Final
Environmental Impact Report

SCH# 2023110442

Volume 8

Chapter 7 – Response to Comments

IPG INDUSTRIAL PROJECT
by IPG Kern County Holdings 52, LLC
(PP23405)

Precise Development Plan No. 72, Map No. 102
Zone Variance No. 57, Map No. 102

Kern County
Planning and Natural Resources Department
Bakersfield, CA

July 2025

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PLANNING AND NATURAL RESOURCES DEPARTMENT

Planning
Community Development
Administrative Operations

Date: July 22, 2025

File: PD Plan No. 72, Map No. 102; ZV No. 57, Map No. 102
S.D. #1 - Peters

To: Commenting Agencies and Interested Persons (See Attached Mailing List)

RE: Response to Comments for the Draft Environmental Impact Report – IPG Industrial Project by IPG Kern County 52 Holdings, LLC (SCH# 2023110442) (PP23405)

Dear Interested Party:

This is to advise that the Kern County Planning and Natural Resources Department has prepared a document entitled Volume 8 – Chapter 7 – Response to Comments, for the above referenced proposed project. Section 15088 of the California Environmental Quality Act (CEQA) Guidelines requires the Lead Agency to evaluate comments on environmental issues received from persons who reviewed the Draft Environmental Impact Report (EIR) and prepared written responses addressing each comment. This document has been posted with the Kern County Clerk and provided to commenting agencies and interested parties by mail at least 10 days prior to the scheduled Board of Supervisors Hearing.

As noted previously, this document is Chapter 7 of the EIR and is available for review at the Planning and Natural Resources Department, which is located at 2700 "M" Street, Suite 100, Bakersfield, CA 93301 or on the Department website at: **https://kernplanning.com/environmental-doc/ipg-industrial-project/**

A public hearing has been scheduled with the Kern County Board of Supervisors to consider this request on August 5, 2025 at 2:00 p.m., or soon thereafter, at the Chambers of the Board of Supervisors, First Floor, Kern County Administrative Center, 1115 Truxtun Avenue, Bakersfield, California. This document has been posted with the Kern County Clerk and provided to commenting agencies and interested parties by mail at least 10 days prior to the scheduled hearing.

Thank you for your participation in the environmental process for this proposed project. If you have any questions, please do not hesitate to contact me at (661) 862-5041 or via email at TolentinoM@kerncounty.com.

Sincerely,

Mark Tolentino, Planner III
Planning and Natural Resources Department

Commenting Agencies and Interested Persons: California Department of Transportation – District 6, Kern County Superintendent of Schools, Kern County Fire Department, Yuhaaviatam Band of Mission Indians, Southern California Gas Company, Kern County Public Works Department – Surveyor, San Joaquin Valley Air Pollution Control District, California Department of Conservation – Geologic Energy Management Division, Golden State Environmental Justice Alliance, Mitchell M. Tsai Law Firm/Western Carpenters, Caltrans – Division of Aeronautics, Sierra Club, California Department of Fish and Wildlife, California Air Resources Board, Advocates for the Environment

IPG Industrial Project –
RTC Distribution List

Golden State Environmental Justice
Alliance
P.O. Box 79222
Corona, CA 92877

California Air Resources Board
1001 "I" Street
P.O. Box 2815
Sacramento CA 95812

Caltrans/
Division of Aeronautics, MS #40
P.O. Box 942873
Sacramento, CA 94273-0001

Caltrans/Dist 6
Planning/Land Bank Bldg.
P.O. Box 12616
Fresno, CA 93778

State Dept of Conservation
Geologic Energy Management Division
11000 River Run Boulevard
Bakersfield, CA 93311

Kern County Fire Dept
Cary Wright, Fire Marshall

Kern County Public Works Department/
Building & Development/Survey

California Fish & Wildlife
1234 East Shaw Avenue
Fresno, CA 93710

Sierra Club/Kern Kaweah Chapter
P.O. Box 3357
Bakersfield, CA 93385

San Joaquin Valley
Air Pollution Control District
1990 East Gettysburg Avenue
Fresno, CA 93726

Southern California Gas Co
Transportation Dept
9400 Oakdale Avenue
Chatsworth, CA 91313-6511

Kern County Superintendent of Schools
Attention School District Facility Services
1300 - 17th Street
Bakersfield, CA 93301

Western States Regional Council of
Carpenters
C/O Mitchell M. Tsai Law Firm
139 South Hudson Avenue
Suite 200
Pasadena, California 91101

Yuhaaviatam of San Manuel Nation
Attn: Aleandra McCleary, Ph.D.
16569 Community Center Drive
Highland, CA 92346

Advocates for the Environment
P.O. Box 4242
Sunland, CA 91401-4242

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2023110442

Project Title: IPG Industrial Project by IPG Kern County 52 Holdings, LLC

Lead Agency: Kern County Planning and Natural Resources Department
Contact Person: Mark Tolentino, Planner III
Mailing Address: 2700 M Street, Suite 100
Phone: 661-862-5041
City: Bakersfield Zip: 93301 County: Kern County

Project Location: County: Kern City/Nearest Community: Bakersfield
Cross Streets: Airport Drive & Boughton Drive Zip Code: 93308
Longitude/Latitude (degrees, minutes and seconds): 35 ° 25 ′ 59.3394 ″ N / 119 ° 2 ′ 29.5074 ″ W Total Acres: 49.05
Assessor's Parcel No.: 492-010-13 and 492-010-17 Section: 2 Twp.: 29S Range: 27E Base: MDBM
Within 2 Miles: State Hwy #: SR-99 Waterways:
Airports: Meadows Field Railways: BNSF Schools: Wingland Elementary, North High School

Document Type:

CEQA: ☐ NOP ☐ Draft EIR NEPA: ☐ NOI Other: ☐ Joint Document
☐ Early Cons ☐ Supplement/Subsequent EIR ☐ EA ☑ Final Document
☐ Neg Dec (Prior SCH No.) ☐ Draft EIS ☐ Other:
☐ Mit Neg Dec Other: Ch 7 - Response To Comments ☐ FONSI

Local Action Type:

☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment
☐ General Plan Element ☐ Planned Unit Development ☑ Use Permit ☐ Coastal Permit
☐ Community Plan ☑ Site Plan ☐ Land Division (Subdivision, etc.) ☑ Other: Zone Variance

Development Type:

☐ Residential: Units Acres
☐ Office: Sq.ft. Acres Employees ☐ Transportation: Type
☐ Commercial: Sq.ft. Acres Employees ☐ Mining: Mineral
☑ Industrial: Sq.ft. 923,128 Acres 49.05 Employees 437 ☐ Power: Type MW
☐ Educational: ☐ Waste Treatment: Type MGD
☐ Recreational: ☐ Hazardous Waste: Type
☐ Water Facilities: Type MGD ☐ Other:

Project Issues Discussed in Document:

☑ Aesthetic/Visual ☑ Fiscal ☑ Recreation/Parks ☑ Vegetation
☑ Agricultural Land ☑ Flood Plain/Flooding ☑ Schools/Universities ☑ Water Quality
☑ Air Quality ☑ Forest Land/Fire Hazard ☑ Septic Systems ☑ Water Supply/Groundwater
☑ Archeological/Historical ☑ Geologic/Seismic ☑ Sewer Capacity ☑ Wetland/Riparian
☑ Biological Resources ☑ Minerals ☑ Soil Erosion/Compaction/Grading ☑ Growth Inducement
☐ Coastal Zone ☑ Noise ☑ Solid Waste ☑ Land Use
☑ Drainage/Absorption ☑ Population/Housing Balance ☑ Toxic/Hazardous ☑ Cumulative Effects
☑ Economic/Jobs ☑ Public Services/Facilities ☑ Traffic/Circulation ☐ Other: Tribal Cultural, Green House Gas

Present Land Use/Zoning/General Plan Designation:

Vacant/Light Industrial Precise Development Airport Approach Height Combining District (M-1 PD H)/ LI (Light Industrial)

Project Description: *(please use a separate page if necessary)*

The proposed project would include the development of two single-story logistics facilities totaling approximately 923,130 square-feet (including 15,000 square-feet for dedicated office space) and associated improvements on approximately 49.05 acres of privately owned land in the central portion of unincorporated Kern County.
Implementation of the project as proposed include the following requests:
• (PD No. 72, Map No. 102) to allow construction and operation an approximate 923,130 square foot warehouse, distribution and logistics facility within two (2) single-story warehouses (Building 1: 655,690 square feet, including 10,000 square foot office area; and Building 2: 267,440 square feet with 5,000 square foot office area) totaling 923,130 square feet, with 15,000 square feet of dedicated office space (Section 19.36.020.E.2 & 19.36.020.D.1) on an approximate 49.05 acre project site across two-(2-) parcels, in the M-1 PD H (Light Industrial – Precise Development Combining – Airport Approach Height Combining) District at the corner of Boughton Drive and Airport Drive.
• Zoning Variance (ZV No. 57, Map No. 102) to allow construction of a 56-foot-tall warehouse building where 35 feet is authorized (Section 19.76.080) in the M-1 PD H (Light Industrial – Precise Development Combining – Airport Approach Height Combining) District.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "**X**".
If you have already sent your document to the agency please denote that with an "**S**".

S	Air Resources Board		Office of Historic Preservation
	Boating & Waterways, Department of		Office of Public School Construction
	California Emergency Management Agency		Parks & Recreation, Department of
	California Highway Patrol		Pesticide Regulation, Department of
S	Caltrans District # 6		Public Utilities Commission
S	Caltrans Division of Aeronautics		Regional WQCB # Central
	Caltrans Planning		Resources Agency
	Central Valley Flood Protection Board		Resources Recycling and Recovery, Department of
	Coachella Valley Mtns. Conservancy		S.F. Bay Conservation & Development Comm.
	Coastal Commission		San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
	Colorado River Board		San Joaquin River Conservancy
X	Conservation, Department of		Santa Monica Mtns. Conservancy
	Corrections, Department of		State Lands Commission
	Delta Protection Commission		SWRCB: Clean Water Grants
	Education, Department of		SWRCB: Water Quality
	Energy Commission		SWRCB: Water Rights
S	Fish & Game Region # Fresno		Tahoe Regional Planning Agency
	Food & Agriculture, Department of		Toxic Substances Control, Department of
	Forestry and Fire Protection, Department of		Water Resources, Department of
	General Services, Department of		
	Health Services, Department of		Other:
	Housing & Community Development		Other:
	Native American Heritage Commission		

Local Public Review Period (to be filled in by lead agency)

Starting Date July 22, 2025 Ending Date August 5, 2025

Lead Agency (Complete if applicable):

Consulting Firm: WSP USA
Address: 401 B Street, Suite 1650
City/State/Zip: San Diego, CA 92101
Contact: Kristin Blackson
Phone: 858-264-7000

Applicant: IPG Kern County 52 Holdings, LLC - Attn: Craig Wilde
Address: 991C Lomas Santa Fe Drive, Suite 469
City/State/Zip: Solana Beach, CA 92075
Phone: 314-713-9516

Signature of Lead Agency Representative: _____ **Date:** 07/22/2025

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Chapter 7
Response to Comments

SCH# 2023110442

Volume 8

IPG INDUSTRIAL PROJECT
by IPG Kern County Holdings 52, LLC *(PP23405)*

Kern County Planning and Natural Resources Department
2700 M Street, Suite 100
Bakersfield, CA 93301-2370
(661) 862-8600

Technical Assistance by:
WSP USA
Wells Fargo Bank Building
401 B Street Suite 1650
San Diego, CA 92101
(619) 338-9376

July 2025

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Table of Contents

7.1 Introduction 7-1

7.1.1 Purpose 7-1
7.1.2 Public Process 7-1
7.1.3 Revised Summary of Impacts, Mitigation Measures, and Significance Conclusions 7-2

7.2 Response to Comments 7-49

7.2.1 State Agencies 7-49

1: Caltrans, Local Development Review Branch 7-49
2: CalGem 7-54
3: Caltrans, Division of Aeronautics 7-60
4: California Department of Fish and Wildlife 7-65
5: California Air Resources Board 7-79

7.2.2 Local Agencies 7-86

6: Kern County Superintendent of Schools 7-86
7: Kern County Fire Department 7-91
8: Kern County Public Works 7-96
9: San Joaquin Valley Air Pollution Control District 7-101

7.2.3 Interested Parties 7-114

10: Yuhaaviatam of San Manuel Nation 7-114
11: SoCal Gas 7-119
12: Golden State Environmental Justice Alliance 7-124
13: Mitchell M. Tsai 7-143
14: Sierra Club, Kern-Kaweah Chapter 7-148
15: Advocates for the Environment 7-160

Acronyms and Abbreviations

§	Section
°C	degrees Celsius
°F	Fahrenheit
µg/m3	microgram per cubic meter
AB 32	Assembly Bill 32
AB 52	Assembly Bill 52
ACBM	asbestos-containing building material
ACHP	Advisory Council on Historic Preservation
AEC	Advanced Environmental Concepts Inc.
AERMOD	American Meteorological Society/EPA regulatory dispersion model
AFY	acre-feet per year
AHERA	Asbestos Hazard Emergency Response Act
AIA	Airport Influence Area
ALUCP	Airport Land Use Compatibility Plan
APN	Assessor Parcel Number
AQAP	Air Quality Attainment Plan
AQMP	Air Quality Management Plan
ASCE	American Society of Civil Engineers
ATC	Authority to Construct
ATCM	Airborne Toxic Control Measure
BAAQMD	Bay Area Air Quality Management District
BACT	Best Available Control Technology
Basin	Tulare Lake Hydrologic Region, or Tulare Lake Basin
BAU	business as usual

BLM	Bureau of Land Management
BMP	best management practice
BPS	Best Performance Standards
BTU	British thermal units
C&D	construction and demolition
CA MUTCD	California Manual on Uniform Traffic Control Devices
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
CAFE	Corporate Average Fuel Economy
CAL FIRE	California Department of Forestry and Fire Protection
Cal NAGPRA	California Native American Graves Protection and Repatriation Act
CalARP	California Accidental Release Prevention Program
CalEEMod	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
CalGEM	California Geologic Energy Management Division
CALGreen	California Green Building Standards Code
CalOES	California Office of Emergency Services
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Code
CCR	California Code of Regulations
CDC	Centers for Disease Control
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act

CERCLA Act	Comprehensive Environmental Response, Compensation, and Liability
CESA	California Endangered Species Act
Cf	cubic feet
CFC	chlorofluorocarbons
CFGC	California Fish and Game Code
CFR	Code of Federal Regulations
CH4	methane
CHL	California Historical Landmark
CHP	California Highway Patrol
CISN	California Integrated Seismic Network
CIWMB	California Integrated Waste Management Board
CMP	Congestion Management Program
CNDDB	California Natural Diversity Database
CNEL	community noise equivalent level
CNPS	California Native Plant Society
CO	carbon monoxide
CO2	carbon dioxide
CO2e	carbon dioxide equivalent
COG	Council of Governments
Cortese list	State of California Hazardous Waste and Substances Sites List
County	Kern County
COVID-19	Coronavirus Disease 2019
CPUC	California Public Utilities Commission
CREC	Controlled Recognized Environmental Condition
CRHR	California Register of Historical Resources
CRM	CRM Tech

CUPA	Certified Unified Program Agency
CWA	Clean Water Act
CWA	Clean Water Act
CWPP	Kern County Community Wildfire Protection Plan
dB	decibel
dBA	A-weighted decibel
DLRP	Division of Land Resource Protection
DMA	Development Mitigation Agreement
DOC	Department of Conservation
DOF	California Department of Finance
DPM	diesel particulate matter
Draft EIR	Draft Environmental Impact Report
DTSC	Department of Toxic Substances Control
DWR	California Department of Water Resources
EISA	Energy Independence and Security Act
EKAPCD	Eastern Kern Air Pollution Control District
EMFAC2021	EMissions FACtor model
EMS	Emergency Medical Services Division
EMT	emergency medical technician
EO	Executive Order
EOP	Emergency Operations Plan
EPA	U.S. Environmental Protection Agency
EPCA	Energy Policy and Conservation Act
ESA	Environmental Site Assessment
EV	electric vehicle
EVCS	electric vehicle capable space

FAA	Federal Aviation Administration
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FHSZ	Fire Hazards Severity Zone
FHWA	Federal Highway Administration
FICON	Federal Interagency Committee on Noise
Fire Code	Kern County Code of Building Regulations
FIRM	Flood Insurance Rate Map
FPPA	Farmland Protection Policy Act
FTA	Federal Transit Administration
GAMAQI	2015 Guidance for Assessing and Mitigating Air Quality Impacts
GHG	greenhouse gas
GSA	Groundwater Sustainability Agency
GSMA	Groundwater Management Sustainability Act
GSP	Groundwater Sustainability Plan
GVW	R gross vehicle weight rating
GWh	gigawatt-hour
GWP	global warming potential
H	Airport Approach Height
H2S	hydrogen sulfide
HAP	hazardous air pollutant
Hazardous Waste Plan	Kern County and Incorporated Cities Hazardous Waste Management Plan
HCD	California Department of Housing and Community Development
HCM 6	Highway Capacity Manual, Sixth Edition
HCP	habitat conservation plan
HFC	hydrofluorocarbon

HMTA	Hazardous Materials Transportation Act
hp-hr/gal	horsepower hour per gallon
HRA	Health Risk Assessment
HREC	Historical Recognized Environmental Condition
HSC	Health and Safety Code
HSWA	Hazardous and Solid Waste Amendment
HUD	U.S. Department of Housing and Urban Development
ID No. 4	Improvement District Number 4
IES	Illuminating Engineering Society
IGY	International Geophysical Year
in/sec	inchers per second
IPCC	International Panel on Climate Change
IRA	Inflation Reduction Act
IRWM	Integrated Regional Water Management
IS	Initial Study
ISO	International Organization for Standardization
ISR	Indirect Source Rule
ITE	Institute of Transportation Engineers
ITP	incidental take permit
kBTU	kilo-British thermal unit
KCFD	Kern County Fire Department
KCGP	Kern County General Plan
KCPNR	Kern County Planning and Natural Resources Department
KCSO	Kern County Sheriff's Office
KCWA	Kern County Water Agency
KCZO	Kern County Zoning Ordinance

KEDC	Kern Economic Development Corporation
Kern COG	Kern Council of Governments
KGA	Kern Groundwater Authority
KOP	Key Observation Point
kWh	kilowatt-hour
LACFD	Los Angeles County Fire Department
LCFS	Low Carbon Fuel Standard
LDA	Light-Duty-Auto
Ldn	average day-night noise level
LDT	Light-Duty-Truck
Leq	equivalent noise level
LGC	LGC Geotechnical, Inc.
LI	Light Industrial
LOS	level of service
LRA	local responsibility area
LTS	less than significant
Lw	sound power level
M-1	District Light Industrial District
MBGP	Metropolitan Bakersfield General Plan
MBHCP	Metropolitan Bakersfield Habitat Conservation Plan
MBTA	Migratory Bird Treaty Act
MCY	motorcycle
MDV	medium-duty-vehicles
MGD	million gallons per day
MM	mitigation measures
MMT	million metric tons

MPO	metropolitan planning organization
MRZ	Mineral Resource Zone
MT	metric tons
MW	megawatt
MWh	megawatt-hour
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NCCP	Natural Community Conservation Plan
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NEHRP	National Earthquake Hazards Reduction Program
NESHAP	National Emission Standards for Hazardous Air Pollutants
NF3	nitrogen trifluoride
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NHTSA	National Highway Traffic Safety Administration
NI	no impact
NMFS	National Marine Fisheries Service
NO	nitric oxide
NO2	nitrogen dioxide
NO3	nitrates
NOI	Notice of Intent
NOP	Notice of Preparation
NOR	North of the River
NORMDWD	North of the River Municipal Water District
NORSD	North of the River Sanitary District
Nox	oxides of nitrogen

NPDES	National Pollutant Discharge Elimination System
NR	natural resources
NRHP	National Register of Historic Places
O3	ozone
OEHHA	California Office of Environmental Health Hazard Assessment
OMWC	Oildale Mutal Water Company
PD	Precise Development
PE	Petroleum Extraction
PFC	perfluorocarbon
PG&E	Pacific Gas and Electric
PL	Public Law
PM	particulate matter
PM10	particulate matter of 10 microns or less
PM2.5	particulate matter of 2.5 microns or less
Porter-Cologne	Porter-Cologne Water Quality Control Act
ppm	parts per million
PPV	peak particle velocity
PRC	Public Resources Code
Project	proposed IPG Industrial Project
PTO	Permit to Operate
PVC	polyvinyl chloride
RCRA	Resource Conservation and Recovery Act of 1976
REC	Recognized Environmental Condition
RHNA	Regional Housing Need Allocation
R-MP	Resource–Mineral and Petroleum
RMP	Risk Management Program

ROG	reactive organic gas
RPS	Renewables Portfolio Standard
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCAQMD	South Coast Air Quality Management District
SCS	sustainable communities strategy
SDC	Seismic Design Category
SF6	sulfur hexafluoride
SGMA	Sustainable Groundwater Management Act
SHRC	State Historical Resources Commission
SIP	State Implementation Plan
SJVAB	San Joaquin Valley Air Basin
SJVAPCD	San Joaquin Valley Air Pollution Control District
SLCP	short-lived climate pollutant
SLF	Sacred Lands File
SMARA	The Surface Mining and Reclamation Act of 1975
SO2	sulfur dioxide
SOI	Sphere of Influence
SR	State Route
SRA	State responsibility areas
SRRE	Source Reduction and Recycling Element
SSC	Species of special concern
SSJVIC	Southern San Joaquin Valley Information Center
SSSC	side-street stop-controlled

SU	significant and unavoidable
Subbasin	Kern County Subbasin
SWP	State Water Project
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	California State Water Resources Control Board
TAC	toxic air contaminant
TCR	Tribal cultural resource
TOD	transit-oriented development
TRU	Transport Refrigeration Unit
TS	traffic-signal controlled
U.S.C.	United States Code
UCMP	University of California Museum of Paleontology
UFC	Uniform Fire Code
URF	Unit Risk Factor
USACE U.S.	Army Corps of Engineers
USDOT U.S.	Department of Transportation
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
UWMP	Urban Water Management Plan
VERA	Voluntary Emissions Reduction Agreement
VMT	vehicle miles traveled
VOC	volatile organic compound
Vph	vehicles per hour
Warren-Alquist Act	Warren-Alquist Energy Resources Conservation and Development Act
WDR	Waste discharge requirements
WOTUS	Waters of the United States

WSA	Water Supply Assessment
WWTP	Wastewater Treatment Plant
ZEV	zero-emission vehicles
ZV	Zoning Variance

Chapter 7

Response to Comments

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Chapter 7
Response to Comments

7.1 Introduction

7.1.1 Purpose

As defined by Section 15050 of the California Environmental Quality Act (CEQA) Guidelines, the Kern County Planning and Natural Resources Department is serving as "Lead Agency" for preparation of the Final Environmental Impact Report (EIR) for the IPG Industrial Project (Project) proposed by IPG Kern County 52 Holdings, LLC (Project proponent). The Final EIR presents the environmental information and analyses that have been prepared for the Project, including comments received addressing the adequacy of the Draft EIR, and responses to those comments. The Draft EIR was circulated for a 45-day public review period. All comments have been included and responses provided. In addition to the responses to comments, clarifications, corrections, or revisions have been made to the Draft EIR and are included in this chapter. The Final EIR, which includes the responses to comments, the Draft EIR, and the Mitigation Monitoring Program, will be used by the Board of Supervisors in the decision making process for the Project.

7.1.2 Public Process

Kern County prepared and circulated an Initial Study (IS) / Notice of Preparation (NOP) to the responsible agencies, trustee agencies, and local agencies as well as other interested parties for review and comment beginning on November 16, 2023 and ending on December 18, 2023. The County received 12 letters with substantive comments in response to the IS/NOP. In conjunction with this public notice, Kern County hosted a scoping meeting on December 6, 2023, at the KCPNR, located at 2700 "M" Street, Suite 100, Bakersfield, California. The purpose of the meeting was to introduce the Project and to solicit input from agencies, organizations, and other interested parties regarding the proposed Project, alternatives, mitigation measures, and environmental impacts to be analyzed in the EIR. Comments received during the 30-day review period were used in the preparation of the Draft EIR. During the December 6, 2023 scoping meeting, three members of the public were present, one of whom provided comments. The IS/NOP, scoping meeting, and community workshop materials, the 12 comment letters received, and a complete summary of all scoping comments are included as Appendix A of the Draft EIR.

A Draft EIR was prepared, incorporating public and agency responses to the IS/NOP and the scoping process. The Draft EIR was circulated to appropriate agencies for review and comment and additional individuals and interest groups who have requested to be notified of EIR projects. Per Section 15105 of the CEQA Guidelines, Kern County provided for a 45-day public review period on the Draft EIR.

7.1.3 Revised Summary of Impacts, Mitigation Measures, and Significance Conclusions

The following section includes a listing of all errata/revisions made to the text of the Draft Environmental Impact Report (DEIR). Amended text is identified by page number. Additions to the DEIR text are shown with underline and text removed from the DREIR is shown with ~~strikethrough~~. The errata/revisions as outlined below, fall within the scope of the original project analysis included in the DREIR and do not result in an increase to any identified impacts or produce any new impacts. No new significant environmental impacts would result from the changes. Therefore, no significant revisions have been made which would require recirculation of the DEIR pursuant to CEQA Guidelines Section 15088.5 (Recirculation of an EIR Prior to Certification).

Chapter 1 Executive Summary, Table 1-3: Summary of Project Impacts that are Less than Significant or Less than Significant with Mitigation, Page 1-11

Impact	Mitigation Measures
Aesthetics and Visual Resources (Project and Cumulative)	MM 4.1-1 through MM 4.1-1
Agriculture and Forestry Resources (Project and Cumulative)	No mitigation required
Air Quality (Project)	MM 4.3-1 through MM 4.3-10
Biological Resources (Project and Cumulative)	MM 4.4-1 through MM 4.4-12, and 4.9-1
Cultural Resources (Project and Cumulative)	MM 4.5-1 through 4.5-3
Energy (Project and Cumulative)	MM 4.3-3, MM 4.6-1, MM 4.6-2, MM 4.8-1 and MM 4.8-2
Geology and Soils (Project and Cumulative)	MM 4.7-1 through MM 4.7-11, and MM 4.10-1
Greenhouse Gas Emissions (Project)	MM 4.3-3, 4.3-5; MM 4.6-1 and MM 4.6-2; 4.8-1 and 4.8-2; MM 4.17-2
Hazards and Hazardous Materials (Project and Cumulative)	MM 4.4-3; MM 4.7-8; MM 4.9-1 through MM 4.9-13; MM 4.15-1; MM 4.17-1 through MM 4.17-5
Hydrology and Water Quality (Project and Cumulative)	MM 4.7-8; MM 4.9-3, MM 4.10-1 and MM 4.10-2; MM 4.19-3 and 4.19-4
Land Use and Planning (Project and Cumulative)	MM 4.1-3; MM 4.11-1 and MM 4.11-4
Mineral Resources (Project and Cumulative)	No mitigation required
Noise (Project)	MM 4.1-3; MM 4.13-1 through MM 4.13-4
Noise (Project)	MM 4.1-3; MM 4.13-1 through MM 4.13-4
Population and Housing (Project and Cumulative)	MM 4.15-2
Public Services (Project and Cumulative)	MM 4.9-11; MM 4.15-1 and MM 4.15-2; MM 4.17-1 through MM 4.17-3
Recreation (Project and Cumulative)	None required
Transportation and Traffic (Project and Cumulative)	MM 4.17-1 through MM 4.17-5
Tribal and Cultural Resources (Project and Cumulative)	MM 4.5-1 through MM 4.5-43
Utilities and Service Systems (Project)	MM 4.19-1 through MM 4.19-5

Chapter 1 Executive Summary, Page 1-24

MM 4.1-3: Prior to the issuance of building permits for any facilities on the project site, the proponent/operator applicant shall submit to the Kern County Planning and Natural Resources Department for approval a landscape plan that complies with the Kern County Zoning Ordinance requirements in Chapter 19.86 - Landscaping.

The plan shall include:

a. Preparation by a licensed Landscape Architect;

b. California native, drought-tolerant plants;

c. An irrigation plan as required under the Kern County Zoning Ordinance 19.86.070;

d. A vegetation barrier shall be installed along the Boughton Drive and Airport Drive frontages of the project site. The vegetation barrier shall consist of multiple rows of trees and shrubs, a 10-foot-high berm, a decorative wall, or a combination thereof. Final design shall be submitted for review and approval by the Director of the Planning and Natural Resources Department. The vegetation barrier shall:

    1. Be a minimum of 15 feet high (at full maturity) or a minimum of 3 feet above the decorative wall. The wall shall be between 6 and 8 feet high.

    2. Be a minimum 30-foot-wide perimeter buffer along any visible boundary from the Boughton Drive and Airport Drive;

    3. Achieve porosity between .5 to .9 at full maturity and shall maintain porosity during all seasons.

    4. Consist of multiple types of species to prevent plant mono-cultures. Use of coniferous trees, and/or trees comprised of waxy and/or hairy leaf surfaces with leaf and branch structure that provide increased surface areas is encouraged. Species composition shall include, but not be limited to, the following:

        A. Consist of evergreen, drought tolerant species of low biogenic emissions (e.g. low pollen, etc.), a minimum of 36-inch box size at time of installation and spaced no greater than 40 feet apart.

        B. One (1) tree having a minimum planting height of six (6) feet for every 40 lineal feet of buffer;

        C. Palm trees, deciduous trees, and monocarpic, and annual plants shall not be allowed to satisfy this requirement.

        D. Evergreen shrubs which reach a minimum height of four (4) to six (6) feet.

        E. Live ground cover consisting of low-height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs.

        F. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than 25 percent of the required landscape area.

        G. Consist of species that are native, non-invasive and non-poisonous

~~1.~~ 5. Be maintained and consistent throughout all seasons and climatic conditions for the life of the project. Vegetation maintenance for the vegetation barrier shall include tree and shrub replacement in the event of die-off, disease or damage due to accidents

~~2.~~ 6. Maximum height shall be maintained to comply with the H (Airport Approach Height) District, Section 19.76.080 or within the specified maximum height limit for an approved Zone Variance that is active for this project;

~~3.~~ 7. Designed to preserve safe lines-of-sight and viewshed standards for drivers on the road.

~~4.~~ 8. Be installed prior to final occupancy.

~~5.~~ 9. After year 1 of planting, the Project proponent shall submit documentation to the Kern County Planning and Natural Resources Department indicating successful species survival and rate of porosity growth. This shall be achieved through photo documentation and/or reporting of maintenance logs and growth rates to be submitted each spring, preferably after shrubs have begun to leaf out, but, if necessary, could be conducted any time during the summer. Documentation shall be submitted each year for the first five (5) years or until the vegetation reaches maturity, whichever occurs first, in order for Kern County Planning and Natural Resources Department to confirm all growth has successfully reached maturity level.

e. Should perimeter fencing be proposed, fencing materials shall be constructed of any materials commonly used in the construction of fences and walls such as wood, stone, rock, tubular steel, wrought iron, or brick, or other durable materials. Masonry block walls shall be decorative and not bare masonry blocks. Decorative materials can include a façade, colored masonry blocks, or other materials. Fencing proposed around sumps shall be chain-link with view obscuring slats.

Chapter 1 Executive Summary, Page 1-82

Executive Summary Table: Impact 4.18: Cumulative Impacts Potentially significant impact Implementation of Mitigation Measure MM 4.5-1 through MM 4.5-~~4~~3 would be required (see Section 4.5, Cultural Resources, for full mitigation measure text). Less than significant.

Chapter 3 Project Description – 3.7 Project Characteristics, Page 3-12

Table 3-3: Project Facilities Summary

	Acreage	Proposed End Use	Maximum Building Footprint	Maximum Building Height	Truck Dock Trailer Parking Spaces	Automobile Parking Spaces	Truck Trailer Spaces
Total	49.04	~923,130 square foot high-cube with up to 20% cold storage warehouse	923,130	+/- 56 feet	~~124~~133	~~547~~ 376 stalls	~~307~~ 203 stalls

Chapter 3, Project Description, Page 3-13:

Figure 3-6a, *Precise Development Plan – Overall Site Plan*, has been revised as follows to depict the updated configuration and characteristics of the proposed project.

Figure 3-6a: Precise Development Plan - Overall Site Plan

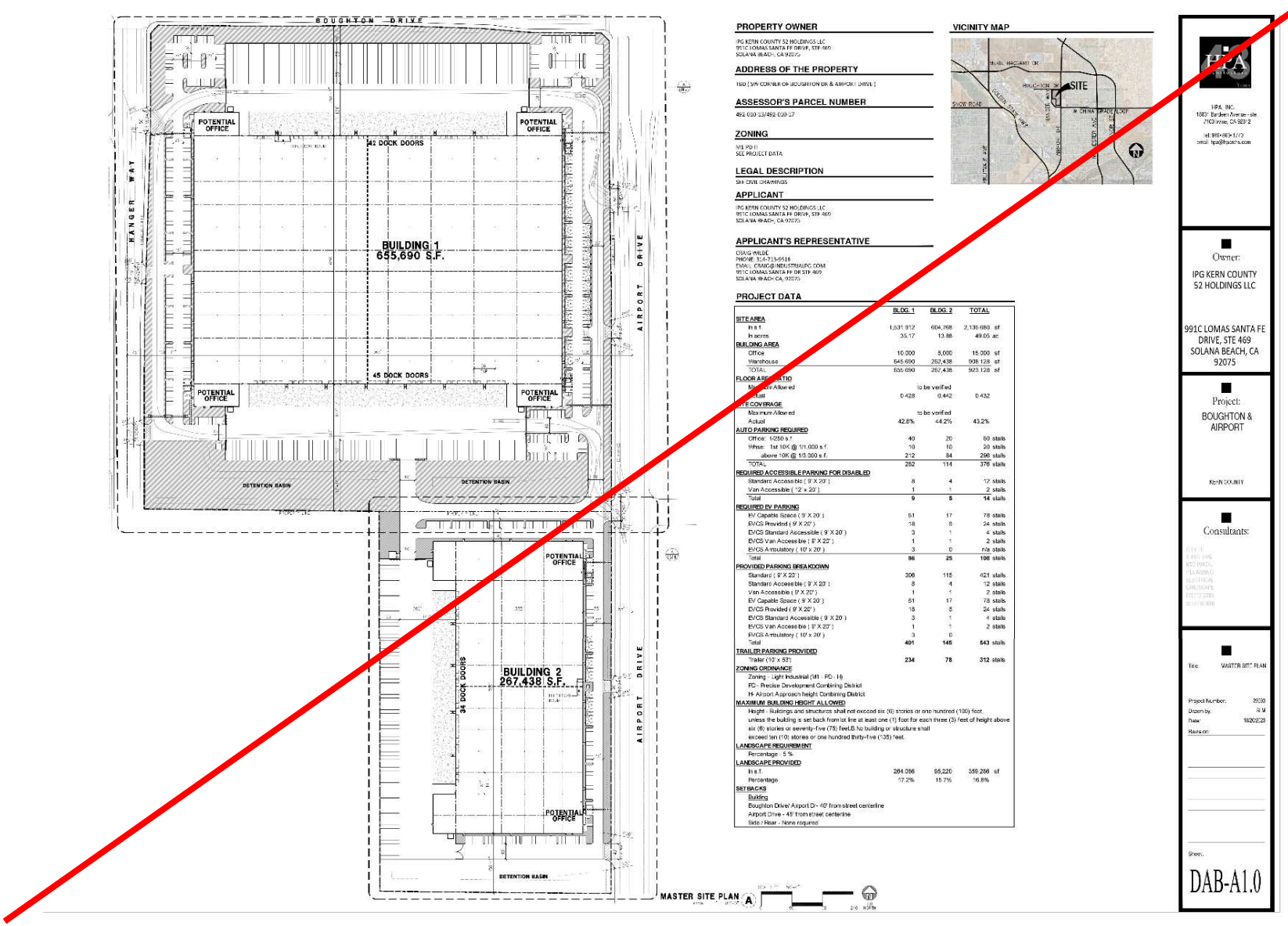
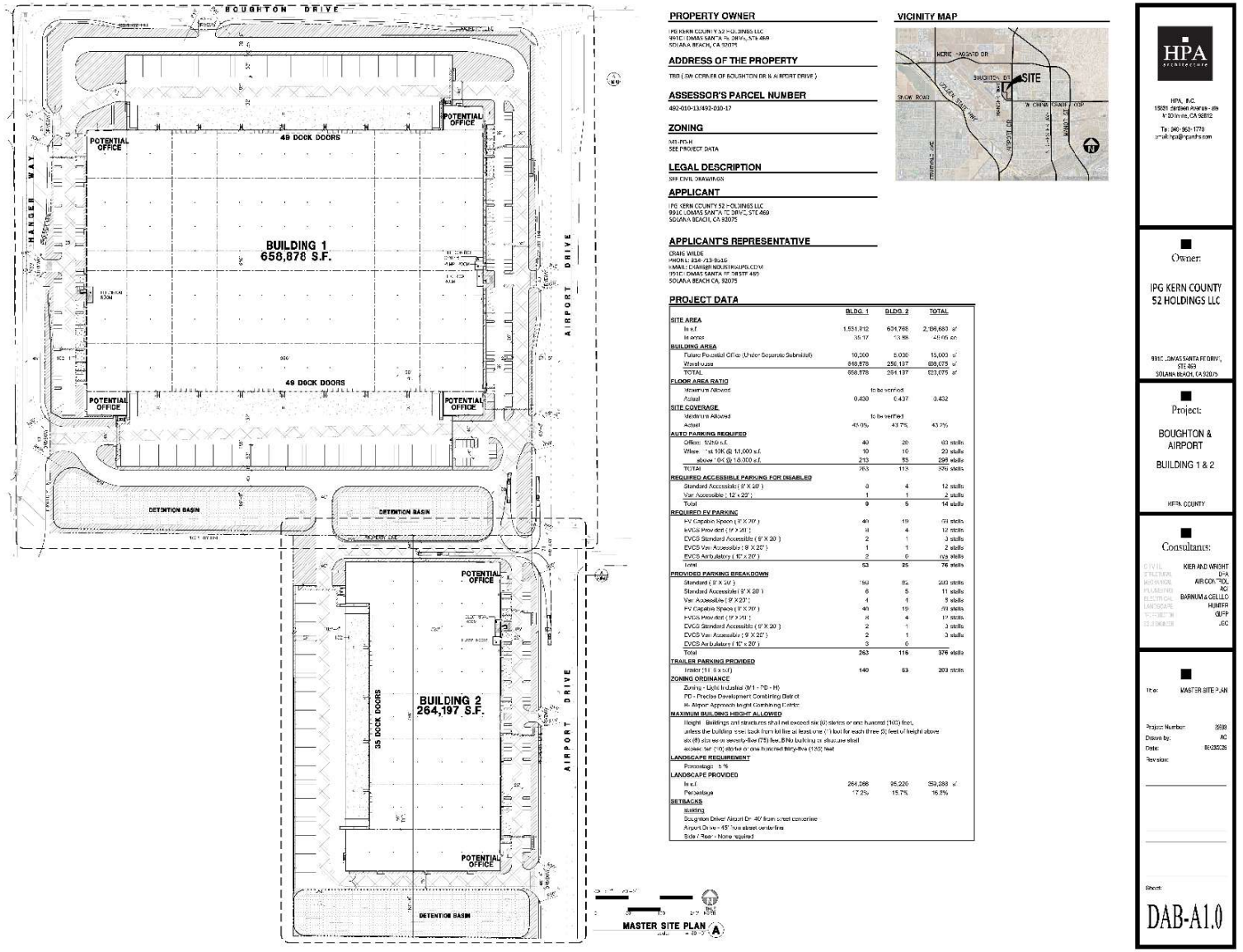


Figure 3-6a: Precise Development Plan - Overall Site Plan



Chapter 3, Project Description, Page 3-14:

Figure 3-6b, *Precise Development Plan – Building 1 Site Plan*, has been revised as follows to depict the updated configuration and characteristics of the proposed project.

Figure 3-6b: Precise Development Plan - Building 1 Site Plan

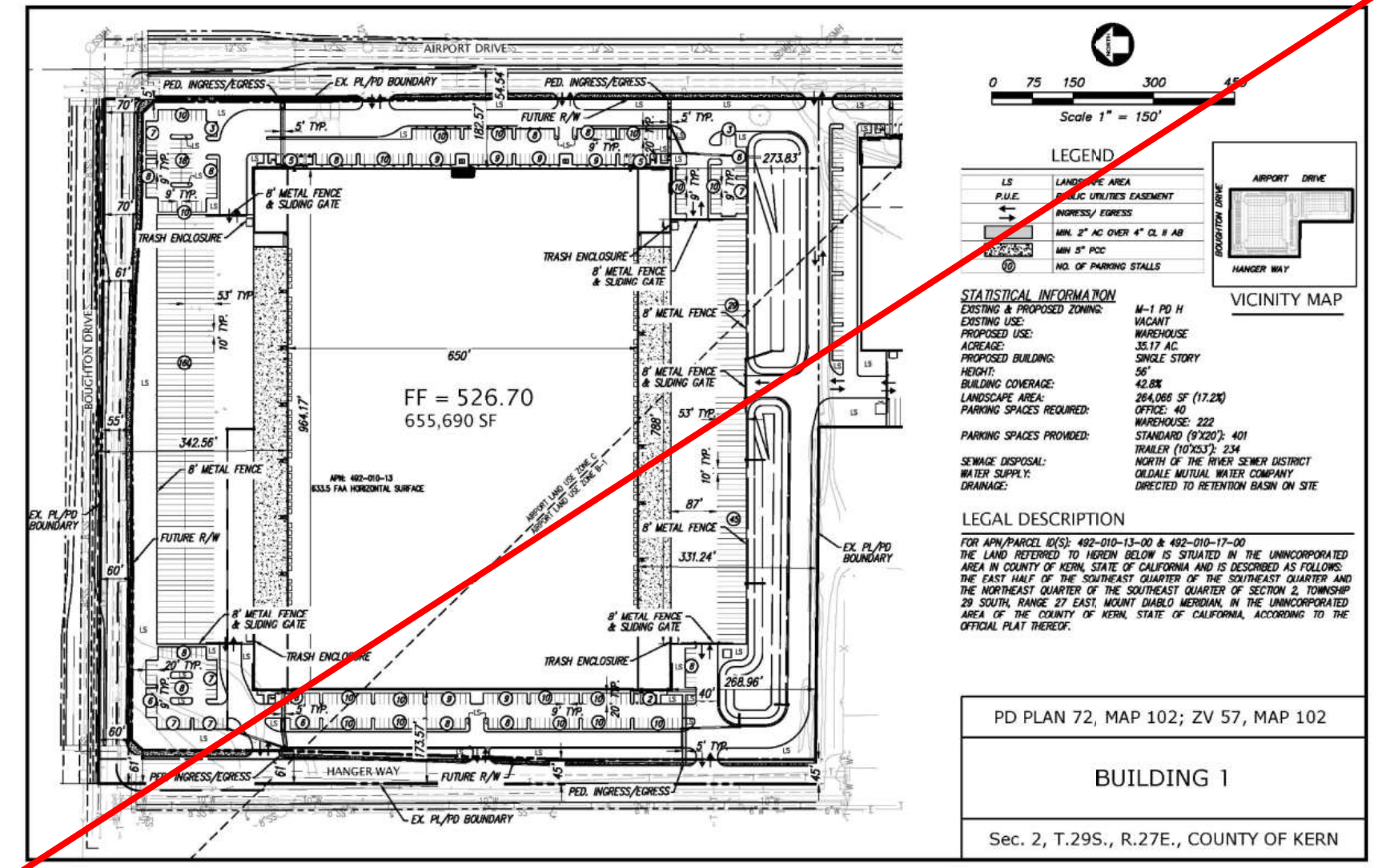
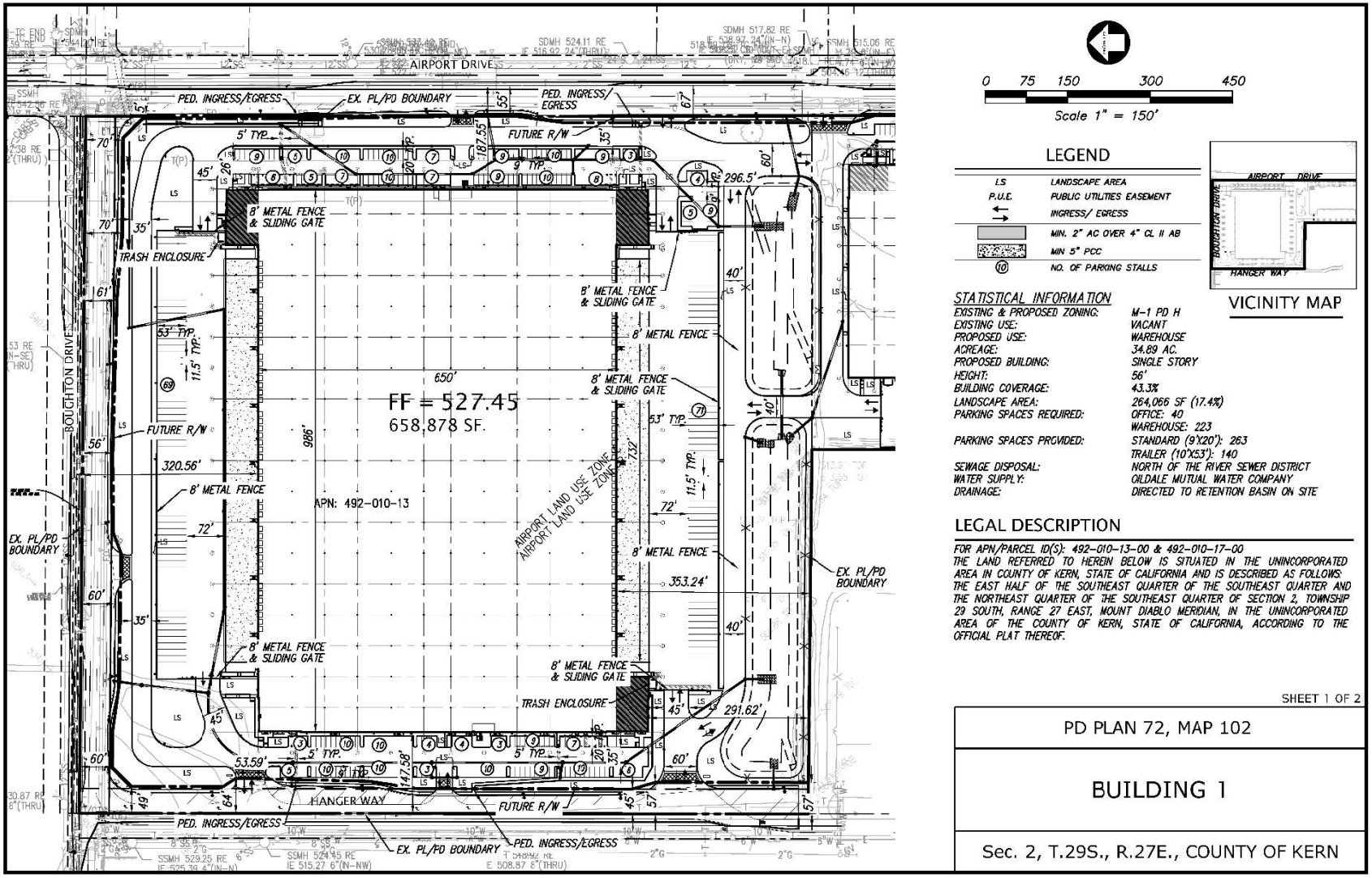


Figure 3-6b: Precise Development Plan - Building 1 Site Plan



Chapter 3, Project Description, Page 3-15:

Figure 3-6c, *Precise Development Plan – Building 2 Site Plan*, has been revised as follows to depict the updated configuration and characteristics of the proposed project.

Figure 3-6c: Precise Development Plan - Building 2 Site Plan

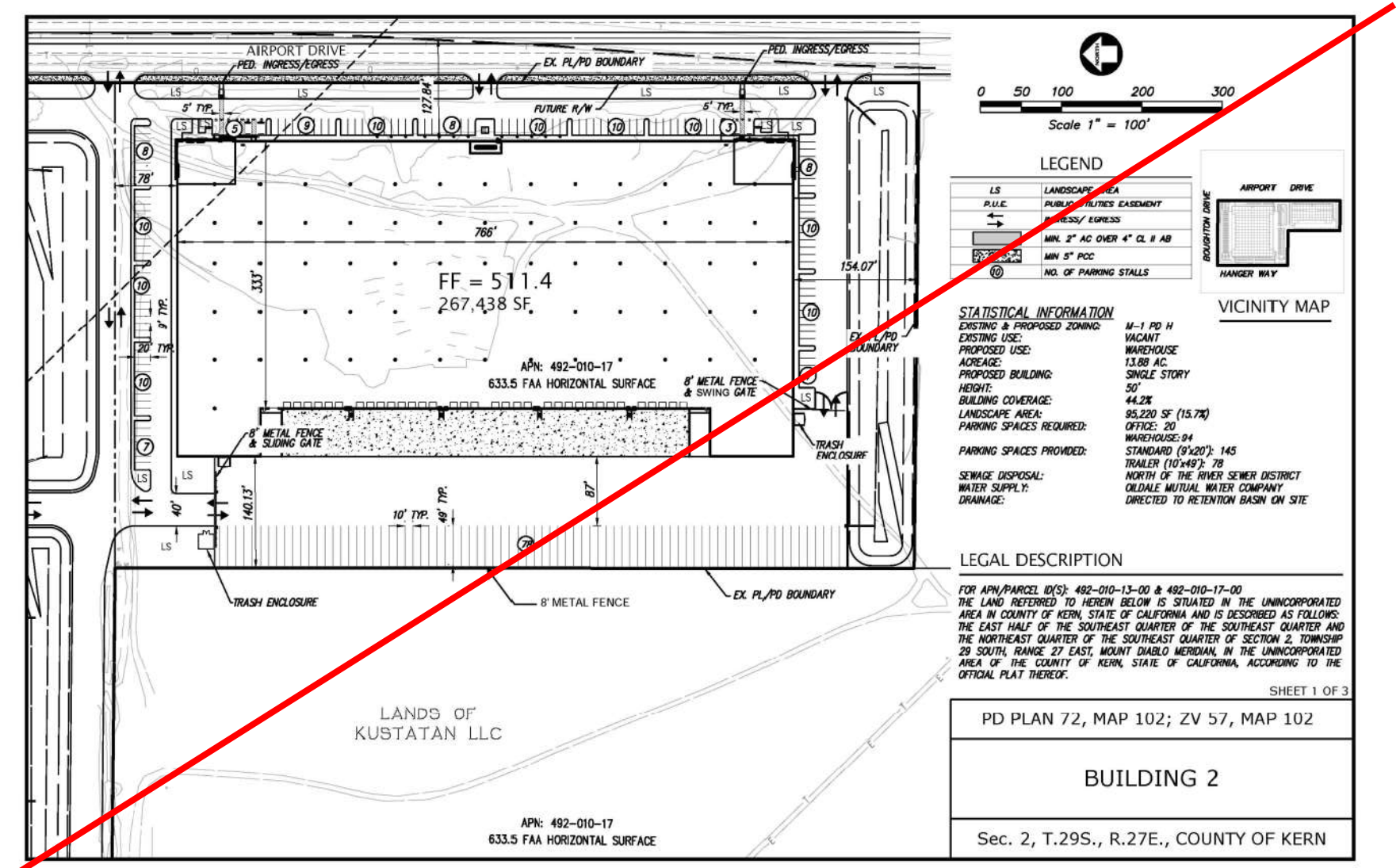
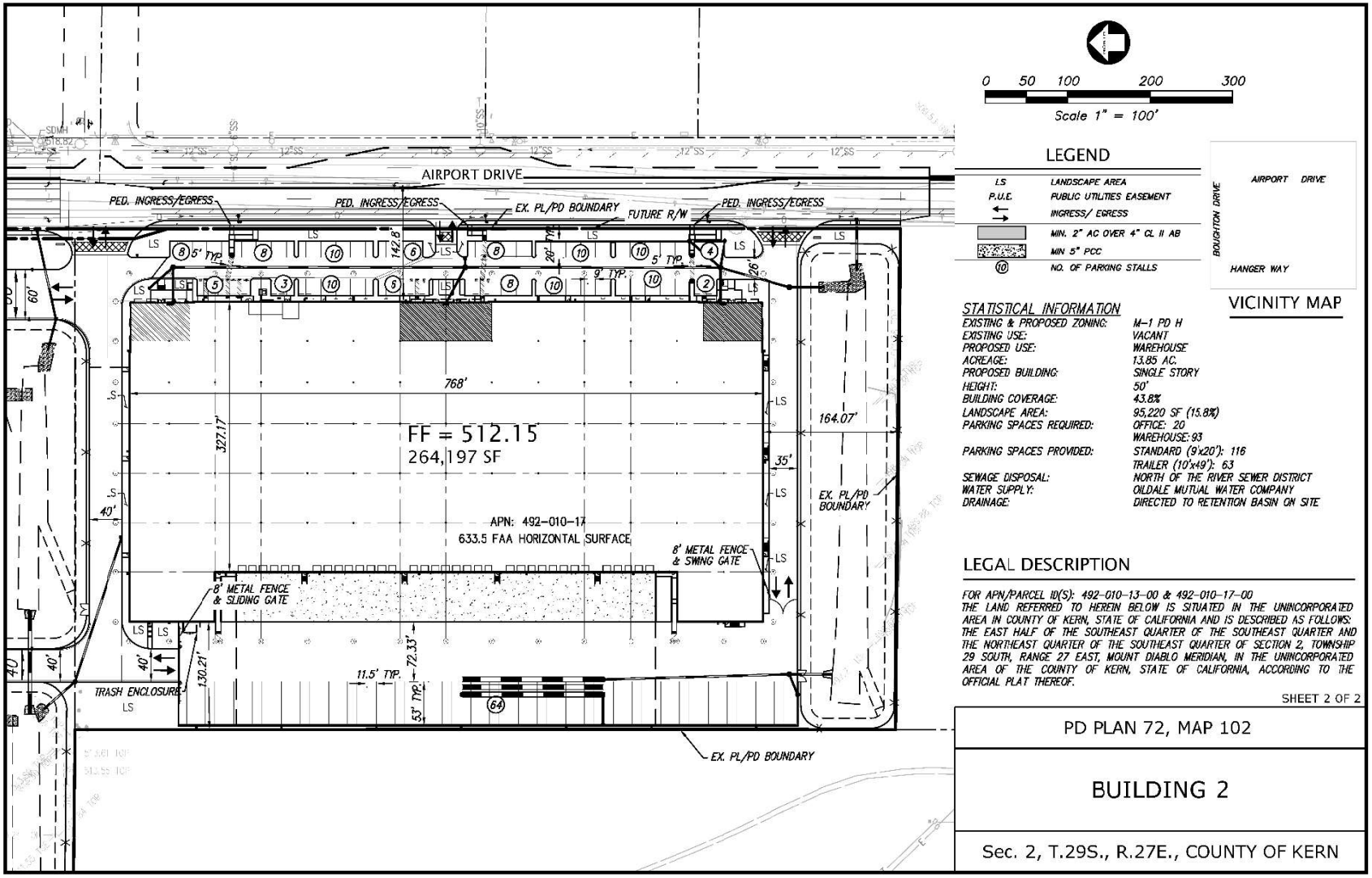


Figure 3-6c: Precise Development Plan - Building 2 Site Plan



Chapter 3, Project Description, Page 3-16:

Figure 3-6d, *Precise Development Plan – Building 1 Engineered Elevations*, has been revised as follows to depict the updated configuration and characteristics of the proposed project.

Figure 3-6d: Precise Development Plan - Building 1 Engineered Elevations

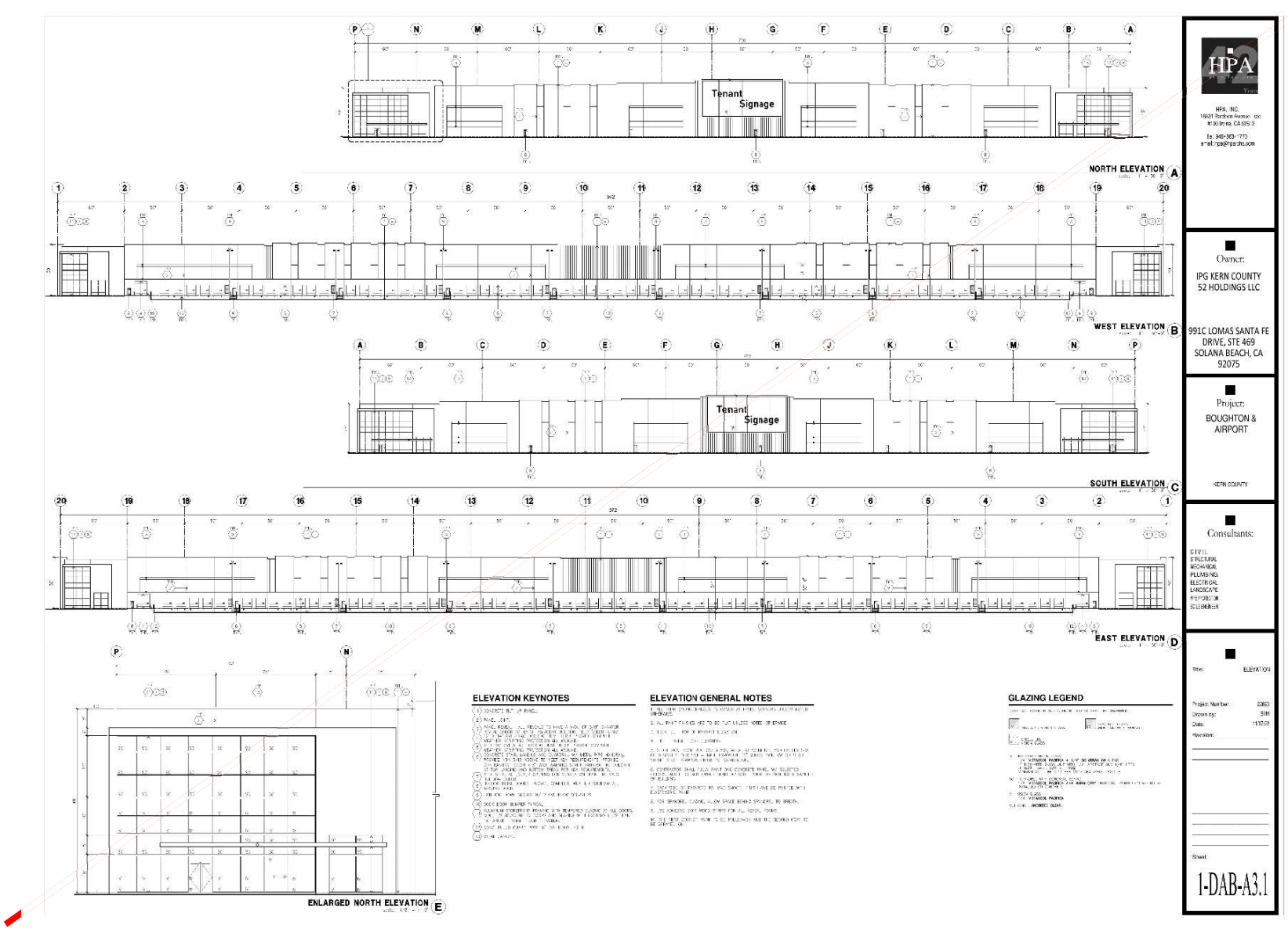
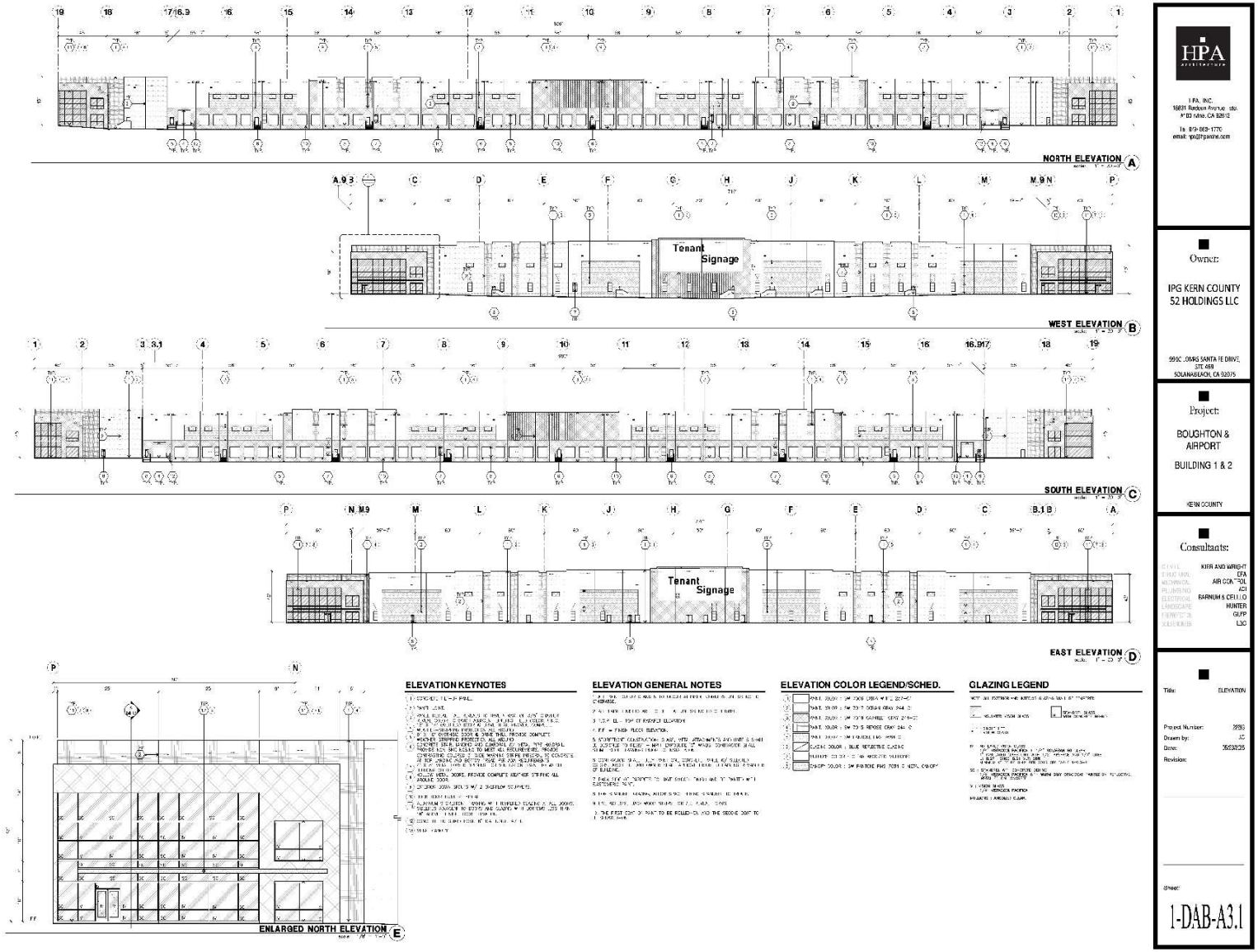


Figure 3-6d: Precise Development Plan - Building 1 Engineered Elevations



Chapter 3, Project Description, Page 3-17:

Figure 3-6e, *Precise Development Plan – Building 2 Engineered Elevations*, has been revised as follows to depict the updated configuration and characteristics of the proposed project.

