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3.21 PUBLIC HEALTH

This section evaluates the public health impacts that may result directly or indirectly from the project. The analysis in this section describes the applicable regulations, presents an overview of existing conditions that influence public health, identifies the criteria used for determining the significance of environmental impacts, lists applicant-proposed measures (APMs) that would be incorporated into the project to avoid or substantially lessen potentially significant impacts to the extent feasible, and describes the potential public health impacts of the proposed project. The analysis is based on a review of existing resources, technical data, and applicable laws, regulations, plans, and policies, as well as the following technical reports prepared for the project:

- *Air Quality and Greenhouse Gas Technical Report*, prepared by SWCA Environmental Consultants (2024) (Appendix C)

3.21.1 Regulatory Setting

3.21.1.1 Federal

FEDERAL CLEAN AIR ACT

The federal Clean Air Act (CAA), which was passed in 1970 and last amended in 1990, forms the basis for the national air pollution control effort. The CAA delegates primary responsibility for clean air to the U.S. Environmental Protection Agency (EPA). The EPA develops rules and regulations to preserve and improve air quality and delegates specific responsibilities to state and local agencies. Under the CAA, the EPA has established the National Ambient Air Quality Standards (NAAQS) for six criteria air pollutants that are pervasive in urban environments and for which state and national health-based ambient air quality standards have been established: carbon monoxide (CO), ozone (O₃), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), lead, and particulate matter (particulate matter 10 microns in diameter or smaller [PM₁₀] and particulate matter 2.5 microns in diameter or smaller [PM_{2.5}]). O₃ is a secondary pollutant; nitrogen oxides (NO_x) and volatile organic compounds (VOCs) are of particular interest as they are precursors to O₃ formation. The NAAQS are divided into primary and secondary standards; the primary standards are set to protect human health within an adequate margin of safety, and the secondary standards are set to protect environmental values, such as plant and animal life. The standards for all criteria pollutants are presented in Table 3.3-1.

The CAA requires the EPA to designate areas as attainment, nonattainment, or maintenance (previously nonattainment and currently attainment) for each criteria pollutant based on whether the NAAQS have been achieved. The act also mandates that the state submit and implement a State Implementation Plan (SIP) for areas not meeting the NAAQS. These plans must include pollution control measures that demonstrate how the standards will be met.

TOXIC SUBSTANCE CONTROL ACT

The Toxic Substances Control Act (TSCA) provides the EPA with authority to require reporting, recordkeeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. The TSCA became law on October 11, 1976, and it became effective on January 1, 1977. The TSCA authorized the EPA to secure information on all new and existing chemical substances, as well as to control any of the substances that were determined to cause unreasonable risk to public health or the environment. Congress later added additional titles to the TSCA, with this original part designated Title I – Control of Hazardous Substances. TSCA regulatory authority and program implementation rests

predominantly with the federal government (i.e., EPA). However, the EPA can authorize states to operate their own, EPA-authorized programs for some portions of the statute. TSCA Title IV allows states the flexibility to develop accreditation and certification programs and work practice standards for lead-related inspection, risk assessment, renovation, and abatement that are at least as protective as existing federal standards.

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (ASBESTOS)

The EPA's air toxics regulation for asbestos is intended to minimize the release of asbestos fibers during activities involving the handling of asbestos. Asbestos was one of the first hazardous air pollutants regulated under the air toxics program, as there are major health effects associated with asbestos exposure (lung cancer, mesothelioma, and asbestosis). On March 31, 1971, the EPA identified asbestos as a hazardous pollutant, and on April 6, 1973, the EPA promulgated the Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP), currently found in 40 Code of Federal Regulations (CFR) 61(m). The Asbestos NESHAP has been amended several times, most comprehensively in November 1990. In 1995, the rule was amended to correct cross-referenced citations to Occupational Safety and Health Administration, Department of Transportation, and other EPA rules governing asbestos. Air toxics regulations under the CAA have guidance on reducing asbestos in renovation and demolition of buildings; institutional, commercial, and industrial buildings; large-scale residential demolition; exceptions to the asbestos removal requirements; asbestos control methods; waste disposal and transportation; and milling, manufacturing, and fabrication.

CALIFORNIA DESERT CONSERVATION AREA PLAN

The California Desert Conservation Area (CDCA) Plan requires that all areas within the CDCA, regardless of multiple-use class, be managed to protect their air quality and visibility in accordance with Class II objectives of Part C of the CAA Amendments, unless otherwise designated another class by the State of California as a result of recommendations developed by any Bureau of Land Management (BLM) air quality management plan.

DESERT RENEWABLE ENERGY CONSERVATION PLAN

In September 2016, the BLM adopted the Desert Renewable Energy Conservation Plan (DRECP) Land Use Plan Amendment (LUPA) to the CDCA Plan, Bishop Resource Management Plan, and Bakersfield Resource Management Plan. The DRECP LUPA addresses solar, wind, geothermal energy generation, and transmission projects on 10.8 million acres of BLM-administered land in the desert regions of southern California.

The BLM DRECP LUPA establishes several land use classifications, including Development Focus Areas (DFAs), Variance Process Lands (VPLs), Recreation Management Areas, General Public Lands, and various conservation land use designations. In DFAs, renewable energy projects are incentivized and permitting is streamlined. Renewable energy projects may be implemented on VPLs, but they must first be evaluated under a variance process and then approved by BLM to proceed through National Environmental Policy Act (NEPA) environmental review. BLM Conservation Areas include National Landscape Conservation System lands, Areas of Critical Environmental Concern (ACECs), and Wildlife Allocations. Recreation Management Areas are designated for recreation actions. This designation includes Extensive Recreation Management Areas, which entail management specifically to address recreation use and demand; and Special Recreation Management Areas, which are high-priority areas for recreation and have unique value and importance for recreation. General Public Lands are BLM-administered lands that do not have a specific land allocation or designation associated with energy development, conservation, or recreation. These lands are not needed to fulfill the DRECP biological

conservation or renewable energy strategy. These areas are available to renewable energy applications but do not benefit from permit review streamlining or other incentives.

The majority of the project site is located on DRECP General Public Lands, and the gen-tie route is within an ACEC.

