

# Attachment J

This page intentionally left blank.



## Denise Duffy & Associates, Inc.

PLANNING AND ENVIRONMENTAL CONSULTING

May 21, 2020  
Nadia Garcia, Associate Planner  
RMA - Planning Department  
1441 Shilling Place, 2<sup>nd</sup> Floor  
Salinas, CA 93901

**SUBJECT: CALIFORNIA FLATS SOLAR PROJECT – BATTERY ENERGY STORAGE SYSTEM MODIFICATION (PLN120294-AMD1): Response to Comments Regarding Potential Valley Fever Impacts to Construction Workers**

Dear Ms. Garcia:

Thank you for taking the time to speak with me regarding the above referenced item. As you are aware, on May 19, 2020, the County of Monterey received a letter from Adams, Broadwell, Joseph, and Cardozo, PC (“ABJC”) submitted on behalf of California Unions for Reliable Energy (“CURE”) concerning potential Valley Fever<sup>1</sup> impacts to construction workers who would be hired to construct the proposed California Flats Solar Project – Battery Energy Storage Modification (“Proposed Modification”). Denise Duffy & Associates is assisting with environmental consulting and permitting for the Proposed Modification and, on behalf of the applicant, prepared the following response below concerning the adequacy of environmental review and need to prepare a supplemental or subsequent EIR for the Proposed Modification. As outlined below, the existing analysis contained in the California flats Solar (CFS) Project Final EIR (July 2015) and the Addendum for the Proposed Modification adequately evaluated the potential health effects to construction workers due to Valley Fever. As a result, a supplemental or subsequent EIR is not warranted.

ABJC states in its comments on the Proposed Modification that there is new information of substantial importance that warrants preparation of a subsequent or supplemental EIR because the Proposed Modification would increase the severity of Valley Fever impacts relative to those identified in the CFS Project EIR. This assertion is factually incorrect and not supported by substantial evidence. The information presented by ABJC does not constitute new information of substantial importance that was not previously known at the time that the CFS Project EIR was originally prepared that would result in substantially more severe significant environmental effects. The fact that additional Valley Fever cases were reported during construction of the California Flats Project does not materially affect the conclusions of the CFS Project EIR. The CFS Project EIR clearly identified that construction activities could result in the exposure of construction personnel to potential Valley Fever related hazards (see Draft EIR

---

<sup>1</sup> Valley Fever (or “coccidioidomycosis”) is an infection caused by inhalation of fungal spores which are known to be present in dust and soils within Monterey County, California and other parts of the United States. The infection primarily affects the respiratory system and, if contracted, cannot be spread from person to person or between animals and humans. Preventative measures, such as the use by construction workers of N95 masks while performing certain soil-disturbing activities and adherence to proper industrial hygiene protocols, are known to prevent or mitigate the risk of Valley Fever. For additional information, refer to <https://www.co.monterey.ca.us/government/departments-a-h/health/diseases/coccidioidomycosis-valley-fever>.

pgs. 4.3-1 through 4.3-35; see also Final EIR pgs. 4-30 through 4-50) and identified corresponding mitigation measures to avoid or lessen the extent of potential impacts. Applicable mitigation measures include the following: AQ-6(a): Valley Fever Management Plan; AQ-6(b): Additional Valley Fever Dust Suppression Measures; AQ-6(c): Monterey County Health Department Notification; AQ-6(d): Valley Fever Worker Training Program and Safety Measures; and, AQ-6(e): Valley Fever Informational Handout.<sup>2</sup>

The Proposed Modification would not result in any additional environmental effects related to Valley Fever beyond those identified in the CFS Project EIR. The Proposed Modification would be required to implement all of the existing mitigation measures identified in the CFS Project EIR to address potential Valley Fever related hazards, including mitigation measure AQ-6(a) which requires the preparation of Valley Fever Management Plan. As required pursuant to AQ-6(a), a Valley Fever Management Plan will be prepared in consultation with a licensed medical physician specializing in pulmonary epidemiology prior to the start of construction and will be subject to the review and approval of the Monterey County Health Department. The implementation of the Valley Fever Management Plan, as well as the other mitigation measures identified in the CFS Project EIR, would ensure that potential impacts would be less-than-significant.

