

Chapter 7
Response to Comments
For the Supplemental
Environmental Impact Report
SCH# 2004111015

Shafter/Wasco Composting and Waste Diversion Project
By Kern County Public Works

General Plan Amendment No. 10, Map 78
Modification to Conditional Use Permit No. 1, Map 78
Solid Waste Facility Permit Revision

Lead Agency:



Kern County Planning and Natural Resources Department
2700 M Street, Suite 100
Bakersfield, CA 93301-2370

May 2021

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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 Supplemental Environmental Impact Report (SEIR) for the PWD Shafter/Wasco Composting and Waste Diversion Project (project or proposed project). The Final SEIR presents the environmental information and analyses that have been prepared for the proposed project, including comments received addressing the adequacy of the Draft SEIR, and responses to those comments. In addition to the responses to comments, clarifications, corrections, or minor revisions have been made to the Draft SEIR. The Final SEIR which includes the responses to comments, the Draft SEIR, 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.

Kern County has prepared a Supplemental Draft Environmental Impact Report (Draft SEIR) for the above-noted land use applications to allow for the (1) construction and operation of a covered aerated static pile forced aeration composting system with best available control technology in the existing diversion area; (2) composting approved feedstocks consistent with CalRecycle definitions; (3) enhancement to existing diversion activities by providing additional self-haul transfer and processing activities in the existing diversion area; (4) increase to the permitted hours for the receipt of waste to 7:00 a.m. to 7:00 p.m., seven days per week; (5) an increase in ancillary and facility operating hours to 24-hours a day, seven days per week; and (6) addition of 50.21 acres into the solid waste facility permit and land use permits as permitted facility boundary and solid waste disposal facility buffer.

Environmental Review Process

A Notice of Preparation (NOP)/Initial Study (IS) (SCH No. 2004111015) was circulated for a 30-day public review period beginning on June 5, 2020 and ending July 6, 2020. Eleven individual written comment letters were received and used in the preparation of the Draft SEIR. The Draft SEIR for the proposed project was circulated for a 45-day public review period beginning on February 17, 2021 and ending April 5, 2021. A total of seven (7) comment letters were received on the Draft SEIR.

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 SEIR and prepare a written response addressing the comments received. The response to comments is contained in this document — Volume 3, Chapter 7 of the Draft SEIR. Volumes 1, 2a, 2b, and 3 together constitute the Final SEIR.

7.2 Revisions to the Draft EIR

The revisions that follow were made to the text of the Draft SEIR. Amended text is identified by page number. Additions to the Draft SEIR text are shown with underline and text removed from the Draft SEIR is shown

with ~~strike through~~. The revisions, as outlined below, fall within the scope of the original project analysis included in the Draft SEIR 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 SEIR pursuant to *CEQA Guidelines* Section 15088.5 (Recirculation of an SEIR Prior to Certification).

Chapter 1, Executive Summary, Page 1-28:

Table 1-6: Summary of Impacts, Mitigation Measures, and Levels of Significance Impact

4.3 Air Quality

MM 4.3-1:

- A. The project is required to comply with applicable state and federal air pollution control laws and regulations, and with applicable rules and regulations of the San Joaquin Valley Air Pollution Control District (SJVAPCD) during construction and operations, including obtaining the required permit for the modified facility.
- B. The project proponent shall enter into a Developer Mitigation Contract (DMC) with the SJVAPCD to reduce emissions of reactive organic gases (ROGs), oxides of nitrogen (NOx), and particulate matter with of less than or equal to 10 microns (PM10) (inclusive of PM2.5) to ensure that all project-related construction and operational emissions within the SJVAB are fully offset (i.e. no net increase) to achieve emission reductions for projected construction and operational related emissions of ROG, NOx and PM10 (inclusive of particulate matter of less than or equal to 2.5 microns [PM2.5]). The project proponent shall report annually through the Mitigation Monitoring and Reporting program on compliance with the DMC. (RTC, 5/18/2021)
 1. If the project proponent, through consultation with SJVAPCD, can show that emissions of ROG, NOx PM10 (inclusive of PM2.5) from construction and operations have been reduced down to net zero, then no DMC shall be required. (RTC, 5/18/2021)

Section: 4.3 (Air Quality)

Project Impacts

Operations – Criteria Air Pollutants, (Page. 4.3-40):

