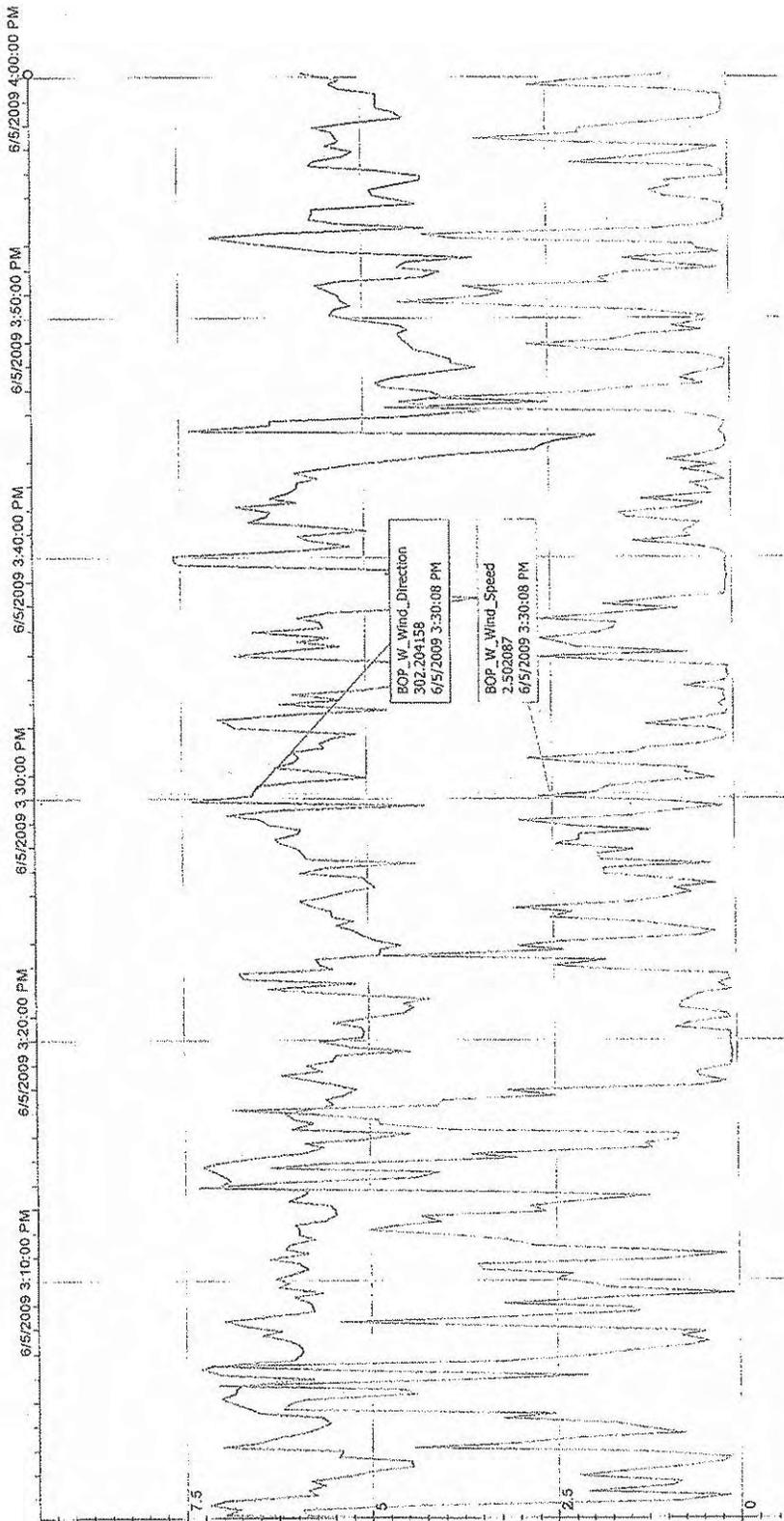
1 hr. Snapshot 2:30 PM



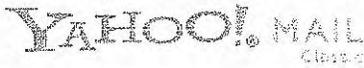
Legend

Name	Start	End	Duration	Scale	Units	Min	Max	Avg
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BOP_W_Wind_Speed	6/5/2009 2:00:08 PM	6/5/2009 3:00:08 PM	01:00:00	-0.5 - 9.5		0.072917	8.88167	2.780359

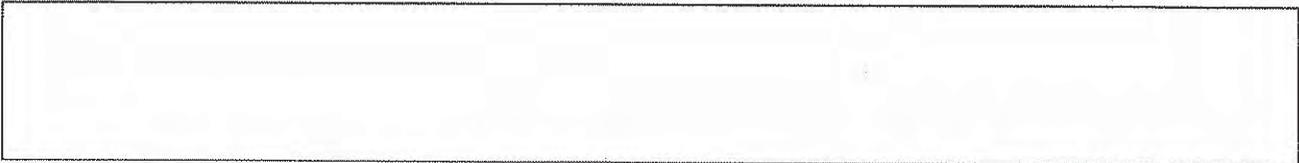
1 hr. Snapshot 3-4 PRR



Name	Start	End	Duration	Scale	Units	Min	Max	Avg
BOP_W_Wind_Direction	6/5/2009 3:00:08 PM	6/5/2009 4:00:08 PM	01:00:00	-50 - 450		67.5711	354.15	250.424021
BOP_W_Wind_Speed	6/5/2009 3:00:08 PM	6/5/2009 4:00:08 PM	01:00:00	-0.5 - 9.5		0.067083	7.32	1.625381



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Fw: Re: Fw: Noise complaint follow up

Thursday, January 28, 2010 2:18 PM

From: "Dale Rundquist" <DRundqui@energy.state.ca.us>
To: "cordelynn baumeister" <redandcurly@yahoo.com>

Thank you David,
 I will pass this information to our noise survey expert.
 Dale R.

>>> cordelynn baumeister <redandcurly@yahoo.com> 1/28/2010 1:40 PM >>>
 Dale Rundquist

Here is the site to interpit the wind graphs. If you or the people doing the test have any questions or need access to the property. Give me a call we have a gate and a lot of no trespassing signs. 510-336-0974
 David Coleman

— On Mon, 6/22/09, Melissa Floyd <mlbanks@yahoo.com> wrote:

From: Melissa Floyd <mlbanks@yahoo.com>
 Subject: Re: Fw: Noise complaint follow up
 To: "cordelynn baumeister" <redandcurly@yahoo.com>
 Date: Monday, June 22, 2009, 2:28 PM

Here is a link to a site that helped me: [http://www.windfinder.com/wind/windspeed.htm#wind directions](http://www.windfinder.com/wind/windspeed.htm#wind%20directions)

Melissa Floyd
 Geothermal Coordinator
 County of Lake
 (707) 245-9740

From: cordelynn baumeister <redandcurly@yahoo.com>
To: Melissa Floyd <mlbanks@yahoo.com>
Sent: Monday, June 22, 2009 2:05:40 PM
Subject: Re: Fw: Noise complaint follow up

Mellissa

NOISE/SOUND SURVEY

Wednesday, January 6, 2010 10:33 AM

From: "cordelynn baumeister" <redandcurly@yahoo.com>
To: brent.schroeder@aecom.com
Cc: mark.winsor@eacom.com, "Rick Coel" <richardc@co.lake.ca.us>

Mr Brent Schroeder

Per conversation 1-5-2010 our parcel numbers are APN 013-002-009, 013-002-047, 013-002-049. We would like to be included in any sound surveys being done.

In section 4.13 Noise it states that RMT had sound surveys done on the BRPGR lease 7-09. The sound survey from the power plant 4.13-7 was done by? In section 4.13-10 it seems that sound survey was done by DWR in 1986. Our home is about 1600 ft from the power plant. We have complained to Lake co and the Calif Energy Comm about the noise from the plant. What are the DBN levels at the plant now. Those surveys should be redone. Since BRP whats the plant to run at 55 mega watts and the noise levels are already to loud at 12 mega watts. The power plant and the nearby receptors should have new sound surveys done. Thank you for your time.

David Coleman 7645 High Valley Rd 510-336-0974

redandcurly@yahoo.com

Bottle Rock Power Noise Violations

Tuesday, February 2, 2010 9:38 AM

From: "cordelynn baumeister" <redandcurly@yahoo.com>

To: "Dale Rundquist" <drundqui@energy.state.ca.us>

Cc: "Rick Coel <richardc@co.lake.ca.us> Voris Brumfield" <vorisb@co.lake.ca.gov>

Dale Rundquist

Rick Coel met with me to do a hand held sound check last fall. BRP was out of service that week. That would give your sound survey team a base line number. They may also try working with BRP to see when they plan to do maintenance on the plant. The optimum baseline would be with the plant is shut down for service. My family would like to have me there so they may access the property legally. We wish to be involved in the process. Rick and Voris even though the County of Lake has given the state the lead role in this noise problem. The noise problem violates the use permit, county zoning ordinances and health and safety codes. The Coleman family looks forward to finally getting this problem taken care of. Thank you for your time David Coleman 510-336-0974
cordelynn



Friday, March 19, 2010 4:01 PM

Noise Survey.

From: "Dale Rundquist" <DRundqui@energy.state.ca.us>

To: "Brian Harms" <bharms@bottlerockpower.com>, "David Coleman" <redandcurly@yahoo.com>

Cc: kthomas@bottlerockpower.com

Hi,
I will have the noise survey ready to send to you early next week.
Thank you,
Dale R.

RESPONSE TO LETTER 12 – COLEMAN FAMILY – NOVEMBER 03, 2010

Response to Comment 12-1

Public comments made at the scoping meeting were recorded in detail by Brent Schroeder (AECOM), Elliot Allen (Criterion), and Richard Coel (Lake County Community Development Director). The comments were compared with written responses received during the public scoping period AECOM's scope of work to determine the full scope of the Draft EIR/EA. As noted in the Draft EIR/EA, comments related to the proposed project, alternatives and the environmental effects are addressed fully in the Draft EIR/EA, consistent with the mandate of CEQA.

Response to Comment 12-2

The proper level of environmental review under NEPA (as determined by the BLM) for this project is an Environmental Assessment (EA). The environmental issues of significance related to the federal action with respect to the project determined whether an EA to support a Finding of No Significant Impact (FONSI) or an Environmental Impact Statement (EIS) is required. For the proposed project, the BLM determined that there would be no significant impact with respect to the federal action that could not be mitigated to a less than significant level. With this determination, then, an EA was determined by BLM to be adequate to support a FONSI. Note that the EIR, in response to CEQA requirements, does find that there would be significant and unavoidable environmental impacts of the project, but those impacts are within the purview of the County and State rather than BLM. Therefore, AECOM and its subconsultants prepared a combined Environmental Impact Report / Environmental Assessment (EIR/EA) pursuant to the requirements of CEQA and NEPA, respectively. No Environmental Impact Statement (EIS) was prepared for the BLM. Throughout the document, sections required for the EA under NEPA that would not be addressed under CEQA (e.g., Purpose and Need, Federal Consultation and Coordination) were included in the EIR. RMT Inc., a consultant retained by BRP to prepare the Petition to Amend (PTA) for the California Energy Commission provided the sections used to meet NEPA requirements. **Chapter 1.0 Introduction** provides further detail on pages 1.0-1 through 1.0-6.

Response to Comment 12-3

As stated in the above comment, RMT Inc., was retained by BRP to prepare a PTA document for the California Energy Commission. The PTA involved the preparation of numerous technical studies for biological resources, traffic, noise, and cultural resources among others. AECOM was retained by the County to prepare the EIR to satisfy its responsibilities under CEQA. AECOM and its subconsultants conducted peer review of the PTA and used information and technical reports of the PTA to prepare the EIR where it was useful. All information in the PTA was peer reviewed, field verified, or in cases when determined to be deficient for various reasons (e.g., change in project description or environmental condition) or required additional analysis, was updated by technical specialists of AECOM and/or its subconsultants. RMT (and its subconsultants) is therefore connected to the Draft EIR/EA as the source of some of the information used to prepare the EIR as well as provided additional information outside of the purview of CEQA required under NEPA in the EA. The Draft EIR/EA preparers consisted of AECOM and various consultants identified in the Draft EIR/EA, **Section 9.0 Report Preparation and Organizations Consulted**. AECOM and its consultants carried out an independent and objective assessment of the impacts. While some technical data presented in the PTA was used in the EIR/EA, the impact statements in the PTA were not used by the AECOM team.

Response to Comment 12-4

Environ Strategies was retained by the project sponsor, BRP, to prepare the Aquifer Test to assess potential effects of groundwater pumping on High Valley Creek. The test results are included in **Appendix F** of the Draft EIR/EA and they are cited as one source of information used to prepare the discussion in the Draft EIR/EA about existing groundwater and potential impacts (see **Section 5.6 Hydrology and Water Quality**). Information from that analysis was peer reviewed by AECOM and used (with qualifications as noted in the Draft EIR/EA) for the impact assessment.

Response to Comment 12-5

Section 15129 of the California Code of Regulations states that “The EIR shall identify all federal, state, or local agencies, other organizations, and private individuals consulted in preparing the draft EIR, and the persons, firm, or agency preparing the draft EIR, by contract or other authorization.” **Section 9.0 List of Preparers and Organizations Consulted** in the Draft EIR/EA fulfills this requirement and identifies consultants that prepared the Draft EIR/EA using information cited throughout the document. There are no consultants or contributors to the Draft EIR/EA who are not identified in the document.

Response to Comment 12-6

AECOM and its subconsultants conducted peer review and field verification of existing technical reports provided by the project sponsor in addition to our own analyses in order to prepare the Draft EIR/EA. AECOM conducted a peer review and field verification of the 2009 traffic analysis provided in technical reports from W-Trans (please refer to the first paragraph on page 5.2-1). AECOM also performed a peer review and field verification of the Illingworth & Rodkin technical study for noise assessment (please refer to footnote 5 on page 5.4-7). AECOM also retained Northwest Biosurvey to peer review and field verify the *Biological Resources Assessment BRP Steam Project* and other studies completed by Zander Associates (please refer to Research and Survey Methods on page 5.5-1). In addition, AECOM retained Pacific Legacy to peer review and field verify the cultural resources report prepared by BRP’s consultant ASI Inc.

Response to Comment 12-7

See Response to Comments 12-3 through 12-6. A specific percentage of information from BRP and its consultants cannot be specified and would have little relevance because some information could only be obtained from the project sponsor, e.g., the project description. All information from BRP and its consultants was peer-reviewed by the EIR/EA preparers.

Response to Comment 12-8

Bottle Rock Power LLC is a private investment company that purchased the Bottle Rock Power Plant from the California Department of Water Resources in 2001 (please refer to paragraph two under “Bottle Rock Power Plant and Francisco Leasehold” on page 3.0-4). The BRP GeoResource Leasehold is one of two geothermal resource leaseholds located on the Binkley ranch property (please refer to “Project Site” on page 3.0-1).

Response to Comment 12-9

This comment does not raise any issues related to the environmental analysis provided in the Draft EIR/EA. No further response necessary.

Response to Comment 12-10

The commentor asks what guarantee there is that BRP has the funding to finish and maintain the project. CEQA does not require analysis or disclosure of the financial viability of a project sponsor. Questions regarding the financial feasibility of a project would be discussed between the project applicant and the County and would be considered by County decision makers when they deliberate the merits of the proposed project.

Response to Comment 12-11

The Draft EIR/EA finds that increasing power output at the plant from its current rating of approximately 15 MW to 55 MW would not create a noticeable increase in noise level from power plant operations (please refer to “Power Plant Operations” on page 5.4-27). While increased noise from turbines would be expected within the power plant, the turbines are enclosed within a building that prevents transmission of noise to the exterior. Impact 5.4-3 on page 5.4-26 analyzes impacts associated with long-term operational noise levels. Implementation of Mitigation Measures 5.4-3(a)-(b) on page 5.4-28 would reduce Impact 5.4-3 to a less-than-significant level. Use of the existing cooling system at the Bottle Rock Power Plant would increase under the proposed project. More power production would increase use of the fans, which have exposure to the exterior environment. This source of noise was incorporated into the impact assessment (page 5.4-27). The existing cooling system was designed for 55 MW and no additional equipment would be required to operate the power plant at 55 MW (please refer to paragraph 3 on page 5.3-42).

Response to Comment 12-12

The comment (18) provided is incomplete and the nature of the comment cannot be discerned. No further response is possible.

Response to Comment 12-13

Commentor notes prior noise violations by BRP. Please refer to the Master Response #1 regarding prior Use Permit violations.

Response to Comment 12-14

Please refer to the Master Response #1 regarding prior Use Permit violations. The Brown-Buntin noise survey was conducted in February 2010 subsequent to the Illingworth and Rodkin and AECOM surveys used to prepare the Draft EIR/EA. The Brown Buntin survey reports similar ambient noise levels as reported in the Draft EIR/EA at the Fidge property and at the Bottle Rock Power Plant. The difference between the surveys is that the Illingworth and Rodkin and AECOM surveys focused on residences closest to the proposed well pad development (e.g., Jadiker, Mahnke, and Fidge) and analyzed potential impacts from proposed construction, drilling, and operation of the proposed project as they would experience the greatest increase in noise.

The Draft EIR/EA notes on pages 5.4-16 through 5.4-30 that all identified significant noise impacts could be reduced to a less-than-significant level with incorporation of recommended mitigation. Mitigation Measures 5.4-1(a)-(b), as described on page 5.4-22 of the Draft EIR/EA. Long-term operational noise impacts resulting from project implementation would be mitigated with Mitigation Measures 5.4-3(a)-(b), as described on page 5.4-28. Noise impacts related to the drilling and testing of replacement wells would be mitigated by Mitigation Measure 5.4-4, as described on page 5.4-29. Short-term construction-related traffic would generate higher noise levels at sensitive receptors along High Valley Road (please refer to “Construction Related Traffic” on page 5.4-20). Mitigation Measure

5.4-1(b) would reduce construction-related traffic noise impacts, as described in bullet points 1 and 6 on page 5.4-23. Operational noise impacts from increased road traffic would not exceed the County's exterior noise standards, and therefore would not need to be mitigated. This impact is analyzed on page 5.4-30 of the Draft EIR/EA.

As described on page 5.4-27, increased noise levels from the power plant with implementation of the proposed project would not result in a noticeable increase in noise (i.e., greater than 5 dB [CNEL/L_{dn}]).

The Brown-Buntin survey analyzed the existing ambient noise level at the Fidge and Coleman properties from existing operations of the power plant. Reported noise levels were similar to those presented in the Draft EIR/EA. The Brown-Buntin study did not analyze the impacts of the proposed *BRP Steam Project*.

Response to Comment 12-15

The commentor is encouraged to contact the BLM or County of Lake project contacts identified on page 1.0-3 of the Draft EIR/EA for answers to this comment regarding preparation of the respective Use Permits of the BLM and County. In general, BLM will specify only mitigation measures within its purview and that of federal regulatory agencies, for example, US Fish and Wildlife Service. The comments do not address the adequacy or accuracy of the information and analysis included in the Draft EIR/EA. No further response necessary.

Response to Comment 12-16

Level of impact determinations regarding impacts related to traffic, speeding, exhaust, and truck noise were made using impact significance criteria provided on page 5.3-21. The impact significance criteria are largely based on CEQA Appendix G in the CEQA Guidelines. Please refer to **Exhibits 5.2-3** and 5.2-4 on page 5.2-7 of the Traffic and Circulation section of the Draft EIR/EA for a description of the level of service criteria used to evaluate traffic impacts on intersections and roadway segments. A description of existing roadway and intersection conditions is provided on pages 5.2-7 through 5.2-9. **Exhibit 5.2-12** on page **5.2-24** describes traffic trips generated during the construction phase. Traffic impacts resulting from construction activities are described beginning on page 5.2-26. Operational noise impacts from increased road traffic would not exceed the County's exterior noise standards. This impact is analyzed on page 5.4-30 of the Draft EIR/EA.

Response to Comment 12-17

Chapter 3.0 Description of the Proposed Project provides information regarding the project objective, which is to increase electrical production at the Bottle Rock Power Plant from between 12-17 MW to approximately 55 MW. Please refer to page 3.0-7 in the Draft EIR/EA, under the heading "Project Objective/Purpose". Project-related employment would include 30 short-term construction jobs, 15 longer-term well drilling jobs, and five permanent operating jobs, as described on page 5.1-52 of the Draft EIR/EA in Impact 5.1-2. The Draft EIR/EA analyzes the physical impacts of the proposed project and is not required to analyze the project's financial costs per the *CEQA Guidelines*.

Response to Comment 12-18

The comment does not address the adequacy of the environmental analysis in the Draft EIR/EA or raise additional issues. Traffic and noise analyses are included in sections **5.2 Traffic and Circulation** and **5.4 Noise** of the Draft EIR/EA, respectively.

Response to Comment 12-19

Road names in the Draft EIR/EA came from the United States Geologic Survey topographic maps and County of Lake Department of Technology geographical information systems and it is acknowledged throughout the document that residences refer to the roads differently. Please refer to footnote 1 on page 3.0-1 of the Draft EIR/EA. The connection between High Valley Road and Cold Water Creek Road is also acknowledged and has been corrected on all exhibits (see Master Response #3).

Response to Comment 12-20

It is unclear what intersection the commentor is referring to when asking if the County will pay the costs to eliminate blind corners. If referring to the intersection of High Valley and Bottle Rock Roads, the level-of-service methodology used to analyze traffic impacts to road segments and intersection is described on page 5.2-6 of the Draft EIR/EA; **Exhibit 5.2-3** on page 5.2-7 shows the level-of-service criteria for intersections. Using the aforementioned methodology, the High Valley Road/Bottle Rock Road intersection was determined to be operating at LOS A (please refer to the first paragraph on page 5.2-9). Impact analysis 5.2-4 on page 5.2-27 finds that traffic impacts to this intersection resulting from implementation of the proposed project would be less than significant. It is unclear whether the questions about road modifications are in reference to existing conditions or project-related conditions. Road improvements related to project mitigation requirements would be borne, in part if not wholly, by the project sponsor under an agreement with the County.

Response to Comment 12-21

The commentor's question regarding how much the County of Lake would be compensated for increased truck traffic on Bottle Rock Road is not an environmental issue. CEQA requires analysis of a project's physical impacts on the environment. The impact of extraordinary wear and tear of the project-related traffic on public roads could be the basis for fees levied by the County on the project sponsor. It is beyond the requirements of CEQA to specify what fees of this nature might be.

Response to Comment 12-22

Commentor asks who is responsible for enforcing mitigation described in section 5.2-9 through 5.2-14. It is unclear to which mitigation the commentor is referring; there is no section 5.2-9 in the Draft EIR/EA. The project sponsor would be responsible for funding and implementing all traffic-related mitigation measures described in *Section 5.2 Traffic and Circulation* of the Draft EIR/EA. The County of Lake would be responsible for monitoring and enforcing all traffic-related mitigation measures, with the exception of Mitigation Measure 5.2-14 described on pages 5.2-35 and 5.2-36; Bottle Rock Power would be responsible for enforcing speed limits providing proper and adequate signage. The County would be responsible to enforce that BRP complies with its Use Permit, if approved and would continue to maintain a formal complaint process for residents to report alleged violations by BRP. All mitigation measures identified in the EIR/EA are incorporated into the Mitigation Monitoring and Reporting Plan, which identifies entities responsibilities for implementation and enforcement.

The commentor's opinion regarding existing enforcement capability is noted.

Response to Comment 12-23

Bottle Rock Power LLC's EPA registry ID is 110008265288, as listed on the EPA's Facility Registry System.

Response to Comment 12-24

The Draft EIR/EA fully analyzes the project's impacts from hazards and hazardous materials per the CEQA significance thresholds, as described on page 5.7-15 of the Draft EIR/EA. The Draft EIR/EA analyzes impacts related to the transport, use, and disposal of hazardous materials; worker exposure to significant safety risks; risks associated with wildland fires; implementation of emergency response plans; public health; and applicable laws and regulations related to hazards and hazardous materials. Compliance with administrative requirements, such as EPA facility registration, is not a CEQA issue and does not need to be analyzed in this Draft EIR/EA.

Response to Comment 12-25

Please refer to Response to Comment 12-24 for information about the hazards analysis contained in the Draft EIR/EA. Compliance with administrative requirements, such as filing a National Biennial RCRA report, is not a CEQA issue and therefore is not analyzed in this Draft EIR/EA.

Response to Comment 12-26

The comment is a question about the mechanics of project implementation, and does not raise additional environmental issues to be addressed. The comment does not address the adequacy or accuracy of the environmental analysis provided in this Draft EIR/EA. No further response necessary. Please refer to Response to Comment 12-24 for additional information about the hazards analysis contained in the Draft EIR/EA.

Response to Comment 12-27

The Draft EIR/EA describes soil characteristics within the project site in **Exhibit 5.3-8** on page 5.8-7. This information comes from the National Resource Conservation Service. It is unclear what issue is being raised in reference to BLM contact with Soil Conservation Service.

Response to Comment 12-28

Soil data from the USDA National Resource Conservation Service was mapped, and used to indicate the presence of asbestos-containing soils within the project site (please refer to **Exhibit 5.8-4** on page 5.8-9). The Draft EIR/EA analyzes impacts resulting from exposure to naturally occurring deposits of serpentinite soils on page 5.3-34 under the heading *Impact 5.3-4*. Mitigation Measure 5.3-4 on page 5.3-34 describes the requirements if asbestos-containing soils are unearthed during the construction process. Implementation of Mitigation Measure 5.3-4 would reduce the impact to a less-than-significant level. Deep bores have not been performed for the project, but these would be required for purposes of site development engineering. Based on general geology of the area, it is expected that serpentinite will be encountered both at the surface and at depth.

Response to Comment 12-29

The commentor notes that the Coleman family has two wells and one spring-fed cistern on their property and that only one well is shown on their property on **Exhibit 5.6-1**. Records indicating well drilling and well completion activities were requested from DWR's Northern District, Well Records Database to identify wells within a one-mile radius of the project site (please refer to page 5.6-5 under the heading "Groundwater at the Project Site"). As stated in the Draft EIR/EA, additional wells may exist that were not reported to the agency. The comment is a disputation of facts, and not a request for additional environmental analysis regarding the unmapped wells on **Exhibit 5.6-1**.

Response to Comment 12-30

According to BRP staff, the depth of the well is 138 feet with a 5.5-foot “casing to the bottom. BRP has tested the well at 120 gallons per minute and have flow tested it at 100 gallons per minute for 72 hours continuously.

Response to Comment 12-31

Impact 5.6-6 in the Draft EIR/EA addresses impacts on groundwater and indicates that a significant impact on groundwater potentially could occur during well drilling activities. Mitigation Measure 5.6-6(a) requires monitoring of water pumping at BRP wells used for the project as well as at neighboring measured drawdown of 25 percent or more at a neighboring domestic well related to BRPs pumping would result in a requirement for reducing pumping by BRP and/or obtaining water from another source (water purveyor or other off-site source). The assumption underlying the impact and mitigation is that, if BRP is the responsible entity for a drop in the water well production capacity, then it has full responsibility for the implementation and cost of the mitigation until such time as the water well capacity of the affected wells is reestablished. Because the mitigation measure would be specific and different for each water well, further details on arrangements between the project sponsor and individual local well owners would need to be developed, but the details are beyond the scope of this EIR/EA to disclose. The request made by the commentor for assurances, beyond what is specified in Mitigation Measure 5.6-6, is noted and will be considered by the decision makers in their deliberations on the merits of the project.

Response to Comment 12-32

Although no yellow-legged frogs or northwestern pond turtles were encountered during the November 2009 survey, the Draft EIR/EA finds that project-related impacts on special-status wildlife species would be potentially significant (please refer to Impact 5.5-2 on page 5.5-63). Implementation of Mitigation Measure 5.5-2(b) on page 5.5-64 addresses impacts to yellow-legged frogs and northwestern pond turtles, and would result in a less-than-significant impact to these special-status species.

Response to Comment 12-33

The commentor states that the Draft EIR/EA is flawed and biased in favor of the project proponent. Commentor further states that all work and permitting should be stopped until there is an FEIR from California Planning and Research. The comment does not indicate in what specific ways the Draft EIR/EA is flawed and/or biased. Upon completion of the Final EIR/EA, it will be filed at the State Clearinghouse at the Office of Planning and Research. Neither the County of Lake nor the BLM may take action (to approve or deny) this project until the Final EIR/EA has been adopted and certified.

ITEM 1
9:05AM
NOVEMBER 3, 2010
Comment J

Richard Coel - Bottlerock expansion comments

From: "Glen Goodman" <glen.goodman@konoctiusd.org>
To: <richardc@co.lake.ca.us>
Date: 11/01/2010 4:00 PM
Subject: Bottlerock expansion comments

We sit on one of the biggest volcanoes in the country. Because of geothermal drilling there are earthquakes all the time. When Mt Saint Helens blew up in 1980, there were numerous quakes that became more and more numerous until it blew.

Old time residents tell us that there were never quakes in that area before the drilling. These quakes are telling us something, and I suspect that their message is – STOP DRILLING! How do we know what the results of more drilling into a volcano could be? How does anyone know? If you ask experts, what can they say besides; we don't know what will happen.

We are insane to allow drilling into a volcano. The gain is so trivial, and the risks are so enormous. The risks are also shared, the profits not so much.

Iceland has already had problems with a hundred foot deep crater blowing up under a drill rig. The concept of human induced quakes and eruptions is accepted by science, but of course there isn't a large body of knowledge, because most people are smart enough not to do it.

Please reject this greedy, insane request.

Thank you,

Glenn Goodman
21575 Meriann Dr.
Clearlake Oaks, 95423

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LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT

RESPONSE TO LETTER 13 – GLEN GOODMAN – NOVEMBER 1, 2010

Response to Comment 13-1

The comment regarding induced seismicity is noted. Please refer to **Chapter 4.0 Geothermal Resources** and **Section 5.8 Geology, Soils, and Seismicity** for additional information and analysis on the impacts of the proposed project for induced seismicity. The comment addresses the merits of the proposed project in relation to the commentator's opinion about the anticipated impacts for induced seismicity. As such, it will be considered by the Lake County Planning Commission when deciding to approve or deny the project. Since the comment does not address the adequacy or accuracy of information presented in the Draft EIR/EA, no additional response or revision of the document is considered necessary.

These concerns from the scoping meeting were not addressed in the DEIR. ~~Please~~ consider these concerns with meaningful responses.

Letter 14

GERRI FLECTHER
P.O. BOX 1272
COBB, CA 95426

ITEM 1
9:05 AM
NOVEMBER 3, 2010
Comment L
Gerri Flechter

Mr. Richard Coel
Director - Community Development Department
County of Lake
255 North Forbes Street
Lakeport, CA 95453

November 9, 2009

Dear Mr. Coel,

Please consider these comments and concerns in the EIR for the Bottle Rock Power Geothermal Expansion project.

- 1 - Loud vehicles are a nuisance. Diesel trucks, jake/engine brakes and engine fans, as well as vehicles with loud mufflers are a disturbance to the peace and quiet of this residential area. The hours of operation and the noise from these types of vehicles should be evaluated, and addressed with mitigation that eliminates or minimizes this type of industrial traffic nuisance in a quiet residential neighborhood. (14-1)
- 2 - The BPR et al traffic should not be allowed to obstruct local traffic. Safe ingress and egress on the narrow road is an important issue for the neighborhood. (14-2)
- 3 - To address new and unforeseen issues, the EIR mitigations and subsequent Use Permits should be "revisited" biannually with input from those adversely affected by the project. (14-3)
- 4 - If the steam is considered a possible or potential health hazard to nearby residences and wildlife, how will those affected be protected? (14-4)
- 5 - Should the neighbors to the project be subjected to the nuisance of the steam emissions, the foul smell and the health risk that this type of development in a residential area will impose on them? (14-5)
- 6 - How will the county ensure that the project will be in compliance with county, state and federal laws? Is the current system of a "on again, off again" part time geothermal coordinator that oversees all geothermal projects in the county adequate? (14-6)
- 7 - Can the EIR evaluate the need to have a power plant and steam field management that will work constructively with neighborhood/community groups? (14-7)
- 8 - Is an advisor group an option that will reassure local residents that their concerns and safety issues are being relayed to the addressed by the BRP et al? (14-8)
- 9 - Would monetary fines for violations of the Use Permit, fines that area progressive if the BRP et al are constantly non compliant and are not timely in corrective action, be a deterrent to violations occurring? Can fines be described in the Use Permit or the EIR? Can timelines for corrective action be described in the permit and the EIR? (14-9)
- 10 - Onsite camping/ living is not a use that is consistent for a residential area. Is this type of use going to be allowed and addressed in the EIR? (14-10)

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NOV 01 2010

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT.

Letter 14

11 - New emission monitors need to be considered that can comprehensively detect all possible hazardous and nuisance conditions that affect the neighborhood. To ensure that all residents potentially affected by these emissions are protected, the monitors should be placed at the closest residential site to the project area(s). These locations are: #1 Bill Jadiker's - to monitor new well/drilling emissions. #2 David Coleman's - to monitor power plant and Francisco pad emissions. #3 Clay Stewart's - to monitor Francisco pad and new well/drilling emissions. 14-11

12 - Is an alert system to notify residents when emissions are above Lake County Standards needed to maintain safety considerations of the neighbors? Will the plant and the new operation be allowed to go above the Lake Co standards? If so, why? How will it affect the neighbors and community? 14-12

13 - Is a requirement to have county/state staffing assigned for quick response to community emission complaints for both the power plant and the well pads being considered? 14-13

14 - Utilizing wash racks for all vehicles leaving the BRP et al industrial site should be considered to mitigate the potentially hazardous dirt/dust that is transported to the neighborhood on vehicles. 14-14

15 - Because potentially hazardous dirt/dust will be transported to High Valley Road from the project site(s), daily cleaning of High Valley Road with a street sweeper type vehicle, should be considered. 14-15

16 - The EIR should consider carpooling of all BRP et al workers to alleviate traffic congestion on High Valley Road. 14-16

17 - To reduce the impact of the traffic nuisance that will be created by this project, limiting the hours of all BRP et al traffic to the hours of 8 a.m. to 6 p.m. should be considered. 14-17

18 - Is the damage to the roadway created by the traffic from the project and the cumulative effect of the current operation being evaluated? 14-18

19 - Weekend and holiday traffic should not be allowed to occur. Who is going to monitor the 15mph speed limit? Is it effective to have the BRP et al monitoring themselves? 14-19

20 - Is the damage to the roadway and drainage structures and facilities from vehicles driving off of the paved surface being evaluated? High Valley Road is a single lane road and there is not enough room for two vehicles to pass each other without driving off the roadway. Vehicles should not be allowed to drive off the pavement. Are there enough paved turnouts to allow for passing? Is the EIR going to evaluate this important issue? 14-20

21 - Is the road passable to emergency traffic at all times? How are emergency vehicles going to access High Valley Road? Is the gate system adequate for allowing prompt response of emergency traffic? How are they going to pass each other as well as other vehicles on a single lane road? Safety concerns are very important and need thorough evaluation and planning. 14-21

22 - The traffic signs along High Valley Road are an aesthetic issue. Is it being addressed in the EIR? The High Valley Road residents should be involved in the development and approval of all signs installed by BRP et al. 14-22

Thank you for your consideration of these issues.

Sincerely,

Gerri Fletcher.

10/31/2010

RESPONSE TO LETTER 14 – GERRY FLETCHER – NOVEMBER 1, 2010

Response to Comment 14-1

Section 5.4 Noise of the Draft EIR addresses vehicle noise from the proposed project on local residences. As noted in *Impact 5.4-1 Expose Noise-Sensitive Receptors to Construction Noise Levels from Well Pad Development* (see page 5.4-20 of the Draft EIR/EA), a short-term noise level increase of approximately 8 dBA is anticipated during the 12 week construction of each well pad. However, while analyzed traffic noise levels were determined to be less-than-significant impacts under CEQA, the County recognizes the public annoyance that jake/engine brakes can create in residential areas. As such, the County's proposed revisions to the Use Permit include provisions to restrict their use. The Use Permit and its revisions will be available for public review before the Planning Commission considers approval or denial of the project subsequent to certification of the EIR/EA.

Response to Comment 14-2

The recommendation expressed in the comment is noted and will be considered by the decision-makers in their deliberations on the project. *Impact 5.2-6 Increased Collision Hazard because of Changes in Percentage Passenger Vehicles and Trucks on High Valley Road*, *Impact 5.2-8 Large Vehicles on Project Roadway Segments*, and *Impact 5.2-14 Traffic Safety from Long-Term Operations* address road safety from construction and operational phases of the proposed project. Significant traffic and safety impacts identified for the proposed project would be reduced to a less-than-significant level with implementation of recommended mitigation measures.

Response to Comment 14-3

The recommendation expressed in the comment is noted and will be considered by the decision-makers in their deliberations on the project. Mitigation presented in the Draft EIR/EA will be included in a Mitigation Monitoring and Reporting Program (MMRP) that lists the mitigation measures and the responsible agency to ensure that the mitigation is implemented. The MMRP will be included in the Use Permit, if approved. Compliance with the Use Permit is monitored through the preparation and review of a yearly compliance report with mitigation and Use Permit requirements. In addition, the County has a formal complaint process for residents to report issues during construction and operation of the proposed project.

Response to Comment 14-4

Potential steam hazards from drilling and steam production to residents are analyzed in detail in **Sections 5.3 Air Quality and Climate Change**, **5.5 Biological Resources**, and **5.8 Hazards and Hazardous Materials**. Mitigation is presented to reduce impacts to acceptable levels.

Response to Comment 14-5

The recommendation expressed in the comment is noted and will be considered by the decision-makers in their deliberations on the project.

The Draft EIR/EA analyzes and reports the anticipated impacts (including, health effects, steam emissions, odors, etc.) of the proposed project and identifies mitigation measures to reduce or avoid those impacts. This comment pertains to the merits of the proposed project (i.e., should the project be

approved in light of the environmental effects identified in the Draft EIR/EA?) and will be made available to the Lake County Planning Commission when they consider approval of the project.

Response to Comment 14-6

The County and other responsible agencies (e.g., Lake County Air Quality Management District) identified in mitigation measures presented in the Draft EIR/EA would be responsible to ensure that recommended mitigation measures are implemented during project construction and operation, if approved. In addition **Exhibit 3.0-14** lists the required approvals, permits, and the responsible agencies necessary to implement the proposed project, if approved. The MMRP will identify monitoring and reporting requirements and responsible entities for implementation of mitigation.

Response to Comment 14-7

While the commentor's question is outside the purview of CEQA, the concerns of the community received during the public comment period following the Notice of Preparation were incorporated into the scope of the Draft EIR/EA. Please see **Appendix A Notice of Preparation and EIR Scoping Comments** of the Draft EIR/EA for additional information. Additional public input will be considered by the Lake County Planning Commission when they consider the merits of the proposed project.

Response to Comment 14-8

This comment pertains to future relations between Bottle Rock Power and its residential neighbors, to resolve any use permit violations, and ongoing monitoring of requirements under a new Use Permit, if approved. While this comment is outside the scope of the EIR/EA, the suggestion to create an advisory group will be considered by the Lake County Planning Commission when they consider approval of the Major Use Permit.

Response to Comment 14-9

Monetary fines related to the enforcement of Use Permit violations are beyond the scope of the EIR/EA. The suggestion to consider such fines will be considered by the Lake County Planning Commission when they consider approval of the Major Use Permit. Please see Response to Comment 14-3 for information about implementation of recommended mitigation measures and their responsible agencies.

Response to Comment 14-10

The project sponsor does not propose onsite camping/living as part of the proposed project. The proposed well pads would include some office space to accommodate BRP employees on 24-hour shifts as described on page of the Draft EIR/EA.

Response to Comment 14-11

The project sponsor has agreed to fund a portable air quality monitor that can be located at sensitive receptor location(s) in the project vicinity. The locations of these monitoring sites will be determined by the Lake County Air Quality Management District to monitor compliance with applicable permits germane to their authority. The recommendation expressed in the comment on location of the monitoring will be considered by the LCAQMD.

Response to Comment 14-12

Currently there is no alert system as part of the AQMD requirements. Under existing and future permits, the facility would not be allowed to exceed the emissions standards, and if it does BRP is required to notify the AQMD within one hour. Under the current emergency response program, BRP proposes to call or go door to door if an incident occurred where emissions were at levels that could be a health risk.

The new temporary monitor during well construction (see Response to Comment 14-11 above) would not provide immediate notification. Due to the remoteness of the unit, communications is only likely to occur a few times an hour. The drilling rig and construction crews have alarms and sirens that do go off and are noticeable for some distance, if substantial air emissions that could be a health risk would occur. The temporary monitoring site, during construction, would be a requirement of the AQMD, during the initial well drilling phase which is anticipated to take several years and as needed during later drilling operations and maintenance activities.

Response to Comment 14-13

Community complaints related to emissions from well pads and the power plant would be addressed by Lake County and AQMD staff.

Response to Comment 14-14

Mitigation Measure 5.3-2 on page 5.3-30 of the Draft EIR/EA, if implemented would require 11 measures during construction activities, including wheel washers suggested by the commentor, to control fugitive dust emissions and associated impacts to residents. In addition, Mitigation Measures 5.6-1(a-d), 5.6-2 (a-b) would further reduce transportation of soil within the project area through the implementation of Stormwater Pollution Prevention Program, Erosion and Sedimentation Control Programs, and Naturally Occurring Asbestos Management to control soil and dust during grading and construction activities. Implementation of these measures would reduce impacts associated with fugitive dust and soil transport to nearby residential areas to a less-than-significant level.

Response to Comment 14-15

Mitigation Measure 5.3-2 to reduce the transport of soil and dust from proposed construction activities would require “all operations shall limit or expeditiously remove accumulations of mud and dirt from High Valley Road, Rabbit valley Road, and their intersections with Bottle Rock Road at least once every 24 hours when construction activities are occurring”. Although not specified, this would include street sweeping.

Accordingly, the ninth bullet point under “Fugitive Dust Emissions” of Mitigation Measure 5.3-2 on page 5.3-30 of the Draft EIR/EA is revised as follows:

- € All operations shall limit or expeditiously remove accumulations of mud and dirt from High Valley Road, Rabbit valley Road, and their intersections with Bottle Rock Road at least once every 24 hours when construction activities are occurring through street sweeping and other means as necessary”.

Response to Comment 14-16

Lake County Staff has included carpooling or bussing for BRP employees whenever feasible as part of the revised Traffic Control Plan that will accompany the Use Permit being considered by the Lake

County Planning Commission. The Use Permit and its revisions will be available for public review before decision-makers consider approval or denial of the project subsequent to certification of the EIR/EA.

Response to Comment 14-17

As described in section **Chapter 3.0 Description of the Proposed Project** and **Section 5.2 Traffic and Circulation**, construction would occur during construction hours consistent with the Lake County Code: 7:00 AM to 10:00 PM. In order for the pads to be completed in the proposed schedule, which would minimize the time period over which residents would be subjected to construction, reducing construction hours was not recommended as a mitigation measure. However as described below in Response to Comment 14-19, construction traffic of large vehicles would be limited to the hours of 7:00 AM through 7:00 PM, Monday through Friday, unless needed due to emergency or unforeseen unusual need. The recommendation expressed in the comment is noted and will be considered by the decision-makers in their deliberations on the project.

Response to Comment 14-18

Roadway damage from construction vehicles is addressed in Draft EIR **Section 5.2 Traffic and Circulation**. *Impact 5.2-8 Large Vehicles on Project Roadway Segments* notes that project construction could result in oversize loads or large vehicles that exceed roadway design limits, especially on Rabbit Valley Road and could result in roadway damage and safety hazards due to insufficient width. Mitigation Measure 5.2-8, if implemented, would require large vehicles and their associated loads to conform to County roadway standards, resurfacing of Rabbit Valley Road, and roadway widening as necessary to accommodate such traffic. Such mitigation would reduce this impact to a less-than-significant level.

Response to Comment 14-19

The Lake County Planning Commission will be asked to consider revising the existing Use Permit and traffic control plan related to travel by large vehicles (i.e., over one ton capacity) through High Valley Road to the hours of 7:00 AM to 7:00 PM except in cases of verified emergency or unforeseen unusual need. The use of leasehold roads by heavy vehicles or equipment will continue to be strongly discouraged by the County on Saturdays, Sundays, all legal holidays, and during school bus hours, except in verified emergency or unforeseen unusual need. For the purposes of this permit unforeseen unusual need is defined as well repair or new drilling operations within the Francisco leasehold that once started, cannot be stopped until completed, and which require resupply of materials or equipment that cannot otherwise be staged during weekdays.

Response to Comment 14-20

See Response to Comment 14-18. The recommendation expressed in the comment is noted and will be considered by the decision-makers in their deliberations on the project.

Response to Comment 14-21

The road would continue to be passable to emergency vehicles. There are a number of wider areas where vehicles can pull off to the side to allow large vehicles, such as fire trucks, to pass by. Also, BRP has negotiated with the property owners along Glenbrook and Lee Roads, *for emergency purposes only*, to allow BRP employees to exit via their roads in an emergency as a secondary escape route. BRP has to pay a large fee per vehicle if they have to use these roads in an emergency. All emergency responders have been provided with the code to the gate. In addition, when the power goes

out the gate automatically opens. It is designed so that it takes electricity to keep it closed. This project would not substantially alter the existing access and would improve access to Binkley Ranch through the provision on new roads.

Response to Comment 14-22

New roadway signs described in mitigation measures in **Section 5.2 Traffic and Circulation** would be required to conform to County Department of Public Works standards. As part of the revised Use Permit, BRP would be required to submit a sign plan that specifies proposed locations, with photos or renderings of the signs to be used. County staff would approve the locations of signs after consultation with the neighbors in the vicinity of said signs.

Public Comment Questions for Bottle Rock Power EIR

15-1

Question #1- Functions of the Air quality District states .008 PPM H₂S the average person can detect odor and .025 is the state standard. For the last few years the levels go over the state standards at my house 7855 High Valley Rd. Cobb to the extent of headaches eyes burning so we moved out because air quality checks the air for H₂S a mile from the Source Which is 3/4 mile farther than from the source. The use permit calls for testing at the property line, which does not happen. Will there be testing at the property line 24/7 for H₂S And will there be enforcement?

Reference #1 pamphlet attached from LCAQ

15-2

Question #2- if the truck traffic is allowed to disregard the use permit by allowing access during no truck traffic time as stated by the use permit , then how will the new permit be upheld?

Reference # 2 Six pages of emails

15-3

Question #3- Speeding can not be controlled by BRP. I think the many complaints and emails over the last few years shows it not working. Who will control the speeding on High Valley Rd?

15-4

Question #4- When H₂S levels go over state standards at the school who will move the kids?

Reference #4 Air quality has notified the school of potential impacts!

15-5

Question #5 Air Quality does not come out at night when levels of H₂S are the highest . How will air quality be controlled at night near the BRP property line?

Reference #5 meeting with Doug Gearhart Feb 19 ,2010

15-6

Question #6 If Sonoma H₂S is coming over the hill to Lake County how can we add H₂S here when levels are already going over the county standards?

Reference #6 meeting with Doug Gearhart Feb 19 ,2010

15-7

Question #7 How does a permit for 5 pounds an hour override state standards of 30 PPB?

Reference #7 meeting with Doug Gearhart Feb 19 ,2010
#8 Stink smell and no one to call and no sniffer

15-8

Question #8 With the widening of high valley road the traffic speed has gotten extremely fast in front of my driveway. How will the speed be dealt with since the existing rules seem to mean nothing?

Reference #9

15-9

Question #10 How will the future slap suits against the BRP neighbors be dealt with?

RECEIVED

NOV 01 2010

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT.

15-9 | Reference #10 1,2 and ross English DVD

15-10 | Question #11 How will the H2S and Diesel emissions, affect the public school, Yogie Bear campground, soccer cam , residents etc...?

15-11 | Question #12 Present GAMP readings over 10 PPB are four times higher at my home which is 40PPB . 30 PPB at the GAMP station would be 120PPB at my home. This is much higher than state standards. We must check H2s between the residents and the steam wells. How will future steam leaks be stopped when they happen instead of a week later as in this reference #12

Reference #12 six pages

Sincerely,
Kelly Fletcher
7855 High Valley Rd,Cobb

RECEIVED

NOV 01 2010

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT

asthmatics and people with respiratory problems.

Nitrogen Oxides form when exhaust fumes from motor vehicles and stationary sources such as refineries and power plants interact with sunlight. This pollutant affects the upper and lower lobes of the lungs. Upper airway narrowing and deep lung membrane damage are short-term effects associated with nitrogen dioxide. Long-term effects of nitrogen dioxide exposure can lead to cellular destruction and thickening of the alveolar walls, impairing the normal transfer of oxygen.

Lead was emitted from the combustion of leaded gasoline until 1991. Burning materials that contain lead, such as wood painted with lead paint is prohibited. Lead particles released into the air can be inhaled or incorporated into the soil. Lead accumulates in the body over time and affects may tissues including the brain, kidneys, and bone marrow. It is especially damaging to young children.

PM10 & *PM2.5* are defined as particulate matter less than 10 & 2.5 microns in size. A micron is one millionth of a meter. Particles of this size are small enough to enter deep into the lungs and cause irritation. *PM10* & *PM2.5* particles are either directly emitted or formed from chemical reactions in the air. *PM10* & *PM2.5* particles often contain chemicals that can cause cancer and other health effects. The most sensitive to particulate air pollution are the elderly, children, and people with respiratory disease such as asthma.

WAYS YOU CAN HELP TO KEEP LAKE COUNTY'S AIR CLEAN

1. Don't burn illegal materials!
2. Follow all burn rules and regulations.
3. Don't burn Poison Oak or Oleander, the smoke contains toxins and can cause rashes or other severe allergic reactions.
4. Compost instead of burning.
5. Use clean sources such as propane, electricity or pellet stoves to heat your home. Replace old wood stoves and fireplaces to EPA approved models.
6. Buy products in non-aerosol forms.
7. Ride a bike or walk when possible.
8. Plant trees and encourage green belts.
9. Conserve energy.
10. Prevent gas spillage. Never top off the tank of your car.
11. Combine errands into one trip.
12. Keep your car well tuned.
13. Help spread the word. Inform others about ways to keep our air clean and healthful. Let responsible industry members know you value Lake County's air quality and their contribution to maintaining superior air quality.
14. Report air pollution violators to the LCAQMD.
15. Report smoking vehicles to the California Air Resources Board Hotline at 1-800-952-5588 or www.arb.ca.gov.

*Lake County Air Quality
Management District*
885 Lakeport Boulevard
Lakeport, CA 95453
(707) 263-7000
www.lcaqmd.net

REFERENCE #1

FUNCTIONS OF THE AIR QUALITY DISTRICT



Clean Air - 18 Consecutive Years

**LAKE COUNTY AIR QUALITY
MANAGEMENT DISTRICT**

WHAT IS THE FUNCTION OF THE LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT?

The Lake County Air Quality Management District (District) is a regional agency that regulates stationary sources of air pollution within the air basin. Sources include industrial development such as the Geysers and commercial businesses with air emissions such as mining operations and gasoline stations. The District also regulates open burning and a variety of other programs such as Air Toxic Control Measures (ATCMs) and New Source Performance Standards (NSPS). The District's main purpose is to enforce local, state and federal air quality laws, rules, and regulations, in order to meet the Ambient Air Quality Standards (AAQS). Funding comes through State subventions, permit fees, fines, and grants. The District is self supporting and is not funded by property tax or the county general fund. The District's Board of Directors are the Lake County Board of Supervisors.

AAQS are set by the Federal and State government and are designed to ensure healthful air quality for everyone. Lake County has maintained attainment status since 1990, and is still the ONLY air basin or District in California to meet all of these standards. A rural environment and clean heavy industry help to accomplish attainment; however, an enlightened public, action and support by local agencies and light industry all deserve credit for helping to achieve and maintain our healthful air quality status.

The District doesn't regulate or monitor indoor air quality, but does have information available to the public. The District may assist medical professionals with emergency situations and cooperates with other agencies such as Fire Districts, Lake County Community Development, Special Districts, and Environmental Health Departments.

AIR QUALITY PROGRAM

As part of its air quality program, the District maintains a State & Local Air Monitoring System (SLAMS), a Geothermal Air Monitoring Program (GAMP), PM10 & PM2.5 Samplers, and an Automated Meteorological Program, to monitor the air in Lake County. The SLAMS and GAMP programs consist of high tech equipment which continuously observe atmospheric conditions 24 hours a day. SLAMS data are sent continuously via computer to the California Air Resources Board in Sacramento. GAMP stations are set up in several locations in the Geysers area of Lake County. Equipment at these stations continuously monitor the air quality in the area and can be remotely accessed by the District. The District also monitors stationary sources of air pollution by means of inspections, source testing and mobile laboratory monitoring.

HEALTH EFFECTS OF AIR POLLUTION

Pollutants for which standards have been established are termed "criteria" pollutants. The most common are Carbon Monoxide (CO), Hydrogen Sulfide (H₂S), Ozone (O₃),

Nitrogen Dioxide (NO₂), Lead (Pb), Particulate Matter (PM).

Carbon Monoxide is produced from automobile exhaust, open burning of woodstoves. Heart disease patients are sensitive to this pollutant. Short-term exposure can cause a decrease in exercise performance and a loss of alertness. Carbon Monoxide can also be fatal in high doses. All of these effects are the result of Carbon Monoxide's interference with blood's ability to deliver oxygen to the body.

Hydrogen Sulfide is produced from geothermal steam and is emitted directly from these sources as well as other sources such as sewers. High concentrations of 500ppm can be fatal and lower levels cause eye irritation and other effects. Power plant emissions in the Geysers area are allowed to exceed H₂S emissions standards. Hydrogen Sulfide odor can be detected by the average person at 0.008ppm and the AAQS is 0.025ppm averaged for one hour. The standard is established to prevent widespread odor nuisances and health problems.

Ozone is formed in the presence of sunlight from hydrocarbons and nitrogen oxides which are emitted from the burning of fuels. While ozone in the stratosphere protects from ultraviolet rays located high above earth, we are now forming ozone from pollution emissions in the lower atmosphere which we breathe. Ozone is a strong oxidizer and directly attacks the lungs and mucous tissue. It is especially bad

GM

Reference #2

1 of 6

Kelly Fletcher <kellysplumbing@gmail.com>

Truck Delivery This Saturday Morning

Richard Coel <richardc@co.lake.ca.us>

Fri, Oct 22, 2010 at 4:39
PM

To: "<Kelly Fletcher" <kellysplumbing@gmail.com>, gerri fletcher
<gerrifinn@hughes.net>, Randall Fung <randallfung@yahoo.com>,
redandcurly@yahoo.com

Cc: "Hesshab@aol.com" <Hesshab@aol.com>, Voris Brumfield
<vorisb@co.lake.ca.us>

BRP has informed me that a large truck delivery, coming in from Montana, has been rerouted twice causing major delays. The truck will be stopped overnight in the Central Valley as it will not get here prior to 7:00 p.m. I authorized BRP to bring the truck in tomorrow morning, after 7:00 a.m. It is being accompanied by a flagger due to the truck length. The truck will be unloaded in a relatively short time and sent back out through High Valley Road tomorrow.

The delays were beyond BRP's and the trucker's control. The delivery was actually scheduled for 2 days ago during normal hours. I don't feel that it would be appropriate to hold up the out of state truck driver and the flagger for 2 extra days, but hope that this will not be an inconvenience to any of you.

2 of 6

GM

Kelly Fletcher <kellysplumbing@gmail.com>

Traffic Notification for July 23 through 24

2 messages

brpnotification@cds1.net
<brpnotification@cds1.net>

Fri, Jul 23, 2010 at 12:34 PM

To: Grannys2legit2quit@yahoo.com, kellysplumbing@hughes.net, funggrip@jnb.com, vorisb@co.lake.ca.us

This is a notification to inform affected parties that there maybe the need to bring in a delivery truck up High Valley Rd after 7pm on Friday July 23 or during Saturday July 24th. This delivery is required to insure proper abatement of the H2S during drilling operations.

Respectfully,
Bottle Rock Power LLC

Note: please do not respond to this e-mail message. If you have questions or concerns please contact the appropriate party.

Kelly Fletcher <kellysplumbing@gmail.com>

Sat, Jul 24, 2010 at 6:41 AM

Reply-To: kellysplumbing@gmail.com

To: brpnotification@cds1.net, Voris Brumfield <brumfield@jps.net>

Cc: Grannys2legit2quit@yahoo.com, kellysplumbing@hughes.net, funggrip@jnb.com, vorisb@co.lake.ca.us, richardc <richardc@co.lake.ca.us>

No trucks 7 to 7 means no trucks 7pm to 7 am. I suggest you " Bottle Rock Power LLC" noname person , have that come in after hours on your alternate route!

Does anyone read the use permit?

Kelly Fletcher

Would this be Sheri Kendrick ?

[Quoted text hidden]

CM

3 of 6

Kelly Fletcher <kellysplumbing@gmail.com>

Notification - Truck Traffic on High Valley Road August 4 & 5

3 messages

Voris Brumfield <vorisb@co.lake.ca.us>

Wed, Aug 4, 2010 at 4:36 PM

To: Hesshab@aol.com, ccmahnke@binkleyranch.com, cindypinch@gmail.com, kellysplumbing@gmail.com, gerrifinn@hughes.net, lauramills@mcn.org, tsbar@pacific.net, paul@paulbinkley.com, "<Larry Coleman" <larryandwilla@sbcglobal.net>, christina.binkley@wsj.com, grannys2legit2quit@yahoo.com, randallfung@yahoo.com, redandcurly@yahoo.com

Cc: Richard Coel <richardc@co.lake.ca.us>

High Valley Road Residents:

The Traffic Control plan on High Valley Road only allows large trucks on the road after 7:00 a.m. and not after 7:00 p.m. with exceptions for verified emergencies or when setting casing.

It is the decision of Lake County Community Development that the County does not have jurisdiction when repairs are scheduled to be done at the plant. Bottle Rock Power has notified Lake County Community Development of the delivery of one asphalt truck at approximately 6:15 - 6:30 am on August 4 & 5 based on the hours of operation of the asphalt batch plant. When the first truck loads out, the material is very hot, and will arrive at the BRP High Valley Rd. gate between 6:15 and 6:30 AM.

Ms. Voris Brumfield
Lake County Geothermal & Watershed Protection Coordinator
Office: 16195 Main Street Lower Lake
Mail: 255 North Forbes Street
Lakeport, CA 95453
PHONE: 707.994-4101

Kelly Fletcher <kellysplumbing@gmail.com>

Wed, Aug 4, 2010 at
8:14 PM

Reply-To: kellysplumbing@gmail.com

To: Voris Brumfield <vorisb@co.lake.ca.us>

Cc: Hesshab@aol.com, ccmahnke@binkleyranch.com, cindypinch@gmail.com,
gerrifinn@hughes.net, lauramills@mcn.org, tsbar@pacific.net,
paul@paulbinkley.com, "<Larry Coleman" <larryandwilla@sbcglobal.net>,
christina.binkley@wsj.com, grannys2legit2quit@yahoo.com,
randalfung@yahoo.com, redandcurly@yahoo.com, Richard Coel
<richardc@co.lake.ca.us>

Hello Voris,

If this is a verified emergency for truck traffic before 7 am ,the use permit means nothing.. I noticed you have no jurisdiction over when BRP schedules their repairs. You do have jurisdiction over when the trucks enter High Valley Road. The material will still be HOT to load at 6:30 am which would comply with the use permit, after 7AM. There are a few neighbors taking walks before 7 to avoid the trucks. Hidden Valley would ticket me for starting before 7am in their community. I just talked to Sherri Kendrick and asked why they had to start before 7 . Her reply was rick Coel said they could.

