

**DOCKET**

**08-AFC-8**

DATE MAY 12 2010

RECD. MAY 12 2010

**STATE OF CALIFORNIA**

**Energy Resources Conservation and Development Commission**

In the Matter of: ) Docket No.08-AFC-8  
)  
The Application for Certification of )  
Hydrogen Energy California Power Plant )  

---

**STATUS REPORT OF THE KERN-KAWEAH CHAPTER OF THE SIERRA CLUB**

May 12, 2010

Babak Naficy (State Bar No. 177709)  
Law Offices of Babak Naficy  
1504 Marsh Street  
San Luis Obispo, CA 93401  
Telephone: (805) 593-0926  
Facsimile: (805) 593-0946  
[babaknaficy@sbcglobal.net](mailto:babaknaficy@sbcglobal.net)

Counsel for the SIERRA CLUB

**STATE OF CALIFORNIA**

**Energy Resources Conservation and Development Commission**

In the Matter of: ) Docket No.08-AFC-8  
)  
The Application for Certification of )  
Hydrogen Energy California Power Plant )  
\_\_\_\_\_ )

**STATUS REPORT OF THE KERN-KAWEAH CHAPTER OF THE SIERRA CLUB**

Pursuant to the Committee’s April 22, 2010 Scheduling Order, Intervenor, Kern-Kaweah Chapter of the Sierra Club (“Sierra Club”) submits this status report.

Sierra Club participated in the Data Response and Issue Resolution Staff Workshop on April 12, 2010. While this workshop helped our understanding of many of the issues, resolution of several outstanding issues must await further responses from the applicant. Moreover, it appears that a full understanding of the substantive issues will not be possible until other responsible agencies, particularly the Department of Fish and Game (“DFG”) and the San Joaquin Valley Air Pollution District (“SJVAPCD”), have weighed in.

Sierra Club remains concerned about the project’s biological and air quality impacts, especially the particulate matter (PM) emissions which will be significant. We are interested in exploring potential mitigation measures to reduce this impact. During the April 12 Workshop, it emerged that many of the issues we are concerned about may be more within the purview of the SJVAPCD. For this reason, Sierra Club will take part in the permitting process before the SJVAPCD in order to address the project’s air emissions.

Finally, Sierra Club is concerned about the implications of the widely-reported news that Occidental Petroleum, Hydrogen Energy's partner in this venture, has been actively supporting a ballot initiative aimed at rescinding California's AB 32. We are concerned that even as Occidental touts the "mitigation of carbon emissions" from the IGCC power plant as one of the project's benefits (See, e.g., Preliminary Project Description (Pre-Feed Stage), at p. 7), it is actively attempting to subvert the very law that requires mitigation of carbon emissions because of the impact on climate change. We hope that in the course of future proceedings, we get clarification from Occidental Petroleum in this regard.

In anticipation of the impending release of the Preliminary Staff Assessment ("PSA"), we continue to review the available data and documents. Moreover, Sierra Club also intends to participate in the May 21, 2010 Staff Workshop on Carbon Dioxide Enhanced Oil Recovery to gain a better understanding of that aspect of the project. While we look forward to the May 26, 2010 scheduled release of Part 1 of the PSA, we ask that the Committee provide the parties with advanced notice if the release will be delayed.

Dated: May 12, 2010

Respectfully submitted,

/s/ Original Signed

Babak Naficy  
1504 Marsh Street  
San Luis Obispo, CA 93401  
Telephone: (805) 593-0926  
Facsimile: (805) 593-0946  
[babaknaficy@sbcglobal.net](mailto:babaknaficy@sbcglobal.net)

**DECLARATION OF SERVICE**

I, Babak Naficy, declare that on May 12, 2010, I mailed a hard copy of the attached Sierra Club's Status Report. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list.

