APPENDIX J

March 24, 2000

Tony Oliveira, Vice Chair
Kings County Board of Supervisors
1400 West Lacey Boulevard
Hanford, CA 93230

Re: Rebuttal of comments on the appeal of the Environmental Impact Report for the Boswell Dairy Complex

Dear Mr. Oliveira:

I am a private consulting scientist, specializing in air quality research and analysis. My office is in Santa Barbara, California. I hold a B.Sc. degree in Chemical Engineering from the University of California at Santa Barbara (1970). I have been engaged in analysis, research, and enforcement work in the field of air quality since 1973. My experience includes evaluating emissions of air contaminants and related impacts from a wide variety of stationary and mobile sources of air pollution for clients in the public and private sector. I have extensive experience preparing or participating in the preparation of air permits and environmental documents that satisfy the Clean Air Act, the California Health and Safety Code, local air quality rules and regulations, the California Environmental Quality Act ("CEQA") and the National Environmental Protection Act requirements. I have participated in rule-making and pollution control strategy development for public agencies. I have also served as an expert providing testimony, analysis, and advice on air pollution emissions for business and community groups, as well as for government agencies.

The Center on Race, Poverty, and the Environment ("CRPE") retained me to review the air quality sections of the referenced Environmental Impact Report ("EIR") and provide comments on their behalf to you as part of the rebuttal phase of their appeal of the Boswell diary permits and EIR approval. I have reviewed the document and have found the analysis of air quality impacts to be incomplete, especially the identification and development of mitigation measures to reduce significant impacts and the analysis of cumulative impacts.

The EIR for the proposed Boswell Dairy Complex identifies ten "significant and unavoidable" impacts to air quality (five of the impacts are project-level; the same five impacts are significant and unavoidable on a cumulative level). These "significant and unavoidable" impacts would contribute both PM_{10} and reactive organic gas ("ROG") emissions to the San Joaquin Valley air basin, an area that is currently in nonattainment for both Federal and State PM_{10} and ozone standards (ROG is a precursor to ozone formation). Any contributions of PM_{10} and ROG emissions to the environment would

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exacerbate this nonattainment status and would prohibit the County from complying with Federal and State mandates to improve air quality and attain the standards

As I am sure you are aware, CEQA requires an EIR to identify and analyze mitigation measures to reduce or minimize any significant impacts. Given the current nonattainment status of the air basin for PM_{10} and ROG, it is even more important that the EIR for the Boswell Diary Complex include a comprehensive listing and analysis of all reasonable and feasible mitigation measures that would reduce emissions or impacts from the proposed project. It is my opinion that the EIR does not present a comprehensive listing and analysis of all reasonable and feasible mitigation measures.

For example, Mitigation Measure 4.2-3 requires the operator to use "effective stabilization" to reduce fugitive PM_{10} emissions from cattle-movement and related activity using water or chemical stabilizer/suppressant. This unspecific and weakly worded mitigation measure would allow the operator to choose between water and a stabilizer to control dust. Since water is less expensive than chemical stabilizer/suppressants, it is likely that water would be used to control dust, even though chemical stabilizers are widely accepted as being a more effective control measure. The EIR should be revised to provide a complete analysis of control measure effectiveness, and the mitigation measures should be reworded to remove ambiguity. The most effective control measures should be required, not suggested and left to the discretion of the project operator.

Furthermore, the EIR did not analyze all mitigation measures that may be reasonable and feasible to reduce emissions from the proposed project. Although the EIR described two aerobic treatment systems used within the San Joaquin Valley air basin to reduce ROG emissions from dairy facilities, the EIR was unspecific about the type of treatment system required for the proposed project. This control strategy should have been thoroughly analyzed, as it has the potential to substantially reduce eight of the ten significant and unavoidable impacts. The EIR skirted the issue by stating that "the effectiveness of these control technologies in reducing ROG has not been critically evaluated". I would argue that this is the time and place to evaluate these technologies and to require the most effective treatment option to be a part of the proposed project. A third-party analysis is more likely to be complete and unbiased than an analysis prepared by the project proponent after approval of the project.

