

# May 8, 2013

## Wind Energy Ordinance & Plan Amendment

### San Diego County

### Board of Supervisors

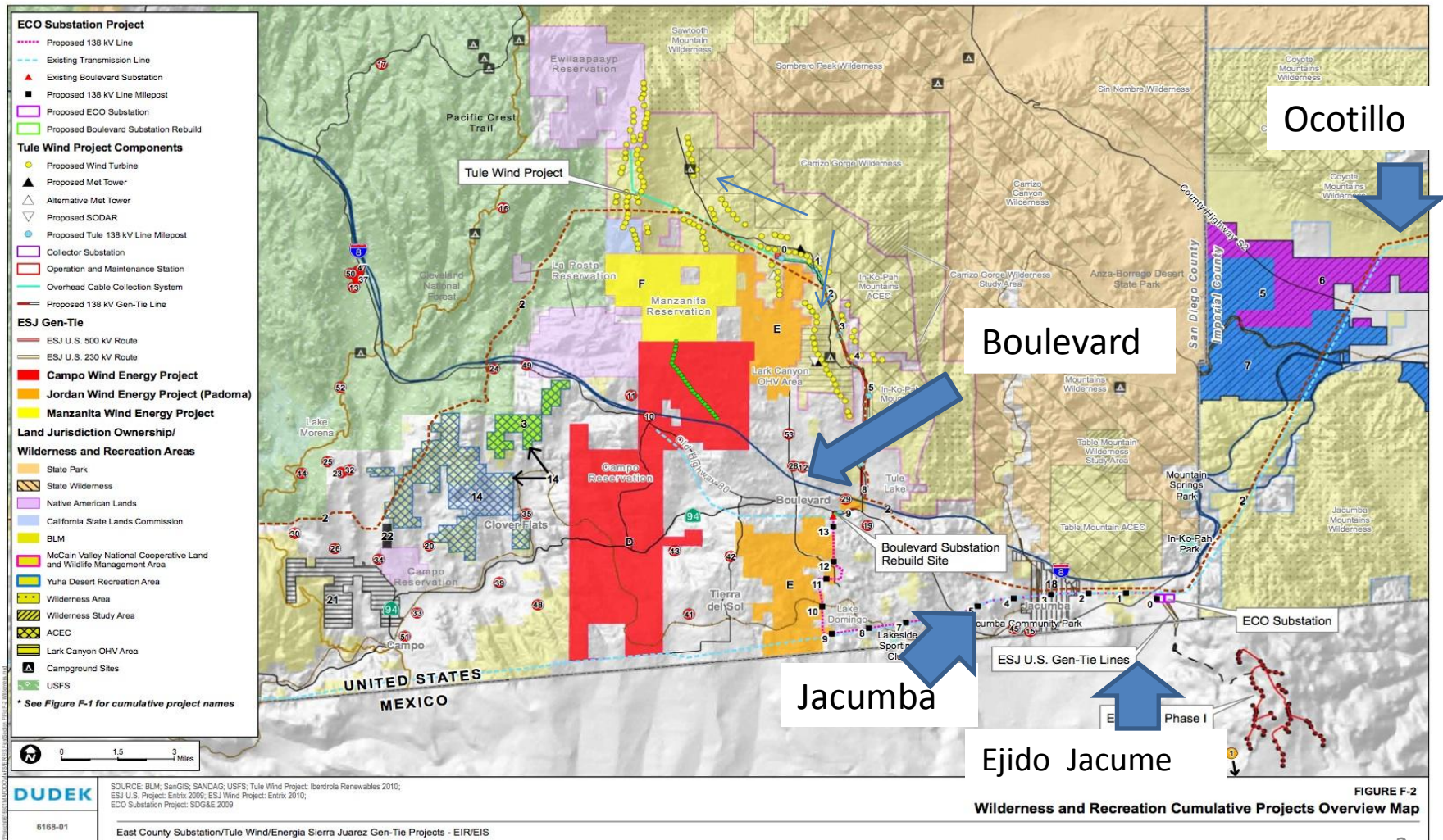
organized presentation: Donna Tisdale,  
Mark Ostrander: retired Cal Fire Battalion Chief  
Dave Elliott: impacted Kumeyaay Wind neighbor

