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December 30, 2019

**Via Email & Overnight Mail**

Yasmeen Hussain  
Monterey County Resource Management Agency  
1441 Schilling Place, 2<sup>nd</sup> Floor  
Salinas, CA 93901  
[hussainy@co.monterey.ca.us](mailto:hussainy@co.monterey.ca.us)

Re: **PG&E Elkhorn Battery Energy Storage Facility**

Dear Yasmeen Hussain:

We are writing on behalf of **Monterey Citizens for Responsible Development** ("Citizens") to report that Citizens has reached a legally enforceable settlement agreement with Pacific Gas & Electric Company ("PG&E") to address the merits of the issues raised by Citizens in its comments on the Initial Study/Mitigated Negative Declaration ("MND") prepared by the Monterey County Resource Management Agency for the Elkhorn Battery Energy Storage Facility ("Project"). On August 5, 2019, Citizens filed comments on the MND prepared by the County for the Project alleging various errors and omissions in the County's environmental analysis under the California Environmental Quality Act. Subsequently, Citizens and PG&E negotiated and executed a legally enforceable settlement agreement in which PG&E has agreed to implement additional measures as set forth in Attachment A to reduce hazards and air quality impacts from the Project. Based on the legally enforceable settlement agreement, the concerns of Citizens have been settled and resolved and Citizens has no further objections to the Project.

Thank you for your attention to this important matter.

Sincerely,



Aaron Messing

Attachment  
AMM:acp

4337-017tag

## ATTACHMENT A

### Additional Measures for Elkhorn Battery Energy Storage Facility

- I. Hazardous Substances Investigations and Actions
  - A. Prior to any grading activities or site-modification, Developer shall have a Phase I Environmental Site Assessment ("ESA") prepared by independent licensed environmental professionals or services providers qualified in developing health risk assessments to determine the presence of potential hazards in Project soils and groundwater and shall provide the ESA to the County.
  - B. Prior to site modification, Developer shall implement the measures recommended in the Phase I ESA, if any, to further investigate, eliminate, and/or reduce the risk of hazards on the Project site and in groundwater, including measures to ensure that workers are not exposed to harmful concentrations of hazardous substances in Project soils. Such measures may include, but are not limited to, conducting a Phase II Environmental Site Assessment and any other remedial action.
- II. Emissions controls
  - A. All diesel onroad vehicles, excluding those that are only used for worker transportation to and from the site, which are on site for more than 10 total days must have either (1) engines that meet EPA 2007 onroad emissions standards or (2) emission control technology verified by EPA or the California Air Resources Board (CARB) to reduce PM emissions by a minimum of 85 percent when installed on a Tier 0 or Tier 1 engine.
  - B. All diesel nonroad construction equipment on site for more than 10 total days must meet or exceed CARB In-Use Off-Road Diesel Fueled Fleets Regulation. These requirements will be included in applicable bid documents, and the Developer will require successful contractors to demonstrate the ability to supply such equipment before ground disturbance activities.