



**NOTICE OF PREPARATION OF A DRAFT EIR  
AND SCOPING MEETING**

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**DATE:** January 18, 2024  
**To:** Responsible Agencies and Interested Parties  
**SUBJECT:** Notice of Preparation of a Draft Environmental Impact Report and Scoping Meeting

Pursuant to the California Environmental Quality Act (CEQA), the County of San Bernardino (County) must conduct a review of the environmental impacts of the Overnight Solar Project (project). Implementation of the project will require discretionary approvals from state and local agencies, and therefore, the project is subject to the environmental review requirements of CEQA. As the lead agency under CEQA, and due to the involvement of potentially significant impacts to the environment, the County is therefore issuing this Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the project.

**PROJECT TITLE:** OVERNIGHT SOLAR PROJECT

**PROJECT APPLICANT:** OVERNIGHT SOLAR LLC

**ASSESSOR'S PARCEL NUMBERS:** 0490-183-65 AND 0490-121-49 (GEN-TIE)

**PROJECT DESCRIPTION:**

The project includes development of a utility scale, solar photovoltaic (PV) electricity generation and energy storage facility that would produce up to 150 megawatts (MW) of solar power and include a 150 MW battery energy storage system (BESS) on approximately 822 acres, plus a generation interconnect (gen-tie) corridor approximately 1.1 miles in length and approximately 80 feet in width, connecting the proposed facility to another existing gen-tie line associated with the Mojave Solar Facility and just south of the existing Alba Substation. The project would eventually connect to the existing Southern California Edison (SCE) Kramer Junction Substation via existing electrical infrastructure as described below. The project will be processed under a single Conditional Use Permit (CUP) and would include a Zoning Amendment and Policy Plan Amendment as described below. The project site is bordered to the north by the existing Lockhart Solar Facility, to the east by the existing Mojave Solar Facility, and to the west and south by undeveloped land. The project would be monitored remotely and would not require any full-time employees on-site; however, occasional operations and maintenance visits would occur. Namely, panel washing would occur at least once per year and potentially up to 4 times per year. Panel washing would require up to 12 employees with water trucks and would take approximately 20 days to complete. Additionally, infrequent site visits would occur during project operation for equipment repair or replacement, or for vegetation control. In the case of unanticipated issues arising, staff would be available to respond and be on site within 15 minutes.

Project components would include solar arrays, battery storage, inverters and switchgear, an on-site project substation, on-site access roads, perimeter fencing, lighting and signage, and a 230

kilovolt (kV) gen-tie line. The project site is primarily flat and contains desert vegetation. The project site is also currently vacant and undeveloped but contains several dirt roads scattered throughout the site and illegal dumping along the eastern and southeastern boundary. Additionally, several transmission lines transect the northernmost portion of the project parcel from east to west; however, these are located north of the proposed facility footprint.

### **PROJECT OBJECTIVES:**

The project would provide San Bernardino County and the State of California with additional renewable energy sources that would assist the state in complying with the Renewables Portfolio Standard (RPS) under Senate Bill 100, which requires that by December 31, 2030, 60 percent of all electricity sold in the state shall be generated from renewable energy sources. The following are the project objectives:

- Site PV solar power-generating facilities and energy storage near existing utility infrastructure, including existing City of Los Angeles Department of Water and Power and SCE transmission lines, thereby achieving economies of scale to maximize shared transmission facilities with existing solar operations.
- Establish solar PV power-generating facilities and energy storage of sufficient size and configuration to produce reliable electricity at a competitive rate.
- Use proven and established PV and energy storage technology that is efficient and requires low maintenance.
- Assist the State of California in achieving or exceeding its RPS and greenhouse gas emissions reduction objectives by developing and constructing new California RPS-qualified solar power generation facilities producing approximately 150 MW of renewable electrical energy.
- Provide a new source of energy storage that assists the state in achieving or exceeding its energy storage mandates.
- Promote the County's Renewable Energy and Conservation Element (RECE) policies and be sited in an area identified as suitable for utility oriented renewable energy generation projects and be consistent with County land use regulations.
- Develop a solar power generation facility in San Bernardino County, which would support the economy by investing in the local community, creating local construction jobs, and increasing tax and fee revenue to the County.