By Donna Tisdale

- ❖ Boulevard resident for over 30 years
- ❖ Chair of Boulevard Planning Group (elected advisory land use group)
- ❖ Co-Founder and President of Backcountry Against Dumps
- ❖ Secretary of the Protect Our Communities Foundation
- ❖ Morning Star Ranch, Boulevard, CA 91905
- ❖ 619-766-4170; [tisdale.donna@gmail.com](mailto:tisdale.donna@gmail.com)

Any errors or omissions are unintentional

Cumulative projects map: 25 existing Kumeyaay turbines  
about 400 turbines planned for Boulevard, over 150 for Ocotillo,  
and over 60 miles of turbines in Baja —most for export to California



## Boulevard Planning Group submitted detailed comments & voted:

- Yes to Limited Small Turbine / Environmentally Superior Alternative & point-of-use DG
- Yes to C-wt sound limits for low-frequency noise
- Urged addition of full-spectrum or G-wt for infrasound documented in impacted Boulevard homes up to 2.9 miles from Kumeyaay Wind turbines
- No to Proposed Project; Limited Large Turbine Alternative; Boulevard Plan Amendments
- No to Noise Waiver, Overriding Considerations, removal of C-wt protections

# California Constitution

## ARTICLE 1 DECLARATION OF RIGHTS SECTION 1.

source: [http://www.leginfo.ca.gov/.const/.article\\_1](http://www.leginfo.ca.gov/.const/.article_1)

- ✓ *Guarantees that a person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided in Section 7.*
- ✓ *A citizen or class of citizens may not be granted privileges or immunities not granted on the same terms to all citizens.*
- ✓ *Here, Iberdrola and other wind & solar developers are being granted special privileges and immunities at expense of health, safety, and socioeconomic well being of locals.*

# CEQA's Purposes:

## Empty words if you live in Boulevard?

- “[M]ajor consideration [must be] given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian.” (*Id. at subd. (g).*)
- *We must “[t]ake all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, **and freedom from excessive noise.**” (Pub. Res. Code, § 21001, subd. (b).)*
- Specific provisions of CEQA and its Guidelines *require that local lead agencies consider how the environmental and public health burdens of a project might specially affect certain communities.*

# General Plan Update & Boulevard Community Plan approved Aug 3, 2011— after over a decade--being amended for commercial industrial projects in rural neighborhoods

source: [http://www.sdcounty.ca.gov/pds/press/Supervisors\\_Approve\\_GPUpdate\\_8-3-2011.html](http://www.sdcounty.ca.gov/pds/press/Supervisors_Approve_GPUpdate_8-3-2011.html)

- ✓ **General plans guide community development. Generally, they set the philosophy and policies that determine what gets built where.**
- ✓ The General Plan Update accomplishes that in part by shifting an estimated 20 percent of the development expected to occur in the future to western unincorporated communities with established infrastructure such as roads, fire protection and sewer services.
- ✓ **Reducing wildfire threats by locating more growth closer to existing fire stations.**
- ✓ **Reducing potential direct effects of development on biological habitat.**
- ✓ The General Plan Update was developed with broad public input from developers, business owners, environmentalists, farmers, homeowners, landowners and renters. To see the plan, go to [www.sdcounty.ca.gov/dplu/gpupdate](http://www.sdcounty.ca.gov/dplu/gpupdate).



