



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 4 May 20, 2021

SUBJECT: Initial Study No. 7872 and Unclassified Conditional Use Permit Application No. 3679

Allow construction of a dairy digester facility and allow connection to an existing pipeline to deliver renewable natural gas. The dairy digester facility will be located on a 613.07-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The pipeline will span approximately 2 miles west of the dairy digester facility to connect with an existing California Energy Exchange pipeline.

LOCATION: The project site is located on the north side of W. Kamm Avenue and is approximately 2.01 miles west of its nearest intersection with S. Jameson Avenue and is approximately 8 miles southeast of the City of San Joaquin (12840 W. Kamm Avenue, Helm, CA) (Sup. Dist. 4) (APN 041-060-60S, 041-060-23S, 040-090-05S).

OWNER: Stephen Maddox

APPLICANT: WTE Riverdale, LLC.

STAFF CONTACT: Thomas Kobayashi, Planner
(559) 600-4224

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) No. 7872; and
- Approve Unclassified Conditional Use Permit Application No. 3679 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 Maps
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans and Detail Drawings
6. Applicant's Operational Statement and Project Description
7. Summary of Initial Study No. 7872
8. Draft Mitigated Negative Declaration
9. Letter of Support from the California Energy Exchange

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District	No change
Parcel Size	613.07	No change
Project Site	N/A	8 acres plus approximately 2 miles of pipeline to connect with existing CEE pipeline
Structural Improvements	N/A	Digester Vessel, Utility and Gas Upgrading Building, Fiber Solids Building, Digested Solids Storage Area, and Pipeline
Nearest Residence	Approximately 3,090 feet	No change
Surrounding Development	Agriculture and Dairy	No change
Operational Features	N/A	Digester facility will run 24 hours a day, 7 days a week
Employees	None	1 Employee
Customers	None	No change
Traffic Trips	Agriculture	4 trips

Criteria	Existing	Proposed
Lighting	None	Outdoor lighting for facility
Hours of Operation	N/A	Employee to be onsite from 8:00 AM to 5:00 PM Monday through Friday

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

ENVIRONMENTAL ANALYSIS:

Initial Study No. 7872 was prepared for the subject application by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration (Exhibit 8) is appropriate.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: April 9, 2021

PUBLIC NOTICE:

Notices were sent to 5 property owners within 1320 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 Application may be approved only if five Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on an Unclassified CUP Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

BACKGROUND INFORMATION:

Existing permit records establish a dairy on the properties located directly south and southeast of the project site. There is no Conditional Use Permit establishing the dairy, but permit records indicate that a dairy has been in operation prior to June 25, 1999, where a land use permit for a dairy was not required under the Zoning Ordinance at the time. The proposed digester and biogas upgrading facility will utilize waste produced from the established dairy. The proposed pipeline will span approximately 2 miles west of the digester and biogas facility and connect with an existing pipeline maintained by the California Energy Exchange. A letter of support provided by the California Energy Exchange indicates that they are in agreement with the proposed connection. The pipeline will be located on land in common ownership and therefore no issue with the pipeline span is seen.

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	AE-20 Front Yard: 35 feet Side Yard: 20 feet Rear Yard: 20 feet	Front Yard: 86 feet Side Yard: 50 feet Rear Yard: Excess of 20 feet	Y
Parking	One parking space for every two employees	Two spaces and one ADA compliant space	Y
Lot Coverage	No requirement	No change	Y
Space Between Buildings	No animal or fowl pen, coop, stable, barn, or corral shall be located within forty (40) feet of any dwelling or other building used for human habitation	No change	Y
Wall Requirements	No requirements unless pool is present	No change	Y
Septic Replacement Area	100 percent replacement	No change	Y
Water Well Separation	Septic Tank: 100 feet Disposal Field: 100 feet Seepage Pit: 150 feet	No change	Y

Reviewing Agency/Department Comments Regarding Site Adequacy:

Site Plan Review Section of the Fresno County Department of Public Works and Planning: Parking stalls shall be constructed in compliance with the County and state standards. A minimum of 29 feet backup clearance and 18-foot by 9-foot stall size shall be provided for all parking stalls and clearly labeled in the site plan.

Internal access roads shall comply with required widths by the Fire District for emergency apparatus.

A dust palliative shall be required on all parking and circulation areas.

All proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO) and require submittal of Landscape and Irrigation plans per Governor's Drought Executive Order of 2015. The Landscape and Irrigation plans shall be submitted to the Department of Public Works and Planning, Site Plan Review (SPR) unit for review and approval prior to the issuance of building permits.

All proposed signs require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. Off-site signs are expressly prohibited for commercial uses in the AE (Exclusive Agricultural) Zone District.

No building or structure erected in the AE-20 District shall exceed 35 feet in height per Section 816.5-D of the Fresno County Zoning Ordinance.

Outdoor lighting should be hooded and directed away from adjoining streets and properties. This shall be included as a Mitigation Measure.

Building and Safety Section of the Fresno County Department of Public Works and Planning: If approved, permits and inspections are required for the construction of, or installation of, all related structures, electrical, mechanical, and plumbing facilities.

Permit applications will require detailed construction and site plans prepared by a properly licensed design professional.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA FIRM Panel 2575H, the parcel is not subject to flooding from the 100-year storm.

According to the U.S.G.S. Quad Map, intermittent streams may be present within the subject property. Typically, any proposed work within or near a stream requires clearance from State Department of Fish and Wildlife.

Typically, any additional storm water runoff generated by the proposed development of this site cannot be drained across property lines, or into County road right-of-way, and must be retained on-site per County standards.

Typically, if the proposed development does not increase the net impervious surface on-site and the existing drainage patterns are not changed, there will be no engineered grading and drainage plan required. However, according to the site plan, additional impervious surface appears to be created. Therefore, 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.

Any proposed wastewater storage pond shall be constructed in accordance with the Design Specifications, Drawings, and Construction Quality Assurance (CQA) Plan approved by the California Regional Water Quality Control Board.

A grading permit or voucher is required for any grading proposed with this application.

The above comments provided by reviewing Agencies and Departments will be included as project notes unless stated otherwise. No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Analysis Finding 1:

Review indicates that proposed improvements will be located outside of established setbacks by the underlying AE-20 Zone District. The project will utilize waste generated by the adjacent dairy operation and condition the created biogas for delivery to an existing California Energy Exchange pipeline located west of the subject parcel. The pipeline is to be located on

commonly owned land utilized for agricultural purposes. Agency and Departmental review of the proposed digester facility, biogas upgrading equipment and pipeline did not result in concerns that the subject parcels would be unable to accommodate the proposal. Therefore, staff finds that the subject parcels associated with the digester facility and pipeline are adequate in size and shape to accommodate the proposed use.

Recommended Conditions of Approval:

None

Conclusion Finding 1:

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	The subject parcel has frontage along Kamm Avenue	No change
Direct Access to Public Road	Yes	The subject parcel has road frontage along Kamm Avenue	An access point on Kamm Avenue will be utilized to access the project site
Road ADT		1,000	Minimal change
Road Classification		Kamm Avenue - Arterial	No change
Road Width		60 feet of existing right-of-way	No change
Road Surface		32 feet of paved asphalt	No change
Traffic Trips		Agricultural	Increase of up to two round trips (one employee and one delivery)
Traffic Impact Study (TIS) Prepared	No	N/A	Minimal increase in trip generation
Road Improvements Required		N/A	No change

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

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Kamm Avenue is a County-maintained road and is classified as an Arterial road in the General Plan requiring an ultimate right-of-way of 106 feet, 53 feet each side of the

section line. Currently, there is a total of 60 feet of existing right-of-way 30 feet each side of the section line.

Any new improvement shall be setback from the ultimate road right-of-way for Kamm Avenue.

Any improvements constructed within the street right-of-way will require the Applicant obtain an encroachment permit from the Road Maintenance and Operations Division.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Typically, in an arterial classification, if not already present, on-site 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.

Typically, any proposed or existing driveway should be set back a minimum of 10 feet from the property line.

Typically, for unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative.

Typically, any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site, and shall not swing outward.

If not already present, a 10-foot by 10-foot corner cut-off should be improved for sight distance purposes at any proposed or existing driveway accessing Kamm Avenue.

The above comments provided by reviewing Agencies and Departments will be included as project notes unless stated otherwise. No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

Analysis Finding 2:

The subject parcel has public road frontage along Kamm Avenue. The project site is located approximately 2,635 feet north of Kamm Avenue. The project proposal anticipates one employee onsite to oversee and manage the project and one small to medium sized service truck traveling to the site once a day or less. In considering the amount of trips produced from the project once operational, it can be seen that the proposal would produce minimal trips and not have an adverse impact on Kamm Avenue. Reviewing Agencies and Departments did not express concern with the project to indicate an adverse impact on County right-of-way resulting from the project. Therefore, based on the above information, Kamm Avenue is adequate to accommodate the proposed use.

Recommended Conditions of Approval:

None

Conclusion Finding 2:

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	320 acres	Orchard	AE-20	N/A
	160 acres	Orchard		
South	434.45 acres	Field Crops	AE-20	Approximately 3,090 feet
	197.59 acres	Orchard		
East	23.67 acres	Dairy	AE-20	N/A
	77.58 acres	Orchard		
West	324.10 acres	Orchard	AE-20	N/A
	157.82 acres	Vineyard		

Reviewing Agency/Department Comments:

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

Within 30 days of the occurrence of any of the following events, the Applicant/Operators shall update their online Hazardous Materials Business Plan and site map:

- There is a 100% or more increase in the quantities of a previously disclosed material
- The facility begins handling a previously undisclosed material at or above the HMBP threshold amounts.

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.

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 waste.

If the anaerobic digester process requires accepting manure or other feedstock from other than their own property, the facility would be subject to the Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, and Article 6.0-6.35).

The land application rates of liquid from digester and solid waste from the digester shall be applied in accordance to the approval and water quality standards enforced by the Central Valley 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 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).

Regional Water Quality Control Board: The subject facility "Maddox Dairy" is currently regulated under the Central Valley Regional Water Quality Control Board adopted Waste Discharge Requirements (WDR) for Maddox Dairy LTD et.al, Order No. R5-2008-003.

Per the Provision E.3 of the WDR Order R5-2008-03, the Discharger (Owner/Operator) shall submit a complete Report of Waste Discharge in accordance with the CWC 13260 at least 140 days prior to any material change or proposed change in the character, location, or volume of the discharge including an expansion of the facility, addition of waste storage facilities or equipment, closure of the facility, or development of any new treatment technology. The operational statement provided indicates that a different digester treatment technology to be developed than the technology in the WDR Order R5-2008-003. Due to this change in treatment technology, the Discharger shall submit Report of Waste Discharge in accordance with Provision E.3 of the WDR Order R5-2008-003. This shall be included as a Mitigation Measure.

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

Project/Development including: Single-Family Residential (SFR) property of three or more lots, Multi-Family Residential (MFR) property, Commercial property, Industrial property, and/or Office property shall annex into the Community Facilities District No. 2010-01 of the FCFPD.

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.

The above comments provided by reviewing Agencies and Departments will be included as project notes unless stated otherwise. No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Analysis Finding 3:

The project proposes to process waste generated by the southerly adjacent dairy facility and produce biogas that will be delivered to an existing California Energy Exchange pipeline for eventual delivery to the public utility gas grid. Review of aerial images of the project site indicate that there are no sensitive receptors in close proximity of the project site. Residences located approximately 3,090 feet south of the proposed digester facility would not be adversely affected by the digester and biogas upgrading facility. The digester will also have a minor beneficial impact in that the waste produced by the dairy facility will be processed in an enclosed space reducing odor impacts when compared to existing methods utilized by the dairy. All equipment is expected to be in an enclosed structure and with no sensitive receptor in the vicinity, noise impacts are less than significant. Therefore, based on the analysis, the project is not expected to have an adverse effect on abutting property and the surrounding neighborhood.

