

Energy - Docket Optical System

TN 70501

APR 26 2013

From: TJ Frantz [tom.frantz49@gmail.com]
Sent: Friday, April 26, 2013 10:44 AM
To: Stillman, Alissa
Cc: Energy - Docket Optical System; mmascaro@scsenergylc.com; TRau@heca.com; glandman@heca.com; Shileikis, Dale; michael.carroll@lw.com; e-recipient@caiso.com; Weber, Marni@DOC; tenslow@adamsbroadwell.com; andrea.issod@sierraclub.org; matt.vespa@sierraclub.org; toconnor@edf.org; gperidas@nrdc.org; bmcfarland@kerncfb.com; Energy - Public Adviser's Office; roman93311@aol.com; marc.campopiano@lw.com; Worl, Robert@Energy; Heiser, John@Energy; DeCarlo, Lisa@Energy
Subject: Re: Docket 08-AFC-8A Hydrogen Energy California SJVUAPCD Mitigation Agreement and Voluntary Emission Reduction Agreement

re: the mitigation & voluntary emission reduction agreement

The Association of Irrigated Residents protests the submission of this document as anything other than a private agreement between the San Joaquin Valley Air District and HECA. This agreement has not followed any CEQA procedures required by law. It therefore cannot be considered by the CEC as mitigation for any of the air pollution emissions from this project. There is an official document from the air district called the PDOC which is undergoing public scrutiny at this time. That document contains the only mitigation for HECA's potential air pollution which the public has had an adequate opportunity to examine and make comments.

Private deals, negotiated in secret, between HECA and public or private agencies cannot be considered as valid mitigation measures for this project under CEQA rules.

The CEC should insist that this private agreement not be considered as mitigation for HECA's air pollution in any form until it has been withdrawn and made part of the public comment process either with the PDOC or as a separate document. After the air district has allowed adequate time for comments and has responded to public comments on this private agreement, only then can it be jointly submitted for consideration by the CEC along with the Determination of Compliance.

After receiving public comment on this document the valley air board may well require additional measures to be included. The air board has not had the opportunity to hear from the public before they approved this agreement. It should be noted that the only air board member (David Couch) familiar with this project and aware of public comments, voted against this agreement. The only option the public has now is to comment on this document to the CEC. It is not likely that the CEC will require additional mitigation measures since, in the past, the CEC has almost always accepted the mitigation called for by the local air district as complete and sufficient. The public has been denied their rights with this process as it stands today.

The CEC must kindly inform HECA that this agreement cannot be accepted as part of the CEC application process.

Tom Frantz
 President, Association of Irrigated Residents

On Fri, Apr 26, 2013 at 9:23 AM, Stillman, Alissa <alissa.stillman@urs.com> wrote:

Please find attached the SJVUAPCD Mitigation Agreement and Voluntary Emission Reduction Agreement for the Hydrogen Energy California Project.

Thank you,

Alissa Stillman

Environmental Planner

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