



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 June 25, 2020

SUBJECT: Initial Study Application No. 7492 and Unclassified Conditional Use Permit Application No. 3619

Allow the construction and operation of an anaerobic digester at the existing POM Wonderful fruit processing facility (previously approved by Classified Conditional Use Permit Nos. 2220, 2559, 2618, and 2668) to process up to 125,000 tons of pomegranate waste and pomegranate juice wastewater per year from the onsite extraction facility to produce bio-methane for pipeline injection, a dewatered cake for land application or composting, optional food and beverage-grade carbon dioxide gas, and filtrate that will be treated by the onsite wastewater treatment plant and used for irrigation of the alfalfa plants surrounding the facility on a 42.02-acre parcel in the M-3 (General Industrial) Zone District.

LOCATION: The project site is located on the southeastern corner of the intersection of American Avenue and S. Del Rey Avenue (addressed as 5286 S. Del Rey Avenue, Del Rey, CA 93616) (Sup. Dist. 4) (APN 350-230-01S).

OWNER/APPLICANT: POMWonderful, LLC

STAFF CONTACT: Chrissy Monfette, Planner
(559) 600-4245

David Randall, Senior Planner
(559) 600-4050

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7492; and
- Approve Unclassified Conditional Use Permit No. 3619 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 and Detail Drawings
6. Elevations
7. Applicant's Operational Statement
8. Summary of Initial Study Application No. 7492
9. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	General Industrial	No change
Zoning	M-3c (Heavy Industrial, Conditional)	No change
Parcel Size	42.02 acres	No change
Project Site	Vacant/storage area	~14 acres dedicated to digester
Structural Improvements	Existing fruit packaging facility, storage buildings, storage areas, parking lot, storage tanks	Additional ponding basin, anaerobic digester with supporting equipment, interconnection pipeline
Nearest Residence*	~70 ft	No change
Surrounding Development	North and East: Agricultural Operations with SFR, South: Air Strip, agricultural operations, West: Industrial and Residential (Del Rey)	No change
Operational Features	Fruit packing and processing facility	Addition of digester to convert pomegranate pomace to bio-methane
Employees	322	Up to 3 additional full-

Criteria	Existing	Proposed
		time and 2 additional seasonal employees
Customers	~25 daily	No change
Traffic Trips	Up to 322 daily round trips for employees Approximately 481 truck trips	Up to 327 daily round trips for employees Approximately 421 truck trips
Lighting	Existing lighting on building exteriors and parking lots	Additional lighting on exterior of new buildings
Hours of Operation	Up to continuously	No change

*As measured from the nearest point on the subject property line to the nearest edge of the residence

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

ENVIRONMENTAL ANALYSIS:

Pursuant to the Guidelines of the California Environmental Quality Act (CEQA), Section 15162, there shall be no subsequent environmental review prepared for projects for which a negative declaration has been adopted (or for which an Environmental Impact Report has been certified), unless substantial evidence shows one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the negative declaration due to the involvement of new significant environmental impacts or a substantial increase in the severity of previously identified significant effects; or
2. Substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant impacts; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous negative declarations;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, but the project proponents decline to adopt the mitigation measure or alternative;
 - d. Mitigation measures or alternatives which are considerably different from those previously analyzed would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative.

In the case of this project, the inclusion of the digester to create bio-methane gas to be sold for profit requires approval of a Conditional Use Permit by the County of Fresno and represents a significant expansion of use compared to the baseline use of the site to process fruit. Therefore,

a revised Initial Study has been prepared. This study supersedes the studies previously prepared by the County of Fresno (Initial Study numbers 3126, 3851, 3977, and 6808). The County's previous reviews of this project did not identify any potentially significant impacts which needed to be addressed through the adoption of mitigation measures; however, the California Regional Water Quality Control Board, Central Valley Region adopted a Mitigated Negative Declaration (the "WDR IS") prior to adoption of the Waste Discharge Requirements for the project site. That review determined that five mitigation measures would be necessary to reduce impacts of the project. These impacts are discussed in the Initial Study attached as Exhibit 8.

Notice of Intent to adopt a Mitigated Negative Declaration publication date: May 20, 2020.

PUBLIC NOTICE:

Notices were sent to 33 property owners within 600 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

An Unclassified Conditional Use Permit may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on an Unclassified Conditional Use Permit (CUP) Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

Operation of the fruit-packing facility has been subject to several Conditional Use Permit applications since its original approval in 1992 (CUP No. 2559). Since that time, CUP No. 2618 was approved in 1993 to allow wastewater from the fruit-processing facility to be deposited on an adjacent 309.42-acre parcel as irrigation water and CUP No. 2668 was approved in 1994 to allow additional apple concentrate storage tanks to be installed on site.

Amendment Application No. 3732 was approved on December 7, 2004 by the Board of Supervisors to amend the zoning of the subject parcel from an Exclusive Agricultural (AE-20) Zone District to the existing Heavy Industrial, Conditional to allow the following uses by right: advertising structures, caretaker's residence, signs, bottling plants, agricultural uses, communication equipment buildings, electric transmission substations, temporary or permanent telephone boots, water pump stations, baled cotton storage, building materials, cotton compress, used materials yards, microwave relay structures, organic fertilizer (bulk sales and storage) and concrete and cement products.

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

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front (West): 15 ft No other required setbacks	No change	Y

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Parking	One off-street parking space for each two permanent employees	No change	Y
Lot Coverage	N/A	N/A	N/A
Space Between Buildings	N/A	N/A	N/A
Wall Requirements	A six (6)-foot-high solid masonry wall shall be erected along the property line of an "M-1" lot which is a district boundary between the "M-1" District and any residential district.	No change	N
Septic Replacement Area	100 percent	No change	Y
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change	Y

Reviewing Agency/Department Comments Regarding Site Adequacy:

Fresno County Fire Protection District: The Applicant shall comply with California Code of Regulations (CCR), Title 24 – Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the project, the Applicant must submit construction plans to the Fresno County Department of Public Works and Planning for review. It is the Applicant’s responsibility to deliver a minimum of three sets of plans to FCFPD.

Building and Safety Section of the Fresno County Department of Public Works and Planning: If the subject project is approved, plans, permits, and inspections will be required for all onsite improvements, including the on- and off-site gas pipes.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to U.S.G.S. Quad Maps, there are existing natural drainage channels (Garfield Ditch) near the easterly property line of the subject parcel. Easements may be required by the appropriate agency.

An Engineered Grading and Drainage Plan is required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. Typically, any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards. A grading permit or voucher shall be required for any grading that has been done without a permit and any grading proposed with this application.

The Fresno County Department of Agriculture provided a “no comments” response. No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Finding 1 Analysis:

In regard to the existing failure of the project site to meet the wall requirements of the zone district, staff would like to note that Amendment Application No. 3732 was approved on December 7, 2004 by the Board of Supervisors to amend the zoning of the subject parcel from an Exclusive Agricultural (AE-20) Zone District to the existing Heavy Industrial, Conditional. Therefore, because the rezone application resulted in an industrial zone district adjacent to a residential zone district, the 6-foot masonry wall should have been installed. As a condition of approval of the Amendment Application, “[a]ll active storage areas along the western boundary of the subject property shall be substantially screened through usage of fencing or other method acceptable to the Director of the Department of Public Works and Planning. This determination shall be made during the mandatory Site Plan Review Application Process.” This requirement will be memorialized as a Condition of Approval for this application, with the amendment to include other development near the western property line in addition to ‘storage areas.’ Because the proposed improvements were not estimated to generate noise in excess of Fresno County Noise standards, it is anticipated that continued use of screened fencing will be suitable to screen the use from residential view; however, final approval will be granted by the Site Plan Review Unit.

The development of the project site meets all other development standards of the zone district. No walls are required at any other border because only a portion of the western property line is adjacent to a residential district.

Therefore, staff finds that the site is adequate in size and shape to accommodate the proposed use.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 1 can be made.

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
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Del Rey Avenue and American Avenue	No change
Direct Access to Public Road	Yes	Driveways at Del Rey Avenue and American Avenue	No change

		Existing Conditions	Proposed Operation
Road ADT		Del Rey: 800 Vehicles per day (VPD) American: 1,600 VPD	Reduced truck trips, slightly increased automobile trips
Road Classification		Del Rey: Collector American: Arterial	No change
Road Width		Del Rey: 34.6 feet American: 22 feet	No change
Road Surface		Del Rey: Asphalt Concrete American: Asphalt Concrete	No change
Traffic Trips		Up to 322 daily round trips for employees Approximately 481 truck trips	Up to 327 daily round trips for employees Approximately 421 truck trips
Traffic Impact Study (TIS) Prepared	No	No	N/A
Road Improvements Required		No	N/A

Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:

Development Engineering Section of the Fresno County Department of Public Works and Planning: Del Rey Avenue is a County-maintained road classified as a Collector road with an existing 30-foot right-of-way east of the section line along the parcel frontage, per Plat Book. The minimum width for a Collector road right-of-way east of the section line is 40 feet. Records indicate the section of Del Rey Avenue, from American Avenue to Las Tunis Avenue, has an ADT of 1,900 VPD, pavement width of 34.6 feet, structural section of .74 foot AC, and is in very good condition. The section of Del Rey Avenue, from Las Tunis Avenue to Portola Avenue, has an ADT of 800, pavement width of 34.6 feet, structural section of .74 foot AC, and is in very good condition.

American Avenue is a County-maintained road classified as an Arterial road with an existing 30-foot right-of-way south of the section line along the parcel frontage, per Plat Book. The minimum width for an Arterial road right-of-way south of the section line is 53 feet. Records indicate this section of American Avenue from Del Rey Avenue to Indianola Avenue has an ADT of 1,600 VPD, pavement width of 22 feet, structural section of 0.3 foot AC, and is in very poor condition.

Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.

Typically, in an Arterial classification, if not already present, onsite turnarounds are required for vehicles leaving the site to enter the Arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an Arterial road is usually limited to one common

point. No new access points are allowed without prior approval, and any existing driveway shall be utilized.

If not already present, the following corner cutoffs shall be improved: 10-foot by 10-foot cutoffs at the exiting driveways onto American and Del Rey Avenues; and 30-foot by 30-foot cutoffs at the intersection of American and Del Rey Avenues.

Site Plan Review Unit of the Fresno County Department of Public Works and Planning: The proposed digester does not significantly impact parking, circulation, or employees, and the proposed structures meet the development standards for the M-3 District, Section 845.5. A Site Plan Review may be recommended to ensure all zoning standards are met, in addition to parking and circulation requirements, lighting, pedestrian safety, and for administering the Mitigation Measures and Conditions of Approvals for CUP No. 3619.

The following agencies provided a “no comments” or “no concerns” response: California Department of Transportation.

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

Finding 2 Analysis:

The project site is currently served by three driveways off of Del Rey Avenue and one driveway off American Avenue. The fruit-packing facility operates on several parcels adjacent to the project site and there are two additional driveways off of Del Rey Avenue which also provide access to the project site. Internal roads have been surfaced with pavement and gravel to reduce fugitive dust at the site. No new access points to the project site are proposed; however, construction of the digester will require the extension of gravel interior roads.

Parking on site is provided in excess of the minimums required by the zoning ordinance (one space for every two employees) and the design of the parking lots allow for cars to either three-point turn, or loop around the rows to approach Del Rey Avenue in a forward motion. Therefore, no additional onsite turnaround space is required.

The need to establish 10- and 30-foot corner cutoffs is required by the Fresno County Zoning Ordinance, and therefore, these comments will be included as Project Notes. Approval of a Site Plan Review application will be required due to the conditional nature of the Heavy Industrial Zoning on the parcel and will ensure that all property development standards, including those related to corner cut-offs, will be met prior to the issuance of building permits.

Construction of the digester will result in a temporary increase in traffic. Both American and Del Rey Avenues are of sufficient width to accommodate this increase. Further, the project is anticipated to reduce the number of heavy trucks arriving at the site on a daily basis because pick-up of pomace and other debris would not longer be required. Such resources would be used to fuel the anaerobic digester. Other remnants from the process, such as water and remainder material from the digester would be used in other ways at the POMWonderful Facility: water would be treated by the onsite wastewater treatment plant and distributed as irrigation for alfalfa on an adjacent parcel, and dewatered cake can be applied to active agricultural fields as fertilizer.

Based on the above information, and the overall reduction in heavy truck traffic, both American Avenue and Del Rey Avenue will remain of sufficient width and pavement to accommodate the proposed use.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 2 can be made.

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

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	7.1 acres 37.4 acres	Vineyard Vineyard SFR	AE-20	102 feet
South	20.18 acres	Packing House	M-3	N/A
East	37.4 acres	Vineyard SFR	AL-20	~1,400 feet
West	13 parcels with .15 acre 2.03 acres	Residential uses Vacant	R-1 M-1	70 feet

Reviewing Agency/Department Comments:

San Joaquin Valley Air Pollution Control District: Clarifications made by the Applicant in the CEQA response letter address the District’s comments. The Applicant has submitted an Authority to Construct application for the existing Pom Wonderful LLC facility C-1551, ATC project #C-1182388.

Fresno County Department of Public Health, Environmental Health Division: The use shall comply with the Noise Element of the Fresno County General Plan and the Fresno County Noise Ordinance.

The Applicant/operators shall certify that a review of the business plan has been conducted at least once every year and that any necessary changes were made, and that the changes were submitted to the local agency.

Within 30 days of the occurrence of any of the following events the Applicant/operators shall update their online Hazardous Materials Business Plan (HMBP) and site map:

1. There is a 100% 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.

All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.

The land application rates of liquid from the digester that has gone through the wastewater treatment plant and solid waste from the digester shall be applied in accordance with the approval and water quality standards enforced by the Central Valley Regional Water Quality Control Board (RWQCB).

The operational statement provided with the application indicates that the separated solids from the anaerobic digester may be utilized for composting, or provide a dewatered cake for land application. Prior to the production of compost from operations of the digester, the facility shall apply for and obtain a permit to operate a Solid Waste Facility from the County of Fresno, Environmental Health Division acting as the Local Enforcement Agency (LEA).

Resources Division of the Fresno County Department of Public Works and Planning: The County is mandated to ensure compliance with the following state regulations:

- AB 341 - Mandatory Commercial Recycling Program (MCR)
After July 1, 2012, a business that generates four cubic yards or more of commercial solid waste per week or a multifamily residential dwelling of five units or more shall make arrangements to establish a recycling program for the business.
- AB 1826 - Mandatory Commercial Organics Recycling (MORe)
Effective January 1, 2017: Businesses that generate four cubic yards of organic waste per week shall arrange for organic waste recycling services.

State Water Resources Control Board, Division of Drinking Water: POM Wonderful is an existing fruit-processing facility located in Del Rey, CA. The facility is already served by Del Rey CSD. However, the proposed project includes the construction and operation of an anaerobic digester to process pomegranate waste and pomegranate juice wastewater from the onsite extraction facility to produce biomethane for pipeline injection, a dewatered cake for land application or composting, optional food and beverage-grade carbon dioxide gas, and filtrate that will be treated by the onsite wastewater treatment plant and used for irrigation of the alfalfa plants surrounding the facility. The Applicant is required to submit a Title 22 report to the Division for the use of recycled wastewater to irrigate the alfalfa.

The following agencies provided a “no comments” or “no concerns” response: United States Fish and Wildlife Service, and the Water and Natural Resources Division of the Fresno County Department of Public Works and Planning.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Finding 3 Analysis:

Approval of this project would result in significantly more development in the north and northwestern portions of the project site than currently exists. Because of the existing development to the south of the project and the Heavy Industrial Zone District, the construction of the digester will not result in adverse visual impacts.

Further, there is limited residential development in the area of this proposed project. American Avenue generally serves as a dividing line between Del Rey’s industrial uses and the agricultural uses of the County. There is one existing single-family residence to the north of the property which could experience adverse visual impacts; however, the area of the subject parcel adjacent to this residence is currently vacant and often used for storage. Therefore, it does not provide any scenic value which would be impacted by the proposed development.

West of the project site is a small row of residential structures along Del Rey Avenue. The nearest proposed improvement to these residences would be approximately 380 feet east of the residential property line. Between the residences and the improvements would be Del Rey Avenue and a ponding basin. Further, the conditions of approval for Amendment Application No. 3732 require that fencing be installed along this property line, which will shield the project site from view. Compliance with the fencing requirement will be addressed during the Site Plan Review process.

It is anticipated that approval of this project would result in improved air quality in the vicinity of the project site due to the use of manure from the dairy to generate methane. Excess gas would not be released into the air, but would be burned in an emergency flare until demand was high enough to allow for the methane to be injected into the existing pipeline. The flare will be of sufficient distance from these residences that light pollution would not affect them. Further, screening from the flare may be provided by the fencing as previously discussed.

