

REPORTER'S TRANSCRIPT OF PROCEEDINGS
DRAFT ENVIRONMENTAL IMPACT STATEMENT
SUNDANCE ENERGY PROJECT

Coolidge, Arizona
April 12, 2001

AHWATUKEE COURT REPORTING, INC.
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Phoenix, Arizona 85076

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(Original)

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1 MR. BRITTLE: No. I'll probably sit
2 right here.
3 MR. HARNESS: Help yourself.
4 MR. BRITTLE: That will work.
5 Okay. My name Stephen, S-t-e-p-h-e-n,
6 Brittle, B-r-i-t-t-l-e. I am the president of
7 Don't Waste Arizona, statewide nonprofit
8 environmental organization. We are headquartered
9 at 6205 South 12th Street, Phoenix, Arizona 85040,
10 and may be reached at 602-268-6110.
11 The first observation is that the draft
12 Environmental Impact Statement, which I will refer
13 to from now on as the DEIS, is overwhelmingly rife
14 with inconsistencies and contradictions. The DEIS
15 does not properly examine and analyze the impacts
16 and the alternatives. It ignores a host of
17 federal requirements in the field of environmental
18 regulation. It appears to have been written
19 deliberately to not examine or analyze properly
20 the negative impacts of the proposed action, as it
21 fails to really examine the environmental
22 injustices and impacts the proposed facility will
23 create, the adverse health impacts caused by the
24 project, and other quantifiable adverse impacts
25 caused by the facility's operations, such as

01/25

02/19

Comment No. 01

Issue Code: 25

The commentator's opposition to the proposed Project, and therefore, the EIS is noted. The commentator's overall judgement of the DEIS is based on the sum of his individual comments that are detailed below. Those individual comments, which include examination of alternatives, NEPA and Federal requirements, inconsistencies and contradictions are addressed individually.

Part of the commentator's general and detailed comments stem from the DEIS not describing or evaluating the impacts from new air quality control system. The new air quality control system was mandated by the Pinal County Air Quality Control District after the DEIS was printed and distributed. The evaluation of the new system is included in the amended Section 4.2 of the FEIS.

Comment No. 02

Issue Code: 19

The DEIS does examine the negative impacts of the proposed action except those associated with the new air quality control system. These impacts are described in the amended Section 4.2 in the FEIS. See response to Comment No. 01 above. See also responses to Comment Nos. 20, 21, and 23 below for discussion of noise and Comment No. 25 on environmental justice.

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1 noise.
2 The DEIS instead of actually examining
3 the impacts and conducting the analysis of the
4 impacts and an examination of the alternatives,
5 which are required by NEPA, gives many issues
6 honorable mention; that is, it attempts to merely
7 mention issues and then dismiss them as
8 insignificant without any scientific or logical
9 explanation of how or why these characterizations
10 are made about the significance of the issues. It
11 doesn't give proper discussion or analysis
12 required by NEPA. Mere mention of an issue or an
13 impact is not sufficient alone to service the
14 analysis and expiration of alternatives that are
15 at the heart of and statutorily required by NEPA.
16 A part of the record that I'd like to
17 mention that Don't Waste Arizona has been involved
18 in NEPA litigation in the past on precisely these
19 kinds of issues.
20 Regarding air quality and health issues,
21 I will have two exhibits to submit. The DEIS does
22 not examine any alternatives to the Sundance
23 facility's proposed simple-cycle, natural gas
24 electrical power generation. It doesn't examine
25 the air pollution control technologies available

| 01/25 (cont.)

01/25
(cont.)

03/25

04/03

Comment No. 03

Issue Code: 25

Sundance Energy LLC (Sundance) has applied to the Western Area Power Administration (Western) for an interconnection to Western's transmission lines in the vicinity of Coolidge, Arizona in Pinal County, southwest of Phoenix. The Federal decision is whether to enter into an interconnection and construction agreement with Sundance for the requested interconnection. The only alternatives to this Federal decision is not to allow the interconnection or to allow a different interconnection (different routing).

The decisions associated with siting, design, construction, and operation of the proposed Facility are not Federal decisions. These decisions are regulated, approved, and overseen by the State of Arizona. Therefore, different sites, designs, and operational factors are not alternatives to the Federal decision. However, the impacts resulting from these decisions are interconnected with the decision to allow interconnection. If no interconnection is allowed, the proposed Facility would not be built. Therefore, the potential impacts from the siting, design, construction and operation of the proposed Facility are connected to the Federal interconnection decision. This EIS examines the impacts of the interconnected actions, even those actions that are not Federal decisions.

Comment No. 04

Issue Code: 03

The decision as to which air pollution control technology to implement at the proposed Facility is up to the Sundance and the appropriate State and/or local regulatory agencies. It is not Western's decision. However, the impacts associated with the outcome of that decision are discussed in this EIS. It is the charter of the air quality regulatory agency to analyze the applicant's permit requests, and regulate the manner in which a project may operate with respect to air quality laws and regulations.

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1 or that will actually be used. It does not also
2 provide any credible analysis of the impacts
3 caused by Title V, major source of pollution being
4 put into the air and of the area.

5 The DEIS admits the facility's impacts
6 on air pollution has triggered the prevention of
7 significant deterioration, or PSD, analysis
8 requirements with quantifiable impacts 50
9 kilometers away from the plant's site, then
10 cavalierly shrugs off these impacts as
11 insignificant. This alone is disingenuous. Of
12 the thousands of facilities in America that must
13 get air pollution permits, a tiny fraction trigger
14 these PSD requirements, so it must be admitted in
15 a federal regulatory overview that a facility
16 required to conduct a PSD analysis is by
17 definition a significant impact.

18 Outrageously on Page 2-41, the DEIS
19 reports that there will be minimal impacts to air
20 quality due to the construction and operation of
21 the proposed facility. Don't Waste Arizona would
22 dispute that assertion.

23 The DEIS does not adequately control the
24 alternative control technologies for the Sundance
25 facility. Long after the work on the DEIS was

04/03
(cont.)

05/03

06/03

07/03

Comment No. 04 (cont.)

Issue Code: 03

In conjunction with the Sundance Energy DEIS, a PSD air permit application was submitted to the Pinal County Air Quality Control District (PCAQCD), the regulatory agency charged with administering air quality laws and regulations in Pinal County. As part of the PSD application, an analysis of control technologies was presented and evaluated. A draft permit and associated technical support document were issued for public review April 27, 2001. These public documents may be examined by contacting the PCAQCD.

Comment No. 05

Issue Code: 03

A PSD New Source Review is triggered if estimated emissions of any of the criteria pollutants exceed 250 tons per year. Key components of the PSD review are a determination of Best Available Control Technology and an analysis of ambient air impacts. If the ambient air impacts exceed the EPA's "significance criteria", then a cumulative air quality analysis is completed to ensure that the PSD Class II incremental increases are not exceeded. However, in no case may the facility's emissions cause an exceedance of the National Ambient Air Quality Standards (NAAQS) established by the Clean Air Act. The analysis for the proposed Facility indicated that the maximum ambient air impact for all pollutants, and applicable averaging periods, were less than 4% of the NAAQS. These maximum impacts were on the top of a ridge approximately seven miles west/northwest of the proposed Facility. In Coolidge, as well as at the locations of residences within five miles of the proposed Facility, the maximum impacts were less than one percent of the NAAQS.

