

Final Environmental Impact Report

SCH# 2022100646

Volume 5

Chapter 7 – Response to Comments

MOJAVE MICRO MILL PROJECT
by PSGM3 Holdings Corp. (Pacific Steel Group)
(PP22402)

General Plan Amendment No. 3, Map No. 213
Zone Classification Change No. 62, Map No. 213
Conditional Use Permit No. 71, Map No. 213
Conditional Use Permit No. 72, Map No. 213
Precise Development Plan No. 3, Map No. 213
Zone Variance No. 24, Map No. 213
Zone Variance No. 25, Map No. 213



Kern County
Planning and Natural Resources Department
Bakersfield, California

January 2024

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**PLANNING AND NATURAL
RESOURCES DEPARTMENT**

**Planning
Community Development
Administrative Operations**

January 26, 2024

FILE: GPA No. 3; ZCC No. 62; CUP No. 71;
CUP No. 72; PD Plan No. 3; ZV No. 24; ZV No.
25, Map No. 213

S.D.: #2 - Scrivner

Addressee List (See Distribution List)

Re: Response to Comments for Draft Environmental Impact Report – Mojave Micro Mill Project by PSGM3 Holdings Corp (Pacific Steel Group) (PP22402) (SCH#2022100646)

Dear Interested Party:

Enclosed is a document entitled *Volume 5 – Chapter 7 – Response to Comments*, for the above referenced project. Section 15088 of the California Environmental Quality Act Guidelines requires the Lead Agency to evaluate comments on environmental issues received from persons who reviewed the Draft Environmental Impact Report (EIR) and prepare a written response addressing each comment. This document is Chapter 7 of the Final EIR.

A public hearing has been scheduled with the Kern County Planning Commission to consider this request on **February 8, 2024** at 7:00 p.m., or soon thereafter, at the Chambers of the Board of Supervisors, First Floor, Kern County Administrative Center, 1115 Truxtun Avenue, Bakersfield, California.

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

Sincerely,

Mark Tolentino, Planner II
Planning and Natural Resources Department

COMMENTING AGENCIES AND INTERESTED PERSONS: Kern County Public Works Department, County Surveyor; Kern County Public Works Department, Development Review Division Flood Management Division, Sewer and Water Division, and CSA Division; Kern County Fire Department; Yuhaaviatam of San Manuel Nation; Lahontan Regional Water Quality Control Board; SoCalGas; Edwards Air Force Base; Antelope Valley – East Kern Water Agency; Eastern Kern Air Pollution Control District; and California Department of Transportation (Caltrans)

**Mojave Micro Mill Project
FEIR RTC Distribution List**

Kern County Public Works Department/
Building & Development/Survey

Kern County Public Works
Department/
Building &
Development/Floodplain

Kern County Public Works Department/
Development Review

Kern County Public Works Department/
Sewer and Water Division

Kern County Public Works
Department/
Building & Development/CSA
Division

Yuhaaviatam of San Manuel Nation
Attn: Alexandra McCleary, Sr. CRM Mgr
26569 Community Center Drive
Highland, CA 92346

California Regional Water Quality
Control Board/Lahontan Region
15095 Amargosa Road - Bld 2, Suite 210
Victorville, CA 92392

Southern California Gas Co
35118 McMurtrey Avenue
Bakersfield, CA 93308-9477

Edwards AFB, Mission Sustainability
Liaison
412 TW, Bldg 2750, Ste 117-14
195 East Popson Avenue
Edwards AFB, CA 93524

Eastern Kern Air Pollution Control
District

Antelope Valley – East Kern
Water Agency
Attn: Joseph Roberts
6500 West Avenue N,
Palmdale, CA 93551

Maggie Ritter, Senior Transportation
Planner
Division of Planning & Environmental
Caltrans, District 9
500 S Main Street
Bishop, CA 93514

Kern County Fire Department
Regina Arriaga/Roxanne Routh
Assistant Fire Marshal

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 # 2022100646

Project Title: Mojave Micro Mill Project by PSGM3 Holdings Corp (Pacific Steel Group)

Lead Agency: Kern County Planning and Natural Resources Department

Contact Person: Mark Tolentino, Planner II

Mailing Address: 2700 "M" Street Suite 100

Phone: (661) 862-5041

City: Bakersfield

Zip: 93301

County: Kern

Project Location: County: Kern City/Nearest Community: Mojave, Rosamond

Cross Streets: Sopp Road and State Route 14

Zip Code: 93501

Lat. / Long.: 34.9338300° N, 118.1447660° W

Total Acres: approx. 174

Assessor's Parcel No.: 431-010-02; 431-030-02

Section: 27

Twp.: 10 N

Range: 12 W

Base: SBB&M

Within 2 Miles: State Hwy #: SR-14

Waterways: N/A

Airports: N/A

Railways: N/A

Schools: N/A

Document Type:

CEQA: NOP
 Early Cons
 Neg Dec
 Mit Neg Dec

Draft EIR
 Supplement/Subsequent EIR
(Prior SCH No.) _____
Other _____

NEPA: NOI
 EA
 Draft EIS
 FONSI

Other: Joint Document
 Final Document
 Other RTC _____

Local Action Type:

General Plan Update
 General Plan Amendment
 General Plan Element
 Community Plan

Specific Plan
 Master Plan
 Planned Unit Development
 Site Plan

Rezone
 Prezone
 Use Permit
 Land Division (Subdivision, etc.)

Annexation
 Redevelopment
 Coastal Permit
 Other: Zone Variances

Development Type:

Residential: Units _____ Acres _____
 Office: Sq.ft. _____ Acres _____ Employees _____
 Commercial: Sq.ft. _____ Acres _____ Employees _____
 Industrial: Sq.ft. 550,921 sf Acres 174 Employees 440
 Educational _____
 Recreational _____

Water Facilities: Type _____ MGD _____
 Transportation: Type _____
 Mining: Mineral _____
 Power: Type 63-ac Accessory Solar MW approx. 10 MW
 Waste Treatment: Type _____ MGD _____
 Hazardous Waste: Type _____
 Other: off-site re-poling/re-conductoring of SCE transmission lines

Project Issues Discussed in Document:

Aesthetic/Visual
 Agricultural Land
 Air Quality
 Archeological/Historical
 Biological Resources
 Coastal Zone
 Drainage/Absorption
 Economic/Jobs
 Other GHG, Wildfire, Tribal Cultural Resources, Energy

Fiscal
 Flood Plain/Flooding
 Forest Land/Fire Hazard
 Geologic/Seismic
 Minerals
 Noise
 Population/Housing Balance
 Public Services/Facilities

Recreation/Parks
 Schools/Universities
 Septic Systems
 Sewer Capacity
 Soil Erosion/Compaction/Grading
 Solid Waste
 Toxic/Hazardous
 Traffic/Circulation

Vegetation
 Water Quality
 Water Supply/Groundwater
 Wetland/Riparian
 Wildlife
 Growth Inducing
 Land Use
 Cumulative Effects

Present Land Use/Zoning/General Plan Designation: Undeveloped / A-1 (Limited Agriculture) / 8.5 (Resource Management)

Project Description: The proposed Mojave Micro Mill project includes development of an approximate 489,200 square-foot steel mill facility with an additional 61,721 square feet of accessory buildings and structures, for a total of 550,921 square feet. Additionally, the proposed project would include a 63-acre accessory solar array. Outdoor storage for scrap materials and staging is also proposed as part of the project. In total, the mill would be made up of 13 attached and detached buildings and eight (8) ancillary structures. Project improvements would occur on 174 total acres of privately owned land. Implementation of the proposed project includes the following requests:

- a. General Plan Amendment No. 3, Map No. 213 – From Map Code 8.5 (Resource Management) to 7.3 (Heavy Industrial), or a more restrictive map code designation

- b. Zone Change Case No. 62, Map No. 213 – From zone classification A-1 (Limited Agriculture) to M-3 PD (Heavy Industrial – Precise Development Combining) on approximately 174 acres
- c. Conditional Use Permit No. 71, Map No. 213 – to allow on-site capture of carbon dioxide (CO₂) and temporary storage for eventual transport for off-site distribution (Sections 19.08.085 & 19.06.920)
- d. Conditional Use Permit No. 72, Map No. 213 – to allow an on-site water treatment plant (Section 19.40.030.K)
- e. Precise Development Plan No. 3, Map No. 213 – to allow for the construction and operation of an approximate 489,200 square-foot micro mill facility with an additional 61,721 square feet of accessory buildings, for a total of 550,921 square feet, served by a 63-acre solar array accessory to the proposed use on 174 total acres in the M-3 PD District (Sections 19.40.020.E.1 & 19.40.020.H)
- f. Zone Variance No. 24, Map No. 213 – to allow for a reduction in the required number parking spaces from 993 spaces to 306 spaces
- g. Zone Variance No. 25, Map No. 213 – to allow for a maximum building and structure height of 165 feet where 150 feet is permitted (Sections 19.40.080.A & 19.08.160.B) in the M-3 PD (Heavy Industrial – Precise Development Combining) District.

Reviewing Agencies Checklist

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

- | | |
|-----------------------------------------------------------------|-------------------------------------------------------------------------------|
| <input type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Emergency Services |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> CalFire | <input type="checkbox"/> Parks & Recreation |
| <input type="checkbox"/> Caltrans District # <u>6 & 9</u> | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Planning (Headquarters) | <input checked="" type="checkbox"/> S Regional WQCB # <u>Lahontan</u> |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Coachella Valley Mountains Conservancy | <input type="checkbox"/> S.F. Bay Conservation & Development Commission |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers and Mtns Conservancy |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> Santa Monica Mountains Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Water Rights |
| <input type="checkbox"/> Fish & Game Region # _____ | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input type="checkbox"/> General Services, Department of | <input type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> Health Services, Department of | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Housing & Community Development | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Integrated Waste Management Board | |
| <input type="checkbox"/> Native American Heritage Commission | |

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

Starting Date January 26, 2024 Ending Date February 8, 2024

Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: _____
Address: _____	Address: _____
City/State/Zip: _____	City/State/Zip: _____
Contact: _____	Phone _____
Phone: _____	

Signature of Lead Agency Representative: _____ **/s/** _____ **Date:** 01/26/2024

Mark Tolentino, Planner II

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

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Kern County
Planning and Natural Resources Department
Bakersfield, California

Technical Assistance by:
Kimley-Horn

January 2024

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Chapter 7

Response to Comments

7.1 Introduction

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 the preparation of the Environmental Impact Report (EIR) for the Mojave Micro Mill Project (project or proposed project). 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. In addition to the responses to comments, clarifications, corrections, or minor revisions have been made to the Draft EIR. The Final EIR which includes the responses to comments, the Draft EIR, and the Mitigation, Monitoring, and Reporting Program, will be used by the Planning Commission and the Board of Supervisors in the decision-making process for the proposed project.

Environmental Review Process

A Notice of Preparation (NOP)/Initial Study (IS) (SCH No. 2022100646) was circulated for a 30-day public review period beginning on October 28, 2022, and ending on November 28, 2022. Eleven (11) individual written comment letters were received on the NOP during this review period. No additional comments were received at the November 18, 2022, public scoping meeting, as no members of the public were in attendance and no testimony was given. All public comments received relevant to CEQA-related issues were considered by the County in preparing the Draft EIR.

The Draft EIR for the proposed project was circulated for a 45-day public review period beginning on November 17, 2023, through January 2, 2024. A total of ten (10) comment letters were received on the Draft EIR, three of which were received after the review period had ended.

Section 15088 of the *CEQA Guidelines* requires that the lead agency evaluate comments on environmental issues received from persons and agencies that reviewed the Draft EIR and prepare a written response addressing the comments received. The response to comments is contained in this document -Volume 5, Chapter 7 of the Draft EIR. Volumes 1, 2, 3, 4, and 5 together constitute the Final EIR.

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7.2 Revisions to the Draft EIR

The revisions that follow were made to the text of the Draft EIR. Amended text is identified by page number. Additions to the Draft EIR text are shown with underlined text, and text removed from the Draft EIR is shown with ~~striketrough~~. Revisions to a Draft EIR are required if clarifications or responses to comments cannot be made without alterations to the document. The revisions, as outlined below, fall within the scope of the original project analysis included in the Draft EIR and do not result in an increase to any identified impacts or produce any new impacts. No new significant environmental impact would result from the changes or from a new mitigation measure proposed to be implemented. Therefore, no significant revisions have been made which would require recirculation of the Draft EIR pursuant to *CEQA Guidelines* Section 15088.5 (Recirculation of an EIR Prior to Certification).

Global Changes

The following “global changes” are intended to apply to the Draft EIR in all instances where such text or figures shown below appears within the document. The text and figure revisions are not repeated herein for each occurrence within the Draft EIR in order to streamline this document.

- Conditional Use Permit No. 71, Map No. 213 – to allow on-site capture of carbon dioxide (CO₂) and temporary storage for eventual transport for off-site distribution (Sections 19.08.085 & ~~19.06.920~~ 19.06.020)

Chapter 1.0, Executive Summary, Table 1-7, Page 1-23 through 1-29:

Table 1-7: Summary of Project Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
4.3 Air Quality			
Impact 4.3-1: Implementation of the proposed project would conflict with or obstruct implementation of the applicable air quality plan.	Potentially significant	<p>MM 4.3-1: To control NOX and PM emissions during construction and operation, the project proponent/operator and/or itscontractor(s) shall implement the following measures during construction and operation of the project, subject to verification by the County:</p> <ul style="list-style-type: none"> a. Off-road equipment engines over 25 horsepower shall be equipped with EPA Tier 4 or higher. b. All equipment shall be maintained in accordance with the manufacturer’s specifications. c. Heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes. d. Notification shall be provided to trucks and vehicles in loading or unloading queues that their engines shall be turned off when not in use for more than 5 minutes. e. Electric equipment shall be used to the extent feasible in lieu of diesel or gasoline powered equipment. f. All vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NOX emissions. g. Existing electric power sources shall be used to the extent feasible. This measure would minimize the use of higher polluting gas or diesel generators. h. The hours of operation of heavy-duty equipment and/or the quantity of equipment in use shall be limited to the extent feasible. <p>MM 4.3-2: To control fugitive PM emissions during construction, prior to the issuance of grading or building permits and any earthwork activities, the project proponent shall prepare a comprehensive Fugitive Dust Control Plan for review and approval by the Eastern Kern Air</p>	Significant and unavoidable

Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
		<p>Pollution Control District and submitted to the Kern County Planning and Natural Resources Department. The plan shall include all Eastern Kern Air Pollution Control District recommended measures, including but not limited to, the following:</p> <ol style="list-style-type: none"> a. All soil being actively excavated or graded shall be sufficiently watered to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed soils areas. Watering shall take place a minimum of three times daily where soil is being actively disturbed, unless dust is otherwise controlled by rainfall or use of a dust suppressant. b. Vehicle speed for all on site (i.e., within the project boundary) construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site. Signs identifying construction vehicle speed limits shall be posted along onsite roadways, at the site entrance/exit, and along unpaved site access roads. c. Vehicle speeds on all offsite unpaved project-site access roads (i.e., outside the project boundary) construction vehicles shall not exceed 25 mph. Signs identifying vehicle speed limits shall be posted along unpaved site access roads and at the site entrance/exit. d. All onsite unpaved roads and offsite unpaved public project-site access road(s) shall be effectively stabilized of dust emissions using water or Eastern Kern Air Pollution Control District approved dust suppressants/palliatives, sufficient to prevent wind-blown dust <u>from exceeding 20 percent opacity for more than three minutes in an hour and to ensure fugitive dust would not be visible beyond the property line at nearby residences or public roads.</u> If water is used, watering shall occur a minimum of three times daily, sufficient to keep soil moist along actively used roadways. During the dry season, unpaved road surfaces and vehicle parking/staging areas shall be watered immediately prior to periods of high use (e.g., worker commute periods, truck convoys). Reclaimed (non-potable) water shall be used to the extent available and feasible. 	

Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
		<ul style="list-style-type: none"> e. The amount of the disturbed area (e.g., grading, excavation) shall be reduced and/or phased where possible. f. All disturbed areas shall be sufficiently watered or stabilized by Eastern Kern Air Pollution Control District approved methods to prevent excessive dust. On dry days, watering shall occur a minimum of three times daily on actively disturbed areas. Watering frequency shall be increased whenever wind speeds exceed 15 mph or, as necessary, to prevent wind-blown dust exceeding 20 percent opacity at nearby residences or public roads. Reclaimed (nonpotable) water shall be used to the extent available and feasible. g. All clearing, grading, earth moving, and excavation activities shall cease during periods when dust plumes of 20 percent or greater opacity affect public roads or nearby occupied structures. h. All disturbed areas anticipated to be inactive for periods of 30 days or more shall be treated to minimize wind-blown dust emissions. Treatment may include, but is not limited to, the application of an Eastern Kern Air Pollution Control District-approved chemical dust suppressant, gravel, hydro-mulch, revegetation/seeding, or wood chips. i. All active and inactive disturbed surface areas shall be stabilized, where feasible. j. Equipment and vehicle access to disturbed areas shall be limited to only those vehicles necessary to complete the construction activities. k. Where applicable, permanent dust control measures shall be implemented as soon as possible following completion of any soil-disturbing activities. l. Stockpiles of dirt or other fine loose material shall be stabilized by watering or other appropriate methods sufficient to reduce visible dust emissions to a limit of 20 percent opacity. If necessary and where feasible, three-sided barriers shall be 	

Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
		<p>constructed around storage piles and/or piles shall be covered by use of tarps, hydro-mulch, woodchips, or other materials sufficient to minimize windblown dust.</p>	
		<p>m. Water shall be applied prior to and during the demolition of onsite structures sufficient to minimize wind-blown dust.</p>	
		<p>n. Where acceptable to the fire department and feasible, weed control shall be accomplished by mowing instead of disking, thereby leaving the ground undisturbed and with a mulch covering.</p>	
		<p>o. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least six inches of freeboard (minimum vertical distance between top of the load and top of the trailer) in accordance with California Vehicle Code Section 23114.</p>	
		<p>p. Gravel pads, grizzly strips, or other material track-out control methods approved for use by Eastern Kern Air Pollution Control District shall be installed where vehicles enter or exit unpaved roads onto paved roadways.</p>	
		<p>q. Haul trucks and off-road equipment leaving the site shall be washed with water or high pressure air, and/or rocks/grates at the project entry points shall be used, when necessary, to remove soil deposits and minimize the track out/deposition of soil onto nearby paved roadways.</p>	
		<p>r. During construction paved road surfaces adjacent to the site access road(s), including adjoining paved aprons, shall be cleaned, as necessary, to remove visible accumulations of track-out material. If dry sweepers are used, the area shall be sprayed with water prior to sweeping to minimize the entrainment of dust. Reclaimed water shall be used to the extent available.</p>	
		<p>s. Portable equipment, 50 horsepower or greater, used during construction activities (e.g., portable generators) shall require California statewide portable equipment registration (issued by</p>	

Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
		<p>California Air Resources Board) or an Eastern Kern Air Pollution Control District permit.</p> <ul style="list-style-type: none"> t. The Fugitive Dust Control Plan shall identify a designated person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures, as necessary, to minimize the transport of dust off site and to ensure compliance with identified fugitive dust control measures. Contact information for a hotline shall be posted on site should any complaints or concerns be received during working hours and holidays and weekend periods when work may not be in progress. The names and telephone numbers of such persons shall be provided to the Eastern Kern Air Pollution Control District Compliance Division prior to the start of any grading or earthwork. u. Signs shall be posted at the project site entrance and written notifications shall be provided a minimum of 30 days prior to initiation of project construction to residential land uses located within 1,000 feet of the project site. The signs and written notifications shall include the following information: (a) Project Name; (b) Anticipated Construction Schedule(s); and (c) Telephone Number(s) for designated construction activity monitor(s) or, if established, a complaint hotline. v. The designated construction monitor shall document and immediately notify Eastern Kern Air Pollution Control District of any air quality complaints received. If necessary, the project operator and/or contractor will coordinate with Eastern Kern Air Pollution Control District to identify any additional feasible measures and/or strategies to be implemented to address public complaints. w. The solar array shall obtain a permit from the Eastern Kern Air Pollution Control District and implement phased removal of vegetation from the site to ensure dust control during construction. 	

Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
<p>Impact 4.3-2: Implementation of the project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region in non-attainment under an applicable federal or state ambient air quality standard.</p>	Potentially significant	Implement Mitigation Measures MM 4.3-1 and MM 4.3-2.	Significant and unavoidable
<p>Impact 4.3-3: Implementation of the project would not expose sensitive receptors to substantial pollutant concentrations.</p>	Potentially significant	<p>Implement Mitigation Measures MM 4.3-1, MM 4.3-2, and MM 4.17-3 from Section 4.17, <i>Transportation and Traffic</i>; and</p> <p>MM 4.3-3: Complete a screening procedure approved by the Federal Land Manager that demonstrates the 98th percentile change in light extinction is less than 5 percent for each modeled year, when compared to the annual average natural condition value for the Class I areas within 100 km of the proposed site.</p> <p>MM 4.3-4: To minimize personnel and public exposure to potential Valley Fever–containing dust on and off site, the following control measures shall be implemented during project construction:</p> <ol style="list-style-type: none"> a. Equipment, vehicles, and other items shall be thoroughly cleaned of dust before they are moved off site to other work locations. b. Wherever possible, grading and trenching work shall be phased so that earthmoving equipment is working well ahead or downwind of workers on the ground. c. The area immediately behind grading or trenching equipment shall be sprayed with water before ground workers move into the area. d. In the event that a water truck runs out of water before dust is sufficiently dampened, ground workers being exposed to dust shall leave the area until a truck can resume water spraying. e. To the greatest extent feasible, heavy-duty earth-moving vehicles shall be closed-cab and equipped with a HEP-filtered air system. 	Less than significant

Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
Impact 4.3-4: Implementation of	Less than significant	<p>f. Workers shall receive training in procedures to minimize activities that may result in the release of airborne <i>Coccidioides immitis</i> (CI) spores, to recognize the symptoms of Valley Fever, and shall be instructed to promptly report suspected symptoms of work related Valley Fever to a supervisor. Evidence of training shall be provided to the Kern County Planning and Natural Resources Department within 5 days of the training session.</p> <p>g. A Valley Fever informational handout shall be provided to all onsite construction personnel. The handout shall, at a minimum, provide information regarding the symptoms, health effects, preventative measures, and treatment. Additional information and handouts can be obtained by contacting the Kern County Public Health Services Department.</p> <p>h. Onsite personnel shall be trained on the proper use of personal protective equipment, including respiratory equipment. National Institute for Occupational Safety and Health–approved respirators shall be provided to onsite personal, upon request. When exposure to dust is unavoidable, provide appropriate NIOSH-approved respiratory protection to affected workers. If respiratory protection is deemed necessary, employers must develop and implement a respiratory protection program in accordance with Cal/OSHA's Respiratory Protection standard (8 CCR 5144).</p> <p>MM 4.3-5: Prior to the issuance of any grading permit, a one-time fee shall be paid to the Kern County Public Health Services Department in the amount of \$3,200 for Valley Fever public awareness programs.</p> <p>MM 4.3-6: <u>Prior to the issuance of grading or building permits, a COVID Health and Safety Plan shall be prepared in accordance with the California Department of Public Health Guidance. A copy of the COVID Health and Safety Plan shall be submitted to the Kern County Planning and Natural Resources Department for review and approval.</u></p>	Less than significant

Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
the project would not result in other emissions (such as those leading to odors adversely affecting a substantial number of people).			
Cumulative Impacts	Potentially significant	Implement Mitigation Measures MM 4.3-1 through MM 4.3-56.	Significant and Unavoidable

Chapter 1.0, Executive Summary, Table 1-7, Pages 1-41 through 1-46:

Table 1-7: Summary of Project Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
4.5 Cultural Resources			
Impact 4.5-1: The project would cause a substantial adverse change in the significance of a historical resource, as defined in CEQA Guidelines Section 15064.5.	Potentially significant	<p>MM 4.5-1: The project proponent/operator shall retain a Lead Archaeologist, defined as an archaeologist meeting the Secretary of the Interior’s Standards for professional archaeology (U.S. Department of the Interior, 2011), to carry out all mitigation measures related to archaeological and historical resources during ground-disturbing activities. The contact information for this Lead Archaeologist shall be provided to the Kern County Planning and Natural Resources Department prior to the commencement of any construction activities on-site. Further, the Lead Archaeologist shall be responsible for ensuring the following employee training provisions are implemented during implementation of the project:</p> <ul style="list-style-type: none"> a. Prior to commencement of any ground disturbing activities, the Lead Archaeologist, in consultation with the Native American Monitor(s), shall prepare Cultural Resources Sensitivity Training materials, including a Cultural Resources Sensitivity Training Guide, to be used in an orientation program given to all personnel working on the project. The training guide may be presented in video form. A copy of the proposed training materials, including the Cultural Resources Sensitivity Training Guide, shall be provided to 	Less than significant

Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
		<p>the Planning and Natural Resources Department prior to the issuance of any grading or building permit.</p> <ul style="list-style-type: none"> b. The project proponent/operator shall ensure all new employees or onsite workers who have not participated in earlier Cultural Resources Sensitivity Trainings shall meet provisions specified above. c. The training shall include an overview of potential cultural resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the Lead Archaeologist for further evaluation and action, as appropriate; and penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources. d. A copy of the Cultural Resources Sensitivity Training Guide/Materials shall be kept on-site and available for all personnel to review and be familiar with as necessary. It is the responsibility of the Lead Archaeologist to ensure all employees receive appropriate training before commencing work on-site. e. During implementation of the project, the services of Native American Monitors, as identified through consultation with appropriate Native American tribes, working under the supervision of the Lead Archaeologist, shall be retained by the project to monitor project-related ground-disturbing activities as identified in Mitigation Measure MM 4.5-2. <p>MM 4.5-2: Prior to the issuance of any grading or building permit, the project proponent shall submit to the Kern County Planning and Natural Resources Department a Cultural Resources Treatment Plan. The plan shall:</p> <ul style="list-style-type: none"> a. Require that prior to conducting initial ground disturbance in the vicinity of prehistoric archaeological sites, and in coordination with the Lead Archaeologist and Native American Monitor(s), exclusion areas (i.e., the recorded boundaries of the archaeological sites and all areas within 50 feet thereof) shall be temporarily marked with exclusion markers or protective fencing as determined by the Lead Archaeologist in consultation with the Native American Monitor. 	

Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
		<ul style="list-style-type: none"> b. Require that the construction zone shall be narrowed or otherwise altered to avoid any exclusion areas. c. Provide an overview of best management practices to be utilized during ground-disturbing construction activities to ensure protection of cultural resources. d. Outline the process for evaluation of any unanticipated cultural discoveries during project construction activities. e. Provide a Data Recovery Plan, if required, prepared by the Lead Archeologist in consultation with the Native American Monitor(s), for the recovery of known and unanticipated cultural discoveries that cannot be avoided or preserved in place. 	
		<p>MM 4.5-3: During implementation of the project, in the event that archaeological materials are encountered during the course of grading or construction, the project contractor shall cease any ground-disturbing activities within 50 feet of the find. The area of the discovery shall be marked off by temporary fencing that encloses a 50-foot radius from the location of the discovery. Signs shall be posted that establish it as an Environmentally Sensitive Area, and all entrance into the area shall be avoided until the discovery is assessed by the Lead Archaeologist and Native American Monitor. The Lead Archaeologist, in consultation with any Native American Monitor, shall evaluate the significance of the resources and recommend appropriate treatment measures. If further treatment of the discovery is necessary, the Environmentally Sensitive Area shall remain in place until all work is completed. Per California Environmental Quality Act (CEQA) Guidelines Section 15126.4(b)(3), project redesign and preservation in place shall be the preferred means to avoid impacts to significant historical resources.</p>	
		<p>Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the Lead Archaeologist, in consultation with any Native American Monitor, shall develop additional treatment measures in consultation with the County of Kern (County), which may include data recovery or other appropriate measures. The County shall consult with appropriate Native American</p>	

Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
		<p>representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American in nature. <u>To the greatest extent possible cultural material found on site shall be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon consultation with the Native American Monitor/Lead Archaeologist, the landowner, the County, if necessary, the appropriate Native American Tribe and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all monitoring has ceased, all cataloging and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to the County, the Southern San Joaquin Valley Information Center.</u></p> <p><u>Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with the appropriate Native American Tribe to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriately qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the Project developer/applicant's obligation to pay for those fees.</u></p> <p>Diagnostic archaeological materials with research potential recovered during any investigation <u>that are not prehistoric of Native American in origin</u> shall be curated at an accredited curation facility. The Lead Archaeologist, in consultation with a designated Native American Monitor, shall prepare a report documenting evaluation and/or additional treatment of the resource. A copy of the report shall be provided to the Kern County Planning and Natural Resources Department and to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.</p>	

Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
<p>Impact 4.5-2: The project would cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.</p>	<p>Potentially significant</p>	<p>Implement Mitigation Measures MM 4.5-1 through MM 4.5-3.</p> <p>MM 4.5-4: During implementation of the project, the services of both an Archaeological and Native American Monitor, working under the supervision of the Lead Archaeologist as identified through consultation with appropriate Native American tribes, shall be retained by the project proponent/operator to monitor, on a full-time basis, during ground-disturbing activities associated with project-related construction activities, as follows:</p> <ol style="list-style-type: none"> a. All initial ground-disturbing activities within 50 feet of prehistoric archaeological sites within the project site shall be monitored by Native American Monitor(s) and Archaeological Monitor(s). b. During implementation of the project, Archaeological and Native American monitoring shall be conducted for all initial excavation or ground-disturbing activities. If no archaeological discoveries are made during the course of this monitoring, no additional monitoring will be required. If the Lead Archaeologist can demonstrate that the level of monitoring should be reduced or discontinued, or a need for continuing monitoring, the Lead Archaeologist, in consultation with the Kern County Planning and Natural Resources Department, may adjust the level of monitoring to circumstances as warranted. c. All ground disturbing activities within 100 feet of a grave site shall be monitored by Native American Monitor(s) and Archeological Monitor(s). d. The Lead Archaeologist and Native American Monitor(s) shall be provided all project documentation related to cultural resources within the project site prior to commencement of ground disturbance activities. Should the services of any additional individuals be retained (as the Lead Archaeologist, Archaeological Monitor, or Native American Monitor) subsequent to commencement of ground disturbing activities, such individuals shall be provided all proposed project documentation related to cultural resources within the project area, prior to beginning work. Documentation shall include but not be limited to previous cultural studies, surveys, maps, drawings, etc. 	<p>Less than significant.</p>

Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
<p>Impact 4.5-3: The project would disturb any human remains, including those interred outside of formal cemeteries.</p>	<p>Potentially significant</p>	<p>Any modifications or updates to project documentation, including construction plans and schedules, shall immediately be provided to the Lead Archaeologist, Archaeological Monitor, and Native American Monitor.</p> <p>e. The Archaeological Monitor(s) shall keep daily logs and the Lead Archaeologist shall submit monthly written updates to the Kern County Planning and Natural Resources Department and Native American Monitor. After monitoring has been completed, the Lead Archaeologist shall prepare a monitoring report that details monitoring results; assessment of inadvertent discoveries; communication with Tribal representatives; installation of, maintenance of, and guidance for environmentally sensitive areas; and general implementation of the required mitigation. The final monitoring report shall act as a record of compliance with guiding documents and mitigation and shall be submitted to the Kern County Planning and Natural Resources Department and the Southern San Joaquin Valley Information Center at California State University, Bakersfield.</p>	<p>Less than significant.</p>

Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
		damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendent regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. If the remains are determined to be neither of forensic value to the Coroner, nor of Native American origin, provisions of the California Health and Safety Code (7100 et. seq.) directing identification of the next-of-kin will apply. No work shall recommence on the site until all provisions of these reviews have occurred.	
Cumulative Impact	Potentially significant	Implement Mitigation Measures MM 4.5-1 through MM 4.5-5.	Less than significant.

Chapter 1.0, Executive Summary, Table 1-7, Pages 1-66 through 1-71:

Table 1-7: Summary of Project Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
4.17 Transportation and Traffic			
Impact 4.17-1: The project would conflict with a program, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, as follows: Metropolitan Bakersfield General Plan LOS C and Kern County General Plan LOS “D.”	Potentially significant	<p>MM 4.17-1: Prior to the issuance of construction or building permits for each Facility, the project proponent/operator shall implement measures to ensure peak hour construction worker vehicle limits are maintained during the AM and PM peak hours in order to maintain LOS D or better at the study intersections. These measures may include, but are not limited to the following:</p> <ul style="list-style-type: none"> a. The Construction Traffic Control Plan (see MM 4.17-2, below) shall outline the methods used to count worker vehicle traffic arriving and departing from the project site during peak AM and PM hours, methods used to control the number of trips during these hours, and documentation of reasonable coordination efforts with other projects in the area to avoid impacts to study intersections. b. The project proponent/operator shall limit construction worker vehicle trips to and from the site to the extent possible during the AM and PM peak periods (i.e., 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). 	Less than significant

Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
		<ul style="list-style-type: none"> c. If monitoring indicates that either AM or PM peak hour construction trips may exceed the peak hour construction worker vehicle limits, the project proponent/operator shall implement measures to reduce peak hour passenger vehicle trips. These measures could include: <ul style="list-style-type: none"> 1. Scheduling construction worker shifts so that a majority of the workers arrive and depart the project site outside the AM and PM peak periods. 2. Staggering construction worker shifts so that construction worker vehicle trips are distributed over a broader period (i.e., construction workers arrive in staggered shifts starting from 6:00 a.m. and depart in staggered shifts starting from 2:00 p.m.). 3. Instituting incentives and providing options for construction workers to carpool and/or vanpool to and from the project site. d. Should applicant be able to demonstrate LOS will not fall below LOS C, then the Traffic Control Plan will not be necessary. <p>MM 4.17-2: Prior to the issuance of construction or building permits, the project proponent/operator shall:</p> <ul style="list-style-type: none"> a. Prepare and submit a Construction Traffic Control Plan to Kern County Public Works Department-Development Review and the California Department of Transportation offices for District 9, as appropriate, for approval. The Construction Traffic Control Plan must be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and must include, but not be limited to, the following issues: <ul style="list-style-type: none"> 1. Timing of deliveries of heavy equipment and building materials. To the extent feasible, restrict deliveries and vendor vehicle arrivals and departures during either the AM and PM peak periods; 2. Directing construction traffic with flaggers along the Rosamond Corridor; 3. Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage 	

Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
		<p>along access routes to indicate the presence of heavy vehicles and construction traffic;</p> <ol style="list-style-type: none"> 4. Ensuring access for emergency vehicles to the project sites; 5. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections; 6. Maintaining access to adjacent property; 7. Specifying both construction-related vehicle travel and oversize load haul routes and avoiding residential neighborhoods to the maximum extent feasible; and; 8. Consult with the County to develop coordinated plans that would address construction-related vehicle routing and detours adjacent to the construction area for the duration of construction overlap with neighboring projects. Key coordination meetings would be held jointly between project proponents and contractors of other projects for which the County determines impacts could overlap. <ol style="list-style-type: none"> b. Obtain all necessary encroachment permits for the work within the road right-of-way or use of oversized/overweight vehicles that will utilize county maintained roads, which may require California Highway Patrol or a pilot car escort. Copies of the approved traffic plan and issued permits shall be submitted to the Kern County Planning and Natural Resources Department, the Kern County Public Works Department-Development Review, and California Department of Transportation. c. Enter into a secured agreement with Kern County to ensure that any County roads that are demonstrably damaged by project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed as per requirements of the State and/or Kern County. d. Submit documentation that identifies the roads to be used during construction. The project proponent/operator shall be responsible for repairing any damage to non-County maintained roads that may 	

Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
		<p>result from construction activities. The project proponent/operator shall submit a preconstruction video log and inspection report regarding roadway conditions for roads used during construction to the Kern County Public Work Department-Development Review and the Kern County Planning and Natural Resources Department.</p>	
		<p>e. Within 30 days of completion of construction, the project proponent/operator shall submit a post-construction video log and inspection report to the County. This information shall be submitted in electronic/digital format. The County, in consultation with the project proponent/operator’s engineer, shall determine the extent of remediation required, if any.</p>	
		<p>MM 4.17-3: To improve traffic during operation of the project, the following traffic improvements shall be implemented; costs shall be funded entirely by the project proponent and at no cost to either the County of Kern or the California Department of Transportation (CalTrans):</p>	
		<p>a. State Route 14 northbound Ramps and the Backus Road Intersections: Installation of a traffic signal and expansion of the intersection to provide one dedicated lane for the westbound right turn on the ramp, and one dedicated lane for each turning movement at the northbound ramp termini at the buildout year of <u>2023 opening day</u>.</p>	
		<p>b. State Route 14 Southbound Ramps and the Backus Road Intersections: Installation of a traffic signal by 2042. By the year 2042, the project proponent shall coordinate with both the Kern County Public Works Department and CalTrans to revisit and recalculate the cost for this mitigation. A new pavement analysis shall also be completed to calculate the required Traffic Index and cross section.</p>	
		<p>c. Segment of Sierra Highway between Backus Road and Sopp Road: By the year 2042, the addition of one lane in each direction shall be installed. The project proponent shall coordinate with both the Kern County Public Works Department and CalTrans to revisit and recalculate the cost for this mitigation</p>	

Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
		d. At a minimum, the project proponent shall place a 0.15-foot depth asphalt concrete overlay over the eastbound lane of Sopp Road. To avoid a fault along the roadway centerline, cold plane a 3-to-4-foot width to a depth of 0.12-feet north of the Sopp Road centerline. The overlay will extend north of the centerline repaving the cold-planned limits and providing a transition to the full overlay depth placed on the eastbound lane. After the overlay, restriping of centerline will be necessary as well as shoulder-backing on the south side	
Impact 4.17-2: The project would conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).	Less than significant	No mitigation would be required.	Less than significant.
Impact 4.17-3: The project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	Potentially significant	Implement Mitigation Measure MM 4.17-2.	Less than significant.
Impact 4.17-4: Result in inadequate emergency access.	Potentially significant	Implement Mitigation Measures MM 4.17-1 and MM 4.17-2	Less than significant.
Cumulative Impact	Potentially significant	Implement Mitigation Measures MM 4.17-1 through MM 4.17-3	Less than significant.

Chapter 1.0, Executive Summary, Table 1-7, Page 1-72 through 1-73:

Table 1-7: Summary of Project Impacts, Mitigation Measures, and Levels of Significance

Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
4.19 Utilities and Service Systems			
Impact 4.19-1: The project would require or result in the relocation or construction of new	Potentially significant	Implement Mitigation Measures MM 4.10-1 and MM 4.10-2 from Section 4.10, Hydrology and Water Quality.	Less than significant

Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
<p>or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.</p>		<p>MM 4.19-1: All facilities of the water system shall be designed and constructed to comply with Kern County Development Standards and approved by the Kern County Public Works Department.</p> <p>MM 4.19-2: Any new wastewater package plant facility shall be constructed according to State specifications, with coordination of Kern County Public Works and Kern County Environmental Health Services Departments and shall be operated in such a way as to not contaminate the underlying unconfined aquifer.</p>	
<p>Impact 4.19-2: The project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.</p>	<p>Less than significant</p>	<p>No mitigation would be required.</p>	<p>Less than significant</p>
<p>Impact 4.19-3: The project would result in a determination by the wastewater treatment provider which may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments.</p>	<p>Less than significant</p>	<p>No mitigation would be required.</p>	<p>Less than significant</p>
<p>Impact 4.19-4: The project would generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.</p>	<p>Potentially significant</p>	<p>Implementation of Mitigation Measure MM 4.1-3 (see Section 4.1, <i>Aesthetics</i>, for full mitigation measure) would be required.</p>	<p>Less than significant.</p>
<p>Impact 4.19-5: The project would comply with Federal,</p>	<p>Potentially significant <u>Less than significant</u></p>	<p>Implement Mitigation Measures MM 4.19-1 and MM 4.19-2. <u>No mitigation would be required.</u></p>	<p>Less than significant.</p>

Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
State, and Local management and reduction statutes and regulations related to solid waste.	Potentially significant	Implement Mitigation Measures MM 4.1-3 (see Section 4.1, Aesthetics , for full mitigation measure), MM 4.10-1, MM 4.10-2 (see Section 4.10, Hydrology and Water Quality , for full mitigation measure), MM 4.19-1 and 4.19-2.	Less than significant.

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**Chapter 3.0, *Project Description*, Page 3-14 through Page 3-19,
Figure 3-8: Proposed PD Plan – Statistical Information,
Figure 3-9: Proposed PD Plan – Overall PD Plan,
Figure 3-10: Proposed PD Plan – Block 1,
Figure 3-11: Proposed PD Plan – Block 2,
Figure 3-12: Proposed PD Plan – Block 3, and
Figure 3-13: Proposed PD Plan – Block 4**

PSG MOJAVE MICRO MILL

PRECISE DEVELOPMENT PLAN NO. 3, MAP 213

860 SOPP ROAD
MOJAVE, CALIFORNIA, 93501

LEGAL DESCRIPTION

FOR APN/PARCEL ID(S): 431-010-02, 431-030-02

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF KERN, STATE OF CALIFORNIA AND DESCRIBED AS FOLLOWS:

PARCEL 1: APN 431-010-02

THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 10 NORTH, RANGE 12 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF KERN, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF THE SAID LAND ON THE FILE IN THE BUREAU OF LAND MANAGEMENT.

EXCEPTING THEREFROM A STRIP OF LAND 200 FEET WIDE LYING EQUALLY ON EACH SIDE OF THE CENTERLINE OF THE SOUTHERN PACIFIC RAILROAD AS CONSTRUCTED ON AUGUST 26, 1952 UPON, ACROSS OR ADJACENT TO SAID LAND ABOVE DESCRIBED, AS EXCEPTED IN DEED FROM SOUTHERN PACIFIC LAND COMPANY, A CORPORATION AND SOUTHERN PACIFIC RAILROAD COMPANY, A CORPORATION, TO MINTO FARROW, RECORDED OCTOBER 7, 1952, IN BOOK 1991, PAGE 300 OF OFFICIAL RECORDS.

EXCEPT THEREFROM FIFTY PERCENT (50%) OF ALL OIL, GAS AND MINERALS INCLUDING THORIUM, GOLD, URANIUM, OR ANY OTHER RADIO ACTIVE MATERIALS WITHIN OR UNDERLYING SAID LAND, OR THAT MAY BE PRODUCED AND SAVED THEREFROM AS RESERVED BY MINTO FARROW IN THE DEED RECORDED JUNE 11, 1957 IN BOOK 2799, PAGE 153 OF OFFICIAL RECORDS.

PARCEL 2: APN 431-030-02

THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 10 NORTH, RANGE 12 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF KERN, STATE OF CALIFORNIA.

EXCEPT THEREFROM FIFTY PERCENT (50%) OF ALL OIL, GAS AND MINERALS INCLUDING THORIUM, GOLD, URANIUM, OR ANY OTHER RADIO ACTIVE MATERIALS WITHIN OR UNDERLYING SAID LAND, OR THAT MAY BE PRODUCED AND SAVED THEREFROM AS RESERVED BY MINTO FARROW IN THE DEED RECORDED JUNE 11, 1957 IN BOOK 2799, PAGE 153 OF OFFICIAL RECORDS.

TOPOGRAPHY

ALTA SURVEY PERFORMED BY:

AARON G. BYRD, PLS 7972
NEXUS 3D CONSULTING
220 18TH STREET
BAKERSFIELD, CA 93301
JANUARY 20, 2021

GENERAL NOTES

- FOR ALL PARKING LOTS CONTAINING TEN (10) OR MORE SPACES, AT LEAST FIVE PERCENT (5%) OF THE TOTAL INTERIOR AREA DEVELOPED TO PARKING SHALL BE LANDSCAPED. TREES SHALL BE PLANTED AND MAINTAINED THROUGHOUT THE PARKING AREA AT A MINIMUM RATION OF ONE (1) TREE PER SIX (6) PARKING SPACES PLACED AT A MAXIMUM OF SIXTY-FIVE (65) FOOT INTERVALS. MINIMUM TREE SIZE SHALL BE FIFTEEN (15) GALLON CONTAINER. AN IRRIGATION SYSTEM ADEQUATE FOR THE MAINTENANCE OF THE LANDSCAPING SHALL BE INSTALLED.
- WHERE PARKING FACILITY CONTAINING FIVE (5) OR MORE SPACE INCLUDES DIAGONAL OR PERPENDICULAR PARKING SPACES THAT ABUT PUBLIC STREET OR ROAD, AN ORNAMENTAL FENCE, WALL, EVERGREEN LANDSCAPING OR BERM, OR ANY COMBINATION OF THE ABOVE, OF NOT MORE THAN FOUR (4) FEET IN TOTAL HEIGHT SHALL BE ERECTED BETWEEN THE PARKING FACILITY AND THE STREET OR ROAD TO ELIMINATE HEADLIGHT GLARE.

