



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

## Planning Commission Staff Report Agenda Item No. 2 April 25, 2024

**SUBJECT:** Initial Study No. 8380; Unclassified Conditional Use  
Permit Application No. 3762

Allow the construction and operation of a landfill gas conditioning system with two 1,980 kW power generators for treating raw landfill gas to a pipeline quality gas on an approximately 43,264 square-foot portion of a 39.55-acre Fresno County landfill site with a proposed 8-mile subsurface biomethane feeder pipeline within a portion of the American Avenue road right-of-way via a franchise agreement and within State Route 145 (S. Madera Avenue) right-of-way via an encroachment permit to a new PG&E Reception Point metering facility to be constructed on an approximately 10,000 square feet portion of a 313.6-acre parcel (APN 030-070-25S) Both facilities are in the AE-20 (Exclusive Agricultural; 20-acre minimum parcel size) Zone District.

**LOCATION:** The landfill site is located on the north side of American Avenue approximately 1,925 feet west of its intersection with Humboldt Avenue and 3.8 miles southwest of the City of Kerman. The Receipt Point facility site is located on the northwest corner of Manning Avenue and State Route 145 (S. Madera Avenue) approximately seven miles south of the City of Kerman (Sup. Dist. 1) (APNs: 020-052-09, 030-070-25).

**OWNER/  
APPLICANT:** Toro of California AA, LLC

**STAFF CONTACT:** Ejaz Ahmad, Planner  
(559) 600-4204  
  
David Randall, Senior Planner  
(559) 600-4052

### RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared based on Initial Study (IS) No. 8380; and
- Approve Unclassified Conditional Use Permit No. 3762 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans
6. Applicant's Operational Statement
7. Summary of Initial Study No. 8380
8. Proposed Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural; 20-acre minimum parcel size)	No change
Parcel Size	<ul style="list-style-type: none"> <li>• 39.55 acres</li> <li>• 313.6 acres</li> </ul>	No changes
Project Site	<ul style="list-style-type: none"> <li>• Landfill site (39.55 acres)</li> <li>• Farmland (313.6 acres)</li> </ul>	A landfill gas conditioning system with two 1,980 kW power generators for treating raw landfill gas to a pipeline quality gas on an approximately 43,264 square-foot portion of a 39.55-acre Fresno County landfill site with a proposed 8-mile subsurface biomethane feeder pipeline within a portion of the American Avenue road right-of-way (proposed utility easement) via a franchise agreement and within a portion of State Route 145 (S. Madera Avenue) right-of-way and to a new PG&E Receipt Point metering facility to be constructed on an approximately 10,000 square feet portion of a 313.6-acre parcel.
Related Structural Improvements	N/A	See "Project Site" above

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Nearest Residence	2,000 feet to the north of the proposed engines and flares	No change
Surrounding Development	Vineyard, orchard, single-family homes	No change
Operational Features	N/A	See Operational Statement included as Exhibit-6
Employees	N/A	Two (2) full-time
Visitors	None	None
Traffic Trips	N/A	Traffic trips include: <ul style="list-style-type: none"> <li>• One (1) truck per day to deliver liquid natural gas (LNG).</li> <li>• One (1) truck per week to pick up landfill condensate.</li> <li>• One (1) to two (2) maintenance and repair vehicles per quarter.</li> </ul>
Lighting	N/A	Pole lighting compatible with existing area.
Hours of Operation	N/A	24/7 365 days per year

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N**

**ENVIRONMENTAL ANALYSIS:**

Initial Study No. 8380 was prepared for the project by County Staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 7.

A Notice of Intent to adopt a Mitigated Negative Declaration was published on March 1, 2024.

**PUBLIC NOTICE:**

Notices were sent to 2 property owners within 1320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PUBLIC COMMENT:**

None.

## PROCEDURAL CONSIDERATIONS:

An Unclassified Conditional Use Permit may be approved only if five Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission. The decision of the Planning Commission on Unclassified Conditional Use Permit No. 3762 Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

The project will require separate but related approvals of a Franchise Agreement from the Board of Supervisors and an encroachment permit from the California Department of Transportation.

## BACKGROUND INFORMATION:

The subject 39.55-acre project site is located within a 440-acre Fresno County landfill (waste disposal) site. County records indicate that, over the past several decades, the current use of the property has been expanded and modified through the approval of various discretionary land use and site plan review approvals. The first Conditional Use Permit No. 953 was approved by the County Board of Supervisors on March 16, 1971, to permit a 20-acre sanitary land-fill disposal site. The site was expanded over an additional ten acres with the approval of Conditional Use Permit No. 1665 on December 27, 1979. Conditional Use Permit No. 2146 and related Environmental Impact Report (EIR) were approved by the County Board of Supervisors on May 7, 1985, to authorize expansion of the 30-acre disposal site into a 440-acre current regional non-hazardous sanitary landfill. On September 9, 1993, modifications to CUP 2164 by CUP 2623 resulted in an increase in the daily deliveries from 1,200 tons to 1,640 tons. Related to these approvals, Site Plan Review (SPR) Nos. 5947, 6324 and a revised SPR 6324 were approved on May 6, 1987, May 23, 1991, and January 9, 1994, for phased expansions of the facility and related improvements which included scales, a gate house, an office, a maintenance building, and parking. More recently on March 14, 2013, a 15,000 square-foot Household Hazardous Waste collection and management facility was approved by Conditional Use Permit No. 3393.

The subject Unclassified Conditional Use Permit Application No. 3762 proposes the construction and operation a landfill gas conditioning system with two 1,980 kW power generators for treating raw landfill gas to a pipeline quality gas on an approximately 43,264 square-foot portion of a 39.55-acre Fresno County landfill site with a proposed 8-mile subsurface biomethane feeder pipeline within a portion of the American Avenue road right-of-way (proposed utility easement) via a franchise agreement and within a portion of State Route 145 (S. Madera Avenue) right-of-way and to a new PG&E Receipt Point metering facility to be constructed on an approximately 10,000 square feet portion of a 313.6-acre parcel. The Franchise Agreement will require the County Board of Supervisors' approval.

As was required for prior approvals, approval of this application would be conditioned to require Site Plan Review Per (Chapter 854.5 of the Fresno County Zoning Ordinance). Through the Site Plan Review process, the staff will make sure that prior to occupancy being granted for the proposed use, on-site and off-site improvements have been constructed according to the property development standards of the Zone District.

## ANALYSIS/DISCUSSION:

**Finding 1:** **That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.**



**Reviewing Agency/Department Comments:**

Fresno County Zoning Section: Proposed improvements satisfy the setback requirements of the AE-20 Zone District in which the project site is located.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

**Finding 1 Analysis:**

Staff’s review of the Site Plan demonstrates that the proposed development on both sites related to the subject proposal meet or exceed the minimum building setback requirements of the AE-20 Zone District. Refer to the “Setbacks” in the Table above. Ample area is available on both sites to provide for parking and circulation of limited traffic to be generated by the proposal. The sites will gain access via American Avenue, and Manning Avenue or Madera Avenue.

**Recommended Conditions of Approval:**

Site Plan Review.

**Finding 1 Conclusion:**

Based on the above information and with adherence to a Site Plan Review application as a recommended Condition of Approval, staff believes the project sites are adequate in size and shape to accommodate the proposal.

**Finding 2:** **That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.**

		Existing Conditions	Proposed Operation
Public Road Frontage	Yes	American Avenue; fair condition.	Subsurface biomethane feeder pipeline will run through American Avenue right-of-way.
		Manning Avenue; poor condition	No change
		Madera Avenue (SR 145); unknown	Subsurface biomethane feeder pipeline will run through Madera Avenue right-of-way.
Direct Access to Public Road	Yes	American Avenue; fair condition	No change
		Manning Avenue; poor condition	No change
		Madera Avenue (SR 145); unknown	No change
ADT (Average daily Traffic)		1600 vehicles per day (American Avenue)	No change

		Existing Conditions	Proposed Operation
		1600 vehicles per day (Manning Avenue)	No change
		Madera Avenue (SR 145); unknown	No change
Road Classification		Arterial Road (American Avenue)	No change
		Expressway (Manning Avenue)	No change
Road Width		American Avenue: 60-foot existing (30 feet north and 30 feet south of section line); Ultimate right-of-way (ROW) 106 feet required (53 feet north and 53 feet south of section line)	An additional 23 feet right-of-way north of American Avenue section line is required.
		Manning Avenue: 80-foot existing; Ultimate ROW 80-94 feet per County Official Plane Line	All improvements will set back from Manning Avenue ultimate ROW.
Road Surface		American Avenue: Asphalt concrete; Pavement width: 32 feet	No change
		Manning Avenue: Asphalt concrete; Pavement width: 32.1 feet	No change
Traffic Trips		N/A	Traffic trips includes: <ul style="list-style-type: none"> <li>• One (1) truck per day to deliver liquid natural gas (LNG)</li> <li>• One (1) truck per week to pick up landfill condensate.</li> <li>• One (1) to two (2) maintenance and repair vehicles per quarter.</li> </ul>
Traffic Impact Study (TIS) Prepared	No	N/A	Traffic Impact Study not required.

	<b>Existing Conditions</b>	<b>Proposed Operation</b>
Road Improvements Required	American Avenue; fair condition.	Improvements not required.
	Manning Avenue; poor condition	Improvements not required.

**Reviewing Agency/Department Comments:**

Fresno County Road Maintenance and Operations (RMO) Division: An additional 23 feet of road right-of-way shall be irrevocably offered along the 39.55-acre parcel to meet the ultimate right-of-way for American Avenue. Setbacks for new construction must be based on the ultimate road right-of-way for American Avenue. Applicant shall enter into a Franchise Agreement with the County of Fresno. Such Franchise Agreement must contain provisions under which Applicant assumes financial responsibility for and repair of any impacts to the County maintained roadways resulting from the installation or operation of underground infrastructure and/or signage within the County road right-of-way. Any crossings must be perpendicular to road right-of-way. Applicant shall register with USA North and pay annual fees and all other requirements to ensure that USA North is notified any time there is a proposed excavation in proximity to the pipeline. All infrastructure shall be installed below ground with no above ground valves and no bollards within the road right-of-way. These requirements have been included as Conditions of Approval.

An encroachment permit shall be obtained for any work performed within the County Road right-of-way. This requirement has been included as a Project Note.

California Department of Transportation: An encroachment permit shall be obtained for all proposed activities for placement of encroachments within, under or over the State highway 145 (S. Madera Ave) right-of-way. This requirement has been included as a Project Note.

Fresno County Transportation Planning Unit: No concerns with the proposal.

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

**Finding 2 Analysis:**

The 39.55-acre landfill site will utilize the existing access off American Avenue which is asphalt concrete paved with pavement width of 32 feet and carries an Average Daily Traffic of 1600 vehicles per day. The ultimate road width for American Avenue north of section line is 53 feet (currently 51 feet). As such, this proposal requires an additional two (2) feet of right-of-way along the parcel frontage.

The PG&E Receipt Point metering facility on a 313.6-acre parcel will gain access off Manning Avenue which is asphalt concrete paved with pavement width of 32.1 feet and carries an Average Daily Traffic of 1600 vehicles per day. Alternatively, the facility could gain access off Madera Avenue (State Route 145) per the California Department of Transportation site access requirements. The pavement width or Average Daily Traffic on state Route 145 is unknown.

The project will generate limited traffic as noted in Finding 2 Table on Page 6. The County Transportation Planning Unit and the California Department of Transportation review of the



project did not require a Traffic Impact Study or road improvements to accommodate the proposal.

**Recommended Conditions of Approval:**

Road right-of-way; Franchise Agreement.

**Finding 2 Conclusion:**

Based on the above information, staff believes both the American Avenue and Manning Avenue can accommodate the traffic generated by this proposal.

**Finding 3:** **That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.**

**Surrounding Parcels (39.55-acre Landfill Site)**

	Size:	Use:	Zoning:	Nearest Residence:
North/East	199 acres	Landfill site	AE-20	None
South	323 acres	Orchard	AE-20	None
West	10 acres	Landfill site	AE-20	None

**Surrounding Parcels (313.6-acre PG&E Reception Point Metering Site)**

	Size:	Use:	Zoning:	Nearest Residence:
North	80 acres 40 acres 69.6 acres	Poultry facility	AE-20	None
South	477 acres	Vineyard	AE-20	None
East	194 acres 374 acres	Orchard	AE-20	None
West	157.6 acres	Single family residence; orchard	AE-20	85 feet

**Reviewing Agency/Department Comments:**

California Department of Fish and Wildlife (CDFW): There are special-status species the State threatened Swainson’s Hawk, Burrowing Owl, American Badger and Nesting Birds in the area that may utilize the project site and may need to be evaluated and addressed through site survey conducted as biological technical studies prior to any ground-disturbing activities. (See staff analysis under Biological Resources in Exhibit 7 of this report).

Fresno County Fire Protection District (FCFPD): The project shall comply with the California Code of Regulations Title 24 – Fire Code; adhere to the requirements of the current Fire Code and Building Code when building permit or certificate of occupancy is sought; and annex into the Community Facilities District No. 2010-01 of FCFPD.

Fresno County Department of Public Health, Environmental Health Division: Within 30 days of the occurrence of any of the following events the applicant/operator shall update online Hazardous Materials Business Plan (HMBP) and site map: 1) there is a 100 percent or more increase in the quantities of a previously-disclosed material; 2) the facility begins handling a previously-undisclosed material at or above the HMBP threshold amounts; and 3) changes in site plan storage locations. Facilities that use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. To handle hazardous materials and/or hazardous waste, a Hazardous Materials Business Plan shall be submitted pursuant to the HSC, Division 20, Chapter 6.95. If any underground storage tank is found during construction, an Underground Storage Tank Removal Permit shall be obtained to remove the tank. All water wells and septic systems that exist or have been abandoned within the project area, shall be properly destroyed by a licensed contractor.

San Joaquin Valley Air Pollution Control District: The project will be subject to Air District Rule 2201 (New and Modified Stationary Source Review Rule); Rule 2010 (Permits required); District Rule 9510 (Indirect Source Review) and filing of Air Impact Assessment Application; District Regulation VIII – (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

Building and Safety Section of the Development Services Division: Plans, permits and inspections shall be required for the proposed development.

Development Engineering Section of the Development Services Division: An Engineered Grading and Drainage Plan may be required for all on-site and off-site improvements. A Grading Permit or Voucher shall be required for any grading proposed with this application.

The requirements noted above have been included as Project Notes.

No concerns were expressed by the Table Mountain Rancheria Tribe; Regional Water Quality Control Board; US Fish & Wildlife Services; State Water Resources Control Board; Division of Drinking Water; Water and Natural Resources Divisions of the Development Services Division.

### **Finding 3 Analysis:**

The project sites are in an agricultural area comprised of fallow and cultivated land. Surrounding parcels contain orchards and vineyards with sparsely located single family residences.

The proposed landfill gas conditioning system will occupy an approximately 43,264 square-foot portion of a 39.55-acre within the Fresno County landfill site and will be developed with electrical generating units (engines), landfill gas treatment system and other gas processing equipment. These low-height equipment/structures (below 35 feet) would be similar in height and appearance to other structures on landfill site. The PG&E interconnection site will also be developed with similar equipment/structures to be constructed by the applicant and operated and maintained by PG&E. Both sites will connect to each other with an 8-mile subsurface biomethane feeder pipeline to be installed within a portion of American Avenue and Madera Avenue (State Route 145) right-of-way.

The Initial Study prepared for this project identified potential impacts to aesthetics and

cultural resources. To mitigate aesthetics impact, all outdoor lighting will be hooded and directed downward to avoid glare on adjoining properties. To mitigate cultural resources impact, if artifacts are uncovered during construction, all work will be stopped, and a qualified archeologist will be contacted to evaluate the finds. These requirements have been included as Mitigation Measures (Exhibit 1).

The project will require adherence to state and local requirements to handle hazardous materials; a grading and drainage plan; retain storm water runoff onsite per county standards; and comply with California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 19 - Public Safety. Included as mandatory Project Notes, these requirements will be addressed through Site Plan Review (SPR) recommended as a Condition of Approval. The SPR will address design of parking and circulation areas, fencing, site access, grading and drainage, road right-of-way dedication, fire protection, landscaping, signage, and lighting.

The project is not within or in proximity of any area designated to be moderately or highly sensitive for archeological resources. Pursuant to Assembly Bill (AB) 52, the project was routed to the Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, and Table Mountain Rancheria offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No tribe requested consultation, resulting in no further action on the part of the County.

**Recommended Conditions of Approval:**

Hooded outdoor lighting, evaluation of archeological finds during ground disturbance.

**Finding 3 Conclusion:**

Based on the above information, and with adherence to the Mitigation Measures, Conditions of Approval, and mandatory Project Notes, staff believes that the proposal will have no adverse effect upon surrounding properties.

