

Soitec Solar Development Final Program EIR

LOG NO. PDS2012-3910-120005 (ER); 3800-12-010 (GPA); TIERRA DEL SOL, 3300-12-010 (MUP); 3600-12-005 (REZ);

3921-77-046-01 (AP); RUGGED SOLAR, 3300-12-007 (MUP); SCH NO. 2012121018

**San Diego County Planning Commission hearing
January 16, 2015**

Presentation by

**Donna Tisdale, Chair,
Boulevard Planning Group
& President of Backcountry Against Dumps**

Any errors or omissions are unintentional



No Soitec Solar in Boulevard, CA

Governor Brown's speech excerpts

<http://www.latimes.com/local/political/la-me-pc-brown-speech-text-20150105-story.html#page=1>

- More distributed power, expanded rooftop solar...
- ***And we must manage farm and rangelands, forests and wetlands so they can store carbon.***
- Comment: *unnecessary conversion of Boulevard's rangelands and chaparral forests at both sites will release carbon stored above and below ground, increase airborne dust and particulates, and reduce groundwater recharge needed for local sustainability.*

Boulevard Planning Group (BPG) & Backcountry Against Dumps (BAD) oppose Soitec's industrial CPV projects.

- BPG has voted repeatedly to oppose Soitec's unnecessary and destructive projects, controversial community plan amendments, waivers, overriding considerations.
- **Lack of need, over 20 significant and unmitigable impacts**
- The BAD Board has endorsed, and incorporates by reference, the comments filed by the Planning Group.
- ***Soitec's massive solar projects are in fact incompatible "industrial-scale projects and facilities" for the sake of Boulevard's community plan; amending that plan and claiming otherwise is simply ludicrous***

We support compatible point-of-use generation
like the solar at the Boulevard Border Patrol
Station (with room to grow), homes, schools,
public /military facilities



**2 Soitec projects = 185 city blocks
or 2 square miles of open space zoned
RL 80-1 home/80 acres and targeted for
MSCP Focus Conservation Areas**

- 1,185 acres for Rugged Solar & Tierra Del Sol
- About the same as 185 square city blocks
- Almost 2 square miles of currently open rolling rangelands/ chaparral
- Sites are zoned for RL80 = 1 house / 80 acres
- We are 100% groundwater reliant

Soitec will use 10 times more construction water and twice as much water annually than the 14.8 houses allowed under RL80

- Rugged Solar: 765 acres @ 1du/80 acres= 9.56 homes
- Tierra Del Sol: 420 acres @ 1du/80 acres=5.25 homes
- **Total of 14.8 houses @ avg ½ af water /year =2.41 million gallons /year for Rugged Solar and TDS sites.**
- ***Compared to Soitec projects' use of 23.46 million gallons from on-site wells for construction (10 times more) & annual use of 5.11 million gallons (more than double)***
- Why does 765 acre Rugged Solar estimate almost the same annual water use as 420 acre TDS Solar??

**Soitec had to revise their inadequate groundwater report for Boulevard projects to include the following uses
AND IT IS STILL INADEQUATE & QUESTIONABLE**

- Roads & trenching for underground electric
- Substation construction
- O&M buildings
- Fencing, drainage, and culvert construction
- Electrical equipment foundation (other than trackers and substation)
- 10 acre cement and rock crushing plant (Rugged Solar)
- 7-miles of new 138 kV line for Soitec's Tierra Del Sol Solar project
- 3-4 miles of new Rugged Solar high voltage line to Boulevard Substation

FEIR is too flawed to fly ~ CEQA requires a re-circulated EIR

- Late addition of 160 MW/cargo containers of experimental battery storage; new Alternative 2 a; remaining groundwater issues/controversies
- Distorted FEIR Project Description precludes full and accurate analysis of impacts and identification of reasonable alternatives.
- Basic FEIR assumptions are either wrong, missing, inadequate, unsupported, or questionable
- ***CEQA requires a revised and re-circulated EIR***

Experts engaged at community's expense to independently analyze Soitec's FEIR—found it woefully inadequate, as stated in their comments