Implementation of MM 4.3-1 through MM 4.3-6, as well as with compliance with BACT requirements; compliance with all applicable District regulations and composting rules; the acquisition of emissions reduction credits (offsets); and/or changes in operational components and alteration to material handling processes determined during the SJVAPCD permitting process, ~~ROG impacts would be mitigated to below the VOC/ROG significance threshold. — and~~ implementation of the DMC would fully mitigate emissions of ROG, NOx, and PM10 (inclusive of PM2.5). Accordingly, net operational emissions of these air pollutants would be reduced to zero. Emissions of SOx and CO would not be mitigated. (RTC, 5/18/2021)

Required Evaluation Guidelines, (Page. 4.3-42):

The project shows conformity with CARB's three step approach and project growth was anticipated by the Kern COG RTP/SCS and therefore incorporated into the AQMP. Since the project is consistent with the 2014 RTP/SCS and since the RTP/SCS projections are incorporated into the SIP, the project is also consistent with the SIP.

In addition, the project proponent will enter into a Developer Mitigation Contract (DMC) (also referred to as a Voluntary Emission Reduction Agreement, or VERA), with the SJVAPCD, which—along with compliance with stationary source permitting rules implemented by SJVAPCD—would ensure that all project -related construction and operational emissions within the SJVAB are fully offset (i.e., no net increase) and further confirms the project would not cause or contribute to any ambient air quality standard exceedances. The VERA requires emission reductions beyond those required by the applicable air quality plans and SJVAPCD rules and regulations, and, as such, the project would be consistent with the policies of the applicable SJVAPCD AQMPs. (RTC, 5/18/2021).

In summary, implementation of the following mitigation measures, MM 4.3-1 through 4.3-6, would ensure that the project would not conflict with or obstruct implementation of the applicable air quality plan during construction or operation and would reduce impacts to less than significant.

Mitigation Measures

- MM 4.3-1:** A. The project is required to comply with applicable state and federal air pollution control laws and regulations, and with applicable rules and regulations of the San Joaquin Valley Air Pollution Control District (SJVAPCD) during construction and operations, including obtaining the required permit for the modified facility.
- B. The project proponent shall enter into a Developer Mitigation Contract (DMC) with the SJVAPCD to reduce emissions of reactive organic gases (ROGs), oxides of nitrogen (NOx), and particulate matter with of less than or equal to 10 microns (PM10) (inclusive of PM2.5) to ensure that all project-related construction and operational emissions within the SJVAB are fully offset (i.e. no net increase) to achieve emission reductions for projected construction and operational related emissions of ROG, NOx and PM10 (inclusive of particulate matter of less than or equal to 2.5 microns [PM2.5]). The project proponent shall report annually through the Mitigation Monitoring and Reporting program on compliance with the DMC. (RTC, 5/18/2021)
1. If the project proponent, through consultation with SJVAPCD, can show that emissions of ROG, NOx PM10 (inclusive of PM2.5) from construction and operations have been reduced down to net zero, then no DMC shall be required. (RTC, 5/18/2021)

7.3 Response to Comments

A list of agencies and interested parties who have commented on the Draft SEIR is provided below. A copy of each numbered comment letter and a lettered response to each comment are provided following this list.

State Agencies

Letter 1 – California (Caltrans) Department of Transportation District 6, Transportation Planning South District 6

Local Agencies

Letter 2 – Kern County Public Works Department, Finance & Engineering Division

Letter 3 – Kern County Health Services Department

Letter 4 – San Joaquin Valley APCD

Letter 5 – Kern County Public Works Department, Floodplain Management Section

Letter 6 - SoCalGas Transmission Technical Services

Interested Parties

Letter 7 – Sam Ghilarducci

Comment Letter 1: Lorena Mendibles, Chief; Department of Transportation District 6, Transportation Planning South (April 5, 2021)

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 6 OFFICE
1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 445-5421
FAX (559) 488-4088
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life*

April 5, 2021

06-KER-43-21.191
SCH #2004111015
DSEIR

SENT VIA EMAIL

Janice Mayes, Planner III
Kern County Planning and Natural Resources
2700 M Street, Suite 100
Bakersfield, CA 93301

Dear Ms. Mayes:

Thank you for the opportunity to review the Draft Supplemental Environmental Impact Report (DSEIR) for the Shafter-Wasco Compost & Waste Project. The project proposes to operate a compost facility and enhanced self-haul diversion operations. The project site is located approximately six miles west of State Route (SR) 43 and approximately eight miles west of the City of Shafter in Kern County. The Shafter-Wasco landfill is accessible from Scofield Avenue.

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development -Intergovernmental Review (LD-IGR) Program reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

Caltrans provides the *following comments* consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. The DSEIR states that the project does not intend to increase the previously permitted traffic volume of 788 Vehicles Per Day (VPD). Table 4.14-1 depicts an increase from 310 to 322 VPD, thus being considerably less than the permitted 788 VPD.

