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<b>Project Title:</b>	Willow Rock Energy Storage Center
<b>TN #:</b>	259786
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*Comment Received From: Kern County Planning and Natural Resources Department  
Submitted On: 10/30/2024  
Docket Number: 21-AFC-02*

## **Kern County Comments and Requested Conditions of Approval**

*Additional submitted attachment is included below.*

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**PLANNING AND NATURAL  
RESOURCES DEPARTMENT**

Planning  
Community Development  
Administrative Operations

October 30, 2024

**FILE:** Gen. Corr., Map 231  
Hydrostor Willow Rock Energy Storage Center Project  
**WO#:** PP22149

California Energy Commission – Permit Division  
Attn: Leonidas Payne  
715 P Street  
Sacramento, CA 95814

**RE: Hydrostor Willow Rock Energy Storage Center – Kern County Comments and Requested Conditions of Approval (21-AFC-02) – Location – APN 431-022-13**

Members of the Commission:

The Kern County Planning and Natural Resources Department has reviewed the Willow Rock Energy Storage Center for the location at Dawn Road and State Highway 14 (APN 431-022-13). The project site is zoned A-1 which does not permit a long-term storage project, even with a Conditional Use Permit. The applicant has submitted a request to change the zoning to A (Exclusive Agriculture) and staff supports this request. The matter will be set for a public hearing before the Planning Commission with final consideration by the Kern County Board of Supervisors by first quarter of 2025.

The Planning and Natural Resources Department has consulted with various County departments to prepare appropriate conditions of approval to mitigate a variety of impacts that, in our experience, will occur on our environment and community members. Attached is a list of requested conditions of approval that are being included in our recommendation to the Kern County Board of Supervisors to consider support for the project. Staff notes the following specific issues regarding these conditions:

1. Staff has identified the 3-4 years of hard rock excavation, related truck traffic, and construction of the inter-tie line along Rosamond Blvd as the primary impacts on health, safety, and quality of life to surrounding communities. Specific conditions as mitigation have been carefully formulated and represent our recommended requests to the Commission.
2. Kern County is the site of over 100 mining operations including the largest open pit Borates mine in California (Rio Tinto, US Borax), the last hard rock gold and silver mine (Golden Queen Soledad Mine,) as well as three of the largest aggregate and concrete operations in California.

Kern County is, as well, the designated delegated authority for the implementation of SMARA (Surface Mining and Reclamation Act) and has extensive experience with hard rock excavation, blasting and other related activities. Staff is unaware of any experience the California Energy Commission has with such types of projects and we ask that you respect our expertise and our carefully crafted list of requested conditions.

3. Due to flood and potential drainage issues, staff does not support the use of the excavated rock on-site rather than disposal. Staff has reviewed the available options and concluded that disposal at a Kern County permitted facility, if appropriately conditioned, will provide a benefit to the community.

Transport for disposal along State Highway 14 south to any location in Los Angeles County will impact the current reconstruction of Highway 14, perhaps causing damage to the new road, cause further traffic delays, and provide no benefit to the residents of Kern County.

Thank you for the time and thoughtful consideration you are making on this project. We look forward to the incorporation of our requested conditions into your CEC Staff Assessment.

Should you have any questions, please contact me at (661) 862-8957 or [slaytonk@kerncounty.com](mailto:slaytonk@kerncounty.com).

Sincerely,



Katrina A. Slayton  
Division Chief, Advanced Planning

Cc: Hydrostor Willow Rock A- CAES, LLC  
Attn: Curt Hildebrand  
400 Capital Mall, Suite 3000  
Sacramento, CA 95814