- **Scott Snyder, Professional Geologist and Certified Hydrogeologist:** 20 years of experience in hydrogeology, 14 of those in San Diego
- **Victor M. Ponce, PhD, SDSU professor:** over 40 years experience in engineering, groundwater, hydrology
- **Scott Cashen, MS, Senior Biologist:** 21 years experience
- **Sam Milham, MD, MPH:** epidemiologist with over 40 years experience in electrical pollution and adverse health impacts
- **Rick James INCE:** 40 years noise, land use compatibility with infrasound and low-frequency noise expertise
- **Volker Law:** 40 years public interest environmental law

For SDG&E's ECO Substation, over 12 million gallons of groundwater was exported from controversial wells on the Campo Reservation next to the Tisdale's Morning Star Ranch July-November 2013...soon after, this centuries old oak died.

Pumping was curtailed due to complaints, dropped water levels, and slow recharge--*contrary to pre-pumping promises of no impacts.*



PDS staff @ Soitec's Newberry Springs project show how huge the CPV units are when compared to EIR photos and simulations.

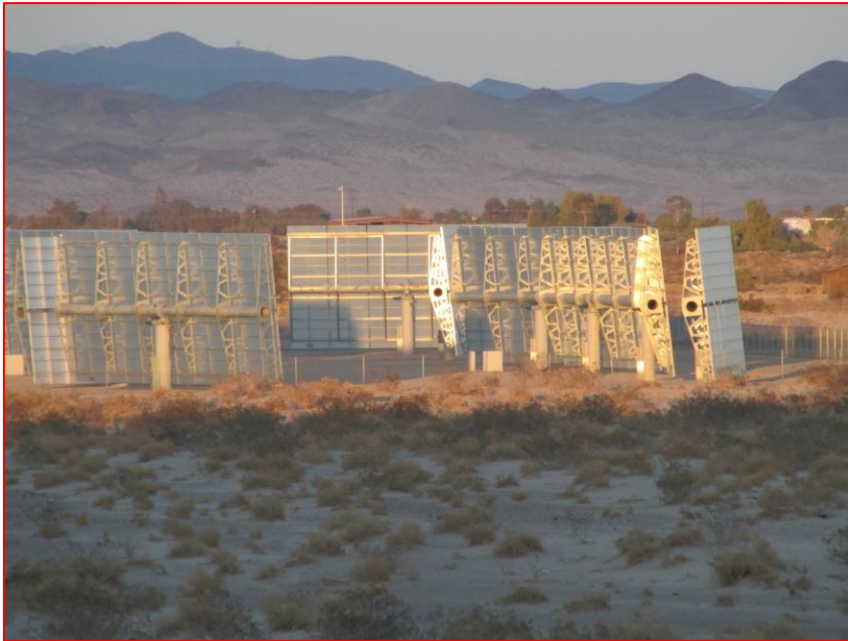


Soitec/Invenergy's CPV project in Borrego Spring shows the previously disturbed site is scrapped bare & different supports



Glare @ Soitec's controversial Newberry Springs Solar—next to homes-- just like Boulevard

@ sunset (left) (8-20-13) @ mid-day (right) (12-8-13)