STATISTICAL INFORMATION

EX. AND PROP. ZONING:	A-1 TO M-3-PD
EX. USE:	VACANT
PROP. USE:	STEEL MILL
ACREAGE:	174 AC (GROSS 184.23 AC PER ALTA)
PROP. BUILDING:	SINGLE STORY MAX 116' HIGH, SEE BUILDING TABLE BELOW
BUILDING COVERAGE:	6.8%
LANDSCAPE AREA:	10.5 AC
PARKING SPACES PROVIDED:	306 PROVIDED (993 REQUIRED PER CODE)
SEWAGE DISPOSAL:	ONSITE SEPTIC SYSTEM
WATER SUPPLY:	ANTELOPE VALLEY - EAST KERN WATER AGENCY
DRAINAGE:	ONSITE DETENTION BASINS
TALLEST SITE COMPONENT:	165 FT HIGH FUME TREATMENT PLANT STACK

BUILDING TABLE

Building Number	Building Name	Square Feet (sf)	Height
Building 1	Micro Mill Facility	489,200	Varies
Building 1A	Scrap Bay	24,300	40 feet
Building 1B	FAF/LMS Bay	15,500	116 feet
Building 1C	Center Bay	12,500	110 feet
Building 1D	M5 Complex Structure (3 floors)	22,200	52 feet
Building 1E	Lodge Maintenance Bay	8,700	50 feet
Building 1F	Rolling Mill Bay	61,000	55 feet
Building 1G	Spooler Bay	13,200	40 feet
Building 1H	Service Bay	12,700	40 feet
Building 1I	Finished Goods Bay	112,600	55 feet
Building 1J	Roll Shop	18,200	40 feet
Building 1K	Test Bay	1,800	22 feet
Building 1L	Stock Bay	93,000	50 feet
Building 1M	Fabrication Bay	93,000	50 feet
Building 2	Storeroom and Vehicle Maintenance Building	27,385	40 feet
Building 3	Office Building (Includes Planned Expansion)	10,500	21 feet
Building 4	Locker Room	4,400	18 feet
Building 5	Slag Processing Office Building	4,000	18 feet
Building 6	Power Control Room (PCR)	5,500	18 feet
Building 7	Guard Shack/Scale House	900	18 feet
Building 8	Trucker Restroom Facility	36	18 feet
Building 9	Water Pre-Treatment Building	9,000	30 feet

① SITE COMPONENTS

Site Components
1 Ground Mounted Solar
2 On-site Stationing
3 Fume Treatment Plant
4 Water Treatment Plant
5 Slag Processing Plant
6 Dolomite and Lime Silos
7 Staging and Spare Parts Storage
8 On-site Access Corridors
9 Perimeter Fencing
10 On-site Parking
11 Road Improvements
12 Landscaping
13 New Pavement, Curb and Gutter, and Sidewalk
14 Carbon Capture
15 Water Storage Tanks
16 Pre-Treatment
17 Air Separation System
18 Scale Classifier



VICINITY MAP

SCALE: NTS

Mojave Micro Mill Project

GPA No.3, Map No. 213
ZCC No. 62, Map No. 213
CUP No. 71, Map No. 213
CUP No. 72, Map No. 213
PD Plan No. 3, Map No. 213
ZV No. 24, Map No. 213
ZV No. 25, Map No. 213

Figure 3-8: Proposed PD Plan – Statistical Information

PSGM3 Holdings Corp (Pacific Steel Group)

SHEET INDEX

NUMBER	SHEET DESCRIPTION
1	TITLE SHEET
2	KEY MAP
3	SITE PLAN
4	SITE PLAN
5	SITE PLAN
6	SITE PLAN

LEGEND

	PROP. BUILDING
	PROP. ASPHALT PAVEMENT
	PROP. HEAVY-DUTY CONCRETE PAVEMENT
	PROP. HEAVY-DUTY CONCRETE W/ TRAPROCK SECTION
	PROP. BASIN
	PROP. SOLAR PANEL AREA
	PROP. LANDSCAPED AREA
	PROP. MATCH LINE
	INGRESS/EGRESS ARROW
	EX. ASPHALT PAVEMENT
	EX. CONTOURS

ABBREVIATIONS

AC	ASPHALT CONCRETE
CONC	CONCRETE
EG	EXISTING GRADING
ELEC	ELECTRIC
EX.	EXISTING
FFE	FINISHED FLOOR ELEVATION
FG	FINISH GRADE
FT	FEET
KC	KERN COUNTY
MAX	MAXIMUM
MIN	MINIMUM
N/A	NOT APPLICABLE
NTS	NOT TO SCALE
PROP.	PROPOSED
R/W	RIGHT OF WAY
TYP	TYPICAL
UPRR	UNION PACIFIC RAILROAD
W/	WITH

APN: 431-010-02 & 431-030-02
Sec. 27 - T10N/R12W

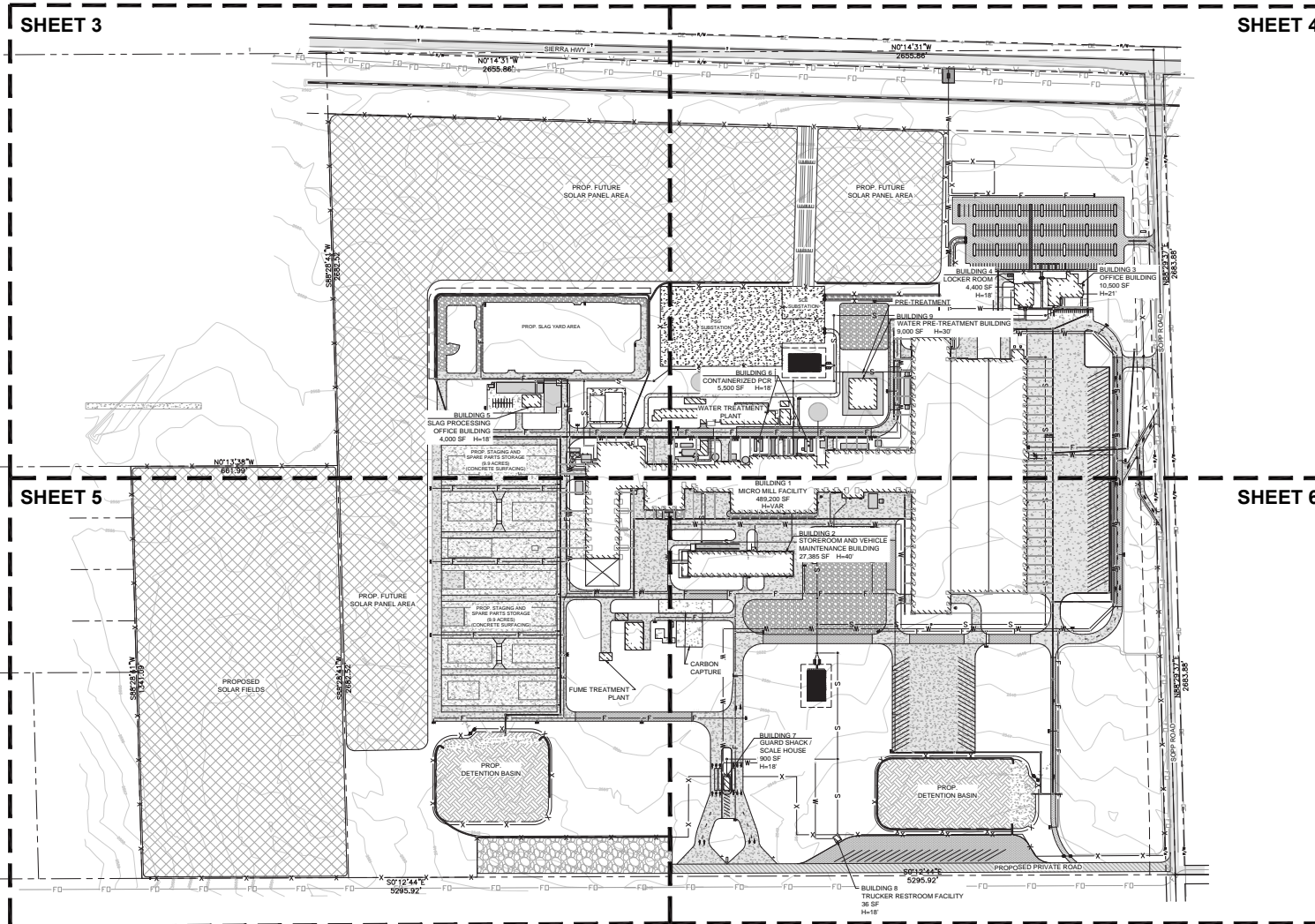


Mojave Micro Mill Project

GPA No.3, Map No. 213
ZCC No. 62, Map No. 213
CUP No. 71, Map No. 213
CUP No. 72, Map No. 213
PD Plan No. 3, Map No. 213
ZV No. 24, Map No. 213
ZV No. 25, Map No. 213

Figure 3-9: Proposed PD Plan – Overall PD Plan

PSGM3 Holdings Corp (Pacific Steel Group)



APN: 431-010-02 & 431-030-02
Sec. 27 - T10N/R12W














Mojave Micro Mill Project

GPA No.3, Map No. 213
 ZCC No. 62, Map No. 213
 CUP No. 71, Map No. 213
 CUP No. 72, Map No. 213
 PD Plan No. 3, Map No. 213
 ZV No. 24, Map No. 213
 ZV No. 25, Map No. 213

Figure 3-10: Proposed PD Plan – Block 1

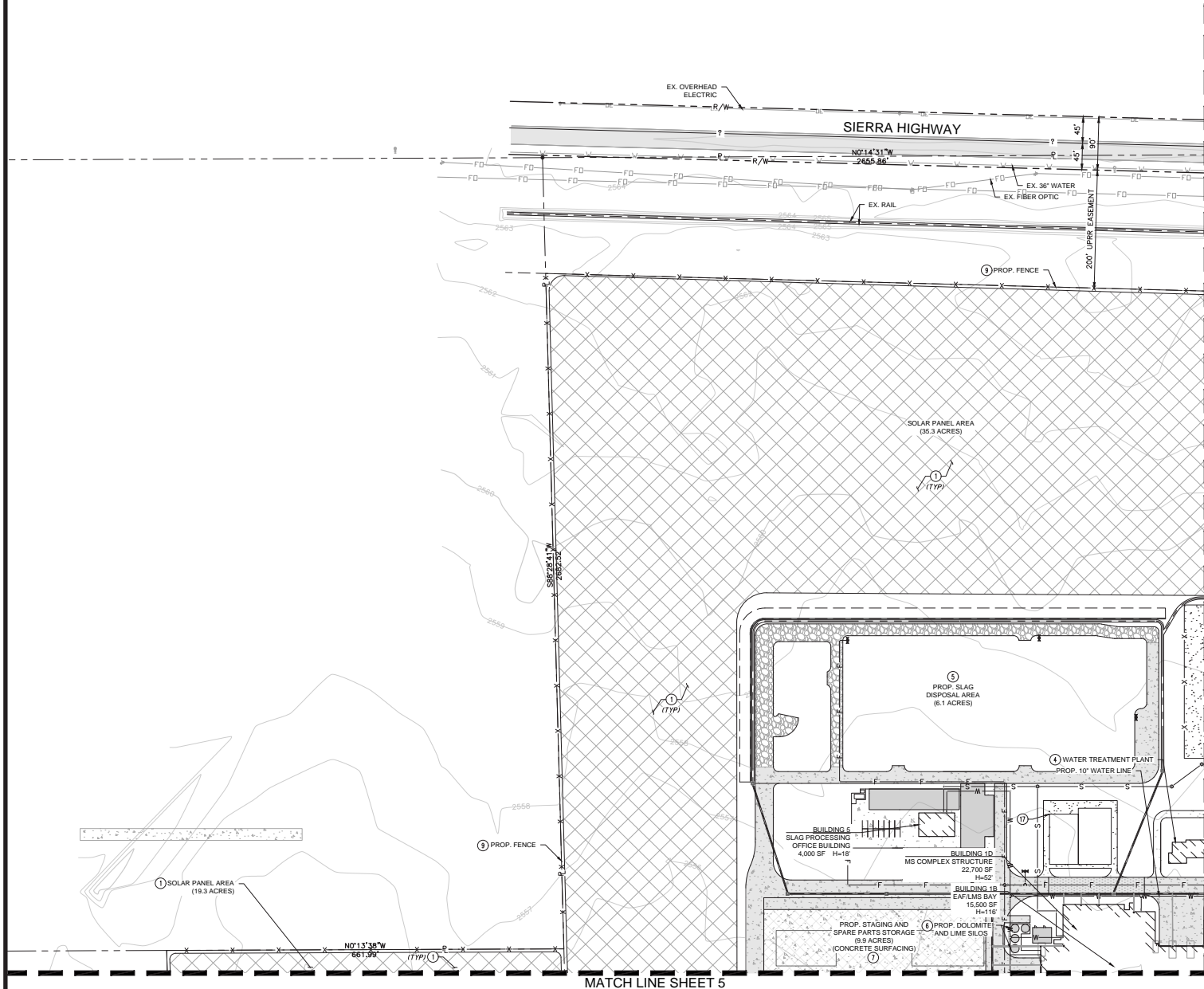
PSGM3 Holdings Corp (Pacific Steel Group)

LEGEND

-  PROP. BUILDING
-  PROP. ASPHALT PAVEMENT
-  PROP. HEAVY-DUTY CONCRETE PAVEMENT
-  PROP. HEAVY-DUTY CONCRETE W/ TRAPROCK SECTION
-  PROP. BASIN
-  PROP. SOLAR PANEL AREA
-  PROP. LANDSCAPED AREA
-  PROP. MATCH LINE
-  INGRESS/EGRESS ARROW
-  EX. ASPHALT PAVEMENT
-  EX. CONTOURS

SITE COMPONENTS

- ① GROUND MOUNTED SOLAR
- ② WATER TREATMENT PLANT
- ③ SLAG PROCESSING PLANT
- ④ DOLOMITE AND LIME SILOS
- ⑤ STAGING AND SPARE PARTS STORAGE
- ⑥ PERIMETER FENCING
- ⑦ AIR SEPARATION SYSTEM



APN: 431-010-02 & 431-030-02
 Sec. 27 - T10N/R12W

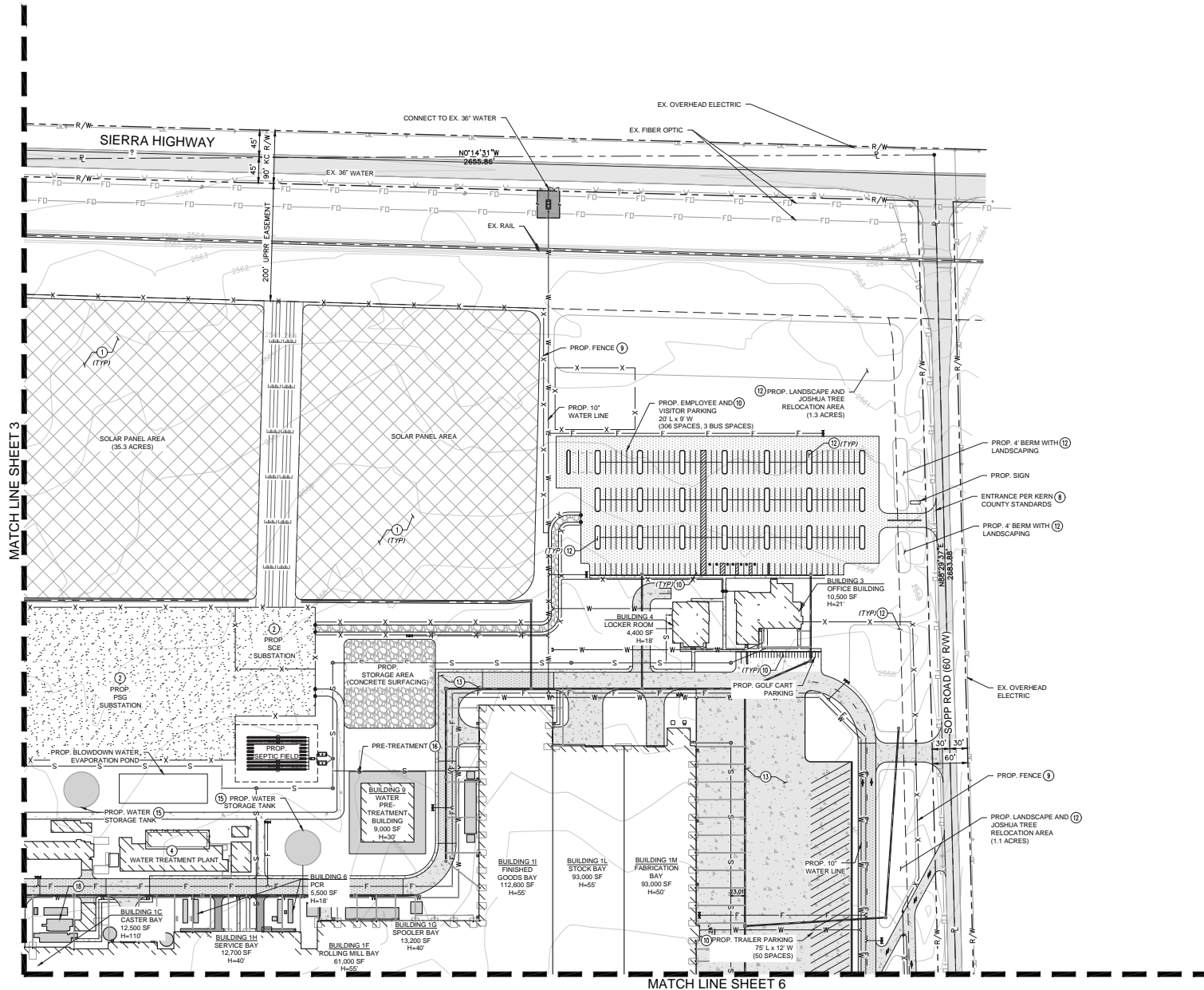


Mojave Micro Mill Project

GPA No.3, Map No. 213
 ZCC No. 62, Map No. 213
 CUP No. 71, Map No. 213
 CUP No. 72, Map No. 213
 PD Plan No. 3, Map No. 213
 ZV No. 24, Map No. 213
 ZV No. 25, Map No. 213

Figure 3-11: Proposed PD Plan – Block 2

PSGM3 Holdings Corp (Pacific Steel Group)



LEGEND

- PROP. BUILDING
- PROP. ASPHALT PAVEMENT
- PROP. HEAVY-DUTY CONCRETE PAVEMENT
- PROP. HEAVY-DUTY CONCRETE W/ TRAPROCK SECTION
- PROP. BASIN
- PROP. SOLAR PANEL AREA
- PROP. LANDSCAPED AREA
- PROP. MATCH LINE
- INGRESS/EGRESS ARROW
- EX. ASPHALT PAVEMENT
- EX. CONTOURS

SITE COMPONENTS

- ① GROUND MOUNTED SOLAR
- ② ON-SITE SUBSTATION
- ④ WATER TREATMENT PLANT
- ⑤ ON-SITE ACCESS CORRIDORS
- ⑥ PERIMETER FENCING
- ⑦ ON-SITE PARKING
- ⑩ LANDSCAPING
- ⑬ NEW PAVEMENT, CURB AND GUTTER, AND SIDEWALK
- ⑮ WATER STORAGE TANKS
- ⑯ PRE-TREATMENT
- ⑰ SCALE CLASSIFIER

APN: 431-010-02 & 431-030-02
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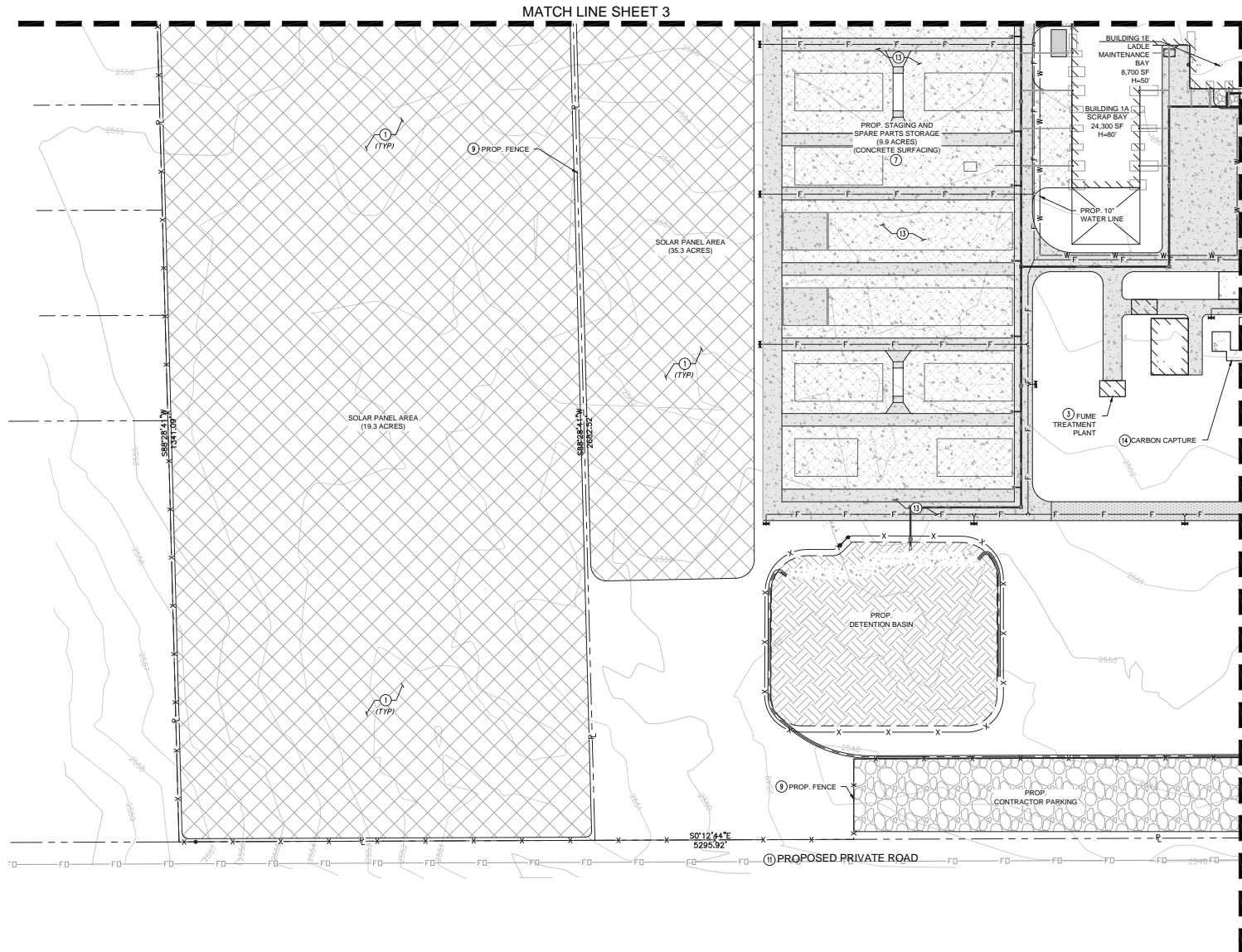


Mojave Micro Mill Project

GPA No.3, Map No. 213
 ZCC No. 62, Map No. 213
 CUP No. 71, Map No. 213
 CUP No. 72, Map No. 213
 PD Plan No. 3, Map No. 213
 ZV No. 24, Map No. 213
 ZV No. 25, Map No. 213