# Volker Law submitted detailed comments with recommended actions:

1. Reject *Environmental Findings for the Ordinance*;
2. Deny certification of the FEIR under CEQA;
3. Reject the CEQA Statement of Overriding Considerations;
4. Reject the CEQA Mitigation Monitoring and Reporting Program;
5. Reject the proposed Ordinance amendment (POD 10-007);
6. Reject the proposed General Plan amendment (GPA 12-003);
7. Remedy the numerous inadequacies in the EIR (as discussed further herein) and **recirculate the EIR** for additional public review under Title 14 of the California Code of Regulations (“CEQA Guidelines”), section 15088.5;
8. Approve, after the additional environmental review requested above, the Limited Small Wind

# FEIR failings documented in Volker Law comments

- ✓ Not needed to meet state & federal goals
- ✓ Distributed Generation is better alternative
- ✓ Benefits of wind are overblown and insufficient to support Overriding Considerations
- ✓ FEIR's Conclusion that the "Scientific Evidence Does Not Demonstrate a Direct Causal Link between Wind Turbine Noise and Adverse Health Effects" Is Wrong and Unsupported by Substantial Evidence
- ✓ The Available Scientific Evidence *Does Demonstrate a "Direct Causal Link" between* Wind Turbine Noise and Adverse Health Effects
- ✓ The Acoustical Study Required for Large Wind Turbines Would Not Ensure an Adequate Buffer to Protect Public Health
- ✓ The Noise Impacts of Wind Turbines Must Be Fully Studied *Before the Project Is* Approved, Not Afterward



# Windfarm development issues listed on Calif. Energy Commission website:

source: <http://www.energy.ca.gov/wind/overview.html>

- *Use of large tracts of land.*
- *Erosion in desert areas.*
- *Changes in visual quality*
- *Disturbances to wildlife habitats.*
- *Avian mortality due to collisions with wind turbines and associated wires*
- *Noise (wind turbines generate both audible and low frequency [deep base vibration] sound waves).*
- *Grass or brush fires*

***Contrary to public denials the feds provide this admission:***

## **Wind Turbines: Human Health and Safety**

from the Dept of Interior's Tribal Energy & Environmental Information (TEEIC)

<http://teeic.anl.gov/er/wind/impact/op/index.cfm>

- ✓ Possible impacts to health and safety during operations include exposures to [electromagnetic fields \(EMF\)](#);
- ✓ Turbines obstructing aircraft; interference with electromagnetic signals including radar, radio communication, television and microwave transmission; [low-frequency sound](#); and [shadow flicker](#).
- ✓ [There is an increased potential for fires from electrical discharges from energized equipment.](#)

# Electrical pollution/ dirty electricity, transient voltage/ currents = adverse health impacts

- Documented in air, ground and utility lines inside and outside homes near Kumeyaay Wind turbines by Sam Milham, MD, MPH,
- Documented in separate Environmental Assay, Inc. report provided to staff and Supervisors
- Even Iberdrola admitted stray voltage issues in data responses to CPUC.

