

3.0 COMMENTS AND RESPONSE TO COMMENTS

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AIR POLLUTION CONTROL DISTRICT



LETTER 6

RECEIVED
JUN 09 2014
IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

June 6, 2014

Mr. Jim Minnick
Interim Planning & Development Services Director
801 Main Street
El Centro, CA 92243

SUBJECT: Draft EIR for the Seville Solar Farm Complex

Mr. Minnick.

The Imperial County Air Pollution Control District (Air District) has finalized the review of the Administrative Draft EIR for the Seville Solar Farm Complex. The proposed project is located in west-central Imperial County, California, approximately eight miles west of the junction of SR 78 and SR 86, and approximately three miles east of the San Diego County line. The Project area is also approximately 14 miles from the southern tip of the Salton Sea and one-half mile west of Pole Line Road. The project is a five solar energy project on portions of the 2,440-acre Allegretti Farms property. Each of the project lots will include: a new Imperial Irrigation District (IID) electrical switch station and private electrical substations; Operations & Maintenance (O&M) building; parking area; water well, sanitary waste septic system and leach field; and internal solar development transmission lines to the electrical substations and switch station. The Seville Solar Farm Complex will also require an extension of the existing 12.5 kilovolt (kV) electrical distribution system for each new building.

6-1

Based on the information provide for review the Air District has the following comments.

The following mitigation measure must be included where mitigation measures are reference and where applicable such as **Table ES-1 page ES-11, Section 2.0 Project Description page 2.0-29, Table 4.4.3 page 4.4-9, and at the Operational Mitigation page 4.4-45.**

6-2

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

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<p>A construction dust control plan as well as an Operational Dust Control plan must be submitted to the Air District. In addition, the permittee must provide a list of the construction equipment. The list must include the make, model, year, hp, hours of operation, and the days of operation.</p>	6-2 Continued
<p>ES.2 Project Review</p>	
<p>The project description defines the “Property” as 2,440 acres and the “Project area” as 1,238 acres. However, no information was provided on the purpose of the remaining 1,202 acres. Please indicate the mitigation that will be applied to the 1,202 acres. Will this acreage be disturbed and/or left inactive? Please clarify.</p>	6-3
<p>Operational Threshold (pg 4.4-22 last paragraph) and Operations section of page 4.4-47: The Air District does not agree with the following statement: “Operational impacts are not anticipated given that the proposed project creates renewable energy and is expected to add a peak of 50 average daily traffic trips (ADT) or less.” Although that it is true that the solar panels themselves will not create dust impacts, the solar project operations will require soil disturbance while will maintenance, weed abatements, and panel washing when operations occur. Therefore the statement is deceiving and must be revised.</p>	6-4
<p>Construction Traffic Page 2.0-20:</p>	
<p>Truck emissions affect emission from the project, there must be identification of what type of equipment will be delivered to the project site. The report this information such as where the where the material and equipment (i.e. solar panels are coming from) neither a long haul analysis was provided. Will the material be locally bought or where will it be delivered from? Please clarify.</p>	6-5
<p>DRAFT DEIR CONCLUSION</p>	
<p>Because the Air District finds the Air Quality Analysis provided for the Seville Solar Project as inadequate, the Air District cannot agree with the finding of Less than Significant. The project may reduce its impacts to less than significant, should a revised Air Quality Analysis be provided, utilizes not only standard mitigation measures, but the following additional mitigation measures as well.</p>	
<p>Construction:</p>	
<ol style="list-style-type: none">1. Construction equipment shall be equipped with an engine designation of EPA Tier 3 or better (Tier 3+). A list of the construction equipment and the associated EPA Tier shall be submitted to the Air District. The list must include the make, model, year, hp, hours of operation, and the days of operation2. Pursuant to Air District, all construction sites, regardless of size, must comply with the requirements contained within Regulation VIII-Fugitive Dust Control Measures. A “Fugitive Dust Control Plan” shall be submitted to the Air District and shall include the following mitigation measures (CEQA Air Quality Handbook, Page 21), as applicable.	6-6

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- Standard Mitigation Measures for Fugitive PM10 Control,
- Discretionary Measures for Fugitive PM10 Control,
- Enhanced Mitigation Measures For Construction Equipment, and
- Additional Enhanced Mitigation Measures

6-6
Continued

Operations:

1. Operational Dust Control plan must be submitted to the Air District. In addition, the permittee must provide a list of the construction equipment. The list must include the make, model, year, hp, hours of operation, and the days of operation.