3.21.1.2 State

CALIFORNIA CLEAN AIR ACT

The California Clean Air Act (CCAA) was adopted by the California Air Resources Board (CARB) in 1988. The CCAA requires that all air districts in the state endeavor to achieve and maintain California Ambient Air Quality Standards (CAAQS) for O₃, CO, SO₂, and NO₂ by the earliest practical date. The CCAA specifies that districts focus particular attention on reducing the emissions from transportation and area-wide emission sources, and the CCAA provides districts with authority to regulate indirect sources. The CARB and local air districts are responsible for achieving CAAQS, which are to be achieved through district-level Air Quality Management Plans (AQMPs) that would be incorporated into the SIP. In California, the EPA has delegated authority to prepare SIPs to CARB, which in turn, has delegated that authority to individual air districts. Each district plan is required to either 1) achieve a 5% annual reduction, averaged over consecutive 3-year periods, in districtwide emissions of each nonattainment pollutant or its precursors, or 2) provide for implementation of all feasible measures to reduce emissions. Any planning effort for air quality attainment would thus need to consider both state and federal planning requirements.

California has also adopted a host of other regulations that reduce criteria pollutant emissions, including the following:

- Title 20 California Code of Regulations (CCR): Appliance Energy Efficiency Standards
- Title 24, Part 6, CCR: Building Energy Efficiency Standards
- Title 24, Part 11, CCR: Green Building Standards Code

CALIFORNIA CODE OF REGULATIONS

The CCR is the official compilation and publication of regulations adopted, amended, or repealed by the state agencies pursuant to the Administrative Procedure Act. The CCR includes regulations that pertain to air quality emissions. Specifically, 13 CCR 2485 states that the idling of all diesel-fueled commercial vehicles (weighing over 10,000 pounds) during construction shall be limited to 5 minutes at any location. In addition, 17 CCR 93115 states that operation of any stationary, diesel-fueled, compression-ignition engine shall meet specified fuel and fuel additive requirements and emission standards.

TOXIC AIR CONTAMINANTS REGULATIONS

California regulates TACs primarily through the Toxic Air Contaminant Identification and Control Act of 1983 (Assembly Bill [AB] 1807, also known as the Tanner Air Toxics Act) and the Air Toxics “Hot Spots” Information and Assessment Act of 1987 (AB 2588 – Connelly). In the early 1980s, CARB established a statewide comprehensive air toxics program to reduce exposure to air toxics. The Tanner Air Toxics Act (AB 1807) created California’s program to reduce exposure to air toxics. The Air Toxics “Hot Spots” Information and Assessment Act (AB 2588) supplements the AB 1807 program by requiring a statewide air toxics inventory, notification of people exposed to a significant health risk, and facility plans to reduce these risks (CARB 2011).

In August 1998, CARB identified diesel particulate matter (DPM) emissions from diesel-fueled engines as a toxic air contaminant (TAC). In September 2000, CARB approved a comprehensive diesel risk reduction plan to reduce emissions from both new and existing diesel-fueled engines and vehicles (CARB 2000a). The goal of the plan is to reduce diesel PM₁₀ (inhalable particulate matter) emissions and the associated health risk by 75% in 2010, and by 85% by 2020. The plan identified 14 measures that target new and existing on-road vehicles (e.g., heavy-duty trucks and buses, etc.), off-road equipment (e.g., graders, tractors, forklifts, sweepers, and boats), portable equipment (e.g., pumps, etc.), and stationary engines (e.g., stand-by power generators, etc.). During the control measure phase, specific statewide regulations designed to further reduce DPM emissions from diesel-fueled engines and vehicles were evaluated and developed. The goal of each regulation is to make diesel engines as clean as possible by establishing state-of-the-art technology requirements or emission standards to reduce DPM emissions. The project would be required to comply with applicable diesel control measures.

Under AB 2588, TAC emissions from individual facilities are quantified and prioritized by the air quality management district or air pollution control district. High-priority facilities are required to perform a health risk assessment and, if specific thresholds are exceeded, to communicate the results to the public through notices and public meetings.

CARB has promulgated the following specific rules to limit TAC emissions:

- 13 CCR Chapter 10, Section 2485, Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling
- 13 CCR Chapter 10, Section 2480, Airborne Toxic Control Measure to Limit School Bus Idling and Idling at Schools
- 13 CCR Section 2477 and Article 8, Airborne Toxic Control Measure for In-Use Diesel-Fueled TRUs and TRU Generator Sets and Facilities Where TRUs Operate

The proposed project would be required to comply with the applicable diesel control measures.

3.21.1.3 Local

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

The Mojave Desert Air Quality Management District (MDAQMD) maintains a set of rules and regulations to improve and maintain healthy air quality for the entire population within its jurisdiction (MDAQMD 2023). When developing new regulations, MDAQMD must comply with complex procedures established by statutes in federal and state codes. The following are some of the rules that would apply to the project:

- *Rule 201 Permit to Construct:* A person shall not build, erect, install, alter or replace any equipment, the use of which may cause the issuance of air contaminants or the use of which may eliminate, reduce or control the issuance of air contaminants without first obtaining written authorization for such construction from the Air Pollution Control Officer. A permit to construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied, or the application is canceled.
- *Rule 203 Permit to Operate:* A person shall not operate or use any equipment, the use of which may cause the issuance of air contaminants or the use of which may reduce or control the issuance of air contaminants, without first obtaining a written permit from the Air Pollution Control Office. The equipment shall not be operated contrary to the conditions specified in the permit to operate.

- *Rule 204 Permit Conditions:* To assure compliance with all applicable regulations, the Air Pollution Control Officer may impose written conditions on any permit. Commencing work or operation under such a permit shall be deemed acceptance of all the conditions so specified.
- *Rule 401 Visible Emissions:* The purpose of the Rule is to provide limits for the visible emissions from sources within the District.
- *Rule 402 Nuisance:* A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.
- *Rule 403 Fugitive Dust Control:* The purpose of this rule is to reduce the amount of PM₁₀ entrained in the ambient air from anthropogenic Fugitive Dust sources within the District by requiring actions to prevent, reduce, or mitigate Fugitive Dust.
- *Rule 1113 Architectural Coatings.* The purpose of this rule is to limit the quantity of Volatile Organic Compounds (VOC) in Architectural Coatings.

MDAQMD is the local air quality agency and shares responsibility with CARB for ensuring that state and federal ambient air quality standards are achieved and maintained in the Mojave Desert Air Basin (MDAB). Furthermore, MDAQMD adopts and enforces controls on stationary sources of air pollutants through its permit and inspection programs and regulates agricultural burning. Other MDAQMD responsibilities include monitoring ambient air quality, preparing clean air plans, planning activities such as modeling and maintenance of the emission inventory, and responding to citizen air quality complaints.