# Infrasound testing conducted locally

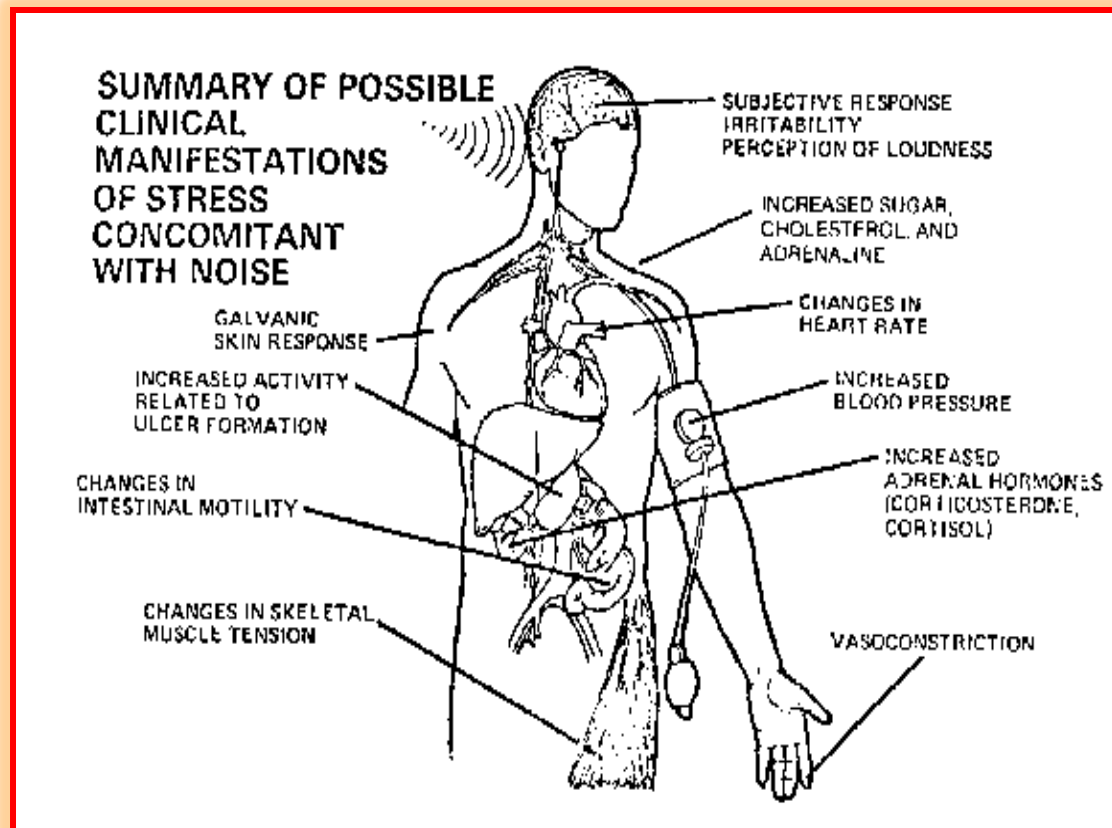
- Reputable acoustic engineers conducted recent tests at homes of willing turbine neighbors in Boulevard and Ocotillo
- Preliminary data confirms infrasound present in all homes tested—out to at least 2.9 miles from turbines
- Sleep disruption & health impacts reported
- Final formal report pending

Figure 3-1: possible clinical manifestations of stress concomitant with noise. Not only might there be harmful consequences to health during the state of alertness, but research also suggests effects may occur when the body is unaware or asleep.

A Desk Reference to Health and Welfare Effects of Noise By Office of the Scientific Assistant  
Office of Noise Abatement and Control U.S. Environmental Protection Agency

From the NOISE EFFECTS HANDBOOK:

October 1979, Revised July 1981 Source: <http://www.nonoise.org/library/handbook/handbook.htm>



# Noise Related Sleep Loss Affects Health

<http://www.ncbi.nlm.nih.gov/books/NBK19961/>

- ✓ National Academy of Sciences:
- ✓ Sleep loss (less than 7 hours per night) may have wide-ranging effects on the cardiovascular, endocrine, immune, and nervous systems, including the following:
- ✓ Obesity in adults and children
- ✓ Diabetes and impaired glucose tolerance
- ✓ Cardiovascular disease and hypertension
- ✓ Anxiety symptoms
- ✓ Depressed mood
- ✓ Alcohol use

# **“Overwhelming evidence that wind turbines cause serious health problems in nearby residents”**

source: Carl V. Phillips *Populi Health Institute, Wayne, PA, USA,*

[cvphilo@gmail.com](mailto:cvphilo@gmail.com) <http://bst.sagepub.com/content/31/4/303>

- ✓ ***There is overwhelming evidence that wind turbines cause serious health problems in nearby residents, usually stress-disorder-type diseases, at a nontrivial rate.***
- ✓ Proponents of turbines have sought to deny these problems by making a collection of contradictory claims including that the evidence does not “count,” the outcomes are not “real” diseases, the outcomes are the victims’ own fault, and that acoustical models cannot explain why there are health problems so the problems must not exist.
- ✓ ***There has been no policy analysis that justifies imposing these effects on local residents.***
- ✓ ***The attempts to deny the evidence cannot be seen as honest scientific disagreement and represent either gross incompetence or intentional bias.***



Kumeyaay Wind turbines are too close  
& are making some neighbors ill.



