
To: Jim Morrissey
County of San Bernardino
File PROJ-2022-00071

From: Kevin Kohan
Elevated Entitlements

Date: June 11, 2024

1. The BMT Project proposes soil disturbance that exposes downwind residents to additional hazardous silica dust. This microscopic particulate matter is easily airborne due to the frequent high winds and breezes in the area.

Emissions of pollutants such as fugitive dust that are generated during construction are generally highest near the construction site. Emissions from the construction phase of the proposed project were estimated through the use of the CalEEMod Model (ENVIRON 2020). It was assumed that heavy construction equipment would be operating at the site for eight hours per day, five days per week during project construction. In addition, it was assumed that, in accordance with the requirements of the MDAQMD Rule 403, fugitive dust controls would be utilized during construction, including watering of active sites two times daily.

Additionally, this site was previously and is currently being used illegally as an off-road vehicle area which creates significant dust from the use of off-road vehicles. In accordance with the project's Conditions of Approval, the project proponent will utilize screening during construction on Eastern and Southern project boundaries and install permanent screening along the Eastern project boundary to shield neighboring residential properties. The screening along with watering during construction will mitigate the airborne particulate matter to a less than significant impact. With the installation of solar, the wind velocity across the ground surface will be dramatically reduced which significantly reduces the amount of naturally occurring dust from the property. Furthermore, the solar array will prevent the land from being actively farmed, which is allowed by right, further reducing potential dust coming off the property.

Finally, this property directly neighbors the Barstow-Daggett Airport. As this is an active airport, the airport presently generates a significant amount of airborne particulate matter, especially during takeoff and landing of airplanes and helicopters. The proposed installation of solar panels and permanent screening along Minneola Road will aid in settling and mitigating the particulate matter stirred up by planes landing and taking off. Overall, with the implementation of BMPs, Dust Control Plan, and County Conditions of Approval, the project would have a less than significant impact.

2. California Environmental Justice laws protect disadvantaged communities like Newberry Springs from cumulative pollution impacts from industrial expansion. The BMT Project's soil disturbance and emissions of carcinogenic silica dust, similar in effect to asbestos, directly violates these State-mandated protections.

Unlike conventional fossil fuel power plants, community solar projects are generally benign and do not emit air pollutants or present risks to public safety. The proposed project will not create a significant hazard to the public or the surrounding environment since there will be no routine transport or use of hazardous materials, including no battery energy storage system for grid export. As such, the proposed project does not pose a risk of thermal runaway events or

Reference: Minneola Solar Project

catastrophic battery failure that could potentially release hazardous materials into the environment.

The proposed project site is located in a less populated area of the County and is not located within one-quarter mile of an existing or proposed school. Overall, the proposed project will provide a community benefit to the County by providing local reliable clean energy. Under the proposed project's power contract, renewable energy produced by the proposed community solar project will be sold by the utility at a twenty percent (20%) bill discount to income-qualified (CARE- and FERA-eligible) residential customers.

In addition, the development of this property will add further security to the area and deter the potential of illegal dumping and off-roading onsite. The site currently experiences illegal off-roading and illegal dumping, which is not only a nuisance to local neighbors, but also an environmental health hazard as the ATVs and trucks used create air pollution through both dust and exhaust. The proposed project site will be fenced and gated to ensure security and deterrence of these nuisances in the area.

3. Our other concerns include, but are not limited to, the negative impacts on the landscape, wildlife, economics, viewsheds, local lifestyle, and tourism, which are addressed in the existing BMT Project opposition letters.

Adhering to the San Bernardino Development Code 84.29.040, the Project Study Area will not affect any sensitive trees or shrubs. The proposed project is expected to impact no more than 27.2 acres of creosote scrub, a potential habitat for common and sensitive desert wildlife. Based upon the completion of a Biological Survey of the property, which included a visual survey and trapping sessions performed by W.O.W. Environmental Consultants, no species or habitat were found for Mojave Ground Squirrel and, thus, the proposed project would not have a significant impact upon this species. W.O.W. Environmental Consultants also conducted field surveys for Burrowing Owl and Desert Tortoise during the Spring of 2023. No Burrowing Owl was observed during the survey. The field results were negative for Desert Tortoise as well. Therefore, the impacts would be less than significant.

The proposed project would not substantially degrade the existing visual character of the site and its surroundings. The proposed project includes eight-foot-tall solar panels, ten-foot-tall switchgear, surrounded by a six-foot-tall chain link (topped with three strand barbed wire) security fence. The Conditions of Approval include requirements for the development to comply with all County Development Codes and ordinances. Additionally, there is a large operating solar project directly north of the proposed solar site. As such, the proposed project would have a less than significant impact on the existing visual character and quality of the site and its surroundings.