By agreeing to letting trucks violate the use permit, has undermined the whole High Valley Community .We had trucks last weekend also .There is another road they can use .

Please respond

Kelly Fletcher

On 8/4/10, Voris Brumfield <vorisb@co.lake.ca.us> wrote:

> High Valley Road Residents:

> The Traffic Control plan on High Valley Road only allows large trucks on the
> road after 7:00 a.m. and not after 7:00 p.m. with exceptions for
> for verified emergencies or when setting casing.

>

> It is the decision of Lake County Community Development that the County does

> not have jurisdiction when repairs are scheduled

- > to be done at the plant. Bottle Rock Power has notified Lake County
- > Community D. development of the delivery of one asphalt
- > truck at approximately 6:15 - 6:30 am on August 4 & 5 based on the hours of
- > operation of the asphalt batch plant.
- > When the first truck loads out, the material is very hot, and will arrive at
- > the BRP High Valley Rd. gate between 6:15 and 6:30 AM.
- >
- >
- >
- >
- > Ms. Voris Brumfield
- > Lake County Geothermal & Watershed Protection Coordinator
- > Office: 16195 Main Street Lower Lake
- > Mail: 255 North Forbes Street
- > Lakeport, CA 95453
- > PHONE: 707.994-4101
- > email: geothermal@co.lake.ca.us (<mailto:cleanwater@co.lake.ca.us>)
- >

Richard Coel <richardc@co.lake.ca.us> Thu, Aug 5, 2010 at 8:00 AM

To: Hesshab@aol.com, ccmahnke@binkleyranch.com, Voris Brumfield <vorisb@co.lake.ca.us>, cindypinch@gmail.com, kellysplumbing@gmail.com, gerrifinn@hughes.net, lauramills@mcn.org, tsbar@pacific.net, paul@paulbinkley.com, "<Larry Coleman" <larryandwilla@sbcglobal.net>, christina.binkley@wsj.com, grannys2legit2quit@yahoo.com, randallfung@yahoo.com, redandcurly@yahoo.com

Good morning folks,

I just want to emphasize a few things here. The Use Permit does not give the County jurisdiction over any activities "behind the fence" at the power plant. As a result, the traffic control plan does not have any control over this particular situation. BRP did contact the Community Development Department to ask us if they could have the asphalt delivered prior to 7:00 a.m. The asphalt batch plant shuts down at 5:00 a.m. I reviewed the Use Permit and Traffic Control Plan. While we do not have jurisdiction in this matter, BRP promised to do everything they could to minimize impacts to

residents due to this early delivery. Below, in blue font is an explanation from BRP.

Bottle Rock Power is performing maintenance and repairs on the containment inside the power plant fence. The contractor mixing the asphalt for us will only do so first thing in the morning. It is necessary that BRP has this type of asphalt. The containment repair and maintenance is required by both the CEC and CRWQCB. This operation does make it so that we will be bringing in trucks as early as 06:15 on the 4th and 5th of August.

The plan is to have the trucks be escorted in by a BRP employee so that it is all at one time; minimizing the impact to the residents.

Rick,

Thank You for your response. Our situation is that we have a compliance issue, for a repair to the asphalt area, at the rear of the power plant yard. Due to a previously schedule, the asphalt plant will only be running road base asphalt at 5:00 AM on Wednesday and Thursday of this week. When the first truck loads out, the material is very hot (temperature wise), and will arrive at our gate between 6:15 and 6:30 AM. The next three truck, for that day will be later than the 7:00AM time, but we do not have a location, outside the gate to hold a transfer style truck and trailer, nor can we hold up that HOT load of asphalt.

Due to a high number of project commitments I have, I will not always be able to answer your emails. However, please understand that Voris and I communicate daily about Bottle Rock Power and other ongoing projects, and Voris is doing her best to respond to your requests.

Richard Coel,
Community Development Director
(707) 263-2221

>>> Voris Brumfield 08/04/2010 4:36 PM >>>

[Quoted text hidden]

REFERENCE # 4

Kelly Fletcher <kellysplumbing@gmail.com>

Question from kelly and attachment

Doug Gearhart <dougg@lcaqmd.net>

Wed, Oct 13, 2010 at 8:49
AM

To: kellysplumbing@gmail.com

Cc: richardc <richardc@co.lake.ca.us>, Voris Brumfield <vorisb@co.lake.ca.us>, Randall / Linda Fung <funggrip@jnb.com>, cordelynn baumeister <redandcurly@yahoo.com>, hamilton hess <Hesshab@aol.com>

Kelly,

The School is not currently on the notification list. We would be glad to add them to the email notification. But, the school District was notified of the potential impacts from Geothermal operations when they developed the school site.

Second, the spike you see at the Glenbrook station is the result of a the instruments responding to a power surge at the portable station from when power was cut to replace the main power lines to the old station.

Doug

Doug Gearhart, APCO
Lake County Air Quality Management District
885 Lakeport Blvd.
Lakeport, CA 95453

707-263-7000 Office
707-263-0421 Fax

dougg@lcaqmd.net

[Quoted text hidden]

> <GlenbrookPanel.jpg>



REFERENCE #5

**Lake County Geothermal and Illicit Discharge Coordinator Meeting with
APCO Douglas Gearhart February 19, 2010**

Issues from LCGIDC meeting with High Valley residents and property owners:

- Air Quality monitoring station is too far from residents that are impacted by violations. The current location of the station is ineffective in recognizing several of the most recent H2S violations. On September 19/20, 2009 at midnight a call was made first to Air Quality, second to 911, and finally to the local Fire Dept. based upon extremely noxious H2S. Air Quality responded on September 20, 2009 at 10 am and found the count at 3PPB. On January in 2010 another incident of noxious H2S with a Fire department staff coming out with a personal Alarm System and it did not detect a violation because it was not working.
- When discussing H2S leaks, Ali Khan indicated the H2S rolls down hill. Consideration should be given to move the GAMP station as it does not detect the counts at the residents who are closer to the wells and plant.
- What is the status of the LCAQMD mobile monitoring station? Residents are considering investing in a private laser particle counter.

Air Quality for the Geysers production areas in Lake County.

- Specifically concerning Bottle Rock Power, Lake County AQCD allows 5 lbs per hour emissions of H2S. However, Sonoma County allows 44 lbs. per hour of H2S from power plant just over the ridge. Barbara Lee is the Director of Sonoma County AQCD. We reviewed maps showing Lake and Sonoma County power plants and their proximity to Lake County residents
- The coastal winds blow from the ocean through Sonoma County over the county line and down into Lake County. The worse times for deteriorated air quality by geothermal which has the potential to affect Lake County residents are summer months particularly late August.
- The Glenbrook monitoring station is run by GAMP and has been there 19+ years with an annual operating cost of over \$30,000, when averaged with other stations, to monitor ambient air quality.

The mobile Lake County Air Quality testing station is close to operational, possibly within the next two months. Should BRP develop two new wells on the Francisco pad (which have been permitted)

BRP will be required to set an H2S air monitoring station at the property line of the nearest residence.

- During the 15+ years that DWR now BRP was mothballed... the ambient Air Monitoring station at Glenbrook recorded spikes in levels of pollutants which remained consistent during the period the plant was non-operational. When the plant came back on line, the levels increased only a small percentage, though BRP has itself caused some spikes.

The Air Quality phone line operates 24/7 and after hours message announces the number of the emergency on call staff (typically two persons). All calls are listed, and transcribed.

- A major compound that effects air quality (nuisance) in addition to H2S is ammonia which appears in greater volume in Cal State 92-6, El Esperance 1 and 2 and Negu 8 (North East Geysers Unit) which is a "weeper" with minimal flow (typically less than 15,000 lbs/hr steam flow).
- Testing of the wells and power plants for compliance is (typically) independently performed under a contract with the steam field developer and the contractor, though the LCAQMD does periodically take samples and perform titrations for H2S (typically when contractor results appear inconsistent and as a check during drilling or well maintenance).
- Tecton Geologic, formerly independent was recently purchased by Thermasource, a well drilling company, who was purchased by US Renewable does approximately 90% of the abatement testing in the geysers which includes well logging, monitoring of emissions and testing of the abatement chemicals which are run. U.S. Renewables and Riverstone Holdings LLC is the current owner of the Bottle Rock Power Plant and Steamfield.

When there are drilling projects, Air Quality staff is on site on a regular basis doing monitoring.

- Complaints from residents of dust on the road from truck tires driving off pads with contaminants have been addressed by BRP with berms and gravel on the pads to reduce track out.
- BRP has installed a significant section of road within the lease hold that has been surfaced to promote truck track-out prior to the trucks leaving the leasehold onto High Valley outside BRP leasehold. These special areas are cleaned regularly by BRP.
- Should it be determined that these efforts are insufficient to protect the road and neighboring residents, the option of shaker tables, wheel washing, or other methods could be considered.

REFERENCE #6 E #7
1

Lake County Geothermal and Illicit Discharge Coordinator Meeting with
APCO Douglas Gearhart February 19, 2010

Issues from LCGIDC meeting with High Valley residents and property owners:

- Air Quality monitoring station is too far from residents that are impacted by violations. The current location of the station is ineffective in recognizing several of the most recent H₂S violations. On September 19/20, 2009 at midnight a call was made first to Air Quality, second to 911, and finally to the local Fire Dept. based upon extremely noxious H₂S. Air Quality responded on September 20, 2009 at 10 am and found the count at 3PPB. On January in 2010 another incident of noxious H₂S with a Fire department staff coming out with a personal Alarm System and it did not detect a violation because it was not working.
- When discussing H₂S leaks, Ali Khan indicated the H₂S rolls down hill. Consideration should be given to move the GAMP station as it does not detect the counts at the residents who are closer to the wells and plant.
- What is the status of the LCAQMD mobile monitoring station? Residents are considering investing in a private laser particle counter.

Air Quality for the Geysers production areas in Lake County.

Specifically concerning Bottle Rock Power, Lake County AQCD allows 5 lbs per hour emissions of H₂S. However, Sonoma County allows 44 lbs. per hour of H₂S from power plant just over the ridge. Barbara Lee is the Director of Sonoma County AQCD. We reviewed maps showing Lake and Sonoma County power plants and their proximity to Lake County residents

#1
QUESTION - How does 5lbs compare to 8 ppb or 30 ppb?

#2 → If the gamp station reads 32ppb a few times a week what is the reading at my bedroom window 2/3 's closer to the leak ?

3 → There were spikes of rotten egg smell at randys neighborhood with no reading at the gamp station a few hundred yards away . I still wonder what levels were at my house when the gamp was over 30 ppb ? My video shows coming from francisco pad!

OVER 30 PPB FOR A WEEK

#4 WAS THE SCHOOL NOTIFIED OF LEVELS OVER STATE STANDARDS ?

The coastal winds blow from the ocean through Sonoma County over the county line and down into Lake County. The worse times for deteriorated air quality by geothermal which has the potential to affect Lake County residents are summer months particularly late August.

We are asking about leaks from BRP that they let leak all night, that we have driven around the neighborhood and wells with fire department to determine where they are coming from. I have videos showing leaks and BRP personnel saying they will be fixed in the morning. In this case the levels go over state standards in my neighborhood. My question is can we take measures to insure air quality outside of BRP lease 24/7? Can we have the best air quality sniffing device on the property line the use permit requires so things like rotten pipes are not used to transport steam in the future?

The Glenbrook monitoring station is run by GAMP and has been there 19+ years with an annual operating cost of over \$30,000, when averaged with other stations, to monitor ambient air quality.

There are 4 way stops that have sufficed for 30 or 40 years but times change and stop lights are put in to keep up with the population!

The mobile Lake County Air Quality testing station is close to operational, possibly within the next two months. Should BRP develop two new wells on the Francisco pad (which have been permitted) BRP will be required to set an H₂S air monitoring station at the property line of the nearest residence.

Will it stay in place 24/7?

During the 15+ years that DWR now BRP was mothballed... the ambient Air Monitoring station at Glenbrook recorded spikes in levels of pollutants which remained consistent during the period the plant was non-operational. When the plant came back on line, the levels increased only a small percentage, though BRP has itself caused some spikes.

The Air Quality phone line operates 24/7 and after hours message announces the number of the emergency on call staff (typically two persons). All calls are listed, and transcribed.

If H₂S levels rise over state standards at midnight will it be tested?

A major compound that affects air quality (nuisance) in addition to H₂S is ammonia which appears in greater volume in Cal State 92-6, El Esperance 1 and 2 and Negu 8 (North East Geysers Unit) which is a "weeper" with minimal flow (typically less than 15,000 lbs/hr steam flow).

Testing of the wells and power plants for compliance is (typically) independently performed under a contract with the steam field developer and the contractor, though the LCAQMD does periodically take samples and perform titrations for H2S (typically when contractor results appear inconsistent and as a check during drilling or well maintenance).

Tecton Geologic, formerly independent was recently purchased by Thermasource, a well drilling company, who was purchased by US Renewable does approximately 90% of the abatement testing in the geysers which includes well logging, monitoring of emissions and testing of the abatement chemicals which are run. U.S. Renewables and Riverstone Holdings LLC is the current owner of the Bottle Rock Power Plant and Steamfield.

When there are drilling projects, Air Quality staff is on site on a regular basis doing monitoring.

Complaints from residents of dust on the road from truck tires driving off pads with contaminants have been addressed by BRP with berms and gravel on the pads to reduce track out.

Im over a quarter mile from the nearest pad and sometimes you can't see my house from the road when the trucks ster up dust. So they water it for inspection and two hours later dust again. Will this be 4 years with no control ?

BRP has installed a significant section of road within the lease hold that has been surfaced to promote truck track-out prior to the trucks leaving the leasehold onto High Valley outside BRP leasehold. These special areas are cleaned regularly by BRP.

Should it be determined that these efforts are insufficient to protect the road and neighboring residents, the option of shaker tables, wheel washing, or other methods could be considered.

We were told this two years ago!

Page PAGE 1 of NUMPAGES 2

DATE \@ "MM/dd/yyyy" 03/16/2010

COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Geothermal Illicit Discharge Coordinator
Mail Courthouse - 255 N. Forbes Street
Lakeport, California 95453
OFFICE: 16185 Main Street
Lower Lake, CA
Telephone 707/994-4101 Email: vorisb@co.lake.ca.us

GM

Kelly Fletcher <kellysplumbing@gmail.com>

High Valley Rd

ADDING MORE STEAM FIELD WILL ADD MORE NOISE AND H2S TO THE EXISTING PLANT.
Sat, Oct 9, 2010 at 8:43 AM

Kelly Fletcher <kellysplumbing@gmail.com>

Reply-To: kellysplumbing@gmail.com

To: Richard Coel <richardc@co.lake.ca.us>

Cc: hamilton hess <Hesshab@aol.com>, Voris Brumfield <vorisb@co.lake.ca.us>

Rob and Rick,

For two years i've been complaining about the speed and the H2S levels with no results. Now you want me to do Brian Harms job. Please give me a speed monitor and H2S monitor . Then i will gladly do the job. I

still would like to know why a permit for 5 pounds an hour H2S overrides state standards of 30 parts per billion? I have moved my family from high valley because of these regular high levels of H2S impermeate my home. The "HYDROGEN SULFIDE :EVALUATION OF CURRENT CALIFORNIA AIR QUALITY STANDARDS WITH RESPECT OF CHILDREN "

prepared by experts ,states -levels should not exceed 5ppbillion because of oder annoyance.

Levels one mile from BRP many times has been over 30 ppb and regurley over 8ppb.

IS CLOSURE LIKELY WHEN THE TAX INCREASES STOP FOR PRIVATE MONEYS TO EXPLORE GEOTHERMAL. 2013

many neighbors are between this gamp station and the sorce of H2S. There is also a public school and a summer soccor camp for children lower in the valley close to the gamp station which recieves levels over state standards.

BUSH TAX INCENTIVES SINCE BRP BARELY MAKES ENOUGH TO RUN THE PLANT

The expert (does not want name exposed may lose job) i talked to said being 3/4 mile closer to the source and in the bottom of the valley, to BRP , the levels would more than likely be Four times higher.

Which would almost always be over state standards at atleast 8 homes.

Kelly Fletcher
High Valley Rd

How DOES SONOMA COUNTY AIR BLOWING INTO THE BRP AREA AFFECTS COBB AREA. AIR QUALITY WITH RESPECT TO H2S.

GM

REFERENCE #8

Kelly Fletcher <kellysplumbing@gmail.com>

Stink smell and no one to call and no sniffer

Kelly Fletcher <kellysplumbing@gmail.com>

Sat, May 15, 2010 at
11:01 AM

Reply-To: kellysplumbing@gmail.com

To: binkleyfidge <binkleyfidge@hotmail.com>, Karon Thomas <kthomas@bottlerockpower.com>, "Martha and Dan (Mad)" <madtoys@gmail.com>, Randall / Linda Fung <funggrip@jnb.com>, Voris Brumfield <vorisb@co.lake.ca.us>, Paul Binkley <paul@paulbinkley.com>, cordelynn baumeister <redandcurly@yahoo.com>, hamilton hess <Hesshab@aol.com>, "Bennetto, Kevin" <kbennetto@bottlerockpower.com>, Doug Gearhart <doug@lcaqmd.net>, Brian Harms <bharms@bottlerockpower.com>, Lynn & Clay <grannys2legit2quit@yahoo.com>, redandcurly@yahoo.net, richardc <richardc@co.lake.ca.us>

Hello All ,

Last night the h2s levels were around 24 PPB at my house and air quality does not answer.(no answer at 2637000)

Also we have huge truck traffic coming up sat morning . If there is no way to stop the violations how can we open up more traffic. Also Can i get a list from rick of the false clames of violations high valley community has submitted.

Thank you for all your help.

After years of complaning of truck traffic on weekends and falsely being accused of tresspassing because of h2s leaks costing me \$3000.00 pluss weeks of time . Why do we have a Use Permitt that cannot be upheld. Also who approved the equipment yard where thousands of gal. of hasaderous materials is parked and worked on, will drain directly to the creek through the violation pipe pad with other water run off..(If anything leaks) If i were to build a storage yard would i have to install a grease trap large enough to handle any spills that occure?

These are old questions that have been asked with no answers. Doug Gearhearts answer is they have a permitt for so many Pounds per Hour. What does this mean in parts per billion at my house.

Use Permitt says best available technology to test emissions from wells. Does this mean Glenbrook station(3/4 mile down from my house) ,that cannot be used legally. Does this mean Shery Kendrick can tell the public , in front of Doug Gearheart , that H2S levels never have gone over state levels since she started. With no comment from Doug . (i have unofficial readings from air Quality with readings over state standards a mile from the plant and statements from Cal fire ambulance saying it was definitely coming from francisco pad at BRP)Please tell me who's button i have to push to get a legal H2S Sniffer above my house!!!!

Please acknowledge receiving this email
Also please forward to anyone who can get a Legal sniffer that is required by the use permit.
Thank you again Kelly Fletcher (the neighborhood that smells like rotten eggs)

Kelly Fletcher <kellysplumbing@gmail.com>

Stink smell and no one to call and no sniffer

Doug G <dougg@lcaqmd.net>

Sun, May 16, 2010 at 10:29 AM

To: kellysplumbing@gmail.com

Cc: binkleyfidge <binkleyfidge@hotmail.com>, Karon Thomas <kthomas@bottlerockpower.com>, "Martha and Dan (Mad)" <madtoys@gmail.com>, Randall / Linda Fung <funggrip@jnb.com>, Voris Brumfield <vorisb@co.lake.ca.us>, Paul Binkley <paul@paulbinkley.com>, cordelynn baumeister <redandcurly@yahoo.com>, hamilton hess <Hesshab@aol.com>, "Bennetto, Kevin" <kbennetto@bottlerockpower.com>, Brian Harms <bharms@bottlerockpower.com>, Lynn & Clay <grannys2legit2quit@yahoo.com>, redandcurly@yahoo.net, richardc <richardc@co.lake.ca.us>

Kelly,

We apologize for the lack of answer at the LCAQMD offices, the offices are without power at this time. Power was supposed to be restored by PG&E by 7pm on friday, but as of this morning we still do not have power.

I have just learned about the high H2S last night and we are looking into this event. staff will provide you with an update once we are able to determine the cause.

If you have any further problems before Monday, please call 349-1149 or 533-3469 and staff will do what they can to assist.

Doug

Douglas Gearhart
Air Pollution Control Officer

Lake County Air Quality Management District
885 Lakeport Blvd.



Kelly Fletcher <kellysplumbing@gmail.com>

Question from kelly and attachment

Doug Gearhart <doug@lcaqmd.net>

Thu, Oct 14, 2010 at 12:35 PM

To: cordelynn baumeister <redandcurly@yahoo.com>

Cc: Voris Brumfield <vorisb@co.lake.ca.us>, Rick Coel <richardc@co.lake.ca.us>, gerri fletcher <gerrifinn@hughes.net>, Kelly Fletcher <kellysplumbing@gmail.com>, randy fung <funggrip@jnb.com>, hamilton hess <hesshab@comcast.net>, hamilton hess <Hesshab@aol.com>

Kelly,

First, with the portable station, we do not have the newest dataloggers that can monitor and record all power fluctuation events such as this. The datalogger is an earlier generation, that was used up until around 3+/- years ago. Though the datalogger is older, the portable station does have the newest H2S monitoring equipment installed. The permanent equipment is currently being reinstalled into the new shelter where it can be setup, tested, and any problems fixed prior to removal of the portable station.

Second, the GAMP instrumentation contractor was onsite and observed the power issue as it happened and called us within a couple minutes to let us know what occurred.

I hope that helps.

Doug

Doug Gearhart, APCO
Lake County Air Quality Management District
885 Lakeport Blvd.
Lakeport, CA 95453

707-263-7000 Office
707-263-0421 Fax

Reference 8 1 of 2

Kelly Fletcher <kellysplumbing@gmail.com>

High Valley Rd

Richard Coel <richardc@co.lake.ca.us>

Fri, Oct 8, 2010 at 5:09 PM

To: kellysplumbing@gmail.com

Kelly,

can you describe any of the other vehicles that were speeding..color and rough time of day?

I spoke with Brian Harms and he is looking into it. Trying to determine if it was a subcontractor's crew.

Richard Coel,
Community Development Director
(707) 263-2221

>>> Kelly Fletcher <kellysplumbing@gmail.com> 10/08/2010 1:49 PM >>>

[Quoted text hidden]

#8

2 of 2

GM

Kelly Fletcher <kellysplumbing@gmail.com>

High Valley Road maintenance meeting

Richard Coel <richardc@co.lake.ca.us>

Thu, Jul 22, 2010 at 12:36 PM

To: Voris Brumfield <vorisb@co.lake.ca.us>, cordelynn baumeister <redandcurly@yahoo.com>

Cc: hamilton hess <Hesshab@aol.com>, Anita Grant <anitag@co.lake.ca.us>, hamilton hess <hesshab@comcast.net>, diane hill <laadeedi@cox.net>, Cindy Pinch <cindypinch@gmail.com>, John Carlisi <jacarlisi@gmail.com>, Kelly Fletcher <kellysplumbing@gmail.com>, gerri fletcher <gerrifinn@hughes.net>, Priscilla Clements <paclem@ix.netcom.com>, randy fung <funggrip@jnb.com>, Laura Mills <lauramills@mcn.org>, Larry Coleman <larryandwilla@sbcglobal.net>, Lynn Kerrhanson <grannys2legit2quit@yahoo.com>

David,

BRP will be meeting with the three property owners that own the property where the maintenance and curve widening is to take place. This is not a public meeting. The proposed work has nothing to do with BRP's proposed expansion project, so is not subject to environmental review under the proposed expansion project. Also, the amount of work is limited to maintenance and widen a couple of the narrow curves to improve traffic safety. These curves have been an ongoing issue.

BRP has submitted their plans illustrating the work to be performed, and those plans have been reviewed by my staff. Staff has determined that the scope of the maintenance work and curve improvements are consistent with the High Valley Road maintenance obligations of BRP's use permit.

Richard Coel,
Community Development Director
(707) 263-2221

>>> cordelynn baumeister <redandcurly@yahoo.com> 07/22/2010 10:59 AM >>>

[Quoted text hidden]



Kelly Fletcher <kellysplumbing@gmail.com>

Almost hit

Richard Coel <richardc@co.lake.ca.us>

Wed, Oct 20, 2010 at 7:14
AM

To: kellysplumbing@gmail.com

Hi Kelly,

I will speak with Bob Giguere about this, this morning. There is nothing funny about this. BRP's staff and contractors are required to stick to the 15 MPH requirement of the approved Traffic Control Plan. The widening of the turns on HVR was for safety purposes only. Approximately what time was it when the white truck almost hit you?

Richard Coel,
Community Development Director
(707) 263-2221

>>> Kelly Fletcher <kellysplumbing@gmail.com> 10/19/2010 7:45 PM >>>

[Quoted text hidden]



Kelly Fletcher <kellysplumbing@gmail.com>

Almost hit

Richard Coel <richardc@co.lake.ca.us>

Wed, Oct 20, 2010 at 7:32
AM

To: kellysplumbing@gmail.com

Cc: Voris Brumfield <vorisb@co.lake.ca.us>

Kelly,

I just spoke with Bob G. and gave him the details of the white truck and the lunchtime traffic. Bob is going out now to speak with all of the subcontractors and the drilling rig crew and will try and find the white truck. Bob said they have an outage right now and there are a bunch of sub-contractors on site. If there are any further incidences please email me. We will get this matter resolved.

Richard Coel,
Community Development Director
(707) 263-2221

>>> Kelly Fletcher <kellysplumbing@gmail.com> 10/19/2010 7:45 PM >>>

[Quoted text hidden]

PLAINTIFF (Name): Brian Howard Harms DEFENDANT (Name): Kelly Fletcher EMPLOYEE (Name): Ross Allen English	CASE NUMBER:
---	--------------

6. Defendant has assaulted battered stalked made a credible threat of violence against the employee by knowing or willing statements or a course of conduct that would place a reasonable person in fear for his or her safety, or the safety of his or her immediate family.

a. One or more of these acts can reasonably be construed to be carried out or to have been carried out at the employee's workplace at (address):
 7385 High Valley Road, Cobb, CA 95426

b. Describe what happened (including the dates, who did what to whom, and any injuries):
 On September 19, 2009, Mr. Fletcher was on Bottle Rock Power property during operations to isolate a steam leak at midnight. Mr. Fletcher harassed, interfered with, and acted aggressively toward Bottle Rock Power Employee Ross English. Witness to this event was Keith Fricker of South Lake Fire. Reference Lake County Sheriff's case # 09090475.

Continued on Attachment 6b.

7. Employee will suffer great and irreparable harm before this petition can be heard in court unless the court makes those orders requested below effective now and until the hearing. (Specify the harm and why it will occur before the hearing):

Continued on Attachment 7.

8. Defendant's conduct has been directed against employee and is knowing and willful, is not constitutionally protected, and does not constitute lawful acts of self-defense or defense of others.

PLAINTIFF REQUESTS THE COURT TO MAKE THE ORDERS INDICATED BY THE CHECK MARKS IN THE BOXES BELOW.

9. **PERSONAL CONDUCT ORDERS** To be ordered now and effective until the hearing

a. Defendant shall not engage in unlawful violence or make threats of violence against the employee and the following members of employee's family or household who reside with the employee:

(1) (Name):

Sex: M F Date of birth: _____

(2) (Name):

Sex: M F Date of birth: _____

(3) (Name):

Sex: M F Date of birth: _____

Continued on Attachment 9a.

b. Specifically, defendant

- (1) shall not assault, batter, or stalk the employee and other protected persons.
- (2) shall not follow or stalk the employee and other protected persons to or from the place of work.
- (3) shall not follow the employee and other protected persons during hours of employment.
- (4) shall not telephone or send correspondence to the employee and other protected persons by any means including, but not limited to, the use of the public or private mails, interoffice mail, fax, or e-mail.
- (5) shall not enter the workplace of the employee and other protected persons.
- (6) other (specify):

The court shall order that the defendant is prohibited from taking any action to obtain the address or location of the employee, or of any of the employee's family members or caretakers, unless the court finds that there is good cause not to make that order.

(This is not a Court Order.)

KEYSTONE 10 2009

PLAINTIFF/PETITIONER: Brian Howard Harms	CASE NUMBER:
DEFENDANT/RESPONDENT: Kelly Fletcher	

DECLARATION

(This form must be attached to another form or court paper before it can be filed in court.)

At approximately midnight on 9/19/09 the plant was depressurizing a section of pipeline that was isolated due to a leak. I was met in the steam field by Cal Fire representatives responding to a complaint by local resident Kelly Fletcher. Mr. Fletcher was at the work site and very agitated and upset due to the leak and insisted that something be done about it. I explained the situation and the steps being taken to Mr. Fletcher and Keith Fricker of South Lake Fire. Mr. Fricker of South Lake Fire was satisfied that the actions being taken were appropriate, but Mr. Fletcher only became more agitated and unstable. Mr. Fletcher's language and posture were very aggressive and threatening. At one point he moved very close to me in a threatening manner and I expected him to become violent and assault me. All of this was in view of Keith Fricker of South Lake Fire and his associate. I suggested Mr. Fletcher, Keith Fricker and his associate of South Lake Fire come up to the plant to document the complaint, but Mr. Fletcher only continued to argue, stating that he was not welcome at the plant. I accompanied South Lake Fire to the plant and Mr. Fletcher left the project toward his home.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 10-27-09

Ross English

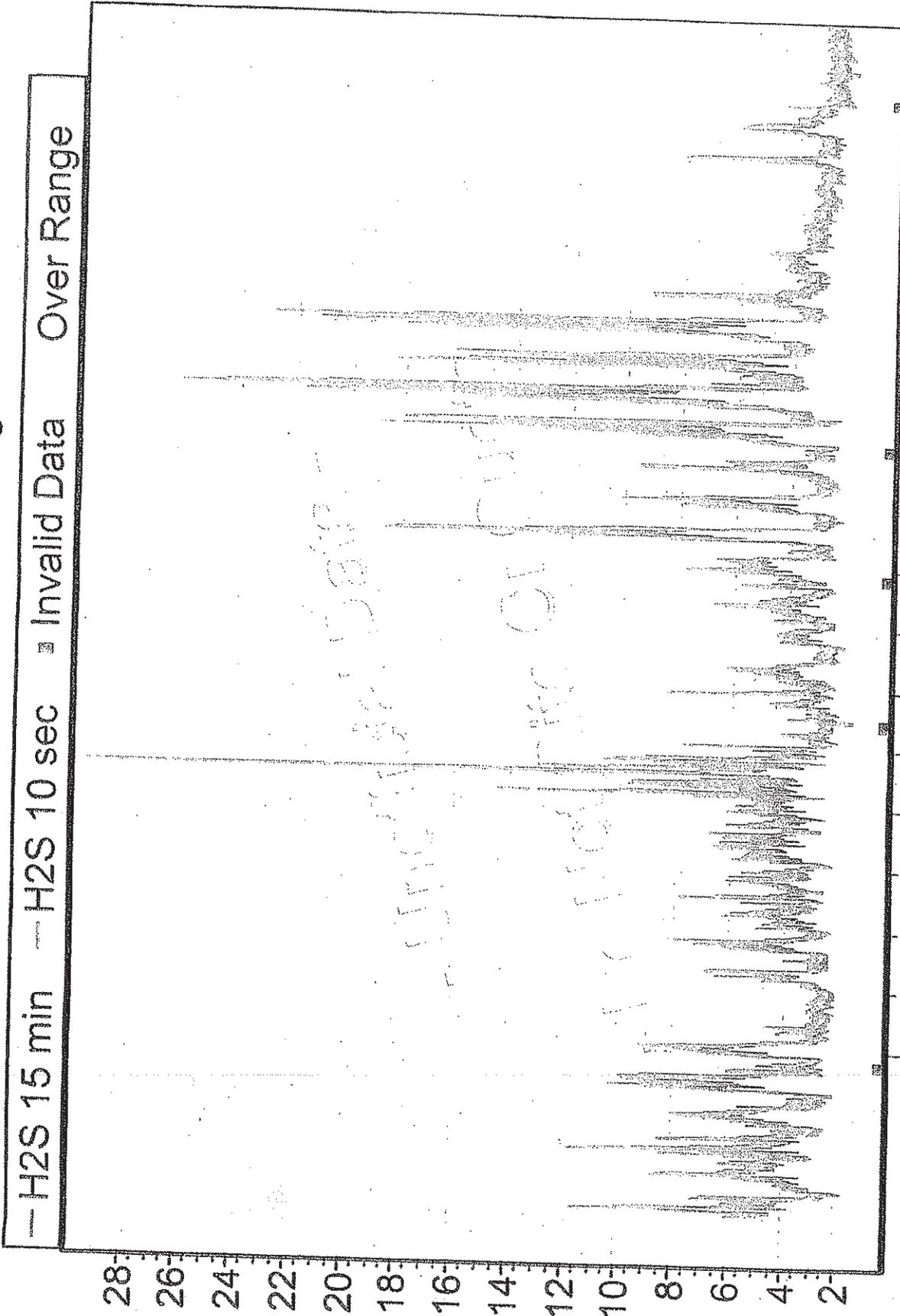
(TYPE OR PRINT NAME)

Ross English

(SIGNATURE OF DECLARANT)

- Attorney for
- Plaintiff
- Petitioner
- Defendant
- Respondent
- Other (Specify):

CITIZENS WILL BE CONCERNED WITH ANYTHING OVER
2 TO 8 PPB
Glenbrook - H2S Readings



9/5/2009 9/12/2009 9/19/2009 9/26/2009 10/3/2009

Anything over 12 THE PLANT IS NOTIFIED. BY E-MAIL

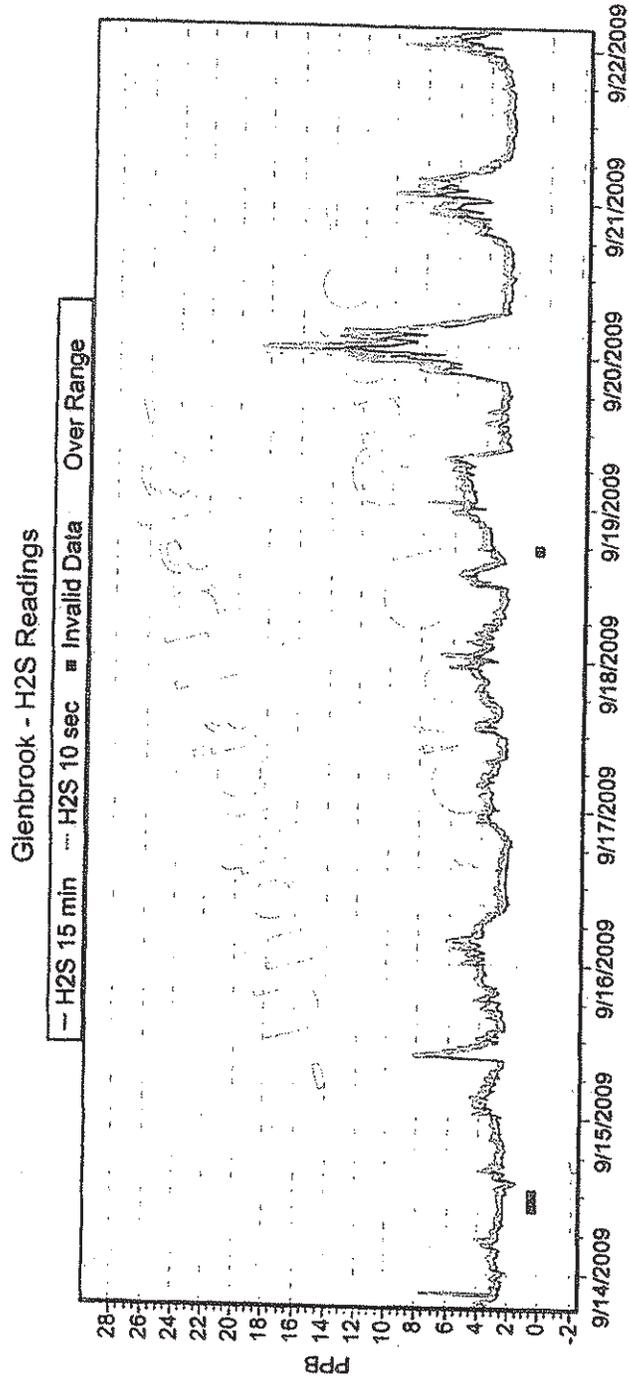
1 of 6

REFERENCE # 12

CITIZEN CONCERN

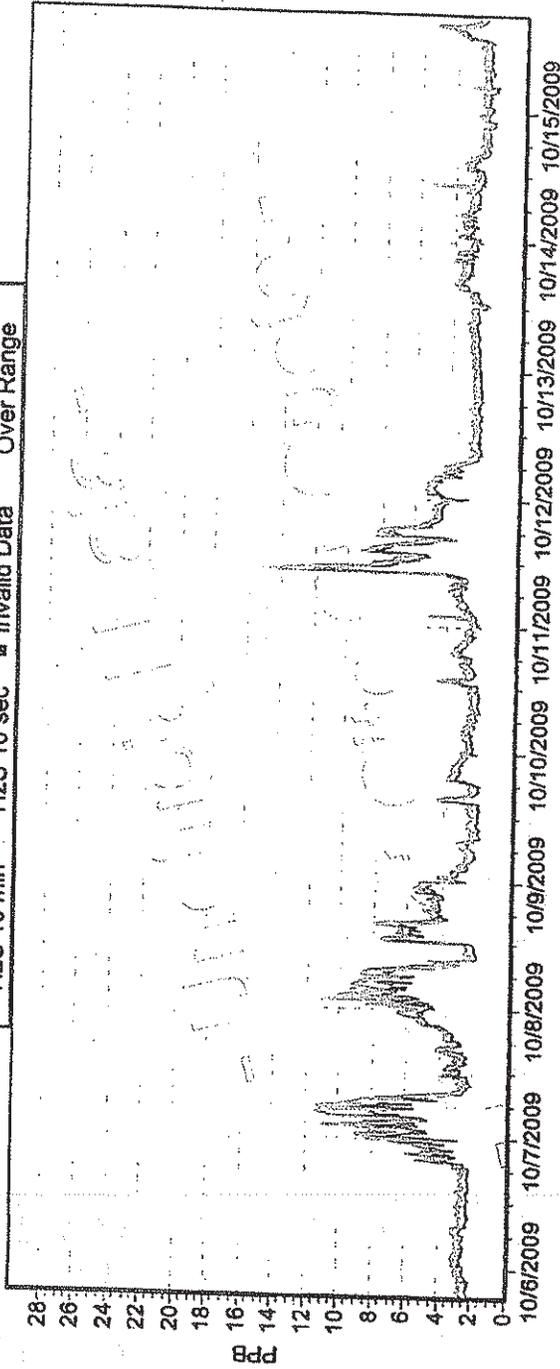
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ZCF6



Glenbrook - H2S Readings

— H2S 15 min - - - H2S 10 sec ■ Invalid Data Over Range



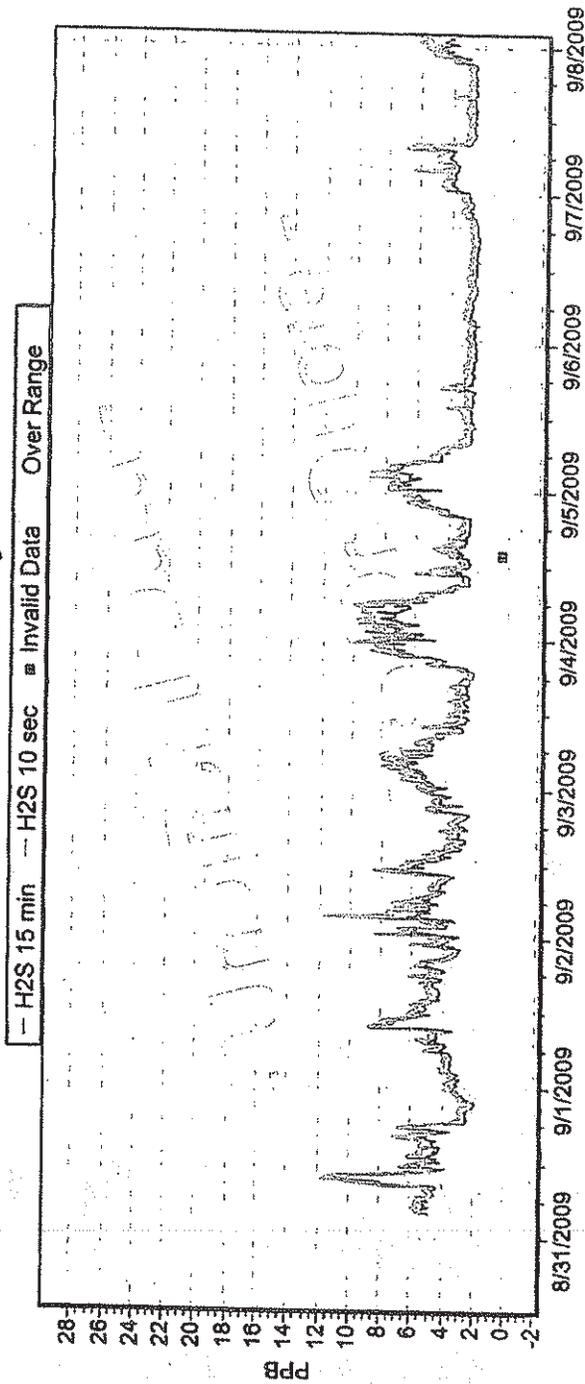
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#12

712 0 46

#12 5 of 6

Glenbrook - H2S Readings

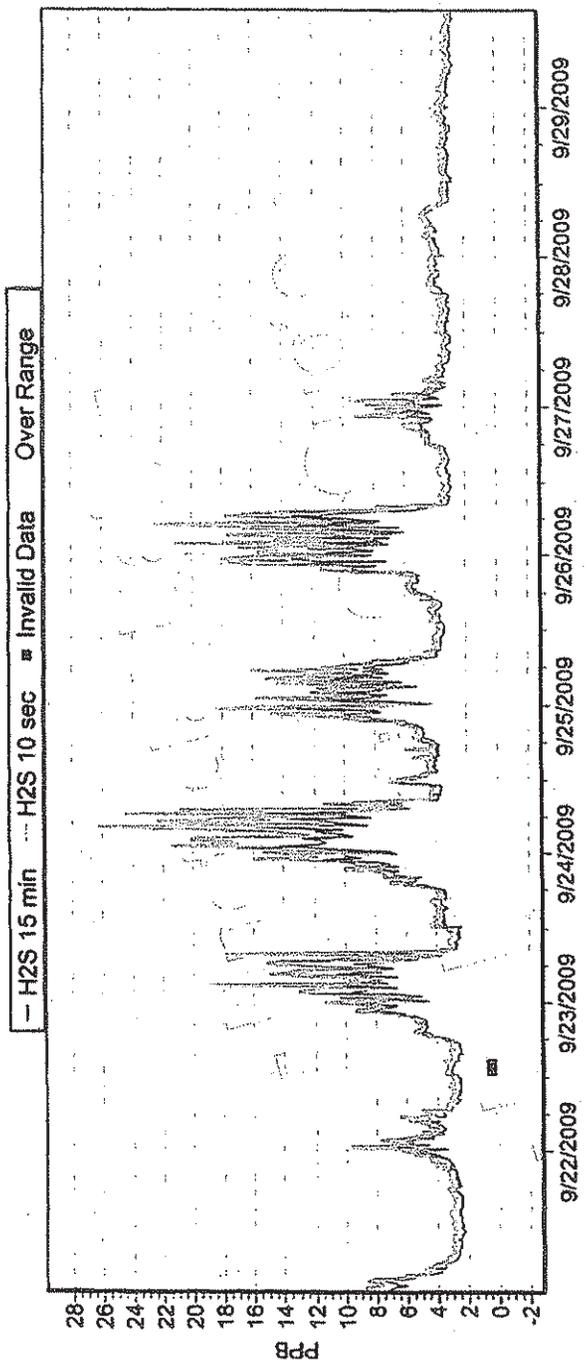


20090901

6006
9=109

#12

Glenbrook - H2S Readings



10,000 ppb. - Ross counter = 9,000 ppb
 via count ppm = 10 ppm

week later, got plant gone - smell'd 5/20/11

State Standard 30 PPB - 1 mile away
 Storage when ready laws

04

RESPONSE TO LETTER 15 – KELLY FLETCHER – NOVEMBER 9, 2010

Response to Comment 15-1

The existing air quality monitoring site has been located at its current site for more than 20 years. This is a State Air Resources Board (ARB) and federal Environmental Protection Agency approved monitoring site. As recommended in the Draft EIR/EA, onsite monitoring would be required between the new drilling project and the nearest residence. This would be required through the initial phase of drilling, and as necessary in the future during well maintenance and/or later drilling activities.

Response to Comment 15-2

See Response to Comments 14-17 and 14-19.

Response to Comment 15-3

BRP employees and contractors are and would continue to be subject to a 15 mph speed limit, enforced by BRP through policy, cameras, and a digital speed sign. Additional measures would be taken during new construction and new drilling activities by a guard stationed at the eastern edge of the Francisco lease (subject to approval of amendments to the Traffic Control and Road Maintenance Plan of the Use Permit). The guard would have control over the approximately one-mile section of High Valley Road through a system of cameras, audio communication, and remote gate operation. This guard would act as a central location of all vendor traffic and would be able to clear traffic in both directions while monitoring speed. Speed can also be calculated by observing the time it takes for vehicles to travel between the main gate and Bottle Rock Road and the guard gate at the leasehold edge, which at the present time is not possible.

Response to Comment 15-4

According to the AQMD staff, the AQMD has made the Kelseyville School District and State Architect aware of the potential impacts to the school. But exceedances of the State AAQS are rare, and are not a health standard. The evacuation of the school would be part of the facilities emergency response program in coordination with the local Fire Protection District and Sheriff's office.

Response to Comment 15-5

AQMD responds to residents' complaints 24 hours per day, when staff is available. Many potential sources of emissions could affect nighttime levels, including those from other operators in the Geysers. The project's air quality emissions management program for construction, well field operation and power plant operation are described in Section 5.3 of the Draft EIR, including the currently required BACT that would be applied to the project, if approved, as well as mitigation measures identified to reduce air emission impacts, such as implementation of the Hydrogen Sulfide Detection and Abatement Performance Plan (Mitigation Measure 5.3-5) to remove H₂S at the source. This monitoring and abatement plan would be developed and implemented to achieve acceptable levels of hydrogen sulfide concentrations under the AQMD permit to construct and permit to operate the project (a maximum of 5.0 lbs/hour), however, under CEQA the impact is considered to be significant and unavoidable because short term events (combination of emissions and adverse meteorology) would possibly occur with emissions above the 0.093 lb/hour screening level.

It is beyond the scope of CEQA to resolve AQMD staff response issues. The commentor's opinion of the ability of the AQMD to respond to complaints is noted and will be made available to decision makers in their deliberations of the merits of the proposed project.

Response to Comment 15-6

See Master Response #2.

Response to Comment 15-7

To clarify the commentor's question regarding apparent inconsistencies in H₂S emissions standards, five pounds per hour is an emissions limit from the source. Thirty parts per billion is the concentration in the ambient air outside of the source area. Neither standard overrides the other, rather they are different standards that work together.

Response to Comment 15-8

See Response to Comment 15-3.

Response to Comment 15-9

The commentor's question regarding future "slap suits" is beyond the scope of the EIR/EA. No additional response is required.

Response to Comment 15-10

Impacts to sensitive receptors from H₂S and diesel emissions are described in **Section 5.3 Air Quality and Climate Change** on pages 5.3-24 to 5.3-44. Sensitive receptors identified are the residences occupied by Jadiker, Fidge, and Mahnke as they are the closest to proposed operations and would experience the greatest air quality impacts. Impacts to other receptors raised by the commentor would be less than those experienced by the three residences above due to their distance from the source and dispersion of emissions over that distance.

Response to Comment 15-11

The attached "Glenbrook H₂S Readings" charts presented by the commentor were produced by AQMD. According to AQMD staff, they do not indicate that H₂S levels were "4 times higher" at the commentor's residence as indicated in the comment. There is no evidence of this level of H₂S from past AQMD monitoring and field inspections. While AQMD staff recognize that this situation could occur, they have not witnessed it or been presented with evidence of such. See also response to comment 15-5.

Letter 16

ITEM 1
9:05 AM
NOVEMBER 3, 2010
Comment N(1)
Fung
46 pages

November 1, 2010

Items submitted for public comments to
Binkley Expansion project
initial Draft EIR
submitted by
Randall Fung
8195 High Valley Rd.
Cobb, CA 95426
707-928-1983

1. main body of comments and questions-46 pages
2. addendums and paper attachments and docs-75 pages
3. envelope with 2 CD disks:
 - a. Randall Fung EIR comments 10/26/10
1st town hall meeting violation photos
 - b. 10/27/09 Scoping meeting clips
MOVO4096.MPG
STARK-NOS.MPG
4. 7 COPIES OF DVD:
Randall Fung Comments 10/26/10
Rabbit Valley Rd. & Cold Water Creek Rd
Alternate Access DVD

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NOV 01 2010

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT.

October 28, 2010

To:

Lake County Planning Commission
255 Forbes St.
Lakeport, California

From:

Randall Fung
8195 High Valley Rd.
Cobb, CA 95426

Re:

Public input regard Planning Commissions approval
of the Initial Draft Document for the
Bottle Rock Power Expansion Steamfield Project

To whom it may concern,

The CEQA public input process offers two ways for the public to comment of the draft EIR document. The amount of material that I need to present can only be presented in its entirety by documentation and in writing.

Therefore, I hope that the Planning Commission will give my written presentation the same consideration that they would to those presenting oral presentations at the public hearing meeting scheduled for November 3, 2010.

INTRODUCTION

My wife and I live at 8195 High Valley Road. We own the property through which High Valley Road crosses and the project road is in some portions, entirely on our property. We are affected daily by the current operations of BRP and will be dramatically affected by the new proposed project. The initial draft's statement that the new proposed project traffic HAS NO SIGNIFICANT IMPACT is a total disregard for what we have to live with everyday. Our section of road is a straight away after the truck and traffic cross Alder Creek bridge. Contrary to the requirement of the speed limit of 15 mph required by the traffic plan, the traffic often goes through our property at 25 to 30 miles an hour. The traffic impacts will be addressed later in this document as regards to the impacts of the new project and the faults with the EIR to study the traffic impacts, mitigation and road alternatives properly.

We moved to our lovely mini ranch in this most beautiful area of Lake County in 1991. As we entered the manned guard gate and drove into the High Valley community, we were struck with the beauty and quiet. We purchase the property that same day. We were told that the neighboring power plant, BRP, was closing down due to lack of steam and would not open again. It was our little slice of heaven.

For 14 years we lived with peace in the valley. We owned horses, and I could ride on High Valley Road up to my neighbors and never encounter another person the whole day. On a usual day, only half a dozen cars might drive by our ranch. People would take strolls on High Valley Rd, the kids would ride skate boards or play in the road, and we knew every person

16-1

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LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT. (7)

driving by. We would take hikes up to the power plant and enjoy the wonderful nature that abounded there, the beautiful pristine meadow with the deer, turkey and clear streams.

During this shut down period of BRP by DWR, there were only a few caretakers of the power plant, and we all were friendly and knew everyone on a first name basis. The neighbors held yearly barbecues where everyone was invited and all neighborhood issues were openly discussed.

In 2001, there was some activity around the power plant in regards to inspection for total closure. Then there were rumors that the plant might be sold to private investors. The High Valley Road neighbors met with the new owner of BRP, Ron Suesse and discussed many concerns they had with the possible reopening of the power plant, and he promised many many things. By this time, the electronic locked gate that DWR had installed had broken, and Mr. Suisse promised the neighbors over and over for four years that it would be fixed and that many good improvements would happen to the neighborhood when the plant finally reopened. He became known as the "Great Placater". Nothing every came of his statements, and little did we know that all during this period, he was not really intent of reopening the power plant, but instead wheeling and dealing to find investors and resell the plant for a profit.

In 2005, we were told by Ron Seuesse that he finally had new "investors" and the actual renovations of the power plant began in the fall of that year. All of a sudden, there was a total change in our environment. It was like the gold rush came to our quiet little valley. Hell had come.

Trucks passed through at all hours, smell, noise, and all hell had broken loose. Along with the project came the rough necks, oil drill workers from Texas and Oklahoma, and strangers invading our private properties with total disregard for our community. Dennis Jensen, a neighbor, one week picked up over a thousand cigarette butts, each with the potential danger for fire burning down our homes in these dry arid summers.

Having never gone through any of this, we thought that surely, some agency was regulating their activities and that all was in order, no matter how bad it seemed. None of us were knowledgeable in the the ways of regulatory agencies, use permits, CEQA, compliance. So we all just stuck our heads under our pillows and tolerated this living hell. At that time, we did not know what was proper and what was not. None of us even knew what a use permit was. Only later did we find out that the County Planning Department was in total negligence of any regulatory oversight at this point. This will be covered later in the section on

COMPLIANCE/VIOLATIONS:HISTORY OF LCDD'S LACK OF OVERSIGHT

In November of 2007, conditions had gotten so bad that some of the neighbors banded together and arranged a meeting with the managers of BRP to discuss their complaints and issues. This was the first meeting between neighbors and BRP. At that meeting, Donna Stone from the CEC was present, along with Ron Suesse (who stated he was still the owner at that time, although it is now known that USRG and Carlyle Riverstone held the majority shares), several other staff of BRP and Jim Hensen from Therma Source who was running the drilling operations. At that meeting, neighbors brought up the issue of smell, noise, traffic, etc. Ron Fidge brought a sample of his water which he felt had been contaminated by the drilling operations. The issue of the broken gate versus the manned guard gate was discussed. BRP stated that a manned guard gate that was promised was out of the question and not required. This was the first time that the neighbors had decided to try and stand up for their rights and complain about their loss of quality of life.

In July of 2008, a notice was given that there would be a meeting at the BRP field operations building about plans for expansion. That meeting was presided by Gary Snadaker, representing himself as a manager of BRP and also as a spokesperson for Binkley Holding company, the name of the new LLC that had just purchased the BRL mineral rights for the new expansion project that we are considering today.

At the meeting Mr. Snadaker stated that they had hoped to start expanding into the new project within six months time and proposed to drill an additional 22 wells. He stated that the new company, Binkley Holding Company was a totally separate company from BRP LLC, and they would be selling the steam that they found to BRP.

This meeting in July of 2008 is very important, because it is the first time that we encountered any County official. Ron Yoder stated that he was from the Planning department, and the project was hoping to move forward with just a Negative Declaration. We now know that LCDD had planned to move directly into the project based on the old use permit 87-92. This old use permit for the same leasehold is important in that it provides an excellent comparison to the piecemeal EIR and peer review EIR document we are considering today, and the comparison between the two would provide information as to whether the current EIR is adequate.

At that fateful July meeting, a knowledgeable gentleman in the crowd stated that he believed that the project was such a large venture, that it needed to go through an entirely new EIR process. I remember that I was so unknowledgable that I didn't even know what an EIR was. I am now entirely thankful to know that Hamilton Hesses was present and concerned enough to ask that an EIR be conducted, which is why we are at this point today in considering the adequacy of the current initial draft document. We all have grown in the understanding of the process since those early days.

One month later, in August of 2008, neighbors discovered BRP dumping sump mud and drill cuttings onto the sump pad and surrounding virgin meadow. To all of us, these actions seemed like a total disregard for the virgin meadow we had once so lovingly enjoyed during the quiet times. To see those huge piles of mud dumped on top of the grass was sickening. The mounds were larger than the biggest graders. This was not a small violation, but covered a couple of acres of virgin meadow. When we really started to look around and document what was happening, it was unbelievable. Large tanker trucks parked under ancient Oak trees, equipment everywhere, the road almost impassable with the debris, steams with graders cutting roads across them, fire trails cut everywhere, and NOT ONE PERMIT FOR ANY OF THIS.

Where was the regulatory oversight that we thought was in place?

All this documentation is enclosed in the disk labeled **attachment 2, 1st TOWN HALL MEETING 10/19/09 VIOLATIONS**. Please take the time to view these photos as they are indications of how bad a company can get when there is little oversight. And please remember that although BRP is under new management, much of the same staff personnel is still current working there and these are the same staff that will be forward into the new project. The compliance manager is the same as in when these photos were taken.

Neighbors contacted Code Compliance and were directed to Ron Yoder of the Planning department for complaints. In August Ron Yoder made a site visit and filed a "no complaint found" to the County Environmental Health Department. Some of the photos that are enclosed in the staff report are those taken that day. With further complaints from the neighbors, Ron Yoder gave one of the neighbors a copy of the use permit and told him that if he could find any

violations, to record them and let him know. That was the first time that we became aware of use permit 85-27 by which all requirements for compliance are now the standard.

In October of 2008, LCDD arranged a town hall meeting for concerned citizens, with Rick Coel and Ron Yoder presiding. This was the first of many town hall meetings to discuss and mediate the issues surrounding the current operations of BRP and the new proposed expansion project. These will all be included later in the COMPLIANCE/ VIOLATIONS. The viewing of this documentation is necessary to show that all the mitigation's written into the EIR are useless without some sort of necessary compliance oversight and mandatory enforcement. We understand that LCDD is understaff even Rick Coel admitted that he "probably would have to dedicate one person on his staff to oversee the new project."

It has been two years now, and after countless e-mails to LCDD, town hall meetings, phone calls, meetings with County Counsel, endless promises, change of management, things are worse than before. Sure, BRP has finally after two years met some of its required compliance obligations, but even this last week, there are questions of the way that LCDD is overseeing the compliance of the use permit.

After all, if it has taken BRP two years to get their old operation into compliance, what can we look forward to with the new proposed project. With the same management that has shown a lack of disregard for the rules of the current permit, what expectation is there that they will have a different course in following any new use permit. Every detail of compliance has been fought hard with LCDD resisting the neighbors on every point. This will vividly be illustrated later in this document, in the section, **LCDD'S HISTORY OF LACK OF OVERSIGHT**

While the EIR addresses the issues of the neighboring residents in charts, tables, and empirical data, not even one neighbor was interviewed by AECOM about any of these issues. Much of the data about residency, traffic, problems was supplied by the proposal applicant, BRP, who as detailed above is a biased source of information.

The quality of our lives has taken a steep plunge with the renovation of the closed power plant in 2005 and now we dread how the new expansion project is going to ruin the quality of our lives.

Bottle Rock Power Plant is the only geothermal industry which has been permitted through 17 private properties, and this raises special issues of concern regarding close proximity, everyday use, traffic, noise, smell, liability, safety.

The Planning Commission needs to listen hard to the real stories of the people living so close to a geothermal development. We are real people with special concerns, and **we are part of the environment.**

SUMMARY OF QUESTIONS

Each of the questions presented below have a special section showing the original question that remains unresponded to in the EIR and the pertinent data relating to the necessity of study.

16-2

1. Why wasn't there an inclusion of the oral presentations and questions presented at the October 27, 2009 NOS scoping meeting? **SEE SECTION: LACK OF ORAL PRESENTATIONS AND COMMENTS FROM NOS SCOPING MEETING**

2. Where is the summary of all these in the EIR document, as the EIR contractor has stated that all questions were "summarized".

16-3

3. What didn't the EIR contractor do a site specific analysis study for the residents who would most be affected by the new proposed project, Bill Jadiker and Ron Fidge. I specifically asked, and Bill Jadiker specifically asked that this be done.

SEE THE SECTION: CLOSEST PROXIMITY RESIDENTS

16-4

4. Why didn't the EIR contractor complete a thorough study of Rabbit Valley Road and Cold water Creek Road as a possible alternate access route?