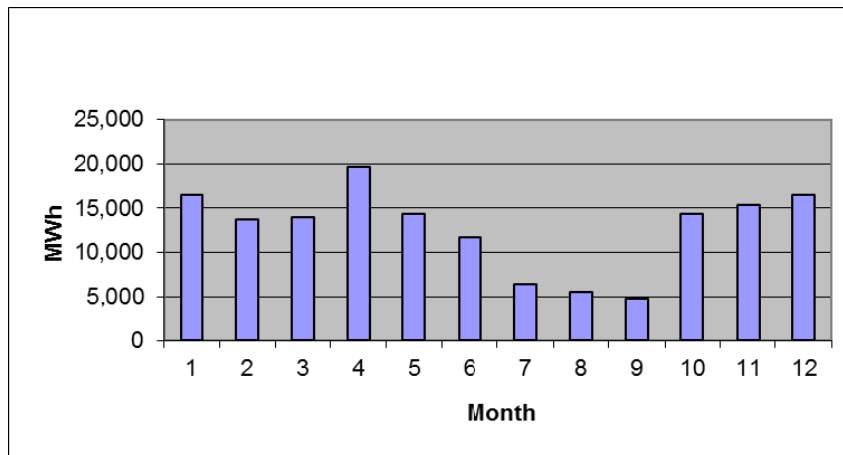
These Tierra Heights homes , south of I-8, will have Shu'luuk turbines – even closer than the Kumeyaay turbines that already create a nuisance



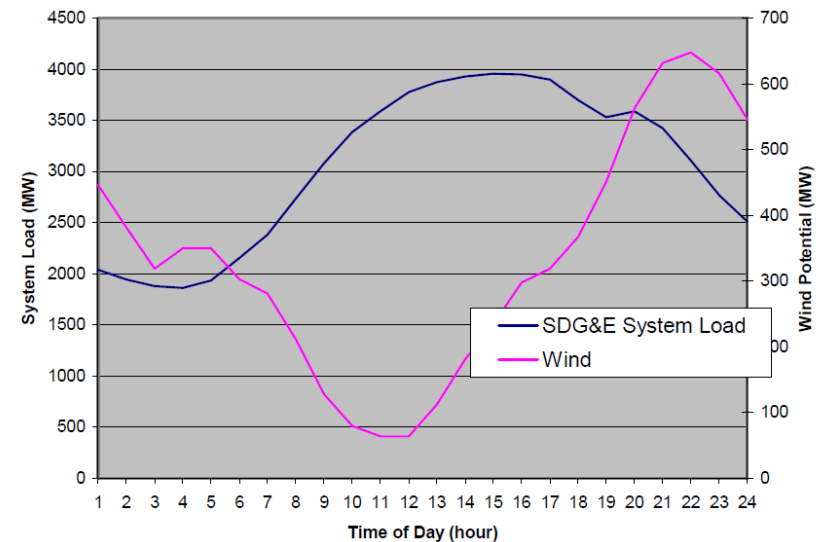
# Kumeyaay Wind produces intermittent wind at off-peak hours & off-peak seasons

## Is this energy worth the pain & suffering?

Kumeyaay Wind production over 12 month period:



Kumeyaay Wind (pink line )  
Compared to SDG&E load  
(blue line)



# GROUNDWATER: Hydrology analysis lacking

## New report by Dr VM Ponce shows significant adverse impacts cumulative energy projects

- ✓ Water demand will more than double as a result of the Wind Ordinance and Plan Amendment and the energy development it invites.
- ✓ Huge increase in demand will significantly diminish groundwater recharge...detrimental to a community like this where the “totality of the existing water demand is satisfied with groundwater.”
- ✓ *Potential to destroy wetlands and create significant flood risks.*
- ✓ FEIR erroneously concludes that the “**proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge.**”
- ✓ Without adequate analysis, this Project must be denied.