MDAQMD adopted its *California Environmental Quality Act (CEQA) and Federal Conformity Guidelines* in February 2020 (MDAQMD 2020). The MDAQMD CEQA Guidelines provides guidance on how to determine the significance of impacts, including air pollutant emissions, related to the development of residential, commercial, and industrial projects. Where impacts are determined to be significant, the MDAQMD CEQA Guidelines provide guidance to mitigate adverse impacts to air quality from development projects. MDAQMD is the agency principally responsible for comprehensive air pollution control in the region.

Currently, the NAAQS and CAAQS are exceeded in most parts of MDAB. In regard to the NAAQS, the project region within MDAB is in nonattainment for O₃ (8-hour) and PM₁₀. For the CAAQS, the project region within MDAB is in nonattainment for O₃ (1-hour and 8-hour), PM₁₀, and PM_{2.5}. In response, MDAQMD has adopted a series of AQMPs to meet the state and federal ambient air quality standards. AQMPs are updated regularly in order to more effectively reduce emissions, accommodate growth, and minimize any negative fiscal impacts of air pollution control on the economy.

MDAQMD has adopted a variety of attainment plans for a variety of nonattainment pollutants. The latest plans include the following:

- 1995 Mojave Desert Planning Area PM₁₀ Attainment Plan
- 2004 Southeast Desert Modified Air Quality Maintenance Area Ozone Plan
- 2007 Western Mojave Desert Ozone Attainment Plan
- February 2008 Ozone Early Progress Plans
- 2014 Updates to the 1997 8-Hour Ozone Standard SIPs
- 2015 8-Hour Ozone Reasonable Achievable Control Technology SIP Analysis: MDAQMD

- 2016 8-Hour Ozone SIP
- 2022 8-Hour Ozone SIP

To achieve and maintain ambient air quality standards, MDAQMD has adopted various rules and regulations for the control of airborne pollutants. Those rules applicable to this project include, but are not limited to, MDAQMD Rule 403 Fugitive Dust Control. The purpose of this rule is to reduce the amount of PM₁₀ entrained in the ambient air as a result of emissions generated from construction and other earth-moving activities by requiring actions to prevent, reduce, or mitigate PM₁₀ emissions. In addition, the project is required to adopt best available control measures to minimize emissions from surface-disturbing activities to comply with MDAQMD Rule 403.

In addition, there are other MDAQMD rules and regulations, not detailed here, that may apply to the project but are administrative or descriptive in nature. These include rules associated with fees, enforcement and penalty actions, and variance procedures.

SAN BERNARDINO COUNTYWIDE PLAN

The San Bernardino County Policy Plan (Policy Plan), an element of the Countywide Plan, contains the long-term goals and policies that will guide County decisions, investments, and improvements toward achieving the countywide vision. The Policy Plan represents a unique approach to county planning. It serves as the County's General Plan for the unincorporated areas, which is mandated by state law, but it also includes policy direction for adult and child supportive services, healthcare, public safety, and other regional services the County administers in both incorporated and unincorporated areas. Applicable County Policy Plan components are those that set policies regarding natural resources and renewable energy and conservation.

The following policies of the General Plan are relevant to this analysis (San Bernardino County 2024):

- **Goal NR-1 Air Quality** – Air quality that promotes health and wellness of residents in San Bernardino County through improvements in locally-generated emissions.
 - **Policy NR-1.3 Coordination on air pollution.** We collaborate with air quality management districts and other local agencies to monitor and reduce major pollutants affecting the county at the emission source.
 - **Policy NR-1.5 Sensitive land uses.** We consider recommendations from the California Air Resources Board on the siting of new sensitive land uses and exposure to specific source categories.
 - **Policy NR-1.6 Fugitive dust emissions.** We coordinate with air quality management districts on requirements for dust control plans, revegetation, and soil compaction to prevent fugitive dust emissions.

SAN BERNARDINO COUNTY CODE

San Bernardino County Municipal Code Section 83.01.040, Air Quality, identifies the following standards that would be applicable to the project (San Bernardino County 2022):

(c) Diesel Exhaust Emissions Control Measures. The following emissions control measures shall apply to all discretionary land use projects approved by the County on or after January 15, 2009:

- (1) On-Road Diesel Vehicles. On-road diesel vehicles are regulated by the State of California Air Resources Board.

(2) Off-Road Diesel Vehicle/Equipment Operations. All business establishments and contractors that use off-road diesel vehicle/equipment as part of their normal business operations shall adhere to the following measures during their operations in order to reduce diesel particulate matter emissions from diesel-fueled engines:

(A) Off-road vehicles/equipment shall not be left idling on site for periods in excess of five minutes. The idling limit does not apply to:

(I) Idling when queuing;

(II) Idling to verify that the vehicle is in safe operating condition;

(III) Idling for testing, servicing, repairing, or diagnostic purposes;

(IV) Idling necessary to accomplish work for which the vehicle was designed (such as operating a crane);

(V) Idling required to bring the machine system to operating temperature; and

(VI) Idling necessary to ensure safe operation of the vehicle.

(B) Use reformulated ultra low-sulfur diesel fuel in equipment and use equipment certified by the U.S. Environmental Protection Agency (EPA) or that pre-dates EPA regulations.

(C) Maintain engines in good working order to reduce emissions.

(D) Signs shall be posted requiring vehicle drivers to turn off engines when parked.

(E) Any requirements or standards subsequently adopted by the South Coast Air Quality Management District, the Mojave Desert Air Quality Management District, or the California Air Resources Board.

(F) Provide temporary traffic control during all phases of construction.

(G) On-site electrical power connections shall be provided for electric construction tools to eliminate the need for diesel-powered electric generators, where feasible.

(H) Maintain construction equipment engines in good working order to reduce emissions. The developer shall have each contractor certify that all construction equipment is properly serviced and maintained in good.

(I) Contractors shall use ultra low sulfur diesel fuel for stationary construction equipment as required by Air Quality Management District (AQMD) Rules 431.1 and 431.2 to reduce the release of undesirable emissions.

(J) Substitute electric and gasoline-powered equipment for diesel-powered equipment, where feasible.

