DOCKET
08-AFC-8
DATE MAR 03 2010
RECD. MAR 08 2010

STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission

In the Matter of:	)	Docket Number 08-AFC-8
	)	
The Application for Certification of Hydrogen Energy California Power Plant	)	
	)	
	)	

PETITION TO INTERVENE BY

KERN-KAWEAH CHAPTER OF THE SIERRA CLUB

March 3, 2010

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Counsel for the SIERRA CLUB

STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission

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Pursuant to Title 20 of the California Code of Regulations, Sections 1207 and 1712, the Kern-Kaweah Chapter of the Sierra Club ("Sierra Club") petitions to intervene in these proceedings.

According to Section 1207:

(a) Any person may file with the Docket Unit or the presiding committee member a petition to intervene in any proceeding. The petition shall set forth the grounds for the intervention, the position and interest of the petitioner in the proceeding, the extent to which the petitioner desires to participate in the proceedings, and the name, address, and telephone number of the petitioner.

(b) In a power plant siting case, the petition shall be filed no later than the Prehearing Conference or 30 days prior to the first hearing held pursuant to Sections 1725, 1748, or 1944 of this Chapter, whichever is earlier, subject to the exception in Subsection (c) below. The petitioner shall also serve the petition upon the Applicant.

Pursuant to Section 1207(c), the "presiding member may grant leave to intervene to any petitioner to the extent he deems reasonable and relevant . . . ."

Sierra Club is a national non-profit organization of over 550,000 members dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. The Sierra Club's concerns encompass watershed management, air quality, recreation, and habitat preservation and conservation of agriculture and agricultural lands. The Kern-Kaweah Chapter is the local representative of this national group working to achieve Sierra Club's goals in and around Kern County in California.

The Kern-Kaweah chapter of the Sierra Club has long advocated for responsible land use planning and sustainable development in Kern County and southern San Joaquin Valley. The Hydrogen Energy California Power Plant ("HECPP") could affect Sierra Club and its members' long-term environmental interests by harming sensitive and protected wildlife species and plant communities, deplete significant water resources, negatively affect ongoing productive agricultural operations, and exacerbate already degraded air quality.

Sierra Club is particularly concerned about this project's potential because it will be located within an existing highly productive agricultural community. As intervenor, Sierra Club will work to ensure that the HECPP's impacts on agriculture is adequately mitigated and that its continued operation will not preclude the long-term viability of farming in the Project's vicinity.

Sierra Club is particularly concerned about the Project's expected contribution to the region's already poor air quality. According to the latest modeling results prepared by the applicant in response to CEC data requests, the Project will emit significant quantities of criteria pollutants, including but not limited to particulate matter or "PM"(2.5 and 10 micron). Moreover, even with the implementation of sequestration technologies, the project will emit nearly 400,000 tons of Greenhouse Gas emissions, annually. Through its participation, Sierra Club will ensure that the Project's PM emissions are adequately quantified and the environmental and health consequences of these emissions are adequately considered and mitigated.

Sierra Club is also concerned about the project's potential impact on groundwater resources. Despite the initial assurances that Project's substantial water demand will be met by Kern Water Agency without any adverse impact on the overall depleted aquifer, through its participation in siting process, Sierra Club will ensure that the project's potential impact on water supplies is adequately considered.

Sierra Club's petition is timely because neither a Pre-hearing Conference nor a hearing pursuant to sections 1725, 1748, or 1944 has been scheduled.

Sierra Club wishes to participate fully in all phases of this proceeding. All communication with Sierra Club should be directed to its counsel, Babak Naficy, at the address

provided below.

For all the foregoing reasons, Sierra Club respectfully urges the Commission to grant its petition to intervene in this proceeding and allow it to participate as a party.

Dated: March 5, 2010

Respectfully submitted,

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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. 2/8/10)

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DECLARATION OF SERVICE

I, Susan Brunner, declare than on March 5, 2010, I served and filed an original copy of PETITION TO INTERVENE dated March 3, 2010 by Petitioner, KERN-KAWEAH CHAPTER OF THE SIERRA CLUB. The original document, filed with the Docket Unit, was accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

www.energy.ca.gov/sitingcases/hydrogen_energy

The original PETITION TO INTERVENE has been sent for filing via United States mail with first class postage to the California Energy Commission at the following address:

California Energy Commission
1516 Ninth Street, MS-4
Sacramento, California 95814-5512

ATTENTION: Docket Number 08-AFC-8

An electronic copy of PETITION TO INTERVENE has been sent for filing via electronic email to the California Energy Commission at the following address:
docket@energy.state.ca.us

Copies of PETITION TO INTERVENE have been electronically served via email on the other parties in this proceeding as follows:

APPLICATION FOR CERTIFICATION FORTHE HYDROGEN ENERGY CALIFORNIA PROJECT Docket Number 08-AFC-8 PROOF OF SERVICE LIST (rev. 2/8/10)	
APPLICANT Gregory D. Skannal Tiffany Rau Rick Harrison Hydrogen Energy International LLC gregory.skannal@hydrogenenergy.com tiffany.rau@hydrogenenergy.com rick.harrison@hydrogenenergy.com	**APPLICANT** Asteghik Khajetoorians, Senior BP Legal Attorney BP America, Inc. Asteghik.Khajetoorians@bp.com
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***Jennifer Jennings** Public Adviser's Office publicadviser@energy.state.ca.	

I declare under penalty of perjury that the forgoing is true and correct and that this that this declaration is executed on March 5, 2010 at San Luis Obispo, California.

Susan Brunner

Susan Brunner