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September 8, 2015

VIA EMAIL AND OVERNIGHT MAIL

Chairman Rudy Schaffner and Commissioners
Planning Commission
Imperial County Planning & Development Services
801 Main Street
El Centro, CA 92243
icpdscommentletters@co.imperial.ca.us

Re: September 9, 2015 Agenda Item IV(4) – Conditional Use Permit 15-0013 for the Heber 1/Gould 1 Expansion Project

Dear Chairman Schaffner and Commissioners:

We are writing on behalf of **California Unions for Reliable Energy ("CURE")** regarding the Planning Commission's consideration of Conditional Use Permit 15-0013 ("CUP") and the Mitigated Negative Declaration ("MND") for the Heber 1/Gould 1 Expansion Project ("Project") proposed by Heber Geothermal Company/Ormat Nevada, Inc. ("Applicant"). The Project includes an expansion of the Applicant's existing 62.5 megawatt ("MW") geothermal power plant facility by 16 MW with the addition of one Ormat Energy Converter (OEC 14), a 3-cell cooling tower, a 10,000 gallon isopentane storage tank and piping modifications.

We submitted comments on the MND showing that it does not comply with the requirements of the California Environmental Quality Act¹ ("CEQA") because it fails to identify all of the Project's potentially significant environmental impacts and propose measures that can reduce those impacts to a less than significant level. We explained in our comments that there is more than a fair argument that the Project will result in potentially significant impacts on air quality and from hazardous

¹ Pub. Resources Code §§ 21000 et seq.

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materials. In addition, we explained that the Project is inconsistent with the Imperial Integrated Regional Water Management Plan.

We reviewed the Staff Report prepared for the Planning Commission hearing with the assistance of environmental expert Petra Pless, D.Env. Unfortunately, the staff report does not address the issues raised in our previous comments or Dr. Pless' previous comments.² As it stands, the County may not approve the CUP or adopt the MND.

We are attaching feasible mitigation measures capable of reducing the Project's potential impacts to less than significant. These measures, identified by Dr. Pless, have already been included as conditions in either the County's permit for Ormat's East Brawley Geothermal Project permit (CUP 08-0023), or as part of Ormat's geothermal development in other parts of the state, namely in Mono County.³ The County must require these feasible mitigation measures to avoid or minimize the Project's potentially significant impacts.

1. Construction Emissions

Substantial evidence supports a fair argument that the Project may result in significant air quality and public health impacts from construction emissions (including fugitive dust ("PM10") and exhaust emissions (including PM10, nitrogen oxides ("NOx") and reactive organic compounds ("ROC"))).⁴ Dr. Pless recommends the following feasible measures for air quality and public health impacts from construction emissions, all of which were required for the East Brawley Geothermal Project:⁵

- a) Use alternative-fueled or catalyst-equipped diesel construction equipment, including all off-road and portable diesel-powered equipment;

² We incorporate our August 3, 2015 comments and Dr. Pless' July 31, 2015 comments herein.

³ See Attachment A: Letter from Petra Pless to Rachael Koss re Review of Staff Report for Mitigated Negative Declaration for Heber Geothermal Company & Gould 1 Expansion Project Conditional use Permit #15-0013, September 8, 2015.

⁴ See Letter from Petra Pless, D.Env. to Rachael Koss re: Review of Mitigated Negative Declaration for Heber 1/Gould 1 Expansion Project Conditional Use Permit #15-0013, July 31, 2015, p. 2

⁵ County of Imperial, East Brawley Geothermal, Final Environmental Impact Report, May 2012, pp. 4.0-20 and 4.0-21; <ftp://ftp.co.imperial.ca.us/icpds/eir/east-brawley-geothermal/final/07minor-revisions-deir.pdf>.