The proposed solar project is situated in a sparsely inhabited area of San Bernardino County. There are no monuments or historical features in the area which would attract tourism to this site. Additionally, the proposed solar site will be situated on a vacant lot that has not previously been developed. The development of this lot would not cause the demolition of any facilities that would take away from the economics of local lifestyle and tourism.

4. As highlighted in the December 18, 2023, BMT Project opposition letter from the Newberry Springs Community Alliance, the Board of Supervisors holds a fiduciary duty to their constituents whom they represent. This duty prioritizes the health and safety of County residents above the interests of external developers and lobbyists.

Reference: Minneola Solar Project

The IS/MND and CEQA process was completed in adherence with the CEQA Guidelines and in coordination with California law and analyzed any potential health effects linked to this proposed project. As an electrical generation facility which is powered by renewable solar energy, it will improve the overall air quality by lowering the reliance on fossil fuels for energy production.

5. The Board's actions in approving the Clearway Energy project, which has caused significant health hazards and property damage, constituted a breach of this fiduciary duty.

The proposed Minneola Solar Project is not associated in any way with the Clearway Energy Project. The Minneola Solar Project is drastically smaller in scale (less than 1% the size) and is designed to serve the local community.

6. The approval of the Clearway Energy project, a hazardous project with no benefit to local residents, demonstrates a breach of fiduciary duty by the Board. This breach exposes the individual Board members who approved the Clearway Energy Project and the County to liability for the ongoing damages that are still being suffered by Newberry Springs residents.

The proposed Minneola Solar Project is not associated with the Clearway Energy Project.

7. Newberry Springs is an Environmental Justice Focus Area. Permitting the BMT Minneola project would further overburden the community with hazardous silica dust. This action would constitute a violation of Environmental Justice laws and expose the County and existing Board members to liability.

The proposed project will improve local electric reliability and will be cohesive with nearby solar projects. The proposed project site falls within an Environmental Justice area as designated in the Countywide Plan. Radiant BMT, LLC has taken the following measures to address environmental justice concerns potentially created by the proposed project in accordance with Policy HZ-3.18 of the Countywide Plan.

Unlike conventional fossil fuel power plants, community solar projects are generally benign and do not emit air pollutants or present risks to public safety. The proposed project will not create a significant hazard to the public or the surrounding environment since there will be no routine transport or use of hazardous materials, including no battery energy storage system for grid export. As such, the proposed project does not pose a risk of thermal runaway events or catastrophic battery failure that could potentially release hazardous materials into the environment.

The proposed project has added mitigation measures such as watering and screening on Eastern and Southern project boundaries during construction. Additionally, the project will install permanent screening along the Eastern project boundary to shield neighboring residential properties. As this project has had exorbitant illegal off-road use previously, the development of this project would help alleviate further dust stirrup from offroad use. Finally, OSHA approves of watering as a form of wet application that will suppress silica dust emissions. Following OSHA standards "Tank trucks equipped with hoses and nozzles that spray water or other dust suppressants over large areas to wet the materials disturbed during tasks, including haul roads and job sites in general." (OSHA, 2017)

The proposed project site is located in a less populated area of the County and is not located within one-quarter mile of an existing or proposed school. Overall, the proposed project will provide a community benefit to the County by providing local reliable clean energy. Under the proposed project's power contract, renewable energy produced by the proposed community

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solar project will be sold by the utility at a twenty percent (20%) bill discount to income-qualified (CARE- and FERA-eligible) residential customers.

In addition, the development of this property will add further security to the area and deter the potential of illegal dumping onsite. The site currently experiences illegal off-roading and illegal dumping, which is not only a nuisance to local neighbors, but also an environmental health hazard as the ATVs and trucks used create air pollution through both dust and exhaust. The project site will be fenced and gated to ensure security and deterrence of these nuisances in the area.

The proposed project may provide local job creation during construction activities. During operation, the proposed project will be unmanned and will be maintained regularly for overall maintenance of the proposed project site.

Overall, the proposed community solar project will provide clean reliable energy to a disadvantaged community without causing significant environmental concerns to the local community. If you have any questions or require more information, please feel free to contact us.

References:

Control of Silica Dust in Construction: Heavy Equipment ..., Dec. 2017,
www.osha.gov/sites/default/files/publications/OSHA3936.pdf.