Recommended Conditions of Approval:

None

Conclusion Finding 3:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.3: The County may allow by discretionary permit in areas designated Agriculture, special agricultural uses and agriculturally-related activities, including value-added processing facilities and certain non-agricultural uses. Approval of these and similar uses in areas designated Agriculture shall be subject to the following criteria:</p> <p>Criteria “a”: The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics.</p> <p>Criteria “b”: The use should not be sited on productive lands if less productive land is available in the vicinity.</p> <p>Criteria “c”: The operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one quarter (1/4) mile radius.</p> <p>Criteria “d”: A probable workforce should be located nearby or be readily available.</p> <p>Criteria “e”: For proposed agricultural commercial center uses the following additional criteria shall apply:</p> <p>Criteria “e.1”: Commercial uses should be clustered in centers instead of single uses.</p> <p>Criteria “e.2”: To minimize proliferation of commercial centers and overlapping of trade areas, commercial centers should be located a minimum of four (4) miles from any existing or approved agricultural or rural</p>	<p>Criteria “a”: The project proposes to intake waste produced from the adjacent dairy to digest and produce biogas. The use is proposed to be located in this area so that it can utilize the readily available waste produced by the dairy. If located in an urban area, this use would require delivery of the waste which is not efficient when compared to the proposal. Therefore, the project is consistent with Criteria “a”.</p> <p>Criteria “b”: Aerial images indicate that the subject parcel is utilized for agricultural production. However, the proposed project site is located on area not actively farmed and is considered a small portion compared to the 613.07-acre site. Therefore, the project is consistent with Criteria “b” as there is still a large portion of productive land in agricultural production if the project were to be built. The proposed pipeline will be located underground and will have minimal impact on the existing agricultural.</p> <p>Criteria “c”: Per the Applicant, the proposed use will utilize the existing onsite well. Most of the water usage will be for maintenance of the site. Reviewing Agencies and Departments did not provide concern that the project would have detrimental impacts on water resources.</p> <p>Criteria “d”: The project proposes to have one full-time employee to manage the site and equipment. The project site is located approximately 8 miles southeast of the City of San Joaquin. In considering the project employee needs and proximity to the City of San Joaquin, the project is consistent with Criteria “d”.</p>

Relevant Policies:	Consistency/Considerations:
<p>residential commercial center or designated commercial area of any city of unincorporated community.</p> <p>Criteria “e.3”: New commercial uses should be located within or adjacent to existing centers.</p> <p>Criteria “e.4”: Sites should be located on a major road serving the surrounding area.</p> <p>Criteria “e.5”: Commercial centers should not encompass more than one-quarter (1/4) mile of road frontage, or one-eighth (1/8) mile if both sides of the road are involved, and should not provide potential for developments exceeding ten (10) separate business activities, exclusive of caretakers’ residences.</p> <p>Criteria “f”: For proposed value-added agricultural processing facilities, the evaluation under criteria “a” shall consider the service requirements of the use and the capability and capacity of cities and unincorporated communities to provide the required services.</p> <p>Criteria “g”: For proposed churches and schools, the evaluation under criteria LU-A.3.a shall include consideration of the size of the facility. Such facilities should be no larger than needed to serve the surrounding agricultural community.</p> <p>Criteria “h”: When approving a discretionary permit for an existing commercial use, the criteria shall apply except for LU-A.3.b, e.2, e.4, and e.5.</p>	<p>Criteria “e”: The project does not propose an agricultural commercial center and therefore is not subject to Criteria “e”.</p> <p>Criteria “f”: The project proposal is not for a value-added agricultural processing facility and is not subject to Criteria “f”.</p> <p>Criteria “g”: The proposal is not for a church or school, therefore the project is not subject to Criteria “g”.</p> <p>Criteria “h”: The project is not requesting to permit an existing commercial use.</p>
<p>General Plan Policy LU-A.13: The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.</p>	<p>The proposed use is not agricultural but does utilize waste produced from an agricultural use (dairy) to produce renewable biogas. In considering the nature of the use and there is no required buffer. The use also would not proliferate additional non-agricultural uses which would require additional buffering.</p>
<p>General Plan Policy LU-A.14: The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land</p>	<p>The project was reviewed by the Policy Planning Section as certain parcels were under Williamson Act Contract. The subject digester and biogas upgrading facility was</p>

Relevant Policies:	Consistency/Considerations:
<p>and that mitigation be required where appropriate.</p>	<p>determined to be removed via the non-renewal process of the Williamson Act and the pipeline would not have an adverse effect on agricultural land. Therefore, impacts to agricultural land were considered less than significant.</p>
<p>General Plan Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following:</p> <p>Criteria “a”: A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made “firm” by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required.</p> <p>Criteria “b”: A determination of the impacts that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrogeologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated.</p> <p>Criteria “c”: A determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts, or</p>	<p>Agency and Departmental review of the subject application did not require the preparation of a water supply evaluation. The State Water Resources Control Board did not express concern with the project and the Water and Natural Resources Division believes that there is enough water supply to service the proposal.</p>

Relevant Policies:	Consistency/Considerations:
significant economic hardship, to surrounding water users.	
General Plan Policy HS-B.1: The County shall review project proposals to identify potential fire hazards and to evaluate the effectiveness of preventative measures to reduce the risk to life and property.	The Fresno County Fire Protection District indicated in the initial review that the project is subject to current Fire and Building Code. Further review of the project if approved would occur during the building permit review and issuance to properly evaluate applicable code standards to reduce fire risk.
General Plan Policy HS-F.1: The County shall require that facilities that handle hazardous materials or hazardous wastes be designed, constructed, and operated in accordance with applicable hazardous materials and waste management laws and regulations.	The subject application was reviewed by the Regional Water Quality Control Board and the Department of Public Health, Environmental Health Division. The project will be required to update current permits with the Regional Water Quality Control Board and Department of Public Health to reflect the proposed operation and ensure compliance with applicable codes and standards.
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.	The Department of Public Health, Environmental Health Division will require permitting and/or updating of current permits to reflect the proposed operation in relation to the existing dairy. Requirements include a Hazardous Materials Business Plan that will report any hazardous material handling and response in case of accidental spill.

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: Pursuant to Land Conservation Act (Williamson Act) Program Guidelines, the use of land enrolled in the Program is limited to commercial agricultural operations and other compatible uses adopted by the Board of Supervisors. The areas proposed for the anaerobic digester and biogas upgrading facility are not considered compatible uses on land enrolled in the Program. Therefore, the areas proposed for the anaerobic digester and biogas upgrading facility within the subject parcel must be removed from the Program through the Nonrenewal process.

Each landowner whose land will be used to connect the biogas pipeline from the subject parcel to the existing main gas line to the west of the subject parcel must submit a Statement of Intended Use.

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

Analysis Finding 4:

As identified by the Policy Planning Section, the subject parcel is enrolled in the Williamson Act Program and is required to receive confirmation that the project proposal is compliant with the provisions of the Williamson Act. The Applicant has completed the nonrenewal process for the proposed digester and biogas upgrading facility and received approval of the submitted

Statement of Intended Use for the pipeline. The project has satisfied the requirements of the Williamson Act program.

Review and analysis of relevant General Plan Policies as indicated above has determined that the project is consistent with the Fresno County General Plan.

Recommended Conditions of Approval:

None

Conclusion Finding 4:

Finding 4 can be made.

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

Analysis Finding 5:

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

Conclusion Finding 5:

Based on staff's analysis, the conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare. Finding 5 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 Application can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit Application No. 3679, subject to the recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study No. 7872; and

- Move to determine the required Findings can be made as described in the Staff Report and move to approve Unclassified Conditional Use Permit Application No. 3679, 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 Application No. 3679; 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.

TK:

G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3600-3699\3679\SR\CUP 3679 SR.docx

**Mitigation Monitoring and Reporting Program
Initial Study No. 7872
Unclassified Conditional Use Permit Application No. 3679
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.	Applicant	Applicant/Department of Public Works and Planning (PW&P)	Ongoing
2.	Cultural Resources/ Tribal Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures 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/PW&P	During ground-disturbing activities.
3.	Hydrology and Water Quality	The subject Maddox Dairy facility is currently regulated under the Central Valley Regional Water Quality Control Board adopted Waste Discharge (WDR) for Maddox Dairy LTD et.al, Order No. R5-2008-003. Per the Provision E.3 of the WDR Order R5 2008-003, the discharger (Dairy owner/Operator) shall submit a complete Report of Waste Discharge in accordance with the CWC 13260 at least 140 days prior to any material change or proposed change in the character, location, or volume of the discharge including an expansion of the facility, addition of waste storage facilities or equipment, closure of the facility, or development of any new treatment technology. The operational statement provided for the project indicates that a different digester treatment technology to be developed than the technology in the WDR Order R5-2008-003. Due to this change in treatment technology, the Discharger shall submit Report of Waste Discharge in accordance with Provision E.3 of the WDR Order R5-2008-003.	Applicant	Applicant/Central Valley Regional Water Quality Control Board/PW&P	Prior to ground-disturbing activities

Conditions of Approval	
1.	<p>Development of the property shall be in accordance with the Site Plans, Floor Plans, Elevations, and Operational Statement as approved by the Planning Commission.</p> <p>*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended Conditions for the project.</p>
Notes	
<p>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</p>	
1.	<p>The Site Plan Review Section of the Fresno County Department of Public Works and Planning provide the following comments:</p> <ul style="list-style-type: none"> • Parking stalls shall be constructed in compliance with the County and state standards. A minimum of 29 feet backup clearance and 18-foot by 9-foot stall size shall be provided for all parking stalls and clearly labeled in the site plan. • Internal access roads shall comply with required widths by the Fire District for emergency apparatus. • A dust palliative shall be required on all parking and circulation areas. • All proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO) and require submittal of Landscape and Irrigation plans per Governor’s Drought Executive Order of 2015. The Landscape and Irrigation plans shall be submitted to the Department of Public Works and Planning, Site Plan Review (SPR) unit for review and approval prior to the issuance of building permits. • All proposed signs require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. Off-site signs are expressly prohibited for commercial uses in the AE (Exclusive Agricultural) Zone District. • No building or structure erected in the AE-20 District shall exceed 35 feet in height per Section 816.5-D of the Fresno County Zoning Ordinance.
2.	<p>The Building and Safety Section of the Department of Public Works and Planning provide the following comments:</p> <ul style="list-style-type: none"> • If approved, permits and inspections are required for the construction of, or installation of, all related structures, electrical, mechanical, and plumbing facilities. • Permit applications will require detailed construction and site plans prepared by a properly licensed design professional.
3.	<p>The Development Engineering Section of the Fresno County Department of Public Works and Planning provide the comments:</p> <ul style="list-style-type: none"> • According to the U.S.G.S. Quad Map, intermittent streams may be present within the subject property. Typically, any proposed work within or near a stream requires clearance from State Department of Fish and Wildlife. • Typically, any additional storm water runoff generated by the proposed development of this site cannot be drained across property lines, or into County road right-of-way, and must be retained on-site per County standards. • Typically, if the proposed development does not increase the net impervious surface on-site and the existing drainage patterns are not changed, there will be no engineered grading and drainage plan required. However, according to the site plan, additional impervious surface appears to be created. Therefore, 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. • Any proposed wastewater storage pond shall be constructed in accordance with the Design Specifications, Drawings, and Construction Quality Assurance (CQA) Plan approved by the California Regional Water Quality Control Board. • A grading permit or voucher is required for any grading proposed with this application. • Typically, in an arterial classification, if not already present, on-site turnarounds are required for vehicles leaving the

