

BOULEVARD PLANNING GROUP

PO Box 1272, BOULEVARD, CA 91905

San Diego County Planning Commission

January 9, 2015

VIA: lisa.fitzpatrick@sdcounty.ca.gov

RE: SOITEC SOLAR DEVELOPMENT FINAL PEIR COMMENTS FOR JANUARY 16 HEARING

Dear Commissioners,

The following comments were approved, as written, at our January 8th Planning Group meeting on a 4-0-0 vote with two members, Robert Maupin and Earl Goodnight, recused due to proximity of Soitec project components to their properties; and with Seat #3 vacant, pending formal Board appointment of Kevin Keane. There was public support for these comments and no opposition expressed by the approximately 50-60 or people present.

Based on changed circumstances, significant project changes, and new information, including but not limited to the following issues, CEQA requires a revised and re-circulated Draft EIR for full public review and comment—not the manipulated and whitewashed Final EIR and pre-determined Staff Report/approvals that have been presented:

1. Inadequate responses to substantive comments and previous request for re-circulated Draft EIR
2. Significant project design changes, new impacts and proposed / changed mitigation.
3. Increased estimated project use of drought stressed sole-source groundwater resources.
4. SDG&E's real world use of significantly more groundwater/ water sources for construction of their \$435 million ECO Substation project between Jacumba and Boulevard that was originally estimated at 30 million gallons. However, as of SDG&E's November 2014 Water Use Report, almost 85 million gallons had been used; over 28 million gallons came from drought-stressed local groundwater resources in Jacumba Hot Springs, Live Oak Springs and from the Campo Reservation/Tierra Del Sol area
5. *USE OF DROUGHT-STRESSED SOLE-SOURCE GROUNDWATER AND INCREASED FIRE RISK CONTINUE TO BE HIGHLY CONTROVERSIAL ISSUES AND SHOULD BE RECOGNIZED AS SUCH.*
6. Mapping, project descriptions, and other errors remain.
7. Mc Cain Valley Conservation and Recreation Areas and impacted residential views are consistently ignored.
8. Dr. Greene's noise memo appears to address both infra and low frequency sound, but the test data stops at 80 Hz--*just below the frequencies where the tones and harmonics of the inverters, and other sources of tones and hum, would show up in the measurement data.*

9. Dr. Sheppard's EMF memo ignores electrical pollution/dirty electricity and increased ground currents which represent a significant threat to public health and safety—as stated in Dr. Sam Milham's Jan. 2nd response.
10. What about cumulative noise impacts from 160MW of batteries, inverters, transformers and Tule Wind turbines?
11. The addition of 160 cargo containers with 160MW of Li-ion battery storage represents significantly increased fire risk, increased emissions, increased electrical pollution / stray voltage, and hazardous materials with potential for toxic smoke emissions and groundwater and surface water pollution in the event of a malfunction.
12. Each of the 160 1MW cargo containers will include HVAC (heating, ventilation and air conditioning) in addition to 160 inverters, battery management systems and 80 step-up transformers.
13. Li-ion batteries can be damaged or malfunction. They can experience secondary ignition known as thermal runaway, where the battery's internal temperature rises and can lead to increased internal pressure, combustion of chemicals, venting or rupture and release of hydrogen or other flammable gasses that can result in fire and/or explosions¹.
14. Soitec's loss / termination of SDG&E's Power Purchase Agreements (PPA), leaves their Boulevard projects without any energy contracts and with significantly reduced market appeal and viability.
15. Loss of contracts has reduced production / jobs at Soitec's CPV manufacturing facility in San Diego. Those disappearing jobs have been used to artificially justify Soitec's Boulevard projects.
16. Soitec Solar's current significant financial losses (\$70 million Euro for first half 2014) and a reported 60% stock drop after loss of their PPAs create financial instability.
17. Negative DOE peer review for Soitec's \$25 million DOE grant with comparisons to Solyndra, pointing out that cost efficiency trumps thermodynamic efficiency any day². Reliability issues were also raised.
18. Independent evaluator's opinion for amendment to now terminated SDG&E PPA , stated that Soitec CPV is now "out of the money" and "out of the market"--no longer cost-competitive³
19. Soitec has failed to produce the number of jobs estimated for the almost \$10 million in Sales and Use Tax Exemptions and has already used, according to a 12-1-14 spreadsheet⁴, which equals almost \$180,000 per job.
20. SDG&E's December 22nd submission to the CPUC, in response to Soitec's December 5th Application 14-12-008, urged the Commission to scrutinize Soitec's information to