**Finding 4: That the proposed development is consistent with the General Plan**

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p><b>General Plan Policy LU-A.3:</b> County may allow by discretionary permit in areas designated Agriculture, certain agricultural uses and agriculturally-related activities, including certain non-agricultural uses, subject to the following criteria: a) Use shall provide a needed service to surrounding agricultural area, which cannot be provided within urban areas; b) Use shall not be sited on productive agricultural lands if less productive lands available; c) Use shall not have a detrimental impact on water resources or the use or management of surrounding properties within 1/4 mile radius; d) Probable workforce located nearby or readily available.</p>	<p>Regarding Criteria “a”, the proposed landfill gas conditioning system (LFGCS) will capture gas from landfill site and provide it to PG&amp;E as a safe and efficient way of utilizing gas to avoid the current practice of burning LFG via flare.</p> <p>Regarding Criteria “b”, the LFGCS will be located on a 43,264 square-foot portion of a 39.55-acre site designated as Urban Built-up land and the related PG&amp;E Interconnection Receipt Point site will be located on a 10,000 square-foot portion of a 313.6-acre site designated as Farmland of Local Importance. Both sites are Non-Prime Farmland. Portions of the American and Madera Avenues right-of-way to accommodate subsurface biomethane feeder pipeline has no impact on</p>

Relevant Policies:	Consistency/Considerations:
	<p>farmland.</p> <p>Regarding Criteria “c”, the project may require minimal water usage during construction but requires no water during operation. As such, the project will not impact ground-water resources.</p> <p>Regarding Criteria “d”, the project is located approximately three miles southwest of the City of Kerman and 3.2-miles northeast of the City of San Joaquin which can provide adequate workforce. The proposal meets this policy.</p>
<p><b>Policy LU-A.12:</b> Agricultural activities be protected from encroachment of incompatible uses,</p> <p><b>Policy LU-A.13:</b> Requires buffers between proposed non-agricultural uses and adjacent agricultural operations, and</p> <p><b>Policy LU-A.14</b> Requires an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.</p>	<p>The LFGCS will be located on an existing landfill (waste disposal) site and not on farmland. The site is secured by an existing chain-link fence and the proposed improvements will be set back approximately 150 feet from the nearest farmland to the south of the property. The proposed PG&amp;E Point of Connection site will also be secured by fencing and will utilize only 10,000 square feet of cultivated land. The proposal meets this policy.</p>
<p>General Plan Policy HS-B.1: Fire hazards should be identified to reduce the risk to life and property.</p>	<p>The project will adhere to the mandatory fire protection requirements from the Fresno County Fire Protection District which has been included as Project Note in Exhibit 1 of this report. The proposal meets this policy.</p>

**Reviewing Agency Comments:**

Fresno County Policy Planning Section: The subject parcels (project site) are designated Agriculture in the County General Plan. Policy LU-A.3 allows agriculturally related uses by discretionary permit if they meet certain criteria. Policy LU-A.12 requires protection of agricultural activities from encroachment of incompatible uses; Policy LU-A.13 requires buffers between proposed non-agricultural uses and adjacent agricultural operations; and Policy LU-A.14 requires an assessment of the conversion of productive agricultural land. Policy HS-B.1 requires identification of fire hazards to reduce the risk to life and property.

**Finding 4 Analysis:**

As discussed in General Plan Consistency/Considerations Finding 4 Table on Pages 11 and 12, the subject proposal meets the intent of Policy LU-A.3.

Regarding consistency with Policy LU-A.12, Policy LU-A.13, and Policy LU-A.14, the proposed

landfill gas conditioning system will be located on an existing landfill (waste disposal) site, secured by an existing chain-link fence and away from any existing farming operation. The proposed PG&E Point of Connection site will also be fenced off and will occupy a small portion of cultivated land designated as Farmland of Local Importance.

Regarding consistency with Policy HS-B.1, The project will adhere to fire protection requirements from the Fresno County Fire Protection District.

**Recommended Conditions of Approval:**

*None*

**Finding 4 Conclusion:**

Based on the above information, staff believes that this is consistent with the General Plan policies.

**Finding 5: *That the conditions stated in the resolution are deemed necessary to protect the public health, safety and general welfare.***

**Reviewing Agency/Department Comments:**

Refer to Reviewing Agency/Department Comments in Finding 3 of this report.

**Finding 5 Analysis:**

The proposed mitigation measures and conditions of approval were developed based on studies and consultation with specifically qualified staff, consultants, and outside agencies. They were developed to address the specific impacts of the proposed project and were designed to address the public health, safety, and welfare. Additional comments and project notes have been included to assist in identifying existing non-discretionary regulations that also apply to the project. The Applicant has signed an acknowledgement agreeing to the proposed mitigation measures and has not advised staff of any specific objection to the proposed conditions of approval.

**Finding 5 Conclusion:**

Based on the above information, staff believes that the public health, safety, and general welfare can be protected through the conditions of approval recommended for this project. Finding 5 can be made.

**SUMMARY CONCLUSION:**

Staff believes that the subject proposal to allow for a landfill gas conditioning system on Fresno County landfill site, a PG&E Receipt Point metering facility on a private property, and a proposed 8-mile long subsurface biomethane feeder pipeline within a portion of the American Avenue and Madera Avenue (State Route 145) rights-of-way is consistent with the Fresno County General Plan and will have less than significant impacts on the surrounding properties. Based on the factors cited in the analysis, all the required Findings for granting the Unclassified Conditional Use Permit can be made.

**SUMMARY RECOMMENDATION:**

Staff recommends adoption of the proposed Mitigated Negative Declaration prepared for the project based on Initial Study No. 8380, and approval of Unclassified Conditional Use Permit No. 3762, subject to the recommended Mitigation Measures and Conditions of Approval.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared based on Initial Study No. 8380; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3762, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

**Alternative Motion** (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit No. 3762; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

**Mitigation Measures, Recommended Conditions of Approval and Project Notes:**

*Mitigation measures and conditions of approval pertains to hooded outdoor lighting, evaluation of archeological finds during ground disturbance, granting of additional road right-of-way, and execution of franchise agreement.*

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**Mitigation Monitoring and Reporting Program  
Initial Study No. 8380  
Unclassified Conditional Use Permit Application No. 3762**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PWP)	On-going; for duration of the project
*2.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PWP	During ground disturbance
Conditions of Approval					
1.	Development of the property shall be substantially in accordance with the Site Plans and Operational Statement approved by the Planning Commission.				
2.	Prior to the issuance of building permits, a Site Plan Review application shall be submitted to and approved by the Department of Public Works and Planning in accordance with Chapter 854.5 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include but not limited to the design of parking and circulation areas, wall/fencing, access, on-site grading and drainage, right-of-way dedication, fire protection, landscaping, signage, and lighting.				
3.	The American Avenue fronting the project site currently has an existing 81 feet of road right-of-way with 51 feet north of section line (53 feet required) and an ultimate right-of-way of 106 feet per the Fresno County General Plan. Prior to issuance of any development permits, the owner of the property shall record a document irrevocably offering the two (2) feet as future right-of-way				

	<p>from the south side of the subject parcel which abuts American Avenue. Setbacks for new construction must be based on the ultimate road right-of-way for American Avenue.</p> <p>Note: A Preliminary Title Report or Lot Book Guarantee is required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial reconveyance, or any other document required to clear title to the property, shall be borne by the owner or developer.</p>
4.	<p>Prior to the issuance of building permits, the Applicant shall enter into a Franchise Agreement with Fresno County Road Maintenance and Operations Division. Such Franchise Agreement must contain provisions under which Applicant assumes financial responsibility for and repair of any impacts to the County maintained roadways resulting from the installation or operation of underground infrastructure and/or signage within the County road right-of-way.</p>
5.	<p>Any crossings shall be perpendicular to road right-of-way.</p>
6.	<p>Applicant shall register with USA North and pay annual fees and all other requirements to ensure that USA is notified any time there is a proposed excavation in proximity to the pipeline.</p>
7.	<p>All infrastructure shall be installed below ground with no above ground valves and no bollards within the road right-of-way.</p>

\*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended Conditions for the project.

Notes	
<p><b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b></p>	
1.	<p>This Unclassified Conditional Use Permit will become void unless there has been substantial development within two years of the effective date of this approval, or there has been a cessation of the use for a period in excess of two years.</p>
2.	<p>All constructed improvements shall submit plans and to obtain necessary permits and inspections. All constructed improvements shall comply with the adopted Building and Fire Codes, and County of Fresno Ordinances in force at time of permit application. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for plans, permits and inspections.</p>
3.	<p>To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none"> <li>An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. If the licensed Civil Engineer deems an engineered grading and drainage plan is not necessary because the proposed development does not substantially increase the net impervious surface on-site and the existing drainage patterns are not changed, Letter of Retention and Letter of Certification from a licensed Civil Engineer addressed to the Department of Public Works and Planning may be required. The Letter of Certification must specify the reason why an engineered grading and drainage plan is not needed. While the Letter of Retention specifies the Engineer of Record retained by the Owner/Contractor to perform all on-site inspections and shall certify the construction of on-site</li> </ul>



**Notes**

- improvements to the Department of Public Works & Planning in order for any work performed to be in accordance with the Fresno County Ordinance Code Title 15, Chapter 15.28 Grading and Excavation, County standards and current industry standards.
- A grading permit or voucher shall be required for any grading proposed with this application.
  - Any additional storm water runoff generated by the proposed development of this site cannot be drained across property lines or into the County Road right-of-way, and shall be retained on-site, per County Standards.
  - Any work done within the California Department of Transportation (Caltrans) state highway right-of-way to construct a new driveway or improve an existing driveway shall require an Encroachment Permit/Clearance from Caltrans.
  - If not already present, a 10-foot by 10-foot corner cut-off should be improved for sight distance purposes at any existing or proposed driveway accessing American Avenue, Lake Avenue, and Manning Avenue.

4. To address public health impacts resulting from the project, Fresno County Department of Public Health, Environmental Health Division (Health Department) requires the following:

- Within 30 days of the occurrence of any of the following events the applicant/operator shall update online Hazardous Materials Business Plan (HMBP) and site map: 1) there is a 100 percent or more increase in the quantities of a previously disclosed material; 2) the facility begins handling a previously undisclosed material at or above the HMBP threshold amounts; and 3) changes in site plan storage locations.
- Facilities that use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95 and the California Code of Regulations (CCR), Title 22, Division 4.5.
- To handle hazardous materials and/or hazardous waste, a Hazardous Materials Business Plan shall be submitted pursuant to the HSC, Division 20, Chapter 6.95.
- If any underground storage tank is found during construction, an Underground Storage Tank Removal Permit shall be obtained to remove the tank.
- All water wells and septic systems that exist or have been abandoned within the project area, shall be properly destroyed by a licensed contractor.

5. The project shall comply with California Code of Regulations Title 24 - Fire Code. Prior to receiving Fresno County Fire Protection District (CalFire) conditions of approval for the project, construction plans shall be submitted to the Fresno County Department of Public Works and Planning for review. It is the Applicant's responsibility to deliver a minimum of two sets of plans to CalFire. Also, the project shall annex into Community Facilities District No. 2010-01 of FCFPD.

6. An encroachment permit shall be obtained from Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning for any work performed within the County Road right-of-way.

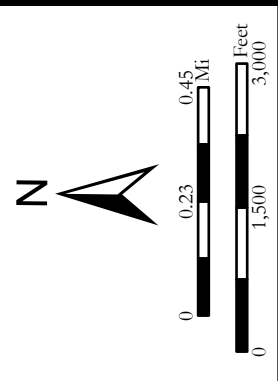
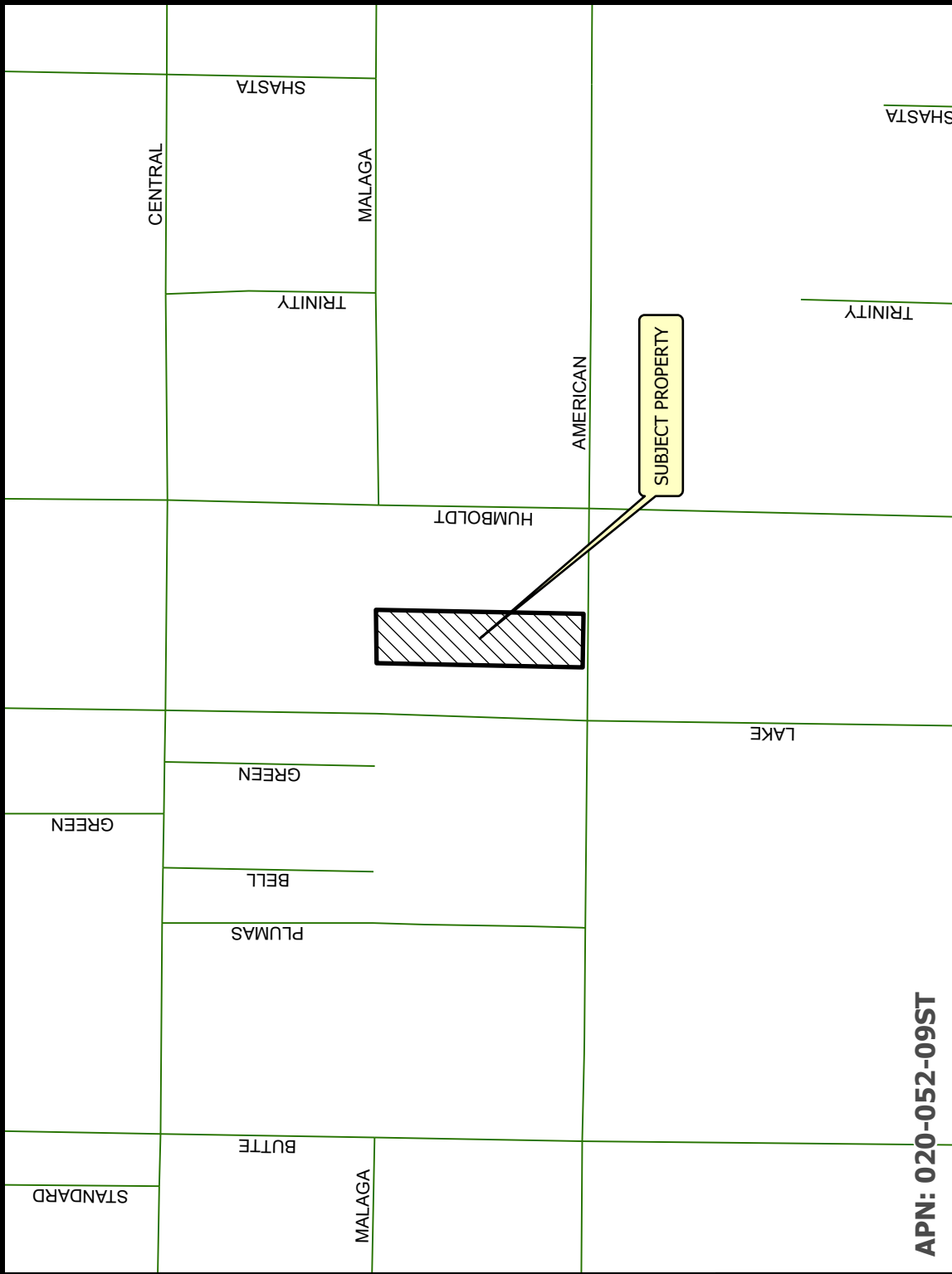
7. An encroachment permit shall be obtained from California Department of Transportation for all proposed activities for placement of encroachments within, under or over the State Highway 145 (S. Madera Ave) right-of-way.

