

DECEMBER 23, 2023 AT 12.10 PM PT

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RUTH BROCK'S EMAIL CORRESPONDENCE TO LACO BOS SUPERVISOR BARGER REGARDING BOS, PLANNING, AND LACOFD COMMENTS MADE DURING THE DECEMBER 19, 2023, BOS MEETING PERTAINING TO THE CEQA NOE APPEAL HEARING REGARDING THE IMPROPER APPROVAL OF THE HECATE GRID HUMIDOR 1 BESS PROJECT PROPOSED FOR ACTON, CA

FROM: Ruth Brock <actontakesaction@att.net>

TO: Kathryn Barger, Board of Supervisors 5th District <kathryn@bos.lacounty.gov>

CC: Albert Yanagisawa, Deputy Fire Chief <albert.yanagisawa@fire.lacounty.gov>, Ms Amy Bodek, Director of Regional Planning <abodek@planning.lacounty.gov>, Dave DeGrazia, Deputy Director Regional Planning (email unavailable) Susan Tae, Assist Deputy Director Regional Planning <stae@planning.lacounty.gov>, Acton Town Council <atc@actontowncouncil.org>, SORT <saveourruraltown@gmail.com> Perry Smith, SCV Signal <psmith@signalscv.com>

SUBJECT: CEC OPT-in Process and Hecate Grid BESS Ministerial Site Plan Review Comments

Honorable Supervisor Barger,

The recent AB205 legislation passed to help fast-track energy projects in the states does indeed state that the CEC would become the lead agency for any such projects that file an application into their Opt-in program. It also says that this would be in lieu of any permit, certificate or similar document required by a state, local, or regional agency.

Your statement during the Dec. 19th hearing for our appeal of the NOE to CEQA for the Hecate Humidor project was quoted in the Santa Clarita Valley Signal as “I want to be clear that there are new laws and policies that grant the state authority to select sites and environmentally clear the development of clean energy solutions — like battery energy storage systems — without local government input.”

While this sounds as if the CEC would merely override LACounty, we do not believe this to be the case. As stated in the language of AB205, the Opt-In program requires that local governments become part of the process by requiring that the local agencies review the application and submit comments, as provided, thereby imposing a state-mandated local program. The CEC also requires an EIR, an executed Community Benefits Plan and formal opportunity for PUBLIC COMMENT as part of their fast-track project application approval process.

The County process involved none of this! To hear the Deputy Director of Regional Planning, David DeGrazia, actually say that the same review process was used to approve a 400+ Million Watt BESS (made up of thousands and thousands of fire prone lithium-ion batteries) as would be required if you were “seeking a permit to build a FENCE”... Does that sound right to you? Can a fence overheat, produce toxic, lethal gases while burning, potentially contaminate the groundwater and explode? Does a “fence” actually pose any risks to public health and safety? How can the same approval process be applied to these two projects?

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It was reported that in April, 2022 the 10 MW AES Dorman BESS in Chandler, AZ burned for 11 days with constant application of water while the incident only involved 4 MW of batteries. This 10 MW facility utilized 3,248 lithium-ion batteries. The Humidor will be 40 times that size.

We have been closely following the first project to submit an application to the CEC Opt-In program.

We would have hoped your local County approval process to be at least comparable to this new CEC fast track process, possibly even more stringent in the interest of protecting your constituents. Sadly there is no comparison in processes. The County process has failed to protect both its residents and the environment by shortcutting this project approval through a ministerial review.

I have provided a link below to the docket of the very first energy project, the "Fountain Wind Turbine Project" (Shasta County), to file an application with the CEC Opt-in Program. Perhaps this may clarify the dissimilarity in the CEC process and the one applied to the Humidor BESS by County.

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=23-OPT-01>

While we in Acton support clean energy, we do not feel it should compromise public safety nor the environment. Therefore, we do not support the use of LITHIUM-ion technology to achieve these green energy goals when inappropriately sited in a rural residential community such as Acton, especially when Acton will not benefit by receiving any of the power from this project.

Thank you for your time,

Ruthie Brock
and the Residents of Acton