SEE THE SECTION: THE STUDY OF RABBIT VALLEY ROAD AND COLD WATER CREEK ROAD

16-5

5. Since the project is often referred to in the EIR and staff report as an "incremental expansion, or expansion, then why didn't the EIR do a complete study of both the current project and the future proposed project and all the cumulative effects that the new project will present combined?

16-6

6. Why didn't the EIR present a complete analysis of all the past compliance violations including present contest issues with residents including traffic, noise, smell, mitigations, and enforcement. Since the project is call an expansion, then the current compliance must be brought to bear for considerations of future mitigation and compliance.

SEE THE SECTION; BOTTLE ROCK NONCOMPLIANCE HISTORY

16-7

7. Why hasn't the EIR contractor considered the lack of oversight by LCDD in mandating the regulations of the current use permit? The history of lack of enforcement of the current use permit by LCDD bring up the question, "What use is the suggestion of mitigation methods if there is no enforcement of such?

Such a history of lack of regulatory oversight must be included to present the need for a citizens advisory committee or an independent enforcement board.

The current Planning Department is too biased to uphold any recommended mitigations, and as the EIR mitigation suggestions are the method of mitigating damage to the environment (which includes the surrounding residents as well as the natural environment), we need assurance that there will be some method of better enforcement of these mitigation measures. Otherwise they must be considered as unenforceable mitigations and therefore the impact cannot be brought down to the required "insignificant" level. All this clearly demonstrates the need for an independent enforcement agency and a citizens advisory board to monitor compliance.

(See question 23 originally submitted below)

SEE THE SECTION: HISTORY OF LCDD'S LACK OF OVERSIGHT

16-8

8. Why didn't the Contractor do a current study of the traffic problems specific to the

current operations, instead of a peer review of biased data presented by the project applicant?

16-8

The current use permit traffic plan estimates up to 70 vehicle trips a day for the current project. The new expansion project proposed to raise that to 350 vehicle trips a day. That is such a significant jump that an independent nonbiased study by the EIR contractor should have been required by LCDD for the fairest evaluations of the real problems. As well, all of the current issues brought up by residents in emails and meetings over the tremendous traffic problems should have been addressed specifically in the EIR as the addition of the new project traffic through High Valley Road will compound the existing problems dramatically. **SEE THE SECTION ROAD ISSUES**

16-9

9. Why has BRP been allowed to start the project before the completion of the EIR process. Why is LCDD twisting the rules to allow road grading, bridge assembly and powerline installations before the completion of the EIR?

SEE THE SECTIONS : STARTING EARLY/WIDENING OF HIGH VALLEY RD./THE BRIDGE/POWER LINES

ORIGINAL QUESTIONS NOT ADDRESSED

As well as the above questions and topics presented in this paper, the below questions submitted during the Scoping meeting input period were either totally ignored or not satisfactorily answered, and I would like direct response to each of my unanswered questions before the completion of the initial draft is approved.

16-10

1. Is this a expansion of the exiting power plant or is it a new project for a new applicant?

16-11

2. Is Bottle Rock Power GeoResource an entirely separate entity selling power to BRP, or is it BRP expanding it's current steam fields.

16-12

3. What are the exact heirachy or relationships of the corporate structure so that easements, financial and insurance obligations can be determined for the use permit?

16-13

6. Will EDAW consider the old use permit for the Binkley lease and examine the old EIR done for the previous use permit 85-92?

7. Will the addition of a new use permit for the Binkley steam field "expansion" lead to an over cumulative effect voiding the old user permit?

16-14

9. How will the additional use permit adversely affect the quality of life of the residents? Obviously quadrupling the amount of traffic through a residential zone would be a serious unmitigable impact on the residents.

16-15

16. How can the new proposal violate the County General Plan?
Policy N-1.2

to prohibit the development of new commercial, industrial, or other noise-generating land uses ADJACENT to existing residential uses and other sensitive noise receptors.

and:

Noise Policy GR-2.1 "Avoid siting near sensitive receptors. The County should avoid approving

16-15 | new geothermal operations near residences, commercial resorts or other sensitive receptors where it can be reasonably expected to adversely affect their quality of life." (will these two important items of the County General plan just be totally ignored?)

22. County General Plan Policy T-1.9

16-16 | "To reduce heavy truck traffic in residential areas. (60 large trucks going through my property will affect my quality of life) and near noise sensitive land uses, the County should ensure truck routes are designated in a manner that traffic noise impacts are minimized" this could not be more clear. Can the proposed plan authorize traffic without checking into the legality of the easement, and break the general plan by using High Valley Road, when no residents live on Cold Water Creek Road, and no one will be affected by traffic on that road?

23. An EIR is good for recommendations as to the structure and requirements of a CUP, but the CUP is only as good as the monitoring and enforcing of it. In the past, the compliance, monitoring, and enforcing of the current use permit for the BRP lease has been very lacking, to say the least. So will the new use permit have stricter enforcement methods?

a. Will there be a citizens advisory committee to be able to have citizens input to enforce policy?

b. What will be the consequences of noncompliance and what will be the means of accomplishing the enforcement of the use permit.

c. Will EDWA study to determine the amount of manpower needed to monitor and realistically enforce the projected CUP?

16-17 | d. Should fines be collected for the citizens as well as the county as motivation for the applicant to conform to the CUP?

e. Should all necessary records be available to public access to ensure that neighbors have a right to have their CUP in compliance. To date, there has been much hiding of the records and logs, so that the neighbors cannot really see a transparent picture of compliance. BRP has gone as far as threatening to arrest neighbors for taking pictures of noncompliance to protect their own interests. Gate logs of entry and logs of hazardous materials have been claimed as confidential and the public or neighbors have been denied access to these logs. Attempts to gain access to the logs through the County LCDD has also been fruitless, so that those very citizens proposed to be protected by the CUP are denied the information upon which to base their claims.

This is very unfair and EDWA should look seriously into the past noncompliance and record of complaints not addressed to view this whole picture of the same management team that will be going forward into the new project.

What will be the mitigation for these existing and future dilemmas?

f. What type of fines would have to be established to GUARANTEE COMPLIANCE?

(page 8-Aesthetics)

16-18 | 5. Should EDWA recommend a citizens advisory board to help determine the changes needed for

16-18 the project to be able to give equal input from the nearby residents that will be impacted forever?

9. If the project is a failure, how would the removal and relandscaping of 26 acres be returned to its natural state in closure? Would that even be possible?

16-19 10. Who would be responsible for the failed project to be returned back to its natural setting and should there be a bond imposed to be sure that the cost of renaturalization be enabled?

Farmland questions-non of these were specifically answered and in the Oral presentations, Dennis Jensen, a neighbor owning mules asked about impacts to his livestock as well. This issue was totally ignored.

1. Although our ranch is zoned RR, we do have livestock and I am concerned about the effect of the proposed 368 daily vehicle trips affecting the disposition of my gentle donkeys. They graze on the field, and the road is within 15 feet. I am afraid that the traffic will scare them so that they will no longer use the field for grazing and stay up on the knoll where their barn is. How will the traffic affect my donkeys? Should there be some trees or shrubs planted by the applicant along my fence line to mitigate the traffic effects?

16-20 2. I like to ride my horse and mammoth jack along the road. Will the newly proposed traffic plan of 368 vehicle affect the quality of my daily life by not allowing me to continue to do that because of the 400 percent increase in traffic? Should there be a imposed rule that traffic must stop 50 feet away from my horse so that it will not spooked and possibly cause me to have injuries. Should the applicant be required to make a pedestrian trail or horse path so that I will be out of the way of the oncoming traffic?

3. Will EDAW consider the needs of a horse or mule crossing signs and speed bumps by 8195 High Valley Road to slow down the traffic for the animals?

16-21 4. Will the amount of exhaust emissions affect the quality of my organic produce and orchard down by the road?

Dennis Jensen from the 10/19/2009 scoping meeting?

16-22 just real quick..Dennis Jensen, I just worried about...some people have stock up in that part of the world, and I have stock up there...and I am just concerened about them.
(scoping meeting video MOV04097.MPG)

Air Quality

4. I spoke with Doug Gerhart of LCAQMB and he told me that the monitoring of vehicle emmsissions was a state compliance issue, not his. So we are worried about the exhaust fumes from the vast amount of diesel equipment needed for the construction phase of moving 350,000 tons of earth.

- 16-23 5. How does EDAW propose to monitor the vehicle emissions of the construction vehicles and what should the allowable limit be.

The EIR states that if the project runs into serpentine or asbestos, it has 14 days to notify and come up with a plan.

That is a tremendous amount of serpentine and asbestos contact before notification as think about the amount of material that can be moved in eve 24 hours by unlimited graders, trucks, etc.

This is well above the allowable limitis, so these following questions were not addressed:

7. There should be a special alarm system for both Bill Jadiker and Ron Fidge's residences as they are the closest to the proposed pads. If any project related emissions get too high, the project must be stopped.

this would include, but not be limited to:

- a. Related vehicle or construction fumes
- b. Related geothermal emissions of any sort
- c. any detectable trace of serpentine dust or asbestos related particles.

All the following questions and suggestions about
Serpentine and asbestos dust control
must be taken seriously into consideration!

- 16-24 8. Will there be a special monitoring device for serpentine dust or asbestos?
9. How will the dust from the serpentine be monitored? Will there be an independent monitoring agent on site 24/7 to monitor the dust control. Due to BRP managements poor compliance history, this is a really serious concern and we insist that EDAW act responsibly by taking in the poor compliance record of BRP and suggest the strongest control possible over the monitoring of this potentially life threatening dust.
10. Although we always hears about he onsite management of dust control and asbestos control, this is a rare case of someone living that close to the project 24 hours a day. We cannot trust a construction crew with little to no training and working on a deadline to monitor themselves as far as proper control of hazardous dust.
11. Although water is being proposed to be used to keep the serpentine dust down, this is an archaic approach at best. The dust will mix with the native soil and still get air born with the construction project, or carried away in vehicles by tires or dust on surfaces.
12. In normal asbestos control, houses with the most minute amount of abestos control are tented. As this is impossible, it is hard to see how the serpentine dust is really going to be controlled to the level required by law.
13. The serious nature of the serpentine dust must have the strictest mitigation, compliance and enforcement measures possible. This will the number one problem for the proposed project. It cannot be taken lightly in any manner. The only ways that compliance will be

possible is by having an on site independent monitoring person recording and testing all dust, soil, vehicles for asbestos dust control. LCAQOMB has stated that the allowable distance for dust migration is 10 feet. It is hard to imagine how the project can go forward with this requirement. I am sure that it will be ignored by the construction crews.

14. The project must require that all operators in the vicinity of the serpentine area wear hazardous dust masks at all times and even dust suits so that the dust can be contained within the allowable limit and range. Workers subjected to the hazardous dust must not be allowed to wear clothing outside of the work area, so protective, removeable suits are a must. Given the nature of the project and the amount of crews needed to complete, you can only imagine what would happen if all the workers wear normal clothes, and get serpentine dust on their clothes while working in the hot dry summer. Workers traveling back and forth to work (368 vehicles trips a day) will easily carry dust amounts into the residential area that exceeds the limits. Therefore there should be sampling testing around the residences to insure that this is not happening.

16-24

15. ALL VEHICLES MUST BE WASHED BEFORE THE EXIT TRIP, before entering into the residential areas, including, but not limited to vehicle under carriages, tires treads and walls, wheel wells, and vehicle bodies. Windows should be required to be rolled up so that any dust of workers clothes may not be blown out into the residential neighborhood through which the vehicles will travel.

16. The best approach would be to find an alternate route not traveling through residential neighborhoods with families, animals and children. If the route must be taken through our neighborhood then each vehicle must be dealt with as if they are exposed to hazardous asbestos dust.

17 Just because the dust is controlled with water so it does not fly away, does not get rid of the hazardous dust. It just dries and waits to be carried away, so what is exactly the method for dealing with this hazard? Again, in most construction the area would be tented. How does EDAW propose to deal with this most serious issue?

18. what will be the monitoring system to detect traceable and excessive amounts of asbestos dust existing the project area?

16-25

We as neighbors living close to the project area day in and day out are extremely concerned about this particular issue. This project will not only diminish our quality of life, but its potential to cause injury to our health from this one issue of asbestos alone is enough for EDAW to consider a no project alternative on the EIR.

Geology

16-26

7. The new proposed project will require a new road and bridge or culvert across High Valley Creek. The new crossing of the creek will require that a new road be graded to access the

top of the mountain to the new West Pad. Has the geology of that newly proposed road winding up the mountain been tested for slide potential?

16-26 11. It is not uncommon in these areas to get 150 inches of rain in a winter. Although the normal rainfall is around 50 to 80 inches, these super rain events happen every decade. Will there be any studies that include these potentials of mud slides in the geology tests, rather on relying on tests done while the ground is dry?

15. The project manager was inconsistent is stating the lack of serpentine in the West pad:
(Video Recording of meeting: MOV03416 23:17

16-27 "We drilled on top of this hill 172' and there is no serpentine. The serpentine angle is such that when we build our slope, which is the cut and fill terrace that comes down to that pad, we miss it, because as you come 30' down, cut 30' the slope of the serpentine is below that and we never touch it. and it just tickled me pink..."

So first he states there is NO SERPENTINE and then he states that there is serpentine at an angle which the proposed plan will not touch. But as in the case of the changes in the culvert to the bridge project, and the statement that all design plans are only 30 percent correct, isn't there a great need to more closely examine the exact geology of the site to determine the amount of serpentine exposure if the project were to run into any changes or difficulties in actual construction?

16-28 16. Will there be someone INDEPENDENT on site to monitor any of the serpentine contact. Due to BRP's poor record of self monitoring, it would be advisable to recommend some sort of independent citizens advisory committee or independent contractor to monitor the construction phase.

16-29 17. Will there be any comparison of the new Environ geology report and the old EIR done for the use permit 85-92, the original CUP of the proposed project?

Hydrology

16-30 12. Is the water consumption by the project a fair ratio to the overall consumption of the surrounding properties? The use of 160,000 gallons a day for construction is equivalent to 1600 homes daily consumption of 100 gallons a day, based on a water experts estimates. Is that a fair ratio to the amount of other properties and residents in the close area that will be affected by this usage?

16-31 13. Will EDAA propose that a baseline study of flow be done on each of the surrounding properties to set up a baseline, so that if our wells diminish, this loss can be verified? This procedure had been neglected for the BRP project, and so now, when we claim loss, there is no baseline to compare to.

The EIR acknowledges that the record of existing wells from DWR may not be complete or accurate, so they should survey all wells within one mile, by surveying homeowners. For each well, a record should be made of the existing static water level after a period of no

16-31 pumping, and after a specific period (at least three hours) of pumping. Pump pressure and yield should be recorded. This is the only way to get a record of what exists today, so that change can be measured quantitatively.

Hazardous Materials

16-32 3. Will there be any public access to the information pertaining to the materials moved through our neighborhoods? Doesn't the public have a right to know and access these records for their safety? Should the residents and public have a right to access the truck logs to determine the properties of the materials being transported through their properties?

6. Will all vehicles, trucks or transport vehicles be require to have identifying placards as to the LEVEL of hazardous waste, even though some of the material might not qualify as highly dangerous?

16-33 10. How will the residents living close to such an extensive project be protected from wildfires due to negligence of the project such as, but not limited to:
sparks caused by grading, exhaust sparks by trucks vehicles, cigarette or flammable materials or litter thrown out of vehicles, vehicles with improper clearance or sparking mufflers, equipment fires spreading to native habitat, welding sparks causing fires, etc.

16-34 11. Should an emergency and recovery bond be established to cover the damages and quick evacuation due to the negligence of this project, or will the nearby residents be forced to sue the non compliant company in civil court?

16-35 23. Alternative truck routes need to be examined to lower the potential of hazardous spills in a neighborhood as well as the additional elevated level of traffic accidents.

16-36 24. Again, the potential of all these hazards will be so significantly increase with the proposed project, that the necessity for some sort of bond is necessary for immediate compensation due to negligence. The decision of the release of this compensation should be decided by a citizens advisory committee, not the County nor Corporation which is causing these grievances.

LACK OF ORAL PRESENTATIONS AND COMMENTS FROM NOS SCOPING MEETING

We object to the EIR's adequacy because there is a lack of inclusion of the specific oral comments and presentations presented at the October 27, 2009 NOS meeting.

The purpose of that meeting was to hear and record the specific concerns of the public.

Appendix A NOTICE OF PREPARATION AND SCOPING does not include any documentation of these presentations, and summarily dismisses these by stating:

"Oral comments on the content of the EIR that were made at the meeting were summarized. "

As CEQA provides for the public input to be presented in either written or oral presentations, it is imperative that the same standards be applied to either format. The inclusion of the written comments in Appendix A as part of the EIR documentation is a different standard than the summarization of the oral presentations and this is not fair.

There is no way to determine that the oral questions have been adequately answered if they are not presented in specific form. A summarization is not the specifics and disregards the intentions of the scoping meeting to address specific public concerns. If this is the case, then one could assume that all "summarized questions" would be answered within an EIR and there would be no need for a public hearing then.

At the public scoping meeting, I personally objected to the fact that neither the County official, LCDD, nor the EIR consultant was properly recording the meeting for future reference to the specific questions and presentations. It would have been simple to document merely by audio or video recording. I pointed out the fact that our group, High Valley Preservation Committee, had taken the step to document the proceedings by video and that AECOM's method of question recording by index cards was inadequate for documenting the specific questions and public input.

At the very least, the actual notations taken by Brent Schorder should have been recorded into the appendix so that all oral presentations were treated with the same standard as the written comments.

There are many questions that were presented at the meeting that were not answered in the EIR, but unquestionably, it was the duty of the EIR consultant to have provided the record of these presentations and questions. The lack of inclusion of these specific presentations shows unfair treatment of oral versus written presentations and comments.

This lack of consideration is especially unfair to those that either do not have access to a computer, who cannot type, who are not good in presenting in written context, and is unfair to those that took the time and courage to speak in public about their special concerns.

How can the Planning Commission meet it's obligation to ensure that all questions have been adequately answered if they are not documented?

Again, the inadequacy of the process to treat oral presentations and comments with the same standard as written presentations and comments has prompted me to choose presenting my objections and comments in a written format. So I hope that my written presentation will likewise be treated with the same standard as any oral presentations at the public hearing.

16-2

Cont.

16-2

Cont.

I have an easier time writing my thoughts than speaking them in public and as you can observe, the total content of my presentation would have been too long for an oral presentation.

Both oral comments and written comments must be treated with the same standard and that is my objection with the lack of inclusion of the NOS hearing oral comments.

CLOSEST PROXIMITY RESIDENTS

The EIR is inadequate because it fails to address the specific concerns of certain residents living in closest proximity to the proposed project area. Such special concerns should not be addressed as statistics or data, but in a real consideration of the actual problems that will exist if the project is approved.

Specifically, the EIR fails to address the special environmental concerns regarding the residence of Mr. Bill Jadiker, a 92 year old man and very close friend of ours, who has lived in his house for over forty years. The new west pad will be approximately 900 feet from his home. That is less than the width of some Walmart stores for comparison. I believe his residence is addressed in the EIR as a part time resident. No where does it give credence to the lifetime of existence in that quiet secluded spot that is owed to a man of special consideration.

We are willing to give special considerations to a spotted owl, a bald eagle, a yellow legged frog, but not to a man who lived in his house for forty years with his wife, Mary Jadiker and raised his family there and now might be forced to move because of the new project? Is this fair consideration? Any man who lives to be a healthy 92 should be considered a national treasure. In some cultures this is true. At the NOS meeting, Bill asked EIR consultant, Brent Schoeder, "WHAT DO YOU DO ABOUT A 92 YEAR OLD MAN WHO IS GOING TO LIVE SO CLOSE TO THE PROJECT?"

Brent answered that he was a "sensitive receptor" because of his age. Yet nowhere is this addressed in the EIR.

Background/History

Bill and Mary Jadiker are residents of the Binkley Family Trust. This allowed them to build their home on the trust and, and while not formal owners of the said property, they have been residents there for over forty years. They raised their children there and live a quiet life with a home that Mary designed. Many of you know the name Mary Jadiker because she was a prominent person within the County. She was active in politics and on the planning commission and given awards for her active participation by Jerry Brown, and many other amazing contributions. Mary was also very active in making sure that the new geothermal industry conform to regulations. So it is very ironic that the very home that Mary Jadiker built is now the most threatened residence of the newly proposed project. The PDR zoning which she had fought so hard to acquire will be rezoned back to RL for the convenience of the project applicant. Mary had chosen five sites for future homes of the Binkley family trust, all of them for the benefit of future generations of the Binkley family, and those all are in jeopardy because a down zone from PDR to RL would not allow any future building, and all the preplanned sites are in the project area. The home and its surrounding buildings is also the main gathering center for all of Bill's family. Many weekends are spent with the whole clan gathering for reunions.

In December of 2006, Mary passed away unexpectedly and the shock of her death was a tremendous burden to her husband Bill, who loved her so dearly and had spent so many years with her. The pain was so great that he had to leave the "ranch" and go back down to Los Angelos to stay with his daughter. But he hated it down there, and for the next few years he was torn between living down there and coming back to live on the ranch without his beloved Mary.

Every time he came up and stayed for a while, he was in heart break, but time has a way of healing, and now he is able to stay here. His home is here, his heart is here, his possession

16-3

Cont.

are here, his life is here. He is a resident here who makes visits to LA to see his daughter. Ask Bill, he will tell you this is his home!

I implore that you consider that this very ranch house that Mary built is his last remembrance of her. It is Mary, and to force him to leave is something unthinkable. He has stated that he just want to spend the rest of his life in peace in that lovely home that he and Mary built. He is 92 but healthy as can be and has more than a few years left. To force a man from his forty year home for the convenience of a money hungry corporation is a crime.

I have enclosed Bill Jadiker's questions and comments to the project for you to read at the end of this chapter.

Please take some time and try to understand the special circumstance that this project will create for Bill Jadiker. Certainly his situation cannot be clearly understood with general residential data and statistics. I implore the Planning Commission to feel obligated to make a site visit to Bills home to understand his special situation. He will be living **IN** the actual project.

Bills home is at the end of High Valley Rd. The road does continue past his home which is on a knoll overlooking the valley, and continues up a steep dirt road to the top, but there is no outlet nor can it be traveled in the Winter. For for all intended purposes, Bills Home is at the end of the High Valley Road. This past month, BRP graded a road above his home so that he can get to Rabbit Valley Road for emergency purposes. But it might wash out in the winter, and it certainly is not passible with Bills vehicle in freezing or snowy condiitons. It climbs a rather steep grade, and not any road that a 92 year man in a passenger vehicle with low ground clearance should be expected to travel. It indeed is an extra hardship to force him to use this road. His main entrance road is now the project road, and is threatened by the project. During construction he will be forced to either use the other road or be cut off from civilization for periods at a time. BRP has already tried to cut off his access from the project area by trying to erect gates on both side of the Native American Archeological site, even though Bill has used that road for forty years. BRP's excuse was that the BLM required them to erect these gates, but BLM stated that they only required the area to be protected and not the actual erection of the gates.

Bills family fought to have no gates, and LCDD stated that it was a "CIVIL MATTER" as they have in many other situations.

Now BRP has brought in the bridge intended to go across the creek prior to approval of the EIR under the pretense that they have the landowners permission and intend to assemble the bridge which might interfere with Bills ability to use the road at certain times this winter. So the EIR is incorrect is stating that the project does not separate communities, because it might impede our ability to visit Bill and help him in case of emergencies. The project will separate Bill from the rest of the High Valley Community, and BRP has already shown that it intends to gate off the project area entirely from the use of the neighbors to travel through. We already have been warned to stay out of the project area and that if we stop, we will be arrested for trespassing, even if we are traveling to get to Bill Jadikers residence. This certainly is an effort to separate the community. While checked off on the charts as insignificant, the real facts tell a different story. I have enclosed the emails discussing these problems and LCDD's lack of help on the matter as part of the problems. The volumes of emails confirm the existence of the problems. **SEE ATTACHMENTS B-1**

The pre construction of the bridge itself is a violation of CEQA, but it also is an example of how Bill is going to be separated from the community during the actual construction. His ability to travel will be greatly hampered and his health, safety and life will be in

16-3

Cont.

jeopardy for emergency access.

The West Pad is as already stated about 900 feet from Bills home.

SEE ATTCHMENT PHOTO B-2

In the questions, Bill specifically asked AECOM to measure the exact distance from his house to the well site, and asked for specific noise evaluation for his residence. None of this was address specifically in the EIR and no representatives from AECOM made any site visit to Bill home for evaluation.

They only peer reviewed data that BRP provided, relegating Bills home as part time residence.

To to ask yourselves if any of you would want to live in the conditions that you are going to impose upon Bill Jadiker by approving this project. Would any of you volunteer to live twenty four hours a day within 900 feet of a construction project? This will entail enduring constant noise of generators, tractors, vibration of earth moving equipment, lights through the night, dust, diesel fumes flooding the valley up to his home on the knoll, loud yelling and talking, equipment, metal clashing, day in and day out for over two years?

Could any of your sleep through all this?

Who of you can say that this will not affect the quality of his life?

If Bill is forced to move back to LA from the house that Mary built, it will be upon your consciences to bear. I hope each of your take this into serious consideration!

Given that I have briefly outlined the special circumstance how Bill Jadcier home will be so severely impacted by the project, I think that it is necessary to give him special consideration in the EIR and have AECOM study this matter in particular.

The EIR is also in error because it states that the spring is rain shed run off. The water is from a deep aquifer spring and he is afraid that the water pumped from the new well will affect the quality of his water.

16-3

Cont.

THE STUDY OF RABBIT VALLEY RD. AND COLD WATER CREEK RD.

We find that the EIR is inadequate in that it fails to study the most likely route for truck traffic, Rabbit Valley Road and Cold Water Creek Road.

This specific study of all other roads was orally requested by Randall Fung at the NOS scoping meeting and also in written presentation:

Appendix A NOTICE OF PREPARATION AND PUBLIC SCOPING

Comments from Randall Fung:

Item 22 under Questions:

"22. County General Plan Policy T-1.9

"To reduce heavy truck traffic in residential areas. (60 large trucks going through my property will affect my quality of life) and near noise sensitive land uses, the County shall ensure truck routes are designated in a manner that traffic noise impacts are minimized"

This could not be more clear. Can the proposed project and EIR break the general plan by using High Valley Road, when no residents live on Cold Water Creek Road and no one will be affect by traffic on that road? Using High Valley Road brings industrial traffic through a rural residential zone, but taking traffic through Rabbit Valley Road and Cold Water Creek Roads goes through rural land zones. Does traffic going through High Valley properties zoned RR break the zoning codes? PLEASE SEE ATTACHMENT R-3

At the scoping meeting, the EIR representative stated that they would study all the roads identified in the proposal. So the lack of inclusion of Rabbit Valley Road to Cold Water Creek Road as described by the project applicant prevented it from being properly studied. Since it is the only access road that meets the criterial of the general plan and the needs of the applicant, it must be studied in order for the EIR to be complete. AECOM should have take the time to look at maps outside of the applicants study to ensure that all road information was correct, and it would have been obvious that Rabbit Valley Road and Cold Water Creek Road should have been included in the EIR study. Brent Schoeder, EIR consultant representative refused to identify what other roads were going to be studied at the NOS scoping meeting.

THE TRAFFIC ADDENDUM FOR THE PETITION TO AMEND

map figure 1:2:1 is in error as well as many other of the maps. it fails to show Rabbit Valley Road as a continuous paved road intersecting Cold Water Creek Road which then comes back out on Bottle Rock Rd.

As this road is mentioned in the questions as requested to be studied as part of the EIR, this is a significant error and must be correct by a resubmission of the EIR back to AECOM for study.

The question of attainable easements is not part of the requirements for study as AECOM states in it APPENDIX A NOTICE OF PREPARATION AND PUBLIC SCOPING ADDENDUM:

"• Legal issues related to easements, rights of access, ownership, property lines, and other disputes are not environmental issues."

Therefore any argument that the Rabbit Valley Road /Cold Water Creek Road access was not nor shall be studied for lack of easements is not consistent with the study of Glen Brook Road which also did not have proof of easements.

The same standard and consideration must be equally applied both existing roads to the

16-4

Cont.

project.

I have enclosed a video of Rabbit Valley Road from the project site to Cold Water Creek Road so that the Planning Commission can see that it is a continuous paved road suitable for truck traffic. Please view **disk titled RABBIT VALLEY ROAD & COLD WATER CREEK ROAD ALTERNATE ACCESS. and MAP ATTACHMENTS A-1 AND A-2**

High Valley Road is a single lane that originally was designed for the access of the 17 properties and then later developed as best as possible for the Bottle Rock Power Plant.

On the other hand, Rabbit Valley Road and Cold Water Creek Roads were built specifically for the geothermal operations back in the early 1980's. The road is a rural paved road with only one home site near the road, and the use of the road would not cause significant impacts to any homes.

The grades are less steep than High Valley Road, with turn outs and runaway outlets. Since BRP travels north on Bottle Rock Road to access Hwy. 29, Rabbit Valley Road also runs north and south and the use of the road would not add significant loss of time to BRP's truck traffic. The road connects directly to the East Pad and the West Pads. The use of Rabbit Valley Road would prevent BRP from having to grade new roads on the Francisco Lease to access Rabbit Valley Road. With minimal resurfacing, the road could be placed immediately into use.

Cold Water Creek Road was used by NCPA for accessing its power plants and is a virtual super highway to the geothermal grid. I believe the two roads travel through four or five private properties, through BLM owned land, and the Binkley Family Trust land. There have been active negotiations between both BRP and it's sister company, OSKI (both were under the ownership of USRG and Carlyle Riverstone, the mother investment companies without whose funding, none of these project would be able to go forward) for the easement through these properties, but as stated earlier, the question of attainable easements cannot be used as a sole argument for the non study of Rabbit Valley Road or Cold Water Creek Road.

It would not be an exaggeration to say that the use of Rabbit Valley Road and Cold Water Creek Road would solve many of the traffic and road issues that have been going on for two years with the High Valley Road residents. To piggy back triple or more the traffic through our properties will only lead to more unresolved issues with the County and BRP. The use of Rabbit Valley Road and Cold Water Creek Roads would be the best compromise for all parties involved.

The failure to study such an adequate access road in the EIR certainly could be later challenged in court, since it is such the obvious choice.

The use of Rabbit Valley Rd. and Cold Water Creek Rd. would also lessen the impacts of traffic going through or on any cultural sites as listed in the EIR. There would be many major significant impacts mitigated by the use of this alternative route, so it must be studied!

As shown in the enclose video **DISK 3/MOV04096.MPG**

Kelly Fletch also asked the EIR Contractor Representative, Brent Shroeder to study Rabbit Valley Road and Cold Water Creek Road as viable best alternative project roads as well.

16-4

Cont.

COMPLIANCE

In questions, demands and comments by the public in both oral and written presentations, and at the scoping meeting and in written responses, the same question has been brought to the EIR constructor.

Will the EIR investigate and document the past non compliance history of Bottle Rock Power and include that as part of the EIR?

Will the EIR investigate and document the lack of oversight by LCDD in upholding the current use permit since that is the only guarantee of mitigation enforcement with the future project?

16-6

Cont.

Compliance/ Violations

APPENDIX A, NOTICE OF PREPARATION AND PUBLIC SCOPING fails to include the comments from the public. If there had been proper recording of the meeting, you would then be aware of a question submitted by Robert Stark asking for the compliance history to be part of the EIR. This is but another example of the failure of the current EIR to include all pertinent data.

Robert Stark's question from the NOP scoping meeting 10/27/10

"Will the past violations of Bottle Rock Power and its incarnations-its corporate incarnations over the last five years be included in the EIR? That's gotta be part of the record or the lack there of of Bottle Rock Powers environmental record call into question whether or not this project should go forward, and therefore it should be in the EIR"

See Disk #3/Stark-NOS.MPG

The EIR skirts this question by stating that:

"The past record of existing use permit and other permit violations by the project sponsor at the site of their existing, permitted operations do not constitute the basis for environmental impact evaluation, provided that the project does not result in physical changes to adjacent properties. ..."

While the project applicant and the initial EIR sometimes paints the project as a totally new project separate from the current operations, it addresses the project in other pages as "incremental expansion. The EIR is inconsistent in addressing whether the project is a totally separate new project or an "incremental expansion" of the old project.

The project is called the BOTTLE ROCK POWER EXPANSION PROJECT.

The project does in fact call for physical changes to the current adjacent property, which includes steam pipes, road construction, electrical power lines for the wells on the new lease, etc.

The two projects are so closely related and run by the same corporation that the expansion lease cannot be defined as a totally new project. If the new project is defined as such, then the general plan that prohibits permitting of new geothermal operations near residences would be in conflict.

If the project is then deemed to be considered merely an expansion of the current project, then the current project and all of its compliance history must then be included in the EIR the EIR study should study both properties.

All proposed mitigation will be conducted by the same company that has violated all the current required mitigations, so this must be brought under consideration.

The staff report recognizes this and presents a very brief abbreviated picture, and so since LCDD has take the initiative to present the past non compliance into record, it must be include fully all accounts of past violations, not just a sample to give the real picture. Whether in the EIR or as an complete attachment to the staff report, all violations must be attached. This is not only include the specific violations that the County has issued but those issued by CVRWQB as well as CDFG and even the minor violations that happen everyday, reported by residents and citizens that LCDD has refused to address or cite. Any actions that violate the use permit must be deemed as violations of the use permit, whether LCDD see fit to issue citations or violations or not.

Bottle Rock Noncompliance History

Although the list of minor infractions and noncompliance by BRP is extensive the following is a list of official violations, infractions, and court rulings against BRP for its practices.

Also note that although LCDD was notified in august of 2008 of the noncompliance, LCDD did not issue any violations well until January of 2009. This length of time between discovery of infractions until the issuance of violations is very questionable.

Because of this documented history of violations and non compliance shows a pattern of behavior that will extend into the new project, given the same staff, and work force, we request that the EIR examine and document all the issues of noncompliance, including emails and phone calls between LCDD and BRP concerning compliance issues, and correspondence from citizens requesting and documenting violations fo any nature.

 2/28/2008 California Regional Water Quality Control Board
 Notice of violation for spills from condensate
 (see attachment v-1)

1/6/2009 California Regional Water Quality Board issues violations
 for illegal disposal of drilling spoils, sump freeboard violations and lack of monitoring
 reports. (see attachment v-2)

16-6

Cont.

1/12/2009 Lake County Development Department issues Notice of Violations
 for building a pipe pad without permits, lack of proper berms, substarndard sumps, sump
 freeboard, lack of contingency notification plan, and many other issues that are not cited.
 (see attachment v-3)

7.2009 Fish and Game violation for streambed alteration , and unfair buisness practices.
 (see attachment v-4)

12/9/2009 California Regional Water Quality Control Board
 for spills from condensate
 (see attachment v-5)

5/13/2009 California Regional Water Quality Control Board
 for geothermal condensate spills
 (see attachment v-6)

LCDD'S HISTORY OF LACK OF OVERSIGHT

Given the unprecedented history of non compliance in the past and present by the project applicant, and the history of the inability to uphold the current use permit by LCDD, how can the EIR contractor guarantee that any mitigations recommendations will be enforced?

Mitigation cannot mitigate the impacts unless they can be guaranteed to work.

If mitigation recommendations cannot be guaranteed as enforceable, then the impact that the mitigation are design to lessen cannot be considered as insignificant.

The purpose of any EIR is to identify the hazards to the environment brought on by the project and to find the best mitigation methods to minimize the impacts. But real mitigation is only as good as enforcement. If we show a pattern of behavior that shows lack of enforcement, that is enough to prove that the mitigation recommendations will not be followed and there cannot lessen the significant impact.

Unenforceable mitigations have to consider as no mitigation. What are unenforceable mitigations?

The prime example in this EIR is the mitigation for traffic requiring the purchase of property for turnouts for traffic congestion. Since there is no guarantee that the property can be purchased, then the mitigation cannot be guaranteed enforceable and the hazards which are lessened by the recommended mitigation have not been lessened, so the impact is still significant.

Another example are the mitigations is recommending that the project proponent self enforce, but the past history of non-compliance can show that these self regulating mitigations cannot be guaranteed to be enforced. Therefore the mitigations are null and the impacts have not been guaranteed to be lessened and therefore the impacts are still significant

Finally, a documentation of the pattern of lack of enforcement by LCDD will show that any recommended, suggested or mandated mitigation methods will not be followed any more in the future than in the past. The history of LCDD in lack of oversight must be viewed unbiasedly by the facts and taken into consideration and unenforceable mitigation by the past history of lack of oversight.

The following is an account of how hard the neighbors, concerned citizens, environmental groups and the public have fought to have the current use permit upheld. The account will demonstrate the lack of oversight in the beginning, and then the pattern of behavior showing favoritism towards the use permit holder and the constant everyday battles to work out every issue. This is not regulation, this is battle.

For over two years, we have fought hard to have our use permit upheld. If it has taken this long, and this hard a battle, what can we as neighbors, citizens and the public expect with the coming project, given that it is a three fold expansion of the current problems?

Where do citizens go, when finally things have gotten so bad, that LCDD will not answer our emails nor address any of our concerns anymore?

16-7

Cont.

HISTORY OF LCDD'S LACK OF OVERSIGHT

During the period of DWR's plant closure, from 1990 until 1991, neighbors were not aware of any County oversight or involvement with any upkeep or operations of Bottle Rock Power.

None of the property owners were ever notified of any legal actions, notices, hearings regarding to the sale of Bottle Rock Power in 2001.

In the fall of 2005, drilling and renovations of Bottle Rock Power began with investments from the majority share holders, USRG and Carlyle/Riverstone.

From the period of 2005 until 2007, BRP invested over 100 million dollars into the renovations of the power plant drilling two wells, and yet there were no permits for any work, grading, construction issued by the Lake County Planning Department. While the jurisdiction of the power plant building falls under the regulations of the CEC, the County still has the duty of the use permit regulator as well as all activities related to the steam field, drilling, roads, grading storage yard, property management, road and traffic oversight, etc.

Recently, neighbors went to the Planning department to ask for copies of all building permits issued for Bottle Rock Power. There were NO PERMITS ISSUED FOR ANY WORK FROM 2005 UNTIL 2008.

So, with such an abhorrent record of the absence of permits and lack of contact with the public about the activities of BRP, one can only acknowledge that there was no or extremely little oversight by LCDD from the period of 2005 until 2008. I believe that in the Planning director staff report in conjunction with this EIR, Mr. Coel states that the County was only required to check the facilities once a year. But there is no evidence that they made any site visits during that time. Even if LCDD could show that they made one site visit, then that is only documenting LCDD's lack of oversight by the mere fact of how bad things were.

This is coupled with the fact that the current use permit that we are current using was last reviewed in June of 1986. This question was posed to Rick Coel at a meeting last month with County Counsel and the Geothermal coordinator in presence:

1. Shouldn't LCDD have required review of the use permit and traffic plan with the sale.

After all, the plant had been closed for over 15 years, and so many rules, regulations, laws had changed. The change from a status of closure to opening is more than just a transfer of ownership. Doesn't the use permit require a review every three years? The use permit issued on Feb 19, 1980, then amended on July 29, 1982, March 14, 1985 and then June 26, 1986. So it was amended and review three times in six years and then nothing in 22 years.

2. Where are the permits from 2005 until 2008?

Why wasn't there any oversight, and if there was, what was done?

Any staff reports that are available?

Rick Coel did not respond and we were asked to move onto current issues.

(see attachment # 1)

The fact that we are currently using a use permit which was last reviewed in 1986, and that the current traffic plan was by a past company that is not longer in existence from 1987 raises many questions about the adequacy of the LCDD's enforcement abilities.

During the period of 2005 until 2008, neighbors had just assumed that someone was regulating BRP, and that everything that they were doing was in order.

As stated in my introduction, neighbors were forced to get involved around November of 2007 when things had gotten so out of hand, that we felt our water had been contaminated, the traffic problems overwhelming, the locked gate never worked, the problem with workers, equipment everywhere, noise, smell, and so forth. As stated earlier, no County representative was present at the first meeting with ThermaSource and BRP in November of 2007. Had the County even done one inspection they should have seen the mess.

The first time that a County Official was at any meeting with BRP and neighbors was in July of 2008. Ron Yoder was there asking for a Negative Declaration for the new expansion project, as early mentioned. So this is proof that he had been at the site and seen all the evidence of non compliance one month earlier before the neighbors reported it. All the equipment was parked on the road, under the ancient old oaks, lots of trash around, the illegal sumps, etc. Why hadn't he noticed all this, being the sole LCDD representative to have come out to BRP? Why was it up to us, as citizens to be the watch dogs for BRP or LCDDs oversight?

One month later in August of 2008, neighbors observed BRP dumping sump mud and drill cuttings on the virgin meadow and the well pads. We notified code enforcement and LCDD about these matters. BRP management told us that Ron Yoder from the planning department had been up previously and had viewed the property. According to later records, Ron Yoder filed a "no complain found" with the Environmental Health department.

Ron Yoder gave a copy of use permit 85-27 to David Coleman, and told him that if he could find any violations, to document them and he would respond.

This first encounter shows that right from the beginning, LCDD was willing to turn a blind eye to the actual violations and leave it up to the citizens to complain loud enough to get some enforcement of compliance.

It only takes less than a couple of hours to thoroughly review the mitigations in use permit 85-27, and anyone reading the document can see that it has good mitigations, as long as they are enforced. The document was written to protect the environment as well as the community, so the expectation was that everything would be followed to the letter.

The mitigations prohibited parking of vehicles other than in designated areas.

The use permit prohibits dumping of any material on the well pad. The list goes on, so it is unbelievable that any County Official could have visited the site and not come away appalled at the noncompliance with the use permit.

As stated in the staff report:

The County typically conducts one mitigation and monitoring inspection per year on geothermal operations, and was unaware of the violations until neighbors starting lodging complaints.

At first, LCDD refused to listen any further to complaints, leaving it up to the neighbors to document the violations. In October, Rick Coel and Ron Yoder held the first town hall meeting to address the concerns of the public. The meeting agenda started with LCDD presenting a slide show trying to minimize the damage, non-compliance and violations. In the staff report, (page 10 top photo 08/06/08 is a photo of a five yard pile of dirt mounded on the empty parking lot. LCDD presented this to the public to minimize the amount of sump mud

and drill cutting that had been placed on the pads. They neglected to show the two acres of sump mud dumped on the virgin meadow. But the slide presentation and documentation by the public was so over whelming, that LCDD conceded that there were many issues to address.

(See attachment 2, disk labeled 10/19/0 violation photos, Randall Fung comments, 1st town hall meeting)

Example:Storage yard

In the meeting, the neighbors showed that the pipe storage yard (indicated in the staff report, page 3, top phot (unpermitted pipe yard)

was prohibited in the use permit. The use permit requires all equipment to be stored within the confines of the storage yard. LCDD tried to argue on BRP's behalf that the pipe yard was originally put in by DWR and therefore BRP's regrading of the pipe yard was within regulations. But David Coleman had downloaded satellite photos from google earth that showed that the pipe pad yard had not existed before 2007. LCDD had to concede that the pipe yard was new and therefore had to be removed to fit within use permit 85-27.

This patten of favortism and leniency towards the proposal applicant even extends until today with the same pipe pad. Recently, the citizens have sent many emails stating that the erosion control has not been mitigated, nor the requirement for the pipe pad to be brought back to natural has not been completed. LCDD contended again that the pipe yard had originally been a batch mixing pad (with no proof of that statement) and that the pad was not required to be mitigated back to natural, and is now allowing BRP to use the pad as a vitural catch basin for all the run off from the storage yard. We objected to the fact that the runoff would sheet flow right into the creek, since BRP had graded the pad down to the sub soil and there would be no percolatin of water into the field as a filter before running into the stream. Although LCDD presents a photo of the new erosion control on staff report page 3, bottom photo, erosion control,

I am enclosing a photo of the "erosion constrol" take this last week after five inches of rain fall. The photo is taked 24 hours after the rain stopped and you can clearly see that the water had NOT PERCULATED and is sitting there. Given the abundance of rainfall in this area, by the middle of winter, all the water off the storage yard will be directly running into the creek unabated. All these issues have been constantly brought up to LCDD and this illustrates the lack of oversight required by the new project EIR will be enforced any better than this! (see attachment #3 ERROSION CONTROL and emails attached)

The next town hall meeting was held in November of 2008, on month later. During the iterim, the public found out that all that sump mud from the virgin meadow, and the well pads were being taken to undisclosed sites, and possibly not the proper sites for disposal. It was later revealed that the soil had been illegally disposed at Quakenbush for sale to the public and to SbarS ranch for sale as top soil. At the Novemenber meeting this was evident and suervisor Rob Brown was even asked if he would eat tomatoes out of this soil. LCDD and the County dismissed this worry about the illegal disposal as something that we should not worry about. The citizens asked why there had been no citations or violations issued, and Rob Brown stated that since BRP was now working towards compliance, the County did not wish to issue violations after the fact. To this day, the County has not issued one dollar of fines against BRP for any of its major infractions, yet issues monetary fines against homeowners for violations of code requirements. Does this look like a double standard?

At the same meeting, the citizens asked the County to issue violations so that the non-compliance might be on record. It was tabled until the next meeting.

LCDD's reluctance to spotlight any noncompliance was becoming evident.

16-7

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LCDD's assumption that the disposal of sump mud to Quakenbush and SbarS was legal was proven wrong when on January 6, 2009 CVWQB issued Notice of Violations for illegal disposal of class II mud to unapproved dump sites. The more toxic materials were also required to be taken to Kettleman Hills in LA county to be properly disposed.

Following the lead of CVWQB, LCDD finally issued its NOV's one week later on January 12 of 2009. It must be noted here, that had it not been for the active participation of the neighbors and citizens in documenting the noncompliance, and the efforts of the community to force compliance, LCDD might not have issued these violations on their own. Another example of LCDD forcing the public to do its job.

In February of 2009, the next town hall meeting tried to present the picture that LCDD had finally done its job and required BRP to come back into compliance. BRP had hired Reid Morgan as a consultant and it is largely due to his efforts and communications with the neighbors that movement back towards compliance happened. Trucks no longer parked under the Oak trees, equipment was removed from the roads, a general cleanup followed.

At this meeting, Melissa Floyd, acting geothermal coordinator with Rick Coel and Rob Brown sitting in attendance stated that she had found a missing traffic document spelling out the requirement for BRP's use permit pertaining to traffic and gates. She stated in the meeting that the document require a manned guard gate for all drilling and construction activities. Although BRP was currently drilling at the time, she stated that since she found the document late, BRP would not be required to have the manned guard gate until future drilling operations. Please note that this manned guard gate issue will be covered extensively in the traffic section as it is one of the main issues with the property owners and is mentioned in the staff report. But it is sufficient at this point to note that this was a promise made by LCDD to provide a manned guard gate for future drilling operations. But this points out that due to LCDD's negligence in misplacing the document requiring a manned guard gate for drilling and construction activities, the neighbors were deprived of the mandated guard gate during the intense reconstruction and drilling period from 2005 until 2008.

During that time, all the neighbors complained that their water was being affected possibly by the sumps, and that perhaps the sumps had been breached by the material being dredged out of the sumps. Citizens provided photos showing the breached areas, and there was much discussion about the sumps.

Apparently, BRP in its initial operations had used the sumps as a dumping pool for all of their drillings and had not removed any materials until 2008.

The lack of oversight by the LCDD contributed to this situation of course.

It was finally pointed out to LCDD that according to the use permit, the sumps were in violation, because they did not have the required leachate system. So CVWQB was notified and issued orders for the sumps to be removed.

The countless emails show that LCDD dragged its foot along the way and only responded when proof was brought forth or the actual provisions of the use permit were pointed out.

In July, Bottle Rock had made some progress on the violations issued by LCDD, but other issues started to arise from the conduct of the new management.

Since the first contact in 2008 and over six town hall meetings, reams of letters, emails and writing, countless hours by the neighbors and citizens to gain compliance, three meetings with County Counsel and hundreds of phone calls, I am sorry to say that things have gotten worse.

Because of the constant need for citizens to push LCDD into upholding the use permit on their

16-7

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behalf, and the many issues that come up constantly because of BRP's insistence of not following the prescriptions of the use permit, LCDD no longer will answer emails or questions regarding the compliance of BRP. Instead as per one of the last emails just a few weeks ago about a truck coming in on the weekends, we are now relegated to filing a code compliance report electronically with no record of filing, and no answer for what is happening.

(See attachment #6)

Originally LCDD had asked the High Valley residents to choose one or two members of their group to be contacts with the County. As I was chosen to write emails for the group, a large percentage of our issues have been through my correspondence, which represented the majority view of the neighbors. But because of the lack of LCDD's regulatory oversight, and the many constant issues coming up each week, that entailed constant emails to resolve many of the issues. One unanswered or partially answered email by LCDD would lead to more questions about compliance. I reminded LCDD that I was only the spokes person for the group, and that was what LCDD had originally requested, but Rick Coel began to take it so personally, that he went to the board of Supervisors and requested he should no longer have to respond to any of my emails. This virtually stopped much of the correspondence and concerns of all the High Valley Residents as I had been the main contact person. This is very unfair and shows the need for some mandatory outside arbitration method to discuss the issues of compliance.

(See attachment #7 for his request).

Part of the problem was the hiring of a geothermal coordinator who did not have any power other than to communicate our issues back to Rick Coel for answers. Since she could not answer herself many of the questions, they remained unanswered. LCDD just refused to respond to any emails, phone calls or letters from many of us. When convenient, he would answer some for the sake of appearing cooperative, but as for all the hard questions, they remain unanswered. The situation was discussed with County Counsel, and we agreed that a meeting to ask Mr. Coel all the unanswered questions would save everyone time and a meeting was set up on September 9, 2010 to discuss all the issues. Being hopeful that we would finally hear many of the answers to questions that were never answered, I prepared an agenda of questions to be addressed. **(Please see attachment #1 for the agenda and all the questions).**

Obviously, the amount of questions shows the many unresolved issues associated with the upholding of use permit 85-27 and we are of course afraid that a new bigger expansion project will just add triple the amount of unanswered question as we go along. Unfortunately, not one question was answered at the meeting. All the same issues that we had been asking over the past two years, only got the same unresolved brush. Rick Coel stated that we should wait for the EIR hearing to state all of our questions, and that he would prepare a staff report outlining all the failings and non-compliance issues. Again, more half truths and the staff report is only a perfunctory outline of the events if even that much, and fails to outline the shor comings of LCDD's part in the enforcement process.

LCDD no longer conducts any town hall meetings and will not answer any phone calls from the original people working on the compliance issues. Is the beginning, LCDD requested that the groups of neighbors choose a few people for contact so that LCDD would not be bombarded by multiple conflicting emails. As that was done, we used the name High Valley Preservation Committee just for sake of convenience of reference. Now, we are totally ignored.

We have been told not to email any longer, because all of our questions will be answered at the EIR hearing. Voris stated at the last meeting hosted by BRP that all of our compliance queestions would be answered at this meeting. Yet now we find that the meeting is only to

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hear about the adequacy of the use permit. Another, wait until the next meeting excuse by LCDD to answer our ongoing compliance questions.

The list of issues is so large that it would take too many pages to cover in this brief report, but I have shows the below examples to show how whenever an issue arises, first one position is taken, then BRP is contacted, and the resulting positions is one in favor of BRP until it can be proven otherwise. Even when it is proven that the issue brought forward is a requirement of the use permit, it is ignored for some other reason.

In October of 2008, I wrote a letter to LCDD asking for compliance to the use permit. I specifically asked that the requirement for the vehicles to have identifying placards be enforced.

(See attachment #8)

Since it is the right of the property owners to be able to identify which vehicles are coming though our properties and they are indeed employees of BRP, that makes sense that some sort of color code sticker be applied to the vehicle for immediate identification.

The use permit also states that key codes should not be given out to sub-contractors and day passes must be displayed on the vehicles.

Well, almost exactly two years later, and bringing this up at every meeting, in countless emails, in meetings with County Counsel, in phone conversation, it still is not required. A couple of months ago, I presented evidence to LCDD that BRP's subcontractor, Gifford's crew and the new oil rig workers were accessing High Valley Road with key codes, specifically prohibited by the traffic plan, and yet LCDD refuses to do anything about it. If such a mere minor infraction is treated with such a cold shoulder, how can we expect any other enforcement of more major mitigations. Those placards are important to the residents and LCDD is just ignoring the non-compliance. Frustrating to say the least.

(see attachment # 9)

Around September of 2009, BRP installed gates across High Valley Road and improper unpermitted speed bumps. Citizens complained to LCDD, but Rick Coel at first stated that he had no jurisdiction over any road matters and that it was a civil matter. I explained to him that since the use permit had a traffic plan attachment that had various traffic requirements, he could not pick and choose which items he wanted to enforce. My accusation that he was being selective in what LCDD should have jurisdiction angered him, and he refused to discuss it any further.

But we had a copy of a staff report from 1987 that referred to DWR's original intention of the same locked gates that Mary Jadiker had brought forth to the Planning Department, and the staff report concluded that any locked gates were violations of the use permit.

The presentation of this document was the proof necessary to have Rick Coel decided that BRP could not lock the gates. The point is that LCDD refused to look at the issue until citizens brought forth the document proving LCDD wrong. Is this the way the compliance must work, that citizens must bear the brunt of doing LCDD's leg work to find the necessary paperwork for compliance. Is this what we have to look forward to with the new project, every little details hammered out? (attachment #4)

Yet in September of 2010, BRP again tried to place locked gates to prevent Bill Jadiker from using High Valley Road. The excuse this time was that BLM was requiring BRP to protect a

16-7

Cont.

native archeological site. The access road to the Binkley ranch has run through this site for over forty years without any problems, but BRP's installation of pipes for the gates again brought up the same contest from the public. Again, LCDD took the position that it did not have any jurisdiction over a private road, and that it was a civil matter. Yet the gates are on the Francisco leasehold, just 1/4 mile down the road from the old gate issue, and I contested again that this was picking and choosing what LCDD wanted to regulate arbitrarily. (Enclosed as attachment 5 is my letter.)

16-7

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There are so many other numerous examples of how LCDD has first stated one opinion and then reversed its opinion for the benefit of BRP, and might be presented at a later date, but the above examples show the need for the EIR to include LCDD's inability to enforce the current use permit.

Many issues overlap into the various topics so please refer to the section TRAFFIC ISSUES for more examples of how each issue has to be fought inch by inch for compliance

Road issues

Background/History

Bottle Rock Power is the only geothermal industry which is permitted through 17 private properties. This is very important to consider. The legal, liability, and safety concerns are all unique to the current operations and to the future expansion project.

High Valley Road was a single lane gravel road for accessing the various private residential properties in the High Valley community. It intersects Bottle Rock Road and travels somewhat parallel to Bottle Rock and the turns and goes across a bridge over Alder Creek and then after a short flat section goes up a steep winding single lane curvey road up to the top where it levels off again into upper High Valley onto the current BRP Francisco leasehold.

When DWR developed the geothermal lease known as Bottle Rock Power, they purchased easements to the road from the various property owners. In the attachment R-1 I have enclosed a paper showing that in the original meetings with the property owners, the easement was granted for limited use in the oral discussion. When traffic increased over the original intent, Ann Schaaf, one of the property owners filed a claim against DWR for the overuse of High Valley Road per the original agreement.

"Representatives of the Department of Water Resources, during their meetings with property owners along High Valley Road, approximately two years ago, stated that there would be no need for construction vehicles to use High Valley Road on weekends and legal holidays. Your cooperation with the Department was based, in part, on that assurance." by Paul M. Hays, Land Agent for the Real Estate Branch, Division of Land and Right of Way, Department of Water Resources.

(See attachment R-1)

This statement clearly shows the original intent of the easement, and in fact, there were settlements given to Ann Schaaf and Gary Guliani for the overuse of High Valley Road by DWR for compensation.

DWR developed the road and widened it per their requirements and paved and maintained the road during the years 1980 to 2001. DWR managed to use the road in its existing configuration for the construction of the existing power plant, and the development of the steam fields.

According to documents, including the 1987 MCR traffic plan, the operational estimates of truck traffic was 50 to 70 vehicles trips per day, and that 1-5 can be described as large vehicle traffic. (one ton or larger). This attachment 5, MCR traffic plan was enclosed as part of the Nov. 3, 2010 staff report, and not in the EIR and should have been included as pertinent data, as it outlines the restrictions of the current use permit. The figures quoted by BRP for current vehicle trips are over the limit and should be noted as violations of the current traffic plan.

The traffic plan did not intend for unlimited use of High Valley Road without some consideration of the effect of the neighborhood.

But the document that LCDD has provide as the MCR 1987 revised traffic plan is incomplete without the accompanying 1987 Staff report by the County of Lake Planning department explaining the reasons for the changes. (see attachment R-2)

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This staff report states:

On February 13, 1986 the Planning Commission approved MCR's Geothermal's Traffic Control and Road Maintenance Plan as required by Use Permit 85-17. Subsequent to this approval, MCR applied to expand their steamfield project and in June 1986 the Planning Commission approved Use Permit 85-27 for this expansion. Because of the expanded project and the fact that access is through a private road passing several residences, condition M.13 required a revised traffic control and maintenance plan. Condition M.13 reads as follows:

"Permit holder shall, submit a revised traffic control and road maintenance plan for high Valley Road. This plan shall require car pooling and /or bussing of employees whenever possible and take into account the great increase in heavy truck traffic which will accompany full field development and expansion of the Bottle Rock site.....The plan shall suggest mitigations which will prevent or alleviate the concomitant increase in danger due to traffic accidents and damage to the road which may occur following development. This plan shall be approved prior to issuance of a grading permit for pad, road or pipeline construction..."

But by June of 1987, one year later the lack of steam had brought things to a halt, and DWR had decided to cease drilling on the fields. As outlined in the following from the 1987 staff report:

"In March 1987, MCR held a meeting to discuss alternatives to the existing guard gate with affected landowners and residents. Because of a slow-down in drilling activity on the MCR leasehold, and the high cost of operation a continuously staffed guard gate, MCR proposed eliminating guards and providing a card key system. Many of the residents found this proposal unacceptable because they feel that a staffed guard gate provides more protection against illegal trespass and vandalism."

This paragraph clearly explains that the current MCR traffic plan was written at a time when all the drilling activities had ceased.

In the fall of 2005, when drilling began, and reconstruction of the plant with countless number of vehicles coming in and out, no one was keeping watch. LCDD certainly does not have any records of events during those days, and the lack of traffic plan revision is proof of that. And obviously, the management of BRP at that time had no idea that there existed any requirements for limitations on traffic, hours or any other requirement set forth in both use permit 85-27 or attachment #5 MCR 197 revised traffic plan. I can remember traffic at all hours of the night, and was woken up many times with outside contractors calling my phone for entry, since my name was at the top of the phone board. But because we didn't know there was any lack of oversight, and even who to report these infractions to, we were left in the dark. I did make some calls to the power plant, but to no avail.

When BRP resumed work in 2005, the old traffic plan should have been entirely reviewed because of the SIGNIFICANT IMPACT changes by reopening it after 14 years of closure. But since this was not done, then the last applicable 1987 MCR amended traffic plan must be the rule until another revision. Therefore the traffic estimates by MCR in the 1987 traffic plan must be the baseline, and any significant traffic count over that baseline would therefore be in violation of the current use permit.

