project site. Most of these residences are located more than one half mile to the west or west northwest of the project sites. However, two residences are located essentially adjacent to the western North Sky River Wind Energy project boundary (less than one-tenth and less than one sixth mile from the boundary, respectively), and the closest of these two residences is located just over 0.6 mile (~3,200 feet) from the nearest wind turbine generator (WTG) site associated with the North Sky River Wind Energy Project. The nearest residence is located over two miles from the Jawbone Wind Energy Project site boundary. The new transmission line that would be constructed as part of the project would generally be located further away from residential receptors than the North Sky River Wind Energy project site and the air quality impacts would be lower in intensity and completed in a much shorter timeframe at any given location than for the project site construction. However, the new transmission line would cross the Pacific Crest Trail (PCT).

4.3.3 Regulatory Setting

State

As discussed above in Section 4.3.2.1, the CARB has established CAAQS for many of the same pollutants covered under the federal NAAQS that are more stringent than the NAAQS. Pollutants regulated under these standards include O3, NO2, CO, PM10, PM2.5, SO2, lead, sulfates, hydrogen sulfide, vinyl chloride, and visibility reducing particles. Additional information regarding the CAAQS that are relevant to the project is provided Section 4.3.2.1.

The CARB also has on-road and off-road engine emission reduction programs that indirectly affect the project’s emissions through the phasing in of cleaner on-road and off-road equipment engines. Additionally, the CARB has a Portable Equipment Registration Program that allows owners or operators of portable engines and associated equipment to register their units under a statewide portable program to operate their equipment, which must meet specified program emission requirements, throughout California without having to obtain individual permits from local air districts.

The State has also enacted a regulation for the reduction of diesel particulate matter (DPM) and criteria pollutant emissions from in-use off-road diesel-fueled vehicles (California Code of Regulations Title 13, Article 4.8, Chapter 9, Section 2449). This regulation provides target emission rates for PM and NOX emissions from owners of fleets of diesel-fueled off-road vehicles and applies to equipment fleets of three specific sizes and the target emission rates are reduced over time (CARB, 2007).

Local

Eastern Kern Air Pollution Control District (EKAPCD). The EKAPCD has primary responsibility for regulating stationary sources of air pollution situated within its jurisdictional boundaries. To this end, the EKAPCD implements air quality programs required by State and federal mandates, enforces rules and regulations based on air pollution laws, and educates businesses and residents about their role in protecting air quality. The EKAPCD is also responsible for managing and permitting existing, new, and modified sources of air emissions within the Mojave Desert portion of Kern County and also established the following rules and regulations to ensure compliance with local, State, and federal air quality regulations:

- **Rule 201.** Rule 201 establishes permitting requirements for stationary sources. For this project multiple identified operating stationary sources will require air quality permitting; an
emergency engine for the North Sky River Wind Energy Project and a 100 kilowatt (kW) diesel generator for the Jawbone Wind Energy Project. However, it is also likely that the temporary concrete batch plant that will operate during construction will require permits from the EKAPCD. It is assumed that these permits will be the responsibility of the construction contractor.

- **Rule 210.1.** Rule 210.1 establishes stationary source offset levels for new and modified stationary sources of air pollutants. Under this rule, the EKAPCD has established required offsets for when the emissions from a source exceed the following trigger levels:
  - PM10 - 15 tons/year
  - Sulfur oxides (as SO2) - 27 tons/year
  - VOCs - 25 tons/year
  - NOX (as NO2) - 25 tons/year

  The proposed project would have stationary source emissions that are well below the offset trigger levels of this rule.

- **Rule 401.** Rule 401 states that a person shall not discharge into the atmosphere, from any single source of emissions whatsoever, any air contaminant for a period or periods aggregating more than 3 minutes in any one hour which is:
  a. As dark or darker in shade as that designated as No. 1 on the Ringlemann Chart, as published by the U.S. Bureau of Mines, or
  b. Of such opacity as to obscure an observer’s view to a degree equal to or greater than does smoke described in Subsection A [of the Rules].