Ms. Mayes
April 5, 2021
Page 2

2. The project is not anticipated to have a significant impact to State facilities. However, as the project continues to move forward Caltrans would like the opportunity to review the continued development documents.

If you have any other questions, please call Lupita Mendoza, Transportation Planner at (559) 488-4260.

Sincerely,



LORENA MENDIBLES, Chief
Transportation Planning – South

Response to Comment Letter 1: Lorena Mendibles, Chief; Department of Transportation, District 6, Transportation Planning South (April 5, 2021)

- 1-A** Commenter states the project and objectives and discusses their mission to provide a safe, sustainable and integrated transportation system to enhance California's economy and livability.

The County acknowledges the commenter's letter and their mission to provide a safe, sustainable and integrated transportation system to enhance California's economy and livability.

- 1-B** Commenter states that DSEIR does not intend to increase the previously permitted traffic volumes of 788 Vehicles Per Day (VPD). Table 4.14-1 depicts an increase from 310 to 322 VPD, thus being considerably less than the permitted 788 VPD.

The County concurs with the commenter's statement regarding the permitted traffic volume and the proposed project's VPD count is acknowledged.

- 1-C** The commenter identifies that the proposed project is not anticipated to have a significant impact to State facilities, but requests the opportunity for review of the continued development documents.

The County is amenable to commenter opportunity for continued review of the document. This comment does not otherwise raise a substantive issue on the content of the Draft SEIR.

These comments have been noted for the record and revisions to the Draft SEIR are not necessary.

Comment Letter 2: Bruce Gray, Kern County Public Works Department, Finance & Engineering Division (March 17, 2021)

From: Bruce Gray
Sent: Wednesday, March 17, 2021 9:12 AM
To: Janice Mayes <MayesJ@kerncounty.com>
Cc: Brian Blacklock <Blacklockb@kerncounty.com>
Subject: Shafter/Wasco Composting and waste Diversion Project (PP020404)

Janice,

We have reviewed the Draft Supplemental Environmental Impact Report for the Shafter/Wasco Composting and waste Diversion Project. We have no comments at this time.

Please let me know if you have any questions or comments.

Thank you,

Bruce Gray, PLS
Engineer
Kern County Public Works
Phone (661)862-8879
Grayb@kerncounty.com

Response to Comment Letter 2: Bruce Gray, Kern County Public Works Department, Finance & Engineering Division (March 17, 2021)

2-A This email notes that the commenter has reviewed the Draft SEIR and has no comments regarding its content.

The County acknowledges receipt of the above email and thanks the commenter for their comment.

The comment has been noted for the record and revisions to the Draft SEIR are not necessary.

**Comment Letter 3: Evelyn Elizalde, Kern County Health Services Department,
(March 31, 2021)****BRYNN CARRIGAN**
DIRECTOR**KRISTOPHER LYON, MD**
HEALTH OFFICER

2700 M STREET, SUITE 300

BAKERSFIELD, CALIFORNIA 93301-2370

661-862-8740

WWW.KERNPUBLICHEALTH.COM

INTEROFFICE MEMORANDUM

To: Janice Mayes
From: Evelyn Elizalde
Subject: Draft EIR – Shafter/Wasco Composting and Waste Diversion Project by KC Public Works

Date: March 31, 2021

The Kern County Environmental Health Division has reviewed the above referenced project. This Division has the local regulatory authority to enforce state regulations and local codes as they relate to waste discharge, water supply requirements, and other items that may affect the health and safety of the public or that may be detrimental to the environment.

The Environmental Health Division requests that the following conditions be placed on the subject project and be satisfied prior to issuance of building permits:

1. A revision to the current Solid Waste Facility Permit (SWFP) of the Class III non-hazardous waste landfill due to the proposed changes and operations:
 - An increase to the permitted facility boundary from 357.48 acres to 407.69 acres.
 - An increase to the composting design capacity to 100,000 tons per year.
 - A change of hours for the receipt of refuse/waste from 7:00am to 5:00pm, seven days per week to 7:00am to 7:00pm, seven days per week.
 - An increase to facility operating hours, including ancillary activities and non-disposal operations, from 7:00am to 5:00pm, seven days per week to 24 hours a day, seven days per week.
 - An update to the estimated closure year from 2059 to 2055.
2. An amendment to the Joint Technical Document (JTD) of the Class III non-hazardous waste landfill to include the new composting operations at the facility.