**Notes**

8. To identify San Joaquin Valley Unified Air Pollution Control District (District) rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant shall contact the District's Small Business Assistance Office at (559) 230-5888. The following District Rules shall apply to the project:

- District Regulation VIII (Fugitive PM10 Prohibition).
- District Rule 2010 (Permit Required).
- District Rule 2201 (New and Modified Stationary Source Review).
- District Rule 9510 (Indirect Source Review) and Filing of Air Impact Assessment (AIA) Application.
- District Rule 4601 (Architectural Coatings).
- District Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

EA:ec:jp  
G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3700-3799\3762\Staff Report\CUP 3762 MMRP.docx



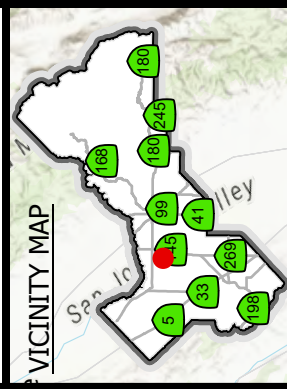
**LOCATION MAP**

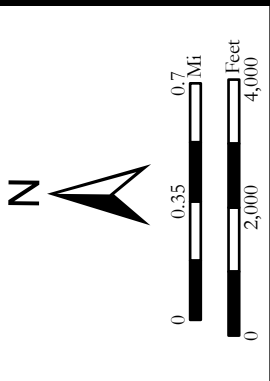
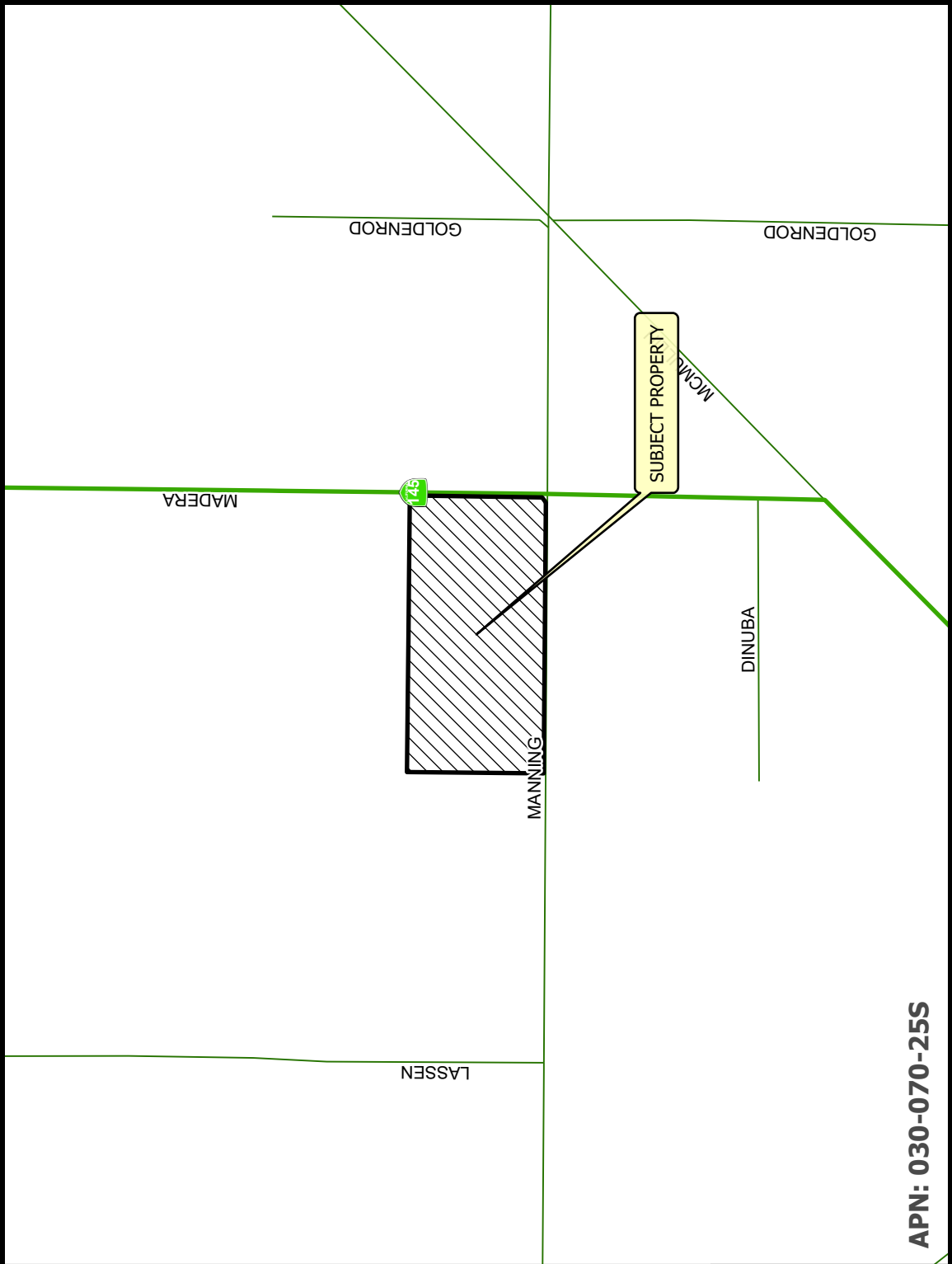
**CUP 3762** | **2024**

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division  
 Person Prepared by : chuwang  
 On Date : 3/5/2024

**Legend**

SubjectProperty





APN: 030-070-25S

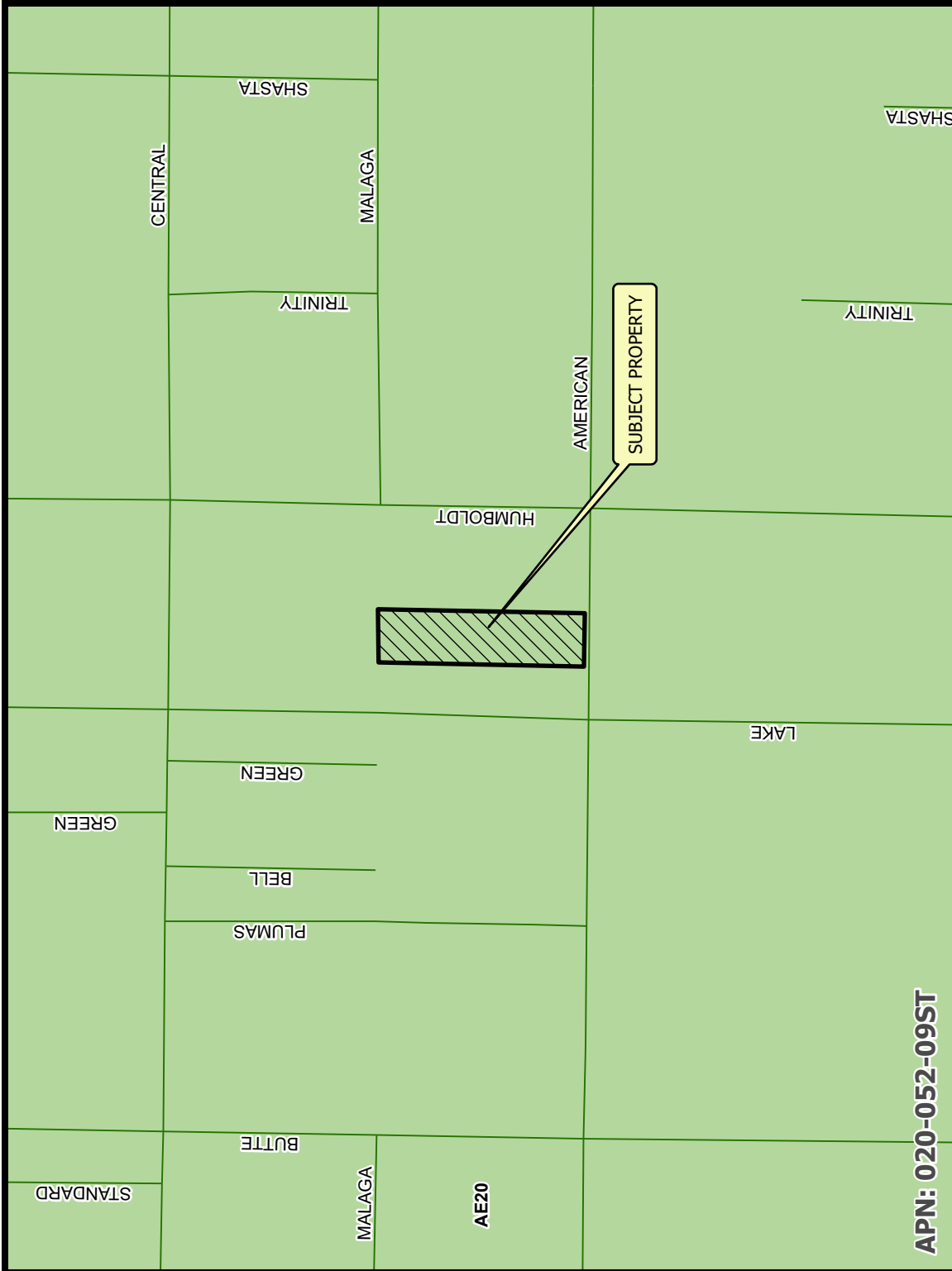
<b>LOCATION MAP</b>	
<b>CUP 3762</b>	<b>2024</b>
Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division Person Prepared by : chuwang On Date : 3/5/2024	

**Legend**

SubjectProperty

**VICINITY MAP**

Path: G:\4360Devs&Pin\GIS\Completed GIS Maps\Landuse\cup3762\cup 3762.aprx



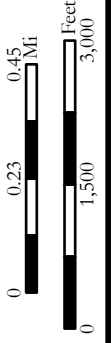
APN: 020-052-09ST

# Existing Zoning Map

## 2024

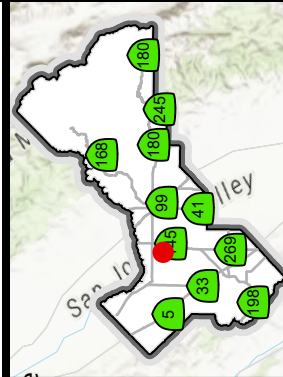
CUP 3762  
STR 33 - 14S / 17E

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division  
Person Prepared by : chuwang  
On Date : 3/5/2024



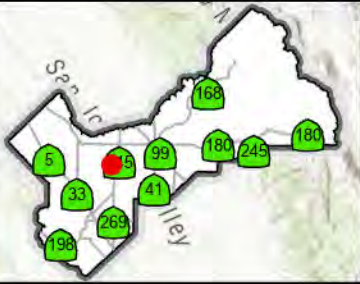
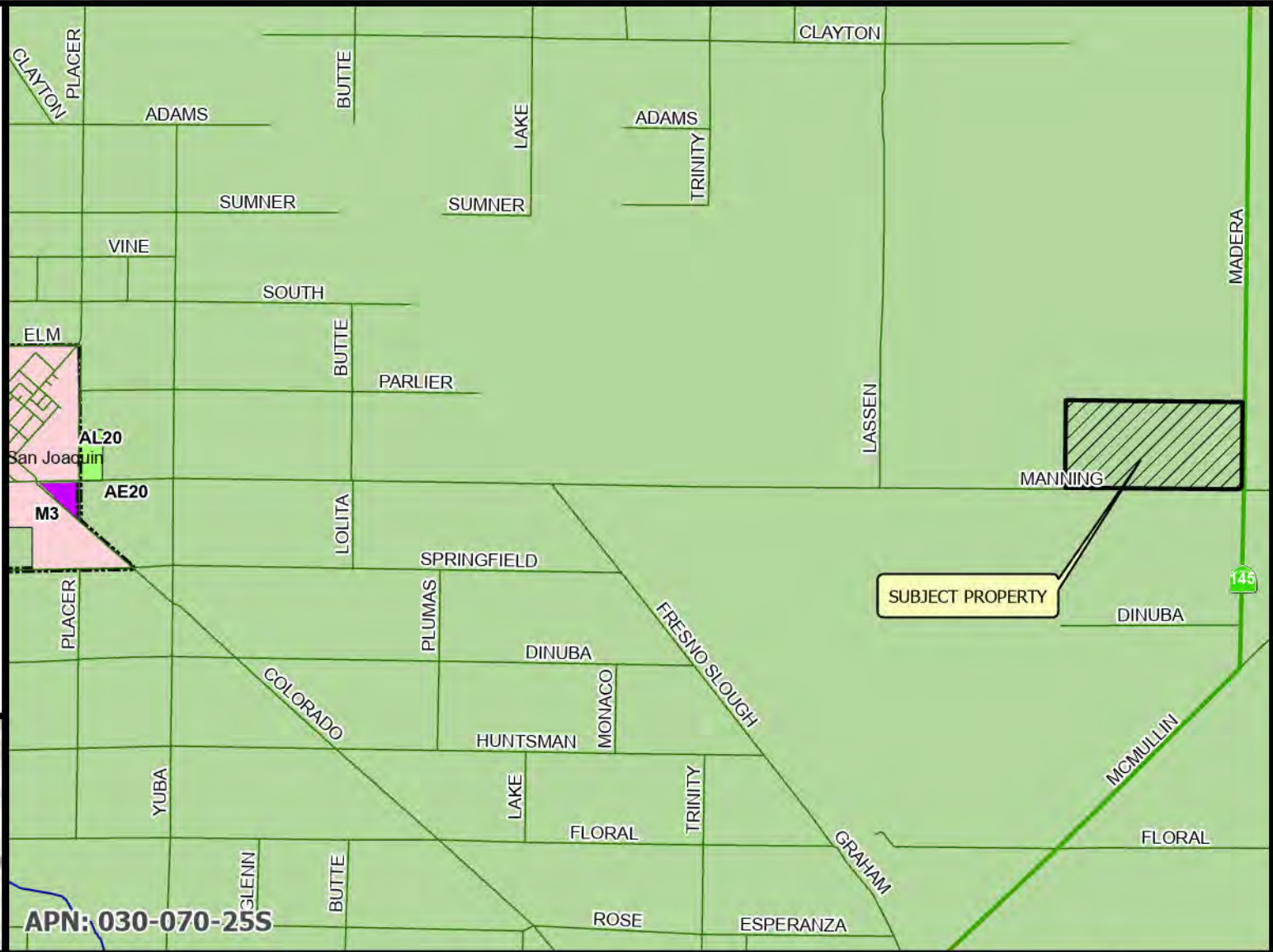
### Legend

- SubjectProperty
- AE20



**Legend**

-  SubjectProperty
-  San Joaquin
-  City Sphere of Influence
-  M3
-  AE20
-  AL20



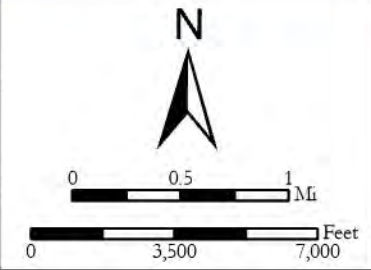
# Existing Zoning Map

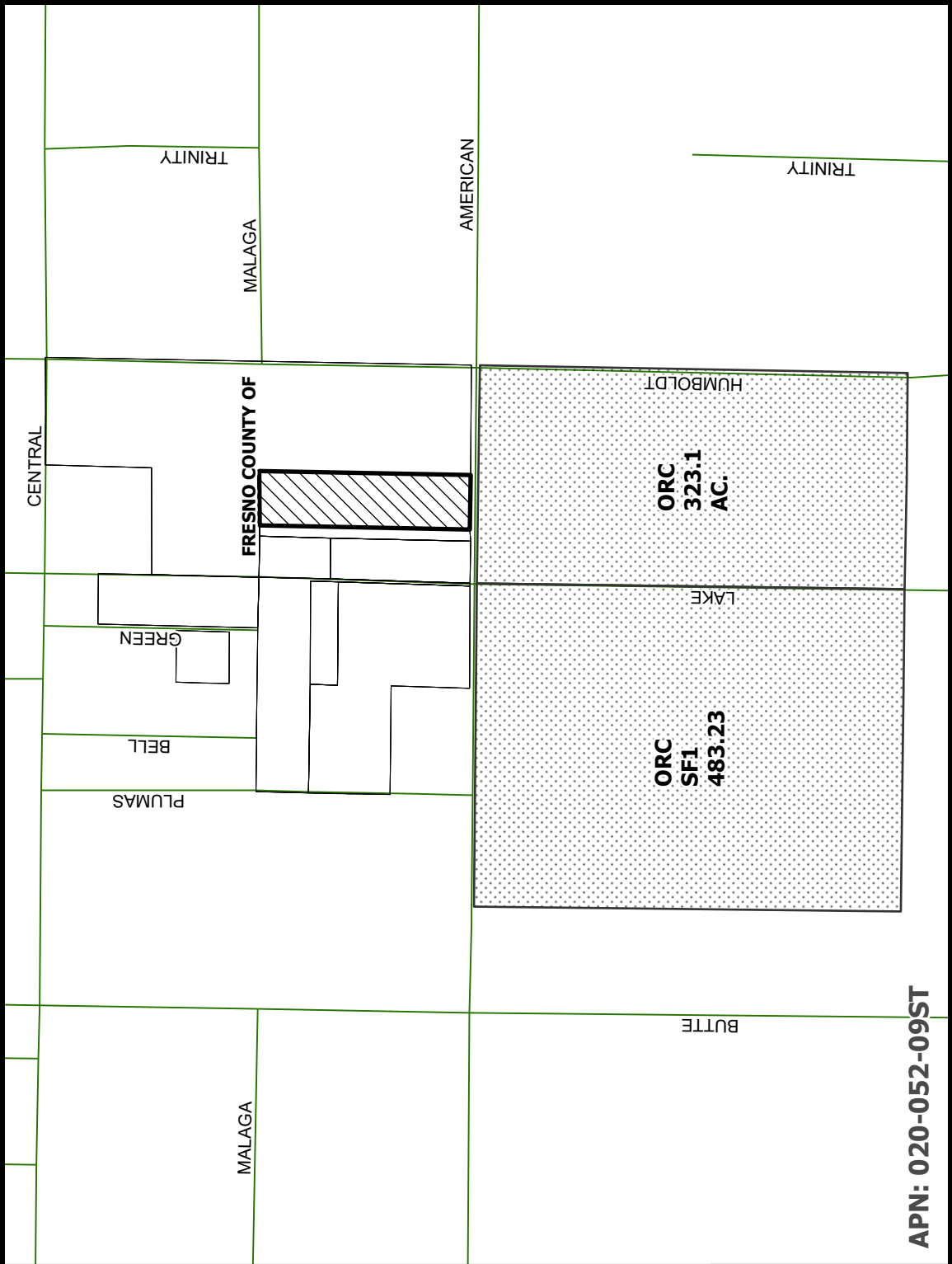
CUP 3762

STR 24 - 15S / 17E

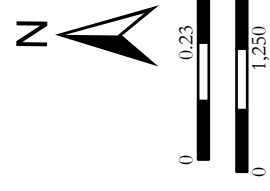
## 2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division  
 Person Prepared by : mayang  
 On Date : 3/18/2024