Another option to reduce air quality impacts would be to reduce non-project PM_{10} emissions in the vicinity of the proposed project. In situations like this, it is feasible to offset emissions from one source using emission reductions from another nearby source. For example, it may be feasible in this case for the project applicant to convert a surrounding PM_{10}-generating land use to a non-polluting land use, *i.e.*, land currently used for row crops could be converted to a wetland preserve or left fallow. These non-project emission reductions could be used to offset project-related emission increases, thus reducing the overall air quality burden on the local and regional air shed.

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The analysis of cumulative impacts in the EIR is inadequate because emission estimates were not prepared for reasonably foreseeable future dairy and livestock projects in Kings County. While on one hand, the EIR states that a cumulative emission estimate was not possible to make, the document provides an estimate of recently approved and proposed farms and an estimate of herd sizes. With these data, using the same emission factors employed for the proposed project, an estimate of cumulative emissions could have been made. Due to the uncertainties associated with this estimate, a range of emission estimates may be advisable.

In conclusion, it is my opinion that the EIR has not fully complied with the requirements of CEQA, and any findings by Kings County that the EIR has, in fact, complied with CEQA requirements are incorrect. The EIR should be revised to include a more detailed analysis of reasonable and feasible mitigations, the mitigation measures should be revised to remove ambiguity, and cumulative impacts should be quantified. Thank you for the opportunity to comment during the rebuttal phase of CRPE's appeal of the Boswell dairy permits and EIR.

Sincerely,

Cliff R. Scholle
Air Quality Scientist

SEA Consultants, 101 Sherwood Drive, Santa Barbara, CA 93110, Telephone and FAX: 805-967-4181

CLIFF R. SCHOLLE

EDUCATION AND WORK SUMMARY:

University of California, Santa Barbara, Bachelor of Science, Chemical Engineering, 1970. Over 27 years of experience as an air quality scientist working in the design, implementation, and management of field research programs and environmental impact assessments. Management or participation in the preparation of complex environmental documents and permits; supervision of technical staff on a wide variety of environmental research and evaluation projects. Project manager for numerous programs ranging in complexity from single-source permit applications to multi-million dollar energy development projects. Environmental evaluation of a diverse range of projects, including the petrochemical, minerals processing, aerospace, maritime, and the wood products industries, as well as hazardous waste incineration. Technical analysis, review, or testimony as an expert for public agencies and community groups.

PROFESSIONAL EXPERIENCE:

Management and Supervision

Approximately 20 years experience managing projects and/or supervising personnel.

- Field and laboratory supervisor during numerous air quality research experiments for North American Weather Consultants between 1976 and 1983.
- Program manager and air quality section supervisor for Science Applications International Corporation and URS Consultants between 1986 and 1991. Responsible for all air quality analyses performed by staff.
- Project manager of the GTC Interim Marine Terminal Project and other projects for the Santa Barbara County Air Pollution Control District (SBCAPCD) between 1985 and 1996. Responsible for permit and compliance activities associated with the petrochemical industry.
- Principal of SEA Consultants since 1991.

Expert Services/Litigation Support

Technical review and/or testimony as an expert for air quality permits and environmental documents. Examples include:

- California Energy Commission cogeneration project permit applications.
- CEQA documents prepared for the expansion of petroleum refineries in the Los Angeles and San Francisco Bay area.

- Air permit applications to the South Coast Air Quality Management District for petroleum refinery modifications.
- Air permit application to the San Jouquin Valley Unified Air Pollution Control District for the expansion of a hazardous waste landfill.
- Air permit application to the San Diego County Air Pollution Control District for the Homeport Dredging project.
- San Diego Unified Port District methyl bromide fumigation monitoring plan review.
- CEQA documents prepared by the Department of Toxic Substances Control for potential releases of hazardous air contaminants.
- Analysis of a car-scrapping facility in Los Angeles.
- Analysis of hexavalent chromium use in the aerospace industry.