Based on the above information, staff believes the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
General Plan Policy HS-B.1: The County shall review project proposals to identify potential fire hazards and to evaluate the effectiveness of preventive measures to reduce the risk to life and property.	Consistent. This project was routed to and reviewed by the Fresno County Fire Protection District (FCFPD). FCFPD reviewed the application and determined that California Code of Regulations, Title 24 – Fire Code would apply and that the Applicant would be required to submit three copies of site plans prior to submission to the County Department of Public Works and Planning for plan approval. With this submission, the Fire Department will ensure that the Fire Code is enforced.
General Plan Policy HS-F.1: The County shall require that facilities that handle hazardous materials or hazardous wastes be	Consistent. Installation of the digester will not result in the handling or usage of new hazardous materials or wastes outside of

Relevant Policies:	Consistency/Considerations:
designed, constructed, and operated in accordance with applicable hazardous materials and waste management laws and regulations.	existing regulations. Information regarding submittal of a revised Hazardous Materials Business Plan and other reporting requirements have been provided as Project Notes to support compliance with these existing regulations.
General Plan Policy HS-F.2: The County shall require that applications for discretionary development projects that will use hazardous materials or generate hazardous waste in large quantities include detailed information concerning hazardous waste reduction, recycling, and storage.	Consistent. This application provides sufficient detail regarding the activities of the biogas produced by the dairy. Bio-methane (biogas) would be produced through anaerobic processes in the proposed digester, stored in a double membrane gas holder, treated (cleaned), then upgraded to pipeline quality, and injected into the existing Southern California Edison gas line. If demand is low enough that space is not available for gas to be injected into the pipeline, it would be burned at an emergency flare (not stored on site).

Reviewing Agency Comments:

Policy Planning Unit of the Fresno County Department of Public Works and Planning: The subject parcel is not enrolled in the Williamson Act Program.

The subject parcel is designated as General Industrial in the County-adopted Del Rey Community Plan. The Del Rey Community Plan is consistent with the County General Plan.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

Finding 4 Analysis:

The relevant General Plan Policies relate to the safe operation of the project site in light of the proposed improvements. General Plan Policy HS-B.1 requires that the project be reviewed for potential fire hazards at the site. FCFPD had the opportunity to review the application as it was submitted, and while they identified that the submitted site plan could need to be modified to provide for additional fire safety features, they did not identify any hazards to the safe operation on the site. The Fire Department will have an opportunity to require that fire safety items are incorporated into the final site plan if the project is approved, but before the County releases building permits for the site. This ensures that fire safety features are incorporated into any future construction and/or occupancy permits that may be issued in support of this project.

General Plan Policies HS-F.1 and HS-F.2 relate to the safe handling of hazardous materials. The existing fruit-processing facility currently operates under an approved HMBP, and violation history of the site from the Toxic Releases Inventory shows that no violations were identified on the site through September 30, 2019. As noted in the Initial Study prepared for this application (Exhibit 8), given the history of compliance with their HMBP and the lack of other violations on the site, it is reasonable to assume that the facility will continue to comply with existing

regulations and will not cause adverse impacts to surrounding properties as a result of the release of such materials.

Based on these factors, the project is consistent with the General Plan.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required findings for granting the Unclassified Conditional Use Permit can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit No. 3619, subject to the recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7492; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3619, 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. 3619; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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**Mitigation Monitoring and Reporting Program
Initial Study Application No. 7492
Classified Conditional Use Permit Application No. 3619
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Cultural Resources/ Tribal Cultural Resources	In the event that cultural or paleontological 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 should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/Fresno County Department of Public Works and Planning	During ground-disturbing activities
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Floor Plan, Elevations, and Operational Statement approved by the Commission.				
2.	A Site Plan Review application shall be submitted to and approved by the Director of the Public Works and Planning, Development Services and Capital Projects Division in accordance with Section 874 of the Fresno County Zoning Ordinance. Appropriate screening of the western property line shall be considered as part of this review.				
3.	All relevant conditions of Amendment Application No. 3732 and Mitigation Measures from the WDR IS shall remain in full force and effect unless superseded by this application or they have been previously satisfied. Relevant conditions may be identified during the Site Plan Review process.				
Notes					
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.					
1.	This 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.				

*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.

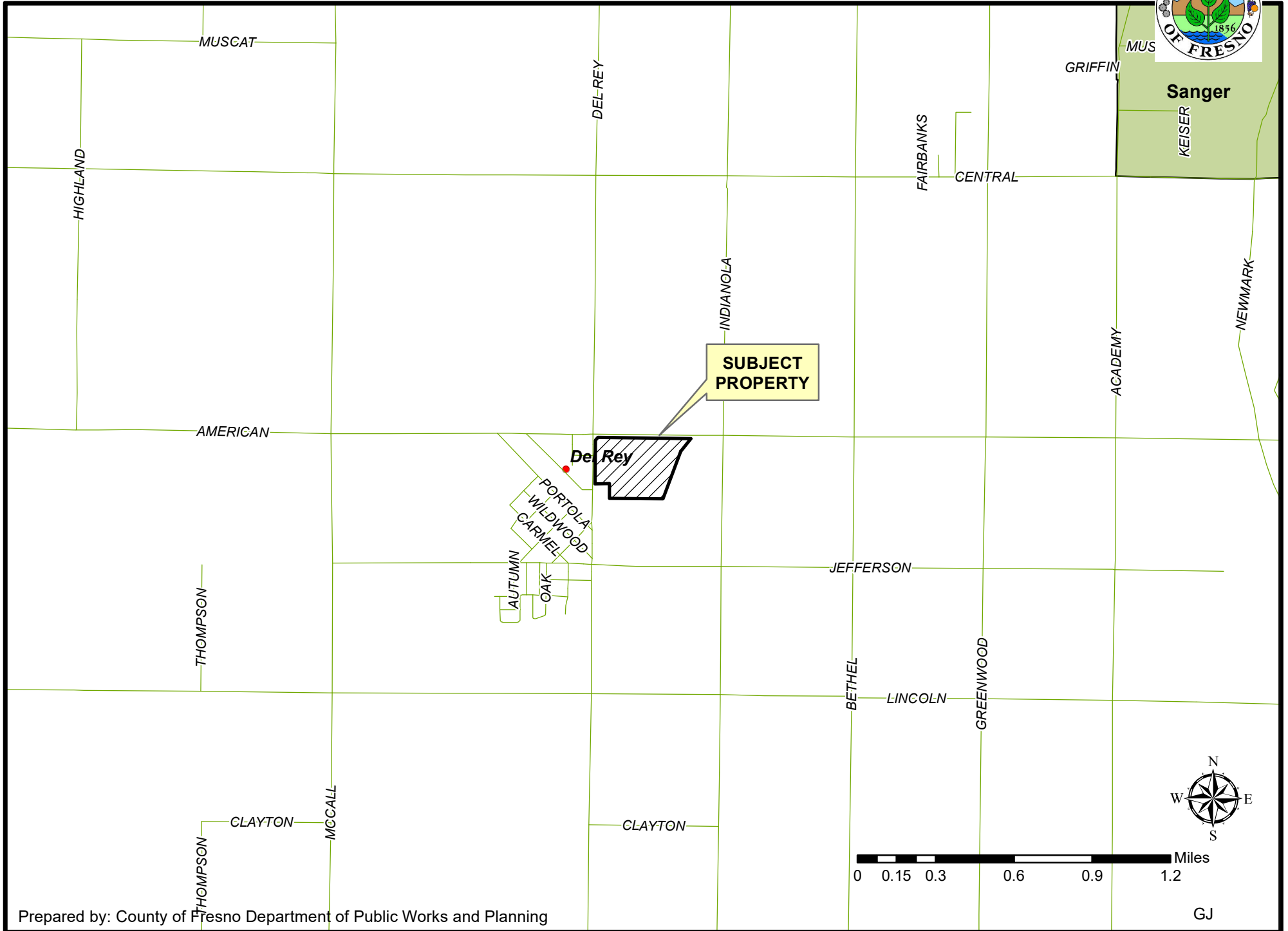
Notes	
2.	Plans, permits and inspections are required for all onsite proposed improvements. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
3.	The Application shall comply with California Code of Regulations (CCR), Title 24 – Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the project, the Applicant must submit construction plans to the Fresno County Department of Public Works and Planning for review. It is the Applicant's responsibility to deliver a minimum of three sets of plans to FCFPD.
4.	Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
5.	The business shall certify that a review of the business plan has been conducted at least once every year and that any necessary changes were made and that the changes were submitted to the local agency. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
6.	Within 30 days of the occurrence of any of the following events the Applicant/operators shall update their online Hazardous Materials Business Plan (HMBP) and site map (http://cers.calepa.ca.gov/ or https://www.fresnocupa.com/): <ol style="list-style-type: none"> 1. There is a 100% 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.
7.	All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage, and handling of hazardous wastes.
8.	The land application rates of liquid from a digester that has gone through a wastewater treatment plant and solid waste from the digester shall be applied accordance to the approval and water quality standards enforced by the Central Valley Regional Water Quality Control Board (RWQCB).
9.	The operational statement provided with the application indicates that the separated solids from the anaerobic digester may be utilized for composting, or a dewatered cake for land application. Prior to the production of compost from operations of the digester, the facility shall apply for and obtain a permit to operate a Solid Waste Facility from the County of Fresno, Environmental Health Division acting as the Local Enforcement Agency (LEA).
10.	AB 341 - Mandatory Commercial Recycling Program (MCR): After July 1, 2012, a business that generates four cubic yards or more of commercial solid waste per week or a multifamily residential dwelling of five units or more shall make arrangements to establish a recycling program for the business.
11.	AB 1826 - Mandatory Commercial Organics Recycling (MORe): Effective January 1, 2017: Businesses that generate 4 cubic yards of organic waste per week shall arrange for organic waste recycling services.
12.	The Applicant is required to submit a Title 22 report to the State Water Resources Control Board, Division of Drinking Water for the use of recycled waste water to irrigate the alfalfa.

Notes	
13.	An Engineered Grading and Drainage Plan is required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. Typically, any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards.
14.	A grading permit or voucher shall be required for any grading that has been done without a permit and any grading proposed with this application.
15.	Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
16.	Typically, in an Arterial classification, if not already present, onsite turnarounds are required for vehicles leaving the site to enter the Arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an Arterial road is usually limited to one common point.
17.	No new access points are allowed without prior approval, and any existing driveway shall be utilized.
18.	If not already present, the following corner cutoffs shall be improved: 10-foot by 10-foot cutoffs at the exiting driveways onto American and Del Rey Avenues; and 30-foot by 30-foot cutoffs at the intersection of American and Del Rey Avenues.

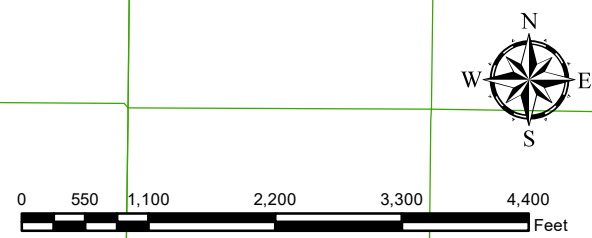
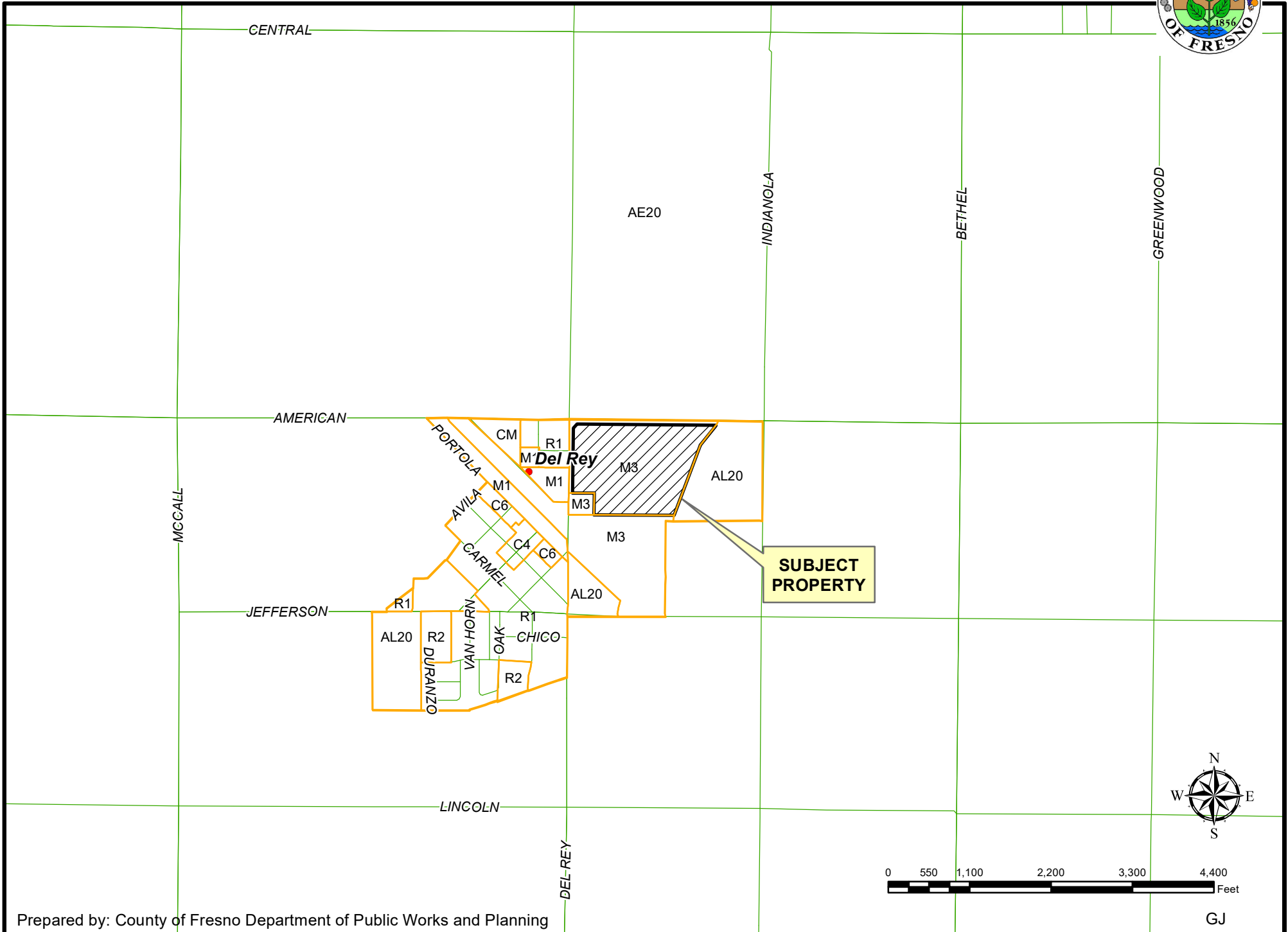
CMM:ksn

G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3600-3699\3619\SR\CUP 3619 MMRP (Ex 1).docx