Home to Bob & Kaye McCallister, in their 80's.  
Tule Wind turbines are planned on ridge behind home of 40 years  
Tule Wind turbines and substation on Hamman Co land will be next door





Sunrise Powerlink crowds and crosses  
McCain Valley Road – sole access to several  
homes and regional recreation areas



# SDG&E 2-day transformer fire in Escondido

December 22, 2010

[http://www.energy.ca.gov/sitingcases/palomar/compliance/news/2011-08-04\\_Palomar\\_Fire\\_Report.pdf](http://www.energy.ca.gov/sitingcases/palomar/compliance/news/2011-08-04_Palomar_Fire_Report.pdf)

SDG&E's new ECO Substation for Boulevard area energy projects has a maximum capacity of over 500,000 gallons of transformer oil

(ECO Substation PTC permit application)

Day 1...



Day 2...





Infigen's 25 Kumeyaay Wind turbines  
(approved with FONSI), loom behind private home 2 miles east  
on Ribbonwood Road. Infrasound documented.

This and other homes will be far too close to Tule Wind, Jewel Valley  
and proposed Shu'luuk Wind



## **Retirement home of John & Iris Mauris**

both in the late 70's ,

with pre-existing health issues, including cancer

**Tule Wind Turbines will be too close,**

east, north, and northwest of them. Jewel Valley Wind is proposed immediately to the west



# Homes in Tule Wind's McCain Valley Noise Waiver area on Ribbonwood Road

don't they deserve to have equal protections under the law.





# Tule Wind impacted homes & livestock on Ribbonwood Road, abutting BLM Tule Wind site



# More impacted homes on Ribbonwood Road



# More Ribbonwood homes...





# Wildlife impacts from invasive industrial scale projects

**1 of 3 known Cougars killed on I-8 during disruptive Sunrise Powerlink construction in far east County**

photograph taken by Jeff & Laura McKernan 3-31-12



**White-tailed eagle chopped in half by Danish wind turbine in May 2013**





# Iberdrola's Tule Wind experts are being challenged

- Golden Eagle expert, Dave Bittner, recently pled guilty to federal charges of unlawful take, working on expired permit and failure to report *data—while working on Tule Wind*
- Noise expert, Mark Batasch, is being sued for professional negligence by 60 neighbors of Iberdrola's Hardscrabble Wind in New York state.

# Independent Tule Wind Noise study analysis by Rick James, ICNE

[http://www.cpuc.ca.gov/environment/info/dudek/ecosub/D%5C04ORG\\_03.04.11\\_E-Coustic%20\(James,%20R\).pdf](http://www.cpuc.ca.gov/environment/info/dudek/ecosub/D%5C04ORG_03.04.11_E-Coustic%20(James,%20R).pdf)

- “...The result of these technical flaws along with an outdated understanding of how the human body responds to acoustical energy below the threshold of perception leads to a conclusion that **if the Project, as proposed, is approved, it will, with a high degree of certainty, have negative noise impacts that are "significant."**
- **“The Project, as currently proposed should be rejected.”**

# **Dec. 8, 2011: Androssan Wind Farm fire**

during high winds in Scotland -- Boulevard has gale force winds

photo credit: Stuart McMahon : <http://dailypicksandflicks.com/2011/12/09/wind-turbine-explodes-in-flames-at-androssan-scotland-picture-gallery/>



Blinking night lighting can disrupt circadian rhythms for people and wildlife  
& turbine malfunctions can cause fires