### **PROJECT SITE:**

The project site is in unincorporated Hinkley, California, approximately 6 miles north of the intersection of Harper Lake Road and State Route 58 (Figure 1). The project site consists of one vacant and undeveloped parcel consisting of desert vegetation. The project site is bordered to the north by the existing Lockhart Solar Facility, to the east by the existing Mojave Solar Facility, and to the west and south by undeveloped land. The project is also bordered by Kramer Road to the west, Hoffman Road to the north, and Lockhart Ranch Road to the east. As shown in Figure 3, the project gen-tie line would run along property already owned and operated by Overnight Solar immediately south of the existing Mojave Solar Facility along the north side of an existing

service roadway. From there, the proposed gen-tie line would connect with an existing gen-tie line approximately 1.1 miles east of the proposed solar facility. Vehicular access to the project site would be provided from Lockhart Ranch Road extending eastward to Harper Lake Road via State Route 58.

On April 8, 2017, the San Bernardino County Board of Supervisors adopted the General Plan RECE. The policies in this element, along with the County's Solar Ordinance (amending Development Code Chapter 84.29, Renewable Energy Generation Facilities), consist of specific goals, policies, and standards for renewable energy projects and specifically solar projects.

The County Board of Supervisors adopted an amendment to the RECE on February 28, 2019, to include RE Policy 4.10, prohibiting utility-scale renewable energy development on lands designated as RL (Rural Living) or on lands within the boundary of an existing community plan, unless an application for development of a renewable energy project has been accepted as complete in compliance with California Government Code Section 65943 before the effective date of the resolution.

The project site is zoned as RL and is also designated RL in the Countywide Plan/County Policy Plan. Given the project site's current zoning and land use designation of RL, the project would undergo a Zoning Amendment and Countywide Plan/County Policy Plan Amendment as part of the approval process to not conflict with RE Policy 4.10. The project site would be rezoned from RL to Resource Conservation (RC) and redesignated from RL to Resource/Land Management (RLM) in the Countywide Plan/County Policy Plan. The County's Development Code Section 82.03.040 determines that renewable energy generation facilities are allowed on RC-zoned land with the facilitation of a CUP.

#### **PROJECT OVERVIEW AND DESIGN:**

The project is subject to CUP approval in the RC zone and would require a Zoning Amendment and Policy Plan Amendment as described below:

- **Zoning Amendment:** The project includes a Zoning Amendment to change the zoning designation from RL to RC in order to be in compliance with the Countywide Plan/Policy Plan adopted October 27, 2020, and the RECE adopted August 8, 2017 (amended February 28, 2019).
- **Countywide Plan/County Policy Plan Amendment:** The project includes a Countywide Plan/Policy Plan Amendment to change the County Policy Plan land use designation from RL to RLM in order to be in compliance with the Countywide Plan/Policy Plan adopted October 27, 2020, and the RECE adopted August 8, 2017 (amended February 28, 2019).
- **CUP and Variance:** The project requires a CUP, which would cover the approximately 822-acre project site and include the installation of solar facilities capable of generating up to 150 MW of renewable electrical energy via solar PV modules mounted on a single-axis tracking racking system or a fixed-tilt racking system. Panels are proposed to be a maximum of 20 feet in height. The solar array would be connected to inverters and the project BESS. The inverters and transformers would be anywhere from 5 to 10 feet in height. The CUP would also include an on-site, fenced-in substation that would occupy an area of approximately 300 feet by 300 feet. Within the substation fence, the electrical

equipment would be approximately 70 feet in height at their highest points, and because of exceeding the maximum allowable height for RC designation (35-feet), a Variance will be required. A small one-story, rectangular control building, housing the communication and Supervisory Control and Data Acquisition (SCADA) system equipment (if required), would also be located within the substation footprint.

The 150 MW BESS is expected to be adjacent to the substation. Batteries adjacent to the substation would be contained within either steel enclosures similar to a shipping container or a freestanding building, approximately 10 feet in height. Individual lithium-ion cells form the core of the BESS. Individual cells are assembled either in series or parallel connection, to make up sealed battery modules. The battery modules would be installed in self-supporting racks electrically connected either in series or parallel to each other. The BESS enclosure would house the batteries and the BESS controller. The BESS controller is a multilevel control system and includes the battery modules, power conversion system (PCS), and medium-voltage (MV) system where the BESS input would connect at the point of interconnection (POI) with the electrical grid. The BESS enclosure would also be equipped to house required heating, ventilation, and air conditioning (HVAC) and fire protection/suppression systems.

The BESS enclosure would have a fire rating in conformance with County standards and specialized fire suppression systems. The BESS safety system typically includes a fire detection and suppression control system that would be triggered automatically when the system senses imminent fire danger. A fire suppression control system will be provided within each on-site battery enclosure. Components of the system would include a fire panel, aspirating hazard detection system, smoke/heat detectors, strobes/sirens, and suppression tanks.