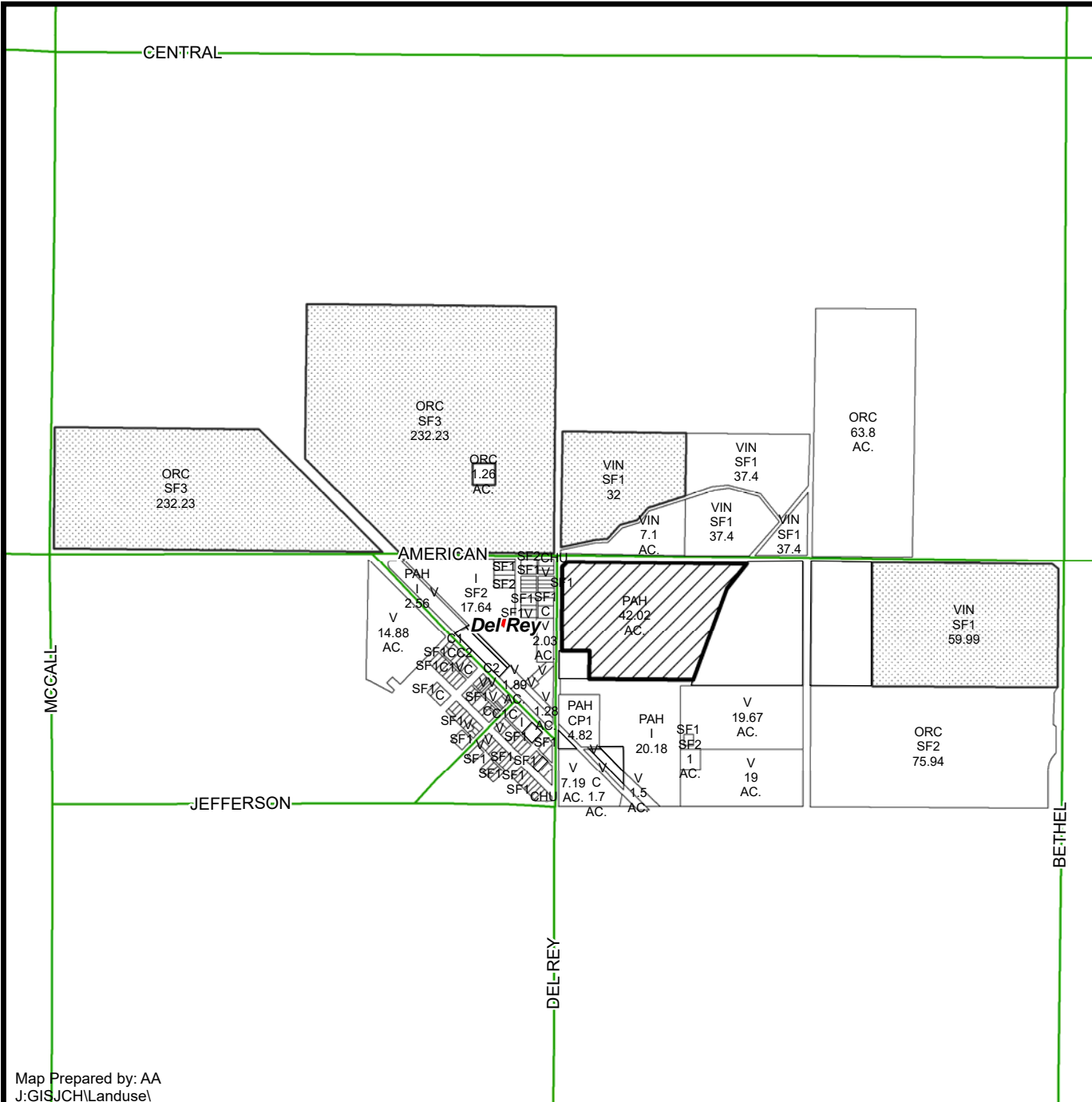
LOCATION MAP



EXISTING ZONING MAP



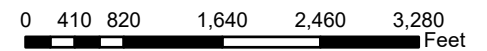
EXISTING LAND USE MAP



LEGEND	
AP1	- APARTMENT
C	- COMMERCIAL
C#	- COMMERCIAL
CHU	- CHURCH
I	- INDUSTRIAL
ORC	- ORCHARD
PAH	- PACKING HOUSE
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT
VIN	- VINEYARD
CP#	- OFFICE COMM./PROF

LEGEND:

- Subject Property
- Ag Contract Land



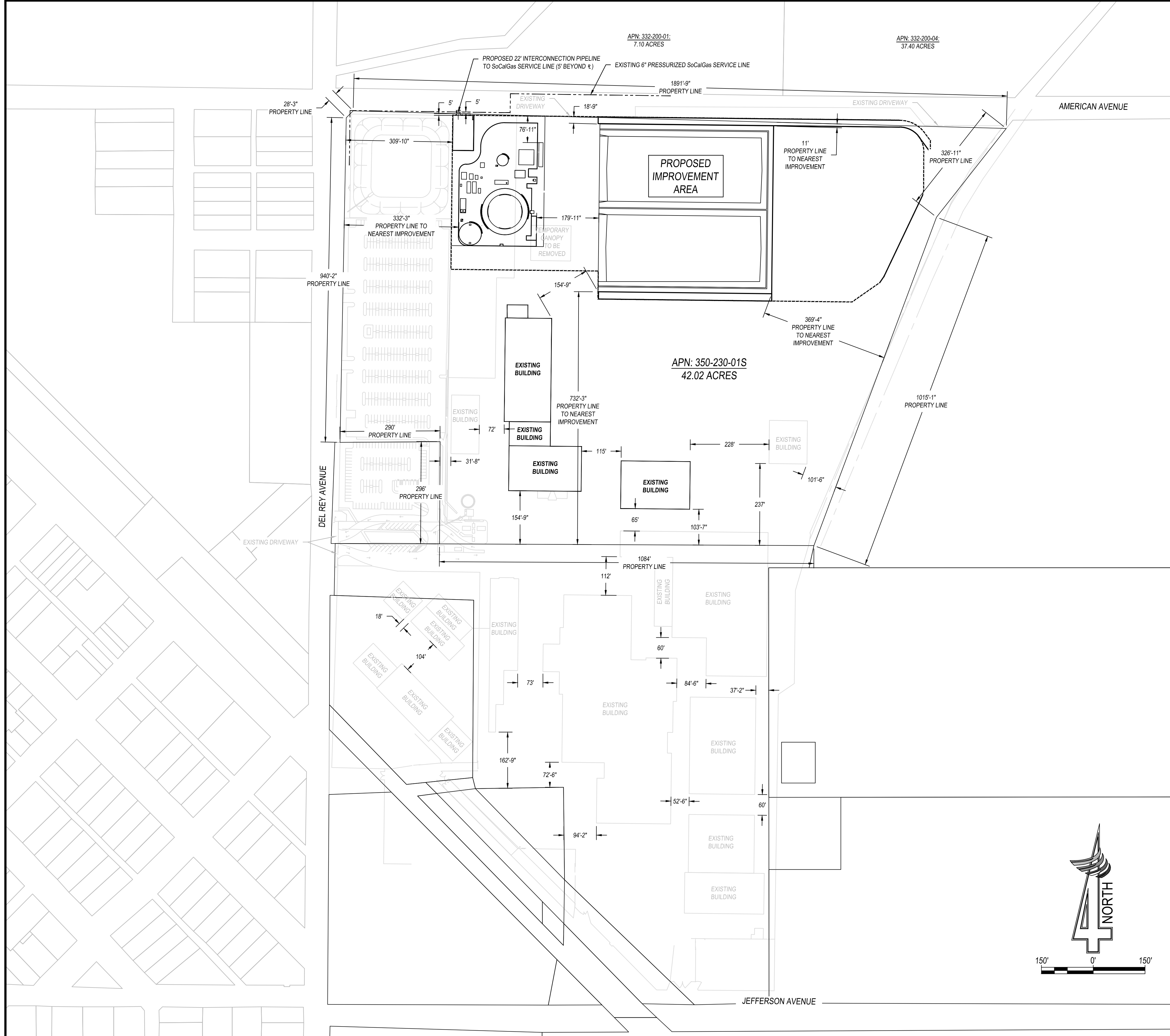
Department of Public Works and Planning
Development Services Division



Know what's below.
Call before you dig.

POM WONDERFUL, INC.

CUP 3619 - PROPOSED ANAEROBIC DIGESTER



PROPERTY INFO

OWNER: POM WONDERFUL, LLC
ADDRESS: 5286 S. DEL REY AVE.
DEL REY, CA 93616
COUNTY: FRESNO COUNTY
A.P.N. 350-230-01S

OPERATOR/CONTACT

MICHAEL O'BANION
SENIOR ENGINEERING MANAGER
5286 S DEL REY AVE.
DEL REY, CA 93616
(559) 289-1789

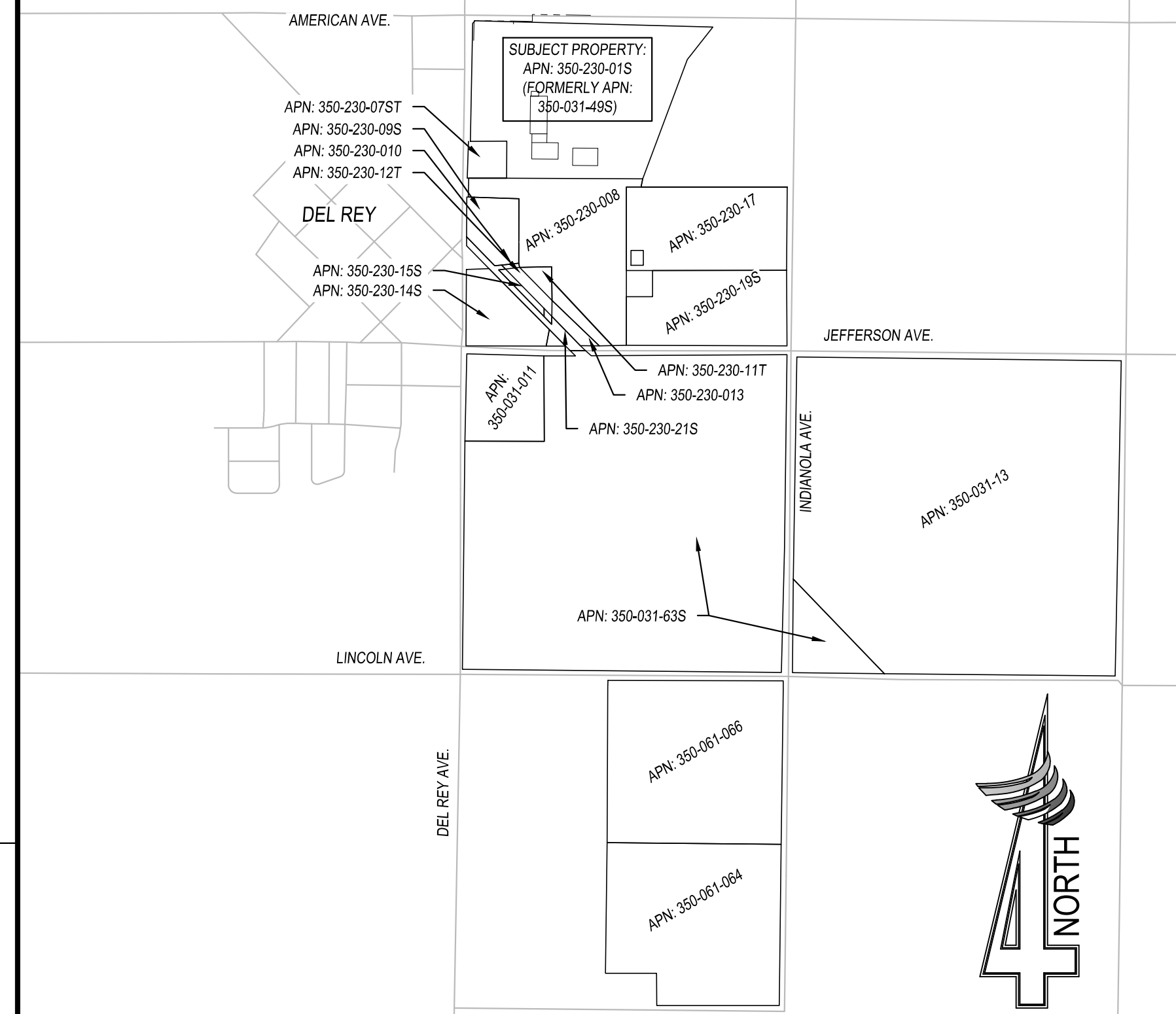
APPLICANT

KYLE PARREIRA, PE #89070
4CREEKS, INC.
324 S SANTA FE ST, SUITE A
VISALIA, CA 93292
(559) 802-3052

DESIGN ENGINEER

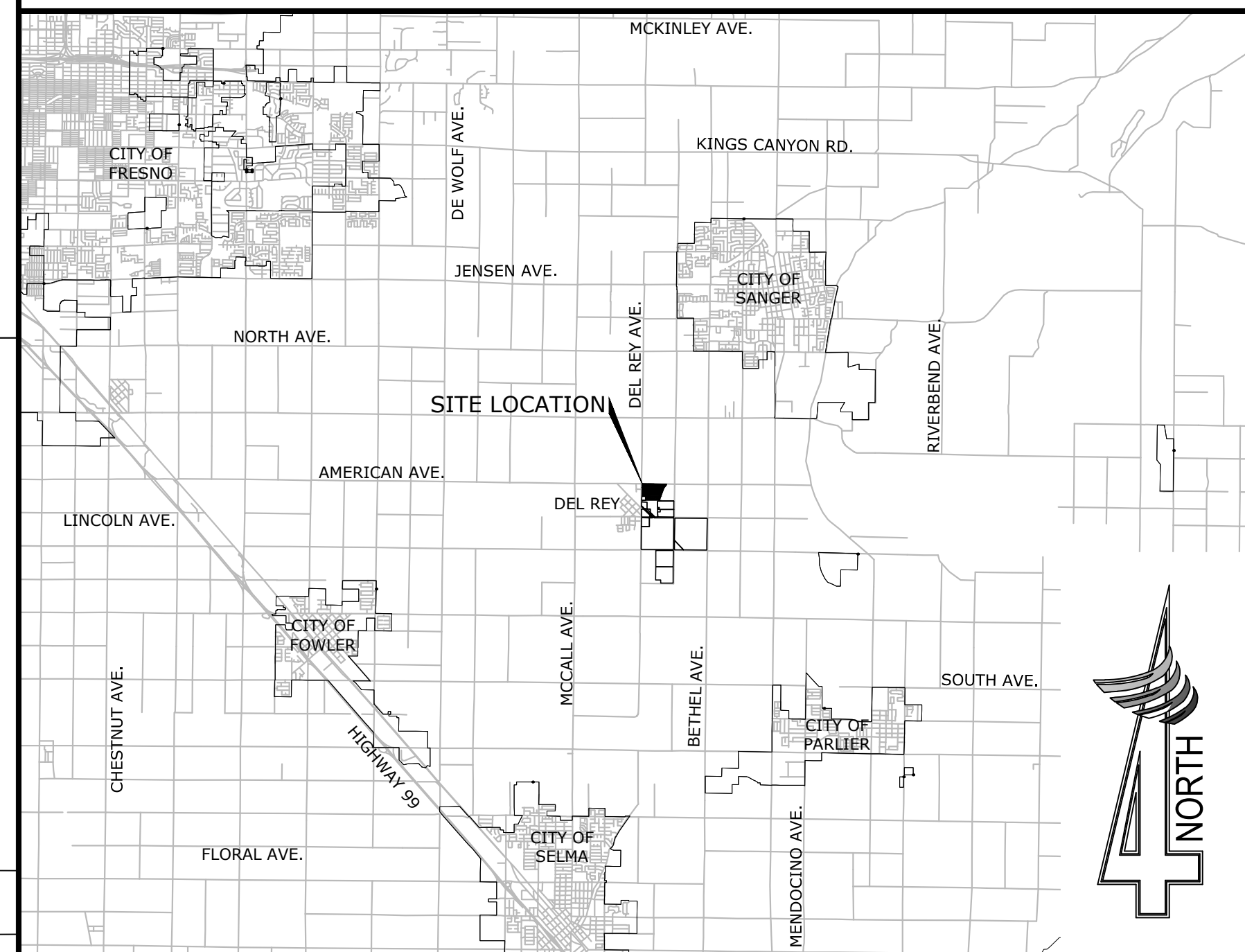
MATT RAZOR, PE #81897
4CREEKS, INC.
324 S SANTA FE ST, SUITE A
VISALIA, CA 93292
(559) 802-3052

SITE DATA



SITE MAP

SCALE: 1" = 1,000'



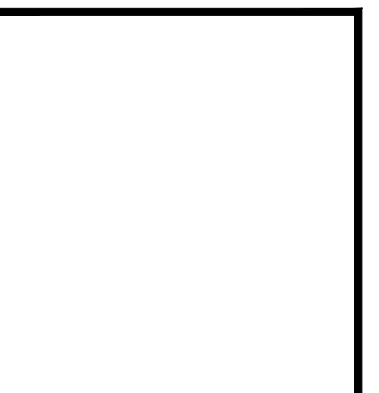
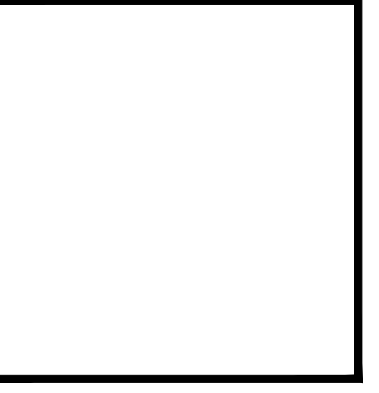
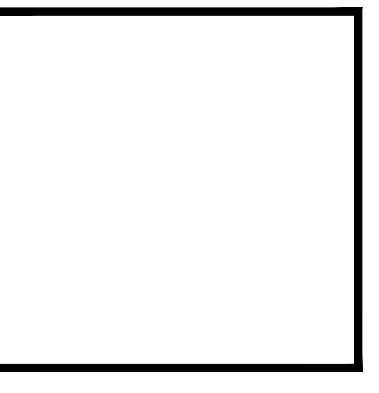
PROJECT SITE PLAN

SCALE: 1" = 150'

VICINITY MAP

SCALE: 1" = 2 MILES

REVISIONS	DATE	BY	DESCRIPTION



324 S. SANTA FE, STE. A
P.O. BOX 7583
VISALIA, CA 93292
TEL: 559.802.3052
FAX: 559.802.3215

4CREEKS

PREPARED BY: **4CREEKS**

CHK BY: MDR
DRW BY: CGM

CONSTRUCTION PLAN
POM WONDERFUL
5286 S DEL REY AVE
DEL REY, CA 93616

**ANAEROBIC DIGESTER
PROJECT INFORMATION**

PLOT DATE: Jul 11, 2019
JOB NO: 18051
FILE NAME: 18051-SP
SCALE: AS SHOWN
SHEET NO: CUP-1

APN: 332-200-01:
7.10 ACRES

PROPOSED 22' INTERCONNECTION PIPELINE
TO SoCalGas SERVICE LINE (5' BEYOND R.)