3.21.2 Environmental Setting

The project is located in unincorporated San Bernardino County within the MDAB, which encompasses a 21,000-square-mile area that includes the majority of San Bernardino County, the eastern portion of Kern County, the eastern portion of Riverside County, and the northeastern portion of Los Angeles County.

The MDAB is composed of four California air districts: MDAQMD, the Antelope Valley Air Quality Management District, the Eastern Kern Air Pollution Control District, and the eastern portion of the SCAQMD. MDAQMD has jurisdiction within the San Bernardino County portion of MDAB. The project is located in Census Tract 6071010300, which has a population of 3,547 people (OEHHA 2021). The 2022 Annual AB 2588 Air Toxics “Hot Spots” Report for the MDAQMD identified four facilities within the MDAQMD listed as Category 1 (high-level risk), which indicate a cancer risk exceeding 10 million or a total hazard index exceeding 1.0. There are five facilities within the MDAQMD listed as Category 2 (intermediate level risk), and four facilities that are listed as Categories 3 (low-level risk) (MDAQMD 2022).

3.21.2.1 Sensitive Receptors

Some population groups, including children, elderly, and acutely and chronically ill persons (especially those with cardiorespiratory diseases), are considered more sensitive to air pollution than others. A sensitive receptor is a person in the population who is particularly susceptible to health effects due to exposure to an air contaminant. The following are land uses where sensitive receptors are typically located:

- Schools, playgrounds, and childcare centers
- Long-term health care facilities
- Rehabilitation centers
- Convalescent centers
- Hospitals
- Retirement homes
- Residences

The project site is composed of rural desert land and is almost entirely undeveloped. There is the nearby Mojave National Preserve (administered by the National Park Service) and BLM-managed lands, including the Rasor OHV recreation area at the southeast corner. I-15, the former Arrowhead Trail Highway, runs along the western boundary of the project site, with Rasor Road Services Shell Oil gas station located off I-15 southwest of the project site, along the access road to the project site. The nearest schools, Baker Elementary, Middle, and High Schools, are over 6.5 miles away, situated in the northeastern part of Baker. The closest residence to the project location can be found next to the Rasor Road service station, roughly 260 feet southwest of the proposed boundary (Figure 3.21-1). This standalone house is used as accommodation for four workers. There are no other sensitive receptors within 1,500 feet of the project site, and actual construction occurs more than 3,500 feet from this standalone home.

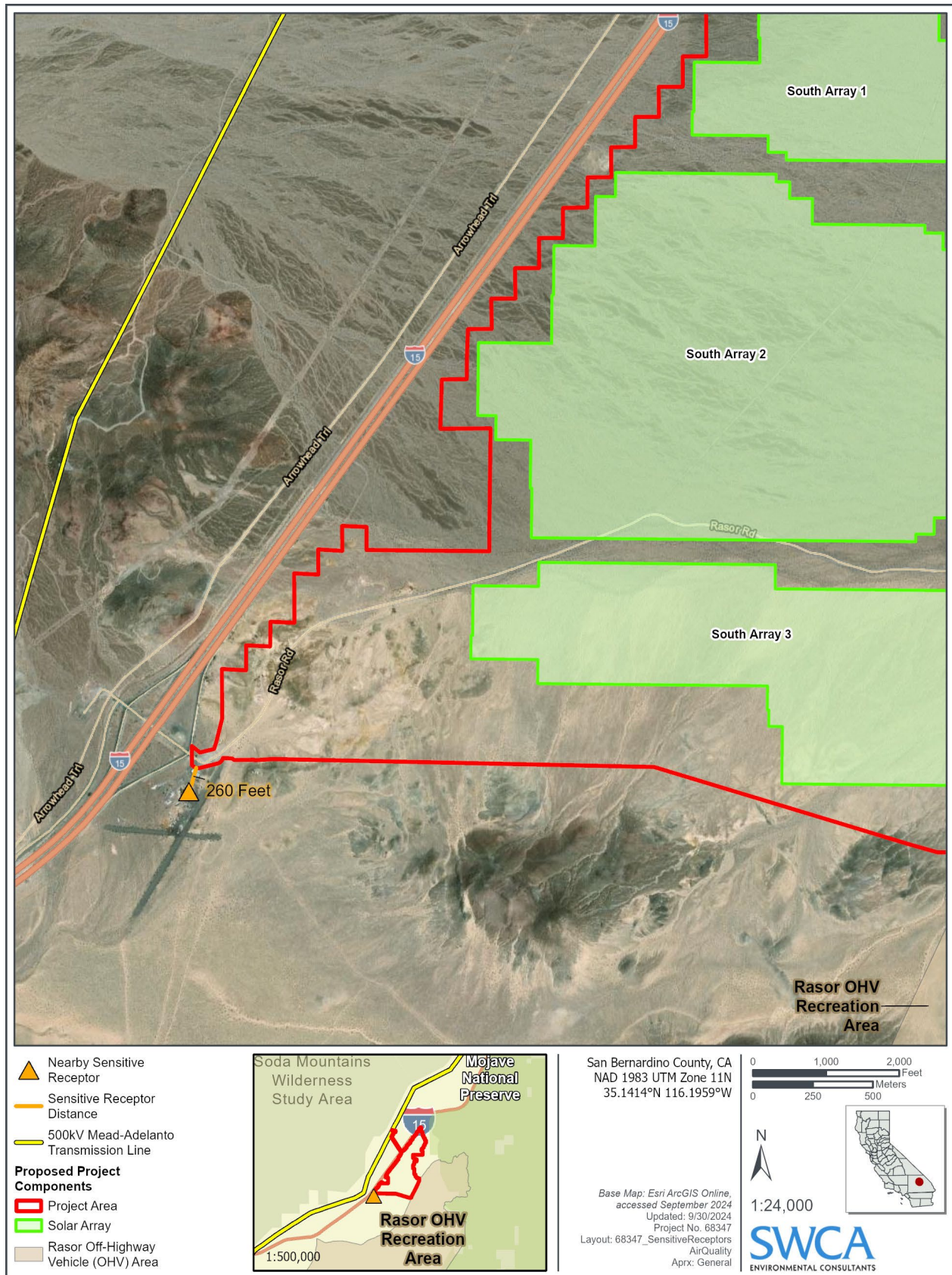


Figure 3.21-1. Sensitive Receptor Location.