- **Power Conversion System:** The PCS typically consists of an inverter, protection equipment, circuit breakers, air filter equipment, equipment terminals, and cabling. Electricity is transferred from the PV array (or power grid) to the project batteries during a battery charging cycle and from the project batteries to the power grid during a battery discharge cycle.
- **Gen-Tie Line:** From the project substation at the PV plant site, the proposed gen-tie line would be constructed to connect the proposed solar facility's output to the POI, which is an existing Mojave Solar Facility gen-tie line located 1.1 miles to the east, near the existing Alba Substation. After the POI, the existing gen-tie line then connects to the existing Sandlot Substation, which then connects with the Kramer Junction Substation via the existing 230-kV Kramer-Coolwater Transmission Line. Once connected with the Kramer Junction Substation (12 miles to the west) via existing transmission infrastructure, the power is ultimately delivered to the SCE power grid.

The new gen-tie line would be approximately 1.1 miles in length and would run within the existing Mojave Solar Facility, along the northern or southern side of an existing drainage canal. No easements or rights-of-way (ROW) would be required.

The gen-tie poles are expected to be sufficient in height and rating to accommodate the electric circuit(s) necessary to interconnect the PV plant alternating current (AC) output with the existing gen-tie line just south of the Alba Substation. The on-site substation tie-in pole would be up to 65 feet in height while the gen-tie poles would be a maximum of up to 80 feet tall. The project would obtain a height variance for these poles and would be designed to meet all the latest National Electric Safety Code (NESC) requirements for high-voltage transmission lines.

No expansion of the existing Alba or Sandlot Substations' footprints is anticipated. SCE would conduct a limited scope of work within and surrounding the existing substations, as needed, to facilitate connection of the solar project to the SCE system.

- **Telecommunication Facilities:** Telecommunications equipment, such as a fiber-optic line, a SCADA system, and auxiliary power, would be installed throughout the project site at each inverter equipment pad, substation, and security system. Telecommunications equipment would be brought to the project from existing telecommunications infrastructure in the project vicinity and may be co-located on aboveground structures, such as transmission lines. Trenching could be required to install some of the telecommunications equipment. Fire protection would also be included in accordance with applicable requirements.
- **Site Access, Perimeter Fencing, and Lighting:** On-site access routes, with a minimum width of 26 feet, may be constructed along the project's fence line. All interior access roads would also be a minimum of 20 feet wide. All on-site roads would consist of compacted native soil in accordance with San Bernardino County Fire Department requirements. All roads would be stabilized with soil stabilization material, if necessary. Improvements to off-site access roads, including potential paving and widening, would be completed as required according to County standards and in consultation with the County Department of Public Works and Land Development Division.

Fencing is proposed along the perimeter of the project site or set back a minimum of 15 feet from the existing/proposed ROW, as required by the County Development Code. Fencing shall be at least 7 feet tall, in compliance with the NESC around the PV plant. Fence construction can be 6 feet in height with a 1-foot extension of three rows of barbed wire to give an overall fence height meeting the 7-foot requirement. Chain-link fencing is likely to be used, potentially topped with 1 foot of barbed wire as mentioned above. In consultation with the County, slats or mesh may be added to the chain-link fence, as appropriate and in areas where needed, to manage windblown sand. Access gates would be installed at each site entry point. The on-site substation site would be separately fenced due to the high voltage presence of exposed electric equipment and to meet the safety clearance requirements of the NESC.

Manual, timed, and motion sensor lights will be installed at access gates, equipment pads, and substations for maintenance and security purposes. Lighting would be shielded and aimed downward to the ground. In addition, remote-controlled cameras would be installed.

No other lighting is planned. Signage is proposed in compliance with all County regulations.

## **Construction**

### Timing and Phasing

Construction of the project is expected to occur over an approximately 27-month period, from approximately September 2024 until the end of October 2026. The project would be constructed in multiple phases: 1) site preparation and grading (including mobilization, fencing, preparation of laydown areas, and trenching); 2) solar array installation (including the installation of solar array structural components including cables, piles, racking systems, inverters, modules, and panels); and 3) BESS construction (including BESS installation, commissioning, and testing).

### Site Preparation and Grading

Site preparation may consist of clearing, grubbing, scarifying, recompacting, and grading to level the project site and removing any mounds or holes that remain from the previous land use. Though grading is expected to occur throughout the project site, the project site's cut and fill would balance, and no importing or exporting of materials would be necessary. Actual quantities of earth to be moved are unknown at this time but would be determined once the engineering is started and completed. Approximately 200 acre-feet of water would be used during the first year of construction. Water would be pumped from local wells.