EXISTING 6" PRESSURIZED SoCalGas SERVICE LINE

EXISTING
DRIVEWAY

5'

5'

EXISTING
RETENTION POND

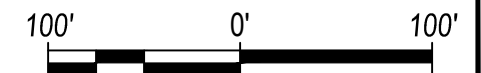
PROPOSED
IMPROVEMENT
AREA

TEMPORARY
CANOPY
TO BE
REMOVED

APN: 350-230-01S
42.02 ACRES

EXISTING
BUILDING

EXISTING PARKING LOT

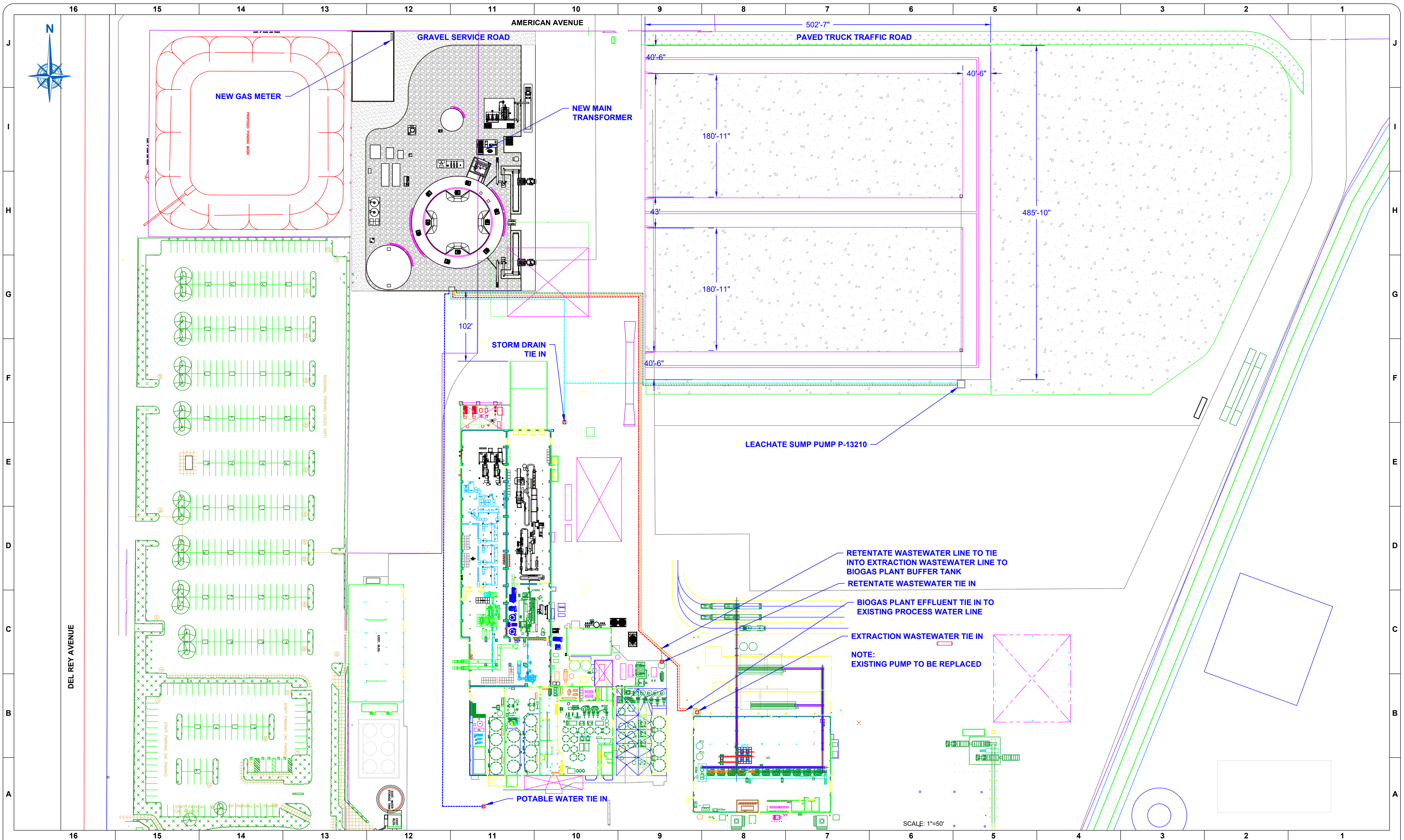


POM WONDERFUL, INC.
BIO-GAS INTERCONNECT PLAN
FRESNO COUNTY, CA

324 S. Santa Fe, Ste. A
Visalia, CA 93292
(559) 802-3052
www.4-creeks.com



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8/20/2018



REV NUM	DESCRIPTION	DRWN BY	CHK'D BY	DATE
03	UPDATED DESIGN	AB		05/18/2018
04	UPDATED LAYOUT DESIGN	AB		06/15/2018
05	UPDATED SYSTEM TIE-IN DESIGN	AB		06/22/2018
06	UPDATED EQUIPMENT LIST	AB	JM	07/17/2018
07	UPDATED WITH ELEVATIONS	AB	JM	08/17/2018

ATTENTION:
0 1/2 1
IF THIS BAR DOES NOT MEASURE 1" @ 22x34 or 1/2" @ 11x17, THEN DRAWING IS NOT TO SCALE - SCALE ACCORDINGLY



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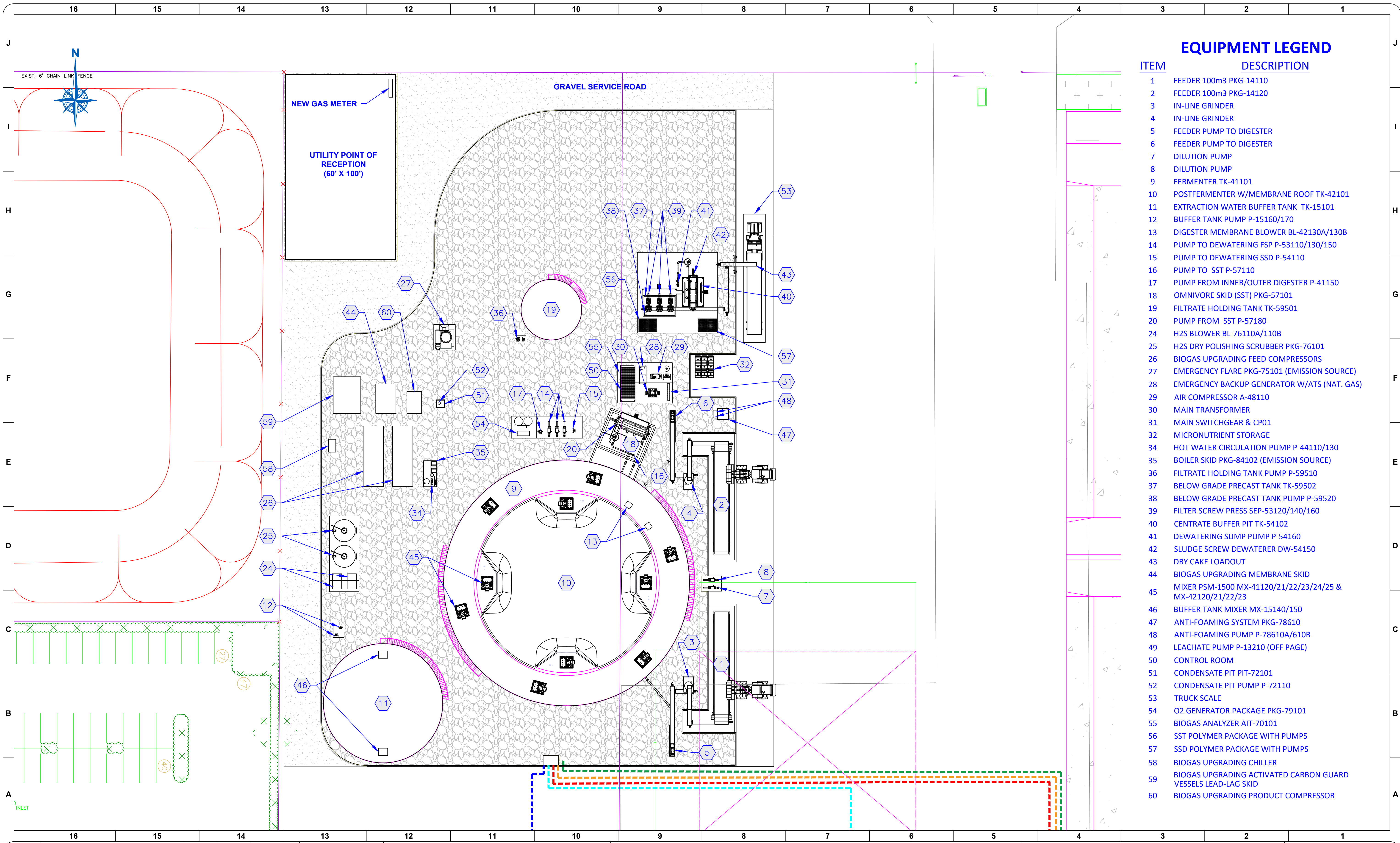
DESIGNED:	
DRAWN:	A. BELTRAN
CHECKED:	J. METTS
APPROVED:	
REFERENCE#:	
PROJECT NO.:	
SCALE:	3/4"=1'-0"

**POM WONDERFUL
DEL REY, CA - USA
ANAEROBIC DIGESTION FACILITY**

GENERAL SITE LAYOUT

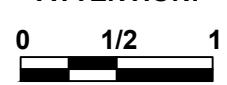
DRAWING NUMBER	A04 01
REV	07

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EQUIPMENT LEGEND	
ITEM	DESCRIPTION
1	FEEDER 100m3 PKG-14110
2	FEEDER 100m3 PKG-14120
3	IN-LINE GRINDER
4	IN-LINE GRINDER
5	FEEDER PUMP TO DIGESTER
6	FEEDER PUMP TO DIGESTER
7	DILUTION PUMP
8	DILUTION PUMP
9	FERMENTER TK-41101
10	POSTFERMENTER W/MEMBRANE ROOF TK-42101
11	EXTRACTION WATER BUFFER TANK TK-15101
12	BUFFER TANK PUMP P-15160/170
13	DIGESTER MEMBRANE BLOWER BL-42130A/130B
14	PUMP TO DEWATERING FSP P-53110/130/150
15	PUMP TO DEWATERING SSD P-54110
16	PUMP TO SST P-57110
17	PUMP FROM INNER/OUTER DIGESTER P-41150
18	OMNIVORE SKID (SST) PKG-57101
19	FILTRATE HOLDING TANK TK-59501
20	PUMP FROM SST P-57180
24	H2S BLOWER BL-76110A/110B
25	H2S DRY POLISHING SCRUBBER PKG-76101
26	BIOGAS UPGRADING FEED COMPRESSORS
27	EMERGENCY FLARE PKG-75101 (EMISSION SOURCE)
28	EMERGENCY BACKUP GENERATOR W/ATS (NAT. GAS)
29	AIR COMPRESSOR A-48110
30	MAIN TRANSFORMER
31	MAIN SWITCHGEAR & CP01
32	MICRONUTRIENT STORAGE
34	HOT WATER CIRCULATION PUMP P-44110/130
35	BOILER SKID PKG-84102 (EMISSION SOURCE)
36	FILTRATE HOLDING TANK PUMP P-59510
37	BELOW GRADE PRECAST TANK TK-59502
38	BELOW GRADE PRECAST TANK PUMP P-59520
39	FILTER SCREW PRESS SEP-53120/140/160
40	CENTRATE BUFFER PIT TK-54102
41	DEWATERING SUMP PUMP P-54160
42	SLUDGE SCREW DEWATERER DW-54150
43	DRY CAKE LOADOUT
44	BIOGAS UPGRADING MEMBRANE SKID
45	MIXER PSM-1500 MX-41120/21/22/23/24/25 & MX-42120/21/22/23
46	BUFFER TANK MIXER MX-15140/150
47	ANTI-FOAMING SYSTEM PKG-78610
48	ANTI-FOAMING PUMP P-78610A/610B
49	LEACHATE PUMP P-13210 (OFF PAGE)
50	CONTROL ROOM
51	CONDENSATE PIT PIT-72101
52	CONDENSATE PIT PUMP P-72110
53	TRUCK SCALE
54	O2 GENERATOR PACKAGE PKG-79101
55	BIOGAS ANALYZER AIT-70101
56	SST POLYMER PACKAGE WITH PUMPS
57	SSD POLYMER PACKAGE WITH PUMPS
58	BIOGAS UPGRADING CHILLER
59	BIOGAS UPGRADING ACTIVATED CARBON GUARD VESSELS LEAD-LAG SKID
60	BIOGAS UPGRADING PRODUCT COMPRESSOR

REV NUM	DESCRIPTION	DRWN BY	CHK'D BY	DATE
03	UPDATED DESIGN	AB		05/18/2018
04	UPDATED LAYOUT DESIGN	AB		06/15/2018
05	UPDATED SYSTEM TIE-IN DESIGN	AB		06/22/2018
06	UPDATED EQUIPMENT LIST	AB	JM	07/17/2018
07	UPDATED WITH ELEVATIONS	AB	JM	08/17/2018

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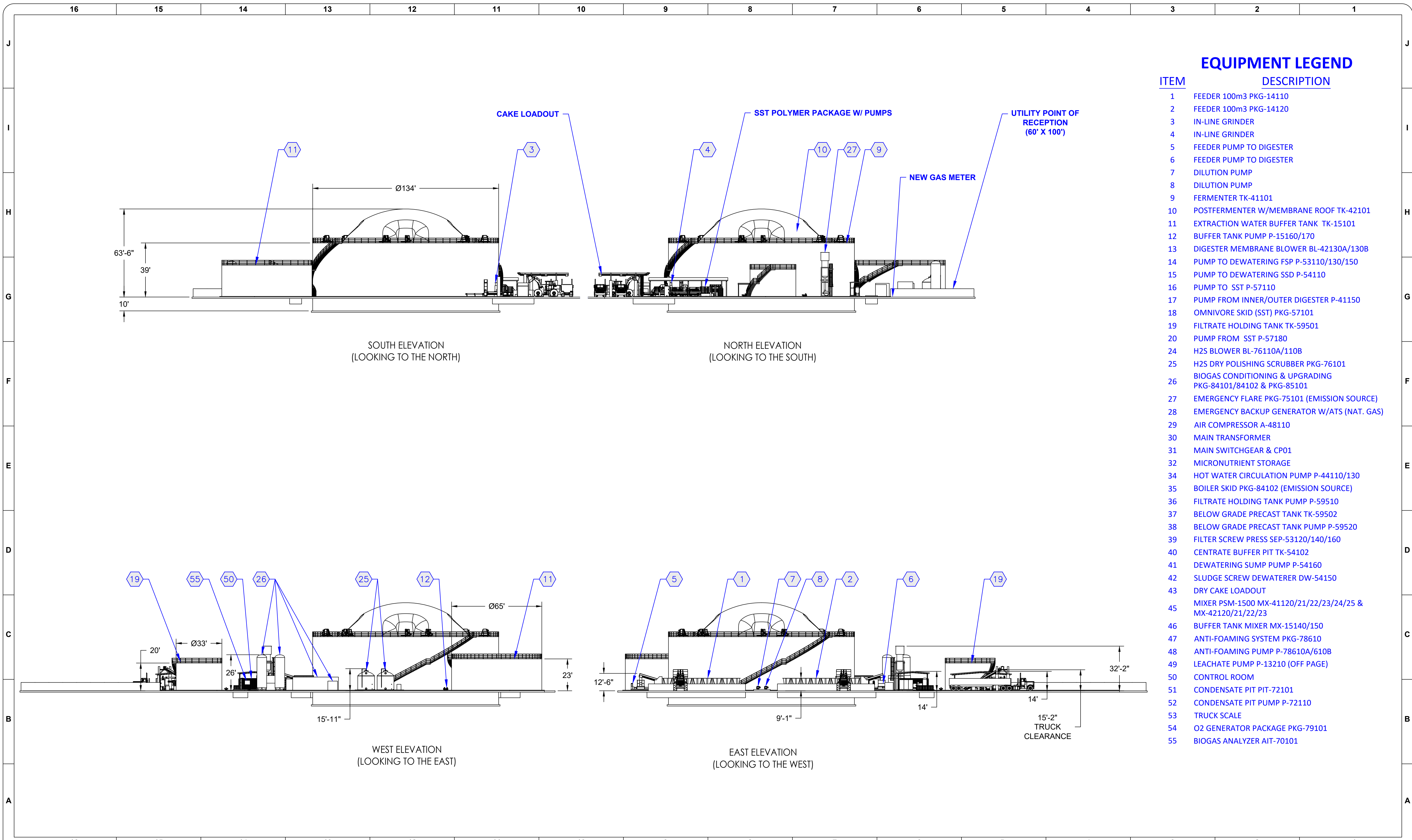
DESIGNED:
DRAWN: A. BELTRAN
CHECKED: J. METTS
APPROVED:
REFERENCE#:
PROJECT NO.:
SCALE: 1/2"=1'-0"