Figure 3-6e: Precise Development Plan - Building 2 Engineered Elevations

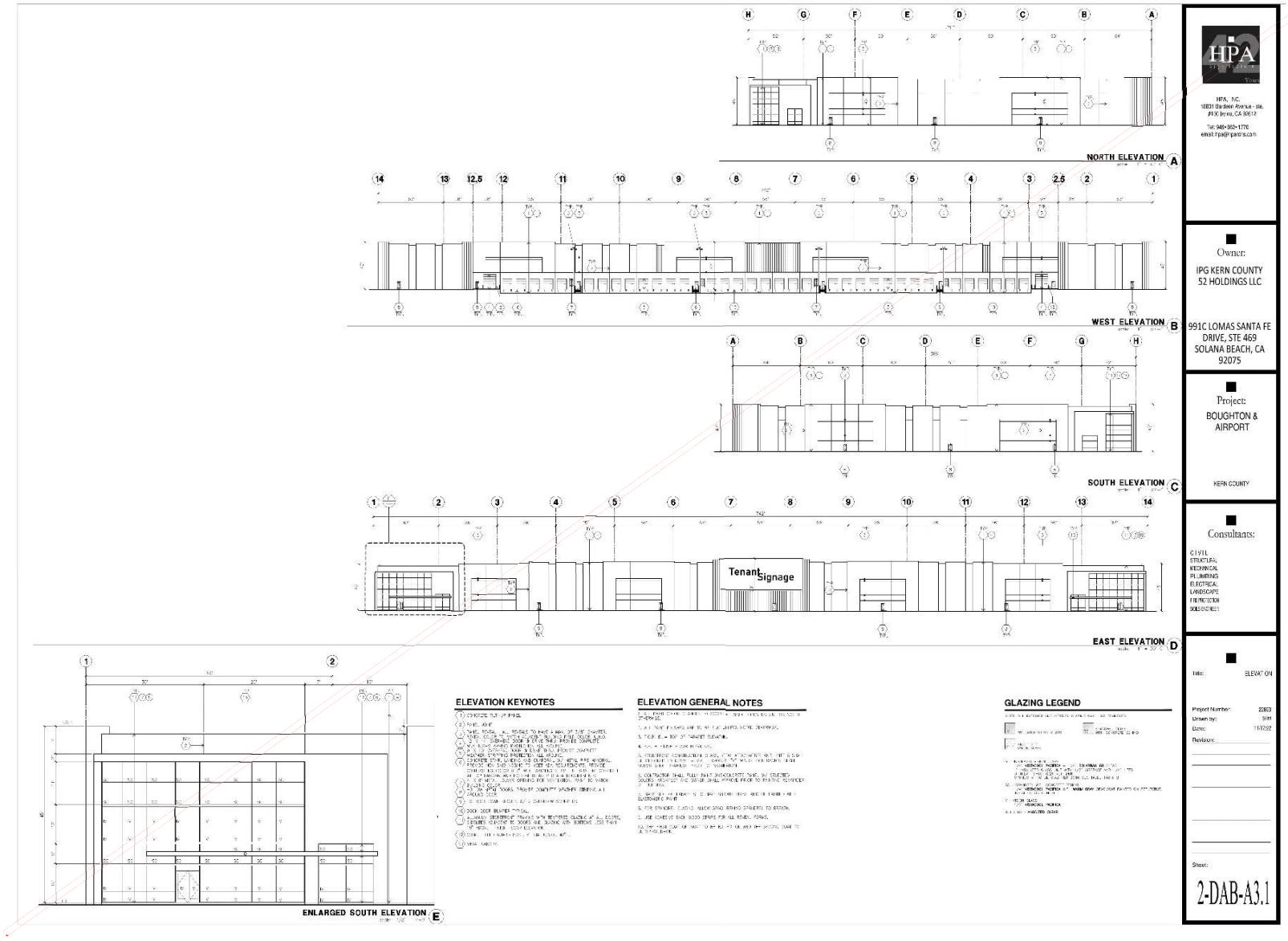
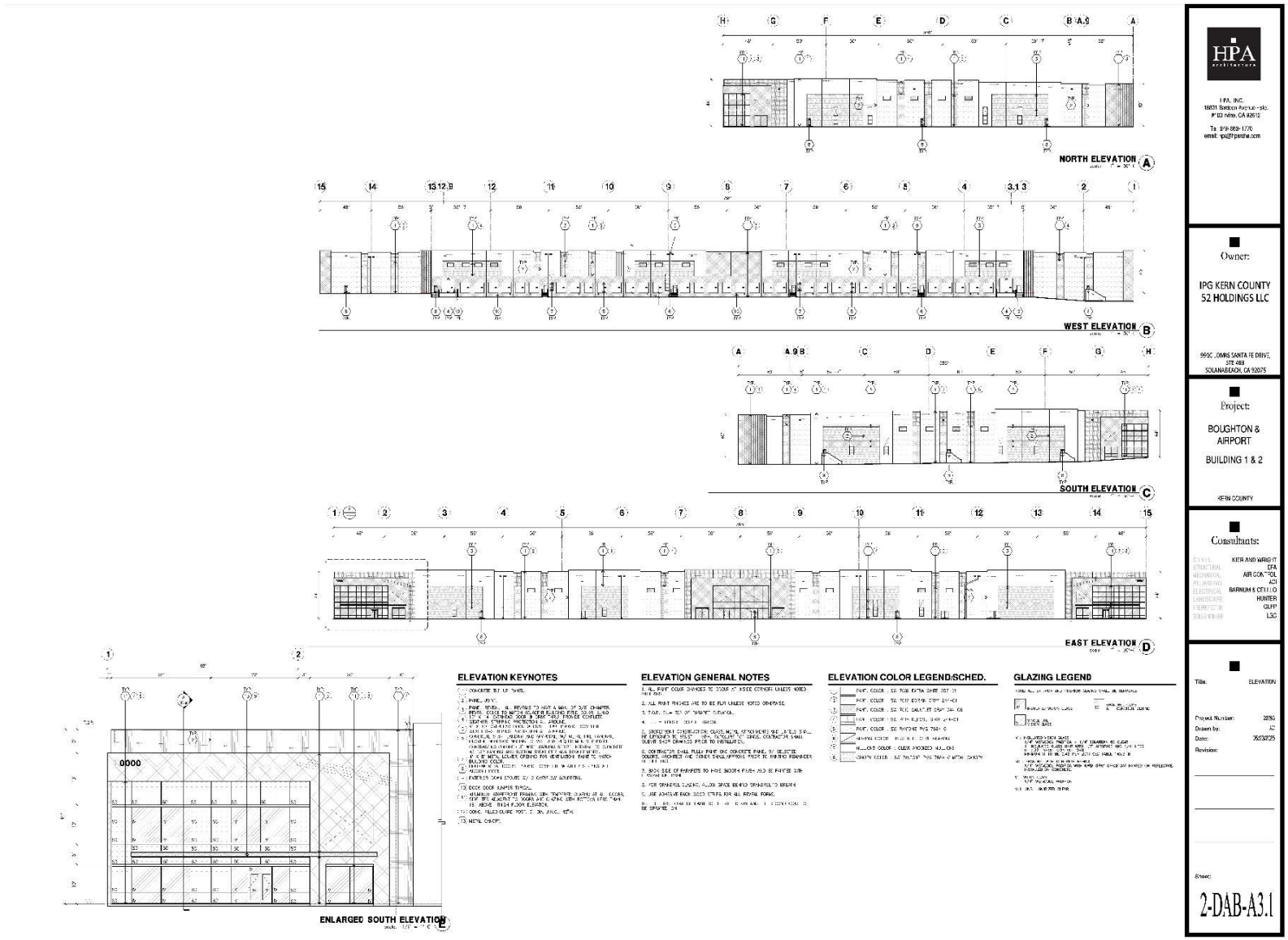


Figure 3-6e: Precise Development Plan - Building 2 Engineered Elevations



Chapter 3, Project Description, Page 3-18:

Figure 3-6f, *Precise Development Plan – Building 1 Elevations*, has been revised as follows to depict the updated configuration and characteristics of the proposed project.

Figure 3-6f: Precise Development Plan - Building 1 Elevations

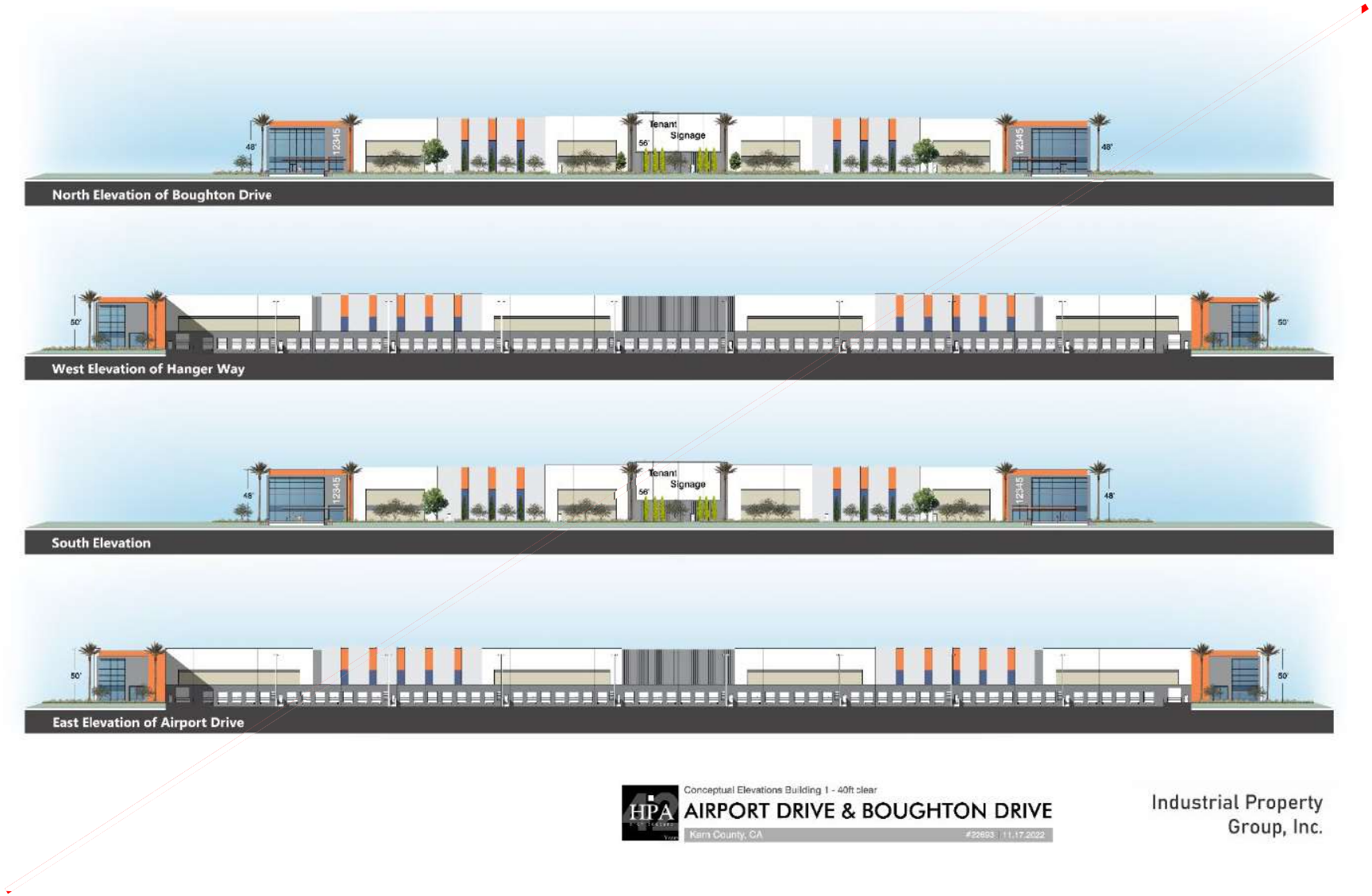


Figure 3-6f: Precise Development Plan - Building 1 Elevations



Chapter 3, Project Description, Page 3-19:

Figure 3-6g, *Precise Development Plan – Building 2 Elevations*, has been revised as follows to depict the updated configuration and characteristics of the proposed project.

Figure 3-6g: Precise Development Plan - Building 2 Elevations



Figure 3-6g: Precise Development Plan - Building 2 Elevations



Chapter 3, Project Description, Page 3-20:

Figure 3-6h, *Precise Development Plan – Building 1 Landscape Plan*, has been revised as follows to depict the updated configuration and characteristics of the proposed project.

Figure 3-6h: Precise Development Plan - Building 1 Landscape Plan

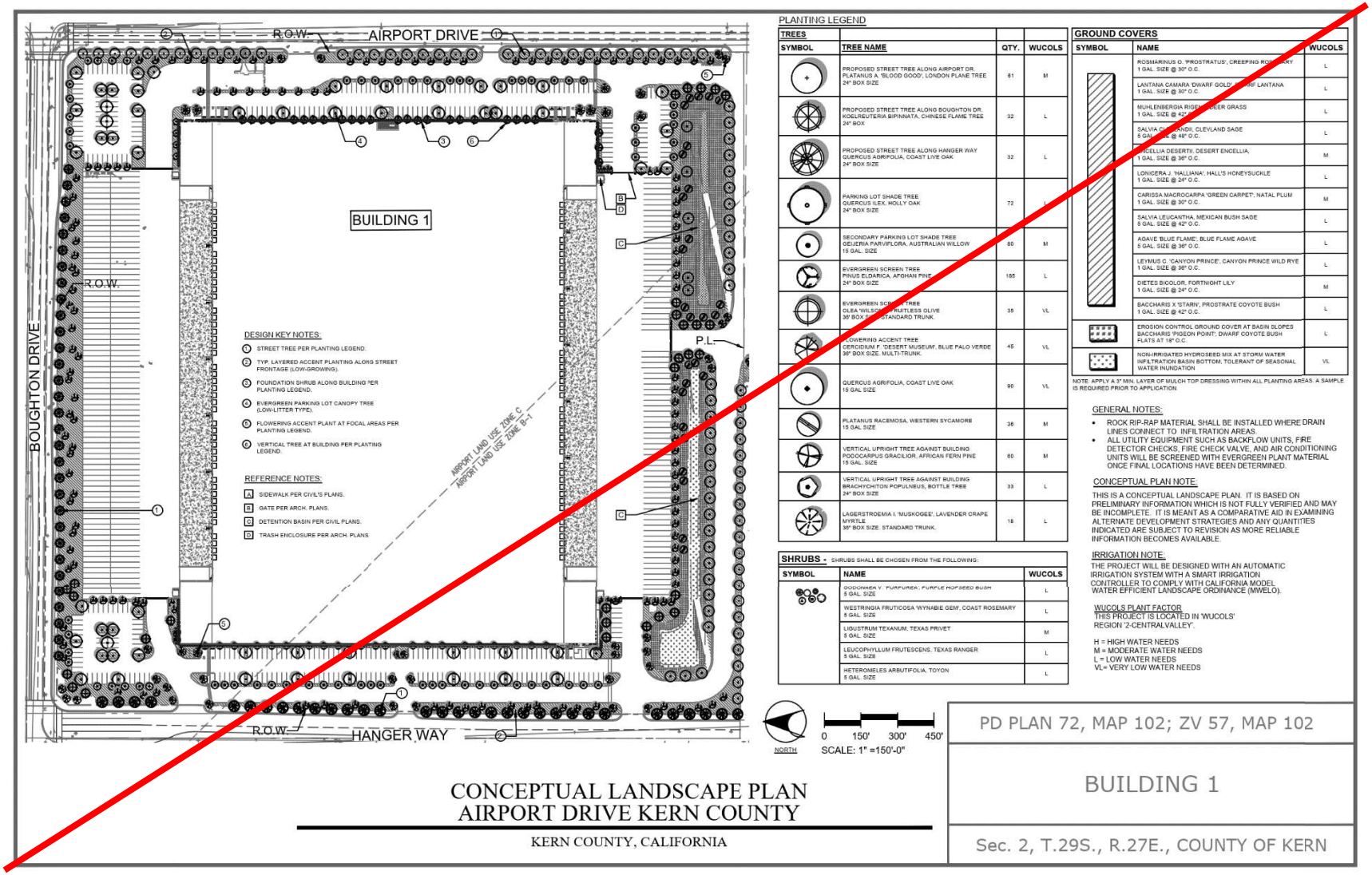
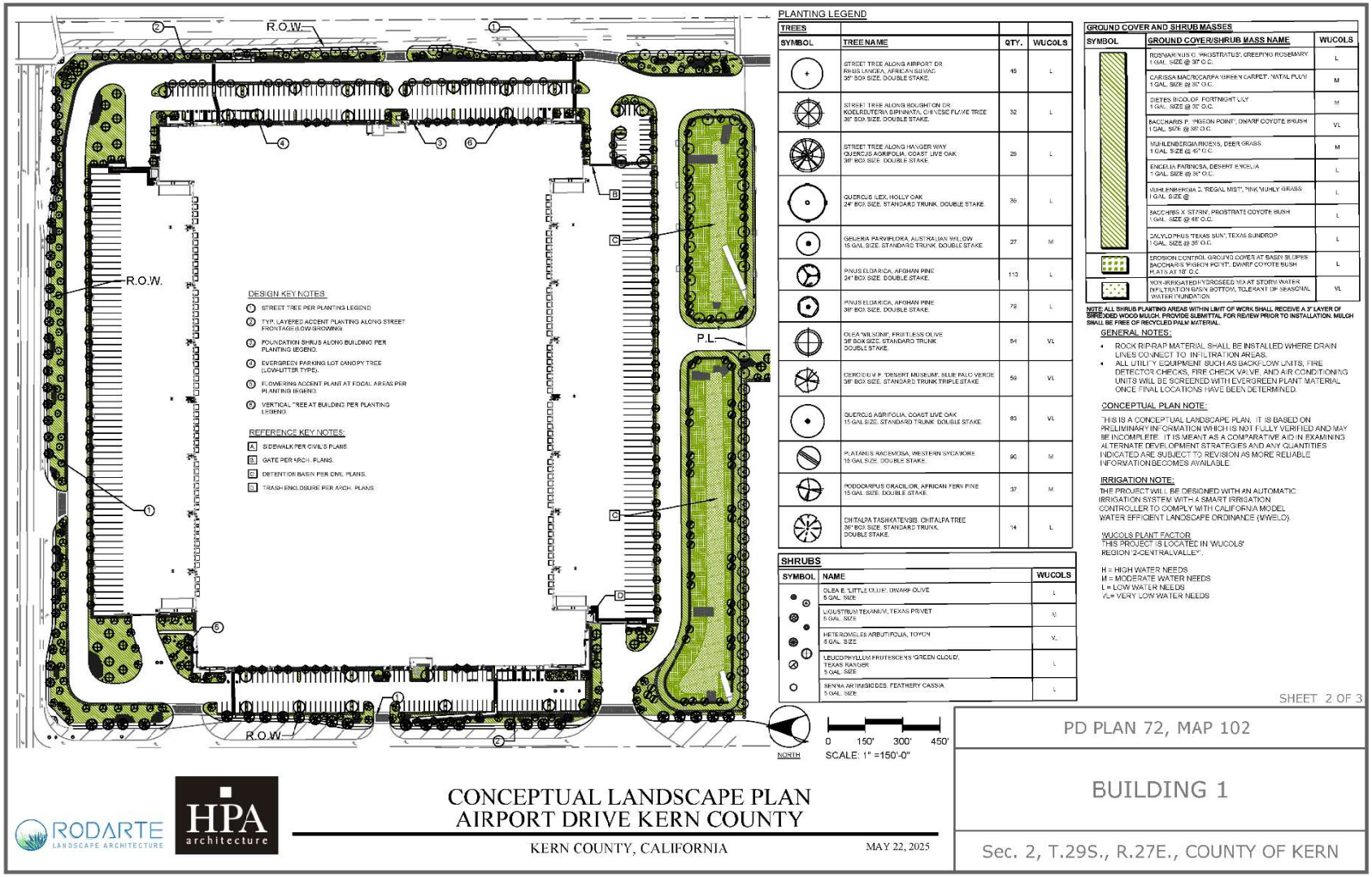


Figure 3-6h: Precise Development Plan - Building 1 Landscape Plan



Chapter 3, Project Description, Page 3-21:

Figure 3-6i, *Precise Development Plan – Building 2 Landscape Plan*, has been revised as follows to depict the updated configuration and characteristics of the proposed project.

Figure 3-6i: Precise Development Plan - Building 2 Landscape Plan

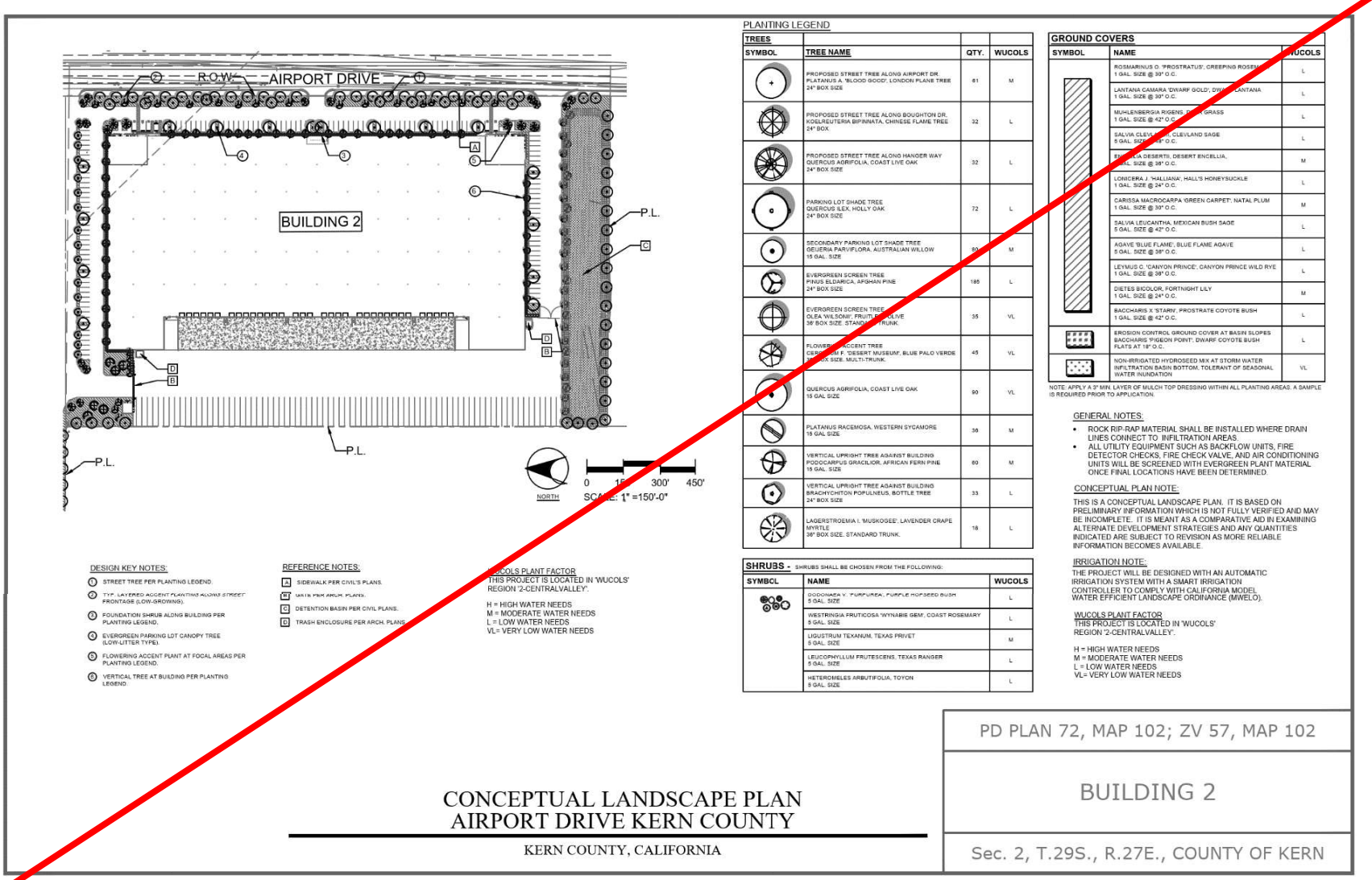
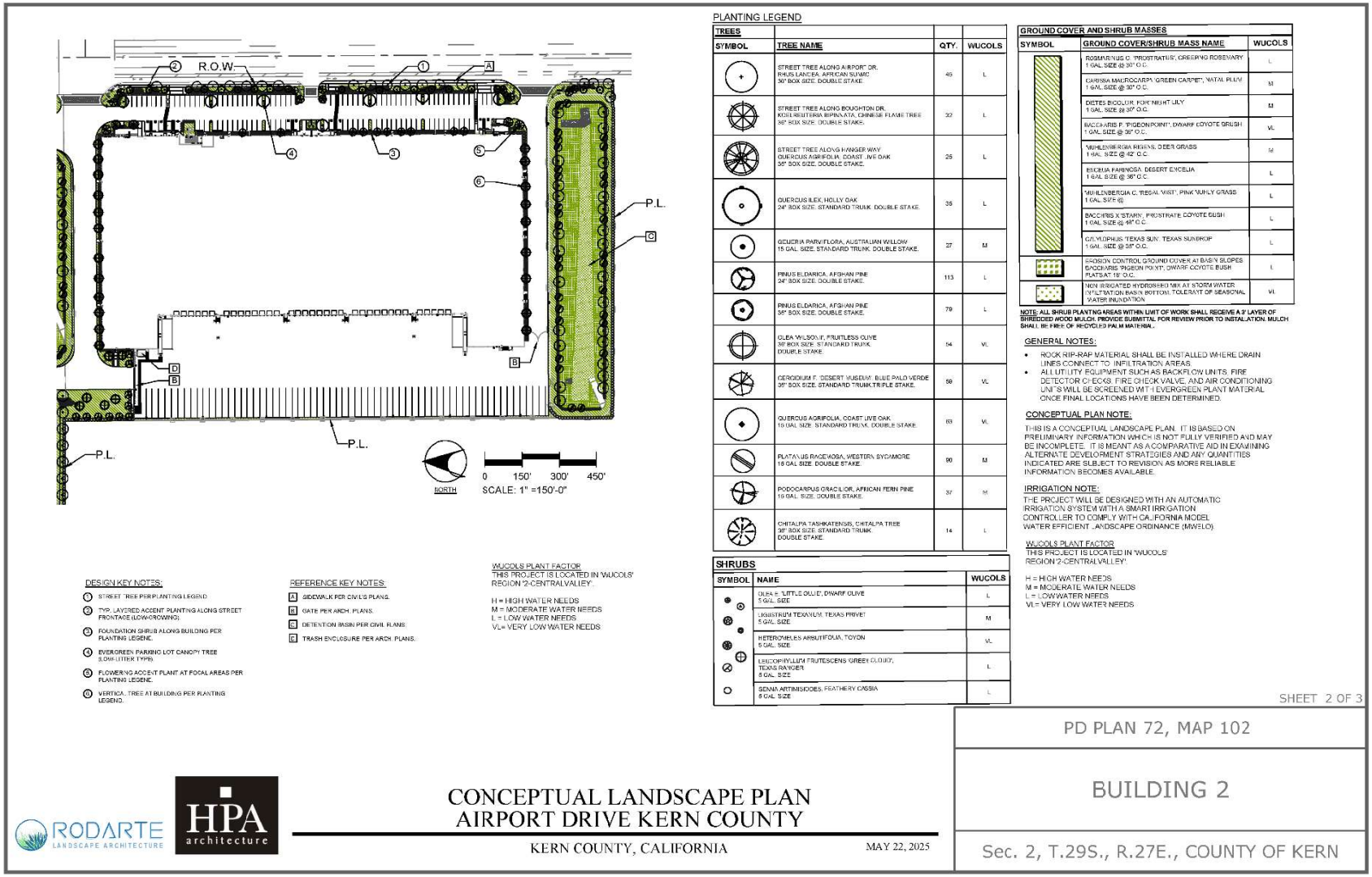


Figure 3-6i: Precise Development Plan - Building 2 Landscape Plan



Chapter 3 Project Description – 3.7 Project Characteristics, Pages 3-22 through 3-25

Warehouse Buildings – The ~~923,130-~~923,075 square-foot facility includes two single-story warehouses.

Building 1

- Site area of ~~1,631,912-~~1,531,912 square-foot site area or 35.17 acres
- Building area of ~~655,690~~ 658,878 square feet
  - 10,000 square feet of office space
  - ~~545,690~~ 648,878 square feet of warehouse
- Trailer Parking Total: ~~234~~ 140 stalls (~~10~~ 11.5 feet by 53 feet)
- Standard Automobile: ~~401~~ 196 (9 feet by 20 feet)
- Accessible Parking Total: ~~Nine~~ Ten stalls
  - ~~Eight~~ Six standard stalls (9 feet by 20 feet)
  - ~~One~~ Four van accessible stall (12 feet by 20 feet)
- Electric Vehicle (EV) Parking Total: ~~86~~ 55 stalls
  - Electric Vehicle Capable Space (EVCS): ~~61~~ 40 stalls
  - EVCS Provided: ~~18~~ 8 stalls
  - EVCS Standard Accessible: ~~three~~ 2 stalls
  - EV Van Accessible: ~~one~~ 2 stalls
  - EVCS Ambulatory: three stalls
- Loading Docks
  - ~~45~~ 49 on the northern side
  - ~~45~~ 49 on the southern side

Building 2

- Site area of ~~604,756-~~604,788 square-foot site area or ~~13.86~~ 13.88 acres
- Building area of ~~267,438~~ 264,197 square feet
  - 5,000 square feet of office space
  - ~~262,440~~ 259,197 square feet of warehouse
- Trailer Parking Total: ~~78~~ 83 stalls (~~10~~ 11.5 feet by ~~49~~ 53 feet)
- Standard Automobile: ~~145~~ 82 (9 feet by 20 feet)
- Accessible Parking Total: ~~five~~ 9 stalls
  - ~~Four~~ 5 standard stalls (9 feet by 20 feet)
  - ~~One~~ 4 van accessible stalls (12 feet by 20 feet)
- EV Parking Total: 25 stalls
  - EV Capable Space: 17 stalls

  - EVCS Provided: six stalls
  - EVCS Standard Accessible: one stall
  - EV Van Accessible: one stall
  - EVCS Ambulatory: zero stalls

- Loading Docks
  - 35 on western side

Building 1 and Building 2 Total:

- Site area of 2,136,680-square-foot site area or 49.05 acres
- Building area of ~~923,130~~-923,075 square feet
  - 15,000 square feet of office space
  - ~~908,130~~ 908,075 square feet of warehouse
- Parking Total:
  - Automobile: ~~543~~ 376 stalls
  - Truck Trailer ~~312~~ 203 stalls
  - Accessible (excluding EVCS Accessible): ~~14~~ 19 stalls
  - EVCS (including EVCS Accessible): ~~108~~ 77 stalls
- Trailer Parking Total: ~~312~~ 203 stalls (~~10~~ 11.5 feet by 53 feet)
- Accessible Parking Total: ~~14~~ 19 stalls
  - ~~12~~ 11 standard stalls (9 feet by 20 feet)
  - ~~2~~ 8 van accessible stall (12 feet by 20 feet)
- EV Parking Total: ~~108~~ 80 stalls
  - EV Capable Space: ~~76~~ 59 stalls
  - EVCS Provided: ~~24~~ 12 stalls
  - EVCS Standard Accessible: ~~four~~ 3 stalls
  - EV Van Accessible: ~~two~~ 3 stalls
  - EVCS Ambulatory: three stalls
- Loading Docks
  - 133 total

Additional Site Components

As a facility that is intended to serve trucks exclusively, development would include truck doors at each warehouse. In total, there would be ~~114 dock-high doors and 10 grade-level doors, totaling 124~~ 133 total truck doors. The site has been designed so no truck doors face the adjacent residential properties. Trash enclosures would be located throughout the site, with ~~four~~ two enclosures at Building 1 and ~~two~~ one enclosure~~s~~ at Building 2.

Project Site Access and Parking

The Project would include off-site improvements along Airport Road, Boughton Road, and Hanger Way. These include right-of-way dedications and Project frontage improvements. The existing roads would be improved with new pavement, curb and gutter, and sidewalk. Additionally, signing and markings would be constructed for the new pavement delineations. For further discussions regarding required road improvements, see Section 4.17, *Transportation and Traffic.*

As illustrated on **Figure 3-6a**, access to the Project site is provided along the eastern boundary of the Project site at Airport Drive, with ingress and egress at both buildings. Building 1 would have additional ingress and egress at Hanger Way located on the western boundary of Parcel 1 as well as on Boughton Drive, providing Building 1 access at ~~both~~ the eastern, northern and western boundaries of the site. Building 2 would receive access from Hanger Way on site through Parcel 1. Regional access to the Project site is provided by SR 99 and Merle Haggard Drive via Airport Drive.

Parking for employees at Building 1 would total ~~401~~ 263 stalls at the eastern and western boundaries of Parcel 1, with ingress and egress at Airport Drive, Boughton Drive and Hanger Way. Pedestrian access is provided along ~~both~~ all adjacent roadways. At Building 1, ~~234~~ 140 truck trailer are listed in the statistical information section ~~stalls would include 160 68 stalls on the northern side along Boughton Way and 74 stalls on the southern side between Buildings 1 and 2~~. At Building 2, a total of ~~145~~ 116 ~~standard~~ parking stalls for employees would be located at the northern, eastern, and southern boundaries of the site, with truck trailer parking available on the western side with a total of ~~78~~ 63 stalls for trailers, as indicated in the statistical information section. Access to Building 2 would be provided via Airport Drive with pedestrian ingress and egress, and on-site vehicular access from Parcel 1 off Hanger Way and Boughton Drive. In total, the site would have ~~312~~ 203 truck trailer stalls and ~~543~~ 376 ~~standard~~ automobile parking spaces.

…

Landscaping

The Project would include approximately 359,286 square feet (8.25 acres) of landscaping and irrigation or approximately 18.8% of the total development area, which would consist primarily of drought tolerant and low maintenance plants. Detention basins are proposed south of Building 2, and in the central portion of the site between Buildings 1 and 2 located near parking. Islands with canopy trees would be provided to reduce the heat island effect. Landscaping would also be used to provide visual screening ~~where needed~~ and a vegetative barrier along the Airport Drive and Boughton Drive frontages. Landscaping would exceed the 5% landscaping requirement of Section 19.86.060 of the Kern County Zoning Ordinance. There are no existing on-site trees and, therefore, no trees would need to be removed.

Chapter 4 Environmental Setting, Impacts, and Mitigation Measures

Section 4.1 Aesthetics and Visual Resources, Page 4.1-36 and 37

MM 4.1-3: …

4. Consist of multiple types of species to prevent plant mono-cultures. Use of coniferous trees, and/or trees comprised of waxy and/or hairy leaf surfaces with leaf and branch structure that provide increased surface areas is encouraged. Species composition shall include, but not be limited to, the following:

    ~~a.~~ A. Consist of evergreen, drought tolerant species of low biogenic emissions (e.g. low pollen, etc.), a minimum of 36-inch box size at time of installation and spaced no greater than 40 feet apart.

    ~~b.~~ B. One (1) tree having a minimum planting height of six (6) feet for every 40 lineal feet of buffer.

    ~~c.~~ C. Palm trees, deciduous trees, monocarpic and annual plants shall not be allowed to satisfy this requirement.

    ~~d.~~ D. Evergreen shrubs which reach a minimum height of four (4) to six (6) feet.

    ~~e.~~ E. Live ground cover consisting of low-height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs.

    ~~f.~~ F. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than 25 percent of the required landscape area.

    ~~g.~~ G. Consist of species that are native, non-invasive and non-poisonous.

Appendix B.1b, Health Risk Assessment

Appendix B.1b, *Health Risk Assessment*, has been updated to reflect minor clarifications regarding the health risk assessment and associated modeling results.

Airport Drive Warehouse

CONSTRUCTION AND OPERATIONAL HEALTH RISK ASSESSMENT

KERN COUNTY

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JUNE 25, 2025

SUMMARY OF REVISIONS

This report was updated to reflect the Project's current site plan, which slightly altered the locations of trailer parking areas and on-site travel routes. Additionally, the report was updated based on comment letters received from the San Joaquin Valley Air Pollution Control District dated April 11, 2025, as well as the California Air Resources Board dated April 23, 2025. The revisions incorporated into the report are summarized below.

Location	Summary of Revisions
Executive Summary and Section 2.7	Revised the operational and combined construction and operational risk to reflect a 70 year operational exposure duration and the updated site plan.
Exhibits 1-B and 2-B	The exhibits were updated to reflect the current site plan.
Section 2.3.1	Text revised to reflect the change from a 30 year operational exposure duration to a 70 year operational exposure duration.
Table 2-4	The table was revised to account for updated trailer parking areas and on-site travel routes.
Section 2.3.2	Added discussion to clarify TRU idling assumptions utilized in the analysis.
Table 2-7	Revised table to reflect exposure assumptions for a 70 year operational exposure duration.

TABLE OF CONTENTS

SUMMARY OF REVISIONS ..... **I**
TABLE OF CONTENTS ..... **II**
APPENDICES ..... **II**
LIST OF EXHIBITS ..... **III**
LIST OF TABLES ..... **III**
LIST OF ABBREVIATED TERMS ..... **IV**
EXECUTIVE SUMMARY **1**
1 INTRODUCTION **5**
1.1 Site Location 5
1.2 Project Description 5
2 BACKGROUND **9**
2.1 Background on Recommended Methodology 9
2.2 Construction Health Risk Assessment 9
2.3 Operational Health Risk Assessment 12
2.4 Exposure Quantification 19
2.5 Carcinogenic Chemical Risk 20
2.6 Non-carcinogenic Exposures 22
2.7 Potential Project-Related DPM Source Cancer and Non-Cancer Risks 23
3 REFERENCES **27**
4 CERTIFICATIONS **29**

APPENDICES

APPENDIX 2.1: CALEEMOD OUTPUTS
APPENDIX 2.2: EMFAC EMISSIONS SUMMARY
APPENDIX 2.3: AERMOD MODEL INPUT/OUTPUT – CONSTRUCTION
APPENDIX 2.4: AERMOD MODEL INPUT/OUTPUT – OPERATIONS
APPENDIX 2.5: RISK CALCULATIONS
APPENDIX 2.6: MODELED RECEPTORS

LIST OF EXHIBITS

EXHIBIT 1-A: 6
EXHIBIT 1-B: SITE PLAN 7
EXHIBIT 2-A: 11
EXHIBIT 2-B: MODELED ON-SITE EMISSION SOURCES 15
EXHIBIT 2-C: MODELED OFF-SITE EMISSION SOURCES 16
EXHIBIT 2-D: 25

LIST OF TABLES

TABLE ES-1: SUMMARY OF CONSTRUCTION CANCER AND NON-CANCER RISKS 3
TABLE ES-2: SUMMARY OF OPERATIONAL CANCER AND NON-CANCER RISKS 3
TABLE ES-3: SUMMARY OF CONSTRUCTION AND OPERATIONAL CANCER AND NON-CANCER RISKS 4
TABLE 2-1: CONSTRUCTION DURATION 10
TABLE 2-2: CONSTRUCTION EQUIPMENT ASSUMPTIONS 10
TABLE 2-3: 2025 WEIGHTED AVERAGE DPM EMISSIONS FACTORS 13
TABLE 2-4: DPM EMISSIONS FROM PROJECT TRUCKS (2025 ANALYSIS YEAR) 17
TABLE 2-5: AERMOD MODEL PARAMETERS 19
TABLE 2-6: EXPOSURE ASSUMPTIONS FOR INDIVIDUAL CANCER RISK (CONSTRUCTION ACTIVITY)..... 20
TABLE 2-7: EXPOSURE ASSUMPTIONS FOR INDIVIDUAL CANCER RISK (70 YEAR RESIDENTIAL) 21
TABLE 2-8: EXPOSURE ASSUMPTIONS FOR INDIVIDUAL CANCER RISK (25 YEAR WORKER) 21
TABLE 2-9: EXPOSURE ASSUMPTIONS FOR INDIVIDUAL CANCER RISK (9 YEAR SCHOOL CHILD) 21

LIST OF ABBREVIATED TERMS

(1)	Reference
µg	Microgram
AERMOD	American Meteorological Society/Environmental Protection Agency Regulatory Model
AQMD	Air Quality Management District
ATCM	Airborne Toxic Control Measure
ASF	Age Sensitivity Factor
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CPF	Cancer Potency Factor
DPM	Diesel Particulate Matter
EMFAC	Emission Factor Model
EPA	Environmental Protection Agency
FAH	Fraction of Time at Home
HHD	Heavy Heavy-Duty
HI	Hazard Index
HRA	Health Risk Assessment
LHD	Light Heavy-Duty
MATES	Multiple Air Toxics Exposure Study
MEIR	Maximally Exposed Individual Receptor
MEISC	Maximally Exposed Individual School Child
MEIW	Maximally Exposed Individual Worker
MHD	Medium Heavy-Duty
OEHHA	Office of Environmental Health Hazard Assessment
PM_{10}	Particulate Matter 10 microns in diameter or less
Project	Airport Drive Warehouse
REL	Reference Exposure Level
SCAQMD	South Coast Air Quality Management District
SJVAPCD	San Joaquin Valley Air Pollution Control District
TAC	Toxic Air Contaminant
TRU	Transport Refrigeration Unit
URF	Unit Risk Factor
UTM	Universal Transverse Mercator

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EXECUTIVE SUMMARY

This report evaluates the potential health risk impacts to sensitive receptors (residents) and adjacent workers associated with the development of the proposed Project, more specifically, health risk impacts as a result of exposure to Toxic Air Contaminants (TACs) including diesel particulate matter (DPM) as a result of heavy-duty diesel trucks accessing the site. This section summarizes the significance criteria and Project health risks.

The results of the health risk assessment from Project-generated DPM emissions are provided in Tables ES-1, ES-2, and ES-3 below for the Project.

CONSTRUCTION IMPACTS

The land use with the greatest potential exposure to Project construction DPM source emissions is Location R4 which is located approximately 102 feet east of the Project site at the existing Park Meadows apartment community located at 840 Park Meadows Avenue. Since there are no private outdoor living areas (backyards) facing the Project site, R4 is placed at the building façade. At the maximally exposed individual receptor (MEIR), the maximum incremental cancer risk attributable to Project construction DPM source emissions is estimated at 10.54 in one million, which is less than the San Joaquin Valley Air Pollution Control District (SJVAPCD) significance threshold of 20 in one million. At this same location, non-cancer risks were estimated to be ≤0.01, which would not exceed the applicable threshold of 1.0. Because all other modeled residential receptors are located at a greater distance from the Project site and are exposed to lesser concentrations of DPM than the MEIR analyzed herein, and TACs generally dissipate with distance from the source, all other residential receptors in the vicinity of the Project site would be exposed to less emissions and therefore less risk than MEIR identified herein. The nearest modeled receptors are illustrated in Exhibit 2-D.

OPERATIONAL IMPACTS

Residential Exposure Scenario:

The residential land use with the greatest potential exposure to Project DPM source emissions is Location R4 which is located approximately 102 feet east of the Project site at the existing Park Meadows apartment community located at 840 Park Meadows Avenue. Since there are no private outdoor living areas, R4 is placed at the building façade. At the MEIR, the maximum incremental cancer risk attributable to Project DPM source emissions is estimated at 13.45 in one million, which is less than the SJVAPCD significance threshold of 20 in one million. At this same location, non-cancer risks were estimated to be ≤0.01, which would not exceed the applicable significance threshold of 1.0. Because all other modeled residential receptors are located at a greater distance from the Project site and primary truck routes and are exposed to lesser concentrations of DPM than the MEIR analyzed herein, and TACs generally dissipate with distance from the source, all other residential receptors in the vicinity of the Project site would be exposed to less emissions and therefore less risk than the MEIR identified herein. As such, the Project will not cause a significant human health or cancer risk to nearby residences. The nearest modeled receptors are illustrated in Exhibit 2-D.

Worker Exposure Scenario[1]*:*

The worker receptor land use with the greatest potential exposure to Project DPM source emissions is Location R6, which represents the adjacent potential worker receptor approximately 109 feet west of the Project site. At the maximally exposed individual worker (MEIW), the maximum incremental cancer risk impact is 1.87 in one million which is less than the SJVAPCD threshold of 20 in one million. Maximum non-cancer risks at this same location were estimated to be ≤0.01, which would not exceed the applicable significance threshold of 1.0. Because all other modeled worker receptors are located at a greater distance and would experience lower concentrations of DPM than the MEIW analyzed herein, and DPM dissipates with distance from the source, all other worker receptors in the vicinity of the Project would be exposed to less emissions and therefore less risk than the MEIW identified herein. As such, the Project will not cause a significant human health or cancer risk to adjacent workers. The nearest modeled receptors are illustrated in Exhibit 2-D.

School Child Exposure Scenario:

The nearest school and location of the maximally exposed individual school child (MEISC) is Wingland Elementary School, located approximately 1,115 feet southeast of the Project site. At the MEISC, the maximum incremental cancer risk impact attributable to the Project is calculated to be 0.64 in one million, which is less than the significance threshold of 20 in one million. At this same location, non-cancer risks attributable to the Project were calculated to be ≤0.01, which would not exceed the applicable significance threshold of 1.0. Because all other modeled school receptors would be exposed to lower concentrations of DPM, all other school receptors in the vicinity of the Project would be exposed to less emissions and therefore less risk than the MEISC identified herein.

CONSTRUCTION AND OPERATIONAL IMPACTS

The land use with the greatest potential exposure to Project construction and operational DPM source emissions is Location R4. At the MEIR, the maximum incremental cancer risk attributable to Project construction and operational DPM source emissions is estimated at 18.22 in one million, which is less than the SJVAPCD threshold of 20 in one million. At this same location, non-cancer risks were estimated to be ≤0.01, which would not exceed the applicable threshold of 1.0. All other receptors during construction and operational activity would experience less risk than what is identified for this location. The nearest modeled receptors are illustrated in Exhibit 2-D.

1 SJVAPCD guidance does not require assessment of the potential health risk to on-site workers. Excerpts from the document OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines—The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments (OEHHA 2003), also indicate that it is not necessary to examine the health effects to on-site workers unless required by RCRA (Resource Conservation and Recovery Act) / CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) or the worker resides on-site.

TABLE ES-1: SUMMARY OF CONSTRUCTION CANCER AND NON-CANCER RISKS

Time Period	Location	Maximum Lifetime Cancer Risk (Risk per Million)	Significance Threshold (Risk per Million)	Exceeds Significance Threshold
1.95 Year Exposure	Maximum Exposed Sensitive Receptor (Location R4)	10.54	20	NO
Time Period	**Location**	**Maximum Hazard Index**	**Significance Threshold**	**Exceeds Significance Threshold**
Annual Average	Maximum Exposed Sensitive Receptor (Location R4)	≤0.01	1.0	NO

TABLE ES-2: SUMMARY OF OPERATIONAL CANCER AND NON-CANCER RISKS

Time Period	Location	Maximum Lifetime Cancer Risk (Risk per Million)	Significance Threshold (Risk per Million)	Exceeds Significance Threshold
70 Year Exposure	Maximum Exposed Sensitive Receptor (Location R4)	13.45	20	NO
25 Year Exposure	Maximum Exposed Worker Receptor (Location R6)	1.87	20	NO
9 Year Exposure	Maximum Exposed Individual School Child (Location R7)	0.64	20	NO
Time Period	**Location**	**Maximum Hazard Index**	**Significance Threshold**	**Exceeds Significance Threshold**
Annual Average	Maximum Exposed Sensitive Receptor (Location R4)	≤0.01	1.0	NO
Annual Average	Maximum Exposed Worker Receptor (Location R6)	≤0.01	1.0	NO
Annual Average	Maximum Exposed Individual School Child (Location R7)	≤0.01	1.0	NO

TABLE ES-3: SUMMARY OF CONSTRUCTION AND OPERATIONAL CANCER AND NON-CANCER RISKS

Time Period	Location	Maximum Lifetime Cancer Risk (Risk per Million)	Significance Threshold (Risk per Million)	Exceeds Significance Threshold
70 Year Exposure	Maximum Exposed Sensitive Receptor (Location R4)	18.22	20	NO
Time Period	**Location**	**Maximum Hazard Index**	**Significance Threshold**	**Exceeds Significance Threshold**
Annual Average	Maximum Exposed Sensitive Receptor (Location R4)	≤0.01	1.0	NO

1 INTRODUCTION

The purpose of this Health Risk Assessment (HRA) is to evaluate Project-related impacts to the nearest sensitive receptors (residents) and workers as a result of heavy-duty diesel trucks accessing the site.

The SJVAPCD identifies that if a proposed Project is expected to generate/attract heavy-duty diesel trucks, which emit DPM, preparation of a mobile source HRA is recommended. This document serves to meet the SJVAPCD's recommendation for preparation of an HRA. The mobile source HRA has been prepared in accordance with the relevant documentation available including SJVAPCD's Guidance for Assessing and Mitigating Air Quality Impacts (1) and Guidance for Air Dispersion Modeling (2), and is comprised of all relevant and appropriate procedures presented by the United States Environmental Protection Agency (U.S. EPA), California EPA and SJVAPCD. Cancer risk is expressed in terms of expected incremental incidence per million population. The SJVAPCD has established an incidence rate of twenty (20) persons per million as the maximum acceptable incremental cancer risk due to DPM exposure from a project such as the proposed Project (3). This threshold serves to determine whether or not a given project has a potentially significant development-specific and cumulatively considerable impact.

The SJVAPCD has also established non-carcinogenic risk parameters for use in HRAs. Non-carcinogenic risks are quantified by calculating a "hazard index," expressed as the ratio between the ambient pollutant concentration and its toxicity or Reference Exposure Level (REL). An REL is a concentration at or below which health effects are not likely to occur. A hazard index of less than one (1.0) means that adverse health effects are not expected. In this HRA, non-carcinogenic exposures of less than 1.0 are considered less-than-significant (3). Both the cancer risk and non-carcinogenic risk thresholds are applied to the nearest sensitive receptors below.

1.1 SITE LOCATION

The proposed Airport Drive Warehouse (Project) is located on the southwest corner of the intersection of Airport Drive and Boughton Drive in unincorporated Kern County, as shown in Exhibit 1-A. The site is bounded to the north by Boughton Drive and vacant/undeveloped land; to the south by Skyway Drive and commercial buildings that provide services related to aircrafts; to the east by Airport Drive, residential area, and a storage provider business; and to the west by Hanger Way and Meadows Field Airport.

1.2 PROJECT DESCRIPTION

The proposed Project consists of two speculative multi-tenant warehouse buildings with a total area of 923,130 square feet. Building 1 is the northernmost building on the site and is proposed to be a 655,690-square-foot warehouse building, including 10,000 square feet of office area. Building 2 is the southernmost building on the site and is proposed to be a 267,440-square-foot warehouse, including 5,000 square feet of office area. A preliminary site plan for the proposed Project is shown in Exhibit 1-B. The proposed Project has an anticipated Opening Year of 2025.

EXHIBIT 1-A: LOCATION MAP

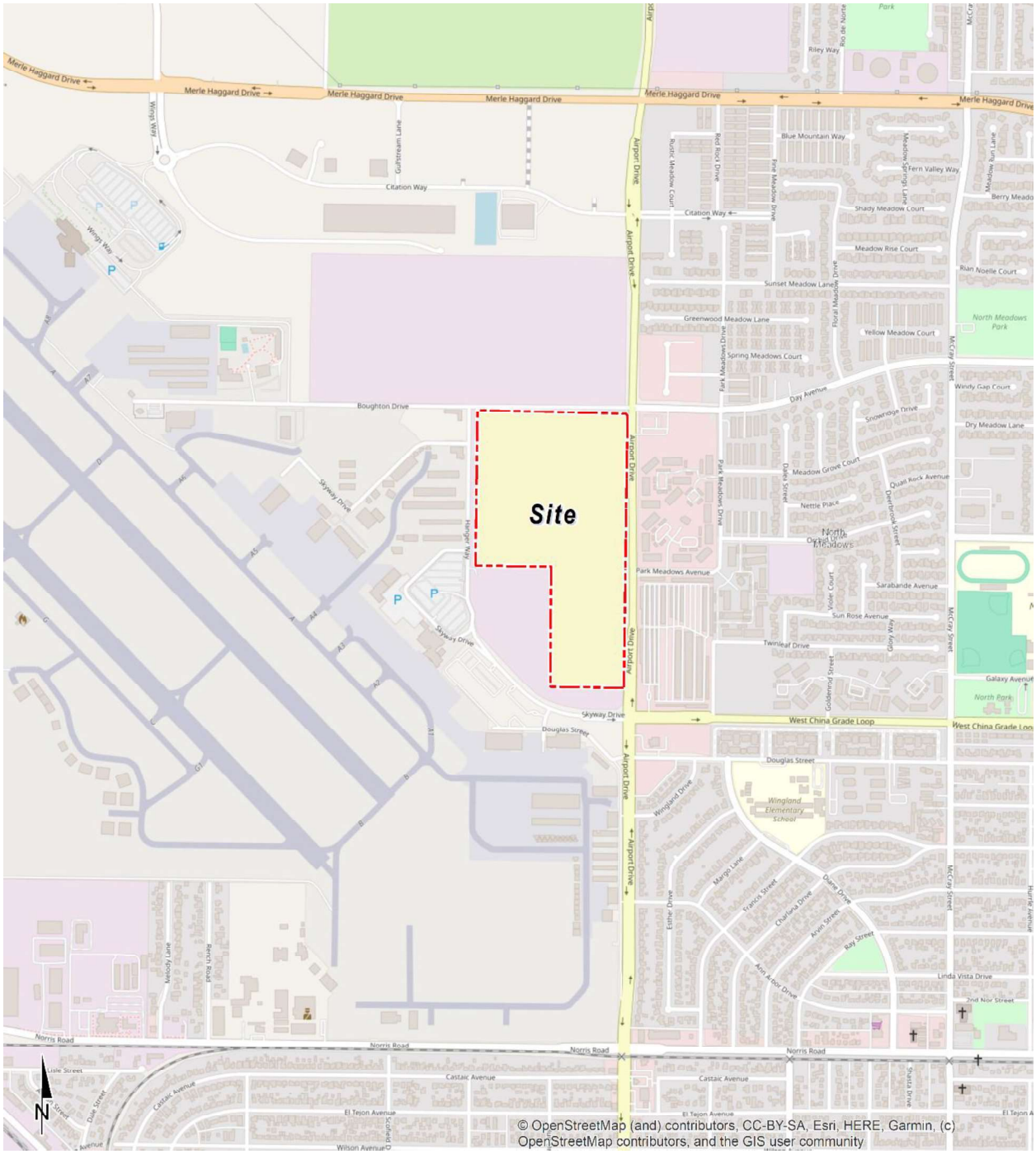
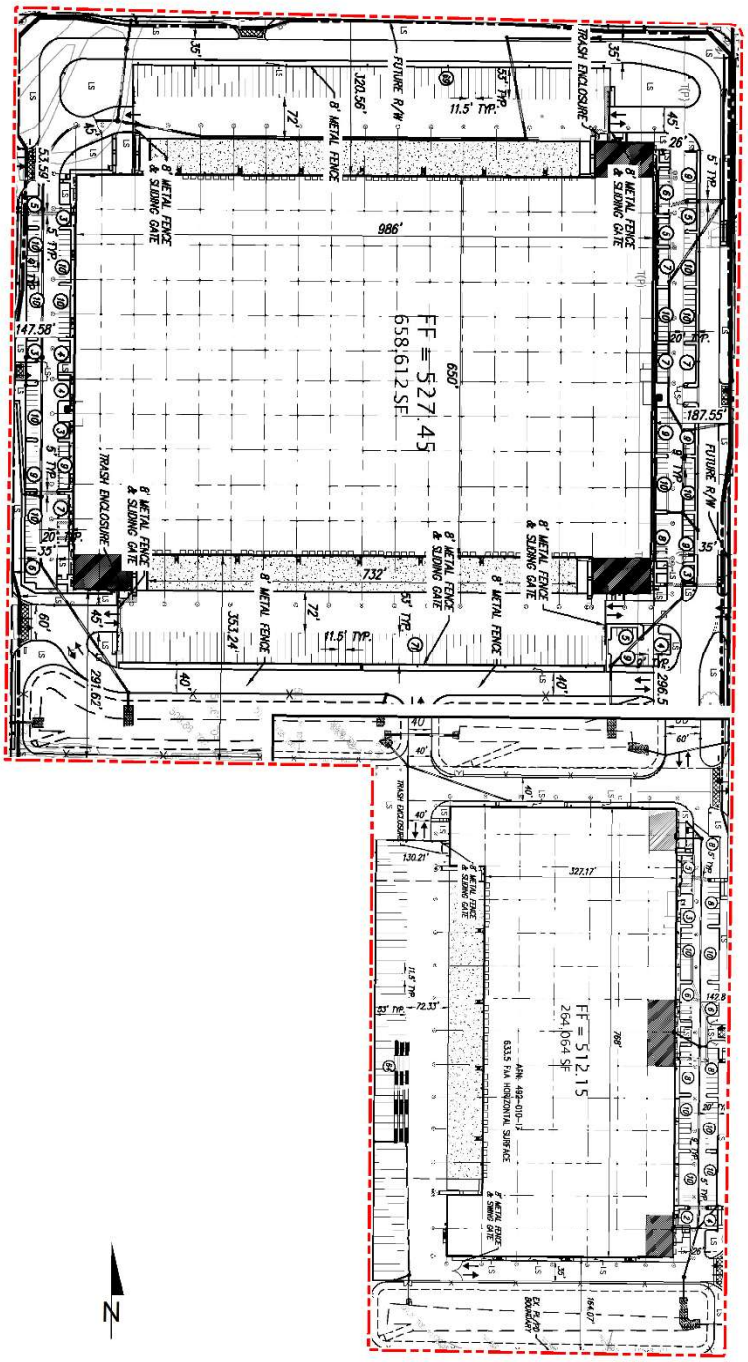


EXHIBIT 1-B: SITE PLAN



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2 BACKGROUND

2.1 BACKGROUND ON RECOMMENDED METHODOLOGY

This HRA is based on applicable guidelines to produce conservative estimates of human health risk posed by exposure to DPM. The conservative nature of this analysis is due primarily to the following factors:

- The ARB-adopted diesel exhaust Unit Risk Factor (URF) of 300 in one million per $\mu g/m^3$ is based upon the upper 95 percentile of estimated risk for each of the epidemiological studies utilized to develop the URF. Using the 95^{th} percentile URF represents a very conservative (health-protective) risk posed by DPM because it represents breathing rates that are high for the human body.
- The emissions derived assume that every truck accessing the Project site will idle for 15 minutes under the unmitigated scenario, and this is an overestimation of actual idling times and thus conservative.[2] The California Air Resources Board (CARB's) anti-idling requirements impose a 5-minute maximum idling time and therefore the analysis conservatively overestimates DPM emissions from idling by a factor of 3.

The SJVAPCD has established an incidence rate of twenty (20) persons per million as the maximum acceptable incremental cancer risk due to DPM exposure from a project such as the proposed Project (3).

Non-carcinogenic risk is expressed as a hazard index, which is quantified by comparing the exposure to the reference level via a ratio (i.e., the exposure divided by the appropriate chronic or acute value). Exposures below the reference level (a hazard index of 1.0) are not likely to be associated with any adverse health effects and are considered to be less than significant.