16-8

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Since the current pattern of behavior by the project sponsor shows the propensity for ignoring all the self regulation mitigations in the current use permit, will the EIR address and investigate the following current non-compliance with the current use permit 85-27 and 1987 MCR traffic plan: (see staff report, attachment #6 for a the "current" 1987 traffic plan

1. As outlined early, in 2008 I requested LCDD to mandate the requirement of id placards on all vehicles. Although BRP employees have the option of carrying wallet ID cards, no one has ever checked to see if this is enforced. The requirement for short term contractors to have day passes displayed on vehicles is currently not in compliance, and BRP refused to recognize this. They quoted "safety" as their concern, because they were afraid that any stickers on their windows would hamper vision causing traffic safety concerns, but the passes could be put on the sides of the vehicles with magnetic signs or on the bumper as well. Another case of the project sponsor using safety as an excuse.

"Short-term contractors are allowed to enter by request and are given DAY PASSES (D/P) to be displayed in vehicles"

2. I notified LCDD that the project sponsor was currently giving out key codes to subcontractors and short term workers. Voriis Brumfield, the geothermal coordinator even witness the project sponsor admitting in a meeting that the oil rig workers had been handed out key codes. The current traffic plan reads:

"All suppliers and contractors will be required to have the gate opened by MDC/DWR personnel".

This violation was reported for the past two years, and LCDD has not enforced this mitigation. Subcontractors still are issued key codes and enter on their own at will. In the past, the use of a manned guard gate during the time that DWR operated the lease had the guard at the open the gate for subcontractors which fulfilled this obligation.

3. Workers continue to break all the speed limits. Since BRP has widened the road around three curves, the safety has decreased due to the fact that workers are coming down the hill at a faster rate. There is only one speed monitoring device by the Alder creek bridge, and since all employees know where this is, they speed everywhere else and only slow down upon approaching the monitoring device. There are no fines imposed by LCDD or the project sponsor for any infractions, so the self mitigation of self regulation of speed monitoring is a useless and non-enforceable mitigation proposal as evident by current compliance.

4. "The MGC logging procedures record traffic flow of contractors, suppliers, drilling employees and other miscellaneous traffic on a daily log sheet. These logs are reviewed weekly to ensure that car pooling is used when appropriate and shall be available to the county upon request."

Residents have asked LCDD time after time to provide information on the current number of vehicles going through the private properties, and the types of vehicles, number of passengers, etc. and LCDD has either refused to provide this information or has not overseen any of the logs to make sure all is in compliance. At the last meeting with LCDD and County Counsel, Rick Coel was asked this same question, and he could only tell us to look up the statistics on the Petition to amend to find out, an estimate by BRP five months prior. He

could not account for the current traffic count, nor did he attempt to follow up with any information. If this is the mitigation that is being proposed for traffic oversight, it is not currently working.

In July of 2009, there was a trespass incident with hunters and guns. Residents asked LCDD to procure the traffic log for reports to the sheriffs department for trespass, but LCDD ignored our request for the logs and stated it was a civil matter. The purpose of the logs is to identify the personnel entering our private properties, since the County has taken the privilege of permitting an industry in our back yards. So it would seem that it is the obligation of the County to provide these logs for security purposes. If we cannot count on LCDD to monitor these infractions, than any mitigatios suggested are not enforceable by these documented examples.

5. "MGC estimates that employees and contractors will average 50-60 vheicle trips per day and of that 1-5 can be described as large vehicles traffic (1 ton or larger).

LCDD has not made any attempts to keep traffic within these estimates, and the project sponsor assumes that there is no limit to the amount of vehicles that can use the road. the project sponsor's own estimates of current traffic far exceed these estimates, and thus are a violation of the intentions of the current traffic plan that should have been reviewed with any significant changes.

6. "All trucks/large vehicles, which are listed with MGC as suppliers and /or transporters of chemicals or waste streams, shall be dilligently inspected for leakage by the security guards at the gate."

There are no inspections of the transport vehicles by an security guards, and this is currently not being followed.

7. "The hours of large truck traffic shall be restricted to the hours from 7:00 am to 7:00 p.m. except in case of verified emergencies."

As noted in the staff report by LCDD this has not been adherred to under the pretense that since BRP is using trucks to come back into compliance, LCDD has decided to bend the rules to not adhere to the emergency clause. Trucks have been documented coming in before and after hours and there is no enforcement or penalties for infractions, so the problem continues. LCDD does not do daily monitoring and only relies up the self regulations of the infractor or the complaints of the public to become aware of the problem As we cannot expect BRP to notify LCDD of its own violations, then the public is left to be the police in this matter. We suggest that the manned guard gate with logs would solve this problems of trucks coming in before or after restricted hours.

The above are but a few of the examples of current traffic issues that are in noncompliance. The addition of a significantly larger amount of traffic will only add to the cumulative impacts by the currrent operations. A study of the current impacts must be site specific in order to address the real everyday problems so that impact mitigations for the future proposed project can be addressed.

The vast amount of emails over traffic problems show that the current mitigation methods are not suffcient to mitigate the problems. Two years of complaints attests to this fact.

16-8

Cont.

(see attachment: emails regarding road issues)

8. Will the EIR address how the use of High Valley road will conflict with the general plan?

The County general plan t-1.9 truck routes states:

"To reduce heavy truck traffic in residential areas and near noise sensitive land uses, the County **shall** ensure truck routes are designated in a manner such that traffic noise impacts are minimized. (New Policy).

Since High Valley Road goes through 17 private properties, the majority being in a Rural Residential zoning, will the EIR be forced to consider Rabbit Valley Road and Cold Water creek roads as the better alternative that fits into the above stated general plan?

(See attachment #T-3)

16-8

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16-7

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So where was this requirement when conditions changed from a close plant for over 14 years to construction, drilling and all the accompanying traffic in 2005? As stated, M.13 requires a new traffic plan when conditins change.

In 2005, everything changed! New owners, new staff, increased activity over the 1986 limits, etc. Where was LCDD's oversight on this issue?

Starting Early-Conclusion

Each of the three stated examples showing that the applicant has already started on the project might seem benign if taken individually.

1. LCDD has argued that the road widening is only maintenance, even though in March, Rick Coel stated that any cutting of trees or widening would be attributed to the expansion project.
2. LCDD's pretense that the cutting of trees and grading of road for a powerline to power the well (intended for the project) for the benefit of the Binkley family is certainly treading the grey area as Mr. Coel admits. LCDD has refused to answer any questions about the legality and states that this is a private agreement, and that LCDD has no say over the matter.
3. LCDD's lack of permitting of a 90 foot bridge on a property that is still zoned Planned Developmental Residential is highly questionable. Again, LCDD's pretense that this is a private matter because the land owners have agreed to the storage tries to hide the fact that it is still considered the proposed site under consideration by the EIR and must be protected.

16-9

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When you start to step back and look at the three examples above, you cannot help but see that LCDD has each time tried to bend the rules a little to help Bottle Rock Power begin on the project before the completion of the EIR.

If BRP begins construction of roads connecting the power plant with the new project site, are these going to be called maintenance roads for the sake of convenience? How many half truths does it take to make it a lie?

Will the EIR contractor look at this new evidence of a pattern of behavior to investigate the need for mandatory compliance and explain how the public can expect any enforcement of mitigation measures when LCDD, the regulatory agency and BRP have already shown such a pattern of bending the rules?

STARTING EARLY-POWER LINES

POWER LINES

Towards the end of September, 2010, before even the finalization of the EIR initial draft, BRP was discovered cutting down approximately 15 digger pines and other Oaks trees for purposes unknown. At first it looked like they were cutting down the path for the steam lines, but it was later disclosed that the tree cutting and grading was for the purpose of one or multiple overhead power transmission lines for the well on the Binkley Expansion lease for the purpose of the EIR stated pump for water use for dust, construction and drilling.

When citizens wrote to LCDD concerned that the project was already starting before the completion of the EIR, Rick Coel stated that the purpose of the lines was for the private use of the well, since if the project were not approved, the land owners would benefit by the use of the power by BRP and the new well.

However, this is another example of the truth being manipulated for the benefit of BRP. It was not initially disclosed that there were going to be overhead power lines, and most likely there might be other project uses for the power other than private, including use for the project.

Whatever the private agreements between BRP, Binkley Family Trust and the Coleman Family, there is no denying that the well is part of the project, and had it not been for the project proposal, the well would not have been installed by BRP for the benefit of the Binkley Family. Therefore, any power running to the well, however argued as a private matter is also for the benefit of the project and therefore this action is a violation of CEQA in starting the project before the completion of approval of the EIR and use plan.

As well, the removal of vegetation, without any site survey of impacts on the habitat, and possible nesting sites as well as a revegetation plan is an example of the poor management practices that we will encounter going forward into the new project.

If the project applicant is so hasty and willing to start bending the semantics and rules before the project begins, what can we hope for if the project is approved? This is a blatant violation of beginning the project before it is even approved.

LCDD has refused to answer any questions by the public about any code violations this entails including whether it legal for the applicant to grant perpetual power rights to another property, even though they are only the lease holder and not the property owners, and whether all code regulations are being followed with power crossing property lines, and grading permits for obvious project work before the completion of the EIR. We request that an investigation be conducted to see if all CEQA guidelines have been followed in this case.

Currently, there have been roads graded, and trees cut for this purpose, but PG&E is waiting for the signatures of all parties involved for permitting and approval.

Rick Coel has stated that this is a "grey area" and he should have prevented any work from going forward, until all legal aspects were clarified, and all permits from PG&E, BLM, LCDD were approved and investigated, as well as having permission from all parties involved. The Coleman Family/Francisoc family has already objected to the illegal removal of their trees which were given to the Binkley family in gratuity for the agreements.

16-9

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16-9

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From a citizens viewpoint, we find all this outrageous, blatant and incorrect, and an obvious skirting around the regulations for an early start. If the project had not been proposed, the well would not exist.

Therefore any work to the well or power to the well is in conjunction with the project. We request a stop work to any well related work prior to the completion of the EIR, especially since grading, cutting of trees, erection of power lines are all on the project site and are not following currently any mitigation suggested by the EIR.

The following is copies from emails that pertain to citizen objections to this project which seem like the expansion project has already begun:

Binkley Project Pipeline Preparation

From:

"Hesshab@aol.com" <Hesshab@aol.com>

View Contact

To:

richardc@co.lake.ca.us

Cc:

vorisb@co.lake.ca.us; anitag@co.lake.ca.us; redandcurly@yahoo.com; randalfung@yahoo.com

Dear Rick,

On behalf of Friends of Cobb Mountain I write to object to the violation of CEQA by Bottle Rock Power in the cutting of trees in the proposed route of a steam pipeline for the Binkley expansion project presently under review. No work directly implementing that project should take place prior to the issuance of a permit for the entire project.

Sincerely,

Hamilton Hess

Re: Binkley Project Pipeline Preparation

From:

Richard Coel <richardc@co.lake.ca.us>

View Contact

To:

Hesshab@aol.com

Cc:

Anita Grant <anitag@co.lake.ca.us>; Voris Brumfield <vorisb@co.lake.ca.us>; randalfung@yahoo.com; redandcurly@yahoo.com

Hello Hamilton,

There were several trees cut down for an electrical line route to the new well site on the Binkley site. The location of the tree removal does not coincide with the proposed pipeline route and has nothing to do with the pipeline. The trees that were cut (approximately 5 or 6 oak and pine) were located on the Francisco leasehold. BRP and the representative of the Binkley Family Trust have an agreement concerning the water well and the electrical to that well. Under that agreement the well is the property of the Binkley Family Trust (as I understand it). The Binkley Family trust will have access to the water and BRP would use the water for dust control during construction if their project is approved.

This is one of those situations that is gray to me. The reality of it is that if BRP's project does not get approved, the Binkley Family Trust still has their well and power to it. The long term use of the well will be by the Binkley Family.

Richard Coel,

Community Development Director
(707) 263-2221

From: funggrip@jnb.com
Subject: transmission lines letter to LCDD
Date: September 29, 2010 4:36:50 PM PDT
To: rburns@ca.blm.gov

Hi Rich,

thanks for listening to my plea.

here is the letter I wrote to LCDD concerning the cut trees before we heard from BRP that they were intending to put in overhead power lines

(4 main lines as David heard from BRP). At that time we thought that the clearing might be for the pipelines, and knew nothing of the intention of major powerlines.

The question of whether power from one property owner to another property owner is one of the County law and codes and should be questioned as to whether that is a standard practice. (question number 3)

The response is to the letter that Rick Coel wrote explaining that the cut trees were only for the well. No mention of overhead or more than one line, so I was questioning why so many trees had to be cut down for a single line.

A well does not need that much electricity, and there is nothing else out there to supply, except... lighting and power for the project.

Randy

Fri, September 24, 2010 4:54:01 PM

Re: Binkley Project Pipeline Preparation

From:

Randall Fung <randallfung@yahoo.com>

Add to Contacts

To:

Richard Coel <richardc@co.lake.ca.us>; Hesshab@aol.com

Cc:

Anita Grant <anitag@co.lake.ca.us>; Voris Brumfield <vorisb@co.lake.ca.us>; redandcurly@yahoo.com

Hello Rick,

thanks for updating us on it.

1. Did BRP submit plans and obtain a permit before the work began?

2. Why would they need to cut down 6 large oaks and 15 digger pines just to install a power line. Is the power line above ground or below ground?

An underground line through a conduit would not necessitate any tree removal. An underground line could be routed around the trees roots. Underground would require removal of the roots.

So it is above ground?

3. According to County code and regulations, can private power lines cross property boundary lines?

4. Is it appropriate for BRP who is the leaseholder of one property to grant perpetual rights to power supply to another property owner?

Understandably, if BRP controls both projects then they could use the power to supply a well on another site for the project, but that falls under the consideration of approval of the EIR and CUP.

If the project were not approved, then the legal question of BRP granting perpetual rights to power by the Coleman family to the Binkleys is certainly questionable, isn't it?

What would happen to the power rights if BRP folded and had to leave. Would then the Binkley family still have

rights to Coleman power without their granting permission.
The Coleman/Francisco family is the land owner and BRP is only the mineral rights lease holder.

STARTING EARLY-Widening of High Valley Road

In March of 2010, High Valley Road residents observed yellow ribbons on many trees along the road, usually the typical markings for tree removal. Also there were survey markers showing BRP's easements through the various properties.

3/24/2010

Concerned about the possible cutting of the marked trees and widening of the beautiful High Valley Road as we love it, we asked Rick Coel, LCDD director what was happening. My wife and I brought videos and a letter from the neighbors contesting the widening of the road until the EIR was completed into planning department to show him. We encountered Mr. Coel in the hallway and he was gracious enough to answer some of our concerns. When we told him that we were concerned about the widening of the road, and that it should not begin before any EIR was completed, he was in total agreement at the time that any widening would have to be because of the expansion project.

His wording was something like, "It's one thing to go in and do some shoulder work, but even if they cut one tree, it would have to be part of the expansion and I would call it significant. I mean, otherwise, why would they be doing such a thing as widening the road. This is expansion if they were to cut trees."

So at that point he was in perfect agreement with the idea that any widening would be in conjunctin with the expansion project. Luckily, my wife was there to witness the conversation and she has the exact same memory of the statements.

16-9

Cont.

On July 27, the following email was sent to Rick Coel concerned about the plans for the widening of the road.

Although LCDD's earlier position had been that any tree cutting or widening was in conjunction with the expansion project and could not begin until the EIR had been approve, their postion had changed 180 degrees to where LCDD was now trying to explain the permitting as MAINTENANCE, even though the plan was called ROAD IMPROVEMENT PLAN.

The following letter contested the widening as expansion and improvement and not maintenance. LCDD's position had changed entirely to support BRP claim that the road work was for "safety" and maintenance, even though the plan were to widen three curve four feet and cut down multiple trees. Although at the meeting on the road, it was discussed that no confiers were to be cut, major 100 foot pines were cut down during the construction. As well, Rick Coel told Ron Fidge and myself both in private phone conversations that any road work would be considered construction and not maintenance, and therefore require a manned guard. Use permit 85-27 traffic plan #5 requires a manned guard gate for all construction activities due to the increase trucks.

Yet, when the work finally did happen, the residents never got the guard at the gate LCDD promised, but only traffic control, with LCDD in various emails now saying that the road widening was maintenance and not "new" construction or improvements.

=====

WIDENING OF HIGH VALLEY ROAD
From:
Randall Fung <randallfung@yahoo.com>
Add to Contacts
To:

Richard Coel <richardc@co.lake.ca.us>

Cc:

hamilton hess <Hesshab@aol.com>; Anita Grant <anitag@co.lake.ca.us>; Anthony Farrington <anthonyf@co.lake.ca.us>; Denise Rushing <deniser@co.lake.ca.us>; Jim Comstock <jcomstock@co.lake.ca.us>; Jeff Smith <jeffs@co.lake.ca.us>... more

Sir,

there are so many confusing issues concerning the widening of High Valley Road, that you should schedule a meeting with all the concerned neighbors to divulge the REAL plans.

We urge that you do not going ahead with any permits, until the real purpose, nature of the road work is discussed in an open forum.

David Coleman just went down to the Planning department to ask to see a copy of the road maintenance plans, and they responded by asking if he meant the ROAD WIDENING PLANS.

The plans that they showed him show four feet of paving on either side of the road, while the road meeting with Voris and Bob guigurre only stated that the road would be widened a foot or so in places. When Mr. Coleman asked if these were the final plans to be approved, they stated that they know of no other plans, and that Ron Yoder had just brought these in for submission.

So apparently there is some confusion what is being proposed for OUR ROAD.

Please remember that although BRP has some easements rights through our properties, we have rights as well to know what is the nature of the road improvement plan.

As well, in you last email you referred to it as a "ROAD IMPROVEMENT PLAN, and NOT a "road maintenance plan".

You also stated to my wife and I in the hallway when we last met, that any widening or cutting down of the trees on High Valley Road would definitely be improvement. You stated to us, that if they cut down trees or widen, then "what was the purpose?" Is it in advance of the new project? and then it would have to be analyzed in the EIR. Don't you remember saying all this?

SO PLEASE CLARIFY FOR ALL, IS WIDENING THE ROAD maintenance or IMPROVEMENT as your plan is called?

Do the plans submitted call for an additional 4 feet of pavement on either side of the road as the plans that Mr. Coleman looked at at the planning department.

He is at his High Valley residence and does not have access to a computer so asked me to forward all this information to you.

Why is the road being widened when BRP is not doing any new drilling or construction? If this is only maintenance, then surely it can wait a few weeks until you meet with us to discuss these matters. If High Valley Road is the named access road for the expansion project, can you really permit any road improvements before the EIR is completed? Doesn't this clash with CEQA requirements?

Does the 10,000 new building planned for construction on the storage yard fit the concept of Construction requiring the guard at the gate?

You admitted that the permit requires a manned guard gate during "construction" in you email.

thank you for your time in this matter,
Randall Fung c/o High Valley Preservation Committee
and neighbors of BRP

But you only have to ask this one question to learn the real answer. BRP by this time already had the drill rigs in place that they were using for the redrilling of various wells. And all equipment and trucks traveling up High Valley Road for the past thirty years have never been a problem. The road has remained in the same configuration from the beginning, so why did the road have to be widened at the end of the grading season, right before the rains, and when BRP had decided to cease any further new drilling on their current leasehold?

The answer was that BRP needed to widen the road so that they could use High Valley Road to bring in the long sections of bridge for the expansion project. The bridge sections are 45

feet long, and too long for the original curves, so they used the pretense of road maintenance with the cooperation of LCDD to widen the curves so that the trucks could bring in the extra long sections.

16-9

Cont.

In fact, this email from Rick Coel confirming that an out of state truck with an oversize load was coming in through High Valley Road on the weekend right after the completion of the road widening:

Truck Delivery This Saturday Morning

From:

Richard Coel <richardc@co.lake.ca.us>

View Contact

To:

Kelly@yahoo.com

Cc:

"Hesshab@aol.com" <Hesshab@aol.com>; Voris Brumfield <vorish@co.lake.ca.us>

BRP has informed me that a large truck delivery, coming in from Montana, has been rerouted twice causing major delays. The truck will be stopped overnight in the Central Valley as it will not get here prior to 7:00 p.m. I authorized BRP to bring the truck in tomorrow morning, after 7:00 a.m. It is being accompanied by a flagger due to the truck length. The truck will be unloaded in a relatively short time and sent back out through High Valley Road tomorrow.

The delays were beyond BRP's and the trucker's control. The delivery was actually scheduled for 2 days ago during normal hours. I don't feel that it would be appropriate to hold up the out of state truck driver and the flagger for 2 extra days, but hope that this will not be an inconvenience to any of you.

16-7

Cont.

All of this goes along with the pattern of behavior by LCDD towards favoritism towards the needs of BRP and the willingness to twist the rules and regulations to help BRP do what it needs to move forward.

Along with the examples of the lack of upholding the current use permit by LCDD, this brings up the valid question for the EIR contractor,

What guarantee is there going to be that any mitigation measures suggested in the EIR will be enforced if the pattern of behavior of LCDD has been so lax in enforcing the current use permit as well as the willingness to bend the rules to fit Bottle Rock Power's needs.

STARTING EARLY-The Bridge

The proposal calls for a 90 foot bridge to cross High Valley Creek to reach the West pad.

The EIR states that the construction of the bridge must remain within the foot print of the proposed site to minimize damage to the riparian habitat:

"5.5-54

"The footprint of the completed crossing, including fill areas, shall be limited to the minimal amount required for a properly engineered structure. Movement of equipment and vehicles across the creek during project construction shall be limited to the footprint area of the completed crossing. All other portions of the riparian community within 50 feet of the crossing area shall be screened with construction fencing before the commencement of clearing and construction activities. Intrusion of construction activities into riparian habitat outside of the footprint of the stream crossing **shall be prohibited.**

Around the middle of October, we heard from members of the Binkley Ranch that BRP was going to bring the bridge onto the project site. This seemed ludicrous, since the draft EIR has not even been approved, and any movement into the project zone, storage, construction or assembly brings in workers, equipment, and possibility of damage to the habitat before mitigation methods have even been suggested or finalized.

BRP has already brought in two of the steel bridge sections, and by the time of the EIR hearing might have completed bringing in the other remaining sections. The steel structure is overwhelming and each section is about 45 feet in length and ten feet wide.

They are currently on racks at the Lee Road intersection less than fifteen feet from the High Valley Creek edge. This is a **violation** as they are required to stay 30' from any streams with water in it. It is unknown how the other two sections will fit into that area, but there is rumor that they are going to assemble the bridge over the winter.

LCDD has approved the storage of the bridge under the pretense that BRP has the property owners permission, yet BRP has not made a site visit to see if the bridge has infringed upon any of the above prohibitions, nor has LCDD granted any permits for this.

LCDD maintains that this is a private matter between the Binkley Family Trust land owners and BRP for private storage of the bridge. Yet there is plenty of space of BRP's current operation storage yard to store the bridge, and we contend that assembly of the bridge crosses the fine line into the realm of construction as heavy equipment needed to move the sections are already in the project zone.

This is yet another example of LCDD's pattern of behavior of bending the rules for Bottle Rock Power to fit with the corporations needs. Even with land owner permission of storage, this breaks any rules of bringing in equipment and protection of the environment before the finalization of the EIR process.

As the above mitigation measure spell out some of the necessary procedures and prohibitions necessary for the protection of the riparian habitat, it is our concern that any storage of the bridge or assembly of the bridge in the project zone before the finalization of the EIR or CUP shall be prohibited, and we ask that the bridge be required to be removed and stored off the proposed project site the final approval.

16-9

Enclosed are some pictures of the bridge on the project site before completion of the EIR and emails contesting the storage and assembly of the bridge on the project site.

Cont.

Bottle Rock Power Bridge

From:

"Hesshab@aol.com" <Hesshab@aol.com>

View Contact

To:

richardc@co.lake.ca.us; Richard_Burns@ca.blm.gov

Cc:

vorisb@co.lake.ca.us; randallfung@yahoo.com; redandcurly@yahoo.com; kellysplumbing@gmail.com

Gentlemen:

We understand that Bottle Rock Power is planning to bring into its leasehold a one hundred foot bridge (in sections) in the near future and store it at its proposed future installation site for crossing High Valley Creek to access their planned west pad in the proposed Binkley property steam field expansion. We object to this as an action directly connected to and implementing a phase of the project under present CEQA/NEPA review and not yet approved. We believe that under the requirements of CEQA/NEPA this action should not be permitted.

Hamilton Hess, Chair
Friends of Cobb Mountain

ITEM 1
9:05 AM
NOVEMBER 3, 2010
Comment N(2)
Fung
7 pages

**CLOSEST PROXIMITY RESIDENT
ATTACHMENTS**

B-1: emails concerning Bill Jadikers gate
B-2 photo from west pad to bills house

RECEIVED

NOV 01 2010

LAZBE COUNTY COMMUNITY
DEVELOPMENT DEPT

B - 1

carol jadiker <carol_jadiker@yahoo.com>
Fw: Re: Fw: Bottle Rock Power Plant - High Valley Road
September 21, 2009 5:08:49 PM PDT
gerrifinn@hughes.net
funggrip@jnb.com, redandcurly@yahoo.com

Hi Randy, Gerri and David,
See response from R Coel, read all the way down, below to my emails relating to the gates.

Hi Richard,
Thank you for your email in response to my letter about the Gates. I'm pleased to see that the gates will remain open and, if used, would be a violation of BRP's use permit, unless of course there is a 'spill' or 'accident' at BRP (and gates would have to close for safety) of some sort - if that was the case, I think all on High Valley Road as well as the County would want to know about it.

Thanks for taking the time to survey the speed bumps. Please do not hesitate to contact me if you have any questions and keep me up dated on new developments at they relate to HVR and BRP.

Thank you for your extensive efforts and time spent on this matter.
Best Regards,
Carol Jadiker

-- On Mon, 9/21/09, Richard Coel <richardc@co.lake.ca.us> wrote:

From: Richard Coel <richardc@co.lake.ca.us>
Subject: Re: Fw: Bottle Rock Power Plant - High Valley Road
To: "carol jadiker" <carol_jadiker@yahoo.com>
Cc: emilym@ca.lake.ca.us, deniser@co.ca.us, "Rob Brown" <rbrown@co.lake.ca.us>, funggrip@jnb.com, redandcurly@yahoo.com
Date: Monday, September 21, 2009, 12:54 PM

Hi Carol,

I have completed a review of the "Revised Traffic Control and Road Maintenance Plan" approved by the Planning Commission in 1987, as required by the approved Use Permit (UP 87-27). I also reviewed the Planning Commission meeting minutes.

My conclusion is that the use of the new gates on High Valley Road, recently installed by BRP, would result in a violation of the Use Permit. I have spoken with Brian Harms about this, and informed him that the gates need to remain open and unused. Mr Harms has indicated that they will not close these 2 gates, unless there was a temporary emergency that for some reason necessitated blocking the road, (such as a spill on that section of the project where temporary traffic control was needed). Other options will need to be explored for security.

While this is a private road, the Traffic Control Plan, being incorporated into the use permit, places BRP's use of the road within the jurisdiction of the County, to the extent that it is used by BRP. I will visit the site later this week and review the 4 speed bumps. If any of them are too high or "abrupt" I will discuss with Mr. Harms to see that they are corrected. Mr. Harms expressed to me that since BRP chip-sealed this section of the road, speeds have increased significantly through the area between their control building and pad. He is concerned about the safety of BRP's employees who regularly work within and cross this area. He stated that the signs are not effective at keeping speeds down in this segment of the road.

Re: Meeting with Mr. Bill Jadiker yesterday

Randall Fung

Voris Brumfield

Brian Harms ; Anita Grant ; Emily Minton
; redandcurly

I apologize for the last blank email. My online email server lost the message in sending.

Re: Voris wrote:

As the Lake County Geothermal Coordinator, currently these issues appear to be ones that should be resolved by representatives of the Binkley Family Trust, the Bureau of Land Management and Bottle Rock Power based upon the statement from Mr. Brian Harms (09/01/2010 10:12 AM) below.

There maybe an issue of prescriptive use that should be addressed

To Voris and all,

I would remind LCDD that this issue of locked gates on High Valley Road had come up before, which the County did address.

When BRP wanted to place the locked gates by the Francisco pad, residents provide papers from planning commission staff in 1987 that prevent the locking of these gates. Both Voris and Rick Coel have copies of these papers. At that time, LCDD determined upon presentation of these old findings that BRP would not be allowed to lock the gates that they had erected. These gates are on the Coleman leasehold.

The new gates posts that have been erected and the closure of the protective area is NOT ON THE BINKLEY LEASE but on the same parcels of the Francisco lease that the County has jurisdiction over by virtue of use permit 85-27. Whatever determination in the past regarding closure of High Valley Road access, i.e the issue of the Francisco gates, must therefore then be applied to the other portion of the Francisco lease. LCDD cannot make a determination to one portion of High Valley Road, and then refuse to make another determination to a portion of the road 1/4 mile down the leasehold.

LCDD must use its old precedent to be consistent and fair.

This is not a new federal regulation, but one that has been in existence. How did DWR cope with the regulation? By having a manned guard gate down on BottleRock Rd. to prevent trespassors. Additionally, all regulations could be fulfilled by fencing around the protected sites without closure fo the road.

Has there been any surveying to determine the exact site locations. How do we know that the road is included in the site location. Has LCDD viewed the maps to be sure BRP is in compliance with BLM;s mandate without overstepping into the road. Is LCDD sure that the road is part of the protected area. It would mandatory for LCDD to know this.

Again, I do not understand how LCDD can make a determination on closure of gates at the Francisco pad, but not closure of gates a little further down the road. Perhaps you could explain this logic.

Respectfully,
Randall Fung
High Valley Preservation Committee

RABBIT VALLEY ROAD & COLD WATER CREEK RD.
ALTERNATE ACCESS
ATTACHMENTS

- A-1:MAP
- A-2:GOOGLE MAP

ATTACHMENT A-1

Print

Google maps

Address 7645 High Valley Rd
Cobb, CA 95461

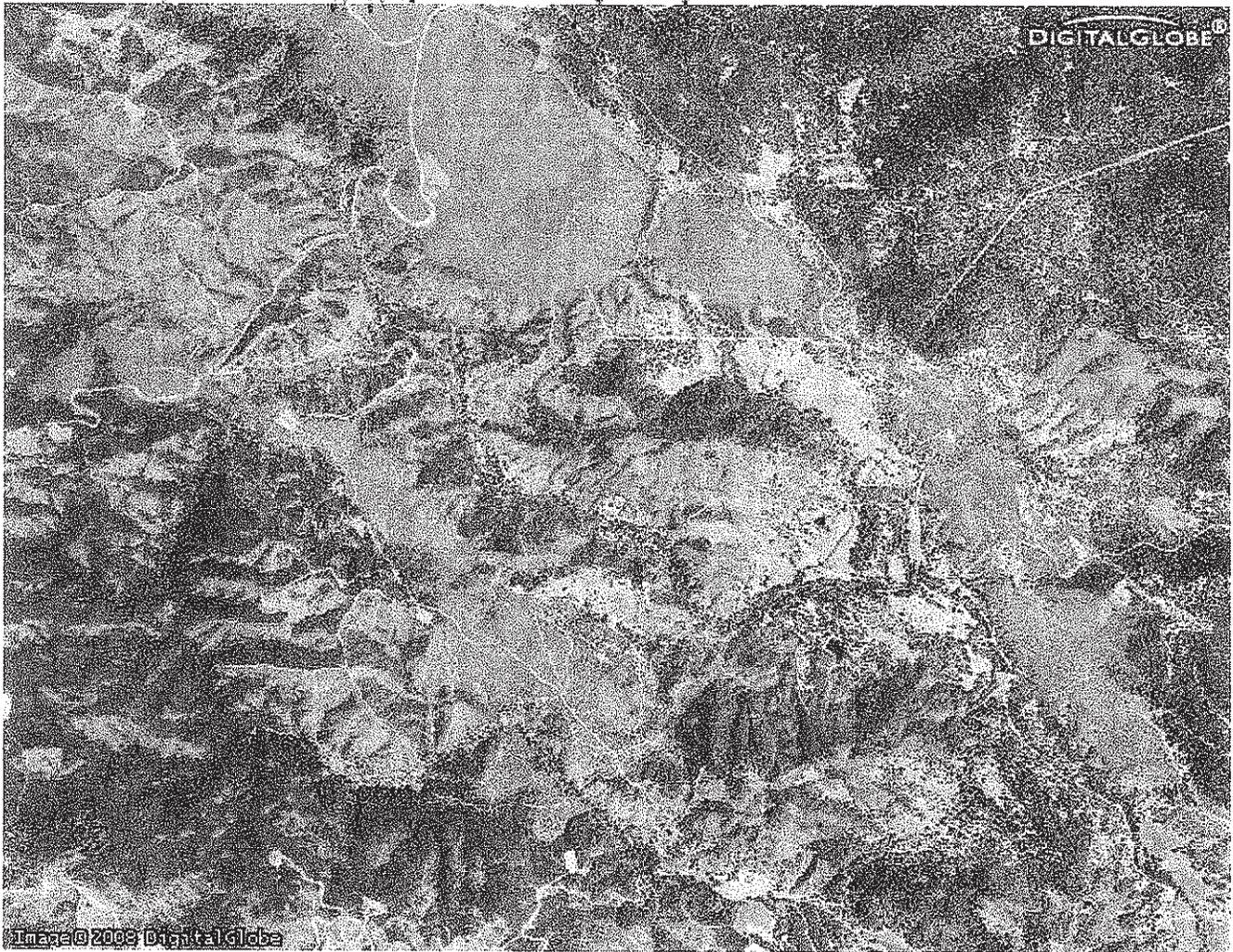
Notes



ATTACHMENT A-2



 Print



Close Window

LCDD'S HISTORY OF LACK
OF OVERSIGHT
ATTACHMENTS

attachment #1: Meeting Agenda 9/9/10

attachment #2:

attachment #3: erosion photo and emails

attachment #4:

attachment #5: Letter concerning Bills gates

attachment #6: refernce to using blue form

attachment #7: email restricting my emails

attachment #8: 1st letter to LCDD 2008

attachment #9: letter about loack gates

AGENDA FOR HIGH VALLEY ROAD MEETING

INTRO

TOPICS

COMPLIANCE HISTORY, VIOLATIONS AND FINES

1. Shouldn't LCDD have required review of the use permit and traffic plan with the sale. After all, the plant had been closed for over 15 years, and so many rules, regulations, laws had changed. The change from a status of closure to opening is more than just a transfer of ownership. Doesn't the use permit require a review every three years?

2. Where are the permits from 2005 until 2008?
Why wasn't there any oversight, and if there was, what was done?
Any staff reports that are available?

3. When Ron Yoder was initially shown the violations, why didn't LCDD immediately take action to force compliance instead of saying no complaint found?

4. Why were violations cited for all the illegal grading prior to LCDD becoming involved. Is it true what Rob Brown stated, that the County does not violate after the fact?

5. Why is industry treated differently than individuals. Home owners have to pay fines if they are caught building without permits. Why are individuals fined, but not industry?

6. What fines have been imposed on BRP, if any for compliance violations?

7. Is BRP in Compliance?

- Does LCDD believe that BRP should be in total compliance?
- What is the necessary percentage of compliance?
- Shouldn't BRP be required to be in compliance while they have an application to amend instead of the reverse?
- If LCDD had immediately forced compliance on many of the simple issues, wouldn't that be the case? That they would be in compliance until the use permit was altered?

8. Is user permit 85-27 a contractual document that must be enforced to the letter of the law?

9. When the original use permit, 82-17 was amended to the current use permit,

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NOV 03 2010

LARIS COUNTY COMMUNITY
DEVELOPMENT DEPT

LCDD 2

85-27, was that specifically for the closure of the power plant?

10. Are there any other circumstances where the County has permitted an industrial complex through 14 private parcels?

11. Has LCDD logged a history of the non-compliance?

12. Has LCDD kept a log of complaints and questions submitted by individuals regarding BRP's compliance?

13. Does LCDD have a list of issues still not in compliance, not matter how small?

14. Has LCDD filed a staff report, outlining the history of non-compliance and who has this been presented to?

15. Are the BOS and Planning Commission aware of all violations issued by County, CVRWQB and the lawsuit by Fish and Game?

CURRENT ISSUES

ROAD

- Manned guard gate
- definition of construction and drilling
- Placards, ID and key codes
- trespassing violation
- logs and records
- vehicle count? and type of vehicles
- Bill Jadikers
- Road improvement vs. road maintenance
- Culverts and drains

1. Why are we still working off a 1987 traffic plan?
2. In 2008, Randy Fung wrote a letter to Rick Coel asking for placards on the vehicles and that the key code not be given to sub-contractors as per the traffic plan. Why has this not been enforced after two years?
3. Does LCDD acknowlege that it was negligent in providing the manned guard gate during all the drilling and construction activities from 2005 to 2008?

Does LCDD feel that it should apologize or make up for its negligence in any way?

4. What is the County's definition of constructions and drilling?

note drilling activities is the wording

•will the 10,000 foot storage building require a manned guard gate? Can LCDD come up with a list of future project that will require the manned guard gate?

5. How is the County verifying that no trucks over 1 ton are entering before 7 AM. Has there been any traffic check of personal vehicles? Some of the personal come in larger than one ton trucks for daily access. Should they be in this exclusion?

6. Why did BRP remove the speed camera and has any violations ever been issued for speeding? If we video tape speeding vehicles, what penalties are there? I witness Brian Harms violating the noise compliance with his jeep boom box.

7. During a trespass incident in 2009, residents asked for the County to obtain a copy of the gate video tape for prosecution. Why did the County not comply with that request?

How many times has LCDD

- Check gate logs for codes, vehicle count, truck ratio
- Check the materials logs of incoming and outgoing materials
- Called Hays road dump to check against logs?
- Checked to be sure video camera is working

8. Can the County give us a count of how many vehicles are currently using our property easements and the type of vehicles, and how many are BRP employees, and how many are sub contractors.

9. Who will be responsible if there is an accident caused by BRP's traffic? Will the County again leave that to civil matters.

10 Are there any limitations to the amount of vehicles?

11, Why didn't the County enforce the cleaning of the culverts as requested by the Fletcher time and time again?

12. Why wasn't Randy Fung notified of road work on his property when they removed his irrigation pipe line? and why wasn't a survey done on that portion of the road to be consistent with the upper portion?

13. LCDD made a ruling that the gates by the Francisco pad could not be

locked. The new gates on Bill Jadikers access road is on another portion of the same lease. How can the County make a decision on one portion of the road and not another?

The County has a obligation for the protection of the neighbors safety above all other considerations. Forcing Mr. Jadiker to take an alternate route would jeopardize his health, safety and life.

County would be responsible if it did not take some protective action.

REVEGETATION AND STORM DAMAGE

1. Why isn't the County following the use permit requiring a specialist to engineer the revegetation of the virgin meadow destroyed by the dumping of sump mud?
2. Why isn't the County following the use permit requiring a specialist to engineer the revegetation of the illegal pipe pad?
3. Is there any proof that there was a batch mixing yard prior to BRP's illegal construction of a pipe storage yard? Are there any permits, photos to this effect. Has LCDD seen the satillite phots that we have presented showing no pad previuosly?
4. Was the drainage plan for the truck parking/storage yard designed or approved by any civil or water engineer. Is CVRWQB aware of this drainage design? Have they approved it?
5. This past winter, BRP was obesrved transporting storm water between pads for injection into the coleman well. Doesn't the use permit require hard piping for this?
6. Was BRP fined for any illegal grading?
7. When BRP had illegally graded across High Valley creek a second time, last October, one year after the first violation, why wasn't there any action taken?

USE PERMIT NON-COMPLIANCE ISSUES

LEGAL QUESTIONS ABOUT EXPANSION PROJECT

general plan regulations
violation of old permit by new permit
liability issues
zoning issues

•Can the County define legally how the various separate corporations under the umbrella of BRP are liable to the property owners, or can the County leave burden upon the property owners for Civil suit?

•Who would be responsible for damages if a worker of a subcontractor started a fire and burned down our properties. Would we be burdened with taking them to court?

•Will the County require BRP GEO to hold its own bond?

•Doesn't permitting of 300 vehicles violate the old use permit

•Is this a NEW PROJECT or expansion, really? With the requirement of an extensive EIR and new use permit, it should be considered a 'NEW GEOTHERMAL PROJECT'

•According to general plan:

Policy N-1.2

to prohibit the development of new commercial, industrial or other noise - generating land uses adjacent to existing residential uses and other sensitive noise receptors.

Noise Policy GR-2.1

Avoid siting near sensitive Receptors.

The County should avoid approving new geothermal operations near residences, commercial resorts or other sensitive receptors **where it can be reasonably expected to adversely affect their quality of life.**

Noise Policy T-1.9 Truck Routes

To reduce heavy truck traffic in residential areas and near sensitive land uses, the County shall ensure truck routes are designated in a manner such that traffice noise impacts are minimized. (New Policy)

From: cordelynn baumeister (redandcurly@yahoo.com)
 To: Hesshab@aol.com; ccmahnke@binkleyranch.com; cindypinch@gmail.com;
 kellysplumbing@gmail.com; gerrifinn@hughes.net; lauramills@mcn.org; tsbar@pacific.net;
 paul@paulbinkley.com; christina.binkley@wsj.com; grannys2legit2quit@yahoo.com;
 randallfung@yahoo.com; vorisb@co.lake.ca.us;
 Date: Thu, July 8, 2010 2:08:08 PM
 Cc: richardc@co.lake.ca.us; timesstar@gmail.com; editor@lakeconews.com; gchilds@waterboards.ca.gov;
 paclem@ix.netcom.com; srosenbaum@waterboards.ca.gov; mathtownhall@gmail.com; laadeedi@cox.net;
 Subject: Re: Building approved by the County Community Development for Bottle Rock Power

Voris

This storage pad is still out of compliance with the County use permit 85-27 and the County of Lake Clean Water Program. It now has a spillway on the west end that drains into the meadow. This the area where the illegal pipe pad was removed. This is also the area BRP stated there was contamination from a cement batch plant. The storage is used store all types of equipment and chemicals used in the drilling operations. This is where fuel transfer takes place. Heavy trucks and tractors are stored here. The pad is subject to all the same contaminates as the drill pads. This pad should be bermed and have a catch basin to prevent any further contamination to the watershed and High Valley creek. Since we cannot seem to be able to have guard at the gate can we at least have placards on the cars and trucks so we know who belongs to BRP. We have security issues as well. With the re drilling of at least three wells will bring a lot traffic. David Coleman High Valley Preservation Committee. The Coleman Family.

cordelynn

--- On Thu, 7/8/10, Voris Brumfield <vorisb@co.lake.ca.us> wrote:

From: Voris Brumfield <vorisb@co.lake.ca.us>
 Subject: Building approved by the County Community Development for Bottle Rock Power
 To: Hesshab@aol.com, ccmahnke@binkleyranch.com, cindypinch@gmail.com,
 kellysplumbing@gmail.com, gerrifinn@hughes.net, lauramills@mcn.org, tsbar@pacific.net,
 paul@paulbinkley.com, christina.binkley@wsj.com, grannys2legit2quit@yahoo.com,
 randallfung@yahoo.com, redandcurly@yahoo.com
 Cc: "Richard Coel" <richardc@co.lake.ca.us>, timesstar@gmail.com, "Elizabeth Larson"
 <editor@lakeconews.com>
 Date: Thursday, July 8, 2010, 1:27 PM

Interested Parties:

Bottle Rock Power has submitted to Lake County Community Development a building permit application for a 1,200 square foot addition to the existing metal shop building located in the High Valley storage yard. The addition will be on the west side of the existing shop, in a previously developed area equal or further from the nearest creek than the existing shop.

Interested Parties:

CDD Geothermal Coordinator Voris Brumfield received two sets of questions in follow-up to the June 12, 2010 Tour of Bottle Rock Power, LLC well pads and storage yard. Below is the response to the second set of questions.

Lake County Community Development Department (CDD) does not agree with the assessment of David Coleman that the Bottle Rock Power, LLC storage yard area is out of compliance. CDD has determined that the Use Permit has no requirements that the storage yard be fully bermed as was required of the well pads.

Bottle Rock Power, LLC corrected a violation by the previous operator in 2009 by removing the illegal pipe storage area west of the approved storage yard. The site was restored and any excess surface runoff is directed west of the storage yard pad to the restored, former pipe storage yard area where straw waddles have been installed. This allows for additional filtering of the runoff, which then sheet-flows through the grassy field before reaching the creek.

This re-remediation was approved by the County last year and was viewed on the 6-12-2010 tour. CDD confirmed that previously all of the surface runoff sheet flowed off the yard pad as there were, and are no required berms to restrict the runoff. CDD has determined that the Regional Board has not required Bottle Rock Power, LLC to install berms around the maintenance yard. It is CDD's position that this yard is being maintained properly.

CDD has reviewed the relevant section of the 1985 Use Permit. The storage yard (max. area of 99,000 sq. feet) was allowed and constructed in the 1980's. It was constructed to standards at that time. Bottle Rock Power, LLC has not replaced or expanded the yard, which would be normal triggers for possible upgrades to the storm water runoff controls.

The Emergency Preparedness and Response Plan is being reviewed by the new County Geothermal Coordinator, Voris Brumfield with BRP.

Richard Coel,
Community Development Director

*PREVIOUS OPERATOR?
SAME COMPANY, SAME STAFF, SAME GRADING CONTRACTOR
THAT DID THE PREVIOUS ILLEGAL WORK!*

Carol Jadiker

— On Mon, 9/21/09, Richard Coel <richardc@co.lake.ca.us> wrote:

From: Richard Coel <richardc@co.lake.ca.us>
Subject: Re: Fw: Bottle Rock Power Plant - High Valley Road
To: "carol jadiker" <carol_jadiker@yahoo.com>
Cc: emilym@ca.lake.ca.us, deniser@co.ca.us, "Rob Brown" <brown@co.lake.ca.us>, funggrip@jnb.com, redandcurly@yahoo.com
Date: Monday, September 21, 2009, 12:54 PM

Hi Carol,

I have completed a review of the "Revised Traffic Control and Road Maintenance Plan" approved by the Planning Commission in 1987, as required by the approved Use Permit (UP 87-27). I also reviewed the Planning Commission meeting minutes.

My conclusion is that the use of the new gates on High Valley Road, recently installed by BRP, would result in a violation of the Use Permit. I have spoken with Brian Harms about this, and informed him that the gates need to remain open and unused. Mr Harms has indicated that they will not close these 2 gates, unless there was a temporary emergency that for some reason necessitated blocking the road, (such as a spill on that section of the project where temporary traffic control was needed). Other options will need to be explored for security.

While this is a private road, the Traffic Control Plan, being incorporated into the use permit, places BRP's use of the road within the jurisdiction of the County, to the extent that it is used by BRP. I will visit the site later this week and review the 4 speed bumps. If any of them are too high or "abrupt" I will discuss with Mr. Harms to see that they are corrected. Mr. Harms expressed to me that since BRP chip-sealed this section of the road, speeds have increased significantly through the area between their control building and pad. He is concerned about the safety of BRP's employees who regularly work within and cross this area. He stated that the signs are not effective at keeping speeds down in this segment of the road.

ATTACHMENT # 5

Re: Meeting with Mr. Bill Jadiker yesterday

Randall Fung

Voris Brumfield

Brian Harms ; Anita Grant ; Emily Minton
; redandcurly

I apologize for the last blank email. My online email server lost the message in sending.

Re: Voris wrote:

As the Lake County Geothermal Coordinator, currently these issues appear to be ones that should be resolved by representatives of the Binkley Family Trust, the Bureau of Land Management and Bottle Rock Power based upon the statement from Mr. Brian Harms (09/01/2010 10:12 AM) below.

There maybe an issue of prescriptive use that should be addressed

To Voris and all,

I would remind LCDD that this issue of locked gates on High Valley Road had come up before, which the County did address.

When BRP wanted to place the locked gates by the Francisco pad, residents provide papers from planning commission staff in 1987 that prevent the locking of these gates. Both Voris and Rick Coel have copies of these papers. At that time, LCDD determined upon presentation of these old findings that BRP would not be allowed to lock the gates that they had erected. These gates are on the Coleman leasehold.

The new gates posts that have been erected and the closure of the protective area is NOT ON THE BINKLEY LEASE but on the same parcels of the Francisco lease that the County has jurisdiction over by virtue of use permit 85-27. Whatever determination in the past regarding closure of High Valley Road access, i.e the issue of the Francisco gates, must therefore then be applied to the other portion of the Francisco lease. LCDD cannot make a determination to one portion of High Valley Road, and then refuse to make another determination to a portion of the road 1/4 mile down the leasehold.

LCDD must use its old precedent to be consistent and fair.

This is not a new federal regulation, but one that has been in existence. How did DWR cope with the regulation? By having a manned guard gate down on BottleRock Rd. to prevent trespassors. Additionally, all regulations could be fulfilled by fencing around the protected sites without closure fo the road.

Has there been any surveying to determine the exact site locations. How do we know that the road is included in the site location. Has LCDD viewed the maps to be sure BRP is in compliance with BLM;s mandate without overstepping into the road. Is LCDD sure that the road is part of the protected area. It would mandatory for LCDD to know this.

Again, I do not understand how LCDD can make a determination on closure of gates at the Francisco pad, but not closure of gates a little further down the road. Perhaps you could explain this logic.

Respectfully,
Randall Fung
High Valley Preservation Committee

ATTACHMENT 6

17

From: Voris Brumfield (vorisb@co.lake.ca.us)
To: randallfung@yahoo.com;
Date: Mon, October 18, 2010 5:17:45 PM
Cc: Hesshab@aol.com; richardc@co.lake.ca.us; gerrifinn@hughes.net; redandcurly@yahoo.com;
Subject: Re: weekend trucks

Randall,
I have received your message and per Mr. Coel, you should list your complaint on the Code Violation electronic form on the front page of the County Website.
www.co.lake.ca.us

When you log on go to the right column and click on Code Violation.
Follow the prompts.
Thank you,
Voris

>>> Randall Fung < > 10/18/10 10:23 AM >>>

Voris,
Please reprimand or cite BRP for non-emergency truck traffic on High Valley Rd on the weekends.
Sunday at around 3:30 PM, a large truck came up High Valley Rd preceded by Bob Guiguerre.
It was marked "environmental" or something like that on the side, and blue in color.

As per the use permit 85-27 and attachment 5,
Truck traffic is to be HIGHLY DISCOURAGED on weekends except for EMERGENCY purposes,
which is defined as health or life threatening, not poor planning.
Please make a recording of this violation and check it against their logs to see if it has been recorded as traffic coming through the front gate.

Respectfully
Randall Fung

LCD 11

Re: Sawmill Flat Guard gate

From:

Richard Coel <richardc@co.lake.ca.us>

View Contact

To:

Voris Brumfield <vorisb@co.lake.ca.us>

Cc:

Randall Fung <randallfung@yahoo.com>

Voris,

you do not need to keep responding to these types of emails. These matters can be vetted during the public hearings, in front of reasonable-minded people. I have informed the Board of Supervisors that I will no longer respond to Randall Fung's emails, and will address his concerns during the hearing process if those concerns are not already addressed in the EIR. Anita Grant supports my decision. We have been putting tremendous staff time into answering Mr. Fung's questions and when the answer is provided based on facts and the answer is not what Mr. Fung wants to hear, the response to the answer is another question or false accusation. ENOUGH. I work for, and answer to the Board of Supervisors, not a handful of individuals who are attempting to shut down a geothermal operation. We all have too much work to do, and have many members of the public to serve. In managing this Department I cannot allow 3 of my staff to constantly get bogged down on these issues. As you know, we have at least 6 illegal dumpsites to get cleaned up, a storm water program that I need your help on, and a myriad of other obligations, so please consider limiting your responses.

Anita has responded to the road issue and the guard issue. All of the facts surrounding BRP will come out through the public hearing process, and that is what the process is designed for. I have tremendous faith in that process. Mr. Fung, like all citizens, will have 45 days to review and comment on the draft EIR and will be able to comment at no less than 3 public hearings.

"Richard Coel" <richardc@co.lake.ca.us>
Re: <^> Bottle Rock Power Plant
October 9, 2008 7:51:00 AM PDT
"Randall Fung" <funggrip@jnb.com>

ATTACHMENT # F

Good morning Randall,

Thank you for forwarding the letter you mailed Ron Yoder, to me. The purpose of our meeting with Bottle Rock Power and the Binkley rep. is to discuss the Environmental Impact Report process that will be required before any expansion of thier facilities can possibly occur. Due to the complexities of the process, which entails my Department selecting a 3rd part consultant, at Bottle Rock's expense, after a thourough solicitation and interview process (of the consultants), we wanted to sit down with Bottle Rock and explain the entire process and why it will take at least a year for a draft EIR to be prepared.

I will be coordinating a meeting at the site, which will include Supervisor Brown, so that he and I can get completely up to speed on what is going on. Rob will be putting a community meeting together within a few weeks so that we can hear from everyone.

I apologize for the confusion over the intentions of today's meeting.

Richard Coel,
Community Development Director
(707) 263-2221

>>> Randall Fung <funggrip@jnb.com> 10/09/2008 7:00 AM >>>

Dear Sir,

I want to thank you for considering the needs of the High Valley residents concerning the issues we have had with Bottle Rock Power Plant, Renewable resources, Integral Energy Managment Corp. and the future Binkley Holding Company. As citizens and neighbors, we are very concerned with the problems existing with the operations of the current owners, and extremely concerned with the prospects of their sister share holding company to access future permits to drill on the newly acquired BLM lease on the Binkley Ranch.

I heard that you were holding a meeting with the newly appointed representative, Reed Morgan who was shown many of the use permit violations. I was also told that a representative of the Binkley Ranch was invited to the meeting, yet no residents from the High Valley Road area were invited. I for one cannot understand this blatant oversight. I know that Bottle Rock Power Plant, lately, has decided to totally ignore any and all of our concerns. We are left to the public agencies to address our concerns about safety and health. The Binkley Ranch issues are different from our High Valley concerns, and they do not speak for us, so why are we left out of the picture? I sincerely hope that in the future we will be included in your meetings to have a voice and ear in the issues.

Here is a copy of a letter that I wrote to Ron Yoder that I would like your to read. It addresses many of the issues we have discussed with both Bottle Rock Power Plant, Reed Morgan Ron, Ron Yoder, California Fish and Game, California Energy Commission, and what ever public agency was willing to hear our needs and concerns.

October 1, 2008

To:
Ron Yoder
Use permits,
Community Development Department,
255 Forbes St.
Lakeport, CA 95453

Re:

ATTACHMENT # 8

Bottle Rock Power plant and associates,
Use permit violations and disregard for the neighboring residents.



I am sure that you are well aware that many of the local surround residents of Bottle Rock Power plant are fed up with the use permit violations, and general disturbance that the plant has caused in our daily lives. Many of the promised made by Ron Suess when he purchased the plant from DWR have never been met.

We have been told that the various regulatory agencies and Bottle Rock Power would rather have one representative to deal with, rather than having each individual household address the same or different issues. But as we are not granted the same consideration of having one public agency overseeing our various needs, we feel that is proper for you to receive input from each neighbor separately, as well. It is unbelievable that we, as neighbors and citizens do not have a reliable public agency overseeing the operations of the plant. And even though we have brought up many of the various violations, we are still forced to police their actions because the county has not stepped in enough.

For example, we cannot believe that we were still forced to call California fish and game directly, even though you had seen the violations of the streams and meadows. Isn't that your responsibility to contact the various agencies when you, yourself have seen the violations. Why are we forced as individuals to be the policing calls? When discussing many of the violations with Koran Thomas, compliance manager of the Bottle Rock power plant, we were appalled that she did not even have a copy of the use permit, even though she has been the compliance manager for over ten months. How can she be complying if she doesn't know the laws. And why did it take our community to find this out when you are the oversight agency.

If we were to perform the same violations that Bottle Rock Power Plant has done, we as private citizens would have been shut down in our operations. So why are they allowed to continue to operate without any fines or serious punitive action? In our eyes, it seems that the county is willing to overlook the violations until we as citizen bring it up. Yet, Bottle Rock Power Plant has in fact threaten the local residents with serious charges of trespassing and reporting to the FBI to stop our policing activities. They now have refused to answer any of our questions or emails, and have decided to ignore our needs. So now we are totally reliant upon the County and State to look out for our safety and health.

As this has been such an ongoing issue, we as residents are willing to take legal action against both Bottle Rock Power Plant, or the various regulatory agencies in order to remedy the situation. We are serious about this situation. The county has said that if they do not hear from the neighbors and local residents, that they are assuming that everyone is happy about the plant operations.

WE ARE NOT HAPPY ABOUT THE PLANT OR THEIR VIOLATIONS!

1. First there is of course the issue of constant noise. Although this is not within the use permit, and BRP may be within the allowable noise limits, at times, they exceed it but there is no way for us to verify this fact. Their 24 hour operation has seriously affected the quality of our lives. I have been forced to move my sleeping quarters into the center of the house, because the constant hum of their drilling rigs keeps me awake at night. Although some of the other power plants use baffles around their rigs, Bottle Rock Power, running on a low budget, does not. We were even promised by Thermal source that they would address the issue, but have received little to no help. Gary Snadeker came to my house one afternoon, and after about a hour dismissed the noise issue as irrelevant. It's easy to stand noise in someone else yard for a short time, but having to live with it day in and day out is hard on our nerves. Yet we see little help from any public agencies concerning this inconvenience, and the matters only getting worse with the application of more companies like Binkley Holding Company for further use permits.

2. There is the issue of security and traffic. Although we have requested a guard at the gate for addressing much of those issues, Bottle Rock Power has steadfastly refused to consider the issue. On the lawsuit with Gary Julianni the judge had ruled in favor of a 24 hour security guard during the construction process. Yet at a

meeting with Donna Stone, The California Energy commission deemed that construction meant "new construction" for their terms. Yet, how can a later agency specify the meaning of construction retroactive to an earlier ruling? The Energy commission has no jurisdiction over an older court ruling.

3. The use permit requires that each of the sub contractors and workers for the power plant carry identification to prove that they work for the plant. This is for the security of the residents, as we have no way to know who is driving by our properties. We asked Bottle Rock Power Plant to issue stickers for the workers and sub contractors to place on their vehicles, but they have refused to comply. Or it could be something as simple as one of those ID cards around their necks. As this is pursuant to the use permit, we request that this be complied with.

4. We cannot believe that Bottle Rock Power Plant has been allowed to:

a. Dump the well mud from the sump pond onto the virgin meadows. They are required by the use permit to keep 500 feet away from the streams and creeks. Yet they are currently in violation of this rule. They are not allowed to dump any kind of dirt on the meadow, yet your department has done nothing to prevent this nor any punitive action.

b. have a hole in their sump lining. Many of us have observed that the machinery while taking out the sludge have broken through the require sump pond lining. Yet they continue to operate in violation, even though the toxic material is leaching into the subsoil and potentially our ground water sources. This is both a use permit violation and a danger to the local residents. We want some action on this.

c. We have observed that the well mud has been air dried both on the pad, and in the meadow, and that the material is being taken to various locations and being sold as mere "top soil". This has been done without notifying the public that they are purchasing potentially dangerous soil. There has been no public agency overseeing the testing of this material. The power plant pays for it's own testing and submits the tests to the regulatory agency for approval. Yet, we have never seen the results of these test, nor is there any proof that the material submitted for testing even comes from the same source. I feel that there needs to be stiffer regulations for overseeing the testing of this hazardous material, and that a public agent needs to verify that the sample submitted for testing indeed come from the sump pond.

d. Have vehicles and heavy vehicles parked directly under protected Oak trees. I am sure that you are aware that heavy equipment parked on top of the roots can damage the trees. Bottle Rock Power has been getting more flagrant in their disregard for the surrounding terrain. They continue to park their vehicles and heavy equipment under the trees, and have graded more surrounding meadows north of the yard for the use of their heavy equipment. It looks like a dump site.