**POM WONDERFUL
 DEL REY, CA - USA
 ANAEROBIC DIGESTION FACILITY**

GENERAL EQUIPMENT LAYOUT

DRAWING NUMBER	A04 01
REV	07

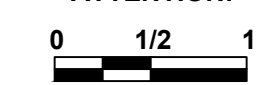
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EQUIPMENT LEGEND

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19	FILTRATE HOLDING TANK TK-59501
20	PUMP FROM SST P-57180
24	H2S BLOWER BL-76110A/110B
25	H2S DRY POLISHING SCRUBBER PKG-76101
26	BIOGAS CONDITIONING & UPGRADING PKG-84101/84102 & PKG-85101
27	EMERGENCY FLARE PKG-75101 (EMISSION SOURCE)
28	EMERGENCY BACKUP GENERATOR W/ATS (NAT. GAS)
29	AIR COMPRESSOR A-48110
30	MAIN TRANSFORMER
31	MAIN SWITCHGEAR & CP01
32	MICRONUTRIENT STORAGE
34	HOT WATER CIRCULATION PUMP P-44110/130
35	BOILER SKID PKG-84102 (EMISSION SOURCE)
36	FILTRATE HOLDING TANK PUMP P-59510
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52	CONDENSATE PIT PUMP P-72110
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54	O2 GENERATOR PACKAGE PKG-79101
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REV NUM	DESCRIPTION	DRWN BY	CHK'D BY	DATE
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05	UPDATED SYSTEM TIE-IN DESIGN	AB		06/22/2018
06	UPDATED EQUIPMENT LIST	AB	JM	07/17/2018
07	UPDATED WITH ELEVATIONS	AB	JM	08/17/2018

ATTENTION:

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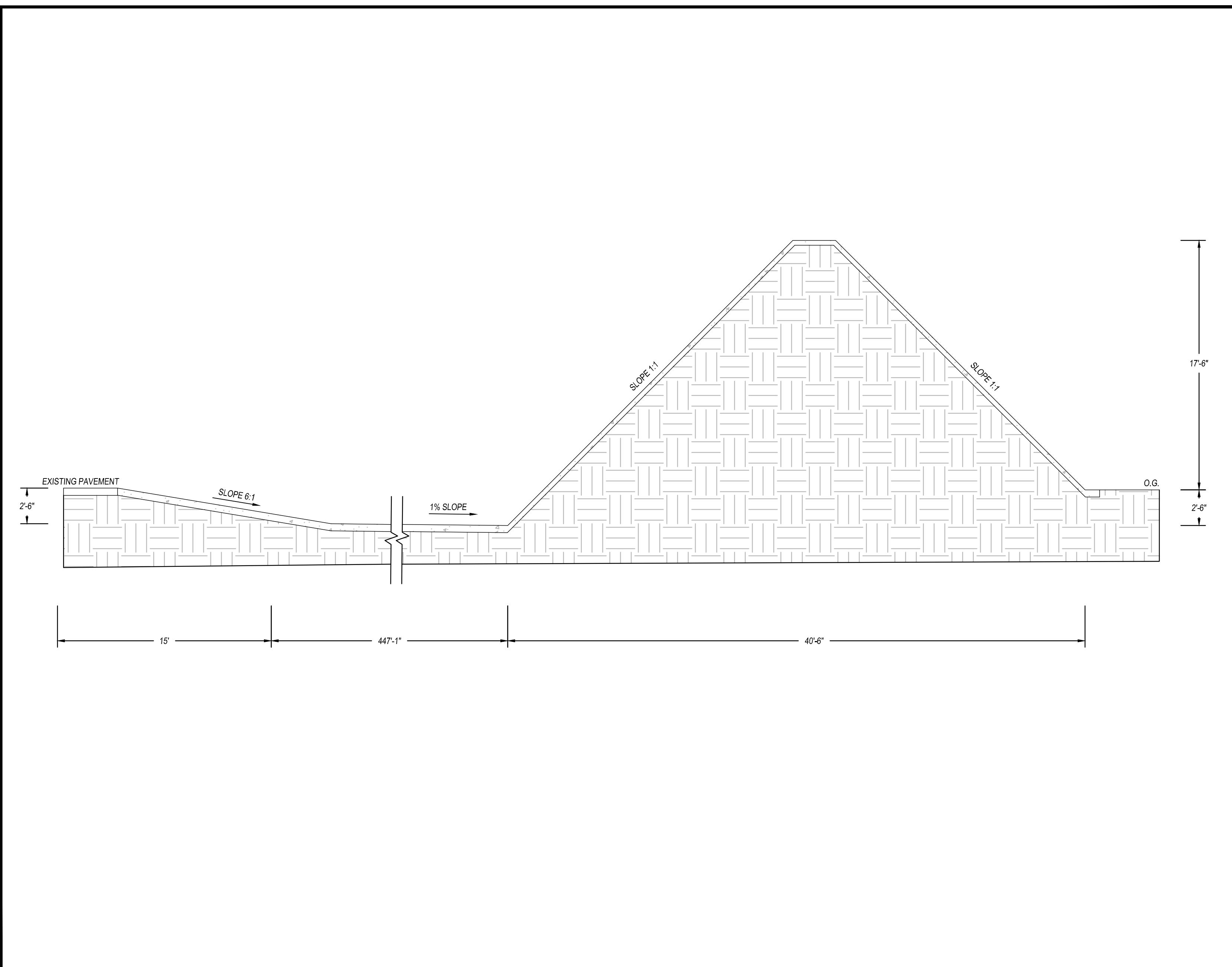
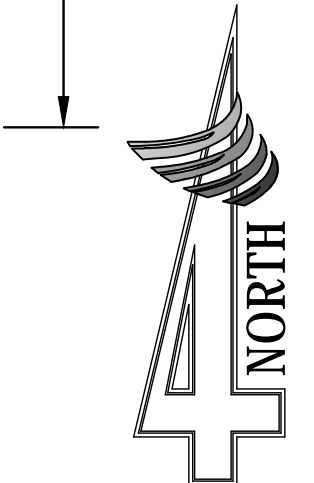
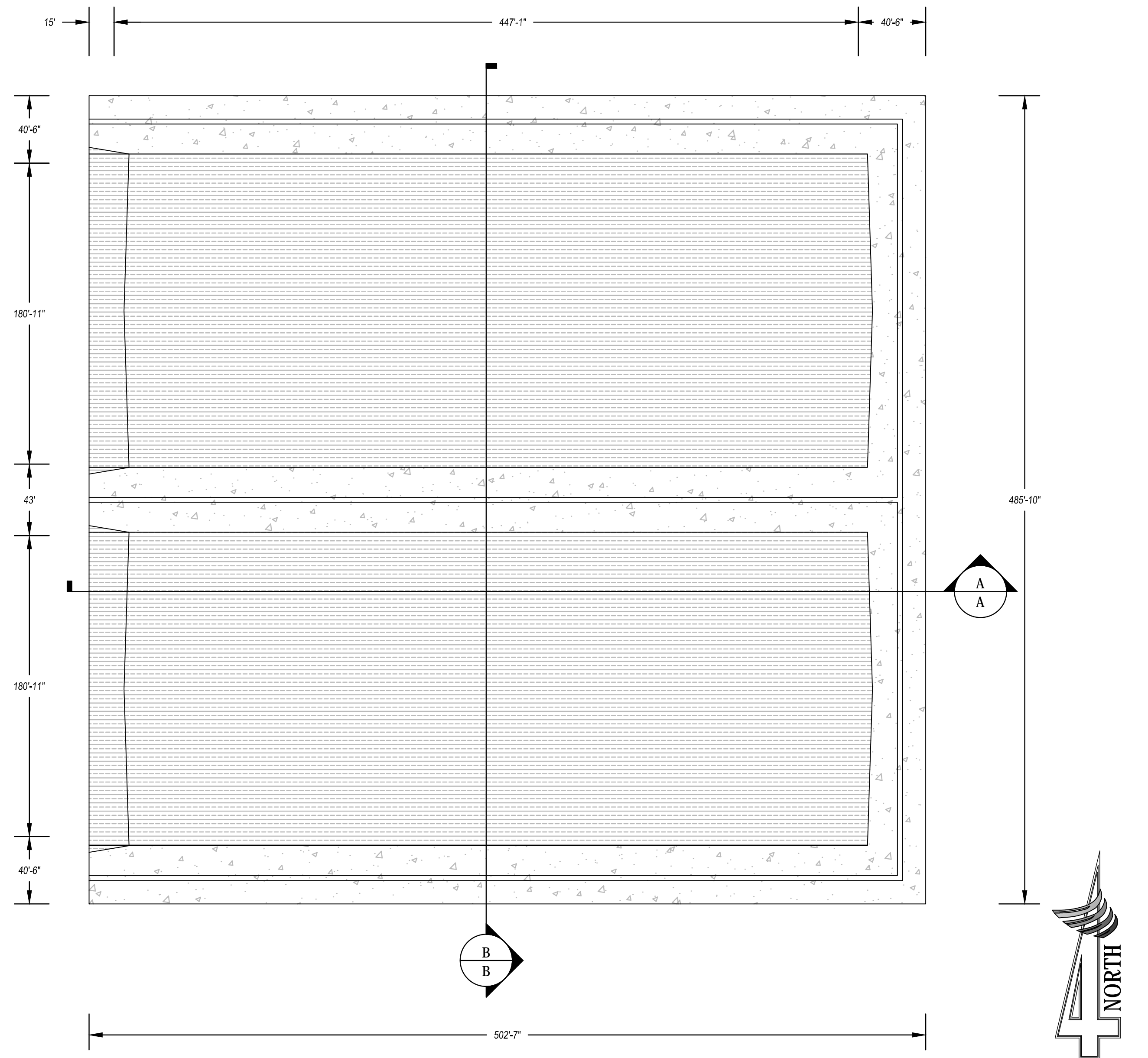
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DESIGNED:	
DRAWN:	A. BELTRAN
CHECKED:	J. METTS
APPROVED:	
REFERENCE#:	
PROJECT NO.:	
SCALE:	3/4"=1'-0"

**POM WONDERFUL
 DEL REY, CA - USA
 ANAEROBIC DIGESTION FACILITY**

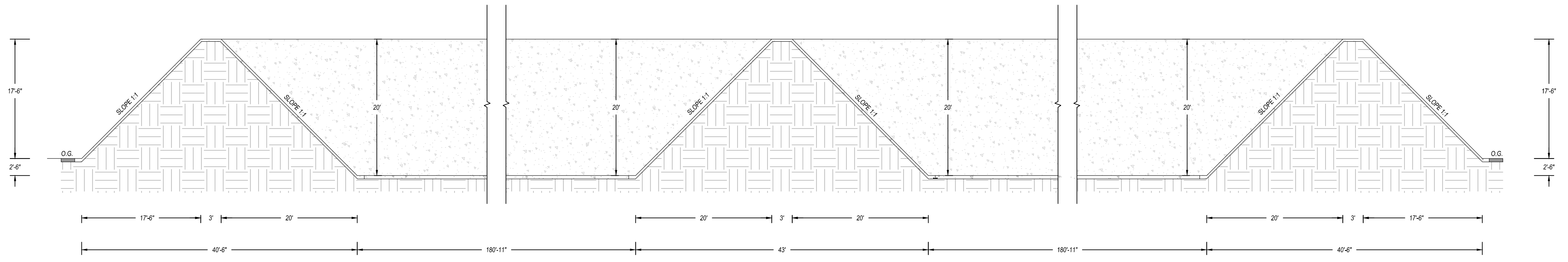
EQUIPMENT ELEVATIONS

DRAWING NUMBER	A04 01
REV	07



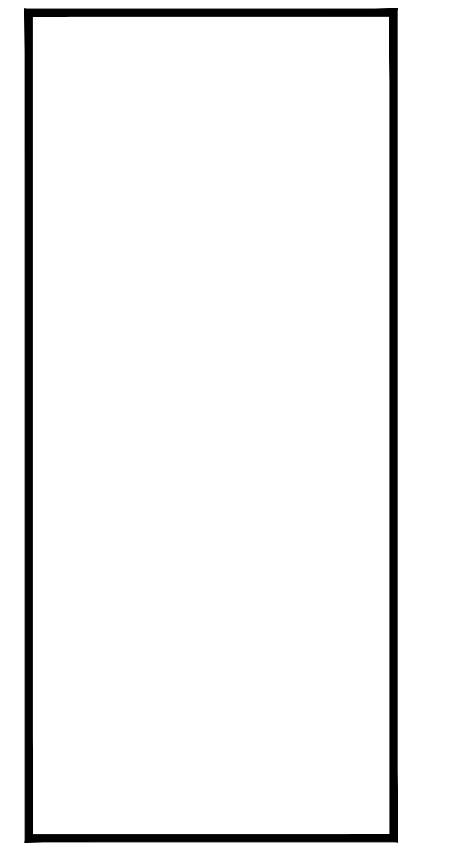
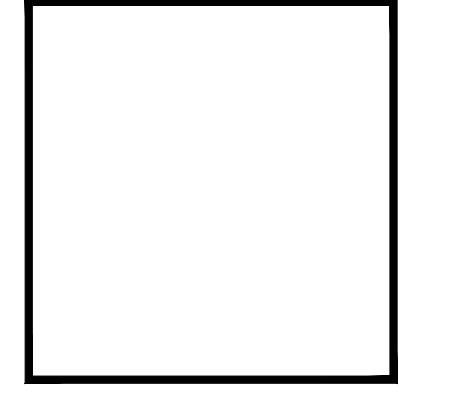
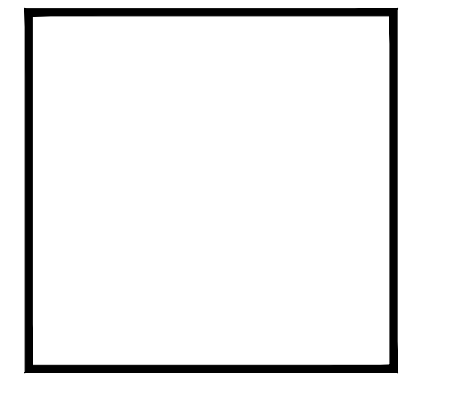
1 STORAGE BUNKER PLAN SCALE: 1" = 50'

2 CROSS SECTION A-A SCALE: 1" = 5'




3 CROSS SECTION B-B SCALE: 1" = 8'

REVISIONS	DATE	BY	DESCRIPTION



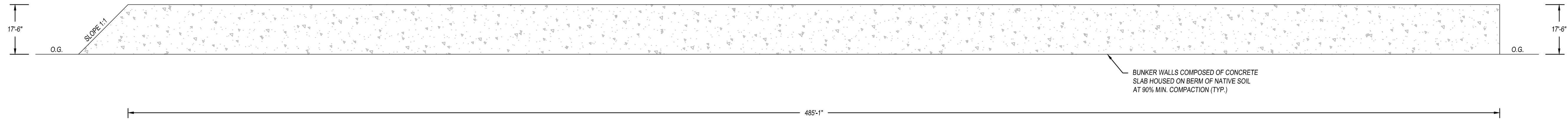
324 S. SANTA FE, STE. A
P.O. BOX 7593
VISALIA, CA 93292
TEL: 559.802.3052
FAX: 559.802.3215