- b) Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 3 5 minutes at a maximum;
- c) Limit, to the extent feasible, the hours of operation of heavy-duty equipment and/or the amount of equipment in use;
- d) Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set);
- e) Utilize construction and well drilling equipment that meets or exceeds Tier 2 California Emission Standards for Off-Road Compression-Ignition Engines as specified in the California Code of Regulations;
- f) Provide for on-site meals for construction workers by arranging a lunch wagon to visit the construction site;
- g) Suspend construction activities when the Imperial County Air Pollution Control District issues a Health Advisory Alert pursuant to District Rule 608; and
- h) Require the construction contractor to ensure that construction equipment is properly maintained.

2. Operational Emissions

Substantial evidence supports a fair argument that Project operational emissions may result in a significant air quality impact from the use of isopentane, a ROC and ozone precursor. Dr. Pless recommends the following feasible mitigation measures for significant air quality impacts from emissions of isopentane motive fluid:

- a) Install vapor recovery devices estimated to return at least 99% of the motive fluid back to the system;
- b) Use a maintenance vapor recovery unit during OEC unit maintenance activities to capture motive fluid that could otherwise be released;

- c) Lower pressure of motive fluid system compared to motive fluid used at older existing plants, thus, less potential for fugitive leaks/emissions;
- d) Place pentane-specific vapor sensors and flame detectors at strategic locations around the turbine, motive fluid pumps, and motive fluid storage tank and connection to power plant computer control system to quickly alert plant operators to any potentially hazardous situations, which would help to keep a check on significant leaks;
- e) Perform leak checks, inspections, monitoring, and leak logging;⁶ and
- f) Implement a leak detection and repair ("LDAR") program following the Best Practices Guide developed by the U.S. Environmental Protection Agency.

3. Hazards and Hazardous Materials

Substantial evidence supports a fair argument that the Project may result in a significant impact from the use, storage and transport of isopentane, a hazardous material that is extremely volatile and flammable. Dr. Pless recommends the following feasible measures to reduce significant public health and environmental impacts from hazards associated with isopentane, which the County required for the East Brawley Geothermal Project:^{7,8}

- a) Disclose the potential project and cumulative risk of an isopentane vapor cloud explosion and fire to residents at 851 Pitzer Road and offer to relocate the residence;
- b) Prepare a Hazard and Operability Review for the final geothermal plant design containing a structured and systematic

⁶ Measures a) through e) were proposed by Ormat Nevada, Inc. for its Casa Diablo IV Geothermal Development Project in Mono County.

⁷ County of Imperial, East Brawley Geothermal, Final Environmental Impact Report, May 2012, p. 4.0-27 and 4.0-28; <ftp://ftp.co.imperial.ca.us/icpds/eir/east-brawley-geothermal/final/07minor-revisions-deir.pdf>.

⁸ County of Imperial, East Brawley Geothermal, Draft Environmental Impact Report, March 2011, p. 4.7-18; <ftp://ftp.co.imperial.ca.us/icpds/eir/east-brawley-geothermal/final/07minor-revisions-deir.pdf>.

examination of the planned operation for the power plant in order to identify and evaluate problems that may represent risks to personnel or equipment, or prevent efficient operation. Incorporate control valves, pump kill switches, and motor-operated valves into the final design. Monitoring and enforcement shall be the responsibility of the Imperial County Planning and Development Services Department, Imperial County Fire Department, and the California Department of Toxic Substances Control ("DTSC") as the Certified Unified Program Agency ("CUPA") for Imperial County;

- c) Prior to issuance of a conditional use permit, prepare a comprehensive Hazardous Materials Business Plan for the project in accordance with the California Accidental Release Prevention Program. The Hazardous Materials Management Plan ("HMMP") shall include (1) an Inventory and Site Map, (2) an Emergency Response Plan ("ERP") and Owner/Operator Identification, and (3) employee training

The HMMP will be prepared and submitted to the California Department of Toxic Substances Control ("DTSC"), as the Certified Unified Program Agency ("CUPA") for Imperial County, and shall be maintained and revised as necessary;