- An update to the Report of Composting Site Information (RCSI) to include new composting operations.
- An Odor Impact Minimization Plan (OIMP) will be required for the composting site operations.
- To include finish compost storage time limit of 180 days to accommodate seasonal markets.
- To include operations of composting of green materials, agricultural materials, paper materials, vegetative food materials, food materials (non-vegetative), and manure from residential, self-haul, commercial, and municipal haulers.
- An update to the ancillary activities to include new non-disposal activities.

Response to Comment Letter 3: Evelyn Elizalde, Kern County Health Services Department, (March 31, 2021)

- 3-A** Commenter notes they have reviewed the SEIR and that they are responsible for enforcing State and local codes that pertain to health and safety of the public or that may be detrimental to the environment.

The County acknowledges the commenter's letter and their responsibility for enforcing State and local codes that pertain to health and safety of the public.

- 3-B** Commenter requests conditions be placed on the project and that they be satisfied prior to issuance of building permits due to the revision to the current Solid Waste Facility Permit (SWFP) of the Class III non-hazardous waste landfill proposed changes and operations.

The County concurs with the commenter's statement regarding needed conditions to be placed on the project to be satisfied prior to issuance of building permits due to the revision to the SWFP. In response, the update of the SWFP is already included as steps to compliance in Mitigation Measure MM 4.9-1 in the Mitigation Measures Monitoring Program.

- 3-C** Commenter also requests an amendment to the Joint Technical Document (JTD) of the Class III non-hazardous waste landfill to include the new composting operations at the facility.

The County is amenable to commenter's request for an amendment to the Joint Technical Document (JTD). In response, the amendment of the JTD is already included in the Steps To Compliance in Mitigation Measure MM 4.9-1 in the Mitigation Measures Monitoring Program.

These comments do not otherwise raise substantive issues on the content of the Draft SEIR.

The comments have been noted for the record and no revisions to the Draft SEIR are necessary.

Comment Letter 4: Brian Blase, Kern County Public Works Department Floodplain Management Section, (February 25, 2021)

Office Memorandum

KERN COUNTY

To: Planning and Natural Resources
Department
Janice Mayes

Date: February 25, 2021

From: Public Works Department
Floodplain Management Section
Kevin Hamilton, by Brian Blase

Phone: (661) 862-5098
Email: BlaseB@kerncounty.com

**Subject: Draft Supplemental Environmental Impact Report
Shafter/Wasco Composting and Waste Diversion Project**

Our section has reviewed the attached subject documents and has the following comments:

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

Therefore, this section 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.

Response Comment Letter 4: Brian Blase, Kern County Public Works Department Floodplain Management Section, (February 25, 2021)

- 4-A** Commenter states that they have reviewed the SEIR and that the runoff of storm water from the site will be increased due to the increase in impervious surface generated by the proposed development.

The County concurs with the commenter that storm water runoff will be increased due to the additional impervious surfaces generated by the proposed project. As described in various chapters and noted in Mitigation Measure MM 4.9-1, the project proponent is required to create a Storm Water Pollution Prevention Plan (SWPPP) for use prior to and during construction. Further, the proposed project is designed to direct stormwater into existing compacted v-ditches and existing infiltration basins at the project site, which are adequately designed to manage existing and proposed flows. It is anticipated that no stormwater will be discharged away or off the project site.

The project proponent shall provide construction plans of the proposed project to the commenter's division for review.

With inclusion of this already required SWPPP within the Mitigation Measures Monitoring Program (MMMP), additional conditions are not required to the conditions of approval for the project.

- 4-B** Commenter recommends the following be included as a condition 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.”

The County acknowledges receipt of the above comment and thanks the commenter for their participation in the review process, however as noted in response 4-A, above, the project has been designed to direct storm water off the project site, and the creation of a SWPPP plan for disposal of drainage waters originating on-site and from adjacent road right-of-ways already exists within the MMMP for the project.

The comment has been noted for the record and revisions to the Draft SEIR are not necessary.

**Comment Letter 5: John Stagnaro, San Joaquin Valley Air Pollution Control District,
(April 27, 2021)**



April 27, 2021

Janice Mayes
Kern County
Planning and Natural Resources Department
2700 "M" Street, Suite 100
Bakersfield, CA 93301

**Project: Draft Supplemental Environmental Impact Report for the Shafter-Wasco
Composting and Waste Diversion Project (PP20404)**

District CEQA Reference No: 20210191

Dear Ms. Mayes:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Supplemental Environmental Impact Report (DEIR) for the project referenced above from the County of Kern (County). The project consists of a change to the previously analyzed Shafter-Wasco Recycling and Sanitary Landfill operations (Project). The Project is located at 17621 Scofield Avenue in Shafter, CA (APN 088-100-38, 40, and 08).