Comment No. 06

Issue Code: 03

See response to Comment No. 05 above.

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1 largely completed, the Pinal County agency that
2 will ultimately issue the air pollution permit
3 notified Sundance that it would require Sundance
4 to utilize a control technology called selective
5 catalytic reduction, or SCR. SCR entails
6 injecting ammonia into the exhaust across a
7 catalyst bed causing a reduction reaction that
8 greatly eliminates and thereby controls NOx. With
9 SCR, NOx can be reduced tenfold from previously
10 achievable levels to about two-and-a-half parts
11 per million per unit fuel.

12 The agencies that issue air permits are
13 rather myopic about reducing what they call
14 criteria pollutants, carbon monoxide, VOCs, NOx,
15 SOx, particulate matter at 10 microns or less in
16 size, called PM10, and ignore the other impacts in
17 their consideration. The risk from NOx emissions
18 may be traded for the risk from ammonium sulfate,
19 and the public may be getting more risk from the
20 ammonium sulfate. It's a real concern to my
21 organization.

22 The SCR technology requires excess
23 ammonia to be injected into the exhaust stream so
24 that there will be enough to react, but the excess
25 ammonia combines with sulfates in the air above

07/03
(cont.)

Comment No. 07

Issue Code: 03

The new air quality control system was mandated by the Pinal County Air Quality Control District after the DEIS was printed and distributed. The FEIS includes the evaluation of the new system. See the amended air quality analysis in Section 4.2 in the FEIS that incorporates the use of SCR to reduce NO_x emissions by 80%.

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1 pollution levels commonly found in U.S. cities. A
2 German study, Environmental Air Pollution and Lung
3 Disease in Children, states: Sulfates will
4 increase the use of medication and decrease lung
5 function in asthmatic children.
6 The DEIS is particularly unscientific in
7 this regard.
8 Would I just give these to you at the
9 end?
10 MR. HARNESS: Yes.
11 MR. BRITTLE: Table 3-2 on Page 3-7
12 shows the 24-hour maximum ambient air
13 concentrations of PM10 in Coolidge as 83.6
14 micrograms per cubic meter. With the NAAQS
15 standard, the National Ambient Air Quality
16 Standard, at 150 micrograms per cubic meter shows
17 the ambient -- annual ambient air concentration of
18 PM10 in Coolidge at 39.6 micrograms per cubic
19 meter with the national standard at 50 micrograms
20 per cubic meter. This is without the additional
21 burden of the PM10 that will be emanating from the
22 Sundance facility. And this is a facility that
23 will emit so much PM10 that it requires a PSD
24 analysis. So it will certainly and undoubtedly
25 move the ambient air concentrations of PM10

08/03

Comment No. 08

Issue Code: 03

See the amended air quality analysis in Section 4.2 in the FEIS. The NAAQS for the annual PM₁₀ concentration is 50 µg/m³. The annual average PM₁₀ ambient levels in Coolidge have been recorded as 39.6 µg/m³ or 79% of the NAAQS. The maximum impact analyzed for the annual PM₁₀ from the proposed Facility was 0.93 µg/m³ or 0.19% of the NAAQS, a 2.4 percent increase over the measured background level. When Sundance's maximum impact is added to the background, the total is 40.53 µg/m³, or 81% of the NAAQS. The NAAQS were established by the Clean Air Act to protect the public health and welfare with an adequate margin of safety. A level of 80% of the NAAQS provides the protection mandated by the Clean Air Act.

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1 upwards and closer to the limits of the national
2 standards.
3 There obviously will be an impact on
4 health. And the DEIS never deals with this
5 obvious information. And the impacts of
6 additional PM10 must be fully quantified,
7 analyzed, and addressed before this would meet the
8 requirements of NEPA. Again, we reference the
9 December 14 study. In this study, the
10 investigators use a single, analytic approach to
11 examine the association between PM10
12 concentrations in a given 24-hour period and the
13 number of deaths reported on the following day in
14 20 of the largest cities in metropolitan areas of
15 the United States including Phoenix, Arizona. The
16 average found that an average increase in the rate
17 of death from all causes of about .5 percent for
18 every increase of the PM10 concentration of 10
19 micrograms per cubic meter.
20 The PM10 concentrations were positively
21 associated with the daily mortality rates in most
22 of the 20 cities studied and at concentrations
23 well below the current 24-hour standard of 150
24 micrograms per cubic meter. In fact, the 90th
25 percentile of distribution of daily values is

08/03
(cont.)

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Page 17

1 below the 24-hour standard in each of the 20
2 cities. In other words, the standards are already
3 at a lethal point. Moreover, the association was
4 specific to PM10. The finding of a strong
5 association between the PM10 concentration and the
6 rate of death from cardiovascular or respiratory
7 causes offer support for the idea that
8 concentrations of particulate air pollution
9 influenced mortality.

10 After reviewing the science, anyone who
11 would claim that the Sundance Energy Facility
12 would create minimal impacts is totally
13 irresponsible. It is also with complete
14 scientific basis to say that more asthma and other
15 respiratory diseases will be caused or aggravated
16 by this major pollution source. Of course, that
17 is not addressed at all in this DEIS.

18 Further, the fact that the SCONOX
19 technology, which is also considered the best
20 available control technology by EPA Region 9, is
21 not at all considered or evaluated as an
22 alternative to this SCR technology, and that
23 belies the deficiency of this DEIS. SCONOX, as it
24 is known as an acronym, if used at Sundance and
25 not the SCR technology that it currently proposes

08/03
(cont.)

09/03

Comment No. 09

Issue Code: 03

See response to Comment No. 04 above. The application of SCONOX was evaluated in the Best Available Control Technology of the PSD permit application submitted to the Pinal County Air Quality Control District. SCONOX was rejected for the proposed Facility because it is not technically feasible for simple cycle turbines because their exhaust temperature is higher than the optimal operating temperature range of SCONOX.

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1 and it isn't explored by the DEIS, would eliminate
2 the ammonium, eliminate the ammonium sulfates, the
3 inherent risk of storage and transportation of the
4 ammonium, and would actually control the emissions
5 of certain criteria air pollutants better than the
6 SCR technology. We could avoid all of this.

7 On Page 4-10 in the discussion of
8 hazardous air pollutants, the potential ambient
9 air impacts were voluntarily evaluated using the
10 Arizona Ambient Air Quality Guidelines, AAAQG, as
11 a criteria to evaluate potential health risk, with
12 the assertion that if the, quote, predicted
13 concentrations are below the AAAQG, then it can be
14 concluded that no health risk results. The AAAQG
15 and the methodology used to produce them have
16 never been peer reviewed and represent an entirely
17 unproved standard.

