

COMMENTS AND RESPONSES TO COMMENTS

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COMMENTS AND RESPONSES TO COMMENTS

III.1 INTRODUCTION

This chapter includes all comments received on the Draft EIR during the 50-day public and agency review period (45-day minimum per CEQA, plus five days per County of Imperial Guidelines). No new significant environmental impacts or issues, beyond those already identified in the Draft EIR for the Hudson Ranch II and Simbol Calipatria Plant II Projects, were raised during the public review period. Acting as lead agency under CEQA, Imperial County directed responses to the comments received on the Draft EIR. Pursuant to CEQA Guidelines §15088.5, none of the comments received during the comment period provide any basis to identify any new significant impacts or “significant new information” that would require recirculation of the Draft EIR.

III.2 LIST OF COMMENTERS

The following individuals and representatives of organizations and agencies submitted written comments on the Draft EIR.

COMMENTS RECEIVED BY IMPERIAL COUNTY

LETTER NO.	INDIVIDUAL OR SIGNATORY	AFFILIATION	DATE
1	Scott Morgan, Director	State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit	July 2, 2012
2	Dave Singleton, Program Analyst	Native American Heritage Commission	July 10, 2012
3	Paula Backs Community Liaison Specialist	Marine Corps Air Station Yuma	August 10, 2012
4	Jorge A. Perez, Environmental Health Compliance Specialist III	Imperial County Division of Environmental Health	August 13, 2012
5	Rafiq Ahmed, Project Manager	Dept. of Toxic Substance Control, Brownfields and Environmental Restoration Program	August 7, 2012
6	Tony Rouhotas, Jr. Fire Chief, OES Coordinator	Imperial County Fire Department	July 19, 2012
7	Donald Vargas, Environmental Specialist	Imperial Irrigation District	August 16, 2012
8	Peter H. Bailey, P.G.	Dept. of Toxic Substance Control, Office of Permitting	August 17, 2012
9	Jacob M Armstrong, Chief	Caltrans, Development Review Branch	August 16, 2012

COMMENTS RECEIVED BY IMPERIAL COUNTY

LETTER NO.	INDIVIDUAL OR SIGNATORY	AFFILIATION	DATE
10	Scott Morgan, Director	State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit	August 20, 2012

III.3 COMMENTS AND RESPONSES**III.3.1 REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR**

CEQA Guidelines §15088 requires that lead agencies evaluate all comments on environmental issues received on the Draft EIR and prepare a written response. The written response must address the environmental issue(s) raised and provide a detailed response. Rationale must be provided when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must provide a good faith, reasoned analysis. As long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines §15204), lead agencies need only to respond to significant environmental issues associated with the project and do not necessarily need to provide all the information requested by commenters.

CEQA Guidelines §15204 recommends that commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. CEQA Guidelines §15204 also notes that commenters should provide an explanation and evidence supporting their comments. Pursuant to CEQA Guidelines §15064, an effect shall not be considered significant in the absence of substantial evidence.

CEQA Guidelines §15088 also recommends that where the response to comments results in revisions to the Draft EIR, those revisions should be noted as a revision to the Draft EIR or in a separate section of the Final EIR. Revisions to the Draft EIR are set forth in Chapter II of this Final EIR.

III.3.2 COMMENTS AND RESPONSE TO COMMENTS

Written comments on the Draft EIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the letters are coded using numbers (e.g., Comment Letter 1) and each issue raised in the comment letter is assigned a number that correlates with the letter (e.g. 1-1, 1-2, 1-3, etc.). Where changes to the Draft EIR text result from responding to comments, those changes are included in the response and demarcated with revision marks (underline for new text, strike-out for deleted text). Comment-initiated text revisions to the Draft EIR and minor staff-initiated changes are compiled in their entirety and are demarcated with revision marks in Chapter II, Corrections and Additions, of this Final EIR.



EDMUND G. BROWN JR.
GOVERNOR

COMMENT LETTER 1

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

Memorandum

RECEIVED

Date: July 2, 2012
To: All Reviewing Agencies
From: Scott Morgan, Director
Re: SCH # 2010101065
Hudson Ranch Power II Geothermal Plant/Simbol Calipatria Plant II
Projects

JUL 09 2012
IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

Per the Lead Agency's request, the review dates for the above-mentioned project have changed. The project was sent to your agency for review on July 2, 2012. Please see attached memo from the lead agency and note the following information for your files:

Review period ends: **August 17, 2012**

We apologize for any inconvenience this may have caused. All other project information remains the same.

cc: Armando G. Villa
Imperial County Planning & Dev. Services Dept.
801 Main Street
El Centro, CA 92243

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

06/29/2012 14:32 7603538338

PLNG & DEVEL.

PAGE 01/01

PLANNING & DEVELOPMENT SERVICES

Administration / Building & Safety / Planning / Parks & Recreation

Imperial County



Armando G. Villa, Director

June 29, 2012

TO: State Clearinghouse/Office of Planning & Research/FAX (916) 323-3018

FR: Richard Cabanilla, Planner IV, Planning & Dev. Services Department *RJC*

**SUBJECT: REVISED REVIEW DATES FOR SCH #2010101065/HUDSON
RANCH POWER II GEOTHERMAL PLANT AND SIMBOL
CALIPATRIA PLANT II PROJECTS**

Dear SCH Staff:

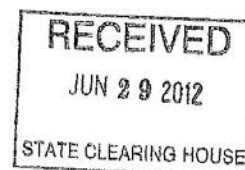
As discussed by phone this afternoon with staff, please be advised that when your office gets the above Draft Environmental Impact Report that the end date for the State reviewing agencies to comment on the Draft Environmental Impact Report has been changed.

*The revised dates for submitting comment letters is **Monday, July 2, 2012 through Friday, August 17, 2012.***

Please ensure that the above date is provided to all State agencies that are participating in the review of the above projects.

Thanks for your assistance in this regard.

cc: Armando G. Villa, AICP, Director of the ICP&DS
Jim Minnick, Assistant Planning Director of the ICP&DS
Sean M. Moore, AICP, Planning Division Manager
Christina J. Willis, San Diego Office Manager, E & E
Files: G10-0002&CUP 12-0005 & 10.101, 10.102, 10.103



S: APN 0220101009 MEMOFORMtoSCHonRevisedEIR0606 6 29 12

801 Main St., El Centro, CA 92243 Phone: (760) 482-4236 Fax: (760) 353-8338 www.icnds.com planninginfo@icps.imperial.ca.us

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

Print Form

Appendix C

SCH #2010101065

Project Title: Hudson Ranch Power II Geothermal Plant/ Simbol Calipatria Plant II Projects

Lead Agency: Imperial County Planning and Dev. Services Department

Contact Person: Ammando G. Villa, Director, AICP

Mailing Address: 801 Main Street

Phone: (760) 462-4236, ext. 4310

City: El Centro

Zip: 92243

County: Imperial

Project Location: County: Imperial

City/Nearest Community: Calipatria

Cross Streets: McDonald Road/English Road

Zip Code: 92233

Longitude/Latitude (degrees, minutes and seconds): 33 ° 12 ' 7.14 " N / 115 ° 33 ' 14.29 " W Total Acres: 326.26

Assessor's Parcel No.: 022-010-009-000

Section: 19

Twp.: 11

Range: 14

Base: SBB&M

Within 2 Miles: State Hwy #: SR-111

Waterways: Imperial Irrigation District Irrigation canals and drains

Airports: None

Railways: None

Schools: None

Document Type:

CEQA: ☐ NOP ☒ Draft EIR

☐ Early Cons ☐ Supplemental/Subsequent EIR

☐ Neg Doc ☐ (Prior SCH No.)

☐ Mit Neg Doc

Other:

☐ NOI

☐ EA

☐ Draft EIS

☐ FONSI

Other: ☐ Joint Document

☐ Final Document

☐ Other: Revised NOP

Local Action Type:

☐ General Plan Update

☐ Specific Plan

☐ Rezone

☐ Annexation

☐ General Plan Amendment

☐ Master Plan

☐ Preczone

☐ Redevelopment

☐ General Plan Element

☐ Planned Unit Development

☒ Use Permit

☐ Coastal Permit

☐ Community Plan

☐ Site Plan

☐ Land Division (Subdivision, etc.)

☐ Other:

Development Type:

☐ Residential: Units

Acres

Employees

☐ Transportation: Type

Mineral

☐ Office: Sq.ft.

Acres

Employees

☐ Mining: Mineral

Power: Type

MW

☐ Commercial: Sq.ft.

Acres

Employees

☐ Power: Type

Waste Treatment: Type

MGD

☐ Industrial: Sq.ft.

Acres

Employees

☐ Hazardous Waste: Type

Other: Geothermal Flash Power Plant/Mineral Extraction Plant

☐ Educational:

Recreational:

Water Facilities: Type

MGD

Project Issues Discussed in Document:

☒ Aesthetic/Visual

☒ Fiscal

☒ Recreation/Parks

☒ Vegetation

☒ Agricultural Land

☒ Flood Plain/Flooding

☒ Schools/Universities

☒ Water Quality

☒ Air Quality

☒ Forest Land/Fire Hazard

☒ Septic Systems

☒ Water Supply/Groundwater

☒ Archeological/Historical

☒ Geologic/Seismic

☒ Sewer Capacity

☒ Wetland/Riparian

☒ Biological Resources

☒ Minerals

☒ Soil Erosion/Compaction/Grading

☒ Growth Inducement

☒ Coastal Zone

☒ Noise

☒ Solid Waste

☒ Land Use

☒ Drainage/Abandonment

☒ Population/Housing Balance

☒ Toxic/Hazardous

☒ Cumulative Effects

☒ Economic/Job

☒ Public Services/Facilities

☒ Traffic/Circulation

☐ Other:

Present Land Use/Zoning/General Plan Designation:

Agricultural/A-7-R-G (General Ag./Rural/Geothermal Overlay Zone)/Ag. land use designation.

Project Description: (please use a separate page if necessary)

The "Proposed Project" includes two separate development activities; the Hudson Ranch Power II Geothermal Flash Power Plant (HR-2) and the Simbol Calipatria Plant II (SmCP-2) mineral extraction plant on agricultural land within the Salton Sea Known Geothermal Resource Area in Imperial County, California. The proposed HR-2 project consists of a 49.9 MW geothermal power plant, supporting geothermal production and injection wells/pipelines; and, an interconnection to the Imperial Irrigation District's existing electrical transmission system. The proposed SmCP-2 is a lithium carbonate production plant located adjacent to the HR-2 site. SmCP-2 would use geothermal brine from the HR-2 plant to produce lithium carbonate and other products for commercial sale and would not be developed without the HR-2 project.

State Clearinghouse Contact:

(916) 445-0613

State Review Began: 7.2.2012

SCH COMPLIANCE 8.15.2012

Note: Review per local.

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#: 2010101065

Please forward late comments directly to the Lead Agency

AQMD/APCD 10

(Resources: 7.7)

Project Sent to the following State Agencies

☒ Resources

☒ Boating & Waterways

☒ Coastal Comm

☒ Colorado Rvr Bd

☒ Conservation

☒ Fish & Game # 6

☒ Delta Protection Comm

☒ Cal Fire

☒ Historic Preservation

☒ Parks & Rec

☒ Central Valley Flood Prot.

☒ Bay Cons & Dev Comm.

☒ DWR

☒ Cal EMA

☒ Resources, Recycling and Recovery

☒ Bus Transp Hous

☒ Aeronautics

☒ CHP

☒ Caltrans # 11

☒ Trans Planning

☒ Housing & Com Dev

☒ Food & Agriculture

☒ Public Health

State/Consumer Sves

General Services

Cal EPA

☒ ARB: Airpnt/Energy Projects

☒ ARB: Transportation Projects

☒ ARB: Major Industrial Projects

☒ SWRCB: Div. Financial Assist.

☒ SWRCB: Wtr Quality

☒ SWRCB: Wtr Rights

☒ Reg. WQCB # 7

☒ Toxic Sub Ctrl-CTC

☒ Yth/Adlt Corrections

☒ Corrections

☒ Independent Comm

☒ Energy Commission

☒ NAHC

☒ Public Utilities Comm

☒ State Lands Comm

☒ Tahoe Rgl Plan Agency

☒ Conservancy

☒ Other:

RESPONSE TO COMMENT LETTER 1

Commenter: **Scott Morgan, Director,
Governor's Office of Planning and Research**

Date of Letter: **July 2, 2012**

Response to Comment 1-1

The comment provides the date the Draft EIR was provided to public agencies for review (July 2, 2012) and identifies the date the public review period ended (August 17 2012). This comment is administrative in nature. Comment noted. No response is required.

Response to Comment 1-2

The comment is a copy of the letter from the Imperial County Planning & Development Services Department to the State Clearinghouse noting the revised date for the comment period is Monday, July 2, 2012 through Friday, August 17, 2012. Comment noted. No response is required.

Response to Comment 1-3

The comment is a copy of the Notice of Completion filed with the State Clearinghouse and included as an attachment to Comment Letter 1. It demonstrates that no other details of the project, aside from the close of the review period, have changed. Comment noted. No response is required.

COMMENT LETTER 2

STATE OF CALIFORNIA

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-5390
 Web Site www.nahc.ca.gov
ds_nahc@pacbell.net

Edmund G. Brown, Jr., Governor



JUL 12 2012

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

July 10, 2012

Mr. Armando G. Villa, Director

Imperial County Planning and Development Services Department

801 Main Street
 El Centro, CA 92243

Re: SCH#2010101065; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the "Hudson Ranch Power II Geothermal Plant/Simbol Calipatria Plant II Project;" located in the vicinity of the City of Calipatria, Imperial County, California.

Dear Mr. Villa:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

2-1

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. The NAHC did conduct a Sacred Lands File (SLF) search within the 'area of potential effect (APE)' and Native American cultural resources were not identified in the project area specified; however, it is in close proximity to recorded cultural resources.

2-2

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

2-3

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you

2-4

make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

2-4
Continued

2-5

2-6

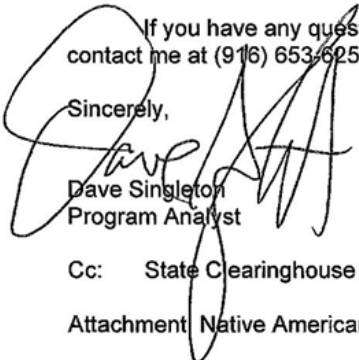
2-7

2-8

2.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,


Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment Native American Contact List

I 2-9

Native American Contacts

Imperial County

July 10, 2012

Ewilaapaay Tribal Office
Michael Garcia, Vice Chairperson
 4054 Willows Road Diegueno/Kumeyaay
 Alpine, CA 91901
 michaelg@leaningrock.net
 (619) 445-6315 - voice
 (619) 445-9126 - fax

Ah-Mut-Pipa Foundation
Preston J. Arrow-weed
 P.O. Box 160 Quechan
 Bard, CA 92222 Kumeyaay
 ahmut@earthlink.net
 (928) 388-9456

Cocopah Museum/Cultural Resources Dept.
H. Jill McCormick, Tribal Archaeologist
 County 15th & Ave. G Cocopah
 Sommerton, AZ 85350
culturalres@cocopah.com
 (928) 530-2291 - cell
 (928) 627-2280 - fax

Inter-Tribal Cultural Resource Protection Council
Frank Brown, Coordinator
 240 Brown Road Diegueno/Kumeyaay
 Alpine, CA 91901
 frankbrown6928@gmail.com
 (619) 884-6437

Augustine Band of Cahuilla Mission Indians
Karen Kupcha
 P.O. Box 849 Cahuilla
 Coachella, CA 92236
 (760) 398-4722
 916-369-7161 - FAX

Kumeyaay Cultural Repatriation Committee
Bernice Paipa, Vice Spokesperson
 1095 Barona Road Diegueno/Kumeyaay
 Lakeside, CA 92040
 (619) 478-2113
 (KCRC is a Colation of 12
 Kumeyaay Governments

Quechan Indian Nation
John P. Bathke, THPO
 P.O. Box 1899 Quechan
 Yuma, AZ 85366
b.nash@quechantribe.com
 (928) 920-6068 - CELL
 (760) 572-2423
 (760) 572-0515 - FAX

2-10

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2010101065; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Hudson Ranch Power II Geothermal Plant/ Simbol Calipatria Plant II Project; located in Imperial County, California

RESPONSE TO COMMENT LETTER 2

Commenter: David Singleton, Program Analyst,
Native American Heritage Commission

Date of Letter: July 10, 2012

Response to Comment 2-1

This is an introductory comment explaining the Native American Heritage Commission's (NAHC's) role. Comment asserts that the letter includes state and federal statutes relating to Native American historic properties, etc., and notes that state law addresses the freedom of Native American religious expression in Public Resources Code §5097.9. Comment noted. This comment does not address the adequacy of the analysis of the EIR. No further response is required.

Response to Comment 2-2

The comment explains the CEQA process as it relates to analyzing historical and archaeological resources. The comment states that the NAHC conducted a Sacred Lands File search within the Area of Potential Effect (APE) and that no Native American cultural resources were identified but that the APE is in close proximity to recorded cultural resources. Comment noted. This comment does not address the adequacy of the analysis of the EIR.

Response to Comment 2-3

The comment notes that items in the Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254(r). Comment noted. This comment does not address the adequacy of the analysis of the EIR.

Response to Comment 2-4

The comment addresses early consultation with the Native American tribes and interested Native American Consulting parties and urges contact with the Native American contacts identified on the attached list of Native American contacts. This comment also identifies consultation requirements if the Projects are under the jurisdiction of the status and regulations of the National Environmental Policy Act.

As shown in Appendix A-1 of the Draft EIR, the Torres-Martinez, Quechan, and Cocopah Tribes were provided a copy of the Environmental Initial Study and Notice of Preparation (dated April 25, 2011) for the Hudson Ranch Power II LLC CUP#G10-0002.

Response to Comment 2-4 (Continued)

As shown in Appendix A-3 of the Draft EIR, the Torres-Martinez, Quechan, and Cocopah Tribes were provided a copy of the Revised Initial Study and Notice of Preparation (dated March 2012) for the Hudson Ranch Power II CUP#G10-0002/Simbol Calipatria Plant II CUP#12-0005. In addition, the County of Imperial Planning and Development Services Department provided a copy of the conditional use permit application(s) to the Torres-Martinez Indian Tribe; Torrez-Martinez Cahuilla Tribe, Manzanita Band Kumeyayy Nation, Ewiiapaayp Tribal Office, Kumeyaay Cultural Heritage, Campo Kumeyayy Nation, Cocopah Indian Tribe, Cabazon Band of Mission Indians, Quechan Indian Tribe, Kwaaymii Laguna Band, and Torres-Martinez Cahuilla Band requesting their comments and/or recommendations for the Projects. No comments were received on the Revised Initial Study and Notice of Preparation, or the Draft EIR, or the conditional use permits applications from any of the Tribes to whom this information was sent.