3.21.2.2 Toxic Air Contaminants

TACs refer to a diverse group of “non-criteria” air pollutants that can affect human health but have not had ambient air quality standards established for them. This is not because they are fundamentally different from the pollutants discussed above but because their effects tend to be local rather than regional. TACs are identified by federal and state agencies based on a review of available scientific evidence. In the state of California, TACs are identified through a two-step process that was established in 1983 under the Toxic Air Contaminant Identification and Control Act. This two-step process of risk identification and risk management and reduction was designed to protect residents from the health effects of toxic substances in the air. In addition, the California Air Toxics “Hot Spots” Information and Assessment Act, AB 2588, was enacted by the state legislature in 1987 to address public concern over the release of TACs into the atmosphere. The law requires facilities emitting toxic substances to provide local air pollution control districts with information that will allow an assessment of the air toxics problem, identification of air toxics emissions sources, location of resulting hot spots, notification of the public exposed to significant risk, and development of effective strategies to reduce potential risks to the public over 5 years.

The federal TACs are air pollutants that may cause or contribute to an increase in mortality or serious illness, or which may pose a hazard to human health, although there are no ambient standards established for TACs. Many pollutants are identified as TACs because of their potential to increase the risk of developing cancer or other acute (short-term) or chronic (long-term) health problems. For TACs that are known or suspected carcinogens, CARB has consistently found that there are no levels or thresholds below which exposure is risk free. Individual TACs vary greatly in the risks they present; at a given level of exposure, one TAC may pose a hazard that is many times greater than another. For certain TACs, a unit risk factor can be developed to evaluate cancer risk. For acute and chronic health effects, a similar factor, called a hazard index, is used to evaluate risk. TACs are identified and their toxicity is studied by the California Office of Environmental Health Hazard Assessment (OEHHA). Examples of TAC sources include industrial processes, dry cleaners, gasoline stations, paint and solvent operations, and fossil fuel combustion sources. The TAC that is relevant to the implementation of the project is DPM.

DPM was identified as a TAC by CARB in August 1998 (CARB 1998). DPM is emitted from both mobile and stationary sources. In California, on-road, diesel-fueled vehicles contribute approximately 40% of the statewide total, with an additional 57% attributed to other mobile sources such as construction and mining equipment, agricultural equipment, and transport refrigeration units (TRUs). Stationary sources, contributing about 3% of emissions, include shipyards, warehouses, heavy-equipment repair yards, and oil and gas production operations. Emissions from these sources are from diesel-fueled internal combustion engines. Stationary sources that report DPM emissions also include heavy construction, manufacturers of asphalt paving materials and blocks, and diesel-fueled electrical generation facilities.

Exposure to DPM can have immediate health effects. DPM can have a range of health effects including irritation of eyes, throat, and lungs, causing headaches, lightheadedness, and nausea. Exposure to DPM also causes inflammation in the lungs, which may aggravate chronic respiratory symptoms and increase the frequency or intensity of asthma attacks. Children, the elderly, and people with emphysema, asthma, and chronic heart and lung disease are especially sensitive to fine-particle pollution. In California, DPM has been identified as a carcinogen.

CARB has adopted and implemented a number of regulations to reduce emissions of DPM from stationary and mobile sources. Several of these regulatory programs affect medium- and heavy-duty diesel trucks that represent the bulk of DPM emissions from California highways. These regulations include the solid waste collection vehicle rule, in-use public and utility fleets, and the heavy-duty diesel truck and bus regulations. In 2008, CARB approved a new regulation to reduce emissions of DPM and NO_x from existing on-road, heavy-duty, diesel-fueled vehicles, including those used at construction sites.

The regulation requires affected vehicles to meet specific performance requirements between 2014 and 2023, with all affected diesel vehicles required to have 2010 model year engines or equivalent by 2023. Therefore, as of January 1, 2023, all trucks and buses are 2010 or newer model year engines.

Naturally occurring asbestos areas are identified based on the type of rock found in the area. Asbestos-containing rocks found in California are ultramafic rocks, including serpentine rocks. Asbestos has been designated a TAC by CARB and is a known carcinogen. When this material is disturbed in connection with construction, grading, quarrying, or surface mining operations, asbestos-containing dust can be generated. Exposure to asbestos can result in adverse health effects such as lung cancer, mesothelioma (cancer of the linings of the lungs and abdomen), and asbestosis (scarring of lung tissues that results in constricted breathing) (Van Gosen and Clinkenbeard 2011).

Naturally occurring asbestos is prevalent in at least 44 of California's 58 counties. Asbestos is the name for a group of naturally occurring silicate minerals. Asbestos may be found in serpentine, other ultramafic, and volcanic rock. When rock containing naturally occurring asbestos is broken or crushed, asbestos may become released and become airborne, causing a potential health hazard. To reduce exposure to asbestos when these soils are disturbed, CARB adopted the Airborne Toxic Control Measure for Construction, Grading, Quarrying and Surface Mining Operations. This statewide regulation is applicable to grading or any other projects disturbing soil in areas of California where asbestos may exist, as determined by the California Geological Survey. The Airborne Toxic Control Measure applies to any size construction project, although there are additional notification requirements for projects that exceed 1 acre. The project is not located in a geologic setting with a potential for asbestos to occur; therefore, asbestos will not be an issue for this project (CARB 2000b).

3.21.2.3 Public Health Data in the Project Vicinity

According to the San Bernardino County Department of Public Health website, no public health studies related to respiratory illnesses, cancers, or related diseases within a 6-mile radius of the Project site were identified in the last 5 years. However, other online tools were explored including CalEnviroScreen, Analytical Tools Interface for Landscape Assessments (ATtILA), and California Emission Inventory Development and Reporting System (CEIDARS), as discussed below.

The OEHHA, on behalf of the CalEPA, provides a screening tool called CalEnviroScreen that can be used to help identify California communities disproportionately burdened by multiple sources of pollution. The project is located in Census Tract 6071010300, which has a population of 3,547 people. To determine the existing level of TACs in the area, the CalEnviroScreen indicator was identified which represents modeled air concentration of chemical releases from large facility emissions in and nearby the census tract. This indicator takes the air concentration and toxicity of the chemical to determine the toxic release score. The data are averaged over 2017 to 2019, and the toxic release indicator scores range from 0 to 96,985. The score for this census tract is 0.13, which means the toxic release percentile for this census tract is 3, or higher than 3% of the census tracts in California (OEHHA 2021).