18 Neither the AAAQG nor the DEIS in any
19 way consider or evaluate the synergistic or
20 cumulative effect of these hazardous air
21 pollutants, the criteria pollutants that this
22 Title V major source will emit, or the
23 aforementioned ammonium sulfates. Yet, NEPA
24 specifically requires an examination of the
25 cumulative effects of the proposed significant

10/03

11/25

Comment No. 10

Issue Code: 03

The AAAQGs were developed by the Arizona Department of Health as health-based guidelines for contaminants in air. AAAQGs are residential screening values that are protective of human health including children. The AAAQGs are used as tools to decide which air emissions are at a level that they should be evaluated further. Chemical concentrations in air that exceed AAAQGs may not necessarily represent a health risk, but further modeling or calculation is required to assess whether there is a true threat to human health.

While the AAAQGs are not peer reviewed in the way a scientific paper is, they were derived from occupational exposure limits established or recommended by the U.S. Occupational Safety and Health Administration (OSHA), the National Institute of Occupational Safety and Health (NIOSH), and the National Institute for Environmental Health Science (NIEHS). The most protective standards or recommended levels from the U.S. and other countries were used. Many of these standards have undergone peer review as well as regulatory and legislative review.

See the amended air quality analysis in Section 4.2 in the FEIS. Hazardous air pollutants were evaluated against the AAAQG and all impacts except the annual averaged formaldehyde are predicted to be less than 1% of the AAAQGs. The annual formaldehyde value was 7% of the AAAQG. The adequacy of standards that have been implemented by Federal, State, and local agencies are beyond the scope of this NEPA process.

Comment No. 11

Issue Code: 25

The cumulative effects of air pollutants for the entire Phoenix area are discussed in the FEIS. The synergistic effects of combinations of chemicals are only beginning to be explored. There are very few human studies on multiple pollutant exposure. Studies to date have

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1 federal action. So this DEIS is invalid entirely
2 in these respects and must be undertaken again
3 with a closer eye on the statutory requirements.
4 As if that wasn't enough, there is the
5 issue of the ammonia stored on-site at the power
6 plant and the additional risks the ammonia
7 presents. It will be common to see 15,000- to
8 20,000-gallon tanks of ammonia stored at power
9 plants in Arizona. Most of them will probably use
10 aqueous ammonia which is less risky than
11 anhydrous. A catastrophic release of ammonia from
12 a 15,000- to 20,000-gallon tank would be enough to
13 kill and injure people at least a mile away
14 depending on weather conditions.
15 The facilities with this much ammonia
16 on-site have to report and participate in a
17 federal program, either the 112R of the Clean Air
18 Act, also called the Risk Management Program, if
19 the ammonia on-site is at 20 percent or greater
20 concentration. Otherwise, the facility will have
21 to file Tier Two reports as required by the
22 federal emergency planning and community
23 right-to-know act. Either way they will have to
24 develop a facility emergency plan that includes
25 methods of notifying the public and the response

11/25

12/15

Comment No. 11 (cont.)

Issue Code: 25

shown that there are possible additive or synergistic effects when ozone combines with sulfur dioxide, nitrogen dioxide, carbon monoxide, sulfuric acid, or other particulate aerosols. These synergistic effects can include greater decreases in lung function for some people concurrently exposed to ozone and other pollutants than for either pollutant alone. Exercise, smoking status, and existing pulmonary disease can also result in increased sensitivity to individual pollutants.

The DEIS was issued before the Pinal County Air Quality Control District decided that the proposed Project should use the SCR for addressing ammonia sulfates emissions. The FEIS discusses the impacts associated with the use of this air quality control method at the proposed Facility in the amended air quality analysis in the Section 4.2 in the FEIS.

The ambient air impacts analyzed for Hazardous Air Pollutants (HAPS) were far below the AAAAGs established to protect public health. The combination of miniscule ambient air impacts from the Sundance Facility and no other significant sources of HAPS nearby would result in a meaningless analysis.

Comment No. 12

Issue Code: 15

The proposed Facility would have the capacity to store up to 30,000 gallons of aqueous ammonia for injection into the SCR air pollution control system. The aqueous ammonia solution, less than 20% ammonia and more than 80% water, would be stored in two 15,000-gallon tanks on the proposed Site. Upon arrival at the Site, ammonia would be pumped into one of the two ammonia storage tanks (see Figure 2-1, Proposed Facility Configuration). A concrete containment area would be constructed around the tanks with sufficient volume to handle the discharge of one 15,000-gallon tank.

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1 agency that a release has occurred.
2 For a perspective, there are less than
3 18,000 RMP facilities in the entire nation that
4 are reporting to the United States Protection
5 Agency -- or Environment Protection Agency.
6 In rural areas, particularly here in
7 Pinal County, such as where this Sundance facility
8 site is, there are not sufficient resources to
9 respond quickly enough to prevent deaths and
10 injuries in the case of a catastrophic release.
11 Responders in Pinal County simply do not have the
12 equipment and infrastructure. Pinal County relies
13 on other counties' response for these kinds of
14 large types of HAZMAT response.
15 If there had been a responsible
16 environmental impact study process conducted here,
17 it would have included an interview with the Pinal
18 County Local Emergency Planning Committee. They
19 will tell you, and very happily tell you, they do
20 not have the resources to respond in this kind of
21 event. People could shelter from the ammonia, but
22 it will infiltrate their homes within a given
23 amount of time, reach harmful, even lethal
24 concentrations before responders could arrive.
25 When the release occurs, unless a rescuer arrives

13/15

12/15
(cont.)

Comment No. 12 (cont.)

Issue Code: 15

After the ammonia hose is connected from the truck to the tank, a second vapor recovery hose would be connected from the top of the tank back to the truck to contain any residual vapors that may be in the ammonia tank. In the unlikely event of spills during the delivery of ammonia or during operations, water hoses would be immediately available to dilute the spilled ammonia within the containment area. Operation of the SCR would not involve any high pressure release of ammonia vapor. The aqueous ammonia would be pumped from the storage tanks to the SCR reactor chamber in liquid form. The ammonia would then heated sufficiently for vaporization, and injected into the SCR for mixture with the exhaust stream.

Comment No. 13

Issue Code: 15

NEPA guidelines do not specifically require an assessment of emergency response capabilities, and the assessment of potential impacts of accidents does not usually take into account any emergency response. The impacts of accidents to the general public are assessed as if no mitigation would occur. It is often assumed that a person with no protection is located in the worst place for 24 hours a day, 365 days a year. Impacts to the general public are usually assessed using maps of entire populations in the area. No evacuations are assumed. Any emergency response plans or evacuation capabilities are usually discussed in terms of mitigation of the potential impacts of an accident. Since the SCR air quality control method has been designated by the Pinal County Air Quality Control District, an assessment of potential accidents associated with the storage and transportation of ammonia has been included in the FEIS.