The Hudson Ranch Hudson Ranch Power II Geothermal Project and the Simbol Calipatria Plant II (Projects) are not under the jurisdiction of the status and regulations of the National Environmental Policy Act.

This comment does not address the adequacy of the analysis of the EIR.

Response to Comment 2-5

The comment notes that historic properties of religious and cultural significance are subject to confidentiality protection. Comment noted. No response is required.

Response to Comment 2-6

The comment cites sections of various codes that address accidental discovery of human remains outside of a dedicated cemetery. Mitigation measure MM CUL-4.1 on pp. 4.5-19 and 4.5-26 of the Draft EIR specifically address the procedures to follow in the event that human remains are discovered on the project site. This comment does not address the adequacy of the analysis of the EIR.

Response to Comment 2-7

The comment notes the importance of on-going consultation with the NAHC. Coordination with the NAHC, as needed, is noted in mitigation MM CUL-4.1 on pp. 4.5-19 and 4.5-26 of the Draft EIR.

Response to Comment 2-8

The comment states that when Native American cultural sites are prevalent within the project site, the NAHC recommends “avoidance.” Mitigation measure MM CUL1.1 on pp. 4.5-14 and 4.5-21 of the Draft EIR is consistent with this recommendation in stating:

“The cultural resources monitor shall have the authority to halt construction activity in the immediate vicinity of the encountered historic resource for a sufficient interval of time to allow avoidance or recovery of the encountered historic resources and shall also have the authority to redirect construction equipment in the event that any cultural resource is inadvertently encountered. Comment noted. No response is required.”

Response to Comment 2-9

Closing remark with commenter contact information. Comment noted. No response is required.

Response to Comment 2-10

The comment is the “Native American Contact List” noted in comment 2-4. No response is required.

COMMENT LETTER 3

From: Backs CIV Paula L [mailto:paula.backs@usmc.mil]
Sent: Friday, August 10, 2012 11:31 AM
To: Richard Cabanilla
Cc: Misemer CIV Robert D
Subject: EIR for HUDSON RANCH II and SIMBOL Projects

Richard,
MCAS Yuma has no additional comments to make on the Draft EIR for the Hudson Ranch II and SIMBOL (SmCp-2) Projects. Thank you for the opportunity to comment.

3-1

Paula Backs
Community Liaison Specialist
Community Planning and Liaison Office
Box 99106
Yuma, AZ 85369-9106
(928) 269-2103
DSN 269-2103

RESPONSE TO COMMENT LETTER 3

Commenter: Paula Backs, Community Liaison Specialist, Community
Planning and Liaison Office
Marine Corps Air Station Yuma

Date of Letter: August 10, 2012

Response to Comment 3-1

Comment noted. No response is required.

COMMENT LETTER 4



COUNTY OF IMPERIAL
PUBLIC HEALTH DEPARTMENT

DIVISION OF ENVIRONMENTAL HEALTH

797 Main Street, Ste. B • El Centro, CA 92243

Phone (760) 336-8530 • Fax (760) 352-1309

ROBIN HODGKIN, M.P.A.
Director

STEPHEN W. MUNDAY, M.D., M.P.H.
Health Officer

August 13, 2012

Richard Cabanilla
IC Planning & Development Services
801 Main Street
El Centro, CA 92243

Subject: Comments for the Draft EIR for Hudson Ranch II & Simbol II Projects

Dear Mr. Cabanilla:

The Imperial County Division of Environmental Health (DEH) has reviewed the draft EIR for the Hudson Ranch II and Simbol II projects. The following are comments DEH would like the lead agency to address in the final EIR and/or CUP for the project:

Water

According to page 3-35, Section 3.3.7 Facility Operations, the Hudson Ranch II (HR2) project will have a total of 14 full-time employees during operations. Also, according to page 3-59, Section 3.4.3.2 Work Force, Schedule and Deliveries, the Simbol II project will have a total of 90 full-time employees during operations. Therefore, due to the combined amount of employees, the project will be required to obtain a State Domestic Water Supply Permit for a non-transient non-community public water system. The permit would need to be obtained from the Imperial County Local Primacy (LPA), the agency responsible for permitting public water systems in Imperial County. The LPA will not permit two separate public water systems on the same property. As a condition of approval for this project, the CUP should specify that a public water system must be permitted and operated at this site in accordance with the California Safe Drinking Water Act.

Due to the large quantities of water being taken, or being proposed to be taken from the O Lateral, the applicant shall provide IID approval for the water supplies stated on page 3-36, Table 3-6, and page 3-60, Table 3-10. The applicant must demonstrate that the O Lateral will have sufficient capacity to provide water to both Hudson Ranch I & II, along with both Simbol I & II projects.

Wastewater

According to page 3-61, Section 3.4.3.5 Fluid Discharges and Containment, an above-ground septic system will be constructed. However, DEH does not permit above-ground septic systems and any wastewater system for this project must be permitted through the RWQCB. Please have the applicant modify this section as appropriate. Also, the applicant shall provide a site plan showing the location of the septic system, surrounding buildings, and where the wastewater will be disposed.

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935 Broadway, El Centro, CA 92243-2349 • (760) 482-4438 • (760) 352-9933 Fax
AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

COMMENT LETTER 4



COUNTY OF IMPERIAL

PUBLIC HEALTH DEPARTMENT

DIVISION OF ENVIRONMENTAL HEALTH

797 Main Street, Ste. B • El Centro, CA 92243

Phone (760) 336-8530 • Fax (760) 352-1309

ROBIN HODGKIN, M.P.A.
Director

STEPHEN W. MUNDAY, M.D., M.P.H.
Health Officer

August 13, 2012

Richard Cabanilla
IC Planning & Development Services
801 Main Street
El Centro, CA 92243

Subject: Comments for the Draft EIR for Hudson Ranch II & Simbol II Projects

Dear Mr. Cabanilla:

The Imperial County Division of Environmental Health (DEH) has reviewed the draft EIR for the Hudson Ranch II and Simbol II projects. The following are comments DEH would like the lead agency to address in the final EIR and/or CUP for the project:

Water

According to page 3-35, Section 3.3.7 Facility Operations, the Hudson Ranch II (HR2) project will have a total of 14 full-time employees during operations. Also, according to page 3-59, Section 3.4.3.2 Work Force, Schedule and Deliveries, the Simbol II project will have a total of 90 full-time employees during operations. Therefore, due to the combined amount of employees, the project will be required to obtain a State Domestic Water Supply Permit for a non-transient non-community public water system. The permit would need to be obtained from the Imperial County Local Primacy (LPA), the agency responsible for permitting public water systems in Imperial County. The LPA will not permit two separate public water systems on the same property. As a condition of approval for this project, the CUP should specify that a public water system must be permitted and operated at this site in accordance with the California Safe Drinking Water Act.

Due to the large quantities of water being taken, or being proposed to be taken from the O Lateral, the applicant shall provide IID approval for the water supplies stated on page 3-36, Table 3-6, and page 3-60, Table 3-10. The applicant must demonstrate that the O Lateral will have sufficient capacity to provide water to both Hudson Ranch I & II, along with both Simbol I & II projects.

Wastewater

According to page 3-61, Section 3.4.3.5 Fluid Discharges and Containment, an above-ground septic system will be constructed. However, DEH does not permit above-ground septic systems and any wastewater system for this project must be permitted through the RWQCB. Please have the applicant modify this section as appropriate. Also, the applicant shall provide a site plan showing the location of the septic system, surrounding buildings, and where the wastewater will be disposed.

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According to page 4.15-16 and 4.15-20, the sanitary wastewater from the septic system will be injected into the HR2 geothermal plant brine injection well. The same section further states that the wastewater would be discharged in accordance with the Regional Water Quality Control Board requirements. However, injection of wastewater into injection wells requires further approval from the RWQCB and the US EPA through the Underground Injection Control Program. The applicant shall address regulatory approval requirements for injection of wastewater into the brine injection well, if proposed as a disposal option. This should be addressed in the proposed mitigation measures (Impact UTL-1 on page 4.15-16 and 4.15-20).

4-7

Solid Waste Management

According to page 3-57, "Silica Management", the Simbol facility will generate approximately 64,800 metric tons of iron-silica waste filter cake material on an annual basis that will be handled as a waste stream. Also, according to page 3-58, "Lead Extraction", the Simbol facility will generate approximately 4,250 metric tons of hazardous lead sulfide material on an annual basis that will also be handled as a waste stream. Therefore, the Simbol facility will generate a total annual average of 69,050 metric tons of waste, or approximately 189 metric tons per day. Due to the large amounts of waste being generated, DEH requires the following information:

4-8

- The applicant shall provide an acceptable timeline for the storage, characterization, and off-site removal of the iron-silica waste filter cake and the hazardous lead sulfide wastes. No stockpiling of the material on-site shall be permitted.
- The applicant shall provide detailed information/plan on where and how each waste stream will be stored prior to being shipped off site. Please consult with DTSC for further storage and handling requirements of these potentially hazardous and known hazardous wastes.
- The applicant shall provide a detailed site plan showing the iron-silica filter cake and lead sulfide material storage/handling area.
- The applicant must demonstrate that sufficient long-term capacity for disposal of Class II geothermal waste materials is available. Please specify the remaining capacity at the South Yuma County Landfill if non-RCRA hazardous waste and Class II designated wastes are intended for this facility.

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Insufficient information has been provided to support of the findings on Impact UTL-6, pages 4.15-18 and 4.15-22 that no mitigations are required or that this will result in less than significant impact.

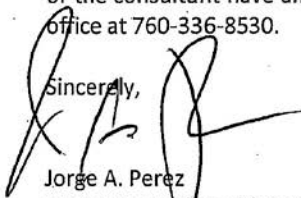
4-12

Also, please specify as a condition of the project that all trucks hauling non-hazardous solid wastes for disposal must be registered and permitted with this agency, and operated in accordance with solid waste vehicle standards.

4-13

We would like to thank your office for the opportunity to comment on this project. If you, the applicant, or the consultant have any questions or need further clarification, please do not hesitate to contact our office at 760-336-8530.

Sincerely,



Jorge A. Perez
Environmental Health Compliance Specialist III
Imperial County Division of Environmental Health

RESPONSE TO COMMENT LETTER 4

Commenter: **Jorge A. Perez, Environmental Health Compliance Specialist III
Imperial County Division of Environmental Health**

Date of Letter: **August 13, 2012**

Response to Comment 4-1

This comment states the Imperial County Division of Environmental Health (DEH) has reviewed the Draft EIR for the Hudson Ranch II and Simbol II Projects. This comment does not specifically address the adequacy of the EIR; therefore, no further response is required.

Response to Comment 4-2

Comment states that due to the combined number of HR-2 and SmCP-2 employees, the Projects will be required to obtain a State Domestic Water Supply permit for a non-transient - non-community public water system. This comment also notes that the permit would need to be obtained from the Imperial County Local Primacy Agency (LPA), the agency responsible for permitting public water systems in Imperial County.

The State of California, Department of Health Services, has delegated Imperial County, Public Health Department, Section of Environmental Health & Consumer Protection Services, as the public agency responsible for enforcement of state laws and regulations pertaining to operation, maintenance, and monitoring of small public water systems with less than 200 service connections within Imperial County (County of Imperial 2012). Therefore, the State Domestic Water Supply permit required for the Projects' water treatment system would be obtained from the Imperial County Public Health Department.

Pages 3-21 and 3-60 of the Draft EIR, note that a potable water treatment system would be included as part of the proposed HR-2 and SmCP-2 Projects, respectively. These potable water treatment systems would be classified as a "Nontransient-Noncommunity Water System", which is a public water system that is not a community water system and that regularly serves at least the same 25 persons over 6 months per year.

The Draft EIR acknowledges the requirement to obtain a permit for the potable water treatment system(s). Specifically, page 3-35 of the Draft EIR indicates that the HR-2 Project would include a "state approved potable water system." Table 3-9, HR-2 Project – Potential Consultation and Permitting Requirements (page 3-43 of the Draft EIR) has been revised to specifically identify the required Non-transient – Non-community Water System permit for the potable water system as shown below:

Response to Comment 4-2 (Continued)**TABLE 3-9 HR-2 PROJECT - POTENTIAL CONSULTATION AND PERMITTING REQUIREMENTS**

JURISDICTION LEVEL	TYPE OF PERMIT/APPROVAL	AGENCY	PURPOSE
HUDSON RANCH II (HR-2) GEOTHERMAL PROJECT			
<u>Local</u>	<u>Non-transient – Non-community Water System Permit</u>	<u>County Public Health Department (ICPHD)</u>	<u>For on-site potable water system.</u>

Table 3-13 of the Draft EIR, SmCP-2 Project – Potential Consultation and Permitting Requirements (page 3-71 of the Draft EIR), identifies that a Non-transient – Non-Community Water System permit will be required for the potable water system proposed for the SmCP-2 project and this this permit would be obtained from the Imperial County Public Health Department.

Response to Comment 4-3

The comment notes that the LPA, the Imperial County Public Health Department, will not permit two separate public water systems on the same property and that the conditional use permits for the Projects should specify that the public water system(s) must be permitted and operated in accordance with the California Safe Drinking Water Act.

Pages 3-36 and 3-60 of the Final EIR have been modified as shown below to identify the four options for the potable water treatment systems currently under consideration that would avoid developing two separate public water systems on the same property.

Hudson Ranch Power II LLC (HR-2) and Simbol, Inc. (SmCP-2) will provide potable water to their respective facilities that meets all regulatory standards. Four options are currently under consideration

- a) HR-2 or SmCP-2 would construct a single water system, on either the HR-2 Project Site or SmCP-2 Project Site that will provide water to both facilities;
- b) HR-2 and SmCP-2 would form a separate corporate entity to provide potable water to both plants. Under this option, the proposed water treatment system would be constructed on either the HR-2 Project Site or the SmCP-2 Project Site;
- c) HR-2 and SmCP-2 would form a special district, which then can provide potable water to anyone within that district. Formation of the “special district” would require approval from the Imperial County Local Agency Formation Commission (LAFCO).
- d) The current parcel (APN 022-010-0009-000) would be divided into two legal lots, thereby allowing each facility to have a separate water treatment system, within its respective property.

The water treatment system(s) would be permitted and operated in accordance with the California Safe Drinking Water Act.

The conditions of approval for the HR-2 and SmCP-2 Projects will include the four options listed above and will require that the applicants select an option at the time of filing the applications for the Non-Transient-Non-Community Water System permit(s). None of these four options has the potential to result in new or more significant environmental impacts that were previously identified in the Draft EIR. The first option was already considered in the Draft EIR under Impact UTL-2 on page 4.15-6 for the HR-2 Project and under Impact UTL-2 on page 4.15-20 for the SmCP-2 Project. The remaining three options merely describe alternative legal organizations for providing the potable water, none of which would result in any different physical environmental impacts than were analyzed in the Draft EIR.

Response to Comment 4-4

This comment indicates that the applicant(s) must demonstrate that the “O” Lateral will have sufficient capacity to provide water to both Hudson Ranch I Geothermal Project and the Hudson Ranch II Geothermal Project, along with the proposed Simbol I and Simbol II Projects.

Page 3-25 of the Draft EIR notes that the primary source of external fresh water for the HR-2 facility would be irrigation water made available under a supply contract with the Imperial Irrigation District (IID), supplied from the “O” Lateral and that a backup supply (in case of a long outage on the “O” Lateral) would be provided from the “N” Lateral. Page 3-59 of the Draft EIR indicated that water required during operations of the SmCP-2 Project would be obtained from the IID.

An SB 610 Water Supply Assessment was prepared for the Hudson Ranch Power II Geothermal Project and the Simbol Calipatria Plant II Project, which was included as Appendix I of the Draft EIR. This report, which is scheduled for consideration by the County of Imperial Board of Supervisors on September 11, 2012, concluded that IID’s water supply is sufficient to meet the projected demands of both the HR-2 and SmCP-2 Project through the year 2045, which is noted on page 4.15-5 of the Draft EIR.

In addition, a cumulative analysis for IID water supply impacts was included in Section 5.5.15 of the Draft EIR, on page 5-44. This analysis considered the demand for IID water for 55 existing and reasonably foreseeable future projects in Table 5-1 - Hudson Ranch Power II and Simbol Calipatria Plant II – Potential Cumulative Projects)¹ existing or reasonably foreseeable future projects, including the Hudson Ranch I geothermal project (existing) and the proposed Simbol Calipatria Plant I project (foreseeable project).

¹ Two potential cumulative projects located in Riverside County (# 7. EUIPH Wind Farm, San Geronio Westwinds II LLC, San Geronio Wind Plant WPP1993, Wintec Energy Ltd. and # 28. Unnamed solar development on BLM-managed land) were not included in this analysis because they would not obtain water from IID.

Response to Comment 4-4 (Continued)

Under the terms of IID's Interim Water Supply Policy for Non-Agricultural Projects, IID has set aside up to 25,000 acre-feet per year for potential non-agricultural projects within its service area.

Both Hudson Ranch Power II LLC and Simbol Inc. will enter into water supply agreements with the IID which will make available up to 1,200 acre-feet of water per calendar year for the HR-2 Project and up to 800 acre-feet of water per year for the SmCP-2 Project. The Simbol Calipatria Plant I project will similarly need to enter into a water supply agreement with the IID, and the Hudson Ranch I project has already done so. These agreements constitute IID's commitment to deliver water to these four projects. Further, each project has (or shares) a freshwater pond sized to provide sufficient storage capacity to meet plant demands during foreseeable periodic interruptions in IID canal water availability. A copy of the fully executed water supply agreement will be provided to the County for oversight of compliance with conditions and requirements prior to issuance of the respective HR-2 and SmCP-2 Project's building permits.

Response to Comment 4-5

This comment notes that Page 3-61 of the Draft EIR, Section 3.4.3.5 Fluid Discharges and Containment, an above-ground septic system would be constructed for the SmCP-2 Project and states that DEH does not permit above-ground septic systems. The Draft EIR used the term "above-ground" septic system to denote that a below-ground leach field was not proposed as part of the SmCP-2 Project. This text has been modified as shown below to remove the term "above-ground" from the description of the septic system.

Page 3-61 of the Final EIR has been revised as shown below:

Sanitary waste from the SmCP-2 plant would be collected in ~~a an above-ground~~ septic tank which would initially digest the sewer effluent. Sludge retained in the septic tank would be pumped by licensed contractors as needed and transported to a sanitary water treatment plant. Liquid waste would be pumped to an on-site waste water treatment system that would be constructed on-site or on the neighboring HR-2 facility. A leach field would not be required or installed.

The comment also notes that any wastewater system for this project must be permitted through the RWQCB. The solid and semi-solid wastes would be contained in tanks and transported to a sanitary water treatment plant by a licensed waste contractor. Liquid wastes would be tertiary treated and either injected into the geothermal reservoir (to support reservoir pressures) by HR-2 or recycled as cooling tower makeup water, in conformance with all applicable agency regulations and permits.