# August 6, 2012 fire at Iberdrola's Buffalo Ridge Wind in S. Dakota

source: [http://www.brookingsregister.com/v2\\_news\\_articles.php?heading=0&story\\_id=15161&page=76](http://www.brookingsregister.com/v2_news_articles.php?heading=0&story_id=15161&page=76)

- **Lightning hit one of the blades of the turbine, sending part of it to the ground.**
- The fire continued to burn, both at the base and at the top of the 175-foot-tall tower. Ultimately, all three blades were destroyed.
- **The Elkton Fire Department was called to the scene, but only as a standby in case the tower transformer caught fire or exploded.** The chief said there was no attempt to extinguish the fire.



**Most rural communities are not equipped, staffed, or funded to deal with these massive and high risk industrial energy structures / projects  
Especially the high concentration clusters that are being proposed**





# Turbine lightning strike fire in Colorado August 2, 2012

<http://www.windaction.org/pictures/35718>: photo credit: Deb Bushman





# July 30, 2012: Tehachapi wind turbine ignited a grass fire

Source: <http://www.kcet.org/news/rewire/wind/wind-turbine-starts-fire-near-tehachapi.html>



# May 22, 2012: Iberdrola's Barton Wind / Gamesa turbine fire

[http://nawindpower.com/e107\\_plugins/content/content.php?content.9883](http://nawindpower.com/e107_plugins/content/content.php?content.9883)

- Emergency personnel responded to a fire at Iberdrola Renewables' Barton 2 Wind Power Project in Worth County, Iowa, company spokesperson Jan Johnson tells **NAW**.
- **Gamesa spokesperson David Rosenberg says the company has not been involved with the Barton project since May 2011, when its operations and maintenance contract expired.**

# May 14, 2012 Iberdrola's Locust Ridge Turbine Fire

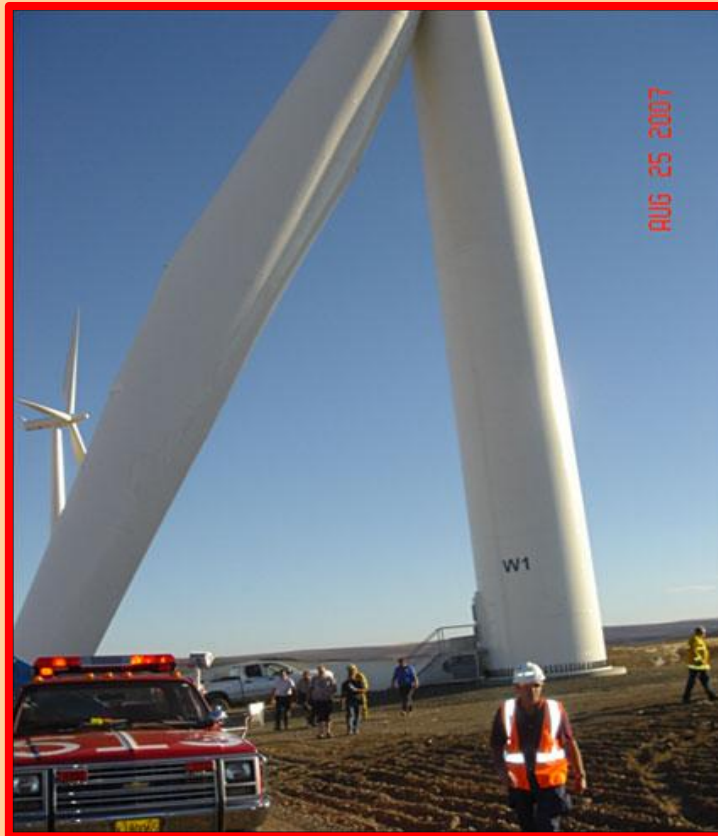
<http://www.windaction.org/news/21321> : May 22, 2009 by Stephen J. Pytak in Republican Herald