After grading, temporary fences would be placed around the project site, which would allow materials and equipment to be securely stored on-site and prevent theft and vandalism. Storage containers may be used to house tools and other construction equipment. In addition, security guards would regularly monitor the project site. In accordance with Mojave Desert Air Quality Management District requirements, the project would develop a dust control plan that describes all applicable dust control measures to address and suppress construction-related dust. Components of the plan are likely to include water trucks to spread water, as well as road stabilization with chemicals, gravel, or asphaltic pavement to mitigate visible fugitive dust from vehicular travel and wind erosion.

### Construction Activities and Equipment

Construction of the project would be accomplished in multiple phases. Project construction for each phase is expected to consist of multiple stages.

1. The first stage would include fencing, site preparation, grading, and preparation of staging areas and on-site access routes.
2. The next stage would involve installation of the racking system, and equipment pads and foundations.
3. The next stage would include installation of solar panels and other electrical components.
4. The next stage would involve installation of site substation equipment and the gen-tie transmission line and all other balance of systems equipment including the BESS system.
5. The next stage would include the interconnection at the POI.

6. The final stage would include startup, testing, and placing the solar array facility into operation.

An average of 150 workers would be on-site during each phase of construction, depending on the activities. The peak number of workers on the project site at any one time is anticipated to be 300. The workforce would consist of laborers, craftspeople, supervisory personnel, and support personnel. On average, it is anticipated that each worker would generate one round trip to the project site per workday. Most workers would commute to the project site from nearby communities, such as Boron and Barstow, with some traveling from more distant areas, such as Victorville, Hesperia, and San Bernardino. Construction would generally occur during daylight hours, though exceptions may arise because of the need for nighttime work. Workers would reach the project site using Harper Lake Road to Lockhart Ranch Road. Portable toilet facilities would be installed for use by construction workers. Waste disposal would occur in a permitted off-site receiving facility. Domestic water for use by employees would be provided by the construction contractor through deliveries to the project site.

#### Solid and Nonhazardous Waste

The project would produce a small amount of solid waste from construction activities. This may include paper, wood, glass, plastics from packing material, waste lumber, insulation, scrap metal and concrete, empty nonhazardous containers, and vegetation waste. These wastes would be segregated, where practical, for recycling. Nonrecyclable wastes would be placed in covered dumpsters and removed on a regular basis by a certified waste-handling contractor for disposal at a Class III landfill. Vegetation waste generated by site clearing and grubbing would be chipped/mulched and spread on-site or hauled off-site to an appropriate green waste facility.

#### Hazardous Materials

Hazardous materials used during project construction would be typical of most construction projects of this type. Materials may include small quantities of gasoline, diesel fuel, oils, lubricants, solvents, detergents, degreasers, paints, ethylene glycol, dust palliative, herbicides, and welding materials/supplies. A hazardous materials business plan would be provided to the County Environmental Health Services Division (EHS) that would include a complete list of all materials used on-site and information regarding how the materials would be transported and in what form they would be used. This information would be recorded to maintain safety and prevent possible environmental contamination or worker exposure. During project construction, material safety data sheets (MSDS) for all applicable materials present at the site would be made readily available to on-site personnel.

#### Hazardous Waste

Small quantities of hazardous waste may be generated during project construction. These wastes may include waste paint, spent construction solvents, waste cleaners, waste oil, oily rags, waste batteries, and spent welding materials. Workers would be trained to properly identify and handle all hazardous materials. Hazardous waste would be either recycled or disposed of, as allowed by permitting, at a permitted and licensed treatment and/or disposal facility.

## **Operations**

### Operations and Maintenance Activities

The project would generate solar electricity from the PV system during daylight hours and may discharge power for sale onto the power supply grid from the BESS at various times during the daytime and nighttime. In addition, the operations would be monitored remotely via the SCADA system.

Operational vehicles would include light-duty trucks (e.g., flatbed pickup) and other light equipment for maintenance and PV module washing. Heavy equipment would not be used during normal operation. Large or heavy equipment may be brought to the facility infrequently for equipment repair or replacement or for vegetation control.

### Operational Water Use

Water would be required for panel washing activities and general maintenance. The frequency of panel washing would be determined based on soiling of the PV panels and expected benefit from cleaning. Should cleaning be necessary, water would be sprayed on the PV panels to remove dust. An estimated 7-10 acre-feet per year of water annually would be necessary for panel washing. This water would be obtained from existing and operational water wells located within the adjacent Mojave Solar Facility.