Response to Comment 4-6

This comment requests the applicants to provide a site plan showing the location of the septic system, surrounding buildings and where the wastewater will be disposed. Figure 3-4 of the Draft EIR provides a Plot Plan for the HR-2 and SmCP-2 Projects. This figure has been modified to identify the location of the septic system at the SmCP-2 Plant and the surrounding buildings. In addition, a higher resolution copy of the Figure 3-4 has been included in the Final EIR which identifies the location of the two silica management areas at the SmCP-2 Plant site.

As noted on page 3-61 of the Draft EIR, the wastewater could either be treated on the SmCP-2 site or the HR-2 site. Once treated to tertiary standards, the wastewater would either be injected into the geothermal reservoir by HR-02 or recycled as cooling tower makeup water. The locations of the cooling towers and the HR-2 geothermal injection wells are shown on Figure 3-4.

Response to Comment 4-7

The comment states that the injection of wastewater into injection wells requires further approval from the RWQCB and the EPA through the Underground Injection Control Program. It also requests that the applicant should address regulatory approval requirements for injection of wastewater into the brine injection well, if proposed as a disposal option, in the proposed mitigation measures (Impact UTL-1 on page 4.15-16 and 4.15-20).

The EPA Underground Injection Control (UIC) Program classifies injection wells into six categories. Class V injection wells, which are all other injection wells which are not Class 1 – Class IV or Class VI wells, include injection wells associated with the recovery of geothermal energy for the production of electric power, cooling water return flow wells, and septic system wells used to inject the waste or effluent from a business establishment or regional business establishment septic tank. All Class V injection wells are “authorized by rule,” subject to the conditions in 40 CFR 144.84 – this means that although Class V injection wells have to comply with all the requirements of the UIC Program, they do not need to obtain an individual permit from the EPA. The RWQCB CRB has historically included requirements for the monitoring of the quantity and quality of fluids injected into the geothermal reservoir as part of the Waste Discharge Requirements for the geothermal brine pond.

Page 4.15-16 and 4.15-20 of the Final EIR have been modified as shown below to identify that the injection of sanitary wastewater would be conducted in conformance with the permit or other requirements of CDOGGR, the RWQCB CRB and the Class V injection well requirements of the Underground Injection Well program.

Response to Comment 4-7 (Continued)

Sanitary wastewater would be treated to tertiary standards at an on-site treatment facility and injected into the geothermal reservoir via the aerated brine injection well, in conformance with the permit or other requirements of CDOGGR, the RWQCB CRB and the Class V injection well requirements of the Underground Injection Well program. The applicant would not use municipal wastewater treatment services and would not discharge wastewater to land except in conformance with the WDO issued by the RWQCB CRB.

Therefore, the Project would not exceed California RWQCB CRB requirements, resulting in a less than significant impact under this criterion.

Sanitary wastewater would be treated to tertiary standards at the on-site treatment facility and injected into the geothermal reservoir via the HR2 aerated brine injection well, in conformance with the permit or other requirements of CDOGGR, the RWQCB CRB and the Class V injection well requirements of the Underground Injection Well program. SmCP-2 would not use municipal wastewater treatment services and would not discharge wastewater to land except in conformance with the WDO issued by the RWQCB CRB. Therefore, the Project would not exceed California RWQCB CRB requirements, resulting in a less than significant impact under this criterion.

Response to Comment 4-8

This comment notes that page 3-57 of the Draft EIR indicates that the SmCP-2 Project would generate 64,800 metric tons of iron-silica material annually. This comment also notes that page 3-58 of the Draft EIR identifies that the SmCP-2 Project would produce approximately 4,250 metric tons of lead sulfide wet cake annually. Both of these materials would initially be managed as a waste stream. Combined, the SmCP-2 Project would generate 69,050 metric tons of waste per year, or 189 metric tons per day. Given this volume of waste production, the commenter is requesting identification of an acceptable timeline for the storage, characterization, and off-site removal of the iron-silica waste filter cake and the hazardous lead sulfide wastes.

The Silica Management Discussion on Page 3-57 of the Draft EIR has been modified as shown below to identify a timeline for the storage, laboratory testing and off-site removal of the iron-silica waste filter cake:

The separated iron-silica material would be initially managed as a waste stream. It would be collected and analyzed in conformance with appropriate laboratory testing protocols to ensure that it properly handled and disposed of. If the iron-silica material is characteristically hazardous, it would initially be managed as hazardous waste and transported off-site within 90-days of generation as per Title 22, CCR, section 66262.34(a). Simbol has also committed to moving the non-hazardous iron-silica material off site and either disposing of it in landfill authorized to accept this waste or properly recycling it.

Response to Comment 4-8 (Continued)

The discussion of Lead (Pb) Extraction on page 3-58 of the Draft EIR has been revised to include a timeline for the storage, laboratory testing and off-site removal of lead sulfide.

Lead (Pb) Extraction

The silica-, lithium- and zinc-depleted brine would be piped to the lead removal system in the Zinc Extraction area. Chemical reagent would be added to precipitate the lead as lead sulfide, which is then filtered from the brine to be trucked off-site as a wet cake within 90-days of generation as per Title 22, CCR, section 66262.34(a). Approximately 4,250 metric tons of lead sulfide wet cake would be produced annually. The separated lead sulfide would be initially managed as a waste stream. In the future, Simbol plans to market lead sulfide as an additional product to be shipped to a third parties for industrial use. The market for the lead sulfide material is currently being developed.

Response to Comment 4-9

This comment requested detailed information on where and how each waste stream will be stored.

Page 3-33 and 3-63 of the Draft EIR indicate that "All hazardous wastes generated during facility construction and operation would be handled and disposed of in accordance with applicable laws, ordinances, regulations, and standards. Any hazardous wastes generated during construction would be collected in hazardous waste accumulation containers near the point of generation and moved daily to the contractor's 90-day hazardous waste storage area located on site. The accumulated waste would be delivered to an authorized waste management facility. Hazardous wastes would be recycled or managed and disposed of properly in a licensed Class I waste disposal facility authorized to accept the waste."

The Hazardous Waste discussion on page 3-63 of the Draft EIR has been supplemented as shown below to identify the location of and method for the storage of the iron-silica and lead sulfide wastes.

Both iron-silica and lead sulfide wastes would be loaded from separate belt filters onto separate end dump trailers which would be lined with plastic to prevent any discharge. Loaded trailers would be covered and parked in an on-site truck trailer staging area (see Figure 3-4) pending laboratory analysis of the waste and off-site transport. SmCP-2 would require all hazardous and non-hazardous waste haulers contracted to transport SmCP-2 solid wastes to obtain, and be in conformance with, all permits, registrations standards and approvals needed from all responsible, enforcement and oversight agencies with authority for the waste being transported.

Response to Comment 4-10

This comment requests applicants to provide a detailed site plan showing the iron silica filter cake and lead sulfide materials storage areas. A higher resolution copy of the Figure 3-4 has been included in the Final EIR which identifies the silica management area where the iron silica filter cake will be loaded onto trailers, and the zinc production area where the lead sulfide filter cake will be loaded onto trailers at the SmCP-2 Plant site. Loaded trailers of iron silica filter cake and lead sulfide filter cake will be parked in an on-site truck trailer staging area (see Figure 3-4).

Response to Comment 4-11

This comment notes that the applicant must demonstrate that sufficient long-term capacity for disposal of Class II geothermal waste material is available and requests identification of the remaining capacity of the South Yuma County Landfill if non-RCRA hazardous waste and Class II designated wastes are intended for this facility.

According to Edward McGraskey, sales manager at the South Yuma County Landfill, this landfill accepts, on average, 1,200 tons of waste per day and has an estimated 50 years of capacity at that rate (McGraskey, E. 2012). Using a 2012 CalRecycle “volume to weight conversion factor” of 2,000 pounds (lbs.) per cubic yard (CY) for municipal solid waste packed in a packer truck, this landfill has an estimated capacity of 15,288,000 CY per day through the year 2062.

The SmCP-2 Project would generate 189 metric tons of Class II waste daily, which translates into approximately 210 U.S. tons². Section 4.15 of the Draft EIR identified two possible landfills that could be used for the disposal of the iron silica, and the lead sulfides wastes, including the Kettleman Hills Landfill and the South Yuma County Landfill. Nevertheless, SYCL with its daily capacity to accept 1,200 tons of waste through the year 2062 would have sufficient capacity to accept all 210 tons of waste projected to be generated daily at the SmCP-2 Plant during operations. Therefore, the SmP-2 Project would be served by two landfills that together have sufficient permitted capacity to accommodate the Project’s projected solid waste disposal needs. This information substantiates the Draft EIR’s finding for Impact UTL-6 that the HR-2 and SmCP-2 Projects would not result in significant landfill impacts and no mitigation would be required.

The Impact UTL-6 discussions on page 4.15-19 and 4.15-22 of the Draft EIR has been supplemented as shown below to demonstrate the available storage capacity for the wastes which could be generated by the HR-2 and SmCP-2 projects, respectively:

² 1 metric ton – 1.1023 U.S. tons.

Response to Comment 4-11 (Continued)

The small quantities of office waste and general refuse generated during operations would be removed by a local sanitation service. Hazardous wastes that would be generated during operations, in addition to some of the filter cake waste, would include paint, spent solvents, used oil, laboratory waste, brine pond solids and geothermal scale. Hazardous wastes would be either recycled or managed and disposed of properly in licensed Class I or Class II waste disposal facilities, such as the Kettleman Hills Landfill in Kettleman City, California and/or the South Yuma County Landfill (SYCL) in Arizona, that are authorized to accept the waste. According to Edward McGraskey, sales manager at the South Yuma County Landfill, this landfill accepts, on average, 1,200 tons of waste per day, and has at least 50 years of capacity at that rate (McGraskey, E. 2012). Thus, the South Yuma County Landfill alone would be able to accept the silica filter cake waste generated by the HR-2 Project over the life of the project.

The small quantities of office waste and general refuse generated during operations would be removed by a local sanitation service. Hazardous wastes that would be generated during operations, in addition to some of the filter cake waste, would include paint, spent solvents, used oil, laboratory waste, brine pond solids and geothermal scale. Hazardous wastes would be either recycled or managed and disposed of properly in licensed Class I or Class II waste disposal facilities, such as the Kettleman Hills Landfill in Kettleman City, California and/or the South Yuma County Landfill (SYCL) in Arizona, that are authorized to accept the waste. According to Edward McGraskey, sales manager at the South Yuma County Landfill, this landfill accepts, on average, 1,200 tons of waste per day, and has at least 50 years of capacity at that rate (McGraskey, E. 2012). Thus, the South Yuma County Landfill alone would be able to accept the silica filter cake waste generated by the SmCP-2 Project over the life of the project.

Response to Comment 4-12

See Response to Comment 4-11 above.

Response to Comment 4-13

This comment requests the Projects be conditioned to require all trucks hauling non-hazardous wastes for disposal must be registered and permitted with the DEH, and operated in accordance with solid waste vehicle standards.

This comment does not specifically address the adequacy of the EIR; therefore, no further response is required. See also Response to Comment 4-9 above.



Matthew Rodriguez
Secretary for
Environmental Protection



COMMENT LETTER 5

Department of Toxic Substances Control

Deborah O. Raphael, Director
5796 Corporate Avenue
Cypress, California 90630



Edmund G. Brown Jr.
Governor

RECEIVED

August 7, 2012

AUG 13 2012

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

Mr. Armando G. Villa, Director, AICP
Imperial County Planning and Development Services Department
801 Main Street
El Centro, California 92243

**NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR
THE HUDSON RANCH POWER II GEOTHERMAL PROJECT AND THE SIMBOL
CALIPATRIA PLANT II PROJECT, (SCH#2010101065), IMPERIAL COUNTY**

Dear Mr. Villa:

The Department of Toxic Substances Control (DTSC) has received your submitted Draft Environmental Impact Report (EIR) for the above-mentioned project. The following project description is stated in your document:

"Hudson Ranch Power II, LLC is proposing to construct and operate a 49.9 MW geothermal power plant and well field in the County of Imperial (HR-2) (CUP # G10-0002). Simbol Inc. is proposing to construct and operate the Simbol Calipatria Plant II (SmCP-2) (CUP# 12-0005), a commercial lithium carbonate production plant adjacent to the HR-2 site, using geothermal brine from the HR-2 plant. The HR-2 and SmCP-2 Project sites are located on private land within the Salton Sea Known Geothermal Resource Area (KGRA) in the unincorporated area of the County of Imperial, California. It is located about 2.3 miles west-southwest of the Town of Niland, California and 1.1 miles directly east of the existing Hudson Ranch I Geothermal Power Plant. The HR-2 and SmCP-2 Projects would be located on a 245-acre parcel of land that has been developed for agricultural uses. The Hudson ranch Power II (HR-2) geothermal flash plant facilities would cover 52-acre of land and the Simbol Calipatria Plant II (SmCP-2) facilities would cover 48-acres. Adjacent properties to the north and south and east are irrigated farmland. The Imperial Irrigation Districts (IID) managed marshlands are located to the north, south and east of the proposed HR-2 and SmCP-2 Project sites. An existing commercial algae production facility, including concrete and earthen pond structures, a warehouse, office, and other buildings, is located south of the Project site. The nearest residence is approximately 0.5 miles north-northeast of the Project sites, along English Road."

5-1

5-2

♻️ Printed on Recycled Paper

Mr. Armando G. Villa
August 7, 2012
Page 2

Based on the review of the submitted document DTSC has the following comments:

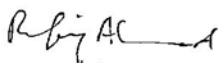
- 1) DTSC provided comments on the project Notice of Preparation (NOP) on May 11, 2011; all those comments have been addressed in the submitted Draft EIR. Please ensure that all those comments will be addressed in the Final Environmental Impact Report of the Project.
- 2) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

5-3

5-4

If you have any questions regarding this letter, please contact Rafiq Ahmed, Project Manager, at rahmed@dtsc.ca.gov, or by phone at (714) 484-5491.

Sincerely,



Rafiq Ahmed
Project Manager
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov.

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
Attn: Nancy Ritter
nritter@dtsc.ca.gov

CEQA # 3607

RESPONSE TO COMMENT LETTER 5

Commenter: **Rafiq Ahmed, Project Manager,
Brownfields and Environmental Restoration Program,
Department of Toxic Substance Control**

Date of Letter: **August 7, 2012**

Response to Comment 5-1

This comment states the Department of Toxic Substance (DTSC) has reviewed the Draft EIR for the Hudson Ranch II and Simbol II Projects. This comment does not specifically address the adequacy of the EIR; therefore, no further response is required.

Response to Comment 5-2

This comment provides a brief description of the HR-2 and SmCP-2 Projects. This comment does not address the adequacy of the analysis of the EIR.

Response to Comment 5-3

This comment states that the DTSC provided comments on the project Notice of Preparation on May 11, 2011.

The Draft EIR acknowledges receipt of the DTSC comment letter on the Notice of Preparation for the Hudson Ranch II Geothermal EIR, dated May 21, 2011. A summary of the letter is included in Table 2-1 of the Draft EIR, Summary of Public Scoping Comments Received (page 2-10 of the Draft EIR) and a copy of the letter is reproduced in its entirety in Appendix A-3 of the Draft EIR. Table 2-1 summarizes the comments received, and notes within which section of the Draft EIR each comment is addressed.

This comment also notes that all comments have been addressed in the Draft EIR and requests that all of those comments will be addressed in the Final Environmental Impact Report for the Projects. Because this Final EIR includes the Draft EIR in its entirety, modified where necessary, DTSC's comments have been addressed in this Final EIR.

Response to Comment 5-4

This comment notes that DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties and provides contact information for the DTSC's Voluntary Cleanup Coordinator.

Response to Comment 5-4 (Continued)

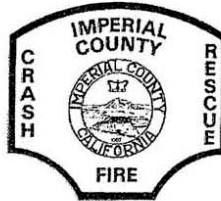
DTSC's statutory mandate is to identify, prioritize, manage and cleanup sites where a release of hazardous substances has occurred. However, the Phase I Environmental Site Assessment prepared for the Hudson Ranch II Geothermal Project (Appendix H-1 of the Draft EIR) and the Agency Database Record Search prepared for the Simbol Calipatria Plant II (Appendix H-2 of the Draft EIR), found that the Projects would not be located on a site which is included on a list of hazardous materials sites. Thus, no hazardous substance cleanup is anticipated.

ADMINISTRATION / TRAINING

1078 Dogwood Road
Heber, CA 92249

Administration
Phone: (760)482-2420
Fax: (760)482-2427

Training
Phone: (760)482-2429



OPERATIONS/PREVENTION

2514 La Brucherie Road
Imperial, CA 92251

Operations
Phone: (760)355-1191 EXT. #1
Fax: (760)355-1482

Prevention
Phone: (760)355-1191 Ext. #2
Fax: (760)355-7051

COMMENT LETTER 6

Date: July 19, 2012

To: Mr. Richard Cabanilla, IC Planning and Development

Subject: Hudson Ranch II

The Imperial County Fire Department would like to thank you for the opportunity to comment on this project on behalf of the Niland Fire District in partnership with Imperial County Fire Department. The Imperial County Fire Department has assumed the Day to Day operations for this District and will be the oversight for fire related inspections, plan reviews, approvals and negotiations.

6-1

With this being said a review of this Conditional Use Permit has taken place and the review of a Fiscal Impact Analysis. After this review it was determined to use a model that based this project on the equivalency of estimated dwelling units or (EDU'S). This equivalency is measuring the amount of fire personnel it would take to operate and maintain a fire station, just is would if these were residential subdivisions. Using the project as a comparison as both in size and people on the premises on an ongoing basis. Then you should take into consideration that this project is a large commercial operation with a great deal of infrastructure that would need to be protected in the event of an emergency. Listed below are Capital Items listed that would be purchased with such funding to properly service such important projects.

6-2

- 1.) **Fire Apparatus**, capable of responding and meeting the flow capacities and response goals of this project and surrounding facilities and residence. **Estimated Cost \$330,000.00**
- 2.) **Personal Protective Equipment**, safety equipment which meets and or exceeds the standards set forth by the National Fire Protection Association (NFPA) and Occupational Safety and Health Administration. **Estimated Cost \$54,000.00**
- 3.) **Facilities**, the current facilities are not adequate for the level of service being provided for today's operations. An adequate facility would have items such as dedicated sleeping quarters, office space, training space, storage, de-contamination isolation areas and etc. **Estimated at \$600,000 to \$700,000.00.**
- 4.) **Training**, the Imperial County Fire Department prides itself in the expansion and enhancement of its training program. We will be bring this level to the Niland Fire District and will need to ensure that the personnel serving this area meet or exceed the legal requirements as well as the citizen and visitors being served. **Estimated Cost \$14,000.00**

6-3

We do truly recognize the fact that Hudson Ranch II should not be solely responsible for items listed, also noting that Hudson Ranch I never reached an agreement. This project is just one component of the overall industrial revolution which is ongoing in this district. However, in the best interest to all, we would like to

6-4

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negotiate possibilities that will help service the overall project area including your current project as well as your future phases.