Figure 3-12: Proposed PD Plan – Block 3

PSGM3 Holdings Corp (Pacific Steel Group)



LEGEND

- PROP. BUILDING
- PROP. ASPHALT PAVEMENT
- PROP. HEAVY-DUTY CONCRETE PAVEMENT
- PROP. HEAVY-DUTY CONCRETE W/ TRAPROCK SECTION
- PROP. BASIN
- PROP. SOLAR PANEL AREA
- PROP. LANDSCAPED AREA
- PROP. MATCH LINE
- INGRESS/EGRESS ARROW
- EX. ASPHALT PAVEMENT
- EX. CONTOURS

SITE COMPONENTS

- ① GROUND MOUNTED SOLAR
- ② FUME TREATMENT PLANT
- ③ STAGING AND SPARE PARTS STORAGE
- ④ PERIMETER FENCING
- ⑤ ROAD IMPROVEMENTS
- ⑥ NEW PAVEMENT, CURB AND GUTTER, AND SIDEWALK
- ⑦ CARBON CAPTURE

APN: 431-010-02 & 431-030-02
 Sec. 27 - T10N/R12W

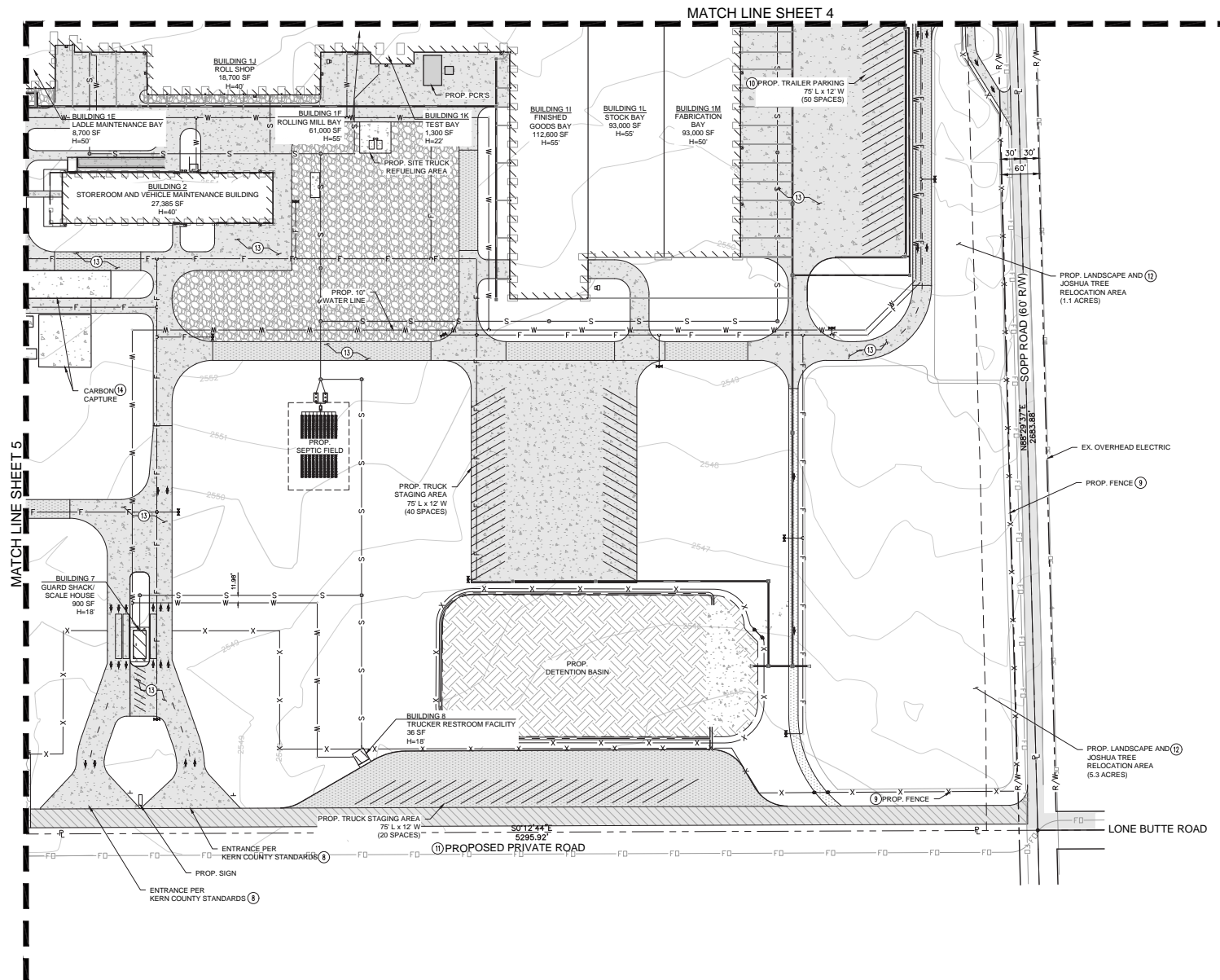


Mojave Micro Mill Project

GPA No.3, Map No. 213
 ZCC No. 62, Map No. 213
 CUP No. 71, Map No. 213
 CUP No. 72, Map No. 213
 PD Plan No. 3, Map No. 213
 ZV No. 24, Map No. 213
 ZV No. 25, Map No. 213

Figure 3-13: Proposed PD Plan – Block 4

PSGM3 Holdings Corp (Pacific Steel Group)



LEGEND

- PROP. BUILDING
- PROP. ASPHALT PAVEMENT
- PROP. HEAVY-DUTY CONCRETE PAVEMENT
- PROP. HEAVY-DUTY CONCRETE W/ TRAPROCK SECTION
- PROP. BASIN
- PROP. SOLAR PANEL AREA
- PROP. LANDSCAPED AREA
- PROP. MATCH LINE
- INGRESS/EGRESS ARROW
- EX. ASPHALT PAVEMENT
- EX. CONTOURS

SITE COMPONENTS

- ⑧ ON-SITE ACCESS CORRIDORS
- ⑨ PERIMETER FENCING
- ⑩ ON-SITE PARKING
- ⑪ ROAD IMPROVEMENTS
- ⑫ LANDSCAPING
- ⑬ NEW PAVEMENT, CURB AND GUTTER, AND SIDEWALK
- ⑭ CARBON CAPTURE

APN: 431-010-02 & 431-030-02
 Sec. 27 - T10N/R12W



Chapter 3.0, *Project Description*, Page 3-30

Offsite Improvements

SCE is the electricity provider for the project site. To supply power to the site, SCE requires two main components, a power line and a fiber-optic (telecommunication) line. The power line will consist of an upgrade to a portion of the Corum-Goldtown-Rosamond 66 kilovolt (kV) line, which runs from the Rosamond Substation (on the corner of Rosamond Boulevard and 60th Street W) parallel to Rosamond Boulevard before connecting to the north-south 66 kV line at approximately Rosamond Boulevard/Division Street, within the Edwards Air Force Base (EAFB) utility corridor. The connection will continue north within EAFB's utility corridor approximately following the path of Division Street until Sopp Road. From the corner of Sopp Road and Division Street a new 66 kV power line will be erected to the Project Site at Sopp Road. See **Figure 3-14: Existing and Proposed Offsite Improvements**.

SCE estimates that the existing 66 kV line from Rosamond Substation to the corner of Sopp Road and Division Street will need to be reconducted (totaling approximately 13 miles), with all existing transmission poles requiring replacement with new poles installed for the section from the corner of Sopp Road and Division Street to the Project Site. This will consist of the installation of new poles and circuits.

There will be two fiber optic lines connected to the plant. One fiber optic cable will be installed by SCE who will be the electricity provider for the project site. The fiber op it would tie into the existing telecommunications line from approximately Tehachapi Willow Springs Road following the route of Backus Road and routing around the north side of Exit 61 of SR-14 to Sierra Highway. The other fiber optic cable will be for PSG business and industrial use, and it will be connected from an existing AT&T fiber at Sopp road.

The Antelope Valley-East Kern Water Agency (AVEK) water main is located on the eastern side of Sierra Highway, approximately 200' feet from the boundary of the project site. For operations, a new water line would be installed from the project site, underneath the railroad, connecting to the 360-inch main AVEK line via an existing 10-inch turnout that is currently capped with a blind flange. For construction, water will be trucked to the project site and the project proponent will also use the existing water well at the plant. Two trucks per day were assumed during the construction phase.

Section 4.3, *Air Quality*, Page 4.3-29

Rule 210.A

The purpose of this Rule is to provide for preconstruction review of any new major stationary source, or major modification of an existing major stationary source of a nonattainment pollutant, insure BACT has been proposed for each emission unit included in each new major stationary source, and provide offsets for any significant net emissions increases of a nonattainment pollutant from any new major stationary source.

Section 4.3, *Air Quality*, Page 4.3-30

Rule 422

Rule 422 adopts the EPA's New Source Performance Standards by reference, which grants EKAPCD the ability to ensure that all new and modified sources shall comply with applicable standards, criteria, and requirements set forth in Title 40, Chapter 1, Part 60, of the Code of Federal Regulations that are in effect as of October 10, 2017.

Section 4.3, Air Quality, Page 4.3-31

The 2023 Ozone Air Quality Attainment Plan (2023 AQAP) was adopted by EKAPCD on May 4, 2023. The 2023 AQMP includes required elements of an attainment plan, as well as the emissions reductions and control measures necessary to demonstrate attainment with the 2008 and 2015~~6~~ 8-hour ozone NAAQS. Modeling completed by EKAPCD indicates that EKAPCD would not attain the 2015, 8-hour ozone NAAQS (0.070 ppm) by 2027, attainment deadline for the Serious nonattainment designation, but could attain it by 2033, the attainment deadline for the Severe nonattainment designation. Pursuant to CAA Section 181(b)(3) “Voluntary Reclassification”, EKAPCD is petitioning CARB in the 2023 AQAP to formally submit a request to the USEPA asking for the voluntary reclassification from “Serious” to “Severe” for the 2015 8-hour ozone NAAQS. The voluntary reclassification would extend the attainment deadline to August 27, 2033. As of June 1, 2023, neither CARB nor the USEPA have approved the 2023 AQAP (EKAPCD, 2023).

Section 4.3, Air Quality, Page 4.3-46**COVID-19**

There are no definitive quantitative thresholds related to receptor exposure to Coronavirus Disease 2019 (COVID-19), and the relationship to exposure to PM_{2.5}.

Section 4.3, Air Quality, Page 4.3-47**2023 AQAP Rules**

The proposed project, as a steel mill plant, would be considered a new major stationary source and would be subject to EKAPCD’s MNSR rule. As such, the emissions limits under Rule 210.1A would apply. This rule Rule 210.1A requires new major stationary sources that increase emissions in amounts exceeding specified thresholds to provide emission reduction offsets to mitigate their emissions growth. The applicability threshold for NO_x and VOC in Rule 210.1A is 50 25 tons per year for NO_x and VOC, 15 tons per year for PM₁₀, and 27 tons per year for SO_x, with an offset ratio of 1.23-to-1.0 for emission offsets generated within the Mojave Desert Air Basin. If emission offsets generated from outside the Air Basin are utilized, the offset ratio may need to be increased to ensure the District maintains “reasonable further progress” in accordance with the AQAP. As such, there should be no net effect on emissions inventories from future construction or modifications at major stationary sources due to offset requirements. To ensure construction or modification of major sources has no net effect on emission inventories used for demonstrating attainment, banked ERCs, which otherwise would not be included as emissions in the baseline and subsequent inventories, must be added back into the inventories, pursuant to federal requirements. The 2023 AQAP includes a list of banked ERCs currently in the EKAPCD’s credit bank as of 2022. The banked ERCs would lead to an increase of 0.005 ppb in attainment year ozone design values and would not affect the attainment status. Thus, with compliance of EKAPCD Rule 210.1A, construction and operation of the proposed project would comply with the 2023 AQAP.

Section 4.3, Air Quality, Page 4.3-48

The proposed project, as a steel mill plant, would be considered a new major stationary source and would be subject to EKAPCD’s MNSR rule. This rule requires new major stationary sources that increase emissions in amounts exceeding specified thresholds to provide emission reduction offsets to mitigate their emissions growth. The applicability threshold for NO_x and VOC in Rule 210.1A is 2550 tons per year with

an offset ratio of 1.23-to-1.0. As such, there should be no net effect on emissions inventories from future construction or modifications at major stationary sources due to offset requirements. To ensure construction or modification of major sources has no net effect on emission inventories used for demonstrating attainment, banked ERCs, which otherwise would not be included as emissions in the baseline and subsequent inventories, must be added back into the inventories, pursuant to federal requirements. The 2023 AQAP includes a list of banked ERCs currently in the EKAPCD's credit bank as of 2022. The banked ERCs would lead to an increase of 0.005 ppb in attainment year ozone design values and would not affect the attainment status. Thus, with compliance of EKAPCD Rule 210.1A, construction and operation of the proposed project would comply with the 2023 AQAP.

Although the proposed project emissions were not included in the projections for the 2023 AQAP, compliance with EKAPCD's Rule 210.1A, MNSR would render the proposed project consistent with growth projections of the 2023 AQAP, since they would not increase emissions, over those allowed by the MNSR, and would not jeopardize attainment of the AQAP. Therefore, the proposed project is consistent with the goals of the 2023 AQAP.

Section 4.3, Air Quality, Page 4.3-49 through 4.3-52

MM 4.3-2: To control fugitive PM emissions during construction, prior to the issuance of grading or building permits and any earthwork activities, the project proponent shall prepare a comprehensive Fugitive Dust Control Plan for review and approval by the Eastern Kern Air Pollution Control District and submitted to the Kern County Planning and Natural Resources Department. The plan shall include all Eastern Kern Air Pollution Control District recommended measures, including but not limited to, the following:

- a. All soil being actively excavated or graded shall be sufficiently watered to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed soils areas. Watering shall take place a minimum of three times daily where soil is being actively disturbed, unless dust is otherwise controlled by rainfall or use of a dust suppressant.
- b. Vehicle speed for all on site (i.e., within the project boundary) construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site. Signs identifying construction vehicle speed limits shall be posted along onsite roadways, at the site entrance/exit, and along unpaved site access roads.
- c. Vehicle speeds on all offsite unpaved project-site access roads (i.e., outside the project boundary) construction vehicles shall not exceed 25 mph. Signs identifying vehicle speed limits shall be posted along unpaved site access roads and at the site entrance/exit.
- d. All onsite unpaved roads ~~and offsite unpaved public project site access road(s)~~ shall be effectively stabilized of dust emissions using water or Eastern Kern Air Pollution Control District approved dust suppressants/palliatives, sufficient to prevent wind-blown dust from exceeding 20 percent opacity for more than three minutes in an hour and to ensure fugitive dust would not be visible beyond the property line at nearby residences or public roads. If water is used, watering shall occur a minimum of three times daily, sufficient to keep soil moist along actively used roadways. During the dry season, unpaved road surfaces and vehicle parking/staging areas shall be watered

immediately prior to periods of high use (e.g., worker commute periods, truck convoys). Reclaimed (non-potable) water shall be used to the extent available and feasible.

- e. The amount of the disturbed area (e.g., grading, excavation) shall be reduced and/or phased where possible.
- f. All disturbed areas shall be sufficiently watered or stabilized by Eastern Kern Air Pollution Control District approved methods to prevent excessive dust. On dry days, watering shall occur a minimum of three times daily on actively disturbed areas. Watering frequency shall be increased whenever wind speeds exceed 15 mph or, as necessary, to prevent wind-blown dust exceeding 20 percent opacity at nearby residences or public roads. Reclaimed (nonpotable) water shall be used to the extent available and feasible.
- g. All clearing, grading, earth moving, and excavation activities shall cease during periods when dust plumes of 20 percent or greater opacity affect public roads or nearby occupied structures.
- h. All disturbed areas anticipated to be inactive for periods of 30 days or more shall be treated to minimize wind-blown dust emissions. Treatment may include, but is not limited to, the application of an Eastern Kern Air Pollution Control District-approved chemical dust suppressant, gravel, hydro-mulch, revegetation/seeding, or wood chips.
- i. All active and inactive disturbed surface areas shall be stabilized, where feasible.
- j. Equipment and vehicle access to disturbed areas shall be limited to only those vehicles necessary to complete the construction activities.
- k. Where applicable, permanent dust control measures shall be implemented as soon as possible following completion of any soil-disturbing activities.
- l. Stockpiles of dirt or other fine loose material shall be stabilized by watering or other appropriate methods sufficient to reduce visible dust emissions to a limit of 20 percent opacity. If necessary and where feasible, three-sided barriers shall be constructed around storage piles and/or piles shall be covered by use of tarps, hydro-mulch, woodchips, or other materials sufficient to minimize windblown dust.
- m. Water shall be applied prior to and during the demolition of onsite structures sufficient to minimize wind-blown dust.
- n. Where acceptable to the fire department and feasible, weed control shall be accomplished by mowing instead of disking, thereby leaving the ground undisturbed and with a mulch covering.
- o. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least six inches of freeboard (minimum vertical distance between top of the load and top of the trailer) in accordance with California Vehicle Code Section 23114.

- p. Gravel pads, grizzly strips, or other material track-out control methods approved for use by Eastern Kern Air Pollution Control District shall be installed where vehicles enter or exit unpaved roads onto paved roadways.
- q. Haul trucks and off-road equipment leaving the site shall be washed with water or high pressure air, and/or rocks/grates at the project entry points shall be used, when necessary, to remove soil deposits and minimize the track out/deposition of soil onto nearby paved roadways.
- r. During construction paved road surfaces adjacent to the site access road(s), including adjoining paved aprons, shall be cleaned, as necessary, to remove visible accumulations of track-out material. If dry sweepers are used, the area shall be sprayed with water prior to sweeping to minimize the entrainment of dust. Reclaimed water shall be used to the extent available.
- s. Portable equipment, 50 horsepower or greater, used during construction activities (e.g., portable generators) shall require California statewide portable equipment registration (issued by California Air Resources Board) or an Eastern Kern Air Pollution Control District permit.
- t. The Fugitive Dust Control Plan shall identify a designated person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures, as necessary, to minimize the transport of dust off site and to ensure compliance with identified fugitive dust control measures. Contact information for a hotline shall be posted on site should any complaints or concerns be received during working hours and holidays and weekend periods when work may not be in progress. The names and telephone numbers of such persons shall be provided to the Eastern Kern Air Pollution Control District Compliance Division prior to the start of any grading or earthwork.
- u. Signs shall be posted at the project site entrance and written notifications shall be provided a minimum of 30 days prior to initiation of project construction to residential land uses located within 1,000 feet of the project site. The signs and written notifications shall include the following information: (a) Project Name; (b) Anticipated Construction Schedule(s); and (c) Telephone Number(s) for designated construction activity monitor(s) or, if established, a complaint hotline.
- v. The designated construction monitor shall document and immediately notify Eastern Kern Air Pollution Control District of any air quality complaints received. If necessary, the project operator and/or contractor will coordinate with Eastern Kern Air Pollution Control District to identify any additional feasible measures and/or strategies to be implemented to address public complaints.
- w. The solar array shall obtain a permit from the Eastern Kern Air Pollution Control District and implement phased removal of vegetation from the site to ensure dust control during construction.

Section 4.3, Air Quality, Page 4.3-64

COVID-19

COVID-19 is a new disease, caused by a novel (or new) human coronavirus that has not previously been seen in humans. The first known case of COVID-19 was confirmed in the United States on January 20, 2020 (Holshue et al., 2020). There are many types of human coronaviruses, including some that commonly cause mild upper-respiratory tract illnesses. COVID-19 is a respiratory illness that can spread from person to person. According to the Center for Disease Control (CDC), older adults and people who have severe underlying medical conditions like heart or lung disease or diabetes seem to be at higher risk for developing more serious complications from COVID-19 illness. Symptoms may appear 2 to 14 days after the exposure to the virus and may include, but are not limited to: fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, and diarrhea (CDC, 2020a). According to the CDC, COVID-19 is believed to spread between people who are in close contact with one another (within about 6 feet) through respiratory droplets produced when an infected person coughs, sneezes, or talks (CDC, 2020b). COVID-19 research and causality is still in the beginning stages. A nationwide study by Harvard University found a linkage between long term exposure to PM_{2.5} (averaged from 2000 to 2016) as air pollution and statistically significant increased risk of COVID-19 death in the United States (Harvard, 2020).

Regarding health effects of criteria air pollutants, the project's potential to result in regional health effects associated with ROG, NO_x, PM₁₀ and PM_{2.5} on specific vulnerable populations cannot be calculated given existing scientific constraints. A scientific method to calculate the exact number of individuals in a vulnerable population that will get sick has not been developed and therefore, it is assumed localized health effects associated with NO_x, PM₁₀, and PM_{2.5} emissions from project implementation could occur. The project proposes the construction and operation of a large-scale utility solar project that would require dust-generating construction activities such as pile-driving, mowing, and grading, over a large area. Due to the open nature of the project site, blowing dust could occur and result in the dispersal of criteria air pollutants such as PM_{2.5} and potentially contribute to the transmission of respiratory diseases like COVID-19.

Since COVID-19 is understood to spread as result of close, person-to-person contact, especially within poorly ventilated indoor spaces, the likelihood of emissions from the proposed project directly increasing the spread of COVID-19 is remote. However, a nationwide study by Harvard University found a linkage between long term exposure to PM_{2.5} as air pollution and statistically significant increased risk of COVID-19 death in the United States (Harvard, 2020). Though construction dust suppression measures would be implemented as a requirement of Mitigation Measure MM 4.3-2, exposure to dust during construction could still occur which could increase the severity of the disease project employees and nearby residents to COVID-19 should they contract it. However, the vaccines for COVID-19 drastically reduce the likelihood of hospitalization, much less death, as a result of contracting COVID-19. In spite of a readily available COVID-19 vaccine supply in the United States, the COVID-19 pandemic is on-going as a result of low vaccination rates and mask compliance by unvaccinated individuals. People of color may also have a higher risk of getting sick or dying from COVID-19 (California Department of Public Health 2020) and may live in areas already burdened by air pollution (NRDC 2014). On-site workers and residents near project activities potentially could be exposed to increased levels of PM_{2.5} from project activities due to the emissions of PM_{2.5} from the project.

Therefore, in addition to implementation of Mitigation Measure MM 4.3-2, the project would implement Mitigation Measure MM 4.3-6, which requires implementation of a COVID-19 Health and Safety Plan in

accordance with the Kern County Public Health Services Department and Kern County Health Officer mandates. Implementation of Mitigation Measures MM 4.3-2 and MM 4.3-6 would be required to reduce the project's regional and localized health effects associated with criteria air pollutants and COVID-19; however, the exact reduction from implementation of these mitigation measures cannot be quantified given existing scientific constraints. Consequently, the United States COVID-19 national health emergency ended on May 11, 2023, rendering COVID-19 as less of a threat to public health as opposed to the previous three years. With implementation of MM 4.3-2 and MM 4.3-6, impacts would be less than significant.