Moreover, the County of Monterey appropriately considered the potential environmental effects associated with the Proposed Modification consistent with the requirements of CEQA Guidelines Sec. 15164. As identified in the Addendum for the Proposed Modification, construction activities would not result in any additional Valley Fever effects beyond those identified in the CFS Project EIR. Moreover, the Addendum also recognized that the Proposed Modification would implement all applicable mitigation measures identified in the CFS Project EIR. The information presented by ABJC does not materially effect and/or change the conclusions of the Addendum, result in a new, previously identified significant impact, or result in the increase in severity of a previously identified significant impact. Construction could result in potential Valley Fever hazards and mitigation would be implemented to ensure that the potential impacts would be reduced to a less-than-significant level consistent with the findings of the CFS Project EIR.

Finally, it is also worth noting that the extent of potential Valley Fever impacts associated with the Proposed Modification would be considerably less than the original project. First, the CFS Project EIR assumed that construction of the entire CFS Project would occur over a 12 to 18-month period. This schedule assumed that multiple different construction activities, including grading activities, would occur concurrently. As a result, potential construction personnel could be exposed to potential hazards due to on-going/concurrent ground-disturbing activities. Second, the extent of on-site construction

---

<sup>2</sup> The CFS Project EIR identified that construction of the CFS Project could generate fugitive dust emissions and expose sensitive receptors to associated health hazards. However, the CFS Project EIR conclusively determined that these effects would be less-than-significant with mitigation. The EIR concluded that the implementation of applicable mitigation measures, in combination with other mitigation measures intended to reduce fugitive dust emissions, would ensure that construction personnel and other receptors would be adequately protected from exposure to Valley Fever during grading and other earth-moving activities on-site. The EIR concluded that impacts would be less-than-significant. In addition, the EIR also recognized that the project applicant and all construction contractors would be required to implement all of California Title 8 safety and health regulations necessary to protect project employees. As a result, the CFS Project EIR appropriately considered potential Valley Fever hazards.

personnel would be considerably less than contemplated as part of the original project. As a result, fewer individuals would be exposed to potential Valley Fever hazards during construction.<sup>3</sup> Finally, the extent of ground-disturbing activities and thereby potential Valley Fever exposure would also be less. The Proposed Modification would only impact approximately 2.5 acres as opposed to approximately 2,120 acres contemplated in the CFS Project EIR. As a result, the Proposed Modification would not result in any additional environmental effects beyond those previously identified in the CFS EIR.

For these reasons described above, a supplemental or subsequent environmental impact report is not warranted under CEQA Guidelines Sec. 15162 or Sec. 15163. The information provided by ABJC does not constitute new information of substantial importance that would result in a new significant effect not previously disclosed or increase the severity of a previously identified significant effect. As noted above, the CFS Project EIR appropriately evaluated potential impacts associated with Valley Fever and identified mitigation measures to lessen the extent of impacts to a less-than-significant level. In addition, the County of Monterey also appropriately evaluated the potential environmental effects associated with the Proposed Modification and identified that the Proposed Modification would be subject to the same mitigation measures identified in the CFS Project EIR, including a requirement that the applicant prepare a detailed Valley Fever Management Plan in consultation with a licensed medical physician specializing in pulmonary epidemiology. The ABJC assertion that a supplemental or subsequent environmental impact report is required lacks merit and is not supported by substantial evidence. The County of Monterey appropriately considered and evaluated the potential environmental effects associated with the Proposed Modification and further environmental review is not warranted.

As always, thank you for your time and consideration regarding this issue. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,



Tyler L. Potter, J.D., AICP  
Senior Project Manager/Senior Planner  
Denise Duffy & Associates, Inc.

---

<sup>3</sup> The original project assumed that the maximum number of construction personnel on-site would be 816 individuals. As a result, the EIR considered potential impacts assuming a maximum construction workforce. The extent of on-site construction personnel on-site at any given time as part of the Proposed Modification would be considerably less than evaluated in the CFS Project EIR. While average workforce will vary, the typical number of on-site construction personnel would be around 30 workers, although it could be as low as 4 depending on the nature of construction activities.

This page intentionally left blank.