2.2 CONSTRUCTION HEALTH RISK ASSESSMENT

2.2.1 EMISSIONS CALCULATIONS

The emissions calculations for the construction HRA component are based on an assumed mix of construction equipment and hauling activity as presented in the *Airport Drive Warehouse Air Quality Impact Analysis* (AQIA) prepared by Urban Crossroads, Inc. (4)

Construction related DPM emissions are expected to occur primarily as a function of heavy-duty construction equipment that would be operating on-site.

As discussed in the AQIA, the Project would result in approximately 510 total working-days of construction activity. The construction duration by phase is shown in Table 2-1. A detailed summary of construction equipment assumptions by phase is provided in Table 2-2. The CalEEMod emissions outputs are presented in Appendix 2.1. The modeled emission sources for construction activity are illustrated in Exhibit 2-A.

[2] Although the Project is required to comply with ARB's idling limit of 5 minutes, the analysis conservatively assumes that each truck would idle for a period of 15 minutes, which would take into account on-site idling which occurs while the trucks are waiting to pull up to the truck bays, idling at the bays, idling at check-in and check-out, etc.

TABLE 2-1: CONSTRUCTION DURATION

Construction Activity	Start Date	End Date	Working Days
Site Preparation	1/1/2024	2/11/2024	30
Grading	2/12/2024	7/26/2024	120
Building Construction	7/27/2024	12/14/2025	360
Paving	9/20/2025	12/14/2025	60
Architectural Coating	9/20/2025	12/14/2025	60

TABLE 2-2: CONSTRUCTION EQUIPMENT ASSUMPTIONS

Construction Activity	Equipment	Amount	Hours Per Day
Site Preparation	Rubber Tired Dozers	3	8
	Crawler Tractors	4	8
Grading	Excavators	2	8
	Graders	1	8
	Rubber Tired Dozers	1	8
	Scrapers	2	8
	Crawler Tractors	2	8
Building Construction	Cranes	1	8
	Forklifts	3	8
	Generator Sets	1	8
	Tractors/Loaders/Backhoes	3	8
	Welders	1	8
Paving	Pavers	2	8
	Paving Equipment	2	8
	Rollers	2	8
Architectural Coating	Air Compressors	1	8

EXHIBIT 2-A: MODELED CONSTRUCTION EMISSION SOURCES



2.3 OPERATIONAL HEALTH RISK ASSESSMENT

2.3.1 ON-SITE AND OFF-SITE TRUCK ACTIVITY

Vehicle DPM emissions were calculated using emission factors for particulate matter less than 10µm in diameter (PM_{10}) generated with the 2021 version of the EMission FACtor model (EMFAC) developed by the CARB. EMFAC 2021 is a mathematical model that CARB developed to calculate emission rates from motor vehicles that operate on highways, freeways, and local roads in California and is commonly used by the ARB to project changes in future emissions from on-road mobile sources (5). The most recent version of this model, EMFAC 2021, incorporates regional motor vehicle data, information and estimates regarding the distribution of vehicle miles traveled (VMT) by speed, and number of starts per day.

Several distinct emission processes are included in EMFAC 2021. Emission factors calculated using EMFAC 2021 are expressed in units of grams per vehicle miles traveled (g/VMT) or grams per idle-hour (g/idle-hr), depending on the emission process. The emission processes and corresponding emission factor units associated with diesel particulate exhaust for this Project are presented below.

For this Project, annual average PM_{10} emission factors were generated by running EMFAC 2021 in EMFAC Mode for vehicles in the Kern County jurisdiction. The EMFAC Mode generates emission factors in terms of grams of pollutant emitted per vehicle activity and can calculate a matrix of emission factors at specific values of temperature, relative humidity, and vehicle speed. The model was run for speeds traveled in the vicinity of the Project. The vehicle travel speeds for each segment modeled are summarized below.

- Idling – on-site loading/unloading and truck trailer parking
- 5 miles per hour – on-site vehicle movement including driving and maneuvering
- 25 miles per hour – off-site vehicle movement including driving and maneuvering.

Calculated emission factors are shown at Table 2-3. As a conservative measure, a 2025 EMFAC 2021 run was conducted and a static 2025 emissions factor data set was used for the entire duration of analysis herein (e.g., 70 years). Use of 2025 emission factors would overstate potential impacts since this approach assumes that emission factors remain "static" and do not change over time due to fleet turnover or cleaner technology with lower emissions that would be incorporated into vehicles after 2025. Additionally, based on EMFAC 2021, Light-Heavy-Duty Trucks are comprised of 56.8% diesel, Medium-Heavy-Duty Trucks are comprised of 89.6% diesel, and Heavy-Heavy-Duty Trucks are comprised of 98.4% diesel. Trucks fueled by diesel are accounted for by these percentages accordingly in the emissions factor generation. Appendix 2.2 includes additional details on the emissions estimates from EMFAC.

The vehicle DPM exhaust emissions were calculated for running exhaust emissions. The running exhaust emissions were calculated by applying the running exhaust PM_{10} emission factor (g/VMT) from EMFAC over the total distance traveled. The following equation was used to estimate off-site emissions for each of the different vehicle classes comprising the mobile sources (6):

$$Emissions_{Speed\ A} = EF_{Run\ Exhaust} \times Distance \times \frac{Number\ of\ Trips\ per\ Day}{Seconds\ per\ Day}$$

Where:

$Emissions_{Speed\ A}$	=	Vehicle emissions at a given speed A (g/s)
$EF_{Run\ Exhaust}$	=	EMFAC running exhaust PM_{10} emission factor at speed A (g/vmt)
$Distance$	=	Total distance traveled per trip (miles)

Similar to off-site traffic, on-site vehicle running emissions were calculated by applying the running exhaust PM_{10} emission factor (g/VMT) from EMFAC and the total vehicle trip number over the length of the driving path using the same formula presented above for on-site emissions. In addition, on-site vehicle idling exhaust emissions were calculated by applying the idle exhaust PM_{10} emission factor (g/idle-hr) from EMFAC and the total truck trip over the total assumed idle time (15 minutes). The following equation was used to estimate the on-site vehicle idling emissions for each of the different vehicle classes (6):

$$Emissions_{Idle} = EF_{Idle} \times Number\ of\ Trips \times Idling\ Time \times \frac{60\ minutes\ per\ hour}{seconds\ per\ day}$$

Where:

$Emissions_{Idle}$	=	Vehicle emissions during Idling (g/s)
EF_{Idle}	=	EMFAC idle exhaust PM_{10} emission factor (g/s)
$Number\ of\ Trips$	=	Number of trips per day
$Idling\ Time$	=	Idling time (minutes per trip)

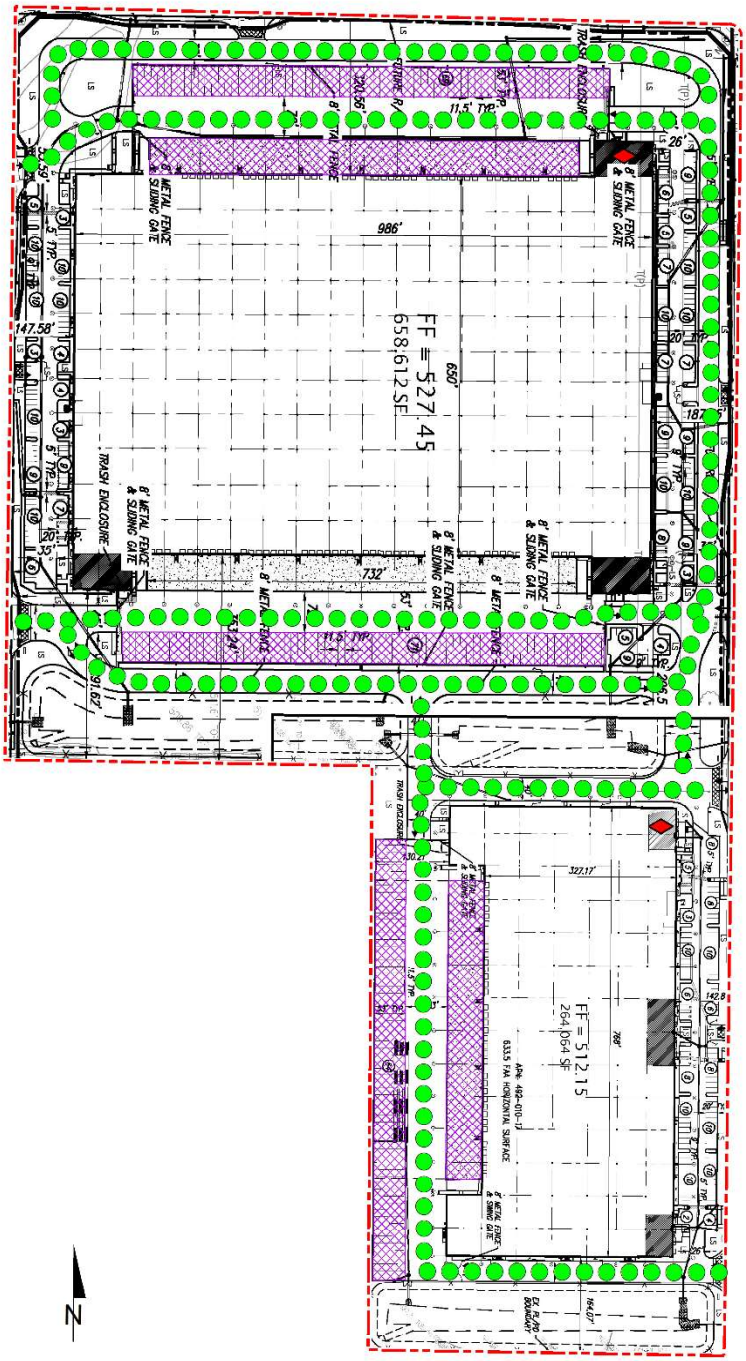
TABLE 2-3: 2025 WEIGHTED AVERAGE DPM EMISSIONS FACTORS

Speed	Weighted Average
0 (idling)	0.08803(g/idle-hr)
5	0.02043 (g/mile)
25	0.00915 (g/mile)

Each roadway was modeled as a line source (made up of multiple adjacent volume sources). Due to the large number of volume sources modeled for this analysis, the corresponding coordinates of each volume source have not been included in this report but are included in Appendices 2.3 through 2.6. The DPM emission rate for each volume source was calculated by multiplying the emission factor (based on the average travel speed along the roadway) by the number of trips and the distance traveled along each roadway segment and dividing the result by the number of volume sources along that roadway, as illustrated at Table 2-4. The modeled emission sources are illustrated in Exhibit 2-B for on-site sources and Exhibit 2-C for off-site sources. The modeling domain is limited to the Project's primary truck route and includes off-site sources in the study area for more than ¾ mile. This modeling domain is more inclusive and conservative than using

only a ¼ mile modeling domain which is the distance supported by several reputable studies which conclude that the greatest potential risks occur within a ¼ mile of the primary source of emissions (7) (in the case of the Project, the primary source of emissions is the on-site idling and on-site travel).

EXHIBIT 2-B: MODELED ON-SITE EMISSION SOURCES



LEGEND:

Emergency Fire Pump | Idling Activity | Truck Movements | Site Boundary

EXHIBIT 2-C: MODELED OFF-SITE EMISSION SOURCES

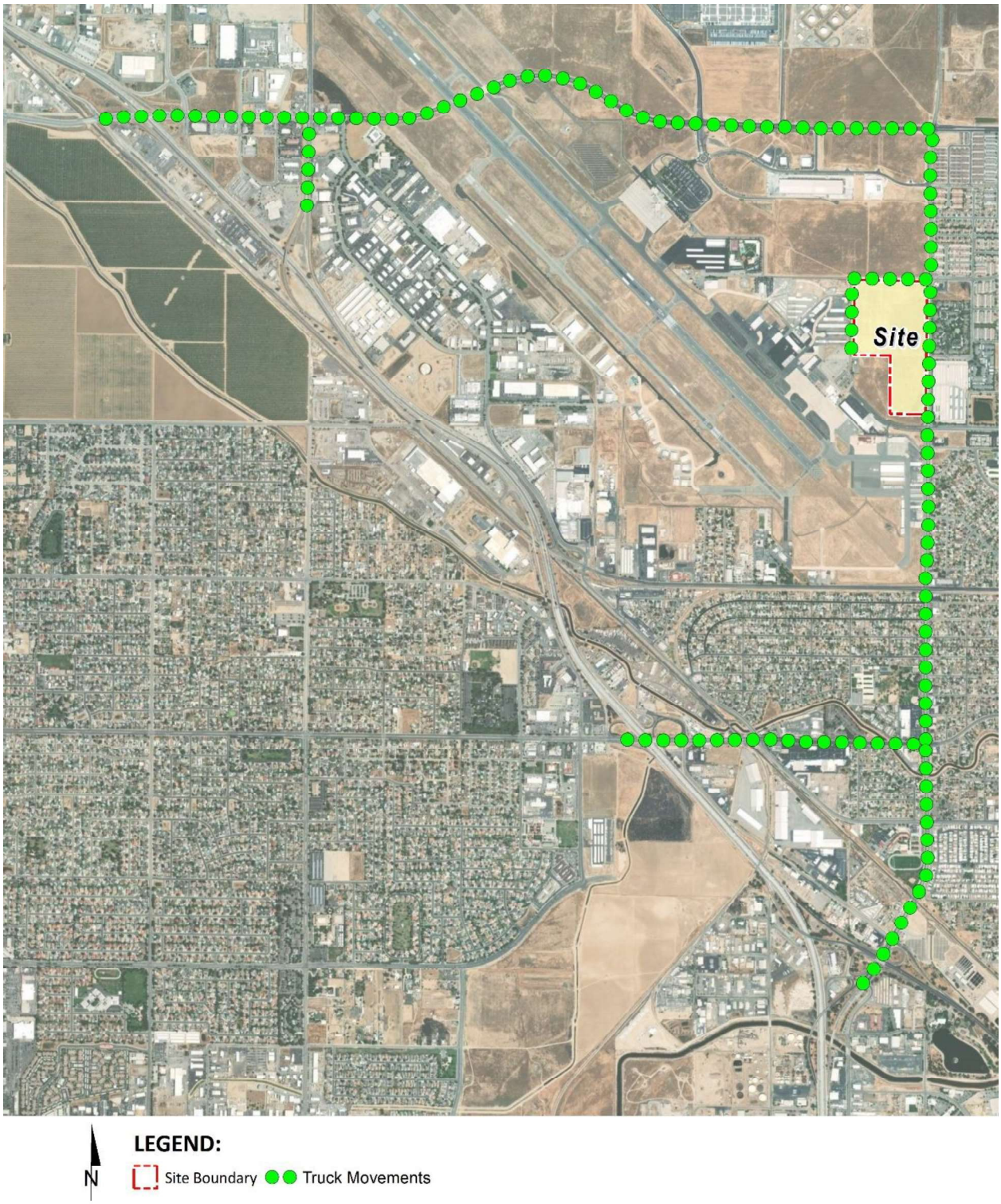


TABLE 2-4: DPM EMISSIONS FROM PROJECT TRUCKS (2025 ANALYSIS YEAR)

Truck Emission Rates							
Source	Trucks Per Day	VMT [a] (miles/day)	Truck Emission Rate [b] (grams/mile)	Truck Emission Rate [b] (grams/idle-hour)	Daily Truck Emissions [c] (grams/day)	TRU Emissions (grams/day)[d]	Modeled Emission Rates (g/second)
On-Site Idling - Bldg. 1 N Loading Docks	66			0.0880	1.45	23.146	2.847E-04
On-Site Idling - Bldg. 1 S Loading Docks	66			0.0880	1.45	23.146	2.847E-04
On-Site Idling - Bldg. 2 Loading Docks	54			0.0880	1.18	18.881	2.322E-04
On-Site Idling - Bldg. 1 N Trailer Parking	63			0.0880	0.46	0.000	5.368E-06
On-Site Idling - Bldg. 1 S Trailer Parking	64			0.0880	0.47	0.000	5.444E-06
On-Site Idling - Bldg. 2 Trailer Parking	58			0.0880	0.43	0.000	4.938E-06
On-Site Travel - Bldg. 1 100%	264	223.62	0.0204		4.57	7.619	1.410E-04
On-Site Travel - Bldg. 2 100%	107	37.67	0.0204		0.77	1.284	2.376E-05
On-Site Travel - Bldg. 2 50%	54	12.46	0.0204		0.25	0.425	7.861E-06
On-Site Travel - Bldg. 2 50%	54	1.48	0.0204		0.03	0.050	9.331E-07
On-Site Travel - Bldg. 2 50%	54	1.07	0.0204		0.02	0.037	6.761E-07
Off-Site Travel - Boughton 10%	37	17.28	0.0092		0.16	0.118	3.193E-06
Off-Site Travel - Airport 45%	167	82.06	0.0092		0.75	0.559	1.516E-05
Off-Site Travel - Merle Haggard 45%	167	345.83	0.0092		3.17	2.356	6.391E-05
Off-Site Travel - Merle Haggard 40%	148	100.45	0.0092		0.92	0.684	1.856E-05
Off-Site Travel - CA-65 5%	19	5.18	0.0092		0.05	0.035	9.572E-07
Off-Site Travel - Airport 55%	204	305.98	0.0092		2.80	2.085	5.654E-05
Off-Site Travel - Airport 25%	93	76.32	0.0092		0.70	0.520	1.410E-05
Off-Site Travel - Olive 30%	111	64.98	0.0092		0.59	0.443	1.201E-05

[a] Vehicle miles traveled are for modeled truck route only.

[b] Emission rates determined using EMFAC 2021. Idle emission rates are expressed in grams per idle hour rather than grams per mile.

[c] This column includes the total truck travel and truck idle emissions. For idle emissions this column includes emissions based on the assumption that each truck idles for 15 minutes at loading docks and 5 minutes at trailer parking areas.

[d] This column assumes each TRU operates at building loading docks for 2.1 hours.

On-site truck idling was estimated to occur as trucks enter and travel through the Project site. Although the Project's diesel-fueled truck and equipment operators will be required by State law to comply with CARB's idling limit of 5 minutes, staff at South Coast Air Quality Management District (SCAQMD) recommends that the on-site idling emissions be calculated assuming 15 minutes of truck idling (8), which would take into account on-site idling which occurs while the trucks are waiting to pull up to the truck bays, idling at the bays, idling at check-in and check-out, etc. As such, this analysis calculates truck idling at 15 minutes, consistent with SCAQMD's recommendation. Truck idling at trailer parking areas was assumed to occur over a period of 5 minutes. Even though the Project is not within the jurisdiction of the SCAQMD, these recommendations are relevant for CEQA purposes since SJVAPCD does not provide similar guidance.

As summarized in the *Proposed Airport Drive Warehouse in Kern County Traffic Impact Analysis* prepared by David Evans and Associates, Inc., at buildout the Project is expected to generate a total of approximately 1,430 vehicular trips-ends per day (actual vehicles) which includes 371 two-way truck trips per day (9).

2.3.2 TRANSPORT REFRIGERATION UNIT (TRU) EMISSIONS

In order to account for the possibility of refrigerated uses, trucks associated with the cold-storage land use are assumed to also have TRUs. For modeling purposes, a total of 102 two-way truck trips have been estimated to include TRUs. TRUs are accounted for during on-site and off-site travel. The TRU calculations are based on OFFROAD Model version 2021 (OFFROAD 2021), developed by CARB. OFFROAD 2021 does not provide emission rates per hour or mile as with the on-road emission model and only provides emission inventories. Emission results are produced in tons per day while all activity, fuel consumption, and horsepower hours were reported at annual levels. The emission inventory is based on specific assumptions including the average horsepower rating of specific types of equipment and the hours of operation annually. These assumptions are not always consistent with assumptions used in the modeling of project level emissions. Therefore, the emissions inventory was converted into emission rates to accurately calculate emissions from TRU operation associated with project level details. This was accomplished by converting the annual horsepower hours to daily operational characteristics and converting the daily emission levels into hourly emission rates based on the total emission of each criteria pollutant by equipment type and the average daily hours of operations.

Consistent with data presented in Appendix F of CARB's Proposed TRU Airborne Toxic Control Measure (ATCM) Amendments (10), the analysis assumed that each truck equipped with a TRU would remain parked at building loading docks for an average of 3.3 hours, and that the TRU engine would cycle on and off as needed, operating for 62.5% of the time that the truck is parked at the loading dock. It should be noted that this assumption is more conservative than SJVAPCD's Guidance for Air Dispersion Modeling, which specifies a TRU operating time of 30 minutes (11).

2.3.3 EMERGENCY FIRE PUMPS

The proposed Project was conservatively assumed to include installation of two 300 horsepower diesel-powered emergency generators/fire pumps. The emergency generators/fire pumps were estimated to operate for up to 1 hour per day, 1 day per week for up to 50 hours per year for

maintenance and testing purposes. Emissions associated with the two stationary emergency diesel-powered emergency generators/fire pumps were calculated using CalEEMod. Each emergency engine was modeled in AERMOD as point source, and because specific engine data is not known at this time, release parameters from the California Air Pollution Control Officers Association Facility Prioritization Guidelines were utilized (12).

2.4 EXPOSURE QUANTIFICATION

The analysis herein has been conducted in accordance with the guidelines in the Guidance for Addressing and Mitigating Air Quality Impacts (1). The U.S. EPA's AERMOD model has been utilized. For purposes of this analysis, the Lakes AERMOD View (Version 12.0.0) was used to calculate annual average particulate concentrations associated with site operations. Lakes AERMOD View was utilized to incorporate the U.S. EPA's latest AERMOD Version 23132 (13).

The model offers additional flexibility by allowing the user to assign an initial release height and vertical dispersion parameters for mobile sources representative of a roadway. For this HRA, the roadways were modeled as adjacent volume sources. Roadways were modeled using the U.S. EPA's haul route methodology for modeling of on-site and off-site truck movement. More specifically, the Haul Road Volume Source Calculator in Lakes AERMOD View has been utilized to determine the release height parameters. Based on the US EPA methodology, the Project's modeled sources would result in a release height of 3.49 meters, an initial lateral dimension of 4.0 meters, and an initial vertical dimension of 3.25 meters.

Model parameters are presented in Table 2-5. As noted below, the analysis utilized the regulatory default options for modeling. The model requires additional input parameters including emission data and local meteorology. Meteorological data from the Bakersfield Airport monitoring station was used to represent local weather conditions and prevailing winds (14).

TABLE 2-5: AERMOD MODEL PARAMETERS

Regulatory Options	Default
Dispersion Coefficient (Urban/Rural)	Rural
Terrain (Flat/Elevated)	Elevated (Regulatory Default)
Averaging Time	1 year (5-year Meteorological Data Set)
Receptor Height	0 meters (Regulatory Default)
Meteorological Data	Bakersfield Airport (2018-2022)
Output Type	Concentration

Universal Transverse Mercator (UTM) coordinates for World Geodetic System (WGS) 84 were used to locate the Project site boundaries, each volume source location, and receptor locations in the Project site's vicinity. The AERMOD dispersion model summary output files for the proposed Project are presented in Appendices 2.3 and 2.4. Modeled sensitive receptors were placed at residential and non-residential locations.

Receptors may be placed at applicable structure locations for residential and worker locations and not necessarily the boundaries of the properties containing these uses because the human receptors (residents and workers) spend a majority of their time at the residence or in the

workplace's building, and not on the property line. It should be noted that the primary purpose of receptor placement is focused on long-term exposure. For example, the HRA evaluates the potential health risks to residents, workers, and school children over a period of 70, 25, and 9 years of exposure, respectively. Notwithstanding, as a conservative measure, receptors were placed at either the outdoor living area or the building façade, whichever is closer to the Project site.

For purposes of this HRA, receptors include both residential and non-residential (worker and school) land uses in the vicinity of the Project. These receptors are included in the HRA since residents, workers, and school children may be exposed at these locations over a long-term duration of 30, 25, and 9 years, respectively. This methodology is consistent with SJVAPCD and Office of Environmental Health Hazard Assessment (OEHHA) recommended guidance.

Any impacts to residents or workers located further away from the Project site than the modeled residential and workers would have a lesser impact than what has already been disclosed in the HRA at the MEIR, MEIW, and MEISC because concentrations dissipate with distance.

All receptors were set to existing elevation height so that only ground-level concentrations are analyzed. United States Geological Survey (USGS) Digital Elevation Model (DEM) terrain data based on a 7.5-minute topographic quadrangle map series using AERMAP was utilized in the HRA modeling to set elevations (15).

Discrete variants for daily breathing rates, exposure frequency, and exposure duration were obtained from relevant distribution profiles presented in the 2015 OEHHA Guidelines. Tables 2-6 through 2-9 summarize the Exposure Parameters for residents, workers, and school children based on 2015 OEHHA Guidelines. Appendix 2.5 includes the detailed risk calculation.

2.5 CARCINOGENIC CHEMICAL RISK

Excess cancer risks are estimated as the upper-bound incremental probability that an individual will develop cancer over a lifetime as a direct result of exposure to potential carcinogens over a specified exposure duration. The estimated risk is expressed as a unitless probability. The cancer risk attributed to a chemical is calculated by multiplying the chemical intake or dose at the human exchange boundaries (e.g., lungs) by the chemical-specific cancer potency factor (CPF). A risk level of 20 in one million implies a likelihood that up to 20 people, out of one million equally exposed people would contract cancer if exposed continuously (24 hours per day) to the levels of toxic air contaminants over a specified duration of time.

TABLE 2-6: EXPOSURE ASSUMPTIONS FOR INDIVIDUAL CANCER RISK (CONSTRUCTION ACTIVITY)

Age	Daily Breathing Rate (L/kg-day)	Age Specific Factor	Exposure Duration (years)	Fraction of Time at Home	Exposure Frequency (days/year)	Exposure Time (hours/day)
0 to 2	1,090	10	1.95	1.00	250	8

TABLE 2-7: EXPOSURE ASSUMPTIONS FOR INDIVIDUAL CANCER RISK (70 YEAR RESIDENTIAL)

Age	Daily Breathing Rate (L/kg-day)	Age Specific Factor	Exposure Duration (years)	Fraction of Time at Home	Exposure Frequency (days/year)	Exposure Time (hours/day)
-0.25 to 0	361	10	0.25	0.85	350	24
0 to 2	1,090	10	2	0.85	350	24
2 to 16	572	3	14	0.72	350	24
16 to 70	233	1	53.75	0.73	350	24

TABLE 2-8: EXPOSURE ASSUMPTIONS FOR INDIVIDUAL CANCER RISK (25 YEAR WORKER)

Age	Daily Breathing Rate (L/kg-day)	Age Specific Factor	Exposure Duration (years)	Exposure Frequency (days/year)	Exposure Time (hours/day)
16 to 41	230	1	25	250	12

TABLE 2-9: EXPOSURE ASSUMPTIONS FOR INDIVIDUAL CANCER RISK (9 YEAR SCHOOL CHILD)

Age	**Daily Breathing Rate (L/kg-day)**	**Age Specific Factor**	**Exposure Duration (years)**	**Exposure Frequency (days/year)[a]**	**Exposure Time (hours/day)**
4 to 13	631	3	9	180	12

[a] To represent the unique characteristics of the school-based population, the assessment employed the U.S. Environmental Protection Agency's guidance to develop viable dose estimates based on reasonable maximum exposures (RME). RME's are defined as the "highest exposure that is reasonably expected to occur" for a given receptor population. As a result, lifetime risk values for the student population were adjusted to account for an exposure duration of 180 days per year for nine (9) years. The 9 year exposure duration is also consistent with OEHHA Recommendations and consistent with the exposure duration utilized in school-based risk assessments for various schools within the Los Angeles County Unified School District (LAUSD) that have been accepted by the SCAQMD.

Guidance from CARB and the California EPA, OEHHA recommends a refinement to the standard point estimate approach when alternate human body weights and breathing rates are utilized to assess risk for susceptible subpopulations such as children. For the inhalation pathway, the procedure requires the incorporation of several discrete variates to effectively quantify dose. Once determined, contaminant dose is multiplied by the CPF in units of inverse dose expressed in milligrams per kilogram per day (mg/kg/day)-1 to derive the cancer risk estimate. Therefore, to assess exposures, the following dose algorithm was utilized.

$$DOSE_{AIR} = \left(C_{AIR} \times \frac{BR}{BW} \times A \times EF\right) \times (1 \times 10^{-6})$$

Where:

$DOSE_{AIR}$ = chronic daily intake (mg/kg/day)

C_{AIR}	=	concentration of contaminant in air (µg/m^3)
$\frac{BR}{BW}$	=	daily breathing rate normalized to body weight (L/kg BW-day)
A	=	inhalation absorption factor
EF	=	exposure frequency (days/365 days)
BW	=	body weight (kg)
1×10^{-6}	=	conversion factors (µg to mg, L to m^3)

$$RISK_{AIR} = DOSE_{AIR} \times CPF \times ASF \times FAH \times \frac{ED}{AT}$$

Where:

$DOSE_{AIR}$	=	chronic daily intake (mg/kg/day)
CPF	=	cancer potency factor
ASF	=	age sensitivity factor
FAH	=	fraction of time at home
ED	=	number of years within particular age group
AT	=	averaging time

2.6 NON-CARCINOGENIC EXPOSURES

An evaluation of the potential noncarcinogenic effects of chronic exposures was also conducted. Adverse health effects are evaluated by comparing a compound's annual concentration with its toxicity factor or REL. The REL for diesel particulates was obtained from OEHHA for this analysis. The chronic REL for DPM was established by OEHHA as 5 µg/m^3 (16).

The relationship for the non-cancer health effects of DPM is given by the following equation:

$$HI_{DPM} = \frac{C_{DPM}}{REL_{DPM}}$$

Where:

HI_{DPM}	=	Hazard index (unitless)
C_{DPM}	=	Annual average DPM concentration (µg/m^3)
REL_{DPM}	=	REL for DPM (the DPM concentration at which no adverse health effects are anticipated).

2.7 POTENTIAL PROJECT-RELATED DPM SOURCE CANCER AND NON-CANCER RISKS

CONSTRUCTION IMPACTS

The land use with the greatest potential exposure to Project construction DPM source emissions is Location R4 which is located approximately 102 feet east of the Project site at the existing Park Meadows apartment community located at 840 Park Meadows Avenue. Since there are no private outdoor living areas (backyards) facing the Project site, R4 is placed at the building façade. At the MEIR, the maximum incremental cancer risk attributable to Project construction DPM source emissions is estimated at 10.54 in one million, which is less than the SJVAPCD significance threshold of 20 in one million. At this same location, non-cancer risks were estimated to be ≤0.01, which would not exceed the applicable threshold of 1.0. Because all other modeled residential receptors are located at a greater distance from the Project site and are exposed to lesser concentrations of DPM than the MEIR analyzed herein, and TACs generally dissipate with distance from the source, all other residential receptors in the vicinity of the Project site would be exposed to less emissions and therefore less risk than MEIR identified herein. The nearest modeled receptors are illustrated in Exhibit 2-D.

OPERATIONAL IMPACTS

Residential Exposure Scenario:

The residential land use with the greatest potential exposure to Project DPM source emissions is Location R4 which is located approximately 102 feet east of the Project site at the existing Park Meadows apartment community located at 840 Park Meadows Avenue. Since there are no private outdoor living areas, R4 is placed at the building façade. At the MEIR, the maximum incremental cancer risk attributable to Project DPM source emissions is estimated at 13.45 in one million, which is less than the SJVAPCD significance threshold of 20 in one million. At this same location, non-cancer risks were estimated to be ≤0.01, which would not exceed the applicable significance threshold of 1.0. Because all other modeled residential receptors are located at a greater distance from the Project site and primary truck routes and are exposed to lesser concentrations of DPM than the MEIR analyzed herein, and TACs generally dissipate with distance from the source, all other residential receptors in the vicinity of the Project site would be exposed to less emissions and therefore less risk than the MEIR identified herein. As such, the Project will not cause a significant human health or cancer risk to nearby residences. The nearest modeled receptors are illustrated in Exhibit 2-D.

Worker Exposure Scenario[3]*:*

The worker receptor land use with the greatest potential exposure to Project DPM source emissions is Location R6, which represents the adjacent potential worker receptor approximately 109 feet west of the Project site. At the MEIW, the maximum incremental cancer risk impact is 1.87 in one million which is less than the SJVAPCD threshold of 20 in one million. Maximum non-cancer risks at this same location were estimated to be ≤0.01, which would not exceed the applicable significance threshold of 1.0. Because all other modeled worker receptors are located at a greater distance and would experience lower concentrations of DPM than the MEIW analyzed herein, and DPM dissipates with distance from the source, all other worker receptors in the vicinity of the Project would be exposed to less emissions and therefore less risk than the MEIW identified herein. As such, the Project will not cause a significant human health or cancer risk to adjacent workers. The nearest modeled receptors are illustrated in Exhibit 2-D.

School Child Exposure Scenario:

The nearest school and location of the MEISC is Wingland Elementary School, located approximately 1,115 feet southeast of the Project site. At the MEISC, the maximum incremental cancer risk impact attributable to the Project is calculated to be 0.64 in one million, which is less than the significance threshold of 20 in one million. At this same location, non-cancer risks attributable to the Project were calculated to be ≤0.01, which would not exceed the applicable significance threshold of 1.0. Because all other modeled school receptors would be exposed to lower concentrations of DPM, all other school receptors in the vicinity of the Project would be exposed to less emissions and therefore less risk than the MEISC identified herein.

CONSTRUCTION AND OPERATIONAL IMPACTS

The land use with the greatest potential exposure to Project construction and operational DPM source emissions is Location R4. At the MEIR, the maximum incremental cancer risk attributable to Project construction and operational DPM source emissions is estimated at 18.22 in one million, which is less than the SJVAPCD threshold of 20 in one million. At this same location, non-cancer risks were estimated to be ≤0.01, which would not exceed the applicable threshold of 1.0. All other receptors during construction and operational activity would experience less risk than what is identified for this location. The nearest modeled receptors are illustrated in Exhibit 2-D.

It should be noted that for clarity purposes, the receptors presented in Exhibit 2-D do not represent all modeled receptors and instead presents the nearest receptors that would experience the highest pollutant concentrations. A total of 137 receptors were modeled in the analysis. Appendix 2.6 presents a figure detailing the locations of all receptors as modeled in AERMOD.

3 SJVAPCD guidance does not require assessment of the potential health risk to on-site workers. Excerpts from the document OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines—The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments (OEHHA 2003), also indicate that it is not necessary to examine the health effects to on-site workers unless required by RCRA (Resource Conservation and Recovery Act) / CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) or the worker resides on-site.

EXHIBIT 2-D: RECEPTOR LOCATIONS



LEGEND:

N

Site Boundary | Receptor Locations | Distance from receptor to Project site boundary (in feet)

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3 REFERENCES

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3. —. Air Quality Thresholds of Significance-Toxic Air Contaminants. [Online] 2015. https://ww2.valleyair.org/media/2lpbkso0/2-cms-format-air-quality-thresholds-of-significance-toxic-air-contaminants.pdf.
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16. **Office of Environmental Health Hazard Assessment.** Toxicity Criteria on Chemicals Evaluated by OEHHA. [Online] https://oehha.ca.gov/chemicals.

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4 CERTIFICATIONS

The contents of this health risk assessment represent an accurate depiction of the impacts to sensitive receptors associated with the proposed Airport Drive Warehouse Project. The information contained in this health risk assessment report is based on the best available data at the time of preparation. If you have any questions, please contact me at (949) 660-1994.

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EDUCATION

Master of Science in Environmental Studies
California State University, Fullerton • May 2010

Bachelor of Arts in Environmental Analysis and Design
University of California, Irvine • June 2006

PROFESSIONAL AFFILIATIONS

AEP – Association of Environmental Professionals
AWMA – Air and Waste Management Association
ASTM – American Society for Testing and Materials

PROFESSIONAL CERTIFICATIONS

Environmental Site Assessment – American Society for Testing and Materials • June 2013
Planned Communities and Urban Infill – Urban Land Institute • June 2011
Indoor Air Quality and Industrial Hygiene – EMSL Analytical • April 2008
Principles of Ambient Air Monitoring – California Air Resources Board • August 2007
AB2588 Regulatory Standards – Trinity Consultants • November 2006
Air Dispersion Modeling – Lakes Environmental • June 2006

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APPENDIX 2.1:

CALEEMOD OUTPUTS

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APPENDIX 2.2:

EMFAC EMISSIONS SUMMARY

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APPENDIX 2.3:

AERMOD MODEL INPUT/OUTPUT – CONSTRUCTION

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APPENDIX 2.4:

AERMOD MODEL INPUT/OUTPUT – OPERATIONS

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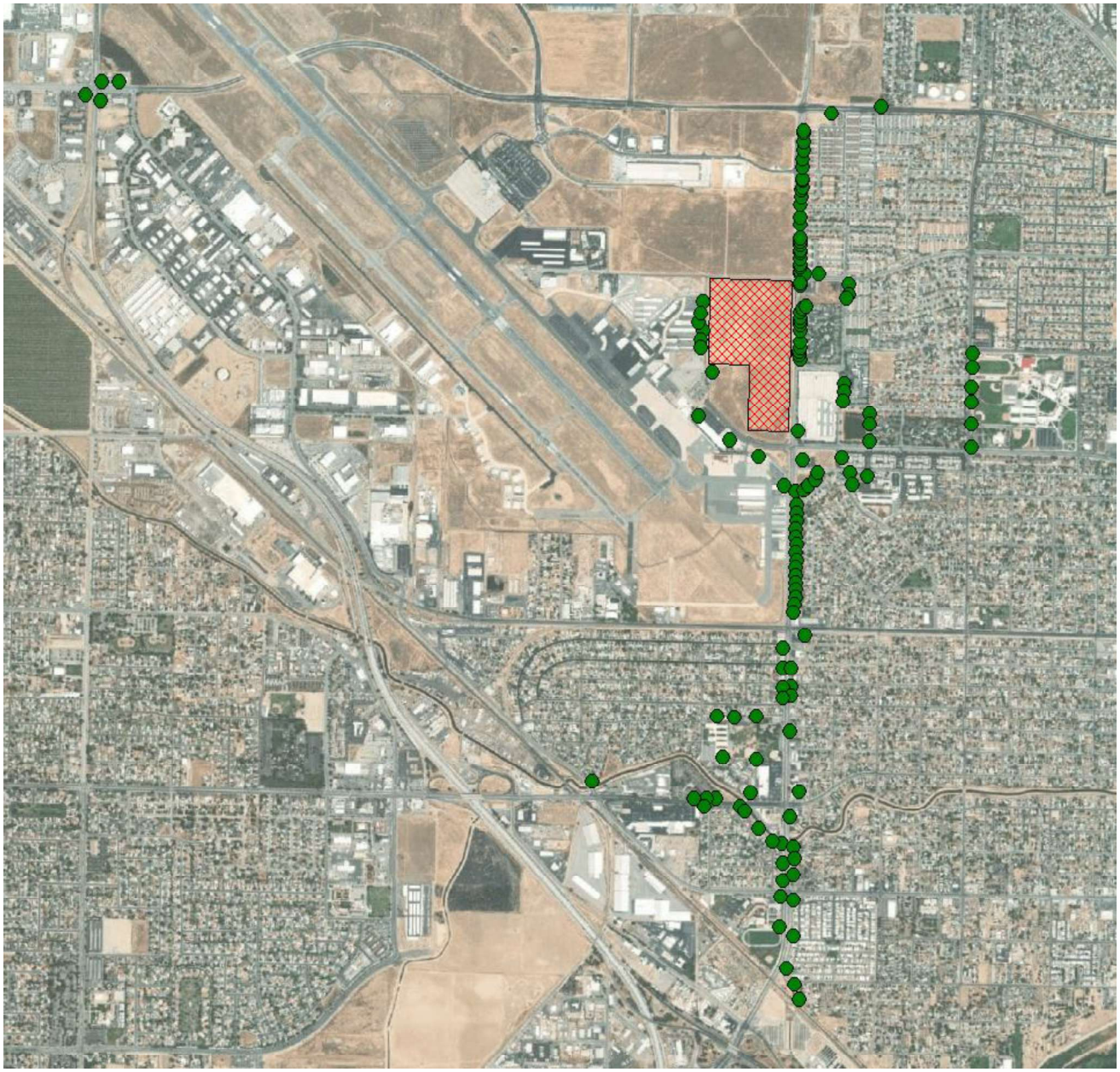
APPENDIX 2.5:

RISK CALCULATIONS

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APPENDIX 2.6:

MODELED RECEPTORS



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Section 4.4 Biological Resources, Page 4.4-18

Table 4.4-2: Special Status Wildlife Species and Potential to Occur on Project Site

Scientific Name	Common Name	Status (Federal/State/California Rare Plant Rank)	Primary Habitat Associations/ Life Forms/ Blooming Period/ Elevation Range (feet)
Athene cunicularia (burrow sites and some wintering sites)	Burrowing owl	BCC/~~SSC~~ Candidate	Nests and forages in grassland, open scrub, and agriculture, particularly with ground squirrel burrows.

Section 4.4 Biological Resources, Page 4.4-21

Burrowing owl ~~is~~ was a ~~California SSC~~ candidate for potential listing as a protected species under CESA as of October 10, 2024. This action advanced the species to candidacy under CESA and as such BUOW now receives the same legal protection afforded to an endangered or threatened species. With a relatively wide-ranging distribution throughout the west, burrowing owls are considered to be habitat generalists. In California, burrowing owls are yearlong residents of open, dry grassland and desert habitats, and in grass, forb, and open shrub stages of pinyon-juniper and ponderosa pine habitats. Preferred habitat is typified by short, sparse vegetation with few shrubs, level to gentle topography, and well-drained soils.

Section 4.4 Biological Resources, Page 4.4-40

MM 4.4-3: During construction of the project site, the project proponent and/or contractor(s) shall implement the following general avoidance and protective measures:

a. Immediately prior to conducting vegetation clearing or similar activities, the Lead Biologist or their designee shall perform a pre-construction visual survey of the area to ensure that no special-status species are present. Daily reports of these inspections shall be retained by the Lead Biologist and provided to the Kern County Planning and Natural Resources Department, U.S. Fish and Wildlife Service, or California Department Fish and Wildlife upon request.

b. Within the vicinity of any construction activities, sensitive biological resources (i.e., special-status species, jurisdictional drainages, nesting birds, etc.) shall be delineated with stakes and/or flagging.

c. All construction activities shall be confined within the project construction area, which may include temporary access roads, haul roads, and staging areas specifically designated and marked for these purposes. At no time shall equipment or personnel be allowed to adversely affect areas outside the project site.

d. Any spoils shall be stockpiled in disturbed areas that lack native vegetation to the maximum extent practicable. Spoils that have been stockpiled and inactive for more than 24 hours shall be inspected by a qualified biologist for signs of special-status wildlife before moving or disturbing.

e. To prevent inadvertent entrapment of San Joaquin kit foxes, American badgers, or other animals during construction, all excavated steep-walled holes or trenches more than two

(2) feet deep shall be covered with plywood or similar materials at the close of each working day. If holes or trenches cannot be covered, one or more escape ramps constructed of earthen fill or wooden planks, no less than 12 inches wide and secured at the top, shall be placed a minimum of every 100 feet within the open trench. Covered and non-covered holes or trenches shall be thoroughly inspected for trapped animals by a qualified biologist at the beginning and end of each working day. Immediately before such holes or trenches are filled, they shall again be thoroughly inspected by trained Staff approved by the Lead Biologist. If any trapped animals are observed, escape ramps or structures shall be installed immediately to allow for their escape. If a listed species is trapped, the Lead Biologist shall immediately confer with the U.S. Fish and Wildlife Service and/or California Department of Fish and Wildlife.

f. All construction pipes, culverts, or similar structures with a diameter of four (4) inches or greater that are stored at the site for more than 24 hours and without endcaps shall be thoroughly inspected by a qualified biologist prior to being moved or capped. If a listed wildlife species is discovered inside a pipe, that section of pipe shall not be moved until a qualified biologist has been consulted and the animal has either moved from the structure on its own accord or until the animal has been captured and relocated in conformance with appropriate wildlife agency guidelines.

g. No construction vehicle or equipment parked on the project site shall be moved prior to inspecting the ground beneath the vehicle or equipment for the presence of listed wildlife species. If present, the animal shall be left to move on its own.

h. A speed limit of 15 miles per hour shall be enforced within the limits of the project site. If night work occurs on the project site, the speed limit will be 10 miles per hour.

i. Fueling of construction equipment shall take place within existing roads or disturbed areas. No refueling within or adjacent to drainages (within 150 feet) shall be permitted. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary.

j. Trash and food items shall be contained in closed containers to reduce the attractiveness to opportunistic predators such as common ravens, coyotes, and feral dogs.

k. Workers shall be prohibited from bringing pets and firearms to the project site and from feeding wildlife.

l. No pets shall be allowed in project areas, except for trained canine animals related to security and operation of the facility.

m. Intentional killing or collection of any listed plant or wildlife species shall be prohibited.

n. Herbicides that may be used as vegetation control measures in project areas shall be applied in accordance with submeasures below. All uses of such herbicidal compounds shall observe label and other restrictions mandated by the U.S Protection Agency, California Department of Food and Agriculture, and state/federal legislation as well as additional project related restrictions deemed necessary by the U.S. Fish and Wildlife Service or California Department of Fish and Wildlife.

1. The construction contractor or project personnel shall use herbicides that are approved by the California Department of Fish and Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) for use in California and are appropriate for application adjacent to natural vegetation areas (i.e., nonagricultural use). Personnel applying herbicides shall have all appropriate State and local herbicide applicator licenses and comply with all State and local regulations regarding herbicide use.
2. Herbicides shall be mixed and applied in conformance with the manufacturer's directions.
3. The herbicide applicator shall be equipped with splash protection clothing and gear, chemical resistant gloves, chemical spill/splash wash supplies, and material safety data sheets for all hazardous materials to be used. To minimize harm to wildlife, vegetation, and water bodies, herbicides shall not be applied directly to wildlife.
4. Products identified as non-toxic to birds and small mammals shall be used if nests or dens are observed; and herbicides shall not be applied if it is raining at the site, rain is imminent, or the target area has puddles or standing water.
5. Herbicides shall not be applied when wind velocity exceeds 10 miles per hour. If spray is observed to be drifting to a non-target location, spraying shall be discontinued until conditions causing the drift have abated.
6. A written record of all herbicide applications on the site, including dates and amounts, shall be furnished annually to the Kern County Planning and Natural Resources Department.

o. To deter SJKF from creating temporary dens under construction materials during project construction, such materials, where feasible, will be elevated one foot or more off the ground using k-rails or similar structures.

Section 4.4 Biological Resources, Page 4.4-44

MM 4.4-9: Preconstruction surveys shall be conducted by a qualified biologist to locate active breeding or wintering burrowing owl burrows no fewer than 14 days prior to commencement of ground-disturbing activities. Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within 14 days prior to that portion of the project site disturbed.

The survey methodology shall be consistent with the methods outlined in the 2012 California Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation and shall consist of walking parallel transects 7 to 20 meters apart, adjusting for vegetation height and density as needed, and noting any potential burrows with fresh burrowing owl sign or presence of burrowing owls. As each burrow is investigated, surveying biologists shall also look for signs of American badger and San Joaquin kit fox. Copies of the survey results shall be submitted to California Department of Fish and Wildlife and the Kern County Planning and Natural Resources Department.

If burrowing owls are detected on-site, the avoidance buffers outlined below should be established. These buffers shall be implemented prior to and during any ground-disturbing activities. Specifically, California Department of Fish and Wildlife's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist, approved by California Department of Fish and Wildlife, verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Visible markers shall be placed near the identified burrow(s) to ensure that machinery does not collapse the burrow(s).

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1 – Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16 – Oct 15	200 m*	200 m	500 m
Nesting sites	Oct 16 – Mar 31	50 m	100 m	500 m

*meters (m)

If burrow avoidance is infeasible during the non-breeding season or during the breeding season (February 1 through August 31) where resident owls have not yet begun egg laying or incubation, or where the juveniles are foraging independently and capable of independent survival, a qualified biologist shall implement a passive relocation program in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the 2012 California Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation.

If passive relocation is required, a qualified biologist shall prepare a Burrowing Owl Exclusion and Mitigation Plan and a Mitigation Land Management Plan, in accordance with the 2012 California Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation, for review by California Department of Fish and Wildlife prior to passive relocation activities. If applicable, the Mitigation Land Management Plan shall include a requirement for the permanent conservation of offsite Burrowing Owl Passive Relocation Compensatory Mitigation. At a minimum, the following recommendations shall be implemented:

a. Temporarily disturbed habitat shall be restored, if feasible, to pre-project conditions including decompacting soil and revegetating.

b. Permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat shall be mitigated such that the habitat acreage, number of burrows and burrowing owl impacted are replaced based on a site-specific analysis and shall include permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals.

c. Permanently protect mitigation land through a conservation easement, deed restriction, or similar mechanism deeded to a nonprofit conservation organization or public agency with a conservation mission. If the project is located within the service area of a California Department of Fish and Wildlife -approved burrowing owl conservation bank, the project operator may purchase available burrowing owl conservation bank credits.

Land identified to mitigate for passive relocation of burrowing owl may be combined with other offsite mitigation requirements of the proposed Project if the compensatory habitat is deemed suitable to support the species.

d. If take cannot be avoided, take authorization through the acquisition of an incidental take permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b), will be undertaken to comply with the California Endangered Species Act.

Section 4.8, Greenhouse Gases, Page 4.8-34

Here, the County has chosen to evaluate the Project against applicable State and regional GHG reduction plans, including the CARB 2022 Scoping Plan and KCOG 2022 RTP/SCS. As discussed under Impact 4.8-2, the Project would be consistent with the applicable plans; therefore, impacts would be less than significant, and no additional mitigation would be required. **However, impacts would be further reduced by the implementation of mitigation as listed below**.

Section 4.8, Greenhouse Gases, Page 4.8-35

Level of Significance After Mitigation

With the implementation of Mitigation Measures MM 4.3-3 and MM 4.3-5 (Section 4.3, Air Quality), MM 4.6-1 and MM 4.6-2 (Section 4.6, Energy), MM 4.8-1, MM 4.8-2 and MM 4.17-3 (Section 4.17, Transportation and Traffic), impacts would ~~be~~ remain less than significant ~~after~~ **and would be further reduced with mitigation**.

Section 4.8, Greenhouse Gases, Page 4.8-39

Level of Significance After Mitigation

With the implementation of Mitigation Measures MM 4.3-3 and MM 4.3-5 (Section 4.3, Air Quality), MM 4.6-1, MM 4.6-2 (Section 4.6, Energy) Mitigation Measures MM 4.8-1, MM 4.8-2 and MM 4.17-3 (Section 4.17, Transportation and Traffic), impacts would ~~be~~ remain less than significant **and would be further reduced**.

Section 4.8, Greenhouse Gases, Page 4.8-40

Impact 4.8-3: Cumulative Greenhouse Gas Emissions Impacts

Global climate change occurs as a result of global emissions of GHGs**, which is an existing cumulatively significant impact that exists even without the Project**. An individual project such as the Project does not have the potential to result in direct and significant global climate change. The CEQA Guidelines also emphasize that the effects of GHG emissions are cumulative and should be analyzed in the context of CEQA's requirements for cumulative impact analysis (CEQA Guidelines Section 15130[f]).

Accordingly, the project-specific impact analysis provided under Impacts 4.8-1 and 4.8-2 above reflects a cumulative impact analysis of the Project's GHG emissions. As noted in these impact

discussions, the Project would ~~**result in a significant increase in GHG emissions, but this potential Project-level impact could be mitigated to a less than significant level**~~ be consistent with the CARB 2022 Scoping Plan and KCOG 2022 RTP/SCS; and the Project would not conflict with applicable plans, policies, or regulations adopted for the purpose of reducing the emissions of GHGs. ~~Therefore, the Project's contribution to the existing cumulatively significant global climate change impact would not be cumulatively considerable.~~

Section 4.9 Hazards and Hazardous Materials, Page 4.9-35

While the Project would not require closures of public roads—which could inhibit emergency vehicle access—during construction, heavy construction-related traffic could interfere with emergency response or emergency evacuation procedures in the event of an emergency, such as a wildfire or a chemical spill. Heavy construction-related traffic could also interfere with emergency response to other uses in the vicinity and, therefore, could represent a significant impact. As described in **Section 4.17,** Transportation and Traffic, implementation of **Mitigation Measures MM 4.17-4 and MM 4.17-5** requires the preparation of a Construction Traffic Control Plan and the use of designated routes for Large and Heavy trucks. Implementation of ~~this~~ these mitigation measures would minimize the potential for the Project to interfere with an adopted emergency response plan or emergency evacuation plan.

Section 4.9 Hazards and Hazardous Materials, Page 4.9-36

Mitigation Measures

Implementation of Mitigation Measures MM 4.9-11 ~~and~~ , MM 4.17-4 and MM 4.17-5 (Section 4.17, Transportation) would be required.

Section 4.9 Hazards and Hazardous Materials, Page 4.9-40

Potential impacts from the Project regarding interference with an adopted emergency response plan or emergency evacuation plan would be less than significant. Direct access to the Project site would come from Airport Drive, and emergency vehicles would most likely use State Route 99 to Airport Drive to access the Project site in case of an emergency. As proposed, the Project site is not expected to interfere with any known existing emergency response plans. To mitigate any potential impacts, the Project would require implementation of **Mitigation Measures MM 4.17-4 and MM 4.17-5**, which requires preparation of a Construction Traffic Control Plan and the use of designated routes for Large and Heavy trucks. Additionally, the Project would implement **Mitigation Measure MM 4.9-11**, which requires the development and implementation of a Fire Safety Plan, ensuring that procedures and emergency fire precautions are implemented. Impacts would be considered less than significant, and no mitigation would be required.

Section 4.9 Hazards and Hazardous Materials, Page 4.9-41

Conformance with existing State and County regulations, as well as implementation of **MM 4.4 3** (**Section 4.3**, *Biological Resources*, for full mitigation measure text), **MM 4.7-8**, of **Section 4.7**, *Geology and Soils* (Soil Erosion and Sedimentation Control Plan), **MM 4.9-1 through MM 4.9-13, MM 4.15-1** of **Section 4.15**, *Public Services* (Fire Safety Plan), and **MM 4.17-4** and **MM 4.17-5** of **Section 4.17**, *Transportation* (Construction Traffic Control Plan and designated routes for large and heavy trucks), would further reduce the potential for cumulative impacts. In addition,

implementation of appropriate safety measures during construction of the Project, as well as any other cumulative Project, would reduce the impact to a level that would not contribute to cumulative effects. Therefore, impacts related to hazardous materials would not be cumulatively significant.

Mitigation Measures

Implementation of **Mitigation Measures MM 4.4-3** (**Section 4.3**, *Biological Resources*), **MM 4.7-8** (**Section 4.7**, *Geology and Soils*), **MM 4.9-1 through MM 4.9-13, MM 4.15-1** (**Section 4.15**, *Public Services*), and **MM 4.17-4** (**Section 4.17**, *Transportation and Traffic*) would be required.

Level of Significance After Mitigation

With the implementation of **Mitigation Measure MM 4.4-3** (**Section 4.3**, *Biological Resources*), **MM 4.7-8, MM 4.9-1 through MM 4.9-13, MM 4.15-1, ~~and~~ MM 4.17-4 and MM 4.17-5**, cumulative impacts would be less than significant after mitigation.

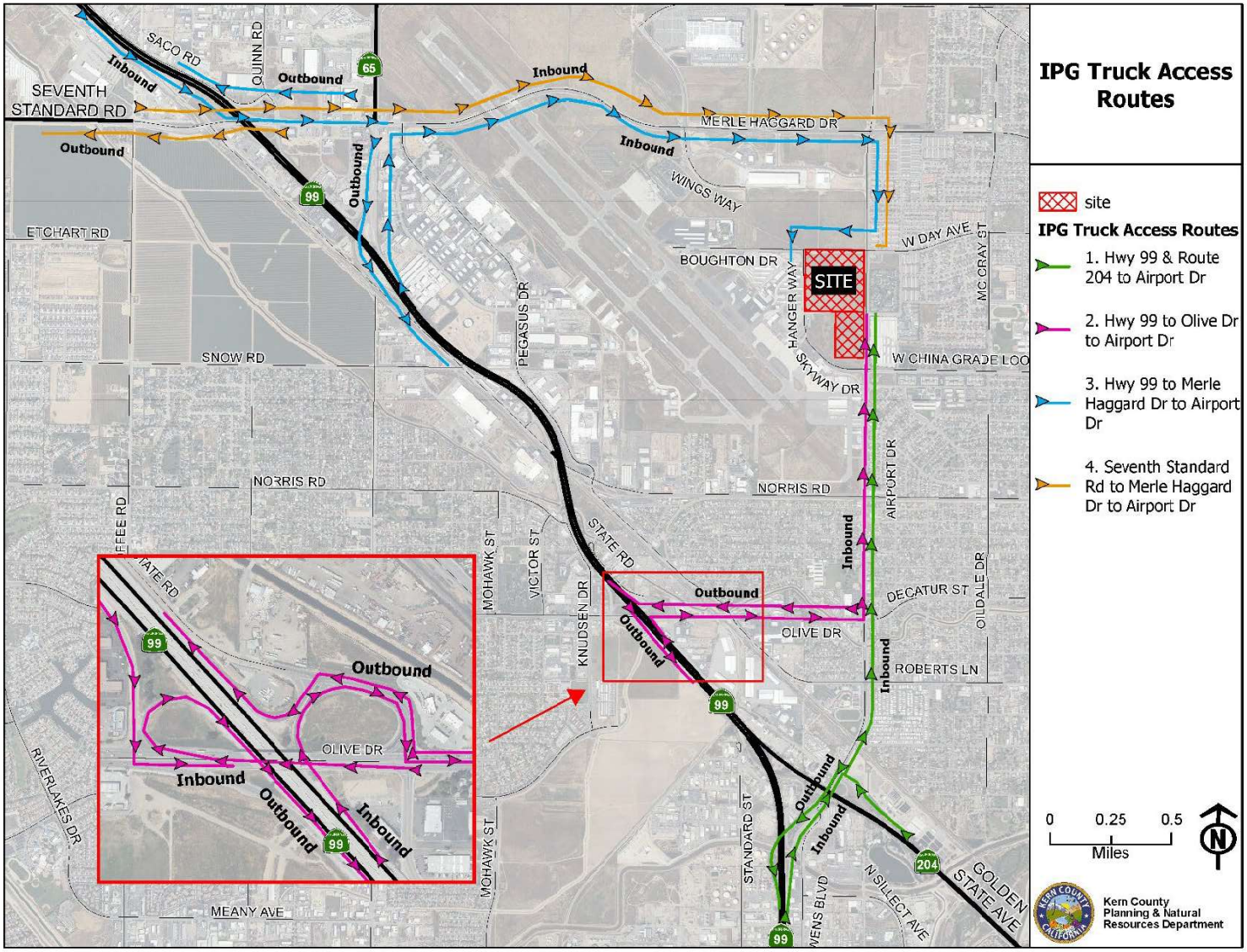
Section 4.17 Transportation and Traffic, Page 4.17-36

The Project site is described as having a flat topography, with no elevations that would obstruct views if sharp curves were within the Project area. Additionally, there are no incompatible uses within the Project vicinity. However, the introduction of construction-related traffic would have the potential to increase accident rates and could result in significant impacts. The delivery of heavy construction equipment may require transport by oversize vehicles using area roadways. The delivery of heavy equipment would be hauled in and out of the Project site on an as-needed basis. These deliveries and use of oversize vehicles during construction can create a hazard to the public by limiting motorist views on roadways and creating obstructions, which is considered a potentially significant impact. With implementation of **Mitigation Measure MM 4.17-4**, as listed below, it would be required that information be provided regarding any movement of oversized/overweight vehicles that would require transport over publicly maintained State or County roads. Additionally, the project proponent shall implement **Mitigation Measure MM 4.17-5,** which requires the project proponent utilize specific routes for large and heavy truck trips so as to minimize use of local roads through residential neighborhoods and near sensitive receptors. These specified routes, illustrated in **Figure 4.17-5**, will also be incorporated into the ~~provide a~~ Construction Traffic Control Plan for Kern County and Caltrans approval. In addition to mitigation, the Project contains associated roadway improvements along Airport Drive, Boughton Drive, and Hanger Way that include medians along Project frontage, right-turn channelization, and increased with of collector streets along the frontage of the Project. These improvements would create enhanced design features along the Project frontage.

Section 4.17 Transportation and Traffic, Page 4.17-36

Figure 4.17-5, *IPG Truck Access Routes*, has been added to identify designated routes for access to and from the project site during project operation.

Figure 4.17-5: IPG Truck Access Routes



Section 4.17 Transportation and Traffic, Page 4.17-37

Once operational, the Project will operate as a distribution and logistics facility. The final end user may require modifications to the interior of the building to accommodate specialized storage and handling equipment for the goods and materials that may include but are not limited to finished products, consumer goods, parts, materials, tires, tools, etc. typically found in a modern distribution/logistics facility. Any modification to the interior of the building will require a tenant improvement permit that is subject to plan check review and require issuance of a building permit to ensure compliance with applicable codes (i.e. Building Code, Fire Code, Plumbing Code, etc.). Outdoor storage is not proposed as part of this project. As such, impacts regarding substantially increasing hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) are not expected based on any specific product stored on-site and entirely within the proposed warehouse. Regardless, Kern County is requiring **Mitigation Measure MM 4.17-4 and MM 4.17-5**.