Have they been issued permits for this further grading?

e. Grade fire trails directly across the streams and creeks. I cannot believe that they were allowed to do all their grading without any permits, and that they cut directly across the stream beds with total disregard for the environment! If any private citizen did this same violation, our operations would have been stopped immediately. Yet the county decided to over look this, and even when pointed out to your agency, you neglected to report this to other relevant agencies such as Water Quality board, and California State Fish and Game. Isn't this part of your required tasks? Why are these matters left up to the residents to follow through with?

Even the fact that we are force to write this letter shows some negligence on the part of your agency to oversee Bottle Rock Power Plants use compliance activites! As residents, neighbors and tax payers we demand that your agency force Bottle Rock Power to comply within the regulations and use permit prescribed by law, and that the same actions be taken against them as you would any other violating parties.

We need, as residents and taxpayers, to feel that the Lake County Planning commission and your agency is looking out for our needs as well as that of Bottle Rock Power Plant!

Furthermore, as your agency will be the agency to issue further permits for incoming companies such as Binkley Holding Company, how you enforce these violations with Bottle Rock Power Plant will set a precedent for the incoming companies. As they are two faces of the same coporation, we feel that the current violations shows

their neglect for the environment, and we as residents demand that the future incoming companies be require to undergo the necessary Environmental Impact Report.

If you have any further questions regarding this letter, you may contact us by email or phone.

Phone: 707-928-1983

Email:

Respectfully,
Randall and Linda Fung
8195 High Valley Road,
Cobb, CA 95426



From: Richard Coel (richardc@co.lake.ca.us)
To: randallfung@yahoo.com;
Date: Tue, May 18, 2010 1:49:59 PM
Cc: Hesshab@aol.com; anitag@co.lake.ca.us; anthonyf@co.lake.ca.us; deniser@co.lake.ca.us; jcomstock@co.lake.ca.us; jeffs@co.lake.ca.us; rbrown@co.lake.ca.us; vorisb@co.lake.ca.us; drundqui@energy.state.ca.us; cindypinch@gmail.com; jacarlisi@gmail.com; mathtownhall@gmail.com; gerrifinn@hughes.net; paclem@ix.netcom.com; funggrip@jnb.com; dougg@lcaqmd.net; redandcurly@sbcglobal.net; grannys2legit2quit@yahoo.com;
Subject: Re: BRP use permit violation witnesses this morning

Randall,
 for the record, I did not state that BRP is in "complete compliance with all rules of the use permit" as you put it.
 Yet again you are twisting facts. It is obvious to me that responding to such emails is pointless. I will be sure to provide all of the Community Development Department's factual information within the staff reports for the future public hearings, so that these issues can be vetted in the public arena.

Richard Coel,
 Community Development Director
 (707) 263-2221

>>> Randall Fung <randallfung@yahoo.com> 05/18/2010 1:11 PM >>>
 To whom it may concern,

Members of the neighborhood take exception to Rick Coel's statement that BRP is in complete compliance with all rules of the use permit.
 There are many other violations that LCDD has not addressed.

Rick,
 IS BRP in compliance with its regulation to have valid vehicle placards on all vehicles identifying them as BRP employees?
 Please, a simple yes, or no, to show whether BRP is in total compliance.

Just this morning my wife and I witnesses a violation that happens over twenty times a day.
According to the traffic plan, only BRP employees are allowed to have a code access to the gate. The permit reads specifically that all other contractors (as well as sub-contractors including Giffords crew) must be allowed in by a BRP employee.

That was accomplished in the past by a guard at the gate (employee of BRP) or a phone call to the office receptionist (employee of BRP).

We understand that as any person employed by BRP on the payroll, not a crew member of a contractor regularly employed by BRP.

We watched as a crew member of Giffords (who is a independent contractor, not an employee) get out of his truck, go over to the box, punch in a number and open the gate.
 He walked back to his truck and went in.

According to the specifics of the use permit, it clearly states that he should have called in to BRP and had

an employee buzz the gate open.

All the contractors have gate codes, and this is in direct violation of the traffic plan as recently put on the County website.

So how can this be consider in compliance. Isn't LCDD twisting the specific rules to fit the wishes of BRP's actions in this case?

In October of 2008, I wrote an email to LCDD requesting that BRP follow the regulations of having placards on their vehicles so that we can see who is coming across my property. Over a year and half later, they have never followed this rule, so where is the enforcement for this specific item? I just brought this up again to Voris over four weeks ago, and still no one is following this requirement.

Of course we are frustrated with how long it takes to follow the most simple of rules.

With the two above simple examples of compliance not being followed, how can Rick Coel make a statement that BRP is in complete compliance with its permit. We can list many more examples of course.

In August of 2008, Ron Yoder came up to BRP to inspect the violations that the citizens had observed. He filed a report that no complaint was found. But with further evidence from citizens, it was found that BRP was VERY out of compliance. So how can LCDD explain why it did not find that BRP was out of compliance with its use permit in the beginning and then had to issue subsequent violations. Should we list all the instances that BRP was out of compliance that the County refused to recognize and the subsequent violations issued after citizens documentation for all to see?

The parameters of the CUP were written for a specific purpose, and we find it irritating that the current director of the LCDD has the opportunity to interpret the meanings of the CUP as he wishes. Unless the CUP is amended, the rules need to be followed to the letter.

Otherwise, it is a vague guideline that can be broken as the user or regulator wishes to interpret.

Respectfully,
Randall Fung,
Linda Fung

and the general consensus of most of the neighbors we have spoken with on these matters.

David,

The Community Development Department wishes to be on record as disagreeing with your unsubstantiated accusations within your email of this morning. I don't think it would be appropriate for me to ignore your comments and risk my silence on the matter being interpreted by some as agreement with your opinion.

BRP's Use permit is being enforced and followed, and it is not simply some "guide" for BRP to follow if they choose. Voris distributed an Email yesterday that specified the two remaining non-compliance issues, one of which is completely under the California Regional Board's control and permit authority. The fact of the matter is the County has invested a tremendous amount of time and expense monitoring BRP's operations over the past 2 years. It appears that you may have forgotten that the County hired a consultant to serve the function of a geothermal coordinator, and now have a permanent position filled. Voris spends approximately 25 hours per week just on BRP related matters, including trying to foster open lines of communication between all parties and keep dialogues grounded in facts instead of hearsay. The

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Grading and Stormwater Inspector and the Resource Planner within my Department also frequent the site to follow up on claims of wrong doing.

BRP's rights to use High Valley Road run with the property ownership. Your disagreement with Lake County Counsel's legal opinion concerning those rights to use High Valley Road is duly noted.

Richard Coel,
Community Development Director
(707) 263-2221

BOTTLE ROCK POWER
NONCOMPLIANCE HISTORY
ATTACHMENTS

V-1: CVRWQB violation 2/28/08

V-2: CVRWQB violation 1/6/2009

V-3: LCDD NOV's 1/12/09

V-4: FISH AND GAME LAWSUIT

V-5: CVRWQB violation 12/9/09

V-6: CVRWQB violation 5/13/09

RECEIVED

NOV 01 2010

LASE COURT / COMMUNITY
DEVELOPMENT DEPT



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair

Sacramento Main Office
11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Phone (916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>



Arnold
Schwarzenegger
Governor

28 February 2008

Gary Shedaker
Bottle Rock Power, LLC
7384 High Valley Road
P.O. Box 326
Cobb, CA 95426

NOTICE OF VIOLATION, GEOTHERMAL CONDENSATE SPILL, BOTTLE ROCK POWER, LLC, LAKE COUNTY

Regional Water Board staff has reviewed a 24 January 2008 spill report from Bottle Rock Power Plant, LLC (Discharger) that describes a spill of geothermal condensate from the Bottle Rock Power Plant located in Cobb. The report states that on 14 January 2008, approximately 900 gallons of geothermal condensate solution released into an unnamed seasonal stream that intersects Coleman Creek. The report states that immediately following the spill, the Office of Emergency Services, Central Valley Regional Water Quality Control Board, Lake County Environmental Health Department, and the Department of Fish and Game, were notified.

The spill resulted from an Air Relief Valve (ARV) on the re-injection line failing to shut off. The spill report states that the faulty ARV was taken out of service. The two remaining ARVs were inspected and found to be in good condition.

The Discharger stated that the following corrective actions were made to minimize impacts to the surrounding environment and the seasonal creek: (a) the redirection of the condensate, (b) the closing of a large isolation valve on a downstream culvert, (c) the use of a vacuum truck to minimize the release, and (d) the isolation of air release valves from the system.

Bottle Rock Power, LLC has violated Waste Discharge Requirements (WDRs) Order No. 99-091 as follows:

- Discharge Prohibition No. A.1 of the WDRs, which states: *"Discharge of wastes, including injection fluids, to surface waters or surface water drainage courses is prohibited."*

By **1 May 2008**, to ensure that future spills at the facility are less likely to occur, Bottle Rock Power, LLC shall submit a technical report that includes the following information:

- A description of any repairs or procedural changes necessary to prevent future discharges from the ARVs;
- A description of any repairs/modifications already made to specific ARVs; and

California Environmental Protection Agency

- A description of, and schedule for, routine inspection/testing of all air relief valves, and other key system components designed to reveal problems that might lead to spills. This shall include a detailed listing of elements to be inspected, a description of inspection procedures, inspection frequency, and sample inspection forms.

Please be advised that failure to comply with your WDRs may result in further enforcement action, which could include administrative civil liability (a fine).

Should you have any questions regarding this Notice, please contact Guy Childs at (916) 464-4648.

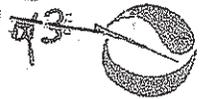
Original Signed By

STEVE E. ROSENBAUM
Senior Engineering Geologist
Compliance and Enforcement
Title 27 and Non15 Programs

cc: Raymond Ruminski, Lake County Environmental Health Department, Lakeport

CIWQS Violation ID No. 729317

gjc: 28 Feb-08



California Regional Water Quality Control Board
Central Valley Region

Karl E. Longley, ScD, P.E., Chair



Arnold Schwarzenegger
Governor

Linda S. Adams
Secretary for
Environmental
Protection

Sacramento Main Office
11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Phone (916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>

6 January 2009

RECEIVED

JAN 13 2009

LAKE COUNTY GOVERNMENT
REGISTRATION UNIT

Kevin Bennetto
Bottle Rock Power, LLC
7384 High Valley Road
P.O. Box 326
Cobb, CA 95426

NOTICE OF VIOLATION, BOTTLE ROCK POWER, LLC, LAKE COUNTY

On 23 September 2008, Central Valley Water Board staff received a verbal complaint for drilling spoils from the well pad sumps being temporarily stored in a meadow, and a freeboard of less than one foot reported in the Francisco mud sump. In addition, the complainant was concerned that the drilling spoils from the mud sumps were not being properly disposed of, and that the clay sump liners may be leaking. Finally, the complainant indicated that considerable grading had taken place without any permits and that some of the stream beds had been damaged or altered.

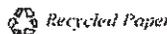
Following the complaint, Central Valley Water Board staff (staff) notified the Bottle Rock Power, LLC (Discharger) regarding our concerns about the allegations. The Discharger indicated that some of the drilling spoils that were determined to be non-hazardous were temporarily being stored onsite for drying purposes in a meadow near the Coleman Well Pad prior to being trucked offsite for disposal. Staff informed the Discharger that the drilling spoils needed to be removed and disposed of in accordance with Waste Discharge Requirements (WDRs) Order No. 99-091. In addition, staff requested the Discharger to provide written responses to the allegations and proposed corrective actions.

In a 2 October 2008 response letter, the Discharger indicated that the drilling spoils were being removed from the Francisco mud sump in order to comply with the three foot minimum freeboard requirement in the Lake County Amended Use Permit No. 85-27; and the two foot minimum freeboard requirement in the WDRs. In regards to disposal, the Discharger indicated that the drilling spoils removed from the mud sumps are tested by a California State Certified Laboratory for California Assessment Manual (CAM) 17 metals as defined in the California Code of Regulations Title 22 and asbestos. In addition, the Discharger stated that the material is not removed until analytical data from spoils contained in a particular sump is received. Finally, the Discharger stated that the materials (spoils and water) removed from the sumps are disposed of in accordance with Title 27 regulations.

Disposal Violations

The Discharger has stated that the drilling spoils determined to be non-hazardous were being trucked to the S Bar S Quarry in Kelseyville and Quakenbush Mountain Resource Recovery and

California Environmental Protection Agency



BRRP4

13

Compost Facility (Quakenbush) in Clear Lake. Central Valley Water Board staff informed the Discharger that neither S Bar S Quarry nor Quakenbush are permitted to accept drilling spoils. The Discharger has also indicated that the drilling spoils that are determined to be hazardous are trucked to the Chemical Waste Management Facility in Kettleman City.

Because the non-hazardous drilling spoils were disposed of at non-permitted facilities in a manner not consistent with Title 27 requirements, the Discharger has violated Discharge Specification No. B.4 of the WDRs which states: : "Any waste removed from mud sumps or cuttings stored onsite shall be disposed in a manner that is consistent with Title 27 and approved by the Executive Officer."

It is our understanding that drilling spoils determined to be non-hazardous will be trucked to the Altamont Landfill in Livermore. It is also our understanding that the non-hazardous spoils that were temporarily stored at the Coleman Meadow were completely removed on 8 October 2008, and the meadow area was hydro-seeded.

Freeboard Violations

On 13 October 2008 the Discharger sent a letter stating that the freeboard in the Francisco Drilling Sump was measured at one foot on 4 October 2008. Discharge Specification No. B.2 of the WDRs states: "A minimum freeboard of two feet shall be maintained in wellpad sumps, the reinjection pit, and all other locations utilized for the storage of wastewaters prior to injection in the steamfield." To address the freeboard, the Discharger indicated that the level in the sump was lowered by pumping the material into temporary storage tanks. The material was then transported by tanker trucks to an offsite disposal site. The letter also stated that they were proposing to use a dewatering unit to ensure that a minimum of 2-feet of freeboard is maintained in the sumps and compliance with the Waste Discharge Requirements (WDRs) Order is met.

Staff has no objection regarding the use of a dewatering unit to lower the freeboard in the sumps. However, dewatering must be conducted in such a manner to ensure compliance with the WDRs, and if this project constitutes a significant material change to the WDRs, the existing WDRs will either need to be revised or amended. Therefore, by 1 April 2009, please provide a *Technical Report* that describes the proposed dewatering system. The report shall also provide information showing how the proposed dewatering system will be operated in such a manner to meet the conditions outlined in the WDRs. In addition, please include an *Operations and Maintenance Manual* for the proposed dewatering project.

Monitoring Reports

Finally, our records show that the Discharger has not submitted semi-annual monitoring reports as required by Monitoring and Reporting Program (MRP) No. 99-091. The most recent monitoring report in our records is the Annual Compliance Monitoring Report for 2005 which was not received until 4 April 2007. This report was to be submitted by 30 January 2006 as required by the MRP. The Discharger indicates that the report was late because it was sent to the Central Valley Water Board's previous office address.

BRRPS

13

To address the monitoring report violations, by **30 January 2009**, the Discharger shall submit delinquent semi-annual and annual compliance monitoring reports for the 2006, 2007, and 2008. The reports must contain all of the monitoring data required by the MRP. If the delinquent monitoring reports and/or missing monitoring data are not available, the Discharger shall explain why the monitoring was not performed and identify actions that will be taken to assure that future monitoring reports will be submitted on time and complete. Please be advised that the 2008 Annual Compliance Report is also due on **30 January 2009**.

Finally, staff is concerned about the complaint regarding the integrity of the clay lined sumps. Therefore, by **1 April 2009** please provide a technical report prepared by a Registered Civil Engineer that addresses the integrity of the sumps. At a minimum, the report needs to provide results of a detailed field inspection of the sumps conducted by a Registered Civil Engineer. The report shall also address compliance with Section C.1 of the County of Lake Amended Use Permit No. 85-27, pertaining to sump construction.

Finally, please be advised that failure to comply with your WDRs may result in further enforcement action, which could include administrative civil liability (a fine).

Should you have any questions regarding this Notice, please contact Guy Childs at (916) 464-4648.


STEVE E. ROSENBAUM
Senior Engineering Geologist
Compliance and Enforcement
Title 27 and Non15 Programs

- cc: Raymond Ruminski, Lake County Environmental Health Department, Lakeport
- Melissa Floyd, Lake County Planning Department, Lakeport
- Karon Thomas, Bottle Rock Power, LLC., Cobb
- Ronald Suess, Bottle Rock Power, LLC, Santa Rosa
- Marie Ivanovna Buric, Department of Water Resources, Sacramento

CIWQS Violation ID Nos. 801118, 801128, 801129, 801130, 801131, 801134, 801154, 801157

gjc: 6 Jan-09

B2P 6



COUNTY OF LAKE
 COMMUNITY DEVELOPMENT DEPARTMENT
 Courthouse - 255 N. Forbes Street
 Lakeport, California 95453
 Telephone 707/263-2212 FAX 707/263-2225

NOTICE OF VIOLATION

LAKE COUNTY ZONING ORDINANCE
 LAKE COUNTY ZONING ORDINANCE 21-61
 USE PERMIT # 85-27

- A. CASE NUMBER: PL090112-02
 OWNER(S) NAME: Bottle Rock Power Corporation
 VIOLATION ADDRESS: 7385 High Valley Road, Cobb, CA 95426
 MAILING ADDRESS: PO Box 326, Cobb, CA 95426
 ASSESSORS PARCEL NUMBER: 013-002-03, 04, 05
- B. VIOLATION(S) ZONING ORDINANCE CHAPTER 21 USE PERMIT # 85-27
- Condition I.7 – a use permit modification was not applied for nor approved to construct a pipe pad to the west of the Francisco pipeyard.
 - Condition B.7 – functional impermeable retaining levees at least 18" in height and 3' thick to retain potentially hazardous materials on the drill site are not present in working order.
 - Condition C.1 – the sumps at all three drilling sites are not constructed to standards for use in excess of one (1) year, which requires sumps to be double-lined with leachate collection systems consistent with Subchapter 15, Chapter 3, Title 23 of the CA Administrative Code.
 - Condition C.2 – three feet of freeboard was not maintained in the Francisco sump, and drill cuttings were placed directly on the drill pad.
 - Condition C.3 – contingency plan is not in place that includes a list of surface water users downstream of the Francisco Pad to Clear Lake.

letter dated April 13, 2009, a deadline for submittal of the additional soil sampling was not given, however, CDD requests that this plan be provided for review by May 13, 2009.

While not listed in the formal NOV issued on January 12, 2009, CDD has been working with BRP staff to address issues related to Condition M.7 which states "the permit holder shall surface all project roads with a double chip seal surface. . ." The chip seal surfacing that exists on the road in front of the Francisco pad is in a deteriorated state and no surfacing is present on secondary roadways leading to the Coleman or West Coleman pads. In February 2009, BRP submitted a Road Maintenance Plan for 2009-2010 for High Valley Road from the intersection of Bottle Rock Road to the edge of the Binkley Ranch. The CDD concurs with this plan and requests that the work scheduled to occur in 2009 be completed prior to October 15, 2009 to avoid issuance of a Notice of Violation.

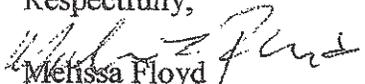
While this plan addresses only High Valley Road, it should be noted that Condition M.7 requires surfacing of all project roads. Prior to October 15, 2009, a minimum of a double chip seal surfacing shall be installed on internal project roadways interconnecting the three steamfield pads with the power plant and High Valley Road.

The Department has noted several smaller issues related to storage of materials on idle pads (Condition D.4), approval of a scenic enhancement plan (Condition I.1), and pipeline painting (Condition I.2) that will not be discussed in detail in this letter, but are mentioned to direct your attention to a few issues that the CDD is anticipating will be addressed in the internal audit that you have indicated will be taking place shortly.

While the Department appreciates the steps Bottle Rock Power, LLC is taking to correct issues at the facility, there are still some significant measures that need to be taken to come into full Use Permit compliance. Please be advised that CDD authorization of future drilling activities may be contingent upon completion of outstanding compliance issues listed above.

The Community Development Department appreciates the approach you plan to take as the new General Manager for Bottle Rock Power, LLC, and looks forward to working with you to insure compliance at the facility. Please do not hesitate to contact me at (707) 245-9740 with any questions or concerns.

Respectfully,


Melissa Floyd
Geothermal Coordinator
mibanks@vnetop.com

Cc: Central Valley Regional Water Quality Control Board
High Valley Road Preservation Committee
Friends of Cobb Mountain

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
 Jon Hopkins, Lake County District Attorney
 Elizabeth Strayer, Lake County Deputy District Attorney
 255 North Forbes Street
 Lakeport, CA 95453

TELEPHONE NO.: (707) 263-2251 FAX NO.:
 ATTORNEY FOR (Name): The People of the State California

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Lake
 STREET ADDRESS: 255 North Forbes Street
 MAILING ADDRESS:
 CITY AND ZIP CODE: Lakeport, CA 95453
 BRANCH NAME: Lakeport Division

CASE NAME:
 People v. Bottle Rock Power, LLC

FOR COURT USE ONLY

FILED
 SUPERIOR COURT
 COUNTY OF LAKE

JUN 15 2009

May E. Smith, Clerk
 Deputy Clerk

CIVIL CASE COVER SHEET

Unlimited (Amount demanded exceeds \$25,000) Limited (Amount demanded is \$25,000 or less)

Complex Case Designation
 Counter Joinder
 Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: CV 406941
 JUDGE:
 DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<p>Auto Tort</p> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <p>Other PIP/D/W/D (Personal Injury/Property Damage/Wrongful Death) Tort</p> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PIP/D/W/D (23) <p>Non-PIP/D/W/D (Other) Tort</p> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PIP/D/W/D tort (35) <p>Employment</p> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<p>Contract</p> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <p>Real Property</p> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <p>Unlawful Detainer</p> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <p>Judicial Review</p> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input checked="" type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <p>Enforcement of Judgment</p> <input type="checkbox"/> Enforcement of judgment (20) <p>Miscellaneous Civil Complaint</p> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <p>Miscellaneous Civil Petition</p> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
---	---	--

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties	d. <input type="checkbox"/> Large number of witnesses
b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence	f. <input type="checkbox"/> Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify):

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: June 15, 2009
 Elizabeth Strayer
 (TYPE OR PRINT NAME)

Elizabeth Strayer
 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed in sanctions).
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

JUN 15 2009

JON E. HOPKINS (SBN 52478)
District Attorney, County of Lake
ELIZABETH STRAYER (SBN 259645)
Deputy District Attorney, County of Lake
255 North Forbes Street
Lakeport, CA 95453
(707) 263-2251

[Plaintiff is exempt from filing fees
under Government Code § 6103]

FILED
SUPERIOR COURT
COUNTY OF LAKE

JUN 15 2009

Attorneys for THE PEOPLE OF THE STATE OF CALIFORNIA

Mary E. Smith, Clerk
[Signature]
Deputy Clerk

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LAKE

THE PEOPLE OF THE STATE OF CALIFORNIA,

CASE NO.: CV 406941

Plaintiff,

STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES, AND
OTHER RELIEF

vs.

BOTTLE ROCK POWER, LLC,

Defendant.

Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, having filed their
Complaint herein, by and through their attorney JON E. HOPKINS, District Attorney for the
County of Lake, by and through ELIZABETH STRAYER, Deputy District Attorney for the
County of Lake, and Defendant BOTTLE ROCK POWER, LLC (hereinafter "Defendant"), by
and through ED DUCKERS of Steel Rives LLP, counsel for Defendant, hereby stipulate and
consent to the entry of this injunction and final judgment pursuant to this Stipulation (hereinafter
"Stipulated Judgment"). The terms hereof are effective upon entry of this Stipulated Judgment
by the court (hereinafter "Effective Date"). This Stipulated Judgment shall not constitute
evidence of admission or concession by this named Defendant regarding any allegations of law

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1 and fact alleged in the Complaint filed by the Plaintiff herein. This Stipulated Judgment is
2 entered into based in part on representations, made and reaffirmed by the named Defendant
3 herein, that certain penalty and other payments will be made according to the terms of this
4 Stipulated Judgment.

5 Upon the consent of the parties hereto, and it appearing to the Court that GOOD CAUSE
6 exists for the entry of this Stipulated Judgment,

7 IT IS ORDERED, ADJUDGED AND DECREED as follows:

8
9 JURISDICTION

10 1. This court has jurisdiction over the subject matter of this action and over each of
11 the parties hereto, and has jurisdiction to enter this Stipulated Judgment as a full and final
12 resolution of all claims that were alleged in the Complaint filed by the People of the State of
13 California (hereinafter "the People") based upon the facts alleged therein. This court will retain
14 said jurisdiction until final performance of this Stipulated Judgment under California Code of
15 Civil Procedure section 664.6.

16
17 APPLICABILITY

18 2. The provisions of this Stipulated Judgment, including the injunctive provisions
19 contained herein, are applicable to Defendant, its subsidiaries, divisions, alter egos and/or sole
20 proprietorships and any agent, employee, or representative thereof, and all persons, partners,
21 corporations, heirs, assigns, lessees, devisees or other entities acting by, through, under, or on
22 behalf of Defendant and all persons in concert with or participating with said Defendant, with
23 actual or constructive knowledge of this injunction, insofar as they are doing business in the
24 State of California.

25
26 RECITALS

27 3. The Lake County District Attorney, on behalf of the People, filed a Complaint
28 for Civil Penalties and Other Relief (hereinafter "Complaint") and stated causes of action for

1 violations of California Fish and Game Code section 1602(a), alleging that Defendant
 2 substantially diverted or obstructed the natural flow of, or substantially changed or used any
 3 material from the bed, channel, or bank of, a river, stream, or lake at its business located in
 4 Cobb, California. The People allege the following facts in the Complaint:

5 Defendant owns and operates the Bottle Rock Power Plant in
 6 Cobb, California, and is engaged in the business of generating power. On
 7 or about September 4, 2008, Department of Fish and Game Environmental
 8 Scientists (hereinafter "Environmental Scientists") inspected Defendant's
 9 property located at 7385 High Valley Road, Cobb, California, in Lake
 10 County, California. The Environmental Scientists found that on or before
 11 September 4, 2008, Defendant graded a road and installed fire breaks
 12 through both Cow Creek and Coleman Creek.

13 These fire breaks substantially altered the streambeds of Coleman
 14 Creek and Cow Creek, which resulted in significant areas of impact to the
 15 streambeds. Further, Defendants actions caused loose sediment to be
 16 present in areas with high potential to enter the streambed and the bank of
 17 Cow Creek. Defendant failed to notify the California Department of Fish
 18 and Game (hereinafter "the Department") prior to conducting these
 19 alterations.

20 4. The People's Complaint also states causes of action for violations of California
 21 Business and Professions Code section 17200 *et seq.*, alleging that Defendant engaged in acts of
 22 unfair business competition, predicated on violations of California Fish and Game Code section
 23 1602(a).

24
 25 INJUNCTION

26 5. Pursuant to California Fish and Game Code section 1615 and California Business
 27 and Professions Code section 17203, which allow for injunctive relief, Defendant is prohibited
 28

V-4

1 from violating the terms hereof for three (3) years following the effective date of this Stipulated
2 Judgment and is hereby required to:

- 3 (a) Abide by any and all environmental laws, including but not limited to
4 California Fish and Game Code section 1602(a);
- 5 (b) Prior to August 1, 2009, submit a Restoration Plan that addresses all
6 impacted areas of the property to the Department, obtain approval of said
7 Restoration Plan from the Department which approval shall not be
8 unreasonably withheld, and conduct all restoration work according to the
9 terms of said approved Plan;
- 10 (c) Prior to August 1, 2009, submit a Sediment and Erosion Control Plan that
11 addresses all impacted areas to the Department, obtain approval of said
12 Sediment and Erosion Control Plan from the Department which approval
13 shall not unreasonably withheld, and implement said approved Plan
14 according to its terms; and
- 15 (d) Make all payments for Civil Penalties as set forth in paragraph 8 herein
16 and for Cost Recovery Programs and Supplemental Environmental
17 Projects as set forth in paragraph 10 herein. Failure to make such
18 payments is considered a breach of this Stipulated Judgment, and will
19 trigger the stayed penalties as set forth in paragraph 8 herein.

20
21 IMPOSITION OF STAYED PENALTIES

22 6. In the event that, at any time following the Effective Date, the Lake County
23 District Attorney identifies one or more violations of the injunctive provisions of paragraph 5,
24 subsection (a), (b), (c), or (d), herein, the District Attorney shall file a motion with this Court
25 seeking imposition of the stayed penalties described in paragraph 8 herein.

26 7. In determining whether the Defendant has violated the terms of this Stipulated
27 Judgment, the Court shall have no discretion to determine the amount of stayed penalties

V-4

1 imposed on Defendant. Defendant shall be ordered to pay the full amount of the stayed penalties
2 upon determination of the Court that a breach of this Stipulated Judgment has occurred.

3
4 MONETARY RELIEF

5 8. Defendant shall pay the sum of TWENTY ONE THOUSAND FIVE HUNDRED
6 DOLLARS (\$21,500.00) in civil penalties, as follows:

7 (a) Defendant shall pay FIVE THOUSAND DOLLARS (\$5,000.00) in civil
8 penalties for violations of California Fish and Game Code section 1602(a),
9 pursuant to California Fish and Game Code section 1615, as follows:

10 (i) TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00)
11 to the Lake County Treasurer, for deposit into the Lake County
12 Fish and Wildlife Propagation Fund established pursuant to
13 California Fish and Game Code section 13100; and

14 (ii) TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00)
15 to the California Department of Fish and Game Preservation Fund.

16 (b) Defendant shall pay ONE THOUSAND FIVE HUNDRED DOLLARS
17 (\$1,500.00) in civil penalties for violations of California Business and
18 Professions Code section 17200 *et seq.*, pursuant to California Business
19 and Professions Code section 17206, as follows:

20 (i) ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00)
21 to the Lake County Treasurer, to be used for the enforcement of
22 consumer protection laws.

23 (c) Defendant shall also pay FIFTEEN THOUSAND DOLLARS
24 (\$15,000.00) as civil penalties which shall be STAYED for a period of
25 three (3) years, beginning on the Effective Date of this Stipulated
26 Judgment, and on the condition that no violation or breach of the
27 injunctive provisions of this Stipulated Judgment occur. If no violation or
28 breach occurs during the three (3) year period, the stay will become

V-4

1 permanent. If a violation or breach of this Stipulated Judgment occurs, the
 2 Lake County District Attorney may file a regularly noticed civil motion
 3 pursuant to California Code of Civil Procedure section 1005(b) to lift the
 4 stay on the penalties set forth in this paragraph. This stayed FIFTEEN
 5 THOUSAND DOLLAR (\$15,000.00) portion of the civil penalties shall
 6 be immediately due and owed on this case if any violation or breach of
 7 this Stipulated Judgment occurs. By signing this Stipulated Judgment,
 8 Defendant waives the right to claim substantial performance as a defense
 9 in a future motion to lift the stay on civil penalties, based on the above.

10 9. Plaintiff shall be entitled to reasonable fees and costs incurred in collecting the
 11 payments set forth in paragraph 8 herein, if any, should Defendant fail to make any payments
 12 pursuant to the terms of this Stipulated Judgment.

13 10. In addition to the civil penalties referenced in paragraph 8 herein, Defendant shall
 14 pay the sum of EIGHT THOUSAND DOLLARS (\$8,000.00) to Supplemental Environmental
 15 Projects and/or Cost Recovery Programs, to be paid as follows:

16 (a) FOUR THOUSAND DOLLARS (\$4,000.00) in supplemental
 17 environmental projects for the future prosecution of environmental
 18 violations in rural California counties made payable to the California
 19 District Attorneys Association, Circuit Prosecutor Project.

20 (b) FOUR THOUSAND DOLLARS (\$4,000.00) for cost recovery related to
 21 the investigation of the allegations set forth in the Complaint filed in this
 22 action made payable to the California Department of Fish and Game
 23 Preservation Fund.

24 11. Defendant shall also pay the sum of THREE HUNDRED FIFTY DOLLARS
 25 (\$350.00) to the Clerk of the Lake County Superior Court for filing fees. The filing fee is due
 26 upon the date of signature and shall be delivered with this signed Stipulated Judgment.

27 12. All checks shall be sent to the California District Attorneys Association,
 28 Attention: Elizabeth Strayer, 921 Eleventh Street, Suite 300, Sacramento CA 95814. All

v-4

1 ///

2 ///

3 ///

4 Stipulated Judgment is not approved by the Court, it shall be of no force or effect.

5 16. This Stipulated Judgment shall go into effect immediately upon entry hereof.
6 Entry is authorized immediately upon filing.

7
8 Approved as to form and substance:

9
10 Dated: 6/12/09

11 By: Edward C. Duckers
12 ED DUCKERS
13 Steel Rives LLP
14 Counsel for Defendant

15 JON E. HOPKINS
16 District Attorney
17 County of Lake

18 Dated: 6/12/09

19 By: Elizabeth Strayer
20 ELIZABETH STRAYER
21 Deputy District Attorney
22 County of Lake

23 IT IS ORDERED, ADJUDGED AND DECREED.

24 Dated: 6/15/09

25 By: Robert L. Crone, Jr.
26 ~~Assigned~~
27 JUDGE OF THE SUPERIOR COURT
28 Crone



Linda S. Adams
Secretary for
Environmental
Protection

**California Regional Water Quality Control Board
Central Valley Region**

Karl E. Longley, ScD, P.E., Chair

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Phone (916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>



Arnold
Schwarzenegger
Governor

Brian Harms
Bottle Rock Power, LLC
7384 High Valley Road
P.O. Box 326
Cobb, CA 95426

1 December 2009

NOTICE OF VIOLATION, GEOTHERMAL STEAM CONDENSATE SPILL, BOTTLE ROCK POWER, LLC, LAKE COUNTY

Central Valley Water Board staff has reviewed a 22 October 2009 spill report from Bottle Rock Power Plant, LLC (Discharger) that describes a spill of geothermal steam condensate from the Bottle Rock Power Plant in Cobb. The report states that, on 23 September 2009, approximately 1,000 gallons of geothermal condensate solution released onto the ground. The reports also states that the spill was caused by the failure of a section of underground reinjection piping from the Coleman to Francisco injection wells 3, 4, and 5. The pipeline failed while the Discharger was opening a valve to allow reinjection fluids to flow into Francisco injection wells 3, 4, and 5.

The report states that following the spill, the piping was reportedly locked and tagged out of service. Cleanup efforts included excavating approximately three yards of soil in the area of release and using a vacuum truck to collect the released geothermal condensate. The Discharger determined that the piping was to be abandoned in place.

The spill is a violation of Discharge Prohibition No. A.3 of Waste Discharge Requirements (WDRs) Order No. 99-091 which states: *"There shall be no disposal, storage, treatment, or transport of wastes into facilities which are not described within this Order or which are not properly permitted by a Regional Board."*

Wastewater spills are serious violations of your WDRs and can lead to further enforcement actions, such as fines. Please be advised that preventative maintenance is necessary to ensure that future spills do not occur.

If you have questions regarding this Notice, please contact Guy Childs at (916) 464-4648.

Original Signed By

ANNE L. OLSON, Chief
Waste Discharge to Land Compliance Unit

cc: see next page

California Environmental Protection Agency

BRP 9

Brian Harms
Bottle Rock Power, LLC

1 December 2009

cc: Marie Ivanovna Buric, Department of Water Resources, Sacramento
Raymond Ruminski, Lake County Environmental Health Department, Lakeport
Karon Thomas, Bottle Rock Power, LLC., Cobb

CIWQS Violation ID No. 372022

gjc: 1 Dec-09



Linda S. Adams
Secretary for
Environmental
Protection

California Regional Water Quality Control Board Central Valley Region

Katherine Hart, Chair

Student



Arnold
Schwarzenegger
Governor

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Phone (916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>

13 May 2010

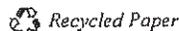
Brian Harms
Bottle Rock Power, LLC
7384 High Valley Road
P.O. Box 326
Cobb, CA 95426

NOTICE OF VIOLATION, GEOTHERMAL STEAM CONDENSATE SPILLS, BOTTLE ROCK POWER, LLC, LAKE COUNTY

Central Valley Water Board staff has reviewed spill reports dated 6 and 7 April 2010 that describe spills of geothermal steam condensate from the Bottle Rock Power Plant in Cobb. The spills are described as follows:

- The 6 April 2010 report describes a spill of geothermal steam condensate estimated at approximately 800 gallons that occurred on 23 March 2010 from the vent system piping located just outside the plant gate. The majority of the spill was contained within a concrete lined drainage ditch. The spill was caused by a leak in a threaded elbow pipe connection and that repair to the pipe connection consisted of welding the pipe connection to reduce the chance of future leaks. Cleanup efforts included removal and disposal of the affected soil in the drainage ditch. In addition, the spill area was washed down and a vacuum truck was used to collect the wash water. The report states that the pipelines will be routinely walked and inspected determine any areas in the piping system that could develop into potential leaks.
- The 7 April 2010 report describes a spill of geothermal steam condensate estimated at approximately 700 gallons that occurred on 24 March 2010 from a rock muffler sump. The spill report states that approximately 350 gallons of geothermal condensate was captured by a concrete spill containment berm, while the remainder of the spill entered the soil surrounding the rock muffler sump. Following the spill, a stand-by pump was used to prevent the rock muffler sump from continuing to overflow. The spill was caused by malfunctioning sump pump level switches. The spill report states that cleanup efforts included: (a) the collection and storage of approximately 15 cubic yards of soil and removing the liquid that soaked into the soil, and (b) washing down the area and collecting the wash water via a vacuum truck. The spill report states that procedures have been modified to include daily inspections of the sump and conduct additional inspections when the steam stacking system is operational. Finally, the spill report states that more frequent preventative maintenance on the pump level switches will be performed and additional spill containment around the rock muffler sump is being evaluated.

California Environmental Protection Agency



BRP 11

These spills are violations of Discharge Prohibition No. A.3 of Waste Discharge Requirements (WDRs) Order No. 99-091 which states: *"There shall be no disposal, storage, treatment, or transport of wastes into facilities which are not described within this Order or which are not properly permitted by a Regional Board."*

Geothermal steam condensate spills are serious violations of your WDRs and can lead to further enforcement actions, such as fines. Please be advised that preventative maintenance is necessary to ensure that future spills do not occur.

If you have questions regarding this Notice, please contact Guy Childs at (916) 464-4648.



ANNE L. OLSON, P.E., Chief
Senior Wastewater Control Engineer
Waste Discharge to Land Compliance Unit

cc: Marie Ivanovna Buric, Department of Water Resources, Sacramento
Raymond Ruminski, Lake County Environmental Health Department, Lakeport
Cheri Kendrick, Bottle Rock Power, LLC., Cobb

CIWQS Violation ID Nos. 868041, 868042

gjc: 13 May-10



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Telephone 707/263-2221 FAX 707/263-2225

April 15, 2009

Brian Harms
General Manager
Bottle Rock Power, LLC
PO Box 326
Cobb, CA 95426

RE: NOV Case # PL 090112-02 status

Dear Mr. Harms,

The purpose of this letter is to provide you an update on the status of the corrective actions outlined in the above-mentioned Notice of Violation of Use Permit # 85-27. The following is a list of each of the remaining violations, with further direction provided as to the Community Development Department's (CDD) expectations for compliance with outstanding issues:

Condition I.7 – a use permit modification was not applied for nor approved to construct a pipe pad to the west of the Francisco pipeyard. The pipeyard is still existing onsite. According to the letter from Karon Thomas received March 2, 2009, the intention is to remove the pipeyard at the beginning of May 2009 and hydroseed the area. CDD has not yet received an application for a grading permit to accomplish this work.

Condition B.7 – functional impermeable retaining levees at least 18" in height and 3' thick to retain potentially hazardous materials on the drill site are not present in working order. Temporary berms are currently in place on West Coleman and Coleman pads. The Francisco berm has been temporarily repaired but is not built to the required standards. Based upon the March 2, 2009 from Karon, CDD understands that BRP has contracted to construct permanent concrete retaining walls on all three pads in spring 2009. CDD requests that BRP provide the specific timeline for completion of these activities by April 30, 2009.

Condition C.1 – the sumps at all three drilling sites are not constructed to standards for use in excess of one (1) year, which requires sumps to be double-lined with leachate collection systems consistent with Subchapter 15, Chapter 3, Title 23 of the CA Administrative Code. On March 30, 2009 CDD received a proposal for analysis of the sumps. The Department provided feedback for revisions to the proposal on April 15, 2009. Additionally, BRP has proceeded with converting drilling activities to sumpless and is not placing solids or liquids from drilling operations into the sumps. Once the status of the integrity and composition of the sump liners is determined, the CDD, in coordination with the CVRWQCB, will provide feedback concerning the future use of

the sumps.

Condition C.2 – three feet of freeboard was not maintained in the Francisco sump, and drill cuttings were placed directly on the drill pad. On March 17, 2009, the CVRWQCB issued their approval for the dewatering of the sumps. While freeboard was not maintained throughout the rainy season at the Francisco and Coleman sumps, it is anticipated that the dewatering project, in coordination with sumpless drilling, will prevent this violation from occurring again.

With regards to storing of drill cutting directly on the drill pads, it is the Community Development Department's understanding that training will be provided to all staff and contractors to make them aware of use permit conditions related to storing of drill cuttings and other conditions.

Condition C.3 – contingency plan is not in place that includes a list of surface water users downstream of the Francisco Pad to Clear Lake. The March 2nd letter includes the required contingency plan and list of downstream users.

Condition C.4 – a contingency plan is not in place to address emergencies due to breaks or unexpected deformation of pipelines and supports. The March 2nd letter includes the required contingency plan for compromises to the pipelines.

Condition C.5 – prior to reactivating use of the sumps, a written engineering report on the condition of the sumps was not submitted to the Planning Department. On March 30, 2009 CDD received a proposal for an engineering analysis of the sumps. The Department provided feedback for revisions to the proposal on April 15, 2009. Once the status of the integrity and composition of the sumps is determined, the Department, in coordination with the CVRWQCB, will provide feedback on the future of the sumps.

Condition M.8 – annual reports summarizing compliance activities during the previous year have not been submitted. On March 15, 2009, CDD received the 2008 annual report. BRP has requested that annual reports be submitted by March 15th of each subsequent year, and CDD concurs with that deadline.

Condition M.16 – updated financial assurances have not been provided to cover the cost of site reclamation and/or accidents. On January 8, 2009 CDD received an acceptable surety bond for the sum of \$706,331.00. This sum shall be revised every two (2) years according to the Consumer Price Index.

Condition II.G – page 4 of Attachment 1 item c.- integrity of the Meadow was violated through placement of drilling mud. The drill cuttings on the Meadow were removed in September 2008 and the site reseeded in October 2008. To date, revegetation efforts have not been successful on the site. On March 30, 2009, CDD received a revised Meadow soil sampling plan to determine if any drill cuttings remain. CDD approved this plan on April 13, 2009 with the condition that an additional plan be submitted to sample shallow soil conditions for the suitability of supporting revegetation. In the Department

49
letter dated April 13, 2009, a deadline for submittal of the additional soil sampling was not given, however, CDD requests that this plan be provided for review by May 13, 2009.

While not listed in the formal NOV issued on January 12, 2009, CDD has been working with BRP staff to address issues related to Condition M.7 which states "the permit holder shall surface all project roads with a double chip seal surface. . ." The chip seal surfacing that exists on the road in front of the Francisco pad is in a deteriorated state and no surfacing is present on secondary roadways leading to the Coleman or West Coleman pads. In February 2009, BRP submitted a Road Maintenance Plan for 2009-2010 for High Valley Road from the intersection of Bottle Rock Road to the edge of the Binkley Ranch. The CDD concurs with this plan and requests that the work scheduled to occur in 2009 be completed prior to October 15, 2009 to avoid issuance of a Notice of Violation.

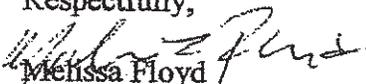
While this plan addresses only High Valley Road, it should be noted that Condition M.7 requires surfacing of all project roads. Prior to October 15, 2009, a minimum of a double chip seal surfacing shall be installed on internal project roadways interconnecting the three steamfield pads with the power plant and High Valley Road.

The Department has noted several smaller issues related to storage of materials on idle pads (Condition D.4), approval of a scenic enhancement plan (Condition I.1), and pipeline painting (Condition I.2) that will not be discussed in detail in this letter, but are mentioned to direct your attention to a few issues that the CDD is anticipating will be addressed in the internal audit that you have indicated will be taking place shortly.

While the Department appreciates the steps Bottle Rock Power, LLC is taking to correct issues at the facility, there are still some significant measures that need to be taken to come into full-Use Permit compliance. Please be advised that CDD authorization of future drilling activities may be contingent upon completion of outstanding compliance issues listed above.

The Community Development Department appreciates the approach you plan to take as the new General Manager for Bottle Rock Power, LLC, and looks forward to working with you to insure compliance at the facility. Please do not hesitate to contact me at (707) 245-9740 with any questions or concerns.

Respectfully,


Melissa Floyd

Geothermal Coordinator

mlbanks@vashoo.com

Cc: Central Valley Regional Water Quality Control Board
High Valley Road Preservation Committee
Friends of Cobb Mountain

ITEM 1
9:05 AM
NOVEMBER 3, 2010
Comment N(5)
Fung
30 pages

ROAD ISSUES & TRAFFIC
ATTACHMENTS

R-1: DWR doc

R-2::1987 staff report

T-3: General plan t:119

Traffic issue emails

RECEIVED

NOV 01 2010

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT

RD 1

STATE OF CALIFORNIA - RESOURCES AGENCY

GEORGE DEUKMEJIAN, Governor

DEPARTMENT OF WATER RESOURCES

BOX 358
SACRAMENTO
95802

(916) 445-9262



MAY 25 1985

**ORIGINAL CONTRACT CALLED
FOR NO CONSTRUCTION
VEHICLES ON WEEKENDS**

Ann Schaaf
P.O. Box 194
Cobb, CA 95426

Bottle Rock Geothermal Powerplant Project, High Valley Road Access,
Ann Schaaf, Parcel No. GT-19

Representatives of the Department of Water Resources, during their meetings with property owners along High Valley Road, approximately two years ago, stated that there would be no need for construction vehicles to use High Valley Road on weekends and legal holidays. Your cooperation with the Department was based, in part, on that assurance.

Due to the extreme wet winter of 1982-1983, the Department's contractors are several months behind schedule for the completion of the Bottle Rock Powerplant. In order for the Department to avoid penalties being assessed against it by the steam supplier for the Department's inability to receive steam on schedule, the Department requests your continued cooperation when the contractor increases his working hours to eleven (11) hours two days per week and on Saturdays. This increase in the use of High Valley Road will continue through June 1984. The increase in working hours will allow the power plant to be completed sooner and thus reduce the traffic on High Valley Road earlier than presently expected.

To compensate you for the added inconvenience, the Department feels that some additional monetary consideration is in order. I will be contacting you within the next few days to discuss a settlement.

Sincerely,

Paul M. Hays, Land Agent
Real Estate Branch
Division of Land and Right of Way

NOT
24/7 →



copy from MB file

25 JUNE 1987

COUNTY OF LAKE
PLANNING DEPARTMENT
Resource Management Division
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Telephone 707/263-2221

We Need The Current Report
Permitting paper work, also.

ATTACHMENT R-2

Page 1
S.R.

S. R.
STAFF REPORT

Document A,
-5

TO: Planning Commission
FROM: Mark Dellinger, Geothermal Coordinator
RE: Approval of MCR Geothermal Corporation's Revised Traffic Control and Road Maintenance Plan, Consistent with Condition M.13. of Use Permit 85-27.

- ATTACHMENTS:
1. Traffic Control and Road Maintenance Plan approved by Planning Commission 2/13/87.
 2. Proposed Revisions to the Traffic Control and Road Maintenance Plan dated 5/87.
 3. Comments from affected property owners and interested agencies.
 4. Conditions from Use Permit 85-27 related to traffic control.
 5. June 16, 1987 final pre-hearing Traffic Control and Road Maintenance Plan.

I. PROJECT SUMMARY

MCR Geothermal Corporation proposes to revise its Traffic Control and Road Maintenance Plan for the Bottle Rock Geothermal Steam Field Project. Revisions to this previously approved plan include converting a staffed guard gate to a key card/telephone system and installation of three locking gates within the leasehold. Staff recommends Planning Commission approval of the Traffic Control and Road Maintenance Plan as modified in Attachment #5 of this staff report.

II. BACKGROUND

On February 13, 1986 the Planning Commission approved MCR Geothermal's Traffic Control and Road Maintenance Plan as required by Use Permit 85-17. Subsequent to this approval, MCR applied to expand their steamfield project and in June 1986 the Planning Commission approved Use Permit 85-27 for this expansion. Because of the expanded project and the fact that access is through a private road passing several residences, condition M.13 required a revised traffic control and road maintenance plan. Condition M.13 reads as follows:



Page 2
S.A.

~~FOR TUSANZATTA~~

⊗ "Permit holder shall, submit a revised traffic control and road maintenance plan for High Valley Road. This plan shall require car pooling and/or bussing of employees whenever possible and take into account the great increase in heavy truck traffic which will accompany full field development and expansion of the Bottle Rock site. The plan shall also address sign requirements and the coordination of heavy truck traffic (on Sulphur Creek Road) with the school district to reduce safety concerns to school children. The plan shall suggest mitigations which will prevent or alleviate the concomitant increase in danger due to traffic accidents and damage to the road which may occur following development. This plan shall be approved prior to issuance of a grading permit for pad, road, or pipeline construction."

✕ In March 1987, MCR held a meeting to discuss alternatives to the existing guard gate with affected landowners and residents. Because of a slow-down in drilling activity on the MCR leasehold, and the high cost of operating a continuously staffed guard gate, MCR proposed eliminating guards and providing a card key system. Many of the residents found this proposal unacceptable because they feel that a staffed guard gate provides more protection against illegal trespass and vandalism.

✕ Additional discussions and meetings have been held in an effort to reach a consensus on a level of protection which is adequate for the residents and economic for MCR while still meeting the requirements of Use Permit 85-27.

III. REVISED TRAFFIC CONTROL AND ROAD MAINTENANCE PLAN

The proposed plan (Attachment #3) differs from the Planning Commission approved plan (Attachment #1) in two substantive areas. These are discussed below.

⊗ A. Staffed Guard Gate/Card-Key System - The previously approved plan included a continuously staffed guard gate and logging of all incoming traffic. Additional logging of outgoing traffic and inspection of geothermal waste hauling trucks has been provided by MCR at their control building.

I was the problem

✕ MCR now proposes to eliminate the staffed guard gate with one of three alternatives; (1) Key card system, (2) locked gate, (3) combination of locked gate and key card system. The key card system includes phone dialing capabilities which would allow residents, MCR, and Department of Water Resources staff to open the gate from their home or office. This represents an inconvenience to those residents without phone service who would have to either install a phone or make other arrangements to allow visitors through the gate.

✕ A review of comments received by area residents illustrates the controversial nature of this proposal. Many believe the existing

Page 5
S.R

Therefore, staff recommends that the Planning Commission:

A. Move that the previously approved environmental impact report and supplements meet the requirements of Section 15162(a) of the State CEQA Guidelines, and that no additional environmental review need be prepared for the Supplemental Traffic Control and Road Maintenance Plan with the following findings:

- 1. There has been no change in the project which would create significant environmental impacts.
- 2. There has been no substantial change in circumstances resulting in significant environmental impacts pertaining to the proposed action.
- 3. No new environmental mitigations or no new information of substantial importance to the project has become available.

B. Approve the modified Traffic Control and Road Maintenance Plan for the MCR Bottle Rock Road Geothermal Project (see Attachment #5) with the following findings:

- 1. Condition M.13 of Use Permit 85-27 requires Planning Commission approval of a traffic control and road maintenance plan for the MCR Bottle Rock Steamfield Geothermal Project.
- X 2. This plan as modified is consistent with the intent of condition M.13, Use Permit 85-27.
- X 3. This plan as modified provides a variety of measures such as speed limits, carpooling, and record keeping which will help reduce traffic hazards and promote public health and safety.
- X 4. This plan is consistent with the Lake County General Plan and Zoning Ordinance.

Proposed Motions:

A. Environmental Motion:

Page 15.M.

B. Traffic Control & Road Maintenance Plan:

I move that the Planning Commission approve the Traffic Control and Road Maintenance Plan for the MCR Bottle Rock Steamfield Geothermal Project as modified in Attachment #5, and the findings listed on pages 4 and 5 of the staff report dated June 25, 1987.

Page 3
S.R.

MCR Revised Traffic Control and Road Maintenance Plan, UP 85-27

* guard gate provides an adequate level of protection against unauthorized access and vandalism. Others believe a combination of staffed gate and key card system represents a reasonable compromise. Another proposal would include a key card system in conjunction with a rolling chain link fence gate rather than the existing "break away" type of gate. This break away type was installed to allow emergency response vehicles to gain immediate access to the project area if needed. Installation of a rolling chain link fence would require revisions to the existing gate opener and minor earthwork. Staff finds either option acceptable as well as enlarging and reinforcing the existing breakaway gate.

Discussion and Analysis - Page 2, paragraph 6 of the previously approved Traffic Control Plan reads as follows:

"When all construction has been completed, MGC will consider relocating the gate, change to a card key operation, leave gate as is. These options must be acceptable by MGC, residents of High Valley Road, Lake County Planning Department, and emergency response agencies."

As mentioned earlier, MCR is now proposing to amend their Traffic Control Plan and convert to a key card system because of the high operational costs of the guard gate (approximately \$100,000/yr.) and the slow down in drilling activity on the leasehold. MCR and DWR have notified the contractor providing guard services that their contract will be terminated by June 30, 1987.

A key card system with phone would comply with the requirements of Use Permit 85-27 and satisfy emergency response agencies if the following items are included:

- 1. Logging of all incoming traffic to verify car pooling and/or bussing of employees (Condition M.13), and restrictions of large truck traffic (Condition F.6).
- 2. Logging of hazardous waste vehicle inspections prior to leaving the leasehold. These records are required to be available for review at the guard gate for agency staff verification (Condition M.3).
- 3. Key cards and/or phone access numbers provided to Health Department, Sheriff, Air Quality Management District, Planning Department, Middletown Fire District, California Department of Forestry (Condition I.2).

In addition, MCR indicates that an automatic traffic count device will be installed and connected to the key card phone system. T+ will differ in rate between

Page 4.
S.R.

activities occur on the MCR leasehold, a key card phone type system seems appropriate. However, as steamfield expansion occurs in the future and drilling activity increases, a staffed guard gate may be more appropriate. Drilling would occur on a continuous basis for approximately 45 to 90 days with subcontractors and drilling support staff arriving at all hours of the day or night.

B. Locked Gates Within Leasehold - Attachment #2 includes a map showing proposed locations for three locked gates in the leasehold. While the proposed Traffic Control Plan provides no discussion of the proposed locked gates, MCR indicates they are needed for security and public safety purposes. The gate on High Valley Road would be open daily from 6:00 a.m. to 11:00 p.m. seven days per week.

Discussion and Analysis - Staff believes the two gates located on interior roads near the DWR power plant, Coleman and West Coleman pads provides adequate security and safety and no inconvenience to residents. However, the proposed locked gate on High Valley Road is in a different situation. It is important to make the control building accessible to contractors, regulatory personnel and emergency response agencies within the leasehold. It is also important to allow rapid escape by area residents in case of emergency. Furthermore, allowing the locking gate in this location could set a precedent of locating numerous other private gates on High Valley Road. The result could be unacceptable from an emergency response, public safety, and convenience standpoint.

(X) (X) (X) (X) (X) (X)

IV. RECOMMENDATION

X Staff believes that the proposed key card/telephone option is an acceptable substitute for a manned guard gate as it offers the most flexibility and convenience for all concerned residents, contractors and regulatory agencies. This type of system has been used for many years in residential, commercial and industrial applications. As mentioned in the resident's comments, many are opposed to changing the existing system. Because a key card/telephone system has never been used in this particular situation it would seem reasonable to install this system on a trial basis (for perhaps 6 months) to evaluate its performance. Then, all concerned parties can comment on the system's effectiveness and changes or modifications can be incorporated.

(X)

As discussed earlier, an additional locked gate on High Valley Road does not appear to be justified because it would provide little additional security while it represents a significant inconvenience to property owners north and west of the leasehold. More effective security can be provided by fencing specific areas of concern or, in the case of protecting equipment and materials, through storage in the existing fenced area adjacent to the control building.

Mary Jadiker

May 22, 1987 1st of 3 letters



Alex Hinds
Planning Director
Lake County Planning Dept.
255 No. Forbes Street
Lakeport, CA 95453

Dear Mr. Hinds: RE: MCR Geothermal Traffic Plan

Enclosed is a copy of the Binkley Family Trust comments on MCR's proposed Traffic Control Plan for High Valley Road as submitted by MCR to comply with the conditions of their recently received 30-year Use Permit.

I am hereby requesting an extension of the comment period from May 27 to at least June 8. The reason for an extension is the controversial nature of the Plan and the fact that notification and copies of the Plan were not received by many residents affected by the proposal. Property owners within 700 feet of the MCR leasehold were notified, but residents and property owners along High Valley Road are only now becoming aware of MCR's proposal.

As you know, there was a meeting in March between property owners and MCR to discuss changes in the security gate system. The meeting was highly confrontational and not very productive but it certainly did demonstrate a high level of interest on the part of property owners and a great concern for their own security which they see threatened by any change from the present manned guard gate.

There is an urgency to the question of acceptance of a new Traffic Control Plan brought on by the fact that MCR has notified the guard gate personnel that the contract to staff the High Valley gate will terminate June 30, 1987. This seems a bit presumptuous of MCR to me, in that their present Use Permit contains references to duties of guard gate personnel. Until a Traffic Plan without a manned security gate is incorporated into their 30-year Use Permit and necessary changes are made in the Permit I believe MCR is bound by its existing Permit to maintain a manned gate.

If the Planning Department agrees it may be appropriate for you to notify MCR that abandonment of the manned gate prior to adoption of an alternate Traffic Plan would place them out of compliance. If MCR will keep the guards until this question is resolved, it would avoid a potentially embarrassing situation for them and an explosive confrontation with their neighbors.

Peace,
Mary
Mary Jadiker

Robert ... Ron ... 707 928 4423

BINKLEY FAMILY TRUST

P.O. Box 522
Cobb, Lake County, California 95428
(reply to P. O. Box 28, Cobb)

RECEIVED

JUN 08 1987

June 4, 1987

LAKE COUNTY PLANNING DEPT.

Mr. Alex Hinds
County Planning Director
Lake County Courthouse
255 No. Forbes-St.
Lakeport, CA 95453

Dear Mr. Hinds,

Speaking for the Binkley Family Trust, I urge you to advise the Planning Commission not to allow installation of a locked gate inside the MCR geothermal lease to block traffic on High Valley Road.

High Valley Road is a private through road in existence since the 1800's. The road is improved and maintained to the Binkley Ranch and is unimproved beyond the Ranch to the Caldwell Pines. The Binkley Ranch is essentially the "end of the road" and has been used as access to the Ranch for over 60 years. A locked gate has been maintained at the Binkley property line for over 50 years.

MCR proposes to abandon the 24-hour manned guard gate on High Valley Road at BottleRock Road and replace it with a card-key/telephone automated security gate. The Binkley Ranch has no disagreement with this proposal unless replacement of the manned gate is used as the excuse for installation of a second locked gate on High Valley Road near the MCR control building as shown on MCR's proposed Traffic Plan map.