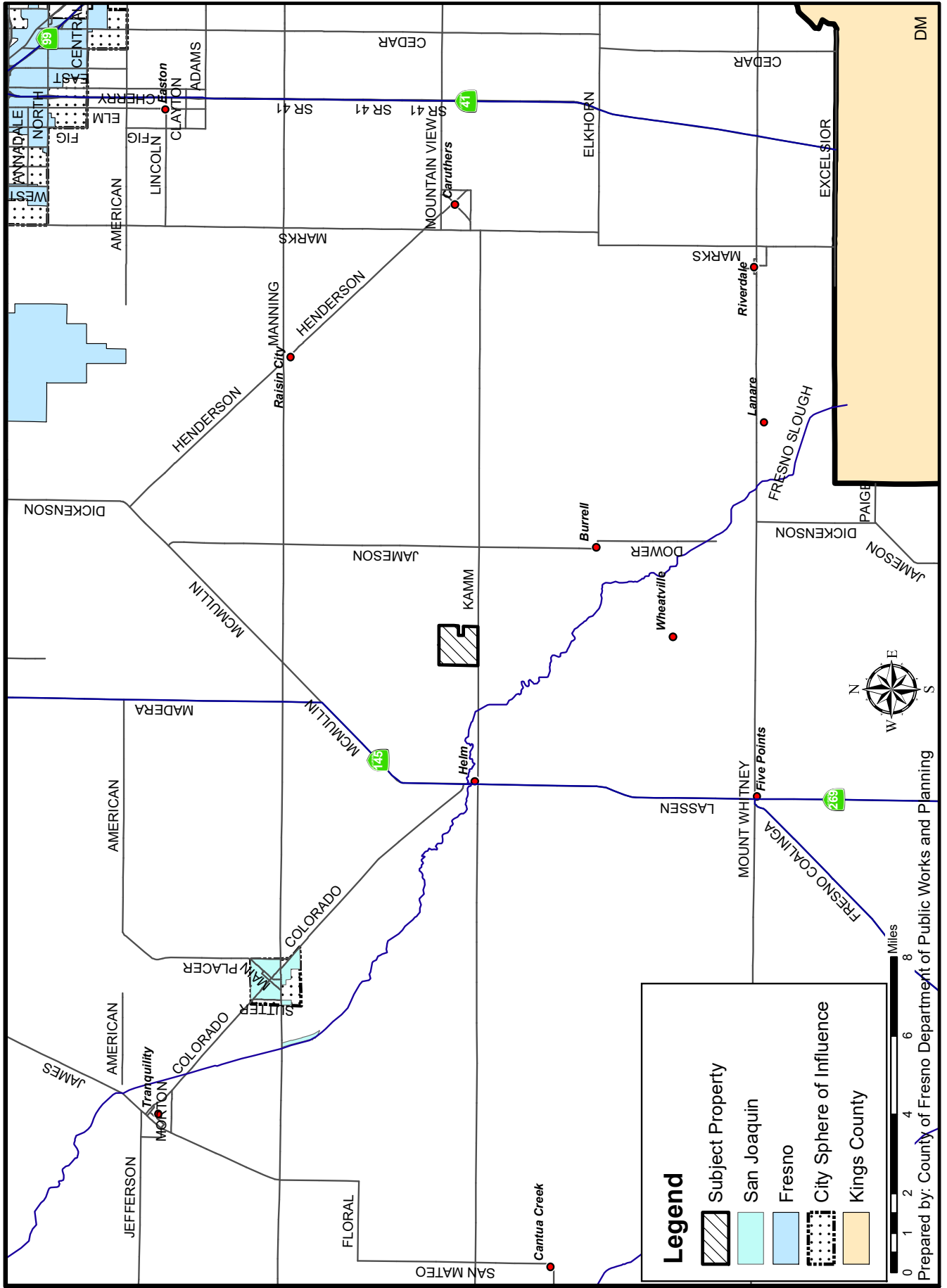
Notes	
	<p>site to enter the arterial road in a forward motion, so that vehicles do not back out onto the roadway. Direct access to an arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveway shall be utilized.</p> <ul style="list-style-type: none"> • Typically, any proposed or existing driveway should be set back a minimum of 10 feet from the property line. • Typically, for unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative. • Typically, any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site, and shall not swing outward. • If not already present, a 10-foot by 10-foot corner cut-off should be improved for sight distance purposes at any proposed or existing driveway accessing Kamm Avenue.
4.	<p>The Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning provide the following comments:</p> <ul style="list-style-type: none"> • Any new improvement shall be setback from the ultimate road right-of-way for Kamm Avenue. • Any improvements constructed within the street right-of-way will require the Applicant obtain an encroachment permit from the Road Maintenance and Operations Division.
5.	<p>The Department of Public Health, Environmental Health Division provide the following comments:</p> <ul style="list-style-type: none"> • The use shall comply with the Noise Element of the Fresno County General Plan and Fresno County Noise Ordinance. • Within 30 days of the occurrence of any of the following events, the Applicant/Operators shall update their online Hazardous Materials Business Plan and site map: <ul style="list-style-type: none"> o There is a 100% or more increase in the quantities of a previously disclosed material; o The facility begins handling a previously undisclosed material at or above the HMBP threshold amounts. <p>The business shall certify that a review of the business plan has been conducted at least once very year and that any necessary changes were made and that the changes were submitted to the local agency.</p> <ul style="list-style-type: none"> • 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 waste. • If the anaerobic digester process requires accepting manure or other feedstock from other than their own property, the facility would be subject to the Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, and Article 6.0-6.35). • The land application rates of liquid from digester and solid waste from the digester shall be applied in accordance to the approval and water quality standards enforced by the Central Valley 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 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 form the County of Fresno, Environmental Health Division acting as the Local Enforcement Agency (LEA).
6.	<p>The Fresno County Fire Protection District provide the following comments:</p> <ul style="list-style-type: none"> • The project shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving FCFPD conditions of approval for the project, the Applicant must submit construction plans to the County of Fresno Public Works and Planning for review. It is the Applicant's responsibility to deliver a minimum of three sets of plans to the FCFPD. • Project/Development including: Single-Family Residential (SFR) property of three or more lots, Multi-Family Residential (MFR) property, Commercial property, Industrial property, and/or Office property shall annex into the Community Facilities District No. 2010-01 of the FCFPD.

Notes	
	<ul style="list-style-type: none">• 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.

TK
G:\4360Devs&P\In\PROJSEC\PROJDOCS\CUP\3600-3699\3679\SR\CUP 3679 MMRP EXHIBIT 1.docx

LOCATION MAP

CUP 3679



Legend

- Subject Property
- San Joaquin
- Fresno
- City Sphere of Influence
- Kings County

Miles
0 1 2 4 6 8

Prepared by: County of Fresno Department of Public Works and Planning

LOCATION MAP

CUP 3679

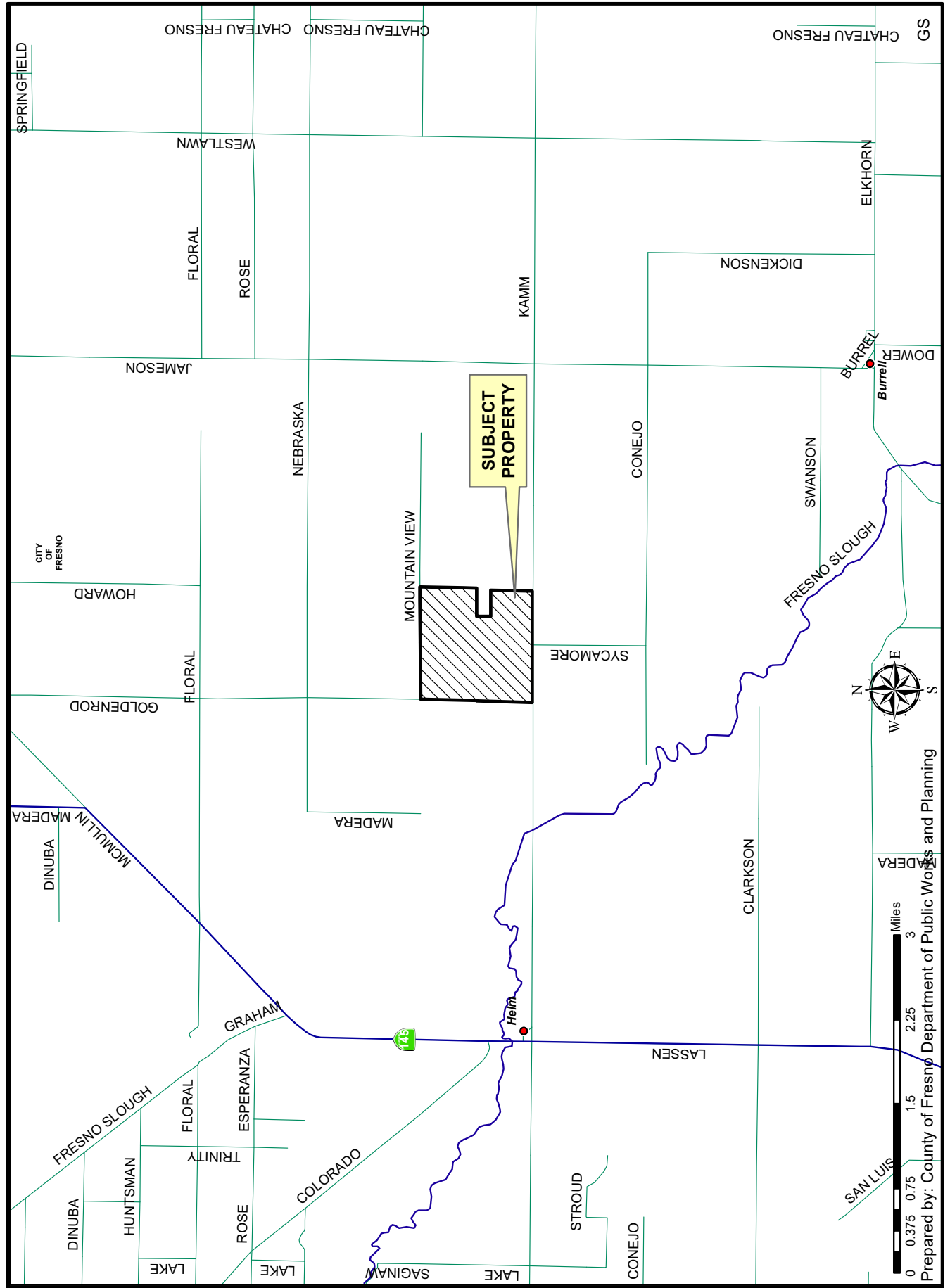
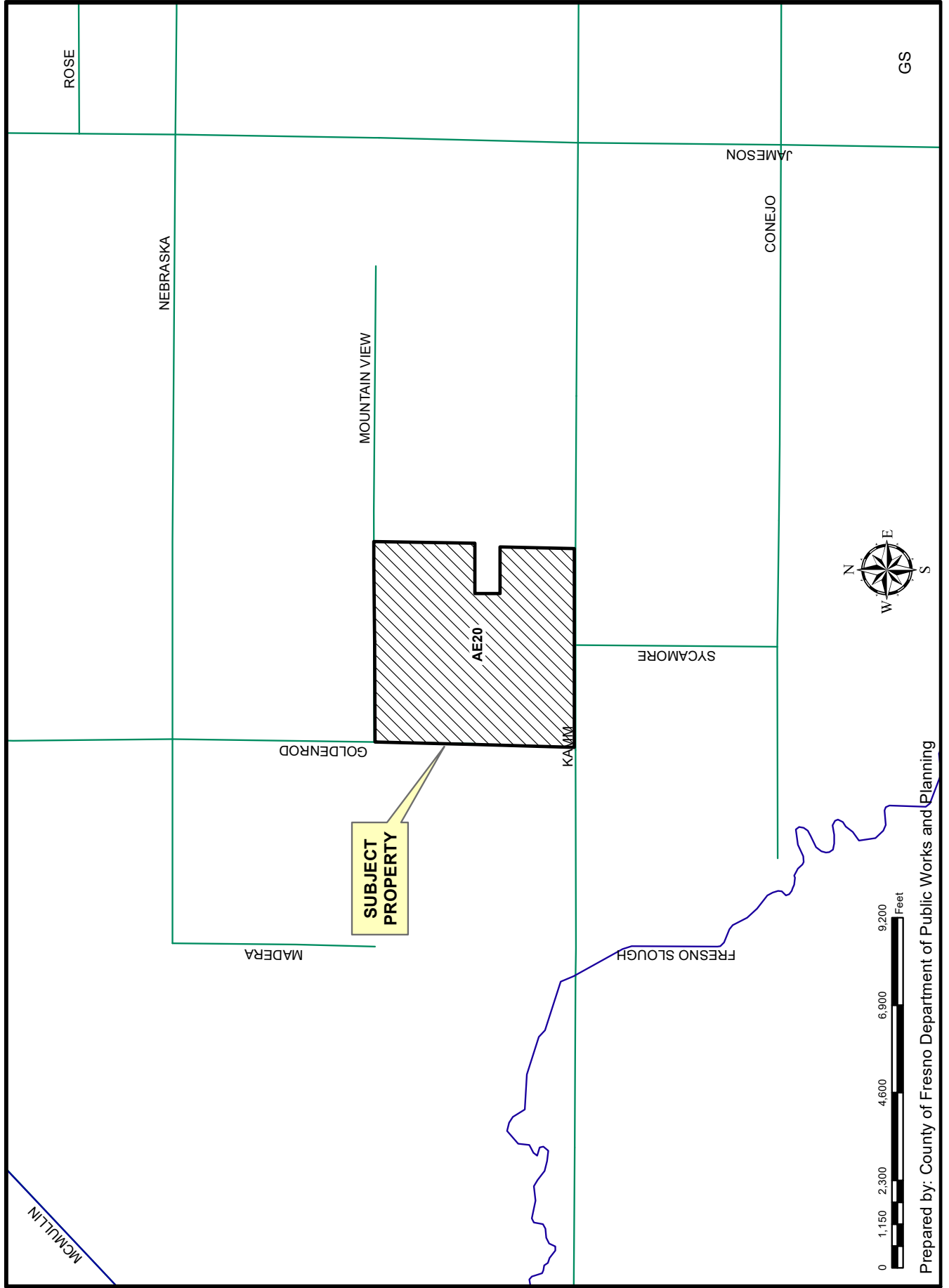


