

Hingtgen, Robert J

From: Donna Tisdale <tisdale.donna@gmail.com>
Sent: Wednesday, March 13, 2013 4:38 PM
To: Hingtgen, Robert J
Subject: Re: Soitec Solar PEIR MUP Henshaw documents
Attachments: CPUC to Live Oak Springs Water Co 2-26-13.pdf

Thanks Robert,

It appears that you have captured everything I intended to send. I noticed that my January 31st message indicated that my comments were also being submitted on behalf of the Planning Group.

Do I need to have the group reconfirm that at our next meeting and then submit the same comments under the Planning Group's name? Or just wait to comment on the next phase?

I have attached a letter from CPUC General Counsel Frank Lindh, for the Soitec Solar record, regarding the Live Oak Springs Water source, which I believe is being considered as a potential or backup source of Soitec Solar construction water. Mr. Lindh's letter to Mark McPherson, Chief, Land and Water Quality Division, DEH, confirms the County's right to order Live Oak Springs Water Company to comply with the order to produce a source capacity assessment in compliance with Health and Safety Code 116530, and PUC General Order 103-A.

Jim Whalen previously indicated that Soitec was pursuing a source capacity assessment which may or may not be related to the one mentioned in the CPUC letter. Regardless, the proposed use of high volumes of at-risk groundwater resources for construction of industrial scale energy projects, meant to serve other communities, must be fully and lawfully analyzed and addressed.

Your patience and thoroughness is appreciated.

Donna
619-76-4170

On Wed, Mar 13, 2013 at 3:01 PM, Hingtgen, Robert J <Robert.Hingtgen@sdcountry.ca.gov> wrote:

Donna,

Attached are the two emails you sent me on 3/11 with the attachments. I believe I received everything you intended to send. Please take a look and verify that I have everything from those two emails. If I have everything, I will forward the documents to the applicant and their consultants and my immediate managers. Our processes do not allow for me to directly forward information to higher levels within the County.

Thanks,

Robert Hingtgen, Planner III
Planning and Development Services
5510 Overland Avenue, 3rd Floor
San Diego, CA 92123
Tel - (858) 694-3712
email - robert.hingtgen@sdcountry.ca.gov

From: Donna Tisdale [mailto:tisdale.donna@gmail.com]
Sent: Monday, March 11, 2013 12:52 PM
To: Hingtgen, Robert J
Subject: Fwd: Soitec Solar PEIR MUP Henshaw documents

Robert,

This is my third try . See kicked back message below.

Instead of sending the pdf version of the attached power point by Professor Henshaw, that is apparently too large to send, I am sending the link for it instead:

www.electric-fields.bris.ac.uk/henshaw_arr_june_2011.ppt . His 2011 power point is titled: The interaction of magnetic fields with biological systems – trying to understand the diversity of reported health effects

Here is a link to the Professor's home page with his credentials and additional information: http://www.electric-fields.bris.ac.uk/d_henshaw.html I have communicated with him briefly.

Please confirm receipt and include the linked and attached documents in the record for the Soitec Solar PEIR MUP.

Thank you,

Donna

[619-766-4170](tel:619-766-4170)

----- Forwarded message -----

From: **Donna Tisdale** <tisdale.donna@gmail.com>
Date: Mon, Mar 11, 2013 at 11:19 AM
Subject: Soitec Solar PEIR MUP Henshaw documents
To: "Hingtgen, Robert J" <Robert.Hingtgen@sdcounty.ca.gov>

Hello Robert,

As promised, I have attached the other two documents by Dennis Henshaw, PhD that were attached to my original message with Soitec Solar PEIR MUP comments sent on January 31 that did not go through.

Also attached are Boulevard Planning Group minutes for June 14, 2012 that you requested.

Please confirm receipt of this and previous message with my Soitec Solar PEIR MUP comments.

Thank you,

Donna

619-766-4170

PUBLIC UTILITIES COMMISSION605 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3208

February 27, 2013

SENT VIA E-MAIL

Mark McPherson
Chief, Land and Water Quality Division
County of San Diego Department of Environmental Health
5500 Overland Avenue, Suite 101
San Diego, CA 92123

Subject: County Enforcement of Health and Safety Code and Regulatory Requirements Applicable to Live Oak Springs Water Company and other Small Water Systems

Dear Mr. McPherson:

As per the request of Rod Lorang, of the Office of County Counsel for the County of San Diego, I am writing you to clarify the Commission's position about County enforcement of California Health and Safety Code requirements for public water systems against Live Oak Springs Water Company. Our assessment of county enforcement actions is discussed below.

The County of San Diego has been delegated authority to regulate certain aspects of the operations of small water systems by the California Department of Public Health (CDPH). Under the holding of *Hartwell v. Superior Ct.*, 27 Cal. 4th. 256 (2002), the Commission also bears a responsibility to ensure that the water being provided by Commission-regulated utilities meets applicable state and federal water quality standards. At the request of the County, this letter confirms that the County may take regulatory or enforcement action related to health and safety concerns and adequacy of supply against a small water system within your regulatory jurisdiction. When County regulatory or enforcement action is unlikely to require a significant system improvement project by the operator, you need not confer with or obtain approval from the Commission before acting. However, if the County believes extensive capital improvements could be needed to comply with a regulatory directive or enforcement order, you should coordinate with the Division of Water and Audits within the Commission concerning the potential need for these types of capital improvements. The 1996 Memorandum of Understanding between the State Department of Health Services and the Public Utilities Commission, "On Maintaining Safe and Reliable Water Supplies for Regulated Water Companies in California" is a good guide to how you should coordinate with the Commission in such circumstances.

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I understand that you have determined that the potable water portion of the Live Oak Springs Water Company (whose water quality you monitor and oversee) is currently operating without a health permit, is overdue in providing required water quality testing data, and may have not made necessary infrastructure corrections and repairs. I concur that administering these permits and this testing regime are matters that are primarily within County (and CDPH) jurisdiction.

I further understand that the Live Oak Springs Water Company has failed to comply with your order (pursuant to Health and Safety Code § 116530) to have a source capacity assessment completed that takes into account bulk water sales from Live Oak Springs Water Company's water supply wells, and from nearby wells that could affect the public water system. Both of our agencies are concerned about source capacity issues for the utilities under our jurisdiction.

The Commission's General Order 103-A, at Part II, § 2B(3), requires that PUC-regulated water systems "...shall have the capacity to meet the source capacity requirements in the Waterworks Standards, CCR Title 22, Section 64554, or its successor." These are the same standards that the County enforces for small water systems. Given this situation, we agree that you have independent authority to order a source capacity study for Live Oak Springs Water Company, without prior coordination with the Commission's Division of Water and Audits and without prior approval by the Commission.

I would appreciate receiving a copy of any source capacity assessment study plan that is submitted by Live Oak Springs Water Company, and a copy of the completed source capacity assessment. The completed assessment may contain information on matters that are of interest to and within the jurisdiction of the Division of Water and Audits.

Sincerely,



Frank Lindh
General Counsel
California Public Utilities Commission

cc: Nazar Najor
Live Oak Springs Water Company