Project Scope

The Project consists of the construction and operation of a covered, aerated static-pile forced-aeration composting system (CASP) with best available control technology within the existing diversion area (shown in Figure 1), utilizing approved composting feed stocks consistent with CalRecycle definitions. To align the Kern County General Plan (KCGP) with the 20 acre area planned for the CASP, the County must amend the KCGP to change existing Code 3.4.1 (Solid Waste Facility Buffer) designation to a Map Code 3.7 (Other Waste Facilities) designation (see Figure 2).

In addition, the Project includes enhancement to existing diversion activities by providing additional self-haul transfer and processing activities in the existing diversion area, an increase to the permitted hours for the receipt of waste to 7:00 a.m. to 7:00 p.m. seven days per week, and an increase in ancillary and facility operating hours to 24-hours a day seven days per week.

Samir Sheikh
Executive Director/Air Pollution Control Officer

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

Central Region (Main Office)
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Fresno, CA 93726-0244
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Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: (661) 392-5500 FAX: (661) 392-5585

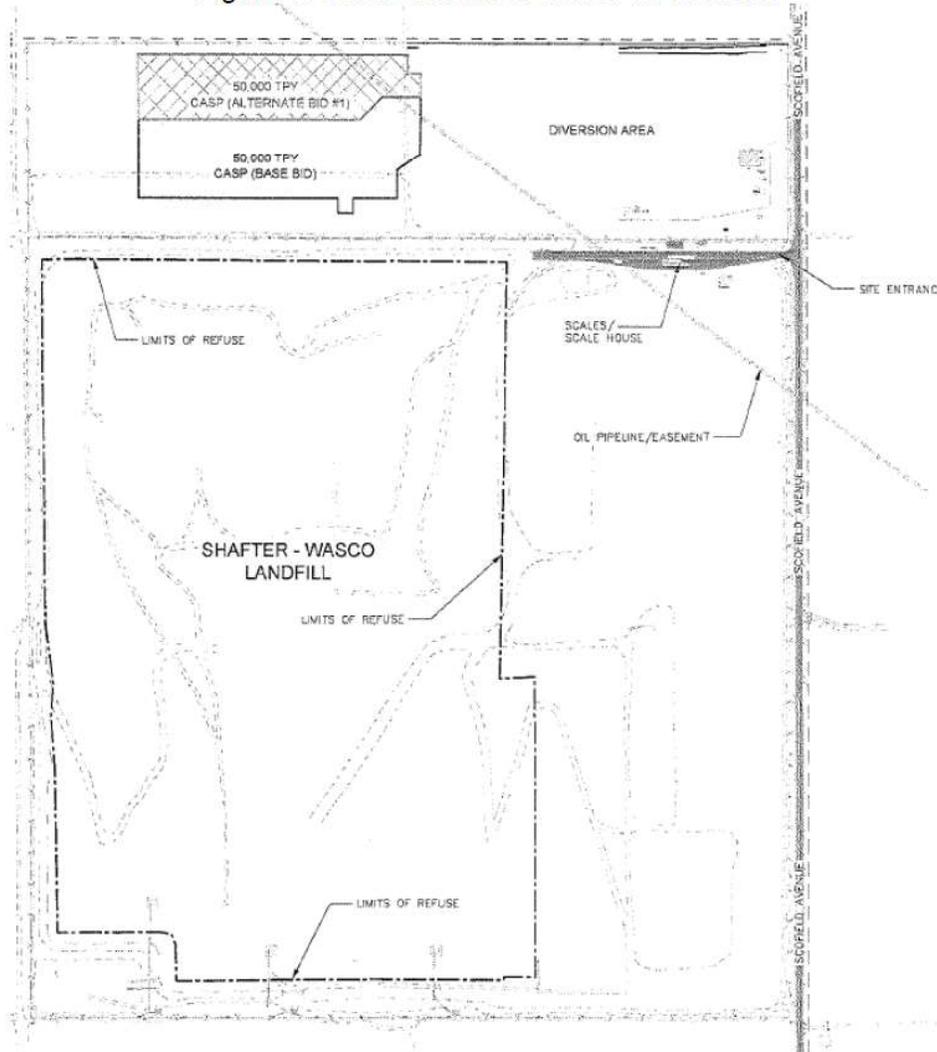
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San Joaquin Valley Air Pollution Control District
 District Reference No. 20210191
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Figure 1: Covered Aerated Static Pile Location