EXHIBIT 3

EXISTING ZONING MAP

CUP 3679
STR 17-16/18



MCMULLEN

0 1,150 2,300 4,600 6,900 9,200 Feet

Prepared by: County of Fresno Department of Public Works and Planning


EXISTING LAND USE MAP


CUP 3679

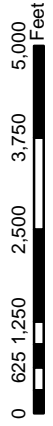


LEGEND	
DAIRY	
FC - FIELD CROP	
ORC - ORCHARD	
SF# - SINGLE FAMILY RESIDENCE	
V - VACANT	
VIN - VINEYARD	

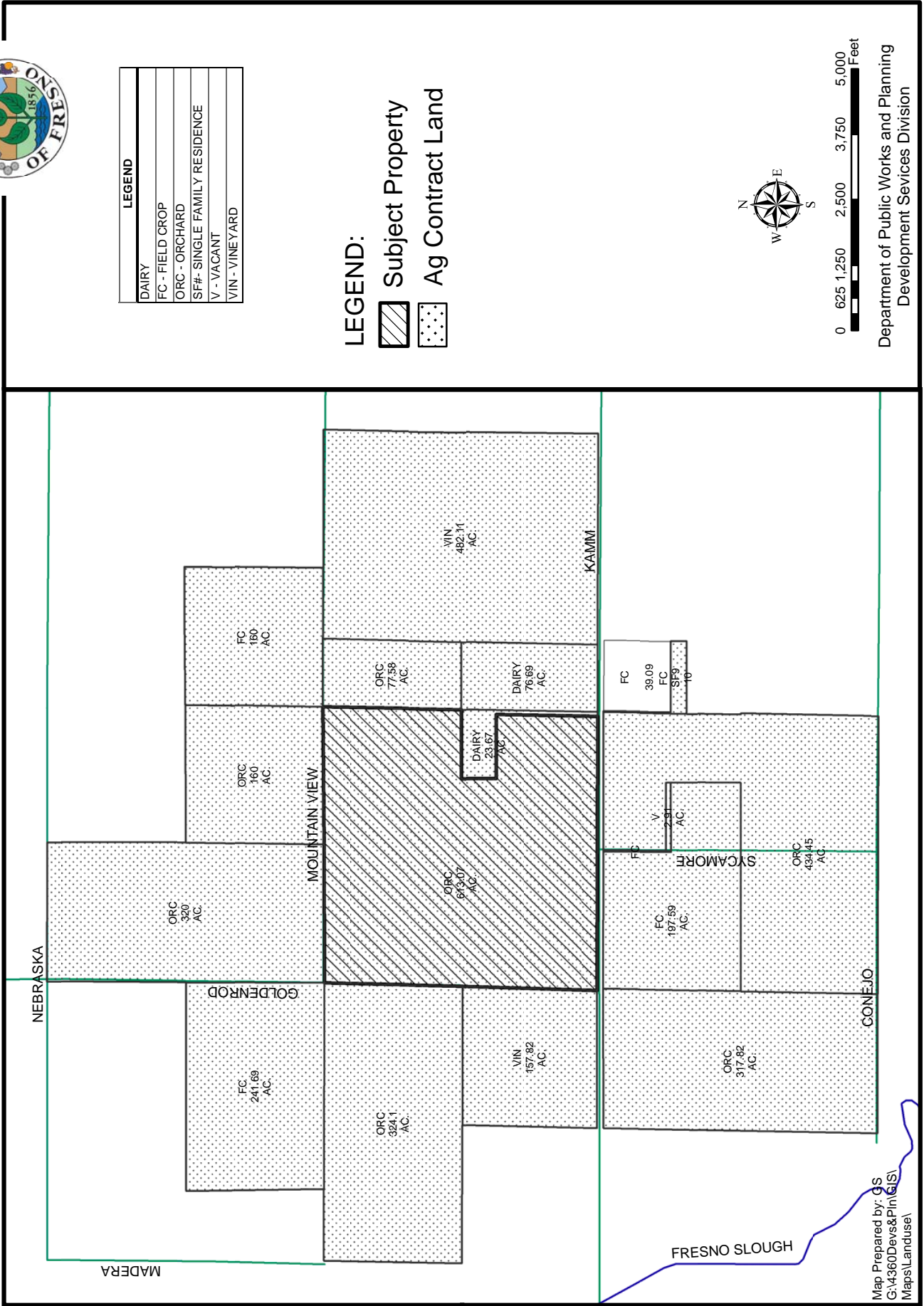
LEGEND:

 Subject Property

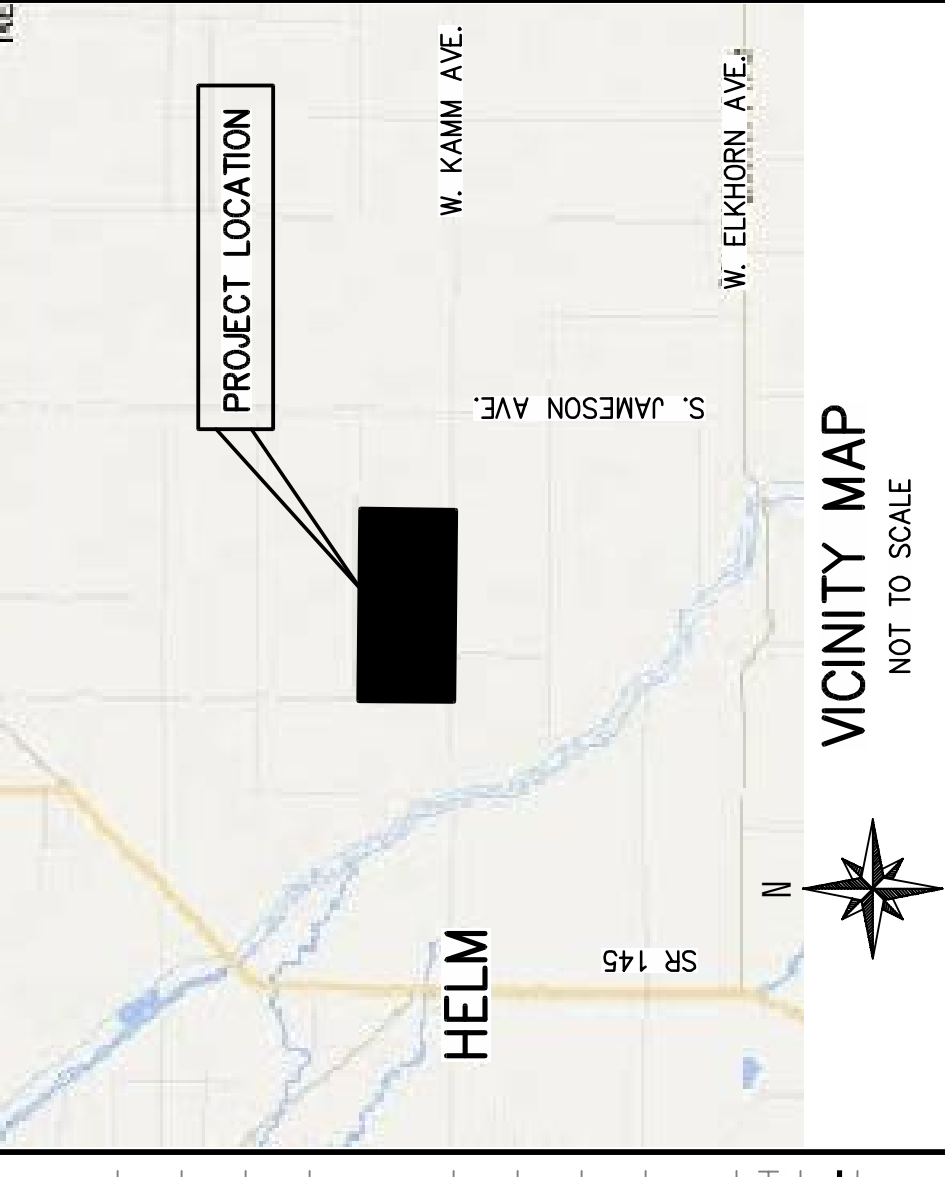
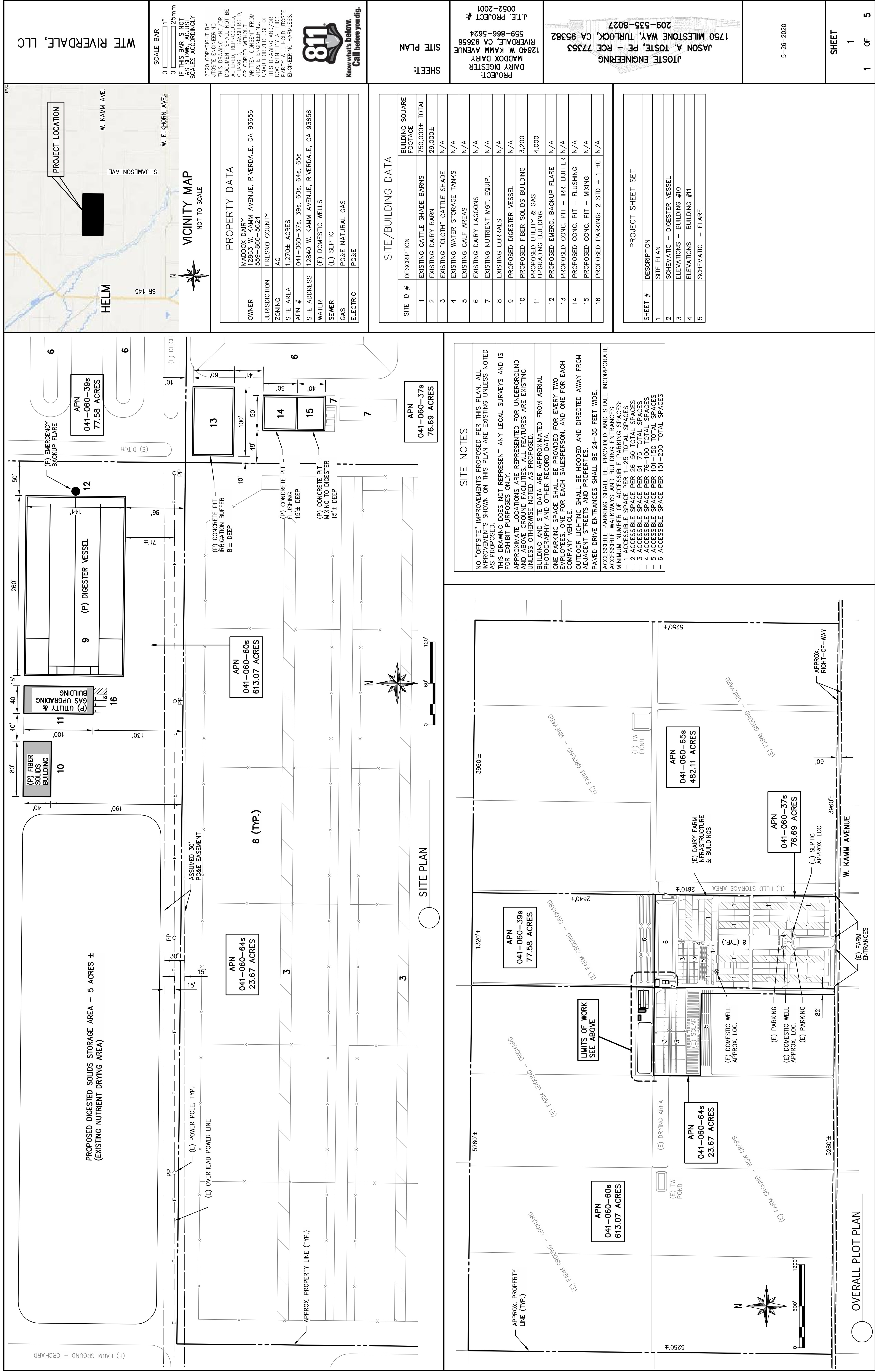
 Ag Contract Land



Department of Public Works and Planning
Development Services Division



Map Prepared by: GS
C:\4360Devs&Plan\GIS\Maps\Landuse\



PROPERTY DATA

OWNER	MADDOX DAIRY 12863 W. KAMM AVENUE, RIVERDALE, CA 93656 559-866-5624
JURISDICTION	FRESNO COUNTY
ZONING	AG
SITE AREA	1,270± ACRES
APN #	041-060-37s, 39s, 60s, 64s, 65s
SITE ADDRESS	12840 W. KAMM AVENUE, RIVERDALE, CA 93656
WATER	(E) DOMESTIC WELLS
SEWER	(E) SEPTIC
GAS	PG&E NATURAL GAS
ELECTRIC	PG&E

SITE/BUILDING DATA

SITE ID #	DESCRIPTION	BUILDING SQUARE FOOTAGE
1	EXISTING CATTLE SHADE BARN	750,000± TOTAL
2	EXISTING DAIRY BARN	29,000±
3	EXISTING "CLOTH" CATTLE SHADE	N/A
4	EXISTING WATER STORAGE TANKS	N/A
5	EXISTING CALF AREAS	N/A
6	EXISTING DAIRY LAGOONS	N/A
7	EXISTING NUTRIENT MGT. EQUIP.	N/A
8	EXISTING CORRALS	N/A
9	PROPOSED DIGESTER VESSEL	N/A
10	PROPOSED FIBER SOLIDS BUILDING	3,200
11	PROPOSED UTILITY & GAS UPGRADING BUILDING	4,000
12	PROPOSED EMERG. BACKUP FLARE	N/A
13	PROPOSED CONC. PIT - IRR. BUFFER	N/A
14	PROPOSED CONC. PIT - FLUSHING	N/A
15	PROPOSED CONC. PIT - MIXING	N/A
16	PROPOSED PARKING: 2 STD + 1 HC	N/A

PROJECT SHEET SET

SHEET #	DESCRIPTION
1	SITE PLAN
2	SCHEMATIC - DIGESTER VESSEL
3	ELEVATIONS - BUILDING #10
4	ELEVATIONS - BUILDING #11
5	SCHEMATIC - FLARE

SCALE BAR
0 1" = 25mm
IF THIS BAR IS NOT SHOWN, ALL DIMENSIONS SHALL BE IN FEET UNLESS OTHERWISE NOTED.
2020 COPYRIGHT BY J.T. RIVERDALE, LLC
THIS DRAWING AND/OR ANY PART THEREOF, NOT BE LOANED, REPRODUCED, COPIED, TRANSMITTED, CHANGED, TRANSFERRED, OR COPIED WITHOUT WRITTEN CONSENT FROM J.T. RIVERDALE, LLC. THIS DRAWING AND/OR ANY PART THEREOF, IS THE PROPERTY OF J.T. RIVERDALE, LLC. ANY REPRODUCTION OR USE OF THIS DOCUMENT BY A THIRD PARTY WILL HOLD J.T. RIVERDALE, LLC HARMLESS.