The CalEnviroScreen indicator for DPM was also identified, as DPM is also a TAC. This indicator represents how much DPM is emitted into the air within and near the populated parts of the census tracts. The data from 2016 indicate that sources of DPM within and nearby the populated parts of this census tract emit 0.009 tons per year. The DPM percentile for this census tract is 4, meaning it is higher than 4% of the census tracts in California. Diesel emissions in California counties range between 0 and 15 tons per year. These indicators show that health risk in the project vicinity is low for DPM and toxic releases. Similarly, for O₃, the indicator is the mean of summer months (May–October) of the daily maximum 8-hour O₃ concentration (parts per million [ppm]). This measurement is used to represent short-term O₃ health impacts. The census tract has a summed concentration of 0.058 ppm. O₃ concentrations in California range between 0.03 and 0.07 ppm. Overall, according to CalEnviroScreen, the project is

located in the 77th percentile for O₃, which means the project site has levels of O₃ that are higher than 77% of the census tracts in California (OEHHA 2021). Overall, according to CalEnviroScreen, the project is located in the 75th percentile, which means that the project site is higher than average in comparison to other communities within California (OEHHA 2021).

As part of the National Air Toxics Assessment, local DPM concentrations, cancer risk, and non-cancer respiratory risk associated with cumulative exposure to air toxics were obtained via the EPA's ATtILA Interactive Map (EPA 2024). The DPM concentrations in the project vicinity are less than 0.251 µg/m³. The cancer risk due to cumulative air toxics is less than 28.5 in a million and the non-cancer respiratory risk (HI) is less than 0.362 (see Appendix C). CARB's CEIDARS facility search tool did not identify any stationary criteria pollutant or air toxics point sources within 6 miles of the project site (CARB 2021).

3.21.3 Impact Assessment

3.21.3.1 Thresholds of Significance

The determinations of significance of project impacts are based on applicable policies, regulations, goals, and guidelines defined by the CEQA Guidelines, Appendix G. The project would be considered to have a significant effect on air quality resources if the effects exceed the significance criteria described below:

- Expose sensitive receptors to substantial pollutant concentrations.

This threshold is discussed under Section 3.21.3.6, Impact Analysis, below.

3.21.3.2 Methodology

This analysis focuses on the potential health risk impacts due to implementation of the project. Project construction would generate diesel particulate matter (DPM) emissions from the exhaust of off-road diesel construction equipment. However, the project would not include the use of any mobile or stationary equipment during operations which would be sources of TAC. Therefore, TAC emissions would only result from construction of the project. Specific methodologies used to evaluate these emissions are discussed below.

Potential TAC impacts were evaluated in this analysis by conducting a qualitative analysis. The TAC that is the focus of this analysis is DPM because it is known that DPM would be emitted during project construction. Construction-related activities that would result in temporary, intermittent emissions of DPM would be from the exhaust of off-road equipment and on-road heavy-duty trucks. On-road diesel-powered haul trucks traveling to and from the construction area to deliver materials and equipment are less of a concern because they do not operate at any one location for extended periods of time such that they would expose a single receptor to excessive DPM emissions. The project is consistent with TAC-related rules and regulations, and the CalEEMod modeling shows the low-exhaust DPM during construction (see Appendix C). Furthermore, implementation of MDAQMD Rule 403, and applicant-committed control measure APM-9, would result in the reduction of DPM exhaust emissions in addition to criteria pollutant emissions, particularly the measures to minimize engine idling time and maintain construction equipment in proper working condition and according to manufacturer's specifications.

An assessment of the potential risk to human health from the project's hazardous air emissions during construction was performed using CARB's Hotspots Analysis and Reporting Program (HARP). The potential cancer risks and chronic hazard index (HI) to sensitive receptors exposed to DPM emissions during project construction were evaluated using HARP, which includes cancer potency values and noncancer reference exposure levels approved by the Office of Environmental Health Hazard Assessment

(OEHHA 2015). The acute HI for DPM was not calculated because an acute reference exposure level has not been approved by OEHHA.

For this analysis, total PM₁₀ emission rates were used as a surrogate for DPM, which is a conservative assumption because more than 90 percent of DPM is less than 1 micron in diameter. The ground level PM₁₀ concentrations at the nearest sensitive receptor were estimated using the AERMOD air dispersion model and the same modeling parameters described above, except for the PM₁₀ emission rate. For this analysis, the PM₁₀ emission rate was based on the actual hours of work and total PM₁₀ mass emission averaged over the entire duration of construction.

Potential cancer health risk and chronic HI were evaluated for the maximally exposed individual resident (MEIR) on the ground floor of the nearest residence located about 260 feet southwest of the project boundary. Because this residence is used to accommodate workers, the starting age of exposure was assumed to be 16 years old. A listing of the input data used to prepare the HARP health risk assessment and output results are provided in Appendix C. The MEIR location is shown in Figure 3.21-1.

3.21.3.3 Applicant-Proposed Measures

The applicant identified and committed to implementing the following APMs as part of the proposed project to avoid or substantially lessen potentially significant impacts to air quality, to the extent feasible. The APMs, where applicable, are discussed in the impact analysis section below. These measures include the following:

- **APM AIR-1:** The applicant shall use periodic watering for short-term stabilization of disturbed areas to minimize visible fugitive dust emissions. Use of a water truck to maintain surface moisture on disturbed areas and surface application of water during visible dusting episodes shall be considered sufficient to maintain compliance.
- **APM AIR-2:** The applicant shall apply best management practices (BMPs) to prevent project-related visible bulk materials transport (trackout) onto paved surfaces. BMPs may include, but not be limited to, the following:
 - Use of wheel-washers (or equivalent) installed at all access points and laydown areas where trackout onto paved public roads could occur.
 - Construction of stabilized construction site entrance/exit areas.
 - Implementation of regular street sweeping/cleaning of paved surfaces.
 - Installation of corrugated steel panels at all site exits.
- **APM AIR-3:** The applicant shall cover haul vehicles maintained paved surfaces loaded with earthen materials while operating on publicly maintained paved surfaces.
- **APM AIR-4:** The applicant shall stabilize graded site surfaces upon completion of grading when subsequent development is delayed or expected to be delayed more than 14 days, except when such a delay is due to precipitation that dampens the disturbed surface sufficiently to eliminate visible fugitive dust emissions.
- **APM AIR-5:** The applicant shall cleanup project-related visible bulk materials transport (trackout) or spills on publicly maintained paved surfaces within 24 hours.
- **APM AIR-6:** The applicant shall discontinue non-essential earth-moving activities under high wind conditions when wind speeds exceed 25 miles per hour and those activities result in visible dust plumes. All grading activities shall be suspended when wind speeds are greater than 30 miles per hour.