Kern County Fire Dept. – Fire Chief  
Kern County Public Works Dept. – Director

# **Willow Rock Energy Storage Project by Hydrostor**

**APN 413-022-13**

## **KERN COUNTY REQUESTED CONDITIONS OF APPROVAL:**

1. All necessary building permits must be obtained.
2. The method of water supply and sewage disposal shall be as required and approved by the Kern County Environmental Health Services Department.
3. A plan for the disposal of drainage waters originating on-site and from adjacent road rights-of-way shall be approved by the Kern County Public Works Department - Building & Development - Floodplain, if required. Easements or grant deeds shall be given to the County of Kern for drainage purposes or access thereto, as necessary.
4. Associated flood hazard requirements shall be incorporated into the design of the project to include elevating and/or flood protecting structures subject to the approval of the Kern County Public Works Department – Building & Development – Floodplain.
5. Prior to the commencement of construction, the applicant shall provide an irrevocable offer of dedication to the County of Kern for:
  - a. Dawn Road - 55 feet from the centerline of the road for all subject property and the off-site portion of Dawn Road from the westerly project boundary line to the westerly boundary line of Lot 3 of Parcel Map No. 260 (attached).
  - b. Sierra Highway – 90 feet total; 45 feet from the centerline of the road for both sides.
6. All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Section 19.08.225 and Section 19.80.030.C of the Kern County Zoning Ordinance and Chapters 18.50 and 18.55 of the Kern County Land Division Ordinance. All obstructions, including utility poles and lines, trees, pole signs, or similar obstructions, shall be removed from the ultimate road rights-of-way in accordance with Section 18.55.030 of the Land Division Ordinance. Compliance with this requirement is the responsibility of the applicant and may result in significant financial expenditures.
7. Prior to the commencement of construction for the excavated rock disposal route, the applicant shall submit a Traffic Control Plan for review and approval by the Public Works Department.
8. Prior to the commencement of any and all construction activities on the transmission lines, the applicant shall submit a Traffic Control Plan for the entire route for review and approval by the Public Works Department. The plan shall provide specific details of construction activities that ensure no closure of Rosamond Blvd at any time. Limitations on travel on Rosamond Blvd at any location shall not stop traffic for more than 10 minutes at any time and shall not stop traffic on Friday, Saturday, or Sunday at any time.

9. Prior to the commencement of construction, the applicant shall, under encroachment permit issued by the Kern County Public Works Department, construct an asphalt concrete paved road approach for the proposed Dawn Road entrance at Sierra Highway to the facility and for the first 200 feet.
10. Prior to the commencement of construction, the applicant shall provide the Kern County Planning and Natural Resources Department with the location of all properties accepting excavated rock in unincorporated Kern County, including quantity. All appropriate permits shall be obtained for the locations identified to stockpile or otherwise utilize the excavated rock. Any provision of excavated rock to be provided to Kern County Public Works for use in road construction or operations shall be at no cost to the county for either the material or the trucking, and shall only be stockpiled at an approved Kern County Public Works location. If the excavated rock from the site is transported for disposal at the Holiday Rock site (7037 Trotter Avenue, Mojave), evidence of an approved permit from Kern County to receive the material shall be provided.
11. Prior to the commencement of construction, the applicant shall consult with the Kern County Public Works Department to determine the existing condition of Dawn Road from the entrance of the project site to the Highway 14 onramp and any necessary temporary treatments to provide an adequate paved surface to accommodate the safety and dust containment of the heavy truck traffic during the excavation of rock material, estimated to be continuous up to a maximum of four (4) years.
12. Prior to the commencement of operations, the applicant shall, under encroachment permit issued by the Kern County Public Works Department, pave to Type B Standards (60 feet wide w/ paved shoulders, including appropriate structural sections for heavy truck traffic) Dawn Road from the entrance of the project site westerly to the CalTrans boundary at Highway 14. These improvements shall include, but not be limited to, asphalt concrete and necessary tie-ins.
13. Prior to the commencement of any construction of the project, the applicant shall calculate a Traffic Index (T.I.) for:
  - a. Backus Road
  - b. Dawn Road
  - c. Any other Kern County road used for disposal of excavated rock
14. Prior to the commencement of any construction of the project, the applicant shall execute an agreement with the Kern County Public Works Department for the review of structural sections of Dawn Road, Backus Road, and any other Kern County roads used for the route for disposal of excavated rock, as identified in the Traffic Control Plan. If required, the applicant shall rebuild the route to ensure the appropriate structural section for the heavy truck traffic of excavation rock material trucks estimated to be continuous up to a maximum of four (4) years. The agreement shall provide for the following:
  - a. If applicable, based on Traffic Index results, rebuild the excavated rock disposal route to an appropriate standard at the exclusive determination of the Kern County Public Works Department.
  - b. Under encroachment permit issued by the Kern County Public Works Department, video tape the entire length of the haul route prior to the start of site mobilization, and at the beginning of each year of construction, and provide a schedule for yearly repair of damaged sections to ensure the structural integrity of the haul route to Kern County standards during and after completion of full excavation.