Section 4.17 Transportation and Traffic, Page 4.17-38

MM 4.17-5: Designated routes for access to and from the project site for operations shall only occur on the following routes, as identified in the approved Traffic Impact Study and supplement, and illustrated in Figure 4.17-5 of the Final EIR:

A. Highway 99 and Route 204 to Airport Drive

B. Highway 99 to Olive Drive to Airport Drive

C. Highway 99 to Merle Haggard Drive to Airport Drive

D. Seventh Standard Road to Merle Haggard Drive to Airport Drive

Use of any local roads or public access easements other than the above listed routes for vendors or operational employees of the project is not permitted, except in the case of an emergency or through written approval by the Planning and Natural Resources Director as discussed below.

Prior to the issuance of any grading or building permits, the project proponent shall provide all informational materials to be utilized by the Company and distributed to their employees, construction contractors, and vendors regarding site access. The informational materials shall include, but not be limited to, clearly identified maps showing designated access routes along with a written statement explaining use of required access routes that must utilized during operations and construction activities. In addition, prior to commencement of any activities on the site, the project proponent shall post signs at the entrance and exit of the facility showing and re-enforcing the required access roadways to be utilized.

Incident complaints to the company or Kern County Planning and Natural Resources Department of confirmed vehicles related to the facility construction and/or operation using roads other than the above specified list shall immediately be investigated and resolved by the project proponent within 48 hours. Emergencies such as weather closures of State Route 99 or other roads that require use of alternative access is authorized, but if continued for more than one (1) week, shall be reported to the Kern County Planning and Natural Resources Department for confirmation of acceptance. Special

requests to use roads other than the above listed routes for some limited period of time shall require written approval by the Director of Planning and Natural Resource Department.

Section 4.17 Transportation and Traffic, Page 4.17-38

Mitigation Measure

Implementation of **Mitigation Measures MM 4.17-4 and MM 4.17-5** would be required.

Level of Significance after Mitigation

With implementation of **Mitigation Measures MM 4.17-4 and MM 4.17-5**, impacts would be less than significant.

Section 4.17 Transportation and Traffic, Page 4.17-38

The Project would generate construction trips, including the movement of oversize equipment, and the potential for roadway lane closures during construction. These factors could temporarily increase the daily traffic volumes on surrounding local roadways and at intersections. It is anticipated that emergency access would be maintained at all times, and appropriate detours would be provided, as necessary.

While the project would not require closures of public roads beyond the construction phase, which could inhibit access by emergency vehicles, heavy construction-related traffic could have the potential to interfere with emergency response or emergency evacuation procedures in the event of an emergency, such as a wildfire or a chemical spill. Heavy construction-related traffic could also interfere with emergency response to other uses in the vicinity and, therefore, could represent a significant impact.

To ensure emergency access during construction, **Mitigation Measures MM 4.17-4** and **MM 4.17-5** requires the preparation of a Construction Traffic Control Plan and includes designated routes for large and heavy trucks, which provides assurance of access for emergency vehicles and would therefore reduce potential impacts to less than significant.

Section 4.17 Transportation and Traffic, Page 4.17-39

Mitigation Measures

Implementation of **Mitigation Measure MM 4.17-4** and **MM 4.17-5** would be required.

Level of Significance after Mitigation

With implementation of **Mitigation Measure MM 4.17-4** and **MM 4.17-5**, impacts would be less than significant.

Section 4.17 Transportation and Traffic, Page 4.17-42

Geometric Design Features/Emergency Access

Cumulative projects surrounding the Project that would occur at the same time as the Project's construction would also be required to evaluate geometric hazards; therefore, cumulative impacts related to geometric hazards would be less than significant. The analysis above also evaluated geometric hazards generated by project improvements and found that, with implementation of the existing regulatory requirements and **Mitigation Measure MM 4.17-4** and **MM 4.17-5**, which

implements a Construction Traffic Control Plan that includes designated routes for large and heavy truck trips during both construction and operation. This would ensure that the Project does not significantly impact traffic during construction. Emergency access to the site is generally an impact contained at the site; therefore, the Project would not have a cumulative impact to the cumulative projects in the area. Regardless, the cumulative projects would also be required to evaluate cumulative impacts regarding site access for emergency vehicles.

Summary

Intersection and roadway improvements to maintain or improve the operational LOS of the street system in the vicinity of the Project would be implemented by the Project associated improvements, as outlined in **Mitigation Measure MM 4.17-1**, and through regional improvement funded through mitigation measures. **MM 4.17-2** would ensure appropriate funds for capital improvement projects to be constructed and maintained by Kern County Public Works Department – Traffic Division. Implementation of **Mitigation Measure MM 4.17-3** would require the incentivization of operational employees to utilize alternative methods of transportation to the site, thereby reducing VMT and incidentally, vehicle trips to and surrounding the site. Additionally, **Mitigation Measure MM 4.17-4** would reduce the potential for Project-related accidents during construction by requiring a Construction Traffic Control Plan be approved prior to construction. Lastly, **Mitigation Measure MM 4.17-5** would be implemented, requiring the project proponent communicate to contractors the designated routes to be utilized by large and heavy truck trips (See Figure 4.17-5) during construction and operations. These mitigation measures and associated roadway improvements would reduce impacts to less than significant for conflicts with the MBGP, public transit and active transportation planning, and roadway hazards through the year 2046. Cumulative impacts to traffic and transportation would be reduced to less than significant with mitigation.

Mitigation Measures

Implementation of **Mitigation Measures MM 4.17-1 through MM 4.17-45** would be required.

Level of Significance after Mitigation

With implementation of **MM 4.17-1 through MM 4.17-45**, cumulative impacts would be less than significant.

Section 4.18 Tribal Cultural Resources, Page 4.18-10

The combination of the above-mentioned and described efforts, standard construction conditions, and implementation of Mitigation Measures MM 4.5-1 through MM 4.5-43 would reduce potential cumulative impacts related to historical, archaeological, and cultural resources to a less than significant level.

Mitigation Measures

Implementation of MM 4.5-1 through MM 4.5-~~-~~43 would be required.

Level of Significance After Mitigation

With implementation of MM 4.5-1 through 4.5-~~-~~43, cumulative impacts would be less than significant

7.2 Response to Comments

7.2.1 State Agencies

1: Caltrans, Local Development Review Branch

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From: Isla, Nicholas@DOT
To: Mark Tolentino
Cc: Padilla, Dave@DOT
Subject: KER-99-29.75, KER-204-6.75, IPG Industrial Project
Date: Thursday, March 13, 2025 10:23:42 AM

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or provide information unless you recognize the sender and know the content is safe.

Hello Mark,

We've reviewed the Draft Environmental Impact Report and have no comment. 1-001

Thank you,

Nicholas Isla
Associate Transportation Planner
Local Development Review Branch
California Department of Transportation
1352 West Olive Avenue
(559) 981-7373



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Comment 1
Caltrans, Local Development Review Branch

01-001

The comment states that Caltrans has reviewed the Draft Environmental Impact Report and does not have further comment. The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary. The County thanks the commentor for their comments and participation in the public review of the document.

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2: CalGem

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California
Department of Conservation
Geologic Energy Management Division

Gavin Newsom, Governor
Jennifer Lucchesi, Director
715 P Street, MS 1803
Sacramento, CA. 95814
T: (916) 445-5986

4/16/2025

Kern County Planning and Natural Resources
Mark Tolentino
2700 M Street Suite 100 Bakersfield, CA 93301
TolentinoM@kerncounty.com

Assessor Parcel Number(s): *492-010-13, 492-010-17*

Development Manager: *Craig Wilde*

Project Location Address: *Bakersfield - Airport Drive and Boughton*

Drive

Project Title: *IPG Industrial Project by IPG Kern County Holdings 52,*

LLC

Public Resources Code (PRC) § 3208.1 establishes re-abandonment responsibility when previously plugged and abandoned oil, gas or geothermal wells will be impacted by planned property development or construction activities. Local permitting agencies, property owners, and/or developers should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near previously abandoned oil, gas, and geothermal wells. 2-001

The California Geologic Energy Management Division (CalGEM) has received the above-referenced project dated *3/10/2025*. To assist local permitting agencies, property owners, and developers in making safe and practical land use decisions regarding potential development near oil, gas, or geothermal wells, the Division provides a table of the wells within the parcel boundary or in its vicinity, based on the Division's Well Finder database (link found at the bottom of this letter).

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The Division categorically advises against building over, or in any way impeding access to, oil, gas, or geothermal wells. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access including, but not limited to, buildings, housing, fencing, landscaping, trees, pools, patios, sidewalks, roadways, and decking at the landowner's expense if there is a need to access a well. Maintaining sufficient access is considered the ability for a well servicing unit and associated necessary equipment (consisting of well servicing rig, pumping equipment, pipe trailer) to reach a well from a public street or access way, solely over the parcel on which the well is located. A well servicing unit, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure. Impermeable barriers such as asphalt, concrete, and plastic may trap hazardous gases and liquids underneath and could create a safety hazard if built over a well that later develops a leak. 2-002

The Division recommends that any well for which access is impeded or built over, against the Division's advice, should be evaluated by a qualified petroleum professional for compliance with the statutory objectives of isolating all hydrocarbon-bearing strata; protecting underground and surface waters; prevention of subsequent damage to life, health, property, and other resources; and prevention of loss of oil, gas, or reservoir energy. The Division recommends that wells that do not meet these standards are abandoned or re-abandoned prior to construction. The well information can be accessed through https://maps.conservation.ca.gov/doggr/wellfinder/. Public Resources Code (PRC) § 3208, subdivision (a), provides the primary statutory authority for the Division to oversee adequate abandonment of wells. Additionally, the Division has developed the regulatory guidance for operators to be followed during well abandonment, which are listed within California Code of Regulation, title 14 (CCR) § 1723 and associated sub-sections (for onshore wells), and § 1745 and associated sub-sections (for offshore wells).

There are no guarantees a well abandoned in compliance with current Division requirements as prescribed by law will not start leaking in the future. Due to the inability to predict all subsurface conditions or changes, it always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. The Division acknowledges wells plugged and abandoned to the most current Division requirements as prescribed by law have a lower probability of leaking in the future, however there is no guarantees that such abandoned wells will not leak.

The Division advises that all wells identified on the development parcel prior to, or during, development activities be tested for liquid and gas leakage. Surveyed locations in Latitude and Longitude, NAD 83 decimal format, and leak testing results should be provided to the Division. The Division expects any wells found leaking to be reported to the Division immediately.

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PRC § 3208.1 gives the Division the authority to order or permit the re-abandonment of any well where it has reason to question the integrity of the previous abandonment. Responsibility for re-abandonment costs may be affected by the choices made by the local permitting agency, property owner, and/or developer in considering the general advice set forth in this letter. The PRC continues to define the person or entity responsible for re-abandonment as:

1. The property owner - If the well was plugged and abandoned in conformance with Division requirements at the time of abandonment, and in its current condition does not pose an immediate danger to life, health, and property, but requires additional work solely because the owner of the property on which the well is located proposes construction on the property that would prevent or impede access to the well for purposes of remedying a currently perceived future problem, then the owner of the property on which the well is located shall obtain all rights necessary to re-abandon the well and be responsible for the re-abandonment.

2. The person or entity causing construction over or near the well - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and the property owner, developer, or local agency permitting the construction failed either to obtain an opinion from the supervisor or district deputy as to whether the previously abandoned well is required to be re-abandoned, or to follow the advice of the supervisor or district deputy not to undertake construction that impedes access, then the person or entity causing the construction over or near the well shall obtain all rights necessary to re-abandon the well and be responsible for the re-abandonment. 2-003

3. The party or parties responsible for disturbing the integrity of the abandonment - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and after that time someone other than the operator or an affiliate of the operator disturbed the integrity of the abandonment in the course of developing the property, then the party or parties responsible for disturbing the integrity of the abandonment shall be responsible for the re-abandonment.

Should any wells require abandonment or re-abandonment, the responsible party must submit a Notice of Intention (NOI) to the Division through WellSTAR. The NOI form can be accessed in the 'Plugging and Abandonment' section of the following link: https://www.conservation.ca.gov/calgem/for_operators. No well work may be performed on any oil, gas, or geothermal well without written approval from the Division. Well work requiring approval includes, but is not limited to, mitigating leaking gas or other fluids from abandoned wells, modifications to well casings, and/or any other re-abandonment work. The Division also regulates the top of a plugged and abandoned well's minimum and maximum depth below final

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grade. CCR §1723.5 states well casings shall be cut off at least 5 feet but no more than 10 feet below the surface of the ground. If any well needs to be lowered or raised (i.e. casing cut down or casing riser added) to meet this regulation, a permit from the Division is required before work can start. 2-003 cont.

The Division makes the following additional recommendations to the local permitting agency, property owner, and developer:

1. To ensure that present and future property owners are aware of (a) the existence of all wells located on the property, and (b) potentially significant issues associated with any improvements near oil or gas wells, the Division recommends that information regarding the above identified well(s), and any other pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property. 2-004

2. The Division recommends that any soil containing hydrocarbons be disposed of in accordance with local, state, and federal laws. Please notify the appropriate authorities if soil containing significant amounts of hydrocarbons is discovered during development.

As indicated in PRC § 3106, the Division has statutory authority over the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities, to prevent, as far as possible, damage to life, health, property, and natural resources; damage to underground oil, gas, and geothermal deposits; and damage to underground and surface waters suitable for irrigation or domestic purposes. In addition to the Division's authority to order work on wells pursuant to PRC §§ 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC §§ 3236, 3236.5, and 3359 for violations within the Division's jurisdictional authority. The Division does not regulate grading, excavations, or other land use issues. 2-005

Should you have any questions, or if any wells are encountered that were not part of this letter, contact CalGEM at *(661) 322-4031* or via email at calgemcentralcswr@conservation.ca.gov.

Sincerely,

Jeff Kimber
Jeff Kimber
Supervising Oil and Gas Engineer

cc: *Kevin Haney* - Plan Checker

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The wells listed below are reported to be located within and nearby the parcel boundary, and may have future access impeded:

Well Name	API
No wells found within selected APN.	

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Comment 2
CalGEM

02-001

The comment summarizes Public Resources Code (PRC) Section 3208.1, which establishes well abandonment responsibility when a previously plugged and abandoned well will be impacted by planned property development or construction activities. The comment also acknowledges receipt of the proposed project dated 3/10/25 and has included a table at the end of the letter that indicates any possible wells within the parcel boundary or in its vicinity. As discussed in the Draft EIR and the table at the end of the comment letter, based on records maintained by the CalGEM's online mapping tool, there are no oil or gas wells identified on site. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

02-002

The comment advises against building over or in any way impeding access to, oil, gas, or geothermal wells. The comment also states that there are no guarantees a well abandoned in compliance with current requirements will not start leaking in the future. As such, the comment advises that all wells identified on the project site be tested for liquid and gas leakage prior to, or during, development activities and results should be reported to CalGEM. As noted in the Draft EIR and above, based on records maintained by the CalGEM's online mapping tool, there are no oil or gas wells identified on site. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

02-003

The comment states that the failure to plug and re-abandon any wells may result in enforcement action pursuant to PRC Sections 3208.1 and 3224. The comment provides further information on PRC Section 3208.1 regarding the person or entity responsible for re-abandonment. As noted in the Draft EIR and above, based on records maintained by the CalGEM's online mapping tool, there are no oil or gas wells identified on site. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

02-004

The comment provides two recommendations for the project: 1) information regarding the wells be communicated to the appropriate county recorder for inclusion in the title information for the project site; and 2) any soil containing hydrocarbons be disposed of in accordance with local, state and federal laws. As noted in the Draft EIR and above, based on records maintained by the CalGEM's online mapping tool, there are no oil or gas wells identified on site. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

02-005

The comment provides a discussion of CalGEM's statutory authority, as indicated in PRC Sections 3106, 3208.1, 3224, 3236, 3236.5, and 3359. The Lead Agency acknowledges CalGEM's statutory authority. The comment notes that if during development activities, any previously unknown wells are discovered that were not part of the review, the project proponent shall immediately notify the CalGEM's Inland District office for consultation as remedial plugging and abandonment operations may be required. The comment provides contact information and is followed by the table provided by CalGem, indicating no wells were found within the selected APN. This comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary. The County thanks the commentor for their comments and participation in the public review of the document.

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3: Caltrans, Division of Aeronautics

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Mark Tolentino

From: Tolentino, Leana@DOT <Leana.Tolentino@dot.ca.gov>
Sent: Monday, April 21, 2025 9:02 AM
To: Mark Tolentino
Cc: Nicole Menchaca
Subject: RE: IPG Industrial Project - Airport Land Use Inquiry

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Hi Mark,

I see, thank you for your response! At this time, I do not have any comments on this project and will tune into the June 17 hearing. 3-001



Leana Tolentino
Aviation Planner
Office of Aviation Planning
Caltrans – Division of Aeronautics
(916) 812-8895
Leana.tolentino@dot.ca.gov
Chat With Me on Teams!

From: Mark Tolentino <TolentinoM@kerncounty.com>
Sent: Friday, April 18, 2025 9:04 AM
To: Tolentino, Leana@DOT <Leana.Tolentino@dot.ca.gov>
Cc: Nicole Menchaca <HuiskenN@kerncounty.com>
Subject: RE: IPG Industrial Project - Airport Land Use Inquiry

EXTERNAL EMAIL. Links/attachments may not be safe.

Good morning Leana,

Thank you for reaching out regarding the IPG Industrial Project and taking time to review. I'm the project planner at the Kern County Planning and Natural Resources Department that's facilitating the Draft EIR circulation for this project.

As you've found within the EIR already, we've attempted to highlight the areas where the project appears to demonstrate compliance with the Airport Land Use Compatibility Plan (ALUCP), and within Volume 6 - Appendix G, letters from the FAA indicating No Hazards to Air Navigation are included to support this compliance.

The formal comment period ends next week, April 24, 2025. The Kern County Airports Department has been notified of this project but they've not yet sent any comments our way. We also welcome any comments that you and your team might be interested in preparing in case your review of the proposal. Currently, the project is tentatively scheduled to go to hearing June 17, 2025 so your comments are welcome anytime thru then in case further review is necessary.

Thanks for your time and feel free to reach back out to me directly for any additional questions.

Best,

Mark Tolentino
Planner III
Kern County Planning and Natural Resources Department
P: 661-862-5041 E: TolentinoM@kerncounty.com
~ Kern County ~ Rooted in Resources ~
LinkedIn profile

From: Department, Planning <Planning@kerncounty.com>
Sent: Friday, April 18, 2025 7:59 AM
To: Mark Tolentino <TolentinoM@kerncounty.com>
Subject: FW: IPG Industrial Project - Airport Land Use Inquiry

---

From: Tolentino, Leana@DOT <Leana.Tolentino@dot.ca.gov>
Sent: Thursday, April 17, 2025 9:28 AM
To: Department, Planning <Planning@kerncounty.com>
Subject: IPG Industrial Project - Airport Land Use Inquiry

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Hello,

My name is Leana Tolentino and I'm an aviation planner with the Caltrans, Division of Aeronautics.

I'm reaching out because I'm currently reviewing the IPG Industrial Project by IPG Kern County Holdings 52, LLC (SCH 2023110442) on CEQA net. Is the Kern County Planning Department, or whoever is acting as the Kern County Airport Land Use Commission, aware of this project and agrees with the Environmental Impact Report's findings that the project is within compliance with the County of Kern Airport Land Use Compatibility Plan (pgs 594-595 of the EIR)?

Please let me know if you have any questions!

AERONAUTICS
CALIFORNIA DEPARTMENT OF TRANSPORTATION

Leana Tolentino

Aviation Planner
Office of Aviation Planning
Caltrans – Division of Aeronautics
(916) 812-8895
Leana.tolentino@dot.ca.gov
Chat With Me on Teams!

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Comment 3
Caltrans, Division of Aeronautics

03-001

The comment states that Caltrans does not have any comment on the project after receiving prior correspondence and clarification received by Lead Agency Staff. The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary. The County thanks the author for their comments and participation in the public review of the document.

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4: California Department of Fish and Wildlife

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

April 23, 2025

Mark Tolentino, Planner III
Kern County Planning and Natural Resources Department
2700 M Street, Suite 100
Bakersfield, California 93301
(661) 862-5041
TolentinoM@kerncounty.com

Subject: IPG Industrial Project (Project)
Draft Environmental Impact Report (DEIR)
State Clearinghouse No.: 2023110442

Dear Mark Tolentino:

The California Department of Fish and Wildlife (CDFW) received a DEIR from Kern County, as Lead Agency, for the above-referenced Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

4-001

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802.). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public

4-002

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, reasonably foreseeable future projects may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of reasonably foreseeable future projects may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required. 4-002 cont.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened on any State or federal list pursuant to CESA and/or the federal Endangered Species Act (ESA) to be considered Endangered, Rare, or Threatened under CEQA. If a species can be shown to meet the criteria specified in the CEQA Guidelines (Cal. Code Regs., tit. 14, Chapter 3, § 15380), it should be fully considered in the environmental analysis for the Project.

PROJECT DESCRIPTION SUMMARY

Proponent: IPG Kern County 52 Holdings, LLC

Objective: The Project will construct two single-story logistics facilities totaling approximately 923,128 square feet (including 15,000 square feet for dedicated office space) and associated improvements on approximately 49.05 acres of privately owned land. 4-003

Location: The Project site is approximately 1.7 miles north of the City of Bakersfield, in unincorporated Kern County. The Project site is located within the Kern County, Metropolitan Bakersfield General Plan (unincorporated Planning Area). The City of Shafter lies approximately 3.1 miles west of the Project site, and the unincorporated community of Oildale is directly bordering the east side of the Project site. The Project is located approximately 0.6 miles east of Meadows Field Airport and is within the Sphere of Influence of the airport.

Docusign Envelope ID: 26083972-FA69-4A83-8D6C-14A32F27C843

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist Kern County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the CEQA document prepared for this Project. 4-004

Aerial imagery of the Project site show the Project site contains regularly disked and fallowed agricultural lands and is comprised of annual grassland and ruderal species. The Project site is bordered by fallowed and regularly disked annual grassland to the north, and developed areas to the south, west and east perimeter of the Project. CDFW previously commented on the Notice of Preparation (NOP) for the Project in a letter dated December 22, 2023.

The DEIR acknowledges that the Project site is within the geographic range of several special-status species and includes a Biological Resources Assessment (BRA) documenting plant and wildlife species surveys prepared as part of Project planning. The DEIR also includes specific mitigation measures to reduce biological resource impacts to less than significant including, retaining a Lead Biologist to oversee compliance with protection measures for all listed species and other special-status species that may be affected by the construction and operation of the Project; development and implementation of a Worker Environmental Awareness Training Program; and implementation of various general avoidance and protective measures such as daily pre-construction visual surveys. CDFW concurs with these mitigation measures and concurs with the measures provided to mitigate for potential impacts to nesting birds and Crotch's bumble bee (*Bombus crotchii*), however, CDFW has concerns about the ability of some of the proposed measures to reduce impacts to less than significant and avoid unauthorized take for the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*); the State threatened Swainson's hawk (*Buteo swainsoni*); and the State candidate western burrowing owl (*Athene cunicularia hypugaea*). 4-005

Comment 1: San Joaquin Kit Fox

The neighboring City of Bakersfield is home to a significant urban population of San Joaquin kit fox (SJKF) with multiple recorded occurrences in the California Natural Diversity Database (CNDDB) (CDFW 2025). In addition to native habitats, SJKF can den in rights-of-way, vacant lots, under buildings, and other urban habitats and populations can fluctuate over time. San Joaquin kit fox may be attracted to both construction materials (pipes, etc.) and construction footprints due to the type and level of activity (excavation, etc.) and the loose, friable soils that are created as a result of intensive ground disturbance. SJKF will readily use shipping containers, portable buildings, and stacks of materials (e.g., I-beams, wooden boards) with spaces within or 4-006

Docusign Envelope ID: 26083972-FA69-4A83-8D6C-14A32F27C843

underneath them for denning, in addition to pipes and culverts (Cypher et al. 2023). To deter SJKF from creating dens under construction materials, CDFW recommends elevating materials one foot or more off the ground using k-rails or similar structures. 4-006 cont.

CDFW notes that SJKF pedestrian survey transects were conducted as part of a site BRA. The DEIR mentions that there is a moderate to high potential for SJKF to occur on the Project site due to the existence of suitable habitat for foraging and denning. Several California ground squirrel (*Otospermophilus beecheyi*) burrows and complexes were also observed during the site survey. The DEIR provides several mitigation measures to maximize avoidance and protective measures to SJFK and other animals, such as preventing inadvertent entrapment during construction by covering excavated steep-walled holes or trenches, thoroughly inspecting all construction pipes, culverts, or similar structures with a four inch or greater diameter prior to being moved or capped, and containing trash and food items in closed containers.

4-007

As SJKF have a high potential to den and/or forage within the Project site and have been documented within the Project vicinity, CDFW strongly recommends that the Project proponent pursue SJKF take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) to comply with CESA.

Mitigation measure 4.4-10 notes the intent to conduct pre-construction surveys. In the absence of an ITP, CDFW recommends conducting the surveys following the USFWS' "Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance" (USFWS 2011). These measures should be implemented no less than 14 days and no more than 30 days prior to the beginning of ground and/or vegetation disturbing activities.

Additionally, CDFW recommends adding the following be included as mitigation measures within the DEIR:

Recommended Mitigation Measure 1: SJKF Avoidance Buffer

CDFW recommends implementing no-disturbance buffers, as described in the USFWS' "Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance" (USFWS 2011) around potentially suitable or known SJKF den sites. 4-008

Recommended Mitigation Measure 2: SJKF Take Authorization

If the no-disturbance buffers outlined in the USFWS Protocol for SJKF is not feasible, CDFW recommends that consultation with CDFW occur to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Docusign Envelope ID: 26083972-FA69-4A83-8D6C-14A32F27C843

Comment 2: Swainson's Hawk

Swainson's Hawk (SWHA) have been documented to occur near the Project site (CDFW 2025). Additionally, SWHA are known to travel up to 18 miles to forage and are also attracted to ground disturbing activities such as disking because these activities make prey vulnerable by reducing cover (Estep 1989). The habitat types present at and surrounding the Project site all provide suitable foraging habitat for SWHA and any power poles or trees in the Project vicinity may be utilized for perching and/or nesting. SWHA exhibit high nest-site fidelity year after year and lack of suitable nesting habitat limits their local distribution and abundance (CDFW 2016). In addition, conversion of undeveloped land can directly influence distribution and abundance of SWHA, due to the reduction in foraging habitat. 4-009

In addition to the mitigation measures written as 4.4-6, 4.4-7 and 4.4-8 related to nesting bird/raptors, CDFW recommends the following be included as mitigation measures within the DEIR:

Recommended Mitigation Measure 3: SWHA Avoidance Buffer

If Project-specific ground disturbance activities will take place during the SWHA nesting season (i.e., March 1 through September 15), and active SWHA nests are present, CDFW recommends a minimum ½-mile no-disturbance buffer be delineated and maintained around each nest, regardless of whether it was detected by surveys or observed incidentally. These buffers would remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, to prevent nest abandonment and other take of SWHA as a result of Project activities.

4-010

Recommended Mitigation Measure 4: SWHA Take Authorization

CDFW also recommends that in the event an active SWHA nest is detected, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Recommended Mitigation Measure 5: SWHA Foraging Habitat Mitigation

Finally, CDFW recommends compensation for the loss of SWHA foraging habitat as described in CDFW's "Staff Report Regarding Mitigation for Impacts to Swainson's Hawks" (CDFG 1994) to reduce impacts to foraging habitat to less than significant. The Staff Report recommends that mitigation for habitat loss

Docusign Envelope ID: 26083972-FA69-4A83-8D6C-14A32F27C843

occur within a minimum distance of 10 miles from known nest sites. CDFW has the following recommendations based on the Staff Report:

- For projects within 1 mile of an active nest tree, a minimum of 1 acre of habitat management (HM) land for each acre of development is advised.
- For projects within 5 miles of an active nest but greater than 1 mile, a minimum of ¾ acre of HM land for each acre of development is advised.
- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of ½ acre of HM land for each acre of development is advised

4-010 cont.

Comment 3: Western Burrowing Owl

The California Fish and Game Commission named western burrowing owl (BUOW) as a candidate for potential listing as a protected species under CESA on October 10, 2024. This action advanced the species to candidacy under CESA and as such BUOW now receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085). It is illegal to import, export, take (hunt, pursue, catch, capture, or kill, or attempt engage in any of these activities), possess, purchase, or sell BUOW or any part or product thereof (Fish & G. Code, §§§ 86, 2080, 2085).

4-011

The Project site is within the known geographic range of BUOW and there are multiple historic and recent occurrences located within ten miles of the Project site (CDFW 2025). BUOW inhabit open grasslands and desert scrublands containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. The biological survey performed for this Project states that the Project site provides suitable foraging and nesting habitat for BUOWs. Although no BUOWs were observed during the survey, several suitable BUOW burrows or burrow complexes were observed and the potential for BUOW to use the ground squirrel burrows on site as temporary shelter, nesting, or over-wintering prior to Project implementation exists.

Mitigation measure 4.4-9 states the methodology that will be utilized to minimize Project impacts to BUOW including conducting pre-construction surveys by a qualified biologist to locate active breeding or wintering BUOW burrows. As BUOW are now a candidate species, CDFW recommends replacing the portion of Mitigation Measure 4.4-9 related to avoidance buffers and passive relocation with the following:

4-012

Recommended Mitigation Measure 6: BUOW Avoidance Buffer

Should a BUOW or known BUOW den (active or inactive) be detected, either during pre-construction surveys or construction activities, CDFW recommends that no-disturbance buffers, as outlined in the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012), be implemented prior to and during any ground-

Docusign Envelope ID: 26083972-FA69-4A83-8D6C-14A32F27C843

disturbing activities. CDFW also recommends that these buffers be implemented for both wintering and breeding BUOW.

Recommended Mitigation Measure 7: BUOW Take Authorization

If a BUOW or known BUOW den (active or inactive) is detected, and the no-disturbance buffers outlined in the 2012 Staff Report on Burrowing Mitigation are not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA. 4-012 cont.

Editorial Comments and/or Suggestions

Federally Listed Species: CDFW recommends consulting with USFWS regarding potential impacts to federally listed species including, but not limited to SJKF. Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any Project activities. 4-013

Nesting birds: CDFW encourages that Project ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above. 4-014

CDFW further recommends that a qualified biologist conduct a pre-construction survey for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once Project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures. 4-015

Docusign Envelope ID: 26083972-FA69-4A83-8D6C-14A32F27C843

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance. 4-016

CNDDB:

Please note that the CNDDB is populated by records through voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDB does not mean a species is not present. In order to adequately assess any potential Project related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special-status species are present at or near the Project site. 4-017

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDB. The CNDDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be mailed electronically to the CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to the CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals. 4-018

FILING FEES

The Project, as proposed, could have an impact on biological resources, and an assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089). 4-019

Docusign Envelope ID: 26083972-FA69-4A83-8D6C-14A32F27C843

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the Kern County in identifying and mitigating Project impacts on biological resources. A Mitigation Monitoring and Reporting Program (Attachment 1) is included below to assist Kern County with incorporating the recommended mitigation measures provided above.

4-020

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (https://www.wildlife.ca.gov/Conservation/Survey-Protocols). If you have any questions regarding this letter or further coordination, please contact Marile Colindres, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 974-3452, or by electronic mail at marile.colindres@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

ATTACHMENT

ec: State Clearinghouse
Governor's Office of Planning and Research
State.Clearinghouse@opr.ca.gov

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REFERENCES

California Department of Fish and Game. 1994. Staff report regarding mitigation for impacts to Swainson's hawks (*Buteo Swainsoni*) in the Central Valley of California. Sacramento, California, USA.

California Department of Fish and Game. 2012. Staff report on burrowing owl mitigation. California Department of Fish and Wildlife, Sacramento, California, USA.

California Department of Fish and Wildlife. 2016. Five year status review for Swainson's hawk (*Buteo swainsoni*). California Department of Fish and Wildlife, Sacramento, California, USA.

California Department of Fish and Wildlife. 2025. Biogeographic information and observation system (BIOS). https://www.wildlife.ca.gov/Data/BIOS. Accessed 11 April 2025.

Cypher B., E. Noel, E. Kelly, T. Westall, N. Deatherage, and A. Gabaldon. 2023. Response of San Joaquin kit foxes to road construction sites. California State University-Stanislaus – Endangered Species Recovery Program, Turlock, California, USA.

Estep, J. 1989. Biology, movements, and habitat relationships of the Swainson's hawk in the Central Valley of California 1986-1987. State of California, The Resources Agency, Department of Fish and Game, Wildlife Management Division.

Swainson's Hawk Technical Advisory Committee. 2000. Recommended timing and methodology for Swainson's hawk nesting surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee.

U. S. Fish and Wildlife Service. 2011. Standard recommendations for the protection of the San Joaquin kit fox prior to or during ground disturbance. U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, Sacramento, California.

Docusign Envelope ID: 26083972-FA69-4A83-8D6C-14A32F27C843

Attachment 1

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PROJECT: IPG Industrial Project (Project)
Draft Environmental Impact Report (DEIR)

SCH No.: 2023110442

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
Before Disturbing Soil or Vegetation	
San Joaquin Kit Fox (SJKF)	
Recommended Mitigation Measure 2: SJKF Take Authorization	
Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 4: SWHA Take Authorization	
Recommended Mitigation Measure 5: SWHA Foraging Habitat Mitigation	
Western Burrowing Owl (BUOW)	
Recommended Mitigation Measure 7: BUOW Take Authorization	
During Construction	
San Joaquin Kit Fox (SJKF)	
Recommended Mitigation Measure 1: SJKF Avoidance Buffer	
Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 3: SWHA Avoidance Buffer	
Western Burrowing Owl (BUOW)	
Recommended Mitigation Measure 6: BUOW Avoidance Buffer	

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Comment 4
California Department of Fish and Wildlife

04-001

The comment provides introductory remarks. The comment states that CDFW is appreciative of the opportunity to provide comments on the proposed project. The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

04-002

The comment includes a summary of CDFW as a trustee agency and responsible agency in the CEQA process. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

04-003

The comment provides a summary of the project description. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

04-004

The comment introduces CDFW's comments and recommendations on the Draft EIR, which include editorial comments or other suggestions. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

04-005

The comment summarizes characteristics of the project site as well as specific mitigation measures included in the Draft EIR. The comment indicates that CDFW concurs with these mitigation measures and concurs with the measures provided to mitigate for potential impacts to nesting birds and Crotch's bumble bee. However, CDFW indicates it has concerns about the ability of some of the proposed measures to reduce impacts to less than significant and avoid unauthorized take for San Joaquin kit fox; Swainson's hawk; and western burrowing owl. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

04-006

This comment summarizes habits of San Joaquin Kit Fox and recommends elevating construction materials one foot or more off the ground using k-rails or similar structures. The following impact avoidance measure will be added to MM-4.4-3 in Section 4.4, Biological Resources, of the Draft EIR:

To deter SJKF from creating temporary dens under construction materials during project construction, such materials, where feasible, will be elevated one foot or more off the ground using k-rails or similar structures. The added clarification is shown below, incorporated into MM 4.4-3 and underlined:

> **MM 4.4-3:** During construction of the project site, the project proponent and/or contractor(s) shall implement the following general avoidance and protective measures:

a. Immediately prior to conducting vegetation clearing or similar activities, the Lead Biologist or their designee shall perform a pre-construction visual survey of the area to ensure that no special-status species are present. Daily reports of these inspections shall be retained by the Lead Biologist and provided to the Kern County Planning and Natural Resources Department, U.S. Fish and Wildlife Service, or California Department Fish and Wildlife upon request.

b. Within the vicinity of any construction activities, sensitive biological resources (i.e., special-status species, jurisdictional drainages, nesting birds, etc.) shall be delineated with stakes and/or flagging.

c. All construction activities shall be confined within the project construction area, which may include temporary access roads, haul roads, and staging areas specifically designated and marked for these purposes. At no time shall equipment or personnel be allowed to adversely affect areas outside the project site.

d. Any spoils shall be stockpiled in disturbed areas that lack native vegetation to the maximum extent practicable. Spoils that have been stockpiled and inactive for more than 24 hours shall be inspected by a qualified biologist for signs of special-status wildlife before moving or disturbing.

e. To prevent inadvertent entrapment of San Joaquin kit foxes, American badgers, or other animals during construction, all excavated steep-walled holes or trenches more than two (2) feet deep shall be covered with plywood or similar materials at the close of each working day. If holes or trenches cannot be covered, one or more escape ramps constructed of earthen fill or wooden planks, no less than 12 inches wide and secured at the top, shall be placed a minimum of every 100 feet within the open trench. Covered and non-covered holes or trenches shall be thoroughly inspected for trapped animals by a qualified biologist at the beginning and end of each working day. Immediately before such holes or trenches are filled, they shall again be thoroughly inspected by trained Staff approved by the Lead Biologist. If any trapped animals are observed, escape ramps or structures shall be installed immediately to allow for their escape. If a listed species is trapped, the Lead Biologist shall immediately confer with the U.S. Fish and Wildlife Service and/or California Department of Fish and Wildlife.

f. All construction pipes, culverts, or similar structures with a diameter of four (4) inches or greater that are stored at the site for more than 24 hours and without endcaps shall be thoroughly inspected by a qualified biologist prior to being moved or capped. If a listed wildlife species is discovered inside a pipe, that section of pipe shall not be moved until a qualified biologist has been consulted and the animal has either moved from the structure on its own accord or until the animal has been captured and relocated in conformance with appropriate wildlife agency guidelines.

g. No construction vehicle or equipment parked on the project site shall be moved prior to inspecting the ground beneath the vehicle or equipment for the presence of listed wildlife species. If present, the animal shall be left to move on its own.

h. A speed limit of 15 miles per hour shall be enforced within the limits of the project site. If night work occurs on the project site, the speed limit will be 10 miles per hour.

i. Fueling of construction equipment shall take place within existing roads or disturbed areas. No refueling within or adjacent to drainages (within 150 feet) shall be permitted. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary.

j. Trash and food items shall be contained in closed containers to reduce the attractiveness to opportunistic predators such as common ravens, coyotes, and feral dogs.

k. Workers shall be prohibited from bringing pets and firearms to the project site and from feeding wildlife.

l. No pets shall be allowed in project areas, except for trained canine animals related to security and operation of the facility.

m. Intentional killing or collection of any listed plant or wildlife species shall be prohibited.

n. Herbicides that may be used as vegetation control measures in project areas shall be applied in accordance with submeasures below. All uses of such herbicidal compounds shall observe label and other restrictions mandated by the U.S Protection Agency, California Department of Food and Agriculture, and state/federal legislation as well as additional project related restrictions deemed necessary by the U.S. Fish and Wildlife Service or California Department of Fish and Wildlife.

    1. The construction contractor or project personnel shall use herbicides that are approved by the California Department of Fish and Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) for use in California and are appropriate for application adjacent to natural vegetation areas (i.e., nonagricultural use). Personnel applying herbicides shall have all appropriate State and local herbicide applicator licenses and comply with all State and local regulations regarding herbicide use.

    2. Herbicides shall be mixed and applied in conformance with the manufacturer's directions.

    3. The herbicide applicator shall be equipped with splash protection clothing and gear, chemical resistant gloves, chemical spill/splash wash supplies, and material safety data sheets for all hazardous materials to be used. To minimize harm to wildlife, vegetation, and water bodies, herbicides shall not be applied directly to wildlife.

    4. Products identified as non-toxic to birds and small mammals shall be used if nests or dens are observed; and herbicides shall not be applied if it is raining at the site, rain is imminent, or the target area has puddles or standing water.

    5. Herbicides shall not be applied when wind velocity exceeds 10 miles per hour. If spray is observed to be drifting to a non-target location, spraying shall be discontinued until conditions causing the drift have abated.

6. A written record of all herbicide applications on the site, including dates and amounts, shall be furnished annually to the Kern County Planning and Natural Resources Department.

o. To deter SJKF from creating temporary dens under construction materials during project construction, such materials, where feasible, will be elevated one foot or more off the ground using k-rails or similar structures.

04-007

This comment summarizes the Draft EIR's analysis of potential impacts to San Joaquin Kit Fox. The CDFW recommends that the proponent pursue SJKF take authorization through the acquisition of an Incidental take Permit (ITP) and conducting pre-construction surveys following USFWS standards. With respect to the commenter's recommendation to obtain an ITP for potential impacts to SJKF: Because of the relative low-quality value of the site as foraging or denning/breeding habitat for San Joaquin kit fox, as discussed in Section 4.4, Biological Resources, of the Draft EIR, and because surveys for kit fox were negative, development of the site is not expected to trigger the need for an ITP for this species. However, if it is determined during future pre-construction surveys to be conducted per MM 4.4-10 in the Draft EIR, that if SJKF are detected breeding on the site and that impacts to SJKF cannot be avoided, the applicant will consult with CDFW (and the USFWS) with respect to the need for an ITP.

The recommendation by the commenter to conduct surveys for San Joaquin kit fox no less than 14 days and no more than 30 days prior to the beginning of ground and/or vegetation disturbing activities is a component of the USFWS 2011 document referenced by the commenter. As discussed in the Biological Resources Assessment in the Draft EIR (Appendix C), this protocol was followed during the focused survey previously conducted for this species on the project site and will be followed for any future pre-construction surveys that will be conducted. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

04-008

This comment provides recommended implementing no-disturbance buffers based on guidance from the US Fish and Wildlife Services (USFWS). In response, the measures outlined in MM-BIO-2 of the Biological Resources Assessment (Appendix C of the Draft EIR) are from the USFWS Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 2011). The buffers listed in Mitigation Measure 4.4-10, as shown below and in the body of the Draft EIR, are consistent with the USFWS 2011 document:

MM 4.4-10: Prior to and during construction activities:

a. If any San Joaquin kit fox dens are found during pre-construction surveys, the status of the dens shall be evaluated no more than 14 days prior to project ground disturbance. Provided that no evidence of kit fox occupation is observed, potential dens shall be marked and a 50-foot avoidance buffer delineated using stakes and flagging or other similar material to prevent inadvertent damage to the potential den. If a potential den cannot be avoided, it may be hand-excavated following United States Fish and Wildlife Service standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance by the lead biologist. If kit fox activity is observed at a den, the den status shall

change to “known” per United States Fish and Wildlife Service guidelines (1999), and the buffer distance shall be increased to 100 feet. Absolutely no excavation of San Joaquin kit fox known or pupping dens shall occur without prior authorization from the United States Fish and Wildlife Service and California Department of Fish and Wildlife.

b. To enable kit foxes and other wildlife (e.g., American badger) to pass through the project site during construction, the perimeter security fence shall leave a 5-inch opening between the fence mesh and the ground or the fence shall be raised 5 inches above the ground. The bottom of the fence fabric shall be knuckled (wrapped back to form a smooth edge) to protect wildlife that passes under the fence.

c. All pipes, culverts, or similar structures with a diameter of four inches or more that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the United States Fish and Wildlife Service has been consulted. If necessary, under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity until the fox has escaped.

d. To prevent inadvertent entrapment of San Joaquin kit foxes, badgers, or other animals during construction, all excavated, steep-walled holes or trenches more than two feet deep shall be covered with plywood or similar materials at the close of each working day, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If trapped animals are observed, escape ramps or structures shall be installed immediately to allow escape. If listed species are trapped, the United States Fish and Wildlife Service and California Department of Fish and Wildlife shall be contacted.

e. All vertical tubes used in project construction, such as chain link fencing poles shall be temporarily or permanently capped at the time they are installed to avoid the entrapment and death of special-status birds.

As the existing Mitigation Measure MM 4.4-10 addresses the recommendations, and the comment does not otherwise raise a substantive issue on the Draft EIR, no revisions to the Draft EIR are necessary.

04-009

This comment summarizes characteristics of Swainson's Hawk in relation to the project. In response, Table 4.4-2 of the Draft EIR characterizes the potential for Swainson’s hawk to occur on the site as low, based on the lack of suitable nesting habitat and the marginal suitability of the site as foraging habitat for this species. The table also notes the existence of only one historical CNDDB occurrence from 1935 being recorded within the project site vicinity, approximately 3.25 miles south of the project site. Therefore, significant direct impacts are not expected to occur with respect to SWHA nesting or foraging habitat. Nevertheless, MM 4.4-6 in the Draft EIR includes the requirement to conduct Swainson’s hawk protocol-level surveys consistent with the survey methods developed by the Swainson’s Hawk Technical Advisory Committee (SWHA TAC 2000), and that if active nests are found within or adjacent to the project site several measures to avoid direct impacts to such nests be implemented. MM 4.4-7 and MM 4.4-8 also include additional measures to be implemented to avoid impacts to active nests. This comment does not otherwise raise a

substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

04-010

This comment provides recommended mitigation measures in addition to those written as MM 4.4-6, MM 4.4-7 and MM 4.4-8 in the Draft EIR, related to nesting birds and raptors. As noted above in response to comment 4-009, no suitable nest habitat occurs within the project site. However, as discussed in Table 4.4-2 in the Draft EIR, some potential nesting trees occur offsite within residential areas to the east of the project site. While unlikely, should active Swainson's hawk nests be detected in any of these trees or other trees in the immediate vicinity of the project site, an appropriate no-disturbance buffer will be established around the active nest and maintained consistent with the criteria included in the CDFW comment.

As discussed in Table 4.4-2 of the Draft EIR, the site is regularly disked and managed and, therefore, considered marginally suitable as Swainson's foraging hawk. As such, impacts to Swainson's hawk foraging habitat would not be considered a substantial adverse effect on Swainson' hawk and, consequently, not considered a significant impact under CEQA. Therefore, no mitigation associated with the loss of Swainson's hawk foraging habitat is required.

04-011

This comment summarizes characteristics of the Burrowing Owl, and its change in candidacy status, in relation to the proposed project. The project applicant acknowledges the change in status of the burrowing owl to a Candidate species. The status will be updated in relevant sections of the Draft EIR. Table 4.4-2 in the Draft EIR, as well as the discussion of BUOW in Section 4.4, Biological Resources, of the Draft EIR, acknowledge the potential of BUOW to occur on the project site. Mitigation Measure 4.4-9 is updated to reflect this change in status with the addition of the required incidental take permit if take cannot be avoided.

04-012

The table in MM 4.4-9 of the Draft EIR that lists burrow no-disturbance buffers to be implemented in the event that BUOW is detected during surveys was extracted verbatim from the CDFW 2012 Staff Report on Burrowing Owl Mitigation noted by the commenter. MM 4.4-9 of the Draft EIR also stipulates that the buffers shall be implemented "prior to and during any ground-disturbing activities" consistent with the 2012 Staff Report. Of note, the no-disturbance buffers listed in the table from the 2012 Staff Report are intended to be, and as stated in the Report, applicable to occupied nest burrows. Because burrowing owls do not have high nest fidelity, and because migrating or even overwintering owls typically use burrows on a temporary basis, it would be inappropriate to establish no-disturbance buffers around burrows determined to be inactive as these burrows cannot be confidently identified as nest burrows. No revisions to MM 4.4-9 of the Draft EIR regarding avoidance buffers are considered necessary.

MM 4.4-9 of the Draft EIR includes the following provisions from the 2012 Staff Report: "If burrow avoidance is infeasible during the non-breeding season or during the breeding season (February 1 through August 31) where resident owls have not yet begun egg laying or incubation, or where the juveniles are foraging independently and capable of independent survival, a qualified biologist shall implement a passive relocation program in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the 2012 California Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation." The intent of this measure is to avoid take of burrowing owls utilizing burrows during the non-breeding season or during the breeding season for owls using burrows that do not

contain eggs or pre-fledging young. Consistent with the commenter's recommendation, the following provision will be added to MM 4.4-9 in the Draft EIR: "If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b), will be undertaken to comply with CESA.," with changes shown below in underline:

> **MM 4.4-9:** Preconstruction surveys shall be conducted by a qualified biologist to locate active breeding or wintering burrowing owl burrows no fewer than 14 days prior to commencement of ground-disturbing activities. Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within 14 days prior to that portion of the project site disturbed.
>
> The survey methodology shall be consistent with the methods outlined in the 2012 California Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation and shall consist of walking parallel transects 7 to 20 meters apart, adjusting for vegetation height and density as needed, and noting any potential burrows with fresh burrowing owl sign or presence of burrowing owls. As each burrow is investigated, surveying biologists shall also look for signs of American badger and San Joaquin kit fox. Copies of the survey results shall be submitted to California Department of Fish and Wildlife and the Kern County Planning and Natural Resources Department.
>
> If burrowing owls are detected on-site, the avoidance buffers outlined below should be established. These buffers shall be implemented prior to and during any ground-disturbing activities. Specifically, California Department of Fish and Wildlife's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist, approved by California Department of Fish and Wildlife, verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Visible markers shall be placed near the identified burrow(s) to ensure that machinery does not collapse the burrow(s).
>
> | Location | Time of Year | Level of Disturbance | | |
> |---|---|---|---|---|
> | | | Low | Med | High |
> | Nesting sites | April 1 – Aug 15 | 200 m* | 500 m | 500 m |
> | Nesting sites | Aug 16 – Oct 15 | 200 m* | 200 m | 500 m |
> | Nesting sites | Oct 16 – Mar 31 | 50 m | 100 m | 500 m |
> | *meters (m) | | | | |
>
> If burrow avoidance is infeasible during the non-breeding season or during the breeding season (February 1 through August 31) where resident owls have not yet begun egg laying or incubation, or where the juveniles are foraging independently and capable of independent survival, a qualified biologist shall implement a passive relocation program in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the 2012 California Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation.
>
> If passive relocation is required, a qualified biologist shall prepare a Burrowing Owl Exclusion and Mitigation Plan and a Mitigation Land Management Plan, in accordance with the 2012 California Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation, for

review by California Department of Fish and Wildlife prior to passive relocation activities. If applicable, the Mitigation Land Management Plan shall include a requirement for the permanent conservation of offsite Burrowing Owl Passive Relocation Compensatory Mitigation. At a minimum, the following recommendations shall be implemented:

a. Temporarily disturbed habitat shall be restored, if feasible, to pre-project conditions including decompacting soil and revegetating.

b. Permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat shall be mitigated such that the habitat acreage, number of burrows and burrowing owl impacted are replaced based on a site-specific analysis and shall include permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals.

c. Permanently protect mitigation land through a conservation easement, deed restriction, or similar mechanism deeded to a nonprofit conservation organization or public agency with a conservation mission. If the project is located within the service area of a California Department of Fish and Wildlife -approved burrowing owl conservation bank, the project operator may purchase available burrowing owl conservation bank credits. Land identified to mitigate for passive relocation of burrowing owl may be combined with other offsite mitigation requirements of the proposed Project if the compensatory habitat is deemed suitable to support the species.

d. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b), will be undertaken to comply with CESA.

04-013

This comment recommends consultation with the USFWS in order to comply with the Federal Endangered Species Act. Comment noted. As discussed in Table 4.4-2 of the Draft EIR, no federally-listed species other than San Joaquin kit fox are expected to or have the potential to occur on the project site or be impacted by project-related construction activities. Potential impacts and associated measures to mitigate potential impacts and to avoid take of San Joaquin kit fox are thoroughly addressed in the Draft EIR. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

04-014

This comment encourages that the project's ground-disturbing activities occur during the bird non-nesting season, but otherwise reminds the project proponent of their responsibility to ensure project implementation does not violate the Migratory Bird Treaty Act or relevant Fish and Game codes. In response, the project's implementation of Mitigation Measures MM 4.4-1 through MM 4.4-4, MM 4.4-6, and MM 4.4-12 in the Draft EIR would reduce direct and indirect impacts to nesting birds by requiring preconstruction nest surveys, ongoing biological monitoring, worker environmental awareness training, establishment of

appropriate nest avoidance buffers around any active nests detected, and other measures to ensure compliance with the Migratory Bird Treaty Act and/or relevant Fish and Game Code sections. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

04-015

See response to comment 4-014.

04-016

This comment provides recommendations for buffers around active nests of non-listed bird species and non-listed raptors. In response, Mitigation Measure MM 4.4-6 in Section 4.4, Biological Resources, of the Draft EIR stipulates that no-disturbance buffers to be established around active nest sites, will typically be 250 feet for passerines and 500 feet for raptors. The potential for variance from these buffer distances is noted. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

04-017

This comment indicates that a lack of an occurrence record in the CNDDB does not mean a species is not present and therefore, surveys should follow appropriate methodology. In response, Mitigation Measure MM 4.4-4 of the Draft EIR stipulates that a qualified biologist, knowledgeable in the identification of all special-status wildlife species potentially occurring on the project site shall conduct a pre-construction survey of areas proposed for disturbance within the project site and a 500-foot buffer around the project site boundary (where legally accessible) to determine if any special-status species are present. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

04-018

The comment states that information developed in the CEQA process be incorporated into a database in accordance with Public Resources Code § 21003, subd. (e). This comment requests that any special-status species in natural communities detected during project surveys be reported accordingly. As discussed above in response to comment 04-017, implementation of Mitigation Measure MM 4.4-4 will ensure that any special-status species detected during project surveys will be reported to CDFW as requested. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

04-019

The comment states that if the proposed project has a potential impact to biological resources, an assessment of filing fees will be necessary, payment of which would be required for underlying project approval.

The project proponent will pay all filing fees as required by CDFW. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

04-020

The comment is a conclusion to the comment letter. The comment expresses appreciation of the opportunity to comment on the Draft EIR. Links for further information on survey and monitoring protocols for sensitive

species are provided, as well as the author's contact information. The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary. The County thanks the author for their comments and participation in the public review of the document.

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5: California Air Resources Board

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April 23, 2025

Mark Tolentino
Planner III
Kern County Planning and Natural Resources Department
2700 M Street Suite 100
Bakersfield, California 93301
tolentinom@kerncounty.com

Sent via email

Mark Tolentino:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the IPG Industrial Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2023110442. The Project proposes the construction and operation of two single-story warehouse, distribution, and logistics facilities totaling 923,130 square feet on approximately 48 acres of land. The proposed industrial development would primarily be used for high cube and cold storage uses, where cold storage would occupy up to 20% (184,626 square feet) of the proposed industrial development. Once fully built, the proposed Project would result in up to 1,430 daily vehicle trips along local roadways, including 371 daily truck trips.[1] The Project is proposed within an unincorporated area of Kern County (County), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes. 5-001

CARB staff are concerned that the Project will expose nearby residential communities to elevated levels of air pollution beyond the existing baseline emissions at the Project site. Residences are located to the east and southeast of the Project site, with the closest residence located within 900 feet of the Project's easternmost boundary. In addition to residences, North High School and Wingland Elementary are located within one mile of the Project. These residences and schools are located near existing toxic diesel particulate matter (diesel PM) emission sources, which include existing industrial facilities, aircraft traffic from the Meadows Field Airport, rail traffic along existing rail lines, and vehicular traffic along State Route 99. 5-002

[1] Kern County. IPG Industrial Project Draft Environmental Impact Report. Page 4.17-21. Table 4.17-1. Accessible at *https://files.ceqanet.opr.ca.gov/292957-2/attachment/xlKAf53XFFtnU1TFozVx67s8rmwLjapg_0ZgW-s1EJw6al02bNIH0f-w5SBvQFKbEDSTKS79aDinIH9W0*

The State of California has placed additional emphasis on protecting local communities from the harmful effects of air pollution through the passage of Assembly Bill 617 (AB 617) (Garcia, Chapter 136, Statutes of 2017). AB 617 is a significant piece of air quality legislation that highlights the need for further emission reductions in communities with high exposure burdens, like those in which the Project is located. Diesel PM emissions generated during the construction and operation of the Project would negatively impact neighboring communities.

Through its authority under Health and Safety Code section 39711, the California Environmental Protection Agency (CalEPA) is charged with the duty to identify disadvantaged communities. CalEPA bases its identification of these communities on geographic, socioeconomic, public health, and environmental hazard criteria (Health and Safety Code, section 39711, subsection (a)); In this capacity, CalEPA currently defines a disadvantaged community, from an environmental hazard and socioeconomic standpoint, as a community that scores within the top 25% of the census tracts as analyzed by the California Communities Environmental Health Screening Tool Version 4.0 (CalEnviroScreen). CalEnviroScreen uses a screening methodology to help identify California communities currently disproportionately burdened by multiple sources of pollution. The census tract containing the Project is within the top 12% for Pollution Burden and is considered a disadvantaged community. The County must ensure that the Project does not adversely impact neighboring disadvantaged communities. 5-003

Industrial facilities, like the facilities described in the Project, can result in high volumes of heavy-duty diesel truck traffic, and operation of on-site equipment (e.g., forklifts and yard tractors) that emit toxic diesel emissions, and contribute to regional air pollution and global climate change.[2] To better address regional air pollution and global climate change, Governor Gavin Newsom signed Executive Order N-79-20 on September 23, 2020. The Executive Order states: "It shall be a goal of the State that 100% of in-state sales of new passenger cars and trucks will be zero-emission by 2035. It shall be a further goal of the State that 100% of medium and heavy-duty vehicles in the State be zero-emission by 2045 for all operations where feasible and by 2035 for drayage trucks. It shall be further a goal of the State to transition to 100% zero-emission off-road vehicles and equipment by 2035 where feasible." The Executive Order further directs the development of regulations to help meet these goals. To ensure that lead agencies, like the County, stay in step with evolving scientific knowledge to protect public health from adverse air quality and greenhouse gas impacts from the transportation sector, which serves as the basis of the Governor's 5-004

[2] With regard to greenhouse gas emissions from this project, CARB has been clear that local governments and project proponents have a responsibility to properly mitigate these impacts. CARB's guidance, set out in detail in the Scoping Plan issued in 2022, explains that in CARB's expert view, local mitigation is critical to achieving climate goals and reducing greenhouse gases below levels of significance. CARB's 2022 Scoping Plan for Achieving Carbon Neutrality, published November 16, 2022, is available at *https://ww2.arb.ca.gov/sites/default/files/2022-12/2022-sp_1.pdf*

Executive Order N-79-20, CARB staff urges the County to plan for the use of zero-emission technologies within the Project area as described in this letter. 5-004 cont.

The County Used Inappropriate Assumptions When Modeling the Project's Health Risk Impacts

The Health Risk Analysis (HRA) prepared for the Project and presented in Section 4.3 (Air Quality) of the DEIR concluded that residences near the Project site would be exposed to diesel PM emissions that would result in cancer risks of approximately 17 chances per million during the combined construction and operation of the Project. Since the Project's cancer risks were below the San Joaquin Valley Air Pollution Control District's (SJVAPCD) significance threshold of 20 chances per million, the DEIR concluded that the Project would have a less than significant impact on public health. CARB is concerned that the lead agency may have underestimated the Project's potential health risk impacts by relying on modeling assumptions not supported by substantial evidence. 5-005

The County may have underestimated the Project's operational cancer risk impacts by not using conservative TRU idling durations in the Project's HRA. Based on CARB's review of the modeling methodology provided in the HRA of the DEIR, the County assumed TRUs on trucks and trailers would idle within the Project site for 2.1 hours.[3] CARB has obtained survey data indicating trucks with TRUs can operate for as long as two hours while unloading and two hours while loading frozen goods from trucks and trailers, totaling four hours of onsite operation in cases where both loading and unloading take place within the same visit. To conservatively evaluate the Project's cancer risk impacts to residents near the Project site, the County should revise the HRA assuming each TRU visiting the Project site would idle for four hours per visit or provide evidence to substantiate a 2.1 hour idling time. 5-006

Although the County modeled cancer risk impacts from TRUs on trucks and trailers idling within the Project site, it is unclear in the HRA weather the County accounted for health risk impacts resulting from trucks and trailers with TRUs traveling along the proposed truck routes. To provide decision-makers with a better understanding of the Project's health risk impacts, CARB urges the County to model the potential health risk impacts associated with TRUs on trucks and trailers traveling local roadways and report the findings in the Final Environmental Impact Report (FEIR).

The County may have underestimated the Project's operational health risk impacts by assuming an idling duration for onsite heavy-duty trucks that is not supported by substantial evidence. The County assumed an idling duration of 15 minutes for onsite heavy-duty trucks when evaluating the Project's health risk impacts. CARB's Airborne Toxic Control Measure to 5-007

[3] Kern County. IPG Industrial Project Draft Environmental Impact Report. Appendix B. Table 2-4. Page 17. Accessible at *https://files.ceqanet.opr.ca.gov/292957-2/attachment/xlKAf53XFFtnU1TFozVx67s8rmwLjapg_0ZgW-s1EJw6al02bNlH0f-w5SBvQFKbEDSTKS79aDinIH9W0*

Limit Diesel-Fueled Commercial Motor Vehicle Idling (ATCM) restricts trucks from idling longer than five minutes. However, the ATCM has an exemption for trucks equipped with a diesel engine meeting the optional nitrogen oxides (NOx) idling emissions standard when operating outside of 100 feet of a restricted area (e.g., residences, schools).[4] Because trucks starting with model year 2008+ are clean-idle certified, many of the trucks operating within the Project site could idle longer than five minutes. According to Table 4.4.2-5 of the EMFAC2021 Volume III Technical Document, heavy-duty trucks can idle for as long as approximately five hours in any one location, well above the 15 minute idling duration assumed in the HRA.[5] To fully evaluate the Project's potential unmitigated health risk impacts, the County must revise the Project's HRA to assume a heavy-duty truck idling duration supported by substantial evidence. 5-007 cont.