PREPARED BY:  4CREEKS
DRAWN BY: CGM

CONSTRUCTION PLAN
POM WONDERFUL
5286 S DEL REY AVE
DEL REY, CA 90616

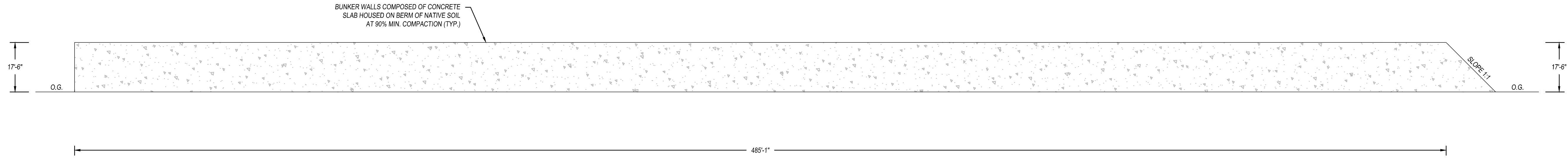
**ANAEROBIC DIGESTER
STORAGE BUNKER PLAN & SECTIONS**

PLOT DATE: Aug 30, 2018
JOB NO.: 18051
FILE NAME: 18051-BUNK-ELEV
SCALE: AS SHOWN
SHEET NO.: 5



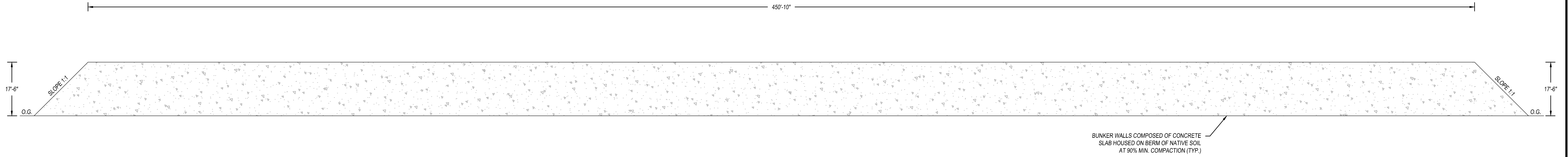
1 STORAGE BUNKER - NORTH ELEVATION

SCALE: 1" = 20'



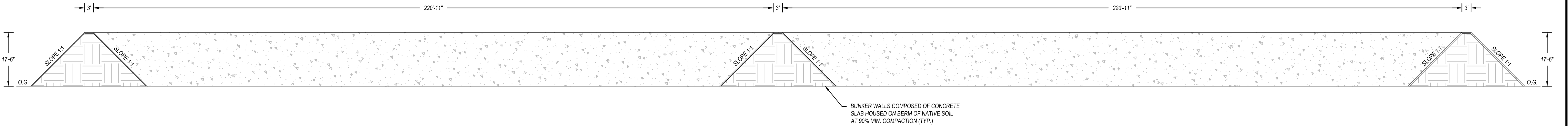
2 STORAGE BUNKER - SOUTH ELEVATION

SCALE: 1" = 20'



3 STORAGE BUNKER - EAST ELEVATION

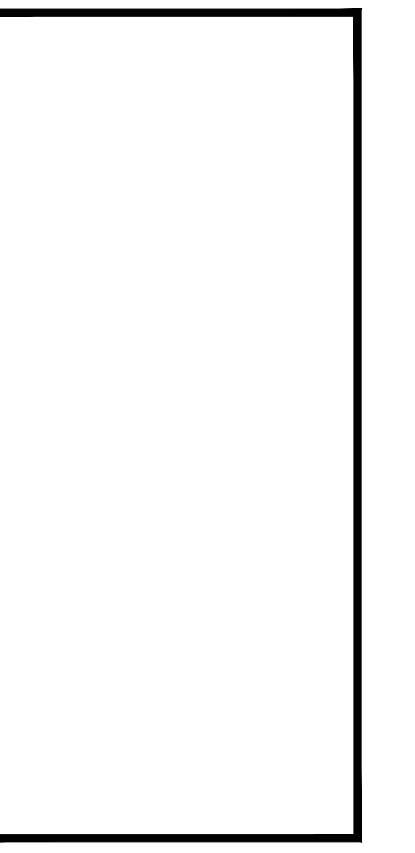
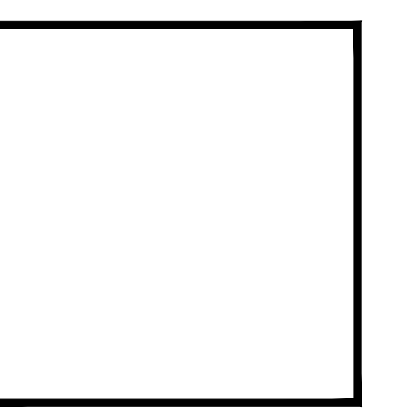
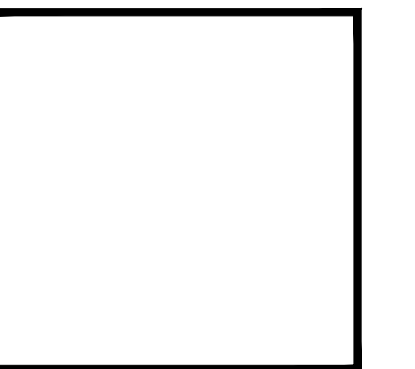
SCALE: 1" = 16'



4 STORAGE BUNKER - WEST ELEVATION


SCALE: 1" = 16'

REVISIONS	DATE	BY	DESCRIPTION



324 S. SANTA FE, STE. A
P.O. BOX 7583
VISALIA, CA 93292
TEL: 559.802.3052
FAX: 559.802.3215

4CREEKS

PREPARED BY:  **4CREEKS**
DRAWN BY: CGM

CONSTRUCTION PLAN
POM WONDERFUL
5286 S DEL REY AVE
DEL REY, CA 90616

**ANAEROBIC DIGESTER
STORAGE BUNKER ELEVATIONS**

PLOT DATE: Aug 30, 2018
JOB NO: 18051
FILE NAME: 18051-BUNK-ELEV
SCALE: AS SHOWN
SHEET NO: 6



POM WONDERFUL
5286 S. DEL REY AVENUE
DEL REY, CA 93616

RECEIVED
COUNTY OF FRESNO

SEP 19 2019

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

CUP 3619

OPERATIONAL STATEMENT:

1. Nature of operation—what do you propose to do? Describe in detail.

POM Wonderful (Facility) is an existing fruit processing facility located in Del Rey, California. Currently, the Facility produces and disposes of 90,000 tons per year of pomegranate waste from the juicing operation. The proposed project (Project) includes the construction and operation of an anaerobic digester to process pomegranate waste and pomegranate juice wastewater from the onsite extraction facility to produce biomethane for pipeline injection, a dewatered cake for land application or composting, optional food and beverage grade carbon dioxide gas, and filtrate that will be treated by the onsite wastewater treatment plant (Treatment Plant) and used for irrigation of the alfalfa plants surrounding the Facility. The basis of design for this Project will be sized to process 125,000 tons per year of pomegranate waste from the Facility.

The Project will operate in two different modes: the 3-month juicing season from mid-October to mid-January (Peak Season) and the remaining 9 months of the year (Off-Peak Season). During the Peak Season, juiced pomegranates will be sent to the ensilage bunkers in order to preserve the feedstock and feed the digester continuously throughout the year. A portion of the juiced pomegranates will be fed to the anaerobic digester courtesy of a front-end loader loading a solids feeder. During the Peak Season, leachate from the ensilage bunkers, retentate wastewater, and extraction wastewater will be collected and stored in a buffer tank and subsequently fed to the anaerobic digester. The anaerobic digester will convert the majority of the biochemical oxygen demand from the leachate and wastewater streams into biogas. Cake and filtrate will be produced by the dewatering of digestate by the sludge screw press. Filtrate will be stored in a holding tank and then sent to the wastewater treatment plant. Cake will be offloaded into truck trailers for use in compost or other beneficial land application. During the Off-Peak Season, digestate from the digester will be dewatered by the filter screw press with cake offloaded to trailers and filtrate sent to the wastewater treatment plant.

The biogas from the digester will be stored in a double membrane gas holder and will be treated to remove Hydrogen Sulfide, moisture, and volatile organic compounds. The biogas will then be upgraded into pipeline quality biomethane and injected into the SoCal Gas utility's grid. Please see the site plan for details of the physical improvements.

The Facility is located at 5286 South Del Rey Avenue in Del Rey (Section 4, T15S, R22E, MDB&M). In the following is a list of Assessor's Parcel Numbers (APNs) associated with the Facility, the acreage of each parcel as provided by most recent Fresno County Parcel Maps, and a description of the use of each parcel:

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APN	Gross Acreage	Use Associated with Facility Operations
350-031-11	10.30	Land Application Area
350-031-13	146.59	Land Application Area
350-031-63S	160.85	Land Application Area
350-061-64	19.12	Land Application Area
350-061-66	55.97	Land Application Area
350-230-01S	42.02	Fruit Processing Facility Operations
350-230-07ST	2.20	Fruit Processing Facility Operations
350-230-08	20.18	Fruit Processing Facility Operations
350-230-09S	4.82	Fruit Processing Facility Operations
350-230-10	0.10	Fruit Processing Facility Operations
350-230-11T	1.20	Fruit Processing Facility Operations
350-230-12T	1.10	Fruit Processing Facility Operations
350-230-13	0.95	Fruit Processing Facility Operations
350-230-14S	7.19	Fruit Processing Facility Operations
350-230-15S	2.11	Fruit Processing Facility Operations
350-230-17	19.67	Land Application Area
350-230-19S	19.00	Land Application Area
350-230-21S	1.65	Fruit Processing Facility Operations

The existing "waste water disposal facility" (Land Application Area) was permitted through the County of Fresno Classified CUP No. 2220. Although volumes of the treatment plant were not specified in the CUP Resolution, the existing Mitigated Negative Declaration adopted by the Regional Water Quality Control Board (Regional Water), dated 13 September 2012, allows for a maximum daily discharge of 1.2 MGD from the Facility to the treatment plant. The amount of wastewater generated by the Facility will remain unchanged. The processing of the waste will change, but there is no proposed increase in water used / generated as part of this Project.

The Project also includes the installation of 22 linear feet of 4-inch natural gas pipeline from the Facility "Utility Point of Reception" for interconnection to the existing Southern California Gas Company (SoCalGas) service line. Of the 22 linear feet of pipe, approximately 5 feet of this pipeline will extend beyond the extents of the property line. In case of emergency, or when the SoCalGas service line cannot receive gas from the proposed facility, the gas produced onsite will be burned through the emergency flare until gas can be delivered to the service line. In November 2018, SoCalGas completed a Preliminary Engineering Study to determine the cost and specifications of the interconnection into the existing infrastructure, which has been provided as part of this application. Please see Site Plan for details.

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2. Operational time limits

The Facility will operate throughout the year. The Facility operates up to 24 hours per day, 7 days per week, depending on the time of year (harvest season being the busiest time) and market demand. The Project will not affect the operational time limits of the Facility.

3. Number of customers or visitors:

Approximately 25 customers and/or visitors enter the Facility per day. The Project will not affect the number of daily customers and/or visitors.

4. Number of employees:

The current total number of employees is approximately 322 people. The Project may require an additional 2 or 3 full time employees to manage and service the digester operations, with an additional 1 or 2 seasonal employees.

5. Service and delivery vehicles:

Approximately 481 trucks currently enter and exit the Facility per day as part of existing operations. The proposed Project will significantly reduce the number of trucks entering and exiting the Facility, as there will no longer be a need for the 60 trucks per day that currently remove pomace from the Facility. The proposed Project will require a minor amount of additional trucks to enter and exit the Facility for maintenance of the proposed anaerobic digester. This addition includes approximately 3 trucks per day during peak seasons, and 2 trucks per day during off-peak seasons. These additional trucks are assumed to have hauling loads of 45,000 lbs. In summary, the proposed number of service and delivery trucks to enter and exit the site totals to 424 trucks per day after completion of the proposed Project, a decrease of 57 trucks per day from current operations.

6. Access to the site:

The primary access to the Facility is a paved path located along the east side of Del Rey Avenue between American Avenue and Jefferson Avenue. There are also paved access points along the northern edge of the Facility (American Avenue) and from the southern edge of the Facility (Jefferson Avenue).

7. Number of parking spaces for employees, customers, and service/delivery vehicles.

Majority of parking occurs near the primary access point of the Facility. Currently, there are approximately 600 striped parking stalls, including 12 parking stalls striped for ADA Accessibility onsite. The Project will not require additional parking stalls onsite.

8. Are there any goods to be sold on-site? If so, are these goods grown or produced on-site or at some other location?

Currently, juice and other consumer products are processed onsite. The pomegranates are packaged onsite, along with juice and arils. Pomegranates and arils are shipped directly to customers from this site, along with a portion of the juice produced onsite. The remaining juice is shipped to one of four third-party warehouses for shipping to or pickup by customers. With the addition of the proposed digester project, natural gas will be produced onsite and injected into the nearby local utility pipeline for offsite use.

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9. What equipment is used?

Currently, onsite mobile equipment vehicles, such as fork trucks and yard goat trucks, are used to transport product within the Facility. The Project will include the addition of new pomegranate waste ensilage bunkers, bunker feeders, an anaerobic digester, a recuperative thickening system, dewatering, biogas treatment, biogas upgrading, CO₂ recovery (optional), and a point of receipt for the interconnection to the local utility pipeline.

10. What supplies or materials are used and how are they stored?

The Facility utilizes small amounts of hazardous materials for equipment cleaning and pH adjustment of wastewater. The Facility has a Hazardous Materials Business Plan (HMBP) on-file with the Certified Unified Program Agency (County of Fresno) that identifies the hazardous materials used at the Facility and their proper storage, handling, and emergency response. The Project is not anticipated to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The Project does not have any other characteristics that could create hazards to the public or the environment. These supplies and materials are stored in accordance with the manufacturer's recommendations. The storage and use of the hazardous materials at the plant would not result in a safety hazard for people residing or working in the project area. No modification to the hazardous supplies or materials is proposed as part of this Project. The most recent HMBP has been attached to this Operational Statement for reference.

11. Does the use cause an unsightly appearance?

No unsightly appearances will result from the Project. The type of construction and operations of the Project will be consistent with that of the existing Facility (industrial).

12. List any solid or liquid wastes to be produced.

Solid pomegranate waste is produced onsite, as well as wastewater from the pomegranate processing. The facility currently produces approximately 90,000 tons per year (TPY) of pomegranate waste from facility operations. This volume is estimated to increase to 125,000 TPY in the future. All waste produced onsite will be processed by the anaerobic digester, the onsite wastewater treatment plant, or both as described in Item #1. Prior to entering the anaerobic digester, the pomace will be stored within the storage bunkers, as shown on sheet CUP-1, which are lined with reinforced concrete or asphalt concrete.

13. Estimated volume of water to be used (gallons per day).

The estimated volume of potable or recycled water to be used at the Facility is approximately 25,000 gallons per day. At maximum, during the 3-month juicing season, the digester would also process the approximate 145,000 gallons per day of wastewater from the extraction facility.

14. Describe any proposed advertising including size, appearance, and placement.

No advertising or signage of offsite products are proposed in this Project. A sign may be placed on the side of the anaerobic digester facilities, listing the name of the company "The Wonderful Company" but this sign would only be to advertise the onsite pomegranate processing facility. A sign may also be placed on the side of the anaerobic digester facilities, listing the name of the digester developer, "Anaergia," which also would only be advertising the company maintaining the onsite anaerobic digester operations.

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15. Will existing buildings be used or will new buildings be constructed?

All existing buildings of the Facility will remain operational, and new structures will be constructed as described in Item #1.