- c. Continuously maintain safe surface and conditions of road for traveling public.
15. Prior to the commencement of construction, the applicant shall submit the Traffic Control Plan to California Highway Patrol for consultation regarding required traffic control devices or improvements within their jurisdiction. If deemed necessary, such requirements shall be completed under encroachment permit.
16. Fire flows, access, and fire protection facilities shall be as required and approved by the Kern County Fire Department.
17. Provide funding for a fully equipped Urban Search and Rescue (USAR) Unit, including necessary equipment for use in Eastern Kern County, and staffing costs during the construction phase and agreements to pay for emergency response if the USAR is not delivered before construction begins. The applicant shall provide the following to address the unique emergency service issues on the project:
  - a. The applicant shall, within 180 days after approval of the project by the California Energy Commission, provide a lump sum of \$1,900,000 (\$1.9 million) to the Kern County Fire Department for the USAR.
  - b. Within 60 days of Kern County Fire taking delivery of the USAR, the first lump sum payment for the first year of staffing shall be made to the Kern County Fire Department in the amount of \$2,400,000 (\$2.4 million) and made annually until the final Certificate of Occupancy for operations is issued by Kern County or as authorized by the CEC.
  - c. If construction begins and the new USAR has not been delivered, then the applicant shall sign an agreement with the Kern County Fire Department agreeing to the reimbursement of costs for responding to incidents at the site. Such an agreement will terminate once the USAR is delivered, and the staffing annual payment is made.
18. Encouragement of Local Hire – Prior to the issuance of any building permits on the project property, the project operator shall encourage all contractors for the project to hire at least 50 percent of their workers from the local Kern County communities. The project operator shall provide to the contractors a list of training programs that provide skilled workers and shall require the contractor to advertise locally for available jobs, notify the training programs of job availability, all in conjunction with normal hiring practices of the contractor. The project operator shall submit a letter detailing the hiring efforts, prior to commencement of construction.
19. Sales Tax Provision – The project proponent/operator shall work with the County to determine how the use of sales and use taxes from the construction of the project can be maximized. This process shall include, but is not necessarily limited to, the project proponent/operator obtaining a street address within the unincorporated portion of Kern County for acquisition, purchasing and billing purposes, and registering this address with the State Board of Equalization. As an alternative to the aforementioned process, the project proponent/operator may make arrangements with Kern County for a guaranteed single payment that is equivalent to the amount of sales and use taxes that would have otherwise been received (less any sales and use taxes actually paid); with the amount of the single payment to be determined via a formula approved by Kern County. The project proponent/operator shall allow the County to use this sales tax information publicly for reporting purposes.

20. The Kern County Planning and Natural Resources Department shall be provided cell phone and office numbers and e-mails for the Project Construction Manager, Senior Company Executives, and Lead contact for the California Energy Commission Environmental Compliance Consultant.
21. Kern County Planning and Natural Resources Department, Kern County Fire Department and Kern County Public Works Department shall all be notified by e-mail for the following milestones:
  - a. Commencement of any road construction
  - b. Moving equipment for grading onto the site
  - c. Beginning of any blasting or excavation
  - d. Filling of the retention pond
  - e. Completion of excavation
  - f. Completion of facilities
22. Compliance with the Kern County Dark Sky Ordinance (Chapter 19.81 – Outdoor Lighting – Dark Skies) is required for both construction and operations.
23. All exterior lighting shall be directed away from adjacent properties and roads. The lighting standards shall be equipped with glare shields or baffles. Light fixtures shall be maintained in sound operating conditions at all times.
24. The development shall comply with any requirements of the East Kern Air Pollution Control District.
25. To control fugitive PM emissions during construction, prior to the issuance of grading or building permits and any earthwork activities, the project proponent shall prepare a comprehensive Fugitive Dust Control Plan for review by the Kern County Planning and Natural Resources Department. The plan shall include all EKAPCD-recommended measures, including but not limited to, the following:
  - a. All soil being actively excavated or graded shall be sufficiently water to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed soils areas. Watering shall take place a minimum of three times daily where soil is being actively disturbed, unless dust is otherwise controlled by rainfall or use of a dust suppressant.
  - b. Vehicle speed for all on site (i.e., within the project boundary) construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site. Signs identifying construction vehicle speed limits shall be posted along onsite roadways, at the site entrance/exit, and along unpaved site access roads.
  - c. Vehicle speeds on all offsite unpaved project-site access roads (i.e., outside the project boundary) construction vehicles shall not exceed 25 mph. Signs identifying vehicle speed limits shall be posted along unpaved site access roads and at the site entrance/exit.
  - d. All onsite unpaved roads and offsite unpaved public project-site access road(s) shall be effectively stabilized of dust emissions using water or EKAPCD-approved dust suppressants/palliatives, sufficient to prevent wind-blown dust exceeding 20 percent opacity at nearby residences or public roads. If water is used, watering shall occur a



minimum of three times daily, sufficient to keep soil moist along actively used roadways. During the dry season, unpaved road surfaces and vehicle parking/staging areas shall be watered immediately prior to periods of high use (e.g., worker commute periods, truck convoys). Reclaimed (non-potable) water shall be used to the extent available and feasible.

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

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

26. To control NO<sub>x</sub> and PM emissions during construction, the project proponent/operator and/or its contractor(s) shall implement the following measures during construction of the project, subject to verification by the County:

- a. Off-road equipment engines over 25 horsepower shall be equipped with EPA Tier 4 or higher engines, unless Tier 4 construction equipment is not locally available.
- b. All equipment shall be maintained in accordance with the manufacturer's specifications.
- c. Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes.
- d. Notification shall be provided to trucks and vehicles in loading or unloading queues that their engines shall be turned off when not in use for more than 5 minutes.