The DEIR Did Not Fully Account for Air Pollutant Emissions from Waste Export during Project Operations

While the DEIR provides an assessment of air pollutant emissions from various aspects of the project's construction and operation, it appears to lack a comprehensive accounting of potential emissions associated with the export of waste generated during the project's operational phase. As CARB is concerned with all sources of air pollutant emissions that could affect air quality in the San Joaquin Valley Air Basin, it is important that the DEIR fully addresses emissions from all project-related activities. 5-008

Section 3.7.3 (Project Operations and Maintenance Activities) of the DEIR indicates that the operation of the proposed industrial development may generate a small quantity of hazardous waste.[6] This waste would be transported to a landfill located approximately 16 miles from the project site. However, the lead agency does not provide details regarding the number of daily truck trips required for this transport or the specific types of trucks that would be utilized. Based on CARB's review of the air pollutant emission calculations presented in Appendix B of the DEIR, these trips were not included in the Project's air quality impact analysis. To accurately assess the Project's potential health risk impacts, the County must model emissions from the heavy-duty trucks associated with hazardous waste transport and include the results in the FEIR.

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[4] CARB. Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. Accessible at *https://ww2.arb.ca.gov/sites/default/files/2022-06/13_CCR_2485_OAL_06222022-2_ADA_06272022_0.pdf*

[5] CARB. EMFAC2021 Volume III Technical Document. Page 161. Table 4.4.2-5. Accessible at *https://ww2.arb.ca.gov/sites/default/files/2021-03/emfac2021_volume_3_technical_document.pdf*

[6] Kern County. IPG Industrial Project Draft Environmental Impact Report. Page 3-27. Accessible at *https://files.ceqanet.opr.ca.gov/292957-2/attachment/xlKAf53XFFtnU1TFozVx67s8rmwLjapg_0ZgW-s1EJw6al02bNIH0f-w5SBvQFKbEDSTKS79aDin IH9W0*

The County Must Include Meaningful Mitigation Measures to Reduce the Project's Potentially Significant Impact on Air Quality

The County concluded in Section 4.3 (Air Quality) of the DEIR that the operation of the Project would result in a potentially significant impact on air quality. According to Table 4.3-9 (Unmitigated Operational Emissions Summary) of the DEIR, the operation of the Project would emit NOx as high as approximately 14 pounds per day, which would exceed the SJVAPCD's significance threshold and would result in a significant impact on air quality. To mitigate the Project's operational air quality impacts, the DEIR includes five mitigation measures (Mitigation Measure 4.3-1 through Mitigation Measure 4.3-5), which included complying with applicable rules and regulations, preparation of a dust control plan, restricting the idling duration of onsite equipment and heavy-duty trucks to five minutes, requiring the use of offroad equipment equipped with tier 4 engines, and preparing a Developer Mitigation Agreement (DMA) with the SJVAPCD. 5-009

CARB is concerned about using Mitigation Measure 4.3-5, which proposes the preparation of a DMA with the SJVAPCD, as a means to address the Project's air quality impacts. Under this measure, the Project applicant would be required to pay fees intended to fully offset emissions of NOx, particulate matter less than 10 microns (PM10), and particulate matter less than 2.5 microns (PM2.5) generated by the Project. The reliance on a fee-based offsite mitigation program raises significant concerns under CEQA. Chief among these is the lack of assurance that the mitigation will effectively and directly reduce the Project's localized emissions and health risks to nearby communities. Paying a fee without a clear, enforceable connection to specific, quantifiable emissions reductions does not necessarily result in real-time, localized improvements in air quality where the impacts occur. 5-010

To reduce the Project's significant and unavoidable impact on air quality, the County should include a project design feature or mitigation measures in the DEIR requiring all TRUs on trucks and trailers serving the proposed industrial development to be zero-emission and include contractual language in tenant lease agreements that requires all loading/unloading docks and trailer spaces be equipped with electrical hookups for trucks with TRUs or auxiliary power units. Use of all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration are encouraged and can also be included in lease agreements. 5-011

CARB also urges the County to require the use of zero-emission heavy-duty trucks during the proposed industrial developments operation. As presented below, CARB has many regulations that promote and eventually require the use of zero-emission trucks at freight facilities, such as the proposed Project. Specifically, the Advanced Clean Fleet Regulation would require all drayage trucks in California to be zero-emission by 2035. To support trucks serving the Project, that are already complying with the Advanced Clean Fleets regulation, CARB urges the County to require the infrastructure to support on-site zero-emission trucks at the start of Project operations. 5-012

A list of commercially-available zero-emission trucks can be obtained from the Hybrid and Zero-emission Truck and Bus Voucher Incentive Project (HVIP).[7] The HVIP is a part of California Climate Investments to incentivize the purchase of zero-emission trucks. Based on CARB's review of the zero-emission trucks listed in the HVIP, there are commercially available electric trucks that can meet the uses proposed by the County today. CARB has implemented or is developing regulations that will require the use of zero-emission trucks.

The list below details the CARB regulations that will result in the reduction of diesel PM and NOx emissions from trucks within California:

- **Heavy-Duty Low-NOx Omnibus Rule:** The Heavy-Duty Low-NOx Omnibus Rule requires truck emission standards to be reduced from 0.20 to 0.05 grams per brake horsepower-hour (g/bhp-hr) from 2024 to 2026, and to 0.02 g/bhp-hr in 2027.
- **Advanced Clean Trucks Regulation:** The Advanced Clean Trucks Regulation, approved by CARB on June 25, 2020, requires manufacturers to start manufacturing zero-emission trucks and vans beginning in 2024. The rule is expected to result in about 100,000 zero-emission trucks in California by the end of 2030 and about 300,000 by 2035. The Advanced Clean Trucks regulation is part of CARB's overall approach to accelerate use of zero-emission medium-and heavy-duty vehicles. CARB approved amendments to the Advanced Clean Trucks regulation in March 2021; the amendments help ensure that more zero-emission vehicles are brought to market. CARB directed staff to ensure that fleets, businesses, and public entities that own or direct the operation of medium- and heavy-duty vehicles in California purchase and operate ZEVs in anticipation of fully ZEV fleets by 2045 everywhere feasible, and specifically to reach:
    - 100% zero-emission drayage trucks, last mile delivery, and government fleets by 2035
    - 100% zero-emission refuse trucks and local buses by 2040
    - 100% zero-emission capable utility fleets by 2040

5-012 cont.

With the implementation of the above regulations, the Project would, over time, be required to phase out the use of diesel trucks. To protect the air quality of the communities located at the proposed facilities and along truck routes, CARB urges the County to include all feasible project design features and/or mitigation measures in the Project's final design that would facilitate the transition to exclusively zero-emission trucks.

[7] Zero-Emission Truck and Bus Voucher Incentive Project. Accessible at: *https://californiahvip.org/*

Conclusion

CARB remains concerned about the Project's potential impacts on air quality. To enable a thorough assessment of the Project's effects on surrounding communities, the County must provide robust, evidence-based justification for the assumed idling durations of on-site TRUs and heavy-duty trucks. Additionally, the County should evaluate the potential health risks associated with TRU operations along local roadways, as well as the air quality impacts related to the transport of hazardous waste during Project operations. Finally, CARB strongly encourages the County to include in the FEIR a project design element or mitigation measure requiring all TRUs and heavy-duty trucks serving the Project site to be zero-emission. 5-013

CARB appreciates the opportunity to comment on the DEIR for the Project. Given the breadth and scope of projects subject to CEQA review throughout California that have air quality and greenhouse gas impacts, coupled with CARB's limited staff resources to substantively respond to all issues associated with a project, CARB must prioritize its substantive comments here based on staff time, resources, and its assessment of impacts. CARB's deliberate decision to substantively comment on some issues does not constitute an admission or concession that it substantively agrees with the lead agency's findings and conclusions on any issues on which CARB does not substantively submit comments. 5-014

CARB staff can provide assistance with zero-emission technologies and emission reduction strategies, as needed. Please include CARB on your list of selected State agencies that will receive the FEIR. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist via email at *stanley.armstrong@arb.ca.gov* 5-015

Sincerely,



Matthew O'Donnell, Chief, Risk Reduction Branch

cc: see next page.

cc: State Clearinghouse
state.clearinghouse@opr.ca.gov

Patia Siong, Supervising Air Quality Specialist, San Joaquin Valley Air Pollution Control District
patia.siong@valleyair.org

Morgan Capilla, NEPA Reviewer, U.S. Environmental Protection Agency, Air Division, Region 9
capilla.morgan@epa.gov

Stanley Armstrong, Air Pollution Specialist, Risk Reduction Branch

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Comment 5
California Air Resources Board

05-001

This comment is introductory in nature and the commenter thanks the Lead Agency for the opportunity to comment on the project. The comment also summarizes the project scope operationally and locationally. The comment is noted for the record.

05-002

This comment states that CARB staff are concerned about air pollution exposure on nearby residences and schools. It should be noted that the air quality analysis prepared for the proposed Project in accordance with SJVAPCD requirements indicates that regional emissions associated with the construction and operation of the proposed Project would result in less than significant impacts. Further, the results of the Project health risk analysis indicate that Project construction and operational emissions would not result in any significant health impacts to nearby sensitive receptors, including residents and school children. Per SJVAPCD guidance, because the proposed Project health risk would not exceed the applicable significance thresholds, Project construction and operational emissions would not result in a significant cumulative impact as well. The proposed Project would not result in any significant air quality or health risk impacts. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

05-003

See response to comment 12-005.

05-004

See response to comment 15-002.

05-005

This comment indicates the Health Risk Analysis modeling assumptions are not supported by substantial evidence. The Health Risk Analysis was prepared consistent with current guidance in Appendix F of the Proposed Amendments to the ATCM for In-Use Diesel-Fueled Transport Refrigeration Units (TRUs) and TRU Generator Sets, and Facilities where TRUs Operate, which indicates that TRUs typically spend 3.3 hours at a cold storage warehouse or distribution facility while goods are being loaded and unloaded. Per this document, it was assumed that the TRU engine would operate 62.5% of the time that the TRU is on. Both metrics were pulled from Table 3. Refrigerated Warehouse or Distribution Center Metrics. As such, the analysis assumed that each TRU engine would operate for 2.1 hours during loading/unloading activities at building loading docks. Further, it should be noted that these assumptions were applied to both truck- and trailer-mounted TRUs, and that the analysis conservatively assumed that each truck trip associated with the cold storage use would include a TRU. This comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

05-006

See response to comment 5-005.

05-007

See response to comment 5-005.

05-008

The comment states that the analysis did not include potential emissions associated with hazardous materials waste. As discussed in Section 4.9, Hazards and Hazardous Materials, the Project will not generate waste materials that require special handling or treatment that would require additional trips. Specifically, the waste generated would be associated with maintenance activities such as paint, solvents, cleaners, and waste oil, which will be collected by the local waste management company through appropriate procedures or during collection events. Nonetheless, the project will implement Mitigation Measures MM 4.9-1 through MM 4.9-3, requiring workers to be trained to properly identify and handle all hazardous wastes. Fuels and lubricants used in operations would be subject to the Spill Prevention, Containment, and Countermeasure Plan to be prepared for the proposed Project, as required by Mitigation Measure MM 4.9-1. Hazardous waste would be either recycled or disposed of at a permitted and licensed treatment and/or disposal facility. All hazardous waste shipped off-site for recycling or disposal would be transported by a licensed and permitted hazardous waste hauler and disposed of at an approved location. To mitigate any potential impacts of the use of hazardous materials, Mitigation Measure MM 4.9-2, requires that any hazardous materials be stored and managed properly as well as Material Safety Data Sheets be on site. Additionally, Mitigation Measure MM 4.9-3, requires the project proponent to consult with the Kern County Public Health Services Department – Environmental Health Division to determine the need to prepare a Hazardous Materials Business Plan that would describe proper handling, storage, transport, and disposal techniques; methods to be used to avoid spills and minimize impacts in the event of a spill. If needed, the Plan would ensure that all handling, storage, and disposal of hazardous materials would be conducted in accordance with proven practices to minimize exposure to maintenance workers and/or the public. This comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

05-009

The comment describes the mitigation to reduce significant impacts to air quality. The comment does not raise environmental concerns, and therefore, no further response is required.

05-010

See response to comment 12-005.

05-011

The comment states that the Project should be required to include infrastructure to support on-site zero emissions trucks and that TRUs should be zero-emission. The Project would adhere to CARB Transport Refrigeration Unit regulation, that requires all TRUs operating in California be zero-emission by December 31, 2029. Implementation of Mitigation Measure MM 4.8-2 also requires that in the event a tenant or business utilize cold storage within the proposed shell warehouse buildings, the project proponent shall provided a disclosure to that user that requires all TRUs entering the project site to be plug-in capable and that buildings be upgraded to provided electrical hookups as part of tenant improvements so as to power refrigeration units at loading bays while trucks are stopped. This comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

05-012

See response to comment 5-011.

05-013

See response to comment 5-005.

05-014

The comment is a conclusion to the comment letter. The author is appreciative of the opportunity to comment on the proposed project. Contact information for further questions or assistance are provided. The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

05-015

The comment provides information regarding assistance with zero-emission technologies and emission reduction strategies and requests that CARB be included on this list of selected State agencies to receive the Final EIR. The comment has been noted for the record and revisions to the EIR are not necessary. The County thanks the commentor for their comments and participation in the public review of the document.

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7.2.2 Local Agencies

6: Kern County Superintendent of Schools

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KCSOS
Kern County Superintendent of Schools
Office of John G. Mendiburu, Ed.D. — Advocates For Children

RECEIVED
MAR 18 2025
Kern County Planning & Natural Resources Dept.

March 14, 2025

Kern County Planning Department
Attn: Mark Tolentino, Planner III
2700 M Street, Suite 100
Bakersfield, CA 93301

Our File No.: CO25-0028

RE: DEVELOPER FEES FOR: Draft EIR IPG Industrial Project; Map No.102-2
(West of Airport Drive and South of Merel Haggard Dr.)

Dear Mr. Tolentino,

This office represents the Beardsley Elementary and Kern High School Districts with regard to the imposition of school facility fees and appreciates the opportunity to respond on behalf of the districts regarding the proposed project. This letter is limited to addressing the possible effects which the project might have on school facilities created by students attributable to the project. It is not intended to address other possible environmental concerns which might be identified by the district(s) after reviewing it. 06-001

It is our determination that the above-mentioned Notice of Public Review of a Draft Environmental Impact Report for the IPG Industrial Project proposing (1) Precise Development Plan to allow construction and operation of an approximate 923,130-square foot warehouse, distribution and logistics facility within two single story warehouses on an approximate 49.05-acre site across two parcels in the M-1 PD H (Light Industrial – Precise Development Combining – Airport Approach Height Combining) District and (b) a Zone Variance to allow construction of a 56-foot tall warehouse building where 35-fee is authorized could have significant effects on either of these district's facilities so long as statutory school facilities fees are collected as required by law and that no further mitigation measures regarding school facilities are necessary. 06-002

Thank you for the opportunity to comment on the project. Should you have any questions, or if we can be of any further assistance in this matter, please contact me at 636-4599, or through e-mail at anwatson@kern.org. 06-003

Sincerely,

awatson

Andrea Watson, Specialist
School District Facility Services

Cc: Districts

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Comment 6
Kern County Superintendent of Schools

06-001

This is an introductory comment stating that the author represents the Beardsley Elementary and Kern High School Districts and appreciates the opportunity to respond to the proposed project. This comment is limited to addressing impacts to school facilities. The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

06-002

The comment states that the proposed project could have a significant effect on the school district's facilities. Mitigation will be limited to the collection of statutory impact fees at the time of issuance of building permits. The proposed project will incorporate a standard condition of approval requiring the payment of all statutory fees. The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

06-003

The comment is a conclusion to the comment letter. The author is appreciative of the opportunity to comment on the proposed project. Contact information for further questions or assistance are provided. The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary. The County thanks the commentor for their comments and participation in the public review of the document.

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7: Kern County Fire Department

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Office of the Fire Marshal
Kern County Fire Department
Fire Prevention Unit

2820 M St. • Bakersfield, CA 93301 • www.kerncountyfire.org
Telephone 661-391-3310 • FAX 661-636-0466/67 • TTY Relay 800-735-2929

RECEIVED
MAR 27 2025
Kern County Planning &
Natural Resources Dept.

March 18, 2025

Kern County Planning and Natural Resources Department
2800 M St., Bakersfield, CA 93301
Attn: **Mark Tolentino, Planner III**

Re: Kern County Fire Department Comments Regarding Planning Department Project

To Whom It May Concern:

The Kern County Fire Department (KCFD), as the local fire authority, has received a request for comments regarding Map 102; ZV 57, Map 102. Upon initial review, it has been determined that all new construction will require fire water flowing a minimum 1,500 GPM for 2 hours with 20 PSI residual. All fire access roads to each parcel must meet specifications set forth in Section 503.2 of the California Fire Code and the applicable Appendix and Ordinance sections. Any structures that exceed 10,000 square feet will require fire sprinklers and a fire alarm to be installed. Any aboveground flammable liquid tanks in excess of 125 gallons will require permitting through Kern County Fire Department. 07-001

A more detailed review and project comments will be conducted when the building permit is obtained, and plans are submitted to KCFD. 07-002

Please feel free to call our Fire Prevention Office at (661) 391-3310 with any questions.

Respectfully,
Matt Redstone
Assistant Fire Marshal
Kern County Fire Department

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Comment 7
Kern County Fire Department

07-001

This is an introductory comment which states that KCFD has reviewed the proposed project. The comment states that all new construction is required to meet fire water flow standards, and all fire access roads must meet specifications set forth in Section 503.2 of the CFC. Structures exceeding 10,000 square feet will require fire sprinklers and a fire alarm to be installed.

The proposed project would comply with all KCFD requirements, including fire water flow standards, access road requirements, fire sprinkler, and fire alarm installation requirements. A condition of approval will be imposed on this project to ensure compliance with the listed KCFD requirements. The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

07-002

The comment states that further review and comment will be conducted when the building permit is obtained and plans are submitted to KCFD. The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary. The County thanks the commentor for their comments and participation in the public review of the document.

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8: Kern County Public Works

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April 4, 2025

To: Lorelei Oviatt, Director
Planning and Natural Resources Department
Mark Tolentino, Planner III

From: Jeremy M. Brock, County Surveyor
By: Andres Arias, Engineering Support Supervisor Phone: 28959

Subject: Draft Environmental Impact Report for the IPG Industrial Project by IPG Kern County 52 Holdings, LLC(PP23405).

I have reviewed the above noted project Notice of Preparation of EIR and recommend the following conditions be placed on the Conditional Use Permits:

1. Prior to issuance of a building or grading permit: All survey monuments shall be tied out by a Licensed Land Surveyor. A corner record for each monument or record of survey shall be submitted to the County Surveyor for review and processing, per Section 8771 of the Professional Land Surveyor's (PLS) Act. 08-001

2. Prior to Final Inspection: All survey monuments that were destroyed during construction shall be re-set or have a suitable witness corner set. A post construction corner record for each monument re-set or a record of survey shall be submitted to the County Surveyor for processing, per Section 8771 of the Professional Land Surveyor's Act.

3. Upon completion of project: All survey monuments shall be accessible by a Licensed Land Surveyor or their representatives, with prior notice, per Section 8774 of the PLS Act and Civil Code 846.5 (a).

Thank you for the opportunity to review and comment on this project. Should you have any questions please contact me. 08-002

Office Memorandum - Kern County

TO: [Distribution List] **PLEASE SIGN AND DATE BELOW AS SOON AS RECEIVED AND RETURN TO PLANNING & NATURAL RESOURCES DEPARTMENT BEFORE APRIL 21, 2025**

FROM: LORELEI H. OVIATT, DIRECTOR
Planning & Natural Resources Department

DATE: March 7, 2025

By: Mark Tolentino, Planner III (862-5041)

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT – IPG Industrial Project by IPG Kern County 52 Holdings, LLC (PP23405)

Enclosed is a Notice of Availability with a web link to the Draft Environmental Impact Report for the **IPG Industrial Project by IPG Kern County 52 Holdings, LLC (PP23405).** The Kern County Planning and Natural Resources Department as Lead Agency (per CEQA Guidelines Section 15050) solicits the views of your agency as to the scope and content of the environmental information, which is germane to your agency's statutory responsibilities in connection with the proposed project.

In order to verify that this document was received by your department, **please date and sign this memo** and return by office mail to the Planning and Natural Resources Department, Attn: Mark Tolentino. Thank you in advance for your cooperation.

Distribution List (Kern County):

Agriculture Department
Airports Department
CAO
Public Works Department – Building & Development/Floodplain
Public Works Department – Building & Development/Survey
Public Works Department – Building & Development/Development Review
Public Works Department – Building & Development/Operations & Maintenance/Regulatory Monitoring
Public Health Services Department – Environmental Health Division
Fire Department
Library/Beale – Local History Room
Library/Beale – Andie Sullivan
Sheriff Department

RECEIVED: 3.11.2025 **By:** Jeremy M. Brock **Dept.:** Public Works - Development Review - County Surveyor's Office

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Comment 8
Kern County Public Works

08-001

The commenter states that County Public Works Department – County Surveyor has reviewed the Draft EIR for the project and recommends the following conditions be placed on the project:

1. *Prior to issuance of a building or grading permit, all survey monuments shall be tied out by a Licensed Land Surveyor. A corner record for each monument or record of survey shall be submitted to the County Surveyor for review and processing, per Section 8771 of the Professional Land Surveyor's (PLS) Act.*
2. *Prior to final inspection, all survey monuments that were destroyed during construction shall be re-set or have a suitable witness corner set. A post construction corner record for each monument re-set or a record of survey shall be submitted to the County Surveyor for processing, per Section 8771 of the PLS Act.*
3. *Upon completion of the project, all survey monuments shall be accessible by a Licensed Land Surveyor or their representatives, with prior notice, per Section 8774 of the PLS Act and Civil Code 846.5(a).*

In response, Staff acknowledges the commenter's requested conditions and confirms that all requested conditions will be included as conditions of approval for the requested Precise Development Plan. The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

08-002

The comment is a conclusion to the comment letter. The author is appreciative of the opportunity to comment on the proposed project. The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary. The County thanks the author for their comments and participation in the public review of the document.

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9: San Joaquin Valley Air Pollution Control District

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San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

April 11, 2025

Mark Tolentino
County of Kern
Planning and Natural Resources Department
2700 "M" Street, Suite 100
Bakersfield, CA, 93301

Project: Draft Environmental Impact Report for IPG Industrial Project by IPG Kern County Holdings 52, Precise Development Plan 72, Map 102; Zoning Variance 57, Map 102

District CEQA Reference No: 20250288

Dear Mr. Tolentino:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) from the County of Kern (County) for the IPG Industrial project. Per the DEIR, the project consists of 923,130 square foot warehouse, distribution and logistics facility (Project). The Project is located at Airport Drive and Boughton Drive, in Kern County, CA. 09-001

The District offers the following comments at this time regarding the Project:

1) Health Risk Screening/Assessment

The District reviewed the Health Risk Assessment (HRA) for the Project and have the following comments:

- The HRA evaluated the operational health impacts from the Project over a 30-year exposure period. Per District Policy APR 1906 (Framework for Performing Health Risk Assessments), the HRA should evaluate the operational health impacts over a 70-year exposure period to conservatively assess the potential health impacts on resident receptors from the Project's operational emissions. 09-002

- A scalar of 1 was used to account for variable emissions in the air dispersion model for construction and operation emissions. However, applying a scalar of 1 for non-continuously operating sources will lead to an underestimation of the annual emissions inventory when assessing the long-term average annual concentration and associated health impacts of those sources. Therefore, if

Samir Sheikh
Executive Director/Air Pollution Control Officer

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4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: (661) 392-5500 FAX: (661) 392-5585

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the construction schedule is expected to occur non-continuously for 8 hours per day, 5 days per week, then a scalar of 4.2 should be applied to those operating hours in the model instead (e.g., 8,760 hours per year/ 2,080 hours per year = 4.2). If the engines are expected to operate only 1 hour per week, then a scalar of 168.5 should be applied to those operating hours in the model instead (e.g., 8,760 hours per year/ 52 hours per year = 168.5).

- The HRA applied an exposure frequency of 250 days per year to reflect a residents expected time spent away from the exposure site throughout the year. However, per the *Guidance Manual for Preparation of Health Risk Assessments*, the Office of Environmental Health Hazard Assessment recommends the default exposure frequency of 350 days per year is used to assess the cancer risk of a resident.

09-002 cont.

Modifications to the HRA based on the comments listed above have the potential to cause the Project to exceed District health risk thresholds. Therefore, the District recommends the HRA be revised to ensure the analysis is representative and adequately reflects the Project's potential health and air quality impacts.

2) Truck Routing

Truck routing involves the assessment of which roads Heavy Heavy-Duty (HHD) trucks take to and from their destination, and the emissions impact that the HHD trucks may have on residential communities and sensitive receptors.

09-003

Since this Project consists of warehouse distribution and logistics development which will include high volume of HHD truck traffic, the District recommends the County evaluate HHD truck routing patterns for the Project, with the aim of limiting exposure of residential communities and sensitive receptors to emissions. This evaluation would consider the current truck routes, the quantity and type of each truck (e.g., Medium Heavy-Duty, HHD, etc.), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall Vehicle Miles Traveled (VMT), and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality.

3) Cleanest Available Heavy-Duty Trucks

09-004

The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from HHD trucks, the single largest source of NOx emissions in the San Joaquin Valley. Accordingly, to meet federal air quality attainment standards, the District's ozone and particulate matter attainment plans rely on a significant and rapid transition of HHD fleets to zero or near-zero emissions technologies.

Since this Project will result in a high volume of HHD truck traffic (e.g., "high-cube" warehouses or distribution centers), there are HHD trucks traveling to-and-from the project location at longer distribution trip length distances, the District recommends that the following measure be considered by the County to reduce Project-related operational emissions: 09-004 cont.

- *Recommended Measure*: Fleets associated with operational activities utilize the cleanest available HHD trucks, including zero and near-zero technologies.

4) Electric Infrastructure

To support and accelerate the installation of electric vehicle charging infrastructure for HHD Trucks, the District offers incentives to public agencies, and businesses to install electric charging infrastructure. This program supports the development and implementation of fueling infrastructure. The District recommends that the County consider installing electric vehicle infrastructure at the Project site. Please visit https://ww2.valleyair.org/grants/clean-vehicle-fueling-infrastructure-program/ for more information. 09-005

5) Electric On-Site Off-Road and On-Road Equipment

Per the DEIR, the Project will include the use of forklifts and on-site cargo equipment. As such, the Project will result in increased use of off-road equipment and on-road equipment. The District recommends that the DEIR include requirements for project proponents to utilize electric or zero emission off-road and on-road equipment. 09-006

6) Industrial/Warehouse Emission Reduction Strategies

The District recommends the DEIR be updated to incorporate emission reduction strategies that can reduce potential harmful health impacts, such as those listed below:

- Require cleanest available heavy-duty trucks, off-road and on-road equipment (see comment 3 and 5)
- Require HHD truck routing patterns that limit exposure of residential communities and sensitive receptors to emissions (see comment 2) 09-007
- Require solid screen buffering trees, solid decorative walls, and/or other natural ground landscaping techniques are implemented along the property line of adjacent sensitive receptors
- Orient loading docks away from sensitive receptors unless physically impossible

- Require loading docks a minimum of 500 feet away from the property line of the nearest truck loading bay opening, unless dock is exclusively used for electric trucks
- Incorporate signage and "pavement markings" to clearly identify on-site circulation patterns to minimize unnecessary on-site vehicle travel
- Require truck entries be located on streets of a higher commercial classification
- Locate and require truck entry, exit, and internal circulation away from sensitive receptors
- Prohibit Heavy-Duty diesel truck drive aisles from being used on sides of the building that are directly adjacent to a sensitive receptor property line
- Require a separate entrance for heavy-duty trucks accessible via a truck route, arterial road, major thoroughfare, or a local road that predominantly serves commercial oriented uses
- Require projects be designed to provide the necessary infrastructure to support use of zero-emissions on-road vehicles and off-road equipment (see comment 4)
- Require all building roofs are solar-ready
- Require all portions of roof tops that are not covered with solar panels are constructed to have light colored roofing material with a solar reflective index of greater than 78
- Ensure rooftop solar panels are installed and operated to supply 100% of the power needed to operate all non-refrigerated portions of the development project
- Install solar photovoltaic systems and associated battery storage on the project site
- Require power sources at loading docks for all refrigerated trucks have "plugin" capacity, which will eliminate prolonged idling while loading and unloading goods
- Incorporate bicycle racks and electric bike plug-ins
- Require the use of low volatile organic compounds (VOC) architectural and industrial maintenance coatings
- Designate an area during construction to charge electric powered construction vehicles and equipment, if temporary power is available
- Prohibit the use of non-emergency diesel-powered generators during construction
- Inform the project proponent of the incentive programs (e.g., Carl Moyer Program and Voucher Incentive Program) offered to reduce air emissions from the Project
- Ensure all landscaping be drought tolerant

09-007
cont.

7) Vegetative Barriers and Urban Greening

There are residential units located east and south of the Project. The District suggests the County consider the feasibility of incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors (e.g., residential units).

While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, vegetative barriers have been shown to be an additional measure to potentially reduce a population's exposure to air pollution through the interception of airborne particles and the update of gaseous pollutants. Examples of vegetative barriers include, but are not limited to the following: trees, bushes, shrubs, or a mix of these. Generally, a higher and thicker vegetative barrier with full coverage will result in greater reductions in downwind pollutant concentrations. In the same manner, urban greening is also a way to help improve air quality and public health in addition to enhancing the overall beautification of a community with drought tolerant, low-maintenance greenery. 09-008

8) On-Site Solar Deployment

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the County consider incorporating solar power systems as an emission reduction strategy for the Project. 09-009

9) District Rules and Regulations

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes. 09-010

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: https://ww2.valleyair.org/rules-and-planning/current-district-rules-and-regulations. To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business

Assistance (SBA) Office at (661) 392-5665. 09-010 cont.

9a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT). 09-011

This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District's SBA Office at (661) 392-5665.

9b) District Rule 9510 - Indirect Source Review (ISR)

The Project is subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 25,000 square feet of light industrial.

The purpose of District Rule 9510 is to reduce the growth in both NOx and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The ISR Rule requires developers to mitigate their NOx and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions. 09-012

Per Section 5.0 of the ISR Rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency. As of the date of this letter, the District has not received an AIA application for this Project. Please inform the project proponent to immediately submit an AIA application to the District to comply with District Rule 9510 so that proper mitigation and clean air design under ISR can be incorporated into the Project's design. One AIA application should be submitted for the entire Project.

Information about how to comply with District Rule 9510 can be found online at: https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview

The AIA application form can be found online at: https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview/forms-and-applications/ 09-012 cont.

District staff is available to provide assistance, and can be reached by phone at (559) 230-5900 or by email at ISR@valleyair.org.

9c) District Rule 9410 (Employer Based Trip Reduction)

The Project may be subject to District Rule 9410 (Employer Based Trip Reduction) if the project would result in employment of 100 or more "eligible" employees. District Rule 9410 requires employers with 100 or more "eligible" employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees. 09-013

Information about District Rule 9410 can be found online at: https://ww2.valleyair.org/compliance/rule-9410-employer-based-trip-reduction/.

For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at etrip@valleyair.org

9d) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)

In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at: https://ww2.valleyair.org/compliance/demolition-renovation/ 09-014

9e) District Rule 4601 (Architectural Coatings)

The Project will be subject to District Rule 4601 since it is expected to utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District 09-015

Rule 4601 requirements can be found online at:
https://ww2.valleyair.org/media/tkgjeusd/rule-4601.pdf

09-015 cont.

9f) District Regulation VIII (Fugitive PM10 Prohibitions)

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities.*

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950. 09-016

The application for both the Construction Notification and Dust Control Plan can be found online at: https://ww2.valleyair.org/media/fm3jrbsq/dcp-form.docx

Information about District Regulation VIII can be found online at:
https://ww2.valleyair.org/dustcontrol

9g) Other District Rules and Regulations

The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). 09-017

10)District Comment Letter

The District recommends that a copy of the District's comments be provided to the Project proponent.

09-018

If you have any questions or require further information, please contact Eric McLaughlin by e-mail at eric.mclaughlin@valleyair.org or by phone at (559) 230-5808.

Sincerely,



Mark Montelongo
Director of Policy and Government Affairs

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Comment 9
San Joaquin Valley Air Pollution Control District

9-001

This comment provides introductory remarks and summarizes the project. The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

9-002

In order to provide for a conservative analysis, the Project's operational and combined construction and operational risk has been calculated assuming a 70-year exposure period rather than the 30-year exposure period recommended under OEHHA guidelines. Because exposures that occur earlier in life are more heavily weighted in the analysis, the change from a 30-year exposure to a 70-year exposure duration, the maximum operational risk at the MEIR would increase from 11.55 in one million to 13.46 in one million. Similarly, the combined construction and operational risk at the MEIR would increase from 16.54 in one million to 18.23 in one million. It should be noted that both of these estimates remain below the SJVAPCD significance threshold of 20 in one million. Thus, health risks attributable to Project emissions would remain less than significant.

The comment states that the HRA inappropriately utilized a scalar of 1 in order to account for non-continuously operating sources, instead recommending that a scalar of 168.5 be used, along with an emission rate of 1.0 g/s in AERMOD. However, because risk calculations were not performed using HARP, and the actual emission rates were modeled in AERMOD, the use of 1 as a scalar is appropriate. When HARP is used for risk calculations for non-continuously operating sources, the model requires that annual emissions in AERMOD sum to 31,536 kg/year, in which case the use of a variable emissions scalar of 168.5 would be appropriate. However, because risk was calculated outside of HARP based on pollutant concentrations modeled in AERMOD, the use of a variable emissions scalar of 1 is appropriate and would not result in Project risk being underestimated.

The comment states that the analysis inappropriately applied an exposure frequency of 250 days per year, instead of OEHHA's recommended frequency of 350 days per year. However, it should be noted that the exposure frequency of 250 days per year was only applied during Project construction activities, as these would only occur 5 days per week, Monday through Friday. As such, the use of an exposure frequency of 250 days per year is appropriate in this case. In order to evaluate the risk associated with operation of the Project, an exposure frequency of 350 days per year was utilized, consistent with OEHHA's recommendation. The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

9-003

The comment recommends that the County evaluate Heavy Heavy-Duty truck routing patterns for the project with the aim of limiting exposure of residential communities and sensitive receptors to emissions. This evaluation would consider the current truck routes, the quantity and type of each truck (e.g., Medium Heavy-Duty, HHD, etc.), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall Vehicle Miles Traveled (VMT), and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality.

Table 4.3-13 of the Draft EIR shows the operation of the proposed project would not result in increased cancer risk or hazard index in excess of SJVAPCD's significance thresholds. Overall, impacts associated with the proposed project's potential to expose sensitive receptors to substantial TACs during operation of the proposed project would be less than significant. Furthermore, the proposed project would have a significant VMT impact, which is based on employee travel (and not truck transportation), and all feasible mitigation measures that have the ability to reduce that impact have been considered and incorporated. Additional evaluation of truck routing patterns would not reduce the project's VMT impact. It should be noted that Appendix J of the Draft EIR contains a Supplemental Truck Routing Assessment to the Traffic Impact Study prepared for the project, which identifies the four (4) primary routes to be taken by large and heavy trucks. The identified routes, as shown in Figure 4.17-5, included in Section 7.1.3, Revised Summary of Impacts, Mitigation Measures, and Significance Conclusions, which is based off of Exhibit A found in the Supplemental Truck Routing Assessment, further clarifies that large and heavy truck trips would utilize freeways or major arterial roads, and not local or residential roads, thereby limiting exposure of residential communities. Mitigation Measure MM 4.17-5 has also been included in Section 7.1.3, Revised Summary of Impacts, Mitigation Measures, and Significance Conclusions - Errata to ensure the project proponent coordinates with contractors and future tenants to ensure use of the designated truck routes for large and heavy trucks is maintained during construction and operation. Although there is no legal nexus to require additional measures such as further evaluation of truck routing patterns beyond the transportation analysis prepared for the Draft EIR. The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

9-004

The comment recommends that a measure requiring fleets associated with operational activities to utilize the cleanest available HHD trucks, including zero and near-zero technologies be considered by the County to reduce project-related operational emissions.

Comment noted. As demonstrated in Table 4.3-12 of the Draft EIR, the proposed project would not exceed SJVAPCD screening thresholds for requiring additional ambient air quality modeling, the proposed project's localized criteria pollutant impacts from operation are less than significant. Therefore, there is no legal nexus to provide additional measures such as requiring use of cleanest available HHD truck fleet to reduce project-related operational emissions. Further, with compliance with ARB regulations such as Advanced Clean Fleet, it is assumed that over the lifetime of the project, HHD truck fleets travelling to and from the project will include increasingly zero and near-zero technologies as the project moves to later years. Nonetheless, the project will implement Mitigation Measure MM 4.6-1, which contains the following submeasure (n):

MM 4.6-1: …

> (n) Where feasible design operations to incorporate the usage of high efficiency electric motors for industrial uses.

The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

9-005

The comment states that to support and accelerate the installation of electric vehicle charging infrastructure for HHD Trucks, the District offers incentives to public agencies and businesses to install electric charging

infrastructure and notes that the program supports the development and implementation of fueling infrastructure. The comment recommends that the County consider installing electric vehicle infrastructure at the project site and provides a website for additional information.

As noted in the Errata above for Chapter 3, Project Description, of the Draft EIR, the proposed project would include a total of 76 Electric Vehicle parking stalls, which consists of 59 Electric Vehicle Capable Space (EVCS), 12 EVCS Provided, three EVCS Standard Accessible, three EV Van Accessible, and three EVCS Ambulatory (see Section 7.1.3, Revised Summary of Impacts, Mitigation Measures, and Significance Conclusions). The CALGreen 2022 update requires loading to the future location of the charging for medium- and heavy-duty ZEVs. For warehouses with greater than 256,000 square feet such as the proposed Project, 400 KVA of additional capacity required for raceway, busway, transformer, and panel. The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

9-006

The comment expresses concern that the proposed project will result in increased use of off-road equipment and on-road equipment as it will include the use of forklifts and on-site cargo equipment. The District recommends that the Draft EIR include requirements for project proponents to utilize electric or zero emission off-road and on-road equipment.

See response to comment 9-004 above. As noted in Chapter 3, Project Description, of the Draft EIR, the proposed project would use standard equipment such as electric forklifts and pallet jacks. The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary. Furthermore, the project will implement Mitigation Measures MM 4.6-1 and MM 4.6-2, described below, would require that the Project incorporates energy efficient building design standards and green building measures into overall Project design. These design elements would need to be included in all plans prior to issuance of building and grading permits.

MM 4.6-1: Prior to the issuance of grading, the project proponent shall provide a report and summary of all energy efficient building design standards incorporated into the project design and operations to reduce the level of energy consumption of the project. The following measures shall be included in the project design, as applicable. Explanations for feasibility and implementation shall be included in the report:

a. Within one year of the first day of project operations, solar photovoltaics mounted on proposed structure's roofs to provide a portion of the future electrical demand and offset emissions from fossil fuel fired power plants;

b. Incorporate green building measures that contribute to reducing energy use by at least 10 percent and up to 25 percent less than Title 24 requirements;

c. Provide solar water heating for non-industrial water heating;

d. If needed, in addition to roof mounted solar, provide ground mounted solar photovoltaics arrays to provide a portion of the estimated electrical demand for the proposed project;

e. Commercial buildings shall be designed to meet LEED® certification standards;

f. Roofs on all buildings shall be of a light color to reduce heat generation;

g. Portions of parking lots (drive aisles) may be paved with concrete versus asphalt, based on structural determinations, to reduce initial solar reflectance;

h. Within two years of the first day of project operations, up to 20% of employee parking stalls shall be covered. If feasible for electrical demand, the parking stall roofs shall contain solar photovoltaics;

i. LED lighting fixtures shall be used on all indoor and exterior site lighting;

j. LED lighting fixtures shall be used on all public streets and site lighting;

k. Electric forklifts and other material handling vehicles to reduce usage of fossil fuels shall be implemented, based on feasibility of operations;

l. Consult with Kern County Public Works and Golden Empire Transit (GET) on feasible design circulation features for transit related public street improvements adjacent to the project for implementation of MM 4.17-3 Transportation Demand Management Program;

m. Provide bicycle friendly features, such as onsite bike lanes, bike racks, and bike lockers, to reduce vehicle miles traveled and to encourage non-vehicular transportation;

n. Where feasible design operations to incorporate the usage of high efficiency electric motors for industrial uses.

MM 4.6-2 Prior to the issuance of building permits, the project proponent shall provide evidence that the project is designed to include the green building measures specified as mandatory in the application checklists contained in the current California Green Building Standards. In addition to the number of electric vehicle-capable spaces provided with electric vehicle supply equipment required by the current California Green Building Standards, the project shall provide an additional two percent of electric vehicle-capable spaces with electrical vehicle supply equipment.

The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

9-007

The comment provides emission reduction strategies and recommends the Draft EIR be updated for incorporation. See response to comment 9-006 above. The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

9-008

The comment states that there are residential units located East and South of the proposed project. The District suggests the County consider the feasibility of incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors (e.g., residential units). The comment also provides information on the purposes and benefits of vegetative barriers.

As noted in Chapter 3, Project Description, of the Draft EIR, the project has been designed so that no truck docks face the residences located east of the site and incorporates a vegetative barrier along the project's eastern setback along Airport Drive and Boughton Drive, as required by Mitigation Measure MM 4.1-3:

MM 4.1-3: Prior to the issuance of building permits for any facilities on the Project site, the proponent/operator applicant shall submit to the Kern County Planning and Natural Resources Department for approval a landscape plan that complies with the Kern County Zoning Ordinance requirements in Chapter 19.86 - Landscaping.

The plan shall include:

a. Preparation by a licensed Landscape Architect;

b. California native, drought-tolerant plants;

c. An irrigation plan as required under the Kern County Zoning Ordinance 19.86.070;

d. A vegetation barrier shall be installed along the Boughton Drive and Airport Drive frontages of the Project site. The vegetation barrier shall consist of multiple rows of trees and shrubs, a 10-foot-high berm, a decorative wall, or a combination thereof. Final design shall be submitted for review and approval by the Director of the Planning and Natural Resources Department. The vegetation barrier shall:

1. Be a minimum of 15 feet high (at full maturity) or a minimum of 3 feet above the decorative wall. The wall shall be between 6 and 8 feet high.

2. Be a minimum 30-foot-wide perimeter buffer along any visible boundary from the Boughton Drive and Airport Drive;

3. Achieve porosity between .5 to .9 at full maturity and shall maintain porosity during all seasons.

4. Consist of multiple types of species to prevent plant mono-cultures. Use of coniferous trees, and/or trees comprised of waxy and/or hairy leaf surfaces with leaf and branch structure that provide increased surface areas is encouraged. Species composition shall include, but not be limited to, the following:

A. Consist of evergreen, drought tolerant species of low biogenic emissions (e.g. low pollen, etc.), a minimum of 36-inch box size at time of installation and spaced no greater than 40 feet apart.

B. One (1) tree having a minimum planting height of six (6) feet for every 40 lineal feet of buffer.

C. Palm trees, deciduous trees, monocarpic and annual plants shall not be allowed to satisfy this requirement.

D. Evergreen shrubs which reach a minimum height of four (4) to six (6) feet.

E. Live ground cover consisting of low-height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs.

F. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than 25 percent of the required landscape area.

G. Consist of species that are native, non-invasive and non-poisonous.

5. Be maintained and consistent throughout all seasons and climatic conditions for the life of the Project. Vegetation maintenance for the vegetation barrier shall include tree and shrub replacement in the event of die-off, disease or damage due to accidents.

6. Maximum height shall be maintained to comply with the H (Airport Approach Height) District, Section 19.76.080 or within the specified maximum height limit for an approved Zone Variance that is active for this project.

7. Designed to preserve safe lines-of-sight and viewshed standards for drivers on the road.

8. Be installed prior to final occupancy.

9. After year 1 of planting, the Project proponent shall submit documentation to the Kern County Planning and Natural Resources Department indicating successful species survival and rate of porosity growth. This shall be achieved through photo documentation and/or reporting of maintenance logs and growth rates to be submitted each spring, preferably after shrubs have begun to leaf out, but, if necessary, could be conducted any time during the summer. Documentation shall be submitted each year for the first five (5) years or until the vegetation reaches maturity, whichever occurs first, in order for Kern County Planning and Natural Resources Department to confirm all growth has successfully reached maturity level.

e. Should perimeter fencing be proposed, fencing materials shall be constructed of any materials commonly used in the construction of fences and walls such as wood, stone, rock, tubular steel, wrought iron, or brick, or other durable materials. Masonry block walls shall be decorative and not bare masonry blocks. Decorative materials can include a façade, colored masonry blocks, or other materials. Fencing proposed around sumps shall be chain-link with view obscuring slats.

Implementation of the above listed MM 4.1-3 addresses the comment's concerns. As the comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

9-009

This comment summarizes the State of California's policy that renewable energy resources and zero-carbon resources are to supply 100% of retail sales of electricity to California end-of-use customers by December 31, 2045, suggesting that the county consider incorporating solar power systems as an emissions reduction strategy for the Project. See response to comment9-006 above. The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

9-010

The comment states that the District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. This comment provides general information related to the District's rules and regulations. The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

9-011

The comment provides a summary of the requirements of District rules 2010 (Permits Required) and 2201 (New and Modified Stationary Source Review). The comment further states that prior to construction the project proponent should submit an application for an Authority to Construct (ATC) from the District.

The project proponent will submit an application for ATC as requested by the District. No changes to the Draft EIR are required. The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

9-012

The comment states that the project is subject to District Rule 9510 – Indirect Source Review (ISR) because it will receive a project-level discretionary approval from a public agency and will equal or exceeds 25,000 square feet of light industrial space. This comment provides a summary of the requirements of District Rule 9510. The comment states that the ISR Rule requires developers to mitigate their NOx and PM emissions by incorporating clean air design elements into their projects. Should a proposed development project's clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that funds incentive projects to achieve off-site emissions.

The comment states that according to Section 5.0 of the ISR rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency. The comment states that the District has not received an AIA application for the project, and requests immediate submittal of an AIA application to the District to comply with District Rule 9510.

The proposed project would comply with this rule. Under the DMA delineated in MM 4.3-5, the project owner/operator is required to pay fees to fully mitigate construction and operational emissions. The fuel emission mitigation will be documented in the ISR application to be submitted to the District. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

9-013

The District indicates that the proposed project will be subject to District Rule 9410 (Employer Based Trip Reduction) if the project would result in employment of 100 or more "eligible" employees. District Rule 9410 requires employers with 100 or more "eligible" employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees. The comment provides a website, phone number, and email for additional information about District Rule 9410.

The proposed project would employ approximately 437 employees throughout up to three shifts, with additional indirect and induced economic impacts from the project supporting approximately 159 additional jobs, and would therefore be subject to District Rule 9410. The project proponent will establish an eTRIP to reduce pollutant emissions associated with employee commutes. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

9-014

The comment states that the proposed project may be subject to District Rule 4002, which requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. The comment provides a website for additional information about District Rule 4002.

The proposed project does not require the renovation, partial demolishing, or removal of an existing building and thus is not subject to District Rule 4002. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

9-015

The comment states that the proposed project will be subject to District Rule 4601 since it is expected to utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements.

The proposed project would comply with District Rule 4601 and utilize low VOC architectural coatings, and be subject to the list of requirements outlined in the link provided in this comment. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

9-016

The comment states that the project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities. The comment further states that if the project is at least one acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the proponent's intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic

yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). The comment provides additional information about the Dust Control Plan online and via telephone.

The project proponent will submit a Dust Control Plan as required by the District and outlined under MM 4.3-2. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

9-017

The comment states that the project may also be subject to Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). The proposed project will comply with Rule 4102 and Rule 4641 during construction and operation. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

9-018

The comment requests that a copy of the comments be provided to the project proponent and provides closing remarks and contact information for appropriate SJVAPCD staff. The comments have been forwarded to the project proponent. This comment does not otherwise raise a substantive issue on any of the content in the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary. The County thanks the commentor for their comments and participation in the public review of the document.

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7.2.3 Interested Parties

10: Yuhaaviatam of San Manuel Nation

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From:	Eunice Ambriz-Aguilar
To:	Mark Tolentino
Cc:	Department, Planning
Subject:	AB52; PD Plan by IPG Kern County 52 Holdings, LLC for the IPG Industrial Project (PP23405), Kern Planning and Natural Resources Department [COU-KERN-2023-11]
Date:	Wednesday, March 19, 2025 3:13:46 PM
Attachments:	COU-KERN-2023-11.pdf COU-KERN-2023-11 NOA.pdf

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or provide information unless you recognize the sender and know the content is safe.

Dear Mark,

Thank you for contacting the Yuhaaviatam of San Manuel Nation (formerly the San Manuel Band of Mission Indians) regarding the above-referenced project. YSMN appreciates the opportunity to review the project documentation, which was received by the Cultural Resources Management Department on March 18, 2025. The proposed project is located outside of Serrano ancestral territory and, as such, YSMN will not be requesting to receive consulting party status with the lead agency or to participate in the scoping, development, or review of documents created pursuant to legal and regulatory mandates.

10-001

Regards,
Eunice

Eunice Ambriz-Aguilar
Cultural Resources Technician
Eunice.Ambriz@sanmanuel-nsn.gov
O:(909) 864-8933 x 50-2033
M:(909) 649-4867
26569 Community Center Dr Highland, California 92346

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Comment 10
Yuhaaviatam of San Manuel Nation

10-001

The comment indicates that the proposed project is located outside of Serrano ancestral territory and, as such, YSMN will not request to receive consulting party status or to participate in future consultation. The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary. The County thanks the author for their comments and participation in the public review of the document.

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11: SoCal Gas

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Transmission Technical
Services Department

9400 Oakdale Ave
Chatsworth, CA 91311
SC9314

March 27, 2025

Mark Tolentino
Kern County Planning & Natural Resources Dept
TolentinoM@kerncounty.com

Subject: **IPG Industrial Project by IPG Kern County Holdings 52, LLC (PP23405); PD 72, Map 102;ZV57, Map 102**

DCF: **0578-25NC**

The Transmission Department of SoCalGas does not operate any facilities within your proposed improvement. However, the Distribution Department of SoCalGas may maintain and operate facilities within your project scope.

11-001

To assure no conflict with the Distribution's pipeline system, please e-mail them at:

NorthwestDistributionUtilityRequest@semprautilities.com

Best Regards,
Nerses Papazyan
SoCalGas Transmission Technical Services
SoCalGasTransmissionUtilityRequest@semprautilities.com

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Comment 11
SoCalGas

11-001

The comment indicates that the Transmission Department of SoCalGas does not operate any facilities within the proposed project area but that the Distribution Department may. The comment provides the email address for the Distribution Department. In response, Lead Agency Staff notes the comment to be standard and controversial in nature, and the following condition of approval will be required for the Precise Development Plan:

> *1) The Project proponent shall coordinate with SoCalGas staff to determine the specific requirements regarding any potential natural gas service or facility issues needed to adequately accommodate the proposed Project. The Project proponent shall comply with and adhere to all requirements identified by SoCalGas adequately accommodate the proposed Project, including avoiding damage to SoCalGas natural gas services and facilities, as needed as Project construction progresses.*

The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary. The County thanks the author for their comments and participation in the public review of the document.

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12: Golden State Environmental Justice Alliance

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BLUM, COLLINS & HO LLP
ATTORNEYS AT LAW
10250 CONSTELLATION BOULEVARD
SUITE 2300
LOS ANGELES, CALIFORNIA 90067
(213) 572-0400

April 17, 2025

Mark Tolentino
Planner III
Kern County Planning and Natural Resources Department
2700 M Street, Suite 100
Bakersfield, CA 93301

Via Email to:
TolentinoM@kerncounty.com

Subject: Comments on IPG Industrial Project by IPG Kern County Holdings 52, LLC EIR (SCH NO. 2023110442)

Dear Mr. Tolentino,

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed IPG Industrial Project by IPG Kern County Holdings 52, LLC Project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877. 12-001

1.0 Summary

The project proposes the construction and operation of two single-story warehouse distribution buildings totaling 923,130 square feet (sf) and associated improvements necessary to facilitate material handling equipment and storage on a 49.05-acre site. Building 1 consists of a 655,690 sf building, inclusive of 10,000 sf of office space. Building 2 consists of a 267,440 sf building, inclusive of 5,000 sf of office space. Building 1 is designed as a cross-dock sort fulfillment center 42 truck/trailer loading dock doors on the north side of the building and 45 truck/trailer loading dock doors on the south side of the building, for a total of 87 truck/trailer loading dock doors. Building 2 is designed with 34 truck/trailer loading dock doors. Both buildings are proposed to be constructed to a maximum of 45 feet in height. The Project's primary function would be a high cube and cold storage warehouse to facilitate material handling equipment and storage uses, where cold storage would occupy up to 20% of the facility. 12-002

The following discretionary actions are required to implement the proposed project:

1. Precise Development Plan (PD No. 72, Map No. 102) to allow construction and operation of a warehouse distribution and logistics facility within two single-story warehouses totaling 923,130 square feet, with 15,000 square feet of dedicated office space (Sections 19.36.020.E.2 and 19.36.020.D.1) on an approximate 49.05 acre Project site across two parcels in the M-1 PD.
2. Zoning Variance (ZV No. 57, Map No. 102) to allow construction of a 56-foot-tall warehouse building where 35 feet is authorized (Section 19.76.080) in the M-1 PD H (Light Industrial – Precise Development Combining – Airport Approach Height Combining) District.

12-002 cont.

Notably, the EIR does not include a table of contents. CEQA Guidelines Section 15122 states that, "An EIR shall contain at least a table of contents or an index to assist readers in finding the analysis of different subjects and issues." The EIR does not comply with Section 15122 and must be revised and recirculated with a table of contents.

12-003

3.0 Project Description

The EIR does not include a floor plan, detailed elevations, or a detailed grading plan. The basic components of a Planning Application include a detailed site plan, floor plan, conceptual grading plan, written narrative, and detailed elevations. For example, the building elevations provided in Figures 3-6d and 3-6e (Building Engineered Elevations) are completely illegible and blurry, rendering them not useful for public review. Providing adequate and legible elevations is vital to verify the maximum height of each building as the project requires a Zoning Variance to deviate from the maximum permitted height. The EIR does not provide any grading plan or information regarding the quantity of import/export material associated with project construction or site preparation. Verification of the import/export materials is vital as it directly informs the quantity of necessary truck hauling trips due to soil import/export during the grading phase of construction. A revised EIR must be prepared to include wholly accurate and adequate detailed project site plan, floor plan, grading plan, elevations, and project narrative for public review.

12-004

4.3 Air Quality, 4.6 Energy, and 4.8 Greenhouse Gas Emissions

The EIR does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. This is in conflict with CEQA Guidelines Section 15131 (c), which requires that "Economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project." This is especially significant as the

12-005

surrounding community is highly burdened by pollution. According to CalEnviroScreen 4.0[1], CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability. The proposed project's census tract (6029000101) is ranked in the 94th percentile for overall pollution burden, meaning the surrounding community bears the impact of multiple sources of pollution and is more polluted than average on several pollution indicators measured by CalEnviroScreen. For example, the project census tract ranks in the 91st percentile for ozone burden and 99th percentile for particulate matter (PM) 2.5 burden. Both of these environmental factors are typically attributed to heavy car and truck activity in the area. While California has strict vehicle-emissions standards, exhaust from cars and trucks is the main source of air pollution in much of the state[2]. Ozone can cause lung irritation, inflammation, and worsening of existing chronic health conditions, even at low levels of exposure[3]. Fine particle pollution has been shown to cause many serious health effects, including heart and lung disease and exposure to PM 2.5 contributes to deaths across California[4]. 12-006

The census tract ranks among the most severely impacted in several areas that impact water quality. The census tract ranks in the 83rd percentile for groundwater threats. People who live near contaminated groundwater may be exposed to chemicals moving from the soil into the air inside their homes[5]. Accordingly, the census tract ranks in the 96th percentile for drinking water impacts, which indicates that it ranks with the worst quality drinking water in the state. Poor communities and people in rural areas are exposed to contaminants in their drinking water more often than people in other parts of the state[6]. 12-007

The census tract also ranks in the 59th percentile for solid waste facility impacts and 95th percentile for hazardous waste facility impacts. Solid waste facilities can expose people to hazardous chemicals, release toxic gases into the air (even after these facilites are closed), and chemicals can leach into soil around the facility and pose a health risk to nearby populations[7]. Hazardous waste generators and facilities contribute to the contamination of air, water and soil near waste generators and facilities can harm the environment as well as people[8]. 12-008

[1] CalEnviroScreen 4.0 https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40
[2] OEHHA Traffic https://oehha.ca.gov/calenviroscreen/indicator/traffic-density
[3] OEHHA Ozone Burden https://oehha.ca.gov/calenviroscreen/indicator/air-quality-ozone
[4] OEHHA Air Quality: PM 2.5 https://oehha.ca.gov/calenviroscreen/indicator/air-quality-pm25
[5] OEHHA Groundwater Threats https://oehha.ca.gov/calenviroscreen/indicator/groundwater-threats
[6] OEHHA Drinking Water https://oehha.ca.gov/calenviroscreen/drinking-water
[7] OEHHA Solid Waste Facilities https://oehha.ca.gov/calenviroscreen/indicator/solid-waste-sites-and-facilities
[8] OEHHA Hazardous Waste Generators and Facilities https://oehha.ca.gov/calenviroscreen/indicator/hazardous-waste-generators-and-facilities

Further, the census tract is a diverse community including 27% Hispanic, 1% African-American and 1% Native American residents, whom are especially vulnerable to the impacts of pollution. The community has a high rate of low educational attainment, meaning 41% of the census tract over age 25 has not attained a high school diploma, which is an indication that they may lack health insurance or access to medical care. The community also has a high rate of poverty, meaning 73% of the households in the census tract have a total income before taxes that is less than the poverty level. Income can affect health when people cannot afford healthy living and working conditions, nutritious food and necessary medical care[9]. Poor communities are often located in areas with high levels of pollution[10]. Poverty can cause stress that weakens the immune system and causes people to become ill from pollution[11]. Living in poverty is an indication that residents may lack health insurance or access to medical care. Medical care is vital for this census tract as it ranks in the 82nd percentile for incidence of asthma and 89th percentile for incidence of cardiovascular disease. 12-009

Additionally, the project census tract (6029000101) and the census tracts adjacent to the project site (6029000102 (east), 6029005103 (north/northeast), 6029000200 (south), and 6029003900 (west) are identified as SB 535 Disadvantaged Communities[12]. This indicates that cumulative negative impacts of development and environmental impacts in the area are disproportionately impacting these communities. The EIR does not discuss that the surrounding area is a disadvantaged community and does not utilize this information in its analysis. The EIR has not considered the project's significant and unavoidable environmental impacts in relation to the SB 535 status of the project census tract and surrounding area. The negative environmental, health, and quality of life impacts of the warehousing and logistics industry in the area have become distinctly inequitable. The severity of environmental impacts particularly on these Disadvantaged Communities must be included for analysis as part of a revised EIR. 12-010

The State of California lists three approved compliance modeling softwares[13] for non-residential buildings: CBECC-Com, EnergyPro, and IES VE. CalEEMod is not listed as an approved software. The CalEEMod and EMFAC modeling does not comply with the 2022 Building Energy Efficiency Standards and under-reports the project's significant Energy impacts and fuel consumption to the public and decision makers. Since the EIR did not accurately or adequately model the energy impacts in compliance with Title 24, it cannot conclude the project will generate less than significant impacts and a finding of significance must be made. A revised EIR with 12-011

[9] OEHHA Poverty https://oehha.ca.gov/calenviroscreen/indicator/poverty
[10] Ibid.
[11] Ibid.
[12] OEHHA SB 535 Census Tracts https://oehha.ca.gov/calenviroscreen/sb535
[13] California Energy Commission 2022 Energy Code Compliance Software https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency-1

modeling using one of the approved software types must be prepared and circulated for public review in order to adequately analyze the project's significant environmental impacts. This is vital as the EIR utilizes CalEEMod and EMFAC as sources in its methodology and analysis, which are clearly not approved softwares. 12-011 cont.

4.11 Land Use and Planning

The EIR concludes that the proposed project is consistent with the Metropolitan Bakersfield General Plan without considering the EIR's conclusion that the project will result in significant and unavoidable cumulatively considerable impacts to Air Quality, Greenhouse Gases, Noise, and Utilities (Water Supply). The EIR is inadequate as an informational document and a revised EIR must be prepared with a consistency analysis that considers the project's significant and unavoidable impacts in its analysis, including but not limited to the following goals and policies that were adopted for the purposes of avoiding or mitigating an environmental effect:

1. MBGP Land Use Element Policy 80: Assure that General Plan Amendment proposals for the conversion of designated agricultural lands to urban development occur in an orderly and logical manner giving full consideration to the effect on existing agricultural areas (see Chapter V, Conservation/Soils and Agriculture Policies 3 and 14) (I-15)
2. MBGP Circulation Element Policy 20: Prohibit parking on new arterials in incorporated areas. In unincorporated areas, prohibit parking when traffic studies warrant elimination. Allow parking on collectors and on residential streets (I-17).
3. MBGP Circulation Element Policy 36. Prevent streets and intersections from degrading below Level of Service "C" where possible due to physical constraints (as defined in a Level of Service Standard) or when the existing Level of Service is below "C" prevent where possible further degradation due to new development or expansion of existing development with a three part mitigation program: adjacent right-of-way dedication, access improvements and/or an area-wide impact fee. The areawide impact fee would be used where the physical changes for mitigation are not possible due to existing development and/or the mitigation measure is part of a larger project, such as freeways, which will be built at a later date (I-28, I-29). 12-012
4. MBGP Circulation Element Policy 37. Require new development and expansion of existing development to pay for necessary access improvements, such as street extensions, widenings, turn lanes, signals, etc., as identified in the transportation impact report as may be required for a project (I-30, I-31, I-32).
5. MBGP Conservation Element Policy 2 (Soils and Agriculture): Review projects that propose subdividing or urbanizing prime agricultural land to ascertain how continued commercial agricultural production in the project vicinity will be affected (I-2).
6. MBGP Conservation Element Goal 1 (Air Quality). Promote air quality that is compatible with health, well being, and enjoyment of life by controlling point sources and minimizing vehicular trips to reduce air pollutants.
7. MBGP Conservation Element Goal 3 (Air Quality). Reduce the amount of vehicular emissions in the planning area.