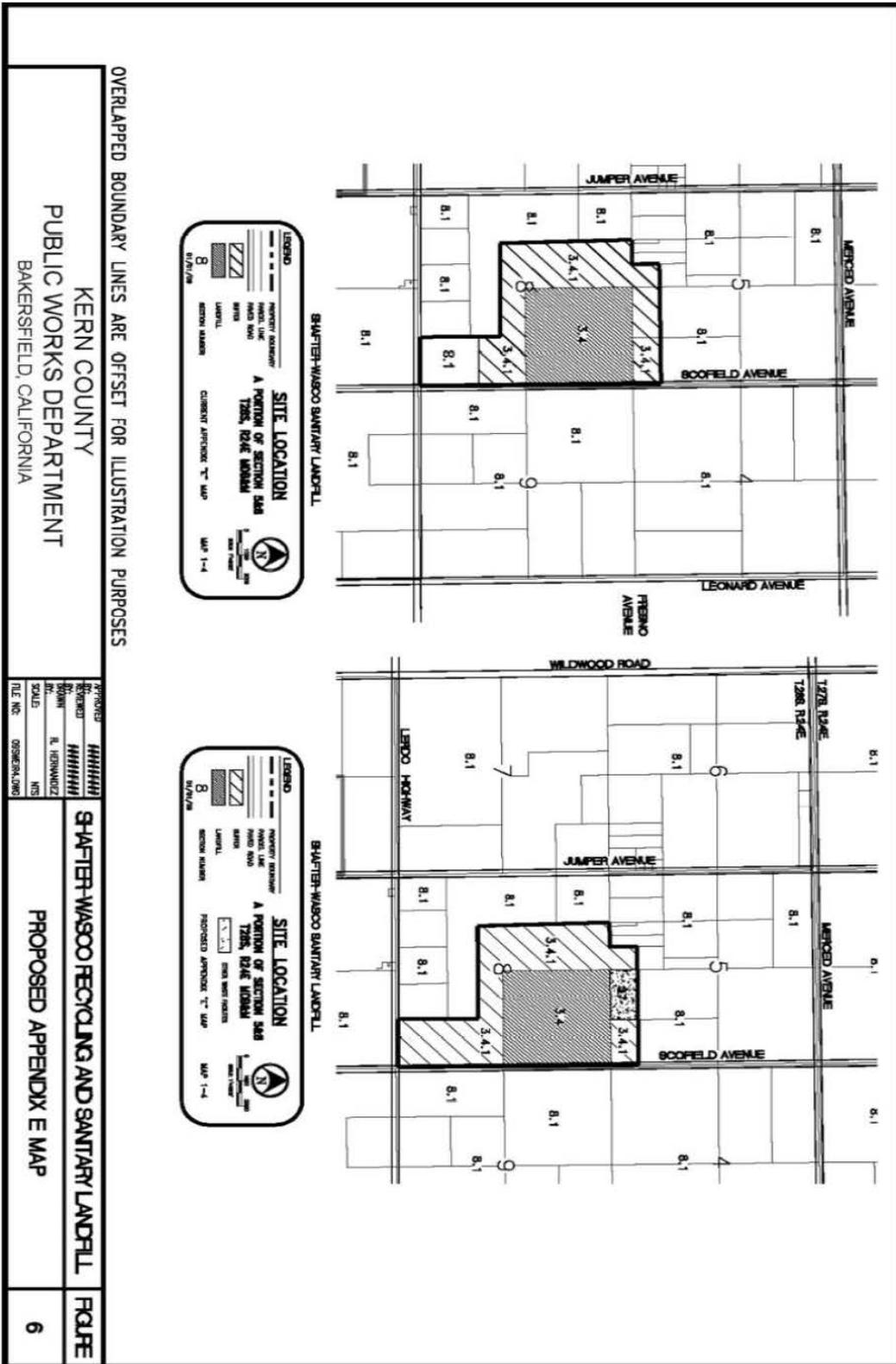


The Project also includes the addition of 50.21 acres to the solid waste facility permit and land use permits for the permitted facility boundary and solid waste disposal facility buffer. To align the KCGP with the 50.21 acre addition, the County must amend the KCGP to change the designation of an existing portion of the landfill site from Map Code 8.1 (Intensive Agriculture) to 3.4.1 (Solid Waste Disposal Facility Buffer). Figure 2 below illustrates the above changes.