- *The fire at the skyscraper-size Turbine 12 at the Locust Ridge I commercial wind facility occurred during routine maintenance, according to Jan Johnson, corporate communications director for Iberdrola*
- *When asked how the fire started, she said, "We're still investigating."*

# Iberdrola's 2007 Klondike II tower collapse resulted in one fatality:

*turbine had been in operation for 500 hours*

source: <http://www.komonews.com/news/local/9383316.html>



**March 14<sup>th</sup> 2011: Iberdrola's Rugby Wind Farm:  
Sheared bolts caused a turbine rotor assembly on a 5-month old turbine  
to crash to the ground with all three 7-ton giant blades still attached.  
5 other turbines had similar bolt issues**

source: <http://www.windaction.org/news/31645/>  
[http://www.nawindpower.com/e107\\_plugins/content/content.php?content.7501](http://www.nawindpower.com/e107_plugins/content/content.php?content.7501)



# The Wind Industry actions meet the definitions of Deceit, Constructive Fraud and Fraud

in my humble opinion

**Deceit:** One who willfully deceives another with intent to induce the other to alter his or her position to his or her injury or risk is liable for any damage suffered as a result of the deceit. [Civ. Code §1709]

**constructive fraud n.** when the circumstances show that someone's actions gives him/her an unfair advantage over another by unfair means (lying or not telling a buyer about defects in a product, for example), the court may decide from the methods used and the result that it should treat the situation as if there was actual fraud even if all the technical elements of fraud have not been proven.

# Actual Fraud

Do wind industry misrepresentations about noise and electrical pollution, product safety, production, reliability, and GHG reductions, meet the Definition of Fraud?

*In my opinion, YES.*

**Actual Fraud** consists of any of the following acts, committed by or with the connivance of a party to a contract with intent to deceive another party to the contract, or to induce the other party to enter into the contract [Civ. Code §1572]:

1. the suggestion, as a fact, of that which is not true, by one who does not believe it to be true;
2. the positive assertion, in any manner not warranted by the information of the person making it, of that which is not true, though the person making the assertion believes it to be true;
3. the suppression of that which is true, by one having knowledge or belief of the fact;
4. a promise made without any intention of performing it; and
5. any other act fitted to deceive.

# Tule Wind's Iberdrola generates 3 x more energy from fossil fuels

source: <http://www.energytribune.com/11181/the-wind-lobby-is-powered-by-fossil-fuels#sthash.BNsR9EGZ.dpbs>

<http://www.energytribune.com/11181/the-wind-lobby-is-powered-by-fossil-fuels#sthash.BNsR9EGZ.dpuf>

- ✓ Market cap of \$19 billion.
- ✓ About [4,800 MW of wind capacity](#) in US.
- ✓ Majority are manufactured from fossil fuels, not wind.
- ✓ In 2010, the company produced 154,000 gigawatt-hours (GWh) of electricity: [52 percent came from burning coal or natural gas](#).
- ✓ Iberdrola produced about 3 times more electricity in 2010 from hydrocarbons as it did from wind.
- ✓ In its 2010 annual report, the company reported it “has received [almost 1,000 million dollars in stimulus funds](#) (grants) for renewable energy offered as incentives to companies by the US Treasury Department.”
- ✓ Iberdrola's 2010 net profit was about 2.8 billion Euros, or around \$3.5 billion.



# Conclusion...

- ✓ Every County resident should receive the same dignity, care, respect, and protections, regardless of race, income, or geographic location-even if located in a so-called wind and resource area.
- ✓ Commercial industrial projects and wealthy applicants should not receive special privileges, immunities, and bloated taxpayer subsidized windfalls, not granted to others, especially when less damaging alternatives are feasible.
- ✓ **Vote to protect our non-renewable rural residents and resources from unnecessary and destructive industrialization & to focus on point of use alternatives.**