The project shall comply with all federal, state, Imperial County, and fire district requirements for temporary storage of flammable/combustible materials at construction sites. The proposed project shall include staging areas where materials shall be stored during construction. Monitoring and enforcement shall be the responsibility of Imperial County Planning and Development Services Department, Imperial County Fire Department, and DTSC); and

- d) Prepare a comprehensive Emergency Response Plan ("ERP"). Consult with local emergency response providers. Require approval of this ERP by the Imperial County Sheriff's Office, Imperial County Office of Emergency Services, Imperial County Fire Department, Imperial County Department of Public Health, California Highway Patrol, and Caltrans prior to the

commencement of site operations. The ERP shall address potential safety hazards associated with the project and identify public safety hazards that can be reduced or eliminated through specific protocols. The ERP also shall provide an overview of general procedures required to protect people and property during an emergency or disaster situation. The intent of the ERP is to establish a clear understanding of responsibilities for first responders, sheriff and police, local fire departments, emergency medical service agencies, and management of staff during an emergency situation.

The ERP shall identify and assign personnel to various emergency tasks and responsibilities, thus creating a site emergency team. The ERP shall describe the emergency management procedures to cover possible emergencies (i.e., well blowouts, major fluid spills, earthquakes, etc.). There shall be at least one employee on call at all times (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility of coordinating all emergency response measures. The on-call emergency coordinator would be familiar with the ERP and would have the authority to commit the resources needed to carry out the contingency plan. Additionally, the ERP shall include designated assignments for on-site personnel, details of each position's responsibilities, procedures for coordination with outside resources, and establishment of a chain of command to take precedence in emergencies.

The Emergency Response Plan shall be updated annually in coordination with the Imperial County Fire Department, the Imperial County Public Health Department, the Imperial County Certified Unified Program Agency, and the Imperial County Office of Emergency Services. Enforcement/Monitoring shall be the responsibility of the Imperial County Department of Planning and Development Services.

4. Water Use for Power Plant Cooling

The Project proposes to use 36,000 gallons of Imperial Irrigation District water per minute for power plant cooling. The Imperial Integrated Regional Water Management Plan ("IRWMP") states:

To the extent that water is proposed for power plant cooling, the developer shall demonstrate that alternative water supply sources and alternative cooling technologies are unavailable, environmentally undesirable, or economically unsound.⁹

There is no evidence that the Applicant has demonstrated that dry cooling or hybrid cooling is "unavailable, environmentally undesirable, or economically unsound" for the Project's power plant cooling. Indeed, substantial evidence shows that dry cooling and hybrid cooling are technologically and economically feasible.

Based on the IRWMP, Dr. Pless recommends the following feasible water conservation measures for the Project:

- a) Follow water use efficiency Best Management Practices, including but not limited to those established by the California Urban Water Conservation Council and California Energy Commission, as well as other water use efficiency standards, adopted by the Imperial Irrigation District;
- b) Minimize the consumptive use of fresh water for power plant cooling by wet/dry hybrid cooling; and
- c) Use recycled municipal water or desalination of brackish water in lieu of Colorado River water to mitigate third party impacts to current agricultural water users and demonstrate reasonable beneficial use of Colorado River entitlements.

⁹ Imperial Water Forum, Imperial Region Integrated Regional Water Management Plan, October 2012, Chapter 8, Reduce Water Demand – Increase Water Use Efficiency; available at http://www.imperialirwmp.org/2013%20Updates/CH08%20Reduce%20Water%20Demand%2020121010_Proof.pdf.

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In sum, substantial evidence supports a fair argument that the Project may result in significant impacts on air quality, public health and the environment. The Project is also inconsistent with the IRWMP. The County cannot approve the CUP or adopt the MND until it requires feasible mitigation measures to address these impacts.

Sincerely,



Rachael E. Koss

REK:ric
Attachment

cc via email: Richard Cabanilla, Planner IV, Imperial County
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Brad Poiriez, Air Pollution Control Officer, ICAPCD
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