811
Know what's below.
Call before you dig.

SITE PLAN
SHEET:

PROJECT:
DAIRY DIGESTER
MADDOX DAIRY
12840 W. KAMM AVENUE
RIVERDALE, CA 93656
559-866-5624
J.T.E. PROJECT #
0052-2001

JTOSTE ENGINEERING
JASON A. TOSTE, PE - RCE 77353
1750 MILESTONE WAY, TURLOCK, CA 95382
209-535-8027

5-26-2020

SHEET
1 OF 5

SITE NOTES

NO "OFFSITE" IMPROVEMENTS PROPOSED PER THIS PLAN. ALL IMPROVEMENTS SHOWN ON THIS PLAN ARE EXISTING UNLESS NOTED AS PROPOSED.

THIS DRAWING DOES NOT REPRESENT ANY LEGAL SURVEYS AND IS FOR EXHIBIT PURPOSES ONLY.

APPROXIMATE LOCATIONS ARE REPRESENTED FOR UNDERGROUND AND ABOVE GROUND FACILITIES. ALL FEATURES ARE EXISTING UNLESS OTHERWISE NOTED AS PROPOSED.

BUILDING AND SITE DATA ARE APPROXIMATED FROM AERIAL PHOTOGRAPHY AND OTHER RECORD DATA.

ONE PARKING SPACE SHALL BE PROVIDED FOR EVERY TWO EMPLOYEES, ONE FOR EACH SALESPERSON, AND ONE FOR EACH COMPANY VEHICLE.

OUTDOOR LIGHTING SHALL BE HOODED AND DIRECTED AWAY FROM ADJACENT STREETS AND PROPERTIES.

PAVED DRIVE ENTRANCES SHALL BE 24'-35' FEET WIDE.

ACCESSIBLE PARKING SHALL BE PROVIDED AND SHALL INCORPORATE ACCESSIBLE WALKWAYS AND BUILDING ENTRANCES.

MINIMUM NUMBER OF ACCESSIBLE PARKING SPACES:
 - 1 ACCESSIBLE SPACE PER 1-25 TOTAL SPACES
 - 2 ACCESSIBLE SPACE PER 26-50 TOTAL SPACES
 - 3 ACCESSIBLE SPACE PER 51-75 TOTAL SPACES
 - 4 ACCESSIBLE SPACE PER 76-100 TOTAL SPACES
 - 5 ACCESSIBLE SPACE PER 101-150 TOTAL SPACES
 - 6 ACCESSIBLE SPACE PER 151-200 TOTAL SPACES

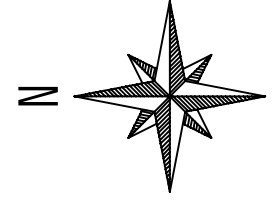
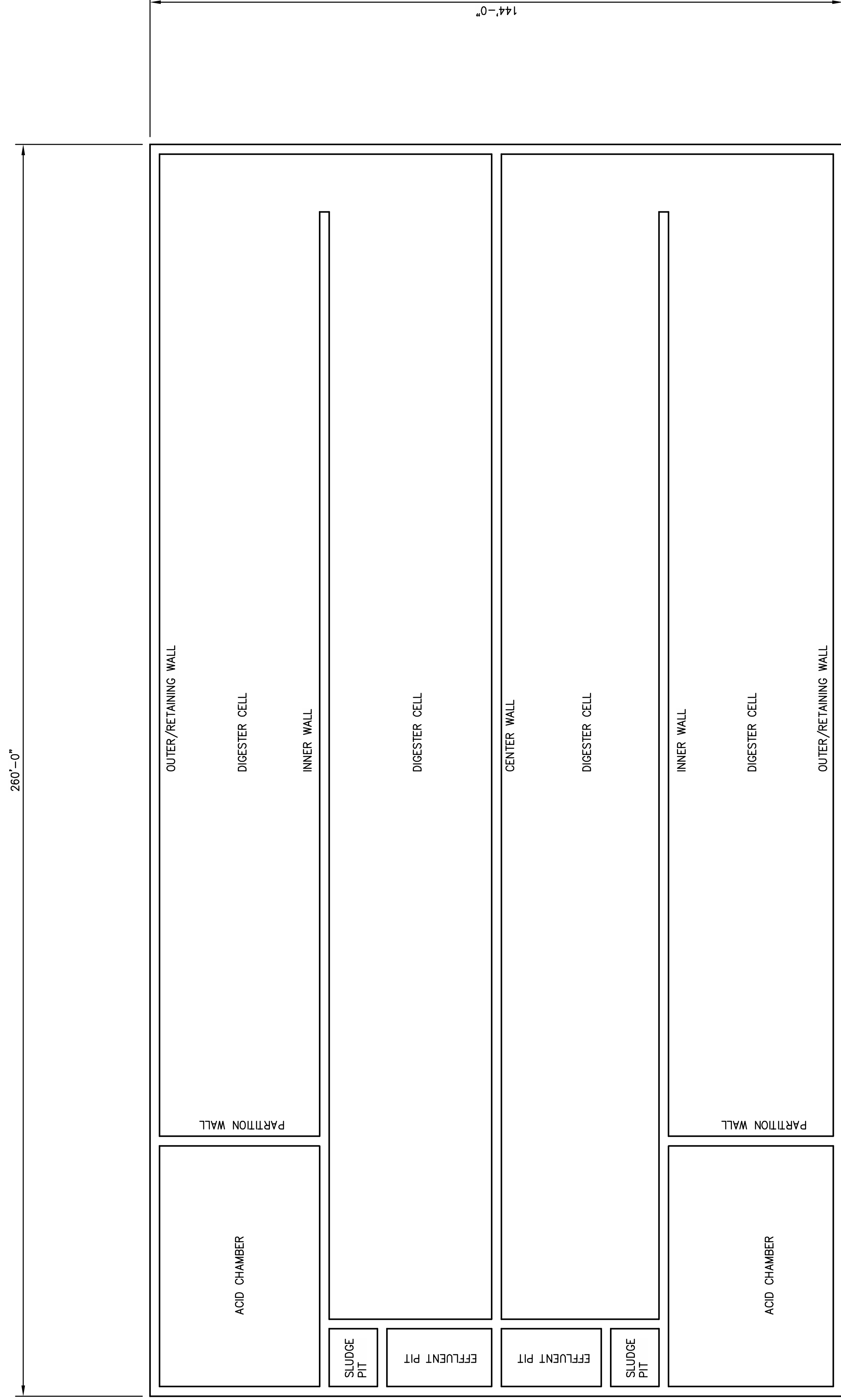
PROPOSED DIGESTED SOLIDS STORAGE AREA - 5 ACRES ±
(EXISTING NUTRIENT DRYING AREA)

SITE PLAN

OVERALL PLOT PLAN

NOTES

1. DIGESTER VESSEL IS A MOSTLY-UNDERGROUND CONCRETE STRUCTURE FOR BIOMASS. IT IS NOT AN "OCCUPIED" BUILDING BY ANY MEANS.
2. ENTIRE VESSEL IS COVERED BY A PRE-CAST CONCRETE LID.



FLOOR PLAN SCHEMATIC - DIGESTER VESSEL
Scale: 1/16" = 1'-0"

WTE RIVERDALE, LLC

SCALE BAR
0 1" 25mm

2020, COPYRIGHT BY JOSTE ENGINEERING. THIS DRAWING AND/OR DOCUMENT SHALL NOT BE ALTERED, REPRODUCED, CHANGED, TRANSFERRED, COPIED, OR REPRODUCED WITHOUT WRITTEN CONSENT FROM JOSTE ENGINEERING. UNAUTHORIZED USE OF THIS DRAWING AND/OR DOCUMENT BY ANY PARTY WILL HOLD JOSTE ENGINEERING HARMLESS.



Know what's below. Call before you dig.

SHEET: DIGESTER SCHEMATIC

PROJECT: DAIRY DIGESTER MADDOX DAIRY 12840 W. KAMM AVENUE RIVERDALE, CA 93656 559-866-5624

JOSTE ENGINEERING
209-535-8027
1750 MILESTONE WAY, TURLOCK, CA 95382

5-26-2020

SHEET 2 OF 5

SCALE BAR
0 1" 25mm

2009 COPYRIGHT BY
JOSTE ENGINEERING
THIS DRAWING AND/OR
DOCUMENT SHALL NOT BE
ALTERED, REPRODUCED,
CHANGED, TRANSFERRED,
OR REPRODUCED IN ANY
MANNER WITHOUT THE
WRITTEN CONSENT FROM
JOSTE ENGINEERING.
UNAUTHORIZED USE OF
THIS DRAWING AND/OR
DOCUMENT BY ANY THIRD
PARTY WILL HOLD JOSTE
ENGINEERING HARMLESS.



Know what's below.
Call before you dig.

SHEET:
BUILDINGS
ELEVATIONS
10

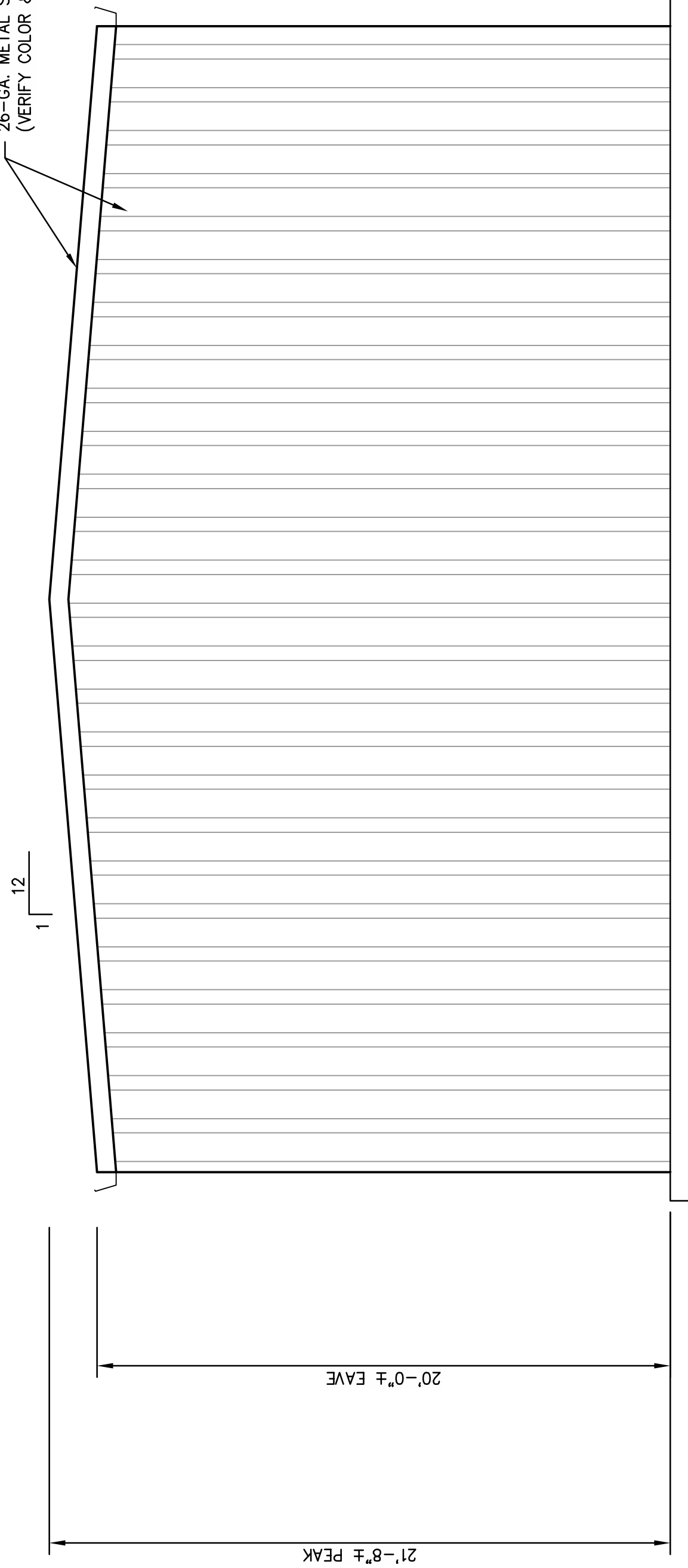
PROJECT:
DAIRY DIGESTER
MADDOX DAIRY
12840 W KAMM AVENUE
RIVERDALE, CA 93656
559-866-5624

JOSTE ENGINEERING
JASON A. TOSTE, PE - RCE 77353
1750 MILESTONE WAY, TURLOCK, CA 95382
209-535-8027

5-26-2020

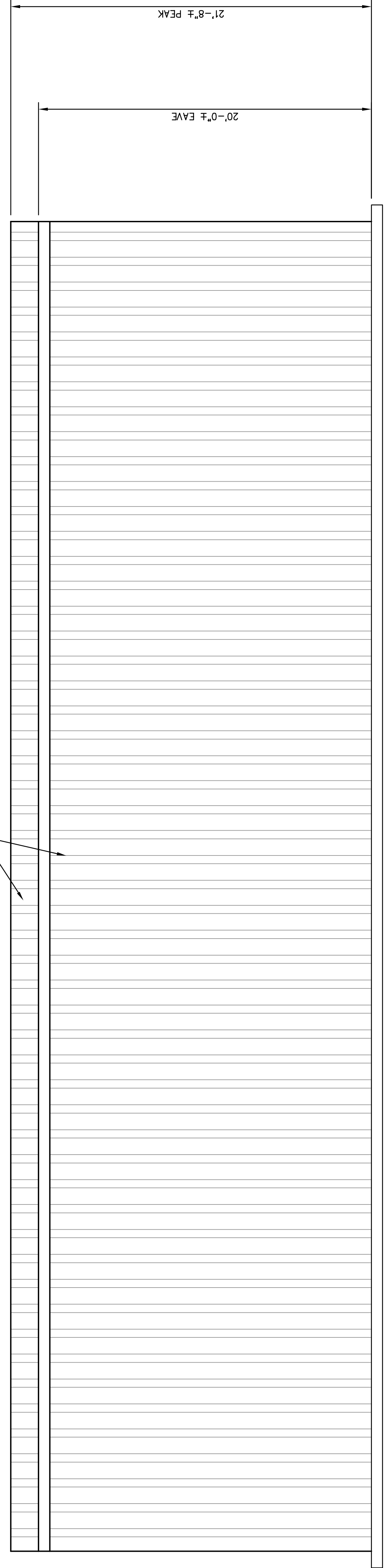
SHEET
3 OF 5

26-GA. METAL SHEETING & ROOFING
(VERIFY COLOR & STYLE W/ OWNER)