6-7

CalEEMod:

In addition, Per the CalEEMod model that was presented, the following list of construction equipment was provided for review (see below) and shall be submitted to the Air District prior to the issuance of a grading permit to verify implementation the mitigation measures.

1. Proposed construction dates shall be from 4/16/2014- 11/30/2014 as modeled.
2. Total acreage to be disturbed is 3 “small lots” at 185 acre (Lot 1, Lot 2, and lot 3) as modeled, and 2 “large lots”, (Lot 4 319 acres and lot 5 307 acres); Substation 5 acres, and Transmission 2 acres, as modeled.
3. Maximum daily acreage to be disturbed – not specified.
4. Watering shall be generated 3x daily as stated in model under the construction related Mitigation measures on the Combined Winter Emissions Reports and the Combined Summer Reports.
5. Equipment that was analyzed in the CalEEMod (refer to Attachment U).
6. In order for the Air District to concur with the CalEEMod analysis findings, a letter from CalEEMod staff needs to be provided to the Air District in order to validate that the “air pollutant emission factors used by the current version of the CalEEMod for Tier 2 and Tier 3 engines are incorrect for NOx, ROG, and TOG. (letter dated June 7, 2013 to Mr. Mohammed S. Alrai from Mr. Carey.)

6-8

Finally, a draft of the Conditional Use Permit conditions must be provided to the Air District for review and comment.

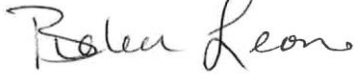
6-9

The Air Districts’ rule book, including all new regulations can be accessed via internet at www.Imperialcounty.net under “Air Pollution Control.” Thank you for allowing the Air District an opportunity to comment on this project. Should you have any questions please do not hesitate to call the office at (760)482-4606.

6-10

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Respectfully Submitted,

A handwritten signature in cursive script that reads "Belen Leon".

Belen Leon
APC Environmental Coordinator

Cc: Monica Soucier
Brad Poiriez
David Black

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RESPONSE TO COMMENT LETTER 6

Commenter: Belen Leon, APC Environmental Coordinator

Date of Letter: July 6, 2014

Response to Comment 6-1: The comment provides an overview of the Project. No response is required.

Response to Comment 6-2: The comment requests that construction and operational dust control plans be submitted to the ICAPCD, as well as a list of the construction equipment to be used including the make, model, year, horsepower, and hours/days of operation.

Mitigation measures MM 4.4.1a, MM 4.4.1b, MM 4.4.1c and MM 4.4.1d listed in Table ES-1 on pages ES-11 thru ES-13 (and pages 4.4-44 and 4.4-45) of the Draft EIR are proposed to mitigate potentially significant impacts of the five solar energy projects and associated construction projects below the level of significance. These measures will be included in the draft Conditional Use Permits for the presented to the Planning Commission and Board of Supervisors for approval.

Table 2.0-6 contains Applicant proposed measures included as part of the proposed Seville Solar Farm Complex Project. A discussion that fugitive dust would be controlled during construction and operations as required by Imperial County Air Pollution Control District (ICAPCD) Regulation VIII, and that a Dust Control Plan would be prepared in conformance with ICAPCD requirements is provided in Table 2.0-7 under the heading "Air Quality." This commitment is also required under mitigation measure MM 4.4.1a.