## **Decommissioning**

If operations at the project site were permanently terminated, the facility would be decommissioned. Most components of the proposed system are recyclable or can be resold for scrap value. Numerous recyclers for the various materials to be used on the project site operate in San Bernardino and Riverside Counties. Metal, scrap equipment, and parts that do not have free-flowing oil can be sent for salvage. Equipment containing any free-flowing oil would be managed as waste and would require evaluation. Oil and lubricants removed from equipment would be managed as used oil, which is a hazardous waste in California. Decommissioning would comply with federal, state, and local standards and all regulations that exist when the project is decommissioned, including the requirements of San Bernardino County Development Code Section 84.29.070.

The average life of a PV plant is generally considered to be 30 years, after which decommissioning and removal would be considered. Decommissioning would be determined by the PV plant owner, who would pay the costs for dismantling and having the materials transported off-site to either recyclers or permitted disposal sites. After materials removal, the site would be restored to its original condition or better (specifically, the removal of existing illegal trash dumping) so the land can be reused for other useful purposes.

The decommissioning would be performed by Overnight Solar or at such a time by the successor owner of the PV plant in accordance with the RECE of San Bernardino County, CA Goal RE-4 Environmental Compatibility Policy in general, and Policy RE-4.5 in particular, which governs the decommissioning requirements. A bond would be provided at the outset of construction to cover the agreed-upon costs of decommissioning and would be returned when decommissioning is satisfactorily accomplished.



## **EIR SCOPE**

As set forth in the California Public Resources Code Section et seq., and the CEQA Guidelines, codified in the California Code of Regulations, Title 14, Section 15000 et seq, the County has determined, based on substantial evidence and in light of the whole record before the lead agency, that the project may have a significant effect on the environment and that an Environmental Impact Report shall be prepared for the project. (PRC Sections 21080(d) and (e); 21802.2(d); 21083(b); and CEQA Guidelines Sections 15060(d) and 15081)

The lead agency has initially identified the following environmental considerations as potentially significant effects of the project:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology/Water Quality
- Land Use and Planning
- Noise
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

The EIR will assess the effects of the project on the environment, identify potentially significant impacts, identify feasible mitigation measures to reduce or eliminate potentially significant environmental impacts, and discuss potentially feasible alternatives to the project that may accomplish basic project objectives while lessening or eliminating any potentially significant project impacts.

The County conducted a preliminary review of the proposed project and has determined it is not likely to result in significant environmental effects to the following resources: Mineral Resources, Population and Housing, Public Services, and Recreation. Therefore, these topics will be discussed in the Effects Found Not to be Significant chapter of the EIR to the extent required to confirm the County's preliminary determination. If, during preparation of the EIR, an environmental effect is determined to result for one of these resources, a full analysis will be conducted for that resource topic in accordance with CEQA requirements.

## **RESPONSIBLE AGENCIES:**

A responsible agency means a public agency other than the lead agency, which has permitting authority or approval power over some aspect of the overall project. This NOP provides a description of the project and solicits comments from responsible agencies, trustee agencies, federal, state and local agencies, and other interested parties on the scope and content of the environmental document to be prepared to analyze the environmental impacts of the project.

Comments received in response to this NOP will be reviewed and considered by the lead agency in determining the scope of the EIR. Due to time limits, as defined by CEQA, your response should be sent at the earliest possible date, but no later than thirty (30) days after publication of this notice. We need to know the views of your agency as to the scope and content of the

environmental information that is germane to you or to your agency's statutory responsibilities in connection with the project. Your agency may need to use the EIR prepared by our agency when considering your permit or other approval for the project.

**OPPORTUNITY FOR PUBLIC REVIEW AND COMMENT:**

The NOP is available for public review on the County's website at:

<https://lus.sbcounty.gov/planning-home/environmental/desert-region/>

Additionally, a copy of the NOP is available for public review at the following locations:

Jerry Lewis High Desert Government Center  
15900 Smoke Tree Street, First Floor  
Hesperia, CA 92345

San Bernardino County Government Center  
385 North Arrowhead Avenue, First Floor  
San Bernardino, CA 92415

We would like to hear what you think. Comments and/or questions should be directed to Jon Braginton, Planner, via U.S. mail or email **by no later than 5:00 p.m. on February 19, 2024.**

County of San Bernardino, Land Use Services Department  
Attn.: Jon Braginton, Planner  
385 North Arrowhead Avenue, First Floor  
San Bernardino, CA 92415  
Email: [Jon.Braginton@lus.sbcounty.gov](mailto:Jon.Braginton@lus.sbcounty.gov)  
(760) 776-6144

Please include name, phone number, and address of your agency's contact person in your response.