The second locked gate does not provide "public safety" protection from the Francisco well pad site constructed next to High Valley Road since MCR's proposal would lock the gate from 11:00 pm to 6:00 am...not really a time of high sight-seer traffic. All other leasehold well sites are behind an existing gate across an interior leasehold road. The Francisco well pad is immediately across the road from MCR's office-control building which is occupied 24 hours a day. Surely that provides security.

- For ten years of operation, even prior to installation of the manned guard gate at BottleRock Road, MCR has not needed (or at least never installed) a locked gate on High Valley Road within their leasehold.
- If MCR believes replacement of the manned gate at BottleRock Road with a key-card/phone security gate provides adequate security for residents and property owners on High Valley Road and provides adequate monitoring of non-card holders by virtue of their and MCR's ability to screen telephone entry requests, how can there be a need for a second gate within sight of the 24-hour a day occupied MCR office/control building?

During the zoning process which ultimately granted Planned Development zoning to Binkley Ranch lands in anticipation of more resident families, unimpaired High

Valley Road access was an important consideration of granting the zoning. MCR plans to impair access to the Binkley Ranch.

Addition of a second locked gate on High Valley Road (a through road) within the MCR leasehold, in sight of the occupied office/control building will impact only one group of High Valley Road residents: those residing on the Binkley Ranch, their guests, friends and service people. The proposed location of the gate is more than a mile from Binkley Ranch residences. The proposed opening mechanism of the gate is a key (not the same key-card/phone proposed for the main security gate at BottleRock Road).

(X) The precedent of installing a locked gate across High Valley Road on the through-way portion of the road used daily by residents is not acceptable and could lead to a series of private "spite gates" installed by individual residents who own the road all the way to BottleRock Road. Using MCR's logic, if one has a key to a gate, it's not impaired access. Should we end up with 10 gates and 10 sets of keys, it's easy to see the illogic.

they are the hazard; move them!
The Binkley Family Trust/Binkley Ranch has no objection to MCR maintaining the now installed gate posts at the proposed second gate location with the projected use of those posts being installation of a temporary gate which would be used to protect the public from leasehold access during a time of catastrophic emergency within the leasehold; *And The Way These Incompetent's Run Things.*

(X) The gate on High Valley Road within the MCR leasehold is unnecessary, sets a bad precedent, does not protect the public and creates a real nuisance for Binkley Ranch residents. We have addressed the problem of High Valley Road access to our property through all relevant geothermal hearings on plant and field development. The Binkley Family Trust/Binkley Ranch will not accept the proposed second locked gate on High Valley Road as shown in MCR's 30-year traffic plan.

Peace,



Mary Jadiker
Operations Officer

cc: Trust Secretary

SIDE 1
G.G.

June 3, 1987

Gary G

Mr. Steve Zalusky
Permit Compliance Officer
Lake County Planning Department
255 No. Forbes Street
Lakeport, CA 95453

Dear Mr. Zalusky:

RE: M.C.R. PROPOSED TRAFFIC PLAN

There was a meeting held in March between High Valley property owners and M.C.R. to discuss changes in the security gate system. It was the first time that all the property owners agreed on a geothermal issue: that the guard gate should stay and be manned 24hrs./day, 7 days/week.

At first there was no guard gate on High Valley Road since geothermal is a relatively new industry to this area. As problems arose from the industrial use of High Valley Road a guard gate was installed. Before any use of High Valley Road by the geothermal industry, it was a single lane dirt road. During some winter months parts of High Valley Road were impassable. During the summer months only one or two cars per day used High Valley Road. Today it is a paved road and used heavily by the geothermal industry. When considering this is a 30 year permit, and the permit goes with the land, it is important to look at the whole picture. M.C.R. was granted a new use permit last year for approximately 27 new wells, 30 redrills and 2 new pad sites.

D.W.R., who was the plant developer and is now the plant operator, also uses High Valley Road. D.W.R. also plans to start developing the Binkley Leasehold and will use High Valley Road for access to this development.

At a previous Board of Supervisors meeting for the L'Esperrance Use Permit, the Board granted Union Oil limited use of High Valley Road.

High Valley Road is a unique place as it pertains to geothermal use because of the number of private residents along the road. There are three other 24hr./day, 7 days/week guard gates in the Geysers area. They are Saw Mill Flat Road, Socrates Mine Road and Geysers Resort guard gates.

RECEIVED

JUN 08 1987

R.D.S

SIDE 2
G.G.

When you look at the whole picture of M.C.R., D.W.R. and Union Oil using High Valley Road it has turned into a heavily traveled geothermal related use road and is creating a public nuisance for some of the property owners. An important fact here is that High Valley Road does not only border these private properties, it goes right through and divides some parcels. Many of the property owners were there before any geothermal activity in the area. As a mitigation the guard gate should stay manned 24hrs./day, 7 days/week.

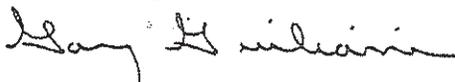
At the present time the geothermal industry's economic outlook does not look good and the price of steam is down. The price of steam is tied to the cost of oil and hydro-electric power so the price will go back up.

As the Planning Commission must make this decision I hope a compromise can be reached. Man the guard gate 7 days/week from 6:00 a.m. to 6:00 p.m. and install a card key system for the hours of 6:00 p.m. to 6:00 a.m. Since the current permit has restricted hours for use of High Valley Road, the majority of traffic will use the road during the manned hours. This will be a 50% compromise from the present 24hrs./day, 7 days/week. The property owners and the geothermal industry could live with this even though it is quite a compromise for both parties.

M.C.R.'s current use permit requires logging of traffic; therefore it is imperative that the card key system must provide a printed readout containing the date, time and card number. This type of system will be more expensive but when you consider that this is a 30 year permit, the cost can be amortized over 30 years. M.C.R. has given Gilbert Security a termination date of June 30, 1987. It is my opinion that the card key system should be installed and working before the manning of the guard gate is cut back to 12hrs./day, 7 days/week.

In closing I hope that this matter will be resolved at the Planning Commission Meeting and that the property owners and the geothermal industry can live as good neighbors.

Sincerely,



Gary Giuliani
P.O. Box 63
Cobb, CA 95426

GG/ph

cc - Mr. Alex Hinds, Director
Lake Co. Planning Department
255 No. Forbes Street
Lakeport, CA 95453

WINDREM & BROOKES

PETER F. WINDREM
STEVEN J. BROOKES
June 11, 1986

ATTORNEYS AT LAW
301 NORTH FORBES STREET
LAKEPORT, CALIFORNIA 95453

TELEPHONE
707/263-5261

COPY

Max Walenciak
Operations Manager
MCR Geothermal Corporation
P.O. Box 310
Cobb, CA 95426

Re: Gates on High Valley Road, Lake County, California

Dear Mr. Walenciak:

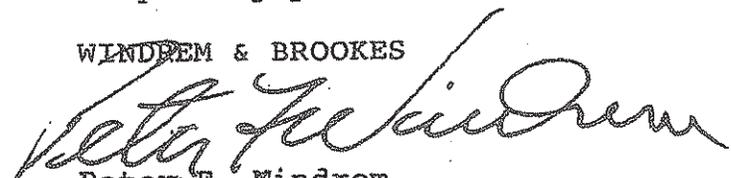
In response to your letter of May 17, 1986, my clients, Binkley Family Trust and William and Mary Jadiker respond:

1. The gates proposed by MCR across High Valley Road will not contribute any additional benefit to the Binkley Ranch as existing gates are more than adequate.
2. The Binkley Ranch residents do not pose any hazard to MCR operations as they traverse High Valley Road. Furthermore, their use of the road dates back to the 1920's, long before MCR began its geothermal operations.
3. There is no foreseeable event or emergency that warrants installation and closure of gates blocking access to the Binkley Ranch. If emergency security were ever required, a temporary security guard would be more than adequate.
4. The Binkley Family Trust and the Jadikers do not consent to the installation of more gates across High Valley Road and will take whatever steps are necessary to prevent the installation of any such gates.

If you have any questions, please do not hesitate to call.

Very truly yours,

WINDREM & BROOKES



Peter F. Windrem

PFW:mc

cc: Binkley Family Trust
William & Mary Jadiker
Compliance Officer

range for a given land use where the existing noise level is within the normally acceptable range, a 5 dBA or greater increase due to the project is considered significant;

Policy N-1.2

to prohibit the development of new commercial, industrial, or other noise-generating land uses adjacent to existing residential uses and other sensitive noise receptors.

FROM LAKE COUNTY
GENERAL PLAN

NOISE

Noise policy GR-2.1 Avoid siting near sensitive Receptors. The County should avoid approving new geothermal operations near residences, commercial resorts or other sensitive receptors where it can be reasonably expected to adversely affect their quality of life.

Policy T-1.9 Truck Routes.

To reduce heavy truck traffic in residential areas and near noise sensitive land uses, the County shall ensure truck routes are designated in a manner such that traffic noise impacts are minimized. {New Policy}

General Plan 8.2.3.1

If the noise level resulting from implementation of the Proposed Project would exceed the "normally acceptable"

LAKE COUNTY GENERAL PLAN

ROAD ISSUES & TRAFFIC
ATTACHMENTS

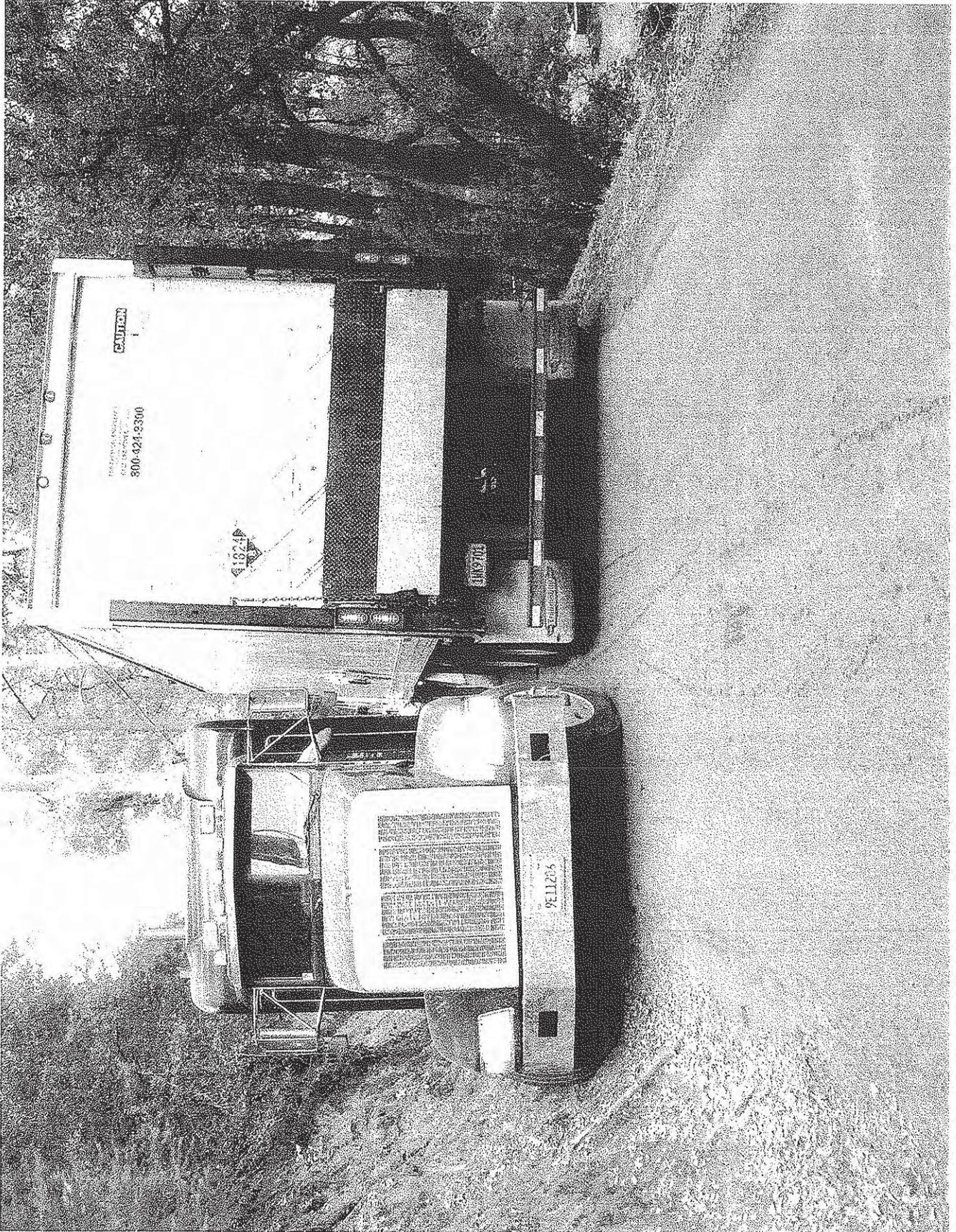
R-1: DWR doc

R-2::1987 staff report

T-3: General plan t:119

Traffic issue emails

*Just a tiny sampling of the
hundreds of email and
complaints over traffic & Road issues*



62

From: Hesshab@aol.com (Hesshab@aol.com)
To: randallfung@yahoo.com;
Date: Fri, July 23, 2010 11:09:00 PM
Cc:
Subject: Copy of FOCM Letter Re High Valley Gate

Mr. Richard Coel
Director
Community Development Department
County of Lake

Dear Rick,

The Board of Directors of Friends of Cobb Mountain is in complete support of the urgent request of the High Valley Road property owners and residents that all requirements of Use Permit 85-27 and the 1987 Traffic Plan be enforced by the County, and most urgently those relating to access through the High Valley Road gate at Bottle Rock Road. Specifically, short-term contractor workers must not be given key codes, but should be given day passes to be displayed in their vehicles. Properly controlled access can be enforced only by a guard stationed at the gate 24/7. There are also other problems. I, myself, have more than once observed a car waiting at the gate to enter when another vehicle enters or exits. So much for security under the present system. We believe that the County has a responsibility to ensure the safety and security of its residents in cases of this sort, and that a guarded gate is the only feasible answer. A guard is also needed for other reasons, an important one of which is to check the manifests of trucks hauling waste materials from the power plant and steamfield for disposal at authorized sites.

Thank you for your attention to these matters. Security and safety for High Valley Road residents and their properties is of primary importance.

Hamilton Hess, Chair
Friends of Cobb Mountain

David Coleman	Teresa Nelson
Jenny Diaz	Bill Reed
John Hess	Robert Stark
Sharon Matzinger	

From: Richard Coel (richardc@co.lake.ca.us)
To: vorisb@co.lake.ca.us;
Date: Wed, July 28, 2010 1:16:37 PM
Cc: randallfung@yahoo.com;
Subject: Re: Sawmill Flat Guard gate

Voris,

you do not need to keep responding to these types of emails. These matters can be vetted during the public hearings, in front of reasonable-minded people. I have informed the Board of Supervisors that I will no longer respond to Randall Fung's emails, and will address his concerns during the hearing process if those concerns are not already addressed in the EIR. Anita Grant supports my decision. We have been putting tremendous staff time into answering Mr. Fung's questions and when the answer is provided based on facts and the answer is not what Mr. Fung wants to hear, the response to the answer is another question or false accusation. ENOUGH. I work for, and answer to the Board of Supervisors, not a handful of individuals who are attempting to shut down a geothermal operation. We all have too much work to do, and have many members of the public to serve. In managing this Department I cannot allow 3 of my staff to constantly get bogged down on these issues. As you know, we have at least 6 illegal dumpsites to get cleaned up, a storm water program that I need your help on, and a myriad of other obligations, so please consider limiting your responses.

Anita has responded to the road issue and the guard issue. All of the facts surrounding BRP will come out through the public hearing process, and that is what the process is designed for. I have tremendous faith in that process. Mr. Fung, like all citizens, will have 45 days to review and comment on the draft EIR and will be able to comment at no less than 3 public hearings.

Richard Coel,
 Community Development Director
 (707) 263-2221

>>> Randall Fung <randallfung@yahoo.com> 07/28/2010 12:09 PM >>>
 Oh come on, Voris, are we really having a word game here??

The gate in in Lake County, probably permitted within Lake County regulations, and provides access to the Lake County well, Negu 8 steam well behind David Colemans property, and the L'Esperance property as well as the Sonoma County side. As you know, all the wells are connected by a large road system behind the manned guard gate.
 So, yes, Cal Pine which is both in Sonoma County and Lake County has a manned guard gate in Lake County for access to its' Lake county wells, does it not?

Cal Pine has operations here in Lake County, does it not?
 It has a manned guard gate in Cobb, does it not.
 Are you saying for a fact that they only use it for accessing their Sonoma County wells?

Really!
 Randy

From: Voris Brumfield <vorisb@co.lake.ca.us>
To: Richard Coel <richardc@co.lake.ca.us>; randallfung@yahoo.com
Cc: Hesshab@aol.com; Anita Grant <anitag@co.lake.ca.us>; Anthony Farrington <anthonyf@co.lake.ca.us>; Denise Rushing <deniser@co.lake.ca.us>; Jim Comstock <jcomstock@co.lake.ca.us>; jeffs@co.lake.ca.us; Rob Brown <rbrown@co.lake.ca.us>; drundqui@energy.state.ca.us; cindypinch@gmail.com; jacarlisi@gmail.com; mathtownhall@gmail.com; gerrifinn@hughes.net; paclem@ix.netcom.com; funggrip@jnb.com; dougg@lcaqmd.net; redandcurly@sbcglobal.net; grannys2legit2quit@yahoo.com; redandcurly@yahoo.com
Sent: Wed, July 28, 2010 11:37:46 AM

Subject: Sawmill Flat Guard gate

64

Sawmill Flat Guard gate is access to Power Plants in Sonoma County.

Ms. Voris Brumfield, Code Enforcement Manager
OFFICE: 6110 A East Highway 20, Lucerne
Phone: 707. 274-8923 FAX: 707. 274-9528
MAIL: Code Enforcement - 255 North Forbes Street- Lakeport, CA 95453
>>> Randall Fung < > 07/27/10 4:18 PM >>>

Thanks for your quick response, Rick,
but a correction on two points.

" Voris Brumfield drove to all of the power plants operating in Lake County and found that none of them have guards at their gates. All are using remote access and codes."

Yes, there is a guard at the gate for the Cal Pine entrance between BRP and Cobb. It has been there since 1990 right by Jordan Park. Do you need a photo of it and haven't you seen it driving by to the Red School House meetings?

So I don't understand how you can say that there are no manned guard gates for Cal Pine.

So Cal Pine does have at least one manned guard gate, Does BRP?

"In response to comment #2 that "DWR had a manned guard gate for its operational status": This is not entirely correct. A guard service was utilized during construction of the plant and steamfields. The approved Traffic Control Plan allowed the permit holder to install a key card/phone system for use instead of a guard, provided that a guard was present during construction and drilling activities."

Second point is that ALTHOUGH the 1987 plan permitted the installation of a manned gate, there was definitely a guard at the gate when we moved here in 1990. He name was Jerry.

So perhaps you never came up at that time to know the reality and are only going by paper work. All the residents remember the guard being there during the operational period. Again, the purpose of the guard was:

1. To call ahead to see if outgoing truck were coming out, to prevent trucks from running into each other on the road.
2. To log the amount of personal in the vehicles.
3. TO PROVIDE SECURITY FOR THE RESIDENTS.
4. To check loads outgoing before they got onto public roads. (we have recorded evidence of Giffords trucks spilling waste onto Bottle Rock last year, because no one checked the out going load before leaving) This could have been prevented by a guard at the gate checking the loads.
5. To log the outgoing loads and type of materials and destinations.

We would stop and talk the the guard, so please don't tell us there wasn't a guard at the gate in 1990, while DWR was operational. They were neither drilling at the time, nor doing new constructions. They were decommissioning, in fact.

Respectfully,
Randall Fung

From: Richard Coel < >

>

To: Randall Fung < >
 Cc: hamilton hess < >; Anita Grant < >; Anthony
 Farrington < >; Denise Rushing < >; Jim
 Comstock < >; Jeff Smith < >; Rob Brown
 < >; Voris Brumfield < >; Dale Rundquist
 < >; Cindy Pinch < >; John Carlisi
 < >; Martha Webster < >; gerri fletcher
 < >; Priscilla Clements < >; randy fung
 < >; Doug Gearhart < >;
 Lynn Kerrhanson < >; cordelynn baumeister
 < >

Sent: Tue, July 27, 2010 1:45:29 PM
 Subject: Re: Upholding our use permit 85-27

All,
 with Anita Grant's permission, and I felt it appropriate, I am forwarding
 Anita's response on this matter. Her letter is attached.

Also, in response to comment #1, below, BRP is not the only geothermal operator
 without a guard at the gate. Voris Brumfield drove to all of the power plants
 operating in Lake County and found that none of them have guards at their
 gates. All are using remote access and codes.

In response to comment #2 that "DWR had a manned guard gate for its operational
 status": This is not entirely correct. A guard service was utilized during
 construction of the plant and steamfields. The approved Traffic Control Plan
 allowed the permit holder to install a key card/phone system for use instead of
 a guard, provided that a guard was present during construction and drilling
 activities.

As soon as I am finished reviewing the 750 page administrative draft of the BRP
 EIR, I will work on amendments to the existing use permit and get it scheduled
 and noticed for planning commission review, in hopes that we can clarify the
 definition of construction and address a few other issues. This will be the
 appropriate time and place to discuss these issues in more detail in a public
 forum.

Richard Coel,
 Community Development Director
 (707) 263-2221

>>> Randall Fung < > 07/21/2010 10:32 AM >>>

From: gerri fletcher (gerrifinn@hughes.net)
To: randallfung@yahoo.com; richardc@co.lake.ca.us;
Date: Tue, August 3, 2010 8:26:27 PM
Cc: vorisb@co.lake.ca.us; redandcurly@yahoo.com; Hesshab@aol.com; anitag@co.lake.ca.us; anthonyf@co.lake.ca.us; deniser@co.lake.ca.us; jcomstock@co.lake.ca.us; jeffs@co.lake.ca.us; rbrown@co.lake.ca.us; drundqui@energy.state.ca.us; cindypinch@gmail.com; jacarlisi@gmail.com; mathtownhall@gmail.com; paclem@ix.netcom.com; funggrip@jnb.com; dougg@lcaqmd.net; redandcurly@sbcglobal.net; grannys2legit2quit@yahoo.com;
Subject: Re: Re: Upholding our use permit 85-27 NO TRUCKS AFTER HOURS!

Hello Mr. Coel,

How many vehicles have been using High Valley Road to access BRP projects since the recent (re)drilling has begun? How many vehicles over one ton in wieght have used High Valley Road after hours? I am counting on the county to monitor the traffic and up hold the use permit restrictions. Can you please let me know if the BRP et al is in compliance with the traffic plan and the traffic monitoring. I have no idea who is using the private road and traveling thru my property because there are no placards on the vehicles.

Thank you for looking into this concern,

Gerri Fletcher
 High Valley Road resident

On Jul 24, 2010, **Randall Fung** <randallfung@yahoo.com> wrote:

Rick and Voris,

This all goes along with the citizens asking LCDD to uphold everything the use permit provides.

No exceptions, because when one rule is broken then what is the use of having any rules?

Who is deciding what rules get to be broken without any penalties. Is the use permit then only a guideline for interpretation?

I agree with Kelly. NO TRUCKS BEFORE 7AM OR AFTER 7PM!

BRP can make other arrangements.

If this is not possible, then BRP should pay the extra 100.00 for the glenbrook access instead of being allowed to violate the use permit.

If BRP is allowed to violate the use permit, then they should at least be cited for each violation so that it is on record.

If LCDD does not do this, then LCDD should record our objections so that when going forward with any new traffic plan, it can be on record and argued.

Respectfully,

Randall Fung c/o High Valley Preservation Committee
 and neighbors of BRP

On Jul 24, 2010, at 6:41 AM, Kelly Fletcher wrote:

No trucks 7 to 7 means no trucks 7pm to 7 am. I suggest you " Bottle Rock Power LLC" noname person , have that come in after hours on your alternate route!

Does anyone read the use permit?

Kelly Fletcher

Would this be Sheri Kendrick ?

On 7/23/10,

<

> wrote:

This is a notification to inform affected parties that there maybe the need to bring in a delivery truck up High Valley Rd after 7pm on Friday July 23 or during Saturday July 24th. This delivery is required to insure proper abatement of the H2S during drilling operations.

Respectfully,
Bottle Rock Power LLC

Note: please do not respond to this e-mail message. If you have questions or concerns please contact the appropriate party.

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From: Voris Brumfield (vorisb@co.lake.ca.us)
To: Hesshab@aol.com; ccmahnke@binkleyranch.com; cindypinch@gmail.com;
kellysplumbing@gmail.com; gerrifinn@hughes.net; lauramills@mcn.org; tsbar@pacific.net;
paul@paulbinkley.com; Larry@yahoo.com;
Date: Wed, August 4, 2010 4:36:12 PM
Cc: richardc@co.lake.ca.us;
Subject: Notification - Truck Traffic on High Valley Road August 4 & 5

High Valley Road Residents:

The Traffic Control plan on High Valley Road only allows large trucks on the road after 7:00 a.m. and not after 7:00 p.m. with exceptions for
for verified emergencies or when setting casing.

It is the decision of Lake County Community Development that the County does not have jurisdiction when repairs are scheduled

to be done at the plant. Bottle Rock Power has notified Lake County Community Development of the delivery of one asphalt truck at approximately 6:15 - 6:30 am on August 4 & 5 based on the hours of operation of the asphalt batch plant.

When the first truck loads out, the material is very hot, and will arrive at the BRP High Valley Rd. gate between 6:15 and 6:30 AM.

Ms. Voris Brumfield

Lake County Geomorphological & Watershed Protection Coordinator

Office: 15198 Main Street, Lovell, OR

Mail: 250 North Forbes Street

Lakeport, OR 97531

PHONE: 531-224-4141

email: geowater@

69
Thu, August 5, 2010 8:00:54 AM

Re: Notification - Truck Traffic on High Valley Road August 4 & 5

From:

Richard Coel <richardc@co.lake.ca.us>

[View Contact](#)

To:

Hesshab@aol.com; ccmahnke@binkleyranch.com; Voris Brumfield <vorisb@co.lake.ca.us>; cindypinch@gmail.com; kellysplumbing@gmail.com; gerrifinn@hughes.net; lauramills@mcn.org; tsbar@pacific.net; paul@paulbinkley.com; Larry@yahoo.com

Good morning folks,

I just want to emphasize a few things here. The Use Permit does not give the County jurisdiction over any activities "behind the fence" at the power plant. As a result, the traffic control plan does not have any control over this particular situation. BRP did contact the Community Development Department to ask us if they could have the asphalt delivered prior to 7:00 a.m. The asphalt batch plant shuts down at 5:00 a.m. I reviewed the Use Permit and Traffic Control Plan. While we do not have jurisdiction in this matter, BRP promised to do everything they could to minimize impacts to residents due to this early delivery. Below, in blue font is an explanation from BRP.

BRP -
Bottle Rock Power is performing maintenance and repairs on the containment inside the power plant fence. The contractor mixing the asphalt for us will only do so first thing in the morning. It is necessary that BRP has this type of asphalt. The containment repair and maintenance is required by both the CEC and CRWQCB. This operation does make it so that we will be bringing in trucks as early as 06:15 on the 4th and 5th of August.

The plan is to have the trucks be escorted in by a BRP employee so that it is all at one time; minimizing the impact to the residents.

Rick,

Thank You for your response. Our situation is that we have a compliance issue, for a repair to the asphalt area, at the rear of the power plant yard. Due to a previously schedule, the asphalt plant will only be running road base asphalt at 5:00 AM on Wednesday and Thursday of this week. When the first truck loads out, the material is very hot (temperature wise), and will arrive

at our gate between 6:15 and 6:30 AM. The next three truck, for that day will be later than the 7:00AM time, but we do not have a location, outside the gate to hold a transfer style truck and trailer, nor can we hold up that HOT load of asphalt.

Due to a high number of project commitments I have, I will not always be able to answer your emails. However, please understand that Voris and I communicate daily about Bottle Rock Power and other ongoing projects, and Voris is doing her best to respond to your requests.

Richard Coel,
Community Development Director
(707) 263-2221

>>> Voris Brumfield 08/04/2010 4:36 PM >>>

High Valley Road Residents:

The Traffic Control plan on High Valley Road only allows large trucks on the road after 7:00 a.m. and not after 7:00 p.m. with exceptions for verified emergencies or when setting casing.

It is the decision of Lake County Community Development that the County does not have jurisdiction when repairs are scheduled to be done at the plant. Bottle Rock Power has notified Lake County Community Development of the delivery of one asphalt truck at approximately 6:15 - 6:30 am on August 4 & 5 based on the hours of operation of the asphalt batch plant.

When the first truck loads out, the material is very hot, and will arrive at the BRP High Valley Rd. gate between 6:15 and 6:30 AM.

From: Voris Brumfield (vorisb@co.lake.ca.us)
 To: randallfung@yahoo.com;
 Date: Tue, August 24, 2010 11:16:34 AM
 Cc: richardc@co.lake.ca.us;
 Subject: Re: Phone call issues items discussed

Good morning Randall,
 I have emailed some of your questions to BRP Staff who responded that the trucks last Sunday (8/22/10) were within the 7 am - 7 pm window. BRP has logs of the traffic. I will make a site visit tomorrow and confirm responses to question #2 & #3. Question # 4 , I doubt the construction of new condensate tanks is justification for "manned guard gate" however, I will check. Question # 5. Currently the answer is no, the County is not keeping logs. It is required in the attached Traffic Control Plan that the operator does so.

Attached is the Traffic Control and Road Maintenance Plan for High Valley Road... June, 1987
 I look forward to our meeting with Ms. Grant and Mr. Coel on September 9, 2010.

Richard C. Brumfield
 County of Lake
 1000 North Street
 Marysville, WA 98270
 Phone: 360-835-1111
 Fax: 360-835-1112
 Email: richardc@co.lake.ca.us

72

From: Voris Brumfield (vorisb@co.lake.ca.us)
To: randallfung@yahoo.com;
Date: Mon, September 27, 2010 8:59:13 PM
Cc:
Subject: Re: This is a perfect example of the requirement of the manned guard gate

Randall,
Your letter has been received by Voris Brumfield.

>>> Randall Fung <

> 09/27/10 6:43 AM >>>

Dear Ms. Grant,
I am addressing this letter to you, as Rick Coel has refused to answer any of my emails.
I request that you acknowledge that you have at least received this email, if you do not answer it, or require LCDD to address it.

This morning was a perfect demonstration of the County's continued efforts to skirt the issue of the manned guard gate require for all drilling activities. Currently they are moving the rigs, called drilling rigs. The traffic plan addressed the additional outside traffic by the requirement of the manned guard gate during all drilling activities. There is no mention of maintenance. The County is getting around this by calling all of this by some other name. This is construction and drilling.

I was rudely awoken out of a deep sleep at 6:15 in the morning by my phone ringing. It was a worker named Jesses with a company named something like Silverton that was here to move the rig. My phone number is one of the top ones on the message board so this has happen many times before.
Had there been a manned guard gate as required for drilling activities, this would never have happened. This is exactly why there should be a guard at the gate to handle the entry of outside people who do not know the rules. This also is required by the use permit, that a BRP employee let the outside contractors in. I AM NOT A BRP EMPLOYEE, and none of the residences should suffer this consequence of the County's neglect. We have already suffered through years of it.

If the County continues to neglect their duty of upholding the use permit, we are going to end up in court. That is for sure, based on my anger this morning! If I had each of your home phone numbers, I would be calling them right now! The nuisance, frustrations, and loss of quality of life from this geothermal project is taking their toll. The County refused to acknowledge this, but I am the one woken from my sleep this morning, not you.

And what will become of this letter? Just another letter into the round file.

73

No, each letter that we have written to you is adding to the stack of evidence of the County's neglect and will come up later in litigation. Ignore if you wish.

How many of these violations does it take for the County to require compliance?
What the good was the meeting?

An angry resident,
Randall Fung

TR14

RESPONSE TO LETTER 16 – RANDALL FUNG – NOVEMBER 3, 2010

Response to Comment 16-1

This comment is, as noted in the letter, an ‘Introduction’ and provides general information about the property owner and their history in the area, and past experiences with the project proponent for four pages. With the exception of a comment about potential traffic impacts in the first paragraph on the first page (which will be addressed in Responses to Comments 16-3 and 16-8), the comment does not raise environmental issues related to the Draft EIR/EA. See Master Response #1 regarding the Use Permit and past violations.

Response to Comment 16-2

There are two interrelated comments regarding the October 27, 2009 scoping meeting on page 5 of the letter. The commentor provides further detail on pages 13-14, under the heading ‘Lack of Oral Presentations and Comments from NOS Scoping Meeting.’

As noted in **Appendix A**, “Notice of Preparation and Public Scoping,” oral comments on the content of the EIR that were made at the public meeting were summarized (see Section 2.5, “Areas of Controversy” in the DEIR). CEQA does not require the recordation of oral comments. “Summarized” means that detailed notes were taken by AECOM staff, its subconsultants, and County staff that attended the meeting regarding environmental issues raised that would need to be addressed in the EIR. Oral comments were compared with written comments submitted by the public and used, in conjunction with comments received by public agencies to prepare the scope of the Draft EIR. Issues raised at the public scoping meeting included potential impacts related to noise, air quality, hazardous material, traffic safety, induced seismicity, and groundwater among others that addressed throughout various topical sections of the Draft EIR/EA.

Those oral comments (i.e., related to violations of the existing Use Permit) that were not specific to the proposed project identified in the NOP or to its physical environmental are not addressed in the Draft EIR/EA because they are outside of the scope of CEQA. For a summary of the type of comments not addressed, see the first and second pages of **Appendix A**. While excluded from evaluation in the Draft EIR/EA, these comments may be considered by the decision-makers at the time they consider whether to approve or disapprove the proposed project. Master Response #1 includes additional information about past violations of the Use Permit for informational purposes.

Response to Comment 16-3

This comment raises a question about why site-specific analysis for adjacent residents was not conducted and is further elaborated on pages 15 – 17, under the heading ‘Closest Proximity Residents.’

The commentor states that the Draft EIR/EA is inadequate because it fails to address specific concerns of certain residents, and that those “... concerns should not be addressed as statistics or data ...” The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data (CEQA Guidelines 15064, “Determining the Significance of the Environmental Effects Caused by a Project”); thus it is necessary to present facts, technical studies or other substantial evidence to document the conclusions. Nonetheless, CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety

of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian. An agency shall prepare a statement of overriding considerations as described in Section 15093 to reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment (CEQA Guidelines 15021(d), “Duty To Minimize Environmental Damage And Balance Competing Public Objectives”). This balancing act occurs during the public hearing on whether to approve or disapprove the proposed project.

The residences occupied by Fidge, Jadiker, and Mahnke are among the closest to the proposed well pads. As such they are considered throughout the Draft EIR/EA as are other residents as “sensitive receptors”. However, specific impact analyses to these residences are included in **Sections 5.3 Air Quality** and **Climate Change** and **5.4 Noise**.

With respect to the comment about the Jadiker family’s access to their property (page 16, second full paragraph of the comment letter), High Valley Road would continue to be their main access, as it currently is, and it would remain open during construction. See Response to Comment 15-3 about additional measures that would be employed as part of the Traffic Control Plan of the proposed Use Permit. High Valley Road would be maintained, as it already is, by BRP, pursuant to current requirements by the County and CEC (see “Access Roads and Stream Crossings” description on page 3.0-14).

With respect to the comment about measuring the distance from Mr. Jadiker’s house to the well site, see page 5.4-7 of the Draft EIR/EA. The residence occupied by Mr. Jadiker (shown as Residence 1 on **Exhibit 5.4-2**) is approximately 1,200 feet north of the West Pad site and approximately 1,800 feet northwest of the East Pad site. As for a specific noise evaluation, long-term (48-hour) measurements was made at the Jadiker residence between 12:00 PM on July 15th and 12:00 PM on July 17th, 2009 (see **Appendix D**, “Noise”, page 6).

With respect to the comment that the EIR is in error because it states that Mr. Jadiker’s well is “rain shed run off” instead of from a “deep aquifer spring,” the report titled *Water Resources Addendum for the Petition to Amend The California Energy Commission Final Decision on Bottle Rock Power Plant (79-AFC-4C)* (see Appendix F, “Hydrology and Water Quality” states the Jadiker well is a “spring well” with a water supply pipe inserted into the spring, located on a hillside more than 40 feet above High Valley Creek (see page 1-5, Appendix F, “Hydrology and Water Quality”). The report states further that the location of the Jadicker spring well on the hillside implies that the water flowing to the spring is derived from a higher elevation, and is not connected to the fractured bedrock aquifer the Project Well is utilizing. This lack of connection is evident because the water level in PTW-1 is below ground surface in the valley floor, and far beneath the elevation of the Jadiker spring well. This hydraulic condition also implies that water flowing to the Jadiker well would not be affected by pumping of the fractured bedrock aquifer below, at a depth of more than 100 feet below ground surface, because the aquifer test at PTW-1 showed no response to pumping in the shallow groundwater or the creek. The Jadiker spring well would be expected to be even farther removed hydraulically than the shallow groundwater near the test well, since the well is located more than 1,700 feet distant and is above the valley floor.

If the commentor or Mr. Jadiker has evidence that the well is connected to a “deep aquifer spring,” it should be submitted to the County.

Response to Comment 16-4

See Master Response #3 with respect to using Coldwater Creek Road.

Response to Comment 16-5

The commentor refers to a ‘current project.’ It is assumed the commentor is referring to the Bottle Rock Power Plant and steam field. The response that follows is based on this assumption.

The Bottle Rock Power Plant and steam field are existing operations and thus are part of the existing physical setting for the CEQA analysis. The relationship between the proposed project and the Bottle Rock Power Plant and steam field are described throughout the Draft EIR/EA.

Response to Comment 16-6

See Master Response #1 with respect to past compliance issues.

Response to Comment 16-7

See Master Response #1 with respect to past compliance issues.

Response to Comment 16-8

This comment raises concerns about traffic and is further elaborated on pages 31-35, under the heading “Road Issues.”

As noted on page 5.2-1 of the Draft EIR/EA, a *new* (emphasis added) analysis was conducted for the Draft EIR/EA. Peer reviews are acceptable methods to evaluate reports by involving qualified individuals within the relevant field.

The commentor noted the proposed project would raise vehicle trips to 350 per day. However, a search of **Section 5.2 Traffic and Circulation** failed to find that number. The Draft EIR/EA states on page 5.2-23 that during the construction phase, the project would be expected to generate a maximum of 246 daily trips. This number was added to the existing condition for a total of 382 week day daily trips (see **Exhibit 5.2-12**). This information was then used to analyze impacts associated with increases in traffic volumes, changes in the percentage of heavy vehicles, impacts on roadway and intersection capacity, and impacts associated with traffic safety (see pages 5.2-26 to 5.2-31. Furthermore, operational impacts were analyzed (see pages 5.2-31 to 5.2-36).

See Master Response #1 with respect to past compliance issues.

Response to Comment 16-9

As was addressed in the November 3, 2010 Planning Commission meeting, the *BRP Steam Project* will require approval from County decision-makers, the BLM and numerous permitting agencies before construction can begin (if approved). The clear-span bridge in question, while delivered to the project site, would require approval of the project and permits from regulatory agencies (e.g., CDFG) before it could be installed.

Response to Comment 16-10

The project is an expansion and not a new project. See page 3.0-8, which states “the proposed *BRP Steam Project* would expand the existing geothermal steam field of the Bottle Rock Power Plant, to supply additional steam and increase the amount of power generated from approximately 18 MW to 55MW.”

Response to Comment 16-11

The BRP GeoResource Leasehold, the site of proposed geothermal development, is comprised of two parcels totaling approximately 453 acres. The project sponsor holds geothermal rights to the land but does not hold surface rights, which are held by the Binkley Ranch/Binkley Family Trust (see page 3.0-5). The proposed *BRP Steam Project* would expand the existing geothermal steam field of the Bottle Rock Power Plant, to supply additional steam and increase the amount of power generated from approximately 18 MW to 55MW. The proposed project would increase the steam supply for the power plant by constructing two new well pads on the adjacent 453-acre BRP GeoResource Leasehold (see page 2.0-1).

Response to Comment 16-12

The question regarding the corporate structure is beyond the scope of CEQA.

Response to Comment 16-13

To the extent relevant, the EIR prepared for the original power plant project was examined (see for example references to the *Draft Environmental Impact Report for State of California Department of Water Resources, Binkley Geothermal Well Site, Lake County*, EcoView Environmental Consultants, 1988, on page 5.6-6 and 5.6-7).

Response to Comment 16-14

The Draft EIR/EA analyzes the environmental effects of the proposed project. As noted on page 1.0-1, “CEQA Section 21002.1 states that the purpose of an EIR is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided if possible.” Impacts and mitigation measures associated with project-related traffic are described on pages 5.2-22 to 5.2-36.

Response to Comment 16-15

As required by CEQA, the Draft EIR/EA examined the Lake County General Plan policies (see **Exhibit 5.1-6**). With respect to Policies N-1.2 and GR-2.1 mentioned by the commentor, the project would be consistent with these policies with incorporation of recommended mitigation measures (see page 5.1-15 and 5.1-17, respectively) that would reduce identified impacts to less-than-significant levels. The Draft EIR/EA expanded on the discussion of the project’s consistency with the Lake County General Plan on pages 5.1-49 to 5.1-50.

Response to Comment 16-16

Project-related traffic impacts are described on pages 5.2-22 to 5.2-36, with specific references to truck related traffic impacts and mitigation measures on pages 5.2-27 – 5.2-30. Identified impacts to residents along High Valley Road would be reduced to a less-than-significant level with implementation of recommended mitigation measures.

See also Master Responses #1 and #3 about BRP’s easement for use of High Valley Road.

Response to Comment 16-17

See Master Response #1.

Pursuant to CEQA Section 21081.6 and the CEQA Guidelines Section 15097, a lead agency is required to adopt a monitoring and reporting program for assessing and ensuring compliance with the required mitigation measures applied to a proposed project for which an EIR has been prepared. As stated in the Public Resources Code:

“...the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.”

Section 21081.6 provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined prior to final certification of the EIR. In addition, CEQA Guidelines Section 15097, “Mitigation Monitoring or Reporting” mandates that the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity, which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The question regarding the types of fines to guarantee is beyond the scope of CEQA.

Response to Comment 16-18

The commentator’s suggestion that a Citizen’s Advisory Board be created is noted and will be made available to County decision-makers when they deliberate the proposed project.

Response to Comment 16-19

As noted on page 2.0-61, under Impact 5.11-4, “Visual Blight Associated with Discontinued Use/Abandonment of Well Pad Facilities,” bonding required of the project sponsor by the County would ensure that adequate funds would be available to dismantle the equipment and revegetate the site. See also page 3.0-30, under the section titled “Bonding.”

Response to Comment 16-20

The commentator noted the proposed project would raise vehicle trips to 368 per day (see Response to Comment 16-8 for the number of daily week trips generated by the project).

It has been determined that the proposed *BRP Steam Project* would have no impacts (and therefore not require substantial discussion) on Agricultural Resources related to the conversion of State- or locally-designated farmland or Williamson Act contracts etc. (see page 2.0-66).

Donkeys are not considered candidate, sensitive, or special-status species in local or regional plans, policies or regulations or by the CDFG or the USFWS and, therefore, are not required to be analyzed under CEQA. However, land use conflicts (e.g., noise, traffic, etc. are discussed in their respective topical sections in the Draft EIR/EA. The commentator’s suggestion that hedges be planted and that a horse path/crossing be constructed is noted and, while not identified as recommended mitigation in the Draft EIR/EA, will be made available to County decision-makers.

Response to Comment 16-21

It is unclear what emissions (traffic, geothermal, etc) the commentor is referring to. Although not specifically analyzed, **Section 4.3 Air Quality and Climate Change** includes discussion of emissions-related impacts to air quality. It has been determined that the proposed *BRP Steam Project* would have no impacts (and therefore not require substantial discussion) on Agricultural Resources (see page 2.0-66).

Response to Comment 16-22

See Response to Comment 16-20.

Response to Comment 16-23

Monitoring of construction related emissions is described on page 5.3-32 of the Draft EIR/EA.

The Draft EIR/EA shows emission limits on **Exhibits 5.3-7, 5.3-8, 5.3-9** and **5.3-11**.

Response to Comment 16-24

There are several comments on pages 9-10 related to the potential for asbestos exposure. The following addresses asbestos impacts and mitigation measures.

According to the 2002-07-29 Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations, Final Regulation Order, Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations (<http://www.arb.ca.gov/toxics/atcm/asb2atcm.htm>) item (e)(4)(H), air monitoring is only required if the local Air Pollution Control Officer (APCO) requires it.

The application of water to control dust and asbestos is an acceptable best management practice of the BAAQMD and the CARB.

As noted on page 5.3-34 of the Draft EIR/EA, the responsibility for implementation of the Asbestos Hazard Dust Mitigation Plan would be the project sponsor's Construction Supervisor. The LCAQMD would be responsible for periodic enforcement inspections associated with the plan.

For comments related to past compliance issues, see Master Response #1.

The commentor proposes mitigation measures to reduce worker exposure as well as worker transport offsite (see #14 and #15, page 10). The lead agency may consider this measure during the approval process.

Response to Comment 16-25

The Draft EIR/EA considered a 'no project alternative' (see pages 6.0-1 to 6.0-5).

Response to Comment 16-26

As noted in the Draft EIR/EA, previous studies have identified potential landslide areas within the BRP GeoResource Leasehold (see page 5.8-67). The mitigation measures proposed for seismically-induced landslides at the West Pad (see pages 5.8-67 to 5.8-69) would reduce the impact of slides to a less-than-significant level.

Response to Comment 16-27

The project sponsor would be required to conduct extensive geological soils and geotechnical engineering studies as required by mitigation measures in **Section 5.8 Geology, Soils, and Seismicity** of the Draft EIR/EA (see pages 5.8-62-64) and Lake County requirements prior to issuance of a grading permit.

Response to Comment 16-28

As noted on page 5.3-34 of the Draft EIR/EA, the responsibility for implementation of the Asbestos Hazard Dust Mitigation Plan would be the project sponsor's Construction Supervisor. The LCAQMD would be responsible for periodic enforcement inspections associated with the plan.

Response to Comment 16-29

Section 5.8 Geology, Soils, and Seismicity did not specifically reference the previous EIR. However, several other sources were referenced for the Environmental Setting / Affected Environment which are relevant to this section.

Response to Comment 16-30

The Draft EIR/EA analyzed the potential for groundwater depletion, which could affect nearby wells and found that groundwater pumping during construction of the proposed well pads and during the long-term operation of the proposed project would not result in a substantial adverse effect to groundwater supplies. However, groundwater pumping during the drilling phase of the proposed project could have a substantial adverse affect on surrounding wells and mitigation is required (see pages 5.6-38 to 5.6-39).

Response to Comment 16-31

Mitigation Measure 5.6-6(a) Groundwater Drawdown Restrictions states, in part, "water level monitoring shall start before pumping on the project site to establish existing water levels."

Response to Comment 16-32

Questions pertaining to public access to the potential for hazardous materials to be moved in the area are beyond the scope of CEQA. The DOT regulates the transport of hazardous materials and Mitigation Measure 5.7-1(g) (page 5.7-20) notes that "all hazardous materials shall be transported in DOT approved containers and labeled in accordance with applicable regulations."

Response to Comment 16-33

The Draft EIR/EA analyzed the potential for the implementation of the project to expose people to a substantial risk of loss, injury or death involving wildland fires and proposed mitigation measures to reduce wildlife fire risk to a less-than-significant level (see pages 5.7-27 to 5.7-28).

Response to Comment 16-34

According to the South Lake County FPD, current staffing, equipment, and facilities are adequate to accommodate the project's demand for fire protection services. Large or catastrophic events may require a concerted effort by one of the mutually contracted providers in the area, such as CAL FIRE,

Napa County, Kelseyville FPD, or the Lake County FPD (see page 5.9-12). The question regarding establishing a bond is beyond the scope of CEQA.

Response to Comment 16-35

See Master Response #3.

Response to Comment 16-36

The question regarding establishing a bond is beyond the scope of CEQA.

ITEM 1
 9:05AM
 NOVEMBER 3, 2010
 Comment K(1)
 Fidge
 22 pages

To:
 Lake County Planning Commission
 255 Forbes Street
 Lakeport, CA

From:
 Ron Fidge
 7777 High Valley Rd.
 Cobb, CA 95426

To Whom it may concern,

17-1

As it took over a year for AECOM with all of its experts to peer review a 600 page PTA document, I feel that the 45 days allotted to reviewing the 1200 page EIR was insufficient to investigate the vast number of topics that contained inconsistencies, errors and false information and to be expected to report on said document. But I have managed to cover a few of my concerns regarding these issues in the EIR.

Alternative #4

STATEMENT:

High Valley Road cannot be used for the new Binkley project addition because:

THE EIR'S Directive states that the old project being served by High Valley Road automatically allows the new project to be served by said road. EIR page 5.1-10 paragraph 1

"No state or Federal land use, population and housing regulations apply to project." Policy LU-5.5 Access on page 5.1-11 and Policy T-1.5 on page 5.1-12 state:
 "No Industrial, heavy commercial traffic through residential areas..."

High Valley Road is residential from Bottle Roack Road to the Coleman property; a sum of 13 properties (homes).

Attached are more facts why the use of High Valley Road for the new project is illegal.

ATTACHMENTS

1. May 24, 2010 response to County Couesels false concepts
2. May 11, 2010 County Counsel's false concepts - P3
3. April 5, 2001 Purchase agreement
4. November 3, 2010 Staff report page 11, paragraph 6 and page 12, paragraph 1
5. Dangerous and Libelous aspects of High Road use by BRP

Question:

5A. Public Notice ...

After reviewing the enclosed information, will you still make the directive that High Valley Road must serve the new Binkley steam venture?

Conclusion:

The Alternative that is quite possible and not mentioned is the Cold Water Creek/Rabbit Vallley egress, particularly in light of the violation of access rulings LU 5.5 and T-1.5 stated above with use of High Valley Road as the access route.

RECEIVED

NOV 01 2010

LAKE COUNTY COMMUNITY
 DEVELOPMENT DEPT

17-2

17-2

Cold Water Creek Road was constructed for heavy commercial truck traffic, a multi million dollar highway. Oski, a siter company under USRG and Carlyle Riverston, is persuing non-exclusive easements from the property owners, including the Binkley Family trust for access over Rabbit Valley Road and Cold Water Creek Road. So this would not prevent Bottle Rock Power from persuing the same easements. Rabbit Valley Road goes from the Cold Water Creek Road to the proposed Binkley project site.

For more direct information call the Binkley Family Trust geothermal issues manager, Mr. Binkley W. Fidge at (512) 587-6900.

ATTACHMENTS

6. EIR map not showing Rabbit Valley Rd. & Cold Water Creek Rd. connecting.

7. Calpine map showing continuous paved road from Rabbit Valley Rd. to Cold Water Creek Rd. and access to Bottle Rock Rd.

17-3

The Glenbrook Road Alternative #2 has its possibilities which were not investigated in the EIR. An inquiry showed that the land owners were not approach with a proposition by BRP and all property owners agreed that a fair proposal could be agreed upon.



A-1.

May 24, 2010

Anita Grant, Lake County Counsel

RE: Your letter to Director Richard Coel dated May 11, 2010

Anita:

Perhaps you are unaware that your conclusion in above referenced letter is based on facts which, with a little research, do not support your claims.

You claim the easements issued to Bottlerock Power from Binkley and Robinson make the High Valley Road easements 'MOOT'. You first should understand why these easements have no bearing on High Valley Road easements. Easiest to do this in question and answer method.

1) Q: What easement did Robinsons sell to Bottlerock Power in 2006?

A: An easement over GLENBROOK road for emergency ingress and egress only, having NOTHING to do with High Valley Road.

2) Q: What easement did Binkley sell to Bottlerock Power in 2006?

A: An easement over GLENBROOK road for emergency ingress and egress, and within that a charge of \$100 per vehicle using that emergency route from BRP's Coleman site, having NOTHING to do with subject High Valley Road easements.

3) Q: IF either of these easements had been granted over High Valley Road, would it have given BRP the right to use High Valley Road?

A: NO. Binkley is at the END of High Valley Road, Robinsons property is on Glenbrook road. All the easements in question relate to property owners ON HIGH VALLEY ROAD .

4) Q: In order for BRP to have legal access through Juiliani section of High Valley Road, what does the Juiliani contract stipulate must happen?

A: Department of Water Resources can transfer the easement ONLY on one condition, the transferee MUST also receive the geothermal lease. ONLY Coleman leasehold was transferred, Binkley leasehold was never transferred, in fact it was repossessed from the State of California by the FEDERAL GOVERNMENT, which owned it for many years until they SOLD it, through auction, to BRP.

5) You note a transfer of real property passes all easements attached thereto. In this case there was NO transfer of real property, ownership stayed with Coleman. There was a transfer of a LEASEHOLD and improvements to BRP.

6) You failed to note another critical element, All the leaseholds except Juiliani give access only to CALIFORNIA DEPT OF WATER RESOURCES in perpetuity (for as long as they operated) with NO provision for assignment. In this matter your analysis works against you, since there was no transfer of real property, there is no assumption of easement transfers, and there is no wording which permits a transfer.

7) You note that a cause of action would only belong to the owners of the Binkley Leasehold. This cause of action appears to belong to JULIANI in one case and all High Valley Road property owners in the other case.

8) In light of the facts of this issue, please either revise your findings to avoid any bias in legal proceedings, or clearly explain the logic behind your conclusion.

Sincerely

Concerned citizens of High Valley Road.

A-2

① VOIRIS



MEMORANDUM

COUNTY OF LAKE

COUNTY COUNSEL

TO: RICHARD COEL, Director
Community Development Department

FROM: ANITA L. GRANT
County Counsel

SUBJECT: Bottle Rock Power - Road Easement

DATE: May 11, 2010

The following is a memorialization of information I provided to you verbally several weeks ago. Additionally, I did provide some general information regarding easements and easements rights to concerned area property owners who believed before our discussion that there may have been a failure to transfer all necessary road easement rights to the current owners of Bottle Rock Power such that the County may have a legal responsibility to take corrective action.

— Generally speaking, an easement is a restricted right to specific, limited, definable use or activity upon another's property, which right must be less than the right of ownership. (*Gray v. McCormick*, 84 Cal. Rptr. 3d 777.)

— It is long recognized that unless expressly excepted, a transfer of real property passes all easements attached thereto, even if such easements are not specifically mentioned in the grant. (*Rubio Canon Land & Water Ass'n v. Everett*, 154 Cal. 29, 96 P. 811 (1908); *Wolff v. Cloyne*, 156 Cal. 746, 106 P. 104 (1909); *Taylor v. Avila*, 175 Cal. 203, 165 P. 533 (1917); *St. Louis v. DeBon*, 204 Cal. App. 2d 464, 22 Cal. Rptr. 443 (1st Dist. 1962). However, the grantee of an easement may not transfer any greater title than he or she possesses. Thus, he or she acquires no right to convey the fee in the land underlying the easement.

After a thorough review of all relevant property records, the history of the High Valley

Road easements are as follows:

In 1981, the following persons each granted a nonexclusive perpetual easement and right of way with the right to construct, reconstruct, improve, and maintain a roadway for the use of its officers, agents, employees, contractors, suppliers, and permittees to the State of California for the Bottle Rock Powerplant Project:

Chester Wilcox
Frank and Roseless Cortese
Kenneth and Lorene Trussell
Audrey Railton
Michael and Sharon Wright
Charles and Kathym Ostrander
Eugene Hall
Frances and June Barrett
Gloria Haggerty
Lois Parker, Trustee
Vincent and Frances Rositano
Ann Schaaf
John and Martha Patrick

In 1982, John Mandas, Lawrence and Willa Coleman, and Gary Giuliani granted road easements to the State of California for the Bottle Rock Powerplant Project:

The easements granted by John Mandas and the Colemans in 1982, as well as the easements granted in 1981, were each accomplished by use of a standard form when granting an easement.

Also in 1982, Gary Giuliani granted a nonexclusive perpetual easement and right of way. That grant of easement document specifically included the statement that the easement could not be assigned by the State except "as part of an assignment of the leaseholds" therein described - the Francisco and Binkley geothermal resources leases.

In 2001, the State of California, Department of Water Resources, entered into a purchase agreement with Bottle Rock Power Corporation whereby the State sold the power plant to Bottle Rock and assigned the Francisco geothermal steam lease.

The agreement included all of the seller's access rights over High Valley Road in Lake County. Additionally, buyer agreed to assume all obligations, debts, and liabilities relating to or arising from the maintenance and operation of High Valley Road and the gate at the

junction of said road and Bottle Rock Road.

Pursuant to that agreement, a Director's quitclaim deed was recorded whereby all of the State Department of Water Resources' property in Lake County relating to the power plant was quitclaimed to Bottle Rock Power Corporation. The property transfer included each of the grants of easement described hereinabove.

A question has arisen in regard to the Giuliani grant of easement as a result of the condition that document imposed upon subsequent assignment by the State. The easement could not be assigned by the State except as part of an assignment of the Francisco and Binkley leaseholds. Neighboring property owners contend that the Binkley leasehold was not owned by the State at the time of the sale to the Bottle Rock Power Corporation and could not, therefore, have been part of the transfer.

- Errata*
- > If the above factual situation provided a cause of action against the Bottle Rock Power Corporation, such a cause of action would only belong to the owners of the Binkley leasehold. However, the issue appears to be moot given the subsequently recorded easement deeds which are described hereinbelow.
 - > Easement deeds were recorded in 2006 whereby all trustees of the Robinson Family Trust and all trustees of the Binkley Family Trust road granted easements through the Binkley Trust parcels (the Binkley Leasehold) and the Robinson Trust parcels (the Francisco Leasehold).

It appears that all necessary easements have been obtained and duly recorded.

The fee owner of the area encumbered by an easement may use it in any manner that does not unreasonably interfere with the purpose of the easement. However, he/she does not have the right to unreasonably interfere with the exercise of the easement rights of his/her neighbors. The County has no authority to enforce or mediate such an issue. This is a civil matter between private parties.

If you have any questions, please contact me.

cc: Voris Brumfield

PERTINENT
PAGES ONLY Attachment. 3.

PURCHASE AGREEMENT FOR BOTTLE ROCK POWER PLANT AND
ASSIGNMENT OF GEOTHERMAL STEAM LEASE

This Purchase Agreement ("Agreement") is entered into as of the 6th day of April, 2001, (the "Effective Date") by and among STATE OF CALIFORNIA, DEPARTMENT OF WATER RESOURCES ("DWR" or "Seller") and BOTTLE ROCK POWER CORPORATION, a California Corporation, ("Buyer").