16. Explain which buildings or what portion of buildings will be used in the operation.

Please see site plan and exhibits for building location specifics. While many of the proposed improvements include equipment installations, the following is a list of proposed structural components and equipment which may require foundations, at minimum:

- Buffer Tank
- Filtrate Tank
- Fermenter & Post-Fermenter Tank
- Omnivore Skid
- Buffer Tank Pumps
- H₂S Blower & H₂S Scrubber
- Boiler Skid
- Biogas Upgrading Feed Compressors
- Biogas Upgrading Membrane Skid
- Condensate Pit & Pump
- Emergency Flare
- O₂ Generator
- Filtrate Holding Tank Pump
- Filter Screw Press (FSP) Pump & Dewatering
- Control Room
- Dilution Pumps
- Centrate Buffer Pit
- Solid Sludge Thickener Polymer Package
- Sludge Screw Dewaterer Polymer Package
- Anti-Foaming System & Pumps
- In-Line Grinder
- Feeder Pump to Digester
- Feeder Package
- Filter Screw Press
- Biogas Upgrading Chiller
- Biogas Upgrading Carbon Guard Vessels & Lead-Lag Skid
- Biogas Upgrading Product Compressor
- Five (5) premanufactured canopies, each to protect equipment, as listed with proposed canopy sizing:
 - Boiler Skid – 12' x 18' x 12' tall
 - O₂ Generator – 16' x 14' x 12' tall
 - Centrate Buffer – 44' x 44' x 12' tall
 - Control Room – 24' x 32' x 12' tall
 - Omnivore Skid – 22' x 24' x 12' tall

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17. Will any outdoor lighting or an outdoor sound amplification system be used?

All existing outdoor lighting will continue to be utilized. The proposed project may include the addition of lighting under the proposed open buildings, but all lighting will be domed or covered to avoid disturbance, and no outdoor sound amplification systems are proposed.

18. Landscaping or fencing proposed?

No landscaping or fencing is proposed in this Project. The existing fence, which establishes a boundary around the perimeter of the Facility, will remain in place.

19. Any other information that will provide a clear understanding of the project or operation.

The purpose of the Project is to generate natural gas as a renewable energy source, while reducing the emissions of the current Facility operations. The Project will only pose a minor impact to existing operations of the Facility once constructed and operational.

20. Identify all Owners, Officers and/or Board Members for each application submitted.

Elizabeth Stephenson, President – POM Wonderful
Brian Okland, Sr. Director of Beverage Operations – POM Wonderful
Ilia Florentin, Director, Strategy Group – The Wonderful Company
Michael O'Banion, Senior Engineering Manager – The Wonderful Company
Melissa Poole, Director, Government Affairs / Senior Counsel – The Wonderful Company

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County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: 4Creeks, Inc. obo POMWonderful, LLC

APPLICATION NOS.: Initial Study Application No. 7492 and Unclassified Conditional Use Permit Application No. 3619

DESCRIPTION: Allow the construction and operation of an anaerobic digester at the existing POM Wonderful fruit processing facility (previously approved by Classified Conditional Use Permit Nos. 2220, 2559, 2618, and 2668) to process up to 125,000 tons of pomegranate waste and pomegranate juice wastewater per year from the onsite extraction facility to produce bio-methane for pipeline injection, a dewatered cake for land application or composting, optional food and beverage-grade carbon dioxide gas, and filtrate that will be treated by the onsite wastewater treatment plan and used for irrigation of the alfalfa plants surrounding the facility. No increase in the amount of wastewater produced or permitted for application is proposed as part of this application.

The Project will operate in two different modes: the 3-month juicing season from mid-October to mid-January (Peak Season) and the remaining 9 months of the year (Off-Peak Season). During the Peak Season, juiced pomegranates will be sent to the ensilage bunkers in order to preserve the feedstock and feed the digester continuously throughout the year. Leachate from the ensilage bunkers, retentate wastewater, and extraction wastewater will be collected and stored in a buffer tank and subsequently fed to the anaerobic digester. The anaerobic digester will convert the majority of the biochemical oxygen demand from the leachate and wastewater streams into biogas. Cake and filtrate will be produced by the dewatering of digestate by the sludge screw press. Filtrate will be stored in a holding tank and then sent to the wastewater treatment plant. Cake will be offloaded into truck trailers for use in compost or other beneficial land application. During the Off-Peak Season, digestate from the digester will be dewatered by the filter screw press with cake offloaded to trailers and filtrate sent to the wastewater treatment plant.

The biogas from the digester will be stored in a double membrane gas holder and will be treated to remove Hydrogen Sulfide, moisture, and volatile organic compounds. The biogas will then be upgraded into pipeline quality bio-methane and injected into an existing six-inch pressurized Southern California Edison pipeline.

In the case of emergency, or in the case that the Southern California Gas Company does not have the capacity to accept bio-methane from this project, the gas produced onsite will be burned through the emergency flare until delivery can be resumed.

LOCATION: The proposed digester will be located at the intersection of American Avenue and Del Rey Avenue, APN 350-230-01S, a portion of the larger POM Wonderful site which includes the following APNS: 350-031-11, -13, -63S, 64, 66, 350-230-17, and -19S (land application area); 350-230-01S, -07ST, -08, -09S, -10, -11T, -12T, -13, -14S, -15S, and -21S (fruit processing facility operations). Address: 5286 S. Del Rey Avenue, Del Rey, CA 93616. Sup. Dist. 4

Pursuant to the Guidelines of the California Environmental Quality Act (CEQA), Section 15162, there shall be no subsequent environmental review prepared for projects for which a negative declaration has been adopted (or for which an Environmental Impact Report has been certified), unless substantial evidence shows one or more of the following: ‘

1. Substantial changes are proposed in the project which will require major revisions of the negative declaration due to the involvement of new significant environmental impacts or a substantial increase in the severity of previously identified significant effects; or
2. Substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant impacts; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous negative declarations;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, but the project proponents decline to adopt the mitigation measure or alternative;

- d. Mitigation measures or alternatives which are considerably different from those previously analyzed would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative.

In the case of this project, the inclusion of the digester, which will create bio-methane gas to be sold for profit, requires approval of a Conditional Use Permit by the County of Fresno, and represents a significant expansion of use compared to the baseline use of the site to process fruit. Therefore, a revised Initial Study has been prepared. This study supersedes the studies previously prepared by the County of Fresno (Initial Study numbers 3126, 3851, 3977, and 6808). The County's previous reviews of this project did not identify any potentially significant impacts which needed to be addressed through the adoption of mitigation measures; however, the California Regional Water Quality Control Board, Central Valley Region adopted a Mitigated Negative Declaration (the "WDR IS") prior to adoption of the Waste Discharge Requirements for the project site. That review determined that five mitigation measures would be necessary to reduce impacts of the project. These impacts are discussed in the relevant sections below: Agriculture, Air Quality, Biological Resources, Cultural Resources, and Hydrology and Water Quality Resources and where necessary, those mitigation measures have been incorporated into this environmental review.

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:

Neither American Avenue nor Del Rey Avenue is designated by the Fresno County General Plan as a scenic roadway or scenic drive. The nearest road with such a designation is Jenson Avenue, approximately three miles north of the project site, which is designated as a Scenic Drive due to its inclusion as part of the Blossom Trail. Due to the distance from the project site and the limited off-site impacts from the proposed digester, there will be no impacts to 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located at the intersection of Del Rey Avenue and American Avenue. North of American Avenue, lands are dedicated to the production of row crops and

orchards, typically with a single-family residence on each parcel. South of American Avenue, parcels are developed with dense residential development which forms the community of Del Rey. A number of parcels are also used for packing/storage houses.

The area of development is currently unimproved and used for storage in support of the fruit packing operation which was originally approved by CUP 2220 for the project site. South of the proposed improvement area has already been developed with a number of industrial buildings and the ground cover is a mix of pavement and packed dirt, further supporting an industrial appearance.

Therefore, while the project will move industrial-style buildings closer to the intersection of industrial and agricultural (American Avenue), it is proposed in an area which is already considered to be industrial in nature and therefore will not degrade the existing visual character or quality of the site.

- 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:

The proposed digester would be equipped with an emergency flare, which would be used to burn off gas generated by the facility when it cannot be injected into the Southern California Gas pipeline. The flare is located on the northern side of the digester, which faces American Avenue and the agricultural uses of the northern parcel. More than 350 feet west of the proposed flare is a cluster of residential developments. Due to the limited usage of the flare, which would only be operated in case of emergency, and the limited visibility of the flare, there will be no adverse impacts associated with new sources of light or glare.

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?

FINDING: NO IMPACT:

The subject parcel has been mapped by the Department of Conservation's Important Farmlands Map (2016) as "Urban and Built-Up Land" and "Vacant". The area where improvements are proposed is where the "Vacant" designation occurs. Therefore, the project will not adversely impact Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Mitigated Negative Declaration prepared by the California Regional Water Quality Control Board, Central Valley Region (WDR IS), identified a conflict with Williamson Act Contract No. 292 due to the proposed installation of a detention pond on contracted land. As a mitigation measure, the property owner was required to cancel the Contract on the portion of the parcel proposed as a detention pond. The County accepted a notice of nonrenewal for this portion of land on May 11, 2020. Therefore, this project will not conflict with agriculture use or a Williamson Act Contract.

- 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 subject parcel is zoned M-3 (Heavy Industrial) and therefore will not conflict with existing zoning for agricultural or forest use. The project will not result in the loss or conversion of forest land or agricultural land to non-forest and non-farming purposes because the digester requires waste product from the existing farming operations in order to generate the bio-methane and there is no designated forest-land in the vicinity.

- 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 forest land to non-forest use?

FINDING: NO IMPACT:

Because the project relies on waste products from existing agricultural operations, it will not result in the conversion of farmland to non-agricultural use. No forest-land is located in the vicinity.

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; or
- 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 *Greenhouse Gas Analysis Report* prepared by Mitchell Air Quality Consulting for the project, the primary source of air pollution from this project would occur during construction of the anaerobic digester: 85.3 Metric Tons of Carbon Dioxide equivalent (MTCO_{2e}) is estimated to be released due to construction in 2019 and 780.55 from construction in 2020. Given that greenhouse gas emissions can remain in the air for a number of years, the generated emissions were amortized over the expected life of the project, estimated to be 30 years for a total of 28.86 MTCO_{2e} per year. Operational emissions were estimated for 2020 at 1,749.99 MTCO_{2e}. Later years of operation are expected to have similar or lower levels of emissions as a result of technological improvements; however, the overall estimates were based on the 2020 numbers to maintain a conservative estimate. Yearly emissions, including amortized construction emission, would total 1,778.85 MTCO_{2e}.

During operation, the project will result a reduction of emissions in several ways. First, the digester will reduce the truck trips necessary for waste hauling by 57 daily trips. Second, the emissions that are currently created during land application and composting would be lowered by reducing the amount of organic matter in the waste stream with the anaerobic digester and capturing the biogas. This biogas (the bio-methane) is a renewable resource which can replace non-renewable natural gas. The total reduction is estimated to be 38,076.72 MTCO_{2e} for an overall yearly reduction of 36,297.87 MTCO_{2e}.

If the developer chooses to implement the option to capture beverage-grade carbon dioxide produced by the digester, further reductions of 15,499 MTCO_{2e} per year are estimated.

The project is consistent with the Bioenergy Action Plan, which encourages the use of digesters to create bio-methane in order to supplant the use of natural gas.

The WDR IS adopted mitigation measures which require the project to “[i]ncorporate the appropriate control measures for construction emissions listed in Tables 6-2, 6-3, and 6-4 of the San Joaquin Valley Air Pollution Control District’s (District), 10 January 2002, *Guide for Assessing and Mitigating Air Quality Impacts*.” and “[o]btain the

appropriate permits from the District for stationary sources.” Table 6-2 relates to Regulation VIII Control Measures, Table 6-3 relates to Enhanced Control Measures, and Table 6-4 relates to Construction Equipment Mitigation Measures. Compliance with these regulations or their current equivalents will ensure that operation of the digester does not result in the release of criteria pollutants in excess of acceptable limits.

- C. Expose sensitive receptors to substantial pollutant concentrations; or
- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

It is anticipated that this project will result in reduced concentrations of pollutants and other emissions (such as those leading to odors) as compared to current emissions, resulting in a less than significant and possibly beneficial impact.

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

Review of historic aerial photographs (Google Earth) indicate that the project site has been developed for industrial or ag-support purposes since 2004, with steady expansion through 2011, consistent with the approval of CUP applications by the County over this time. The area of proposed development has been vacant since farming was removed from the parcel between 1998 and 2004 (there is a gap in available imagery during this time). Despite the lack of development, this area remains packed dirt and has not returned to any natural state. As a result, there is no habitat on the parcel that would be likely to support special-status species. Surrounding parcels to the east, west, and south are similarly industrial in nature and do not provide habitat for special-status species. The parcel to the north is developed with row crops, which provide minimal habitat for special-status species. If such species were present on that property, they would be unlikely to cross American Avenue, which has an average daily traffic count of 1,600 vehicles per day.

There are no trees on the subject parcel and no trees would be otherwise impacted by the project. Therefore, concerns identified by the US Fish and Wildlife Service as part of the Initial Study prepared for Waste Discharge Requirements Order 75-2012-0900 relating to Swainson's hawk do not apply to this project. Further, the US Fish and Wildlife Service indicated they had "no comments" on this proposal. Due to the lack of resources present on the subject and surrounding parcels, there will be no conflicts with policies or ordinances protecting biological resources and no conflicts with adopted Habitat Conservation or Natural Community Conservation Plans.

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 subject parcel is not in an area which has been designated as having a moderate or high sensitivity to archeological resources and the area of proposed improvement has been subject to disturbance in the form of farming operations and later, additional disturbance related to the general operation of the POMWonderful facility. As a result, there is a very low probability that surficial resources are present. However, the possibility remains that undiscovered resources are present beneath the ground at the project site. Because these potential resources could be affected by the project, the

following Mitigation Measure is necessary to ensure that adverse impacts are reduced to less than significant.

* **Mitigation Measure**

1. *In the event that cultural or paleontological 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 should be followed by photos, reports, video, 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; or
- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This project, if approved, would convert pomegranate waste into bio-methane which will be cleaned and injected into a commercial pipeline. The cake and filtrate which remain will be applied to the land as compost and sent to the wastewater treatment plant, respectively. This will result in net decrease of 57 daily truck trips currently required to haul the waste away from the site (60 fewer waste-haul trips and three new trips for digester maintenance).

The project is expected to produce 664,884,000 standard cubic feet of biogas annually, which will be injected (after cleaning) into a nearby pipeline for distribution to the public. This will supplant an equal amount of natural gas and contribute towards fulfilling California's renewable energy goals.

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?
4. Landslides?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The most recent Alquist-Priolo Earthquake Fault Zoning Map (Department of Conservation) indicates that the subject parcel is not located in an area that has been mapped as an Earthquake Fault Zone.

Figure 9-5 from the Fresno County General Plan Background Report (FCGPBR) indicates that the subject parcel is predicted to have a 10% chance that peak horizontal acceleration will exceed 20% of the acceleration of gravity over the next 50 years, which is the lowest category of risk.

Figure 9-6 (FCGPBR) indicates that the subject parcel is not located in an area of moderate or high landslide hazard; not in an area subject to deep or shallow subsidence; and the soils at the subject parcel preclude site-specific risk: as identified by the Web Soil Survey (US Department of Agriculture), the soils at the project site are Exeter loam, Hanford fine sandy loam, and Pollasky sandy loam, all of which are well-drained.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

As mentioned in the discussion above, the project site consists of three types of soil: Exeter loam, Hanford fine sandy loam, and Pollasky sandy loam. In the area of proposed development, the soil is entirely Pollasky sandy loam, which has a medium run-off class and is considered to have a “slight” erosion hazard rating, meaning that some control measures may be necessary in order to prevent runoff. Because the area of disturbance will be more than one acre, the developer will be required to prepare and comply with a Stormwater Pollution Prevention Plan (SWPPP). Given the moderate risk of the underlying soil and existing regulation requiring the implementation of best management practices, the project will not result in substantial soil erosion or loss of topsoil.

- 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; or

- 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: LESS THAN SIGNIFICANT IMPACT:

The project site is not located in an area designated by Figure 7-1 (FCGPBR) to have soils with moderate to high expansion potential. The subject parcel contains three types of soils: Pollasky sandy loam, Hanford fine sandy loam and Exeter loam. The project site is proposed in an area underlain by entirely Pollasky sandy loam. This type of soil typically has less than 3% linear extensibility, which is considered low risk. In addition, "loam" soils contain less than 30% clay by volume and sandy loam contains less than 20%, further reducing shrink-swell potential of the soil. The project will also be subject to Fresno County Buildings Code at the time of development, which will include a geotechnical investigation. By complying with these existing regulations and due to the low risk at the project site, there will be no adverse impacts to life or property as a result of development on 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:

The project site receives sewer and water service from the Del Rey Community Service District and therefore does not require the use of a septic tank.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project site has been highly disturbed by the operation of the POM Wonderful Fruit Packing Facility and associated farming operations. Prior agricultural operations on the property also contributed to disturbance of the surface layer. Therefore, it is highly unlikely that new paleontological resources would be present on the surface. However, it cannot be determined with certainty that there are no such resources buried on the site. Therefore, the Mitigation Measure identified in Section V, which requires certain protective actions in the event of a find, shall be implemented and would reduce risk to unique paleontological resources, sites, and geologic features to less than significant.