Section 4.3, Air Quality, Page 4.3-65

MM 4.3-6: Prior to the issuance of grading or building permits, a COVID Health and Safety Plan shall be prepared in accordance with the California Department of Public Health Guidance. A copy of the COVID Health and Safety Plan shall be submitted to the Kern County Planning and Natural Resources Department for review and approval.

Level of Significance

With the implementation of Mitigation Measures MM 4.3-1 through MM 4.3-~~56~~ and MM 4.17-3 from Section 4.17, *Transportation and Traffic*, impacts would be less than significant.

Section 4.3, Air Quality, Page 4.3-68 through 4.3-69

Cumulative Impacts Summary

As discussed in Impact Statement 4.3-1, the construction emissions generated by the project individually, but inclusive of both on-site facilities and off-site improvements, would not exceed EKAPCD thresholds. With regard to project level construction emissions, Mitigation Measures MM 4.3-1 and MM 4.3-~~56~~ would reduce impacts related to NO_x and PM₁₀ from diesel emissions, reduce dust generation, and address potential Valley Fever risk by implementing fugitive dust control measures, establishing a public complaint protocol for excessive dust generation, ~~and~~ requiring Valley Fever-related training for construction workers, and requiring preparation of a COVID Health and Safety Plan. However, assuming on a worst-case basis that the construction schedules for all cumulative projects would overlap with each other and with the proposed project, cumulative impacts during construction could be significant and unavoidable related to NO_x and PM₁₀ emissions.

Mitigation Measures

Implement Mitigation Measures MM 4.3-1 through MM 4.3-~~56~~.

Level of Significance after Mitigation

Despite implementation of Mitigation Measures MM 4.3-1 through MM 4.3-~~56~~, construction emissions generated by the project and related projects could cumulatively combine and result in a temporary significant and unavoidable cumulative impact. Cumulative operational impacts would also be significant and unavoidable.

Section 4.5, Cultural Resources, Page 4.5-39

MM 4.5-3: During implementation of the project, in the event that archaeological materials are encountered during the course of grading or construction, the project contractor shall cease any ground-disturbing activities within 50 feet of the find. The area of the discovery shall

be marked off by temporary fencing that encloses a 50-foot radius from the location of the discovery. Signs shall be posted that establish it as an Environmentally Sensitive Area, and all entrance into the area shall be avoided until the discovery is assessed by the Lead Archaeologist and Native American Monitor. The Lead Archaeologist, in consultation with any Native American Monitor, shall evaluate the significance of the resources and recommend appropriate treatment measures. If further treatment of the discovery is necessary, the Environmentally Sensitive Area shall remain in place until all work is completed. Per California Environmental Quality Act (CEQA) Guidelines Section 15126.4(b)(3), project redesign and preservation in place shall be the preferred means to avoid impacts to significant historical resources. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the Lead Archaeologist, in consultation with any Native American Monitor, shall develop additional treatment measures in consultation with the County of Kern (County), which may include data recovery or other appropriate measures. The County shall consult with appropriate Native American representatives in determining appropriate treatment for unearthened cultural resources if the resources are prehistoric or Native American in nature. To the greatest extent possible cultural material found on site shall be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon consultation with the Native American Monitor/Lead Archaeologist, the landowner, the County, if necessary, the appropriate Native American Tribe and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all monitoring has ceased, all cataloging and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to the County, the Southern San Joaquin Valley Information Center.

Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with the appropriate Native American Tribe to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriately qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the Project developer/applicant's obligation to pay for those fees.

Diagnostic archaeological materials with research potential recovered during any investigation that are not prehistoric of Native American in origin shall be curated at an accredited curation facility. The Lead Archaeologist, in consultation with a designated Native American Monitor, shall prepare a report documenting evaluation and/or additional treatment of the resource. A copy of the report shall be provided to the Kern County Planning and Natural Resources Department and to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.

Section 4.11, Land Use and Planning, Page 4.11-45 and 4.11-46

Table 4.11-2: Consistency Analysis with Kern County General Plan for Land Use

Goals and Policies	Consistency Determination	Project Consistency
1.10.2 Air Quality		
<p>Policy 18: The air quality implications of new discretionary land use proposals shall be considered in approval of major developments. Special emphasis will be placed on minimizing air quality degradation in the desert to enable effective military operations and in the valley region to meet attainment goals.</p>	<p>Consistent with implementation of Mitigation Measures MM 4.3-1 through MM 4.3-56</p>	<p>Air quality and GHG impacts are evaluated in Section 4.3, Air Quality, and Section 4.8, Greenhouse Gas Emissions, of this EIR. Consistent with this policy, the proposed project would implement Mitigation Measures MM 4.3-1 through MM 4.3-56, which would reduce impacts to air quality to less than significant. Air quality mitigation measures include diesel emission-reduction measures during construction, fugitive dust control measures, and Valley Fever exposure minimization measures.</p>
<p>Policy 19: In considering discretionary projects for which an Environmental Impact Report must be prepared pursuant to the California Environmental Quality Act, the appropriate decision making body, as part of its deliberations, will ensure that:</p> <p>(1) All feasible mitigation to reduce significant adverse air quality impacts have been adopted; and</p> <p>(2) The benefits of the proposed project outweigh any unavoidable significant adverse effects on air quality found to exist after inclusion of all feasible mitigation. This finding shall be made in a statement of overriding considerations and shall be supported by factual evidence to the extent that such a statement is required pursuant to the California Environmental Quality Act.</p>	<p>Consistent with implementation of Mitigation Measures MM 4.3-1 through MM 4.3-56</p>	<p>See 1.10.2, <i>Air Quality</i>, Policy 18, above. This EIR serves to comply with this policy. The project includes MM 4.3-1 through MM 4.3-56 that would reduce impacts to less than significant. Findings would not be required.</p>
<p>Policy 20: The County shall include fugitive dust control measures as a requirement for discretionary projects and as required by the adopted rules and regulations of the San Joaquin Valley Unified Air Pollution Control District and the Kern County Air Pollution Control District on ministerial permits.</p>	<p>Consistent with implementation of Mitigation Measures MM 4.3-2</p>	<p>Air quality impacts are evaluated in Section 4.3, Air Quality, of this EIR. As discussed therein, implementation of Mitigation Measure MM 4.3-2 would further reduce fugitive dust emissions during construction and operation, in compliance with the adopted rules and regulations of the Eastern Kern County Air Pollution Control District on ministerial permits.</p>

<p>Policy 21: The County shall support air districts efforts to reduce PM₁₀ and PM_{2.5} emissions.</p>	<p>Consistent with implementation of Mitigation Measures MM 4.3-1 and MM 4.3-2</p>	<p>See 1.10.2, <i>Air Quality</i>, Policy 18 and 20, above. Air quality impacts are evaluated in Section 4.3, <i>Air Quality</i>, of this EIR. Mitigation Measures MM 4.3-1 and MM 4.3-2 would further reduce PM₁₀ and PM_{2.5} emissions during construction and operation.</p>
<p>Policy 22: Kern County shall continue to work with the San Joaquin Valley Unified Air Pollution Control District and the Kern County Air Pollution Control District toward air quality attainment with federal, state, and local standards.</p>	<p>Consistent with implementation of Mitigation Measures MM 4.3-1 through MM 4.3-56</p>	<p>See 1.10.2, <i>Air Quality</i>, Policy 18, 19, and 20, above. Air quality impacts are evaluated in Section 4.3, <i>Air Quality</i>, of this EIR. Consistent with this policy, the proposed project would implement Mitigation Measures MM 4.3-1 through MM 4.3-56, which would reduce impacts to air quality to the less than significant. The project would be in compliance with all applicable Eastern Kern County Air Pollution Control District, rules and regulations.</p>
<p>Measure F: All discretionary permits shall be referred to the appropriate air district for review and comment.</p>	<p>Consistent</p>	<p>Air quality impacts are evaluated in Section 4.3, <i>Air Quality</i>, of this EIR. Consistent with this measure, the necessary discretionary permits shall be referred to the Eastern Kern Air Pollution Control District for review and comment.</p>
<p>Measure G: Discretionary development projects involving the use of tractor-trailer rigs shall incorporate diesel exhaust reduction strategies including, but not limited to:</p> <ol style="list-style-type: none"> 1. Minimizing idling time. 2. Electrical overnight plug-ins. 	<p>Consistent with implementation of Mitigation Measures MM 4.3-1 and MM 4.3-2</p>	<p>Air quality impacts are evaluated in Section 4.3, <i>Air Quality</i>, of this EIR. Consistent with this measure, implementation of Mitigation Measure MM.4.3-1 and MM 4.3-2 would require diesel exhaust reduction strategies.</p>
<p>Measure H: Discretionary projects may use one or more of the following to reduce air quality effects:</p> <ol style="list-style-type: none"> a. Pave dirt roads within the development. b. Pave outside storage areas. c. Provide additional low Volatile Organic Compounds (VOC) producing trees on landscape plans. d. Use of alternative fuel fleet vehicles or hybrid vehicles. e. Use of emission control devices on diesel equipment. f. Develop residential neighborhoods without fireplaces or with the use of Environmental Protection Agency 	<p>Consistent with implementation of Mitigation Measures MM 4.3-1 through MM 4.3-56</p>	<p>Air quality impacts are evaluated in Section 4.3, <i>Air Quality</i>, of this EIR. Consistent with this measure, implementation of Mitigation Measures MM 4.3-1 through MM 4.3-56 would further reduce adverse air quality effects.</p>

certified, low emission natural gas fireplaces.

- g. Provide bicycle lockers and shower facilities on site.
- h. Increasing the amount of landscaping beyond what is required in the Zoning Ordinance (Chapter 19.86).
- i. The use and development of park and ride facilities in outlying areas.
- j. Other strategies that may be recommended by the local Air Pollution Control Districts.

Section 4.19, Utilities and Service Systems, Page 4.19-2

The Antelope Valley-East Kern Water Agency (AVEK) water main is located on the eastern side of Sierra Highway, approximately 200’ feet from the boundary of the project site. For operations, a new water line would be installed from the project site, underneath the railroad, connecting to the 360-inch main AVEK line via an existing 10-inch turnout that is currently capped with a blind flange. For construction, water will be trucked to the project site and the project proponent will also use the existing water well at the plant. Two trucks per day were assumed during the construction phase.

Section 4.19, Utilities and Service Systems, Page 4.19-26

In addition to the on-site septic system, a connection for water will provided by the Antelope Valley-East Kern Water Agency. The Antelope Valley-East Kern Water Agency (AVEK) water main is located on the eastern side of Sierra Highway, approximately 200’ feet from the boundary of the project site. For operations, a new water line would be installed from the project site, underneath the railroad, connecting to the 360-inch main AVEK line via an existing 10-inch turnout that is currently capped with a blind flange.

Chapter 5, Consequences of Project Implementation, Page 5-2 and 5-3

Table 5-1: Summary of Significant and Unavoidable Impacts of the Project

Resources	Project Impacts	Cumulative Impacts
Aesthetics	Implementation of the project would result in potentially significant visual impacts to the existing visual quality or character of the site. Mitigation Measures MM 4.1-1 through MM 4.1-7 would be incorporated to reduce visual impacts associated with the proposed project by color treating proposed buildings to blend with surrounding landscape, implementing regular waste/trash removal and recycling programs, directing nighttime lighting downward, shielding it and confining it to the project site, requiring rooftop screening features, and installing landscape structural elements. However, because there are no feasible mitigation measures that can be implemented to	The project would result in significant and unavoidable impacts related to visual character despite implementation of mitigation. While other projects in the region would also be required to implement various mitigation measures to reduce impacts, the conversion of a presently rural desert area to industrial and solar development cannot be mitigated to a degree that impacts are no longer significant. Even with implementation of Mitigation Measures MM 4.1-1 through MM 4.1-7, the project’s contribution to significant impacts associated with visual character in the Antelope Valley would be cumulatively significant and unavoidable .

Resources	Project Impacts	Cumulative Impacts
	<p>maintain the existing open and undeveloped desert landscape character of the project site, impacts to visual character would be significant and unavoidable.</p>	
Air Quality	<p>The proposed project's long-term operational emissions would exceed EKAPCD's applicable significance thresholds. Implementation of Mitigation Measure MM 4.3-1 would reduce operational emissions from off-road equipment. However, emissions would still exceed the significance thresholds.</p> <p>In addition, compliance with all applicable EKAPCD New Source Review (NSR) rules would reduce operational emissions. However operational emissions of the project would still exceed EKAPCD CEQA significance thresholds; therefore, impacts would be significant and unavoidable.</p>	<p>The construction emissions generated by the project individually, but inclusive of both on-site facilities and off-site improvements, would not exceed EKAPCD thresholds. With regard to project level construction emissions, Mitigation Measures MM 4.3-1 and MM 4.3-56 would reduce impacts related to NOX and PM10 from diesel emissions, reduce dust generation, and address potential Valley Fever risk by implementing fugitive dust control measures, establishing a public complaint protocol for excessive dust generation, and requiring Valley Fever-related training for construction workers. However, assuming on a worst-case basis that the construction schedules for all cumulative projects would overlap with each other and with the proposed project, cumulative impacts during construction could be significant and unavoidable related to NOX and PM10 emissions.</p> <p>Despite implementation of mitigation measures MM 4.3-1 through MM 4.3-56, operation of the project exceeds the project level regulatory thresholds and, therefore, would contribute to a long-term cumulative increase in criteria pollutants. Therefore, the project would result in a significant and unavoidable cumulative impact.</p>
Biological Resources	<p>With the implementation of Mitigation Measures MM 4.1-5 through MM 4.1-7 from Section 4.1, Aesthetics, and, 4.4-1 through MM 4.4-7, project impacts to biological resources would be less than significant</p>	<p>As development increases within Kern County, impacts to biological resources within the region are increasing on a cumulative level. When considered with the number of present and reasonably foreseeable future development projects in the Antelope Valley, the project would result cumulative loss of habitat for transient special-status species. Even with the implementation of project-specific Mitigation Measures MM 4.4-1 through MM 4.4-7, when combined with other related development projects proposed throughout the County, cumulative impacts would be considered significant and unavoidable.</p>

Resources	Project Impacts	Cumulative Impacts
Noise	Implementation of the project would result in potentially significant impact to noise. Mitigation Measure MM 4.13-1 and MM 4.13-2 would require measures to reduce short-term noise associated with project construction. However, project level impacts to construction noise would still result in a significant and unavoidable impact. Additionally, operation traffic noise would be significant and unavoidable with no feasible mitigation to reduce impacts.	The proposed project's cumulative contribution from operational traffic and construction associated with the project would result in a cumulative significant and unavoidable impact.
Wildfire	With the implementation of Mitigation Measures MM 4.10-1, from Section 4.10, Hydrology and Water Quality , MM 4.15-1 from Section 4.15, Public Services , MM 4.17-2 and MM 4.17-3 from Section 4.17, Traffic and Transportation , project impacts would be less than significant .	Given the location is subject to high wind speeds, with limited surrounding infrastructure, the project and related projects have the potential to result in a cumulative impact. The project, when considered with the number of present and reasonably foreseeable future development projects in the Antelope Valley, would result in the increased exposure of pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire given the character of the area. Therefore, even with implementation of MM 4.10-1, MM 4.15-1, MM 4.17-2 and MM 4.17-3 cumulative impacts would be significant and unavoidable .

Chapter 6, Alternatives, Page 6-3

The second paragraph under the Air Quality heading would be revised as follows.

In addition to the project-specific significant and unavoidable impacts, the proposed project would result in temporary significant and unavoidable cumulative impacts stemming from the construction phase as the Mojave Desert Air Basin (MDAB) is in nonattainment for PM₁₀ and the project would result in significant temporary levels of PM₁₀ emissions during construction. Specifically, the construction phase emissions from the project and other potential projects within 1-mile and 6-miles from the project site would exceed EKAPCD's significance thresholds for NO_x and PM₁₀. Additionally, construction schedules for all cumulative projects would overlap with each other and with the project, the localized effect would result in cumulatively significant construction NO_x and PM₁₀ emissions. To mitigate the cumulative impacts stemming from the construction phase, Mitigation Measures MM 4.3-1 through MM 4.3-56 would be implemented. Even with the implementation of Mitigation Measures MM 4.3-1 through MM 4.3-56, impacts would still be considered significant and unavoidable.

Chapter 10, Bibliography, Page 10-8

Centers for Disease Control and Prevention (CDC). 2020a. *Symptoms of Coronavirus*. Available: <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>. Accessed: June 18, 2020.

Centers for Disease Control and Prevention (CDC). 2020b. *How COVID-19 Spreads*. Available: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html>. Accessed: June 18, 2020.

7.3 Responses to Comments

A list of agencies and interested parties who have commented on the Draft EIR is provided below. No individuals commented on the Draft EIR. A copy of each numbered comment letter and a lettered response to each comment are provided following this list.

Federal Agencies

Comment Letter 1: Edwards Air Force Base (January 2, 2024)

State Agencies

Comment Letter 2: Lahontan Regional Water Quality Control Board (December 11, 2023)

Comment Letter 3: California Department of Transportation (Caltrans) (January 17, 2024)

Local Agencies

Comment Letter 4: Kern County Public Works Department – Survey (December 4, 2023)

Comment Letter 5: Kern County Public Works Department (December 5, 2023)

Comment Letter 6: San Manuel Band of Mission Indians (December 5, 2023)

Comment Letter 7: Southern California Gas (SoCalGas) (December 20, 2023)

Comment Letter 8: Eastern Kern Air Pollution Control District (EKAPCD) (December 21, 2023)

Comment Letter 9: Antelope Valley – East Kern Water Agency (AVEK) (January 3, 2024)

Comment Letter 10: Kern County Fire Department (KCFD) (January 18, 2024)

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Federal Agencies

Comment Letter 1: Edwards Air Force Base

From: [WARNEY, MALCOLM W.CIV USAF AFMC 412.TW/XPP](#)
To: [Mark Tolentino](#)
Subject: COORD: Public Comment: Mojave Micro Mill Project (SCH# 2022100646)
Date: Tuesday, January 2, 2024 2:50:45 PM

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.

Mr. Tolentino,

Edwards Air Force Base (EAFB), Installation Mission Sustainment Team (IMST) has reviewed the Draft Environmental Impact Report (DEIR) for the Mojave Micro Mill Project. After thorough review, EAFB IMST has identified concerns regarding possible impact to:

| A

- Edwards AFB Air Quality attainment status
- Possible hazardous waste
- Possible impact (particulate) to Edwards AFB Solar Project (immediately adjacent to proposed site at Sopp/Lone Butte)

| B

We request that these concerns be taken into consideration in support of further coordination with the developer for impact mitigation prior to development.

If additional information is required, please contact Encroachment Management Office by return email or phone: 661-277-3792.

| C

Thank you.

//SIGNED//
 Malcolm W. Warney, CIV, DAF
 Encroachment Manager
 412TW/XPP, Edwards AFB
 Office: 661-277-3792
 Cell: 760-818-2962

Response to Comment Letter 1: Edwards Air Force Base

- A:** This is an introductory comment which states that Edwards Air Force Base (EAFB) Installation Mission Sustainment Team (IMST) has reviewed the Draft EIR for the proposed project and has identified areas of concern. 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 required.
- B:** This comment lists three general areas of concern EAFB has noted as resulting in possible impacts. The first topic listed is the EAFB Air Quality attainment status, however no specific question or substantive issue was raised. The project is located within the Eastern Kern Air Pollution Control District (EKAPCD), the attainment status for each criteria pollutant is listed in Table 4.3-4, which is located on page 4.3-22 of the DIER. Additionally, as stated on page 4.3-52 of the Draft EIR the project is in an area that is designated as non-attainment for federal and state ozone standards as well as state PM₁₀ standards and is under the jurisdiction of the EKAPCD. The Draft EIR found that with Mitigation Measures MM 4.3-1 and MM 4.3-2, which would require implementation of an exhaust reduction measures and a Fugitive Dust Control Plan, project construction emissions would be below EKAPCD thresholds and therefore would result in a less than significant impact. Project construction emissions and thresholds are outlined in Table 4.3-6 on page 4.3-54 of the Draft EIR. As outlined in Table 4.3-8, project operational emissions with mitigation applied would exceed EKAPCD Thresholds for VOC, NO_x, and PM₁₀ and impacts were found to be significant and unavoidable for project operational emissions.

The second topic listed is regarding potential impacts due to possible hazardous waste, however no specific question or substantive issue was raised. It should be noted that comment does not specify further a specific issue with the DIER. Hazardous waste is discussed in Section 4.9, *Hazards and Hazardous Materials* of the Draft EIR. Specifically, Impact 4.9-2 starting on page 4.9-25 of the Draft EIR analyzes the potential for the project to create a significant hazard through the accidental release of hazardous materials. Hazardous materials associated with project operations could include byproducts used in the steel making process (carbon and fluxing agents), imported scrap metal residuals, or fabrication byproducts, and cleaning fluids and petroleum products including lubricants, fuels, and solvents, and Electrical Arc Furnace (EAF) Dust. As outlined in the Draft EIR, to ensure the hazardous materials from the project would not result in a significant hazard the project would implement MM 4.9-1 through MM 4.9-10 and comply with applicable regulations including the Kern County and Incorporated Cities Hazardous Waste Management Plan. MM 4.9-1 requires the preparation of a Hazardous Materials Business Plan, MM 4.9-2 outlines initial steps to be taken if unknown hazardous waste materials are discovered, MM 4.9-3 requires power poles with a transformer to be inspected for polychlorinated biphenyls, MM 4.9-4 requires any abandoned petroleum prospect well to conform to the current abandonment requirements of the California Department of Conservation, Geologic Energy Management Division (CalGEM), and the Kern County Department of Environmental Health Services, MM 4.9-5 would consist of applying a note regarding abandoned or unrecorded wells to all final maps and grading plans, MM 4.9-6 would consist of contacting the Underground Service Alert One-call center prior to grading or excavating, MM 4.9-7 outlines resources to be contacted if a pipeline ruptures during excavation and construction. MM 4.9-8 requires destroying any on-site water wells that will not be used for irrigation or industrial purposes, MM 4.9-9 outlines appropriate usage of herbicides on-site, and lastly MM 4.9-10 requires contacting the East Kern Air Pollution Control District if asbestos

containing materials are identified during construction for removal and disposal procedures. Overall, the Draft EIR found that impacts from the proposed project to hazardous materials would be less than significant with mitigation applied.