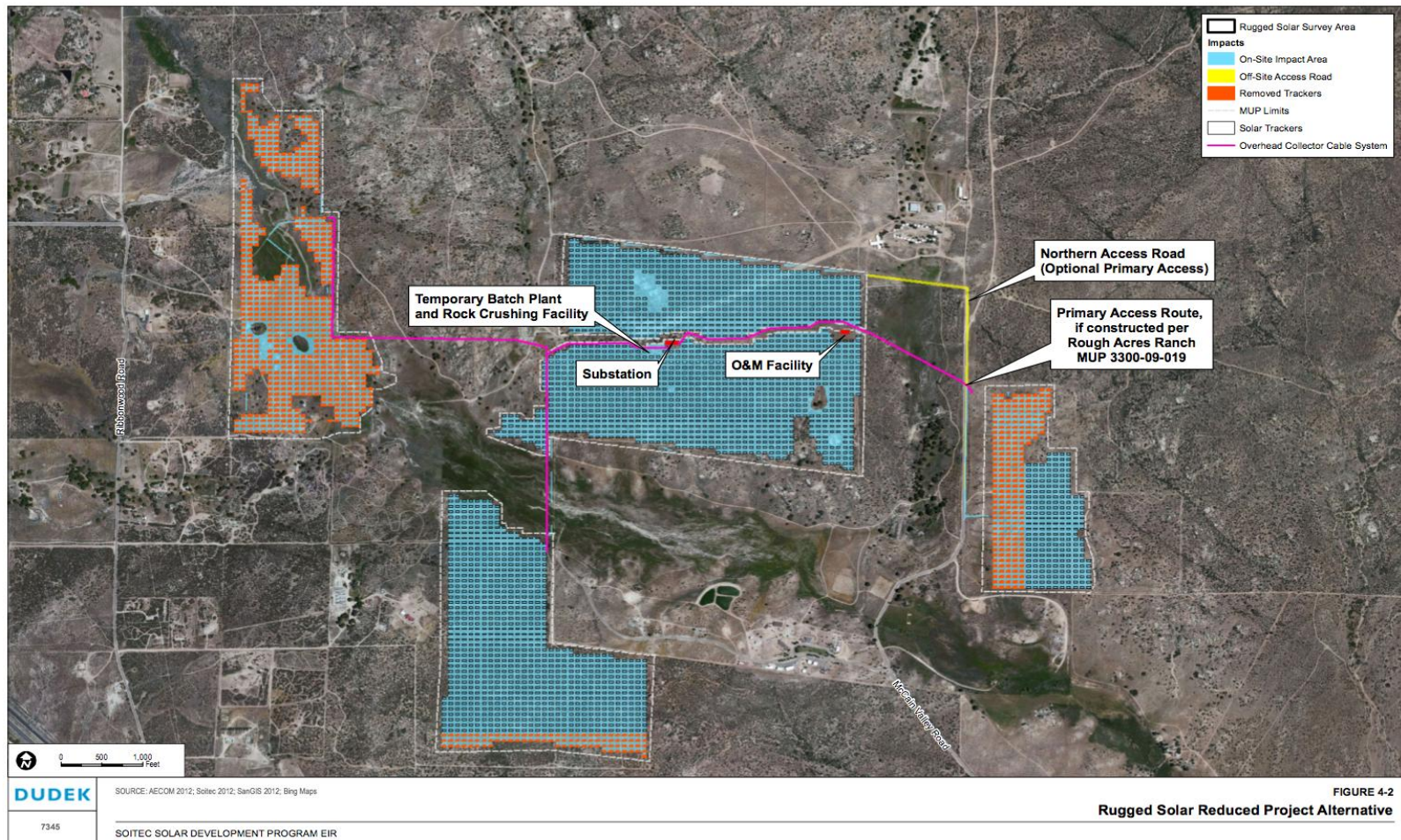


765 acre Rugged Solar site impacts adjacent homes and wells; Tule Creek floodplain/wildlife corridor; Tule Lake; McCain Valley Recreation & Wildlife Management Area; Big Horn Sheep and Golden Eagle habitat; and substandard sole access local roads:

Local wells and habitat are already drought stressed



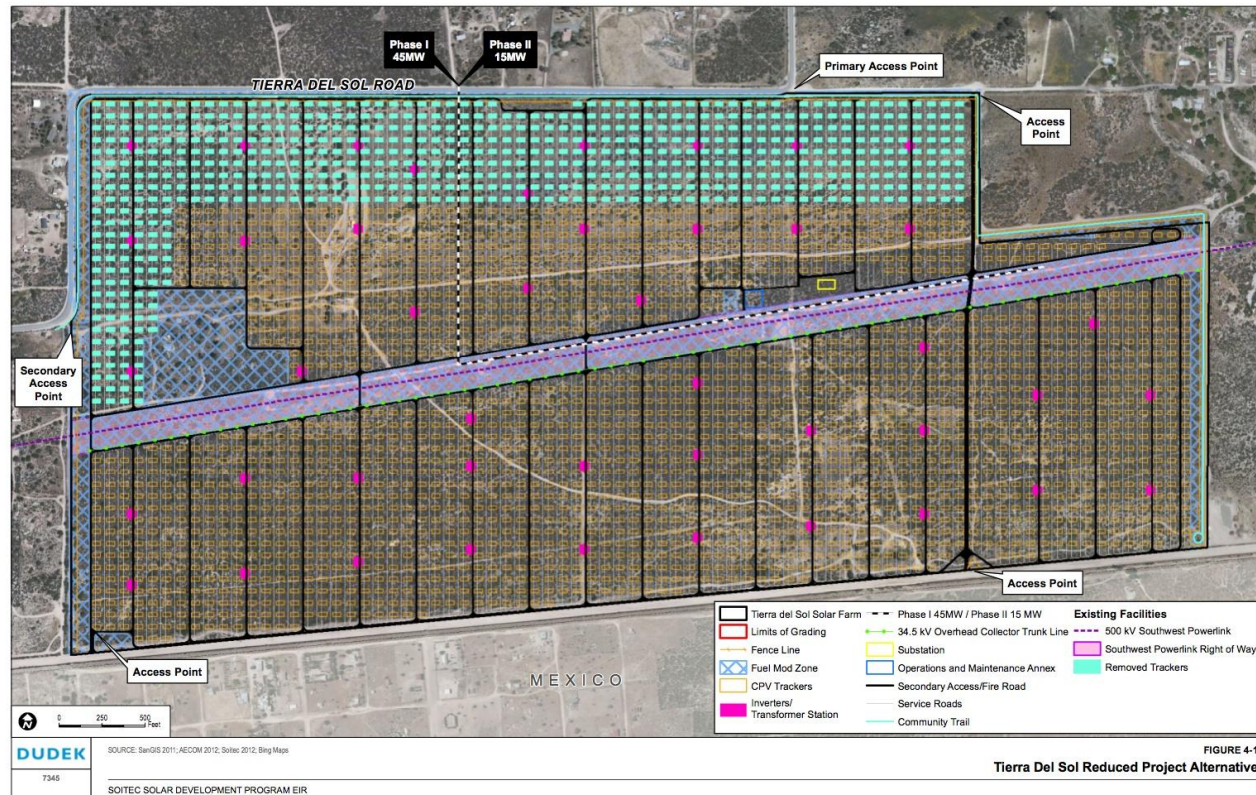
Reduced projects still represent significant impacts



Already stressed giant oaks and spring-fed oasis next to Soitec's Rugged Solar wells are at risk



420 acre Tierra Del Sol site and new high voltage lines;
homes, livestock, as close as 100';
Cattle grazed here last year, and still graze next door.
Soitec is requesting waiver to 150' border setback—when all setbacks should be increased