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Figure 2: Kern County General Plan Map Code Changes



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The District offers the following comments:

1) Health Risk Screening/Assessment

- a) The modeling assumes both the composting pile and the landfill are considered the same stationary source. If the District and the Project proponent determine that they are separate stationary sources, then the Health Risk Assessment (HRA) modeling should be analyzed as a receptor to each other and ambient air only over the portion of land attributed to each facility.
- b) The operational toxics associated with landfill, phase 1 composting, and phase 2 composting operations were modeled as single area sources. The District recommends modeling fugitive sources only as an area source, modeling stationary combustion source as a point source, and modeling mobile combustion sources as a line volume source.

Nonetheless, after addressing the above issues for the HRA, the District does not expect the significance determination to be impacted.

2) District Rules and Regulation

The District issues permits for many types of air pollution sources and regulates some activities not requiring permits. A project subject to District rules and regulation would reduce its impacts on air quality through compliance with regulatory requirements. In general, a regulation is a collection of rules, each of which deals with a specific topic. Here are a couple of example, Regulation II (Permits) deals with permitting emission sources and includes rules such as District permit requirements (Rule 2010), New and Modified Stationary Source Review (Rule 2201), and implementation of Emission Reduction Credit Banking (Rule 2301).

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (661) 392-5665.

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

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 requires that new and modified stationary sources of emissions mitigate their emissions using best available control technology (BACT).

This Project will be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require District permits.

Prior to commencing construction on any permit-required equipment or processes, a finalized Authority to Construct (ATC) must be issued to the Project proponent by the District. For further information or assistance, the project proponent may contact the District's Small Business Assistance (SBA) Office at (661) 392-5665.

b) District Rule 9510 (Indirect Source Review)

The purpose of District Rule 9510 (Indirect Source Review) is to reduce the growth in both NO_x and PM₁₀ emissions associated with development and transportation projects from mobile and area sources associated with construction and operation of development projects. The rule encourages clean air design elements to be incorporated into the development project. In case the proposed project clean air design elements are insufficient to meet the targeted emission reductions, the rule requires developers to pay a fee used to fund projects to achieve off-site emissions reductions.

Per District Rule 9510 (Indirect Source Review) section 4.4.3, a development project on a facility whose primary functions are subject to District Rule 2201 or District Rule 2010 are exempt from the requirements of the rule. The District has reviewed the information provided and has determined that the primary functions of this Project are subject to District Rule 2201 (New and Modified Stationary Source Review Rule) or District Rule 2010 (Permits Required). As a result, District Rule 9510 requirements and related fees do not apply to the Project referenced above.

c) Other District Rules and Regulations

The Project may also be subject to the following District rules: Rule 4566 (Organic Material Composting Operations), Regulation VIII, (Fugitive PM₁₀ Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

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3) **District Comment Letter**

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

If you have any questions or require further information, please contact Cherie Clark by e-mail at Cherie.Clark@valleyair.org or by phone at (559) 230-5940.

Sincerely,

Brian Clements
Director of Permit Services



John Stagnaro
Program Manager

BC: cc

Response to Comment Letter 5: John Stagnaro, San Joaquin Valley Air Pollution Control District (April 27, 2021)

5-A The County acknowledges receipt of the comment letter and thanks the commenter for their participation in the review process. The commenter accurately describes the scope of the project and the associated proposed operations along with the required amendments to the Kern County General Plan. Response to comments are provided below.

5-B Health Risk Screening/Assessment

The County acknowledges the commenter's review of the health risk assessment modeling and the variations between modeling as the same or separate stationary sources. During the Authority to Construct / Permit to Operate application process, the County and the commenter shall work concurrently regarding the permitting of the proposed composting operations, either as the same or separate stationary source as it relates to the existing landfill. The County concurs with the commenter's statement that, "Nonetheless, after addressing the above issues for the HRA, the District does not expect the significance determination to be impacted." As such, information presented in the SEIR sufficiently addresses associated health risk assessment and future health risk assessment shall be addressed during the permitting process of the proposed project.

5-C District Rules and Regulation

The County acknowledges that various District rules may apply to this project, including those identified in the comment letter. The County incorporated Mitigation Measure MM 4.3-1 into the SEIR that states, "The project is required to comply with applicable state and federal air pollution control laws and regulations, and with applicable rules and regulations of the San Joaquin Valley Air Pollution Control District (SJVAPCD) during construction and operations, including obtaining the required permit for the modified facility." MM 4.3-1 is correspondingly included in Exhibit C, Mitigation Measure Monitoring Plan (MMMP). The County shall implement MM 4.3-1 as part of the proposed project and shall adhere to the applicable District rules and regulations to reduce impacts on air quality through compliance with regulatory requirements.