The third topic area of concern listed is possible impacts to EAFB Solar Project from particulates, however no specific question or substantive issue was raised. In Section 4.3, *Air Quality*, Mitigation Measures 4.3-2 has been included specifically to minimize fugitive particulate matter (PM) emissions during construction. This mitigation measure includes 23 potential actions the contractor can employ to minimize particulate matter and dust during construction. Additionally, under the Cumulative Projects discussion on page 4.3-67, the EAFB Solar Project is discussed as one of the projects considered in the cumulative emissions analysis to demonstrate local construction impacts. As outlined on page 4.3-67 and in Table 4.3-13, a conservative scenario where construction schedules overlap for the proposed project and other potential projects within 1-mile and 6-miles from the project was analyzed and found to result in cumulatively significant construction NO_x and PM₁₀ emissions. Therefore, the Draft EIR found cumulative construction emissions to be significant and unavoidable with mitigation applied.

The County notes the commenters concerns regarding the three topic areas above and their willingness for further coordination with the project proponent during project implementation as needed. County Staff acknowledges the project proponent has maintained on-going coordination with EAFB throughout the EIR process with regard to other project components including SCE improvements that require to on-base utility corridors, and gaining concurrence from the base regarding the proposed 165-foot high cooling stack height to ensure it does not affect military flight operations. No revisions to the Draft EIR are required.

- C:** This comment identifies a contact at EAFB Encroachment Management Office if further information is needed. 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 required.

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State Agencies

Comment Letter 2: Lahontan Regional Water Quality Control Board



Lahontan Regional Water Quality Control Board

December 11, 2023

File: Environmental Doc Review
Kern County

Mark Tolentino
Kern County Planning and Natural Resources Department
2700 "M" Street, Suite 100
Bakersfield, CA 93302
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Comments on Draft Environmental Impact Report (EIR) for the Mojave Micro Mill by PSGM3 Holdings Corp (Pacific Steel Group) (PP22402), Kern County, State Clearinghouse No. 2022100646

Lahontan Regional Water Quality Control Board (Water Board) staff received a letter addressing the draft environmental impact report for the Mojave Micro Mill by PSGM3 Holdings Corp, Pacific Steel Group (Project), on November 22, 2023. As described, the Project includes the construction of a 489,200 square-foot steel mill facility with an additional 61,721 square feet of accessory buildings and structures. The operation will generally consist of infrastructure necessary to produce rebar from scrap metal through various recycling processes. The letter was circulated by Kern County, in accordance with the provisions of the California Environmental Quality Act (CEQA).

Water Board staff, acting as a responsible agency, is providing these comments to specify scope and content of the environmental information germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations, title 14, section 15096. Based on our review of the information provided, we recommend the following be considered in the environmental review for the Project: 1) the proposed blowdown water evaporation pond will need to be permitted under California Code of Regulations (CCR), title 27 requirements, and therefore a Report of Waste Discharge (ROWD) will need to be submitted to the Water Board for review of issuance of waste discharge requirements (WDRs); 2) runoff and/or any discharges from the water treatment plant and associated blowdown water activities will need to be adequately characterized and contained as it may be a designated waste requiring the issuance of WDRs; 3) mitigation should be based on complete evaluation of the threat to water quality and may require a more stringent containment system than stormwater detention ponds; 4) drainage and stream channels must be avoided to the extent practicable to minimize impacts to waters of the State; 5) erosion control construction best management practices (BMPs) be included to effectively treat stormwater runoff during the life of the Project; and 6) water quality and hydrology analyses discuss the beneficial uses of the water and potential Project impacts with respect to those beneficial uses. Our comments are outlined below.



DR. AMY HORNE, ACTING CHAIR | MICHAEL R. PLAZIAK, PG, EXECUTIVE OFFICER

2501 Lake Tahoe Blvd., So. Lake Tahoe, CA 96150 | 15095 Amargosa Rd., Bldg 2 - Suite 210, Victorville CA 92394
www.waterboards.ca.gov/lahontan

Mark Tolentino

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December 11, 2023

Water Board's Authority

All groundwater and surface waters are considered waters of the State. All waters of the State are protected under California law. State law assigns responsibility for protection of water quality in the Lahontan Region to the Lahontan Water Board. Some waters of the State are also waters of the United States. The Federal Clean Water Act (CWA) provides additional protection for those waters of the State that are also waters of the United States.

The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains policies that the Water Board uses with other laws and regulations to protect the quality of waters of the State within the Lahontan Region. The Basin Plan sets forth water quality standards for surface water and groundwater of the Region, which include designated beneficial uses as well as narrative and numerical objectives which must be maintained or attained to protect those uses. The Basin Plan can be accessed via the Water Board's web site at http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml.

A

Specific Comments

We recommend the following be considered in the environmental review.

1. The discharge of blowdown water to the evaporation pond from each process (i.e., wastewater treatment plant and processes associated with the byproduct of the rebar production process) must each be adequately characterized. The discharge from industrial wastewater treatment plants and blowdown water may be a designated waste, and must be regulated, contained, and monitored in accordance with CCR, title 27. Therefore, the Project proponent will need to submit a Report of Waste Discharge for the wastewater treatment plant and all discharges to the be received by the evaporation pond, fully characterizing the site conditions and the waste.

B

2. The draft EIR does not specifically show stormwater runoff and collection. If wastewater runoff is to be generated from stormwater, the evaporation and detention ponds may be subject to CCR, title 27 requirements. When stormwater commingles with material on site, that stormwater may become waste, which must be contained appropriately. Should it be determined that the waste is designated, those ponds may need to be constructed to the requirements of CCR, title 27 for Class II waste management units. Additionally, these surface impoundments would need to capture the volume of water from a 1,000 year, 24- hour storm event. A water management plan to include storm water flows would need to be submitted as part of the ROWD.

C

3. The foremost method of reducing impacts to watersheds from development is Low Impact Development (LID), the goals of which are maintaining a landscape functionally equivalent to predevelopment hydrologic conditions and minimal generation of non-point source pollutants. LID results in less surface runoff, the principles of which include: maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge; reducing compacted and impervious cover created by development and the associated road network; and managing runoff as close to the source as possible.

D

LID development practices that maintain aquatic values also reduce local infrastructure requirements and maintenance costs and benefit air quality, open space, and habitat. Vegetated areas for stormwater management and infiltration onsite are valuable in LID.

Mark Tolentino

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December 11, 2023

We encourage the City to establish LID implementation strategies that would be applicable for all development and redevelopment projects, including this Project.

D

- 4. Because increased runoff from developed areas is a key variable driving a number of other adverse effects, attention to maintaining the pre-development hydrograph will prevent or minimize many problems and will limit the need for other analyses and mitigation. However, traditional methods for managing stormwater do not adequately protect the environment and tend to treat symptoms instead of causes. Such practices have led to channelization and stream armoring that permanently alter stream habitat, hydrology, and aesthetics, resulting in overall degradation of a watershed.

We encourage Kern County to establish specific storm water control measures and implementation strategies for the proposed Project. Examples include the use of bioretention swales, pervious pavement, and vegetated infiltration basins, all of which can effectively treat post-construction storm water runoff, help sustain watershed processes, protect receiving waters, and maintain healthy watersheds. Any particular one of these control measures may not be suitable, effective, or even feasible on every site, but the right combination, in the right places, can successfully achieve these goals.

E

Additional information regarding sustainable storm water management and LID can be accessed online at:
http://www.waterboards.ca.gov/water_issues/programs/low_impact_development.

The environmental document should include a mitigation measure that requires the preparation and implementation of a comprehensive Spill Prevention and Response Plan. This plan should outline the site-specific monitoring requirements and list the best management practices necessary to prevent hazardous material spills or to contain and cleanup a hazardous material spill, should one occur.

- 5. We recommend that Kern County require the Project proponent to prepare and implement a Project-specific Storm Water Pollution Prevention Plan (SWPPP). The SWPPP should be prepared in accordance with the requirements of National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Water Quality Order (WQO) 2022-0057-DWQ.

- A. The SWPPP shall specify the site-specific erosion and sediment control Best Management Practices (BMPs) that will be implemented to reduce potentially significant water quality impacts to a less than significant level.
- B. The SWPPP should be applicable to all areas of the Project, including construction areas, access roads to and through the site, and staging and stockpile locations.
- C. Temporary BMPs must be implemented for all components of the Project until such time that permanent BMPs are in place and functioning.
- D. All excess sediment excavated as part of the Project that is not used onsite should be stockpiled in a location such that it will not be transported by wind or water into a surface water. An adequate combination of sediment and erosion control BMPs must be implemented

F

Mark Tolentino

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December 11, 2023

and maintained to temporarily stabilize all stockpiled sediment until such time that it is reused and/or permanently stabilized.

| F

6. The beneficial uses of water resources in the Lahontan Region are listed either by watershed (for surface waters) or by groundwater basin (for groundwater) in Chapter 2 of the Basin Plan. The environmental document should identify and list the beneficial uses of the water resources with the Project area and include an analysis of the potential impacts to water quality and hydrology with respect to those beneficial uses.

| G

7. Water quality objectives and standards, both numerical and narrative, for all waters of the State within the Lahontan Region, including surface waters and groundwater, are outlined in Chapter 3 of the Basin Plan. Water quality objectives and standards are intended to protect the public health and welfare, and to maintain or enhance water quality in relation to the existing and/or potential beneficial uses of the water. It is these objectives and standards that should be used when evaluating thresholds of significance for Project impacts.

| H

Permitting Requirements

A number of activities associated with the proposed Project may have the potential to impact waters of the State and, therefore, may require permits issued by either the State Water Resources Control Board (State Water Board) or Lahontan Water Board. The required permits may include the following.

| I

- 1. Discharge of designated waste may require WDRs in accordance with CCR, title 27 requirements, obtained from the Lahontan Water Board. A ROWD must be filed with the Water Board that fully characterizes the site and the waste at least 180 days prior to the anticipated discharge. The ROWD must include an adequate assessment of potential threat to water quality from this Project that satisfies CEQA.
- 2. Land disturbance of more than 1 acre may require a CWA, section 402(p) storm water permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit, Water Quality Order (WQO) 2022-0057-DWQ, obtained from the State Water Board, or individual storm water permit obtained from the Lahontan Water Board.
- 3. Streambed alteration and/or discharge of fill material to a surface water may require a CWA, section 401 water quality certification for impacts to federal waters (waters of the U.S.), or dredge and fill waste discharge requirements for impacts to non-federal waters, both issued by the Lahontan Water Board
- 4. Small industrial wastewater treatment plants discharging to land may be subject to General Waste Discharge Requirements for Small Industrial wastewater treatment systems with a monthly average flow rate of 100,000 or less gallons per day. R6T-2020-0016, issued by the Lahontan Water Board.

We request that the draft EIR recognize the potential permits that may be required for the Project, as outlined above, and identify the specific activities that may trigger these permitting actions in the appropriate sections of the environmental document. Information regarding these permits, including application forms, can be downloaded from our website

Mark Tolentino

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December 11, 2023

at <http://www.waterboards.ca.gov/lahontan/>. Early consultation with Water Board staff regarding potential permitting is recommended.

I

Thank you for the opportunity to comment on the draft IS/MND. If you have any questions regarding this letter, please contact me at (760) 243-4350 (ashley.taylor@waterboards.ca.gov) or Christina Guerra, Senior Engineering Geologist, at (760) 241-7333 (christina.guerra@waterboards.ca.gov).

J

Please send all future correspondence regarding this Project to the Water Board's email address at Lahontan@waterboards.ca.gov and be sure to include the State Clearinghouse No. and Project name in the subject line.



Ashley Taylor, PG 9533
Engineering Geologist

cc: State Clearinghouse (SCH 2022100646) (state.clearinghouse@opr.ca.gov)

Response to Comment Letter 2: Lahontan Regional Water Quality Control Board

A: This is an introductory comment which states that the Lahontan Regional Water Quality Control Board (Water Board) has reviewed the Draft EIR for the proposed project. The commenter provides a summary of the project description as well as a summary of specific comments and recommendations outlined in detail later in the comment letter. The comment states the Water Board, acting as responsible agency, has the authority and responsibility for protection of water quality in the Lahontan Region as assigned by State law by way of implementing the Water Quality Control Plan for the Lahontan Region (Basin 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 required.

B: The commenter states the discharge from industrial wastewater treatment plants and blowdown water may be a designated waste that must be regulated, contained and monitored in accordance with California Code of Regulations (CCR), title 27 requirements. Therefore, submittal of a Report of Waste Discharge by the project proponent is required for the wastewater treatment plant and all discharges to be received by the evaporation pond that fully characterizes the site conditions and waste.

As discussed in Chapter 3, *Project Description, Water Treatment Plant*, Water that has direct contact with contaminants in the steel making process (contact water) would be treated on-site. Water that has run through the steel making process then flows to a settling basin where settleable matter is dropped out. An oil skimmer also removes oils from the water in the basin. Water is pumped to a sand filter for further treatment. Water is stored in a clarified water tank where chemical dosing units are used to balance the water's chemistry before being recycled back into the steel making process. Nonetheless, the design and construction of this on-site wastewater treatment plant would adhere to Kern County development standards and would require coordination with the project proponent and the Water Board, Kern County Environmental Health and Kern County Public Works Department to ensure the facility design meets all minimum requirements during the process of mitigation compliance and plan check. As part of this coordination, the project proponent would be required to comply with any such requirements from the above listed responsible agencies to disclose any potential discharges from this facility in the form of a Report of Waste Discharge, confirm the appropriate designations of this discharge as waste or other applicable category, and execute the appropriate protocol of handling such discharge. Submittal of a Report of Waste Discharge will be included as a condition of approval for this project for the respective Conditional Use Permit and Precise Development Plan entitlements. 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 required.

C: The comment indicates stormwater runoff and collection are not shown within the Draft EIR, and if wastewater runoff is to be generated from stormwater, the evaporation and detention ponds may be subject to CCR, title 27 requirements and any potential stormwater contaminated by on-site materials that can be designated as waste are As discussed under Impact 4.10-4, the proposed project site is relatively flat and is unlikely to alter the existing drainage pattern. Within the proposed 174-acre project site, approximately 67% of the project site will contain impervious surfaces. Per Mitigation Measure MM 4.10-2, construction would require preparation of a hydrologic study and drainage plan. The required hydrologic study would be prepared in accordance with the Kern County Grading Code and Kern County Development Standards and

must be reviewed for approval from the Kern County Public Works Department prior to the issuance of grading permits. The drainage plan would recommend an onsite design that complies with requirements and ensure facilities are located in such a way to lessen their impact. Construction-related ground disturbance needed for the project and would be minimized and timed to avoid the rainy season when possible. Ground disturbances within known floodplains and across existing drainage flow paths would be planned and scheduled, to the maximum extents practicable, to avoid potential exacerbated flooding. Therefore, following compliance with applicable regulations and implementation of Mitigation Measures MM 4.10-2, flooding caused by construction of the proposed project is not expected to occur during construction or operational phase.

With regard to off-site improvement work related to the reconductoring of Southern California Edison's (SCE) existing transmission lines, the construction and installation of upgraded transmission lines would occur within previously disturbed rights-of-way and/or utility corridors that are currently maintained by SCE. As such, there would be no new impervious surfaces created and therefore potential for any new or increased runoff would be comparatively negligible to existing conditions and new collection sites would not be warranted. Nonetheless, SCE would comply with all applicable State and federal laws and regulations during construction, including those regulations that relate to drainage runoff and implement existing best management practices and adopted minimization measures. 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 required.

- D:** The comment states the foremost method of reducing impacts to watersheds from development is Low Impact Development (LID), the goal of which is maintaining a landscape functionally equivalent to predevelopment hydrologic and minimal generation of non-point source pollutants. As discussed previously, the proposed project would be designed to preserve existing flow patterns to the furthest extent possible with approximately 67% of the 174-acre project site containing impervious surfaces, such as the receiver sites for relocated Western Joshua Trees and footprint of the 63-acre solar array. Panels from the 63-acre solar array are not considered impervious surfaces, as stormwater falling on the panels would drip and infiltrate into the ground below or run off during larger storm events. In addition, off-site improvement work related to the reconductoring of Southern California Edison's (SCE) existing transmission lines, the construction and installation of upgraded transmission lines would occur within previously disturbed rights-of-way and/or utility corridors that are currently maintained by SCE. As such, there would be no new impervious surfaces created and therefore potential for any new or increased runoff would be comparatively negligible to existing conditions and new collection sites would not be warranted. 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 required.
- E:** The comment discusses the association between increased runoff resulting from development and traditional methods for managing stormwater, and their contribution to environmental impacts including channelization and stream armoring that permanently alter stream habitat, hydrology, and aesthetics, resulting in overall degradation of a watershed. As discussed in Section 4.10, *Hydrology and Water Quality*, the project proponent would be required to comply with Mitigation Measure MM 4.10-2(c), which specifies that engineering recommendations be incorporated into the project design and applied within the site boundary. Engineering recommendations will include measures

to offset increases in stormwater runoff that would result from the project, as well as implementation of design measures to minimize or manage flow concentration and changes in flow depth or velocity so as to minimize erosion, sedimentation, and flooding onsite or offsite. The incorporation of these design elements would adhere to the most current Kern County Development Standards and ultimately be subject to review and approval by the Kern County Public Works Department during the plan check phase of the proposed project.

The comment further states the document should include a mitigation measure that requires the preparation and implementation of a comprehensive Spill Prevention and Response Plan. As discussed in Section 4.9, *Hazards and Hazardous Materials*, the implementation of spill prevention, control, and counter measure (SPCC) plans would be required pursuant to the Clean Water Act. As such, implementation of Mitigation Measure 4.9-1 would require that during the life of the project, the project operator shall prepare and maintain a Hazardous Materials Business Plan, as applicable, pursuant to Article 1 and Article 2 of California Health and Safety Code 6.95 and in accordance with Kern County Ordinance Code 8.04.030, by submitting all the required information to the California Environmental Reporting System online for review and approval. The Hazardous Materials Business Plan shall requires details including, but not limited to, descriptions of proposed proper handling, storage, transport, and disposal techniques including which routes will be used to transport hazardous materials as well as methods to be used to avoid spills and minimize impacts in the event of a spill. 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 required.

F: The comment recommends Kern County require the project proponent prepare and implement a project-specific Storm Water Pollution Prevention Plan (SWPPP). The project proponent is required to implement Mitigation Measure MM 4.10-1, which specifies prior to issuance of a grading permit, the project proponent/operator shall submit a Stormwater Pollution Prevention Plan for review and approval by the Kern County Planning and Natural Resources Department and/or Kern County Public Works Department. The Stormwater Pollution Prevention Plan shall be designed to minimize runoff and shall specify best management practices to prevent all construction pollutants from contacting stormwater, with the intent of keeping sediment or any other pollutants from moving offsite and into receiving waters. The requirements of the Stormwater Pollution Prevention Plan shall be incorporated into design specifications and construction contracts. 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 required.

G: The comment recommends the analysis of the project, as it is located within the Lahontan Region, identify beneficial uses of water resources, and analyze potential impacts to water quality with respect to the beneficial uses. The project would be located within the Antelope Valley Basin, and as identified within the Water Quality Control Plan for the Lahontan Region (Basin Plan), water resources in this area would have the following beneficial uses, municipal and domestic supply (MUN), agricultural supply (AGR), and freshwater replenishment (FRSH).

Regarding the evaluation of potential impacts that the proposed project may have on the beneficial uses of waters, the Draft EIR analyzes the proposed project's potential impacts to water quality standards, waste discharge requirements, water and groundwater supply, groundwater recharge, and cumulative impacts within Section 4.10, *Hydrology and Water Quality*, and Section 4.19, *Utilities and Service Systems*.

Mitigation Measures MM 4.9-1 would require the project proponent to prepare a Hazardous Materials Business Plan, which would reduce potential impacts to water quality by ensuring proper storing, handling, transport, etc. of hazardous materials. In addition, Mitigation Measure MM 4.10-1, which would require the preparation of a SWPPP, and MM 4.10-2, which would require a hydraulic study and drainage plan, would further reduce potential impacts to water quality from the proposed project. The Draft EIR concluded that the project-specific impacts are less than significant. Therefore, the project would not impact the beneficial uses and water quality of water resources in the area. This information was included in the FEIR for informational purposes, however, is not new information that would change the conclusion in the FIER. Therefore, revisions to the Draft EIR are not required.

- H:** This comment requests the project be evaluated based on the objectives and standards identified within the Lahontan Region Basin Plan in Chapter 3. Regarding water quality objectives and standards, the Draft EIR analyzed the potential for the proposed project to violate water quality standards, result in substantial erosion or siltation, result in polluted stormwater runoff, otherwise degrade water quality, and exceed wastewater treatment requirements, within Section 4.10, *Hydrology and Water Quality*, and Section 4.19, *Utilities and Service Systems*. As discussed, the project would include drainage control requirements and BMPs that would be consistent with the Basin Plan and avoid significant impacts to water quality, including beneficial uses of water resources. In addition, as stated above, with implementation of Mitigation Measures MM 4.9-1, MM 4.10-1, and MM 4.10-2, and compliance with the established regulatory framework, impacts to water quality were found to be less than significant. Therefore, no changes to the Draft EIR impact analysis pertaining to water and groundwater resources or water quality are warranted. This comment has been noted for the record and has been provided to the project proponent and the Kern County Board of Supervisors for consideration.
- I:** The comment lists the permitting requirements that may be required of the proposed project due to a number of proposed on-site activities. Section 3.8, *Entitlements Required*, of the Draft EIR list a number of anticipated approvals needed for the proposed project, categorized by Federal, State and Local jurisdictions. Under the category of State, the Lahontan Water Board is specified and permits such as Water Quality Certification (401 Permit), Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) Construction General Permit are listed. However, the Draft EIR states the provided list of entitlements required does not necessarily represent a comprehensive list of all possible discretionary permits/approvals required. As such, appropriate permits and deference to the Lahontan RWQCB's applicable policies and standards for the proposed project are discussed further in detail in Section 4.7, *Geology and Soils*, Section 4.10, *Hydrology and Water Quality* and Section 4.19, *Utilities and Services Systems*. Ultimately, the project proponent will be required to coordinate with the Water Board to determine best management practices (BMPs), as specified in Mitigation Measure MM 4.7-8, which states the proposed Soil Erosion and Sedimentation Control Plan shall include BMPs consistent with Kern County grading requirements and the Water Board requirements pertaining to the preparation and approval of a SWPPP. 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 required.
- J:** The commenter concludes by providing thanks for being allowed to comment on the Draft EIR for the proposed project, and request that any questions regarding the letter as well a future

correspondence regarding the project be provided to the identified contacts. 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 required.

Comment Letter 3: California Department of Transportation (Caltrans)

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 9
500 SOUTH MAIN STREET
BISHOP, CA 93514
PHONE (760) 872-0785
FAX (760) 872-0678
TTY 711
www.dot.ca.gov



Making Conservation
a California Way of Life.