Table 4.4-3 on page 4.4-9 of the Draft EIR states the Project's intent to comply with the (applicable) ICAPCD Air Quality CEQA Handbook's Mandatory Standard, Discretionary and Enhanced Air Quality Measures (including Policy 5 for in lieu mitigation fees, which is incorporated into mitigation measure MM 4.4.1b).

Mitigation measure MM 4.4.1d on page 4.4-45 of the Draft EIR addresses operational mitigation.

Mitigation measure MM 4.4.1a requires the submission of a Dust Control Plan for construction, operation and maintenance of each project to the ICAPCD. Measures to mitigate operational emissions, including watering onsite unpaved roads three times per day when in use for panel washing, are also required under mitigation measure MM 4.4.1d.

To facilitate the ICAPCD's implementation of Policy 5 (mitigation measure MM 4.4.1b), as requested, a condition requiring the submittal to the ICAPCD of a list of the equipment (and requested details) proposed to be used to construct each solar energy project will be included in the draft Conditional Use Permits presented to the Planning Commission and Board of Supervisors for approval.

Response to Comment 6-3: The comment requests clarification as to the 1,202 acres that are part of the Property, but not identified as part of the "Project area." As stated on page 2.0-9 of the Draft EIR, Lots 6, 7 and 8, which are created by the proposed subdivision tract map, would not be developed as part of the Project. No development is proposed for any of these lots, aside from the new groundwater well proposed on Lot 8 and the access road (Lot B) and transmission line crossing Lot 6 and Lot 7.

Response to Comment 6-4: The comment disagreed with the statement in the Draft EIR that operational impacts are not anticipated. The sentence "Operational impacts are not anticipated given that the proposed Project creates renewable energy and is expected to add a peak of 50 average daily traffic trips (ADTs) or less" will be deleted from page 4.4-22 of the Draft EIR, as this

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impact statement was inappropriately placed in the Methodology subsection of the Air Quality section. The operational impact assessment found on page 4.4-47 of Draft EIR provides sufficient information to support the statement that the impacts to sensitive receptors associated with operation and maintenance of the Project would be less than significant.

Response to Comment 6-5: The comment requests identification of the type of equipment delivered to the site, and if it will be locally purchased or bought elsewhere. Truck emissions for the construction of each of the solar energy projects and associated facilities (common access roads, project gen-tie transmission lines, solar project substations, and the IID transmission line, Anza substation modifications and onsite switch station) were calculated using CalEEMod (see pages 4.4-15 thru 4.4-20, and Appendix C of the Draft EIR). The default trip lengths programed into CalEEMod for Imperial County projects for haul trucks (20 miles) and vendor trucks (11.9 miles) were used to calculate combustion emissions for each phase of each type of project (see the “Remarks for Seville Solar Farm Complex CalEEMod Models” in Appendix C of the Draft EIR).

Response to Comment 6-6: The comment finds the Air Quality Analysis to be inadequate, and requests utilization of standard and additional mitigation, as provided. As noted below, each of the “additional” mitigation measures presented in Comment 6-6 are already contained in the Draft EIR. Therefore, the Draft EIR is correct in stating that the mitigated impacts to air quality are less than significant.

Draft EIR mitigation measure MM 4.4.1c requires “That the construction contractor shall use diesel powered construction equipment using engines with certified NOx emissions rated as Tier 3 or better to reduce NOx emissions.” To facilitate the ICAPCD’s implementation of Policy 5 (mitigation measure MM 4.4.1b), as requested, a condition requiring the submittal to the ICAPCD of a list of the equipment (with the requested details) proposed to be used to construct each solar energy project will be included in the draft Conditional Use Permits presented to the Planning Commission and Board of Supervisors for approval.

Draft EIR mitigation measure MM 4.4.1a (Compliance with ICAPCD Regulation VIII) requires that “The Project Applicant shall prepare a Dust Control Plan for control of fugitive dust during construction as required by ICAPCD Regulation VIII.” Table 4.4-3 on page 4.4-9 of the Draft EIR states the Project’s intent to comply with the (applicable) ICAPCD Air Quality CEQA Handbook’s Mandatory Standard, Discretionary and Enhanced Air Quality Measures.