SDG&E's new overhead 138kV line and roads through Jacumba—just like Soitec's



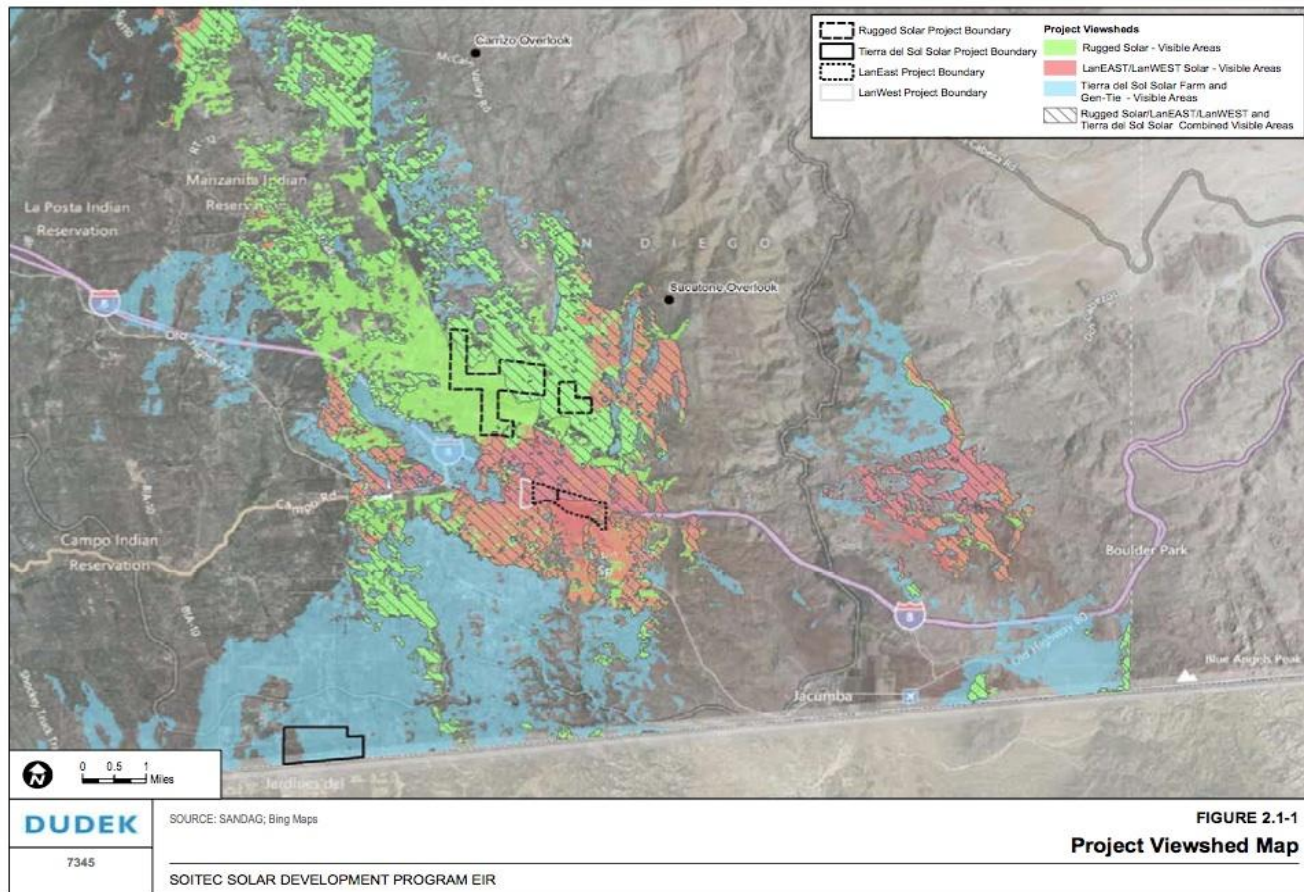
Underground section of new double 138kV line in Jewel Valley, Boulevard—as required by the CPUC—Soitec’s lines should also be required to underground lines.



SDG&E's Borrego Springs micro-grid battery storage is nothing compared to Soitec's addition of 160 – 40 ft long cargo containers / HVAC units



Project Viewshed map documents extensive impacts to views for residential, protected, and recreation lands; ***scenic views add value and quality of life; industrial blight reduce values***



Increased electrical projects significantly increase electrical hazards & fire risk in designated High Severity Wildfire Corridor

Hazardous voltage sign @ solar project—
solar cannot be completely turned off
during daylight for firefighters



Kumeyaay Wind turbine/brush
fire in Boulevard (12-16-13)



Soitec's CPV projects cannot meet MUP findings— *without major manipulation and green washing*

1. Not in harmony, bulk, scale, coverage or density with our community character.
2. 10 miles or so of new high-voltage overhead lines & 7 acres (160 cargo containers) of highly flammable and potentially toxic and noisy battery storage systems.
3. Incredibly harmful effect upon desirable neighborhood character.
4. Generation of traffic on sole ingress/egress substandard narrow rural roads is not supportable.
5. Project sites, zoned for 1 home /80 acres are not suitable for the type or intensity of use or development proposed.
6. Statement of Overriding Considerations is a controversial political cop out that leaves Boulevard residents and resources at unnecessary and disproportionate risk of harm.