APN: 020-052-09ST





# Existing Land Use Map

2024

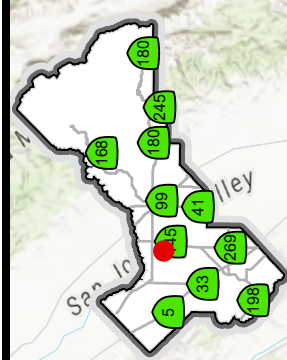
# CUP 3762

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division  
 Person Prepared by : chuang  
 On Date : 3/5/2024


**LEGEND:**

-  Subject Property
-  Ag Contract Land

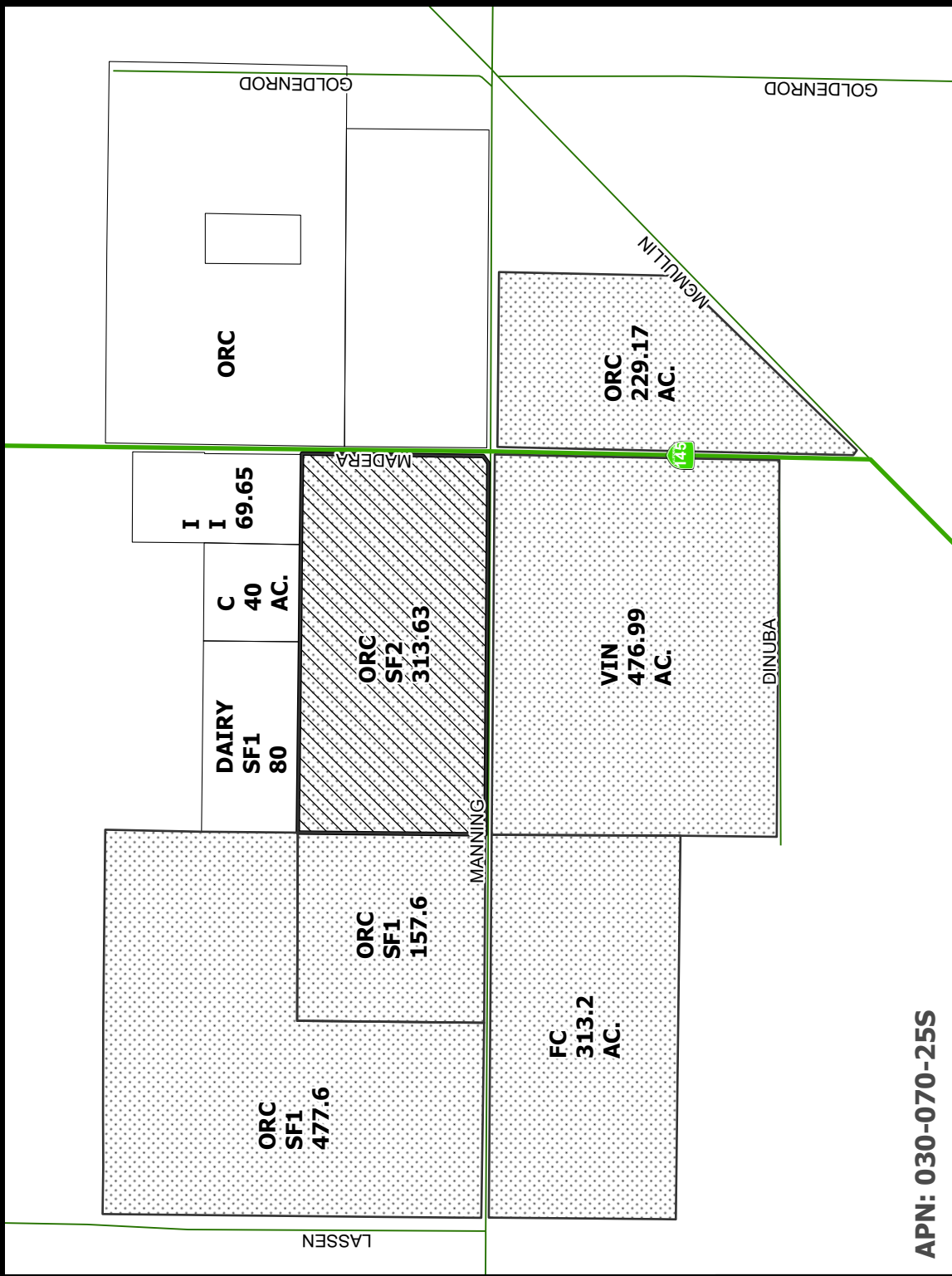
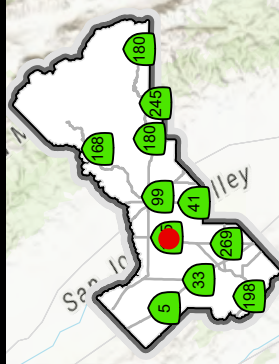
LEGEND
ORC - ORCHARD
SF#- SINGLE FAMILY RESIDENCE
V - VACANT



**LEGEND:**

-  Subject Property
-  Ag Contract Land

LEGEND
C - COMMERCIAL
DAIRY
FC - FIELD CROP
I - INDUSTRIAL
ORC - ORCHARD
VIN - VINEYARD



# Existing Land Use Map

## CUP 3762

### 2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division  
 Person Prepared by : chuvang  
 On Date : 3/5/2024

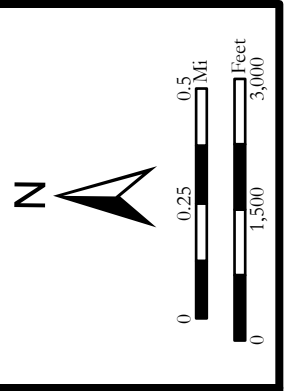
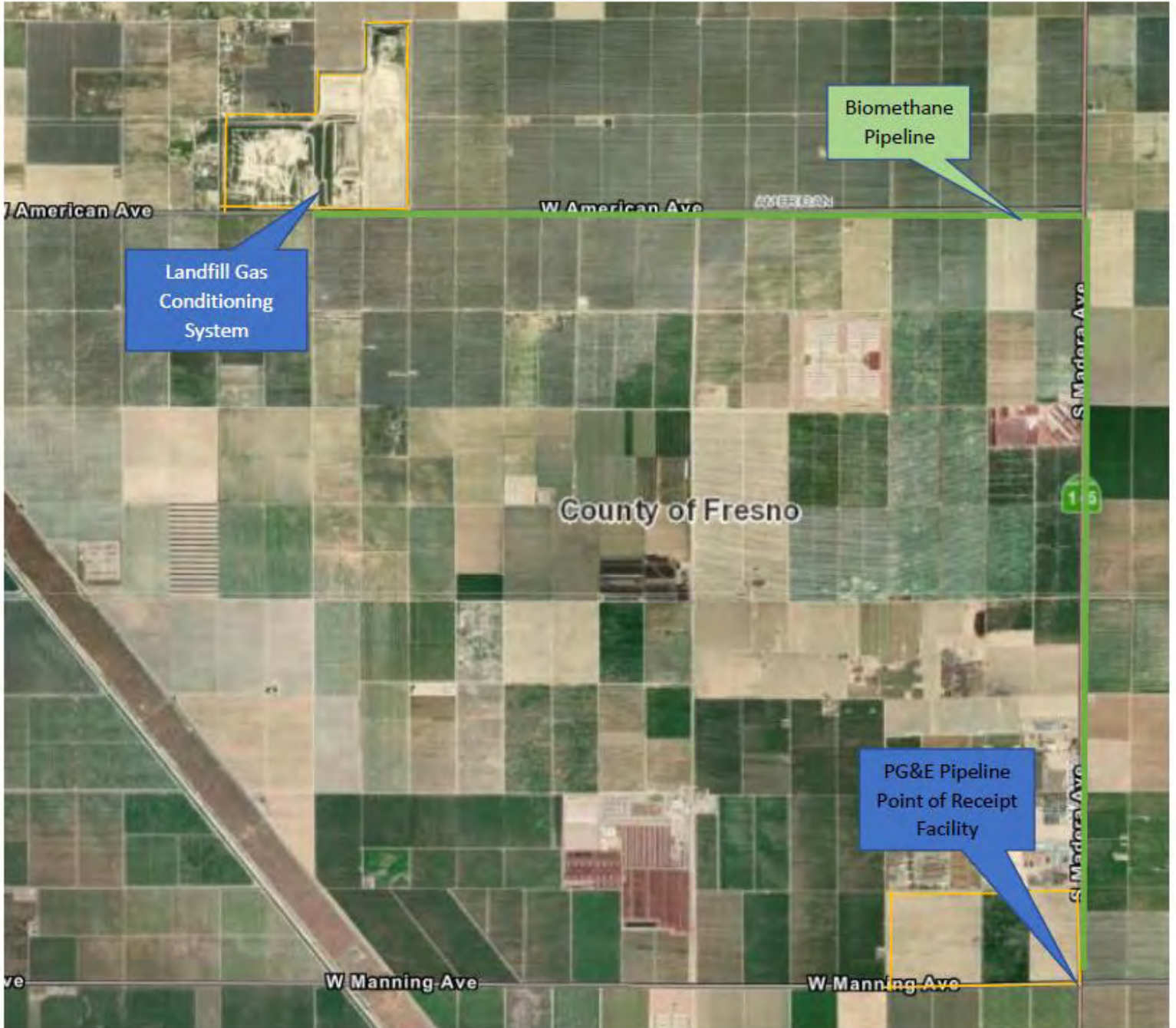




EXHIBIT 5

Toro American Avenue Landfill Gas PG&E Pipeline Point of Receipt location



# Toro AADS LFGTE Site Plan

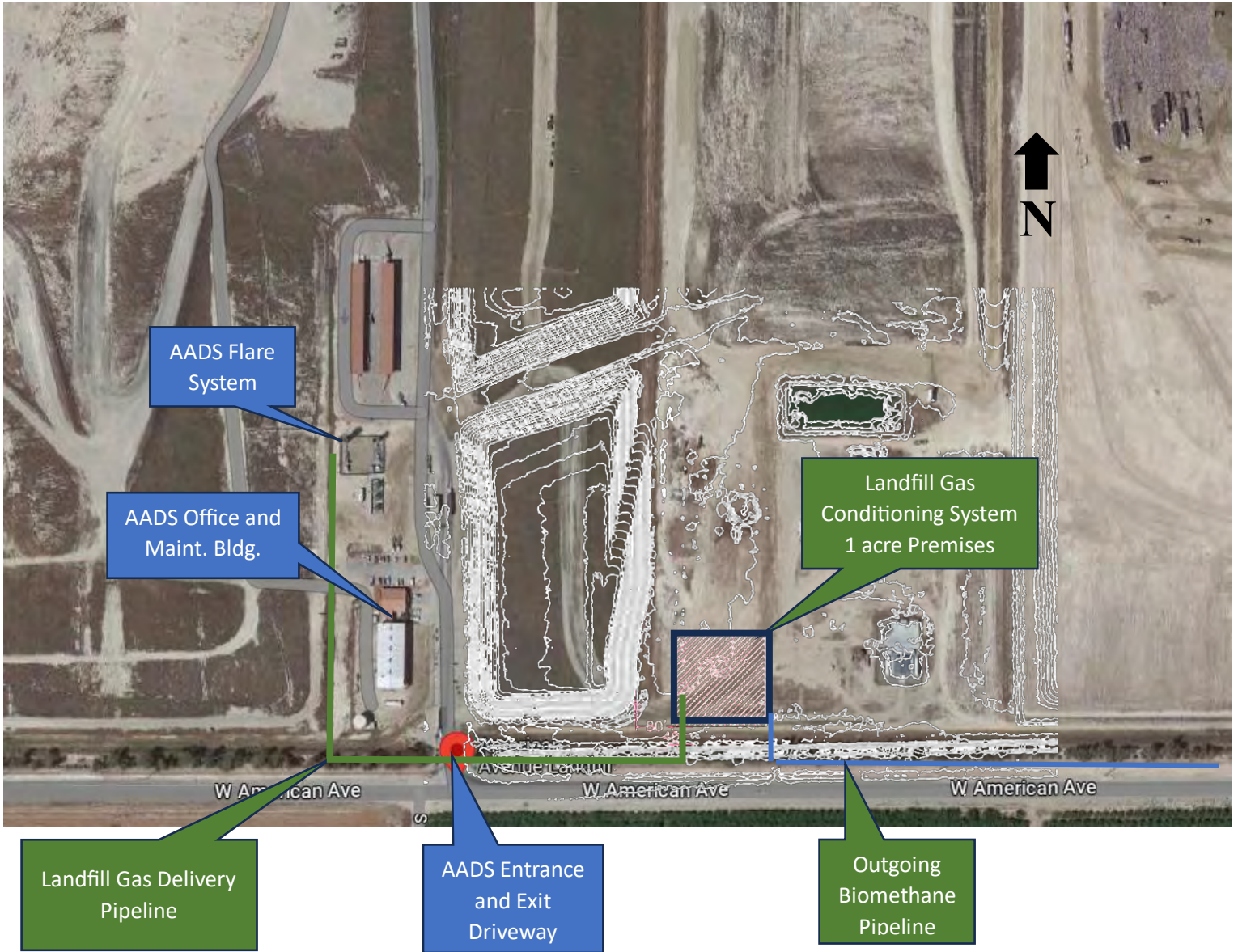


EXHIBIT 1A



EXHIBIT 1A LEASE PARCEL PROPERTY DESCRIPTION:

COMMENCING at the Southeast Corner of Section 32, Township 14 South, Range 17 East, Mount Diablo Base and Meridian, according to the Official Government Plat thereof; THENCE N0°00'03"W, 30.00 feet to the North Line of the South 30 feet of said Section 32, said point also being the TRUE POINT OF BEGINNING; THENCE S89°17'30"W along said North Line, 194.71 feet; THENCE N00°00'00"W, 530.89 feet; THENCE N8°32'41"E, 153.14 feet; THENCE S89°57'58"E, 20.22 feet; THENCE S8°32'41"W, 154.64 feet; THENCE S00°00'00"E, 509.15 feet; THENCE N89°17'30"E, 174.71 feet; THENCE N89°00'42"E, 560.28 feet; THENCE N00°00'00"E, 320.00 feet; THENCE N89°00'42"E, 210.00 feet; THENCE S00°00'00"W, 340.01 feet to the North Line of the South 30 feet of Section 33, Township 14 South, Range 17 East, Mount Diablo Base and Meridian; THENCE S89°00'42"W along said North Line, 770.27 feet to the POINT OF BEGINNING.

Approximately 2.290 Acres

EXHIBIT 5 PAGE 3

SURVEYED: LV, SA, CC	DATE: 08/23
DRAWN: LV, MM	08/23
CHECKED: MM	08/23



AMERICAN AVENUE  
DISPOSAL SITE  
LANDFILL GAS TO ENERGY  
LEASE OPTION

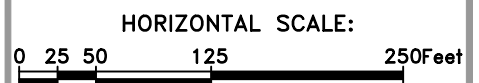
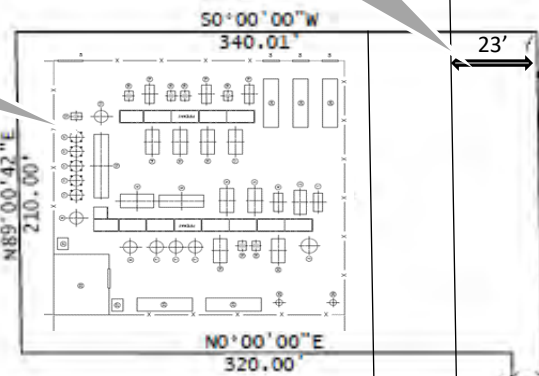


EXHIBIT 1A



Lease Parcel Landfill Gas Conditioning System Improvements

Public Rd ROW



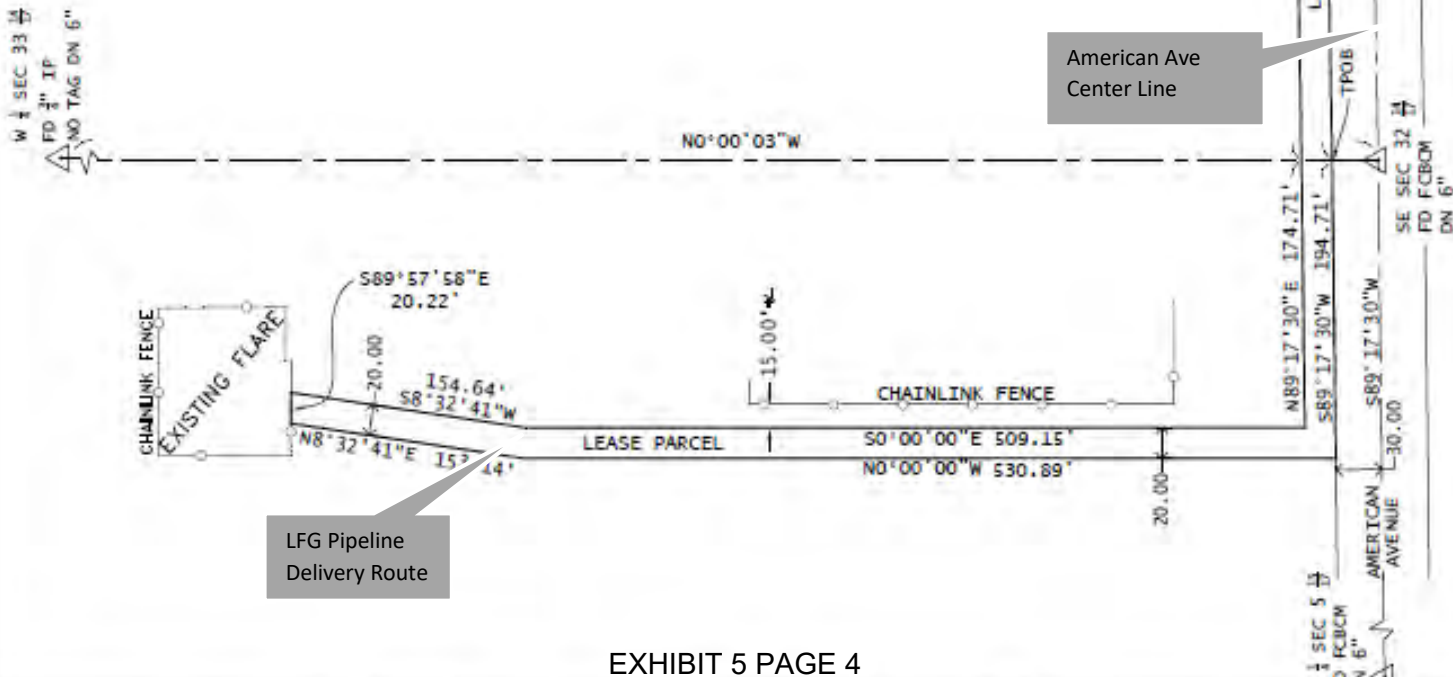
Improvements Setback

EXHIBIT 1A LEASE PARCEL PROPERTY DESCRIPTION:

COMMENCING at the Southeast Corner of Section 32, Township 14 South, Range 17 East, Mount Diablo Base and Meridian, according to the Official Government Plat thereof; THENCE N0°00'03"W, 30.00 feet to the North Line of the South 30 feet of said Section 32, said point also being the TRUE POINT OF BEGINNING; THENCE S89°17'30"W along said North Line, 194.71 feet; THENCE N00°00'00"W, 530.89 feet; THENCE N8°32'41"E, 153.14 feet; THENCE S89°57'58"E, 20.22 feet; THENCE S8°32'41"W, 154.64 feet; THENCE S00°00'00"E, 509.15 feet; THENCE N89°17'30"W, 174.71 feet; THENCE N89°00'42"E, 560.28 feet; THENCE N00°00'00"E, 320.00 feet; THENCE N89°00'42"E, 210.00 feet; THENCE S00°00'00"W, 340.01 feet to the North Line of the South 30 feet of Section 33, Township 14 South, Range 17 East, Mount Diablo Base and Meridian; THENCE S89°00'42"W along said North Line, 770.27 feet to the POINT OF BEGINNING.

Approximately 2.290 Acres

American Ave Center Line



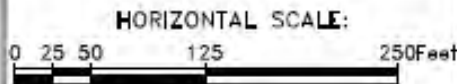
LFG Pipeline Delivery Route

EXHIBIT 5 PAGE 4

SURVEYED: LV, SA, CC	DATE: 08/23
DRAWN: LV, MM	DATE: 08/23
CHECKED: MM	DATE: 08/23



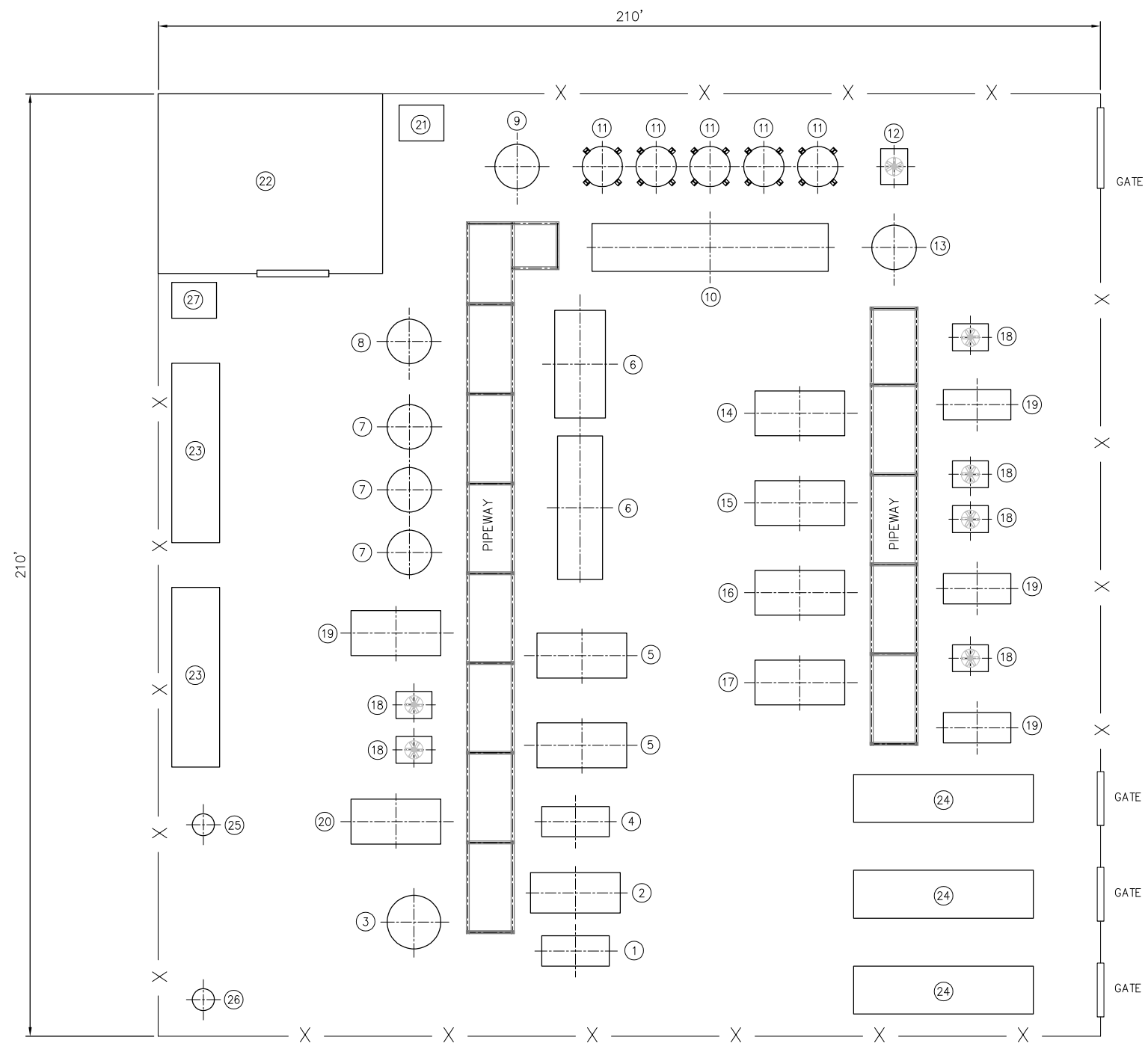
AMERICAN AVENUE  
DISPOSAL SITE  
LANDFILL GAS TO ENERGY  
LEASE OPTION



1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16

A  
B  
C  
D  
E  
F  
G  
H  
I  
J

EXHIBIT 5 PAGE 5



NO	EQUIPMENT DESCRIPTION
1	BLOWER SKID
2	BLOWER COOLER
3	H2S VESSEL
4	CHILLER SKID
5	FEED COMPRESSORS
6	AIR LIQUIDE SKIDS
7	AIR LIQUIDE ACTIVATED CARBON VESSELS
8	CO2 PRODUCT BUFFER VESSEL
9	N2 TAIL GAS BUFFER VESSEL
10	N2 PSA VALVE SKID
11	N2 ADSORBER VESSELS
12	PRODUCT GAS COOLER
13	PRODUCT GAS BUFFER TANK
14	N2 VACUUM COMPRESSOR
15	N2 RECYCLE COMPRESSOR
16	PRODUCT GAS COMPRESSION STAGE 1
17	PRODUCT GAS COMPRESSION STAGE 2
18	OIL COOLERS
19	GAS COOLERS
20	CHILLER CONDENSER
21	PLANT AIR COMPRESSOR
22	POWER DISTRIBUTION CENTER
23	ENGINE/GENERATOR
24	NATURAL GAS UNLOADING BAYS
25	THERMAL OXIDIZER
26	OFF-SPEC GAS FLARE
27	TRANSFORMERS

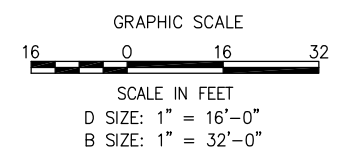


EXHIBIT 5, Page 5

FOR PROPOSAL			
NO.	REVISION	DATE	PROJECT DATE:
			04/23/23
			SCALE: AS SHOWN
			DRAWING NO. <b>G-100</b>

 3900 KILROY AIRPORT WAY LONG BEACH, CA 90806 (562) 426-9544	CLIENT		
	COLONY ENERGY PARTNERS		
NAME: PROFESSIONAL ENGINEER EXPIRATION DATE: LIC. NO.:	PROJ. NO. 90000001.06 DSN. BY: DL	DWN. BY: DL CHK. BY: JP	ACAD FILE: APP. BY: JP

SHEET TITLE  
**GENERAL ARRANGEMENT PLAN**

PROJECT TITLE  
**AMERICAN AVENUE LANDFILL  
RNG PLANT**

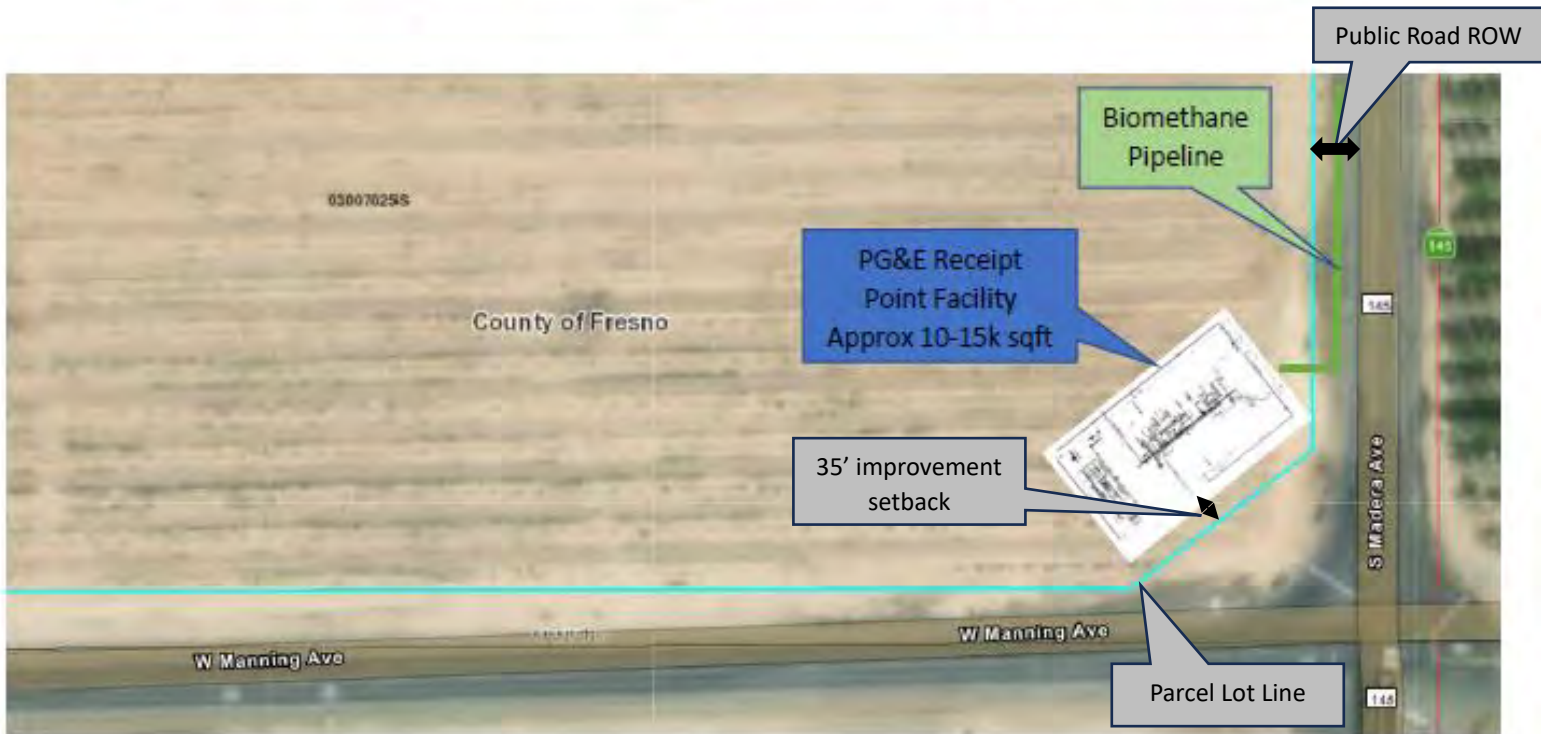
E:\Proposals and Pending Jobs\90000001.06 American Avenue Landfill\General\G-100.dwg Aug 11, 2023 - 7:09am By: dloccarro

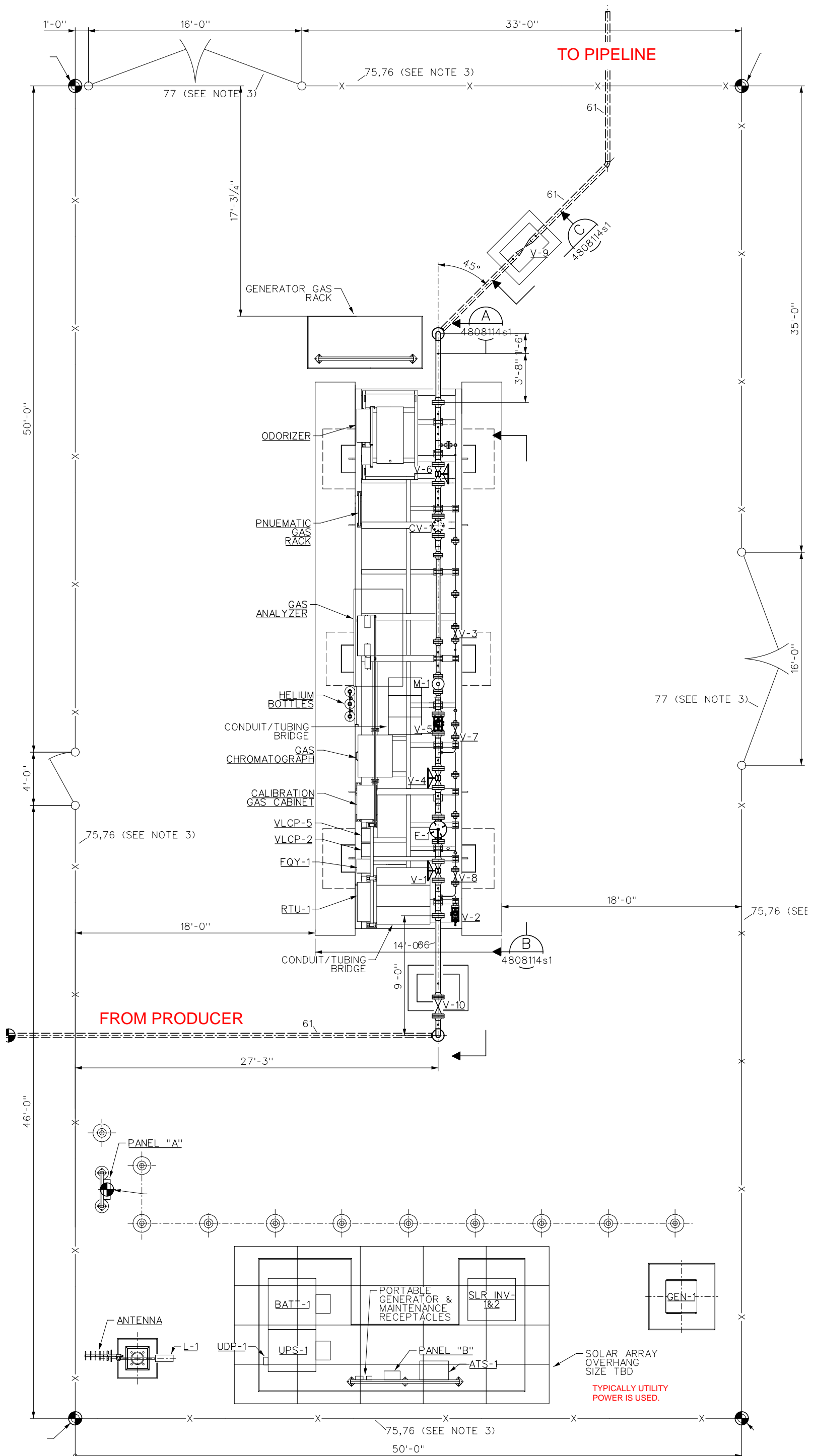
AP # 030-070-25S

Owner: UPPAL AMRIK & JASWINDER SALHOTRA PREM P

Mailing Address: 5918 N Caspian Ave Fresno CA 93723

Parcel Address: 15502 W Manning Kerman CA 9360







## Operational Statement

County of Fresno AADS Landfill Gas to Energy Project (“AALFGTE”)