Response to Comment 6-7: The comment requests that an Operational Dust Control plan be submitted, and that a list of the construction equipment (including the make, model, year, horsepower and hours/days of operation) be submitted. As noted below, each of the “additional” mitigation measures presented in Comment 6-7 are already contained in the Draft EIR. Therefore, the Draft EIR is correct in stating that the mitigated impacts to air quality are less than significant.

Mitigation measure MM 4.4.1a requires the submission of a Dust Control Plan for construction, operation and maintenance of each project to the ICAPCD. Measures to mitigate operational emissions, including watering onsite unpaved roads three times per day when in use for panel washing, are also required under mitigation measure MM 4.4.1d. To facilitate the ICAPCD’s implementation of Policy 5 (mitigation measure MM 4.4.1b), as requested, a condition requiring the submittal to the ICAPCD of a list of the equipment (and the requested details) proposed to be used to construct each solar energy project will be included in the draft Conditional Use Permits presented to the Planning Commission and Board of Supervisors for approval.

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Response to Comment 6-8: The comment states that the list of construction equipment shall be submitted to the Air District prior to issuance of a grading permit to verify implementation of mitigation measures. To facilitate the ICAPCD's implementation of Policy 5 (mitigation measure MM 4.4.1b) and dust control, as requested, a condition requiring the submittal to the ICAPCD of a list of the equipment (and the requested details) proposed to be used to construct each solar energy project will be included in the draft Conditional Use Permits presented to the Planning Commission and Board of Supervisors for approval.

The CalEEMod models presented in Appendix C of the Draft EIR are dated June 7, 2013 and reflect the best estimate at that time of the dates during which the first Seville solar energy project would be constructed. Because construction has not yet started, none of the projects would be constructed from 4/16/2014 – 11/30/2014. The proposed dates of construction would be provided as part of the Dust Control Plan required in mitigation measure MM 4.4.1a of the Draft EIR.

The total acres to be disturbed would be provided as part of the Dust Control Plan required in mitigation measure MM 4.4.1a of the Draft EIR. (The list of surface disturbance omits the 5 acres to be disturbed for the IID switchyard and the modification to the IID Anza Substation (0.5 acres)).

The maximum daily acres to be disturbed would be provided as part of the Dust Control Plan required in mitigation measure MM 4.4.1a of the Draft EIR.

The commitment to water 3 times daily is incorporated into mitigation measure MM 4.4.13 of the Draft EIR. This commitment to water 3-times daily would also be provided as part of the Dust Control Plan required in mitigation measure MM 4.4.1a of the Draft EIR.

1. To facilitate the ICAPCD's implementation of Policy 5 (mitigation measure MM 4.4.1b), as requested a condition requiring the submittal to the ICAPCD of a list of the equipment (and requested details) proposed to be used to construct each solar project will be included in the draft Conditional Use Permits presented to the Planning Commission and Board of Supervisors for approval.
2. A copy of the 12/20/2011 email from Ian MacMillan, Program Supervisor - CEQA Intergovernmental Review for the South Coast Air Quality Management District, to Erin Wielenga of Environmental Management Associates, Inc., confirming that the emission factors presented in Table 3.5 based on engine Tier are incorrect and providing a spreadsheet that shows all of the corrected emission factors for Table 3.5 based on the CalEEMod staff review of the emission standards for each Tier, has been provided to the Imperial County Planning and Development Services Department for inclusion in the Administrative Record. A copy has also been provided to the Imperial County Air Pollution Control District.

Response to Comment 6-9: The comment states that the draft Conditional Use Permit conditions must be provided to the Air District for review and comment. No response is required.

Response to Comment 6-10: The comment notes that the Air Districts' rule book is available via the internet, and appreciates the opportunity to offer comment. No response is required.

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