The EIR provides misleading and erroneous consistency analysis with other goals and policies of the MBGP. For example, the EIR concludes that the project is consistent with, "Goal 8: Target growth companies that meet clean air requirements and create sustainable employment in jobs paying higher wages," because, "Impacts to air quality are analyzed in Section 4.3, Air Quality, in this Draft EIR. The proposed project would be consistent with all federal, State, and local regulations related to air quality. Impacts related to employment are evaluated in Section 4.14, Population and Housing. As stated in Land Use Element, Goal 3, the proposed project would create 437 jobs." The EIR excludes that the project would result in significant and unavoidable cumulatively considerable impacts to Air Quality, rendering the project directly inconsistent with Goal 8. The EIR does not provide any information regarding the wages paid to employees of the project. The EIR has not provided any meaningful evidence to support the conclusion that the project is consistent with Goal 8 and must be revised to include a finding of significance. 12-013

The EIR also concludes the project is consistent with, "Policy 2. Encourage land uses and land use practices which do not contribute significantly to air quality degradation," because, "Impacts to air quality are analyzed in Section 4.3, Air Quality, in this Draft EIR. As shown in Tables 4.3-11 and 4.3-12, the proposed Project would not generate ROG emissions in excess of thresholds." The EIR excludes that the project would result in significant and unavoidable cumulatively considerable impacts to Air Quality, rendering the project directly inconsistent with this policy. The EIR has not provided any meaningful evidence to support the conclusion that the project is consistent with this policy and must be revised to include a finding of significance. 12-014

The EIR concludes the project is consistent with, "Conservation Element Policy 4 (Air Quality). Consider air pollution impacts when evaluating discretionary land use proposals. Considerations should include: a) Alternative access routes to reduce traffic congestion; b) Development phasing to match road capacities; c) Buffers including increase vegetation to increase emission dispersion and reduce impacts of gaseous or particulate matter on sensitive uses.," because, "Impacts to air quality are analyzed in Section 4.3, Air Quality, in this Draft EIR. As shown in Tables 4.3-11 and 4.3-12, the proposed Project would not generate ROG emissions in excess of thresholds." The EIR excludes that the project would result in significant and unavoidable cumulatively considerable impacts to Air Quality, rendering the project directly inconsistent with this policy. The EIR has not provided any meaningful evidence to support the conclusion that the project is consistent with this policy and must be revised to include a finding of significance. 12-015

Further, it must be noted that the horizon year of the Metropolitan Bakersfield General Plan (MBGP) is 2020. Any development beyond year 2020 is not accounted for or analyzed by the MBGP and its EIR. The project is proposed five years after the horizon year of the MBGP and therefore is not accounted for in its growth projections or environmental analysis. The EIR is inadequate as an informational document since the horizon year of the MBGP has passed and it 12-016

has not provided a cumulative analysis of all industrial projects approved since adoption of MBGP to accurately quantify the existing buildout scenario of the MBGP. A revised EIR must be prepared to include this information for analysis to adequately and accurately analyze all potentially significant environmental impacts. A finding of significance must be included in a revised EIR because the project is not accounted for in the MBGP growth projections and is beyond the 2020 horizon year analyzed in the MBGP EIR.

12-016 cont.

Additionally, the EIR does not provide a consistency analysis with Kern COG'S 2022 Regional Transportation Plan (RTP)[14]. Due to errors in modeling, modeling without supporting evidence, and the EIR's determination that the project will have significant and unavoidable cumulatively considerable impacts to Air Quality, Greenhouse Gas Emissions, and Utilities and Service Systems (water supply), the proposed project is directly inconsistent with Goal 1 to improve the mobility of people and freight, Goal 3 to improve the reliability and safety of the transportation system, Goal 5 to promote livable communities and satisfaction of consumers with the transportation system, and Goal 6 to minimize effects on the environment. The EIR must be revised to include finding of significance due to inconsistency with the 2022 RTP document.

12-017

4.14 Population and Housing

The EIR attempts to support its less than significant finding by stating that, "By 2050, the unincorporated areas will have an estimated 129,818 jobs available, and Metropolitan Bakersfield Area will have 269,961 jobs available. This represents a 12% growth from 2024 for unincorporated Kern County, and a 46% growth in jobs for Metropolitan Bakersfield Area." The EIR does not list a specific source for this projection. Kern COG adopted 2035 growth projections as part of the 2022 RTP/SCS. Specifically, Table 3-2: Growth Trends for Kern County and Selected Communities within the RTP/SCS[15] notes that Metro Bakersfield will add 18,065 jobs between 2020 - 2035, with the 2020 baseline employment at 211,235 jobs and the 2035 forecast at 229,300 jobs.

12-018

Utilizing the EIR's calculation of 596 employees, the project represents 3.3% of the Metro Bakersfield's employment growth from 2020 - 2035. A single project accounting for this quantity of the projected employment growth within Metro Bakersfield over 15 years represents a significant amount of growth. The EIR must be revised to include this analysis, and also provide a cumulative analysis discussion of projects approved since 2020 and projects "in the pipeline" to evaluate the County's progress towards these forecasts.

[14] Kern COG 2022 RTP https://www.kerncog.org/category/docs/rtp/
[15] Kern COG 2022 RTP Planning Assumptions https://www.kerncog.org/wp-content/uploads/2022/04/CHAPTER-3-PLANNING-ASSUMPTIONS-2022-RTP-1.pdf

For example, other recent industrial projects known as Majestic Gateway Bakersfield[16] required a GPA to the MBGP from General Commercial (GC) to Light Industrial (LI) and was anticipated to generate 1,512 employees; Westside Industrial Project[17] required a GPA to the MBGP from RIA (Intensive Agriculture) to Light Industrial (LI) and was anticipated to generate 1,830 employees; and Malibu Vineyards Industrial required a GPA to the MBGP from R-IA to SI (Service Industrial) and was anticipated to generate 6,000 employees[18]. When considered with the proposed project, they will cumulatively generate 9,911 employees, which is 54.8% of Metro Bakersfield's employment growth forecast over 15 years accounted by only four recent industrial projects (most of which required changes in land use designations to proceed). This total increases exponentially when other industrial and commercial development activity is added to the calculation. A revised EIR must be prepared to include this information for analysis, and also provide a cumulative analysis discussion of projects approved since RTP adoption and projects "in the pipeline" to evaluate the County's progress towards these forecasts. Additionally, it must be noted that the proposed project (and the cumulative projects listed here) were all proposed after 2020, indicating that they are beyond the growth assumptions and forecasts of the MBGP and its associated EIR that the proposed project tiers from. This necessitates a finding of significance as part of a revised EIR. 12-019

The EIR relies upon the MBGP's concept of "centers" to conclude the project will result in less than significant impact. The EIR states that, "While the Project would encourage substantial job growth in vicinity of the Project, this growth is encouraged and planned for, per the MBGP "centers" concept. The MBGP has designated zones within the planning area to facilitate growth within these identified centers, which are supported by surrounding medium- and low-density residential neighborhoods. This land use pattern has been considered in the adoption of the MBGP, in which the Project is consistent with the land use designation (Light Industrial) within this center. Therefore, impacts associated with population growth and housing resulting from operation of the Project are in conformance with the planned growth identified in the MBGP, and impacts are considered less than significant." However, the EIR excludes that the MBGP's "centers" concept is focused on mixed-use commercial and high density residential development as "centers" of economic and community vitality. The MBGP Land Use chapter states that, "Figure II-2 conceptually illustrates these land use principles. The "centers" concept provides for a land use pattern consisting of several concentrated mixed-use commercial and high density residential centers surrounded by medium density residential uses. Centers may be differentiated by functional activity, density/intensity, and physical character. Single-family residential uses are located between these mixed-use commercial/residential centers primarily…." and that, "The plan 12-020

[16] Majestic Gateway Bakersfield https://ceqanet.opr.ca.gov/2022030196/2
[17] Westside Industrial Project https://ceqanet.opr.ca.gov/Project/2023100467
[18] Malibu Vineyards Industrial https://ceqanet.opr.ca.gov/2022080056/2

encourages that each center: (a) focus on a major open space amenity, such as a park or water body; (b) link land uses to the Kern River where possible; and (c) exhibit pedestrian sensitivity with appropriate design applied to encourage pedestrian activity. In addition to these centers, peripheral development will be focused in smaller community centers, such as in the Greenfield and Lamont areas, with local-serving commercial services and residential uses."

12-020 cont.

Notably, the project site and the general vicinity are not depicted in Figure II-2 within the MBGP. This is in direct contrast to the EIR's statement that, "The Project site is located within an identified center." The MBGP also states that, "In addition to promoting the formation of several large concentrated mixed-use centers, the plan also attempts to consolidate smaller, neighborhood-serving commercial development by prescribing minimum distances between commercial parcels and by discouraging strip commercial development." The MBGP "centers" concept focuses on the connection between commercial and residential uses, which is not an objective or use proposed within the project. The MBGP's "center" concept does not apply to the project site and cannot be utilized as justification for a less than significant finding.

12-021

The EIR also utilizes uncertain and misleading language in stating that the project would generate, "671 jobs during construction phase, according to the Fiscal Analysis Report (Appendix L). Construction workers are *likely* to commute to the Project site from various local communities and not relocate to the area. Additionally, Mitigation Measure (MM) 4.15-2, as included in Section 4.15, Public Services, would *encourage* a 50% local workforce for construction, reducing the number of workers commuting into the area for work. If temporary housing should be necessary, it is *expected* that accommodations would be available in the *nearby hotels*. Given that the increase in employment during construction phase of the Project is temporary, the short-term direct employment of construction workers on-site would not result in the building of new residences." The geographic distance of "nearby hotels" is undefined. Regarding the project's operational jobs, the EIR states that the site, "is surrounded by residential development to support the operations of the Project." The EIR has not provided any meaningful evidence to support these claims, such as the unemployed workforce's interest in or qualifications for work in the construction or industrial sectors. Relying on the workforce population of the entire Kern County and adjacent regions will increase project related VMT. The EIR has not provided any meaningful evidence to support a less than significant finding and must be revised to including a finding of significance.

12-022

4.17 Transportation and Traffic

Appendix J within the EIR states that, "This study concludes that there are no feasible mitigation measures to improve the left turn movement level of service deficiency to a LOS D or better at the intersection of Olive Dr / SR-99 SB On/Off Ramps," and that, "This study concludes that there are no practical mitigation measures toward which new development could contribute funds to improve the operation to a LOS D or better at the Golden State Hwy / SR 99 SB Off Ramp / 7th

12-023

Standard Rd intersection." The EIR does not adequately analyze the proposed project's significant and unavoidable impacts in accordance with all programs, plans, ordinances, or policies addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, including the following:

1. MBGP Circulation Element Policy 36. Prevent streets and intersections from degrading below Level of Service "C" where possible due to physical constraints (as defined in a Level of Service Standard) or when the existing Level of Service is below "C" prevent where possible further degradation due to new development or expansion of existing development with a three part mitigation program: adjacent right-of-way dedication, access improvements and/or an area-wide impact fee. The areawide impact fee would be used where the physical changes for mitigation are not possible due to existing development and/or the mitigation measure is part of a larger project, such as freeways, which will be built at a later date (I-28, I-29).

2. MBGP Circulation Element Policy 37. Require new development and expansion of existing development to pay for necessary access improvements, such as street extensions, widenings, turn lanes, signals, etc., as identified in the transportation impact report as may be required for a project (I-30, I-31, I-32).

12-023 cont.

The EIR does not address the requirements of these polices. The EIR is inadequate as an informational document and must be revised to include a finding of significance as it has not provided any meaningful evidence to support a less than significant finding regarding the policies listed in the MBGP Circulation Element.

The VMT analysis has also underestimated the significance of the proposed project's VMT generation. The EIR has not analyzed the project's truck/trailer/delivery van activity. A revised EIR must be prepared to include all truck/trailer/delivery van activity for quantified VMT analysis. The operational nature of distribution centers involves high rates of truck/trailer/delivery van VMT due to traveling from large import hubs to regional distribution centers to their final delivery destinations. Once employees arrive at the proposed project for work, they will conduct their jobs by driving truck/trailer/delivery vans across the region as part of the daily operations as a distribution center, which will drastically increase project-generated VMT. The project's truck/trailer and delivery van activity is unable to utilize public transit or active transportation and it is misleading to the public and decision makers to exclude this activity from VMT analysis. A revised EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer and delivery van activity.

12-024

The EIR has not adequately analyzed the project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; or the project's potential to result in inadequate emergency access. The EIR has excluded any

12-025

specific truck/trailer turning exhibits from public review. There are no exhibits adequately depicting the available maneuvering and queueing space for trucks/trailers at the intersection of the project driveways and the adjacent streets. There are also no exhibits adequately depicting the onsite turning radius available for trucks maneuvering throughout the site. Since the EIR is a project-level analysis, pursuant to CEQA Section 15146, the EIR must be more detailed in its analysis of all portions of the development. However, it does not provide project-specific analysis of the project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses, or the project's potential to result in inadequate emergency access. The EIR must be revised to include a finding of significance as it has not provided any meaningful evidence or analysis to support a less than significant finding. 12-025 cont.

The EIR states that, "Any modification to the interior of the building will require a tenant improvement permit that is subject to plan check review and require issuance of a building permit to ensure compliance with applicable codes (i.e. Building Code, Fire Code, Plumbing Code, etc.)," and includes Mitigation Measure 4.17-4 requiring the project to submit traffic plans prior to the issue of building permits. This does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). The EIR has not provided any details regarding the County requirements for project access and/or street design or meaningful analysis of the project's compliance or noncompliance with these requirements. Deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents, as well as the EIR's status as a Project EIR that must provide a project-level analysis in all areas of environmental analysis. A revised EIR must be prepared to include a finding of significance as the EIR has not provided any meaningful evidence to support a less than significant finding. 12-026

The EIR states that, "To ensure emergency access during construction, Mitigation Measure MM 4.17-4 requires the preparation of a Construction Traffic Control Plan and includes assurance of access for emergency vehicles and would therefore reduce potential impacts to less than significant." There is no analysis of emergency access during project operations. The EIR has not provided any meaningful information, such as a list of the City's requirements and how the project does or does not comply with the requirements, to support a less than significant finding. This does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and PRC 21003(b)). Deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents. A revised EIR must be prepared to include a finding of significance as the EIR has not provided any meaningful evidence to support a less than significant finding. 12-027

Additionally, the EIR has not provided any analysis of the available horizontal and vertical sight distance at the intersection of the project driveways and adjacent streets. Sight distance is the continuous length of street ahead visible to the driver. At unsignalized intersections, corner sight distance must provide a substantially clear line of sight between the driver of the vehicle waiting on the minor road (driveway) and the driver of an approaching vehicle. A revised EIR must be prepared with this analysis based on the American Association of State Highway and Transportation Officials (AASHTO) Stopping Sight Distance requirements. 12-028

5.3 Irreversible Impacts and 5.4 Growth Inducement

A revised EIR must be prepared to include an accurate cumulative analysis discussion here to demonstrate the impact of the proposed project in a cumulative setting. The EIR does not include any information regarding the buildout conditions of the MBGP in order to provide an adequate and accurate environmental analysis. It must be noted that the horizon year of the Metropolitan Bakersfield General Plan (MBGP) is 2020. Any development beyond year 2020 is not accounted for or analyzed by the MBGP and its EIR. The project is proposed five years after the horizon year of the MBGP and therefore is not accounted for in its growth projections or environmental analysis. The EIR is inadequate as an informational document since the horizon year of the MBGP has passed and it has not provided a cumulative analysis of all industrial projects approved since adoption of MBGP to accurately quantify the existing buildout scenario of the MBGP. A revised EIR must be prepared to include this information for analysis to adequately and accurately analyze all potentially significant environmental impacts. A finding of significance must be included in a revised EIR because the project is not accounted for in the MBGP growth projections and is beyond the 2020 horizon year analyzed in the MBGP EIR. 12-029

The EIR asserts that, "the Project would promote development that is consistent with the economic and land use demands of the area, as defined by the goals and policies within the MBGP, and would not induce substantial growth." However, as stated above, the project is not identified as a "center" in the MBGP and is proposed beyond the buildout horizon of the MBGP. The project is not included in the "centers" goals and policies of the MBGP and is also not within the economic and land use demands of the MBGP as it is proposed five years beyond its buildout horizon. 12-030

Additionally, the EIR again utilizes uncertain and misleading language in stating that, "Construction staff that are not local would *likely* be housed in existing communities. It is *expected* that operations staff would already reside in the *area* and operation of the Project would not result in a substantial influx of people (such as a new residential development, school, or other use that would result in large volumes of people residing near or traveling to the Project site)." The statement that construction staff would likely be housed in existing communities differs from the Population and Housing analysis that states that construction staff would be housed in nearby hotels. The EIR does not provide the geographic distance of either "existing communities" or 12-031

"nearby hotels," and does not provide meaningful evidence that these areas can accommodate the project construction staff. Regarding the project's operational jobs, the EIR's assertion that operations staff would already reside in the area of the project is not supported by meaningful evidence, such as the unemployed workforce's (within the vicinity of the project site as specified in the EIR) interest in or qualifications for work in the construction or industrial sectors. Ultimately relying on the workforce population of the entire Kern County and adjacent regions will increase project related VMT. The EIR has not provided any meaningful evidence to support a less than significant finding and must be revised to including a finding of significance. 12-031 cont.

The EIR has not provided an adequate or accurate cumulative analysis discussion to demonstrate the impact of the proposed project in a cumulative setting. Kern COG adopted 2035 growth projections as part of the 2022 RTP/SCS. Specifically, Table 3-2: Growth Trends for Kern County and Selected Communities within the RTP/SCS[19] notes that Metro Bakersfield will add 18,065 jobs between 2020 - 2035, with the 2020 baseline employment at 211,235 jobs and the 2035 forecast at 229,300 jobs. Utilizing the EIR's calculation of 596 employees, the project represents 3.3% of the Metro Bakersfield's employment growth from 2020 - 2035. A single project accounting for this quantity of the projected employment growth within Metro Bakersfield over 15 years represents a significant amount of growth. The EIR must be revised to include this analysis, and also provide a cumulative analysis discussion of projects approved since 2020 and projects "in the pipeline" to evaluate the County's progress towards these forecasts. 12-032

For example, other recent industrial projects known as Majestic Gateway Bakersfield[20] required a GPA to the MBGP from General Commercial (GC) to Light Industrial (LI) and was anticipated to generate 1,512 employees; Westside Industrial Project[21] required a GPA to the MBGP from RIA (Intensive Agriculture) to Light Industrial (LI) and was anticipated to generate 1,830 employees; and Malibu Vineyards Industrial required a GPA to the MBGP from R-IA to SI (Service Industrial) and was anticipated to generate 6,000 employees[22]. When considered with the proposed project, they will cumulatively generate 9,911 employees, which is 54.8% of Metro Bakersfield's employment growth forecast over 15 years accounted by only four recent industrial projects (most of which required changes in land use designations to proceed). This total increases exponentially when other industrial and commercial development activity is added to the calculation. A revised EIR must be prepared to include this information for analysis, and also provide a cumulative analysis discussion of projects approved since RTP adoption and projects "in the pipeline" to evaluate the County's progress towards these forecasts. Additionally, it must be noted that the

[19] Kern COG 2022 RTP Planning Assumptions https://www.kerncog.org/wp-content/uploads/2022/04/CHAPTER-3-PLANNING-ASSUMPTIONS-2022-RTP-1.pdf
[20] Majestic Gateway Bakersfield https://ceqanet.opr.ca.gov/2022030196/2
[21] Westside Industrial Project https://ceqanet.opr.ca.gov/Project/2023100467
[22] Malibu Vineyards Industrial https://ceqanet.opr.ca.gov/2022080056/2

proposed project (and the cumulative projects listed here) were all proposed after 2020, indicating that they are beyond the growth assumptions and forecasts of the MBGP and its associated EIR that the proposed project tiers from. This necessitates a finding of significance as part of a revised EIR. 12-032 cont.

6.0 Alternatives

The EIR is required to evaluate a reasonable range of alternatives to the proposed project which will avoid or substantially lessen any of the significant effects of the project (CEQA § 15126.6). The alternatives chosen for analysis include the CEQA required "No Project" alternative and only two others - Reduced Footprint Alternative and Alternative Site Location. The EIR does not evaluate a reasonable range of alternatives as only two alternatives beyond the required No Project alternative are analyzed. The EIR does not include an alternative that meets the project objectives and also eliminates all of the project's significant and unavoidable impacts. The EIR must be revised to include analysis of a reasonable range of alternatives and foster informed decision making (CEQA § 15126.6). This must include alternatives such as development of the site with a project that reduces all of the proposed project's significant and unavoidable impacts to less than significant levels. 12-033

Conclusion

For the foregoing reasons, GSEJA believes the EIR is flawed and a revised EIR must be prepared for the proposed project and recirculated for public review. Golden State Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877. 12-034

Sincerely,



Vashon Simien
Blum, Collins & Ho, LLP

Attachments:

1. SWAPE Technical Analysis

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

2656 29th Street, Suite 201
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April 15, 2025

Gary Ho
Blum, Collins & Ho LLP
707 Wilshire Blvd, Ste. 4880
Los Angeles, CA 90017

Subject: Comments on the IPG Industrial Project (SCH No. 2023110442)

Dear Mr. Ho,

We have reviewed the March 2025 Draft Environmental Impact Report Document ("DEIR") for the IPG Industrial Project ("Project") located in the Kern County. The Project proposes to construct 923,130-square-feet ("SF") of industrial space, including 15,000-SF of office space, 312 truck trailer stalls, and 543 standard automobile parking spaces, on the 49.05-acre site.

12-035

We conclude that the DEIR does not adequately assess the Project's air quality impacts, which may lead to an underestimation of emissions from construction. A revised Environmental Impact Report ("EIR") should be prepared to reassess and, if necessary, mitigate the potential air quality impacts that the Project may have on the environment.

Air Quality

Unsubstantiated Input Parameters Used to Estimate Project Emissions

The DEIR relies on the California Emissions Estimator Model ("CalEEMod") Version 2022.1 to evaluate the Project's air quality emissions (p. 25). Based on our review, we found that the construction CalEEMod output files, included in the Air Quality Impact Analysis ("AQ Report") as Appendix B.1 to the DEIR, are inconsistent with information disclosed in the DEIR.

12-036

The DEIR's air quality analysis may therefore underestimate criteria air pollutant emissions from Project construction. We quantified the potential underestimation as shown in the section of this letter titled "Updated Analysis Indicates a Potentially Significant Air Quality Impact." A revised EIR should be prepared to include an updated air quality analysis that sufficiently address the potential impact that Project construction may have on local and regional air quality.

Unsubstantiated Changes to Individual Construction Phase Lengths

The "15369 Airport Drive Warehouse Construction Mitigated" model includes changes to the default construction schedule (see screenshot below) (Appendix B.1, pp. 280).

Screen	Justification
Construction: Construction Phases	Construction schedule adjusted based on info provided by the applicant.
Construction: Off-Road Equipment	All equipment is assumed to operate 8 hours per day
Construction: Trips and VMT	Vendor trips assigned to site prep, grading, and paving phases based on phase length

The model includes the following construction schedule (see screenshot below) (Appendix B.1, pp. 270).

Phase Name	Phase Type	Start Date	End Date	Days Per Week	Work Days per Phase
Site Preparation	Site Preparation	1/1/2024	2/11/2024	5.00	30.0
Grading	Grading	2/12/2024	7/26/2024	5.00	120
Building Construction	Building Construction	7/27/2024	12/14/2025	5.00	360
Paving	Paving	9/20/2025	12/14/2025	5.00	60.0
Architectural Coating	Architectural Coating	9/20/2025	12/14/2025	5.00	60.0

The DEIR provides the following construction duration (p. 26, Table 3-3).

TABLE 3-3: CONSTRUCTION DURATION

Construction Activity	Start Date	End Date	Working Days
Site Preparation	1/1/2024	2/11/2024	30
Grading	2/12/2024	7/26/2024	120
Building Construction	7/27/2024	12/14/2025	360
Paving	9/20/2025	12/14/2025	60
Architectural Coating	9/20/2025	12/14/2025	60

12-037

Although the DEIR provides the total construction duration, we find that the changes to the individual construction phase length lack adequate support. While the approximately 24-month Project construction period is justified, the provided table does not provide a source for the individual construction phase lengths. The justification provided for the changes to the model defaults claims that the schedule was based off information from the applicant, however the DEIR fails to verify this claim.

In our opinion, until the construction schedule is authenticated, the model should have included proportionately altered individual phase lengths to match the proposed construction duration of 24 months.[1] The CalEEMod User's Guide explains that each construction phase is associated with different emissions activities (see excerpt below).[2]

[1] See Attachment A for proportionately altered construction schedule.
[2] "CalEEMod User Guide Version 2022.1." CAPCOA, April 2022, *available at:* https://www.caleemod.com/documents/user-guide/01_User%20Guide.pdf, p. 34, Table. 3.

Table 3. CalEEMod Default Construction Phases [a]

Phase Type	Description
NON-LINEAR LAND USE TYPES (VERTICAL CONSTRUCTION)	
Demolition	Involves removing buildings or structures.
Site Preparation	Involves clearing vegetation (grubbing and tree/stump removal) and removing stones and other unwanted material or debris prior to grading.
Grading	Involves the cut and fill of land to ensure that the proper base and slope is created for the foundation.
Building Construction	Involves the construction of the foundation, structures, and buildings.
Paving	Involves the laying of concrete or asphalt such as in parking lots, roads, driveways, or sidewalks.
Architectural Coating	Involves the application of coatings to both the interior and exterior of buildings or structures, the painting of parking lot or parking garage striping, associated signage and curbs, and the painting of the walls or other components such as stair railings inside parking structures.

12-037 cont.

By modifying the individual construction phase lengths without sufficient support, the model may assume an extended timeframe to complete the required construction activities. This would result in fewer activities per day and, consequently, lower estimated daily emissions. The model may therefore underestimate the peak daily emissions for certain construction phases.

Updated Analysis Indicates a Potentially Significant Air Quality Impact

We created an updated model to provide an estimate of the Project's construction emissions based on the DEIR and AQ Report's Project-specific information. In this model, we proportionately altered the construction schedule's individual phase lengths to match the proposed construction duration of 24 months, and all other inputs remain consistent with the DEIR's model.[3,4]

Our updated analysis estimates that the Project's construction-related volatile organic compounds ("VOC") emissions would exceed the applicable San Joaquin Valley Air Pollution Control District ("SJVAPCD") thresholds of 100 pounds per day ("lbs/day"), as referenced by the DEIR (p. 27, 28; Table 3-5) (see table below).[5]

12-038

SWAPE Criteria Air Pollutant Emissions	
Construction	**VOC** (lbs/day)
DEIR	80
SWAPE	156
% Increase	95%
SJVAPCD Threshold	**100**
Exceeds?	**Yes**

The Project's construction-related VOC emissions increased by 95%, exceeding SJVAPCD's significance threshold. This finding indicates a potentially significant air quality impact that the DEIR did not identify

[3] See Attachment A for proportionately altered construction schedule.
[4] See Attachment B for CalEEMod output files.
[5] "APR – 2030." SJVAPCD, June 2018, *available at*: https://ww2.valleyair.org/media/bo3hz35n/apr-2030.pdf, p. 2.

or address. We recommend that a revised EIR be conducted to provide a more substantial evaluation of the Project's potential air quality impact on the environment. 12-038

Mitigation

Feasible Mitigation Measures Available to Reduce Emissions

Under the California Environmental Quality Act, the DEIR should implement all feasible measures to reduce the Project's potential impacts.[6] We believe the Project may result in potentially significant air quality impacts that should be mitigated further.

To reduce the VOC emissions associated with Project construction, we recommend the DEIR consider incorporating the following mitigation measure from the California Department of Justice:[7]

- Require the use of super compliant, low-VOC paints less than 10 g/L during the architectural coating construction phase and during Project maintenance.

Further mitigation used by other land use development projects to address VOC emissions is as follows:[8]

- Recycle leftover paint. Take any leftover paint to a hazardous waste center; do not mix leftover water-based and oil-based paints.
- Keep lids closed on all paint containers when not in use to prevent VOC emissions and excessive odors. 12-039
- For water-based paints, clean up with water only. Whenever possible, do not rinse the cleanup water down the drain or pour it directly into the ground or the storm drain
- Use compliant low-VOC cleaning solvents to clean paint application equipment.
- Keep all paint- and solvent-laden rags in sealed containers to prevent VOC emissions.
- Contractors shall construct/build with materials that do not require painting and use pre-painted construction materials to the extent practicable.
- Use high-pressure/low-volume paint applicators with a minimum transfer efficiency of at least 50 percent or other application techniques with equivalent or higher transfer efficiency.

Additionally, Los Angeles County recommends:[9]

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[6] "Guidance on Frequently Questioned Topics in Roadway Analysis for the California Environmental Quality Act (CEQA)." CEQA, February 2018, *available at*: https://www.aqmd.gov/docs/default-source/ceqa/handbook/roadway-ceqa-guidance_v10.pdf, p. 2.

[7] "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." State of California Department of Justice, September 2022, *available at*: https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf, p. 8 – 10.

[8] "Banning Commerce Center Project." Kimley-Horn and Associates, Inc., June 2024, *available at*: https://ceqanet.opr.ca.gov/2022090102/2; Draft Environmental Impact Report, p. 1-7.

[9] "Mitigation Monitoring and Reporting Program." Los Angeles County Housing Element Update Program EIR. August 2021, *available at*: https://planning.lacounty.gov/wp-content/uploads/2023/07/Housing_final-peir-mitigation-monitoring.pdf.

- If paints and coatings with VOC content of 0 grams/liter to less than 10 grams/liter cannot be utilized, the developer shall avoid application of architectural coatings during the peak smog season: July, August, and September.

While the Project is not located in Los Angeles County, the use of low-VOC paints would nonetheless decrease the Project's significant VOC emissions.

The United States Environmental Protection Agency recommends conducting calculations for coverage area and thinning ratios prior to purchasing paints. By applying these calculations, the appropriate quantity of paint can be acquired, thereby helping to minimize waste and optimize resource use.[10]

To reduce construction VOC emissions, the California Department of Public Health ("CDPH") recommends the use of:[11]

- Natural materials such as solid wood products (e.g., hard wood flooring and wood paneling), natural stone (e.g., granite and marble), ceramic tile, and glass.
- Composite wood products that comply with the California Air Resources Board's ("CARB") Airborne Toxic Control Measure for formaldehyde.
- Interior paints, coatings, adhesives, and sealants that comply with South Coast AQMD Rule 1168 or CARB's Suggested Control Measure for Architectural Coatings.
- Flooring materials that are certified as low emitting under the CDPH Standard Method v1.2 or equivalent.
- Sealer on the surface of spray-on fireproofing to reduce adsorption of VOCs using a low-VOC sealer, if necessary.

12-039 cont.

The provided several mitigation measures would reduce Project-related VOC emissions, offering feasible ways to incorporate lower-emitting design features into the proposed Project. In our opinion, a revised EIR and an updated air quality analysis should be conducted to include all feasible mitigation measures, as well as show a commitment to the implementation of these measures prior to Project approval to reduce emissions to the maximum extent feasible, if necessary.

Disclaimer

SWAPE has received limited documentation regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing

12-040

[10] "Industrial Surface Coating." Emissions Inventory Improvement Program, September 1997, *available at*: https://www.epa.gov/sites/default/files/2015-08/documents/iii08.pdf, Volume III, Chapter 8, p. 8.3-1.
[11] "Reducing occupant exposure to volatile organic compounds (VOCs) from indoor sources: Guidelines for building occupants." California Department of Public Health, July 1996, *available at*: https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/EHLB/IAQ/CDPH%20Document%20Library/reducing_occupant_exposure_vocs_guidelines_ADA.pdf.

results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

12-040
cont.

Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

Attachment A: Construction Calculations
Attachment B: CalEEMod Output Files
Attachment C: Matt Hagemann CV
Attachment D: Paul Rosenfeld CV

Construction Schedule Calculations					
Phase	Default Phase Length	Construction Duration	%	Construction Duration	Revised Phase Length
Site Preparation	30	1412	0.0212	757	16
Grading	75	1412	0.0531	757	40
Construction	740	1412	0.5241	757	397
Paving	55	1412	0.0390	757	29
Architectural Coating	55	1412	0.0390	757	29

	Total Default Construction Duration	Revised Construction Duration
Start Date	1/1/2024	1/1/2024
End Date	11/13/2027	1/27/2026
Total Days	1412	757

Attachment B

15369 Airport Drive Warehouse Construction Detailed Report

Table of Contents

1. Basic Project Information

1.1. Basic Project Information

1.2. Land Use Types

1.3. User-Selected Emission Reduction Measures by Emissions Sector

2. Emissions Summary

2.1. Construction Emissions Compared Against Thresholds

2.2. Construction Emissions by Year, Unmitigated

3. Construction Emissions Details

3.1. Site Preparation (2024) - Unmitigated

3.3. Grading (2024) - Unmitigated

3.5. Building Construction (2024) - Unmitigated

3.7. Building Construction (2025) - Unmitigated

3.9. Paving (2025) - Unmitigated

3.11. Architectural Coating (2025) - Unmitigated

4. Operations Emissions Details

4.10. Soil Carbon Accumulation By Vegetation Type

4.10.1. Soil Carbon Accumulation By Vegetation Type - Unmitigated

4.10.2. Above and Belowground Carbon Accumulation by Land Use Type - Unmitigated

4.10.3. Avoided and Sequestered Emissions by Species - Unmitigated

5. Activity Data

5.1. Construction Schedule

5.2. Off-Road Equipment

5.2.1. Unmitigated

5.3. Construction Vehicles

5.3.1. Unmitigated

5.4. Vehicles

5.4.1. Construction Vehicle Control Strategies

5.5. Architectural Coatings

5.6. Dust Mitigation

5.6.1. Construction Earthmoving Activities

5.6.2. Construction Earthmoving Control Strategies

5.7. Construction Paving

5.8. Construction Electricity Consumption and Emissions Factors

5.18. Vegetation

5.18.1. Land Use Change

5.18.1.1. Unmitigated

5.18.1. Biomass Cover Type

5.18.1.1. Unmitigated

5.18.2. Sequestration

5.18.2.1. Unmitigated

6. Climate Risk Detailed Report

6.1. Climate Risk Summary

6.2. Initial Climate Risk Scores

6.3. Adjusted Climate Risk Scores

6.4. Climate Risk Reduction Measures

7. Health and Equity Details

7.1. CalEnviroScreen 4.0 Scores

7.2. Healthy Places Index Scores

7.3. Overall Health & Equity Scores

7.4. Health & Equity Measures

7.5. Evaluation Scorecard

7.6. Health & Equity Custom Measures

8. User Changes to Default Data

1. Basic Project Information

1.1. Basic Project Information

Data Field	Value
Project Name	15369 Airport Drive Warehouse Construction
Construction Start Date	1/1/2024
Lead Agency	—
Land Use Scale	Project/site
Analysis Level for Defaults	County
Windspeed (m/s)	2.70
Precipitation (days)	18.0
Location	35.43251328711992, -119.04161199950366
County	Kern-San Joaquin
City	Unincorporated
Air District	San Joaquin Valley APCD
Air Basin	San Joaquin Valley
TAZ	2899
EDFZ	5
Electric Utility	Pacific Gas & Electric Company
Gas Utility	Southern California Gas
App Version	2022.1.1.29

1.2. Land Use Types

Land Use Subtype	Size	Unit	Lot Acreage	Building Area (sq ft)	Landscape Area (sq ft)	Special Landscape Area (sq ft)	Population	Description
Unrefrigerated Warehouse-No Rail	739	1000sqft	17.0	738,500	359,286	—	—	—

Refrigerated Warehouse-No Rail	185	1000sqft	4.25	184,600	0.00	—	—	—
Parking Lot	20.0	Acre	20.0	0.00	0.00	—	—	—

1.3. User-Selected Emission Reduction Measures by Emissions Sector

No measures selected

2. Emissions Summary

2.1. Construction Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	2.83	2.59	14.1	39.0	0.04	0.16	3.60	3.76	0.15	0.87	1.02	—	8,300	8,300	0.30	0.48	19.2	8,468
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	156	156	20.5	37.4	0.07	0.19	22.0	22.1	0.18	10.4	10.5	—	7,883	7,883	0.33	0.48	0.50	8,034
Average Daily (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	13.9	13.7	11.1	24.7	0.03	0.11	4.13	4.25	0.11	1.36	1.47	—	5,601	5,601	0.22	0.29	4.81	5,697
Annual (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	2.53	2.51	2.03	4.50	0.01	0.02	0.75	0.77	0.02	0.25	0.27	—	927	927	0.04	0.05	0.80	943

2.2. Construction Emissions by Year, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Year	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e

Daily - Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2024	2.83	2.59	14.1	39.0	0.04	0.16	3.60	3.76	0.15	0.87	1.02	—	8,300	8,300	0.30	0.48	19.2	8,468
2025	2.59	2.38	13.9	37.1	0.04	0.15	3.60	3.75	0.14	0.87	1.01	—	8,183	8,183	0.30	0.48	17.9	8,350
Daily - Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2024	2.49	2.25	20.5	37.4	0.07	0.19	22.0	22.1	0.18	10.4	10.5	—	7,883	7,883	0.33	0.48	0.50	8,034
2025	156	156	14.3	31.9	0.04	0.15	3.60	3.75	0.14	0.87	1.01	—	7,777	7,777	0.23	0.48	0.46	7,925
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2024	1.58	1.44	11.1	24.7	0.03	0.11	4.13	4.25	0.11	1.36	1.47	—	5,601	5,601	0.22	0.29	4.81	5,697
2025	13.9	13.7	8.06	18.3	0.02	0.09	1.93	2.01	0.09	0.46	0.55	—	4,343	4,343	0.12	0.26	4.17	4,427
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2024	0.29	0.26	2.03	4.50	0.01	0.02	0.75	0.77	0.02	0.25	0.27	—	927	927	0.04	0.05	0.80	943
2025	2.53	2.51	1.47	3.35	< 0.005	0.02	0.35	0.37	0.02	0.08	0.10	—	719	719	0.02	0.04	0.69	733

3. Construction Emissions Details

3.1. Site Preparation (2024) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Off-Road Equipm	0.68	0.68	15.7	30.0	0.05	0.10	—	0.10	0.10	—	0.10	—	5,529	5,529	0.22	0.04	—	5,548
Dust From Material Movement	—	—	—	—	—	—	21.8	21.8	—	10.3	10.3	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.03	0.03	0.69	1.31	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	242	242	0.01	< 0.005	—	243
Dust From Material Movement	—	—	—	—	—	—	0.95	0.95	—	0.45	0.45	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.01	0.13	0.24	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	40.1	40.1	< 0.005	< 0.005	—	40.3
Dust From Material Movement	—	—	—	—	—	—	0.17	0.17	—	0.08	0.08	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.08	0.07	0.07	0.71	0.00	0.00	0.14	0.14	0.00	0.03	0.03	—	136	136	0.01	0.01	0.02	138
Vendor	0.01	0.01	0.26	0.09	< 0.005	< 0.005	0.05	0.05	< 0.005	0.01	0.02	—	189	189	< 0.005	0.03	0.01	197
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.03	0.00	0.00	0.01	0.01	0.00	< 0.005	< 0.005	—	6.18	6.18	< 0.005	< 0.005	0.01	6.27
Vendor	< 0.005	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	8.28	8.28	< 0.005	< 0.005	0.01	8.65
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.01	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	1.02	1.02	< 0.005	< 0.005	< 0.005	1.04
Vendor	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	1.37	1.37	< 0.005	< 0.005	< 0.005	1.43
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

3.3. Grading (2024) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	1.01	0.98	19.4	36.2	0.06	0.18	—	0.18	0.17	—	0.17	—	6,715	6,715	0.27	0.05	—	6,738

Dust From Material Movement	—	—	—	—	—	—	10.3	10.3	—	3.77	3.77	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.11	0.11	2.13	3.97	0.01	0.02	—	0.02	0.02	—	0.02	—	736	736	0.03	0.01	—	738
Dust From Material Movement	—	—	—	—	—	—	1.12	1.12	—	0.41	0.41	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.02	0.02	0.39	0.72	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	122	122	< 0.005	< 0.005	—	122
Dust From Material Movement	—	—	—	—	—	—	0.21	0.21	—	0.08	0.08	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.09	0.08	0.08	0.81	0.00	0.00	0.16	0.16	0.00	0.04	0.04	—	155	155	0.01	0.01	0.02	157

Vendor	0.04	0.03	1.04	0.37	0.01	0.01	0.20	0.21	0.01	0.05	0.07	—	756	756	0.01	0.11	0.05	789
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.01	0.01	0.01	0.09	0.00	0.00	0.02	0.02	0.00	< 0.005	< 0.005	—	17.7	17.7	< 0.005	< 0.005	0.03	17.9
Vendor	< 0.005	< 0.005	0.11	0.04	< 0.005	< 0.005	0.02	0.02	< 0.005	0.01	0.01	—	82.8	82.8	< 0.005	0.01	0.10	86.5
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.02	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	2.92	2.92	< 0.005	< 0.005	0.01	2.97
Vendor	< 0.005	< 0.005	0.02	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	13.7	13.7	< 0.005	< 0.005	0.02	14.3
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

3.5. Building Construction (2024) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.67	0.61	10.0	16.4	0.03	0.12	—	0.12	0.12	—	0.12	—	2,630	2,630	0.11	0.02	—	2,639
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.67	0.61	10.0	16.4	0.03	0.12	—	0.12	0.12	—	0.12	—	2,630	2,630	0.11	0.02	—	2,639

Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.38	0.34	5.64	9.22	0.01	0.07	—	0.07	0.07	—	0.07	—	1,482	1,482	0.06	0.01	—	1,488
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.07	0.06	1.03	1.68	< 0.005	0.01	—	0.01	0.01	—	0.01	—	245	245	0.01	< 0.005	—	246
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	2.03	1.90	1.24	21.6	0.00	0.00	3.02	3.02	0.00	0.71	0.71	—	3,428	3,428	0.16	0.13	13.2	3,483
Vendor	0.13	0.08	2.88	1.08	0.02	0.03	0.59	0.62	0.03	0.16	0.19	—	2,242	2,242	0.03	0.33	6.00	2,345
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	1.70	1.57	1.57	15.8	0.00	0.00	3.02	3.02	0.00	0.71	0.71	—	3,009	3,009	0.20	0.13	0.34	3,052
Vendor	0.12	0.08	3.08	1.11	0.02	0.03	0.59	0.62	0.03	0.16	0.19	—	2,244	2,244	0.03	0.33	0.16	2,342
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.97	0.90	0.81	9.36	0.00	0.00	1.68	1.68	0.00	0.39	0.39	—	1,761	1,761	0.10	0.07	3.21	1,788
Vendor	0.07	0.04	1.70	0.62	0.01	0.02	0.33	0.35	0.02	0.09	0.11	—	1,264	1,264	0.01	0.18	1.46	1,320

Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.18	0.16	0.15	1.71	0.00	0.00	0.31	0.31	0.00	0.07	0.07	—	292	292	0.02	0.01	0.53	296
Vendor	0.01	0.01	0.31	0.11	< 0.005	< 0.005	0.06	0.06	< 0.005	0.02	0.02	—	209	209	< 0.005	0.03	0.24	219
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

3.7. Building Construction (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.65	0.59	9.96	16.4	0.03	0.12	—	0.12	0.11	—	0.11	—	2,630	2,630	0.11	0.02	—	2,639
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.65	0.59	9.96	16.4	0.03	0.12	—	0.12	0.11	—	0.11	—	2,630	2,630	0.11	0.02	—	2,639
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.34	0.31	5.20	8.54	0.01	0.06	—	0.06	0.06	—	0.06	—	1,374	1,374	0.06	0.01	—	1,379

Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.06	0.06	0.95	1.56	< 0.005	0.01	—	0.01	0.01	—	0.01	—	228	228	0.01	< 0.005	—	228
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	1.82	1.70	1.13	19.8	0.00	0.00	3.02	3.02	0.00	0.71	0.71	—	3,352	3,352	0.16	0.13	11.9	3,406
Vendor	0.11	0.08	2.77	1.03	0.02	0.03	0.59	0.62	0.03	0.16	0.19	—	2,200	2,200	0.03	0.33	5.96	2,304
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	1.61	1.47	1.37	14.5	0.00	0.00	3.02	3.02	0.00	0.71	0.71	—	2,944	2,944	0.09	0.13	0.31	2,985
Vendor	0.10	0.08	2.96	1.06	0.02	0.03	0.59	0.62	0.03	0.16	0.19	—	2,203	2,203	0.03	0.33	0.15	2,301
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.85	0.78	0.65	7.98	0.00	0.00	1.56	1.56	0.00	0.36	0.36	—	1,597	1,597	0.04	0.07	2.69	1,621
Vendor	0.06	0.04	1.51	0.55	0.01	0.02	0.30	0.32	0.02	0.08	0.10	—	1,150	1,150	0.01	0.17	1.35	1,203
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.16	0.14	0.12	1.46	0.00	0.00	0.28	0.28	0.00	0.07	0.07	—	264	264	0.01	0.01	0.45	268
Vendor	0.01	0.01	0.28	0.10	< 0.005	< 0.005	0.06	0.06	< 0.005	0.02	0.02	—	190	190	< 0.005	0.03	0.22	199
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

3.9. Paving (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.51	0.46	6.78	10.6	0.01	0.10	—	0.10	0.10	—	0.10	—	1,511	1,511	0.06	0.01	—	1,517
Paving	1.81	1.81	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.51	0.46	6.78	10.6	0.01	0.10	—	0.10	0.10	—	0.10	—	1,511	1,511	0.06	0.01	—	1,517
Paving	1.81	1.81	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.04	0.04	0.54	0.84	< 0.005	0.01	—	0.01	0.01	—	0.01	—	120	120	< 0.005	< 0.005	—	120
Paving	0.14	0.14	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Off-Roa Equipment	0.01	0.01	0.10	0.15	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	19.9	19.9	< 0.005	< 0.005	—	20.0
Paving	0.03	0.03	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.07	0.07	0.04	0.76	0.00	0.00	0.12	0.12	0.00	0.03	0.03	—	130	130	0.01	< 0.005	0.46	132
Vendor	0.02	0.01	0.47	0.17	< 0.005	0.01	0.10	0.10	0.01	0.03	0.03	—	371	371	< 0.005	0.05	1.00	388
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.06	0.06	0.05	0.56	0.00	0.00	0.12	0.12	0.00	0.03	0.03	—	114	114	< 0.005	< 0.005	0.01	115
Vendor	0.02	0.01	0.50	0.18	< 0.005	0.01	0.10	0.10	0.01	0.03	0.03	—	371	371	< 0.005	0.05	0.03	387
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.01	< 0.005	< 0.005	0.05	0.00	0.00	0.01	0.01	0.00	< 0.005	< 0.005	—	9.39	9.39	< 0.005	< 0.005	0.02	9.53
Vendor	< 0.005	< 0.005	0.04	0.01	< 0.005	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	—	29.5	29.5	< 0.005	< 0.005	0.03	30.8
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.01	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	1.55	1.55	< 0.005	< 0.005	< 0.005	1.58
Vendor	< 0.005	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	4.88	4.88	< 0.005	< 0.005	0.01	5.10
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

3.11. Architectural Coating (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e

Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.21	0.17	1.18	1.52	< 0.005	0.04	—	0.04	0.03	—	0.03	—	178	178	0.01	< 0.005	—	179
Architectural Coatings	156	156	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.02	0.01	0.09	0.12	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	14.1	14.1	< 0.005	< 0.005	—	14.2
Architectural Coatings	12.4	12.4	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	< 0.005	0.02	0.02	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	2.34	2.34	< 0.005	< 0.005	—	2.35
Architectural Coatings	2.26	2.26	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.32	0.29	0.27	2.89	0.00	0.00	0.60	0.60	0.00	0.14	0.14	—	588	588	0.02	0.03	0.06	596
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.03	0.02	0.02	0.24	0.00	0.00	0.05	0.05	0.00	0.01	0.01	—	48.5	48.5	< 0.005	< 0.005	0.08	49.2
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.04	0.00	0.00	0.01	0.01	0.00	< 0.005	< 0.005	—	8.03	8.03	< 0.005	< 0.005	0.01	8.15
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

4. Operations Emissions Details

4.10. Soil Carbon Accumulation By Vegetation Type

4.10.1. Soil Carbon Accumulation By Vegetation Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e

Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.2. Above and Belowground Carbon Accumulation by Land Use Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.3. Avoided and Sequestered Emissions by Species - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

5. Activity Data

5.1. Construction Schedule

Phase Name	Phase Type	Start Date	End Date	Days Per Week	Work Days per Phase	Phase Description
Site Preparation	Site Preparation	1/1/2024	1/22/2024	5.00	16.0	—
Grading	Grading	1/23/2024	3/18/2024	5.00	40.0	—
Building Construction	Building Construction	3/19/2024	9/24/2025	5.00	397	—
Paving	Paving	9/25/2025	11/4/2025	5.00	29.0	—
Architectural Coating	Architectural Coating	11/5/2025	12/15/2025	5.00	29.0	—

5.2. Off-Road Equipment

5.2.1. Unmitigated

Phase Name	Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor
Site Preparation	Rubber Tired Dozers	Diesel	Tier 4 Interim	3.00	8.00	367	0.40
Site Preparation	Crawler Tractors	Diesel	Tier 4 Interim	4.00	8.00	87.0	0.43
Grading	Graders	Diesel	Tier 4 Interim	1.00	8.00	148	0.41
Grading	Excavators	Diesel	Average	2.00	8.00	36.0	0.38
Grading	Crawler Tractors	Diesel	Tier 4 Interim	2.00	8.00	87.0	0.43
Grading	Scrapers	Diesel	Tier 4 Interim	2.00	8.00	423	0.48
Grading	Rubber Tired Dozers	Diesel	Tier 4 Interim	1.00	8.00	367	0.40
Building Construction	Forklifts	Diesel	Tier 4 Interim	3.00	8.00	82.0	0.20
Building Construction	Generator Sets	Diesel	Average	1.00	8.00	14.0	0.74
Building Construction	Cranes	Diesel	Tier 4 Interim	1.00	8.00	367	0.29
Building Construction	Welders	Diesel	Average	1.00	8.00	46.0	0.45
Building Construction	Tractors/Loaders/Backhoes	Diesel	Tier 4 Interim	3.00	8.00	84.0	0.37
Paving	Pavers	Diesel	Tier 4 Interim	2.00	8.00	81.0	0.42

Paving	Paving Equipment	Diesel	Tier 4 Interim	2.00	8.00	89.0	0.36
Paving	Rollers	Diesel	Average	2.00	8.00	36.0	0.38
Architectural Coating	Air Compressors	Diesel	Average	1.00	8.00	37.0	0.48

5.3. Construction Vehicles

5.3.1. Unmitigated

Phase Name	Trip Type	One-Way Trips per Day	Miles per Trip	Vehicle Mix
Site Preparation	—	—	—	—
Site Preparation	Worker	17.5	11.0	LDA,LDT1,LDT2
Site Preparation	Vendor	8.00	7.37	HHDT,MHDT
Site Preparation	Hauling	0.00	20.0	HHDT
Site Preparation	Onsite truck	—	—	HHDT
Grading	—	—	—	—
Grading	Worker	20.0	11.0	LDA,LDT1,LDT2
Grading	Vendor	32.0	7.37	HHDT,MHDT
Grading	Hauling	0.00	20.0	HHDT
Grading	Onsite truck	—	—	HHDT
Building Construction	—	—	—	—
Building Construction	Worker	388	11.0	LDA,LDT1,LDT2
Building Construction	Vendor	95.0	7.37	HHDT,MHDT
Building Construction	Hauling	0.00	20.0	HHDT
Building Construction	Onsite truck	—	—	HHDT
Paving	—	—	—	—
Paving	Worker	15.0	11.0	LDA,LDT1,LDT2
Paving	Vendor	16.0	7.37	HHDT,MHDT
Paving	Hauling	0.00	20.0	HHDT
Paving	Onsite truck	—	—	HHDT

Architectural Coating	—	—	—	—
Architectural Coating	Worker	77.5	11.0	LDA,LDT1,LDT2
Architectural Coating	Vendor	—	7.37	HHDT,MHDT
Architectural Coating	Hauling	0.00	20.0	HHDT
Architectural Coating	Onsite truck	—	—	HHDT

5.4. Vehicles

5.4.1. Construction Vehicle Control Strategies

Non-applicable. No control strategies activated by user.

5.5. Architectural Coatings

Phase Name	Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)
Architectural Coating	0.00	0.00	1,384,650	461,550	52,272

5.6. Dust Mitigation

5.6.1. Construction Earthmoving Activities

Phase Name	Material Imported (cy)	Material Exported (cy)	Acres Graded (acres)	Material Demolished (sq. ft.)	Acres Paved (acres)
Site Preparation	—	—	56.0	0.00	—
Grading	—	—	160	0.00	—
Paving	0.00	0.00	0.00	0.00	20.0

5.6.2. Construction Earthmoving Control Strategies

Non-applicable. No control strategies activated by user.

5.7. Construction Paving

Land Use	Area Paved (acres)	% Asphalt

Unrefrigerated Warehouse-No Rail	0.00	0%
Refrigerated Warehouse-No Rail	0.00	0%
Parking Lot	20.0	100%

5.8. Construction Electricity Consumption and Emissions Factors

kWh per Year and Emission Factor (lb/MWh)

Year	kWh per Year	CO2	CH4	N2O
2024	0.00	204	0.03	< 0.005
2025	0.00	204	0.03	< 0.005

5.18. Vegetation

5.18.1. Land Use Change

5.18.1.1. Unmitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1. Biomass Cover Type

5.18.1.1. Unmitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.2. Sequestration

5.18.2.1. Unmitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

6. Climate Risk Detailed Report

6.1. Climate Risk Summary

Cal-Adapt midcentury 2040–2059 average projections for four hazards are reported below for your project location. These are under Representation Concentration Pathway (RCP) 8.5 which assumes GHG emissions will continue to rise strongly through 2050 and then plateau around 2100.

Climate Hazard	Result for Project Location	Unit
Temperature and Extreme Heat	20.5	annual days of extreme heat
Extreme Precipitation	0.10	annual days with precipitation above 20 mm
Sea Level Rise	—	meters of inundation depth
Wildfire	0.00	annual hectares burned

Temperature and Extreme Heat data are for grid cell in which your project are located. The projection is based on the 98th historical percentile of daily maximum/minimum temperatures from observed historical data (32 climate model ensemble from Cal-Adapt, 2040–2059 average under RCP 8.5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.
Extreme Precipitation data are for the grid cell in which your project are located. The threshold of 20 mm is equivalent to about ¾ an inch of rain, which would be light to moderate rainfall if received over a full day or heavy rain if received over a period of 2 to 4 hours. Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.
Sea Level Rise data are for the grid cell in which your project are located. The projections are from Radke et al. (2017), as reported in Cal-Adapt (Radke et al., 2017, CEC-500-2017-008), and consider inundation location and depth for the San Francisco Bay, the Sacramento-San Joaquin River Delta and California coast resulting different increments of sea level rise coupled with extreme storm events. Users may select from four scenarios to view the range in potential inundation depth for the grid cell. The four scenarios are: No rise, 0.5 meter, 1.0 meter, 1.41 meters
Wildfire data are for the grid cell in which your project are located. The projections are from UC Davis, as reported in Cal-Adapt (2040–2059 average under RCP 8.5), and consider historical data of climate, vegetation, population density, and large (> 400 ha) fire history. Users may select from four model simulations to view the range in potential wildfire probabilities for the grid cell. The four simulations make different assumptions about expected rainfall and temperature are: Warmer/drier (HadGEM2-ES), Cooler/wetter (CNRM-CM5), Average conditions (CanESM2), Range of different rainfall and temperature possibilities (MIROC5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

6.2. Initial Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	1	0	0	N/A
Extreme Precipitation	N/A	N/A	N/A	N/A
Sea Level Rise	N/A	N/A	N/A	N/A
Wildfire	N/A	N/A	N/A	N/A
Flooding	0	0	0	N/A
Drought	0	0	0	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	0	0	0	N/A

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.

The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.
The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores do not include implementation of climate risk reduction measures.

6.3. Adjusted Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	1	1	1	2
Extreme Precipitation	N/A	N/A	N/A	N/A
Sea Level Rise	N/A	N/A	N/A	N/A
Wildfire	N/A	N/A	N/A	N/A
Flooding	1	1	1	2
Drought	1	1	1	2
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	1	1	1	2

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.
The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.
The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores include implementation of climate risk reduction measures.

6.4. Climate Risk Reduction Measures

7. Health and Equity Details

7.1. CalEnviroScreen 4.0 Scores

The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Exposure Indicators	—
AQ-Ozone	91.1
AQ-PM	99.0

AQ-DPM	38.0
Drinking Water	96.2
Lead Risk Housing	33.6
Pesticides	75.3
Toxic Releases	19.3
Traffic	37.5
Effect Indicators	—
CleanUp Sites	88.9
Groundwater	82.6
Haz Waste Facilities/Generators	95.3
Impaired Water Bodies	0.00
Solid Waste	59.2
Sensitive Population	—
Asthma	82.4
Cardio-vascular	89.0
Low Birth Weights	48.0
Socioeconomic Factor Indicators	—
Education	41.2
Housing	45.0
Linguistic	17.3
Poverty	73.2
Unemployment	85.8

7.2. Healthy Places Index Scores

The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Economic	—
Above Poverty	54.39496984

Employed	40.16424997
Median HI	43.94969845
Education	—
Bachelor's or higher	29.56499423
High school enrollment	100
Preschool enrollment	17.59271141
Transportation	—
Auto Access	42.71782369
Active commuting	5.607596561
Social	—
2-parent households	42.25587065
Voting	35.2239189
Neighborhood	—
Alcohol availability	52.64981394
Park access	44.96342872
Retail density	27.46054151
Supermarket access	55.46002823
Tree canopy	33.86372385
Housing	—
Homeownership	36.39163352
Housing habitability	49.90375978
Low-inc homeowner severe housing cost burden	68.61285769
Low-inc renter severe housing cost burden	45.06608495
Uncrowded housing	68.66418581
Health Outcomes	—
Insured adults	38.07262928
Arthritis	0.0
Asthma ER Admissions	14.3

High Blood Pressure	0.0
Cancer (excluding skin)	0.0
Asthma	0.0
Coronary Heart Disease	0.0
Chronic Obstructive Pulmonary Disease	0.0
Diagnosed Diabetes	0.0
Life Expectancy at Birth	2.4
Cognitively Disabled	33.5
Physically Disabled	16.6
Heart Attack ER Admissions	12.8
Mental Health Not Good	0.0
Chronic Kidney Disease	0.0
Obesity	0.0
Pedestrian Injuries	44.9
Physical Health Not Good	0.0
Stroke	0.0
Health Risk Behaviors	—
Binge Drinking	0.0
Current Smoker	0.0
No Leisure Time for Physical Activity	0.0
Climate Change Exposures	—
Wildfire Risk	0.0
SLR Inundation Area	0.0
Children	9.0
Elderly	73.1
English Speaking	87.1
Foreign-born	2.9
Outdoor Workers	28.2

Climate Change Adaptive Capacity	—
Impervious Surface Cover	46.7
Traffic Density	31.8
Traffic Access	0.0
Other Indices	—
Hardship	49.2
Other Decision Support	—
2016 Voting	31.0

7.3. Overall Health & Equity Scores

Metric	Result for Project Census Tract
CalEnviroScreen 4.0 Score for Project Location (a)	88.0
Healthy Places Index Score for Project Location (b)	36.0
Project Located in a Designated Disadvantaged Community (Senate Bill 535)	Yes
Project Located in a Low-Income Community (Assembly Bill 1550)	No
Project Located in a Community Air Protection Program Community (Assembly Bill 617)	No

a: The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.
b: The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

7.4. Health & Equity Measures

No Health & Equity Measures selected.

7.5. Evaluation Scorecard

Health & Equity Evaluation Scorecard not completed.

7.6. Health & Equity Custom Measures

No Health & Equity Custom Measures created.

8. User Changes to Default Data

Screen	Justification

Land Use	Consistent with the DEIR's model.
Construction: Construction Phases	See comment on: "Unsubstantiated Changes to Individual Construction Phase Lengths".
Construction: Off-Road Equipment	Consistent with the DEIR's model.
Construction: Trips and VMT	Consistent with DEIR's model.

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CEQA Review

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist
California Certified Hydrogeologist
Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring. For the past 15 years, as a founding partner with SWAPE, Matt has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2104, 2017;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 300 environmental impact reports and negative declarations since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at more than 100 industrial facilities.
- Expert witness on numerous cases including, for example, perfluorooctanoic acid (PFOA) contamination of groundwater, MTBE litigation, air toxins at hazards at a school, CERCLA compliance in assessment and remediation, and industrial stormwater contamination.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted

public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9.

Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific

principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt is currently a part time geology instructor at Golden West College in Huntington Beach, California where he taught from 2010 to 2014 and in 2017.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Coloradao.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal repesentatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F**. 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examinations, 2009-2011.

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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Paul Rosenfeld, Ph.D.

Chemical Fate and Transport & Air Dispersion Modeling

Principal Environmental Chemist

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Focus on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years of experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, industrial, military and agricultural sources, unconventional oil drilling operations, and locomotive and construction engines. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities. Dr. Rosenfeld has also successfully modeled exposure to contaminants distributed by water systems and via vapor intrusion.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, creosote, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at sites and has testified as an expert witness on numerous cases involving exposure to soil, water and air contaminants from industrial, railroad, agricultural, and military sources.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H_2O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

Rosenfeld P. E., Spaeth K., Hallman R., Bressler R., Smith, G., (2022) Cancer Risk and Diesel Exhaust Exposure Among Railroad Workers. *Water Air Soil Pollution.* **233,** 171.

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health.* 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P**., (2015) Modeling the Effect of Refinery Emission On Residential Property Value. Journal of Real Estate Research. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.,** Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermod and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

Rosenfeld, P.E. & Feng, L. (2011). *The Risks of Hazardous Waste.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution,* 123 (17), 319-327.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

Rosenfeld, P.E., J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

Rosenfeld, P. E., M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities.* Boston Massachusetts: Elsevier Publishing

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

Rosenfeld P. E., J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004.* New Orleans, October 2-6, 2004.

Rosenfeld, P.E., and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49(9), 171-178.

Rosenfeld, P. E., Grey, M. A., Sellew, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

Rosenfeld, P.E., Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS–6), Sacramento, CA Publication #442-02-008.

Rosenfeld, P.E., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

Rosenfeld, P.E., and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality.* 29, 1662-1668.

Rosenfeld, P.E., C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

Rosenfeld, P.E., and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

Rosenfeld, P.E., and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

Chollack, T. and **P. Rosenfeld. (**1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

Rosenfeld, P. E. (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

Rosenfeld, P. E. (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

Presentations:

Rosenfeld, P.E., "The science for Perfluorinated Chemicals (PFAS): What makes remediation so hard?" Law Seminars International, (May 9-10, 2018) 800 Fifth Avenue, Suite 101 Seattle, WA.

Rosenfeld, P.E., Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society.* Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution.* Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluoroctanoic Acid (PFOA) and Perfluoroactane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water.* Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The *23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting.* Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition.* Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference.* Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference.* Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference.* Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference.* Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants*.. Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conferenc*e. Lecture conducted from Indianapolis, Maryland.

Rosenfeld. P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation.* Lecture conducted from Anaheim California.

Rosenfeld. P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest.* Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell.* Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest.* Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E, C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. $41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: $10,000 grant awarded to San Diego State University.
Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. $100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. $20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: $10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: $15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. $500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the Superior Court of the State of California, County of San Bernardino
Billy Wildrick, Plaintiff vs. BNSF Railway Company
Case No. CIVDS1711810
Rosenfeld Deposition 10-17-2022

In the State Court of Bibb County, State of Georgia
Richard Hutcherson, Plaintiff vs Norfolk Southern Railway Company
Case No. 10-SCCV-092007
Rosenfeld Deposition 10-6-2022

In the Civil District Court of the Parish of Orleans, State of Louisiana
Millard Clark, Plaintiff vs. Dixie Carriers, Inc. et al.
Case No. 2020-03891
Rosenfeld Deposition 9-15-2022

In The Circuit Court of Livingston County, State of Missouri, Circuit Civil Division
Shirley Ralls, Plaintiff vs. Canadian Pacific Railway and Soo Line Railroad
Case No. 18-LV-CC0020
Rosenfeld Deposition 9-7-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division
Jonny C. Daniels, Plaintiff vs. CSX Transportation Inc.
Case No. 20-CA-5502
Rosenfeld Deposition 9-1-2022

In The Circuit Court of St. Louis County, State of Missouri
Kieth Luke et. al. Plaintiff vs. Monsanto Company et. al.
Case No. 19SL-CC03191
Rosenfeld Deposition 8-25-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division
Jeffery S. Lamotte, Plaintiff vs. CSX Transportation Inc.
Case No. NO. 20-CA-0049
Rosenfeld Deposition 8-22-2022

In State of Minnesota District Court, County of St. Louis Sixth Judicial District
Greg Bean, Plaintiff vs. Soo Line Railroad Company
Case No. 69-DU-CV-21-760
Rosenfeld Deposition 8-17-2022

In United States District Court Western District of Washington at Tacoma, Washington
John D. Fitzgerald Plaintiff vs. BNSF
Case No. 3:21-cv-05288-RJB
Rosenfeld Deposition 8-11-2022

In Circuit Court of the Sixth Judicial Circuit, Macon Illinois
Rocky Bennyhoff Plaintiff vs. Norfolk Southern
Case No. 20-L-56
Rosenfeld Deposition 8-3-2022

In Court of Common Pleas, Hamilton County Ohio
Joe Briggins Plaintiff vs. CSX
Case No. A2004464
Rosenfeld Deposition 6-17-2022

In the Superior Court of the State of California, County of Kern
George LaFazia vs. BNSF Railway Company.
Case No. BCV-19-103087
Rosenfeld Deposition 5-17-2022

In the Circuit Court of Cook County Illinois
Bobby Earles vs. Penn Central et. al.
Case No. 2020-L-000550
Rosenfeld Deposition 4-16-2022

In United States District Court Easter District of Florida
Albert Hartman Plaintiff vs. Illinois Central
Case No. 2:20-cv-1633
Rosenfeld Deposition 4-4-2022

In the Circuit Court of the 4th Judicial Circuit, in and For Duval County, Florida
Barbara Steele vs. CSX Transportation
Case No.16-219-Ca-008796
Rosenfeld Deposition 3-15-2022

In United States District Court Easter District of New York
Romano et al. vs. Northrup Grumman Corporation
Case No. 16-cv-5760
Rosenfeld Deposition 3-10-2022

In the Circuit Court of Cook County Illinois
Linda Benjamin vs. Illinois Central
Case No. No. 2019 L 007599
Rosenfeld Deposition 1-26-2022

In the Circuit Court of Cook County Illinois
Donald Smith vs. Illinois Central
Case No. No. 2019 L 003426
Rosenfeld Deposition 1-24-2022

In the Circuit Court of Cook County Illinois
Jan Holeman vs. BNSF
Case No. 2019 L 000675
Rosenfeld Deposition 1-18-2022

In the State Court of Bibb County State of Georgia
Dwayne B. Garrett vs. Norfolk Southern
Case No. 20-SCCV-091232
Rosenfeld Deposition 11-10-2021

In the Circuit Court of Cook County Illinois
Joseph Ruepke vs. BNSF
Case No. 2019 L 007730
Rosenfeld Deposition 11-5-2021

In the United States District Court For the District of Nebraska
Steven Gillett vs. BNSF
Case No. 4:20-cv-03120
Rosenfeld Deposition 10-28-2021

In the Montana Thirteenth District Court of Yellowstone County
James Eadus vs. Soo Line Railroad and BNSF
Case No. DV 19-1056
Rosenfeld Deposition 10-21-2021

In the Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al.cvs. Cerro Flow Products, Inc.
Case No. 0i9-L-2295
Rosenfeld Deposition 5-14-2021
Trial October 8-4-2021

In the Circuit Court of Cook County Illinois
Joseph Rafferty vs. Consolidated Rail Corporation and National Railroad Passenger Corporation d/b/a AMTRAK,
Case No. 18-L-6845
Rosenfeld Deposition 6-28-2021

In the United States District Court For the Northern District of Illinois
Theresa Romcoe vs. Northeast Illinois Regional Commuter Railroad Corporation d/b/a METRA Rail
Case No. 17-cv-8517
Rosenfeld Deposition 5-25-2021

In the Superior Court of the State of Arizona In and For the Cunty of Maricopa
Mary Tryon et al. vs. The City of Pheonix v. Cox Cactus Farm, L.L.C., Utah Shelter Systems, Inc.
Case No. CV20127-094749
Rosenfeld Deposition 5-7-2021

In the United States District Court for the Eastern District of Texas Beaumont Division
Robinson, Jeremy et al vs. CNA Insurance Company et al.
Case No. 1:17-cv-000508
Rosenfeld Deposition 3-25-2021

In the Superior Court of the State of California, County of San Bernardino
Gary Garner, Personal Representative for the Estate of Melvin Garner vs. BNSF Railway Company.
Case No. 1720288
Rosenfeld Deposition 2-23-2021

In the Superior Court of the State of California, County of Los Angeles, Spring Street Courthouse
Benny M Rodriguez vs. Union Pacific Railroad, A Corporation, et al.
Case No. 18STCV01162
Rosenfeld Deposition 12-23-2020

In the Circuit Court of Jackson County, Missouri
Karen Cornwell, Plaintiff, vs. Marathon Petroleum, LP, Defendant.
Case No. 1716-CV10006
Rosenfeld Deposition 8-30-2019

In the United States District Court For The District of New Jersey
Duarte et al, Plaintiffs, vs. United States Metals Refining Company et. al. Defendant.
Case No. 2:17-cv-01624-ES-SCM
Rosenfeld Deposition 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS "Conti Perdido" Defendant.
Case No. 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No. BC615636
Rosenfeld Deposition 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No. BC646857
Rosenfeld Deposition 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado
Bells et al. Plaintiffs vs. The 3M Company et al., Defendants
Case No. 1:16-cv-02531-RBJ
Rosenfeld Deposition 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosciences, LLC, et al., Defendants
Cause No. 1923
Rosenfeld Deposition 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintifs vs. Chevron Corporation, et al., Defendants
Cause No. C12-01481
Rosenfeld Deposition 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition 8-23-2017

In United States District Court For The Southern District of Mississippi
Guy Manuel vs. The BP Exploration et al., Defendants
Case No. 1:19-cv-00315-RHW
Rosenfeld Deposition 4-22-2020

In The Superior Court of the State of California, For The County of Los Angeles
Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No. LC102019 (c/w BC582154)
Rosenfeld Deposition 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., Plaintiffs, vs. Meritor Inc., et al., Defendants
Case No. 4:16-cv-52-DMB-JVM
Rosenfeld Deposition July 2017

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No. RG14711115
Rosenfeld Deposition September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No. LALA002187
Rosenfeld Deposition August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action No. 14-C-30000
Rosenfeld Deposition June 2015

In The Iowa District Court for Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No. 4980
Rosenfeld Deposition May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case No. CACE07030358 (26)
Rosenfeld Deposition December 2014

In the County Court of Dallas County Texas
Lisa Parr et al, Plaintiff, vs. Aruba et al, Defendant.
Case No. cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., Plaintiffs, vs. Republic Services, Inc., et al., Defendants
Case No. 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition October 2012

In the United States District Court for the Middle District of Alabama, Northern Division
James K. Benefield, et al., Plaintiffs, vs. International Paper Company, Defendant.
Civil Action No. 2:09-cv-232-WHA-TFM
Rosenfeld Deposition July 2010, June 2011

In the Circuit Court of Jefferson County Alabama
Jaeanette Moss Anthony, et al., Plaintiffs, vs. Drummond Company Inc., et al., Defendants
Civil Action No. CV 2008-2076
Rosenfeld Deposition September 2010

In the United States District Court, Western District Lafayette Division
Ackle et al., Plaintiffs, vs. Citgo Petroleum Corporation, et al., Defendants.
Case No. 2:07CV1052
Rosenfeld Deposition July 2009

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Comment 12

Golden State Environmental Justice Alliance

12-001

The comment provides introductory remarks and requests to be added to the notification list to receive copies of all notices pertaining to the Project. The County has added the commenter to the notice list as requested. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

12-002

The comment provides a summary of the Project Description and necessary discretionary approvals. However, it should be noted that the Draft EIR does not describe this as a "cross-dock sort fulfillment center" within the Project Description. This comment does not otherwise raise a substantive issue on any of the content in the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary. The County thanks the commentor for their comments and participation in the public review of the document.

12-003

The comment states that the Draft EIR does not have a Table of Contents and does not comply with Section 15122. The Lead Agency has confirmed the Table of Contents is provided in the publicly available Draft EIR at the following link: https://kernplanning.com/environmental-doc/ipg-industrial-project/ as included in the distributed Notice Of Availability and is available in hardcopy Draft EIRs at the County office.

Nonetheless, Section 21061 of the Public Resources Code governs the inclusion of a Table of Contents within an EIR, and provides, in relevant part, as follows:

“In order to facilitate the use of environmental impact reports, public agencies shall require that such reports contain an index or table of contents and a summary. Failure to include such index, table of contents, or summary shall not constitute a cause of action pursuant to Section 21167."

Although Section 15122 states that an EIR shall contain a table of contents or an index, recirculation of the Draft EIR is not required. This comment does not otherwise raise a substantive issue on any of the content in the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary. The County thanks the commentor for their comments and participation in the public review of the document.

12-004

The comment states that the Draft EIR does not include a floor plan, detailed elevations, or a detailed grading plan, which are necessary in quantifying truck hauling trips related to soil import and export.

In response to the inclusion of a floor plan as part of the Draft EIR, the Lead Agency notes the proposed project is a shell warehouse with its potential, highest-intensity use being analyzed as part of this document. The floorplan will ultimately be determined as part of tenant specifications and will be determined at the time a tenant lease agreement is finalized, which is not under the purview of the Lead Agency. The Draft EIR has, however, analyzed the greatest extent of allowable uses pursuant to the provisions set forth by the Kern County Zoning Ordinance, the Metropolitan Bakersfield General Plan, and CEQA.

Regarding elevations, Chapter 3, Project Description, states that the proposed buildings will be approximately 56 feet in height. Although the proposed 56-foot height is under the maximum height thresholds in the M-1 (Light Industrial) base district, the proposed height exceeds the maximum allowed height in the H (Airport Approach Height Combining) District. Nonetheless, the project proponent has included a request for a Zone Variance and the height exceedance is discussed further in Section 4.9, Hazards and Hazardous Materials. Implementation of MM 4.9-10 requiring a "Determination of No Hazard to Air Navigation" prior to building permits will ensure a less than significant impact. Further, Appendix G.2 includes letters submitted by the project proponent indicating letters from the Federal Aviation Administration indicating there are no hazards to air navigation across multiple coordinates within the proposed project boundary. All plans submitted during the building permit process will be verified by County staff to confirm final plans demonstrate conformity with this mitigation measure.

Images provided are considered technically acceptable per State Clearinghouses' OCR requirements. The comment also states the maximum height of each building should be provided and made useful for public review for verification that the maximum height permitted is not exceeded.

Regarding soil import and export, as stated in Section 4.3, Air Quality, earthwork activities are expected to balance; therefore, no import or export of soils will be required.

The Draft EIR included an appropriate level of detail based on then-available data and plans. As provided by CEQA Guidelines Section 15124, an EIR must only provide a “general description of the project’s technical, economic, and environmental characteristics”. As long as the requirements set forth in CEQA Guidelines Section 15124 are met, the Project Description may allow for the flexibility needed to respond to changing conditions that could impact the Project’s final design. The County will verify all Project details (i.e., earthwork quantities, floor area ratio and compliance with development standards) as part of the plan check process prior to issuing permits.

The County has confirmed that Draft EIR Figures 3-6d and 3-6e are not “completely illegible and blurry” in the version uploaded to the State Clearinghouse website. Information on the content of the site plan, floor plan and grading plans is provided within the Project Description of the Draft EIR in compliance with CEQA. (See South of Market Community Action Network v. City and County of San Francisco (2019) 33 Cal.App.5th 321, 333 [holding that design renderings were not required to be included as part of EIR for purposes of providing an adequate project description]). All plans are on file with the Lead Agency and are available for public review. The Lead Agency notes the document had undergone the appropriate Optical Character Recognition (OCR) process at the explicit request of the State Clearinghouse in order to meet their searchability requirements to formally post the document to their website, as well as to comply with accessibility compliance pursuant to AB 434. Nonetheless, updated Figures 3-6X – 3-6X have been included as errata to further clarify site plan details and design that more clearly conforms to proposed mitigation measures.

The comment is noted for the record. However, as the above comments do not raise any environmental or substantive issues on the content of the Draft EIR, no revisions to the Draft EIR are necessary.

12-005

The comment expresses concern regarding the Draft EIR’s analysis of the Project’s air quality impacts on the surrounding community due to the Project site location, which is in an area burdened by pollution, as identified by CalEnviroScreen. However, neither the County, SJVAPCD, nor the CEQA Guidelines include

thresholds that consider environmental justice indicated by the CalEnviroScreen results and instead accounts for the potential environmental impacts of a project by using project-level thresholds. As such, there are no current air quality guidance or thresholds to analyze areas with higher pollution burden differently from areas with lower pollution burden. While CalEnviroScreen is a useful mapping tool in assessing a community's risk, it is not an appropriate tool for evaluating a project's impact on the environment as required under CEQA.

An air quality emissions impact analysis and construction and operational health risk assessments were prepared for the Project and incorporated into the EIR (as described in Section 4.3, Air Quality, of the Draft EIR). As discussed In Section 4.3, Air Quality, of the Draft EIR, MM 4.3-5 requires the execution of a Developer Mitigation Agreement (DMA) with the SJVAPCD for mitigation of criteria pollutants. The implementation of a DMA to reduce criteria pollutants of NOX, ROGs, and PM net incremental emissions generated by a project has been incorporated into development projects in Kern County since 2008. As the actual amount of ROG reductions achieved from NOX and PM10 reductions is not certain, Project emissions are still considered significant and unavoidable; however, all feasible and reasonable mitigation has been required to reduce criteria pollutants as close to "no net increase" as scientifically possible.

The Draft EIR also discloses that potential cumulative impacts on air quality could occur from the construction and operation of the Project in combination with regional growth projections in the same air basin. It is speculative to determine how exceeding the regional thresholds would affect the number of days the region is in nonattainment since mass emissions are not correlated with concentrations of emissions or how many additional individuals in the air basin would be affected by the health impacts mentioned. The SJVAPCD is the primary agency responsible for ensuring the health and welfare of sensitive individuals to elevated concentrations of air quality in the SJVAB at the present time and it has not provided methodology to assess the specific correlation between mass emissions generated and the effect on public health and welfare. Therefore, it is the County's determination that cumulative impacts for criteria pollutants are considered significant and unavoidable as discussed in Section 4.3, Air Quality, of the Draft EIR. The Project's potential to expose sensitive receptors to substantial pollutant concentrations would be less than significant with mitigation. The correlation between criteria pollutants and health impacts, including those caused by ozone, are discussed on in Section 4.3, Air Quality, of the Draft EIR.

As the above comments do not raise any substantive issues on the content of the Draft EIR, no revisions to the Draft EIR are necessary.

12-006

See response to comment 12-005.

12-007

The comment expresses concern the census tract in which the project is located ranks high for groundwater threats, exposing people to contaminants in drinking water. The Project is required to adhere to mandatory permitting requirements and mitigation, as discussed in Draft EIR Section 4.10, Hydrology and Water Quality, thereby reducing the risk to less than significant levels. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

12-008

The comment provides the percentile score for solid waste and hazardous waste facility impacts from CalEnviroScreen. As noted in response to comment 12-005, CalEnviroScreen is a useful mapping tool, but does not provide project-specific thresholds to be used for level of significance determination. As discussed on page 4.9-32 in Section 4.9, Hazards and Hazardous Materials, of the Draft EIR, a Phase I Environmental Site Assessment was completed for the Project and did not identify the Project site as being listed on any government databases (i.e., HAZNET, Historic CORTESE List, State/Tribal Voluntary Cleanup Sites, etc.) pertaining to the storage and disposal of petroleum products and hazardous materials/hazardous waste. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

12-009

See responses to comments 12-005 to 12-008 with regard to CalEnviroScreen and the Project's CEQA analysis. Pursuant to Section 15131 – Economic and Social Effects, "Economic or social information may be included in an EIR or may be presented in whatever form the agency desires," however socioeconomic analysis is not required by CEQA. Further, Section 15131(a) states an EIR "may trace a chain of cause and effect..." however "the focus of the analysis shall be on the physical change." Lastly, 15131(c) states "shall be added to record in another manner," including, but not limited to, discussion within the Staff Report in response public comments received by Staff in response to a notice of public hearing, or during a public hearing setting, such as the Board of Supervisors hearing at which this project will be considered by the appropriate decisionmakers. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

12.010

See response to comment 12-009.

12-011

The comment states that CalEEMod is not listed as a State approved software for non-residential buildings per the California Energy Commission's 2022 Energy Code Compliance Software. The CalEEMod modeling is intended to provide a reasonable estimate of potential energy demand including petroleum, which the CBECC software does not include, for public disclosure and informational purposes under CEQA. CalEEMod is a statewide land use emissions computer model, designed to provide a uniform platform to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects. The model quantifies indirect emissions from energy use, which incorporates Title 24 standards (www.caleemod.com, http://www.aqmd.gov/home/ rulescompliance/ ceqa/air-quality-modeling). Additionally, the project will be required to comply with Title 24, by law. As such, the Draft EIR appropriately quantified and disclosed the energy-related impacts, and no further analysis is required.

Overall, the comment states the Draft EIR does not accurately or adequately model the energy impacts in compliance with Title 24; however, the comment does not specify how, besides the fact that CalEEMod is not listed as a State approved software. As noted, CalEEmod was used to identify energy impacts by incorporating Title 24 Standards. As the above comment does not raise a substantive issue on the content of the Draft EIR, no revisions to the Draft EIR are necessary.

12-012

The comment states the project is inconsistent with MBGP goals and policies. The comment further suggests the EIR must be revised to include a consistency analysis that considers the project's significant and unavoidable impacts within such analysis.

In response, the Draft EIR included a consistency analysis with applicable MBGP policies within the Land Use and Planning chapter, Table 4.11-3. The EIR did not include a consistency analysis for every goal, policy, and implementation policy because many of the goals and policies in the plan are County-level planning efforts that will be reviewed during the discretionary review process. Providing detailed consistency analysis on County-level implementation would not provide new information to inform the decision makers, as the Project will be required to comply with all County policies.

The identified Circulation Element Policies 36 and 37, and Conservation Element Goals 1 and Goal 3 are to be implemented by the County; therefore, no addition of new information to the consistency analysis is occurring. Nonetheless, the Project will comply with all mitigation identified in the transportation impact report, and all transportation and traffic impacts will be less than significant with implementation of MM 4.17-1 through MM 4.17-4. In relation to MBGP Land Use Element Policy 80, the Project site is zoned for industrial use and does not contain any agricultural lands; therefore, this policy does not apply to the project. MBGP Land Use Element Policy 20 (Bullet 2) is not applicable as the proposed project does not incorporate off-site parking and the proposed PD Plan provides sufficient on-site parking for both automobiles and large trucks with trailers. MBGP Conservation Element Policy 2 (Bullet 5) is not applicable as the project site is not currently zoned, designated or used for agricultural purposes, and therefore will not result in impacts on the agricultural industry. The Project's vehicle miles traveled (VMT) impacts will be less than significant and further reduced by MM 4.17-3. The Project is also consistent with Conservation Element Goal 1, as it does not include point sources of air pollutants and will have a less than significant impact related to VMT.

Finally, the intent of the consistency analysis is to provide the public with adequate information to conclude whether or not a project would conflict with any land use plan or policy that is intended to reduce significant environmental impacts, specifically avoidance or mitigation measures. County staff will be reviewing the Project during discretionary review; therefore, not every single policy was included in the analysis, as they are responsible for implementing the adopted plans intended to reduce environmental impact. The provided policies are sufficient in informing the public how the Project will be consistent with adopted applicable goals and policies. As such, the Draft EIR adequately evaluated the Project's consistency with all applicable MBGP land use policies and no revisions are necessary.

12-013

See response to comment 12-012, above. The comment claims that the Project is inconsistent with MGBP, Goal 8. The County disagrees. The Project will create 437 jobs, will comply with Title 24 requirements, and implement all feasible air quality mitigation to reduce impacts. The comment also states that because cumulative impacts to air quality are significant and unavoidable, the Project is directly inconsistent with the intent of the Goal 8. However, cumulative impacts are not a result of a direct impact, especially for an environmental impact that is regional in nature, such as air quality. The Draft EIR accurately states that the Project will comply with all federal, State and local regulations related to air quality. It is within the County's discretion to determine whether the Project advances the spirit and intent of this goal despite the Project's significant and unavoidable air quality impacts. The County has determined that the Project is

consistent. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

12-014

The comment claims that the Project is inconsistent with MGBP, Policy 2. The County disagrees. Project emissions are considered significant and unavoidable; however, all feasible and reasonable mitigation measures have been incorporated to reduce criteria pollutants. As the actual amount of ROG reductions achieved from NOX and PM10 reductions is not certain, Project emissions are still considered significant and unavoidable; however, all feasible and reasonable mitigation has been required to reduce criteria pollutants as close to "no net increase" as feasible. It is within the County's discretion to determine whether the Project's benefits outweigh the Project's significant and unavoidable air quality impacts. The County has determined that the Project is consistent. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

12-015

The comment states the Draft EIR does not include enough support to conclude the Project is consistent with Conservation Element Policy 4 (Air Quality), which represents what the County is to consider air pollution impacts when evaluating discretionary land use proposals. Considerations should include: a) Alternative access routes to reduce traffic congestion; b) Development phasing to match road capacities; c) Buffers including increase vegetation to increase emission dispersion and reduce impacts of gaseous or particulate matter on sensitive uses." However, the Draft EIR states the Project will implement mitigation measures that require the approval of designated routes for large and heavy trucks (MM 4.17-5), as well as installation of vegetative barriers (MM 4.1-3) between the Project and sensitive receptors. The Project's potential to expose sensitive receptors to substantial pollutant concentrations would be less than significant with mitigation. Therefore, the Project is consistent with this policy. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

12-016

This comment suggests that the EIR is inadequate as an informational document since the horizon year of the Metropolitan Bakersfield General Plan has passed. In response, the Draft EIR is based on the most current information available at the time of drafting. The Kern County Metropolitan Bakersfield General Plan and FEIR is a fully valid document and is legally permitted to be utilized. Implementation of the proposed industrial use will sited in an appropriate location and contribute to the County's growing presence within the logistics and warehouse industry, incidentally benefiting residents of Bakersfield and the surrounding communities. In addition, the project site is located in an area that is specifically designated for projects of this type and intensity and will be located proximate to surrounding industrial uses.

The fact that the MBGP EIR utilized a 2020 horizon year does not render the Project's EIR analysis inadequate. All industrial projects approved since adoption of the MBGP are either constructed and properly included as part of existing, baseline conditions; or, are accounted for as cumulative projects within Draft EIR Table 3-4, as of the date the Notice of Preparation was issued for the Draft EIR. The use of the Metropolitan Bakersfield General Plan FEIR is appropriate for implementation, with conditions, of industrial development and the Precise Development Plan evaluation process. The Draft EIR is a project-level environmental document that serves to analyze any environmental impacts that may exceed or differ

from what was analyzed in the MBGP EIR. Development assumptions and scenarios presented in the MBGP and MBGP EIR do not serve as a cap on permissible development within the County. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

12-017

This comment suggests that the EIR does not provide a consistency analysis with Kern COG's 2022 Regional Transportation Plan and is inconsistent with Goals 1, 3, 5 and 6. While the comment is correct that the Draft EIR did not contain a consistency analysis with the Kern COG 2022 RTP, overall the Project would not impede the RTP Goals 1, 3, 5, and 6. The Project would not impede the mobility of the movement of goods (Goal 1), would not reduce the reliability and safety of the transportation system (Goal 3), would not impair the satisfaction with transportation system (Goal 5), and has minimized effects on the environment to the greatest extent possible (Goal 6). The Goals are broad in nature and do not contain specific policy as they serve as guidelines for the Lead Agency to impose and implement measures on a project-by-project basis. Further, the commenter does not identify any specific "errors in modeling" or "modeling without supporting evidence" to allow for a more detailed response as to the assertion that the Project is inconsistent with the referenced goals. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

12-018

This comment indicates that the EIR must be revised to include the analysis on employment growth, as included in the comment. Once constructed, the Project would create 437 direct jobs, 74 indirect jobs, and 85 induced jobs, for a total of 596 employment opportunities, as described in Section 4.14, Population and Housing. While the Project would encourage job growth in vicinity of the Project, this growth is encouraged and planned for, per the MBGP "centers" concept. The MBGP has designated zones within the planning area to facilitate growth within these identified centers. This land use pattern has been considered in the adoption of the MBGP, in which the Project is consistent with the land use designation (Light Industrial). Employment generated by the proposed project would be within Metro Bakersfield's anticipated employment growth. Therefore, impacts associated with population growth and housing resulting from operation of the Project are in conformance with the planned growth identified in the MBGP, and impacts are considered less than significant. Additionally, impacts would be further reduced with the implementation of MM 4.15-2, included in Section 4.15, Public Services, which would encourage all contractors of the Project site to hire at least 50% of their workers from local Kern County communities.

Projects approved since 2020 and projects "in the pipeline" are either fully constructed and therefore properly included as part of existing, baseline conditions; or, are accounted for as cumulative projects within Draft EIR Table 3-4, as of the date the Notice of Preparation was issued for the Draft EIR. The geographic scope for cumulative impacts to population and housing consists of a 6-mile buffer around the Project site, as viewed in Chapter 3, Project Description, Figure 3-15. These 29 projects may have the potential to induce population growth. However, it is likely they would be staffed by the existing regional workforce within Kern County. To this extent, and as noted in Section 4.14, Population and Housing, the unemployment rate in Kern County remains higher than state and national averages, at nearly 9% in 2024. Projections also indicate the population will continue to grow to 1.2 million people by 2050. Job availability from this Project and combined projects would potentially reduce the unemployment rate and support planned growth

in population in Kern County and surrounding communities. Therefore, the Draft EIR's analysis of this issue is adequate and no further response is required.

12-019

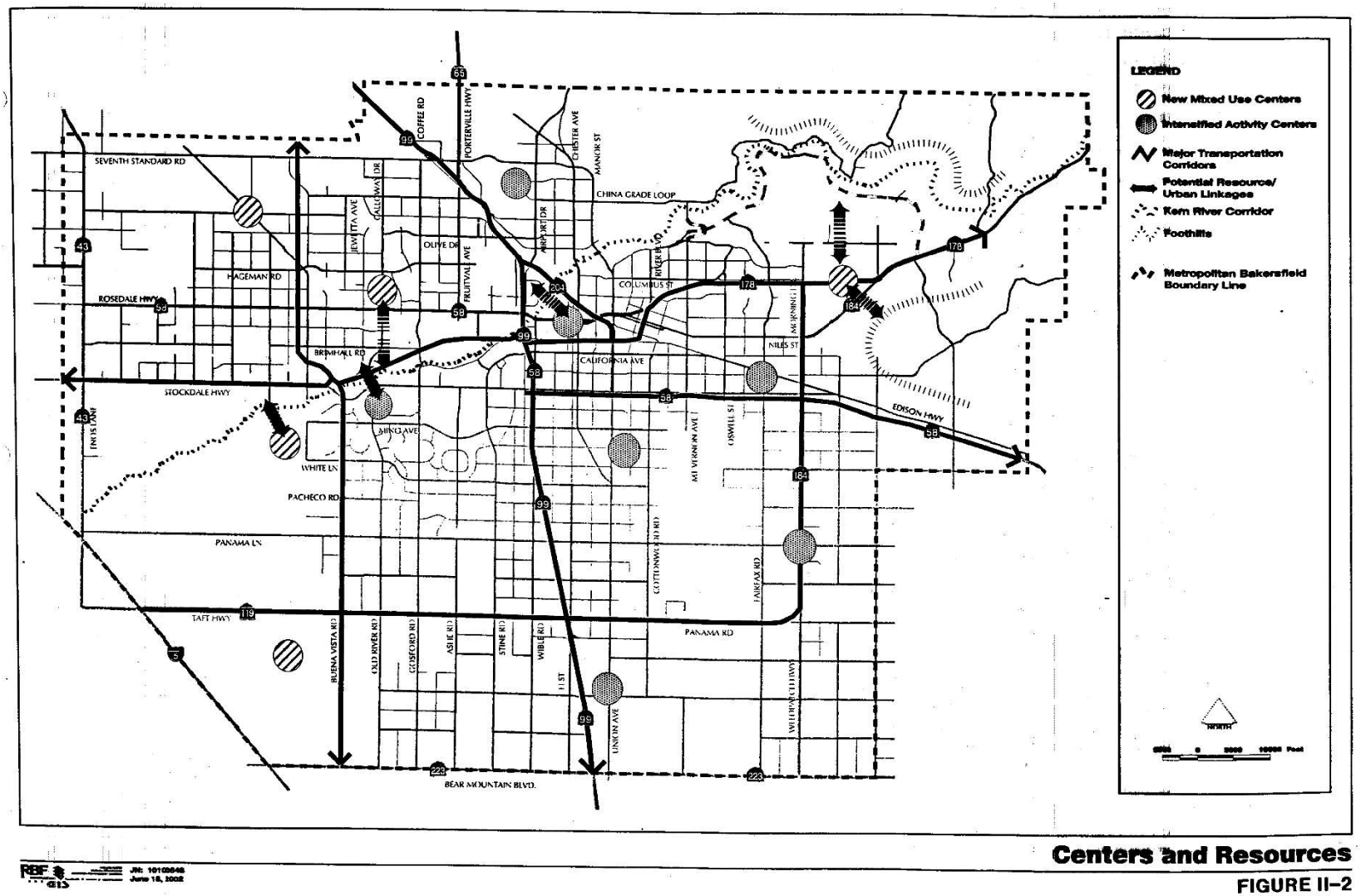
The comment states that the growth for recent industrial projects are significant and should be included in the cumulative projects list. The Malibu Vineyards project referenced by commenter is included as Project No. 1 within Table 3-4 of the Draft EIR, Cumulative Projects list. It should be noted that to date, the Malibu Vineyards project was referred back to staff and has not proceeded beyond the 45-day circulation period in the EIR process until further environmental review is conducted; Majestic Gateway is included as Project No. 31. All other projects constructed since 2020 are otherwise properly included as part of existing, baseline conditions. With regard to the growth assumptions contained in the MBGP EIR, see response to comment 12-016. Furthermore, as discussed in Section 4.14, Population and Housing, the unemployment rate in Kern County, and the loss of farmland/agricultural sector (as discussed in Section 4.2, Agricultural Resources), the Project would provide growth to a region that faces pressure in the agricultural sector. This Draft EIR provides the decision making authority with enough information to determine if the planned and direct growth will outweigh adverse impacts. Therefore, the Draft EIR's analysis of this issue is adequate and no further response is required.

12-020

The comment claims the project is inconsistent with the MBGP concept of centers. The County disagrees. Figure II-2 of the MBGP clearly shows the Project site as being located within an "Intensified Activity Center". The desired land uses for Intensified Activity Centers (as opposed to Mixed Use Centers) are not expressly defined by the MBGP. The description provided by commenter is applicable only to Mixed Use Centers, which does not apply to the Project. In any event, page II-3 of the MBGP states: "It is important to note that the general plan maps can only reflect the quality and character desired in a particular land use designation in general terms". Therefore, no particular land use would be precluded simply on the basis of the "centers" concept. The Project is consistent with the underlying industrial zoning of the Project site, and the zoning is consistent with the General Plan. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

12-021

The County disagrees with the comment which claims that the Project site is not depicted in Figure II-2 of the MBGP. The Project site is clearly shown as being within an "Intensified Activity Center" as shown in Figure II-2 below:



Centers and Resources

FIGURE II–2

The commenter's recitation of text from the MBGP is applicable to the Mixed Use Centers concept, which is not applicable to the Project. The EIR's consistency discussion is complete and accurate. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

12-022

The comment suggests the language regarding construction workforce is uncertain and misleading. The Project's population and housing impacts were found to be less than significant without the need for mitigation, although MM 4.15-2 (which is provided to reduce public services impacts) would also serve to further reduce potential population and housing impacts from temporary construction activities. The Draft EIR accurately explains the nature of construction jobs, in that workers typically commute rather than relocate. It should be noted that temporary accommodation for commuting construction workers, such as hotels, are located approximately two (2) miles northwest of the project site at the southwest corner of Merle Haggard and Highway 65. Ultimately, the number of construction workers needed during any given period would largely depend on the specific stage of construction but would likely fluctuate between a few and several dozen workers on a daily basis. The Project will be constructed using a licensed general contractor with full-time staff that are assigned to construction projects on a rotating basis, depending on the nature of the construction phase and the required worker skillsets. As such, the Project's construction labor needs would be met by a pool of existing construction workers in the region. It would be speculative to provide a geographic radius or listing of specific hotels that may be utilized by construction workers. See CEQA Guidelines Section 10564 (d)(3) "An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable."

With regard to operational workforce concerns, see response to comment 12-018.

This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

12-023

This comment references Appendix J of the EIR and the study's conclusion that there are no practical mitigation measures for the Golden State Highway/SR 99 southbound Off Ramp/ 7th Standard Road intersection. It should be noted the referenced intersection is fully constructed and although the Traffic Impact Study states that "no practical mitigation measures toward which new development could contribute funds to improve the operation to a LOS D or better," the Project will be required to pay Traffic Impact Fees. The Project will comply with all mitigation identified in the transportation impact report, and all transportation and traffic impacts will be less than significant with implementation of MM 4.17-1 through MM 4.17-4. The addition of Project-generated traffic to the future street system would result in the addition of one deficient intersection when compared to no project operations. However, the LOS deficiency is not an adequate threshold to determine a significant environmental impact. In order to improve LOS at deficient intersections adjacent to the Project, MM 4.17-1 would address these deficiencies by allowing for greater capacity for turn-movements. Additionally, MM 4.17-2 would require the payment of required Transportation Impact Fees. Therefore, the Project is consistent with the spirit and intent of these policies and will not hinder their implementation.

In addition, the LOS deficiencies cited by commenter are existing deficiencies that exist without the addition of Project traffic. Senate Bill 743 changed the primary basis of the evaluation of traffic deficiencies

in CEQA from LOS to VMT. With CEQA Guidelines Section 15064.3 in effect, the provisions of the statute specifying that automobile delay (as measured by LOS or similar standards) will not be considered a significant impact on the environment govern the analysis of traffic impacts under CEQA. (Public Resources Code § 21099 (b)(2)). The LOS analysis is presented for information and General Plan consistency and is not a basis for determining significant environmental impact. (Citizens for Positive Growth & Preservation v. City of Sacramento (2019) 43 C5th 609, 624 [LOS-based challenge moot in light of enactment of CEQA Guideline 15064.3]).

Please also see response to comment 12-012. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

12-024

The comment states that the VMT analysis has underestimated the significance of the Project's VMT generation and has not analyzed the project's truck, trailer, or delivery van activity. It should be noted that this comment may be based on the earlier misrepresentation of the proposed project's operation (see response to comment 12-002). The proposed Project's primary function would be high-cube transload warehouse and distribution buildings to facilitate material handling equipment, and storage and logistics uses, that could include up to 20% of the buildings being used for cold storage. The warehouses would serve trucks exclusively and would require various types of truck doors. Delivery vans or other smaller vehicles meant for drop shipping are not included or identified in the scope of the proposed project. The VMT analysis as presented in Section 4.17, Transportation and Traffic, of the Draft EIR did not include the Project-generated truck VMT when identifying the Project's potential impacts to VMT, consistent with guidance from the Governor's Office of Land Use and Climate Innovation (LCI). CEQA Guidelines Section 15064.3 (a) states, "For the purposes of this section, 'vehicle miles traveled' refers to the amount and distance of automobile travel attributable to a project." Pursuant to Senate Bill 375, the California Air Resources Board GHG emissions reduction targets for metropolitan planning organizations call for reductions in GHG emissions only from cars and light trucks. Consequently, the VMT criteria and thresholds in the CEQA Guidelines related to employment generating uses (such as the Project) do not apply to those components of proposed projects that involve commercial vehicles. However, the VMT criteria and thresholds would apply to those components that involve passenger vehicles.

12-025

The comment states that the EIR has not adequately analyzed the project's potential to substantially increase hazards due to a geometric design feature, or incompatible uses; or the project's potential to result in inadequate emergency access. With regard to the available maneuvering and queuing space for trucks/trailers at the intersection of project driveways and adjacent streets and the onsite turning radius for trucks within the Project site, this will be confirmed by the County as part of the plan check process, subject to approval by the County Engineer. With regard to the level of detail and exhibits that are required to be included within an EIR, see response to comment 12-004. The comment does not provide any evidence that the EIR failed to provide adequate analysis of the Project's potential to substantially increase hazards due to a geometric design feature or incompatible uses, or the Project's potential to result in inadequate emergency access. Nonetheless, MM 4.17-5 has been included, as well as Figure 4.17-5, in Section 7.3.1, Errata, based on the Traffic Impact Study Supplement in Appendix J to further clarify the project will be required to utilize designated routes for large and heavy trucks so as to avoid construction and operational

use of local roads and so as to further avoid unintentional increases in traffic within areas that could bottleneck in the event of emergency access. The clarifications provided by MM 4.17-5 and Figure 4.17-5 address the concerns raised in the comment and no additional revisions to the Draft EIR are necessary.

12-026

The comment states that the EIR has not provided any details regarding the County requirements for project access and/or street design or meaningful analysis of the project's compliance or noncompliance with these requirements. MM 4.17-4 cited by the commenter refers to a Construction Traffic Control Plan, not an operational traffic plan. The appropriate time to develop and submit such a plan for the County's review and approval is immediately prior to construction permitting, when construction schedules and details are more defined. This does not constitute improper deferral, as commenter claims. MM 4.17-4 is sufficiently detailed and includes the required elements of the Construction Traffic Control Plan and approval/monitoring mechanisms to ensure enforcement. Furthermore, MM 4.17-5 and Figure 4.17-5 have been incorporated in the errata to provide further clarification to the project implementation. See response to comment 12-025.

The review of a project site plan during the CEQA process is conducted at a high level to ensure that the potential development is compliant with all applicable building and zoning requirements and that there are no major design issues identified by any of the notified agencies. It is one of the first steps in the approval process but is not the final approval of the site plan. A detailed engineering plan will be submitted to the County for final review during the construction permitting phase. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

12-027

This comment states that there is no analysis of emergency access during project operations. The County disagrees that the EIR did not include an analysis of emergency access during project operation. Section 4.15, Public Services, included an analysis of how the project would impact public services, including emergency access. With regard to ensuring adequate emergency access, in addition to MM 4.17-4, the Project is also required to implement MM 4.9-11 which requires the project proponent to develop and implement a Fire Safety Plan for use during construction and operation prior to the issuance of grading permits. MM 4.9-11 is sufficiently detailed and includes the required elements of the Fire Safety Plan and approval/monitoring mechanisms to ensure enforcement. Furthermore, MM 4.17-5 and Figure 4.17-5 have be incorporated in the errata to provide further clarification to the project implementation. See response to comment 12-025.

Emergency access is discussed in Section 4.9, Hazards and Hazardous Materials, as well as in Section 4.17, Transportation and Traffic, and Section 4.20, Wildfire. The commenter provides no additional support for its contention that the Draft EIR's discussion of emergency access was inadequate. See response to comment 12-026. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

12-028

This comment states that the EIR has not provided any analysis of the available horizontal and vertical sight distance at the intersection of the project driveways and adjacent streets. With regard to adequate sight distance and meeting American Association of State Highway and Transportation Officials (AASHTO)

requirements for project driveways and adjacent streets, this will be confirmed by the County as part of the plan check process, subject to approval by the County Engineer. The comment does not provide any facts to support their contention that recirculation of the EIR is required to provide the sight distance analysis requested by the author. Therefore, no revisions to the EIR are necessary and no further response is required. Please also see response to comment 12-026.

12-029

The comment states that the Draft EIR is inadequate as an informational document since the horizon year of the MBGP has passed and it has not provided a cumulative analysis of all industrial projects approved since adoption of MBGP to accurately quantify the existing buildout scenario of the MBGP. Please see response to comment 12-016. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

12-030

This comment indicates that the project is not included in the "centers" goals and policies of the MBGP and is also not within the economic and land use demands of the MBGP as it is proposed five years beyond its buildout horizon. Regarding the comment's assertion regarding the Project's location within a "center" as defined under the MBGP, see responses to comments 12-020 and 12-021. With regard to the comment's assertion regarding the buildout horizon of the MBGP, see response to comment 12-029. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

12-031

This comment states that the EIR utilizes uncertain and misleading language in regards to construction workforce housing. see responses to comments 12-018 and 12-022. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

12-032

This comment indicates the EIR provides an inadequate analysis related to employment growth. see responses to comments 12-016, 12-018 and 12-019. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

12-033

This comment states that the EIR does not evaluate a reasonable range of alternatives as only two alternatives beyond the required No Project alternative are analyzed. CEQA does not require that the County evaluate a certain number of alternatives, so long as the alternatives eliminate or reduce significant effects of the project, attain the project's basic objectives, and are potentially feasible. (Pub. Resources Code § 21002; CEQA Guidelines § 15126.6(a)-(b)). In addition to the three alternatives that were fully analyzed within the EIR, the EIR also discussed why two additional alternatives were considered, but found to be infeasible and not studied further: the Infill Alternative, and a Transit Oriented Development Alternative. The Draft EIR's alternatives analysis thus met CEQA's requirement to evaluate a reasonable range of alternatives. Please also see response to comment 12-034. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

12-034

The comment provides closing remarks and requests to be added to notification lists for the Project. With regard to the statement that the EIR is flawed and that recirculation is required, see responses to comments 12-001 to 12-033. The County has determined that none of the circumstances under CEQA Guidelines Section 15088.5 have occurred that would require recirculation. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary. The County thanks the commenter for their comments and participation in the public process.

RESPONSES TO ATTACHMENT: SWAPE LETTER

12-035

This comment provides introductory remarks. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

12-036

This comment states that the construction CalEEMod output files were inconsistent with information disclosed in the Draft EIR. The comment requests a revised EIR be prepared that includes updated air quality analysis that adequately evaluates potential impacts on local air quality. The responses below demonstrate that the air quality modeling was robustly prepared to accurately estimate project construction and operation emissions.

12-037

This comment states that the "15369 Airport Drive Warehouse Construction Mitigated" model includes changes to the default construction schedule. The comment argues that these changes lack adequate support, and that until the construction schedule is authenticated, the model should have included proportionately altered individual phase lengths to match the proposed construction duration of 24 months. As noted in the notes field in the CalEEMod run, the construction schedule was determined based on information provided by the Project Applicant, and is based on site specific data, including the anticipated quantity of grading required at the site, as well as the type of building construction to be utilized. These estimates are consistent with assumptions utilized for other projects of a similar size and scope. Further, the analysis conservatively assumed that overlap would occur during the building construction, paving, and architectural coating phases of construction.

It should be noted that the construction schedule utilized by the commenter in their CalEEMod modeling assumes that paving and architectural coating phases of construction would each occur over a period of 29 working days, a significantly compressed schedule compared to the CalEEMod default of 55 working days and the assumption of 60 working days for these phases utilized in the analysis. The assumption of 29 working days for these phases is without basis. As assumed in the analysis, architectural coatings are typically applied over a longer duration concurrent with building construction activities, rather than as a discrete, compressed phase following the completion of building construction activities.

12-038

See response to comment 12-037 above.

12-039

This comment lists examples of mitigation measures based on the California Department of Justice, as well as mitigation measures incorporated by other projects and jurisdictions. As noted in the previous response, the analysis conservatively accounted for construction activities, and thus no revisions to the analysis are necessary. As such, construction emissions would not exceed the applicable significance thresholds established by the SJVAPCD and thus would result in a less than significant impact. Because construction impacts are considered less than significant, the Project would not be required to implement mitigation measures to reduce emissions. In response, the County appreciates the recommended mitigation measures, however, believes the mitigation measures discussed above adequately address the primary concerns of the letter and are sufficient for the development standards within Kern County. As this comment does not raise a substantive issue on the analysis of the Draft EIR, no revisions or additional response are required.

12-040

The comment provides a disclaimer regarding the information included in the comment letter. The comment does not raise any specific concerns with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required.

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13: Mitchell M. Tsai

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Mitchell M. Tsai
Law Firm

139 South Hudson Avenue
Suite 200
Pasadena, California 91101

VIA E-MAIL

April 17, 2025

Kern County Planning and Natural Resources Dept.
ATTN: Mark Tolentino, Planner III
2700 "M" Street, Suite 100
Bakersfield, CA 93301
Em: tolentinom@kerncounty.com

RE: IPG Industrial Project by IPG Kern County Holdings 52, LLC (PP23405); PD 72, Map 102; ZV 57, Map 102 DEIR

Dear Mr. Tolentino:

On behalf of the Western States Regional Council of Carpenters ("**Western Carpenters**" or "**WSRCC**"), my Office is submitting these comments concerning the County of Kern's IPG Industrial Project by IPG Kern County Holdings 52, LLC (PP23405); PD 72, Map 102; ZV 57, Map 102 Draft Environmental Impact Report ("**Project**").

13-001

WSRCC would like to express its support for this Project. After further reviewing this Project and the DEIR, WSRCC believes that the Project will benefit the environment and the local economy by practicing protocols that will protect worker health and safety and will incorporate adequate environmental mitigation.

Should the County have any questions or concerns, the County should feel free to contact my office.

Sincerely,

Jeremy Herwitt
Attorneys for Western States Regional Council of Carpenters

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Comment 13
Mitchell M. Tsai

13-001

The comment provides introductory remarks and expresses support of the project. The comment states that the project will benefit the environment and the local economy by practicing protocols that will protect worker health and safety and will incorporate adequate environmental mitigation. The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

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14: Sierra Club, Kern-Kaweah Chapter

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SIERRA CLUB

KERN-KAWEAH CHAPTER

P.O. Box 3357
Bakersfield, CA 93385
April 21, 2025

VIA ELECTRONIC MAIL

Kern County Planning and Natural Resources Department
ATTN: Mark Tolentino, Planner III
2700 "M" Street, Suite 100
Bakersfield, CA 93301

Re: IPG Industrial Project DEIR (PP23405); PD 72, Map 102; ZV 57, Map 102

Dear Planners:

The Sierra Club offers comments about the above project, the development of two single-story logistics facilities totaling approximately 923,130 square-feet (including 15,000 square-feet for dedicated office space) and associated improvements on approximately 49.05 acres of privately owned land between the Meadows Field Airport and Oildale in unincorporated Kern County. 14-001

GHG EMISSIONS AND CLIMATE CHANGE

Global warming is a serious issue, perhaps the most serious issue that we as a species will ever have to face. Dr. James Hansen, Director of the NASA Goddard Institute for Space Studies writes, "The stakes, for all life on the planet, surpass those of any previous crisis. The greatest danger is continued ignorance and denial, which could make tragic consequences unavoidable." 14-002

There is much important new information on climate change. For example:

- The IPCC AR6 synthesis report (https://www.ipcc.ch/report/ar6/syr/) includes warnings that the world is approaching "irreversible" levels of global heating, with catastrophic impacts rapidly becoming inevitable; and that it is "now or never" to take drastic action to avoid disaster.

- "A new study has revealed that the language used by the global climate change watchdog, the Intergovernmental Panel on Climate Change (IPCC), is overly conservative - and therefore the threats are much greater than the Panel's reports suggest." https://www.sciencedaily.com/releases/2019/03/190320102010.htm
- NOAA Global Monitoring Laboratory - THE NOAA ANNUAL GREENHOUSE GAS INDEX (https://gml.noaa.gov/aggi/aggi.html) is also substantial and critically important new information.
- Harmful tipping points in the natural world pose some of the gravest threats faced by humanity. Environmental stresses could become so severe that large parts of the natural world are unable to maintain their current state, leading to abrupt and/or irreversible changes. Global Tipping Points | Home (global-tipping-points.org)
- UN secretary general, António Guterres, said," This is climate breakdown, in real time. We must exit this road to ruin, and we have no time to lose." World endures 'decade of deadly heat' as 2024 caps hottest years on record | Climate crisis | The Guardian

14-002 cont.

California courts have ruled, "the greater the existing environmental problems are, the lower the threshold should be for treating a project's contribution to cumulative impacts as significant."

Since the County has not adopted a Climate Action Plan, it must be extra diligent in assuring that individual projects like this one satisfy state goals and regulations and legal requirements through adoption of feasible mitigation in a full EIR.

Greenhouse gas (GHG) emission reduction targets extend beyond 2020 and are much larger than the 2020 target; Executive Order B-30-15 targets a GHG reduction of 40% below 1990 levels by 2030, codified in SB 32. Executive Order S-3-05 sets an 80% reduction of GHG from 1990 levels in 2050 as a goal. In order to achieve GHG emission reduction goals beyond 2020, the County should require feasible mitigation measures that would reduce GHG emissions beyond the AB 32 goals.

Mitigation Measure MM 4.6-1 is deficient in addressing energy and GHG emission issues:

- Mitigation Measure MM 4.6-1 only suggests such "measures shall be included in the project design, as applicable" (emphasis added). This measure is vague and not clearly enough defined to be enforceable, making it unlikely that it will actually be implemented. MM 4.6-1 must include verification procedures and performance standards that are mandatory, specifically defined, and enforceable.
- Mitigation measures 4.6-1(a) and (d) only suggest that solar PV "provide a portion of the future electrical demand", giving the developer the option to determine how

14-003

small and inexpensive this "portion" might be. The County should fortify this commitment and reassure the public by requiring verification procedures and performance standards that are mandatory, specifically defined, and enforceable.

- In 4.6-1 (d), the measure only applies if the developer determines it to be "needed", making it unlikely that it will actually be implemented. The County should fortify this commitment and reassure the public by requiring verification procedures and performance standards that are mandatory, specifically defined, and enforceable.
- Measures 4.6-1 (h) and (k) are conditioned on feasibility, presumably leaving it to the developer's discretion to determine this feasibility, making it unlikely that they will actually be implemented. These measures must contain performance standards and enforcement and verification procedures.

14-003 cont.

MM 4.3-3 attempts to address on-site equipment criteria pollutant emissions rather than GHG emissions. Many parts of this measure are vague and/or not clearly enough defined to be enforceable, making it unlikely that they will actually be implemented; for example, they include conditions that certain equipment will be used "if permitted" or "when available".

14-004

To address the project's significant adverse cumulative impact on climate change and to satisfy the resulting CEQA requirement that it adopt additional feasible mitigation measures to address GHG emissions, the County must **require this project to adopt a sufficient number of effective climate change measures to offset cumulative impacts**. Each such requirement must include performance standards that are mandatory, specifically defined, and enforceable. These might include:

- In order to encourage the use of non-polluting electric vehicles, the County should require parking lots for all facets of this project to include dedicated EV parking and operational charging facilities. TABLE 5.106.5.3.1 of the 2022 CALGreen standards requires the project to include EV capable automobile and truck parking spaces and level 2 operational EV charging stations. The EIR must disclose the number of automobile and truck parking spaces that will include operational EV charging stations. The EIR must require that this commitment is enforced and that charging stations be regularly maintained and monitored.

14-005

- Parking lot stalls should be covered with photovoltaic cells (solar canopies) both to protect parked vehicles from heating and to generate clean energy for the project.
- Employee parking lots should be covered with solar canopies and, so as to encourage employees to drive EVs that can be charged while they work, should include level 2 EV charging facilities.

- Green building measures should be used, including passive solar design and a requirement that buildings be at least 25% more energy efficient than Title 24 standards current when permits are pulled.
- A requirement that the buildings meet the State goal of Zero Net Energy. To this end, **the buildings should be Zero Emissions Buildings** following the new DOE definition. "By the definition, at a minimum, a zero emissions building must be energy efficient, free of onsite emissions from energy use, and powered solely from clean energy. Future parts of this definition may address emissions from embodied carbon..." National Definition of a Zero Emissions Building | Department of Energy
- A requirement that structures contain enough solar photovoltaics (PV) and solar water heating to significantly offset energy usage**,** with a capacity that matches the maximum allowed for distributed solar connections to the grid, even if this exceeds California Green Building Standards.
- To help reduce VMT and help address environmental justice issues, the project should provide employment opportunities and regular bus routes between the project and local low-income and minority communities (for example, Shafter, Oildale) to transport workers. The buses should be electric vehicles charged from the project's photovoltaic panels.
- A requirement that the buildings be all-electric.
- Compass Danbe Centerpointe, a warehouse project in Moreno Valley, has agreed to a rapid electrification of vehicles at the site with a fully electric fleet within 3 years of the start of operations, at least 50% of warehouse's electrical demand must be covered by onsite solar generation, construction equipment must be electric, cold storage is prohibited, buildings will be LEED Silver, buildings must be powered by electricity, much else. IPG Industrial Park should follow this example.
- A requirement that the project partially subsidize public transportation in nearby communities in order to reduce area VMT.
- A requirement that the developer retrofit solar PV on existing area buildings. Retrofitting existing area buildings with solar PV would effectively offset emissions associated with this project in much the same way as the SJVAPCD uses ISR funds to fund offsite projects to offset criteria pollutants associated with development projects.
- A requirement that the developer contribute a GHG fee to the San Joaquin Valley Air Pollution Control District to be used to fund projects that would reduce GHG emissions elsewhere. This could be built into the criteria pollutant Developer Mitigation Agreement (DMA) as the Air District has suggested in the past.

14-005 cont.

For the public and the decision-makers to be able to decide on the efficacy of the measures on climate change and on the energy sector, specific requirements should be presented before the project is approved.

The environmental documents must evaluate these potential mitigation measures in order to require sufficient mitigation to substantially reduce the impact of the project on the climate crisis.

14-005 cont.

AIR POLLUTION

The southern San Joaquin Valley fights it out every year with Los Angeles for having the worst air pollution in the nation. See the American Lung Association report at http://www.lung.org/our-initiatives/healthy-air/sota/city-rankings/states/california/. Since our extreme air pollution affects the health of many residents, the EIR must thoroughly address the issue.

14-006

An enormous body of evidence documents that low-income and/or minority communities are disproportionately exposed to various sources of air pollution such as from heavy-duty trucks heading to industrial warehouse and distribution sites such as this proposed project

To address the project's admittedly significant adverse cumulative impact on air pollution and to satisfy the resulting CEQA requirement that it adopt additional feasible mitigation measures to address criteria pollutant emissions, the County must **require this project to adopt a sufficient number of effective air pollution reduction measures to offset cumulative impacts**. Each such requirement must include performance standards that are mandatory, specifically defined, and enforceable. The EIR should examine and consider the following feasible methods to reduce the impact:

- MM 4.3-5 requires the developer to enter into a Developer Mitigation Agreement (DMA) with the SJVAPCD to help address criteria pollutant pollution by funding air pollution reduction projects offsite, but there is no requirement that air pollution reduction projects take place here locally. The city of Stockton or somewhere else in the north valley could benefit from the cleaner air resulting from this agreement. Bakersfield's already dreadfully dirty air gets dirtier; Stockton's air gets cleaner. The local pollution burden gets even worse; the air in the adjacent Oildale community gets even worse. **To address the possibility of creating a new air pollution hotspot, the EIR must require the DMA clean air benefits to be local where the impact occurs.**

14-007

- The DMA should include specific enforceable measures and should not allow the developer to defer the development and implementation of these measures to a later date.

- Operational NOx emissions are primarily related to mobile sources. The project should provide employment opportunities and regular bus routes between the project and local low-income and minority communities (for example, Oildale, Shafter, Southeast Bakersfield) to transport workers. The buses should be electric vehicles charged from the project's photovoltaic panels.
- A requirement that the project partially subsidize public transportation in order to reduce area VMT.
- All service equipment should be zero emission. MM 4.6-1(k) only suggests that electric equipment be used "based on feasibility of operations". This measure is vague and not clearly enough defined to be enforceable, making it unlikely that it will actually be implemented. MM 4.6-1 must include performance standards that are mandatory, specifically defined, and enforceable.
- Local delivery trucks associated with the project should be electric vehicles charged from renewable energy sources, preferably from onsite solar panels.
- Limit onsite transport refrigeration unit diesel engine runtime to no more than 15 minutes.
- The project should encourage workers to drive low-emission vehicles, perhaps furnishing electric vehicles with no emissions whatsoever with onsite charging stations.
- Centerpoint Strategies, a warehouse project in North Richmond, has agreed to a rapid electrification of vehicles at the site with 33% of the fleet required to be zero-emission vehicles at start of operations, 65% of the fleet to be zero-emission vehicles by the end of 2023, 80% of the fleet to be zero-emission vehicles by the end of 2025, and 100% of the fleet to be zero-emission vehicles by the end of 2027. IPG Industrial should follow this example.
- In its December 20, 2019, letter on the 99 Houghton Industrial Park project, the California Air Resources Board included a list of air pollution reduction measures specific to projects such as this one. The EIR should examine and address each of these potential mitigation measures as well as updated CARB recommendations.
- Many of the potential feasible GHG mitigation measures listed in a previous section also reduce criteria pollutants, should be considered as air pollution reduction measures, and explored and addressed as such in the EIR.

14-007 cont.

The EIR must evaluate these and similar mitigation measures to reduce the impact of this project on air pollution.