6-4

Continued

Using a funding model developed for renewable energy projects, we believe that a project such as Hudson Ranch II is the equivalent of approximately 123 estimated dwelling units (EDU's) and the EDU's would be assessed an estimated \$353.42 per year/per unit. This equates to \$43,470 per year that would be available to the Niland Fire District/Imperial County Fire Department to mitigate the expenses listed and presented on the previous page. Hudson Ranch I is equivalent to 91 EDU's which amounts to \$32,161.00.

6-5

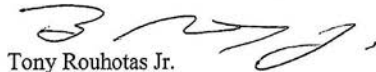
This project upon submittal of the plans will need to be in full compliance with internal roadways, access and onsite fire suppression systems shall meet or exceed all National, State and local laws, codes ordinances and standards.

6-6

The Imperial County Fire Department would be more than happy to meet and discuss the proposal as mentioned. Should you have any questions and or concerns, feel free to contact me at (760) 482-2422.

6-7

Respectfully submitted



Tony Rouhotas Jr.
Fire Chief/OES Coordinator

RESPONSE TO COMMENT LETTER 6

Commenter: **Tony Rouhotas, Jr. Fire Chief, OES Coordinator,
Imperial County Fire Department**

Date of Letter: **July 19, 2012**

This letter does not purport to comment on the adequacy of the EIR, but for the sake of convenience and creating a complete administrative record, the County has elected to respond to the Imperial County Fire Department's Letter in the Final EIR, because it generally addresses fire service issues.

Response to Comment 6-1

This comment thanks the County of Imperial's Planning and Development Services Department for allowing the Imperial County Fire Department (Fire Department) an opportunity to comment on the Draft EIR on behalf of the Niland Fire Department. This comment also notes that the Imperial County Fire Department has assumed the day-to-day operations for the Niland Fire Department and will be providing the oversight for fire-related inspections, plan reviews, approvals and negotiations. This comment does not address the adequacy of the analysis of the EIR. Comment noted. No response is required.

Response to Comment 6-2

This comment notes that the Imperial County Fire Department reviewed HR-2's conditional use permit and the Fiscal Impact Assessment (FIA) prepared for the Hudson Ranch II Geothermal Plant. It notes that the Fire Department's review used a model that based the HR-2 project's impact to fire protection services on the equivalency of estimated dwelling units or EDUs, which measured the amount of fire personnel it would take to operate and maintain a fire station, just as it would if HR-2 was a residential subdivision. This comment requests the Planning and Development Services Department take into consideration that this project is a large commercial operation with a great deal of infrastructure that would need to be protected in the event of an emergency.

The County of Imperial caused a Fiscal Impact Analysis (FIA) to be prepared for the Hudson Ranch II Geothermal Project. The FIA, which was prepared by Onaka Planning and Economics/Douglas Ford and Associates (November 2010) and included as Appendix L of the Draft EIR, estimated HR-2's fiscal impacts on the County of Imperial General, Library and Fire Protection funds. The analysis was based on an assumption that if a new fire station and new equipment as well as full staffing were built in the north end of the County, HR-2's fair share costs would be \$353.42 per equivalent dwelling unit (Onaka, et. al. 2010, p. II-11) or \$43,470 annually based on a calculated equivalent to 123 residential dwelling units.

Response to Comment 6-2 (Continued)

Table I-1 of the FIA presents a summary of HR-2's fiscal impacts to the County. This table indicates that the property taxes paid by HR-2 that would be allocated to the County's Fire Protection Fund to off-set fire department costs range from \$197,600 (during Year 1 of HR-2's operation) to \$203,000 (during Year 15 of HR-2's operation) to \$172,000 (during Year 30 of HR-2's operation) annually, and no such new facility and staffing plans are contemplated by the County (Onaka, et al, 2010 p. IA-1). The FIA concluded that *"property tax revenues allocated to the County's General, Library and Fire Protection funds will substantially exceed the expenditures for public services. This remains the case for all years of operation, even after assuming a conservative approach to determination of taxable value after initial construction."* (Onaka, et. al., 2010 p. II-11). Thus, the tax revenues generated by HR-2 would be more than four times the amount requested by the Fire Department's letter.

Although the Fiscal Impact Analysis for SmCP-2 is still being completed, by analogy, since the SmCP-2 plant is about one-half the cost of the HR-2 plant; therefore, it is reasonable to expect that the taxes generated by SmCP-2 will also far exceed the cost of service.

Response to Comment 6-3

The Fire Department estimates the HR-2 Project's fair-share demand for fire services as approximately equivalent to 123 residential dwelling units. Using the Department's fee assessment rate of \$353.42/year/unit, the Department calculates HR-2's fair-share contribution to capital needs as \$43,470 annually.

This comment identifies a list of capital items, requested for the Fire Department, which would be purchased with such funding:

- 1.) Fire Apparatus, capable of responding and meeting the flow capacities and response goals of this project and surrounding facilities and residence. Estimated Cost \$330,000.00
- 2.) Personal Protective Equipment, safety equipment which meets and or exceeds the standards set forth by the National Fire Protection Association (NFPA) and Occupational Safety and Health Administration. Estimated Cost \$54,000.00
- 3.) Facilities with items such as dedicated sleeping quarters, office space, training space, storage, de-contamination isolation areas, etc. Estimated Cost \$6000,000.00 to \$700,000.00.
- 4.) Training to ensure that the personnel serving this area meet or exceed the legal requirements as well as the citizen and visitors being served. Estimated Cost \$14,000.00

Response to Comment 6-4

This comment states that the Fire Department recognizes that Hudson Ranch II should not be solely responsible for the items identified. It also notes that Hudson Ranch I never reached an agreement. Comment noted. No response is required.

Response to Comment 6-5

This comment indicates the Fire Department believes that a project such as HR-2 is the equivalent of approximately 123 estimated dwelling units (EDUs) and the EDU's would be assessed an estimated \$353.42 per year/unit, which equates to \$43,470 per year that would be available to the Niland Fire District/Imperial County Fire Department.

As noted in Response to Comment 6-3 above, the fee assessment rate of \$353.42 and HR-2's annual fair share contribution of \$43,470 per year identified by the Fire Department matches that identified by the FIA and determined by the County to be HR-2's fair share costs.

This comment also notes that the Hudson Ranch I project is equivalent to 91 EDU's which amounts to \$32,161.00. This comment does not pertain to the Hudson Ranch II or Simbol Calipatria Plant II projects. No comment is required.

Response to Comment 6-6

This comment notes that plans for the project(s) will need to be in full compliance with internal roadway, access and that on-site fire suppression systems must meet National, State and local laws, codes, ordinances and standards. The Draft EIR acknowledges the need for ingress/egress and internal roads to be in conformance with County of Imperial Public Works Department requirements. The Draft EIR also acknowledges that HR-2 and SmCP-2's on-site fire suppression systems must meet federal, state, and local fire codes, occupational health and safety regulations, and other jurisdictional codes, requirements, and standard practices, as identified on pp. 3-34 and 3-54 of the Draft EIR, respectively.

Response to Comment 6-7

Closing remark with commenter contact information. Comment noted. No response is required.



COMMENT LETTER 7

www.iid.com

GS-EREP

August 16, 2012

Mr. Armando G. Villa
 Director
 Planning & Development Services Department
 County of Imperial
 801 Main Street
 El Centro, CA 92243

SUBJECT: Notice of Availability Hudson Ranch Power II & Simbol Calipatria II DEIR

Dear Mr. Villa:

On July 9, 2012, we received from the Imperial County Planning & Development Services Department, the Notice of Availability for the Draft Environmental Impact Report (DEIR) for the Hudson Ranch Power II Geothermal (HR-2) and Simbol Calipatria Plant II Mineral Extraction (SmCP-2) projects. Hudson Ranch LLC II is proposing to construct and operate a 49.9 MW geothermal power plant, supporting geothermal production and injection wells and pipelines; and, an interconnection to the IID's existing electrical transmission grid system. Simbol Inc. is proposing to construct and operate a commercial lithium carbonate production plant adjacent to the HR-2 site, using geothermal brine from the HR-2 plant to produce lithium carbonate product and other products for commercial sale. Because the SmCP-2 plant would be dependent on the geothermal brine produced by the HR-2 geothermal flash plant; the SmCP-2 plant would not be constructed without the HR-2 geothermal flash plant. The co-location of the two projects is desired because it would minimize the distance required to move materials. The projects are sited on private land within the Salton Sea Known Geothermal Resource Area in the unincorporated area of Imperial County, California. The sites are located about 2.3 miles west-southwest of the community of Niland, California, at 332 West McDonald Road, Calipatria, between McDonald Road and Schrimpf Road, just west of English Road.

To reiterate our May 26, 2011 and April 11, 2012 comment letters on the HR-2 NOP of the DEIR and the SmCP-2 CUP application, respectively (see attachments), the Imperial Irrigation District (IID) has reviewed the joint HR-2 and SmCP-2 DEIR and has the following comments:

1. IID water facilities that could be impacted include "O" Lateral and "N" Drain.
2. As stated, grading, construction, and desilting operations will be completed under a storm water general permit with erosion-related best management practices in use. It is recommended that downstream flows be monitored for a potential increase in downstream sedimentation with corrective measures to be planned and implemented if needed.
3. For driveway access from McDonald Road, the secondary access road constructed across the O Lateral would be designed and built by IID and would require an

7-1

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IMPERIAL IRRIGATION DISTRICT
 OPERATING HEADQUARTERS • P.O. BOX 937 • IMPERIAL, CA 92251

encroachment permit from IID. All costs for IID design and construction, such as crossings and deliveries, is the responsibility of the project proponent.

7-4
Continued

4. Any construction or operation on IID property or within its existing and proposed right of way or easements will require an encroachment permit or encroachment agreement (depending on the circumstances), including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities. A copy of the encroachment permit application is included in the IID's *Developer Project Guide 2008*, accessed at: <http://www.iid.com/Modules/ShowDocument.aspx?documentid=2328>. Also, instructions for the completion of encroachment applications can be found at <http://www.iid.com/Modules/ShowDocument.aspx?documentid=2335>. For additional information regarding encroachment permits, the IID Real Estate Section at (760) 339-9239 should be contacted.
5. In addition to IID's recorded easements, IID claims, at a minimum, a prescriptive right of way to the toe of slope of all existing canals and drains. Where space is limited and depending upon the specifics of adjacent modifications, the IID may claim additional secondary easements/prescriptive rights of ways to ensure operation and maintenance of IID's facilities can be maintained and are not impacted and if impacted mitigated. Thus, IID should be consulted prior to the installation of any facilities adjacent to IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities.
6. Developer should be advised that, all new non-agricultural water project supply requests are processed in accordance with the IID's Interim Water Supply Policy for Non-Agricultural Projects (IWSP) (see <http://www.iid.com/index.aspx?page=152> for a link to the IWSP). In order to enter into a water supply agreement with the IID and obtain a water supply for the project, the applicant will be required to comply with all applicable IID policies and regulations. Such policies and regulations require, among other things, that all potential environmental and water supply impacts of the Project have been adequately assessed, appropriate mitigation has been developed and appropriate conditions have been adopted by the relevant land use permitting/approving agencies. Furthermore, the applicant will be required to meet standards for water use efficiency and best management practices, including but not limited to those established by the County, as well as other water use efficiency standards, adopted by IID or local government agencies. For additional information regarding the IWSP, the IID Water Supply Planning/Colorado River Manager may be contacted at (760) 339-9038.
7. On May 8, 2012 the IID Board of Directors adopted a Temporary Land Conversion Following Policy that will require participation from certain project developers and/or landowners as a condition of water service for new non-agricultural projects. In particular, this policy will target lower water demand projects, such as photovoltaic solar facilities, that require a temporary land use conversion and are permitted by conditional use permits on agriculturally-zoned lands. Implementation details are being developed by IID and will be incorporated into landowner following contracts and project water supply agreements issued under IID's Interim Water Supply Policy (see IID website <http://www.iid.com/Modules/ShowDocument.aspx?documentid=5646> or the IID MCI webpage at <http://www.iid.com/index.aspx?page=152>).

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8. The document states that a Hazardous Materials Business Plan will be developed for the projects that will identify proper hazardous materials handling, use, and storage; emergency response, and spill control and prevention. Please advise developer to submit these plans to IID's Hazardous Materials (HazMat) Section for review. IID HazMat staff can be contacted at (760) 339-9380 for additional information.
9. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, canals, drains, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully mitigated. **Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.**

7-9

7-10

Should you have any questions, please do not hesitate to contact me by phone at 760-482-3609 or by e-mail at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas
Environmental Specialist

Kevin Kelley – General Manager
Jesse Silva – Manager, Water Dept.
Mario Escalera – Interim Deputy Manager - Operations, Energy Dept.
Carl Stills – Interim Deputy Manager – Strategic Planning, Energy Dept.
Paul G. Peschel – Interim General Services Manager
Jeff M. Garber – General Counsel
Tom King – Interim Project Management Officer, Portfolio Mgmt. Office
Carlos Villalón – Asst. Mgr., Water Dept. System Control & Monitoring
Juan Carlos Sandoval – Asst. Mgr. Energy Dept.
Jim Kelley – Supervisor, Real Estate
Vikki Dee Bradshaw – Interim Supervisor, Environmental Services

ATTACHMENT



IMPERIAL IRRIGATION DISTRICT

ENVIRONMENTAL REGULATORY AND EMERGENCY PLANNING • P.O. BOX 333 • IMPERIAL, CA 92237
TELEPHONE (760) 482-3600 • FAX (760) 482-3603

GS-EREP

May 26, 2011

Mr. Armando G. Villa
Director
Planning & Development Services Dept.
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: Notice of Preparation Hudson Ranch II Geothermal Project DEIR

Dear Mr. Villa:

On May 2, 2011 we received the Notice of Preparation and Environmental Checklist to prepare a Draft Environmental Impact Report (DEIR) from the Imperial County Planning & Development Services Department (ICPDSD) for the Hudson Ranch II Geothermal Project. The proposed project consists of the development of a 49.9 MW geothermal flash power plant and wellfield on 326.26 acres of mostly agricultural land within the Salton Sea Known Geothermal Resource Area in Imperial County, CA. The project is located at 332 West Mc Donald Road, between Mc Donald Road and Schrimpf Road, west of English Road, Calipatria, CA. The proposed power plant would connect to the IID's interconnection transmission line to the Hudson Ranch I Geothermal Project, which will transport the geothermal energy generated from these power plants to the existing electrical transmission grid system.

Pursuant to the above, the Imperial Irrigation District (IID) has reviewed the above mentioned document and submits the following comments on the project:

1. IID water facilities that could potentially be impacted are the "O" Lateral and "N" Drain.
2. Any construction or operation on IID property or within its existing and proposed right of way or easements will require an encroachment permit; a copy of the encroachment permit application is included in the IID's *Developer Project Guide* accessed at: <http://www.iid.com/Modules/ShowDocument.aspx?documentid=2328>. Contact the IID Real Estate Section at (760) 339-9239 for additional information regarding encroachment permits.
3. Grading, construction, and desilting operations will be completed under a storm water general permit with erosion-related best management practices in use. It is recommended that downstream flows be monitored for a potential increase in downstream sedimentation with corrective measures to be planned and implemented if needed.
4. The project's water supply requirements can only be provided for under the IID's Interim Water Supply Policy (IWSP); there is no 'landlord allocation' available for industrial purposes. All new non-agricultural water project supply requests are processed in accordance with the IWSP (the document can be found at: <http://www.iid.com/Modules/ShowDocument.aspx?documentid=2639>). For additional information regarding this policy, the IID Water Supply Planning/Colorado River Manager may be contacted at (760) 339-9038.

ATTACHMENT

5. Additionally, in order to obtain a water supply from IID for the project, the project proponent will be required to comply with all applicable IID policies and regulations and may be required to enter into a water supply agreement with IID. Such policies and regulations require, among other things, that all potential environmental and water supply impacts of the project have been adequately assessed, appropriate mitigation has been developed and appropriate conditions have been adopted in accordance to the relevant land use permitting/approving agencies. Consequently, we suggest that the project proponent make a good faith effort to provide in the DEIR, discussion and analysis on the use of fresh water for cooling given the fact that dry cooling technologies for power plant cooling is encouraged and preferred in the desert region due to the scarcity of water resources, and at the very least, alternative water sources are favored to fresh water; the project proponent should demonstrate that alternative water supply sources and alternative cooling technologies are environmentally undesirable or economically unsound.
6. Furthermore, the DEIR should address impacts to IID's drains. 33.3% of water delivered to agricultural users is discharged into the IID's drainage system. Reduction in field drainage due to land use conversion has an incremental effect on both drain water quality and volume of impacted drain and subsequent drainage path to the Salton Sea. This affects drainage habitat (flora and fauna) and the elevation of the Salton Sea (shoreline habitat and exposed acreage that may have air quality issues). Additionally certain direct-to-Sea drains have been identified as pupfish drains which require additional protections under state and federal ESAs.
7. Any new, relocated, upgraded or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or upgrade of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully mitigated. **Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.**

Should you have any questions, please do not hesitate to contact me by phone at 760-482-3609 or by e-mail at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,


Donald Vargas
Environmental Specialist

cc: Mario Escatera – Manager, Energy Dept. Operations & Infrastructure
Carlos Villelon – Manager, Water Dept.
Mike L. King – Manager, Water Dept.
Jeff M. Garber – General Counsel
Juan Carlos Sandoval – Asst. Mgr. Energy Dept.
Joel Ivy – Asst. Mgr. Energy Dept.
Carlton L. King – Asst. Mgr. Energy Dept. Customer Service Operations
Tina Shields – Asst. Mgr., Water Dept. Resources Planning & Management
David L. Barajas – General Supt., Energy Dept. System Planning & Engineering
Michael S. Trump – General Supt., Energy Dept. Customer Operations & Planning
Ismael Gomez – Chief Engineer, Water Dept. Engineering Services
Bruce Wilcox – Environ. Proj. Mgr., Water Dept. QSA Water Transfer
James P. Kelley – Supervisor, Real Estate & Right-of-Way
Vikki Dee Bradshaw – Asst. Suov., Environmental Management



ATTACHMENT

GS-EREP

April 11, 2012

Mr. Richard Cabanilla
Planner IV
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: Simbol, Inc. Sm Calipatria Plant I and Sm Calipatria Plant II CUP Application

Dear Mr. Cabanilla:

On April 4, 2012, we received from the Imperial County Planning & Development Services Department, Conditional Use Permit (CUP) application #12-0004. Simbol, Inc. is proposing to construct and operate two commercial lithium carbonate production plants in the Salton Sea geothermal field, Sm Calipatria Plant I (SmCP-1) and Sm Calipatria Plant II (SmCP-2). The facilities will process geothermal brine from the neighboring Hudson Ranch I Geothermal Power Plant (HR1) and Hudson Ranch II Geothermal Power Plant (HR2) to produce lithium carbonate, lithium hydroxide, hydrochloric acid, and zinc and manganese products which will be sold commercially. The SmCP-1 plant will encompass 216.48 acres (65.06 acres of Hudson Ranch) and the SmCP-2 240 acres and will be located about 3 miles west-southwest of the community of Niland, CA.