- **APM AIR-7:** The applicant shall limit the speed of vehicles traveling on unpaved roads and disturbed areas to 15 miles per hour.
- **APM AIR-8:** The applicant shall apply water to all unpaved roads and unpaved parking areas actively used during construction, except when moisture remains in the soils such that dust is not produced when driving on unpaved roads.
- **APM AIR-9:** The applicant, when entering into construction contracts or when procuring off-road equipment or vehicles for on-site construction or operations and maintenance activities, shall ensure that only new model year equipment or vehicles are obtained. An Exhaust Emissions Control Plan that identifies each off-road unit's certified tier specification, Best Available Control Technology, as well as the model year of all haul trucks to be used on the project that are under direct control of the applicant or its construction contractor shall be submitted to BLM for review and approval at least 30 days prior to commencement of construction activities. The following measures would be included with contract or procurement specifications and in the Exhaust Emissions Control Plan:
 - All construction diesel engines not registered under California Air Resources Board's Statewide Portable Equipment Registration Program, with a rating of 50 hp or higher shall meet the Tier 4 California Emission Standards for Off-Road Compression-Ignition Engines, as specified in 13 CCR 2423(b)(1), unless a good faith effort demonstrates that such engine is not available for a particular item of equipment. If a Tier 4 engine is not available for any off-road equipment larger than 50 hp, a Tier 3 engine shall be used or that equipment shall be equipped with retrofit controls to reduce exhaust emissions of nitrogen oxides and diesel particulate matter to no more than Tier 3 levels unless certified by the engine manufacturers that the use of such devices is not practical for specific engine types.
 - All diesel-fueled engines used in the construction of the facility shall have clearly visible tags showing that the engine meets the standards of this measure.
 - All equipment and trucks used in the construction or operation and maintenance of the facility shall be properly maintained and the engines tuned to the engine manufacturer's specifications.
 - All diesel heavy construction equipment shall not idle for more than 5 minutes. Vehicles that need to idle as part of their normal operation (such as concrete trucks) are exempted from this requirement.

3.21.3.4 Impact Analysis

Impact PH-1: Would the project expose sensitive receptors to substantial pollutant concentrations? (Less than Significant)

Some population groups, such as children, the elderly, and acutely and chronically ill persons are considered more sensitive to air pollution than others. Sensitive receptor locations typically include residential areas, hospitals, elder-care facilities, rehabilitation centers, daycare centers, and parks. The project site is composed of rural desert land and is almost entirely undeveloped. The proposed project location is not situated close to any nonresidential areas that might be sensitive to noise, such as schools, hospitals, daycare centers, or long-term care establishments. The nearest schools, Baker Elementary, Middle, and High Schools, are over 6.5 miles away, situated in the northeastern part of Baker. The closest residences to the project location can be found next to the Rasor Road service station, roughly 260 feet southwest of the proposed boundary (Figure 3.21-1). This area encompasses a standalone house and accommodation for four workers. There are no other sensitive receptors within 1,500 feet of the project site, and actual construction occurs more than 3,500 feet from this standalone home.

TOXIC AIR CONTAMINANTS

The project would not produce high doses of any TACs during construction or operation. Implementation of the project would not result in the long-term operation of any emission sources that would adversely affect nearby sensitive receptors. Short-term construction activities (18 months) could result in temporary increases in pollutant concentrations. As discussed in Section 3.3 *Air Quality*, Emissions of all criteria pollutants are below the MDAQMD thresholds and would not have any significant impact. The project's emissions of TACs would be minimal and would consist of DPM emissions during construction activities. Although other TACs exist (e.g., benzene, 1,3-butadiene, hexavalent chromium, formaldehyde, methylene chloride), they are primarily associated with industrial operations and the project would not include any industrial sources of other TACs.

Construction-related activities that would result in temporary, intermittent emissions of DPM would be from the exhaust of off-road equipment and on-road, heavy-duty trucks. On-road, diesel-powered haul trucks traveling to and from the construction area to deliver materials and equipment are less of a concern because they do not operate at any one location for extended periods of time such that they would expose a single receptor to excessive DPM emissions.

Based on the construction-related emissions calculations conducted (see Appendix C), maximum daily emissions of exhaust PM₁₀ (used as a surrogate for DPM) would be 4.72 pounds during peak construction. A portion of these emissions would be related to haul trucks traveling to and from the project site. In addition, studies show that DPM is highly dispersive and that concentrations of DPM decline with distance from the source (e.g., 500 feet from a freeway, the concentration of DPM decreases by 70%) (Appendix C).

Project construction would generate DPM emissions from the exhaust of off-road diesel construction equipment. An assessment of the potential risk to human health from the project's hazardous air emissions during construction was performed using CARB's Hotspots Analysis and Reporting Program (HARP). The potential cancer risks and chronic hazard index to sensitive receptors exposed to DPM emissions during project construction were evaluated using HARP, which includes cancer potency values and noncancer reference exposure levels approved by the OEHHA. Potential cancer health risk and chronic HI were evaluated for the maximally exposed individual resident on the ground floor of the nearest residence located about 260 feet southwest of the project boundary. Because this residence is used to accommodate workers, the starting age of exposure was assumed to be 16 years old. Estimates of the health risks at the maximally exposed individual resident from exposure to DPM during project construction and operation are summarized and compared to the MDAQMD's thresholds of significance in Table 3.21-1 and Table 3.21-2.

Table 3.21-1. Health Risks from Project Construction

Emissions Scenario	DPM	
	Cancer Risk (per million)	Chronic Hazard Index
Construction	0.038	0.001
<i>MDAQMD significance thresholds</i>	<i>10</i>	<i>1.0</i>
Threshold exceeded?	No	No

Source: Appendix C.

As demonstrated above, the estimated excess cancer risk and chronic hazard index for DPM from construction emissions are below the MDAQMD thresholds of significance. Therefore, construction of the project would not expose existing sensitive receptors to substantial concentrations of hazardous air pollutants from project construction.

The project would not include the use of any mobile or stationary equipment during operations which would be sources of significant TAC emissions. Therefore, operation of the project would not expose existing sensitive receptors to substantial concentrations of hazardous air pollutants.