The proposed Facility would rely on both onsite fire and local fire protection services. Raw water storage tanks would be the source of water for fire suppression. An emergency diesel-fueled- fire pump

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1 in a timely manner, brings self-contained
2 breathing apparatus for each individual, there
3 will be fatalities and permanent injuries.
4 There may also be issues of evacuation
5 routes sufficient to allow timely evacuation.
6 Both rural and urban areas will see a heightened
7 risk along the transportation route of the ammonia
8 because a tanker of ammonia can rupture just like
9 any other kind of tanker. And again, there is no
10 responsibility in this county to those kinds of
11 problems. None of these issues are examined at
12 all, yet all are federal environmental
13 regulations. Glaring error in the DEIS. The
14 failure to discuss the control technologies is
15 another one.
16 There are other strange things in this
17 DEIS. On Page 2.5 there is a statement under
18 optimal ambient conditions with the air
19 temperature near 20 degrees Fahrenheit,
20 Configuration 2 could generate about 647
21 megawatts. This is Coolidge, Arizona area. It's
22 almost impossible and highly unlikely that this
23 climatic condition would ever occur in this area,
24 especially when the average minimum temperatures
25 are revealed on Page 3.5. It's far more likely

12/15
(cont.)

14/12

15/03

16/03

Comment No. 13 (cont.)

Issue Code: 15

would enable pumping of storage water to any potential fires for initial suppression of fire. For large fires, response would be from either the Arizona City Fire District, headquartered south of Casa Grande approximately 15 miles south of the proposed Facility, and the Apache Junction Fire District, headquartered approximately 20 miles north of the proposed Facility. Municipal fire departments are also in Casa Grande, and Florence, both within 10 miles of the proposed Facility. The Gila River Emergency Medical Service respond to hazardous materials spill incidents and emergency medical services. The Casa Grande Regional Medical Center provides 24-hour medical emergency service with a staff of 82 medical people.

Comment No. 14

Issue Code: 12

Since the SCR air quality control method has been designated by the Pinal County Air Quality Control District, an assessment of potential accidents associated with the storage and transportation of ammonia has been included in the FEIS.

Comment No. 15

Issue Code: 03

See response to Comment No. 04 above.

Comment No. 16

Issue Code: 03

See the amended air quality analysis in Section 4.2 in the FEIS. The referenced discussion indicates that 20 degrees Fahrenheit is the optimal temperature to get the maximum output from the turbines. This temperature is not expected. Therefore, the nominal output is 600 megawatts or less at expected temperatures. NEPA documents are expected to discuss the capability of the systems being analyzed.

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1 that temperature would be closer to 100 degrees
2 Fahrenheit. This points out some of the
3 disingenuity of this DEIS. It should have been
4 focusing on reality and the required analysis and
5 examination of alternatives and cumulative effects
6 that NEPA requires.

7 The discussion on 2-7 regarding the
8 generating facility is outdated, clearly shows
9 that the design of the power plant is different
10 now than what the DEIS states it to be. For
11 example, the 6500 hours of operation is not at all
12 correct. The facility will get an air permit
13 allowing 8,760 hours of operation, which is in
14 essence 24 hours, seven days a week.

15 Water issues. The discussion about
16 water use, and starts on 2.9, does not fully
17 examine the impacts of where the water will come
18 from. To fully examine this, the actual source of
19 the water, CAP water or groundwater, needs to be
20 stated. The CAP water will come from the Gila
21 River Indian community or the San Carlos Apache
22 tribe, then the DEIS must examine the impacts of
23 this on those tribal entities. If it will be from
24 a groundwater pumping, then the assertions made in
25 the DEIS are questionable at a minimum.

16/03
(cont.)

17/03

18/07

Comment No. 17

Issue Code: 03

The air permit requires a conservative calculation of the potential air pollution of the proposed Facility. Initially the preliminary air permit calculations used the conservative estimate of 8,760 hours. The amended air permit calculation now uses a conservative estimate of 7,500 hours. The proposed Facility is a peaking Facility. It would not be economical to run all of the time. The 6,500 hours of operation is the expected annual maximum for operation and is the estimate used for calculating water consumption and other impacts. See the updated air quality analysis in the amended Section 4.2 in the FEIS that reflects the operating conditions listed in the draft air permit issued for public comment.

Comment No. 18

Issue Code: 07

The source of CAP water would be a contract for excess CAP water delivery between Sundance and Central Arizona Water Conservation District (CAWCD). The contract has been pre-approved by CAWCD's Board of Directors and was offered to Sundance on January 12, 2001. Its execution is pending completion of a wheeling agreement between Sundance and Hohokam Irrigation District (HID) to transport the water from CAWCD's main canal through Hohokam's existing canals to the proposed Facility. The existing canal adjacent to the proposed Site has significant excess capacity beyond the needs of the proposed Project without upgrade or modification requirements. Wheeling service by HID has been assured by its manager and board members. The wheeling contract currently is in negotiation and drafting stage and must be executed before CAWCD will execute the offered CAP Excess Water contract. CAP water for the proposed Project would not come from Indian communities or tribes.

Sundance is considering, and is in preliminary negotiations concerning, the possible provision of CAP water from parties who hold existing long-term, firm subcontracts from CAWCD for very

1 On 4-31, the DEIS states that subsidence
2 from dewatering has occurred within the basin, but
3 that the groundwater pumping that might result
4 from the operations of the proposed Sundance
5 facility is not expected to cause subsidence in
6 the area of the Sundance facility. That is also
7 disingenuous.

8 The DEIS provides no substantiation for
9 that conclusion. And besides, if subsidence
10 within the basin is already occurring due to
11 groundwater pumping, it is obvious that pumping
12 more groundwater from the same aquifer will result
13 in subsidence somewhere in the basin. The
14 analysis ignores this obvious conclusion, trying
15 to divert attention to the subsidence impact by
16 making the unsubstantiated remarks.

17 Noise. There are discussions about the
18 noise impacts in different parts of the DEIS. And
19 again, there are contradictions and logic laws
20 illustrated in the handling of this. The DEIS
21 states that the ambient background noise level of
22 the proposed site is about 40 to 45 dBA and that
23 the additional noise from the power plant at
24 startup and shutdown would be an additional 10
25 dBA, which puts the noise level up about 55 dBA,

19/07

20/04

Comment No. 18 (cont.)

Issue Code: 07

substantial amounts of water not currently utilized or anticipated by those parties to be fully utilized during the life of the proposed Project. Subcontractors include several Indian tribes or communities. No such commitment or arrangement has been discussed by Sundance with any Indian CAP allottee.

The worst case scenario, a hypothetical assumption that no CAP water being delivered to the proposed Facility, would require complete reliance on existing or new groundwater wells on the proposed Property. This worst case hypothetical scenario has been analyzed by independent professional hydrologists and by the Arizona Department of Water Resources (ADWR.) They have also analyzed the impact of the normal case scenario of projected emergency backup reliance on groundwater during anticipated short-term unplanned and planned outages of the CAP delivery system. See *Memorandum* dated November 30, 2000 and supplemental *Memorandum* dated March 15, 2001, by Greg Wallace, ADWR Chief Hydrologist. ADWR has determined that under either scenario (intermittent backup use of groundwater or full reliance on groundwater for the life of the proposed Facility), the impact on the local groundwater table and groundwater rights and uses by surrounding landowners would be minimal and consistent with the Pinal Active Management Area Management Plans.