* **Mitigation Measure**

1. See Section V.

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:

This project has the potential to generate greenhouse gas emissions during the construction phase and during operation. Construction emissions were estimated by the *Greenhouse Gas Analysis Report POM Wonderful Anaerobic Digester Project* prepared by Mitchell Air Quality Consulting and dated September 13, 2019. Over two years of construction, approximately 865.85 Metric Tons of Carbon Dioxide Equivalent (MTCO_{2e}). The San Joaquin Valley Air Pollution Control District does not recommend assessing significance of construction-related emissions; however other districts have recommended that the impacts be amortized over the life of the project.

Decommissioning of the digester is not considered as part of this application; however, the Analysis choose 30 years as the lifespan. Therefore, construction emissions can be considered to be equivalent to the release of 28.86 MTCO_{2e} per year for thirty years.

Operational emissions were based on the year 2020. It is anticipated that more stringent regulations and more efficient equipment would allow for a reduction in yearly emissions as compared to this number; however, such reductions were not accounted for in this analysis in order to provide the most conservative estimate of impacts. The project uses natural gas and energy in the operation of the digester. These uses, combined with employee and vender trips, result in the release of approximately 1,778.85 MTCO_{2e}/yr.

However, the intent of this application is to produce bio-methane which can replace natural gas in both commercial and residential uses. Various parts of this project result in reductions of emissions: fewer truck trips are required to haul away pomegranate waste, fewer emissions are released due to composting, the bio-methane supplants the use of natural gas, and the applicant has the option to capture CO₂ produced at the site. As a result of these factors, the project would reduce emissions by 38,076.72 MTCO_{2e} per year (or 53,575.72 with CO₂ capture), for a net reduction of 36,297.87 MTCO_{2e} (or 51,796.87 MTCO_{2e} with CO₂ capture).

Therefore, based on the project's net reduction in the generation of greenhouse gases, it is considered to have a less than significant impact.

- 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:

Assembly Bill 32 (AB 32) was adopted by the California State Legislature in 2006. As directed by that plan, the *Climate Change Scoping Plan* was later adopted (2008), which provided measureable goals and direct policies to achieve the necessary emissions reductions. As part of the First Update to the *Scoping Plan*, a number of

measures were adopted to support that goal, including a measure promoting the use of digesters to create bio-methane gas for injection into natural gas pipelines. This project is in direct alignment with that strategy and other strategies within the *Scoping Plan*. Please see the *Greenhouse Gas Analysis Report POM Wonderful Anaerobic Digester Project* prepared by Mitchell Air Quality Consulting and dated September 13, 2019 for more information regarding the project's compliance with other measures in the *Scoping Plan*, including compliance to the 2017 updates. Where measures are applicable to the project, review determined that the project was consistent.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The existing Fruit Processing Facility operates under an approved Hazardous Materials Business Plan (HMBP), which is reviewed and approved by the Fresno Certified Unified Program Agency (CUPA). The Facility is listed on the Toxic Releases Inventory database and the review of the three-year compliance history (through September 30, 2019) indicates that there were no violations during that time. There are also no reports from the last five years concerning formal or informal enforcement actions. Any new hazardous materials proposed for use as part of the digester will be addressed in the HMBP, which identifies proper storage and transportation methods. Given the Facility's history of compliance, it is reasonable to anticipate that new hazardous materials will also be handled in a safe manner.

- 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: NO IMPACT:

The project site is not located within one quarter-mile of a school.

- 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: LESS THAN SIGNIFICANT IMPACT:

The existing facility is listed on the Toxic Releases Inventory due to the release of peracetic acid into the air and ground; the Resource Conservation and Recovery Act (RCRA) as a transporter; and the Air Emissions Inventory as a release location. Given that the Enforcement and Compliance History Online (ECHO) report shows ongoing compliance with existing regulations, it is anticipated that this project will continue to implement the required business plans and compliance measures which were adopted to protect the public from significant hazard. Therefore, compliance to the existing and any revised Hazardous Materials Business Plan will ensure that impacts from this project are less than significant.

- 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: LESS THAN SIGNIFICANT IMPACT:

The project site is not located near a public airport; however, there is an airstrip located approximately one quarter mile south of the nearest property line and two-fifths of a mile south of the project site. This private airstrip operates under an approved Conditional Use Permit. It is serviced and maintained by workers of the processing facility in support of agricultural lands which are part of the fruit packing operation. Flights are estimated to occur up to six times per week, during daylight hours only. Landing is required to occur from the southwest and takeoff towards the southeast, in order to prevent impacts to the community of Del Rey; this also minimizes impacts to workers who may be present on site to perform maintenance of the digester. Therefore, impacts will be less than significant.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

The scope of this project is limited to the area of improvement on the subject parcel. Following construction, there would be fewer traffic trips to and from the facility, which would improve congestion in the area. Proper access to the site will be confirmed during building plan check and the Site Plan Review Process to ensure that all relevant Fire Regulations are addressed. No site-specific concerns were identified upon preliminary review by the Fire Department. The site is not located in an area which has a high risk of wildfire and therefore, with compliance to existing fire safety standards, it would not expose people or structures to significant loss, death, or injury, related to wildfires.

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

Wastewater from the project site is either collected by the Del Rey Community Service District, in the case of existing occupied areas of the project site, or will be processed through the digester, in the case of waste water produced as part of the pomegranate treatment process. There is an onsite wastewater treatment plant, which will treat some of the water, typically after it has been through the digester. Water which receives such treatment (up to 125,000 gallons per day) may be used for irrigation of the alfalfa plants surrounding the vicinity. The project operates under a Long-Term Wastewater Management Plan approved by the California Regional Water Quality Control Board. The wastewater treatment plant is currently permitted to process up to 1.2 million gallons per day from the facility.

The Central Valley Water Resources Control Board adopted the *Water Quality Control Plan for the Tulare Lake Basin (Basin Plan)* in 1975, with regular updates as recent as 2017. Waste discharge requirements are required to be consistent with the goals and policies of the *Basin Plan*. As part of the review for approval of the most recent Waste Discharge Order, an Initial Study was prepared to identify any impacts from the proposed increase in average and maximum discharge from the plant to the wastewater treatment center and/or the storage ponds, construction of new storage ponds, wastewater application to 291 acres of alfalfa (with periodic rotation of oats or barley/sudan grass), and construction of a new building to process arils. While the area covered by this Initial Study relates to parcels directly south of the parcel where the proposed digester would be built, it considers the function of the entire fruit processing operation. That review determined that the project was consistent with the State Water Resources Control Board Resolution 68-16 ("Policy with Respect to Maintaining High Quality Water of the State"), primarily due to the project's implementation of best practicable treatment and control practices and the requirement to perform ongoing verification of the discharge quality. The inclusion of the digester into this process will not relieve the applicant of this requirement and water will still be treated at the onsite treatment plant prior to application to surrounding cropland. Therefore, impacts to surface or groundwater quality will be less than significant.

- 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 proposed project will not substantially decrease groundwater supplies because the groundwater used at the facility will eventually be discharged to cropland, where a significant amount will percolate back to groundwater.

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:

The project will increase the amount of impervious surfaces at the project site; however, impacts associated with run-off are addressed by County policy which requires applicants to show (prior to release of grading permits) that all runoff will be retained on the parcel or redirected into existing storm water collection systems.

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

FINDING: NO IMPACT:

The project site is not located in an area that is subject to flood hazard: FEMA FIRM Panel No. 06019C2165H indicates the project site is located in Zone X – minimal flood hazard. The project site is too distant from a shoreline to be at risk due to tsunami and is not located near any lakes which could be subject to seiche in the event of ground-shaking.

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

FINDING: NO IMPACT:

There is no change to the amount of water discharged from the project site and therefore no impacts to continued compliance with the Basin Plan. See discussion in Section X.B, above.

XI. LAND USE AND PLANNING

Would the project:

A. Physically divide an established community; or

- 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: NO IMPACT:

The project will not divide an established community because it will be developed on the northernmost portion of the POMWonderful fruit packing operation, which is adjacent to the established community of Del Rey. Because the project is a digester which will process agricultural waste to produce renewable energy and other reusable product (compost), it is consistent with General Plan Policies which restrict industrial operations in areas designated for agriculture to those which are in support of agricultural or value-added operations.

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:

The project site is not in an area that was designated by General Plan Background Report Figure 7-7 to be a Mineral Resource Location. Further, no sources of mineral resources have been identified at this location, which has historically been used for farming and ag-support services.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Construction of the digester is the most likely time for noise impacts to occur at sensitive receptors. However, the Fresno County Noise Ordinance includes provisions which exempt construction noise from compliance with the stated maximum noise levels, when such construction occurs during specific hours. Therefore, compliance with the

Noise Ordinance and the limited duration of construction will result in less than significant impacts on increases to ambient noise in the vicinity.

Operation of the digester has the potential to increase the ambient and temporary noise in the area by increasing the amount of activity which occurs near the edges of the property, where there is less opportunity for sound to dissipate before reaching sensitive receptors. As with construction, the majority of onsite work will occur during daytime hours, when the Noise Ordinance is the least-stringent in regard to maximum permitted sound generation and specifically exempts construction from those restrictions.

The closest sensitive receptors are the residences located on the southwestern corner of the intersection of S. Del Rey and American Avenues, which are more than 350 feet distant from the project site, which allows for attenuation before impacting the residences. Due to distance from these receptors and with compliance to the Fresno County Zoning Ordinance, there will be no significant adverse impacts related to noise.

B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: NO IMPACT:

Operation of the digester does not involve rhythmic or concussive activities which would be likely to generate ground-borne vibration or noise.

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 residing or working in the project area to excessive noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The digester is proposed as an expansion to the existing fruit processing facility. The Del Rey Juice Airstrip is located south of Jefferson Avenue and adjacent to a portion of the existing operation. The strip operates under a Conditional Use Permit issued through the County of Fresno (CUP No. 3332), which restricts usage to the approved operational statement, which is no more than six flights each week during daylight hours. Further, the proposed improvements are located in the northernmost area of the subject parcel, which is the most distant location from this strip for the PomWonderful operation. Therefore, the project will not expose people working in the project area to excessive noise levels associated with airports.

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:

This project will be constructed on a vacant portion of a parcel currently used to support the Pom Wonderful facility. The project will not result in the creation of new jobs, which would then have the potential to attract new residents. No extension of existing utilities is proposed.

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

FINDING: NO IMPACT:

This project will not result in an increase in population growth or in the increase of persons who may be present on the subject parcel. It is likely that fewer people will be present on average than the current operation because fewer workers will be needed to load pomace into trucks for removal from the site, since such pomace will be entered into the digester or will go into storage to be used at a later date. Therefore, no new or improved public services are necessary for this area as a result of this project and therefore, there will be no impacts.

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 community of Del Rey does not have any community parks; however, some recreational facilities are available at local schools. This type of project is not likely to attract new people to existing neighborhood and regional parks or other facilities. It will also not require the construction of new recreational facilities.

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); or
- 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: LESS THAN SIGNIFICANT IMPACT:

This project is consistent with General Plan policies which restrict the overcrowding of County roads and require that a project contribute to the portion of damage to a road which occurs as a direct result of a project. Because the project would reduce the amount of traffic on the roads, it is consistent with these policies. No new design features are proposed to the local roads which could increase hazards.

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: NO IMPACT:

Pursuant to Assembly Bill 52, Native American Tribal Governments are required to request notification of projects from potential Lead Agencies, such as the County. Such Tribes may specify a specific area wherein they would like to receive notices for proposed projects. This project falls within the notification area of all four Native American Tribal Governments who have requested such notice.

The County of Fresno determined that the application for this project was complete on October 5, 2019. Notification of a complete application and invitation to consult pursuant to Public Resources Code §21080.3.1(b) was mailed on October 9, 2018.

The Table Mountain Rancheria Tribal Government Office responded to this invitation to consult in a letter dated January 10, 2019, declining consultation. None of the other noticed Tribal Governments responded within the 30-day deadline. Therefore, the County's obligations under AB 52 have been met and there are no impacts to Tribal Cultural Resources due to the lack of such resources identified in the project area.

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; or
- 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:

The project site is served by the Del Rey Community Services District for potable water; however, there are also two onsite wells which are used to supplement the application of effluent onto the crops. Because this project typically returns water used from these

wells back to the surrounding cropland, it will not cause significant adverse impacts to availability of water supply in normal, dry, and multiple dry years.

- 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; or
- 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?

FINDING: NO IMPACT:

Approval of the proposed project would allow the project site to process a significant amount of solid waste (such as pomace) onsite as opposed to hauling it away, as currently occurs.

The majority of water usage at the site occurs as part of the fruit processing operation. This water will be processed through the proposed digester and the onsite wastewater treatment plant and will not be sent to the Del Rey Community Services District for processing. Therefore, there are no adverse impacts related to expansion of public treatment facilities.

- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The proposed project will comply with federal, state, and local management and reduction statutes and regulations. Approval of this project will allow another use for pomace and dirty wash water and will convert the biomass to bio-methane and dewatered cake for land application or composting, which provides for an overall reduction in 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 site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. The nearest such area is approximately 8.5 miles northeast of the site.

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 WITH MITIGATION INCORPORATED:

Installation of the digester and connecting pipeline will occur in an area of the project site which has been cleared of vegetation and foliage that could provide habitat for special-status species. Due to the existing farmland to the north, which is maintained free of weeds and other plants besides the crops, and the existing industrial development of the POMWonderful facility to the south, it is unlikely that endangered species would wander onto the site and be exposed to impacts. Therefore, no impacts to endangered species or their habitats was identified as part of this application.

While no tribal or cultural resources were identified at the project site, the potential remains for such resources to be affected if they are discovered during construction. Therefore, the Mitigation Measure identified in Section V Cultural Resources shall be applied to the project to ensure that any such discoveries are treated in a manner that would reduce impacts to less than significant.

* **Mitigation Measure**

1. See Section V.

- 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: NO IMPACT:

This project proposes to turn waste material from the pomegranate processing facility and convert it to bio-energy, which can be used to offset natural gas. Other byproducts from the process, such as carbon dioxide and dewatered cakes also have the potential for re-use as a beverage additive and compost application respectively. Because the project completes the life-cycle for many of these products and proposes to offset the usage of non-renewable natural gas, there will be no cumulatively considerable impacts.

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

FINDING: NO IMPACT:

As discussed in the finding above, the project proposes to remove waste from the overall system and to offset the use of non-renewable resources. It is likely that the installation of the digester will improve conditions at the site by removing the need to stockpile pomace until it can be removed. While some minor impacts, such as the introduction of a new source of light, will occur in the vicinity, these were not determined to be significant impacts as there is limited population within the area of impact. Therefore, this study found no environmental effects which would cause substantial direct or indirect adverse impacts on human beings.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Conditional Use Permit Application No. 3619, 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, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. Potential impacts related to Agriculture and Forestry, Aesthetics, Air Quality, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation have been determined to be less than significant. Potential impacts relating to Cultural Resources, and Geology and Soils have determined to be less than significant with compliance with above-noted 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” Street, Fresno, California.

CMM:

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File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7492	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION	County Clerk File No: E-	
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): Chrissy Monfette Planner	Area Code: 559	Telephone Number: 600-4245	Extension: N/A
Project Applicant/Sponsor (Name): POMWonderful, LLC	Project Title: Initial Study Application No. 7492 and Unclassified Conditional Use Permit Application No. 3619		
Project Description: Allow the construction and operation of an anaerobic digester at the existing POM Wonderful fruit processing facility (previously approved by Classified Conditional Use Permit Nos. 2220, 2559, 2618, and 2668) to process up to 125,000 tons of pomegranate waste and pomegranate juice wastewater per year from the onsite extraction facility to produce bio-methane for pipeline injection, a dewatered cake for land application or composting, optional food and beverage-grade carbon dioxide gas, and filtrate that will be treated by the onsite wastewater treatment plan and used for irrigation of the alfalfa plants surrounding the facility. No increase in the amount of wastewater produced or permitted for application is proposed as part of this application.			
Justification for Negative Declaration: Based upon the Initial Study prepared for Conditional Use Permit Application No. 3619, 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, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. Potential impacts related to Aesthetics, Air Quality, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation have been determined to be less than significant. Potential impacts relating to Agriculture and Forestry, Cultural Resources, and Geology and Soils have determined to be less than significant with compliance with above-noted Mitigation Measures.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – May 20, 2020		Review Date Deadline: Planning Commission – June 25, 2020	
Date:	Type or Print Signature: Marianne Mollring, Senior Planner	Submitted by (Signature): Chrissy Monfette, Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**