**PUBLIC SCOPING MEETING:**

The CEQA process encourages comments and questions from the public throughout the planning process. Consistent with Section 21083.9 of the CEQA statute, a Public Scoping Meeting will be held to solicit public comments on the scope and content of the EIR. A virtual scoping meeting will be held for this project. The date and meeting details are as follows:

**Date and Time:**        **January 31, 2024/4:00 PM PST**

**Place:**                **Via Microsoft Teams**

The Microsoft Teams meeting may also be accessed through the Microsoft Teams website by using the following Webinar ID:

**Join on your computer, mobile app or room device**

Meeting ID: 295 731 577 627

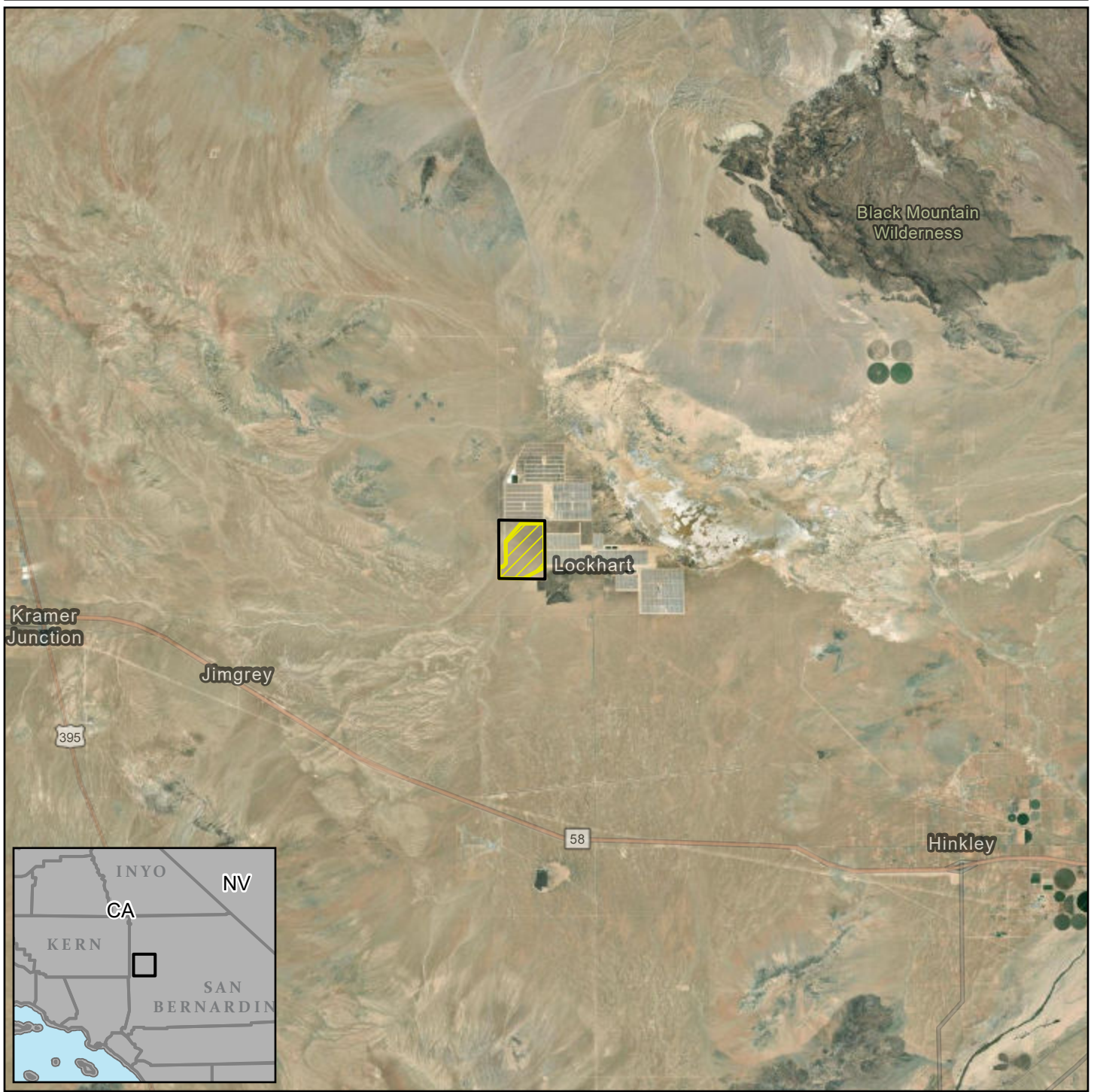
Passcode: Y9ReiD

**Or call in (audio only)**

+1 213-357-2812,,975221363# United States, Los Angeles

Phone Conference ID: 975 221 363#

If you require additional information, please contact Jon Braginton, Planner, at (760) 776-6144.