Loss of Power Contracts voids Soitec /FEIR claims

- AB900 leadership certification / fast-tracking was not adequately disclosed to public by state or County; reduced access to courts
- Unconstitutional fast-tracked crony capitalism for “selected winners/losers” at community expense
- ***Soitec has already invested \$100-200 million in San Diego but has lost their contracts and are now “out of the money” with reduced prospects.***
- Local manufacturing impacts of Soitec modules must be included in a re-circulated EIR—can’t count the so-called benefits without counting the impacts.

Soitec's CPV projects are “out of the money” and “out of the market”

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

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

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

- Soitec's CPV projects are “out of the money” and “out of the market” *according to the Independent Evaluator for SDG&E's third amendment to their Power Purchase Agreement with Soitec.*
- DOE peer review report on Soitec's \$25 million grant basically agreed--noting the lesson from the Solyndra experience that cost-effectiveness trumps thermodynamic effectiveness any day.

Soitec's gains—at tax-payer expense= well over \$200 million

- Potential 30% Investment Tax Credit on \$500 million or so for 2 of 4 Boulevard projects (approximately \$167 million)
- \$25M Dept of Energy grant for San Diego factory
- \$10 million Sales & Use Tax exemptions
- San Diego Enterprise Zone Tax Credits
 - *Hiring Tax Credit*
 - *Sales and Use Tax Credit*
 - *Business Expense Deduction*
 - *Net Interest Deduction for Lenders*
 - *Net Operating Loss Carryover*

Only 52 jobs estimated for almost \$10 million Sales and Use Tax Exclusion = \$192,308 per job

<http://www.treasurer.ca.gov/caeatfa/ste/applicants/considered.pdf>

- May 2012: California Sales and Use Tax Exclusion (STE) was approved for Soitec's CPV manufacturing plant in Rancho Bernardo
- December 1, 2014 STE report to state:
 - \$7.35 M (86.27%) of STE used by Soitec Solar:
 - \$2M (98%) of STE used by Reflexite Soitec Optical:

*Soitec estimated 513 total employees in 2012 STE application

*As of 10-31-14, Soitec reported 250 employees @CPV plant

*12-22-14: SDG&E questioned Soitec's numbers filing with CPUC:

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

**Soitec secured EUR 21.3 million
for funding CPV research
due to market failure—is this worth County
support!!**

<http://www.compoundsemiconductor.net/csc/detail-news/id/19737131/name/-Soitec-secures-EUR-21.3-million-funding-for-Guepard-R&D-projec.html>

- **12-29-13 article (emphasis added)**
 - “In the absence of state aid, the company’s R&D efforts would have been considerably reduced: it would for example have abandoned development of high-efficiency cells, considered to be an excessive risk. This would undoubtedly have affected the development of the CPV sector.”

Soitec reported loss of around 75 million for first half of 2014

<http://www.soitec.com/en/news/press-releases/soitec-reports-total-consolidated-sales-of-106-0-million-euros-for-h1-2014-2015-1549/>

- *“The first half current operating loss is expected to be around (75.0) million” (emphasis added)*
- 12-22-14: Soitec announced updates to their 2015-16 financial guidance and immediate scale down of its San Diego facility and related cost control actions due to lost solar contracts. Third quarter sales will be published January 19th. <http://www.soitec.com/en/investors/financial-press-releases/soitec-updates-its-2015-and-2016-financial-guidance-1610/>

Equal protection under the law ~ not biased and unlawful support for Soitec

- County decision makers must protect the health safety and well being of all residents.
- ***Beating up Boulevard to support Soitec, who lost power contracts and has cut back production, despite having received tens of millions of taxpayer funds and lots of questionable political support, is unnecessary and unlawful.***
- NO COMMUNITY PLAN AMENDMENTS
- NO HEIGHT OR SET-BACK WAIVERS
- NO OVERRIDING CONSIDERATIONS OR REMOVAL OF AG PRESERVE/DESIGNATION
- NO SPECIAL TREATMENT/APPROVALS FOR SOITEC

***Please reject /defer Soitec's
projects & support our justified
requests for a re-circulated EIR***
Thank you for listening....

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