Furthermore, implementation of MDAQMD Rule 403, and applicant-committed control measure APM-9, would result in the reduction of DPM exhaust emissions. Any on-road, diesel-powered haul trucks traveling to and from the construction area to deliver materials and equipment are less of a concern because they do not operate at any one location for extended periods of time such that they would expose a single receptor to excessive DPM emissions. Additionally, operation-related TAC emissions would be negligible, as the project would be controlled remotely, with few visits to the site for maintenance. No TAC emission sources will occur during operations. Therefore, construction- and operation-generated emissions of TACs would be **less than significant**.

FUGITIVE DUST

During construction and operations activities, the project would implement dust control practices (APM AIR-1 through AIR-8), including an operational dust control plan, to ensure receptors in the project vicinity would not be impacted by the project's long-term dust emissions during operations and impacts would be **less than significant**.

NATURALLY OCCURRING ASBESTOS

Airborne asbestos is classified as a known human carcinogen; CARB identified asbestos as a TAC in 1986. The project is not located in a geologic setting with a potential to host asbestos and, therefore, the project would not expose sensitive receptors to asbestos (CARB 2000b). The project would not expose sensitive receptors to substantial pollutant concentrations; impacts would be **less than significant**.

VALLEY FEVER

Construction of the proposed project could result in mobilization of *Coccidioides* fungus spores in airborne dust, incrementally contributing to cumulative fungus spores in airborne dust in the area in combination with ground-disturbing activities associated with other past, present, and probable future projects. If inhaled, mobilized spores could expose workers and the public to contracting valley fever. Incorporating stringent dust control regulations, APM AIR-1 (Fugitive Dust Control Plan), APM AIR-3 (Construction Activity Management Plan), and APM HAZ-3 (Health, Safety, and Noise Plan) into the project would minimize the risk of workers or the public contracting valley fever. Refer to Section 3.9 *Hazards & Hazardous Materials* for further details regarding Valley Fever. Therefore, impacts would be **less than significant**.

3.21.4 Mitigation Measures

No mitigation is required.

3.21.5 Cumulative Impacts

Impact C-PH-1: Would the impacts of the proposed project, in combination with other past, present, and reasonably foreseeable future projects, contribute to a cumulative impact related to public health? (Less than Significant)

The MDAQMD relies on SCAQMD guidance for determining cumulative impacts. SCAQMD has recognized that there is typically insufficient information to quantitatively evaluate the cumulative contributions of multiple projects because each project applicant has no control over nearby projects.

SCAQMD published a report on how to address cumulative impacts from air pollution: *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution* (SCAQMD 2003). In this report, AQMD clearly states (page D-3):

...the AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is $HI > 1.0$ while the cumulative (facility-wide) is $HI > 3.0$. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts.

Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (SCAQMD 2003).

Individual projects that do not generate operational or construction emissions that exceed MDAQMD's recommended daily thresholds for project-specific impacts would also not cause a cumulatively considerable increase in emissions for those pollutants for which the MDAB is in nonattainment, and, therefore, would not be considered to have a significant, adverse air quality impact. The project would also not exceed the General Conformity de minimis thresholds for any pollutants in nonattainment. As previously noted, the project construction-source and operational-source air pollutant emissions would not exceed applicable MDAQMD regional thresholds. However, the project would incorporate APMs AIR-1 through AIR-9 and MDAQMD (Rule 403.2) requirements to further reduce potential emissions.

As the project's individual construction-related cancer risk and chronic hazard index are below the MDAQMD thresholds, and project operation would not result in a significant emission of TACs, a cumulative air quality impact modeling analysis is not needed. Further, based on CARB's Pollution Mapping Tool, the nearest permitted source is the Mountain Pass Mine approximately 43 miles northeast of the Project site (CARB 2024). Therefore, as there are no other permitted facilities within 6-miles of the project, no cumulative effects from nearby sources are anticipated. As such, project construction and operational-source TAC emissions are considered **less than significant**.

3.21.6 Laws, Ordinances, Regulations, and Standards

Federal, state, and local Laws, Ordinances, Regulations, and Standards (LORS) applicable to public health are discussed and summarized in Table 3.21-3.

Table 3.21-3. Laws, Ordinances, Regulations, and Standards

LORS	Administering Agency	Applicability	Compliance
Federal Clean Air Act	Mojave Desert Air Quality Management District	Establishes federal ambient air quality standards.	Section 3.21.3.3, 3.21.3.4
California Clean Air Act	Mojave Desert Air Quality Management District	Establishes state ambient air quality standards.	Section 3.21.3.3, 3.3.3.4
Mojave Desert Air Quality Management District Rules	Mojave Desert Air Quality Management District	Regulates air pollutant emission throughout the Mojave Desert Air Basin	Section 3.21.3.3, 3.3.3.4

and Air Quality Management Plans			
County of San Bernardino Municipal Code	County of San Bernardino Building Division	Identifies diesel exhaust emissions control measures	Section 3.21.3.3, 3.21.3.4

3.21.7 Agencies Contacted and Permits

A list of agencies that were contacted during preparation of this application is provided in Appendix V, Table 2-1. Permits Required for Soda Mountain Solar Project. Federal, state, and local permits applicable to air quality are also summarized in Appendix V, Table 2-1 and below in Table 3.21-4.

Table 3.21-4. Permits Required

Regulatory Agency	Permit Required	Agency Contact	Schedule
Mojave Desert Air Quality Management District	Authority to Construct	Brad Poiriez, Executive Director 14306 Park Avenue, Victorville, CA 92392 760-245-166 bradp@mdaqmd.ca.gov	After project approval and prior to construction.
Mojave Desert Air Quality Management District	Air Quality Construction Management Plan	Brad Poiriez, Executive Director 14306 Park Avenue, Victorville, CA 92392 760-245-166 bradp@mdaqmd.ca.gov	No less than 60 days prior to the start of construction.
Mojave Desert Air Quality Management District	Solar Project Dust Control Plan	Brad Poiriez, Executive Director 14306 Park Avenue, Victorville, CA 92392 760-245-166 bradp@mdaqmd.ca.gov	Not less than 10 days prior to active operations.

Pursuant to Assembly Bill 205 subsection 25545.1(b)(1), the CEC retains exclusive authority over permitting and supersedes any applicable local statute, ordinance, or regulation. However, the Applicant and CEC would collaborate with the County of San Bernardino on review of this Opt-in Application to ensure compliance with County rules and regulations.

3.21.8 References Cited

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