

From: [Ramon Guevara](#)
To: [Thuy Hua](#)
Subject: Comments for 2nd Draft of the Renewable Energy Ordinance
Date: Monday, June 02, 2014 7:19:59 PM
Attachments: [RenewEnergyOrdinance2_REGcomments.docx](#)

Dear Thuy Hua,

I have attached a document with my questions and comments regarding the 2nd Draft of the Renewable Energy Ordinance, due June 4, 2014. I look forward to a response from Regional Planning.

Sincerely,

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Comment 1

On pp. 8-9 of 21, (22.52.1620), the last paragraph of p. 8, states “the military officer of the MIOA has determined that the requested use is not detrimental to the function of the MOIA and would not pose health or safety hazard to military personnel or the public.”

Pertaining to the underlined part of the quotation above, how is this assessment made? How is the public involved, informed, and allowed to provide information regarding their own safety for this assessment? A standard procedure to ensure such involvement of the local residents should be referenced or established for accountability.

Comment 2

P. 15 of 21, C.4. “Existing drought-tolerant native or non-native vegetation approved by the staff biologist shall be retained, or new such vegetation shall be planted along fencing unless determined infeasible or inappropriate by the Hearing Officer.”

Who is the staff biologist? What are the credentials that qualify this person to be an expert on the local vegetation and environmental preservation? Is the staff biologist employed by the developer, local government, or a third party? How is the community assured that vegetation will be preserved, replaced, or added in a sufficient manner to reduce migrant dust related to the project development? There are no standards of criteria here for what is acceptable in terms of amount and duration of resultant dust, measurements of dusts, and rules for feasibility and appropriateness of vegetation preservation, planting, and maintenance. These should be put forth with processes to involve the surrounding communities.

Comment 3

pp. 16-17. G4. “Fugitive dust emissions shall be controlled by phased earthwork, site watering, use of clean gravel or composted wood chips not to exceed a depth of six inches where applicable, application of non-toxic soil stabilizers, limiting public access or unpaved areas, posting private roadways with reduced speeds, and/or re-vegetation. Use of other fugitive dust mitigation measures may be implemented if determined by Regional Planning and Public Works to be suitable methods to adequately control dust during construction, operations, and removal and restoration activities.”

“Windbreaks” should be included on the list of controllers above to protect residential communities and paved roads. In community councils in surrounding areas of the projects, residents have mentioned various controllers and have pictures of them, including windbreaks made of vegetation that catch dust against prevailing winds. Other controlling measures include furrowing the soil and making berms.

This list of dust control measures should be followed by standard methods of evaluation to determine their effectiveness. The evaluation process should include and involve the residents of the local communities. Elected representatives or volunteers among the resident populations should be allowed to form a steering committee or panel of stakeholders to collaborate with the project developer and other stakeholders (e.g., Air Quality Management Division, Regional Planning, Public Works, Environmental Health, and Public Health) in ensuring satisfactory planning, operation, and outcome of dust mitigation activities.

Residents have been complaining about project developers not performing dust mitigations efforts as proposed and about local government agencies not acting on such breaches of trust. In addition to an evaluation process, a development control process should be established to stop development until new or altered dust mitigation activities meet desired outcomes. This control process should include and involve the surrounding residential communities affected by migrant dust resulting from the project. The migrant dust problem has been severe, particularly around solar projects as residents have been providing photographs of low visibility across large areas of land and giving testimony of the vast amount of dirt entering their homes despite closed windows and doors. The control process is necessary to protect the health of residents and travelers because the migrant dust can carry the fungus which causes Valley Fever. Antelope Valley is endemic for the Valley Fever-causing fungus. The incidence rate of Valley Fever in Los Angeles County has been substantially increasing, with the 2003-2007 housing boom construction in Antelope Valley strongly correlated with the increase across the entire County. Valley Fever can lead to prolonged illness, life-long complications, and death.