Trucks and trailers with transport refrigeration units (TRUs) will be allowed on this project site. The EIR must model air pollution emissions from these on-site transport refrigeration units, and the County must prepare a health risk assessment that shows the potential health risk. In addition, the County should revise MM 4.8-2 to **require that the TRUs actually use the electric plugs at the loading docks** or when parked elsewhere onsite. 14-008

Wingland Elementary School is less than a quarter mile from the project site, and North High School is 3000 feet from the project site. The EIR must address the project's air pollution impact on these sensitive receptors. The County should do a health risk assessment for the schools and require the project to **install and maintain air filtration systems at these nearby schools**. 14-009

Without presenting evidence, the DEIR speculates on page 4.3-66, "Since current long-term residents typically already have been exposed to and have developed immunity to Valley Fever, construction activities are not expected to add significantly to the exposure of off-site residents to the fungus." The DEIR is deficient in not having presented a convincing argument to come to such a conclusion. The project should be required to test the soil for Valley fever spores before drawing this conclusion, all the more important given the proximity to the Wingland Elementary and North High Schools and given the recent increase in cases. Valley fever cases spike in California, already way up from recent years 14-010

Dust mitigation as described in Mitigation Measure 4.3-6 is not efficient in reducing the threat of Valley fever. The EIR should require soil testing for Valley fever, particularly so as to address the project's impact on sensitive receptors.

Forest preservation is one of the best ways to naturally sequester atmospheric carbon. Trees and other plants in increasing elevation are negatively impacted by mobile and stationary source pollution from motor vehicles and industry. Sequoia National Forest and Sequoia-Kings Canyon National Parks are the most polluted parks and forests in the federal system. This pollution is directly attributed to San Joaquin Valley activities. See, for example, http://www.elsevier.com/books/ozone-air-pollution-in-the-sierra-nevada-distribution-and-effects-on-forests-2/bytnerowicz/978-0-08-044193-1 or http://www.fs.fed.us/psw/southernsierrascience/speakers/pdf/cisneros.pdf. The EIR must examine and mitigate the cumulative air pollution effects of this project on forest resources. 14-011

BIOLOGICAL RESOURCES

The Metropolitan Bakersfield Habitat Conservation Plan has expired and is no longer in effect. Nevertheless, habitat loss must be addressed. At the very least, **a biological survey and consultation with the USFWS and CDFW should be required *before project approval***. 14-012

One of the basic purposes of CEQA is to "inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities."

Post-approval biological surveys do not satisfy CEQA's informational requirements; the decision-makers need to know the results of the biological surveys in order to assess the project's potential biological impacts BEFORE deciding whether to approve the project. Post-approval surveys cannot inform the City's decision whether to approve the project. Deferred mitigation violates CEQA if it lacks performance standards to ensure the mitigation goal will be achieved. 14-013

According to the DEIR, there are three special status species that could occupy the project site and vicinity including the burrowing owl, San Joaquin kit fox, and Crotch's bumble bee, along with nesting birds. While blunt-nosed leopard lizards and other species have likely been driven off the project site by repeated disking, sitings of BNLL have occurred several miles to the north of the site. On page 4.4-51, the DEIR admits, "The project site contains habitat that can support plants, insects, rodents, and small birds that provide prey base for raptors and terrestrial wildlife."

Without presenting evidence, the DEIR speculates on page 4.4-38, "The loss of the site as foraging and habitat for kit fox is not expected to substantially affect populations of this species in the region." The DEIR is deficient in not having presented a convincing argument to come to such a conclusion.

The cumulative impact of this project on biological resources must be considered significant, and appropriate mitigation must be required. The Cumulative Projects List in Table 3-4 contains 51 projects, a large number of which are large industrial projects on similar habitat. Many of the 51 listed projects already threaten known populations of the endangered San Joaquin kit fox (*Vulpes macrotis mutica*) and other species, which have survived in small, fragmented populations throughout the Bakersfield area in open grassland areas, many of them former agricultural fields and other abandoned areas which they use as hunting grounds. On page 4.4-51, the DEIR admits, "other projects that result in the conversion of undeveloped land to developed land and the associated habitat loss are all proposed within the same region as the Project." Loss of habitat is a major reason for species decline. In spite of this admitted ongoing cumulative habitat destruction, the DEIR erroneously concludes that the project's cumulative impact on biological resources is less than significant. The DEIR seems to be arguing that since the project-specific impact on species is less than significant, then its cumulative impact is also insignificant, undercutting the entire notion of cumulative impacts. Mitigation for habitat loss and potential species take should include Incidental Take Permit acquisition and purchase of replacement habitat. 14-014

To help scientifically determine whether kit fox use the site, a qualified biologist should extract DNA from onsite potential San Joaquin kit fox scat samples, following a procedure published in 2014 by De Barba et al. (De Barba, M. et al. (2014). Molecular species identification for multiple carnivores. *Conservation Genetics Resources*, *6*, 821-824; and Lauer et al. (2025) Detecting the endangered San Joaquin kit fox (*Vulpes macrotis mutica*) and other canine species in Kern County, CA - Applying a non-invasive PCR-based method to four case study sites. 2025 Feb 12;5(1):8.). If the scat actually is kit fox scat, then clearly kit fox inhabit the site, and appropriate mitigation should be applied. Kit foxes mark their territory and don't leave scat behind randomly. If scat is found, it means that the kit foxes use this property for hunting and/or denning. The DEIR is flawed in not having properly evaluated and addressed the project site's potential for special status species' habitat and the project's potential to interfere with wildlife movement. 14-015

Based on the fact that the project site has been repeatedly disked, the biological consultants erroneously report that the project site is of little value to the kit fox, and they see no evidence of the kit fox presence. The project site has not been used for agricultural purposes, and so disking serves no agricultural purpose. Project developer's disking constitutes unlawful harassment of the species under the Endangered Species Act. The biological study upon which the DEIR was prepared is infected by this unlawful purpose. Pursuant to its regulatory authority, the County and the USFWS should **require the project developer to allow the project site to revert to a more natural condition for some reasonable period** after formal consultation under Section 7 begins, and then the USFWS should itself perform (or engage a truly independent expert to perform) a new focused survey for the presence of the kit fox, blunt-nosed leopard lizard, and other species and for the suitability of the site as habitat. 14-016

According to the publication *Conservation Strategies for San Joaquin Kit Foxes in Urban Environments* by Brian Cypher, Christine Van Horn Job, and Scott Phillips at http://esrp.csustan.edu/publications/pdf/cypher_etal_2012_urban_kitfox_conservation_esrp.pdf, "To the extent practical and possible, urban planners could design new developments in a manner that facilitates use by kit foxes." The County should require this project to be designed with urban kit fox conservation measures in mind, perhaps including artificial kit fox dens and movement corridors as suggested in the above document. Such a requirement must include performance standards that are mandatory, specifically defined, and enforceable. 14-017

Loss of habitat is a major reason for species decline. **Mitigation for habitat loss and potential species take should include Incidental Take Permit acquisition and purchase of replacement habitat.**

PROJECT OBJECTIVES

The DEIR articulates no purpose, need, or objectives for the IPG Industrial project independent of the list of "applicant submitted project objectives" for the project on page 1-6. But without a purpose, need, and objectives adopted by the lead agency, the EIR cannot meaningfully assess impacts and develop or compare a reasonable range of alternatives to the proposed project. Because the integrity and validity of an alternatives analysis depends in significant part on the articulation and assessment of the lead agency's project objectives, an EIR that lacks an adequate statement of those objectives will not be in compliance with CEQA. 14-018

This deficiency is compounded by the fact that the project will have significant adverse cumulative air quality impacts in a county with the worst air quality in the nation and the likelihood that the project will potentially induce substantial population growth with concomitant potential growing pains. Therefore, it is particularly important to scrutinize the project objectives and ensure they reflect public agency goals.

ENERGY

Mitigation Measure 4.6-1 requires, among other things, the project proponent to "provide a report and summary of all energy efficient building design standards incorporated into the project design and operations to reduce the level of energy consumption of the project."

- To whom will this report be provided? The reportee doesn't have the option to approve or disapprove the design standards; it only seems to have the option to accept the report.
- This measure allows the project proponent to illegally defer mitigation commitments, energy efficient building design standards, until after the project is approved. Post-approval design standards do not satisfy CEQA's informational requirements; the decision-makers and the public need to know the actual design standards in order to assess the project's potential energy impacts BEFORE deciding whether to approve the project. 14-019
- A report such as this without required performance standards and with no accountability is ineffective at meaningfully mitigating project impacts. It cannot serve as evidence when determining the significance of project impacts.

Mitigation Measure 4.6-1 also suggests that a list of measures "be included in the project design, **as applicable** (emphasis added)." 14-020

- Determination of applicability is presumably left to the project proponent since the measure contains no performance standards by which to judge applicability. This makes it unlikely that many of the measures will actually be implemented. MM 4.6-1

must contain performance standards and accountability conditions by which the decision-makers and the public can judge the effectiveness of this mitigation measure.

- Parts a and d of MM 4.6-1 suggest that the developer incorporate roof- and ground-mounted solar photovoltaic panels "to **provide a portion** of the future electrical demand (emphasis added)." Without performance standards and accountability conditions, it will be up to the developer to determine what "portion" he is willing to finance with solar panels. For that matter, in part d, the developer will only need to finance solar panels "if needed", the necessity being left to the developer's mood or checkbook condition perhaps. The DEIR is deficient in not imposing performance standards on these conditions.
- Part b proposes that the project reduce "energy use by at least 10 percent and up to 25 percent **less than** Title 24 requirements (emphasis added)." Is the DEIR telling the project to flout the law rather than exceed Title 24 standards? The County must clarify this condition and must impose performance standards and accountability conditions on this project.
- Part g states, "Portions of parking lots (drive aisles) may be paved with concrete versus asphalt …". Replace "may" with "shall". Include minimum standards for the "portion" of the parking lots to be paved with concrete. Without these corrections, this measure is vague and not clearly enough defined to be enforceable, making it unlikely that it will actually be implemented. 14-020
- Part h only requires employee parking stall roofs to have solar panels "if feasible." Without performance standards and accountability conditions, it will be up to the developer to determine whether it is "feasible" to include solar panels. This part must contain performance standards and accountability conditions by which the decision-makers and the public can judge the effectiveness of this mitigation measure.
- The condition in part k requiring certain equipment to be electric is also based on "feasibility". The DEIR is deficient in not containing performance standards that define this "feasibility". Better yet, the County should actually require that all service equipment be electric.
- Part l only requires consultation with public agencies about transit-related design features, but it requires no such features. While consultation is an important first step, without follow-through it has no impact on energy issues and should not be considered mitigation. The DEIR should include a transit demand management program with specific required features to reduce VMT.
- The condition in part n requiring the usage of high efficiency electric motors is also based on "feasibility". The DEIR is deficient in not containing performance standards that define this "feasibility".

The DEIR primarily relies on this vague, noncommittal, and ineffective mitigation measure as well as MM 4.3-3 (also vague and ineffective as noted above) to jump to the conclusion that the project's energy impacts are insignificant. Without clear commitments to specific energy reductions, the case for insignificance has not been made. The County must revisit this conclusion. 14-020 cont.

The Cumulative Projects List in Table 3-4 contains 51 projects, a large number of which are sizeable industrial projects involving substantial energy usage. On page 4.6-21, the DEIR states, "Compliance with the aforementioned regulations by the cumulative projects would ensure that they would not result in the inefficient, unnecessary, or wasteful consumption of fuel and their cumulative impact would be less than significant."

- Certainly, all 51 of these projects will have to comply with existing regulations, but, for some of the sizable ones, their project-specific energy impact may not be insignificant. The DEIR is deficient in asserting with no evidence whatsoever that all 51 have insignificant project-specific energy impact.
- The DEIR is asserting that potential project-specific energy impact insignificance for each of these 51 projects implies that the cumulative effect is insignificant, a **complete misunderstanding of the meaning of cumulative impacts**. According to CEQA Guidelines Section 15355(b), "Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." The conclusion of cumulative insignificance must be withdrawn, or substantial evidence based on firm legal and rational ground must be presented. 14-021

The DEIR also relies on mitigation measures noted above as ineffective, vague, and unenforceable to conclude that the project's cumulative impact on energy would be less than significant. The case for that conclusion cannot merely be asserted; it must be made. The DEIR is defective in not having made the argument.

The cumulative impact of this project on energy must be considered significant, and appropriate mitigation must be required.

ALTERNATIVES

As an "Alternative Site" alternative, the EIR does not adequately explain the rationale for considering a remote alternative site located within the Mojave Specific Plan Area, approximately 60 miles southeast of the proposed project site. On page 1-21, the DEIR rejects this alternative because it is inefficient given that no specific site has been chosen or evaluated, stating, "The project proponent would be required to identify and secure land use authority over such an alternative site location, whether by purchasing or leasing the land, and subsequently must apply for land use entitlements and conduct environmental review." In Table 1-6, in spite of having no specific site to evaluate, the DEIR admits that this 14-022

alternative would have similar or greater impacts in all but on issue area. The selection of this alternative site for further consideration is illogical and inconsistent with CEQA mandates. This alternative seems to have been chosen so as to undercut the CEQA process to "feasibly avoid or lessen any significant environmental impacts of the project while attaining most of the project's basic objectives." The EIR must consider other specific alternative sites with a better chance of actually reducing the Project's significant environmental impacts.

14-022 cont.

Please place the Sierra Club on the distribution list for this project to receive any noticing of meetings, hearings, availability of documents, and to receive the environmental documents. We prefer email communications and electronic formatting of documents. Thank you for your consideration and for the opportunity to comment.

14-023

Sincerely,



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Comment 14
Sierra Club, Ken-Kaweah Chapter

14-001

The comment provides introductory remarks. The comment provides a brief summary of the project description. The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

14-002

The comment provides a summary of recent information released regarding climate change. The comment states that, since the County has not adopted a Climate Action Plan, it must be diligent in assuring that projects satisfy state goals and regulations and legal requirements through adoption of feasible mitigation.

The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

14-003

The comment suggests that MM 4.6-1 is deficient in addressing energy and GHG emission issues, indicating that it is vague and must contain performance standards and enforcement and verification procedures. In response, the Project already includes a robust suite of measures within its design and control that would reduce GHGs, such as MM 4.6-1 as well as MM 4.8-1 and MM 4.8-2, which require the following: use of only electric-powered off-road equipment (for example, forklifts, indoor material handling equipment) for daily warehouse operations, tracking and reporting of efforts to meet a construction waste diversion target of 80%, marking of equipment containing, and requirement such that if tenant/business will utilize cold storage in the project, the project developer shall provide a disclosure to that user that requires all Transport Refrigeration Units (TRUs) entering the project site to be plug-in capable. . Should the project receive final approval from the Board of Supervisors, any and all adopted resolutions containing conditions of approval and the Mitigation Monitoring and Reporting Program will referenced during the compliance review and plan check as part of the County's standard Building Permit application process. As this process includes review conducted by multiple agencies and departments, adherence to Mitigation Measure MM 4.6-1 must be completed prior to issuance of any applicable permits. The County has determined that all feasible measures have been incorporated into the EIR and that the Project is doing its fair share to minimize GHG emissions. Therefore, no revisions to the EIR are required and no further response is necessary.

14-004

The comment states that MM 4.3-3 attempts to address on-site equipment criteria pollutant emissions rather than GHG emissions, indicating that it is vague. However, the comment does not specify what information is missing. The implementation of mitigation measures is accomplished through the Mitigation Measure and Reporting Program (MMRP) which is not required to be circulated with the EIR. If the project is recommended for approval by staff, then a full MMRP, which would include more specific timeframes for approval and steps to compliance, will be provided for review and comment in the staff report for the Board of Supervisors along with the requisite Findings of Fact and Statement of Overriding Considerations. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

14-005

The comment states that the County must require this project to adopt a sufficient number of effective climate change measures to offset cumulative impacts and provides examples of additional mitigation measures. The Project already includes a robust suite of measures within its design and control that would reduce GHGs, and the County has determined that all feasible measures have been incorporated into the EIR and that the Project is doing its fair share to minimize GHG emissions. See response to comment 14-003 above. Therefore, no revisions to the EIR are required and no further response is necessary.

14-006

The comment expresses that the southern San Joaquin Valley has among the worst air pollution in the nation and that low-income and/or minority communities are disproportionately exposed to various sources of air pollution.

The comment appears to be informational and does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

14-007

The comment states that the County must require this project to adopt a sufficient number of effective air pollution reduction measures to offset cumulative impacts and provides a list of example measures, with particular focus on MM 4.3-5, which requires establishment of a Developer Mitigation Agreement in coordination with the San Joaquin Valley Air Pollution Control District. In response, the Project already includes a robust suite of measures within its design and control that would minimize its impact on air pollution, and the County has determined that all feasible measures have been incorporated into the EIR and that the Project is doing its fair share to minimize air pollution. Furthermore, it should be noted that Mitigation Measure MM 4.3-5 has been reviewed by the SJVAPCD and the County was not directed to specify that the DMA clean air benefits are to be sited locally as it is ultimately under the purview of SJVAPCD where DMA generated revenue should be allocated. Therefore, no revisions to the Draft EIR are required and no further response is necessary.

14-008

The comment states that the County should revise MM 4.8-2 to require that the TRUs use the electric plugs at the loading docks as well as that the EIR must model air pollution emissions from these units. Modeling of the TRUs is not required as part of this assessment. MM 4.8-2 is considered adequate and requires all TRUs entering the project site to be plug-in capable as well as indicates that the building systems shall be upgraded to provide electrical hookups as part of the tenant improvements for any tenant that requires cold storage. MM 4.8-2 is sufficient for mitigation of air pollution emissions from these on-site transport refrigeration units. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

14-009

The comment states that the County should do a health risk assessment for the schools and require the project to install and maintain air filtration systems at nearby schools. As indicated in the Draft EIR, a Health Risk Assessment (HRA) associated with construction emissions was prepared and follows the methodologies prescribed in the California EPA/OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines – Guidance Manual for Preparation of Health Risk Assessments (OEHHA 2015). The health risk assessment prepared for the Project evaluated risk resulting from Project emissions to nearby schools,

and the results of the analysis indicated that at the maximally exposed school receptor, the maximum risk would be 0.64 in one million, less than the significance threshold of 20 in one million established by the SJVAPCD. Although no changes are needed as the HRA was prepared according to applicable guidance, Section 7.1.3, Revised Summary of Impacts, Mitigation Measures, and Significance Conclusions, includes a supplement to the HRA that provides clarifications that further support the conclusion of a less than significant impact. Appropriate mitigation measures for management and reduction of all emissions are included in MM 4.3-1 through 4.3-10 and are adequate and sufficient under CEQA. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

14-010

The comment indicates that the Project should test the soil for Valley Fever. MM 4.3-6 which addresses actions to take to protect workers and others in the construction are from Valley Fever is adequate and has been included in all County certified EIRs for all projects. MM 4.3-6 is sufficient for mitigation of potential Valley Fever impacts and incorporates all feasible and reasonable mitigation as it is not possible to definitively ensure that no workers or operators are exposed to Valley Fever. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

14-011

The comment states that the EIR must examine and mitigate the cumulative air pollution effects of the project on forest resources, with particular focus on the Sequoia National Forest and Sequoia-Kings Canyon National Parks, whose nearest boundaries are approximately 25 miles northeast of the project site boundary. It should be noted the commenter did not provide a workable citation as the link rendered a "page not found" result and therefore could not be verified by the County. As the comment does not clearly draw a connection between the assertion and the subject project, and does not otherwise raise a substantive issue on the content of the Draft EIR, the comment has been noted for the record and revisions to the Draft EIR are not necessary.

14-012

The comment states that a biological survey and consultation with the USFWS and CDFW should be required before project approval. As noted in the Regulatory Setting discussion for Section 4.4, Biological Resources, of the Draft EIR, Section 7 of the FESA requires federal agencies to consult with the USFWS and/or NMFS and obtain a biological opinion prior to carrying out any federal program or agency action that may adversely affect threatened or endangered species. Additionally, MM 4.4-5 would require a preconstruction survey be conducted. If any special status plants are identified as part of this survey, consultation with CDFW or USFWS would occur if required by applicable law. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

14-013

The comment states that post-approval biological surveys do not satisfy CEQA's informational requirements and that deferred mitigation violates CEQA if it lacks performance standards to ensure the mitigation goal will be achieved. The County disagrees. A number of surveys were conducted for special-status species potentially occurring within the project site. These surveys are documented within the Draft EIR (Section 4.4 and Appendix C). As such, the surveys have been available to decision makers (and now the public via the Draft EIR) prior to final approval of the project. Although several of these species were

not detected during these initial survey efforts or, in the case of bird nests the surveys did not encompass the entire extent of the bird nesting season, because these species (and active bird nests) could still potentially occur on the project site prior to or even during project construction, additional surveys are recommended, as part of several mitigation measures in section 4.4 of the Draft EIR, to be conducted immediately prior to ground-disturbance activities. The measures include tasks to be implemented in the event that any of these special-status species (or active nests) are detected in order to avoid significant impacts under CEQA, or to avoid "take" of any species listed as threatened or endangered under the state and/or federal endangered species act. As such, none of these measures represent deferral of mitigation. The implementation of mitigation measures is accomplished through the Mitigation Measure and Reporting Program (MMRP) which is not required to be circulated with the EIR. If the project is recommended for approval by staff, then a full MMRP will be provided for review and comment in the staff report for the Board of Supervisors along with the requisite Findings of Fact and Statement of Overriding Considerations. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

14-014

This comment states that the cumulative impact of the project on biological resources must be considered significant, and appropriate mitigation must be required, suggesting the inclusion of Incidental Take Permit acquisition and purchase of replacement habitat. As discussed in several areas of the Draft EIR (Sections 3.4, 3.5, 3.7, and 4.4) the project site is surrounded on three sides by existing industrial/commercial, transportation (including Meadows Field Airport immediately to the south and west) and residential development and is subjected to intensive land management practices including regular disking; as such, the site is considered of relatively low quality as denning and foraging habitat for this species. Even though the Draft EIR acknowledges that this species could still potentially occur on the site, as discussed in section 4.4 in the Draft EIR, no evidence (scat, sign, tracks) of San Joaquin kit fox were observed during surveys conducted on the site for this species. Considering the disturbed nature of the site, the relative high density of commercial and residential development abutting three sides of the project site, and the results of the surveys, it was appropriately determined that development of the site is not expected to substantially affect populations of San Joaquin kit fox in the project region.

With respect to the commenter's concern that the Draft EIR does not adequately address cumulative impacts with respect to habitat loss for San Joaquin Kit Fox and other species occurring in the project region as a result of proposed development of the project site: contrary to the commenter's statement that the Draft EIR "erroneously concludes that the project's cumulative impact on biological resources is less than significant", the analysis of cumulative impacts discussed in Section 4.4.5 concludes that the project, without mitigation, "could contribute to the cumulative loss of habitat for special-status species." However, as stated in the analysis, implementation of mitigation measures MM 4.4-1 through MM 4.4-12 would reduce cumulative impacts to less than significant. In addition, and as noted in the previous response, the project site is highly disturbed as a result of regular disking and land management activities and abuts against existing commercial and residential development on three sides of the project site. Consequently, and as noted in the cumulative impacts discussion in Section 4.4.5, while the region is known to support a diversity of special-status species, most of these species are not expected to utilize the project site. Furthermore, because of the low-quality value of the site as foraging or denning/breeding habitat for San Joaquin kit fox, and because surveys for kit fox were negative, development of the site is not expected to trigger the need for an Incidental Take Permit which would only apply to state- or federally-listed species such as the kit fox. Furthermore, section 4.4 of the Draft EIR contains numerous measures to avoid adverse

impacts and take of individual San Joaquin kit fox, most of which are taken from the USFWS' "Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance" (USFWS 2011). The comment has been noted for the record and revisions to the Draft EIR are not necessary.

14-015

This comment states that, to help scientifically determine whether kit fox use the site, a qualified biologist should extract DNA from onsite potential San Joaquin kit fox scat samples. The comment concludes that the Draft EIR is flawed in not having properly evaluated and addressed the project site's potential for special status species' habitat and the project's potential to interfere with wildlife movement. While DNA sampling is an appropriate methodology to determine presence/absence of San Joaquin kit fox on a given site, it does not provide confirmation that kit fox is presently occupying the site, i.e., utilizing the site for breeding purposes; only that a kit fox occurred, or did not occur, at a given point in time. Other methodologies include the use of scent dogs to determine presence/absence. For this project, biologists (who have extensive experience conducting surveys for San Joaquin kit fox) utilized survey protocols included in the "Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance" (USFWS 2011). These protocols, published by the USFWS and widely acknowledged as an appropriate methodology to determine presence/absence of this species on a given site, include searches for sign (i.e., scat, tracks, prey remains, fresh digging) as well as searches for potential breeding/sheltering dens and the use of infra-red cameras to determine occupancy of potential den sites. The USFWS documented protocol also includes steps to take to avoid impacts to San Joaquin kit fox if it is determined that the species occurs or utilizes a given site and the need for an Incidental Take Permit if impacts to the species cannot be avoided.

With respect to the commenter's statement that the Draft EIR did not properly evaluate the project site's potential for special-status species' habitat: As discussed in the Biological Resources Assessment in the Draft EIR (Appendix C), an extensive field assessment was conducted on the project site to "identify and characterize existing natural resources on the site and determine the potential for special-status plant and wildlife species; sensitive vegetation communities; and regulated aquatic resources, such as wetlands, to occur on the site." The assessment (and focused surveys) was conducted by biologists with extensive experience conducting habitat assessments and protocol surveys for San Joaquin kit fox, burrowing owl, and a number of other special-status species known to occur in the region.

With respect the commenter's statement that the Draft EIR did not properly evaluate the project's potential to interfere with wildlife movement: the potential for the site to be used as a wildlife movement corridor is addressed in section 4.4.3 of the Draft EIR. Because the site is bordered on three sides by commercial and residential development, and on the fourth side by active agricultural fields, the site is not considered to serve as an important habitat linkage between larger natural open space areas. In addition, the project site and immediate area are not recognized as an important regional migratory corridor by the County of Kern or state resource agencies. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

14-016

This comment states that the County and the USFWS should require the project developer to allow the project site to revert to a more natural condition for some reasonable period. As discussed in Table 4.4-2 and in the Biological Resources Assessment (Appendix C) in the Draft EIR, regular disking has occurred

on the project site for a number of years (prior to and during current ownership) primarily to manage invasive/weedy plant growth for fire hazard control purposes, which is mandatory in Kern County pursuant to Chapter 8.46 of the County Code. In addition, the site is surrounded on three sides by commercial and residential development. As such, the site was appropriately characterized as unlikely to support breeding populations of several special-status (and even common) wildlife. As discussed in section 4.4 of the Draft EIR (including the Biological Resources Assessment, Appendix C), focused surveys for several species were negative, further supporting the conclusion that the disturbed nature of the site was determined to unlikely support most several special-status species known to occur in the region. The commenter also seems to support this conclusion in an earlier comment (#14) noting that blunt-nosed leopard lizards and other species likely do not occur on the site due to repeated disking. Nevertheless, the Draft EIR concluded that some special-status species could still potentially occur on the site including burrowing owl and San Joaquin kit fox.

With respect to the commenter's implication that the ongoing disking constitutes "harassment" under the and federal Endangered Species Act (ESA): "harass" is defined under the Act as "an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering." The disking of the project site to manage non-native weedy species for the purposes of fire hazard control, a common practice throughout the project region on vacant parcels, is not considered "an intentional or negligent act or omission" that would create the likelihood of injury to wildlife species listed as threatened or endangered under the ESA. Furthermore, the only listed species potentially occurring on the site is San Joaquin kit fox and, pursuant to the project site surveys, no evidence of this species occurring on the site was detected. As discussed in the Draft EIR, the species is only expected to occasionally occur during foraging events while moving through the area. Because of the substantial amount of available foraging habitat in the project vicinity and overall region, annual disking of the project site is not expected to "significantly disrupt normal behavioral patterns" of any kit foxes that may occasionally use the site for foraging purposes. Furthermore, the historical and current disking of the site is not an action associated with the development of the project subject to CEQA review, but is mandatory for all vacant lots pursuant to Kern County Code Chapter 8.46.

Please see response to comment 14-015 above regarding the qualifications of the biologists conducting the habitat assessment and species surveys and the commenter's statement that a new focused survey for the presence of the kit fox, blunt-nosed leopard lizard, and other species, and for the potential of the site to serve as suitable habitat for these species, should be conducted by an "expert". The comment has been noted for the record and revisions to the Draft EIR are not necessary.

14-017

The comment recommends additional mitigation for kit fox, including artificial dens and movement corridors. The comment also states that mitigation for habitat loss and potential species take should include Incidental Take Permit acquisition and purchase of replacement habitat.

Please see responses to comments 14-014 and 14-015.

14-018

The comment states that the Draft EIR articulates no purpose, need, or objectives for the project independent of the list of "applicant submitted project objectives." The comment does not however provide specific examples of what information they believe is missing. Details of the project provided in Chapter 3, Project Description, contain a full and sufficient description and details of all components of the project. CEQA Guidelines Section 15124 states that an EIR project description shall contain: "A statement of the objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project and may discuss the project benefits." The objectives included in Chapter 3 meet the requirements under CEQA. This comment is noted for the record and revisions to the Draft EIR are not necessary.

14-019

The comment describes their concerns regarding MM 4.6-1, which requires the project proponent to "provide a report and summary of all energy efficient building design standards incorporated into the project design and operations to reduce the level of energy consumption of the project." The comment questions to whom the report will be provided and states that the measure allows the proponent to illegally defer mitigation. The implementation of mitigation measures is accomplished through the Mitigation Measure and Reporting Program (MMRP) which is not required to be circulated with the EIR. If the project is recommended for approval by staff, then a full MMRP will be provided for review and comment in the staff report for the Board of Supervisors along with the requisite Findings of Fact and Statement of Overriding Considerations. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

14-020

The comment indicates that MM 4.6-1 is vague, noncommittal, and ineffective, while providing feedback and recommended textual changes to elements of MM 4.6-1. MM 4.6-1 was crafted based on guidance and comments received on November 28, 2023 from the Department of Justice in response to the distribution of the Notice of Preparation (see Appendix A). MM 4.6-1 is also crafted based on similar mitigation that has been adopted and undergoing compliance review for past approved industrial projects (see Mojave Micro Mill and Westside Industrial Project). The implementation of mitigation measures is accomplished through the Mitigation Monitoring and Reporting Program (MMRP) which is not required to be circulated with the EIR. See response to comment 14-019 above. If the project is recommended for approval by staff, then a full MMRP will be provided for review and comment in the staff report for the Board of Supervisors along with the requisite Findings of Fact and Statement of Overriding Considerations. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

14-021

The comment states that the Draft EIR is deficient in asserting with no evidence that all 51 cumulative projects have insignificant project-specific energy impact and that the cumulative impact of the project on energy must be considered significant. The comment does not provide substantial evidence regarding any significant environmental impact. The comment fails to identify a potential environmental impact related to the physical environment. This comment is noted for the record and revisions to the Draft EIR are not necessary.

14-022

The comment states that the Draft EIR does not adequately explain the rationale for considering a remote alternative site located within the Mojave Specific Plan Area and that the EIR must consider other specific alternative sites with a better chance of actually reducing the Project's significant environmental impacts.

The comment claims that the Draft EIR failed to consider a reasonable range of alternatives that would substantially lessen environmental impacts and would satisfy project objectives. CEQA does not require an EIR to consider alternatives that are infeasible, even if they would lessen environmental impacts and satisfy project objectives. CEQA Guidelines § 15126.6(a) (EIR "must consider a reasonable range of potentially feasible alternatives… An EIR is not required to consider alternatives which are infeasible"). The comment asserts that the County's conception of "feasibility" is improperly constrained and not objective, but does not explain why this is allegedly the case. The Draft EIR applied the definition of "feasibility" in CEQA Guidelines § 15364: the term "feasible" means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." In an initial screening step, the Draft EIR considered a number of alternatives that were eliminated from further consideration due to infeasibility and/or inability to meet project objectives. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

14-023

This comment is a conclusion to the comment letter. This comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary. The comment author's organization has been added to the notification list for the project. The County thanks the commenter for their comments and participation in the public process.

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15: Advocates for the Environment

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April 25, 2025

Advocates for the Environment

A non-profit public-interest law firm
and environmental advocacy organization



Mark Tolentino
Principal III
Kern County Planning and Natural Resources Department
2700 M Street Suite 100
Bakersfield, CA 93301

Via U.S. Mail and email to TolentinoM@kerncounty.com

Re: Comments on Draft Environmental Impact Report for IPG Industrial Project, SCH No. 2023110442

Dear Mr. Tolentino:

Advocates for the Environment submits the comments in this letter regarding the Draft Environmental Impact Report (**DEIR**) for the IPG Industrial Project (**Project**). The Project Site is located near Airport Drive and Boughton Drive in the County of Kern (**County**). The Project proposes to develop the 49.05-acre Project Site by constructing two warehouse buildings totaling approximately 923,130 square feet. We have reviewed the DEIR released in March 2025 and submit comments regarding the sufficiency of the DEIR's Greenhouse-Gas (**GHG**) analysis under the California Environmental Quality Act (**CEQA**). 15-001

The County Should Require the Project to be Net-Zero

Given the current regulatory context and technological advancements, a net-zero significance threshold is feasible and extensively supportable. GHG emissions from buildings, including indirect emissions from offsite generation of electricity, direct emissions produced onsite, and from construction with cement and steel, amounted to 21% of global GHG emissions in 2019. (IPCC Sixth Assessment Report, Climate Change 2022, WGIII, Mitigation of Climate Change, p. 9-4.) This is a considerable portion of global GHG emissions. It is much more affordable to construct new building projects to be net-zero than to obtain the same level of GHG reductions by expensively retrofitting older buildings to comply with climate change regulations. Climate damages will keep increasing until we reach net zero GHG emissions, and there is a California state policy requiring the state to be net-zero by 2045. It therefore is economically unsound to construct new buildings that are not net-zero. 15-002

Environmental groups have achieved tremendous outcomes by litigation under CEQA. Two of the largest mixed-use development projects in the history of California, Newhall Ranch (now FivePoint Valencia), and Centennial (part of Tejon Ranch) decided to move forward as net-zero communities after losing CEQA lawsuits to environmental groups. The ability for these large projects

to become net-zero indicates that it is achievable, even for large-scale developments. The Applicant for this Project should do the same.

We urge the County to adopt net-zero as the GHG significance threshold for this project. This threshold is well-supported by plans for the reduction of GHG emissions in California, and particularly the CARB Climate Change Scoping Plans. The CARB 2017 Scoping Plan states that "achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development." (CARB 2017 Scoping Plan, p. 101.) Additionally, the CARB 2022 Scoping Plan reaffirms the necessity of a net zero target by expressing: "it is clear that California must transition away from fossil fuels to zero-emission technologies with all possible speed … in order to meet our GHG and air quality targets." (CARB 2022 Scoping Plan, p. 184.) CARB further encourages a net-zero threshold in its strategies for local actions in Appendix D to the 2022 Scoping Plan. (CARB 2022 Scoping Plan, Appendix D p. 24-26.) 15-002 cont.

Moving this Project forward as a net-zero project would not only be the right thing for the County to do, but also would help protect the County and the Applicant from CEQA GHG litigation.

The GHG Analysis Was Confusing and Misleading by Failing to Clarify the Project's Significance Before and After Mitigation

CEQA requires lead agencies to identify whether an environmental impact would be significant before and after mitigation. Here, the GHG analysis was confusing to decision-makers and the public because it failed to clearly and consistently provide its significance determinations. The significance determinations that were provided in the DEIR were contradictory and inadequately supported.

For example, in the DEIR's summary of significant and unavoidable environmental impacts, it stated, with regard to GHG impact, that "[t]here would be no significant and unavoidable Project impacts," yet the same chart stated that "cumulative impacts associated with the generation of GHG emissions would be significant and unavoidable, regardless of implementation of the aforementioned mitigation measures." (DEIR, p. 1-12 – 1-13.) GHG impact is inherently cumulative, so a significant and unavoidable cumulative GHG impact would require a finding of significant GHG impact overall. This inconsistency is inaccurate and confuses the public and decision-makers about the potential of the Project to have a significant impact. 15-003

The DEIR determined that "without the implementation of mitigation measures, the impact related to the generation of GHG emissions, either directly or indirectly, that may have a significant impact on the environment would be potentially significant" (DEIR, p. 4.8-33.) The County should have determined that the impact would be cumulatively significant before mitigation, requiring mitigation to the fair-share extent. (*Napa Citizens for Honest Gov't v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 364.) Instead, the DEIR continued to provide misleading and

contradictory statements regarding the potential significance of the Project's GHG impact. The DEIR determined that the Project would be consistent with applicable plans, and thus "impacts would be less than significant, and no additional mitigation would be required," but at the same time, implementation of the specified mitigation measures "would be required." (DEIR, p. 4.8-34, 4.8-35.)

Later, the DEIR asserts that after implementation of the specified measures "impacts would be less than significant after mitigation." (DEIR, p. 4.8-35.) Nonetheless, the DEIR claims that those same mitigation measures which purportedly would reduce the Project's GHG impact to a less-than-significant level, would also not be required to reduce the Project's impact to a less than significant level, because "the Project would not have a potentially significant impact related to any conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. (DEIR, p. 4.8-39.) Furthering the contradictions, the DEIR stated that mitigation measures would be required, even for the second significance threshold of consistency with applicable plans, and that emissions would be reduced to a less than significant level once the specified mitigation measures were implemented. (DEIR, p. 4.8-39.)

15-003 cont.

Then, analyzing cumulative impact in a separate impact section, the DEIR concluded that mitigation would be required due to a significant cumulative impact, and that the "cumulative impacts would be significant and unavoidable," even after mitigation. (DEIR, p. 4.8-10.) This statement directly conflicts with other conclusions in the DEIR, either (1) that the GHG impact (which is inherently cumulative) would be less-than-significant, both before and after mitigation; or, (2) in other areas of the analysis, the contention that the Project would have a significant impact before mitigation, but that it could be reduced to a less-than-significant level with mitigation. The DEIR essentially puts forth three alternative conclusions which render the overall significance determination difficult and misleading to ascertain from the analysis in the DEIR.

The foregoing summary of the DEIR's significance determinations for its GHG analysis demonstrates that the County was not consistent or clear it its determinations, and made conflicting and contradictory statements about the potential for the Project to have a significant impact before and after mitigation. GHG impact is inherently cumulative, so there is no logical reason for there to be various, misaligned significance determinations within the overall consideration of GHG impact. The structure of the analysis and the lack of clarity and specificity regarding the various statements made in the DEIR regarding the Project's potentially significant GHG impact violates CEQA by being confusing to decision-makers and the public and failing to clearly identify significance before and after mitigation.

GHG Mitigation is Insufficient under CEQA

The calculated project-related emissions amount to 13,973.75 metric tons of carbon dioxide equivalent (**MTCO2e**) per year (DEIR, p. 4.8-28). The County adopted a significance threshold based on Appendix G of the CEQA Guidelines. Based on this threshold, the County concluded the

15-004

Project would have significant GHG emissions. To reduce this identified significant GHG impact, the GHG Analysis offered Mitigation Measures (**MM-GHG**) 4.8-1 and 4.8-2, Air Quality Mitigation Measures (**MM-AQ**) 4.3-3 and 4.3-5, Energy Measures (**MM-ENE**) 4.6-1 and 4.6-2 (MM-Transportation Mitigation Measures (**MM-TRANS**) 4.17. (DEIR, p. 4.8-35.) The lead agency did not quantify the amount of GHG emissions the mitigation measures would reduce but concluded that the remaining emissions after mitigation would still be significant.

The DEIR did not provide evidence that there was no further feasible mitigation, generally declaring the GHG impact "significant and unavoidable" (DEIR, p. 4.8-40.) The County did not provide any specific rationale why, in this instance, existing regulations and the adopted mitigation measures would be the only feasible mitigation for this Project. Despite the availability of other feasible GHG mitigation measures, the DEIR declared that the Project's mitigated emissions were unavoidable. However, because this conclusion is not supported by substantial evidence, the DEIR should have included additional mitigation to reduce the Project's GHG emissions to the extent required by CEQA. 15-005 cont.

Infeasibility Finding Lacks Substantial Evidence

The conclusion that the Project will not be able to achieve any mitigation beyond which was identified in the proposed mitigation measures is not supported with substantial evidence. CEQA requires that the lead agency identifies specific reasons for infeasibility of further mitigation when concluding significant and unavoidable impact. The County did not attempt to specify any infeasible mitigation measures when concluding that the Project's GHG impact would be unavoidable. Although the EIR includes a section titled "Mitigation Measures Considered and Rejected," it does not specify which measures were deemed infeasible or why. It also does not provide any reasoning that the identified mitigation measures represent the maximum feasible mitigation of the Project's significant GHG impact.

There are other readily available mitigation measures, especially considering that about 79%[1] of the Project's GHG impact originates from mobile emissions which the mitigation measures were not primarily focused on reducing. For instance, the County and Applicant together can commit to design and technology specifications that reduce emissions, especially in the heavy-duty truck and transportation vehicle fleet. Constructing infrastructure necessary for the zero-emission future of the goods movement would help reduce the Project emissions now, and can also save money over time as regulations tighten and demand for zero-emission infrastructure grows. 15-005

Although CARB and other authorities have regulatory power over heavy-duty trucks, there are still opportunities for local jurisdictions to mitigate mobile emissions at the project level. For example, the Project could incorporate a mitigation measure that would require future tenants to enroll in the

[1] $\left(\frac{11{,}068.00\ MTCO2e}{13{,}973.75\ MTCO2e}\right) x\ 100 = 79.20\%$

United States Environmental Protection Agency's SmartWay program and require tenants to use SmartWay carriers.[2] To further encourage fleet upgrades to zero-emission vehicles, the applicant could provide tenants with information on fleet upgrade incentive programs such as the Carl Moyer Program[3] and the Voucher Incentive Program[4] to upgrade their fleets. Thus, the conclusion that further mitigation is infeasible was not supported by substantial evidence. 15-005 cont.

The Project's GHG Impacts Must be Fully Mitigated

CEQA requires that the Project include fair-share mitigation for all significant cumulative impacts. (*Napa Citizens for Honest Gov't v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 364.) Here, this means mitigation of the full extent of the Project's GHG impacts.

An agency must consider a project's GHG impact over time to reasonably evaluate the full extent of environmental impact as CEQA requires. The amount of GHG emissions that comprises the Project's fair share is clear. The reasonable lifespan of this Project is approximately 30 years, as indicated by the amortization of construction emissions. (DEIR, p. 4.8-27.) Therefore, the Project would likely contribute over 400,000 MTCO2e during its entire lifespan.[5] This would be a good starting point from which to subtract the effect of additional non-offset mitigation measures, before implementing offset purchases. Mitigation measures which consider the long-term viability of the Project will have the most impact on reducing the Project's lifetime GHG impact. 15-006

CEQA does not distinguish between mobile and non-mobile sources of GHG emissions; the lead agency can mitigate cumulative GHG impacts through any measure that would reduce GHG emissions. While the report discusses the possibility of refrigerated trucks and refrigerated warehousing (DEIR, p. 4.3-41), the County should expand on its mitigation measures for it and commit to using low-warming HFCs or alternative refrigerants, as well as energy-efficient refrigeration systems, to reduce the project's climate impact. 15-007

Beyond addressing these gaps, the Project could incorporate additional on-site mitigation strategies. Installing solar panels is a feasible mitigation measure. The DEIR indicates that the Project will install solar. (DEIR, p. 4.6-17.) However, the measure does not specify how much solar will be installed or how much energy it will offset. It is feasible to install solar panels across the maximum available surface area of the roof. Having solar panels capable of offsetting 100% of the buildings' energy demands would enhance the effectiveness and decrease GHG emissions overall.

The Project includes the installation of electric vehicle (**EV**) chargers. However, for both buildings, the Project only provides 24 spaces equipped with chargers. (DEIR, p. 3-23.) With a total of 855 parking stalls, and 108 designated for EV parking, it is feasible to install more chargers beyond 15-008

[2] https://www.epa.gov/smartway
[3] https://ww2.arb.ca.gov/our-work/programs/carl-moyer-memorial-air-quality-standards-attainment-program
[4] https://ww2.arb.ca.gov/our-work/programs/road-heavy-duty-voucher-incentive-program
[5] 13,973.75 MTCO2e per year × 30 years = 419,212.5 MTCO2e

the 24 currently planned. Contrary to the assertions in the DEIR, the Project is does not conform with the standards set forth in the California Building Code, which requires that 20% of the total available parking spaces for a non-residential project be EV capable, 25% of which should have EV charging equipment installed.[6] CalGreen also requires calculation for spaces to be rounded up to the nearest whole number. Here, counting all parking spaces, this would mean having at least 109 EV-ready spaces, with EV charging equipment installed at a minimum of 28 of those Spaces.[7] In comparison, the DEIR specifies that the Project would install only 24 charging spaces, which is less than what is required by the most recent building standards in California. 15-008 cont.

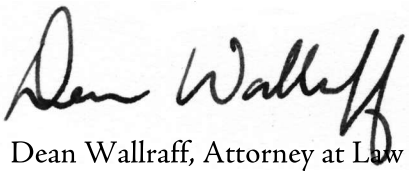
Other feasible measures include requiring all generators and fire pumps to be powered by non-diesel fuel. Such features could be adopted individually or as part of a comprehensive goal of sustainable building certification, while MM-ENE 4.6-1 commits to meeting Leadership and Energy and Environmental Design (**LEED**) certification standards, it does not specify which level of certification it would attain. (DEIR, p. 4.6-17.) It is feasible for the Project to commit to the LEED Platinum, the highest level of certification.

Even after implementing operational emissions reductions to the maximum-feasible extent, the County could also require the Applicant to purchase offsets for the Project's remaining GHG emissions. Overall, there are more options available to mitigate emissions to the full extent of project emissions, and the County failed to acknowledge or implement many mitigation measures which are feasible and could help reduce the Project's GHG impact to the fair share extent. 15-009

Conclusion

The DEIR fails to require all feasible mitigation, despite concluding that the significant GHG impact will be unavoidable. The lead agency has not met its burden of showing that such measures are infeasible, and therefore the DEIR should be amended to reflect all feasible mitigation to the fair-share extent. Please put me on the interest list to receive updates about the progress of this Project. We make this request under Public Resources Code, section 21092.2. 15-010

Sincerely,



Dean Wallraff, Attorney at Law
Executive Director, Advocates for the Environment

[6] https://codes.iccsafe.org/content/CAGBC2022P3/chapter-5-nonresidential-mandatory-measures.
[7] $543\ parking\ stalls \times 0.2 = 108.6$
$109\ EV\ ready\ spaces \times 0.25 = 27.25$

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Comment 15
Advocates for the Environment

15-001

This comment provides introductory remarks. The comment provides a brief summary of the project description. The comment states that they have reviewed the Draft EIR and submit comments regarding the sufficiency of its GHG analysis. The comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

15-002

The comment states that the proposed project should be held to a net-zero significant threshold. The comment argues that proactive measures to achieve net-zero emissions from buildings are more cost effective than retrofitting measures. The comment provides reference to similar projects taking proactive net-zero measures. The County disagrees. The comment does not provide substantial evidence regarding any significant environmental impact. Section 4.8, Greenhouse Gas Emissions, of the Draft EIR robustly evaluates the proposed project's GHG impacts, both from a quantitative and qualitative perspective. Section 4.8, Greenhouse Gas Emissions, describes the significance criteria, assumptions and methodologies used by the County, in its discretion, to conduct this impact analysis. The comment cites the CARB 2017 Scoping Plan and CARB 2022 Scoping Plan which encourage and state the ultimate necessity of achieving net-zero emissions, arguing that holding the proposed project to a net-zero significance threshold would thus protect the proposed project form future CEQA GHG litigation. The County has not adopted any numeric GHG threshold, but rather has chosen to evaluate the Project against applicable State and regional GHG reduction plans, including the CARB 2022 Scoping Plan and KCOG 2022 RTP/SCS. As discussed under Draft EIR Impact 4.8-2, the Project would be consistent with the applicable plans; therefore, impacts would be less than significant.

Moreover, the County finds that application of a net-zero threshold is unprecedented for warehouse projects and would effectively result in a moratorium on such facilities within the County. While application of a net-zero threshold may be appropriate for residential projects such as those cited by commenter, it is not appropriate to apply such a threshold to warehouse projects where the vast majority of operational GHG emissions result from mobile-source emissions. The County finds it is not currently feasible to entirely mitigate the Project's mobile-source GHG emissions due to current jurisdictional and technological constraints. Nonetheless, the County will still require all feasible mitigation measures to reduce the Project's GHG emissions to the maximum extent practicable and anticipates that the Project's GHG emissions will reduce over time as more stringent regulations come into effect and technology improves and becomes more widespread.

With regards to the projects referenced by the commenter (the Newhall Ranch and Tejon Ranch projects) the 2022 CARB Scoping Plan notes that ". . . the Newhall and Tejon Ranch projects do not necessarily represent the type of development that California most needs to simultaneously tackle the housing and climate crises . . .". The 2022 CARB Scoping Plan cautions against using net-zero targets and specifically notes that jurisdictions considering a net-zero target should carefully consider the implications it may have on emissions in neighboring communities and beyond. Appendix D of the Scoping Plan states:

"Jurisdictions should also avoid creating targets that are impossible to meet as a basis to determine significance. For example, a net-zero target may imply that the GHG emissions of any project that are not reduced or offset to zero would be considered potentially significant. This may lead to undue burdens and

frustrate project approval processes, which may be particularly problematic for residential development in climate-smart, infill areas. In addition, some jurisdictions have more land capacity to remove and store carbon, while others host GHG-emitting facilities that serve necessary functions and will take time to transition to new technology."

The Newhall and Tejon Ranch GHG reduction strategies were the result of settlements with the environmental community; however, those cases were based, in part, on substantial legal deficiencies in the underlying environmental documents. As explained above, there is no evidence of a similar legal deficiency in the Draft EIR.

Therefore, the Draft EIR for the proposed project robustly evaluated all potential GHG emissions impacts using appropriate thresholds, and identified feasible mitigation where necessary.

15-003

The comment states a summary of the GHG analysis included in the Draft EIR, including County thresholds and required mitigation measures. The comment states that no quantitative estimates of the effectiveness of the proposed mitigation are included within the Draft EIR, nor any rational why the mitigation is the only feasible option. The comment states that further mitigation should be included within the Draft EIR for GHG emissions. The Draft EIR acknowledges that climate change is inherently a cumulative impact that cannot be caused by any single project. (Draft EIR 4.8-33 to 4.8-34). As stated on page 4.8-28 to 4.8-29, "As there are no applicable GHG emission thresholds, emissions are presented for informational purposes only. Mitigation Measures identified for the Project would further reduce GHG emissions."

The County has made the following minor textual clarifications within Section 7.1.3, Revised Summary of Impacts, Mitigation Measures, and Significance Conclusions, of this Final EIR, to clarify the inconsistencies identified by commenter as shown in underline or ~~strikethrough~~:

Section 4.8, Greenhouse Gases, Page 4.8-34

> Here, the County has chosen to evaluate the Project against applicable State and regional GHG reduction plans, including the CARB 2022 Scoping Plan and KCOG 2022 RTP/SCS. As discussed under Impact 4.8-2, the Project would be consistent with the applicable plans; therefore, impacts would be less than significant, and no additional mitigation would be required. However, impacts would be further reduced by the implementation of mitigation as listed below.

Section 4.8, Greenhouse Gases, Page 4.8-35

> **Level of Significance After Mitigation**
>
> With the implementation of Mitigation Measures MM 4.3-3 and MM 4.3-5 (Section 4.3, Air Quality), MM 4.6-1 and MM 4.6-2 (Section 4.6, Energy), MM 4.8-1, MM 4.8-2 and MM 4.17-3 (Section 4.17, Transportation and Traffic), impacts would ~~be~~ remain less than significant ~~after~~ and would be further reduced with mitigation.

Section 4.8, Greenhouse Gases, Page 4.8-39

Level of Significance After Mitigation

With the implementation of Mitigation Measures MM 4.3-3 and MM 4.3-5 (Section 4.3, Air Quality), MM 4.6-1, MM 4.6-2 (Section 4.6, Energy) Mitigation Measures MM 4.8-1, MM 4.8-2 and MM 4.17-3 (Section 4.17, Transportation and Traffic), impacts would ~~be~~ remain less than significant and would be further reduced.

Section 4.8, Greenhouse Gases, Page 4.8-40

Impact 4.8-3: Cumulative Greenhouse Gas Emissions Impacts

Global climate change occurs as a result of global emissions of GHGs, which is an existing cumulatively significant impact that exists even without the Project. An individual project such as the Project does not have the potential to result in direct and significant global climate change. The CEQA Guidelines also emphasize that the effects of GHG emissions are cumulative and should be analyzed in the context of CEQA's requirements for cumulative impact analysis (CEQA Guidelines Section 15130[f]).

Accordingly, the project-specific impact analysis provided under Impacts 4.8-1 and 4.8-2 above reflects a cumulative impact analysis of the Project's GHG emissions. As noted in these impact discussions, the Project would ~~result in a significant increase in GHG emissions, but this potential Project-level impact could be mitigated to a less than significant level~~ be consistent with the CARB 2022 Scoping Plan and KCOG 2022 RTP/SCS; and the Project would not conflict with applicable plans, policies, or regulations adopted for the purpose of reducing the emissions of GHGs. ~~Therefore, the Project's contribution to the existing cumulatively significant global climate change impact would not be cumulatively considerable.~~

These changes to the Errata are responsive to commenter's concerns regarding potentially inconsistent and misleading statements in the Draft EIR concerning significance of GHG impacts; accordingly, no further response is required. See response to comment 15-004 for further discussion regarding the basis for County's significance criteria. The County has determined that these changes do not trigger the need for recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

15-004

The comment states a summary of the GHG analysis included in the Draft EIR, including County thresholds and required mitigation measures. The comment states that no quantitative estimates of the effectiveness of the proposed mitigation are included within the Draft EIR, nor any rationale why the mitigation is the only feasible option. The comment states that further mitigation should be included within the Draft EIR for GHG emissions. With regard to the County-adopted GHG thresholds, the County has not adopted any numeric GHG threshold, but rather has chosen to evaluate the Project against applicable State and regional GHG reduction plans, including the CARB 2022 Scoping Plan and KCOG 2022 RTP/SCS. The comment does not provide substantial evidence regarding any significant environmental impact. The County as lead agency has elected to base the project's GHG significance criteria on consistency with the State and regional

long-term climate goals or strategies, including ARB 2017 scoping plan, 2022 scoping plan update, and RTP/SCS.

15-005

The comment states that further mitigation applied to the maximum-feasible extent should be included in the Draft EIR to justify the finding related to GHG emissions. The comment states that maximum feasible mitigation was not demonstrated for the proposed project. The comment states that there are other readily available mitigation measures, considering that a majority of the project's GHG impact originates from mobile emissions. The comment states that design and technology specifications can be specified by the County and the Applicant, noting heavy-duty truck and transportation fleets.

The comment does not provide substantial evidence regarding any significant environmental impact. As discussed above, it was determined in the Draft EIR that the proposed project would be consistent with the GHG reduction policies and goals set forth in ARB 2017 scoping plan, 2022 scoping plan update, and RTP/SCS. Further, the Draft EIR considered all feasible mitigation measures to reduce VMT per employee to below County threshold. The comment suggested the addition of "more green building features"; however, as those would not reduce VMT, the addition of such features would not reduce impacts. Responses to comments need not address a list of general suggestions for mitigating an environmental impact that are not concrete or specific to the project. The comment did not provide other specific feasible and enforceable mitigations with a nexus to the project's impact.

15-006

The comment states that the Draft EIR must include fair-share mitigation for all significant cumulative impacts. The comment states that the GHG emissions for the proposed project would be over 400,000 MTCO2e during the project lifespan, from which offset purchases must be made. The comment lists several on-site mitigation strategies, including low-warming HFCs or alternative refrigerants, solar panels, EV chargers, and LEED certification.

The comment does not provide substantial evidence regarding any significant environmental impact. The comment's suggested mitigation measures are aimed at reducing the project's GHG emissions to net-zero, which is not the significance threshold that the County as lead agency has elected to use. see response to comment 15-002. The comment's suggested measures related to sustainable building certification, zero-emission heavy-duty truck fleet, and purchasing clean power, do not have a legal nexus to reduce the project's impact related to VMT per capita and are appropriately rejected as not applicable to reducing the identified impact. In addition, an individual land use project's fair share does not necessarily include everything that will need to happen in order to achieve the State's long-term goals, but rather that "projects should focus on aspects within the scope of their design and control that contribute their 'fair-share' of what is needed to attain state goals." The Project already includes a robust suite of measures within its design and control that would reduce GHGs, and the County has determined that all feasible measures have been incorporated into the Final EIR and that the Project is doing its fair share to minimize GHG emissions. Therefore, no revisions to the EIR are required and no further response is necessary.

15-007

This comment recommends the project use low-warming HFCs or alternative refrigerants and installing solar panels. With respect to further mitigation measures related to refrigerated trucks and warehousing, such uses were specifically accounted for within the emissions modeling (Draft EIR at 4.8-24). The use of

refrigerants is discussed on page 4.8-25 of the Draft EIR. See response to 15-003; as the Project's GHG impacts are less than significant, no further mitigation is required. In addition, as stated on Draft EIR page 4.8-25, "Per 17 CCR 95371, new facilities with refrigeration equipment containing more than 50 pounds of refrigerant are prohibited from utilizing refrigerants with a GWP of 150 or greater as of January 1, 2022." Therefore, further mitigation regarding refrigerants is unnecessary, as the Project will be required to comply with existing regulatory requirements.

With regard to the use of solar panels, as stated in Draft EIR Table 4.8-3, page 4.8-31: "The 2022 Building Energy Efficiency Standards (Energy Code) has solar photovoltaic (PV) system requirements for all newly constructed nonresidential buildings. Pursuant to Energy Code Section 140.10, the required solar PV system is intended to offset the annual electrical consumption of a mixed-fuel building such that it will self-utilize about 80% of the annual solar PV generation without battery storage, and about 90% with battery storage, over a year." In addition, MM 4.6-1(h) requires that within two years of the first day of project operations, up to 20% of employee parking stalls shall be covered. If feasible for electrical demand, the parking stall roofs shall contain solar photovoltaics. As the Project's GHG impacts will be less than significant, no additional mitigation measures are required. In addition, since the majority of the Project's GHG emissions are driven by mobile sources, additional building energy efficiency measures would not yield meaningful reductions. Therefore, no revisions to the EIR are required and no further response is necessary.

15-008

This comment recommends the project proponent install more EV chargers and asserts that the project does not conform with the CBC. The comment claims that at least 109 EV-ready spaces should be installed rather than the 24 spaces currently proposed by the Project. Based on current and projected use and ownership of electric vehicles in California, the proposed number of employee EV charging spaces is reasonable. As of the end December 31, 2023, there were 1,256,646 electric vehicles registered in California . As of January 1, 2024, there were 35,727,841 vehicles registered in California. Electric vehicles currently represent only approximately 3.5% of all passenger vehicles registered in California. Therefore, the majority of EV charging stations installed as part of the project will not result in meaningful emission reductions in the near future. Although electric vehicle ownership is anticipated to increase significantly over the next 15-20 years, the high initial cost of electric vehicle ownership (25-30% more than a gas powered version of the same or comparable model) make it highly unlikely that a higher percentage of the employees will utilize electric vehicles at the same time, thereby making development of additional charging facilities superfluous. The Project will be evaluated for compliance with the California Building Code/CalGreen requirements then in effect at the time building permit applications are filed. However, the provision of additional EV charging stations is not required to mitigate any impact under CEQA. Therefore, no revisions to the EIR are required and no further response is necessary.

15-009

With regard to commenter's statement that all generators and fire pumps could be powered by non-diesel fuel, see Section 4.3, Air Quality, which states: "The Project does include two stationary emergency fire pump sources, and two natural gas-powered microturbines. Both emission sources are assumed to operate for emergency purposes only with maintenance and testing of up to 50 hours per year each making them exempt from emission requirements in the SJVAPCD's 2022 Ozone Plan. Additionally, permitting for the fire pumps and microturbines would not require SJVAPCD permits under Rule 4702 and Rule 4703, respectively but would require Emission Control Plans be submitted to the district (SJVAPCD 2004b)."

The emissions from the two stationary emergency diesel-powered emergency generators/fire pumps were accounted for in CalEEMod. Additional mitigation for generators and fire pumps is not necessary.

With regard to the claim that the Project should be required to obtain LEED Platinum certification, this level of certification would not serve to meaningfully reduce the Project's air quality or GHG emissions, as the bulk of emissions are driven by mobile sources (heavy trucks) and not building energy efficiency. Therefore, meeting the basic requirements for LEED Certification and adherence to CalGreen requirements (many of which overlap) is adequate. No revisions to the EIR are required and no further response is necessary.

15-010

The comment is a conclusion to the comment letter, stating impacts related to GHG emissions would not be unavoidable as stated in the Draft EIR. The comment states that the lead agency has not met its burden and the Draft EIR should be amended to reflect all feasible mitigation to the fair-share extent. The comment requests to be placed on the interest list, and states that the comment is made under Public Resources Code, section 21092.2.

With regard to the comment's assertion that the Draft EIR fails to require all feasible GHG mitigation and that the County has not met its burden of demonstrating infeasibility, see responses to comments 15-002 to 15-009 above. The County finds that the Draft EIR is adequate and complete, and that none of the circumstances triggering recirculation under CEQA Guidelines Section 15088.5 have occurred. With regard to the comment's request to be placed on the interest list, the County has added commenter to the public notice list for the Project. No further revisions to the Draft EIR are necessary, and no further response is required. The County thanks the commenter for their comments and participation in the public process.

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