Since the proposed Facility would be a simple cycle facility with no cooling towers, there would be no impact to groundwater because of the relatively small water requirement from a very large regional aquifer. ADWR, in its November 30, 2000 memorandum, notes the dramatic rise in the local water table in recent years as follows: *“Since the mid-1980s, water levels in the area around the proposed plant site have risen by as much as 120 feet.”* Groundwater use by the proposed Project, under a worst case hypothetical scenario, is

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1 which is the noise level of a commercial area,
2 according to the DEIS.

3 Well, that noise level would certainly
4 destroy the rural nature and atmosphere for the
5 people living near this plant. And that's a real
6 quality of life issue. One wonders why they live
7 in the country to hear jet noises.

8 Further, the DEIS states on 4-18 the
9 changes in sound levels of plus or minus dBA
10 within the short timespan may be perceived as
11 dramatic. DEIS is all words. But the DEIS also
12 purports that, quote, normal operation excludes
13 intermittent activities such as startup, shutdown,
14 and any emergency or upset conditions. Now, this
15 is really disingenuous because this is a peaking
16 power plant. This is starting to start up and
17 shutdown very often. To exclude startup and
18 shutdown from normal operations is a fundamental
19 and inappropriate contradiction to the logic, and
20 the DEIS needs to take this into account.

21 The real story here is that local area
22 residents, which are a low-income, ethnic minority
23 community, will admittedly get dramatic noise
24 disturbances at least daily and then more likely
25 many times a day. And that makes the additional

20/04
(cont.)

21/04

22/04

Comment No. 18 (cont.)

anticipated to only slightly decrease the rate of the water table recovery.

Issue Code: 07

Comment No. 19

See response to Comment No. 18 above. Regional subsidence is an *historical* phenomenon not common to all lands or soils in the region, but nonetheless extensive in some locations in Pinal County. Historically, subsidence has been the result of severe groundwater overdrafting. However, in the last two decades, dramatic reversals of overdrafting conditions in the region (see ADWR memorandum cited in Comment No. 18) which confirms a substantial rise in local water table. As discussed in the DEIS, subsidence caused by historical groundwater pumping would not be further impacted by the proposed Project. ADWR has confirmed that the minor amount of water required by the proposed Facility, in the context of a rapidly rising water table in a very large aquifer, would have minimal impacts of only a slight decrease in those recovery rates.

Issue Code: 07

The proposed Project's plan is to use groundwater for backup only. This would significantly *decrease* the amount of groundwater use at the Sundance irrigated property compared to historical and recent irrigation pumping of groundwater. Therefore, the proposed Project would decrease any risk of subsidence due to historical groundwater pumping.

Comment No. 20

Table 3-3 of the DEIS presents typical environmental noise for certain outdoor sound levels. This data do not represent conditions in the vicinity of the proposed Facility. The DEIS states on page 3-9, paragraph one, that the prevailing ambience in the vicinity of the proposed Facility is not 30-35 dBA. The results of a 24-hour noise survey conducted three-fourth mile from the proposed Facility is presented. The study, which was conducted in mid-December,

Issue Code: 04

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1 noise a very significant impact.
2 If this were to be a power plant that
3 operated continuously, by contrast, a baseline
4 power plant, then the human ear will get used to
5 the noise and tune it out. But that's not the
6 case here at all. People who live there will get
7 the noise of a suburban setting foisted upon them
8 in a dramatic manner and not the noise level of
9 the rural setting that they currently enjoy.
10 Desert animals will also be affected by
11 the noise. Predators, which use sound to track
12 their prey, will be unable to hear the prey when
13 the power plant starts up or shuts down and
14 creates one of those dramatic sound events.
15 There are issues about how this DEIS
16 handled the Endangered Species Act. Desert plants
17 and endangered species are not adequately or even
18 scientifically examined in this document. It
19 acknowledges that hedgehog cactus is an endangered
20 species and that hedgehog cactus occurs on the
21 proposed site and along the proposed pipeline,
22 Page 3-37.
23 Later on Page 4-40, the DEIS has the
24 unfounded audacity to proclaim, quote, no highly
25 safeguarded cacti were observed in the proposed

22/04
(cont.)

23/04

24/09

Comment No. 20 (cont.)

Issue Code: 04

indicated the average noise level is 45.2 dBA for this specific rural area, not the 30 dBA for a typical rural area.

Background noise was measured for a 24-hour noise period on December 14, 2000 near the proposed Site at the Randolph Road/Tweedy Road intersection. The average noise level during the 24-hour period from noon on December 14 to noon on December 15 was 45.2 dBA. The noise at during daylight hours was 47.6 dBA, and nighttime noise was 41.3 dBA. The average daytime noise was 45 dBA and the average nighttime noise was about 40 dBA. Had the noise survey been conducted at peak farming season, rather than mid-December, the results of the survey would likely have been higher than the 45.2 dBA.

The expected noise level at the nearest residences from the proposed Facility is 55 dBA, which is an increase of 10 dBA in the noise level from the average of 45.2 dBA. There would be an increase of 14 dBA above the nighttime average of 41.3 dBA. This increase over a short period of time would fall between dramatic and striking. The DEIS states that "a qualitative assessment of dramatic and striking changes in sound level could be considered a significant impact." Therefore, for the nine residences that would experience between a 10 to 14 dBA increase in noise level from the startup of the turbines (i.e. those within approximately one mile of the facility), the noise impacts could be considered significant.

An additional consideration is that the turbines and generators would not start up instantly. Noise during a startup sequence would actually be less than during normal operations. The turbines start at low revolutions then speed up. The generators do not operate until the turbines are up to speed. This "spreads" out the startup noise

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1 project area. That's one of those many
2 contradictions that the DEIS is rife with and kind
3 of a disturbing pattern actually.

4 It brings up the issues of hazardous
5 waste which also brings up the issue of
6 environmental justice. Page 4-23, the DEIS states
7 the project would dispose of hazardous materials
8 at a hazardous waste facility either in Coolidge
9 or another location in Phoenix. This ignores some
10 real important facts.

11 There is an environmental justice
12 complaint, a civil rights complaint that has been
13 filed with the United States Environmental
14 Protection Agency regarding the siting and
15 permitting of the Heritage Hazardous Waste
16 Facility near Coolidge -- that's the one that the
17 DEIS refers to -- as well as the civil rights
18 claim, the same kind of claim filed with USEPA
19 regarding the proposed permitting of the
20 innovative waste utilization hazardous waste
21 facility in Phoenix.

22 All of the hazardous waste facilities in
23 Phoenix that accept hazardous waste generated
24 off-site are all in low-income communities of
25 color, which raises civil rights issues and

24/09
(cont.)

25/14

Comment No. 20 (cont.)

Issue Code: 04

over several minutes. The time period over which shutdown occurs depends on the nature of the shutdown. If all turbines and generators performed an emergency shutdown at the same time the cessation of noise would be dramatic.

Development of some of the nearby parcels of agricultural land into housing subdivisions would have several cumulative effects on noise in the surrounding community. There would be more people nearby to experience any noise from the proposed Facility. The development would likely increase both the daytime and nighttime background noise levels whether or not the proposed Facility is built. The increase in background noise would make the noise from the proposed Facility relatively less noticeable.