January 17, 2024

Mr. Mark Tolentino
Planner II Kern County Planning and Natural Resources
2700 "M" Street, Suite 100
Bakersfield, CA 93301

Mojave Micro Mill DEIR for Pacific Steel Group

Dear Mr. Tolentino:

Thank you for giving the California Department of Transportation (Caltrans) District 9 the opportunity to comment on the Pacific Steel Group's Mojave Micro Mill Project DEIR, which would access State Route 14 in eastern Kern County. We offer the following comments:

A

- Thank you for providing facility improvement mitigation measures, particularly MM 4.17-3 listed in the Traffic and Transportation section, addressing traffic circulation impacts. As well as other mitigation measures listed in the document for potential Traffic and Transportation impacts.

B

The Caltrans Highway Design Manual is located at:
<https://dot.ca.gov/programs/design/manual-highway-design-manual-hdm>

C

Details regarding state highway Encroachment Permits may be found in the **Encroachment Permit Manual** at: <https://dot.ca.gov/programs/traffic-operations/ep/ep-manual>

The permit application may be found at:
<https://dot.ca.gov/programs/traffic-operations/ep/applications>

For permitting details, you may contact Kurt Weiermann District 9 Permits Engineer, at (760) 872-0781.

We value our cooperative working relationship with the Kern County Planning and Natural Resources Department regarding development impacts to the state transportation system. For any questions, feel free to contact Rick Franz at (760) 938-2288 or at rick.franz@dot.ca.gov.

D

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Mr. Mark Tolentino
January 17, 2024
Page 2

Sincerely,

Maggie Ritter

Maggie Ritter, Senior Transportation Planner
Transportation Planning Branch, Supervisor
Division of Planning & Environmental
Caltrans, District 9
500 S Main St.
Bishop, CA 93514
Cell: (442)359-8456

|
D
|

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Response to Comment Letter 3: California Department of Transportation (Caltrans)

A: This is an introductory comment which states that the California Department of Transportation (Caltrans) District 9 has reviewed the Draft EIR for the proposed project. 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 required.

B: The commenter expresses concurrence with the proposed mitigation measures regarding facility improvement, particularly MM 4.17-3 listed in Section 4.17, *Traffic and Transportation*, addressing traffic circulation impacts. Upon further review of the noted mitigation measure, Staff acknowledges the proposed mitigation measure includes a typographical error of anticipated project buildout and has revised MM 4.17-3 in Table 1-7 on page 1-70 in Chapter 1, *Executive Summary* of the Draft EIR as follows.

MM 4.17-3: To improve traffic during operation of the project, the following traffic improvements shall be implemented; costs shall be funded entirely by the project proponent and at no cost to either the County of Kern or the California Department of Transportation (CalTrans):

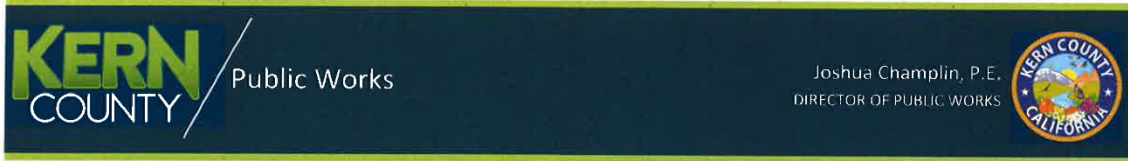
- a. State Route 14 Northbound Ramps and the Backus Road Intersections: Installation of a traffic signal and expansion of the intersection to provide one dedicated lane for the westbound right turn on the ramp, and one dedicated lane for each turning movement at the northbound ramp termini at the buildout year of ~~2023~~ opening day.
- b. State Route 14 Southbound Ramps and the Backus Road Intersections: Installation of a traffic signal by 2042. By the year 2042, the project proponent shall coordinate with both the Kern County Public Works Department and CalTrans to revisit and recalculate the cost for this mitigation. A new pavement analysis shall also be completed to calculate the required Traffic Index and cross section.
- c. Segment of Sierra Highway between Backus Road and Sopp Road: By the year 2042, the addition of one lane in each direction shall be installed. The project proponent shall coordinate with both the Kern County Public Works Department and CalTrans to revisit and recalculate the cost for this mitigation.
- d. At a minimum, the project proponent shall place a 0.15-foot depth asphalt concrete overlay over the eastbound lane of Sopp Road. To avoid a fault along the roadway centerline, cold plane a 3-to-4-foot width to a depth of 0.12-feet north of the Sopp Road centerline. The overlay will extend north of the centerline repaving the cold-planed limits and providing a transition to the full overlay depth placed on the eastbound lane. After the overlay, restriping of centerline will be necessary as well as shoulder-backing on the south side.

C: The commenter provides informative links regarding the Caltrans Highway Design Manual as well as permit details and applications. 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 required.

- D:** The commenter concludes by providing thanks for being allowed to comment on the Draft EIR for the proposed project, and request that any questions regarding the letter as well a future correspondence regarding the project be provided to the identified contacts. 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 required.

Local Agencies

Comment Letter 4: Kern County Public Works Department – Survey



December 4, 2023

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

From: Jeremy M. Brock, County Surveyor *JMB*
 By: Andres Arias, Engineering Support Supervisor

Phone: 28959

Subject: Draft of Environmental Impact Report for the Mojave Micro Mill Project by Mojave Micro Mill Project by PSGM3 Holdings Corp (Pacific Steel Group) (PP22402).

I have reviewed the above noted project Draft 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.
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).

A

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



2700 M Street, #400, Bakersfield, CA. 93301 | 661.862.5100 | www.KernPublicWorks.com

Response to Comment Letter 4: Kern County Public Works Department – Survey

A: The commenter states that County Public Works Department – Development Review has reviewed the Draft EIR for the project and recommends 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.*
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).*

The comment concludes with appreciation for the opportunity to review and comment on the project.

In response, the County Planning and Natural Resources Department acknowledges County Public Works Department - Development Review Division’s requested conditions and confirms that all requested conditions will be included as a condition of approval for the requested Precise Development 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 required.

Comment Letter 5: Kern County Public Works Department



Office Memorandum

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

December 5, 2023

From: Cesar Ayon, Engineering Manager *CA*
 Public Works Department/Development

Subject: 7-8.3.b Draft Supplemental Environmental Impact Report for
 Mojave Micro Mill Project by PSGM3 Holdings Corp. (Pacific Steel Group)

Development Review Division

This Division has reviewed the subject project and has no comment.

Thank you for the opportunity to comment on this project. If you have any questions or comments, please contact Rodd Parke of this Division at (661) 862-8848.

Flood Management Division

This Division has reviewed the subject project and has the recommend the following:

The runoff of storm water from the site will be increased due to the increase in impervious surface generated by the proposed development.

A

Therefore, this division recommends the following be included as Conditions of Approval for this project:

The applicant shall provide a plan for the disposal of drainage waters originating on site and from adjacent road right-of-ways (if required), subject to approval of the Public Works Department, per the Kern County Development Standards.

B

Thank you for the opportunity to comment on this project. If you have any questions or comments, please contact Brian Blaise of this Division at (661) 862-5098.

Sewer and Water Division

This Department has reviewed the subject project and has no comment.

Thank you for the opportunity to comment on this project. If you have any questions or comments, please contact Kyle Perez of this Division at (661) 862-8852.



2700 M Street, #400, Bakersfield, CA. 93301 | 661.862.5100 | www.KernPublicWorks.com

CSA Division

This Department has reviewed the subject project and has no comment.

Thank you for the opportunity to comment on this project. If you have any questions or comments, please contact Miguel Munoz of this Division at (661) 862-8908.

Response to Comment Letter 5: Kern County Public Works Department

- A:** The commenter notes that the project site is subject to flooding and that stormwater runoff from the site would increase due to the increase in impervious surfaces generated by the project. The Draft EIR acknowledges that project implementation would increase the amount of impervious surfaces on-site, which may result in a potential increase in stormwater runoff. While the majority of the micro mill portion of the project site would result in the increase of impervious surfaces due to development, the remaining portion of the site dedicated for landscaping, retention basins and the 63-acre solar array would remain porous and would therefore continue to absorb precipitation. Such characteristics were evaluated in the Draft EIR pursuant to CEQA, as applicable; refer to Section 4.10, *Hydrology and Water Quality*, of the Draft EIR. The comments provided have been noted for the record, and no revisions to the Draft EIR are required.
- B:** The commenter requests that the project proponent submit a plan for the disposal of drainage waters originating on-site and from adjacent road rights-of-way, and that such action be made a Condition of Approval for the project. As analyzed in the Draft EIR, the site engineering and design plans for the project would conform to requirements of the Kern County Code of Building Regulations, the Kern County Development Standards, and the Floodplain Management Ordinance. Furthermore, site drainage plans would be required to comply with the Kern County Development Standards and the Kern County Code of Building Regulations, which provide guidelines including site development standards and mitigation, flood control requirements, erosion control, and on-site drainage flow requirements. Project conformance with such existing regulations pertaining to erosion and site drainage would neither alter the course of a stream or river nor result in substantial erosion on-site or off-site. As described in Section 4.10, *Hydrology and Water Quality*, of the Draft EIR, implementation of Mitigation Measures MM 4.10-1 which would require preparation and implementation of a stormwater pollution prevention plan, and MM 4.10-2, which would require preparation and implementation of a final hydrologic study and drainage plan, would reduce project impacts in this regard to less than significant and would be incorporated as Conditions of Approval for the project. The comments provided have been noted for the record, and revisions to the Draft EIR are not required.

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Comment Letter 6: San Manuel Band of Mission Indians

From: [Alexandra Mc Cleary](#)
To: [Mark Tolentino](#)
Cc: [Kristen Tuosto](#)
Subject: FW: DEIR for the Mojave Micro Mill for PSGM3 Pacific Steel Group
Date: Tuesday, December 5, 2023 8:29:24 PM
Attachments: [Revised Mitigation Measures for Micro Mill project.docx](#)

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 providing me with the Cultural Report for this project. I also receive the Notice of Availability of the draft Environmental Impact Report. Upon review of the draft EIR, it does not appear that the proposed combined Mitigation Measures for Cultural Resources and Tribal Cultural Resources reflects the language or intent of the draft mitigation measures that Ryan had originally sent over. Additionally, upon review of the Cultural Report, it would appear that some prehistoric/Native American artifacts were discovered within the Project Area. While I understand that the Project Archaeologist recommended that these do not meet significance criteria under CEQA, San Manuel recognizes them as part of their heritage, to be treated in culturally appropriate manner. This would require them to be safely secured on site until they can be reburied within the Project Area, along with any other additional Native American artifacts inadvertently discovered during project implementation. A

I have attached draft Revised Mitigation Measures for Micro Mill project to reflect our continued consultation more accurately on this project and address San Manuel’s concerns regarding Tribal Cultural Resources. I’m happy to make myself available for a meeting regarding this proposed changes together prior to the finalization of the draft EIR if it would prove helpful. Either way, please let me know if you have any concerns regarding this proposed language, or if you can accept the proposed changes to the mitigation language as is. B

Best,
Alexandra

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If you are on your Outlook client, report the suspicious email by clicking on Report Phish icon in your Outlook toolbar.
If you are on a mobile device, forward the suspicious email to spam@sanmanuel.com.

MM 4.5-1: The project proponent/operator shall retain a Lead Archaeologist, defined as an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology (U.S. Department of the Interior, 2011), to carry out all mitigation measures related to archaeological and historical resources during ground-disturbing activities. The contact information for this Lead Archaeologist shall be provided to the Kern County Planning and Natural Resources Department prior to the commencement of any construction activities on-site. Further, the Lead Archaeologist shall be responsible for ensuring the following employee training provisions are implemented during implementation of the project: a. Prior to commencement of any ground disturbing activities, the Lead Archaeologist, in consultation with the Cultural Resources Management Department of the San Manuel Band of Mission Indians Native American Monitor(s), shall prepare Cultural Resources Sensitivity Training materials, including a Cultural Resources Sensitivity Training Guide, to be used in an orientation program given to all personnel working on the project. The training guide may be presented in video form. A copy of the proposed training materials, including the Cultural Resources Sensitivity Training Guide, shall be provided to the Planning and Natural Resources Department prior to the issuance of any grading or building permit.

b. The project proponent/operator shall ensure all new employees or onsite workers who have not participated in earlier Cultural Resources Sensitivity Trainings shall meet provisions specified above. c. The training shall include an overview of potential cultural resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the Lead Archaeologist for further evaluation and action, as appropriate; and penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources. d. A copy of the Cultural Resources Sensitivity Training Guide/Materials shall be kept on-site and available for all personnel to review and be familiar with as necessary. It is the responsibility of the Lead Archaeologist to ensure all employees receive appropriate training before commencing work on-site. e. During implementation of the project, the services of Native American Monitors, as identified through consultation with the appropriate Native American tribes San Manuel CRM Department, working under the supervision of the Lead Archaeologist, shall be retained by the project to monitor project-related ground-disturbing activities as identified in Mitigation Measure MM 4.5-2.

MM 4.5-2: Prior to the issuance of any grading or building permit, the project proponent shall submit to the Kern County Planning and Natural Resources Department a Cultural Resources Treatment Plan. The plan shall: a. Require that prior to conducting initial ground disturbance in the vicinity of prehistoric archaeological sites, and in coordination with the Lead Archaeologist and the Cultural Resources Management Department of the San Manuel Band of Mission Indians Native American Monitor(s), exclusion areas (i.e., the recorded boundaries of the archaeological sites and all areas within 50 feet thereof) shall be temporarily marked with exclusion markers or protective fencing as determined by the Lead Archaeologist in consultation with the San Manuel CRM Department the Native American Monitor.

b. Require that the construction zone shall be narrowed or otherwise altered to avoid any exclusion areas. c. Provide an overview of best management practices to be utilized during ground-disturbing construction activities to ensure protection of cultural resources. d. Outline the process for evaluation of any unanticipated cultural discoveries during project construction activities. e. Provide a Data Recovery Plan, if required, prepared by the Lead Archeologist in consultation with the San Manuel CRM Department Native American Monitor(s), for the recovery of known and unanticipated cultural discoveries that cannot be avoided or preserved in place.

C

MM 4.5-3: During implementation of the project, in the event that archaeological materials are encountered during the course of grading or construction, the project contractor shall cease any ground-disturbing activities within 50 feet of the find. The area of the discovery shall be marked off by temporary fencing that encloses a 50-foot radius from the location of the discovery. Signs shall be posted that establish it as an Environmentally Sensitive Area, and all entrance into the area shall be avoided until the discovery is assessed by the Lead Archaeologist and the Native American Monito Cultural Resources Management Department of the San Manuel Band of Mission Indians. The Lead Archaeologist, in consultation with any Native American Monitor San Manuel, shall evaluate the significance of the resources and recommend appropriate treatment measures. If further treatment of the discovery is necessary, the Environmentally Sensitive Area shall remain in place until all work is completed. Per California Environmental Quality Act (CEQA) Guidelines Section 15126.4(b)(3), project redesign and preservation in place shall be the preferred means to avoid impacts to significant historical resources. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the Lead Archaeologist, in consultation with any Native American Monitor the, San Manuel CRM Department shall develop additional treatment measures in consultation with the County of Kern (County), which may include data recovery or other appropriate measures. The County shall consult with San Manuel appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American in nature. It is the preference of San Manuel that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by the Tribe, the landowner, and the County, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all monitoring has ceased, all cataloging and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to the County, the Southern San Joaquin Valley Information Center and San Manuel. All reburials are subject to a reburial agreement that shall be developed between the landowner and San Manuel outlining the determined reburial process/location and shall include measures and provisions to protect the reburial area from any future impacts (vis a vis project plans, conservation/preservation easements, etc.).

Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with the San Manuel CRM Department to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriately qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the Project developer/applicant's obligation to pay for those fees.

Diagnostic archaeological materials with research potential recovered during any investigation that are not prehistoric of Native American in origin shall be curated at an accredited curation facility. The Lead Archaeologist, in consultation with a designated Native American Monitor the San Manuel CRM Department, shall prepare a report documenting evaluation and/or additional treatment of the resource.



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A copy of the report shall be provided to the Kern County Planning and Natural Resources Department and to the Southern San Joaquin Valley Information Center at California State University, Bakersfield

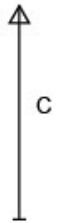
MM 4.5-4: During implementation of the project, the services of ~~both an Archaeological and Native American Monitor~~, working under the supervision of the Lead Archaeologist ~~as identified through consultation with appropriate Native American tribes~~, shall be retained by the project proponent/operator to monitor, on a fulltime basis, during ground-disturbing activities associated with project-related construction activities, as follows: a. All initial ground-disturbing activities within 50 feet of prehistoric archaeological sites within the project site shall be monitored by ~~Native American Monitor(s) and~~ Archaeological Monitor(s). b. During implementation of the project, ~~Archaeological and Native American~~ monitoring shall be conducted for all initial excavation or ground-disturbing activities. If no archaeological discoveries are made during the course of this monitoring, no additional monitoring will be required. If the Lead Archaeologist can demonstrate that the level of monitoring should be reduced or discontinued, or a need for continuing monitoring, the Lead Archaeologist, in consultation with the Kern County Planning and Natural Resources Department, may adjust the level of monitoring to circumstances as warranted.

c. All ground disturbing activities within 100 feet of a grave site shall be monitored by ~~Native American Monitor(s) and~~ Archeological Monitor(s). d. The Lead Archaeologist ~~and Native American Monitor(s)~~ shall be provided all project documentation related to cultural resources within the project site prior to commencement of ground disturbance activities. Should the services of any additional individuals be retained (as the Lead Archaeologist, ~~or~~ Archaeological Monitor, ~~or~~ ~~Native American Monitor~~) subsequent to commencement of ground disturbing activities, such individuals shall be provided all proposed project documentation related to cultural resources within the project area, prior to beginning work. Documentation shall include but not be limited to previous cultural studies, surveys, maps, drawings, etc. Any modifications or updates to project documentation, including construction plans and schedules, shall immediately be provided to the Lead Archaeologist, Archaeological Monitor, and ~~the San Manuel CRM Department Native American Monitor~~. e. The Archaeological Monitor(s) shall keep daily logs and the Lead Archaeologist shall submit monthly written updates to the Kern County Planning and Natural Resources Department and Native American Monitor. After monitoring has been completed, the Lead Archaeologist shall prepare a monitoring report that details monitoring results; assessment of inadvertent discoveries; communication with Tribal representatives; installation of, maintenance of, and guidance for environmentally sensitive areas; and general implementation of the required mitigation. The final monitoring report shall act as a record of compliance with guiding documents and mitigation and shall be submitted to the Kern County Planning and Natural Resources Department and the Southern San Joaquin Valley Information Center at California State University, Bakersfield.

MM 4.5-5: If human remains are uncovered during project construction, the project proponent shall immediately halt work, contact the Kern County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.4 (e)(1) of the California Environmental Quality Act Guidelines. Notification shall be made to the Kern County Planning and Natural Resources Department within 12 hours of contacting the Coroner. If the County Coroner determines the remains are Native American, the coroner shall contact the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by Assembly Bill 2641). The Native American Heritage Commission shall designate a Most Likely Descendent for the remains per Public Resources Code 5097.98. Per Public Resources Code 5097.98, the landowner



shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendent regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. If the remains are determined to be neither of forensic value to the Coroner, nor of Native American origin, provisions of the California Health and Safety Code (7100 et. seq.) directing identification of the next-of-kin will apply. No work shall recommence on the site until all provisions of these reviews have occurred.



Response to Comment Letter 6: San Manuel Band of Mission Indians

A: The commenter notes that prehistoric/Native American artifacts were discovered within the Project Area. As such, the commenter states that San Manuel recognizes these artifacts as part of their heritage and requests that these items be safely secured on site until they can be reburied within the Project Area, along with any additional Native American artifacts inadvertently discovered during project implementation and requests that the Draft EIR be revised to reflect this change. In response to this Mitigation Measure MM 4.5-3 has been revised as follows:

MM 4.5-3: During implementation of the project, in the event that archaeological materials are encountered during the course of grading or construction, the project contractor shall cease any ground-disturbing activities within 50 feet of the find. The area of the discovery shall be marked off by temporary fencing that encloses a 50-foot radius from the location of the discovery. Signs shall be posted that establish it as an Environmentally Sensitive Area, and all entrance into the area shall be avoided until the discovery is assessed by the Lead Archaeologist and Native American Monitor. The Lead Archaeologist, in consultation with any Native American Monitor, shall evaluate the significance of the resources and recommend appropriate treatment measures. If further treatment of the discovery is necessary, the Environmentally Sensitive Area shall remain in place until all work is completed. Per California Environmental Quality Act (CEQA) Guidelines Section 15126.4(b)(3), project redesign and preservation in place shall be the preferred means to avoid impacts to significant historical resources. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the Lead Archaeologist, in consultation with any Native American Monitor, shall develop additional treatment measures in consultation with the County of Kern (County), which may include data recovery or other appropriate measures. The County shall consult with appropriate Native American representatives in determining appropriate treatment for unearthened cultural resources if the resources are prehistoric or Native American in nature. To the greatest extent possible cultural material found on site shall be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon consultation with the Native American Monitor/Lead Archaeologist, the landowner, the County, if necessary, the appropriate Native American Tribe and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all monitoring has ceased, all cataloging and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to the County, the Southern San Joaquin Valley Information Center.

Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with the appropriate Native American Tribe to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for

the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriately qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the Project developer/applicant's obligation to pay for those fees.

Diagnostic archaeological materials with research potential recovered during any investigation that are not prehistoric of Native American in origin shall be curated at an accredited curation facility. The Lead Archaeologist, in consultation with a designated Native American Monitor, shall prepare a report documenting evaluation and/or additional treatment of the resource. A copy of the report shall be provided to the Kern County Planning and Natural Resources Department and to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.

- B:** The commenter states that they have provided draft revisions to Mitigation Measures MM 4.5-1 through MM 4.5-5. In response to this comment revisions to Mitigation Measure MM 4.5-3 have been made, as detailed above. The commenter's proposed revisions to Mitigation Measures MM 4.5-1, MM 4.5-2, MM 4.5-4, and MM 4.5-5, request that the Native American Monitor for the project be selected from the Yuhaaviatam of San Manuel (formerly San Manuel Band of Mission Indians). Mitigation Measure MM 4.5-1 requires that the project proponent retain a lead archaeologist and Native American Monitors. The County's policy is to not make a determination as to which Native American Tribe a monitor is chosen from. The selected Native American Monitors shall be retained by the project proponent to monitor ground disturbing activities as identified in Mitigation Measure MM 4.5-2. As such no revisions to the Draft EIR are required.
- C:** The commenter provided this attachment containing recommended revisions to Mitigation Measures MM 4.5-1 through MM 4.5-4 as included in Section 4.5, *Cultural Resources*, of the Draft EIR. Response A above addresses the recommended mitigation revisions.

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Comment Letter 7: Southern California Gas (SoCalGas)



Transmission Technical
Services Department

9400 Oakdale Ave
Chatsworth, CA 91311
SC9314

December 20, 2023

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

**Subject: DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE MOJAVE MICRO
MILL BY PSGM3 HOLDINGS CORP (PACIFIC STEEL GROUP) (PP22402)**

DCF: 2766-23NC

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.