- e. Electric equipment shall be used to the extent feasible in lieu of diesel or gasoline-powered equipment.
- f. All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NO<sub>x</sub> emissions.
- g. On-road and off-road diesel equipment shall use diesel particulate filters (or the equivalent) if permitted under manufacturer's guidelines.
- h. Existing electric power sources shall be used to the extent feasible. This measure would minimize the use of higher polluting gas or diesel generators.
- i. The hours of operation of heavy-duty equipment and/or the quantity of equipment in use shall be limited to the extent feasible.

27. To minimize personnel and public exposure to potential Valley Fever–containing dust on and off site, the following control measures shall be implemented during project construction:

- a. Equipment, vehicles, and other items shall be thoroughly cleaned of dust before they are moved off site to other work locations.
- b. Wherever possible, grading and trenching work shall be phased so that earth-moving equipment is working well ahead or downwind of workers on the ground.
- c. The area immediately behind grading or trenching equipment shall be sprayed with water before ground workers move into the area.
- d. In the event that a water truck runs out of water before dust is sufficiently dampened, ground workers being exposed to dust shall leave the area until a truck can resume water spraying.
- e. To the greatest extent feasible, heavy-duty earth-moving vehicles shall be closed-cab and equipped with a HEP-filtered air system.
- f. Workers shall receive training in procedures to minimize activities that may result in the release of airborne *Coccidioides immitis* (CI) spores, to recognize the symptoms of Valley Fever, and shall be instructed to promptly report suspected symptoms of work-related Valley Fever to a supervisor. Evidence of training shall be provided to the Kern County Planning and Natural Resources Department within 5 days of the training session.
- g. A Valley Fever informational handout shall be provided to all onsite construction personnel. The handout shall, at a minimum, provide information regarding the symptoms, health effects, preventative measures, and treatment. Additional information and handouts can be obtained by contacting the Kern County Public Health Services Department.
- h. Onsite personnel shall be trained on the proper use of personal protective equipment, including respiratory equipment. National Institute for Occupational Safety and Health–approved respirators shall be provided to onsite personal, upon request. When exposure to dust is unavoidable, provide appropriate NIOSH-approved respiratory protection to affected workers. If respiratory protection is deemed necessary, employers must develop and implement a respiratory protection program in accordance with Cal/OSHA's Respiratory Protection standard (8 CCR 5144).

28. Prior to the issuance of grading permits, a one-time fee shall be paid to the Kern County Public Health Services Department in the amount of \$3,200 for Valley Fever public awareness programs.
29. All signs shall comply with the signage regulations of the applicable base zone district and with Chapter 19.84 of the Zoning Ordinance.
30. All signs shall be approved by the Director of the Kern County Planning and Natural Resources Department prior to installation.
31. All vehicle parking and maneuvering areas, including any necessary off-site connections, shall be surfaced with one of the following: three inches of decomposed granite, three inches of compacted rock dust, three inches of gravel, or three inches of material of a higher quality. All required surfacing shall be continuously maintained in good condition.
32. Standard vehicle parking spaces shall be 9 feet by 20 feet or larger in size and shall be designated by white painted stripes. A maximum of 20 percent of the required parking spaces may be designated compact spaces and shall be 8 feet by 16 feet or larger in size.
33. Concrete wheel blocks or a six-inch raised A.C. Curb shall be installed at each parking space that abuts a structure or property line.
34. The applicant shall submit and obtain approval of a vector control plan from the Kern County Public Health Services Department – Environmental Health Division.
35. Any business which stores hazardous or toxic chemicals as a normal part of its business shall file a Business Plan with the Kern County Public Health Services Department – Environmental Health Division.
36. If any previously unknown oil, gas or injection wells are discovered, work in the area of discovery shall be stopped and the Department of Conservation, Division of Oil, Gas, and Geothermal Resources, Bakersfield Office contacted by the project proponent to obtain information on the requirements of, and approval to perform, remedial operations implemented prior to resumption of work in the area of discovery.
37. If any previously unknown archaeological or cultural resources are discovered, work in the area of discovery shall be stopped and a qualified archeologist contacted to evaluate the find. A copy of the archaeologist's evaluation shall be submitted to the Kern County Planning and Natural Resources Department upon its issuance and any measures recommended by the archaeologist shall be implemented prior to resumption of work in the area of discovery.
38. If development has not commenced within five (5) years of the approval, the approval shall become null and void and of no effect, unless an extension has been granted upon written request for an extension before the expiration of the five-(5-) year period.