The Imperial Irrigation District (IID) has reviewed the application and has the following comments:

1. The SmCP-1 and SmCP-2 plant sites are located near the IID's Managed Marsh; the applicant should be made aware that the proposed facilities are in the vicinity of a habitat mitigation project that is under the management/oversight of the U.S. Fish and Wildlife Service and the California Department of Fish and Game. Either or both agencies might have concerns with the proximity of the facility to the mitigation area. Furthermore, the existing power line stated to be upgraded runs along the west side of the marsh and should be evaluated by applicant for potential bird strike issues.
2. IID facilities that may be impacted include the O Lateral and the N Drain.
3. The applicant indicates that no IID drainage system facilities will be used for the two plants, as explained on pages 13 and 14 of Sm Calipatria Plant I Project Description and on page 12 of Sm Calipatria Plant II Project Description, under the Stormwater Sections; thus, a comprehensive IID hydraulic drainage system analysis will not be required to assess project impacts and determine appropriate mitigation.

ATTACHMENT

4. On page 18 of Sm Calipatria Plant I Project Description and on page 17 of Sm Calipatria Plant II Project Description, under Hazardous Materials Used During Operations Sections, the applicant cites development of the project's Emergency Response Plan (ERP) and Hazardous Materials Business Plan (HMBP) with submittals to Imperial County and Niland Fire Department for review and approval prior to plant operations. Please also submit these plans to IID's Hazardous Materials Unit for review. The IID staff that address Hazardous Materials issues can be contacted at (760) 339-9380 for additional information.
5. The applicant has approached the IID, with the intent of purchasing power for their projects, and as a result, the IID has entered into negotiations with Simbol Inc. for the design, construction, and implementation of a new substation to handle the proposed load for the SmCP-1 facility. The distribution circuit feeding the project site from the substation is still in discussion; there are overhead and underground options, which must be decided upon. However, Simbol, Inc. has indicated to the IID that the SmCP-2 facility would not be considered at this time due to the fact that the plant's feasibility was contingent upon variables too numerous to estimate. Thus, discussions regarding any distribution circuits for the future project were brief and did not include the path reflected in the layout for SmCP-2 facility. It was relayed to the applicant that the IID would have to install a second transformer, within the substation, before any new load could be added beyond current SmCP-1 facility discussions.
6. Of the two transmission projects described for the proposed substation, the proposed upgrade of a portion of the MW-1 92kV transmission line has not been decided at this time. The applicant has requested that the IID re-engineer an alternate path for financial concerns. The new 1-mile of 92kv line along Schrimpf Road to the proposed substation is accurate.
7. The document indicates water will be supplied to the projects by the IID. All new non-agricultural water project supply requests are processed in accordance with the IID's Interim Water Supply Policy for Non-Agricultural Projects (IWSP) (see <http://www.iid.com/index.aspx?page=152> for a link to the IWSP). In order to enter into a water supply agreement with the IID and obtain a water supply for the projects, the applicant will be required to comply with all applicable IID policies and regulations. Such policies and regulations require, among other things, that all potential environmental and water supply impacts of the projects have been adequately assessed, appropriate mitigation has been developed and appropriate conditions have been adopted by the relevant land use permitting/approving agencies. Furthermore, the applicant will be required to meet standards for water use efficiency and best management practices, including but not limited to those established by the County, as well as other water use efficiency standards, adopted by IID or local government agencies. For additional information regarding the Interim Water Supply Policy, the IID Water Supply Planning/Colorado River Manager may be contacted at (760) 339-9038.
8. If water for construction and maintenance activities is needed for the projects, the applicant is required to obtain an IID encroachment permit. Any construction or operation on IID property or within its existing and proposed right of way or easements will require an encroachment permit, including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities. A copy of the encroachment permit application is included in the Imperial Irrigation District's *Developer*

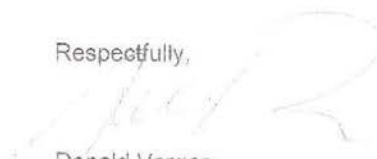
ATTACHMENT

Project Guide 2008, and can be accessed at the IID website: <http://www.iid.com/Modules/ShowDocument.aspx?documentid=2328>. Also, instructions for the completion of encroachment applications can be found at <http://www.iid.com/Modules/ShowDocument.aspx?documentid=2335>. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits.

9. In addition to IID's recorded easements, IID claims, at a minimum, a prescriptive right of way to the toe of slope of all existing canals and drains. Where space is limited and depending upon the specifics of adjacent modifications, the IID may claim additional secondary easements/prescriptive rights of ways to ensure operation and maintenance of IID's facilities can be maintained and are not impacted and if impacted mitigated. Thus, IID should be consulted prior to the installation of any facilities adjacent to IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities.
10. Any new, relocated, modified or reconstructed IID facilities required for and by the projects (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, canals, drains, etc.) need to be included as part of the projects' CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully mitigated. **Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.**

Should you have any questions, please do not hesitate to contact me by phone at 760-482-3609 or by e-mail at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas
Environmental Specialist

Kevin Kelley -- General Manager
Jesse Silva -- Manager, Water Dept.
Joel Ivy -- Interim Manager, Energy Dept.
Paul G. Paschal -- Interim General Services Manager
Carl Stills -- Manager, Portfolio Mgmt. Office
Jeff M. Garber -- General Counsel
Carlos Villalón -- Asst. Mgr., Water Dept., System Control & Monitoring
Juan Carlos Sandoval -- Asst. Mgr., Energy Dept.
Jim Kolley -- Supervisor, Real Estate & Right-of-Way
Vikki Dee Bradshaw -- Interim Supervisor, Environmental Services

RESPONSE TO COMMENT LETTER 7

Commenter: **Donald Vargas, Environmental Specialist
Imperial Irrigation District (IID)**

Date of Letter: **August 16, 2012**

Response to Comment 7-1

This comment confirms that IID received the Notice of Availability of Draft EIR for the Hudson Ranch Power II Geothermal Project and Simbol Calipatria Plant II Projects and provides a brief description of each project. This comment does not address the adequacy of the analysis of the EIR.

Response to Comment 7-2

This comment states that the IID provided two comments letters of the Notice of Preparation for the Draft EIR for the HR-2 and SmCP-2 Projects, dated May 26, 2011 and April 11, 2012, which are included as attachments to the comment letter.

The Draft EIR acknowledges receipt of the IID comment letter on the Notice of Preparation for the Hudson Ranch II Geothermal EIR, dated May 26, 2011. A summary of the letter is included in Table 2-1 of the Draft EIR, Summary of Public Scoping Comments Received (page 2-5 of the Draft EIR) and a copy of the letter is reproduced in its entirety in Appendix A-3 of the Draft EIR. Table 2-1 summarizes the comments received, and notes within which section of the Draft EIR each comment is addressed.

It should be noted however, that the IID's letter dated April 11, 2012, was in response to the County's early consultation process for the Simbol Calipatria Plant I (SMCP-1) and Simbol Calipatria Plant II CUP Applications. This letter is included in the Administrative Record for the HR-2, SmCP-2 and the SmCP-1 Project, and all the EIR issues identified therein were included in the analyses. IID's April 11th letter was not reproduced in its entirety in the Draft EIR.

This comment also identifies the IID water facilities that could be impacted, namely the "O" Lateral and the "N" Drain. Draft EIR acknowledges that the "O" Lateral and the "N" Drain would be affected by the proposed HR-2 and SmCP-2 Projects in numerous sections including the Project Description; Section 4.4 Biological Resources; Section 4.7 Hydrology and Water Quality; Section 4.15 Public Utilities; and, Chapter 6 Alternatives.

Response to Comment 7-3

This comment does not address the adequacy of the analysis of the EIR, but notes that the grading, construction and desilting operations will be completed under a stormwater general water permit with erosion-related best management practices. Both the HR-2 and SmCP-2 Projects include an applicant proposed environmental protection measures (EPMs) to control run-off during construction (HR-2 EPM WQ-11 and SmCP-2 EPM WQ-3) and operation (HR-2 EPM WQ-4, HR-2 EPM WQ-8, SmCP-2 EPM WQ-4 and SmCP-2 WQ-5). In addition, the Draft EIR included mitigation measure MM WQ-1.1 (Implementation of a Stormwater Pollution Prevention Plan) to ensure that potential water quality impacts (including on- and off-site erosion) are minimized during construction. The Draft EIR found that with implementation of mitigation measure MM WQ-1.1, as well as environmental protection measures HR-2 EPM WQ-11, HR-2 EPM WQ-4, HR-2 EPM WQ-8, SmCP-2 EPM WQ-3, and SmCP-2 WQ-4 and SmCP-2 EPM WQ-5, impacts on water quality would be less than significant.

Response to Comment 7-4

This comment states that driveway access from McDonald Road, the secondary access road constructed across the "O" Lateral would be designed and built by IID and would require an IID encroachment permit. Page 3-29 of the Draft EIR notes that the primary entrance to the HR-2 Project site would be from McDonald Road and that the required crossing of the IID's "O" Lateral was completed as part of the McDonald Road widening. Page 3-29 of the Draft EIR also notes that, secondary access to the HR-2 plant site would be from English Road, south of the IID "O" lateral canal. No crossing of the "O" Lateral or IID encroachment permit would be required for the secondary access.

Page 3-49 of the Draft EIR confirms that the driveway access for truck traffic to the SmCP-2 plant site from McDonald Road, approximately 2,800 feet west of English Road and would cross over the Imperial Irrigation District "O" Lateral. This improvement would require an IID encroachment permit, which is identified on Table 3-13 of the Draft EIR, which lists the potential consultation and permitting requirements for the SmCP-2 Project.

Response to Comment 7-5

This comment notes that any construction or operation on IID property or within its existing and proposed right of way will require an encroachment permit. An IID encroachment permit is listed as one of the permits that would be required for both the HR-2 and SmCP-2 Projects. Table 3-9 and Table 3-13 of the Draft EIR, lists the potential consultation and permitting requirements for the HR-2 and SmCP-2 Projects, respectively, and identify that an IID encroachment permit (IID Easement) is required for construction within IID property or an IID easement.

Response to Comment 7-6

This comment notes that IID claims, at a minimum, a prescriptive right of way to the toe of slope of all existing canal and drains; that IID may claim additional secondary easements/prescriptive rights of way. This comment recommends that they be consulted prior to installation of any facilities adjacent to IID's facilities. This comment does not address the adequacy of the analysis of the EIR. However, both Hudson Ranch Power II, LLC and Simbol, Inc., will consult with IID, as part of the IID encroachment permit process.

Response to Comment 7-7

This comment notes that all new non-agricultural water project supply requests are processed in accordance with the IID's Interim Water Supply Policy (IWSP) for Non Agricultural Projects. The Draft EIR acknowledges this process and includes a description of the IWSP on page 4.8-11 and 4.15-10 of the Draft EIR. In addition, page 4.15-17 and 4.15-8 of the Draft EIR acknowledges that water supplies for both the HR-2 and SmCP-2 Projects would be provided via a water use agreement from the IID through the IWSP.

Response to Comment 7-8

This comment notes that on May 8, 2012, the IID adopted a Temporary Land Conversion Following Policy, which addresses projects that will remove land from agricultural production on a long-term temporary basis. A description of the Temporary Land Conversion Following Policy and its applicability to the HR-2 and SmCP-2 Projects is included on pp. 4.8-12 and 4.15-10 of the Draft EIR. This comment does not address the adequacy of the analysis of the EIR. No further response is required.

Response to Comment 7-9

This comment indicates that a Hazardous Materials Business Plan (HMBP) will be developed for the HR-2 Project and for the SmCP-2 Project and recommends that it be submitted to IID's Hazardous Materials (HazMat) Section for review. Chapter 3.0 of the Draft EIR, Project Description, indicates that the HMBPs will be provided to the County of Imperial Fire Department/Office of Emergency Services (OES), Niland Fire Department and the Certified Unified Program Agency (CUPA) for Imperial County (the local California DTSC office) for review and approval prior to plant operations. Both the HR-2 Project and the SmCP-2 Project have committed to providing a copy of their respective HMBPs to the IID once they have been accepted by the County of Imperial Office of Emergency Services, Niland Fire Department and the CUPA.

Response to Comment 7-10

The comment notes that any new, modified or reconstructed IID facilities required for and by the project need to be included as part of the project's environmental analysis. The Draft EIR discussed IID facility improvements in the Project Description in Chapter 3.0. Potential environmental impacts associated with the proposed actions are analyzed in Sections 4.1 through 4.15 of Chapter 4.0 of the Draft EIR. Specifically, the Draft EIR addresses all impacts associated with new, relocated, modified or reconstructed

Response to Comment 7-10 (Continued)

IID facilities required for the HR-2 and SmCP-2 Projects, including crossing of the "O" Lateral to provide truck access for the SmCP-2 Project; improvements required to obtain water from the "O" Lateral (or the "N" Lateral as a backup); electric transmission/distribution line connections, substations, etc.).



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Deborah O. Raphael, Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Edmund G. Brown Jr.
Governor

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August 16, 2012

COMMENT LETTER 8

AUG 20 2012

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

Mr. Armando G. Villa, AICP
Director
Imperial County Planning and Development Services Department
801 Main Street
El Centro, California 92243

COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT (EIR), HUDSON RANCH POWER II LLC. AND SIMBOL CALIPATRIA PLANT II, 2.3 MILES WEST SOUTHWEST OF NILAND, IMPERIAL COUNTY, CALIFORNIA

Dear Mr. Villa:

The Department of Toxic Substances Control (DTSC), Office of Permitting received a Draft Environmental Impact Report (EIR) for the Proposed Hudson Ranch Power II Geothermal Project, Hudson Ranch Power II, LLC and Simbol Calipatria Plant I, Simbol, Inc. (Project) on July 3, 2012. The Project is located about 2.3 miles west southwest of the community of Niland, California. DTSC staff reviewed portions of the EIR that deal with hazardous waste management and prepared comments.

8-1

Background

The EIR was written in order to assess the potential impacts that the proposed Simbol Calipatria Plant II (SmCP-2) and Hudson Ranch Power II (HR-2) geothermal power plant pose to the environment and the residents of Imperial County. The proposed project will require specialized facilities to extract steam from geothermal brine sources in order to operate power plant turbines. Residual geothermal brine from the HR-2 project will be processed by the SmCP-2 facility to produce lithium carbonate and other products for commercial sale. After the SmCP-2 facility has extracted minerals from the geothermal brine, it will be returned to the HR-2 site to be injected into the geothermal reservoir. Simbol, Inc. has submitted a separate application for a Conditional Use permit (CUP) to Imperial County in order to construct and operate the proposed SmCP-2 Project.

8-2

♻️ Printed on Recycled Paper

Mr. Armando G. Villa, AICP
August 16, 2012
Page 2

Comments

Comment 1 - Section 1.6 of the EIR (Simbol Calipatria Plant II; SMCP-2), Project Description – This section identifies that lithium carbonate, lithium hydroxide, hydrochloric acid, zinc, and manganese would be extracted from the HR-2 brine. The remaining brine after extraction of these compounds and elements would be returned to the HR-2 site for injection into the geothermal reservoir. The facility shall comply with California Code of Regulations (CCR) Title 22, Division 4.5 when treating materials that are hazardous wastes.

8-3

Comment 2 - Section 4.7.3 - HR-2 EPM Haz-6: Secondary Containment – The EIR identifies features such as concrete pit or containment areas with berms that would be used where accidental releases of hazardous or acutely hazardous materials could occur. This section also states the following: "Containment areas would be drained to appropriate collection areas or neutralization tanks for recycling or off-site disposal."

8-4

Operating features that are anticipated to store, or currently store hazardous waste such as concrete lined impoundments require a Hazardous Waste Permit in accordance with chapters 14 and 20 of CCR Title 22.

8-5

If you have any questions regarding this letter please contact me at (916) 255-3602.

Sincerely,



Peter H. Bailey, P.G.
Office of Permitting
Department of Toxic Substances Control

cc: Mr. Roger Vintze
Supervising Hazardous Substances Scientist
El Centro – Imperial CUPA
Department of Toxic Substances Control
627 Wake Avenue
El Centro, CA 92243

RESPONSE TO COMMENT LETTER 8

Commenter: Peter H. Bailey, P.G.
Office of Permitting
Department of Toxic Substance Control

Date of Letter: August 16, 2012

Response to Comment 8-1

This comment states the Department of Toxic Substance (DTSC) has reviewed the Draft EIR for the Hudson Ranch II and Simbol II Projects. This comment does not specifically address the adequacy of the EIR; therefore, no further response is required.

Response to Comment 8-2

This comment provides a brief description of the HR-2 and SmCP-2 Projects. This comment does not address the adequacy of the analysis of the EIR. No response is required.

Response to Comment 8-3

This comment states that Section 1.6 of the EIR identifies that the SmCP-2 Project would extract lithium carbonate, lithium hydroxide, hydrochloric acid, zinc, and manganese from the HR-2 brine and the remaining brine would be returned to the HR-2 site for injection into the geothermal reservoir. The comment also notes that the facility shall comply with California Code of Regulations (CCR) Title 22, Division 4.5 when treating materials that are hazardous waste.

It should be noted that Section 1.6 of the Draft EIR indicates that "lithium, manganese, and zinc" would be removed from the HR-2 brine and that these substances would then be converted into lithium carbonate, lithium hydroxide, hydrochloric acid, zinc, and manganese products.

Sections 1.6 and 3.4.3.5 will be modified to identify compliance with California Code of Regulations (CCR) Title 22, Division 4.5 when treating materials that are hazardous waste.

Response to Comment 8-4

This comment refers to HR-2's environmental protection measure (EPM) EPM HAZ-6: Secondary Containment, which is presented in section 4.7.3 of the Draft EIR. The comment notes that the EIR identifies features, such as concrete pits or containment areas with berms that would be used where accidental releases of hazardous and acutely hazardous materials could occur. This section also states that "Containment areas would be drained to appropriate collection areas or neutralization tanks for

Response to Comment 8-4 (Continued)

recycling or off-site disposal.” The comment states that operating features that are anticipated to store, or currently store hazardous waste, such as concrete lined impoundments require a Hazardous Waste permit in accordance with Chapters 14 and 20 of CCR Title 22.