This comments does not otherwise raise a substantive issue on the content of the Draft SEIR.

The comments have been noted for the record and revisions to the Draft SEIR are not necessary.

**Comment Letter 6: SoCalGas Transmission Technical Services,
(May 14, 2021)**



Transmission Technical
Services Department

2400 Oakdale Ave
Chatsworth, CA 91311
509314

May 14, 2021

Janice K. Mayes
Kern County Planning and Natural Resources Department
MayesJ@kerncounty.com

Subject: GPA #10, Map #78; MOD CUP #1, Map #78

DCF: 0903-21NC

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,

SoCalGas Transmission Technical Services
SoCalGasTransmissionUtilityRequest@semprautilities.com

**Response to Comment Letter 6: SoCalGas Transmission Technical Services,
(May 14, 2021)**

- 6-A** The County acknowledges receipt of the comment letter and thanks the commenter for their participation.
- 6-B** The County concurs with the commenter's statement that SoCalGas does not operate any facilities within the project's boundary, as the project is served by Pacific Gas & Electric Company. However, the County, to assure no conflict exists, will provide preliminary plans of the proposed project to the commenter's Transmission Department.

This comment does not otherwise raise a substantive issue on the content of the Draft SEIR.

The comment has been noted for the record and revisions to the Draft SEIR are not necessary.

Comment Letter 7: Sam Ghilarducci, Interested Party (February 22, 2021)

From: Sam Ghilarducci <sam.ghilarducci@gmail.com>

Sent: Monday, February 22, 2021 3:49 PM

To: Janice Mayes <MayesJ@kerncounty.com>

Subject: compost site at shafter landfill

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.

Janice My name is Sam Ghilarducci and I farm all around the Shafter landfill, actually where the composting site is going I was the previous owner. My main concern is traffic which to my understanding traffic will not increase from this project. (hard to believe) . Anyway my main two concerns are the condition of Scofield Rd. It is heavily traveled now from landfill traffic and full of potholes and is very seldom repaired, causing trash to fall along the road and eventually into my fields, leading to my second concern, trash is constantly spilled, dumped, or blown out of vehicles. Could you consider some way of enforcing the law that loads coming into landfill must be covered. For awhile they used law enforcement and it worked great! Thank You Sam Ghilarducci 661 978 3408

Response to Comment Letter: Sam Ghilarducci, Interested Party (February 22, 2021)

- 7-A** This is an introductory statement that the commenter is aware of the proposed project and that the commenter farms adjacent to the project site.

The project proponent acknowledges receipt of the comment letter and detailed responses to each comment are provided below.

- 7-B** The commenter notes traffic and road conditions as a primary concern.

In response to understanding traffic impacts of the project, please refer to Section 4.14, Transportation and Traffic of this Draft SEIR for specific details related to projected inbound and outbound traffic counts. The Kern County Public Works Department – Development Review Division and the Lead Agency reviewed the project and concluded that a traffic impact analysis study was not necessary and road improvements were not required as a result of the project. The project is not proposing an increase beyond the currently permitted vehicle limit of 788 vehicles per day, which is identified on existing permits and approvals. As a result of the project, the average daily vehicle count at the project site is anticipated to increase from approximately 310 currently to 322 at the completion of Phase 2 of the proposed project, below the permitted daily vehicle volume count of 788.

This comment does not otherwise raise a substantive issue on the content of the Draft SEIR.

The comment has been noted for the record and revisions to the Draft SEIR are not necessary.

7-C The commenter notes trash along the roadway as a secondary concern.

The project proponent enforces Kern County Ordinance, Chapter 8.28, Solid Waste §8.28.070 that requires all loads to be covered along public roads leading to solid waste facilities. In addition, the project proponent has an additional charge for uncovered loads at solid waste facilities that is enforced. The project proponent has secured State grant funding to issue 50,000 tarps to landfill customers around Kern County, in an effort to promote the covering of all loads entering the solid waste facilities. The project proponent anticipates this collective effort to be implemented throughout the spring and summer of 2021. This concerted effort will reduce the amount of trash being spilled, dumped, or blown out of vehicles en-route to the project site. The project proponent may work with local law enforcement to issue citations, as needed and based on availability of law enforcement personnel. The project proponent also staffs an illegal dump cleanup team that responds to reports of illegal dumping around Kern County. Comment noted.

The comment has been noted for the record and revisions to the Draft SEIR are not necessary.

This comment does not otherwise raise a substantive issue on the content of the Draft SEIR.