**Applicant:** Toro Energy of California AA, LLC

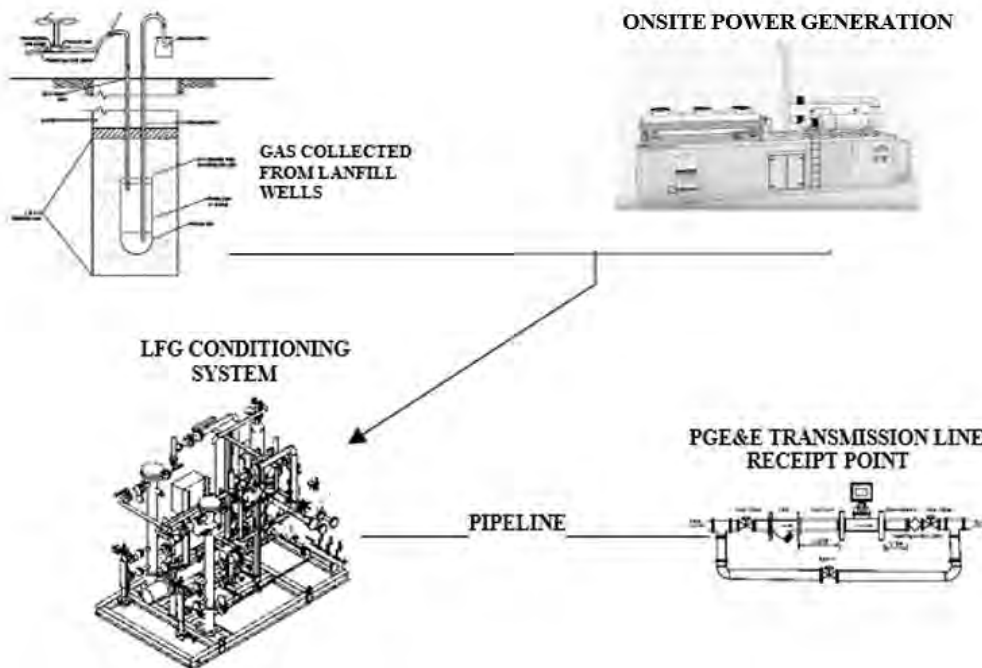
**Owner:** County of Fresno

**Assessor’s Parcel No:** 020-210-35ST (AADS Property),  
030-070-25S (PG&E Biomethane Receipt Point Metering Facility)

**Area:** Located within the AADS Property on one (1) acre 208’ x 208’ area to construct the Landfill Gas Conditioning System (“LFGCS”) and County Roads American Avenue and State Hwy 145 (Madera Ave) utility easement right of way for new (8) mile biomethane feeder pipeline from AADS to PG&E transmission pipeline interconnection Receipt Point facility at Manning Ave and Madera Avenue located on a half-acre easement area.

**Address:** 18950 W. American Avenue, Kerman, CA

**Proposal:** Allow for the construction and operation of a landfill gas conditioning system (“LFGCS”) powered with onsite natural gas internal combustion engine electric generators, to deliver biomethane through a new eight (8) mile pipeline constructed in the County road right of way to a new PG&E receipt point metering facility to be constructed on an AE-20 Zone District property on the southwest corner of Manning and Madera Avenues.





**Project Background**

The organic decomposition of municipal solid waste in landfills results in the generation LFG consisting primarily of methane (25-50%), carbon dioxide (25-50%), nitrogen and trace amounts of VOC and siloxane gases. Currently AADS burns off the LFG via flare and the County, and the Implementation of a LFGTE Project will reduce the use of the flare system and generate a new source of revenue for the County respective enterprise fund. As such, the Board of Supervisors adopted Ordinance No. 22-004, Agreement No. 22-166 (Revenue Agreement) in April 2022 authorizing the County to enter into a Revenue Agreement with Toro of California AA, LLC whereby the County will sell LFG to Toro with Toro having the responsibility to develop, finance and operate the LFGTE Project.

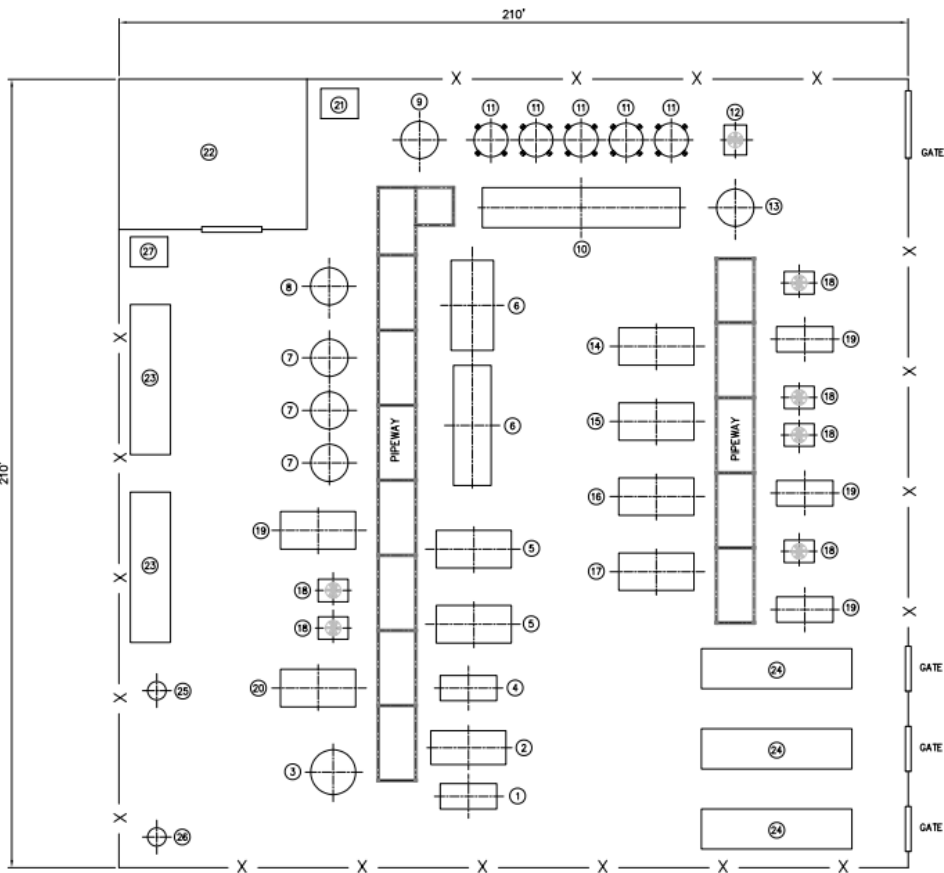
**AADS Project Map**



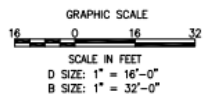
## AADS Landfill Gas Conditioning System Project Site Overhead



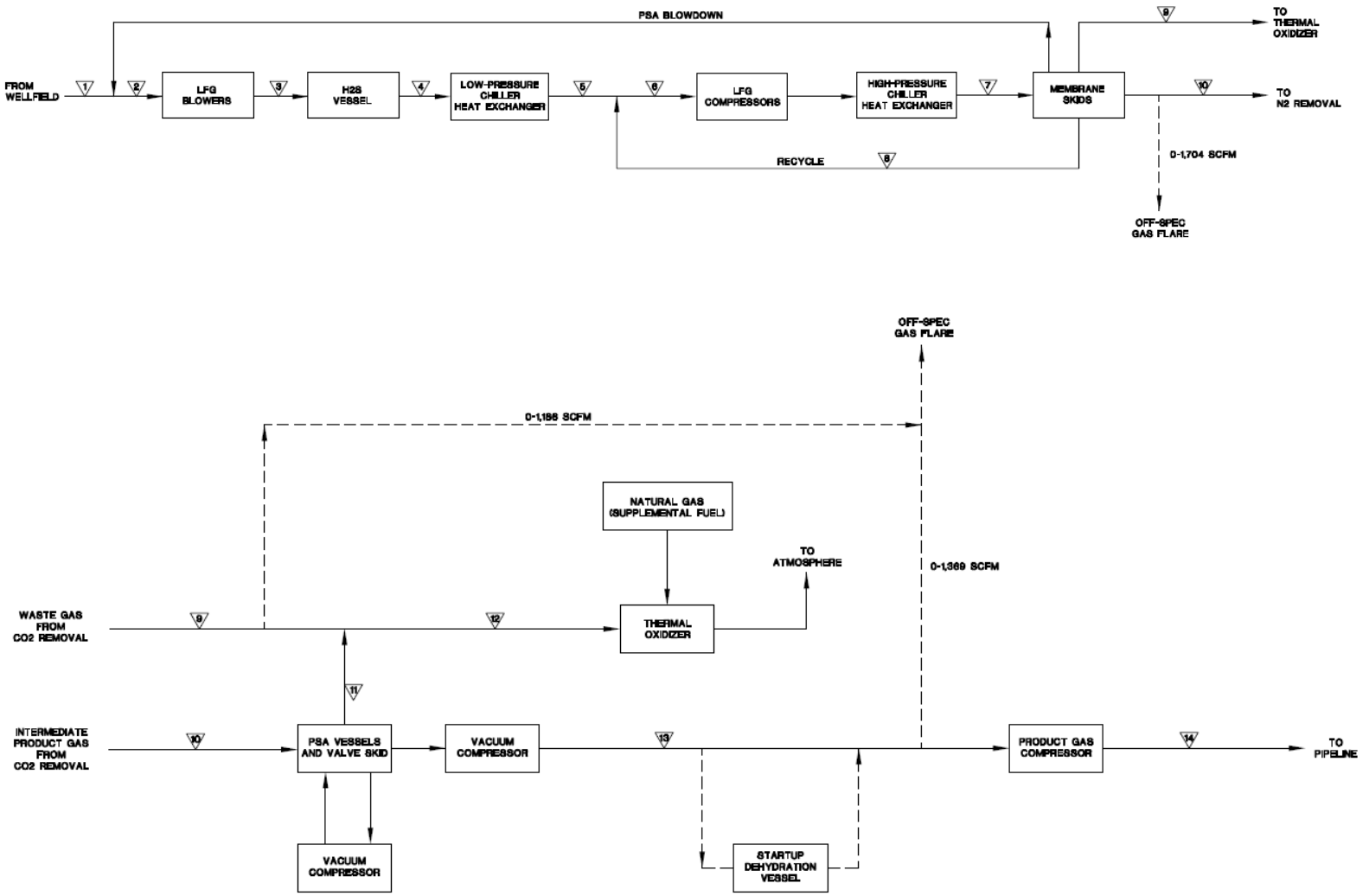
# LFGCS Equipment Layout



NO	EQUIPMENT DESCRIPTION
1	BLOWER SKID
2	BLOWER COOLER
3	H <sub>2</sub> S VESSEL
4	CHILLER SKID
5	FEED COMPRESSORS
6	AIR LIQUIDE SKIDS
7	AIR LIQUIDE ACTIVATED CARBON VESSELS
8	CO <sub>2</sub> PRODUCT BUFFER VESSEL
9	N <sub>2</sub> TAIL GAS BUFFER VESSEL
10	N <sub>2</sub> PSA VALVE SKID
11	N <sub>2</sub> ADSORBER VESSELS
12	PRODUCT GAS COOLER
13	PRODUCT GAS BUFFER TANK
14	N <sub>2</sub> VACUUM COMPRESSOR
15	N <sub>2</sub> RECYCLE COMPRESSOR
16	PRODUCT GAS COMPRESSION STAGE 1
17	PRODUCT GAS COMPRESSION STAGE 2
18	OIL COOLERS
19	GAS COOLERS
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21	PLANT AIR COMPRESSOR
22	POWER DISTRIBUTION CENTER
23	ENGINE/GENERATOR
24	NATURAL GAS UNLOADING BAYS
25	THERMAL OXIDIZER
26	OFF-SPEC GAS FLARE
27	TRANSFORMERS



# Process Flow Diagram



## 1. Nature of the Operation

The LFGCS will be located on a one acre leased portion of AADS property about 300 yards east of the AADS driveway entrance. LFG will be routed to the LFGCS from just prior to the existing LFG flare stack. The proposed equipment will be designed to process up to 3,000 standard cubic feet per minute (“SCFM”) of LFG as shown in the process flow diagram attached. The existing inlet blower (owned by the County) will provide vacuum on the field and deliver gas to the LFGCS at 0 psig. The gas will be initially compressed to 5 psig using an inlet blower. The blower will be protected by an inlet separator and will be followed by an aftercooler and separator for removing water generated by compression.

### *H2S Treatment*

A lead-lag carbon treatment will be utilized to remove the H2S from the gas. The carbon system will be able to treat down 4 ppm. The carbon media will be replaced as required by manufacturer recommendations and will be taken off-site for disposal.

### *First Stage Compression*

The gas will then be compressed to approximately 210 psig using flooded screw compressors. Both oil and the compressed gas will be cooled by an air aftercooler.



Picture 2 – Chiller & Dryer Skid

### *NMOC PSA*

Non-methane organic compounds (NMOCs) will be removed by the two bed Pressure Swing Absorption (“PSA”). One bed will treat the gas while the second bed is regenerated by providing a vacuum on the bed. CO<sub>2</sub> from the membrane permeate will be heated and used for bed regeneration. The CO<sub>2</sub> will then be routed to a thermal oxidizer.

### *Carbon Guard Beds*

A lead-lag system will be installed after the PSA to remove any compounds that are not removed by the NMOC PSA. The beds will use activated carbon for removal of NMOCs before the membranes.

### *Membranes*

A membrane system will be installed after the guard beds to remove carbon dioxide from the biogas. The membrane will be a two-stage system. The first stage permeate will be vented to atmosphere and the retentate will be heated and continue to second stage. The second stage retentate will continue to final compressor and the second stage permeate will be recycled to the inlet of the first stage compressors.



### *NITROGEN PSA*

Nitrogen will be removed using a two bed PSA. One bed will adsorb the Methane while the other is regenerated using the vacuum pump(s). The recovered methane from the regenerated vessel will be conveyed to final compression.



### *Onsite Power Generation*

Two 1,980 kW containerized natural gas fueled reciprocating engine generator sets will be installed to provide power to the LFGCS. Natural gas will be supplied to the generator sets by truck deliveries of LNG about once per day.



LNG will be offloaded to two containerized storage/vaporizer units. The combined LNG storage capacity will be 20,000 gallons which is approximately 2 days supply of fuel for the gensets.



### *Final Compression*

The lateral compression system will be designed to compress gas from 20 psig to approximately 650 psig. Compression will be a single flooded screw compressor. The oil and the compressed gas will be cooled by an air aftercooler.

### *Startup and Upset Flare*

Gas will be routed to the high btu flare during system upsets and during system startup and ramp down where processed gas is not being sent to the PG&E pipeline transmission interconnect. The flare will require a constant natural gas pilot to be able to immediately accept gas on a moments notice during unplanned downturns.

### *Thermal Oxidizer Flare*

A thermal oxidizer will be installed to continuously combust waste gas from the process which will mainly consist of CO<sub>2</sub> and N from the membrane and the Nitrogen PSA. This is low BTU gas and the flare will require supplemental fuel (LNG) to keep the thermal oxidizer up to temperature.

### *Final Site Metering*

The final metering system will include a gas chromatograph for measuring methane, carbon dioxide, and nitrogen levels in the gas. There will also be additional analyzers for measuring oxygen, water, and hydrogen sulfide levels. If any constituent is out of specification, the gas will automatically be diverted to the flare. Product gas will be delivered to the project lateral pipeline.

### *Biomethane Feeder Pipeline*

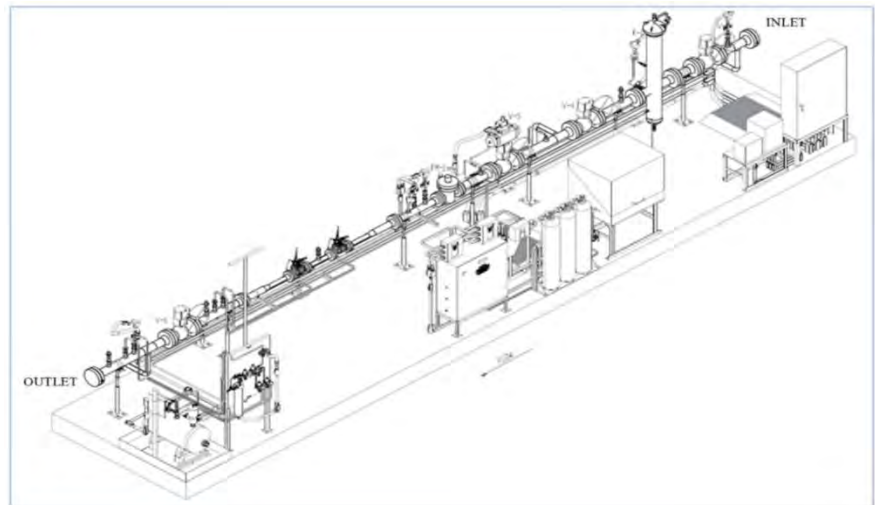
Biomethane gas will flow from the LFGCS through an eight (8) mile newly built four inch (4”) pipeline that will be located within the County Road utility right of way along American Ave east to Madera Ave south to the intersection of Manning and Madera Ave. into a newly constructed PG&E Receipt Point Facility under a private pipeline Franchise Agreement to be approved by the County Board of Supervisors.