Table 3-9, HR-2 Project – Potential Consultation and Permitting Requirement (page 3-45 of the Draft EIR) has been revised to specifically identify the potentially required Hazardous Waste Permit in accordance with Chapters 14 and 20 of CCR Title 22, Division 4.5 as shown below:

TABLE 3-9 HR-2 PROJECT - POTENTIAL CONSULTATION AND PERMITTING REQUIREMENTS

JURISDICTION LEVEL	TYPE OF PERMIT/APPROVAL	AGENCY	PURPOSE
HUDSON RANCH II (HR-2) GEOTHERMAL PROJECT			
<u>State</u>	<u>Hazardous Waste Permit</u>	<u>Dept. of Toxic Substance Control</u>	<u>Operating features storing hazardous waste.</u>

Response to Comment 8-5

Closing remark with commenter contact information. Comment noted. No response is required.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN, Jr., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 11, DIVISION OF PLANNING

4050 TAYLOR ST, M.S. 240

SAN DIEGO, CA 92110

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COMMENT LETTER 9



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IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

11-IMP-111

PM 36.09

Hudson Ranch II/SmCP-2
DEIR / SCH #2010101065

Mr. Armando Villa
County of Imperial
Planning & Development Services
801 Main Street
El Centro, CA 92243

Dear Mr. Villa:

The California Department of Transportation (Caltrans) appreciates the opportunity to have reviewed the Draft Environmental Impact Report (DEIR) for the proposed Hudson Ranch II Geothermal and Simbol Calipatria 2 (SmCP-2) projects (SCH #2010101065) located in proximity to State Route 111 (SR-111) and McDonald Road intersection. Caltrans has the following comments:

9-1

Mitigation improvements to the intersection of SR-111/McDonald Road need to be implemented to address Construction and Near-Term impacts to this intersection. As documented in the EIR, *Section 4.14 Transportation Circulation – Scoping Issues Addressed*; Caltrans in prior consultation with both the County and project representatives advised that Caltrans guidance recommends an exclusive left-turn lane be considered at intersections when volumes exceed 100 vehicles per hour (vph). During construction and in the Near-Term (2015) traffic analysis scenario, left-turn volumes from northbound (NB) SR-111 to westbound (WB) exceed 100 vph. In addition to traffic volumes, intersection channelization should also be considered on facilities with high speeds and the potential for speed differential conflicts resulting from large truck and/or heavy vehicles, as is the case at this intersection location. For these reasons, it was requested for both operational and safety concerns, and documented in this section of the EIR as part of the scoping issues, that a mitigation measure to include an exclusive left-turn lane at this intersection be required as a direct project mitigation feature prior to the commencement of construction activity that would distribute truck traffic to the SR-111/McDonald Road intersection. This comment was also made by Caltrans as part of our letter to the County for the Notice of Preparation (NOP).

9-2

Therefore, the EIR needs to be revised to incorporate this mitigation measure as part of the Final EIR mitigation findings. Based on the project schedule, an interim Traffic Management Plan (TMP) approved under a Caltrans Encroachment Permit could be considered until the intersection improvements to include an exclusive left-turn lane are completed.

9-3

Mr. Villa
August 16, 2012
Page 2

As part of Caltrans previous scoping meetings with the County and project representatives, a plan set showing the left-turn lane was provided to Caltrans (dated September 26, 2011 - attached) for our review. However, this plan, or the description of these improvements are not identified in the EIR. Caltrans comments on this plan should be reflected in the revised Final EIR mitigation description. The design plans previously reviewed showed an approach taper length of 390 feet (ft), which does not meet the Caltrans Highway Design Manual (HDM) requirements. The approach taper length (L) is equal to the width (W) of the turn lane multiplied by the design speed (V). $L=WV=(12\text{ ft})(65\text{mph})=780\text{ ft}$. Please refer to the Caltrans HDM figure 405.2A for guidance.

9-4

The traffic analysis in the EIR did show an impact at the intersection of SR-111/McDonald Road for the peak hour intersection level of service results for the Future Year scenario. A traffic signal was identified as a cumulative mitigation measure by the project and a fair-share contribution was identified. It should be noted, at the time the signal is installed it must clearly demonstrate that it meets signal warrants prior to Caltrans approving its construction or allowing the signal to operate.

9-5

The Traffic Impact Study methodology identifies an assumed 55/45 directional split. Please explain how this directional split was determined. Caltrans traffic volume data indicates a greater directional split between the ranges of 85/15 and 70/30.

9-6

A Traffic Control Plan may be required by the developer for approval by the lead agency and Caltrans prior to construction. The plans shall be prepared in accordance with Caltrans's *Manual of Traffic Controls for Construction and Maintenance Work Zones*. All work proposed within the State Right of Way (R/W) requires lane and shoulder closure charts. All roadway features (e.g., signs, pavement delineation, roadway surface, etc.) within the State R/W must be protected, maintained in a temporary condition, and/or restored. For more information, contact the District Traffic Manager, Camille Abou-Fadel, at (858) 467-4328.

9-7

Any work performed within Caltrans R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction. Current policy allows Highway Improvement Projects costing \$1 million or less to follow the Caltrans Encroachment Permit process. Highway Improvement Projects costing greater than \$1 million but less than \$3 million would be allowed to follow a streamlined project development process similar to the Caltrans Encroachment Permit process. In order to determine the appropriate permit processing of projects funded by others, it is recommended the concept and project approval for work to be done on the State Highway System be evaluated through the completion of a Permit Engineering Evaluation Report (PEER). A PEER should always be prepared, regardless of the cost of improvements, when new operating improvements are constructed by the permittee that become part of the State Highway System. These include but are not limited to, signalization, channelization, turn pockets, widening, realignment, public road connections, and bike paths and lanes. After approval of the PEER and necessary application and supporting documentation an encroachment permit can be issued.

9-8

Highway Improvement Projects greater than \$3 million, or considered complex projects, would be required to adhere to the full Project Development Process (e.g. Project Initiation Documents,

9-9

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Mr. Villa
August 16, 2012
Page 3

Project Study Reports and Cooperative Agreements). A Caltrans District responsible unit will be notified and a project manager will be assigned to coordinate the project approval.

9-9
Continued

In order to expedite the process for projects sponsored by a local agency or private developer, it is recommended a PEER be prepared and included in the Lead Agency's California Environmental Quality Act (CEQA) document. This will help expedite the Caltrans Encroachment Permit Review process. The PEER document forms and procedures can be found in the Caltrans Project Development Procedures Manual (PDPM).

9-10

<http://www.dot.ca.gov/hq/oppd/pdpm/pdpmn.htm>

[http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/forms/PEER_\(TR-0112\).pdf](http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/forms/PEER_(TR-0112).pdf)

As part of the encroachment permit process, the applicant must provide an approved final environmental document including the CEQA determination addressing any environmental impacts within the Caltrans' R/W, and any corresponding technical studies. If these materials are not included with the encroachment permit application, the applicant will be required to acquire and provide these to Caltrans before the permit application will be accepted. Identification of avoidance and/or mitigation measures will be a condition of the encroachment permit approval as well as procurement of any necessary regulatory and resource agency permits. Encroachment permit submittals that are incomplete can result in significant delays in permit approval.

9-11


Improvement plans for construction within State Highway R/W must include the appropriate engineering information consistent with the state code and signed and stamped by a professional Engineer registered in the State of California. Caltrans Permit Manual contains a listing of typical information required for project plans. All design and construction must be in conformance with the Americans with Disabilities Act (ADA) requirements.

9-12

If you have any questions on the comments Caltrans has provided, please contact Leila Ibrahim of the Development Review Branch at (619) 688-6802.

9-13

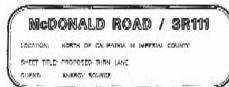
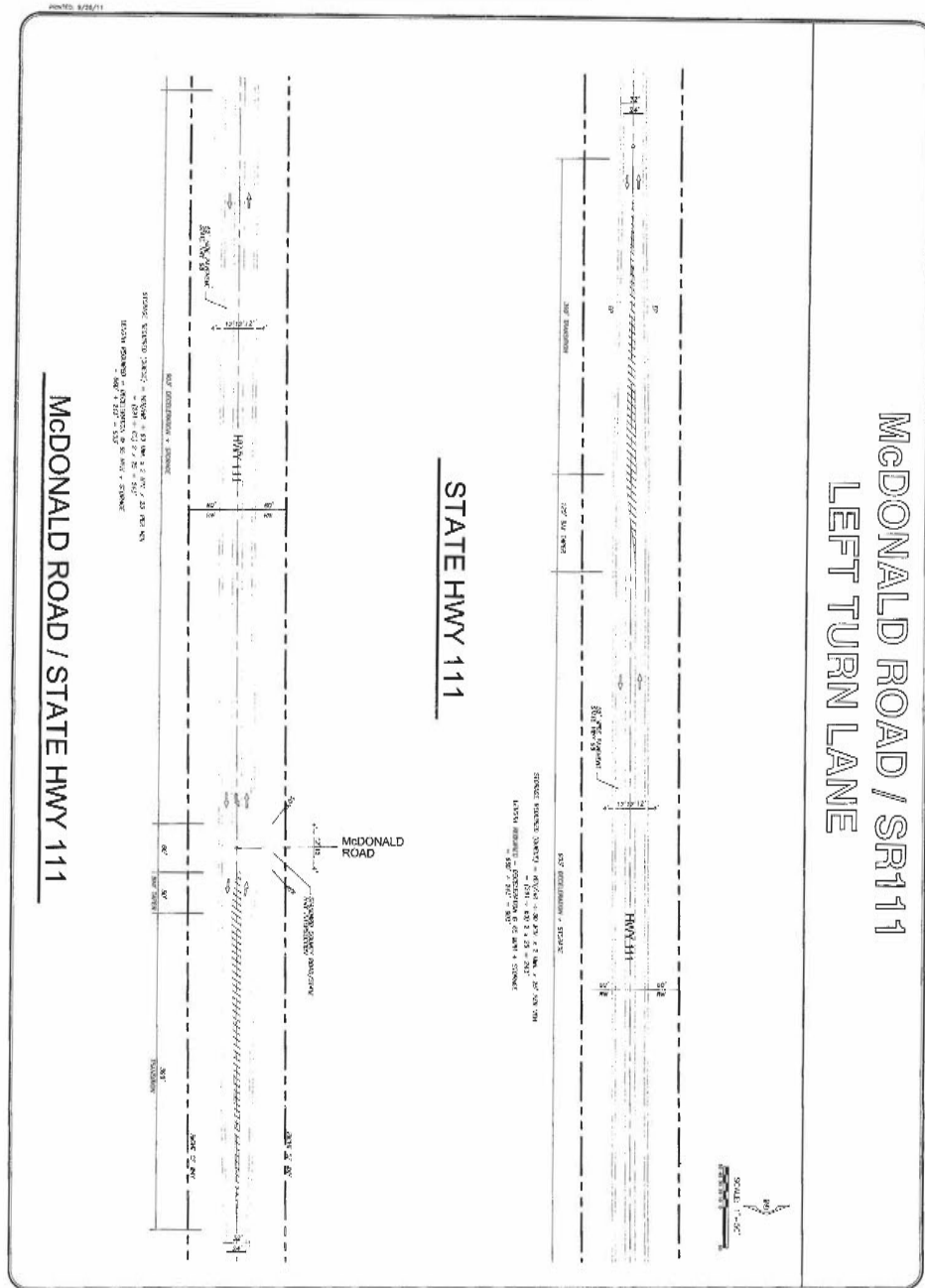
Sincerely,



JACOB M. ARMSTRONG, Chief
Development Review Branch

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REV	BY	DATE

AUG 22 2012
 IMPERIAL COUNTY
 PLANNING & DEVELOPMENT SERVICES

RESPONSE TO COMMENT LETTER 9

Commenter: **Jacob M. Armstrong, Chief
Caltrans, Development Review Branch**

Date of Letter: **August 16, 2012**

This letter was received by the Imperial County Planning and Development Services Department on August 22, 2012, after the close of the 52-day public comment period on the Hudson Ranch Power II and Simbol Calipatria Plant II EIR. However, the County has committed to responding to this comment letter within the Final EIR.

Response to Comment 9-1

This comment states the California Department of Transportation (Caltrans) appreciates the opportunity to have reviewed the Draft Environmental Impact Report (DEIR) for the proposed Hudson Ranch II Geothermal and Simbol Calipatria 2 (SmCP-2) projects (SCH #2010101065). This comment does not specifically address the adequacy of the EIR; therefore, no further response is required.

Response to Comment 9-2

This comment states that mitigation improvements to the intersection of SR-111/McDonald Road need to be implemented to address Construction and Near-Term impacts to this intersection. The comment further notes that Caltrans in prior consultation with both the County and project representatives advised that Caltrans guidance recommends an exclusive left-turn lane be considered at intersections when volumes exceed 100 vehicles per hour (vph). During construction and in the Near-Term (2015) traffic analysis scenario, left-turn volumes from northbound (NB) SR-111 to westbound (WB) McDonald Road exceed 100 vph. In addition to traffic volumes, intersection channelization should also be considered on facilities with high speeds and the potential for speed differential conflicts resulting from large truck and/or heavy vehicles, as is the case at this intersection location. For these reasons, it was requested for both operational and safety concerns, and documented in this section of the EIR as part of the scoping issues, that a mitigation measure to include an exclusive left-turn lane at this intersection be required as a direct project mitigation feature prior to the commencement of construction activity that would distribute truck traffic to the SR-111/McDonald Road intersection. This comment was also made by Caltrans as part of our letter to the County for the Notice of Preparation (NOP).

Therefore, the EIR needs to be revised to incorporate this mitigation measure as part of the Final EIR mitigation findings.

Response to Comment 9-2 (Continued)

Caltrans' NOP comment letter is included in Chapter 2 of the Draft EIR, Table 2-1, Summary of Public Scoping Comments. This table summarizes all comments received during the public scoping period and identifies within which section of the Draft EIR the individual comments are addressed. Caltrans' comments are shown on pp. 2-11, 2-12, and 2-13 of the Draft EIR. The actual comment letters were reproduced in their entirety in Appendix A-3 of the Draft EIR.

As shown on pp. 2-11, 2-12, and 2-13 of the Draft EIR, along with comments related to improvements to the SR-111/McDonald Road intersection, Caltrans' comments requested clarification on assumptions used in the TIS, such as the directional split and the percentage of heavy trucks assumed. In addition, several comments requested minor corrections to TIS figures and or tables labels.

The Traffic Impact Study (TIS) for the HR-2 and SmCP-2 Project, prepared by the professional traffic consulting firm of Fehr & Peers, was included as Appendix L of the Draft EIR and was revised to reflect the requested corrections. In addition, Fehr & Peers prepared a memo responding to each of Caltrans Comments. A copy of this memo is included as Exhibit 1 of these responses.

The TIS was performed in accordance with the Institute of Transportation Engineers (ITE) guidelines. The TIS used State Highway Level of Service (LOS) and performance based upon procedures developed by Caltrans District 11, which are derived from the 2000 Highway Capacity Manual (HCM 2000). Because the SmCP-2 Project would be dependent on the geothermal brine produced by the HR-2 geothermal flash plant, it would not be constructed /could not operate without the HR-2 geothermal flash plant. However, the HR-2 Project could operate without SmCP-2. Therefore, the traffic analysis considered (a) construction and operation impacts of HR-2 only; and (b) construction and operation impacts of HR-2 + SmCP-2.

The procedure for calculating freeway levels of service involved estimating a peak hour volume to capacity (V/C) ratio. Peak hour volumes were estimated from the application of design hour (K), directional (D) and heavy vehicle factors (HVF) to ADT volumes. The resulting V/C was then compared to acceptable ranges of V/C values corresponding to the various LOS for each facility classification as shown on Table 4.14-2 of the Draft EIR (page 4.14-6). The corresponding LOS represents an approximation of existing or anticipated future freeway operating conditions in the peak direction of travel during the peak hour. LOS C or better was used in the TIS and the Draft EIR as the threshold for acceptable freeway operations based upon Caltrans and County of Imperial requirements

Unsignalized intersections, including two-way and all-way stop controlled intersections, were analyzed using the Chapter 17 methodology of the 2000 Highway Capacity Manual. The level of service for a two-way stop controlled intersection was determined by the computed or measured control delay and was defined for each minor movement. Table 4.14-3 of the Draft EIR (page 4-9) summarized the level of service criteria for unsignalized intersections.

Response to Comment 9-2 (Continued)

The County and/or Caltrans have established LOS C or better as the acceptable LOS at intersections and freeway/highway segments, respectively (County of Imperial, 2008). In general, a location operating at LOS C or better under existing/baseline conditions that degrades to LOS D or worse due to project traffic was considered a significant direct impact. If a freeway/highway segment would operate at LOS D, E or F under existing/baseline conditions, the project would have a significant direct impact if it increases the vehicle-to-capacity ratio by more than 0.01 (Fehr and Peers, 2012, p. 7). If an intersection would operate at LOS D, E or F under existing/baseline conditions, the project would have a significant direct impact if it causes delays to increase by more than 2 seconds (Fehr and Peers, 2012 p. 7).

For the SR-111/McDonald Road intersection operations during construction, the TIS and the Draft EIR found that while the number of peak hour left-term lane volumes from northbound (NB) SR-111 to westbound (WB) McDonald Road would exceed 100 vehicles, this intersection was projected to operate at LOS A during both the AM and PM peak hours when assuming the concurrent construction of both HR-2 and SmCP-2 (see Table 4.14-17 of the Draft EIR, page 4.14-31). For this reason, the TIS and Draft EIR did not identify a significant traffic impact at the intersection during construction; no additional improvements were required; and the installation of an exclusive left-turn lane from NB SR-111 to WB McDonald Road was not included in the Project Description.

Similarly, for the SR-111/McDonald Road intersection operations during the Near Term (Year 2015), this intersection was projected to operate at LOS A during both the AM and PM peak hours when assuming the concurrent construction of both HR-2 and SmCP-2 (see Table 4.14-18 of the Draft EIR, page 4.14-32). For this reason, the TIS and Draft EIR did not identify a significant traffic impact at the intersection during the near term (Year 2015); no additional improvements were required; and the installation of an exclusive left-turn lane from NB SR-111 to WB McDonald Road was not included in the Project Description.

Because neither the Draft EIR nor the TIS identified a significant impact to SR-111/McDonald Road intersection operations during construction or in the Near Term (2015) scenarios, a mitigation measure to install an exclusive left turn lane has not been added to the Final EIR.

However, the County has conditioned the HR-2 and SmCP-2 projects to install an exclusive left-turn lane at the intersection of SR-111/McDonald Road from northbound SR-111 to westbound (WB) McDonald Road, prior to the commencement of construction activities that would distribute truck traffic to the SR-111/McDonald Road intersection. The improvement will be designed to meet the Caltrans Highway Design Manual (HDM) requirements and will require a Caltrans Encroachment Permit. If the improvements cannot be completed prior to the commencement of construction activities, a Traffic Management Plan shall be prepared and submitted under the Caltrans Encroachment Permit process.

Response to Comment 9-2 (Continued)

Installation of an exclusive left-turn lane at the intersection of SR-111/McDonald Road does not have the potential to result in new or more significant environmental impacts than were previously identified in the Draft EIR and no new mitigation measures would be required.

No impacts to aesthetics; agricultural resources; geology, soils, mineral resources; hazardous materials and public health; land use; population and housing; public services; recreation; utilities and services; or climate change and greenhouse gas would be anticipated. Therefore these resources are not discussed further.

Potential impacts to air quality, biological resources, cultural and paleontological resources, geology and soils, hydrology and water quality, and noise are described below. However, no new or more significant impacts have been identified.