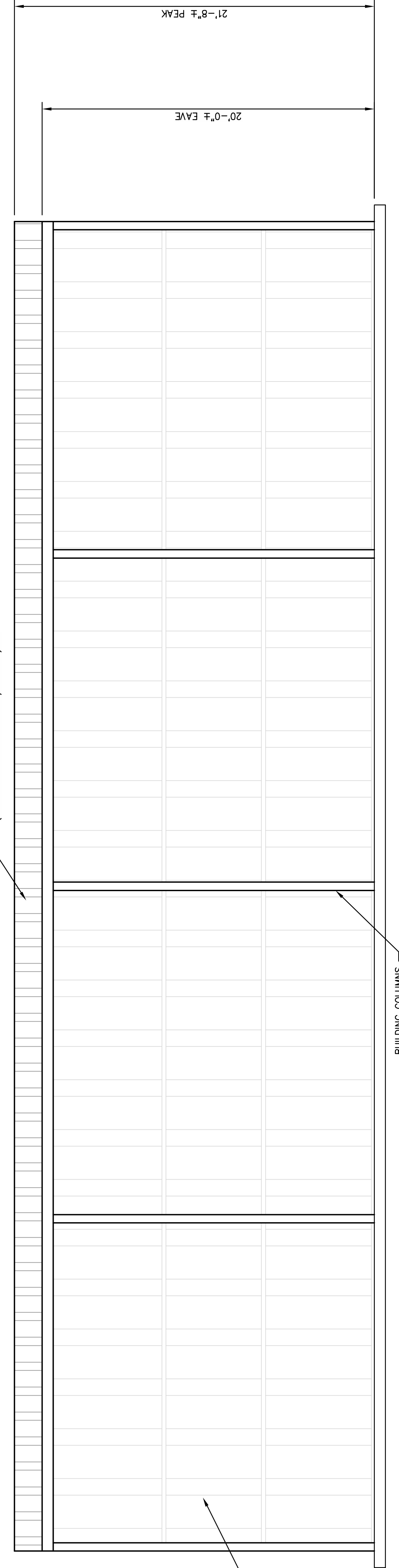
WEST / EAST ELEVATION
Scale: 1/4" = 1'-0"

26-GA. METAL SHEETING & ROOFING
(VERIFY COLOR & STYLE W/ OWNER)

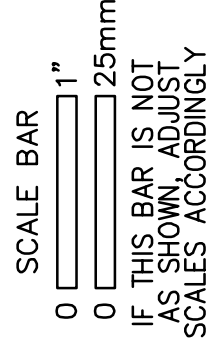


NORTH ELEVATION
Scale: 1/4" = 1'-0"

26-GA. METAL ROOFING
(VERIFY COLOR & STYLE W/ OWNER)



SOUTH ELEVATION
Scale: 1/4" = 1'-0"



2025 COPYRIGHT BY JOSTE ENGINEERING. THIS DRAWING AND/OR DOCUMENT SHALL NOT BE ALTERED, REPRODUCED, CHANGED, TRANSFERRED, COPIED, OR REPRODUCED WITHOUT WRITTEN CONSENT FROM JOSTE ENGINEERING. UNAUTHORIZED USE OF THIS DRAWING AND/OR DOCUMENT BY ANY OTHER PARTY WILL HOLD JOSTE ENGINEERING HARMLESS.



SHEET: BUILDINGS ELEVATIONS 11

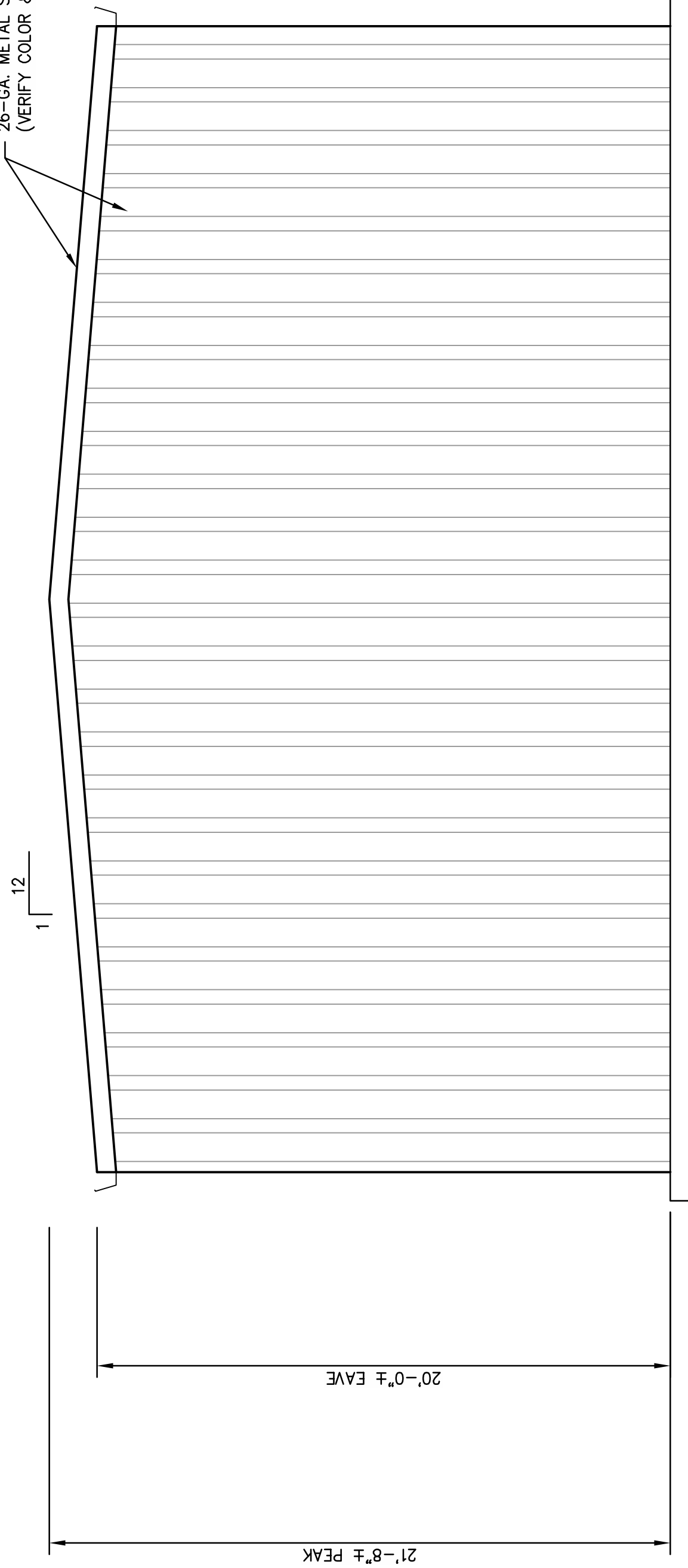
PROJECT: DAIRY DIGESTER MADDOX DAIRY 12840 W KAMM AVENUE RIVERDALE, CA 93656 559-866-5624

JOSTE ENGINEERING JASON A. TOSTE, PE - RCE 77353 1750 MILESTONE WAY, TURLOCK, CA 95382 209-535-8027

5-26-2020

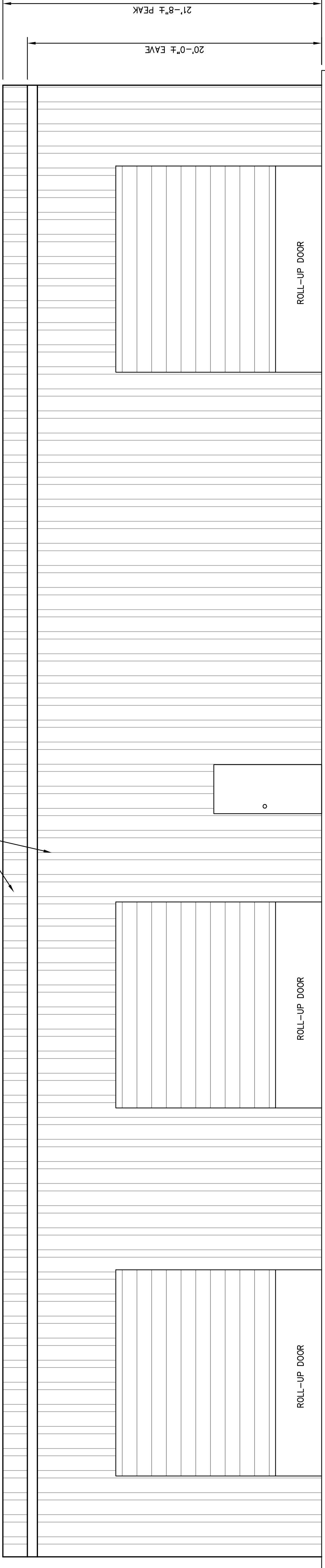
SHEET 4 OF 5

26-GA METAL SHEETING & ROOFING (VERIFY COLOR & STYLE W/ OWNER)



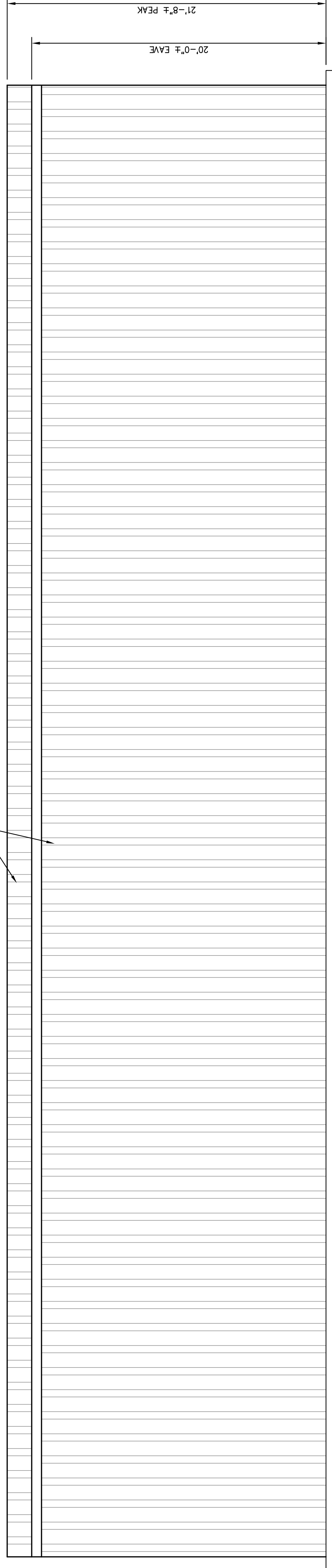
NORTH / SOUTH ELEVATION Scale: 1/4" = 1'-0"

26-GA METAL SHEETING & ROOFING (VERIFY COLOR & STYLE W/ OWNER)

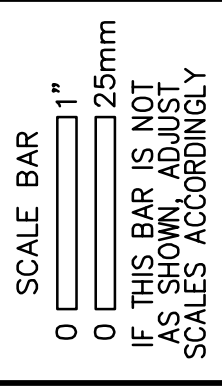


WEST ELEVATION Scale: 1/4" = 1'-0"

26-GA METAL SHEETING & ROOFING (VERIFY COLOR & STYLE W/ OWNER)



EAST ELEVATION Scale: 1/4" = 1'-0"



2009 COPYRIGHT BY JOSTE ENGINEERING. THIS DRAWING AND/OR DOCUMENT SHALL NOT BE ALTERED, REPRODUCED, CHANGED, TRANSFERRED, COPIED, OR REPRODUCED WITHOUT WRITTEN CONSENT FROM JOSTE ENGINEERING. UNAUTHORIZED USE OF THIS DRAWING AND/OR DOCUMENT BY ANY OTHER PARTY WILL HOLD JOSTE ENGINEERING HARMLESS.