- **Rule 402.** Rule 402 of the EKAPCD’s rules and regulations addresses significant man-made dust sources from large operations. A large operation is defined as “any active operation, including vehicle movement on unpaved roadways, on property involving in excess of 100 contiguous acres of disturbed surface area, or any earth-moving activity exceeding a daily volume of 7,700 cubic meters (10,000 cubic yards) three times during the most recent 365-day period.” Rule 402 applies to specified bulk storage, earthmoving, construction and demolition, and man-made conditions resulting in wind erosion, and includes the following requirements:
  - A person shall not cause or allow emissions of fugitive dust from any active operation to remain visible in the atmosphere beyond the property line of the emission source, excluding unpaved roadways.
  - A person shall utilize one or more Reasonably Available Control Measures to minimize fugitive dust emissions from each source type that is part of any active operation, including unpaved roadways.
  - A person shall not cause or allow downwind PM10 ambient concentrations to increase more than 50 micrograms per cubic meter above downwind concentrations as determined by simultaneous upwind and downwind sampling utilizing high-volume particulate matter samplers, or other EPA-approved equivalent method(s).
No person shall conduct a large operation without either: (1) conducting on-site PM10 air quality monitoring and associated recordkeeping; or (2) filing for and obtaining an approved fugitive dust emission control plan.

- **Rule 404.1.** Rule 404.1 applies to any person who discharges particulate matter emissions into the atmosphere from any single source operation and states:
  - Particulate matter emissions shall not exceed 0.1 grain per standard cubic foot of gas at standard conditions (gr/scf).

- **Rule 419.** Rule 419 states that a person shall not discharge from any source whatsoever such quantities of contaminants or other material that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public or that endanger the comfort, repose, health, or safety of such persons or the public or that cause or have a natural tendency to cause injury or damage to business or property.

**Kern County General Plan (KCGP) – Air Quality Element.** The policies, goals, and implementation measures in the KCGP applicable to air quality as related to the project are provided below. The KCGP contains additional policies, goals, and implementation measures that are more general in nature and not specific to development such as the proposed project. Therefore, they are not listed below.

**Policies**

- **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.

- **Policy 19.** In considering discretionary projects for which an EIR must be prepared pursuant to the California Environmental Quality Act (CEQA), the appropriate decision-making body, as part of its deliberations, will ensure that:
  - All feasible mitigation to reduce significant adverse air quality impacts have been adopted; and
  - 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 CEQA.

- **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 EKAPCD on ministerial permits.

- **Policy 21.** The County shall support air districts’ efforts to reduce PM10 and PM2.5 emissions.

- **Policy 23.** The County shall continue to implement the local government control measures in coordination with the Kern Council of Governments and the San Joaquin Valley Unified Air Pollution Control District.

**Implementation Measures**

- **Implementation Measure F.** All discretionary permits shall be referred to the appropriate air district for review and comment.
• **Implementation Measure G.** Discretionary development projects involving the use of tractor-trailer rigs shall incorporate diesel exhaust reduction strategies including, but not limited to:
  a. Minimizing idling time.
  b. Electrical overnight plug-ins.

• **Implementation Measure H.** Discretionary projects may use one or more of the following to reduce air quality effects:
  a. Pave dirt roads within the development.
  b. Pave outside storage areas.
  c. Provide additional low 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.
  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.

• **Implementation Measure J.** The County should include PM10 control measures as conditions of approval for subdivision maps, site plans, and grading permits.

**Kern County Zoning Ordinance.** The Wind Energy (WE) Combining District (Chapter 19.64) contains development standards and conditions (Section 19.64.140) that would be applicable to the siting and operation of WTGs. The following provisions apply to air quality issues related to the proposed project:

• **Section 19.64.140(H):** All wind projects including wind generators and towers shall comply with all applicable County, State, and federal laws, ordinances, or regulations.

### 4.3.4 Impacts and Mitigation Measures

**Methodology**

The air quality significance criteria were developed considering the CEQA significance criteria developed by the local air quality districts in the project area, approved CEQA air quality checklists, and considering other federal criteria.

**Thresholds of Significance**

**Significance Criteria Summary**

The Kern County CEQA Implementation Document and Kern County Environmental Checklist state that a project would have a significant impact on air quality if it would:

• Conflict with or obstruct implementation of the applicable air quality plan;