From: Russell J Mueller <rmueller540@comcast.net>
Sent: Wednesday, January 2, 2019 12:09 AM
To: Spotsy Planning Gregg A. Newhouse; Spotsy Planning C. Travis Bullock; Spotsy Planning Jennifer Maddox; Spotsy Planning Michael Medina; Spotsy Planning Howard Smith
Cc: Wanda Parrish; Patrick White; Paulette Mann
Subject: Russ Mueller recommendations to Spotsylvania County Planning Commission: please confirm receipt Thanks

To: Spotsylvania County Planning Commission Chairman Newhouse and Planning Commissioners Bullock, Carter, Maddox, Medina, Smith and Thompson
Re: sPower SUP Condition Inadequacies and Recommended Improvements
From: Russ Mueller, FSA
10819 Perrin Circle, Livingston District

The Planning Commission should receive our citizen's group recommendations for improving the set of conditions recommended by staff in connection with the three Special Use Permits for the sPower solar projects. This is to emphasize several of the recommendations.

Given that the SUP hearings have been closed to further public testimony (at least I have had no response to my request to reopen public testimony), this is to make the point that to date the sPower submissions and the conditions recommended by staff (documents made available for the January 2nd Hearing) remain incomplete and inadequate to mitigate the risks that have been well documented with scientific evidence.

First, the finances of the County and taxpayers continue to be at risk because of what staff says is an incomplete decommissioning plan, however the staff recommendations would appear to allow sPower to "fill in the blanks" at some future date, even after any vote is taken by the Planning Commission. I believe it is the duty of the Planning Commission to make a recommendation to the County Board on decommissioning that "fills in the blanks", is fully in conformance with the County code and sets a specific dollar amount for the required surety/bond. Staff points out that sPower did not fully respond to the County's own independent consulting report (Dewberry which recommended a $50 million bond) on this matter. The recommendations in the consultant's report should be be given great legal weight to substantiate a decision by the Planning Commission to set a surety/bond amount of at least $50 million, particularly in the absence of further information from sPower. The sPower parent companies should be held financially responsible for any abandonment of some or all of the project sites that could result in toxic waste dumps.

Secondly, as a member of our Fawn Lake community's Lake Environment Committee, I believe that the conditions relating to water usage and fertilizers/phosphorus need to be improved and made much more specific to adequately mitigate known risks. If the intent of sPower is to use only county water, as the staff conditions appear to suggest, then this intent should be clarified to be the case from the very start of the project. Also, if the three wells already drilled for sPower are to be used, only in extraordinary circumstances as stated in the staff report, then conditions must be included 1. to test the water for heavy metals (as recommended by the County's independent consultants), arsenic and other toxic contaminants; and 2. to require adequate treatment means to ensure that contaminated water is not used for compaction, dust control, etc.

In answers to my interrogatories during the SCC process, the applicants stated they would NOT USE fertilizers, phosphorus and chemicals. Therefore, sPower should have no expectation that the Spotsylvania County SUPs would permit such use. The greatest threat to the environment from the use of phosphorus fertilizers is to local ponds and particularly to the 288 acre lake in Fawn Lake. Fawn Lake already has to fund the treatment of neighboring off-site ponds to prevent harmful runoff that would otherwise contaminate the lake and ponds with harmful algae that could close the lake to swimming and other recreational usage. At a minimum the use of fertilizers containing phosphorus should be prohibited within 1,000 feet from the current NTS/Fawn Lake property lines and contiguous neighboring property lines to the west to prevent airborne, runoff and other means of transmission to the streams, ponds and the lake in Fawn Lake. I request that the Planning Commission amend the conditions in the staff report to avoid what could be a catastrophic loss to residents, including property devaluations (who would be able to sell or want to buy a home near a slimy, smelly water mass that is threatening to human health?).

Also "earthen" berms with dense vegetation should be required throughout the project, particularly along the current NTS/Fawn Lake property lines and contiguous neighboring property lines to the west, to prevent runoff and erosion. The placement of such earthen barriers would also help mitigate the transmission of phosphorus/fertilizers, chemicals, etc. into neighboring properties. Is it a joke to allow the use of "mulch" berms that would be permeable and degrade over time?

Thirdly, on the issue of the permitted burning of tons of cutover and woody debris under the staff conditions, I would note there is no effective limit on the amount burned nor the number of trench burners allowed to be used. Even the staff recommended 3,000 foot setback from property lines is being contested by sPower. I believe the harm to humans from the continual burning of tons of wood is palpable as testimony and scientific evidence has demonstrated. Therefore, I recommend that sPower be required to mulch such cutover and woody debris; cost considerations should not rule over human health.

Fourthly, I recommend that the Planning Commission obtain documentation from the Culpeper Planning Commission and Board of Supervisors as to why that County included a provision in a solar SUP preventing the use of "thin cell" solar panels, including solar panels of the Cd-Te type (the kind allowed to be used under the staff conditions). Boiled down, the documentation in the staff report relating to risks related to the use of Cd-Te solar panels is that in "normal use" such panels do not pose a risk to human health. However, studies have not been conducted when such panels are subjected to catastrophic conditions. Any burning of such panels, by fires caused by lightning strikes, arc fires, etc., will result in extremely toxic gases that will undoubtedly be blown over neighboring homes, a nearby school, and community meeting places (in case of fire an emergency evacuation plan must be in place such as for the Lake Anna nuclear power plant). In three of the last four years tornadic/derecho high winds leveled trees over wide areas of the sPower project and Fawn Lake; a recurrence of such an event would dislodge solar panels, probably driving one into another to expose the toxic thin cells and sending them onto the ground over wide areas where the toxins would enter the soil, waterways and the groundwater. Why expose the County and citizens to risks that could prove incapable of being mitigated or fully eradicated? My recommendation is for the Planning Commission to take a page out of the Culpeper SUP and amend the staff report to deny the use of Cd-Te panels.

Finally, I endorse the many other recommendations for changes included in our group's statement to the Planning Commission.

Thank you for your kind consideration of my recommendations to mitigate known risks.

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