Comment No. 21

Issue Code: 04

The noise from startup and shutdown of the turbines and generators was discussed in Section 4.3 of the DEIS and in the response to Comment No. 20 above. The nature of a peaking power plant does include more frequent startup and shutdown sequences than a base load power plant. However, the nature of electrical demand does not cause peaking power plants to startup and shutdown several times in a few hours. The number of turbines and generators that are operating while the proposed Facility is operational may change fairly frequently; however, once one turbine/generator set is operating and producing noise, the startup or shutdown of other sets is less noticeable.

Comment No. 22

Issue Code: 04

See responses to Comments No. 20 and 21.

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1 environmental justice issues. That the DEIS does
 2 not investigate these issues puts it on track to
 3 violate the federal Civil Rights Act and related
 4 laws and it also constitutes a violation of NEPA
 5 requirements that they examine environmental
 6 justice. The impacts from spills of hazardous
 7 fluids are not addressed. Instead, the DEIS, in
 8 essence, reports that there won't be any, which is
 9 entirely unrealistic and certainly an
 10 unsubstantiated assurance. There would be --
 11 there could be a very significant impact to the
 12 groundwater from a spill of hazardous fluids as
 13 the groundwater is only 75 feet below the surface.
 14 An unrealistic review -- or a realistic review of
 15 the impacts of a spill must be undertaken to
 16 comply with NEPA.

17 Visual resources. The discussion of
 18 visual resources that begins on Page 4-49 is
 19 strange. It does not provide anywhere the basis
 20 of its statements and claims. There are no
 21 surveys of local people or others to show what
 22 people really think. Among its more glaring
 23 deficiencies, it fails to examine or even mention
 24 the appearance of a plume of air emissions,
 25 including steam from the facility. Light from the

25/14
 (cont.)

26/05

27/09

28/09

Comment No. 23

Issue Code: 04

Most predators, herptile, bird or mammal, in the desert hunt by scent and/or sight with some use of hearing. Those animals whose primary hunting technique include their auditory systems include bats and owls. Memphis State University (1971) found that bats are resistant to jamming. They tend to orient themselves so that noise and return signals are received from different angles. No studies were found on the masking properties of background noise on owls' hunting ability; but personal observation on a barred owl (*Strix varia*) near an active oil pumping site, and an eastern screech owl (*Otus asio*) in a suburban setting, found that they were successful for three years in a row in fledging at least two young per year. If background noise, either natural or man-made, adversely affects a predator, it has an equal effect on the prey.

Comment No. 24

Issue Code: 09

The hedgehog cactus (*Echniocereus sp.*) referenced on page 3-37 of the DEIS is not the listed subspecies, Arizona hedgehog cactus (*Echinocereus triglochidiatus arizonicus*). The Arizona hedgehog cactus occurs at elevations of 3,700 to 5,000 feet. Elevations in the proposed Project area ranges from 1,415 to 1,437 feet, which makes the occurrence of the listed species unlikely.

Comment No. 25

Issue Code: 14

The commentor raises an important issue. Title VI complaints about the subject plants were filed with EPA. As of November 2000 (last update of status page), both of the Title VI complaints to the EPA were "Under Review" for possible investigation. This means that a complaint was received by the EPA, but no decision has yet been made on whether to reject the complaint because they did not meet regulatory requirements, accept the complaint for investigation, or refer the complaint to another federal agency.

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1 facility at night will be significant, further
2 destroy the inherent rural desert charm for local
3 residents, and the light may also affect desert
4 animals, many of which are nocturnal.
5 And at that point I will conclude and
6 provide these.
7 MR. HARNESS: Thank you. Thank you,
8 Mr. Brittle.
9 MR. BRITTLE: Uh-huh.
10 (Mr. Brittle departs the library for the
11 remainder of the meeting.)
12 MR. HARNESS: Would anyone else like to
13 make any comments?
14 Yes, sir.
15 MR. SLAVIN: I probably have questions
16 as opposed to making comments. I gave my name to
17 the court reporter. I'm Francis Slavin, and I'm a
18 lawyer from Phoenix, Arizona. And with me tonight
19 is John Ryan, who is also a lawyer. And we
20 represent Lonesome Valley Farms, whose property is
21 right in the midst of the air where these 230 kV
22 lines are scheduled to run.
23 Mr. Harness, I think my first question
24 would be -- and we just got this maybe ten days
25 ago -- how long has this thing been out for public

28/09
(cont.)

Comment No. 25 (cont.)

Issue Code: 14

The commentor's assertion that "all hazardous waste facilities in Phoenix that accept hazardous waste generated offsite are all in low-income communities of color" is not substantiated by any documentation. Hazardous waste would be disposed of in accordance with all applicable regulations. While the proposed Project has no role in the siting or operating of the hazardous waste management facilities, it would be generating some waste that could be disposed of in the subject facilities. No quantification of the impacts of these facilities on surrounding minority or low-income populations has been made, so no calculation of the increase in impacts due to waste from the proposed Project can be made. However, it is evident that any disproportionate impacts to any minority or low-income populations from those facilities would be connected to a degree to the waste originating at Sundance. Thus, the proposed Project would have some disproportionate impact to minority or low-income populations around the subject waste disposal facilities should waste from Sundance be disposed of at either of the subject facilities.

Comment No. 26

Issue Code: 05

The DEIS states that spills or leaks of hazardous fluids (e.g., fuel, lubricants, chemicals, etc.) could contaminate the groundwater and affect aquifer use. The extent of the impacts would be minimized by restricting the location of hazardous materials storage, and immediate clean-up of spills and leaks. The procedures used for storage are discussed. In addition, the DEIS discusses the proposed Project's collection of stormwater. See Section 3.5.1.2, page 3-20 of the DEIS.

During exploratory drilling on the proposed Property, a water bearing zone was not found until a depth of 270 feet. As part of the design of the proposed Facility, drains would be installed near all equipment with any probability of oil or fuel leaks. All drains would

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1 information and take issue with some of the
2 conclusions that are set forth, at least in the
3 environmental consequences tables, and these are
4 the ones S-1 through S whatever 13 at the front.
5 Let me give you a good example of why I
6 think it's difficult for people who don't make
7 their living reviewing technical bulletins. On
8 Page S-5 where it talks about air quality, I'm
9 curious if anybody here would be able to
10 understand where it says facilities -- it's
11 right -- which would be I guess the air quality,
12 which would be impacted by the -- and I think the
13 word "facilities" refers to the power generating
14 plant; is that correct?
15 Can someone answer that?
16 MR. BRIDGES: Yes, sir, that is correct.
17 MR. SLAVIN: Okay. I guess I'm
18 questioning whether any average person could even
19 begin to understand what all of this stuff means,
20 all these chemical radicles and so on and so forth
21 here.
22 My suggestion would be is that someone
23 explain this in common everyday English so that
24 the people who live in this area can fully
25 understand what you're talking about here.

29/25

Comment No. 26 (cont.)

Issue Code: 05

flow to a water/oil separator in the event of a spill. Concrete containment structures would be constructed at the perimeter of this equipment to handle any sheet flow overflows. Concrete foundations and embankments would be constructed around the ammonia and fuel tanks designed to handle any overflow of the maximum amount of ammonia or fuel stored onsite at any time.

