

DOCKETED

Docket Number:	08-AFC-08A
Project Title:	Hydrogen Energy Center Application for Certification Amendment
TN #:	203493
Document Title:	Letter of concern related to the Hydrogen Energy California HECA Project
Description:	N/A
Filer:	Patty Paul
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DEVELOPMENT SERVICES AGENCY

Administrative Operations
Engineering, Surveying and Permit Services
Planning and Community Development
Roads

December 29, 2014,

Alana Mathews

Public Adviser

publicadviser@energy.ca.gov

RE: Docket No. 08-AFC-08A – Kern County Board of Supervisors – September 23, 2014

Dear Ms. Mathews,

Attached is the letter of concern related to the Hydrogen Energy California (HECA) Project by Hydrogen Energy International, LLC., that was approved by the Board of Supervisors on September 23, 2014 and mailed out the following day.

I understand that the letter does not appear on the public docket, so I am resending the letter and ask that you will please include this letter in public docket no. 08-AFC-08A. Please note the docket number is clearly seen in the original letter.

I will be sending this letter by mail to your attention as well to the following address:

California Energy Commission
1516 Ninth Street, MS-12
Sacramento, CA 95814

If you have any questions or concerns please feel free to call me at 661-862-8615. Thank you for your help with this matter.

Sincerely,

A handwritten signature in blue ink that reads "Allison Molina-Hays".

Allison Molina-Hays
Sr. Office Services Specialist

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COUNTY OF KERN**

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September 23, 2014

California Energy Commission
Attn: John Heiser, Project Manager
1516 9th Street, MS-15
Sacramento, CA 95814-5512

RE: Kern County Board of Supervisors Letter of Concern related to the Hydrogen Energy California (HECA) Project by Hydrogen Energy International LLC. (Docket No. 08-AFC-8A) submitted to the California Energy Commission (CEC)

Dear Chairman Robert B. Weisenmiller,

Since the Hydrogen Energy California Project (HECA) application, located near Tupman California in Kern County, has been submitted to the California Energy Commission for consideration, our Board has heard many comments on the project. We appreciate the work of your staff working closely with our County departments on environmental issues, who are advising us of their recommendations. We have had public discussion and provided direction on this project as recently as September 16, 2014, and Kern County has submitted multiple written comments to your Commission on a variety of topics related to the HECA Project.

The Board continues to be concerned on issues regarding the lack of revenue to offset the risks of the fertilizer plant component, use of water for the plant and a better method to ensure that our local voice is included in any situations that involve accidents or accidental releases of hazardous materials onsite or off-site related to the project. While the property taxes from the power plant and related facilities will increase the revenue to the County, the sales tax exemption that fertilizer sales enjoys from the legislature calls into question if the economic benefits of the plant outweigh the risk. Regarding the design of the project the Board has continued interest in finding ways to reduce water usage through use of air (dry) cooling systems at the HECA Project instead of water-based (wet) cooling systems.

Our Board has appreciated the close relationship we have with the CEC on our power plant projects and planning for renewable energy. This power plant includes a new complexity with the fertilizer manufacture component which involves a significant risk to the public health and safety of our public. While we believe the design and operation mitigations are beginning to address the risks, we remain concerned that if there is an incident, while our Firefighters and Hazardous Material Teams will be responding, ultimately your staff and consultants in Sacramento are responsible for corrections, and enforcement of any penalties for non-compliance with conditions.

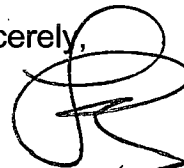
This distance factor affords no access for us or our public to get information or feel heard. Therefore we are purposing the following mitigation measure be included in the project in an appropriate section of the FSA.

An After - Incident report shall be prepared by the CEC or designated consultants within 120 days of any accident or accidental release of hazardous materials on site or off-site that results in a response to the incident or notification of any Kern County agencies. The report shall be prepared in consultation with appropriate Kern County agencies and the owner/operator. The report shall include potential recommendations for changes in the operations and protocols used at the facility and an outline of any enforcement actions from local, State or Federal agencies that are anticipated. Upon completion at the end of the 120 period, the report shall be provided to the Director of Public Health who will, within 60 days, place it on a normal Kern County Board of Supervisors agenda for a public hearing and provide the report to the public. Notification shall be provided by electronic service to all persons who request such notification and all costs for the preparation of the report and hearing shall be recovered from the owner/ operator. The Kern County Board of Supervisors will conduct a public hearing on the incident, take public testimony and provide a formal written response to the CEC with comments and recommendations. Immediate actions to ensure the safety of the public and workers at the facility shall be taken after any accident or accidental release of hazardous materials and shall not be delayed for completion of the After-Incident report.

This is a request that we have never made of other power plants approved by your Commission and built in Kern County. But the unconventional nature of this plant and unanswered questions regarding the mechanisms for local response and feedback to the public and our Board on the fertilizer component warrants new thinking.

Please take this position into account when considering the final decision on this project. Kern County, continues to be committed to well designed, appropriately located energy projects. We will continue to work closely with your staff, take public comment from our Kern County residents and continue our discussions with the applicant on the project. Thank you for your commitment to our energy future and we look forward to our continued close working relationship with the Commission.

Sincerely,

A handwritten signature in black ink, appearing to be 'Leticia Perez', with a stylized, overlapping loop structure.

Leticia Perez, Chairman
Kern County Board of Supervisors

cc: Kern County Planning and Community Development Department
Hydrogen Energy International, LLC
California Energy Commission: John Heiser, Project Manager