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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A

Response Comment Letter 7: Southern California Gas (SoCalGas)

- A:** The comment states that the Transmission Department of SoCalGas does not operate and facilities with the Project site. The comment states that the Distribution Department of SoCalGas may have facilities and recommends contacting SoCalGas to avoid potential conflicts with the project. This comment does not raise a substantive issue on the content of the Draft EIR analysis and does not directly apply to the CEQA process. Therefore, the comment has been noted for the record and no changes to the document have been made or are required.

Comment Letter 8: Eastern Kern Air Pollution Control District (EKAPCD)



Eastern Kern
Air Pollution Control District

Glen E. Stephens, P.E.
Air Pollution Control Officer

December 21, 2023

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

SUBJECT: Comments on Draft Environmental Impact Report for the Mojave Micro Mill by
PSGM3 Holdings (PP22402)

Dear Mr. Tolentino:

Eastern Kern Air Pollution Control District (District) is in receipt of the Draft Environmental Impact Report (DEIR) for the Mojave Micro Mill Project by PSGM3 Holdings (Pacific Steel Group). The District has the following comments on the DEIR

- Section 4.3 (Air Quality) of the DEIR does not address District Rule 210.1A (Major New & Modified Stationary Source Review), adopted by the District in August of 2022. The rule applies to new major stationary sources or major modifications to existing stationary sources located in a nonattainment area. If potential emissions of either oxides of nitrogen (NO_x) or volatile organic compounds (VOC) from operation of the facility are estimated to exceed the major source threshold (≥25 tons per year), then the project would be subject to the requirements of this Rule, including an offset ratio of 1.3 to 1.0 for NO_x and VOC. Since the initial estimates for emissions of NO_x & VOC appear to be significantly greater than 25 tons per year, the project would be likely be subject to Rule 210.1A.
- Please add District Rule 422 (New Source Performance Standards (NSPS)) to Section 4.3.4 (Regulatory Setting), as there are requirements in the Standards of Performance for New Stationary Sources (40 CFR Part 60) applicable to the proposed facility that the EPA has delegated the District authority to implement and enforce
- Subsection d of Mitigation Measure 4.3-2 (page 1-24) indicates that unpaved roads would be stabilized to prevent visible emissions of greater than 20% opacity at nearby residences or public roads. Per Section V.A of District Rule 402, fugitive dust emissions from an active project or disturbed surface area are required not to remain visible in the atmosphere beyond the property line of the emission source; sources of fugitive dust emissions within the property line are required to not cause visible emissions to exceed 20% opacity for more than three minutes in any one hour.
- Page 4.3-1, 4th paragraph, line 3: please correct 2016 to 2015

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B

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D

E

*Administrative Office: 2700 "M" Street, Suite 302, Bakersfield, CA 93301-2370
Phone (661) 862-5250 – Fax (661) 862-5251
www.kernair.org – ekapcd@kerncounty.com*

Mr. Mark Tolentino,
December 21, 2023
Page 2

- Regarding consistency with District Rules (Pages 4.3-47 and 4.3-48): District Rule 210.1 specifies an offset trigger level of 25 tons per year for NO_x and VOC, 15 tons per year for PM₁₀, and 27 tons per year for SO_x (see page 9 of the Rule). The offset ratio of 1.2 to 1.0 applies to emission offsets generated within the Mojave Desert Air Basin; if emission offsets generated from outside the air basin are utilized, the offset ratio may need to be increased to ensure the District maintains “reasonable further progress” in accordance with the attainment plan.

]

Thank you for your cooperation in this matter. Should you have any questions, please telephone Samuel Johnson our office at (661) 862-5250.

]

Sincerely,



Glen E. Stephens, P.E.
Air Pollution Control Officer

GES:SJ:tf

Response to Comment Letter 8: Eastern Kern Air Pollution Control District (EKAPCD)

- A:** This is an introductory comment which states that Eastern Kern Air Pollution Control District (EKAPCD) has reviewed the Draft EIR for the proposed project. 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 required.
- B:** This comment states that the Draft EIR does not address EKAPCD District Rule 210.1A (Major New & Modified Stationary Source Review) and that the project exceeds operational thresholds for NO_x and VOC and therefore would be subject to offsets required under this Rule.

As discussed in Section 4.3 *Air Quality*, see page 4.3-41, the emissions present in the Draft EIR were scaled from a similar micro mill facility in Florida based on the anticipated production rate for the Project compared to that facility's production rate (450,000 tons) of steel produced per year. The emissions from similar processes and equipment were scaled based on the anticipated production rate of 456,000 tons of steel produced per year for the proposed project. As noted in the Draft EIR, the facility in Florida is not an all-electric micro mill but rather utilizes natural gas. The emissions presented in the Draft EIR are considered a conservative estimate (i.e., overestimated) as the all-electric micro mill would result in lower criteria air pollutant emissions, specifically NO_x, VOCs, and SO₂ as well as a small reduction in toxic air containment emissions associated with the project's elimination of natural gas combustion. Additionally, the emissions presented do not account for the reduction of CO₂ that would be captured in the EAF from the CCS or the reduction of NO_x from the selective catalytic reduction unit.

It is noted on the top of page 4.3-56 that the project would exceed EKAPCD thresholds for VOCs and NO_x and that mitigation Measure MM 4.3-1 would be applied. Table 4.3-8 shows mitigated emissions for VOC and NO_x would decrease by approximately 10 tons/year, due to mitigation, but would still exceed EKAPCD thresholds. The project employs Best Available Control Technologies (BACTs) that include using an electric arc furnace which generates fewer emissions compared to a gas-powered furnace, a carbon capture system and CO₂ removal system to minimize carbon emissions, a selective catalytic reduction process to reduce NO_x in the waste gas steam, and a fume treatment plant to mitigate pollutant emissions from the meltshop. Nonetheless, the Draft EIR concluded that even with the inclusion of BACTs and mitigation, the project would result in a significant and unavoidable impact from operational emissions.

However, the County agrees with this comment and the Draft EIR will be revised to include the following language on page 4.3-29 pertaining to District Rule 201.1A:

"Rule 210.1A

The purpose of this Rule is to provide for preconstruction review of any new major stationary source, or major modification of an existing major stationary source of a nonattainment pollutant, insure BACT has been proposed for each emission unit included in each new major stationary source, and provide offsets for any significant net emissions increases of a nonattainment pollutant from any new major stationary source."

Additionally, the Draft EIR will be revised to include the following language on page 4.3-48:

"The proposed project, as a steel mill plant, would be considered a new major stationary source and would be subject to EKAPCD's MNSR rule. This rule requires new major

stationary sources that increase emissions in amounts exceeding specified thresholds to provide emission reduction offsets to mitigate their emissions growth. The applicability threshold for NOX and VOC in Rule 210.1A is ~~2550~~ tons per year with an offset ratio of ~~1.23~~-to-1.0. As such, there should be no net effect on emissions inventories from future construction or modifications at major stationary sources due to offset requirements. To ensure construction or modification of major sources has no net effect on emission inventories used for demonstrating attainment, banked ERCs, which otherwise would not be included as emissions in the baseline and subsequent inventories, must be added back into the inventories, pursuant to federal requirements. The 2023 AQAP includes a list of banked ERCs currently in the EKAPCD's credit bank as of 2022. The banked ERCS would lead to an increase of 0.005 ppb in attainment year ozone design values and would not affect the attainment status. Thus, with compliance of EKAPCD Rule 210.1A, construction and operation of the proposed project would comply with the 2023 AQAP.

Although the proposed project emissions were not included in the projections for the 2023 AQAP, compliance with EKAPCD's Rule 210.1A, MNSR would render the proposed project consistent with growth projections of the 2023 AQAP, since they would not increase emissions, over those allowed by the MNSR, and would not jeopardize attainment of the AQAP. Therefore, the proposed project is consistent with the goals of the 2023 AQAP."

- C:** This comment recommends District Rule 422 (New Source Performance Standards (NSPS)) be added to the Regulatory Section of Section 4.3, *Air Quality* of the Draft EIR. The County agrees with this comment and the Draft EIR would be revised to include the following language pertaining to District Rule 422 on page 4.3-30, after Rule 419.

"Rule 422

Rule 422 adopts the EPA's New Source Performance Standards by reference, which grants EKAPCD the ability to ensure that all new and modified sources shall comply with applicable standards, criteria, and requirements set forth in Title 40, Chapter 1, Part 60, of the Code of Federal Regulations that are in effect as of October 10, 2017."

- D:** This comment recommends Mitigation Measure MM 4.3-2 be revised to accurately represent the requirements for fugitive dust emissions outline in District Rule 402. District Rule 402 states fugitive dust emissions from an active project or disturbed surface area are required not to remain visible in the atmosphere beyond the property line of the emission source; sources of fugitive dust emissions within the property line are required to not cause visible emissions to exceed 20% opacity for more than three minutes in any one hour. The County agrees with this recommendation and MM 4.3-2 would be revised as follows.

MM 4.3-2: To control fugitive PM emissions during construction, prior to the issuance of grading or building permits and any earthwork activities, the project proponent shall prepare a comprehensive Fugitive Dust Control Plan for review and approval by the Eastern Kern Air Pollution Control District and submitted to the Kern County Planning and Natural Resources Department. The plan shall include all Eastern Kern Air Pollution Control District recommended measures, including but not limited to, the following:

- a. All soil being actively excavated or graded shall be sufficiently watered to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed soils areas. Watering shall take place a minimum of three times daily where soil is being actively disturbed, unless dust is otherwise controlled by rainfall or use of a dust suppressant.
- b. Vehicle speed for all on site (i.e., within the project boundary) construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site. Signs identifying construction vehicle speed limits shall be posted along onsite roadways, at the site entrance/exit, and along unpaved site access roads.
- c. Vehicle speeds on all offsite unpaved project-site access roads (i.e., outside the project boundary) construction vehicles shall not exceed 25 mph. Signs identifying vehicle speed limits shall be posted along unpaved site access roads and at the site entrance/exit.
- d. All onsite unpaved roads ~~and offsite unpaved public project site access road(s)~~ shall be effectively stabilized of dust emissions using water or Eastern Kern Air Pollution Control District approved dust suppressants/palliatives, sufficient to prevent wind-blown dust from exceeding 20 percent opacity for more than three minutes in an hour and to ensure fugitive dust would not be visible beyond the property line at nearby residences or public roads. If water is used, watering shall occur a minimum of three times daily, sufficient to keep soil moist along actively used roadways. During the dry season, unpaved road surfaces and vehicle parking/staging areas shall be watered immediately prior to periods of high use (e.g., worker commute periods, truck convoys). Reclaimed (non-potable) water shall be used to the extent available and feasible.
- e. The amount of the disturbed area (e.g., grading, excavation) shall be reduced and/or phased where possible.
- f. All disturbed areas shall be sufficiently watered or stabilized by Eastern Kern Air Pollution Control District approved methods to prevent excessive dust. On dry days, watering shall occur a minimum of three times daily on actively disturbed areas. Watering frequency shall be increased whenever wind speeds exceed 15 mph or, as necessary, to prevent wind-blown dust exceeding 20 percent opacity at nearby residences or public roads. Reclaimed (nonpotable) water shall be used to the extent available and feasible.
- g. All clearing, grading, earth moving, and excavation activities shall cease during periods when dust plumes of 20 percent or greater opacity affect public roads or nearby occupied structures.
- h. All disturbed areas anticipated to be inactive for periods of 30 days or more shall be treated to minimize wind-blown dust emissions. Treatment may include, but is not limited to, the application of an Eastern Kern Air Pollution Control District-approved chemical dust suppressant, gravel, hydro-mulch, revegetation/seedling, or wood chips.
- i. All active and inactive disturbed surface areas shall be stabilized, where feasible.

- j. Equipment and vehicle access to disturbed areas shall be limited to only those vehicles necessary to complete the construction activities.
- k. Where applicable, permanent dust control measures shall be implemented as soon as possible following completion of any soil-disturbing activities.
- l. Stockpiles of dirt or other fine loose material shall be stabilized by watering or other appropriate methods sufficient to reduce visible dust emissions to a limit of 20 percent opacity. If necessary and where feasible, three-sided barriers shall be constructed around storage piles and/or piles shall be covered by use of tarps, hydro-mulch, woodchips, or other materials sufficient to minimize windblown dust.
- m. Water shall be applied prior to and during the demolition of onsite structures sufficient to minimize wind-blown dust.
- n. Where acceptable to the fire department and feasible, weed control shall be accomplished by mowing instead of disking, thereby leaving the ground undisturbed and with a mulch covering.
- o. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least six inches of freeboard (minimum vertical distance between top of the load and top of the trailer) in accordance with California Vehicle Code Section 23114.
- p. Gravel pads, grizzly strips, or other material track-out control methods approved for use by Eastern Kern Air Pollution Control District shall be installed where vehicles enter or exit unpaved roads onto paved roadways.
- q. Haul trucks and off-road equipment leaving the site shall be washed with water or high pressure air, and/or rocks/grates at the project entry points shall be used, when necessary, to remove soil deposits and minimize the track out/deposition of soil onto nearby paved roadways.
- r. During construction paved road surfaces adjacent to the site access road(s), including adjoining paved aprons, shall be cleaned, as necessary, to remove visible accumulations of track-out material. If dry sweepers are used, the area shall be sprayed with water prior to sweeping to minimize the entrainment of dust. Reclaimed water shall be used to the extent available.
- s. Portable equipment, 50 horsepower or greater, used during construction activities (e.g., portable generators) shall require California statewide portable equipment registration (issued by California Air Resources Board) or an Eastern Kern Air Pollution Control District permit.
- t. The Fugitive Dust Control Plan shall identify a designated person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures, as necessary, to minimize the transport of dust off site and to ensure compliance with identified fugitive dust control measures. Contact information for a hotline shall be posted on site should any complaints or concerns be received

during working hours and holidays and weekend periods when work may not be in progress. The names and telephone numbers of such persons shall be provided to the Eastern Kern Air Pollution Control District Compliance Division prior to the start of any grading or earthwork.

u. Signs shall be posted at the project site entrance and written notifications shall be provided a minimum of 30 days prior to initiation of project construction to residential land uses located within 1,000 feet of the project site. The signs and written notifications shall include the following information: (a) Project Name; (b) Anticipated Construction Schedule(s); and (c) Telephone Number(s) for designated construction activity monitor(s) or, if established, a complaint hotline.

v. The designated construction monitor shall document and immediately notify Eastern Kern Air Pollution Control District of any air quality complaints received. If necessary, the project operator and/or contractor will coordinate with Eastern Kern Air Pollution Control District to identify any additional feasible measures and/or strategies to be implemented to address public complaints.

w. The solar array shall obtain a permit from the Eastern Kern Air Pollution Control District and implement phased removal of vegetation from the site to ensure dust control during construction.

E: This comment recommends a clarification to a typo on page 4.3-31, 4th paragraph, line 3, of Section 4.3, *Air Quality* of the DIER. The comment notes the year be revised from 2016 to 2015, in reference to the 8-hour ozone National Ambient Air Quality Standards (NAAQS). The County concurs with this comment and the 4th paragraph on page 4.3-31 of the Draft EIR would be revised as follows.

“The 2023 Ozone Air Quality Attainment Plan (2023 AQAP) was adopted by EKAPCD on May 4, 2023. The 2023 AQMP includes required elements of an attainment plan, as well as the emissions reductions and control measures necessary to demonstrate attainment with the 2008 and 2015~~6~~ 8-hour ozone NAAQS. Modeling completed by EKAPCD indicates that EKAPCD would not attain the 2015, 8-hour ozone NAAQS (0.070 ppm) by 2027, attainment deadline for the Serious nonattainment designation, but could attain it by 2033, the attainment deadline for the Severe nonattainment designation. Pursuant to CAA Section 181(b)(3) “Voluntary Reclassification”, EKAPCD is petitioning CARB in the 2023 AQAP to formally submit a request to the USEPA asking for the voluntary reclassification from “Serious” to “Severe” for the 2015 8-hour ozone NAAQS. The voluntary reclassification would extend the attainment deadline to August 27, 2033. As of June 1, 2023, neither CARB nor the USEPA have approved the 2023 AQAP (EKAPCD, 2023).”

F: This comment outlines the offset trigger levels established in District Rule 210.1 and recommends the thresholds for each emission on page 4.3-47 of Section 4.3, *Air Quality* of the Draft EIR be revised for clarity. The comment also notes that is emission offsets generated outside the air basin are utilized, that the offset ratio may be increased to ensure accordance with the attainment plan. The Draft EIR would be revised to provide clarity to offset trigger levels in the first paragraph under the 2023 AQAP Rules heading on page 4.3-47.

“2023 AQAP Rules

The proposed project, as a steel mill plant, would be considered a new major stationary source and would be subject to EKAPCD’s MNSR rule. As such, the emissions limits under Rule 210.1A would apply. This rule Rule 210.1A requires new major stationary sources that increase emissions in amounts exceeding specified thresholds to provide emission reduction offsets to mitigate their emissions growth. The applicability threshold ~~for NO_x and VOC in Rule 210.1A is 50~~ 25 tons per year for NO_x and VOC, 15 tons per year for PM₁₀, and 27 tons per year for SO_x, with an offset ratio of 1.23-to-1.0 for emission offsets generated within the Mojave Desert Air Basin. If emission offsets generated from outside the Air Basin are utilized, the offset ratio may need to be increased to ensure the District maintains “reasonable further progress” in accordance with the AQAP. As such, there should be no net effect on emissions inventories from future construction or modifications at major stationary sources due to offset requirements. To ensure construction or modification of major sources has no net effect on emission inventories used for demonstrating attainment, banked ERCs, which otherwise would not be included as emissions in the baseline and subsequent inventories, must be added back into the inventories, pursuant to federal requirements. The 2023 AQAP includes a list of banked ERCs currently in the EKAPCD’s credit bank as of 2022. The banked ERCs would lead to an increase of 0.005 ppb in attainment year ozone design values and would not affect the attainment status. Thus, with compliance of EKAPCD Rule 210.1A, construction and operation of the proposed project would comply with the 2023 AQAP.”

- G:** This comment thanks the County for cooperation and identifies a resource for questions if needed. 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 required.

Comment Letter 9: Antelope Valley – East Kern Water Agency (AVEK)

From: [Joseph Roberts](#)
To: [Mark Tolentino](#)
Subject: PP22402_Mojave Micro Mill Draft EIR Comments
Date: Wednesday, January 3, 2024 7:50:16 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,
 Please see comments below regarding the subject EIR.

Volume 1

- Page 3-30. Appears to be a typo, AVEK's watermain is 36".
- Page 3-30. Suggest revising line in last paragraph to read
- Page 3-35. Application for water service submitted by PSG to AVEK lists maximum annual water consumption as 1290 acre feet, EIR states approximately 1018. Please confirm which is correct.
- Page 4.19-2. Appears to be a typo, AVEK's watermain is 36".
- Page 4.19-26. Appears to be a typo, AVEK's watermain is 36"

Volume 2

- No comments

Volume 3

- No comments

Volume 4

- Onsite plans and turnout plans appear to be outdated, specifically related to the water system. AVEK is continuing to work with PSG and their consultants to finalize the design of the connection to AVEK.

Thank you,
 Joe

Joseph Roberts | Senior Engineer
 Antelope Valley – East Kern Water Agency
 6500 West Avenue N Palmdale, CA 93551
 O: (661) 943-3201 | C: (661) 860-1020

Response Comment Letter 9: Antelope Valley – East Kern Water Agency (AVEK)

- A:** This comment includes editorial comments, including typographical errors in the description on AVEK’s watermain throughout the document, which inadvertently states “360-inch” and should instead state “36-inch.” As such, the text on EIR pages 3-30, 4.19-2 and 4.19-26 have been revised as follows:

“For operations, a new water line would be installed from the project site, underneath the railroad, connecting to the 360-inch main AVEK line ...”

The comment has been noted for the record and due to the typographical nature of the comment, the comment does not raise a substantive issue on the content of the Draft EIR or issues relative to CEQA.

The comment also indicates an initial application submitted by the project proponent to AVEK listed maximum annual water consumption at 1,290 acre-feet whereas the Draft EIR and the appended Water Supply Assessment estimate annual water consumption to be 1,018 acre-feet. The project proponent has since confirmed the 1,018 acre-feet annual water consumption estimate to be accurate. This comment has been noted for the record and no further changes to the Draft EIR are required.

- B:** This comment state that no comments were provided for Volume 2 or Volume 3 of the Draft EIR. No further response is required.
- C:** The comment states the on-site plans and turnout out plans appended to the Water Supply Assessment prepared for the project appear to be outdated, specifically related to the water system. However, the commenter acknowledges their continued work with the project proponent to finalized the design of the connection to AVEK. As such, the County acknowledges the comments provided, however this comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comments provided have been noted for the record, and no revisions to the Draft EIR are required.

Comment Letter 10: Kern County Fire Department (KCFD)

**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

January 18, 2024

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

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 GPA No.3; ZCC No 62; CUP No.71; CUP No. 72; PD Plan No.3; ZV No. 24; ZV No. 25; Map No. 213. 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.

]|
A

All ground mounted solar array projects over 1MW will require Fire Department plan review prior to construction and meet requirements set forth in KCFD Solar Panel Standard. Solar array projects over 20MW will require special fee calculation from KCFD prior to permit issuance.

]|
B

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

]|
C

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

Respectfully,
Regina Arriaga/Roxanne Routh
Assistant Fire Marshal
Kern County Fire Department

Proudly Serving the Cities of Arvin, Bakersfield, Delano, Maricopa, McFarland, Ridgecrest, Shafter, Taft, Tehachapi, Wasco, and all Unincorporated Areas of Kern County

Response Comment Letter 10: Kern County Fire Department (KCFD)

- A:** The commenter describes the Kern County Fire Department's (KCFD) local regulatory authority to enforce state and local codes related to fire protection and health and safety. The County acknowledges the comments provided; the project will be required to meet standards set forth by the KCFD and to submit plans for final review and approval in order to obtain a permit from KCFD. This comment does not raise a substantive issue on the content of the Draft EIR. The comments provided have been noted for the record, and no revisions to the Draft EIR are required.
- B:** The commenter states that the project will be required to meet standards set forth by the KCFD and to submit plans and obtain a permit from the KCFD for installation of the solar array. Additionally, the commenter indicates that the project would be subject to payment of applicable fees prior to permit issuance. This comment does not raise a substantive issue on the content of the Draft EIR. The comments provided have been noted for the record, and no revisions to the Draft EIR are required.
- C:** The commenter states that the KCFD will provide more detailed review comments at the time of KCFD plan review and building permit issuance. This comment does not raise a substantive issue on the content of the Draft EIR. The comments provided have been noted for the record, revisions to the Draft EIR are not required.