### *Booster Compression*

Due to the lateral pipeline MAOP (650 psig) being less than the PG&E transmission pipeline MAOP (700 psig) a booster compressor will be required at the interconnect Receipt Point. Compression will be a single flooded screw compressor. The oil and the compressed gas will be cooled by an air aftercooler.

### *PG&E Receipt Point Facilities*

At the PG&E Receipt Point, located at the corner of Manning and Madera Ave, a facility will be constructed to meter, quality measure and odorize the transition of the Product Gas to the PG&E transmission pipeline. The facility will be constructed on up to 10,000 sqft of property under an Easement Agreement with the Landowner. The



Receipt Point Facility will also be designed and constructed to allow for direct injection of compressed Product Gas via tube trailer delivered by truck. The delivery of compressed Product Gas will be will meet all California Highway Patrol, Department of Transportation and the California Environmental Protection Agency regulations for the handling and transportation of the product gas. Power will be delivered to the receipt point facilities through the PG&E power lines that run along Manning or Madera Ave.





## **2. Operational time limits**

The Project will operate 24/7 365 days per year except for planned and unplanned maintenance and repair.

## **3. Number of customer/visitors**

There are no regularly planned visitors or customers.

## **4. Employees**

There will be two full time employee/technicians that will operate the LFGCS.

## **5. Service / Delivery Vehicles**

One truck per day of LNG delivered to the site in a 10,000 gallon tanker trailer to fuel the onsite power Generators, and one truck per week will pick up LFG condensate approximately 6,000 gallons to be disposed of offsite. In addition, there will be various maintenance and repair vehicle visits, one to two deliveries per quarter.

## **6. Access to the Site**

Employees and maintenance/repair vehicles will enter the site utilizing the main AADS entrance on American Avenue.

## **7. Number of Parking Spaces**

Employees and visitors will utilize 2-4 spaces at a time

## **8. No Goods are sold onsite**

## **9. Equipment Used**

See nature of operations above

## **10. Supplies and Materials Used**

LNG used to fuel onsite power generations, media and filters in CO<sub>2</sub>/membrane/PSA and H<sub>2</sub>S processing equipment is periodically replaced, compressor oil (stored in 55 gallon barrel with secondary spill containment).

## **11. Appearance**

Industrial gas processing equipment and instruments interconnected with piping/electrical on racks around the site, including two flare stacks. Containerized generator sets including exhaust stacks.

## **12. Solid and Liquid wastes produced**

Periodically used compressor and power generator engine oil disposed of offsite, LFG condensate will be disposed of offsite, and used media containing sulfur and carbon disposed of at the landfill.

## **13. Water Usage**

No Landfill Gas Processing water usage, only for domestic use on site.

## **14. Signage**

Small limited signage on office building.

## **15. New Buildings to be constructed.**

Fabricated metal building divided consisting of a Control room, MMC room and office space.

## **16. Building Usage**

Control room and office

## **17. Outdoor lighting and sound amplification**

Pole lighting compatible with existing area.

## **18. Fencing**

Security fencing around site compatible with existing site fencing.

## **19. Other info**

## **20 Owner information**

Developer Toro Energy of CA AA LLC, the applicant, is owned by West Coast RNG LLC in which both Toro and Colony Energy Partners LLC own an interest.



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** Toro of California AA, LLC
- APPLICATION NOS.:** Unclassified Conditional Use Permit Application No. 3762;  
Initial Study Application No. 8380
- DESCRIPTION:** Allow the construction and operation of a landfill gas conditioning system with two 1,980 kW power generators for treating raw landfill gas to a pipeline quality gas on an approximately 43,264 square-foot portion of a 39.55-acre Fresno County landfill site in the AE-20 (Exclusive Agricultural; 20-acre minimum parcel size) Zone District (APN: 020-052-9ST) (18950 W. American Avenue) allow connecting the system to the proposed 8-mile subsurface biomethane feeder pipeline to run through American Avenue road right-of-way (utility easement) via a franchise agreement and through State Route 145 (S. Madera Avenue) right-of-way and to terminate at a PG&E transmission pipeline interconnection Receipt Point metering facility to be constructed on an approximately 10,000 square feet portion of a 313.6-acre parcel (APN 030-070-25S) in the AE-20 (Exclusive Agricultural; 20-acre minimum parcel size) Zone District.
- LOCATION:** The landfill site is located on the north side of American Avenue approximately 1,925 feet west of its intersection with Humboldt Avenue and 3.8 miles southwest of the City of Kerman. The Receipt Point facility site is located on the northwest corner of Manning Avenue and State Route 145 (S. Madera Avenue) approximately seven miles south of the City of Kerman (Sup. Dist. 1) (APNs: 020-052-9ST, 030-070-25S).

### I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

**FINDING:** NO IMPACT:

The proposed landfill gas conditioning system will occupy one-acre of a 39.5-acre parcel within Fresno County landfill site. The subject parcel borders with American Avenue which is not designated as a scenic drive/highway in the County General Plan. Likewise, the proposed PG&E interconnection Receipt Point metering facility will occupy on an approximately 10,000 square feet portion of a 313.6-acre parcel currently planted in fruit orchard. The parcel border with Madera Avenue (SR 145) and Manning Avenue which are not designated as scenic drives/highways in the County General Plan. There are no scenic vistas or scenic resources, including trees, rock outcroppings, or historic buildings on or near the project sites that will be impacted by the subject proposal. The project will have no impact on scenic resources.

- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The one-acre project site will be developed with landfill gas conditioning system (“LFGCS”) which includes landfill gas processing equipment, engines, a pipeline, and power lines. The onsite construction activities will consist of installing electrical generating units (engines), landfill gas treatment system and other gas processing equipment.

These low-height (below 35 feet) equipment/structures would match in height and appearance with similar structures on landfill site and would not necessarily degrade the existing visual character or quality of the site from surrounding area comprised of fallow and cultivated land.

The PG&E interconnection site will also be developed with similar equipment/structures. There are no SFR in the immediate vicinity of the area. Development of this facility would not visually impact the surrounding area. The impact would be less than significant.

- D. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:

The project will install pole lighting compatible with lighting in the area. Although glare should not be an issue when considering the distance and scarcity of local sensitive receptors, a standard mitigation measure would require that all lighting be hooded and directed as to not shine towards adjacent property and public streets.

\* **Mitigation Measure:**

1. *All outdoor lighting shall be hooded and directed so as not to shine toward adjacent properties and public streets.*

## II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; or

FINDING: NO IMPACT:

The subject parcel is not Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

The 39.55-acre gas conditioning system site is designated as Urban Built-Up-Land on 2016 Department of Conservation Important Farmlands Map and the 313.6-acre PG&E interconnection Receipt Point facility site is designated as a Farmland of Local Importance on 2016 Department of Conservation Important Farmlands Map. The project will have no impact on prime farmland.

- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is allowed as a permitted use on agricultural land with discretionary land use approval and therefore is consistent with the existing zoning on the parcels. Both parcels subject to this proposal are currently zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size).

The project landfill site is not in a Williamson Act Contract, but the PG&E interconnection Receipt Point Facility site is. The project applicant has filed a non-renewal application for the portion of the site to be developed with the PG&E facility which currently is in process.

The project was routed to the Fresno County Agricultural Commissioner's Office for comments. The agency did not provide any comments on the project.

- C. Conflict with existing zoning for forest land, timberland, or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT

The project sites are not forest land, timberland or land zoned for Timberland Production. No forests occur in the vicinity of the sites and therefore no impacts to forests, conversion of forestland, or timberland zoning would occur from the project.

- E. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forestland to non-forest use?

FINDING: NO IMPACT:

The project landfill site is currently zoned for agriculture but its current and historical use has been a solid waste disposal site. No change to that status would occur from the subject proposal.

The PG&E Receipt Point facility site is currently zoned for agriculture and is planted in orchard. The proposal facility is compatible with the current zoning. Utilization of a 0.2-acre (10,000 square feet) portion of the site with the proposed development would not bring any significant changes to the existing area environment.

### III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Applicant provided an *Air Quality, Climate and Health Risk (AQCHR) Assessment*, completed for the project by *Montrose Environmental*, dated *December 2023* and was provided to the San Joaquin Valley Air Pollution Control District (SJVAPCD) for comments. The District expressed no concerns with the AQCHR assessment.

The construction and operation of the project would contribute the following criteria pollutant emissions: NO<sub>x</sub> (nitrogen dioxide), VOC (volatile organic compound), PM<sub>10</sub>, (particulate matters) PM<sub>2.5</sub> (particulate matters), SO<sub>x</sub> (sulfur dioxide), and CO (carbon mono-oxide).

As discussed in Section III, B. below, emissions of NO<sub>x</sub>, VOC, PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>x</sub>, and CO associated with the construction and operation of the project would not exceed the

District's significance thresholds. Furthermore, as described in Section III below, the project will not result in the violation of Air District's significance threshold for Health Risk Assessment.

As per San Joaquin Valley Air Pollution Control District, the project may be subject to the following District Rules: District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) requiring the project proponent to submit an Authority to Construct (ATC) to the District; District Rule 9510 - Indirect Source Review (ISR) requiring the developer to mitigate NO<sub>x</sub> and PM emissions by incorporating clean air design elements into their projects; and submitting an Air Impact Assessment (AIA) application. With the compliance of these applicable Rules, the air quality impact resulting from the project construction and operation would be less than significant. The project would not conflict or obstruct implementation of the air quality plan.

- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

According to the AQCHR Assessment, the project would build a landfill gas treatment system equipped with a 90 MMBTU per hour flare, a 15 MMBTU flare and two identical engines to treat raw landfill gas so that it can be used as pipeline quality gas. The system would connect to Pacific Gas and Electricity's (PG&E) nearby pipeline. One of the flares is a 15 MMBTU per hour unit that will be utilized to combust tail gas from the system. Alternatively, the tail gas flare may be replaced with a biofilter gas treatment system. The other proposed flare is rated at 90 MMBTU per hour. It will be utilized intermittently to combust the treated landfill gas during process upsets or other circumstances where the gas cannot be injected to the pipeline. The two identical natural gas fired engines will be utilized for power generation for the landfill gas treatment facility.

The project will utilize either Option 1 (Tail Gas Flare) to combust waste gas from the membranes and nitrogen PSA and utilized natural gas as supplement gas to maintain the combustion process at this flare or Option 2 (Tail gas Biofilter System) as an alternative to Option 1 to reduce emissions from the unusable processed waste gas.

The primary pollutants of concern during project construction and operation are NO<sub>x</sub> (nitrogen dioxide), VOC (volatile organic compound), PM<sub>10</sub>, (particulate matters) PM<sub>2.5</sub> (particulate matters), SO<sub>x</sub> (sulfur dioxide), and CO (carbon mono-oxide). The SJVAPCD's annual emission significance thresholds used for the project are: 10 tons per year NO<sub>x</sub>, 10 tons per year VOC, 15 tons per year PM<sub>10</sub>, 15 tons per year PM<sub>2.5</sub>, 27 tons per year SO<sub>x</sub>, and 100 tons per year CO.

Per the AQCHR Assessment, the construction air pollutant emissions (ton per year) associated with the project would be 0.51 for NO<sub>x</sub>, 0.06 for VOC, 0.11 for PM<sub>10</sub>, 0.05 for PM<sub>2.5</sub>, 0.005 for SO<sub>x</sub>, and 0.50 for CO which are less than the threshold of significance.

Likewise, for Option 1, the operational air pollutant emission over the life of the project would be 6.7 for NOx, 4.82 for VOC, -0.55 for PM<sub>10</sub>, -0.55 for PM<sub>2.5</sub>, -1.24 for SOx, and 29.92 for CO. For Option 2, the operational air pollutant emission over the life of the project would be -8.3 for NOx, 4.33 for VOC, -1.30 for PM<sub>10</sub>, -1.30 for PM<sub>2.5</sub>, -1.67 for SOx, and 9.60 for CO. These emissions also are less than the threshold of significance.

Based on the above discussion, the total project operation emissions would not exceed the significant criteria for annual NOx, VOC, PM<sub>10</sub>, PM<sub>2.5</sub>, SOx or CO emissions. The project would have a less than significant effect on regional air quality.

C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Sensitive receptors are defined as people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptor locations include schools, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential dwelling units.

According to the *Air Quality, Climate, and Health Risk (AQCHR) Assessment*, Toxic Air Contaminants (TAC) emissions associated with the project will consist primarily of combustion byproducts produced by the engines, flares, and the oxidation of substances in the biofilter. Two control equipment options were evaluated. Option one includes the emissions from two engines and two flares. Option two includes the two engines, the 90 MMBTU per hour flare and a biofilter instead of the tail gas 15 MMBTU per hour flare.

A Tier IV Health Risk Assessment (HRA) was performed to quantify and assess whether TAC emissions from the project will have the potential to cause significant public health impacts in the surrounding area by using the air dispersion model (Lakes Environmental AERMODView) and the ARB Hotspots Analysis Reporting Program Version 2 (HARP2). While most of the residences are located to the northwest of the project, the nearest sensitive receptor (single-family residence) is located approximately 2,000 feet to the north of the proposed engines and flares. Worker receptors (people that work at the landfill facility) are located 650 feet from the new engines. The cancer, chronic, and acute risks were included in the analysis.

In evaluating operational health risk, HRA results for Option 1 indicates that 70-year residential cancer risk is 0.6 per million, 30-year residential cancer risk is 0.7 per million, and 25-year worker cancer risk is 0.08 per million. Similarly, for Option 2, the 70-year residential cancer risk is 1.8 per million, 30-year residential cancer risk is 0.7 per million, and 25-year worker cancer risk is 0.07 per million. The risk factors involved in both Options are below the SJVAPCD's health risk thresholds of 20 per million.

Toxic air contaminants (TAC) emissions associated with 3.5 months of construction period consist primarily of combustion byproducts from off-road equipment and vehicles trips. To determine whether the emissions from construction are significant enough to



prepare a detailed Health risk Assessment (HRA), the prioritization score formulas for cancer, chronic, and acute impacts used for the AB 2588 (Air Toxic Hot Spots Information and Assessment Act) program were applied. The results indicate the following: Residential Cancer Score 0.042, Residential Chronic Score 0.0165, Worker Cancer Score 0.0036, and Worker Chronic Score 1.15. As these scores are less than one (1) impacts from construction emissions would be less than significant, and a detailed HRA was not required for the project.

- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Odor impacts on residential areas and other sensitive receptors, such as hospitals, day-care centers, and schools. As noted above, the closest sensitive receptors are approximately 2,000 feet from the proposed engines and flare site. No sensitive receptors are located near the proposed PG&E interconnection Receipt Point facility.

Although odors are associated with landfill gas (LFG), the existing collection system at the site will operate to prevent LFG escape into the atmosphere during construction or after the facility is operational. Additionally, the project does not result in an increase in LFG or operation of the landfill.

During construction, the existing flares will burn the LFG to negate any odors from the LFG. There may be minor odors associated with the use or refuel of the diesel and gasoline powered equipment. These minor odors due to construction are expected to disperse substantially before reaching the residential and sensitive receptors that are located over 2,000 feet from the facility. No significant impacts are expected from the odors associated with construction activity.

Once the Project is operational, most of the LFG will be cleaned and added to PG&E pipeline system. The proposed equipment is not expected to create any significant odor and potential impacts would be less than significant.

#### IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

FINDING: NO IMPACT:

The project was routed to the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) for comments. The USFWS did not provide any comments. However, the comments provided by CDFW on June 1, 2023, indicated that there are special-status species the State threatened Swainson's hawk, burrowing owl, American Badger and Nesting birds in the area that may utilize the project site and may need to be evaluated and addressed through site survey conducted as biological technical studies prior to any ground-disturbing activities. Staff disagree with CDFW comments requiring that biological technical studies shall be prepared for the project. The project landfill site is heavily disturbed with ongoing landfill activities for years and the operation of various existing landfill facilities near the project site. There are no trees or vegetations onsite to provide for the nesting and foraging of Swainson's hawk, American Badger, or Nesting birds. As the ground is constantly disturbed, it does not provide burrows for burrowing owl. Likewise, the Receipt Point facility site has also been extensively disturbed by the existing farming activities. The site is currently planted in fruit orchard and does not provide for the nesting and foraging of the species noted above.

- C. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

FINDING: NO IMPACT:

According to the Wetland Mapper of US Fish and wildlife, except for a few freshwater ponds, no wetland exists on the landfill site. Likewise, no wetland exists on PG&E Interconnection Receipt Point facility site. The project development will have no impact on wetlands.

- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: NO IMPACT:

No wildlife or fish movement features (e.g., waterways, arroyos, ridgelines) or any wildlife nursery sites are present on or near the project sites that may be impacted by the project.

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

FINDING: NO IMPACT:

The project landfill site contains no trees and therefore is not subject to the County tree preservation policy or ordinance. The current farming operation (fruit orchard) on PG&E Interconnection receipt Point facility site is not subject to trees preservation policy.

- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

The project will not conflict with any local policies or ordinances protecting biological resources, or the provisions of any conservation plan.

## V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:

The proposed landfill gas conditioning system facility or the PG&E interconnection Receipt Point facility is located within or in proximity of any area designated to be moderately or highly sensitive for archeological resources. However, in the unlikely event that cultural resources are unearthed during future construction activities on the properties, the following actions shall be required in order to ensure that impacts to such cultural resources remain less than significant.

\* **Mitigation Measure:**

1. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

## VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project development would result in less than significant consumption of energy (gas, electricity, gasoline, and diesel) during construction or operation of the facility. Construction activities and corresponding fuel energy consumption would be temporary and localized. There are no unusual project characteristics that would cause the use of construction equipment to be less energy efficient compared with other similar construction sites in the County. Therefore, construction-related fuel consumption by the project would not result in inefficient, wasteful, or unnecessary energy use compared with other construction sites in the area.

B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: NO IMPACT:

The project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

All construction activities would comply with the 2019 Building Energy Efficiency Standards. Pursuant to the California Building Standards Code and the Energy Efficiency Standards, the County would review the design components of the project's energy conservation measures when the project's construction plans for the proposed improvements are submitted.

VII. GEOLOGY AND SOILS

Would the project:

A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 9-5 of the Fresno County General Plan Background Report relating to probabilistic seismic hazards, the project site is within an area of peak horizontal ground acceleration of 0 to 20 percent. Any impact resulting from seismic activity would be less than significant.

4. Landslides?

FINDING: NO IMPACT:

Per Figure 9-6 of the Fresno County General Plan Background Report, the project site is not located in an area of landslide hazards. The site is flat with no topographical variations, which precludes the possibility of landslides.

- B. Result in substantial soil erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Some soil erosion or loss of topsoil may result due to the site grading to accommodate the proposed development. However, the impact would be less than significant with a Project Note requiring approval of an Engineered Grading and Drainage Plan and a grading permit/voucher for any grading proposed with this application.

- C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

FINDING: NO IMPACT:

Per Figure 9-6 of Fresno County General Plan Background Report, the project site is not in an area at risk of landslides. Also, the project involves no underground materials movement and therefore poses no risks related to subsidence.

- D. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

Per Figure 7-1 of the Fresno County General Plan Background Report, the project site is not located in an area where the soils exhibit moderately high to high expansion potential. However, the project development will implement all applicable requirements of the most recent California Building Standards Code and will consider any potential hazards associated with shrinking and swelling of expansive soils.

- E. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

FINDING: NO IMPACT:

No new restroom facility that would be subject to wastewater disposal system is required by the project.

- F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section V. CULTURAL RESOURCES above.

## VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

In the *Air Quality, Climate and Health Risk Assessment* prepared for the project by *Montrose Environmental and dated December 2023*, GHG emissions were estimated using the California Emissions Estimator Model (CalEEMod), AERMOD and HARP2.

According to AQCHR Assessment, landfill gas produced by the landfill is currently being combusted in the 99 MMTU per hour Flare and a 51 MMBTU per hour Flare. There would be no changes in landfill gas emissions during construction. GHG emissions will increase during construction, due to construction and associated vehicle emissions. However, In the operational phase of the project, 90 MMBTUs of landfill gas will be processed and sent to the PG&E pipeline system. The GHG emission from the existing flare system for year 2020-2022 is average out 23,736 CO<sub>2</sub> (tons/year).

The landfill is an existing facility, and its emissions will continue to grow over time due to its existing permit and growth expectations. The future Business As Usual (BAU) baseline reflects the 90 MMBTU per hour design value of the landfill gas process system. Without the proposed project, 90 MMBTU per hour would not be diverted to the PG&E distribution system as renewable natural gas and would instead continue to be incinerated in the existing landfill flares in accordance with existing practices. The BAU baseline GHG emission is estimated at 41,263 CO<sub>2</sub> (tons/year).

Based on the baseline GHG emission, CalEEMod was used to calculate net GHG emission resulting from the project. The results show that emission resulting from Option 1 (2 engines, 2 flares) would be 24,880 CO<sub>2</sub> (tons/year) which is 40 % net reduction from BAU baseline emissions (41,263 CO<sub>2</sub> ton/per year). Emission resulting from Option 2 (2 engines, 1 flare, 1 biofilter) would be 21,748 CO<sub>2</sub> (tons/year) which is 47% net reduction from BAU baseline emissions. As 40% and 47% are greater reductions in GHG emission than SJVAPCD's threshold of significance of 29% of GHG emission, the project will have less than significant individual and cumulative impact on global climate change.

- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project construction and operational emissions are not anticipated to conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

Per the *Air Quality, Climate and Health Risk Assessment*, the emissions from the engines are governed by the Cap-and-Trade State Program that applies to the emissions associated with the PG&E grid. PG&E is complying with this Program and thus the engines comply with this Plan.

A Permit To Operate (PTO) the engines is required by the SJVAPCD and compliance with the District's permitting programs would assure compliance with District Plans.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or
- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno County Department of Public Health, Environmental Health Division, within 30 days of the occurrence of any of the following events the applicant/operator shall update online Hazardous Materials Business Plan (HMBP) and site map: 1) there is a 100 percent or more increase in the quantities of a previously-disclosed material; 2) the facility begins handling a previously-undisclosed material at or above the HMBP threshold amounts; and 3) changes in site plan storage locations.

Additionally, facilities that use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. To handle hazardous materials and/or hazardous waste, a Hazardous Materials Business Plan shall be submitted pursuant to the HSC, Division 20, Chapter 6.95. If any underground storage tank is found during construction, an Underground Storage Tank Removal Permit shall be obtained to remove the tank. These requirements will be included as Project Notes.

The project sites are not located within one-quarter mile of a school. The nearest school, San Joaquin Elementary School, is approximately 4.3 miles southwest of the project landfill site and 5.8 miles west of the PG&E Interconnection Point of Receipt facility site.

- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

According to the search results of the Hazardous Waste and Substances Site List (CORTESE) from Department of Toxic Substances Control (DTSC) EnviroStor database, the project sites are not listed as hazardous materials sites. The project will not create hazards to the public or the environment.

- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

Per the Fresno County *Airport Land Use Compatibility Plan Update* adopted by the Airport Land Use Commission (ALUC) on December 3, 2018, the nearest public airport, Fresno-Yosemite International Airport is approximately 18 miles northeast of the landfill site and 18.8 miles from PG&E interconnection Point of Receipt site. Given the distances, the airport will not be a safety hazard, or a cause of excessive noise for people residing/working on either site.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

FINDING: NO IMPACT:

The project sites are in an area where existing emergency response times for fire protection, emergency medical services, and sheriff protection meet adopted standards. The future development proposals do not include any characteristics (e.g., permanent road closures) that would physically impair or otherwise interfere with emergency response or evacuation in the project vicinity. No impacts would occur.

- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

Per Figure 9-9 of the Fresno County General Plan Background Report, the project site is outside of the State Responsibility area for wildland fire protection. No persons or structures will be exposed to wildland fire hazards.



X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VII., E. Geology and Soils regarding waste discharge requirements.

According to the Fresno County Department of Public Health, Environmental Health Division, as a measure to protect groundwater, a Project Note would require that all water wells and septic systems that exist or have been abandoned within the project area, shall be properly destroyed by a licensed contractor.

The Regional Water Quality Control Board, Central Valley Region did not provide any comments on the project and the State Water Resources Control Board, Division of Drinking Water (SWRCB-DDW) offered ‘No Comments’ on the project.

- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: NO IMPACT:

The project requires no use of water. As such no impact on groundwater resources would occur.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

1. Result in substantial erosion or siltation on or off site?
2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?
3. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No intermittent stream or river exists on or near the landfill site or the PG&E Point of Interconnection site to be impacted by the project.

Any changes in the absorption rates, drainage patterns, or the rate and amount of surface run-off resultant of site development will be reduced with adherence to the mandatory construction practices contained in the Grading and Drainage Sections of the County Ordinance Code. As noted by Development Engineering Section of the Fresno County, the project may require an engineered grading and drainage plan and a Grading Permit or voucher prior to site development.

- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

FINDING: NO IMPACT:

Per Figure 9-7 of the Fresno County General Plan Background Report, the project site is not located in a 100 Year Flood Inundation Area.

- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern with the application to indicate that the project will conflict with or obstruct implementation of a water quality control plan or sustainable management plan. As such no impact would occur.

## XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project will not physically divide an established community. The nearest city (City of Kerman) is approximately 4.2 miles northeast and 6.5 miles north of the project sites.

- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING LESS THAN SIGNIFICANT IMPACT:

The project sites are designated Agriculture in the Fresno County General Plan which allows certain non-agricultural uses such as the proposed facility by discretionary approval provided the use meets General Plan Policy LU-A.3., criteria a. b. c. d. The project is consistent with this Policy.

Regarding consistency with LU-A.3., criteria a., the proposed landfill gas conditioning system (LFGCS) will be capturing gas from landfill site and providing it to PG&E as a safe and efficient way of utilizing gas to avoid the current practice of burning LFG via flare.

Regarding Criteria “b”, the LFGCS will be located on one-acre portion of a 39.55-acre waste disposal site designated as Urban Built-up land and the 313.6-acre site for the PG&E Interconnection Receipt Point site is designated as Farmland of Local Importance. Both sites are Non-Prime Farmland.

Regarding Criteria “c”, the project involves no water use and as such will not impact ground-water resources.

Regarding Criteria “d”, the project is located approximately three miles southwest of the City of Kerman and 3.2-mile northeast of the City of San Joaquin which can provide adequate workforce.

## XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- B. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

No impact to mineral resource would occur. The site is not in a mineral resource area identified in Policy OS-C.2 of the General Plan.

## XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels; or
- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people be residing or working in the project area to excessive noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The nearest noise receptors, single-family residences are located approximately 2,000 feet (or 0.4 mile) north of the proposed landfill gas conditioning system and 2,592 feet (or 0.5 mile) west of PG&E Interconnection Receipt Point facility. Given the distance, any noise impact on the residences resulting from project construction or operation would be less than significant.

As noted by the Fresno County Department of Public Health, Environmental Health Division a Project Note would require that the project shall conform to the Fresno County Noise Ordinance Code.

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

The project will not result in an increase of housing, nor will it otherwise induce population growth.

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

- 1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno County Fire Protection District (FCFPD), the project shall: comply with the California Code of Regulations Title 24 – Fire Code; adhere to the requirements of the current Fire Code and Building Code when building permit or certificate of occupancy is sought; and annex into the Community Facilities District No. 2010-01 of FCFPD. This will be included as a Project Note.

2. Police protection; or
3. Schools; or
4. Parks; or
5. Other public facilities?

FINDING: NO IMPACT:

The project will not result in the need for additional public facilities nor will it affect the existing public services.

## XVI. RECREATION

Would the project:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

The project will have no impact on neighborhood and regional parks or other recreational facilities in the area.

## XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities; or
- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b)?

FINDING: NO IMPACT:

According to the Applicant's Operational Statement, two full-time employee/technician will operate landfill gas conditioning system (LFGCS). One truck per day will deliver liquid natural gas (LNG); one truck per week will pick up landfill condensate; and various maintenance and repair vehicles (one to two deliveries per quarter) will visit the site.

The Transportation Planning Unit of the Fresno County Department of Public Works and Planning and the California Department of Transportation expressed no traffic-related concerns with the project. No Traffic Impact Study was required.

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The project review by Traffic Planning Unit and Road Maintenance and Operations Division of the Fresno County including the Fresno County Fire Protection District did not identify any concerns regarding emergency access. The project development will be subject to all local and state requirements for site access for emergency vehicles.

## XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
  - 1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
  - 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.)

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project sites are not designated as highly or moderately sensitive for archeological resources. Pursuant to Assembly Bill (AB) 52, the project was routed to the Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, and Table Mountain Rancheria offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No tribe requested consultation, resulting in no further action on the part of the County. However, in the unlikely event, that cultural resources are identified on

the property, the Mitigation Measure included in the CULTURAL ANALYSIS section of this report will reduce the impact to less than significant.

## XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

FINDING: NO IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS above. Additionally, the project will not result in the relocation or construction of new electric power, natural gas, or telecommunications facilities.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

FINDING: NO IMPACT:

See discussion in Section X. B. HYDROLOGY AND WATER QUALITY above.

- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: NO IMPACT:

The project does not require construction of any wastewater disposal system.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As per the applicant's Operational Statement, periodically used compressor and power generator engine oil and landfill condensate will be disposed offsite. Used media containing sulfur and carbon will be disposed of at the landfill site.

All solid waste disposal will comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

## XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

The project sites are not in or near state responsibility area or land classified as very high fire hazard severity zones. No impact would occur.

## XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number, or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will have no impact on biological resources. Impact on cultural resources have been reduced to a less than significant level with the incorporation of a Mitigation Measure discussed in Section V. CULTURAL RESOURCES above.

- B. Have impacts that are individually limited, but cumulatively considerable (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?



**FINDING: LESS THAN SIGNIFICANT IMPACT:**

Each of the projects located within Fresno County has been or would be analyzed for potential impacts, and appropriate project-specific Mitigation Measures are developed to reduce that project's impacts to less than significant levels. Projects are required to comply with applicable County policies and ordinances. The incremental contribution by the proposed project to overall development in the area is less than significant.

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code at the time development occurs on the property. No cumulatively considerable impacts relating to Agricultural and Forestry Resources, Air quality or Transportation were identified in the project analysis. Impacts identified for Aesthetics and Cultural Resources will be mitigated through compliance with the Mitigation Measures listed in Section I and Section V of this report.

- C. Have environmental effects which will cause substantial adverse effects on human beings either directly or indirectly?

**FINDING: NO IMPACT:**

No substantial impacts on human beings, either directly or indirectly, were identified in the analysis.

**CONCLUSION/SUMMARY**

Based upon Initial Study No. 8380 prepared for Unclassified Conditional Use Permit Application No. 3762, staff has concluded that the project will not have a significant effect on the environment.

It has been determined that there would be no impacts to biological resources, mineral resources, population and housing, recreation, transportation, or wildfire.

Potential impacts related to agriculture and forestry resources, air quality, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, tribal cultural resources and utilities and service systems have been determined to be less than significant.

Potential impacts to Aesthetics and Cultural Resources have been determined to be less than significant with the identified Mitigation Measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Streets, Fresno, California.

**EXHIBIT 8**

File original and one copy with: <b>Fresno County Clerk</b> <b>2221 Kern Street</b> <b>Fresno, California 93721</b>		Space Below for County Clerk Only.  CLK-2046.00 E04-73 R00-00		
Agency File No: IS 8380	<b>LOCAL AGENCY                  PROPOSED MITIGATED                  NEGATIVE DECLARATION</b>		County Clerk File No: <b>E-</b>	
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721	
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner		Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): Toro of California AA, LLC		Project Title: Unclassified Conditional Use Permit Application No. 3762		
Project Description: Allow the construction and operation of a landfill gas conditioning system with two 1,980 kW power generators for treating raw landfill gas to a pipeline quality gas on an approximately 43,264 square-foot portion of a 39.55-acre Fresno County landfill site in the AE-20 (Exclusive Agricultural; 20-acre minimum parcel size) Zone District (APN: 020-052-9ST) (18950 W. American Avenue) allow connecting the system to the proposed 8-mile subsurface biomethane feeder pipeline to run through American Avenue road right-of-way (utility easement) via a franchise agreement and through State Route 145 (S. Madera Avenue) right-of-way and to terminate at a PG&E transmission pipeline interconnection Receipt Point metering facility to be constructed on an approximately 10,000 square feet portion of a 313.6-acre parcel (APN 030-070-25S) in the AE-20 (Exclusive Agricultural; 20-acre minimum parcel size) Zone District. The landfill site is located on the north side of American Avenue approximately 1,925 feet west of its intersection with Humboldt Avenue and 3.8 miles southwest of the City of Kerman. The Receipt Point facility site is located on the northwest corner of Manning Avenue and State Route 145 (S. Madera Avenue) approximately seven miles south of the City of Kerman (Sup. Dist. 1) (APNs: 020-052-9ST, 030-070-25S).				
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 8380) prepared for Unclassified Conditional Use Permit Application No. 3762, staff has concluded that the project will not have a significant effect on the environment.  No impacts were identified related to biological resources, mineral resources, population and housing, recreation, transportation, or wildfire.  Potential impacts related to, agriculture and forestry resources, air quality, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, tribal cultural resources and utilities and service systems have been determined to be less than significant.  Potential impacts related to aesthetics and cultural resources have been determined to be less than significant with the included Mitigation Measure.  The Initial Study and Mitigated Negative Declaration (MND) is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California				
FINDING: The proposed project will not have a significant impact on the environment.				
Newspaper and Date of Publication: Fresno Business Journal – March 1, 2024			Review Date Deadline: Planning Commission – April 25, 2024	
Date: April 15, 2024	Type or Print Name: David Randall, Senior Planner		Submitted by (Signature):	

State 15083, 15085

County Clerk File No. \_\_\_\_\_

**LOCAL AGENCY  
 MITIGATED NEGATIVE DECLARATION**