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October 6, 2023

Received
OCT 09 2023
By: JKW
Jennifer Woodworth

VIA EMAIL AND OVERNIGHT MAIL

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Rick Perez, Councilmember
Rolan Resendiz, Councilmember
Dolores Morales, Councilmember
Tim Burns, Councilmember
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Re: Request to Withdraw Appeal of Planning Commission Approval of Site & Architectural Review 2023-1 – Stodola Battery Energy Storage System Project

Dear Mayor Casey, Councilmember Perez, Councilmember Resendiz, Councilmember Morales, Councilmember Burns, Ms. Woodworth, and Ms. Gonzalez:

This firm represents **Citizens for Responsible Industry** (“Citizens”) regarding the above-referenced Stodola Battery Energy Storage System (“BESS”) Project (Site & Architectural Review 2023-1) (“Project”), proposed by RWE Solar Development, LLC (“Applicant”). On May 25, 2023, we submitted written and oral comments on 6665-020j

October 6, 2023

Page 2

behalf of Citizens to the Planning Commission alleging various errors and omissions regarding the City's proposal to exempt the Project from the California Environmental Quality Act ("CEQA") pursuant to the Class 32 Infill Exemption, CEQA Guidelines Section 15332, and with regard to the Project's Site & Architectural Review 2023-1 (collectively, "Allegations"). The Planning Commission approved the Project on May 25, 2023. On June 7, 2023, Citizens filed an appeal of the Planning Commission's decision to the City Council ("Appeal"). The Appeal has been noticed for a hearing before the City Council on October 16, 2023. Pursuant to City of Hollister, Code of Ordinances, section 17.24.140, subsection (D), "[a]fter an appeal of a Commission decision has been filed and a public notice has been published, the appeal shall not be withdrawn except with the consent of the Council." Citizens therefore requests City Council's consent to withdraw its appeal for the reasons stated herein.

We are pleased to report that, as a result of direct discussions with the Applicant, the Applicant has agreed to implement environmental measures addressing issues raised regarding construction air quality and hazards in Citizens' Appeal as part of a legally enforceable settlement agreement. These measures resolve the issues and concerns raised in the Appeal. The measures include:

A. AIR QUALITY

- i. All off-road construction equipment, equal to or greater than 50 horsepower, used during Project construction, including owned, leased, and subcontractor vehicles, shall meet United States Environmental Protection Agency ("USEPA") Tier 4 Final emissions standards engines to reduce exhaust emissions. Developer will include this requirement in applicable bid documents, purchase orders, and contracts. In the event that Tier 4 construction equipment is not available, the Developer may utilize lower tier construction equipment outfitted with Best Available Control Technology ("BACT") devices which provide equivalent emission reductions, including but not limited to a CARB certified Level 3 Diesel Particulate Filters ("DPF").

B. HAZARDS

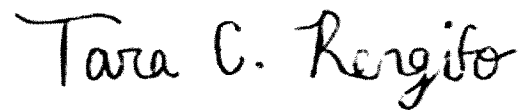
- i. The Project shall follow the National Fire Protection Association 855 Standard for the Installation of Stationary Energy Storage Systems to address fire hazards associated with the Project's BESS.
- ii. The battery technology for the Project shall comply with UL 9540A testing standards, the Standard Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems. Data from the UL 9450A testing shall inform the design of fire protection systems for the Project's BESS.
- iii. An Emergency Response Plan ("ERP") and Fire Protection Plan ("FPP") (collectively, "Plans") shall be developed in consultation with the City's Fire Department and any additional local, State, or federal agencies which may have a mutual aid response at the Project site. The Plans shall include, but not be limited to, designated locations for onsite storage of fire suppression material(s), a description of the fire suppression material(s), and instructions for fire department access to fire suppression material(s). The ERP shall include a risk of upset analysis to evaluate the potential risks of battery fire at the Project site. The analysis shall be used to assist the Developer and City in incorporating measures in the ERP to address potential chemical release, fires, or injuries that may occur during Project construction and operation. The Plans shall be completed prior to the initiation of construction activities for the BESS, stored onsite, and updated following any emergency or unanticipated situation during which the ERP and/or FPP procedures are required to be implemented.

October 6, 2023
Page 4

With Applicant's agreement to implement these measures, Citizens' objections to the Project are fully resolved. Citizens hereby requests City Council's consent to withdraw its Appeal pursuant to section 17.24.140, subsection (D) and does not further contest or oppose the Planning Commission's decision to approve the Project.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Tara C. Rengifo". The signature is written in a cursive, flowing style.

Tara C. Rengifo

TCR:ljl