Comment No. 27

Issue Code: 09

The assessment of visual resources is subjective. In order to increase the objectivity of these assessments, methods have been developed that include factors that can be measured. These factors include points of view, numbers of people using these points of view, and prevalence of the type of resource in the area. These factors are used to determine existing character of the resource, the potential changes to the resource, and the number of people that would be affected. It is true that someone living close to the proposed Facility would have their individual view impacted to a greater degree than the general public.

The DEIS readily discloses that the proposed Facility would be apparent to viewers within three miles of the proposed Facility and would change the characteristic landscape around the proposed Facility. While the plume may be visible during cold mornings, the hot and dry climate conditions in Coolidge would lead to rapid evaporation of the plume during most of the year. The proposed Facility would be a simple-cycle generating facility, not a combined-cycle facility with cooling towers, and would not produce a large steam plume.

Comment No. 28

Issue Code: 09

Typically, wildlife species will avoid lighted areas unless lights attract a prey. Nocturnal insectivorous birds and bats would be

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1 Because, I mean, you probably have it down
2 technically correct. I don't know. You might.
3 But I think it's really a significant imposition
4 on anybody to try to understand this. Now, maybe
5 you've got it later on in more detail. But that
6 just jumped out at me as being something that is
7 potentially problematical.
8 I would take issue with the conclusion
9 that there are no impacts to existing land status
10 and land uses. I think there will be impacts to
11 these lands. But more importantly, and I haven't
12 found anything in this document that shows this
13 area of the Pinal County, how much of it is in
14 private ownership, how much is in public
15 ownership, and where the direction of growth is
16 coming from in the metropolitan area of Phoenix.
17 I think if you were to look at a map, you would
18 find that this area is probably rural right now,
19 but it's probably moving towards more of a
20 suburban type of environment. And I don't know if
21 that -- I don't believe that's been addressed
22 anywhere in this document. But I think there will
23 be some significant land use impacts from this
24 project.
25 Another just observation on the noise.

30/01

Comment No. 28 (cont.)

Issue Code: 09

attracted to insects that would be attracted to the lights at the proposed Facility. This would probably be a significant positive impact. Other, less tolerant wildlife would avoid the proposed Project area.

Comment No. 29

Issue Code: 25

Western believes that the DEIS has been written so that the lay person could understand the content of the document. Effort has been made to discuss complex issues such as air quality and EMF in easily understood language. The Summary provides a brief synopsis of the information in the DEIS. In order to keep the synopses brief, much of the explanatory discussions of background and context that are included in the body of the DEIS are necessarily omitted.

Comment No. 30

Issue Code: 01

A map showing land ownership in the proposed Project area is included in the DEIS on page 3-2. It is difficult to show the direction of growth on a map.

The DEIS reported the current zoning for the land surrounding the proposed Project area in Section 3.1. New information has been developed that some parcels of land in the vicinity of the proposed Site have been proposed for changes to zoning to allow for development of suburban housing. This information has been added to the discussion of cumulative impacts in Section 4.13 of the FEIS.

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1 that noise model takes into account these 12
2 engines and when they operate and so on and so
3 forth; is that correct?
4 MR. MAYES: Yes.
5 MR. SLAVIN: I think there's an
6 inconsistency in your report with regard to noise,
7 and I would just point this out to you. On Page
8 S-6 under air quality noise, it says that the
9 noise is not expected to exceed 55 dBA and it says
10 this will be 10 dBA above assumed rural background
11 noise level. I go back to Page 3-8, and on this
12 Table 3-3, it says the quiet, rural nighttime dBA
13 is 30. The quiet suburban nighttime is 40. But
14 if this is a rural area and the difference between
15 55 dBA and 30 seems to me to be a 25 dBA
16 difference.
17 Is there an explanation for that?
18 MR. HARNESS: Well, that's the kind of
19 question we're not going to be answering. You
20 know --
21 MR. MOYES: A simple answer.
22 MR. HARNESS: We'll take comments --
23 MR. SLAVIN: Yeah.
24 MR. HARNESS: -- and we'll answer
25 questions that borderline on the comment process.

31/04

Comment No. 31

Issue Code: 04

Table 3-3 of the DEIS presents typical environmental noise for certain outdoor sound levels, as indicated in paragraph two on page 3-8. This data do not represent conditions in the vicinity of the proposed Facility. The DEIS states on page 3-9, paragraph one, that the prevailing ambience in the vicinity of the proposed facility is not 30-35 dBA. The results of a 24-hour noise survey conducted three-fourth mile from the proposed Facility is presented in the DEIS. The study, which was conducted in mid-December, indicated an average noise level of 45.2 dBA for this specific rural area, not the 30 dBA for a typical rural area.

Background noise was measured for a 24-hour noise period on December 14, 2000 near the proposed Site at the Randolph Road/Tweedy Road intersection. The average noise level during the 24-hour period from noon on December 14 to noon on December 15 was 45.2 dBA. The noise at during daylight hours was 47.6 dBA, and the nighttime noise was 41.3 dBA. The average daytime noise was about 45 dBA and the average nighttime noise was about 40 dBA. Had the noise survey been conducted during the peak farming season, rather than mid-December, the results of the survey would likely have been higher than the 45.2 dBA.

The expected noise level at the nearest residences from the proposed Facility is 55 dBA, which is an increase of 10 dBA in noise level from the average of 45.2 dBA. There would be an increase of 14 dBA above the nighttime average of 41.3 dBA. This increase over a short period of time would fall between dramatic and striking. The DEIS states that "a qualitative assessment of dramatic and striking changes in sound level could be considered a significant impact." Therefore, for the nine residences that would experience between a 10 to 14 dBA increase in noise level from the startup of the turbines (i.e., those within approximately one mile of the proposed Facility), the noise impacts could be considered significant.

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1 MR. SLAVIN: Okay.
2 MR. HARNESS: -- we do not.
3 MR. SLAVIN: All right. I don't
4 understand that, but you're running the meeting,
5 so.
6 On Page S-7 which talks about the EMF
7 effects, and there is a statement in here that
8 says that -- and that's -- and those are
9 electromagnetic fields. It says the magnetic
10 field -- and this is the transmission lines.
11 We're talking about 230 kV lines here. And it
12 says that the magnetic field would be similar to
13 that of a common household appliance. I believe
14 that to be an incorrect conclusion. And I would
15 like to submit for your record now and perhaps at
16 a later date, there is a study put out by the
17 U.S. -- the National Institute of Health. Are you
18 familiar with this study? And it has -- and it's
19 a description of the various impacts of
20 electromagnetic fields. There is a collection of
21 the studies in here regarding the impacts of
22 electromagnetic fields. And I think it would be
23 important to reference this document if it's not
24 so referenced in this draft EIS because it's a
25 significant semblance of work in the area of

32/06

Comment No. 32

Issue Code: 06

The Summary states that the magnetic field from the new power lines would be similar to that of a household appliance. The strength of a magnetic field falls off with distance. At the edge of the right-of-way, the magnetic field is much weaker than next to the wire. Outside of the right-of-way a person would experience less magnetic field effects than when standing next to some household appliances. Additional, more detailed information on EMF effects are discussed in Chapter 3, Section 3.4.3.2 and Chapter 4, Section 4.4.3.2.