Air Quality

Daily air pollutant emissions from the combined construction of HR-2 and SmCP-2 are presented on Table 4.3-10 of the Draft EIR (page 4.3-26). As shown on Table 4.3-10, during that period when both projects would be under concurrent construction, daily emissions would not exceed the Imperial County Air Pollution Control District's (ICAPCD) construction significance thresholds of 75 pounds (lbs.)/day of ROG or 150 lbs./day of PM₁₀. However, NO_x emissions would exceed the ICAPCD daily threshold for NO_x emissions. The Draft EIR found that implementation of MM AQ-2.1 – "NO_x Controls During HR-2/SmCP-2 Concurrent Construction" (pp. 4.3-34 and 4.3-42 of the Draft EIR) will reduce the estimated NO_x emissions from the two Projects to less than 100 pounds per day.

Emissions from the construction of an exclusive left-turn lane at the SR-111/McDonald Road intersection would result in temporary increases of NO_x and ROG from heavy-duty diesel and gasoline powered equipment and PM₁₀ fugitive dust emissions from earthmoving activities. Because disturbance is anticipated to be confined within the SR-111 ROW, and because of the short-term nature of construction activities for the intersection improvement, emissions substantially greater than those identified in the Draft EIR are not anticipated. Implementation of MM AQ-2.1 would ensure that NO_x emissions would not exceed ICAPCD standards. Therefore, installation of an exclusive left-turn lane at the intersection of SR-111/McDonald Road does not have the potential to result in new or more significant air quality impacts than were previously identified in the Draft EIR and no new mitigation measures would be required.

Biological and Natural Resources

As noted on page 4.4-2 of the Draft EIR, a Biological Resources Technical Report (dated October 2011), which included general biological surveys, a focused western burrowing owl survey, and a preliminary jurisdictional delineation for waters of the U.S. was prepared for the area within the road right-of-way along McDonald Road, between Highway 111 and English Road, in the fall of 2011. The survey area also

Response to Comment 9-2 (Continued)

included the possible turn lane areas along Highway 111, north and south of McDonald Road. This Biological Resources Technical Report was included as Appendix D-3 of the Draft EIR. No special status species other than burrowing owls were documented within the survey area.

The results of the burrowing owl survey are presented in tabular form on Table 4.4-2 of the Draft EIR (page 4.4-10) and are presented graphically on Figure 4.4-3 of the Draft EIR (page 4.4-15). As shown on Figure 4.4-3, two burrowing owls and one active burrow were found within the survey boundaries along SR-111.

The Draft EIR identified the potential loss of individuals or essential habitat for the western burrowing owl and the American badger, both of which are California species of special concern. These impacts were considered potentially significant and the following mitigation measures were identified to avoid or mitigate to below a level of significance impacts to western burrowing owls, their burrows, and the burrows of the American Badger. Implementation of the following mitigation measures would avoid Western burrowing owls, American badgers, and their burrows or mitigate impacts to below significance:

- MM BIO-1.1-1 Avoidance of Occupied Burrows, pp. 4.4-25 and 4.4-33 of the Draft EIR;
- MM BIO 1.1-2 Passive Relocation Techniques, pp. 4.4-26 and 4.4-33 of the Draft EIR;
- MM BIO 1.1-3 Preparation of a Burrowing Owl Mitigation Plan, pp. 4.4-26 and 4.4-33 of the Draft EIR;
- MM BIO 1.1-4 Activities During Nesting Season, pp. 4.4-26 and 4.4-34 of the Draft EIR;
- MM BIO 1.1-5 Passive Relocation Techniques, pp. 4.4-26 and 4.4-334 of the Draft EIR;
- MM BIO 1.1-6 Worker Training, pp. 4.4-27 and 4.4-35 of the Draft EIR;
- MM BIO 1.1-7 Mitigation Plan for Burrows, pp. 4.4-28 and 4.4-36 of the Draft EIR;
- MM BIO 1.2-1 Avoidance of American Badger Burrows, pp. 4.4-29 and 4.4-37 of the Draft EIR

No loss of individuals or essential habitat for the desert pupfish, a federally listed and state-listed endangered species, or a substantial loss of foraging habitat for the merlin, a California species of special concern was identified.

Therefore, installation of an exclusive left-turn lane at the intersection of SR-111/McDonald Road does not have the potential to result in new or more significant biological resource impacts than were previously identified in the Draft EIR and no new mitigation measures would be required.

Response to Comment 9-2 (Continued)

Cultural and Paleontological Resources

Impacts to cultural resources typically happen during the construction phase as this is when most of the ground disturbance occurs. Installation of the left-turn lane at SR-111/McDonald Road is anticipated to occur within the existing ROW of SR-111, an area that is previously disturbed. Nonetheless, during construction, impacts on previously unrecorded historic resources could occur. If these resources meet the eligibility criteria of the California Register of Historic Places, the impact would cause a substantial adverse change in the significance of a historical or archaeological resource. This would be a potentially significant impact to cultural resources. Although unlikely, construction-related ground disturbing activities could uncover previously unknown prehistoric and/or historic resources. Implementation of the following mitigation measures would avoid damaging previously unrecorded historical resources through professional monitoring and avoidance, preservation or data recovery and, therefore, would reduce impacts on cultural resources to less than significant:

- MM CUL-1.1 Cultural Resources Construction Monitor, pp. 4.5-14 and 4.5-21 of the Draft EIR;
- MM CUL-1.2 Evaluate Significance of Unanticipated Discoveries, pp. 4.5-15 and 4.5-22 of the Draft EIR;
- MM CUL 1-3 Native American Construction Monitor, pp. 4.5-15 and 4.5-22 of the Draft EIR; and,
- MM CUL-1.4 Unanticipated Discoveries Historic Treatment Plan, pp. 4.5-16 and 4.5-23.

In addition, as noted on page 4.5-17 of the Draft EIR, Lake Cahuilla sediments underlie the entire project area and are known to contain proven and significant paleontological resources. There is a potential that such resources could be negatively impacted during construction. Implementation of MM CUL-3.1, as presented on page 4.5-19 of the Draft EIR, would reduce potential impacts to a level that is less than significant by ensuring proper assessment, document, recovery and curation of unique fossils. Thus, installation of an exclusive left-turn lane at the intersection of SR-111/McDonald Road does not have the potential to result in new or more significant cultural or paleontological resource impacts than were previously identified in the Draft EIR and no new mitigation measures would be required.

Hydrology and Water Quality

Installation of a left-turn lane at the intersection of SR-111/McDonald Road could affect surface water quality by increased sediment loading associated with land disturbance and erosion during construction. Because the intersection improvement is not expected to disturb more than one-acre of land, coverage under Caltrans General Construction General Permit (Caltrans 2011) and preparation of a Stormwater Pollution Prevention Plan would not be required. Instead a Water Pollution Control Program (WPCP) will be

Response to Comment 9-2 (Continued)

required as part of the Caltrans encroachment permit process and BMPs would be incorporated into the final project design potential. This would ensure that potential water quality impacts (including erosion) during construction would be minimized, and that no water quality standards would be violated. Therefore, installation of an exclusive left-turn lane at the intersection of SR-111/McDonald Road does not have the potential to result in new or more significant water quality impacts than were previously identified in the Draft EIR and no new mitigation measures would be required.

Noise

The sensitive residential receptor closest to the intersection of SR-111/McDonald Road is a residence located west of the intersection of SR-111/Sinclair Road, approximately 0.5 miles to the south. Construction activities for the intersection improvement could result in short-term increases in construction noise. As described on page 4.10-17 of the Draft EIR, noise levels associated with individual pieces of construction equipment can generally range between 70 and 90 dBA (FTA 2006). However, construction noise levels would attenuate to levels below the County's 75 dBA L_{eq} construction noise threshold with increasing distance to the nearest sensitive receptor due to geometric spreading of sound energy.

In addition, implementation of MM NOI-1.1 (pp. 4.10-19 and 4.10-25) would restrict construction activities to daytime hours, in compliance with the County of Imperial Construction Noise Standards. Therefore, installation of an exclusive left-turn lane at the intersection of SR-111/McDonald Road does not have the potential to result in new or more significant construction noise impacts than were previously identified in the Draft EIR and no new mitigation measures would be required.

Response to Comment 9-3

This comment indicates that based on the project schedule, an interim Traffic Management Plan (TMP) approved under a Caltrans Encroachment Permit could be considered until the intersection improvements to include an exclusive left-turn lane are completed.

As described in Response to Comment 9-2 above, the County has conditioned the HR-2 and SmCP-2 projects to install an exclusive left-turn lane at the intersection of SR-111/McDonald Road from northbound SR-111 to westbound (WB) McDonald Road, prior to the commencement of construction activities that would distribute truck traffic to the SR-111/ McDonald Road intersection. The improvement will be designed to meet the Caltrans Highway Design Manual (HDM) requirements. If the improvements cannot be completed prior to the commencement of construction activities, a Traffic Management Plan shall be prepared and submitted under the Caltrans Encroachment Permit process.

Response to Comment 9-4

The comment notes that a plan set, showing the left-turn lane was provided to them for review and a copy of those plans was included as an attachment to their comment letter. The comment questions why the description of the improvements is not included in the EIR and requests that their comments on the plan be reflected in the revised Final EIR mitigation description. The comment further indicates that the design plans previously reviewed do not meet the Caltrans Highway Design Manual required.

Comment noted. See Response to Comment 9-2 and Exhibit 1 of these responses.

Response to Comment 9-5

This comment correctly notes that the traffic analysis in the EIR identified an impact at the SR-111/McDonald Road for the peak hour intersection level of service results for the Future Year scenario and that a traffic signal was identified as a cumulative mitigation measure for the project and a fair-share contribution was identified (See MM TR-1.1). The comment further notes that at the time the signal is installed it must clearly demonstrate that it meets signal warrants prior to Caltrans approving its construction or allowing the signal to operate.

Comment noted. Because MM TR-1.1 requires the project applicants to contribute to Caltrans their fair-share cost of the future signalization of the intersections of SR-111/McDonald Road and SR-111/Sinclair Road, the preparation of future signal warrants or other engineering studies to confirm that installation of the signal is "justified", will not be the responsibility of the Hudson Ranch Power II, LLC or Simbol, Inc.

Response to Comment 9-6

This comment requests an explanation of how the 55/45 directional split identified in the TIS was determined. Caltrans traffic volume data indicates a greater directional split between the ranges of 85/15 and 70/30.

The 55/45 directional split along SR-111 utilized in the Traffic Impact Study was based upon the peak hour directional splits observed during daily roadway counts conducted in January 2011. The traffic counts were performed by National Data & Surveying Services, a professional, independent traffic counting firm. The 24 hour roadway segment count worksheets on which the split is based are included as Appendix A of the Traffic Impact Study (TIS), which is included as Appendix L of the Draft EIR.

Response to Comment 9-7

This comment states that a Traffic Control Plan may be required by the developer for approval by the lead agency and Caltrans prior to construction. The plans shall be prepared in accordance with Caltrans's *Manual of Traffic Controls/or Construction and Maintenance Work Zones*. All work proposed within the State Right of Way (R/W) requires lane and shoulder closure charts. All roadway features (e.g., signs, pavement delineation, roadway surface, etc.) within the State R/W must be protected, maintained in a temporary condition, and/or restored.

Comment noted. See Response to Comment 9-2 above.

Response to Comment 9-8

This comment notes that any work performed within Caltrans R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction. It describes Caltrans' policies for Highway Improvement Projects costing \$1 million or less to follow the Caltrans Encroachment Permit process. Highway Improvement Projects costing greater than \$1 million but less than \$3 million would follow a streamlined project development process, similar to the Caltrans Encroachment Permit process.

The comment further states that in order to determine the appropriate permit processing of projects funded by others, it is recommended the concept and project approval for work to be done on the State Highway System be evaluated through the completion of a Permit Engineering Evaluation Report (PEER). After approval of the PEER and necessary application and supporting documentation an encroachment permit can be issued.

Comment noted. This comment presents Caltrans procedures for processing highway improvement projects. It does not address the adequacy of the EIR and no further comment is required.

Response to Comment 9-9

This comment notes that Highway Improvement Projects greater than \$3 million, or considered complex projects, would be required to adhere to the full Project Development Process (e.g. Project Initiation Documents, Project Study Reports and Cooperative Agreements). A Caltrans District responsible unit will be notified and a project manager will be assigned to coordinate the project approval.

Comment noted. This comment presents Caltrans procedures for processing highway improvement projects. It does not address the adequacy of the EIR and no further comment is required.

Response to Comment 9-10

This comment notes that in order to expedite the process for projects sponsored by a local agency or private developer, Caltrans recommends a PEER be prepared and included in the Lead Agency's California Environmental Quality Act (CEQA) document. This will help expedite the Caltrans Encroachment Permit Review process. The PEER document forms and procedures can be found in the Caltrans Project Development Procedures Manual (PDPM).

<http://www.dot.ca.gov/hq/oppd/pdpm/pdpmn.htm>

[http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/forms/PEER \(TR -0112\).pdf](http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/forms/PEER(TR-0112).pdf)

Comment noted. A PEER is not included in the Final EIR for the Hudson Ranch II Geothermal Plant and Simbol Calipatria Plant II Projects. Instead, the PEER will be prepared and submitted to Caltrans in accordance with Caltrans' Project Development Procedure Manual and the Encroachment Permit Manual, as part of the Caltrans encroachment permit process.

Response to Comment 9-11

This comment describes Caltrans encroachment permit process and notes that the applicant must provide an approved final environmental document including the CEQA determination addressing any environmental impacts within the Caltrans' R/W, and any corresponding technical studies. If these materials are not included with the encroachment permit application, the applicant will be required to acquire and provide these to Caltrans before the permit application will be accepted. The comment further states that identification of avoidance and/or mitigation measures will be a condition of the encroachment permit approval as well as procurement of any necessary regulatory and resource agency permits. Encroachment permit submittals that are incomplete can result in significant delays in permit approval.

Comment noted. This comment presents Caltrans procedures for encroachment permits. It does not address the adequacy of the EIR and no further comment is required.

Response to Comment 9-12

This comment notes that improvement plans for construction within State Highway R/W must include the appropriate engineering information consistent with the state code and signed and stamped by a professional Engineer registered in the State of California. Caltrans Permit Manual contains a listing of typical information required for project plans. All design and construction must be in conformance with the Americans with Disabilities Act (ADA) requirements.

Comment noted. This comment does not address the adequacy of the EIR and no further comment is required.

Response to Comment 9-13

Closing remark with commenter contact information. Comment noted. No response is required.



EXHIBIT 1

MEMORANDUM

Date: May 21, 2012
To: Dwight L. Carey, Environmental Management Associates, Inc.
From: Stephen Cook P.E., Fehr & Peers

Subject: *Hudson Ranch II Geothermal Plant and SmCP-2 Plant, Traffic Impact Study
– Response to Comments, Caltrans*

SD12-0054

Below are Fehr & Peers' responses to the May 15, 2012 comments provided by Caltrans regarding the Revised Draft Hudson Ranch II Geothermal Plant and SmCP-2 Plant, Traffic Impact Study dated March, 2012.

Comments/Responses:

- Comment 1:** The TIS methodology identifies an assumed 55/45 directional split. Please explain how this directional split was determined. Caltrans traffic volume data indicates a greater directional split between the ranges of 85/15 and 70/30. Please reevaluate the directional split for the project area.
- Response:** The 55/45 directional split along SR-111 is based upon the peak hour directional splits observed during daily roadway counts conducted in January 2011. The 24 hour roadway segment count worksheets in which the split is based upon is included as Appendix A of the Traffic Impact Study (TIS).
- Comment 2:** The proposed improvements at the SR-111/McDonald Road intersection for a left-turn lane from eastbound (EB) McDonald Road to northbound (NB) SR-111 are not mentioned in the document.
- Response:** This comment is in regards to preliminary improvement drawings submitted to Caltrans and not in regards to the traffic impact study or EIR. Therefore, this comment should not be addressed as part of this EIR scoping effort.
- Comment 3:** The plan indicated an approach taper length of 390 feet (ft) which does not meet the Caltrans Highway Design Manual (HDM) requirements. The approach taper length (L) is equal to the width (W) of the turn-lane multiplied by the

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www.fehrlandpeers.com

EXHIBIT 1

design speed (V). $L=VW=(12\text{ft})(65\text{mph})=780\text{ ft}$. Please refer to the Caltrans HDM figure 405 2A for guidance.

Response: This comment is in regards to preliminary improvement drawings submitted to Caltrans and not in regards to the traffic impact study or EIR. Therefore, this comment should not be addressed as part of this EIR scoping effort.

Comment 4: Figure 6-4 identifies that the AM peak hour left-turn lane volume from NB SR-111 to westbound (WB) McDonald road is 154 vehicles per hour (vph). Caltrans guidance advises an exclusive left-turn lane should be provided when volumes exceed 100 vph.

Response: Based on the analysis performed as part of the traffic impact study, it was found that the proposed project's traffic related impacts at the SR-111/McDonald Road intersection under Future Year Base Plus Hudson Ranch II and SmCP-2 conditions is due to a limited number of gaps in the southbound traffic crossing through the intersection for the conflicting northbound to westbound left-turn movement to cross through, causing the movement to operate at LOS D. While an exclusive northbound to westbound left-turn lane at the SR-111/McDonald Road intersection would allow northbound traffic to cross through the intersection unimpeded, if the left-turn movement does queue, the northbound left-turn movement would still operate at LOS D and therefore the improvement would not mitigate the proposed project's cumulative traffic related impacts under Future Year Base Plus Hudson Ranch II and SmCP-2 conditions. It was found that signalization of the intersection was the only improvement that would mitigate the project's cumulative impacts and a northbound left-turn lane would not be required, with signalization of the intersection, to achieve an acceptable LOS.

Comment 5: During construction at the SR-111/McDonald Rd. intersection

- (a) The NB northbound left turn and EB right turn volumes are high. Is there any planned temporary mitigation for these volumes during construction? This direct impact needs to be addressed.
- (b) The NB left turn construction volume warrants installation of an exclusive left turn pocket. The left turn project as shown on the plan provided should be installed prior to construction activities. If this is not possible due to the construction schedule, the Traffic Management Plan (TMP) which Caltrans

EXHIBIT 1

will need to approve, should provide additional measures to address this issue.

Response: As noted in Table 8.6 of the TIS, the SR-111 / McDonald Road intersection is projected to operate at LOS B during both the AM and PM peak hours when assuming the concurrent construction of both the Hudson Ranch II plant and SmCP-2 plant. Therefore, the project will not create a significant traffic related impact at the intersection and no additional improvements will be required.

Comment 6: Figure 4-1 incorrectly labels McDonald Road as W Schrimpf.

Response: Figure 4-1 has been updated to reflect this comment in the revised TIS.

Comment 7: The future year roadway network assumes an exclusive WB left turn lane at the SR-111/Sinclair Rd. intersection. Explain the basis of this assumption.