Ambient Air Monitoring

- Responsible for the design, siting, fabrication, calibration, and maintenance of ambient air quality and meteorological monitoring stations for North American Weather Consultants. Conducted numerous ambient air quality monitoring studies throughout the Western and Midwestern States.
- Designed and fabricated specialized air monitoring equipment such as sequential air samplers, reactive pollutant sample containers, high flow-rate calibration systems, aircraft inlet probes, and a molecular diffusion manifold for ambient air sampling.
- Designed and fabricated aircraft-mounted air quality monitoring systems. Participated in airborne air quality monitoring studies.
- Conducted specialized air quality monitoring studies, including experiments that characterized ambient reactive hydrocarbon concentrations in urban and rural areas; ambient lead, hexavalent chromium, and perchloroethylene exposures in the South Coast Air Basin; and vehicular emission impacts in Colorado.
- Conducted a monitoring program for the Naval Explosive Ordinance Division to determine ambient concentrations of a wide variety of toxic compounds at the Marine Corps Air/Ground Combat Center in Twenty-Nine Palms, California.

Air Permits/Regulatory Activities

Extensive experience preparing and reviewing air quality permits in support of regulatory agencies, as well as for industrial source operators.

- Prepared emission inventories, air permits, and NEPA/CEQA documents for petrochemical facilities in Santa Barbara County, as an air pollution engineer for the SBCAPCD and as a private consultant.

- Developed emission factors for mobile and stationary sources for use in air SBCAPCD permits and planning inventories.

- Participated in the enforcement of regulatory programs for air quality, particularly in the implementation and technical work associated with AB 2588, the Air Toxics Hot Spots Act, and Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986.

- SBCAPCD representative for resource planning studies, such as the Joint Interagency Modeling Study, the South Central Cooperative Aerometric Monitoring Program, the Petroleum Transportation Committee, and the Oil Transportation Plan.

- Prepared scores of environmental analyses and/or permits for numerous source types, including the minerals processing, petroleum processing, national defense, aerospace, and wood products industries.

Environmental Review

Prepared, contributed to, or reviewed more than 100 Environmental Impact Reports (EIR), Environmental Impact Statements (EIS), and/or environmental assessments consistent with the California Environmental Quality Act and the National Environmental Protection Act. Examples include:

- CEQA documents in support of the Technology and Environmental Assessment Division of the SBCAPCD, including an EIR for the SBCAPCD Regulation II, New Source Review and Prevention of Significant Deterioration.

- 2020 Master Plan and Feasibility Study, Channel Improvements, and Landfill Developments EIS/EIR and Special Studies for the Corps of Engineers and Ports of Los Angeles and Long Beach.

- Castle Mountain Gold Mine Project EIR/EIS.

- Numerous environmental documents evaluating the realignment of military aircraft training flights for the Air Force Strategic Air Command and Air National Guard.

Planning/Rule Making

- Contributed to the development of rules and associated staff reports for the Monterey Bay Unified Air Pollution Control District.

- Contributed to the socioeconomic impact analyses (Palanco Bill) for proposed San Diego Air Pollution Control District rules and regulations.

- Performed technical and economic evaluations of 38 control measures considered for adoption into the Santa Barbara County 1991 Air Quality Attainment Plan.

Dispersion Analysis/Impact Assessment

- Developed an SF_6-tracer capability for use in atmospheric dispersion simulation experiments. Participated in SF_6-tracer experiments, including the Central California Tracer and Model Validation Study for the Bureau of Land Management, the Cinder Cone Butte Dispersion Experiment for the Complex Terrain Modeling Program for the Environmental Protection Agency, the Long Range Transport of the Los Angeles Urban Plume Experiment for Southern California Edison Company (SCE), and the Tracer and Plume Model Validation Study for SCE.

- Assessed the vehicular emission impacts for numerous projects, including the expansion of the Staten Island Bridges for the New York and New Jersey Port Authorities and the revisions to the Solvang Circulation Element.

- Prepared health risk assessments for municipal wastewater treatment facilities in Santa Barbara County for the SBCAPCD.