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1 electromagnetic fields.
2 Also, there are EMF publications put out
3 by people like Salt River Project that are not, I
4 believe, so cavalier in making statements that are
5 contained in here; although, I notice later on in
6 the document in the back, if a person wanted to
7 read the detail, there are disclaimers in that
8 regard later on, so on Page 311 and thereafter.
9 But I think that there -- to say that there would
10 be no more impact than those found in a common
11 household appliance I think is just absolutely
12 wrong, false, and misleading, and I would hope
13 that you would correct that.
14 My next question is -- and again, I
15 haven't studied this very carefully -- what is the
16 total amount of water that will be necessary for
17 this plant once it's operating at peak capacity?
18 MR. HARNESS: Is that addressed in the
19 document?
20 MR. MOYES: Yes, it is.
21 MR. BRIDGES: Yes, it is.
22 MR. SLAVIN: All right.
23 MR. MOYES: Less than a thousand feet.
24 MR. SLAVIN: Less than a thousand acre
25 feet a year?

32/06
(cont.)

1 MR. HARNESS: Oh, all right. Thank you.

2 Yes, sir.

3 MR. BRIMHALL: I guess I'm going to
4 sound a little dumb compared to these other two
5 guys. But my name is Stacy Brimhall, and we're a
6 property owner --

7 MR. HARNESS: Okay. Thank you.

8 MR. BRIMHALL: -- on Tweedy Road. We
9 have a mile of frontage from Woodruff Road down to
10 about a half mile from the project. And this is
11 my partner, Cody Yost.

12 And our concerns -- Well, first off, we
13 believe that, you know, if you guys bought the
14 property, you should be able to do what you want
15 with it. So I think in some of the other meetings
16 that you've already been through to get your
17 zoning and stuff, we haven't opposed.

18 But our concerns are that now that
19 you're going to need the transmission lines going
20 through our property, we're pretty concerned about
21 that. And we looked at the three alternatives in
22 this book. And the two first alternatives that go
23 down Tweedy Road, that's -- we believe that's
24 really going to hurt our property values. The
25 third alternative that goes down the backside of

33/19

Comment No. 33

Issue Code: 19

The commentor's preference of alternatives is noted. The current land use of the properties over which the each transmission line alternative would run is agricultural. In the future it can be expected that some of this land could be developed for residential housing. The market price of the land would depend on many factors including location, economic factors, local demand for housing, interest rates, aesthetic value, and psychological factors. The fear and the sight of the power lines could contribute negatively to the aesthetic and psychological factors for homeowners in the immediate vicinity of the power lines.

1 it is better, but we were hoping you could even go
2 further to the west, maybe through some of that
3 state ground. We -- like I say, we're kind of
4 farmers, so we don't understand all that language
5 about air quality and stuff. But we assume that
6 they'll be according to federal regulations, so
7 that should be okay. And you bought the property
8 and you should be able to do what you want with
9 it.

10 But we would like to have someone
11 address our concerns about the power lines, at
12 least in Gilbert where I live. Power lines going
13 through anybody's property really would bring down
14 the values.

15 MR. HARNESS: Thank you.

16 Yes, in the back.

17 MR. JORDAN: Yeah. I was just curious.

18 Has there been --

19 COURT REPORTER: I'm sorry. Could you
20 state your name?

21 MR. JORDAN: My name is Jeff Jordan,
22 Jeff Jordan.

23 I was just curious if there was an
24 evacuation plan for the folks in Eleven Mile
25 Corner in the event of an emergency.

33/19
(cont.)

Comment No. 34

Issue Code: 16

See response to Comment No. 13. Evacuation plans are the responsibility of local emergency planning units, in coordination with the facilities that handle reportable quantities of *Emergency Planning and Community Right To Know Act* (EPCRA) chemicals.

33/19
(cont.)

The proposed Facility would rely on both onsite fire protection and local fire protection services. The raw water storage tanks would be the source of water for fire suppression. The emergency diesel-fueled fire pump would enable pumping of storage water to any potential fires for initial suppression of fire. For a large event, response would be from either the Arizona City Fire District, headquartered south of Casa Grande approximately 15 miles south of the proposed Facility, or the Apache Junction Fire District headquartered approximately 20 miles north of the proposed Facility. Municipal fire departments are also in Casa Grande and Florence, both within 10 miles of the proposed Facility. The Gila River Emergency Medical Service provides responses to hazardous materials spill incidents and emergency medical services. The Casa Grande Regional Medical Center provides 24-hour medical emergency service with a staff of 82 medical people.

34/16

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1 MR. HARNESS: Is that something that's
2 addressed in the document?
3 MR. BRIDGES: I don't know if it's
4 addressed or not. I don't believe it's addressed
5 in the document.
6 MR. HARNESS: Okay. Mr. Jordan, we'll
7 take that as a comment and we'll address that in
8 our response at a later date.
9 MR. JORDAN: Another -- I'm sorry.
10 MR. HARNESS: That's all right. Go
11 ahead.
12 MR. JORDAN: Another question I have is
13 that: Have those folks been notified that this
14 facility is going to be in the proximity of where
15 they're at? I mean, has there been an aggressive
16 move on the company's part of the regulatory
17 agency to aggressively notify these people of the
18 plant that's going to be there in their area?
19 MR. HARNESS: There have been prior
20 public notices and public meetings if I'm not
21 mistaken.
22 Mr. Brimhall, you wanted to --
23 MR. BRIMHALL: Yeah, I forgot one thing.
24 Stacy Brimhall again.
25 We bought this land before I guess you

35/16

Comment No. 35

Issue Code: 16

The public notifications procedures for the proposed Project are described on page 1-4 of the DEIS. In addition to the federally mandated public notification, Sundance conducted a four-hour long open house at Coolidge High School in August, 2000. Sundance project personnel were available to answer questions concerning the proposed Project. The Eleven Mile Corner Facility has not yet been notified about the details of the proposed Project.

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1 guys bought yours. But we are processing a zoning
2 case for residential development with a school
3 site in it. And with the things that we've heard
4 tonight on the air quality and such, we're
5 concerned about that and was hoping that maybe one
6 of the people afterwards can talk to us about our
7 zoning case. It's been approved through PNC and
8 going to council. And we'd just like someone to
9 help us out here.

10 MR. HARNESS: Does anyone else have
11 anything else they'd like to raise?

12 Mr. Jordan?

13 MR. JORDAN: You know, I think it's only
14 fair to notify the people of Eleven Mile Corner
15 that this facility is so close to them because
16 they deal with a lot of children that are in need
17 of special needs if -- in education where they
18 deal with students with special needs. And so I
19 think it's only important to let them folks know
20 of what's coming and perhaps through the school
21 board or some of the other meetings to at least
22 let them be aware that it is coming.

23 MR. HARNESS: Okay. Thank you.

24 You can't ask questions or make
25 comments, John.

35/16
(cont.)