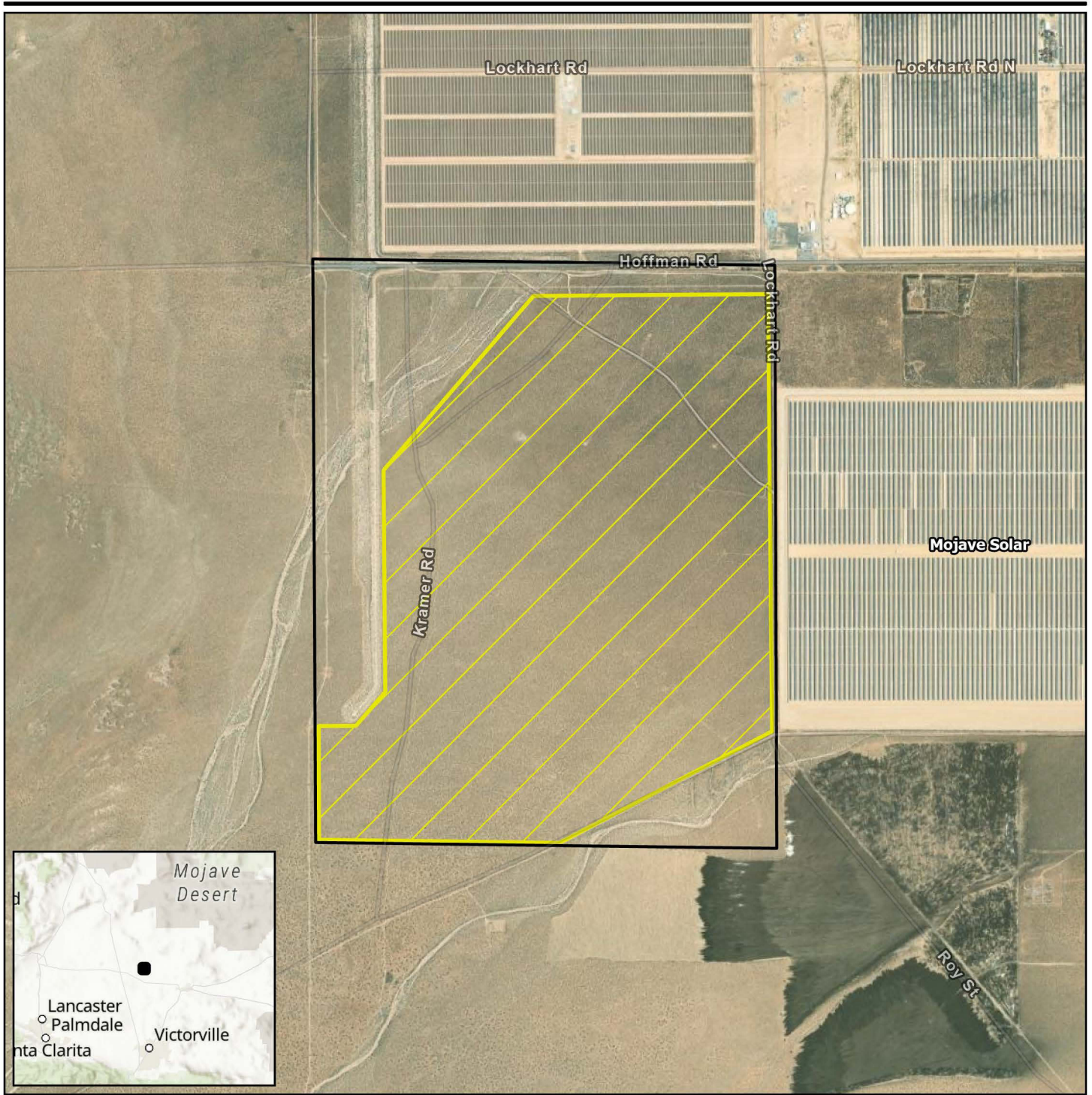


**Figure 1**  
Regional Map

**Overnight Solar**  
Overnight Solar, LLC



-  Project Site
-  Solar Array

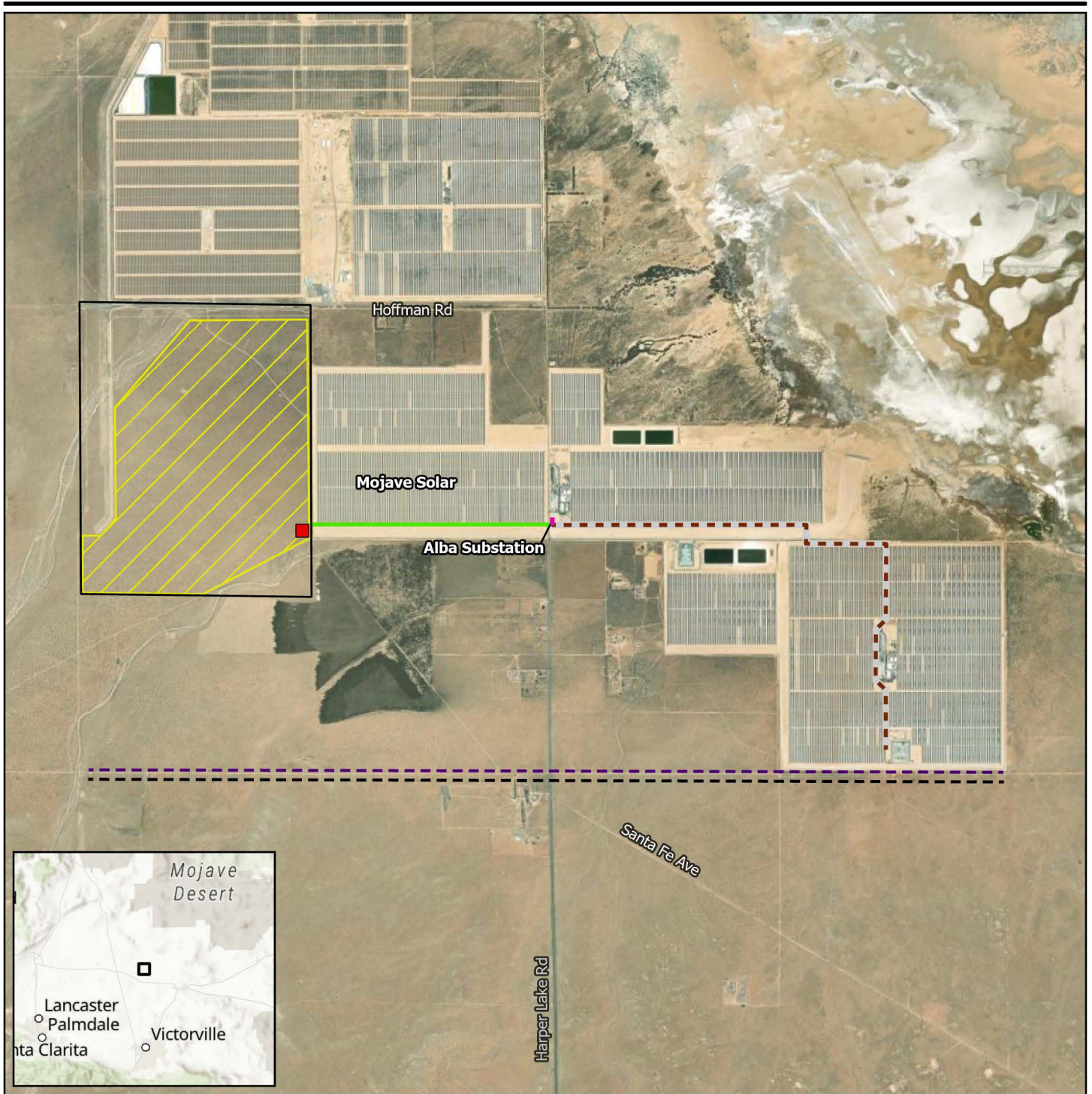




**Figure 2**  
Location Map









**Overnight Solar**  
Overnight Solar, LLC

-  Project Site
-  Solar Array



**Figure 3**  
Conditional Use Permit Area

**Overnight Solar**  
Overnight Solar, LLC

- |  |  |
|--|--|
|  Proposed Gen-tie                 |  Point of Interconnection |
|  230 kV Kramer-Coolwater (SCE)    |  Project Site             |
|  500 kV Transmission Line (LADWP) |  Proposed Substation      |
|  Existing Gen-tie                 |  Solar Array              |