SHEET: 5 OF 5

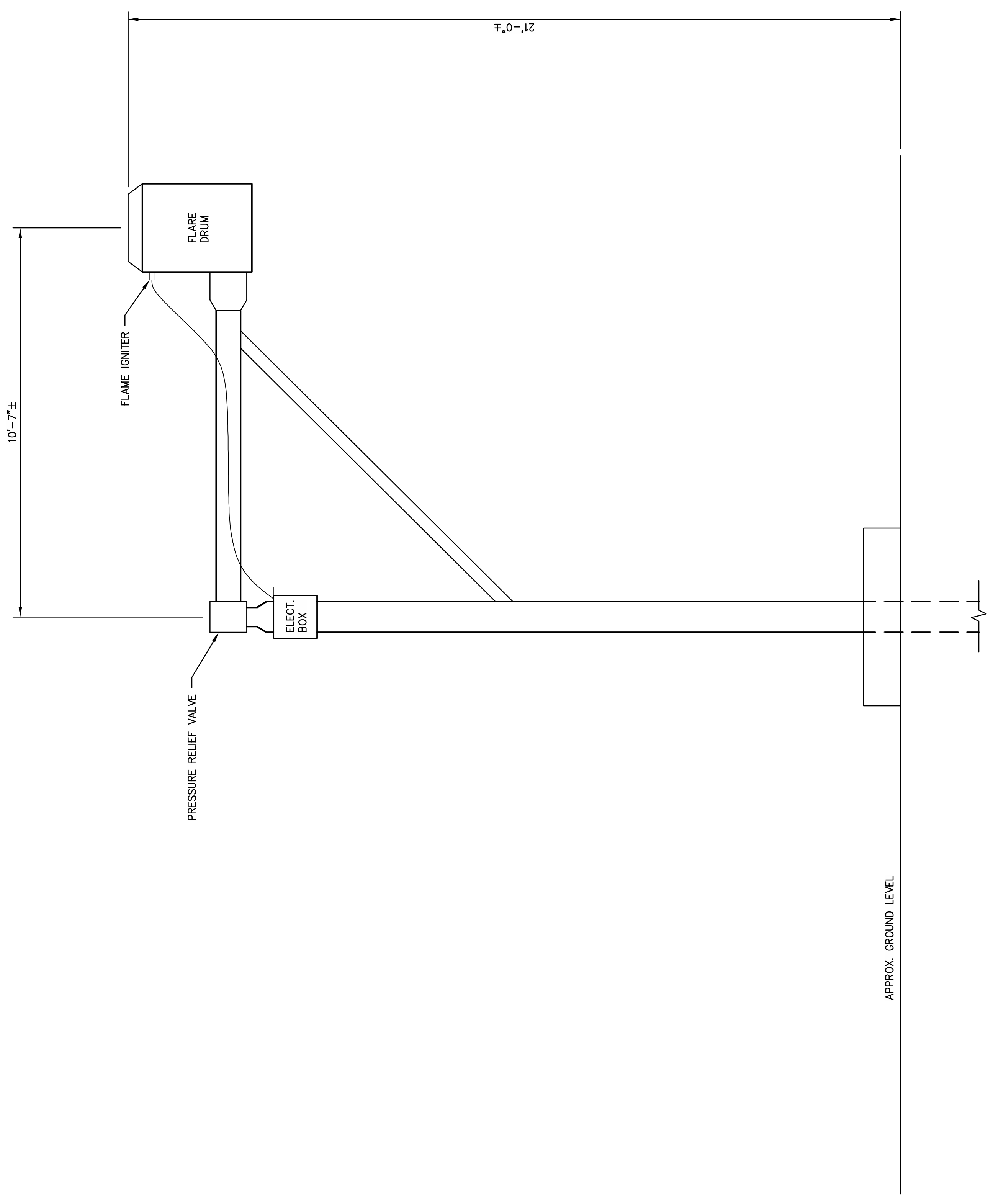
FLARE SCHEMATIC

PROJECT: DAIRY DIGESTER
12840 W KAMM AVENUE
RIVERDALE, CA 93656
559-866-5624

JOSTE ENGINEERING
JASON A. TOSTE, PE - RCE 77353
1750 MILESTONE WAY, TURLOCK, CA 95382
209-535-8027

5-26-2020

SHEET 5 OF 5



FLARE SCHEMATIC
Scale: N.T.S.

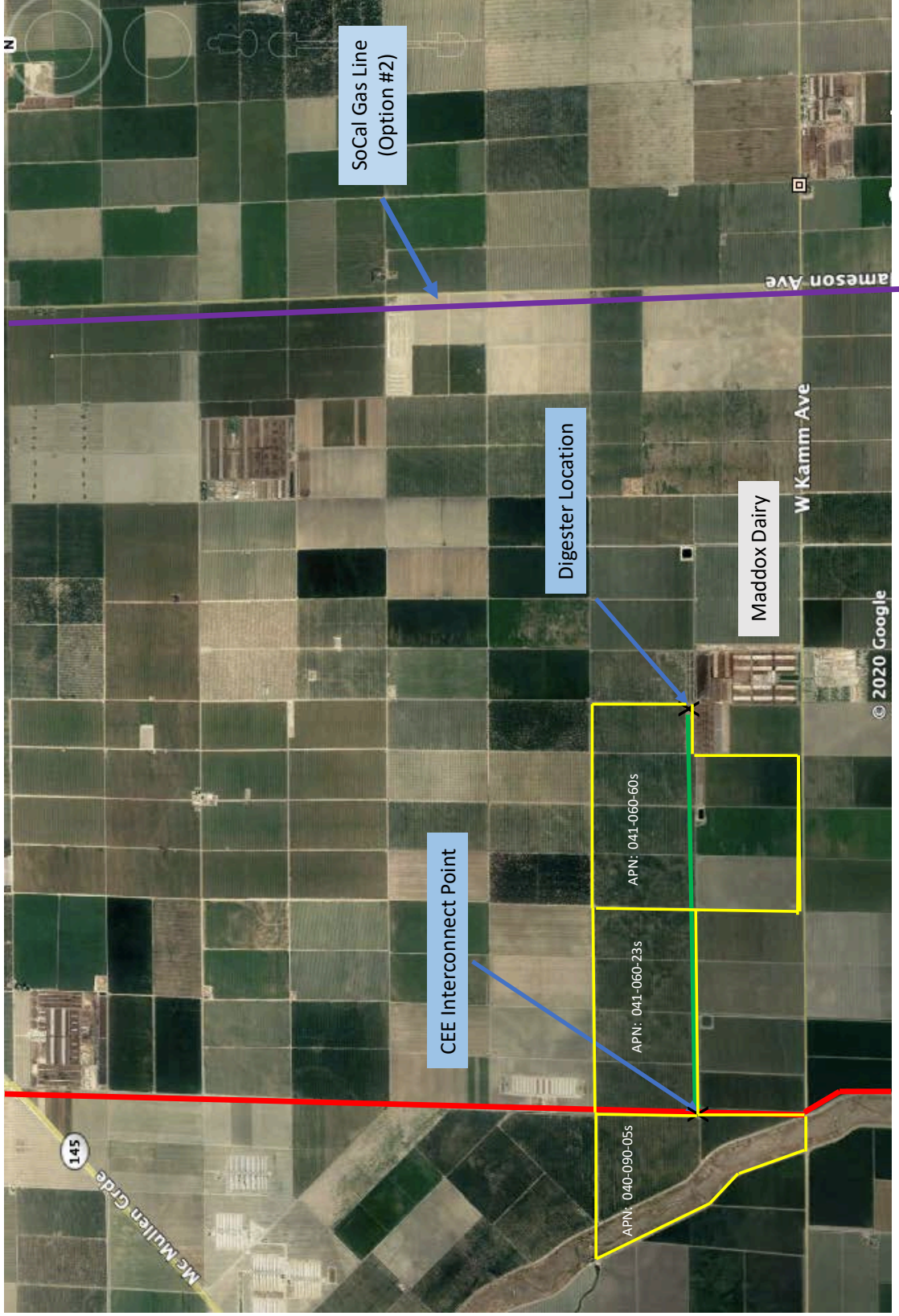
**Maddox Dairy
Renewable Gas Project
Primary to CEE**
CUP # 3679

High Level Site Plan for interconnection to gas grid

Pipeline ROW is entirely on Maddox-owned land.
Parcel lines are yellow

Green Line – new proposed RNG pipeline from Digester to Interconnect point

Red Line – California Energy Exchange (“CEE”) existing natural gas pipeline



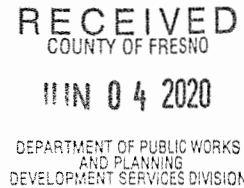
June 8, 2020

Operational Statement Checklist

Project: WTE Riverdale Anaerobic Digester at Maddox Dairy

Pre-Application Review Number: 19-109637

Date: June 3, 2020



1: Nature of Operation:

The Project consists of an anaerobic digester/biomethane facility (the “System”) on a dairy site to produce pipeline quality and compliant biomethane gas for delivery to a California Energy Exchange (“CEE”) point of pipeline interconnection located on dairy property to the west of the proposed System. Produced biomethane will ultimately be delivered by CEE into the PG&E statewide gas grid for delivery to end users where the expected uses include Renewable Natural Gas (“RNG”) for vehicle fuel among others. For additional detail, please refer to the Project Description attached to the Initial Study Application.

2. Operational Time Limits:

The project will operate continuously with the only foreseeable planned interruptions for maintenance events.

3. Number of Customers or Visitors:

No customers will visit the project. Periodic and coordinated tours may take place from time to time for local community groups who are interested to learn about the project.

4. Number of Employees:

Current: None

Future: One full time equivalent employee will be on site to oversee and manage the project.

Hours: Typically, 8am to 5pm Mondays through Fridays

Live onsite or caretaker? No

5. Service and Delivery Vehicles:

Number: 1

Type: Small to medium sized service truck

Frequency: once daily or less

6. Access to the site:

Access into the site is off of West Kamm Avenue – a paved road. Within the dairy, access will be on existing dirt roads.

7. Number of Parking Spaces:

Four in total, with one being an additional handicap parking space. Parking area will be gravel.

8. Are any Goods to Be Sold Onsite?

No

9. What equipment is used:

- Digester will be an engineered in-ground concrete vessel with a concrete top, insulated and air-tight.
- A biogas upgrading and conditioning unit will be placed in a part of the utility building depicted on the site plan.
- Pumps, motors and compressors will be part of the system and are listed in the attached Project Description.

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

- Spare parts and motors for key parts of the equipment will be kept in the utility building
- Iron oxide media (non-hazardous) will be stored in or directly adjacent to the utility building along with activated charcoal

11. Does the use cause an unsightly appearance?

Noise: Compressors, blowers and coolers will emit noise up to 90dB three feet from the equipment. Noise should be inaudible at the property line.

Glare: None anticipated

Dust: None anticipated

Odor: The anaerobic digester will result in a reduction in manure-related odors.

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

Liquids:

- Approximately 175,000 gallons/day of digestate and 400 gallons/day of condensate are anticipated to be produced. These liquids are not a waste, but a product – nutrient rich and will be used for irrigation and as a soil amendment on dairy-owned farmlands and in compliance with the dairy's nutrient management plan.
- Onsite toilet and restroom facilities will utilize onsite septic.

Solids:

- Digested solids are a product will be re-used as cow bedding in normal dairy operations.
- Sand and grit will be placed onto dairy-owned farmland.
- Iron oxide media and activated carbon are non-hazardous and will be recycled or disposed of in accordance with applicable laws and regulations, and a certified site safety and health plan. Approximately one cubic yard a week is anticipated to be produced. Any storage of these wastes will occur outdoors next to the utility building.

13. Estimated volume of water to be used in gallons per day?

Minimal. Water to be used for maintenance of site only. Source of water will be onsite well.

14. Describe proposed advertising:
 - None anticipated.
15. Will existing buildings be used or will new buildings be constructed?
 - See site plan attached
16. Explain which buildings or what portion of the buildings will be used in the operation:
 - See site plan attached
 - Building 10 will house digester-related equipment and the biogas upgrading system.
 - Building 11 will be a three-sided structure designed to receive, process and store digested fibers solids that will be used as animal bedding.
17. Outdoor lighting or sound amplification:
 - Outdoor lighting will used to illuminate key areas related to facility operations. Lights will be directed downward and designed not to produce a nuisance.
 - No outdoor sound amplification will be used.
18. Landscaping or fencing?
 - None anticipated at this time
19. Other
 - None
20. Owners of Applicant:
 - WTE Riverdale, LLC is wholly-owned by Stephen and Melanie Dvorak, a married couple.

WTE Riverdale Biomethane Facility at the Maddox Dairy Project Description

The Project consists of an anaerobic digester/biomethane facility (the “System”) on a dairy site to produce pipeline quality and compliant biomethane gas for delivery to a California Energy Exchange (“CEE”) point of pipeline interconnection located on dairy property to the west of the proposed System. Produced biomethane will ultimately be delivered by CEE into the PG&E statewide gas grid for delivery to end users where the expected uses include Renewable Natural Gas (“RNG”) for vehicle fuel among others. The existing site conditions and proposed project improvements are addressed in the two project elements below:

Element 1.

Digester Facility: Consists of a 37,440 square-foot DVO designed anaerobic dairy manure digester, an approximate 4,000 square-foot mechanical building to house the digester control system, boilers, pumps, blowers, etc. and a 4,000 square foot fiber solids processing structure. The digester system will utilize an approximate 4-acre portion of parcels listed in the table below and depicted on site plan drawings attached by separate file.