Response: As noted on page 32 of the TIS, this improvement is a future year mitigation requirement of the Hudson Ranch I plant.

Comment 8: Table 6.4 identifies that all key study intersections would operate at level of service (LOS) C or better under Future Year Base plus project conditions except for the SR-111/Sinclair Rd. intersection. Table 6.4 also identifies that the SR-111/McDonald Rd. intersection is at LOS D in the AM with project.

Response: It is noted on Page 38 of the TIS that the SR-111/Sinclair Road intersection is projected to operate at LOS D under Future Year with Hudson Ranch II conditions.

Comment 9: The future year AM base peak hour delays identified in Table 6.2 do not match the future year AM base peak hour delays without project identified in Table 6.4.

Response: Table 6.4 has been updated to reflect this comment in the revised TIS.

Comment 10: The Caltrans truck traffic volume data indicates approximately 18% of the vehicles at this location are trucks. However, the TIS indicates 2% heavy vehicle factor. Please explain these discrepancies.

Response: Comment noted, both the roadway segment and peak hour intersection analyses in the revised TIS have been updated to reflect an 18% HVF on SR-111.

EXHIBIT 1

Comment 11: The TIS construction trip assignments on pages 46 and 52 indicate all truck and construction workers will enter and exit the project using SR-111/McDonald Rd intersection. However, Figure 8-3 indicates nearly all construction traffic will utilize the SR-111/Sinclair Rd intersection for access and Figure 8-6 indicated that nearly all construction traffic will utilize the SR-111/McDonald Road intersection for access. Please explain these discrepancies.

(a) How will the project ensure all construction traffic uses SR-111 and McDonald Road for access instead of SR-111 and Sinclair Road?

Response: Figure 8-3 has been updated to show all construction traffic utilizing the SR-111 McDonald Road intersection to access the project site in the revised TIS.

(a) Utilizing the McDonald Road / SR-111 intersection is the most direct route to access the project from SR-111 and therefore will be the most attractive route for workers. Also, prior to construction McDonald Road will be sprayed with Asphalt Rubber Micronized (ARM) Slurry making it a more attractive route for vehicles. The project applicant will also coordinate with contractors working on the site to have them instruct their workers to utilize SR-111 and McDonald Road to access the project site.

Comment 12: Comment 12: What are the traffic volumes and impacts if both the Hudson Ranch II project and SmCP-2 project are being constructed concurrently?

Response: As noted on page 52 of the TIS and in Table 8.5, as a worst case scenario it was assumed that the Hudson Ranch II plant will be generating both construction traffic and day to day operational traffic during the beginning of SmCP-2 Plant construction. Therefore, the scenario analyzed during the construction of the SmCP-2 plant does assume both plants will be under construction at the same time.

Comment 13: Please include the fair share calculations and contributions for the proposed traffic signals within the report mitigation section.

Response: The fair share percentage calculations for the proposed mitigation measures have been included in the revised TIS.

COMMENT LETTER 10



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

RECEIVED

AUG 24 2012

August 20, 2012

Armando G. Villa
Imperial County Planning & Dev. Services Dept.
801 Main Street
El Centro, CA 92243

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

Subject: Hudson Ranch Power II Geothermal Plant/Simbol Calipatria II Plant Project
SCH#: 2010101065

Dear Armando G. Villa:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 17, 2012, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

10-1

10-2

10-3

**Document Details Report
State Clearinghouse Data Base**

SCH# 2010101065
Project Title Hudson Ranch Power II Geothermal Plant/Simbol Calipatria II Plant Project
Lead Agency Imperial County

Type EIR Draft EIR
Description Note: Review per Lead

The Proposed Project includes two separate development activities; the Hudson Ranch Power II Geothermal Flash Power Plant (HR2) and the Simbol Calipatria Plant II (SmCP 2) mineral extraction plant on agricultural land within the Salton Sea known Geothermal Resource Area in Imperial County, California. The proposed HR2 project consists of a 49.9 MW geothermal power plant, supporting geothermal production and injection wells/pipelines; and, an interconnection to the Imperial Irrigation District's existing electrical transmission system. The proposed SmCP-2 is a lithium carbonate production plant located adjacent to the HR2 site. SmCP-2 would use geothermal brine from the HR2 plant to produce lithium carbonate and other products for commercial sale and would not be developed without the HR2 project.

Lead Agency Contact

Name	Armando G. Villa		
Agency	Imperial County Planning & Dev. Services Dept.		
Phone	(760) 482-4236 x4310	Fax	
email	armandovilla@co.imperial.ca.us		
Address	801 Main Street		
City	El Centro	State	CA Zip 92243

Project Location

County	Imperial		
City	Calipatria		
Region			
Lat / Long	33° 12' 7.14" N / 115° 33' 14.29" W		
Cross Streets	McDonal Road/English Roads		
Parcel No.	022-010-001 & 009-000		
Township	11	Range	14
		Section	19
		Base	SBB&M

Proximity to:

Highways	SR 111
Airports	No
Railways	No
Waterways	IID Canals/Drains
Schools	No
Land Use	Agricultural and commercial algae plant/A-2-R-G (General Ag./Rural/Geothermal Overlay Zone)/Ag. Land Use Designation.

Project Issues Air Quality; Archaeologic-Historic; Drainage/Absorption; Economics/Jobs; Fiscal Impacts; Geologic/Seismic; Noise; Public Services; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wildlife; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual; Agricultural Land; Biological Resources; Flood Plain/Flooding; Forest Land/Fire Hazard; Minerals; Population/Housing Balance; Recreation/Parks; Septic System; Sewer Capacity

Note: Blanks in data fields result from insufficient information provided by lead agency.

**Document Details Report
State Clearinghouse Data Base**

Reviewing Agencies	Resources Agency; Department of Conservation; Department of Fish and Game, Region 6; Office of Historic Preservation; Department of Parks and Recreation; California Highway Patrol; Caltrans, District 11; Air Resources Board, Airport/Energy Projects; Regional Water Quality Control Board, Region 7; Department of Toxic Substances Control; California Energy Commission; Native American Heritage Commission; Public Utilities Commission; State Lands Commission; Colorado River Board				
Date Received	07/02/2012	Start of Review	07/02/2012	End of Review	08/17/2012

Note: Blanks in data fields result from insufficient information provided by lead agency.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN, Jr., Governor

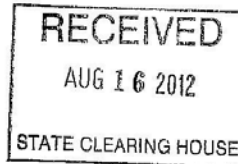
DEPARTMENT OF TRANSPORTATION
DISTRICT 11, DIVISION OF PLANNING
4050 TAYLOR ST, M.S. 240
SAN DIEGO, CA 92110
PHONE (619) 688-6960
FAX (619) 688-4299
TTY 711
www.dot.ca.gov

ATTACHMENT 1



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August 16, 2012

11-IMP-111

PM 36.09

Hudson Ranch II/SmCP-2
DEIR / SCH #2010101065

Mr. Armando Villa
County of Imperial
Planning & Development Services
801 Main Street
El Centro, CA 92243

Dear Mr. Villa:

The California Department of Transportation (Caltrans) appreciates the opportunity to have reviewed the Draft Environmental Impact Report (DEIR) for the proposed Hudson Ranch II Geothermal and Simbol Calipatria 2 (SmCP-2) projects (SCH #2010101065) located in proximity to State Route 111 (SR-111) and McDonald Road intersection. Caltrans has the following comments:

Mitigation improvements to the intersection of SR-111/McDonald Road need to be implemented to address Construction and Near-Term impacts to this intersection. As documented in the EIR, *Section 4.14 Transportation Circulation – Scoping Issues Addressed*; Caltrans in prior consultation with both the County and project representatives advised that Caltrans guidance recommends an exclusive left-turn lane be considered at intersections when volumes exceed 100 vehicles per hour (vph). During construction and in the Near-Term (2015) traffic analysis scenario, left-turn volumes from northbound (NB) SR-111 to westbound (WB) exceed 100 vph. In addition to traffic volumes, intersection channelization should also be considered on facilities with high speeds and the potential for speed differential conflicts resulting from large truck and/or heavy vehicles, as is the case at this intersection location. For these reasons, it was requested for both operational and safety concerns, and documented in this section of the EIR as part of the scoping issues, that a mitigation measure to include an exclusive left-turn lane at this intersection be required as a direct project mitigation feature prior to the commencement of construction activity that would distribute truck traffic to the SR-111/McDonald Road intersection. This comment was also made by Caltrans as part of our letter to the County for the Notice of Preparation (NOP).

Therefore, the EIR needs to be revised to incorporate this mitigation measure as part of the Final EIR mitigation findings. Based on the project schedule, an interim Traffic Management Plan (TMP) approved under a Caltrans Encroachment Permit could be considered until the intersection improvements to include an exclusive left-turn lane are completed.

Mr. Villa
August 16, 2012
Page 2

As part of Caltrans previous scoping meetings with the County and project representatives, a plan set showing the left-turn lane was provided to Caltrans (dated September 26, 2011 - attached) for our review. However, this plan, or the description of these improvements are not identified in the EIR. Caltrans comments on this plan should be reflected in the revised Final EIR mitigation description. The design plans previously reviewed showed an approach taper length of 390 feet (ft), which does not meet the Caltrans Highway Design Manual (HDM) requirements. The approach taper length (L) is equal to the width (W) of the turn lane multiplied by the design speed (V). $L = WV = (12 \text{ ft}) (65 \text{ mph}) = 780 \text{ ft}$. Please refer to the Caltrans HDM figure 405.2A for guidance.

The traffic analysis in the EIR did show an impact at the intersection of SR-111/McDonald Road for the peak hour intersection level of service results for the Future Year scenario. A traffic signal was identified as a cumulative mitigation measure by the project and a fair-share contribution was identified. It should be noted, at the time the signal is installed it must clearly demonstrate that it meets signal warrants prior to Caltrans approving its construction or allowing the signal to operate.

The Traffic Impact Study methodology identifies an assumed 55/45 directional split. Please explain how this directional split was determined. Caltrans traffic volume data indicates a greater directional split between the ranges of 85/15 and 70/30.

A Traffic Control Plan may be required by the developer for approval by the lead agency and Caltrans prior to construction. The plans shall be prepared in accordance with Caltrans's *Manual of Traffic Controls for Construction and Maintenance Work Zones*. All work proposed within the State Right of Way (R/W) requires lane and shoulder closure charts. All roadway features (e.g., signs, pavement delineation, roadway surface, etc.) within the State R/W must be protected, maintained in a temporary condition, and/or restored. For more information, contact the District Traffic Manager, Camille Abou-Fadel, at (858) 467-4328.

Any work performed within Caltrans R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction. Current policy allows Highway Improvement Projects costing \$1 million or less to follow the Caltrans Encroachment Permit process. Highway Improvement Projects costing greater than \$1 million but less than \$3 million would be allowed to follow a streamlined project development process similar to the Caltrans Encroachment Permit process. In order to determine the appropriate permit processing of projects funded by others, it is recommended the concept and project approval for work to be done on the State Highway System be evaluated through the completion of a Permit Engineering Evaluation Report (PEER). A PEER should always be prepared, regardless of the cost of improvements, when new operating improvements are constructed by the permittee that become part of the State Highway System. These include but are not limited to, signalization, channelization, turn pockets, widening, realignment, public road connections, and bike paths and lanes. After approval of the PEER and necessary application and supporting documentation an encroachment permit can be issued.

Highway Improvement Projects greater than \$3 million, or considered complex projects, would be required to adhere to the full Project Development Process (e.g. Project Initiation Documents,

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Mr. Villa
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Page 3

Project Study Reports and Cooperative Agreements). A Caltrans District responsible unit will be notified and a project manager will be assigned to coordinate the project approval.

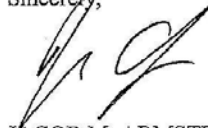
In order to expedite the process for projects sponsored by a local agency or private developer, it is recommended a PEER be prepared and included in the Lead Agency's California Environmental Quality Act (CEQA) document. This will help expedite the Caltrans Encroachment Permit Review process. The PEER document forms and procedures can be found in the Caltrans Project Development Procedures Manual (PDPM).
<http://www.dot.ca.gov/hq/oppd/pdpm/pdpmn.htm>
[http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/forms/PEER_\(TR-0112\).pdf](http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/forms/PEER_(TR-0112).pdf)

As part of the encroachment permit process, the applicant must provide an approved final environmental document including the CEQA determination addressing any environmental impacts within the Caltrans' R/W, and any corresponding technical studies. If these materials are not included with the encroachment permit application, the applicant will be required to acquire and provide these to Caltrans before the permit application will be accepted. Identification of avoidance and/or mitigation measures will be a condition of the encroachment permit approval as well as procurement of any necessary regulatory and resource agency permits. Encroachment permit submittals that are incomplete can result in significant delays in permit approval.

Improvement plans for construction within State Highway R/W must include the appropriate engineering information consistent with the state code and signed and stamped by a professional Engineer registered in the State of California. Caltrans Permit Manual contains a listing of typical information required for project plans. All design and construction must be in conformance with the Americans with Disabilities Act (ADA) requirements.

If you have any questions on the comments Caltrans has provided, please contact Leila Ibrahim of the Development Review Branch at (619) 688-6802.

Sincerely,



JACOB M. ARMSTRONG, Chief
Development Review Branch

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ATTACHMENT 2

Department of Toxic Substances Control



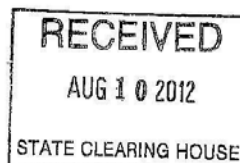
Matthew Rodriguez
Secretary for
Environmental Protection

Deborah O. Raphael, Director
5796 Corporate Avenue
Cypress, California 90630

Edmund G. Brown Jr.
Governor

August 7, 2012

8.17.12
CUP



Mr. Armando G. Villa, Director, AICP
Imperial County Planning and Development Services Department
801 Main Street
El Centro, California 92243

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR
THE HUDSON RANCH POWER II GEOTHERMAL PROJECT AND THE SIMBOL
CALIPATRIA PLANT II PROJECT, (SCH#2010101065), IMPERIAL COUNTY

Dear Mr. Villa:

The Department of Toxic Substances Control (DTSC) has received your submitted Draft Environmental Impact Report (EIR) for the above-mentioned project. The following project description is stated in your document:

"Hudson Ranch Power II, LLC is proposing to construct and operate a 49.9 MW geothermal power plant and well field in the County of Imperial (HR-2) (CUP # G10-0002). Simbol Inc. is proposing to construct and operate the Simbol Calipatria Plant II (SmCP-2) (CUP# 12-0005), a commercial lithium carbonate production plant adjacent to the HR-2 site, using geothermal brine from the HR-2 plant. The HR-2 and SmCP-2 Project sites are located on private land within the Salton Sea Known Geothermal Resource Area (KGRA) in the unincorporated area of the County of Imperial, California. It is located about 2.3 miles west-southwest of the Town of Niland, California and 1.1 miles directly east of the existing Hudson Ranch I Geothermal Power Plant. The HR-2 and SmCP-2 Projects would be located on a 245-acre parcel of land that has been developed for agricultural uses. The Hudson ranch Power II (HR-2) geothermal flash plant facilities would cover 52-acre of land and the Simbol Calipatria Plant II (SmCP-2) facilities would cover 48-acres. Adjacent properties to the north and south and east are irrigated farmland. The Imperial Irrigation Districts (IID) managed marshlands are located to the north, south and east of the proposed HR-2 and SmCP-2 Project sites. An existing commercial algae production facility, including concrete and earthen pond structures, a warehouse, office, and other buildings, is located south of the Project site. The nearest residence is approximately 0.5 miles north-northeast of the Project sites, along English Road."

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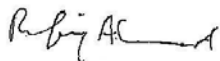
Mr. Armando G. Villa
August 7, 2012
Page 2

Based on the review of the submitted document DTSC has the following comments:

- 1) DTSC provided comments on the project Notice of Preparation (NOP) on May 11, 2011; all those comments have been addressed in the submitted Draft EIR. Please ensure that all those comments will be addressed in the Final Environmental Impact Report of the Project.
- 2) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

If you have any questions regarding this letter, please contact Rafiq Ahmed, Project Manager, at rahmed@dtsc.ca.gov, or by phone at (714) 484-5491.

Sincerely,



Rafiq Ahmed
Project Manager
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
Attn: Nancy Ritter
nritter@dtsc.ca.gov

CEQA # 3607

RESPONSE TO COMMENT LETTER 10

Commenter: **Scott Morgan, Director,
Governor's Office of Planning and Research**

Date of Letter: **August 20, 2012**

Response to Comment 10-1

This comment notes that the State Clearinghouse (Clearinghouse) submitted the Draft EIR for the Hudson Ranch Power II Geothermal Plant/ Simbol Calipatria II Plant Project (SCH#: 2010101065) to selected state agencies for review. The comment includes a Document Details report on which the Clearinghouse has listed the state agencies that reviewed the Draft EIR. The comment identifies that the review period closed on August 17, 2012 and includes copies of the comment letters from the responding agencies, including the California Department of Transportation (Attachment 1); and the Department of Toxic Substance Control, Brownfields and Environmental Restoration Program (Attachment 2).

The comment letter from California Department of Transportation (Caltrans) is included in this Final EIR as Comment Letter 9. Please see Responses to Comments 9-1 through 9-13 for responses to Caltrans' specific comments. The comment letter from the Department of Toxic Substance Control (DTSC), Brownfields and Environmental Restoration Program is included in this Final EIR as Comment Letter 5. Please see Responses to Comments 5-1 through 5-4 for responses to DTSC's specific comments.

Response to Comment 10-2

This comment presents Section 21104(c) of the California Public Resources Code, which addresses responsible agencies providing comments on projects. The comment states that responsible or other public agencies shall only make substantive comments regarding those project activities which are within an area of expertise of the agency or which are to be required to be carried out or approved by the agency. The comment further states that the Clearinghouse has forwarded the agency comments for use in preparing the final environmental document and recommends the County of Imperial Planning and Development Services Department contain the commenting agencies directly should more information or clarification be required on the comments.

As noted in Response to Comment 10-1, comments Caltrans and DTSC are included in this Final EIR as Comment Letter 9 and Comment Letter 5, respectively. Please see Responses to Comments 9-1 through 9-13 and Responses to Comments 5-1 through 5-4.

Response to Comment 10-3

This comment notes that this letter acknowledges the County of Imperial Department of Planning and Development Services Department has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act and provides commenters contact information. Comment noted. No response is required.

III.X REFERENCES

County of Imperial 2012. County of Imperial Public Health Department, Public Drinking Water Program Website. Available at http://www.icphd.org/sub.php?menu_id=115. Accessed August 16, 2012.

McGraskey E. 2012. Personal Communication with Edward McGraskey, South Yuma County Landfill and Claire Hodgkins, Planner, Ecology and Environment, August 8, 2012.

Onaka, et al. 2010. Fiscal Impact Analysis for the Hudson Ranch Power II Geothermal Power Plant (Conditional Use Permit G10-0002), prepared by Onaka Planning and Economics/Douglas Ford and Associates, November 2010.

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