



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL:

mbassi@cityofwildomar.org

Matthew C. Bassi, Community Development Director
City of Wildomar
23873 Clinton Keith Rd, Ste. 110
Wildomar, CA 92595

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Mitigated Negative Declaration (MND) for the Proposed Chiquito Battery Energy Storage Facility Project (PA 22-0026) Project (Proposed Project)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document for the Proposed Project. South Coast AQMD staff has provided a brief summary of the project information and prepared the following comments organized by topic of concern.

South Coast AQMD Staff's Summary of Project Information in the MND

Based on the information provided in the MND, the Lead Agency proposes to construct a new 80-megawatt (MW) Battery Energy Storage System (BESS) on a 2.83-acre site. The Proposed Project would store and deliver electricity to the grid through a Generator Interconnection Agreement (GIA) with Southern California Edison (SCE).¹ Based on the aerial photographs, South Coast AQMD staff found that the nearest sensitive receptors (e.g., occupied single-family homes) are located approximately 570 feet to the south of the Proposed Project boundaries. The Proposed Project construction is estimated to last approximately 9 months.²

South Coast AQMD Staff's Comments on the MND

South Coast AQMD Rules, Permits, and a Role as Responsible Agency

If the implementation of the Proposed Project would require the use of new stationary and portable sources, including but not limited to emergency generators, fire water pumps, boilers, etc., air permits from South Coast AQMD will be required. The final CEQA document, whether a MND or EIR, should include a discussion about the potentially applicable rules that the Proposed Project needs to comply with. Those rules may include, for examples, Rule 201 – Permit to Construct,³ Rule 203 – Permit to Operate,⁴ Rule 401 – Visible Emissions,⁵ Rule 402 – Nuisance,⁶ Rule 403 – Fugitive Dust,⁷ Rule

¹ MND. Page 6.

² Appendix 2_AQ_GHG Modeling Page 62.

³ South Coast AQMD Rule 201 – Permit to Construct. Access at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf>.

⁴ South Coast AQMD Rule 203 – Permit to Operate. Access at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf>.

⁵ South Coast AQMD Rule 401 – Visible Emissions. Access at: <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-401.pdf>.

⁶ South Coast AQMD Rule 402 – Nuisance. Access at: <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf>.

⁷ South Coast AQMD Rule 403 – Fugitive Dust. Access at: <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf>.

1110.2 – Emissions from Gaseous and Liquid Fueled Engines,⁸ Rule 1166 – VOC Contaminated Soil Excavation,⁹ Regulation XIII – New Source Review,¹⁰ Rule 1401 – Air Toxics,¹¹ Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants,¹² Rule 1470 – Requirements for Stationary Diesel Fueled Internal Combustion and Other Compression Ignition Engines,¹³ and etc. It is important to note that when air permits from South Coast AQMD are required, the role of South Coast AQMD would change from a Commenting Agency to a Responsible Agency under CEQA. In addition, if South Coast AQMD is identified as a Responsible Agency, per CEQA Guidelines Sections 15086, the Lead Agency is required to consult with South Coast AQMD.

CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of the process for conducting a review of the Proposed Project and issuing discretionary approvals. Moreover, it is important to note that if a Responsible Agency determines that a CEQA document is not adequate to rely upon for its discretionary approvals, the Responsible Agency must take further actions listed in CEQA Guideline Section 15096(e), which could have the effect of delaying the implementation of the Proposed Project. In its role as CEQA Responsible Agency, the South Coast AQMD is obligated to ensure that the CEQA document prepared for this Proposed Project contains a sufficient project description and analysis to be relied upon in order to issue any discretionary approvals that may be needed for air permits. South Coast AQMD is concerned that the project description and analysis in its current form in the MND is inadequate to be relied upon for this purpose.

For these reasons, the final CEQA document should be revised to include a discussion about any and all new stationary and portable equipment requiring South Coast AQMD air permits, provide the evaluation of their air quality and greenhouse gas impacts, and identify South Coast AQMD as a Responsible Agency for the Proposed Project as this information will be relied upon as the basis for the permit conditions and emission limits for the air permit(s). Please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385 for questions regarding what types of equipment would require air permits. For more general information on permits, please visit South Coast AQMD's webpage at <http://www.aqmd.gov/home/permits>.

Conclusion

The Lead Agency is recommended to revise the CEQA analysis to address the aforementioned comments and provide the necessary evidence to sufficiently support the conclusions reached. If the requested information and analysis are not included in the final CEQA document, either the Final MND or other type of CEQA document, the Lead Agency should provide reasons for not doing so.

⁸ South Coast AQMD Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines. Access at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1110-2.pdf>.

⁹ South Coast AQMD Rule 1166 - VOC Contaminated Soil Excavation. Access at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>.

¹⁰ South Coast AQMD Regulation 13 – New Source Review. Access at: <https://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/regulation-xiii>.

¹¹ South Coast AQMD Rule 1401 – Air Toxics. Access at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1401.pdf>.

¹² South Coast AQMD Rule 1466 - Control of Particulate Emissions from Soils with Toxic Air Contaminants. Access at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf>.

¹³ South Coast AQMD Rule 1470 - Requirements for Stationary Diesel Fueled Internal Combustion and Other Compression Ignition Engines. Access at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf>.

Pursuant to California Public Resources Code Section 21092.5(b) and CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review process and notify each public agency when any public hearings are scheduled. Please provide South Coast AQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided. In addition, if the Lead Agency decides to adopt the Final MND, please provide South Coast AQMD with a notice of any scheduled public hearing(s).

Thank you for considering these comments. South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Sahar Ghadimi, Air Quality Specialist, at sghadimi@aqmd.gov should you have any questions.

Sincerely,

Sam Wang

Sam Wang

Program Supervisor, CEQA-IGR

Planning, Rule Development & Implementation

SW:SG

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