WITNESSETH

WHEREAS, Seller is the owner of that certain power plant (the "Bottle Rock Power Plant") and is the lessee of a geothermal steam field (the "Steam Field") located in the Known Geothermal Resource Area (the "Geysers") in Lake County, California which it constructed and which commenced operation in 1985 and ceased operating and was mothballed in 1990; and

COLEMAN
360
ONLY

WHEREAS, Seller desires to sell to Buyer and Buyer desires to purchase from Seller all of Seller's interest in and to the Bottle Rock Power Plant and Francisco Steam Field Lease as defined in 1.1(a) (ii); and

WHEREAS, the Bottle Rock Power Plant and Francisco Steam Field Lease are now no longer needed for the State Water Project operations and are maintenance burden on the SWP;

COLEMAN
360
ONLY

NOW, THEREFORE, in consideration of the premises, and for other good and valuable consideration, Buyer and Seller hereby agree as follows:

ARTICLE I

THE PURCHASED ASSETS

1.1 Sale and Purchase.

(a) On the terms and subject to the conditions hereinafter set forth, Seller does hereby agree to sell, convey, assign, transfer and deliver to Buyer on the Closing Date (as defined in Article II), and Buyer hereby agrees that Buyer shall purchase from Seller on the Closing Date, all of the interest of Seller in the following property (the "Purchased Assets"):

(i) The Bottle Rock Power Plant and all appurtenances thereto, including, but not limited to, the following: the steam turbine, electric generating units, gas removal system, air pollution abatement system, cooling tower condensers and transformers, all tools and equipment, spare parts for the equipment, steam wells and steam collection system, including all on substantially all of the items listed on the Schedule of Inventory attached hereto as Exhibit F, but without any warranty as to the accuracy or completeness of Schedule F.

COLEMAN
360
ONLY

(ii) Seller's rights and interests in and to that certain Geothermal Lease and Agreement dated February 25, 1975 (the "Francisco Steam Field Lease"), between Marjorie J. Francisco et al, and Geothermal Kinetics, Inc., recorded March 13, 1975, Book 789 Official

COLEMAN
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ONLY

Records of Lake County, page 167, as assigned and amended from time to time.

- (iii) Seller's rights to transmit over the collector lines (the "Generation Tie Transmission Lines" from the Bottle Rock Power Plant to the point of interconnection pursuant to that certain agreement between Seller and Pacific, Gas & Electric Company, dated October 2, 1981, as amended.

(iv)

~~All of Seller's access rights over High Valley Road, Lake County, California.~~

COYEMAN
360
ONLY

- (v) All transferable permits and governmental licenses for the operation and maintenance of the above-described facilities currently held by Seller.
- (b) On the Closing Date, Buyer shall assume all obligations, debts and liabilities relating to or arising out of the Purchased Assets whether arising before or after the Closing Date, including without limitation all obligations and liabilities, (i) under Francisco Steam Field Lease, (ii) related to Generation Tie Lines, (iii) ~~if any to maintain and operate High Valley Road, and the gate at the junction of said road and Bottle Rock Road~~ (iv) under any permits or government license, and (v) with respect to environmental matters as provided in 7.1 subject only to the allocation of costs and expenses as provided in Sections 2.3.1 and 2.3.4 and Seller's obligations as provided in Section 7.2.

1.2 Transfer of Assets. Seller's interest in the Purchased Assets shall be sold, conveyed, assigned, transferred and delivered by Seller to Buyer by a Quitclaim Deed substantially in the form of Exhibit A, a Bill of Sale substantially in the form of Exhibit B hereto, and an Assignment of Geothermal Lease substantially in the form of Exhibit C hereto and by other appropriate instruments of transfer, bills of sale, endorsements and assignments as may be reasonably necessary, in form and substance reasonably satisfactory to Buyer and Seller, all to be delivered at Closing pursuant to Article VI.

1.3 Disclaimers.

(a) THE PURCHASED ASSETS ARE BEING SOLD AND SHALL BE TRANSFERRED TO BUYER "AS IS" AND "WHERE IS", AND EXCEPT FOR THE WARRANTIES AS TO TITLE AND OTHER MATTERS EXPRESSLY SET FORTH IN SECTION 3.7 SELLER DISCLAIMS ANY REPRESENTATION OR WARRANTY OF ANY KIND OR NATURE, EXPRESS OR IMPLIED, AS TO THE CONDITION, VALUE, OR QUALITY OF THE BOTTLE ROCK POWER PLANT, STEAM FIELD OR RELATED FACILITIES OR EQUIPMENT, AS OF THE CLOSING. SELLER SPECIFICALLY DISCLAIMS ANY REPRESENTATION OR WARRANTY OF MERCHANTABILITY, USAGE, SUITABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE UNDER THE UNIFORM COMMERCIAL CODE OR OTHERWISE WITH RESPECT TO THE BOTTLE ROCK POWER PLANT AND STEAM FIELD, OR ANY PART THEREOF, OR AS TO THE WORKMANSHIP OR CONDITION THEREOF, OR THE ABSENCE OF ANY DEFECTS THEREIN, WHETHER LATENT OR PATENT, OR THAT

SELLER HAS COMPLIED WITH ENVIRONMENTAL LAWS WITH RESPECT TO THE CONSTRUCTION, INSTALLATION, USE, MAINTENANCE OR OPERATION OF ALL OR ANY PART OF THE BOTTLE ROCK POWER PLANT OR STEAM FIELD. NO REPRESENTATIONS OR WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, HAVE BEEN MADE OR ARE MADE, AND NO RESPONSIBILITY HAS BEEN OR IS ASSUMED, BY SELLER OR BY A PERSON, FIRM, OR AGENT ACTING OR PURPORTING TO ACT ON BEHALF OF THE SELLER, AS TO THE CONDITION, REPAIR, OR FITNESS FOR USE OF THE FACILITIES OR AGREEMENT.

(b) SELLER FURTHER SPECIFICALLY DISCLAIMS ANY REPRESENTATION OR WARRANTY, WHETHER EXPRESS OR IMPLIED, WITH RESPECT TO (I) THE ACCURACY OR COMPLETENESS OF ANY RECORDS, FILES AND DOCUMENTS FURNISHED OR MADE AVAILABLE TO SELLER, (II) THE ENVIRONMENTAL CONDITION OF ALL OR ANY PART OF THE PURCHASED ASSETS, INCLUDING THE ABSENCE OF ANY HAZARDOUS SUBSTANCES, HAZARDOUS WASTES, HAZARDOUS MATERIALS OR OTHER CONTAMINATED MATERIALS ON, UNDER OR IN THE VICINITY OF THE BOTTLE ROCK POWER PLANT AND STEAM FIELD, (III) WHETHER SELLER HAS OBTAINED ALL PERMITS, LICENSES AND OTHER FORMS OF GOVERNMENTAL APPROVALS OR AUTHORIZATIONS NECESSARY OR CONVENIENT FOR THE CONSTRUCTION, INSTALLATION, OWNERSHIP, USE, MAINTENANCE AND OPERATION OF ALL OR ANY PART OF THE PURCHASED ASSETS, OR THAT ANY SUCH PERMITS HELD BY SELLER ARE VALID OR TRANSFERABLE FROM SELLER TO BUYER, AND (IV) WHETHER ANY THIRD

PARTIES HAVE ANY RIGHTS TO CONSENT TO THE TRANSFER OF ANY PART OF THE PURCHASED ASSETS.

- (c) Buyer expressly acknowledges and accepts the disclaimers set forth in Sections 1.3(a) and 1.3(b), and further acknowledges its own opportunity and duty with respect to all or any part of the Purchased Assets (i) to inspect and investigate all or any part of such property, (ii) to verify the accuracy or completeness of any information provided by Seller, (iii) to investigate and examine all environmental matters and issues, (iv) to investigate all ownership and leasehold interests in or to the Purchased Assets, (v) to obtain or secure all permits and licenses or other forms of governmental approval or authorization necessary for Buyer to own, use, maintain, operate or decommission such property, including any approvals or consents necessary for the transfer of any such permits or licenses, and (vi) ascertaining and obtaining at Buyer's sole cost and expense any consents required for the transfer of such property.

ARTICLE II

PURCHASE PRICE AND PAYMENT

2.1 Purchase Price.

- (a) The total purchase price for the Purchased Assets (the "Purchase Price") shall be the sum of One Million Eight Hundred Thousand Dollars (\$1,800,000 U.S.) less such amounts (without interest) as Buyer has paid

Sale Agreement

(c) By Seller, if the conditions set forth in Section 6.2 of this Agreement have not been met or have not been waived by Seller by the required dates therefor, by delivering written notice thereof to Buyer; or

In the event this Agreement is terminated pursuant to this Section 6.3, each party shall comply with their obligations respecting confidentiality contained in Section 5.5 of this Agreement and, except for the obligations of the parties respecting confidentiality contained in Section 5.5, neither party shall have any liability or further obligation to the other under this Agreement.

ARTICLE VII

POST CLOSING OBLIGATIONS

7.1 Buyer's Obligations. From and after the Closing Date, Buyer shall be solely responsible and liable for the following:

(a) All costs associated with the ownership, use, maintenance and operation of the Purchased Assets;

(b) Any personal injury or death or damage to any property directly or indirectly arising or resulting from the ownership, use, maintenance and operation of the Purchased Assets;

(c) Full performance and compliance with all of the provisions, conditions, limitations and requirements of all permits, licenses and other forms of governmental approvals and authorizations comprising the Purchased Assets and otherwise relating to the Purchased Assets;

(d) Full performance and full compliance with all provisions, covenants, conditions, restrictions, limitations, obligations and the like contained in any leases, licenses, easements, rights-of-way and other land rights comprising a part of the Purchased Assets;

(e) Full responsibility and sole obligation for Decommissioning the Bottle Rock Power Plant, Francisco Steam Field and for all site restoration, including any restoration and remediation obligations associated with any land rights comprising the Purchased Assets;

(f) All environmental liability of any kind or nature, including fines, damages associated with injuries to persons or property, costs of investigation, response costs, abatement costs, penalties and the like, and responsibility for all environmental cleanup and remediation of every kind and character associated in any way with the Purchased Assets, regardless of whether the same (i) arose prior to Closing or arises subsequent to Closing, (ii) was caused by Seller or Seller's agents, including without limitation the active or passive negligence, gross negligence, recklessness, willful misconduct or illegal conduct of or attributable to Seller or Seller's agents, (iii) is suffered or asserted by Buyer or any third parties, either private or governmental, or (iv) is asserted under Federal or State statutory or common law, environmental or otherwise, now in effect or hereafter amended or enacted; and

(g) Filing of all appropriate forms, declarations and/or bonds with federal, state and local governmental agencies as required relative to Buyer's assumption of the ownership, use, maintenance and operation of the Purchased Assets, all at Buyer's sole cost and expense.

7.2 Seller's Obligations. From and after the Closing Date, Seller shall be solely responsible and liable for the following:

for use as fill for the existing Francisco, Coleman and West Coleman sumps, consistent with the Sump Closure Plan recently approved by the California Regional Water Quality Control Board. This would reduce the amount of temporary project construction traffic along the residential portion of High Valley Road, as compared to the proposed project, since import of soil from off-site sources would not be necessary, and excess soil generated from construction of the alternative pads would be transported to the existing three well pad sumps instead of off site via High Valley Road.

Alternative #3 is supported by the Community Development Department over the project originally proposed by BRP. BRP also supports this alternative, and has completed additional studies and preliminary grading plans to aid the County, AECOM, and the BLM in completing the alternatives analysis.

Alternative #1, the No Project / No Action Alternative, is not supported by the Community Development Department because it would likely result in closure of the existing power plant due to insufficient steam to operate the plant profitably.

Alternative #2, the Alternate Access alternative, would require BRP to use Lee Road and Glenbrook Road for access to the new project area. However, these are private roads and there is no guarantee that BRP would be able to negotiate easement rights with the affected property owners. If this or any other alternative access route were required through private roads, the project would not be possible to construct if easements could not be negotiated. While the Community Development Department encourages BRP to obtain alternate easement rights for project construction traffic, and BRP has been negotiating with area property owners to try and obtain said easement rights, the Department does not feel it appropriate to make this a requirement if it ended up having the same effect as the No Project Alternative. The proposed use permit could include a condition that requires BRP to continue to negotiate in good faith for an alternative construction access easement. Exhibit 6.0-1 on Page 6.0-6 of the Draft EIR illustrates the roads in the project vicinity.

Site Access, High Valley Road

The current access to the existing BRP power plant and steam fields and the proposed project is via High Valley Road, a paved road maintained by BRP as a condition of their existing use permit (UP 85-27) and approved Traffic Control and Road Maintenance Plan. High Valley Road is gated at its entrance at Bottle Rock Road and serves approximately ten single-family Homes between Bottle Rock Road and the existing BRP operations. The gate is operated by the residents and BRP employees via a key code entry system. The gate can also be operated remotely from the control room at the BRP power plant, and the steam field office adjacent to the Francisco pad.

Earlier this year, several residents along High Valley Road contend that BRP's easement rights to use High Valley Road were not transferred when the power plant and existing steam field was purchased. These residents further contended that BRP could not use High Valley Road for access to the new project area on the BRP GeoResource Leasehold (Binkley property). These issues were thoroughly reviewed by Lake County Counsel, who determined that BRP does have adequate easement rights to serve their existing operations and the proposed project area. Easement deeds were recorded in 2006 whereby all of the trustees of the Robinson Family Trust (Francisco

> Leasehold) and all of the trustees of the Binkley Family Trust (BRP GeoResource Leasehold) granted road easements through their applicable parcels, to BRP.

The existing Traffic Control and Road Maintenance Plan requires a guard to be staffed at the gate during construction, between 7:00 a.m. and 7:00 p.m. It also requires a guard at the gate continuously during drilling activities. The Community Development Department has been interpreting these provisions to apply to new well drilling, not maintenance activities on existing wells or on-going site maintenance work such as with closing the sumps, surfacing existing roads and other corrective actions undertaken by BRP. Please refer to Attachment 5, page 2 of the Traffic Control and Road Maintenance Plan.

Condition G.6 of Use Permit 85-27 (Attachment 5) limits large trucks from using High Valley Road to the hours of 7:00 a.m. to 7:00 p.m., *“except in the cases of verified emergency or unforeseen unusual need”*. This condition also strongly discourages the use of the road by large trucks during weekends and legal holidays, except for verified emergencies, then goes on to define emergencies *“as a spill, accident, imminent loss of equipment or other unforeseen event requiring immediate action to protect public health, safety or welfare.”*

As a result of numerous violations discovered on the site of the existing operations in the fall of 2008 and subsequent Notices of Violation being issued by the County, truck traffic has increased over the past two years as BRP has worked to correct violations. In addition, there have been situations where deliveries have been needed on weekends and after hours, such as with delivery of hydrogen peroxide used to abate Sulphur, and for delivery of asphalt prior to 7:00 a.m. this past summer due the asphalt batch plant only being open at night, until 5:00 a.m. There have been cases in the past several years when large truck traffic has occurred on High Valley Road in violation of the use permit and traffic control plan. BRP now notifies the Community Development Department in advance of deliveries after hours, and explains the reason for the delivery. The County Geothermal Coordinator then notifies the High Valley residents via email. The use of High Valley Road remains a controversial issue that will likely need to be clarified by the Planning Commission after the Final EIR is certified and the Commission is considering action on the proposed use permit.

Additional history, site condition and compliance details and photographs are included in Attachment 4 of this staff report.

V. CEQA REVIEW PROCESS; A GENERAL OVERVIEW

The Draft EIR was prepared to meet the requirements of the California Environmental Quality Act (CEQA), which is found in the Public Resources Code (PRC) and the State CEQA Guidelines. A minimum of 45 days must be provided for review. The public review and comment period started on September 17, 2010 and ends on November 1, 2010. The final EIR must be certified by the Planning Commission before any action can be taken on the Use Permit and Rezone applications. Following the minimum 45-day review period, and after all input on the Draft EIR is received and reviewed, the Commission must first make a determination regarding whether the Draft EIR has been completed in compliance with CEQA and the State CEQA Guidelines (main purpose of the

DANGEROUS AND LIBELOUS ASPECTS OF HEAVY EQUIPMENT USE and OVER-BURDEN OF HIGH VALLEY ROAD:

1) Narrow, steep, tight curves on the final approach or exit from Bottlerock Power is an area where a **SERIOUS** accident **WILL** happen, either to residents, their vehicles, or to heavy equipment drivers. (attached photos)

A) There is no possible safe escape. Serious property damage or truck/driver injury will occur when brakes fail. There are no possible safe exits, so any children playing, adults working, cars attempting to pass, etc. are in extreme danger when **ANY** heavy equipment, including the many 18 wheel trucks, loaded or empty, exit Bottlerock Power. Toxic material spills will inevitably occur within these dangerous conditions.

B) Car **AND** heavy equipment use will **ILEGALLY AND DRAMATICALLY** increase if Bottlerock Power, through your Environmental Impact Report, is not **IMMEDIATELY** prevented from using High Valley Road for **ANY** of their work on a newly acquired Binkley 470 acre lease (B470), or any other newly acquired geothermal leasehold. The dangers cannot be over emphasized!

C) Any entity which acquires **ANY** of the many **HUNDREDS** of potential geothermal leaseholds (including Bottlerock Power) must not be allowed to use High Valley Road (HVR) **WITHOUT PROPRER LEGAL AND SAFETY AUTHORITY**. The owner of (B470) could have been any company, perhaps Exxon Mobile or Cal Pine. **EVERY** leasehold is subject to legal and safe access negotiations.

CAUTION: Bottlerock Power appears to protect itself financially and legally through sub (expendable) corporations and easy access to lawyers.

We **NEED** your public protection
We **NEED** safe living conditions
We **NEED** every entity to abide by the law

Sincerely:

Concerned Cobb Residents

PUBLIC NOTICE OF STATE, COUNTY, AND PERSONAL LIABILITY IF ACCESS IS GRANTED OVER HIGH VALLEY ROAD:

Death and property damage dangers from ILLEGAL and UNSAFE access face High Valley Road (HVR) residents and Bottlerock Powers (BRP) heavy equipment drivers.

Residents of High Valley and surrounding area are dependent on your continued diligent efforts to protect us and the environment from Bottlerock Power's abuses. It is imperative you notify Bottlerock Power that illegal and extremely dangerous access to a new Binkley 470 acre (B470) geothermal leasehold must stop until safe and legal access is acquired.

Illegal access:

BOTTLEROCK POWER (BRP) IS ILLEGALLY USING HIGH VALLEY ROAD TO ACCESS THEIR NEW BINKLEY 470 ACRE GEOTHERMAL LEASEHOLD (B470)

California Department of Water Resources (DWR) purchased the legal right (easement) from property owners of High Valley Road (HVR) to their 360 acre Coleman leasehold (C360) and a 470 acre Binkley leasehold (B470) in 1981 for as long as (DWR) operated.

These rights were clearly defined, They SPECIFICALLY EXCLUDE ASSIGNMENT OF THIS EASEMENT UNLESS THE GEOTHERMAL RIGHTS ARE ALSO ASSIGNED. (Juiliani attachment A). In other easements, access was EXCLUSIVELY to DWR personnel for an indefinite time (in perpetuity)(not transferable)

DWR began operations in 1985 and ABANDONED operations in 1990.

The Federal Bureau of Land Management (BLM) RE-POSSESSED (B 470) from (DWR) in 1997.

After 1997, access to (B470) Via High Valley Road DID NOT EXIST. The chain of title was severed. BLM owned (B470) and had no access. BRP owned no access.

DWR sold (C360) to Bottlerock Power (BRP) in 2001 and QUIT CLAIMED its HVR road easement to (C360) at the same time. Juiliani easement CLEARLY STATES the road easement terminates UNLESS DWR transferred it WITH THE GEOTHERMAL LEASE. DWR DID NOT OWN (B470), easement over HVR to B470 was lost forever.

A QUIT CLAIM DEED NEITHER WARRANTS NOR PROFESSES THAT THE GRANTOR'S CLAIM IS VALID.

DWR could not (AND DID NOT) Quit Claim AN EASEMENT OVER HIGH VALLEY ROAD TO (B 470) in 2001 nor to its owner, FEDERAL BUREAU OF LAND MANAGEMENT (BLM). (Attached exhibit (B) purchase agreement)

Bottlerock Power and it's agents have NO RIGHT WHATSOEVER to use High Valley Road for access to (B 470).

There are HUNDREDS of potential geothermal leaseholds in the immediate area. Each purchaser, including Bottlerock, must LEGALLY contract with land/road owners and acquire LEGAL AND county/state SAFETY approval for access to ANY geothermal lease.

An 'add on' leasehold of land to existing business is A NEW LEASE. Massive heavy equipment, *NEW E.I. R.*, and major \$ investments are required. NEW LEGAL AND SAFE ACCESS MUST BE ACQUIRED TO EACH LEASED PARCEL.

The Federal Bureau of Land Management (BLM) gives no assurance, express or implied, that the purchaser of Federal geothermal leases will find access to the purchased lease. There is no provision whatsoever to provide access; it is solely the purchasers responsibility.

DWR's Quit Claim gave no assurance to Bottlerock Power, express or implied, that access over HVR to (C360) was legal. It was the buyers responsibility to determine legality and/or negotiate new easements. (Exhibit B, purchase agreement)

ANY VEHICLE OR INDIVIDUAL WHO ENTERS (B470) VIA HIGH VALLEY ROAD IS ILLEGALLY ENTERING AND MUST IMMEDIATELY CEASE OPERATIONS UNTIL SAFE AND LEGAL ACCESS IS ACQUIRED.

PLEASE NOTE: Section 2.4 of purchase agreement demands a \$5,000,000 surety bond or letter of credit from buyer for eventual decommissioning and reclamation. (IS THIS IN PLACE?) Public disclosure required.

PLEASE NOTE: Section 2.5 of purchase agreement demands an Environmental Impairment Insurance liability policy from buyer in the amount of \$10,000,000. (IS THIS IN PLACE?) Public disclosure required (Highlighted Attachment B)

A claim by Bottlerock Power that Section 2.4 or 2.5 do not apply would create default.

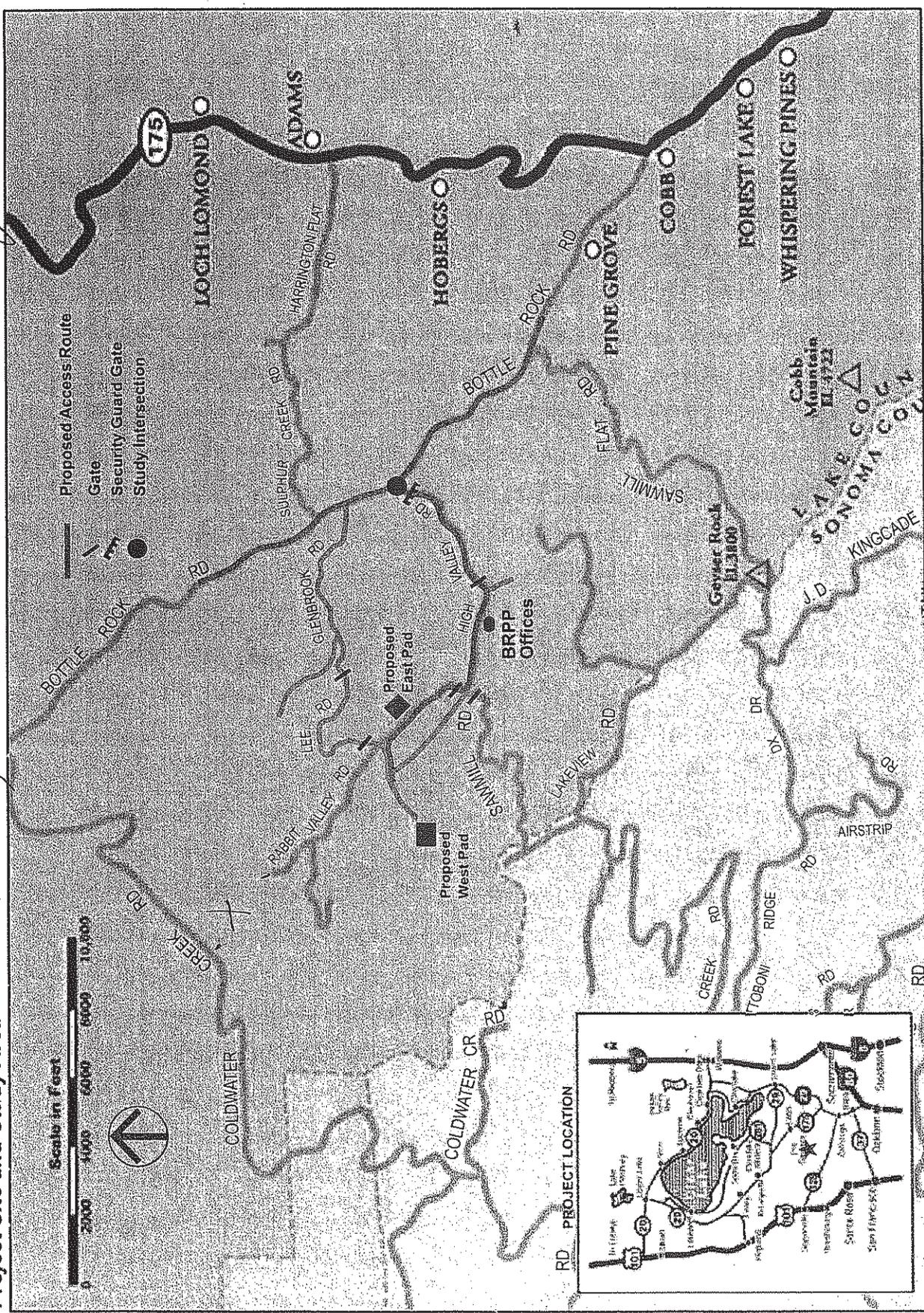
We look forward to your public protection.
We look forward to safe living conditions.
We look forward to having BRP abide by the law.

Sincerely:

Concerned Cobb Residents

X Missing Section of Rabbit Valley Rd.

Exhibit 5.2-1
Project Site and Study Area



Source: W-Trans, September 2009.

2011-10-20-16

RESPONSE TO LETTER 17 – RON FIDGE – NOVEMBER 1, 2010

Response to Comment 17-1

The comment is acknowledged. The 45-day public review period is consistent with Section 15205(d) of the *CEQA Guidelines*.

Response to Comment 17-2

See Master Response # 3 regarding alternative access and Glenbrook/Coldwater Creek Roads.

Response to Comment 17-3

See Master Response # 3 regarding alternative access and Glenbrook/Coldwater Creek Roads. The Glenbrook Road alternate access was analyzed in **Section 6.2 Alternative 2 – Alternate Access**. It is unclear what possibilities the commentor is claiming were not investigated. No additional response is considered necessary.

EIR ANALYSIS OF SPRINGS

The EIR analysis of the local surrounding springs is incorrect. Many of the homes within the one mile radius of the project well sites are fed by year round springs, not wells or hillside seeps.

Page 5.6-6

Seeps/Springs page 6 and 7

"2 known spring or seeps used for residential drinking water supply are within a .5 radius of project area, the Jadiker and Fidge wells. Both of these residential wells are actually hillside seeps."

18-1

One to one and half gallons a minute coming out of cracks in a rock formation is not a seep! There are at least two dozen more unmentioned springs within this radius which were not analyzed or documented.

As proof that these spring are not from immediate proximity rain absorption, the springs settle down to a constant flow after June. Bill Jadiker's spring flows about a gallon and quarter per minute during the last half of summer until it's increased by new rainfall, cool weather, or trees going dormant.

18-2

In addition, the spring that feeds the Fidge residence on Knob Cone Hill decreased from 1 gpm down to 1 pint every minute and half, or a 12th of the original flow when the steamwell closest to the Francisco sump, well 3-5 was being worked on in 2006 and 2007 by BRP. The workover coil pipe operation (attachment #8) caused black flakes and brown water to come out of my faucets. I brought evidence of this to the attention of BRP at a meeting in November of 2007 and to BRP and County authorities in a number of meetings. This well currently is being used as an injection well, nothing has ever done in the way of any investigation. The evidence is still available.

18-3

Geyser Rock Spring on Cobb Mountain is the head waters of Alder Creek. It is approximately the same elevation as the Fidge spring. It's very possible that the aquifer runs through a continuous strata layer to feed all the springs in this area. It is necessary for the EIR to investigate any evidence or data that substantiates this theory. No drilling should be allowed until a complete hydrology study of the local springs been completed.

18-4

Before any steam well drilling begins, an intial flow check of all springs must be completed as a baseline to be used for later analysis. If drilling is allowed, then a comprehensive seasonal flow check of each spring must be completed to ensure that the drilling is not affecting the communal aquifer as it did on the Fidge spring

18-5

Although the Fidge spring is hundreds of feet in elevation above the Coleman/Francisco pad and the kelsey Creek basin. and only 120 feet below the top of Knob Cone Hill (the Fidge residence), it was affected by drilling operations 1313 feet below the Francisco 3-5 well pad.

18-6

Evidence supports that hydrostatic pressure in the basin is a contributing factor to the flow rates of the many existing springs, even those that are above the High Valley floor level.

As an example, as stated above, when BRP was doing the coil pipe workover on the 3-5 Francisco well, they reached the well plug at 1313 feet, and in an effort to penetrate the plug they pumped various lubricants into that well. The evidence of

RECEIVED

NOV 9 1 2010

18-6

the black flakes in water from my well during that period is proof that their chemicals intruded into my springs aquifer. The evidence that I presented should have been investigated by all regulatory agencies.

SEE ATTACHMENT #8

Thermasource report to Department of Conesevation,
Division of Oil, Gas, and Geothermal Resources

18-7

Although the EIR states that the steam wells do not affect the local water aquifers by the fact that they are so deep, the fact remains that during the drilling process they do infringe upon the level at which the aquifer strata lies, and therfore, there can be intrusion before the casing process is completed.

Ron Felgo

Attachment 8.
 Who is the Company who did this work
 What was the Friction reducer material #1002 Halliburton

Cementing
 BJ Coiltech
 Bakersfield
 Woodland

ThermaSource		Management Summary Report		ThermaSource	
Well ID: F 3-5 CT 0407		Field: Geysers		Well Name: Francisco 3-5	
				County: Lake State: CA Country: United States	
Rpt. No.	Date	MD (ft)	TVD (ft)	Management Summary	
1	27-Apr-07	9,934		<p>Sunday, April 22, 2007 Moved in and rigged up BJ coil tubing unit with BJ nitrogen and BJ pumping unit.</p> <p>Monday, April 23, 2007 Set coil tubing injection head on top of well. Completed rigging up. Cooled nitrogen pumping unit. Found cold side of nitrogen pump to be leaking and discharging liquid nitrogen onto hot pumping equipment. Shut down pump. Pump is 1-1/4" rod size. Found equipment to convert pump to 1" rod in Bakersfield, CA and replacement 1-1/4" parts in Louisiana. Had both sets of parts shipped.</p> <p>Tuesday, April 24, 2007 Found parts to convert pump to 1" rod size to be incompatible. Waited on parts from Louisiana.</p> <p>Wednesday, April 25, 2007 Continued waiting on parts from Louisiana.</p> <p>Thursday, April 25, 2007 Repaired nitrogen pump. Hydra Crane broke down, sent for parts and repaired Hydra Crane.</p> <p>Friday, April 26, 2007 Function tested and pressure tested BOP. Ran in hole to 1313, taking weight and could not blow throw with 1200 CFM N2. Pulled out of hole. Bent coil tubing opposite way of coil. Ran in hole. Stopped again at 1313. Pulled out of hole. Bent coil tubing straight. Ran in hole. Stopped again at 1313. Pulled out of hole. Made centralizer for bull noise tool. Ran in hole. Stopped at 1313. Mixed and pumped 18 bbls. water and friction reducer, followed by N2. Could not get past 1313. Pulled out of hole and secured for evening.</p>	
2	28-Apr-07	9,934		<p>Built 5' spool for BOP stack. Installed 5' spool between BOP stack and master valve. Ordered roter jet, 5 1/8" centralizer, and release tools from Weatherford. Waited on tools, B J Coiltech on stand by.</p>	
3	29-Apr-07	9,934		<p>Made up Weatherford tools. Pressure tested Weatherford tool connections and BOP. Ran in hole to 1313 and slide through prior problem spot with no resistance. Ran in hole to 5489 and encountered tight spot. Reamed through tight spot F/ 5489 T/5495. Ran in hole to 5800. Pulled out of hole to secure rig for night. Well showed returns on the way out indicating the hole was full or hole was unloading.</p>	
4	30-Apr-07	9,934		<p>Rigged up centrifugal pump to well. Pumped into well for two hours and well filled, pressured up to 10 psi. Made up Weatherford tools. Pressure tested Weatherford tool connections. Ran in hole to 6141. Circulated. Pulled out of hole and secure for night.</p>	
5	01-May-07	9,934		<p>Rigged up to pump into well with B.J. pump truck. Open well and bleed off N2 gas. Filled well with water and shut in well. Pumped into well at a rate of 6 BBLS. per minute. Pressure reached 50 to 75 PSI at well head. Continued pumping until 200 BBLS had been pumped. Rigged down Coiltech. Moved Coiltech to Coleman 5-5 and begin rigging up.</p>	

Date Error ?

What Friction Reducer ?

Name ?

?

?

This is the Second Time They worked on this well with a Coil Pipe System. The First Time Was in the Summer of 2006?

RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF CONSERVATION
DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES API Well Number 033-90273

HISTORY OF GEOTHERMAL WELL

Operator Bottle Rock Power, LLC Field Geysers County Lake
Well Francisco 3-5 Sec. 5 T. 11N R. 8W B.&M. M.D.
Name Kevin Bennetto Title Plant Manager
(Person submitting report) (President, Secretary, or Agent)
Address 7385 High Valley Road City Cobb State CA Zip Code 95426
Telephone 707-928-4578 Fax 707-928-4581 E-mail kbennetto@bottlerockpower.com
Signature _____ Date 04-27-09

History must be complete in all detail. Use this form to report all operations during drilling and testing of the well or during redrilling or altering the casing, plugging, or abandonment, with the dates thereof. Include such items as hole size, production or injection test details, amounts of cement used, top and bottom of plugs, perforation details, sidetracked junk, history and initial production data, and zone temperature.

DATE

HISTORY

See Attached Well History.

A1

ThermaSource		Directional Survey Report					ThermaSource			
Well ID: F 3-5 CT 0407		Well Name: Francisco 3-5					County: Lake State: CA Country: United States			
Field: Geysers										
Survey Type	Meas. Depth	Inc.	Azimuth	TVD	Coordinates		Closure	Vertical Section	Dog Leg Severity	
					N-S	E-W				
Well Bore: Original Well Bore		Plane of Vertical Section: 0								
° Tien	0.0	0.00	0	0.0	0.0	0.0	0.0	0.0	0.0	
Calculations using Minimum Curvature Method										

RESPONSE TO LETTER 18 – RON FIDGE – NOVEMBER 1, 2010

Response to Comment 18-1

The comment is noted. The terms “seep” and “spring” are used interchangeably on pages 5.6-6 through 5.6-7 of the Draft EIR. The term “seep” does not limit the source of water to “immediate proximity rain absorption” as noted by the commentor. The text on page 5.6-6 to 5.6-7 notes that the Jadiker and Fidge residential wells in question rely on alluvial groundwater and hillside drainage or “occur where groundwater in a permeable zone is contained against a less permeable layer, such as underlying impervious Franciscan rocks, allowing the groundwater to rise to the surface and then flow overland down-gradient toward the nearest stream”.

As noted on page the Draft EIR/EA, “all Water Well Drillers Reports and Well Completion Reports within a radius of at least one mile of the project site were requested from the DWR’s Northern District, Well Records Database. A total of 24 well records were obtained, although it is possible that additional wells exist that have not been reported to the agency. No well records were found in the DWR Well Records Database within 0.5 mile of the project site. Most of the 24 well records obtained were for wells located between one and two miles from the project site that are not in the same valley as the project site.”

Response to Comment 18-2

The comment is noted. The commentor may elect to submit data on groundwater quality effects from geothermal well drilling as possible evidence for a geohydrologic connection that is not documented; in fact, previous hydrologic studies cited in the Draft EIR/EA (see footnotes on pages 5.6-6 to 5.6-7) have concluded that the residential wells on the Fidge and Jadiker properties appear to be hydraulically isolated from the proposed well pads sites by topographic divides.

Response to Comment 18-3

As noted in the Draft EIR/EA on page 5.6-5, all documented water wells within one mile of the project were identified. One well identified in the Draft EIR/EA was about 1.15 miles from the project site. Water use for the project primarily would be for site construction, a short-term use of water, and for well drilling, a longer-term use as each well is drilled and replacement wells are constructed. As noted in the Draft EIR/EA, p. 5.6-37, a groundwater pumping test to verify the cone of influence (drawdown) has not been prepared for the project. In general, a cone of depression (drawdown) is greatest at the pumped well and decreases rapidly away with distance from the well (assuming uniform conditions of the aquifer, which rarely are present in nature). Ordinarily, impacts on shallow wells would not be expected beyond a mile from the pump site, especially since data generally indicate that the local groundwater flow is fairly good year round. But because sufficient data are not available to determine the extent of the cone of depression, and to model it under various groundwater flow conditions (e.g., winter vs. summer, normal precipitation year vs. drought, the Draft EIR/EA concludes conservatively that the impact would be significant and mitigation is proposed (Mitigation Measure 5.6-6(a)(b) and (c).

The likelihood is low that distant wells, such as those in the head water of Alder Creek, would be within the cone of depression of the proposed project well, much less result in a substantial effect on those wells. For this reason, and because mitigation has been identified for potential project impacts, a regional analysis of aquifer hydrology probably is not necessary and would be premature. The proposed project mitigation is sufficient to prevent local drawdown of water wells, much less

widespread regional aquifer effects. However, should the pumping test and drawdown evaluation indicate that the cone of depression from the well could extend over a wide area, then further study could be warranted of a wider aquifer envelope by a qualified hydrogeologist. The geographic extent of the wider hydrogeologic investigation would best be defined by a qualified hydrogeologist. For this reason, it is the opinion of the EIR/EA preparers that the investigation of the commenter's theory may not be needed at this time. The recommendation of the commenter is noted and will be considered by the decision makers during their deliberations on the merits of the proposed project.

Response to Comment 18-4

As a conservative approach, the recommendation of flow check of springs that are within 1.25 miles of the proposed BRP well for the project and within its potential for impact (that is direct or connected aquifer) is acknowledged. After the initial check, indicator springs shall be selected for continued monitoring during well drilling. This requirement would be added to Mitigation Measure 5.6-6(a).

Response to Comment 18-5

The comment is noted. The well owners may elect to submit data that indicates an effect of past drilling on their wells. Information of this type may be useful for the hydrogeologist conducting the pumping test and drawdown evaluation included in Mitigation Measure 5.6-6.

Response to Comment 18-6

The comment is noted. The well owners may elect to submit data that indicates an effect of past drilling on their wells. Information of this type may be useful for the hydrogeologist conducting the pumping test and drawdown evaluation included in Mitigation Measure 5.6-6.

Response to Comment 18-7

The commentor is correct that there is a period during well development in which the aquifers closer to the ground surface are penetrated and intruded prior to placement of the well casing. Overall, the local groundwater flow around the hole could be affected by the hole, but the impact would be local to the immediate vicinity and would be temporary. Short-term and long-term, significant effects on surrounding wells in that phase of the drilling would be unlikely. Similarly groundwater contamination, should it occur, would be local in effect and contaminant dispersion generally would be limited by the hydrostatic pressure gradient toward the hole. Placement of a sleeve for drilling is the typical procedure when holes are drilled through aquifers to better control the hole as well as prevent effects on the local groundwater.

Health and safety of residents

QUESTION:

How does the EIR propose to protect the close proximity residents from hazards relating to venting of new wells

The old use permit, COUNTY OF LAKE, USE PERMIT 87-92 BINKLEY GEOTHERMAL STEAM SUPPLY PROJECT from 12/29/1988 states:(page 15, Section I Public health and safety N-17)

"In the even of an emergency condition, such as excessive noise level above 50 dBA or an unsafe air exceed, the permit holder agrees to relocate all impacted residents who cannot safely and reasonably occupy their dwellings, located within one mile of the drill pad, at the permit holders expense."

19-1

We requested the EIR consultant to obtain a copy of this old use permit as a baseline against which to make sure that the current proposed mitigations are at least as strict as the old ones.

Are the current mitigations for these event in the current EIR up to these standards?

It is apparent that the EIR does address the needs to protect the cultural sites but pays less attention to the protection of the living.

If the current protection that we are receiving is any indication that this is the minimal standard for the proposed project, we are in danger of health and life. As an example:

Attachment 9 is a medical report for Ron Fidge by Thomas W. Luck of the Mendocino Community Health Clinic on 8/18/2010 which documents that I suffered pain and health effects from exposure to H2S and other toxic fumes from an open well operation by BRP on the Francisco pad.

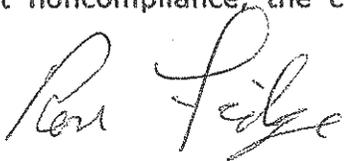
19-2

I was not warned nor notified that they had intended to have the well open for over a period of 7 days, nor were any provision made for my relocation or concerns for my health and safety. This is yet another example of BRP's lack of consideration for the surrounding neighbors well being.

Bill Jadiker and I have homes upwind and downwind from the proposed pad locations. We are very concerned trying to sue the County and BRP from a coffin! Why is it necessary for us to do the County's job of policing BRP's poor pattern of behavior of non-compliance?

19-3

I demand a private geothermal coordinator that is independent of the County or BRP that will oversee and enforce the compliance issues with the new proposed project and the current operations as they are so closely tied together by the new addition. Because of the expected amount of time needed for this, based on the past noncompliance, the compliance officer position should be funded by BRP.



RECEIVED

NOV 01 2010

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT

A-9.

Patient MRN:358814

Date: 08/18/2010

Description: Clinic Visit Note

Provider ID:bdedc21f-355a-41b3-9d10-9f20bf912c73

Enterprise ID: 1

Practice ID: 1

FIDGE, RONALD DOB: 02/26/1944
Mendocino Community Health Clinic, Inc.
333 Laws Avenue, Ukiah CA 95482 PHONE 707.468.1010

SUBJECTIVE:

The patient is a 66-year-old white male who states that he was exposed to toxic fumes from a drilling operation at a local well. The drilling company was performing abatement procedures for hydrogen sulfide. This happened last Sunday on 08/15/10. He subsequently noted pain in his left knee and left elbow. A nonproductive cough, nasal sinus irritation and nausea. Additionally he has noted a dull pain in the central portion of his chest. He denies any dyspnea, dizziness, lightheadedness, orthopnea, edema or claudication. He has had no vomiting, no abdominal pain, no diarrhea. He currently takes no medications, he has no known drug allergies.

OBJECTIVE:

Vital signs: Blood pressure 116/72. Pulse 68. Respiratory rate 20. Temperature 97.3. Weight 206 pounds. Height 6 feet, 3-1/2 inches. Pain score 4/10. HEENT: Examination showed no icterus. Conjunctivae normal bilaterally. Oropharynx was clear. There was no pharyngeal exudate. Neck supple, no cervical lymphadenopathy, no thyromegaly, no vascular bruits. Lungs clear to percussion and auscultation. Heart: Normal first and second heart sound without S3, S4, or murmur. Cardiac rate and rhythm regular. Abdomen: Flat, soft, nontender, no masses, no organomegaly, no vascular bruits. No hernia. Extremities: No edema. Peripheral pulses intact. Skin: No lymphadenopathy, no icterus.

ASSESSMENT:

- 1. Respiratory irritation after exposure to chemical fumes from hydrogen sulfide abatement program at a local

Blood pressure 116/72
Temperature 97.3

Patient Name: _____

PROGRESS NOTES

DOB: _____

Form # PHR-40836

Medical Record #: _____

MEMORANDUM FOR THE PHYSICIAN

Date: AUG 18 2010
T: 97.3 P: 68 R: 20
BP: 116/72 Wt: 206 Ht: 6'3 1/2"

Exposed to chemicals (fumes used in wall for
HS statement program (Sunday)

New Drug Allergies: NKDA

LMP: N/A

Pain Score: 4

Chief Complaint: Exposed to ^{toxic} steam - @ knee pain @ elbow pain

Coughing x 4 mo Nausea - pain to heart area (chest pain) - to bend over
+ congestion to sinuses

exam # 150050 - 8/19

Fidge

Ronald

DOB: 02/26/44

Date: 08/18/10

MR#: 358814

Rev. 05/05

HELAND HEALTH CENTER • 333 Lakes Ave., Ukiah, CA 95482 • (707) 468-1010

LITTLE LAKE HEALTH CENTER • 45 Hazel St., Willits, CA 95490 • (707) 456-9690

LAKESIDE HEALTH CENTER • 5325 Lakeshore Blvd., Lakeport, CA 95455 • (707) 263-7225

PROGRESS NOTES

Patient Name: Ronald Fidge

DOB: 2/26/44

Medical Record #: 358814

RESPONSE TO LETTER 19 – RON FIDGE – NOVEMBER 1, 2010

Response to Comment 19-1

See Master Response #1 regarding past violations and County staff's proposed revisions to the existing of the Use Permit. Compensation by the permit holder to neighbors for environmental impacts is not mitigation under CEQA. This is a condition of the existing Use Permit. The commentor's suggestion that it continue under the new Use Permit will be made available to County decision-makers when they deliberate the merits of the proposed project.

Response to Comment 19-2

The comment is acknowledged and will be made available to County decision-makers in their deliberations on the proposed project. This comment does not address the adequacy or accuracy of information presented in the Draft EIR/EA. No additional response is considered necessary.

Response to Comment 19-3

The commentor's request to have a private geothermal coordinator to monitor compliance is noted and will be made available to County decision-makers in their deliberations on the proposed project.

RECEIVED

Comments regarding Bottle Rock DEIR

NOV 03 2010

November 2, 2010

LAKE COUNTY
PLANNING COMMISSION

The DEIR has a number issues to be resolved, including missing data, unsupported or infeasible mitigations, an incomplete description of the Project and Project Setting, project segmentation, and other procedural or substantive issues. While many are correctable, some indicate either a worsening of an acknowledged impact or the existence of a new potentially significant impact. Under those circumstances, the appropriate procedure is to provide for recirculation of the DEIR.

20-1

1 The Notice of Preparation incorrectly limits the scope of issues under CEQA. The CEQA process is primarily a disclosure process to inform both the public and decision-makers of impacts from a project.

1-a The NOP states that the EIR will give no consideration to issues of feasibility or economic impacts. This is incorrect for several reasons. An economic impact is relevant if there is substantial evidence of an indirect environmental impact. Economics are also one of the considerations that properly addresses feasibility issues. The feasibility of either mitigations or project alternatives is a key consideration in preparing an EIR. By discouraging or subordinating these issues, the NOP may have served to constrain public participation and improperly limit the scope of comments.

20-2

1-b The NOP indicates that impacts upon adjacent properties do not qualify at a trigger for an environmental impact. This is clearly not the case, since various properties may be affected in different ways. For example, creating air quality impacts upon a sensitive receptor is an appropriate issue for consideration under CEQA. The ultimate determination of impact significance is found in the stated Thresholds of Significance. In that context, an impact upon adjacent properties, or only a single property can rise to the level of a potentially significant impact. As above, starting an EIR process by improperly limiting the scope of comment may have undercut the disclosure function intended by CEQA.

20-3

1-c The NOP suggests that issues involving easements, property rights, or property boundaries are not relevant to an EIR. This is an over-generalization. While a disputed property line in isolation may not invoke a CEQA trigger, the uncertainty of a boundary location may result in potential impacts. A misplaced utility easement may trigger project redesign. A boundary in dispute will raise issues of compliance with setbacks, as well as ownership of terrain and property features, such as control over a watercourse. All of the above can also have a large impact upon the feasibility of either mitigations or alternatives.

20-4

2 The Project Description is unclear, and contrary to CEQA requirements. An accurate and precise description of a project is a prerequisite to an accurate discussion of potential impacts.

2-a The Project Description limits itself to the new well pads and associated new transmission lines. This omits discussion of existing lines for conveyance to and from the power plant, as well as any discussion of the physical and operational aspects of the power plant. A description of the power plant must be included and consistently accounted for in the various study topics

20-5

2-b The Project Description also omits discussion of the operational requirements and structure imposed upon the power plant and existing pipeline system by the terms of the Conditional Use Permit currently in force. The Use Permit needs to be addressed as part of the "project description" since it determines many of the operational aspects.

20-6

2-c The Project Description also omits discussion of actual production capacity using current production areas. Since the only stated goal of the Project is to achieve the maximum production level of 15 MW, the full capacity of the three existing well fields has direct bearing upon what additional production and occur under current permitting. This in turn bears on the ability fo mitigate through downsizing one or both of the proposed new production areas to reduce impacts. ✓

20-7

3 The Project Setting and Baseline are inaccurate and incomplete.

3-a The Project baseline must describe the existing circumstances at all parts of the proposed Project, both physical and operational, but also the surrounding area. Contrary to the statements in the Notice of Preparation, the presence of site violations is pertinent and must be described. Impacts are assessed in the context of the existing environment; if there are pre-existing problems or impacts, those must be considered. It would make no sense to conclude that a new air quality emission would constitute a health issue, but ignore existing emissions. Existing conditions may not require mitigation, but must be acknowledged.

20-8

3-b In this case, the Notice of Preparation was issued in late 2009, so the examination of the existing conditions or "setting" rely upon the situation in 2009. The record indicates a variety of air quality issues, including leaks, releases, and violations. The same can be said for compliance with the existing Use Permit conditions. These form part of the baseline circumstance.

20-9

3-c While the current effort to resolve the existing well field sump contamination through the Regional Water Quality Control Board is not a direct component of this project, the handling and transport of such material may have bearing upon the current Project. This potential must be discussed, either in the context of Project baseline or in terms of cumulative impacts associated with other projects (such as sump closure and increased production wells on the existing three pads.

20-10

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LAKE COUNTY
PLANNING COMMISSION

4 The EIR improperly segments the Project

4-a CEQA requires that an EIR address the entirety of a Project, and address all activities that are linked to the Project as described. The EIR acknowledges that closure of the new well pads will require significant labor and cost. Both biological studies relied upon by the DEIR question whether true restoration is even possible. The DEIR indicates that a Closure Plan will be submitted at a later date, and will be subject to CEQA review at that time.

The DEIR offers no documentation as to what would trigger CEQA review. Is the Closure Permit a “discretionary” or “ministerial” under CEQA? If the latter, than no CEQA review would occur. Closure must be addressed in the DEIR to reflect either the standards applied under a ministerial process or the standards under a discretionary process.

20-11

4-b The DEIR also declines to identify any standards or outcomes that would be required through a Closure Plan. If the County has a County Code provision controlling the Closure process, the Code should be referenced, with a discription of the necessary standards for closure.

4-c The General Plan indicates that a Closure Plan is required for geothermal sites, and that adequate bonding must be provided to cover the cost of closure, with the bonding amount determined prior to Project approval. That being the case, the required bonding means the scope and cost of closure must be determined prior to Project approval. Absent that information, it is impossible to determine the amount of bonding needed to safely cover closure costs. This provision also means that closure cannot be separated from approval, and that deferring the closure documentation constitutes project segmentation. Since General Plan consistency requires closure bonding, the closure plan must be described in sufficient detail to permit determining a bonding amount.

20-12

4-d The DEIR and Project documents acknowledge that closure can occur with the decline of the steamfield or occur suddenly with some unexpected accident or incident. In such a case, the costs could be even higher if they also contained a significant clean up and restoration beyond that anticipated with steamfield decline. This also needs to be addressed in this EIR, in the context of an accident occurring during the proposed operations of the Project .

20-13

5 The DEIR improperly relies upon deferred or unenforceable mitigations.

5-a While the seperation of the Closure Plan is improper segmentation, the failure to address the impacts of such a Plan and rely upon some later solution is a clear example of an improperly deferred mitigation.

20-14

5-b The Biological section of the DEIR defers various environmental mitigations to later unspecified review by Responding Agencies under CEQA. While the scope of such mitigations can be delayed pending more specific study, the standards to be met by such postponed mitigation must be declared in the DEIR. This is a critical point, since Responding Agencies are bound by the conclusions and mitigations included within the EIR as certified by the Lead Agency.

20-15

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LAKE COUNTY
PLANNING COMMISSION

5-c The Traffic section of the DEIR includes a requirement that certain portions of access roads be widened to provide safe passage by large trucks. Part of the proposed mitigation for the specified potentially significant impact is for the applicant to acquire additional easements from private parties to allow the widening.

20-16

As a private party, the applicant has no authority to compel the sale of easements for road improvements. Since the mitigation is unenforceable, the mitigation does not satisfy CEQA standards to resolve the confirmed impact. That significant impact needs to be redesignated as significant and unmitigated. That in turn triggers recirculation of the DEIR.

6 The Hydrology Section of the DEIR does not have substantial evidence to support its conclusions.

6-a The DEIR seemingly relies upon a single December well draw down test to conclude the Project water use will have no impact upon local waterways and riparian corridors. The single test during a rain storm makes the results unreliable. The proper time to conduct such a shallow drawdown test would be in the summer months when Project water demand will be at its peak, as well as transpiration by vegetation.

20-17

7 The Biology Section of the DEIR contains several mistakes and omissions that compromise any conclusions.

7-a No data sheets are provided for the wetland delineation or the vegetation surveys

20-18

7-b The Zander study contains maps that show a very limited number of what are identified as "data points" but not specified as to what was assessed.

20-19

7-c The Northwest Biosurvey peer review of December 15 2009 assesses both the Zander report, as well as generate additional data from further field work. This NB biological survey raises a number of questions regarding procedures, conclusions, and apparent inconsistencies. If the nature of the potential impacts is unclear, the determination of adequate mitigation is not able to provide reasonable assurance of adequate mitigation consistent with CEQA.

20-20

7-d The NWB report discusses the Zander analysis of "riparian" vegetation, but adopts a more conservative definition as described on page 5. The NWB report also states that the more expansive methodology is also appropriate. In that context, the Zander report should be considered the more "conservative" under CEQA, since CEQA analysis typically applies the more aggressive of two acceptable standards in the context of being more conservative in the context of the potential substantive impacts.

20-21

7-e The NWB report also carries out a Yellow Legged Frog survey on the Project site. The NWB discussion notes the appropriate sampling protocol is found in the "2005 Guidance on Site Assessment and Field Surveys for the California Red-Legged Frog" (2005 Guidance) as provided by the US Fish and Wildlife Service.

20-22

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NOV 03 2010

While the 2005 Guidance does not stipulate use of control sites, the NWB survey included a control site uses a site on Big Sulphur Creek two miles away and on the far side of a major ridgeline. The accompanying description of the control site indicates it is not only far removed from the Project site, but is substantially different in character. So the relevance is unclear, other than to establish the presence in the area. But the NWB report confirms that Yellow Legged Frog populations have previously been observed in High Creek. Why were no studies conducted within High Creek itself beyond the Project boundary to account for species movement within that same waterway?

20-22

7-f The NWB states on page 5 that the High Valley Creek surveys both occurred in November of 2009. However the field data forms for the Yellow_Legged Frog show that the field surveys on High Valley Creek both occurred on October 23 and November 23 of 2009, This contradiction must be reconciled.

20-23

7-g The most important flaw in the YLF field investigation is that, having said the necessary protocol is that described in the 2005 US Fish and Wildlife Service document, that the field work and report do not meet the minimum requirements of the chosen method. As noted above, the NWB survey only reflect two daytime visits (for the purposes of discussion here) the conflicting dates are not relevant.

The reason for the constrained field work is explained by NWB that "this time span was based on contract signing and completion dates defined by the client" (NWB Exhibit 4.6-8, Section 3.2). This provided far fewer samples than the minimum number provided in the RLF guidance. That USFWS protocol recommends a up to 8 site surveys, including at least two day surveys and 4 night surveys. At least one survey must occur prior to August 15, which did not take place. In addition, there must be at least 6 weeks between the first and final survey, which also did not occur.

20-24

Given the above problems and omissions, the DEIR needs significant expansion to satisfy CEQA, including recirculation.



Scot Stegeman

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NOV 03 2010

LAKE COUNTY
PLANNING COMMISSION

RESPONSE TO LETTER 20 – SCOT STEGEMAN – NOVEMBER 3, 2010

Response to Comment 20-1

The opinions expressed in the comment are noted and will be considered by the decision-makers in their deliberations regarding the merits of the project.

Response to Comment 20-2

The assertion made in the comment is in error. The Notice of Preparation (October 8, 2009) contains no statement that the EIR will give no consideration to issues of feasibility or economic impacts. No limitation was placed by the NOP on the scope of comments.

Response to Comment 20-3

The assertions made in the comment are in error. The Notice of Preparation (October 8, 2009) contains no statement that impacts upon adjacent properties do not qualify for an environmental impact. Moreover, the Draft EIR/EA addresses all environmental impacts on adjacent properties. Sensitive receptors are identified throughout appropriate topical sections of the EIR/EA, such as air quality and noise. The EIR process has been carefully conducted in compliance with all substantive and procedural requirements of CEQA for an EIR.

Response to Comment 20-3

The comment is noted. The comment does not address any environmental issue specific to the EIR/EA on the proposed project. No further response is required.

Response to Comment 20-4

The comment is noted. The comment does not address any environmental issue specific to the EIR/EA on the proposed project. No further response is required.

Response to Comment 20-5

The Draft EIR/EA (page 3.0-11) references existing pipelines and includes figures mapping the location of all existing facilities. Except for the addition of steam to the power plant, no substantial physical changes to the power plant are required or proposed, and therefore a discussion of the power plant in the project description is not needed. Information on the power plant needed for the impact assessment, e.g., air quality, is provided with appropriate topical sections.

Response to Comment 20-6

The existing County Use Permit addresses the steamfield, not the power plant. The power plant operation is regulated by the CEC. The power plant already is permitted for a capacity of 55MW, which would not change as a result of the proposed project. The existing Use Permit covers only the existing pipelines of the Francisco Leasehold. The existing Use Permit conditions for the Francisco Leasehold pipeline structures and operations would not be changed by the proposed project because those facilities would not be changed substantially except at the tie-in of the proposed steam pipeline. The existing Use Permit does not include any components of the proposed project. Project facilities

would be operated under a new Use Permit. The proposed facilities and their construction and operation are described in detail in the Draft EIR/EA.

Response to Comment 20-7

The proposed project is designed to achieve the permitted operational capacity of 55MW at the power plant (see Proposed Project, page 3.0-7). As stated there, the power plant currently produces between 12 MW and 17 MW of power. The assessment of geothermal resource needed for and potential steam availability to support the project goal for power production is assessed in detail in Section 4.0 Geothermal Resources.

Response to Comment 20-8

The Draft EIR/EA describes the existing conditions with the best available information, at the time the NOP was published, needed for an objective and accurate assessment of impacts. The Draft EIR/EA discusses environmental issues relevant to the state of the existing physical environment. See Master Response #1 regarding permit violations and follow-up actions. Further discussion is not required.

Response to Comment 20-9

See Response to Comment 20-8. While permit violations and responses have occurred in the past, they and have received appropriate response, they do not establish a baseline for the impact assessment. Most of the proposed project is located in an area currently absent of project-related facilities. The proposed pipeline along the existing pipeline, which environmental conditions are included in the baseline conditions.

Response to Comment 20-10

The handling and storage of hazardous substances and wastes are discussed in detail in Section 5.7 Hazards and Hazardous Materials. In that section, past issues are noted as having been resolved (e.g., see page 5.7-2). See Master Response #1.

Response to Comment 20-11

Comment noted. Project abandonment is addressed programmatically in the Draft EIR/EA because a detailed closure plan would not be required until a notification is filed with the County of intent to close the facility. As this could occur many years into the future (30 years of operation are proposed), there is no requirement for development of a detailed closure plan at this time. This approach is common for projects with long term operational horizons. Closure plans typically undergo CEQA review and this would be the expectation for the proposed project. As noted in the Draft EIR/EA, closure of the project would be required to comply with standards in effect at that time. At a minimum, current closure requirements would be applied to the project and these are identified in mitigation measures. Additional information is not required for compliance with CEQA/NEPA in the current EIR/EA.