¹ FEIR Addendum Fire Hazards Assessment for Rugged Solar LLC Project @ page 22-23

² DOE peer review report at pages 246-47:

http://energy.gov/sites/prod/files/2014/09/f18/2014_sunshot_peer_review_report%209%2022%2014.pdf

³ SDG&E's amended Power Purchase Agreement @ page 7-2, 7-6, 7-10:

<http://regarchive.sdge.com/tm2/pdf/2552-E.pdf>

⁴State Treasurers' CAEFTA STE spreadsheet: <http://www.treasurer.ca.gov/caeatfa/ste/applicants/considered.pdf>

ensure the accuracy of the evidentiary record, alleging that Soitec was providing disparate numbers of employees in different forums and continuing to claim a pipeline projects whose PPA contracts had already been terminated⁵.

The Boulevard Planning Group strongly opposes and rejects Soitec Solar's Boulevard projects and the pre-determined Staff Report's recommendations put forward for approvals —*despite the 20 or more significant and unmitigable environmental impacts to our community, community plan, quality of life, long-term investments /property values, and a wide variety of resources.*

Therefore, we vigorously urge and request that the Planning Commission and Board of Supervisors make the following rejections / denials. Soitec Solar has proven to be unreliable, financially unstable, and unable to meet repeated contract milestones as disclosed by SDG&E:

1. Reject the pre-determined Staff Report and recommendations.
2. Reject environmental findings in (Staff Report) Attachment G and DO NOT certify the EIR as they are not substantially supported by the record or CEQA compliant.
3. Reject (Staff Report) Attachment C; An Ordinance Changing the Zoning Classification of certain property in the Boulevard Subregional Plan Area; Ref PDS2012-3600-12-005 (REZ)
4. Reject the Resolution Disestablishing a Portion of the Maupin Agricultural Preserve No. 96 (Staff Report Attachment B)
5. Reject Soitec Solar's Tierra Del Sol project Major Use Permit PDS2012-3300-12-010 and conditions set forth in the Form of Decision (Staff Report Attachment D)
6. Reject Soitec Solar's Rugged Solar project Major Use Permit PDS2012-3300-12-007 and conditions set forth in the Form of Decision (Staff Report Attachment E)

The Boulevard Planning Group continues to hold the following positions that conflict with Staff's controversial report:

- **Point of use generation like solar on new and existing structures and parking shade covers is better.**
- The Findings cannot be met and are not supported by the record. **These massive energy projects are not compatible with our community character, harmony, bulk or scale! They conflict our goals, values, and visions.**
- The Overriding Considerations are not supported by the record; they violate CEQA, and would place our community, residents, visitors, wildlife, and resources at unnecessary and increased risk of harm and long-term sustainability. Project setbacks from non-participating properties and public roads are vastly inadequate
- An additional 6-8 miles of new and sky lined high voltage lines in Very High Fire Severity Zones, including within the footprint of the 2012 Shockey Fire that destroyed 11 homes

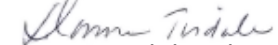
⁵ <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M143/K931/143931998.PDF>

and killed one resident, do not meet project objectives to place projects near existing infrastructure.

- While utilities are being placed underground in urban neighborhoods, our predominantly low-income rural communities are being repeatedly subjected to disproportionate adverse impacts and increased industrialization with in-your-face electrical infrastructure that benefits other areas--while we have to live with the destruction.
- *In the event these projects are approved, in violation of public trust responsibilities, approvals should be conditioned on the most reduced project footprints and the undergrounding of all gen-tie and collections lines, similar to the undergrounding of SDG&E's new 138kV lines for ECO /Boulevard Substation project through Jewel Valley as mandated by the CPUC.*

Please contact me at 619-766-4170 or tisdale.donna@gmail.com if you have any questions or need additional information.

Regards,


Donna Tisdale, Chair