**FOR SERVICE TO ALL OTHER PARTIES:**

**sending electronically to all email addresses on the Proof of Service list;**

**AND**

**FOR FILING WITH THE ENERGY COMMISSION:**

sending an original paper copy and one electronic copy, mailed and emailed respectively, to

**CALIFORNIA ENERGY COMMISSION**

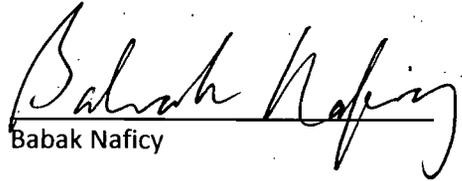
Attn: Docket No. 08-AFC-8

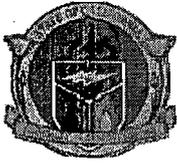
1516 Ninth Street, MS-4

Sacramento, CA 95814-5512

[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

  
Babak Naficy



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

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

Docket No. 08-AFC-8

PROOF OF SERVICE LIST  
(Rev. 5/10/10)

**APPLICANT**

Gregory D. Skannal  
Tiffany Rau  
Rick Harrison  
Hydrogen Energy International LLC  
One World Trade Center, Suite 1600  
Long Beach, CA 90831  
[gregory.skannal@hydrogenenergy.com](mailto:gregory.skannal@hydrogenenergy.com)  
[tiffany.rau@hydrogenenergy.com](mailto:tiffany.rau@hydrogenenergy.com)  
[rick.harrison@hydrogenenergy.com](mailto:rick.harrison@hydrogenenergy.com)

Asteghik Khajetoorians,  
Senior BP Legal Attorney  
BP America, Inc.  
6 Centerpointe Drive, LPR 6-550  
La Palma, CA 90623  
[Asteghik.Khajetoorians@bp.com](mailto:Asteghik.Khajetoorians@bp.com)

**APPLICANT'S CONSULTANT**

Dale Shileikis, Vice President  
Energy Services Manager  
Major Environmental Programs  
URS Corporation  
221 Main Street, Suite 600  
San Francisco, CA 94105-1917  
[dale\\_shileikis@urscorp.com](mailto:dale_shileikis@urscorp.com)

**COUNSEL FOR APPLICANT**

Michael J. Carroll  
Latham & Watkins, LLP  
650 Town Center Drive, 20<sup>th</sup> Fl.  
Costa Mesa, CA 92626-1925  
[michael.carroll@lw.com](mailto:michael.carroll@lw.com)

**INTERESTED AGENCIES**

California ISO  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

**INTERVENORS**

Tom Frantz  
Association of Irrigated Residents  
30100 Orange Street  
Shafter, CA 93263  
[tfrantz@bak.rr.com](mailto:tfrantz@bak.rr.com)

Kern-Kaweah Chapter  
of the Sierra Club  
Babak Naficy  
Law Offices of Babak Naficy  
1504 Marsh Street  
San Luis Obispo, California 93401  
[babaknaficy@sbcglobal.net](mailto:babaknaficy@sbcglobal.net)

**\*Environmental Defense Fund  
(EDF)**

**Timothy O'Connor, Esq.**  
**1107 Ninth St., Suite 540**  
**Sacramento, CA 95814**  
[toconnor@edf.org](mailto:toconnor@edf.org)

**ENERGY COMMISSION**

JAMES D. BOYD  
Vice Chair and Presiding Member  
[jboyd@energy.state.ca.us](mailto:jboyd@energy.state.ca.us)

JEFFREY D. BYRON  
Commissioner and Associate  
Member  
[jbyron@energy.state.ca.us](mailto:jbyron@energy.state.ca.us)

Raoul Renaud  
Hearing Officer  
[rrenaud@energy.state.ca.us](mailto:rrenaud@energy.state.ca.us)

Kristy Chew  
Adviser to Commissioner Boyd  
e-mail service preferred  
[kchew@energy.state.ca.us](mailto:kchew@energy.state.ca.us)

Rod Jones  
Project Manager  
[riones@energy.state.ca.us](mailto:riones@energy.state.ca.us)

Lisa De Carlo  
Staff Counsel  
[ldecarlo@energy.state.ca.us](mailto:ldecarlo@energy.state.ca.us)

Jennifer Jennings  
Public Adviser's Office  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)