Response to Comment 20-12

Financial assurances, such as bonding, are addressed in the project description on page 3.0-30. These financial assurance requirements would be determined by the County at the time a grading permit is issued, and as noted, would be based on certain assumed actions, some of which would be part of final site closure. However, this requirement does not entail submission of a final site closure plan.

Response to Comment 20-13

If the project is approved, the financial assurances will be specified at the time a grading plan is approved. While various upset scenarios could be envisioned potentially involving extensive site clean-up/repair following a major spill or fire at the site, such conditions are generally not required in specific detail in establishing the necessary conditions of financial assurance. It is beyond the scope of CEQA to establish worst case scenarios for impact assessment unless there is strong reason to do so, e.g., potential for upset related to the construction and operation of a hazardous chemical waste facility. For projects such as that proposed here, the establishment of the level of financial assurances does not create a basis for defining a risk of upset scenario for evaluation under CEQA. The basis for setting financial assurances will be determined by the County through its permitting process.

Response to Comment 20-14

The opinion expressed in the comment is noted and will be considered by the decision makers in their deliberations on the merits of the project. The assessment provided in the Draft EIR/EA meets the requirements of CEQA for evaluation of impacts and establishment of mitigation related to site closure and abandonment.

Response to Comment 20-15

The comment is general in nature and does not specify which mitigation measures for biological resources are delayed and lack performance standards. In cases where it is possible to be specific, the performance standard is specified (e.g., replacement ratios) or tied to permit conditions to be developed with the regulatory agencies. In other cases, surveys would be required at future dates, followed by appropriate plans which would include performance standards defined by the permitting agency. In general, a minimum expectation for performance is identified in such cases.

Response to Comment 20-16

The commenter's presumption that mitigation is unenforceable is incorrect. While the applicant cannot compel a private landowner to grant an easement, were a project such as road widening to be proposed, CEQA review by the County would be required. The County would be responsible for enforcing mitigation.

Response to Comment 20-17

The commenter's recommendation is noted. The Draft EIR/EA discloses issues related to the well test data, but sufficient information is available upon which to base the impact assessment. A significant impact was identified in the Draft EIR/EA and mitigation is specified.

Response to Comment 20-18

The data are part of the County's administrative record. There is no requirement that raw data be included in the Draft EIR/EA.

Response to Comment 20-19

It is not clear from the comment which maps are referred to. The data points indicated in the Preliminary Wetland Delineation are botanical survey points for wetland species.

Response to Comment 20-20

Northwest BioSurvey used the Zander report as an information base, after peer review, and carried out an independent impact assessment for purposes of the EIR/EA. The questions identified by Northwest BioSurvey do not prevent an informed evaluation of the potential impacts of the proposed project. The questions regarding mitigation of sensitive serpentine plant species proposed by Zander have been disclosed in the Draft EIR/EA and additional mitigation has been identified. It is noted in that case in the EIR/EA that the impact is regarded as significant and unavoidable.

Response to Comment 20-21

The basis for the approach taken in the biological assessment is explained in the Draft EIR/EA. Operational definitions are utilized to explain the analysis. CEQA does not specify that a conservative approach is required. However, the overall evaluation of biological impacts in the EIR/EA employs a conservative approach.

Response to Comment 20-22

Northwest BioSurvey selected the control site because it is similar in character to the on-site survey site and the biologists had previously found the species there and it was the closest account to the project survey area. Controls are used in research because they allow the researcher to test a known result against a hypothetical result. In this case, the biologists were conducting the survey late in the year and needed to know if conditions were still acceptable for the species to still be present. If the frogs couldn't be found in a site where they knew they were present, then negative results at the actual survey site may simply have meant that the frogs were hibernating and not that they weren't present in the habitat. They were found at the control site, which was subject to the same seasonal weather, and therefore it was reasonable to assume that they would be found at the survey site if they occur there.

Although encouraged, CEQA does not require the application of protocol surveys, recognizing that the CEQA Guidelines for preparation of an EIR often do not allow sufficient time for protocol investigations. Surveys meeting the USFWS Guidance may be required by the regulatory agencies as part of the permitting process.

Response to Comment 20-23

The field surveys were conducted in October and November of 2009.

Response to Comment 20-24

See Response to Comment 20-22. The Draft EIR/EA has identified the potential for yellow-legged frog to be present in High Valley Creek. As surveys following USFWS Guidance could not be carried out due to seasonal constraints, presence is assumed. It is noted in the Draft EIR/EA that proposed construction would occur during the low- or no flow period of the creek. It is noted (page 5.5-63) that the frogs are rarely found far from permanent water. However, as presence of frogs is assumed, mitigation that would avoid impact to yellow-legged frog is identified (Mitigation Measure 5.5-2(b)). The avoidance of impact approach would eliminate the requirement for protocol surveys.

QUESTIONS CONCERNING BOTTLEROCK EIR

From: Robert Stark

P.O. Box 147

Cobb, CA 95426

Letter 21

Submitted @ PC hearing
Nov. 3, 2010
RECEIVED

NOV 03 2010

LAKE COUNTY
PLANNING COMMISSION

TRAFFIC & CIRCULATION:

Page 20 – 3, 4, & 5

5.2.1,2,3 - LOS Bottle Rock Rd., High Valley Rd., Rabbit Hill Rd.

21-1

1. How is it that no Mitigation Measures are necessary or referred to for these roads when traffic on two of them will be increased 10-fold?

5.2.4 LOS Bottle Rock Rd. & High Valley Rd.

21-2

1. Currently there is not adequate space to pull off Bottle Rock Rd. heading south bound, big rig trucks are often over the fog line and into the flow of traffic. Why was this not addressed?

21-3

2. North bound trucks are stopped making the left onto to High Valley Rd. in the face of oncoming traffic. Why wasn't a left hand turn lane considered?

5.2.5 LOS Percentage Passenger Vehicles and Trucks on Bottle Rock Rd.

21-4

1. Document shows a 5% increase in traffic, however there is no indication of the number of vehicles and trucks this represents. What is the specific number of vehicles and trucks?

5.2.8 Large Vehicles on Project Roadway Segments.

21-5

1. Mitigation Measure states "High Valley Rd. and Rabbit Valley Rd. shall be resurfaced to ensure minimum safety requirements are met." What are these minimums? Do they account for the weight of the largest vehicles?

21-6

2. Mitigation Measure states "Project owner shall acquire land from private landowners to provide sufficient easement width to implement any roadway widening improvements.
3. What if private landowners do not agree to such acquisitions?

21-7

Why is there no discussion or consideration of using the existing entrance and roadway at Cold Water Creek?

Which supports:

1. **Maximum turn off area for big rigs.**
2. **Where there is more driver visibility from either direction.**
3. **Where if necessary there is adequate roadway for the installation of a left hand turn lane.**
4. **Where there would be no interference with local residential traffic.**
5. **Where the roadway itself was designed for geothermal related traffic.**

Air Quality and Climate Change

Page 20 – 6, 7, 10, 11

5.3.1 Conflict with or Obstruct Implementation of Applicable Air Quality Plan.

"Construction or operation of the BRP Steam Project could conflict with or obstruct implementation of the applicable air quality plan." Mitigation Measures "None required".

21-8

1. Describe why it is acceptable to have an "Air Quality Plan" and have no required mitigation if it is not?

5.3.2 Construction-Related Criteria Pollutant Emissions: Fugitive Dust Emission: Paragraph 3, last sentence. "Watering shall occur at least twice daily for actively disturbed areas" etc.

21-9

1. Wouldn't watering before working hours begin and end be more suitable to reduce such emissions?

Letter 21

5.3.4 Exposure to Naturally Occurring Deposits of Serpentine Soil. Mitigation Measure, sentence 2, states a mitigation plan must be submitted within "14-days of discovery".

21-10

1. If plan must be filed prior to "initiation of construction", what is happening during the 14-day period? Is work stopped? Does work continue? Does it not involve worker safety? What notice is put forth to the general public? Are weather condition factored in?

5.3.7 Exposure to: Pink Steam" -- "Project drilling could result in the release of "Pink Steam". "Mitigation Measure -- "None required".

21-11

1. What reasoning was used to disregard the issues surrounding "pink steam", which has been proven to be toxic in many situations?

Biological Resources

Pages 20 - 17, 21, 22, 23, 24

5.5.2 Special-status Wildlife Species

21-12

5.5.2(b) Para 2 - sentence 2, Are creek crossing requirements only associated with "Special-status Wildlife Species? If so why?

21-13

5.5.3 Riparian Habitat or other Sensitive natural Communities - Mitigation Measures - Paragraph 1

1. Why does the measure include "site specific compaction" requirements?

21-14

5.5.4 Fill Within the Waters of US, State and CDFG Jurisdictional Areas. - Mitigation Measure

1. 5.5.4(c) Line 3 reads "Permittee-Responsible Mitigation", why does it not read "Project Sponsor-Responsible Mitigation?"

21-15

2. Line 5 last sentences - Why does sentence not read "The CDFG shall require mitigation for the loss of any ephemeral drainage?"

21-16

5.5.8 Noise, Light, and Glare, and Steam Venting - Mitigation Measure 5.5.8(a) - Correct "Cross County" to "Cross Country"?

Hydrology and Water Quality

Pages 20 - 25 - 35

5.6.1, 2, 3, 4, 5, -

21-17

1. What steps will County of Lake take in order to administer these rules, as degradation and violations have plagued BRP since initial start of operations?

21-18

2. Is there any consideration to project parameters based upon the fact that the BRP project is the only such project within the boundaries of the Kelsey Creek Watershed.

21-19

3. What steps have been taken to update and provide adequate notification of downstream users of Kelsey Creek, and when was it last performed?

5.6.6 Mitigation Measures

21-20

(a) Why haven't water level calculations begun in advance of any permitting?

21-21

(b) Why weren't Total Dissolved Solids, Gross Alpha and Radium 228 included in the list of constituents to be tested for at neighboring wells and springs?

Hazards and Hazardous Materials

5.7.1 Hazards to the public or the Environment – Mitigation Measures

5.7.1(j)

- 21-22
1. Why are minimal requirements for monitoring and reporting on Radon-222 applicable to the project suggested?
 2. Why is the Radon Monitoring program only required for the first three-years, when in fact pockets of gas can be released at any time in the future?

5.7.1(u) Sentence 3 “Sponsor shall submit” “As built” drawing to CEC and “Lake County Chief Building Official”.

- 21-23
1. Who is said designated Lake County official?
 2. What basis of knowledge does said official have to interpret the data presented?

Geology, soils and Seismicity

Page 20 - 49

5.8.1, 2 Rupture and seismicity.

- 21-24
1. How is possible to say such events “would” not expose people?
- Both items are gross, simplifications and generalizations of such potentials.

5.8.3 Induced Seismicity

- 21-25
1. Isn't it more the case that “project operations would not (**normally**) correlate with large magnitude earthquakes”.

Visual Resources

Pages 20 – 60

- 21-26
1. What specific steps have been taken to advise the projects visual impact on distant residents, including the residents of Pine Ridge Estates Subdivision, Pine Summit Subdivisions 3, 4, 5, & 6?
 2. What visual impact will there be on the Moore Family Winery.
 3. Why are there no maps showing the visual impact of the projects from the residential subdivisions, wineries and other residents in the viewshed.

Additional Questions

- 21-27
1. Is the history of violations, citations and non-compliance included in the EIR document as historical data? If not, why?

- 21-28
2. Why has the Cold Creek access to the project been ignored, especially for heavy equipment move-in and move-out scenarios?

- 21-29
3. What is the data leading to the existing zoning of the property that would allow it's conversion at this time?

- 21-30
4. Will project expand exiting “Approved Commercial Use Permit”, or require a new such permit?

- 21-31
5. Shouldn't historical data including the recent casing failure during rebores be taken into consideration on the quality of the product attainable from the proposed field.

- 21-32
6. Why is Bottle Rock Rd. no longer considered a scenic corridor?

21-33

7. If inadequate steam is found in the field, will re-injection be proposed in an area far closer to residences compared to current steam fields in the Cobb area?

Letter 21

8. Using groundwater for reinjection should be barred in the original document.

9. Why were re-bores considered different under the current use permit? What expertise was used to make such a determination?

21-34

10. Is it stated that the impact of re-bores creates the same level of risk exposure as the original boring of a well.

11. Should not the same criteria be required and be based upon that level of equipment and crews necessary to complete such a task.

Downstream Users

1. How often is downstream user list updated?

2. Have downstream users been notified of the project.

3. What type of warning systems are in place at the current time to notify downstream users?

21-35

4. Have creek flows been monitored at various times of the year to estimate the length of time it may take for a spill to reach the Lake? And at what volume?

5. Has a specific plan been adopted to monitor domestic wells of the downstream users in the event of a spill?

6. Since a potential spill could impact affect the drinking water of the town of Kelseyville (Lake County Special Districts), is there a contingency plan between BRP and Special Districts?

RESPONSE TO LETTER 21 – ROBERT STARK– NOVEMBER 3, 2010

Response to Comment 21-1

The threshold of significance for traffic impacts is determined by County standards. Policy T-1.8 specifies acceptable traffic operation on County roads as LOS C or better (see page 5.2-19). This policy was used to set the significance threshold (see first bullet on page 5.2-21). Although traffic is expected to increase due to the project, the LOS on Bottle Rock, High Valley and Rabbit Roads is ‘A,’ (see impact analysis on pages 5.2-26 to 5.2-27) which is better than LOS C (see **Exhibits 5.2-3** and **5.2-4** on page 5.2-7).

Response to Comment 21-2

The comment appears to be a question related to traffic safety. Traffic safety on local roads was described on pages 5.2-11 to 5.2-17. Specifically, the Bottle Rock Road study roadway segment had an average collision rate of 1.28 collisions per million vehicle miles traveled, just below the statewide average of 1.30 for similar segments (page 5.2-13). Sixty-one percent of the collisions were single-vehicle collisions with fixed objects or non-collisions, where vehicles ran off the road and became disabled (see page 5.2-14). Projected LOS is A. As noted on page 5.2-27, Impact 5.2-5, “Percentage Passenger Vehicles and Trucks on Bottle Rock Road,” the project is expected to experience a five to ten percent variation in traffic volumes and vehicle classifications under normal conditions caused by the dynamic nature of traffic; thus, the project level of impacts was determined to be less-than-significant.

Response to Comment 21-3

The comment appears to be a question related to traffic safety. Traffic safety on local roads was described on pages 5.2-11 to 5.2-17. Specifically, the High Valley Road study roadway segment had an average collision rate of 2.58 collisions per million vehicle miles traveled, below the 4.92 statewide average for similar segments. Eight collisions were recorded over the past six years on this segment. A review of the records indicates that all eight (100 percent) were single-vehicle collisions with fixed objects, or non-collisions where vehicles ran off the road and became disabled (see page 5.2-15). This information was used in the analysis of impacts (see *Impact 5.2-6 Increased Collision Hazard because of Changes in Percentage Passenger Vehicles and Trucks on High Valley Road* on page 5.2-27). The analysis determined that the increase of truck traffic on the High Valley Road study roadway segment *during construction* (emphasis added) would represent a substantial adverse change and increase the risk of collisions between trucks and passenger vehicles, and mitigation would be required (see page 5.2-28).

Because the construction phase is of short duration and not a long-term, permanent change in the percentage of trucks using the roadway, a permanent modification to the roadway to mitigate the construction impact was determined not to be necessary. However, Mitigation Measure 5.2-6 was determined necessary to mitigate the temporary construction impact. All roadway improvements and construction zones shall adhere to CAMUTCD Part 6, Temporary Traffic Controls, to ensure safety for workers and the traveling public (see page 5.2-28).

Response to Comment 21-4

Page 5.2-23 provides information on the expected trip generation of the proposed project.

Response to Comment 21-5

The commenter states that both “High Valley Rd. and Rabbit Valley Rd. shall be resurfaced to ...” The mitigation measure is only for Rabbit Valley Road (see page 5.2-30--“Rabbit Valley Road shall be resurfaced to ensure minimum safety requirements are met.”). Because the analysis found the gravel surface and subsurface compaction on Rabbit Valley Road might not be sufficient to withstand the specified 40,000-pound loads (see page 5.2-30), the minimum standard does take into account the weight of the loads. High Valley road would continue to be maintained by BRP pursuant to requirements by the County, CEC, and Cal Fire.

Response to Comment 21-6

If the project sponsor cannot reach an agreement with the landowner, then it would not be possible to fulfill the requirements of the mitigation measure. Without the proposed road improvements, then there would be a significant unavoidable impact with respect to the subject roads, as identified on page 5.2-30. Alternative access for heavy and large vehicles would be an option. Development of improvements confined to the existing right of way in conjunction with a traffic control plan designed to ensure that safety and accessibility would be maintained at all times (such as temporarily rerouting regular vehicle traffic and emergency vehicles to detour routes) could be another option. Regardless, implementation of road improvements would be subject to subsequent CEQA review, and if such improvements could not be made, the evaluation of alternatives would be needed.

Response to Comment 21-7

See Master Response #3.

Response to Comment 21-8

Conflicts with plans and policies, of themselves, are not environmental impacts. However, a conflict with a plan or policy is indicative of an environmental impact that is the basis of the conflict. The analysis examined air quality policies incorporated in the Lake County General Plan. It was determined that if the project would conflict with any of those policies, the project could have a significant adverse air quality impact. Examining **Exhibit 5.3-6**, “Project Consistency with Applicable Lake County General Plan Air Quality Policies” (page 5.3-24) reveals that the project would be consistent with relevant air quality policies; thus, mitigation is not required.

Response to Comment 21-9

Watering to control fugitive dust can occur during any time of the workday, so long as it is performed a minimum of two times a day. The suggestion of watering mid-morning is because soil moisture is generally lost as daytime temperatures increase.

Response to Comment 21-10

If serpentine soil is discovered, LCAQMD requires that work must stop and a serpentine mitigation plan be submitted within 14 days.

Response to Comment 21-11

As noted on page 5.3-37, the impact regarding exposure to pink steam was determined to be less-than-significant because improvements in drilling technology and steam capture systems are considered

likely to reduce the probability of steam blowouts and, therefore, the incidence of “pink steam.” Although incidents might occur, such releases would be short-lived.

Response to Comment 21-12

It is unclear to what “creek crossing requirements” the commenter is referring to. The potential existence of special-status species in or near to High Valley Creek adds to the restrictions associated with creek crossings. However, there are other potential impacts associated with creek crossings, such as potential water quality impacts, which is addressed with Mitigation Measure 5.5-3(a) (see cross-reference to this mitigation measure on page 5.6-24).

Response to Comment 21-13

A word search for “site specific compaction” failed to find this phrase in *Impact 5.5-3 Riparian Habitat or Other Sensitive Natural Communities* and the associate mitigation measures or throughout the impact and mitigation measure section (pages 5.5-61 to 5.5-73).

Response to Comment 21-14

On April 10, 2008, the USACE released a final rule on “Compensatory Mitigation for Losses of Aquatic Resources”.³ This rule identifies three mechanisms for providing compensatory mitigation:

- Permittee-responsible compensatory,
- Mitigation, mitigation banks and in-lieu and
- Fee mitigation.

The Draft EIR/EA uses “permittee-responsible mitigation” to be consistent with the USACE terminology.

Response to Comment 21-15

The mitigation measure does not use ‘shall’ because CDFG has not determined whether mitigation is required.

Response to Comment 21-16

Based on the comment, the Mitigation Measure 5.5-8(a) Noise Reduction on page 5.5-72 of the Draft EIR/EA is revised as follows:

For the ~~cross-county~~ cross-country steam pipeline section between Sawmill and High Valley Roads, any required maintenance or repairs shall be done by workers on foot (or by the use of cranes or equivalent) to avoid additional noise disturbance (also see Mitigation Measures 5.4-1(a-b) in **Section 5.4 Noise**).

³ http://www.usace.army.mil/CECW/Documents/cecwo/reg/news/final_mitig_rule.pdf

Response to Comment 21-17

Pursuant to CEQA Section 21081.6 and the CEQA Guidelines Section 15097, a lead agency is required to adopt a monitoring and reporting program for assessing and ensuring compliance with the required mitigation measures applied to a proposed project for which an EIR has been prepared. As stated in the Public Resources Code:

“...the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.”

Section 21081.6 provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined prior to final certification of the EIR. In addition, CEQA Guidelines Section 15097, “Mitigation Monitoring or Reporting” mandates that the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity, which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

Response to Comment 21-18

The comment is unclear in terms of what “consideration to project parameters” means. The Draft EIR/EA considered project-specific (see pages 5.6-23 to 5.6-39) and cumulative (see page 7.0-4) impacts to hydrology and water quality.

Response to Comment 21-19

See Response to Comment 21-35.

Response to Comment 21-20

The question regarding calculating water levels (assumed to mean in the nearby wells) is beyond the scope of the Draft EIR/EA. The potential impact of groundwater depletion was analyzed and mitigation measures were recommended (see pages 5.6-35 to 5.6-39).

Response to Comment 21-21

BRP tests and reports constituents required by agencies (e.g., RWQCB) with permitting authority over the existing BRP. The constituents raised by the commenter are not (or are no longer) required as part of their permit requirements.

Response to Comment 21-22

As noted on page 5.7-1, The *BRP Steam Project* would add incrementally, and ultimately substantially, to operations of the Bottle Rock Power Plant and, therefore, would have effects on hazards and hazardous materials. One of those hazardous materials is radon-222. The conclusion of the impact analysis was that implementation of the proposed project (including the construction, operations, and eventual decommissioning phases) would create a substantial hazard to the public or

the environment through the routine transport, use, or disposal of hazardous materials would be a significant impact (see page 5.7-18), and thus mitigation measures are required if feasible.

The three-year monitoring program is a part of the current California Department of Health Services Radiologic Health Section (CDHS/RHS) minimal requirements for monitoring and reporting (see page 5.7-20).

Response to Comment 21-23

The CEC has jurisdiction over the Bottle Rock Power Plant. Mitigation Measure 5.7-1(o) and is responsible for verification of the mitigation measure. The provision that the Lake County Chief Building Official (Mr. David Jezek) be copied reflects cooperation between the two agencies. Lake County staff has no responsibility to review or enforce this mitigation measure, it is solely under the jurisdiction of the CEC.

Response to Comment 21-24

The conclusion of a less-than-significant impact is based on the following statements within the impact analysis (see page 5.8-62):

- As **Exhibit 5.8-1** shows, no earthquake fault zones are on the BRP GeoResource Leasehold. The BRP Steam Project would not alter existing structures or build new structures planned for human occupancy.
- No reported evidence exists that any of the faults mapped on the project site have the potential for ground rupture.

Response to Comment 21-25

It is unclear as to what the commenter is inferring. **Section 5.8 Geology, Soils, and Seismicity** presents extensive historical data on the seismicity and induced seismicity in the project area. Impact 5.8-3 Induced Seismicity (pages 5.8-63 through 5.8-66) note that operations of the proposed project would be similar to existing production injection systems throughout the Geysers and that induced seismicity of the project would remain at levels below M3.0 (page 5.8-66). The observed correlation of geothermal operations with seismic events greater than 3M is not strong. Therefore, this was determined to be a less-than-significant impact and no mitigation would be required.

Response to Comment 21-26

If approved, the proposed project would be required to implement a revegetation plan, comply with the BLM color chart, and use materials that are non-reflective (see page 5.11-8 of the Draft EIR/EA) to reduce visual impacts. Impacts to the private residences raised by the commenter were not specifically analyzed. For additional information on the analysis of public and private views for CEQA compliance, see Response to Comment 1-39. The Draft EIR/EA, although not required to do so, qualitatively analyzed impacts from private views in the vicinity of the project site and noted that adverse effects would occur. However, this was not a significant impact under CEQA.

Response to Comment 21-27

See Master Response #1.

Response to Comment 21-28

See Master Response #3.

Response to Comment 21-29

The Lake County General Plan and the Lake County Development Code are the sources for the existing zoning of the property (see page 3.0-5). As noted on page 3.0-6, the project sponsor has requested a Zoning Ordinance amendment and Major Use Permit to rezone parcels in the BRP GeoResource Leasehold to RL, which would permit geothermal development with issuance of the Major Use Permit.

Response to Comment 21-30

As noted on page 3.0-6, the proposed project would require a new Major Use Permit.

Response to Comment 21-31

Section 4.2 Steam Quality (see pages 4.0-8 through 4.0-12 of the Draft EIR/EA) presents historical data about steam quality, corrosive steam, and noncondensable gases.

Response to Comment 21-32

Bottle Rock Road is within a locally designated Scenic Combining zoning district that stretches approximately 2,000 feet west of the road in the project vicinity. The westernmost boundary is still approximately 3,000 feet from the Leasehold and further from the project site which is generally not visible from Bottle Rock Road due to intervening topography and vegetation. The primary purpose of the Scenic Combining District is preserve scenic vistas by regulating the height of buildings within 150 feet of the road, and to assure that non-compatible uses are not developed within the Scenic Combining district. Because the project is located outside of the Scenic Combining district, those regulations are not applicable and the proposed project is not subject to the restriction of the district.

Response to Comment 21-33

The Draft EIR/EA only considers the proposed *BRP Steam Project*. If inadequate steam is found at the proposed well pad locations, BRP would be required to submit a new application (subject to new environmental review) to the County for the construction of additional well pads. The project sponsor does not propose groundwater injection as part of the *BRP Steam Project*.

Response to Comment 21-34

While the impacts of “re-bores” and new wells are similar, re-bores would likely be of a shorter duration than new wells. Regardless, re-bores are subject to the same regulatory conditions as new wells. Since this comment does not address the adequacy or accuracy of information presented in the Draft EIR/EA, no further response is considered necessary.

Response to Comment 21-35

As part of the existing Use Permit, the downstream users list is required to be updated by BRP as a result of having sumps on the project site. Use of this list is in practice an outdated form of emergency response. In the event of a spill or other emergency, BRP is required to notify the Office of Emergency

Services, who coordinate the local (i.e., County and BRP) response. Downstream users would likely be notified by emergency responders going door to door.

Creek flows have been monitored. The time it would take for a spill to reach the Lake could vary greatly depending on the time of year and conditions in the creek. Part of the year, local creeks experience little or no surface flow and others times the flow is great. With regard to water quality in local wells, BRP is currently monitoring both downstream surface water and groundwater as part of a requirement by the Central Valley Regional Water Quality Control Board.

9.5 PUBLIC HEARING

Public Hearing – Planning Commission Meeting November 3, 2010

The Lake County Planning Commission met on November 3, 2010 to receive public comments on the Draft EIR/EA for the *BRP Steam Project*.

This Final EIR/EA includes the minutes of that meeting (see below). In general, the oral comments received reflected the written comment letters submitted (see **Section 9.4 Response to Written Comments**). The most repeatedly raised issues were past violations of the existing Use Permit, cumulative emissions of H₂S (including those from Sonoma County), and alternate access via Coldwater Creek Road. These issues are addressed in Master Responses 1-3, respectively and throughout this document. Additional information about cumulative H₂S emissions can be found primarily in letters 4 and 9.

Other issues not reflected in written comments such as concerns over “piecemealing” (i.e., construction of the proposed bridge) the project (Coleman), inadequacy of herpetile survey methods (Stegeman), and effluent injection (Hess) were addressed during the meeting. In addition they are addressed in various responses to comments throughout this document. Groundwater issues raised during the meeting are primarily addressed in Letters 12 (Coleman), 18 (Fidge), 20 (Stegeman), and 21 (Stark). The request by Commissioner Baur to provide information about the naturally occurring steam vents was noted. Lake County AQMD staff will provide the information to the Planning Commission as requested.

LAKE COUNTY PLANNING COMMISSION

MINUTES

SPECIAL MEETING – November 3, 2010

Commission Members

Staff Members

- P Michael van der Boon, I**
- P Bob Malley, II**
- P Clelia Baur, III**
- P Cliff Swetnam, IV**
- P Gil Schoux, V**

- P Richard Coel, Director**
- P Emily Minton, Principal Planner**
- P Robert Bridges, Sr. Deputy County Counsel**
- P Danae Bowen, Office Assistant III**

9:03 a.m. CALL TO ORDER

Pledge of Allegiance was led by Clelia Baur.

Comm. Swetnam moved, 2nd by Comm. Malley to approve the minutes of October 14, 2010.

9:04 a.m. CITIZEN’S INPUT – None

9:05 a.m. Public Hearing on consideration of the DRAFT ENVIRONMENTAL IMPACT REPORT AND DRAFT ENVIRONMENTAL ASSESSMENT (Draft EIR & EA) prepared for the Bottle Rock Power Steam, steamfield expansion project, Use Permit (UP 09-01) and Rezone (RZ 09-07). The project applicant is BOTTLE ROCK POWER, LLC proposing a rezone from “PDR” to “RL” and use permit to allow construction of two new geothermal well pads along with an access road, and 1.3 miles of new pipeline to connect to the existing pipeline serving the power plant. Up to 22 production and injection wells are proposed to be drilled on the two proposed well pads over the life of the project. The purpose of this hearing is for the Planning Commission to review the adequacy of the Draft EIR and to consider directing the preparation of a final EIR for the proposed project. The project is located within the Binkley Leasehold at 6743, 6825, 7358, 7385 and 7500 High Valley Road, Cobb and further described as APNs 011-12-97; 013-002-01, 03 ,04 & 05. (Richard Coel)

Comm. Baur and van der Boon disclosed their observations conducted during their site visit and their ex parte contact/tour with Robert Giguere.

Richard Coel, Community Development Director, introduced key staff and provided an overview of the project. He said the main purpose of today's hearing is to review the Draft Environmental Impact Report (EIR 09-02) and public comments on the adequacy of the Draft EIR. He said the Planning Commission is to consider whether to direct that the Final EIR be prepared, based on their analysis/review of the comments received and on testimony today.

Mr. Brian Harms, Bottle Rock Power General Manager, introduced his staff and stated that the areas of primary importance are with air quality and emission control. He provided a power presentation and reviewed the positive impacts, expansion project, lease locations, BRP steam project, map locations, expansion project benefits, West Coleman Road and storm water drainage problems.

Comm. Baur reviewed the hearing process and announced that the Planning Commission will break for lunch at noon.

9:40 a.m. Opened Public Hearing

Sam Timmons, Bottle Rock Consulting Engineer, said he was in favor of this project and felt it will create jobs and tax revenues, which would make it worth while for the County.

David Coleman, High Valley Road resident, shared his concerns with noise, water consumption and he thought the biological surveys were incomplete. He felt this project was being piecemealed and there is not any engineering for the proposed bridge.

Mr. Coel explained that the bridge is being stored in an area on the Brinkley property. He said that there is no permit requirement for storing the bridge, it does not block access and there has not been any grading or vegetation removal. He added that if the project was not approved, then the bridge would be removed from the site. He said that the installation of the bridge is what causes impacts and there has not been any permits issued or engineered plans submitted yet. He said it would be premature to do any of that until such time that the EIR were certified and a use permit approved for the new project.

Mr. Coleman shared his concerns with the projects objective to produce up to 55 megawatts of steam and felt that they would never be able to achieve that. He said that there is a 9,000 gallon tank already onsite and wells have already been drilled for water and roads have been graded for power lines. He stated that the project should not be started until it is approved.

Mr. Coel clarified that whether Bottle Rock Power's project is built or not the Brinkley family will be the benefactors of any of these improvements. He said one advantage of the well being developed early is that it allowed pump testing to be done of that well. He said because of the lease agreement, permits were issued to the Brinkley's and he did not see that as premature or piecemealing of the project, because those actions do not lock the project in.

Brent Schroder, Environmental Consultant from ACON, spoke to public comment letters submitted and said that they are helpful in determining what additional work or comments that needs to be addressed.

Ken Gifford, Lake County resident and employee of BRP, spoke in support of Bottle Rock Power's project.

Kelly Fletcher, resident ¼ mile from BRP, shared his concerns with air quality, truck traffic speeds, Rabbit Valley Road access, noise, well, serpentine soil concerns and H₂S levels. He asked for an air quality monitor at the property line to monitor these levels.

10:06 a.m. Break

10:16 a.m. Back to Order

Doug Gearhart, Air Pollution Control Officer LCAQD, spoke to the concerns of Mr. Fletcher and noted that many of the issues have already been dealt with.

Voris Brumfield, Lake County Geothermal Coordinator, stated that she has responded and coordinated with BRP staff and based on the extensive requests for information/complaints and unless it was a major health and safety issue, the complaints were submitted through the Code Enforcement methods.

Mr. Coel commented on the asbestos issues and stated that the process on large projects like this is, if it is approved, there will be a process for engineered plans to be developed, additional soil sampling if necessary. He said the bottom line is that if there is any grading in serpentine soil, it will be addressed through a serpentine dust management plan that has to be approved by LCAQMD. He said a grading inspector reviews projects and is out regularly for inspections during the construction phase.

Mr. Gearhart said that LCAQMD requires serpentine dust mitigation plans and it does get monitored and regulated closely with the asbestos issue.

Randall Fung, LC resident, focused on what he felt were flaws in the EIR and spoke to the study of Rabbit Valley Road. He felt there are road issues and there should be an alternative access road. He presented an eleven minute video of road conditions from Rabbit Valley Road to Cold Water Creek Road.

Mr. Schroder explained why Glenbrook Road was examined as an alternative route.

Ron Fidge, spoke to road issues and pointed out three alternatives that should be looked into.

Brian Harms, General Manager of BRP, responded to the video provided by Mr. Fung and provided additional information to the Commission on easement issues. He explained why Glenbrook Road was a potential option and needed to be part of the plan as an alternative.

Scott Stegerman, private planning consultant, addressed easements, traffic impacts, wells/groundwater hydrology, biological studies, site closure and alternatives in mitigating impacts.

Steve Zalusky, North West Biosurvey Principal Biologist, briefly addressed the biological survey study and protocols for seasonal frog surveys.

Hamilton Hess, Friends of Cobb Mountain Chairman, commented on sensitive plant species and significant impacts with Hydrogen Sulfide (H₂S), noise and traffic issues, which he addressed in his comment letter C, dated October 25, 2010.

Mr. Schroder responded to the sensitive plants and geological survey concerns and acknowledged that additional work will have to be done for the permitting process. He said the Final Environmental Impact Report will respond to the H₂S levels.

Robert Stark, Friends of Cobb Mountain Treasurer, presented a handout with his concerns to the Commission that covered: Traffic & Circulation, Air Quality/Climate Change, Biological Resources, Hydrology and water Quality, Hazards and Hazardous Materials, Geology, soils and Seismicity, and Visual Resources

Linda Fung, High Valley resident, referenced a paleontology find of a mammoth molar. She shared her concerns of the possibility of more fossils being found in this valley.

Mr. Fletcher asked for a monitor for asbestos testing. He asked that this be in place before the use permit is issued and would like it to be a requirement in the permit conditions.

11:58 a.m. Break for Lunch

1:15 a.m. Back to Order

Mr. Hess spoke to seismic activities cumulative impacts that are caused by injection and exceeding allowed levels of Hydrogen Sulfide emissions called “Spikes.” He also stated that the Draft EIR does not adequately address certain issues.

Mr. Coel stated that this project is not proposing to inject the treated water from LACOSAN. He said the only injection is the steam condensate and any rain water runoff that is captured on the pads per the regional board’s approval. He said it not the same thing as Calpine’s operations when they have mass quantities of water injection. He said staff’s response will take that into consideration when preparing the Final EIR.

Sharon Matzinger, High Valley Road resident, she said sadly Bottle Rock Power has not been a good neighbor so far and they use a lot of strong words and weak actions. She said that there has been numerous violations of the current use permit that have been reported and violated after they denied or covered up the findings - she felt there should be compliance measures on the onset of the application to protect residents. She said that they have concerns regarding the credibility of the proposed mitigations and ask that a strong mandate be delivered to the County officials to provide necessary enforcement. She spoke to lighting issues, H₂S exposure, hydrology, and seismicity issues. She felt that the County should deny and rescind permits where their operations cause hazards to their neighbors.

Mr. Fung spoke on behalf of Bill Jadiker who is 92 years old and lives 900 feet from the constructions zone and how he is going to be impacted by dust, noise, smell, lights and vibrations.

Mr. Schroder spoke to the distance that these people live to the proposed project and that they do warrant a special analysis. He said that noise is primarily a concern and vibrations from construction equipment.

Willy Leuzinger, Thermal Source Representative, spoke in support of this project.

Mr. Fidge spoke to his spring water turning grey and the flow of his water. He said that this is not researched in the EIR and he felt there needs to be a thorough hydrology investigation of the springs. He added that a well had been opened without warning and there were severe air quality issues and he referred to them as pink steam. He said public safety is most important.

Mr. Schroder explained/reviewed the hydrological features in the project vicinity.

Mr. Coel said these comments will be addressed in the final EIR.

Gerri Finn, High Valley resident spoke to their suffering the impacts of the project. She felt that the applicant is outside compliance on all violations. She also spoke to speeding issues and said that she felt the applicant seems to be going through the motions of CEQA without really taking the public concerns into consideration. She addressed the gate and security of High Valley Road and commented that BRP should not have been allowed to apply for this application.

Mr. Coel said that he has no legal right or authority to deny someone the right to submit an application because they have violations on their site. He said the Zoning Ordinance is very clear on this issue, in that the Planning Commission or the Board of Supervisors cannot approve a use permit if there are violations on the site related to the project in any way. He said in terms of simply processing an application BRP has the same right as any other company or individual in this County to apply for an application and it is not debatable.

Brian Smith, Land Surveyor and former employee of Bottle Rock Power, stated that he was in support of the expansion. He added that he is a bee keeper and noted that they are a good indicator species and that the wild honey bee population and butterflies are doing well in this area.

Chris Manake, Binkley Ranch resident, said that he was in full agreement for this project to move forward as long as they follow the rules and regulations.

Comm. Swetnam asked if there were naturally occurring steam vents and he felt that it would be worth exploring.

Mr. Schroder said that he could not recall if there were naturally occurring steam vents and he said he will research that information.

Mr. Gearhart said back in the early 80's there was a survey done of some of these natural events and he will provide a copy of that report.

Comm. Baur asked Counsel what the recourse would be for Sonoma County and if their standards are different than ours, then what could be done to address air violations that are created by Sonoma problems.

Robert Bridges, Senior Deputy County Counsel, explained that the Board of Supervisors is very concerned about these issues and complained to the State Air Resources Board and tried to get Sonoma to do their job. He said that Lake County has tried to intervene on some of their projects and eventually has gotten some of their attention and they started to implement the best available control technology and they eventually have tried to do things better from an air perspective and they have also closed down some of their old more offensive power plants. He said currently there are a couple of projects in process in Sonoma, and our air district is currently making comments on them and participating in that process and insure that they use best controlled air technology, so that we preserve our air quality.

Scott Stegaman said that he would like to see reflected in the EIR clarification of the closure plan and bonding amount issues.

Mr. Coel stated that staff is not proposing to fuse the projects and what has been said is that staff is planning to propose amendments to the existing use permits, so that a few things can be clarified, particularly on the traffic, and also so that the existing use permit and the proposed new use permit would coexist properly. He said it is an opportunity to modernize some of the existing use permit conditions on existing operations, where things are outdated.

Robert Francisco stated that he would like to see this work to be permitted and reviewed and wanted to see the golden rule exercised.

Mr. Coel provided background and perspective. He said that Sonoma County is considering approving two new plants with well pads, each under mitigated negative declarations. He said this did need an Environmental Impact Report and the County has been very engaged in this. He said there has been a large number of violation complaints that staff has investigated onsite and have found that there are no problems.

Mr. Coel said when there is an EIR that is certified, staff will bring back to the Planning Commission for consideration a draft use permit along with amendments to the existing use permit. He said a number of these issues that do not fall directly under the EIR will be addressed through the mitigations in the use permit at a future legally noticed hearing. He said so far staff feels that the issues that have been brought up today and the comment letters that have been submitted can be addressed in the EIR and staff can respond to them.

Mr. Harms, General Manager of BRP, thanked staff for their time and said that they agreed with the assessment provided and felt this was a good project.

Bob Giguere, Project Development Management for BRP, said that he was grateful for this hearing and provided background comments on the project.

As a follow-up, additional comments were provided by the following citizens: Ron Fidge and Kelly Fletcher.

2:57 p.m. Closed Public Hearing

Comm. Swetnam stated that there is obviously some things that still need to be addressed on whether the Commission can come to a decision to finalize this EIR. He said he was looking forward to the next meeting and said many of the issues and concerns that were addressed today will be addressed at the next meeting, hopefully to the satisfaction of most everyone here. He felt it premature to come to a decision today.

Comm. Schoux, van der Boon, Malley and Baur agreed with Comm. Swetnam's comments and felt this should move forward to the next hearing.

Comm. Schoux moved 2nd by Comm. Swetnam That the Planning Commission find that the Draft Environmental Impact Report (EIR 09-02) prepared by AECOM for the Bottle Rock Power Steam expansion project, located 6743, 6825, 7358, 7385 and 7500 High Valley Road, Cobb, has been completed in compliance with CEQA and the State CEQA Guidelines and that AECOM is directed to prepare the Final EIR for certification.

DRAFT EIR 5 Ayes 0 Noes

Mr. Coel said a new legal notice will be sent and staff is going with a one mile legal notice radius from the exterior boundaries of all of the lease hold areas of Bottle Rock Power, to announce the next public hearing.

3:07 p.m. ADJOURNED

Respectfully Submitted,

Clelia Baur, Chair
Lake County Planning Commission

By: _____
Danae Bowen
Office Assistant III

APPENDIX H
LEGAL OPINION OF LAKE COUNTY COUNSEL
ON HIGH VALLEY ROAD EASEMENT



MEMORANDUM

COUNTY OF LAKE

COUNTY COUNSEL

TO: RICHARD COEL, Director
Community Development Department

FROM: ANITA L. GRANT
County Counsel

SUBJECT: Bottle Rock Power - Road Easement

DATE: May 11, 2010

The following is a memorialization of information I provided to you verbally several weeks ago. Additionally, I did provide some general information regarding easements and easements rights to concerned area property owners who believed before our discussion that there may have been a failure to transfer all necessary road easement rights to the current owners of Bottle Rock Power such that the County may have a legal responsibility to take corrective action.

Generally speaking, an easement is a restricted right to specific, limited, definable use or activity upon another's property, which right must be less than the right of ownership. (*Gray v. McCormick*, 84 Cal. Rptr. 3d 777.)

It is long recognized that unless expressly excepted, a transfer of real property passes all easements attached thereto, even if such easements are not specifically mentioned in the grant. (*Rubio Canon Land & Water Ass'n v. Everett*, 154 Cal. 29, 96 P. 811 (1908); *Wolff v. Cloyne*, 156 Cal. 746, 106 P. 104 (1909); *Taylor v. Avila*, 175 Cal. 203, 165 P. 533 (1917); *St. Louis v. DeBon*, 204 Cal. App. 2d 464, 22 Cal. Rptr. 443 (1st Dist. 1962). However, the grantee of an easement may not transfer any greater title than he or she possesses. Thus, he or she acquires no right to convey the fee in the land underlying the easement.

After a thorough review of all relevant property records, the history of the High Valley

Road easements are as follows:

In 1981, the following persons each granted a nonexclusive perpetual easement and right of way with the right to construct, reconstruct, improve, and maintain a roadway for the use of its officers, agents, employees, contractors, suppliers, and permittees to the State of California for the Bottle Rock Powerplant Project:

Chester Wilcox
Frank and Roseless Cortese
Kenneth and Lorene Trussell
Audrey Railton
Michael and Sharon Wright
Charles and Kathym Ostrander
Eugene Hall
Frances and June Barrett
Gloria Haggerty
Lois Parker, Trustee
Vincent and Frances Rositano
Ann Schaaf
John and Martha Patrick

In 1982, John Mandas, Lawrence and Willa Coleman, and Gary Giuliani granted road easements to the State of California for the Bottle Rock Powerplant Project:

The easements granted by John Mandas and the Colemans in 1982, as well as the easements granted in 1981, were each accomplished by use of a standard form when granting an easement.

Also in 1982, Gary Giuliani granted a nonexclusive perpetual easement and right of way. That grant of easement document specifically included the statement that the easement could not be assigned by the State except "as part of an assignment of the leaseholds" therein described - the Francisco and Binkley geothermal resources leases.

In 2001, the State of California, Department of Water Resources, entered into a purchase agreement with Bottle Rock Power Corporation whereby the State sold the power plant to Bottle Rock and assigned the Francisco geothermal steam lease.

The agreement included all of the seller's access rights over High Valley Road in Lake County. Additionally, buyer agreed to assume all obligations, debts, and liabilities relating to or arising from the maintenance and operation of High Valley Road and the gate at the

junction of said road and Bottle Rock Road.

Pursuant to that agreement, a Director's quitclaim deed was recorded whereby all of the State Department of Water Resources' property in Lake County relating to the power plant was quitclaimed to Bottle Rock Power Corporation. The property transfer included each of the grants of easement described hereinabove.

A question has arisen in regard to the Giuliani grant of easement as a result of the condition that document imposed upon subsequent assignment by the State. The easement could not be assigned by the State except as part of an assignment of the Francisco and Binkley leaseholds. Neighboring property owners contend that the Binkley leasehold was not owned by the State at the time of the sale to the Bottle Rock Power Corporation and could not, therefore, have been part of the transfer.

If the above factual situation provided a cause of action against the Bottle Rock Power Corporation, such a cause of action would only belong to the owners of the Binkley leasehold. However, the issue appears to be moot given the subsequently recorded easement deeds which are described hereinbelow.

Easement deeds were recorded in 2006 whereby all trustees of the Robinson Family Trust and all trustees of the Binkley Family Trust road granted easements through the Binkley Trust parcels (the Binkley Leasehold) and the Robinson Trust parcels (the Francisco Leasehold).

It appears that all necessary easements have been obtained and duly recorded.

The fee owner of the area encumbered by an easement may use it in any manner that does not unreasonably interfere with the purpose of the easement. However, he/she does not have the right to unreasonably interfere with the exercise of the easement rights of his/her neighbors. The County has no authority to enforce or mediate such an issue. This is a civil matter between private parties.

If you have any questions, please contact me.

cc: Voris Brumfield

***APPENDIX I
DEMOGRAPHIC DATA FOR LAKE COUNTY, CA***

Table DP-1. Profile of General Demographic Characteristics: 2000

Geographic Area: Lake County, California

[For information on confidentiality protection, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
Total population	58,309	100.0	HISPANIC OR LATINO AND RACE		
SEX AND AGE			Total population	58,309	100.0
Male.....	28,796	49.4	Hispanic or Latino (of any race).....	6,639	11.4
Female.....	29,513	50.6	Mexican.....	5,226	9.0
Under 5 years.....	3,074	5.3	Puerto Rican.....	146	0.3
5 to 9 years.....	3,966	6.8	Cuban.....	32	0.1
10 to 14 years.....	4,467	7.7	Other Hispanic or Latino.....	1,235	2.1
15 to 19 years.....	3,749	6.4	Not Hispanic or Latino.....	51,670	88.6
20 to 24 years.....	2,309	4.0	White alone.....	46,933	80.5
25 to 34 years.....	5,342	9.2	RELATIONSHIP		
35 to 44 years.....	8,405	14.4	Total population	58,309	100.0
45 to 54 years.....	8,904	15.3	In households.....	57,220	98.1
55 to 59 years.....	3,567	6.1	Householder.....	23,974	41.1
60 to 64 years.....	3,167	5.4	Spouse.....	11,447	19.6
65 to 74 years.....	6,102	10.5	Child.....	15,044	25.8
75 to 84 years.....	4,075	7.0	Own child under 18 years.....	12,152	20.8
85 years and over.....	1,182	2.0	Other relatives.....	2,948	5.1
Median age (years).....	42.7	(X)	Under 18 years.....	1,374	2.4
18 years and over.....	44,247	75.9	Nonrelatives.....	3,807	6.5
Male.....	21,523	36.9	Unmarried partner.....	1,704	2.9
Female.....	22,724	39.0	In group quarters.....	1,089	1.9
21 years and over.....	42,565	73.0	Institutionalized population.....	592	1.0
62 years and over.....	13,242	22.7	Noninstitutionalized population.....	497	0.9
65 years and over.....	11,359	19.5	HOUSEHOLD BY TYPE		
Male.....	5,270	9.0	Total households	23,974	100.0
Female.....	6,089	10.4	Family households (families).....	15,370	64.1
RACE			With own children under 18 years.....	6,369	26.6
One race.....	56,267	96.5	Married-couple family.....	11,447	47.7
White.....	50,289	86.2	With own children under 18 years.....	3,880	16.2
Black or African American.....	1,233	2.1	Female householder, no husband present.....	2,715	11.3
American Indian and Alaska Native.....	1,772	3.0	With own children under 18 years.....	1,749	7.3
Asian.....	482	0.8	Nonfamily households.....	8,604	35.9
Asian Indian.....	44	0.1	Householder living alone.....	6,954	29.0
Chinese.....	100	0.2	Householder 65 years and over.....	3,203	13.4
Filipino.....	180	0.3	Households with individuals under 18 years.....	7,198	30.0
Japanese.....	90	0.2	Households with individuals 65 years and over.....	8,122	33.9
Korean.....	26	-	Average household size.....	2.39	(X)
Vietnamese.....	8	-	Average family size.....	2.92	(X)
Other Asian ¹	34	0.1	HOUSING OCCUPANCY		
Native Hawaiian and Other Pacific Islander.....	93	0.2	Total housing units	32,528	100.0
Native Hawaiian.....	49	0.1	Occupied housing units.....	23,974	73.7
Guamanian or Chamorro.....	19	-	Vacant housing units.....	8,554	26.3
Samoan.....	14	-	For seasonal, recreational, or		
Other Pacific Islander ²	11	-	occasional use.....	5,479	16.8
Some other race.....	2,398	4.1	Homeowner vacancy rate (percent).....	4.1	(X)
Two or more races.....	2,042	3.5	Rental vacancy rate (percent).....	10.3	(X)
Race alone or in combination with one or more other races: ³			HOUSING TENURE		
White.....	52,135	89.4	Occupied housing units	23,974	100.0
Black or African American.....	1,541	2.6	Owner-occupied housing units.....	16,914	70.6
American Indian and Alaska Native.....	2,780	4.8	Renter-occupied housing units.....	7,060	29.4
Asian.....	754	1.3	Average household size of owner-occupied units.....	2.30	(X)
Native Hawaiian and Other Pacific Islander.....	218	0.4	Average household size of renter-occupied units.....	2.60	(X)
Some other race.....	3,045	5.2			

- Represents zero or rounds to zero. (X) Not applicable.

¹ Other Asian alone, or two or more Asian categories.

² Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

³ In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000.

Table DP-2. Profile of Selected Social Characteristics: 2000

Geographic area: Lake County, California

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
SCHOOL ENROLLMENT			NATIVITY AND PLACE OF BIRTH		
Population 3 years and over enrolled in school			Total population		
Nursery school, preschool	617	4.4	Native	54,487	93.4
Kindergarten	746	5.3	Born in United States	53,956	92.5
Elementary school (grades 1-8)	6,960	49.2	State of residence	36,595	62.8
High school (grades 9-12)	3,526	24.9	Different state	17,361	29.8
College or graduate school	2,295	16.2	Born outside United States	531	0.9
EDUCATIONAL ATTAINMENT			Foreign born	3,822	6.6
Population 25 years and over			Entered 1990 to March 2000	1,285	2.2
Less than 9th grade	2,563	6.3	Naturalized citizen	1,706	2.9
9th to 12th grade, no diploma	6,693	16.4	Not a citizen	2,116	3.6
High school graduate (includes equivalency)	12,132	29.8	REGION OF BIRTH OF FOREIGN BORN		
Some college, no degree	11,414	28.0	Total (excluding born at sea)		
Associate degree	3,001	7.4	Europe	978	25.6
Bachelor's degree	3,065	7.5	Asia	348	9.1
Graduate or professional degree	1,849	4.5	Africa	28	0.7
Percent high school graduate or higher	77.3	(X)	Oceania	64	1.7
Percent bachelor's degree or higher	12.1	(X)	Latin America	2,169	56.8
MARITAL STATUS			Northern America	235	6.1
Population 15 years and over			LANGUAGE SPOKEN AT HOME		
Never married	9,423	20.1	Population 5 years and over		
Now married, except separated	24,621	52.5	English only	49,641	89.8
Separated	1,204	2.6	Language other than English	5,614	10.2
Widowed	4,266	9.1	Speak English less than "very well"	2,431	4.4
Female	3,335	7.1	Spanish	4,274	7.7
Divorced	7,348	15.7	Speak English less than "very well"	1,986	3.6
Female	3,772	8.0	Other Indo-European languages	929	1.7
GRANDPARENTS AS CAREGIVERS			Speak English less than "very well"	244	0.4
Grandparent living in household with one or more own grandchildren under 18 years			Asian and Pacific Island languages	336	0.6
Grandparent responsible for grandchildren	696	50.1	Speak English less than "very well"	177	0.3
VETERAN STATUS			ANCESTRY (single or multiple)		
Civilian population 18 years and over			Total population		
Civilian veterans	8,924	20.1	Total ancestries reported	63,532	109.0
DISABILITY STATUS OF THE CIVILIAN NONINSTITUTIONALIZED POPULATION			Arab	6	-
Population 5 to 20 years			Czech ¹	192	0.3
With a disability	1,298	10.3	Danish	505	0.9
Population 21 to 64 years			Dutch	1,409	2.4
With a disability	9,950	32.3	English	7,728	13.3
Percent employed	39.6	(X)	French (except Basque) ¹	2,556	4.4
No disability	20,886	67.7	French Canadian ¹	395	0.7
Percent employed	68.5	(X)	German	10,097	17.3
Population 65 years and over			Greek	104	0.2
With a disability	5,040	45.0	Hungarian	140	0.2
RESIDENCE IN 1995			Irish ¹	7,838	13.4
Population 5 years and over			Italian	3,644	6.2
Same house in 1995	28,677	51.9	Lithuanian	81	0.1
Different house in the U.S. in 1995	25,837	46.8	Norwegian	1,786	3.1
Same county	12,393	22.4	Polish	798	1.4
Different county	13,444	24.3	Portuguese	1,053	1.8
Same state	11,054	20.0	Russian	422	0.7
Different state	2,390	4.3	Scotch-Irish	1,307	2.2
Elsewhere in 1995	741	1.3	Scottish	1,635	2.8
			Slovak	22	-
			Subsaharan African	70	0.1
			Swedish	1,420	2.4
			Swiss	322	0.6
			Ukrainian	26	-
			United States or American	4,122	7.1
			Welsh	602	1.0
			West Indian (excluding Hispanic groups)	66	0.1
			Other ancestries	15,186	26.0

-Represents zero or rounds to zero. (X) Not applicable.

¹The data represent a combination of two ancestries shown separately in Summary File 3. Czech includes Czechoslovakian. French includes Alsatian. French Canadian includes Acadian/Cajun. Irish includes Celtic.

Source: U.S. Bureau of the Census, Census 2000.

Table DP-4. Profile of Selected Housing Characteristics: 2000

Geographic area: Lake County, California

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
Total housing units	32,528	100.0	OCCUPANTS PER ROOM		
UNITS IN STRUCTURE			Occupied housing units	23,974	100.0
1-unit, detached	20,067	61.7	1.00 or less	22,511	93.9
1-unit, attached	533	1.6	1.01 to 1.50	890	3.7
2 units	438	1.3	1.51 or more	573	2.4
3 or 4 units	460	1.4			
5 to 9 units	248	0.8	Specified owner-occupied units	10,196	100.0
10 to 19 units	203	0.6	VALUE		
20 or more units	353	1.1	Less than \$50,000	440	4.3
Mobile home	9,752	30.0	\$50,000 to \$99,999	2,927	28.7
Boat, RV, van, etc	474	1.5	\$100,000 to \$149,999	3,290	32.3
			\$150,000 to \$199,999	1,776	17.4
YEAR STRUCTURE BUILT			\$200,000 to \$299,999	1,338	13.1
1999 to March 2000	305	0.9	\$300,000 to \$499,999	311	3.1
1995 to 1998	1,381	4.2	\$500,000 to \$999,999	84	0.8
1990 to 1994	2,986	9.2	\$1,000,000 or more	30	0.3
1980 to 1989	6,589	20.3	Median (dollars)	122,600	(X)
1970 to 1979	9,230	28.4			
1960 to 1969	5,104	15.7	MORTGAGE STATUS AND SELECTED		
1940 to 1959	5,009	15.4	MONTHLY OWNER COSTS		
1939 or earlier	1,924	5.9	With a mortgage	6,731	66.0
			Less than \$300	41	0.4
ROOMS			\$300 to \$499	311	3.1
1 room	876	2.7	\$500 to \$699	1,075	10.5
2 rooms	1,697	5.2	\$700 to \$999	2,093	20.5
3 rooms	3,865	11.9	\$1,000 to \$1,499	2,181	21.4
4 rooms	7,735	23.8	\$1,500 to \$1,999	727	7.1
5 rooms	9,037	27.8	\$2,000 or more	303	3.0
6 rooms	5,621	17.3	Median (dollars)	974	(X)
7 rooms	1,984	6.1	Not mortgaged	3,465	34.0
8 rooms	1,058	3.3	Median (dollars)	290	(X)
9 or more rooms	655	2.0			
Median (rooms)	4.7	(X)	SELECTED MONTHLY OWNER COSTS		
			AS A PERCENTAGE OF HOUSEHOLD		
Occupied housing units	23,974	100.0	INCOME IN 1999		
YEAR HOUSEHOLDER MOVED INTO UNIT			Less than 15.0 percent	2,905	28.5
1999 to March 2000	4,945	20.6	15.0 to 19.9 percent	1,473	14.4
1995 to 1998	7,002	29.2	20.0 to 24.9 percent	1,283	12.6
1990 to 1994	4,332	18.1	25.0 to 29.9 percent	1,285	12.6
1980 to 1989	4,467	18.6	30.0 to 34.9 percent	642	6.3
1970 to 1979	2,344	9.8	35.0 percent or more	2,480	24.3
1969 or earlier	884	3.7	Not computed	128	1.3
VEHICLES AVAILABLE			Specified renter-occupied units	6,895	100.0
None	2,039	8.5	GROSS RENT		
1	8,449	35.2	Less than \$200	247	3.6
2	8,758	36.5	\$200 to \$299	515	7.5
3 or more	4,728	19.7	\$300 to \$499	1,739	25.2
			\$500 to \$749	2,436	35.3
HOUSE HEATING FUEL			\$750 to \$999	979	14.2
Utility gas	523	2.2	\$1,000 to \$1,499	327	4.7
Bottled, tank, or LP gas	7,247	30.2	\$1,500 or more	45	0.7
Electricity	7,041	29.4	No cash rent	607	8.8
Fuel oil, kerosene, etc	4,370	18.2	Median (dollars)	567	(X)
Coal or coke	-	-			
Wood	4,043	16.9	GROSS RENT AS A PERCENTAGE OF		
Solar energy	10	-	HOUSEHOLD INCOME IN 1999		
Other fuel	662	2.8	Less than 15.0 percent	865	12.5
No fuel used	78	0.3	15.0 to 19.9 percent	770	11.2
			20.0 to 24.9 percent	796	11.5
SELECTED CHARACTERISTICS			25.0 to 29.9 percent	837	12.1
Lacking complete plumbing facilities	215	0.9	30.0 to 34.9 percent	528	7.7
Lacking complete kitchen facilities	166	0.7	35.0 percent or more	2,379	34.5
No telephone service	771	3.2	Not computed	720	10.4

-Represents zero or rounds to zero. (X) Not applicable.

Source: U.S. Bureau of the Census, Census 2000.