The digester vessel is a U-shaped concrete mixed plug-flow system with a 22-day retention time designed to process approximately 175,000 gallons per day of manure. The plug-flow design means that circulation is facilitated by dairy manure being continuously added to the digester with an equal amount leaving the digester. Hydronic boilers supply heat to elements in the digester to allow the bacteria to generate biogas in a temperature-controlled mesophilic process. Recirculation of a portion of the biogas is used for mixing to help maintain digestate consistency in the digester vessel.

Existing Manure System: In the currently configured manure management system at the dairy, flushed cow manure feedstock (appx 2% solids) first goes to an existing reception pit with a sand lane where non-digestible sediments such as sand and rocks are removed. The manure stream then is directed through existing roller drums with solids deposited onto a concrete pad for periodic removal and placement into a solids drying area within dairy property. Liquids are directed to the existing storage lagoon.

Proposed New Digester System: Depicted in Figure 1.1, the digester system will utilize the existing reception pit/sand lane and roller drums with the solids and a portion of liquids directed to a new manure thickening system. The optimized slurry of 6-10% total solids is pumped into the digester vessel. Remaining undigested liquids from the thickening system are recirculated as flush water resulting in water savings. This separation step negates the need for drying of undigested solids thus reducing environmental impacts including odors, vectors and emissions.

Within the digester vessel, the manure slurry will be mixed and heated to 100° F where methanogenic bacteria convert the feedstock into a biogas, consisting primarily of methane and CO₂ with smaller traces of hydrogen sulfide (H₂S), oxygen, and water.

The biogas collected from the digester vessel is directed toward the Biomethane Facility described below in Element 2 to produce pipeline-quality renewable natural gas (RNG). During service intervals or times when the system is down for any reason, excess biogas is directed to a backup/emergency flare that will be Air District permitted. Please see Figure 1-3 for flare specification.

After digestion, a mechanical manure screen separates the effluent (digestate) into solid and liquid fractions. The solids are dried via a screw press to 30-35% dry solids content for use by the dairy as bedding replacement, land application on dairy-owned lands, or provided to other dairies, nurseries, or

composters, as a soil amendment. The digested liquid will gravity flow to a buffer facility for direct land application via the farm’s irrigation system in accordance with the dairy’s Nutrient Management Plan & Waste Discharge Requirements.

Element 2.

Biomethane Facility: The facility consists of blowers, compressors, coolers, scrubbers, filters, and a separation skid that together take raw digester biogas and purify it into pipeline quality RNG (Figure 2-1). The biomethane facility is designed to accept up to 500 SCFM (standard cubic feet per minute) of biogas produced from the digester at the Maddox Dairy and up to an additional 500 SCFM from digesters at neighboring dairies. The biogas quality will be approximately 55-68% methane, 30-41% CO₂, with the remaining being nitrogen and oxygen. The upgrading process will precondition the biogas by compressing it to 2-3 psig, and chilling to remove most of the water entrained in the biogas (See Figure 2-2). Then the biogas will go through an “iron sponge” media technology to lower H₂S content to less than 50ppm. At this point the biogas is further compressed to 205-210 psig then chilled and filtered to remove the remaining water and H₂S, and sent through a membrane separation skid that separates the CH₄ from the CO₂ as well as removing approximately 75% percent of the O₂ in order to create biomethane compliant with utility gas quality requirements. A final compression and cooling stage conditions the gas to be delivered at approximately 200 psig (pounds per square in gauge) with a temperature from 55-100° F to the CEE point of reception. (See Figure 2-3)

Utilities: The site requires approximately 580KW of electrical power for full, continuous operations. The largest motors will be equipped with VFD’s or soft start to reduce inrush current. The source of the power is expected to be from an existing, directly adjacent 12KV overhead power line that supplies power to the dairy.

The digester boilers will utilize natural gas from PG&E via an extension of the existing natural gas delivery service to the Maddox Dairy.

Biomethane Delivery to CEE or SoCalGas: The project is exploring two options for interconnection to utility facilities.

Option 1: Interconnect with CEE via a CEE-owned gas transmission line on dairy property located approximately 2 miles due west from the System. CEE will install a metering/monitoring station at this interconnection point, receive the RNG and carry it to the PG&E system.

Option 2 (Alternate): Under a direct delivery to Southern California Gas Company (SCG), interconnect with SCG’s 6” distribution line located to the east of the System approximately one mile from the project site on dairy-owned parcel # 041-060-65S (482.11 acres). SCG would construct a metering/monitoring station at this location.

Parcels in Project Scope: Parcels in common ownership by the Maddox Dairy that will comprise the Project and for which Cross Access Agreements will be recorded include:

Table 1. Parcel Listing

Parcel Number	Parcel Size (Acres)	Description
041-060-37S	76.69	Existing dairy and the manure receiving pit are located
041-060-64S	23.67	Utility electrical power & manure line to digester
041-060-60S	613.07	Location of new digester and gas upgrading facilities
041-060-23S	324.10	Orchard land through which a new gas line delivering renewable natural gas will extend to an existing CEE gas line
040-090-05S	270.40	Primary interconnection to existing CEE gas line (Option 1)
041-060-65S	482.11	Alternate interconnection point to SoCalGas (Option 2)

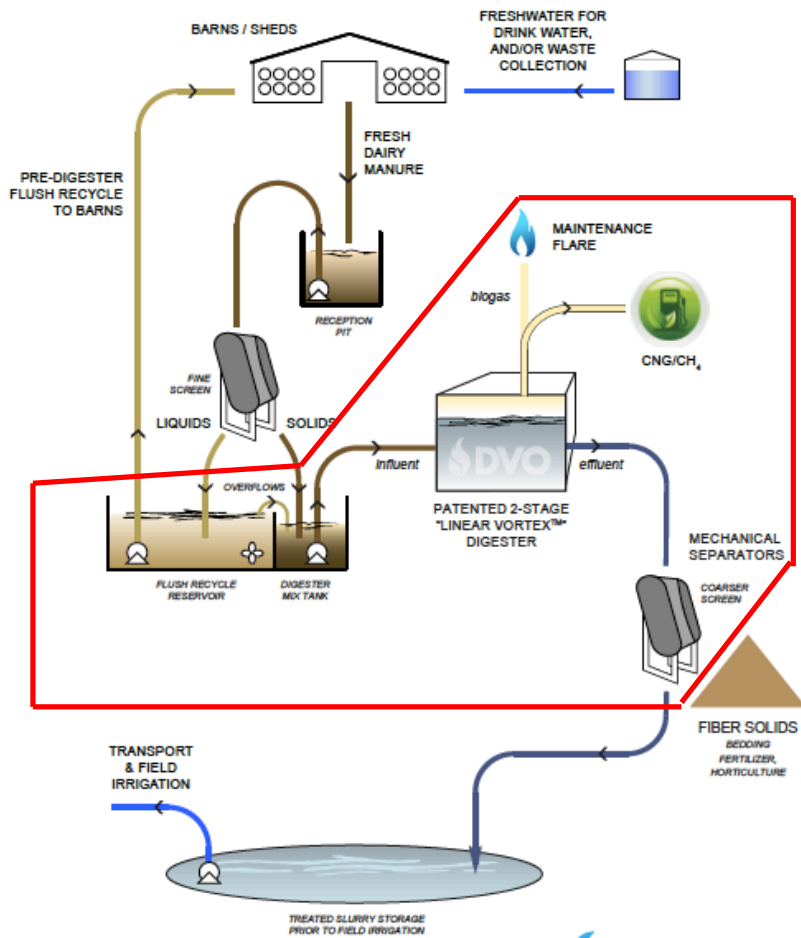


Figure 1-1
 Digester Facility Process Flow Diagram
 Redlines ---- denote scope of new equipment

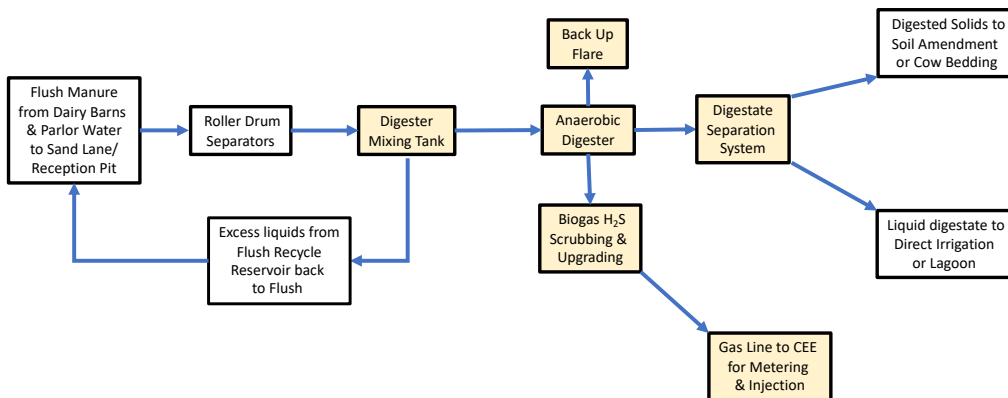


Figure 1-2
 System Configuration (shaded boxes denote new equipment)

Maddox Dairy Anaerobic Digester Emission Calculations Digester Flare

Note:

The flare serves as biogas control device for the digester system. Emissions from open flares cannot be tested with conventional testing methods because the combustion occurs in the open. Therefore, emissions from the proposed flare are based on Tables 13.5-1 and 13.5-2 in the USEPA's AP-42 for industrial flares.

The flare operates when there is excess biogas in the digester vessel. The CNG system is estimated to utilize approximately 95% of the digester biogas. Therefore, the flare will combust approximately 5% of the biogas.

Based on the volume of the digester and feedstock consisting of manure from about 5200 milking cow equivalents, the digester has the potential to produce:

$$257.99 \text{ MMBtu/day} \times 1 \text{ day/24hr} = 10.75 \text{ MMBtu/hr of digester biogas}$$

Calculations based on USEPA AP-42 Table 13.5-1 emission factors
and estimated total biogas fuel production

NO_x	0.068 lb/MMBtu x	10.75 MMBtu/hr x	8760 hrs/yr x	1 ton/2000 lb	=	3.20 tons/yr
				(at 5% flare utilization)	=	0.16 tons/yr
CO	0.37 lb/MMBtu x	10.75 MMBtu/hr x	8760 hrs/yr x	1 ton/2000 lb	=	17.42 tons/yr
				(at 5% flare utilization)	=	0.87 tons/yr
NMHC (Non-Methane Hydrocarbons)	(AP-42 Table 13.5-2 - 45% of 0.14 lb/MMBtu)					
	0.063 lb/MMBtu x	10.75 MMBtu/hr x	8760 hrs/yr x	1 ton/2000 lb	=	2.97 tons/yr
				(at 5% flare utilization)	=	0.15 tons/yr

SO₂

Assumptions:

4000 ppm H₂S average concentration in biogas from the digester
 18534 scf/hr fuel consumption at 100% of total biogas production
 Reaction when H₂S is combusted: 2 H₂S + 3 O₂ -> 2 SO₂ + 2 H₂O

4000 ppm x	34 molecular weight of H ₂ S / 24.45	=	5562 mg/m ³
18534 scf/hr x	1 m ³ /35.28 ft ³	=	525.33 m ³ /hr
5562 mg/m ³ x	525.33 m ³ /hr x	1 g/1000 mg x	1 lb/454 g
6.44 lb/hr H ₂ S x	64 molecular weight of SO ₂ / 34 molecular weight of H ₂ S	=	12.12 lb/hr SO ₂
12.12 lb/hr SO ₂ x	8760 hrs/yr x	1 ton/2000 lb	=
		(at 5% flare utilization)	=
			53.07 tons/yr SO₂
			2.65 tons/yr SO ₂

PM/PM_{2.5}/PM₁₀ [worst case emission factor]

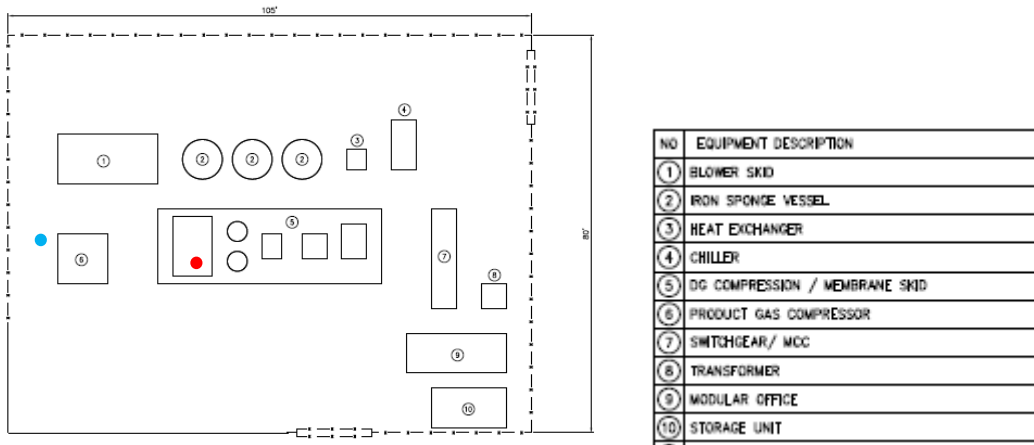
<	0.15 lb/MMBtu x	10.75 MMBtu/hr	= <	1.61 lb/hr
<	1.61 lb/hr x	8760 hrs/yr x	1 ton/2000 lb	= <
			(at 5% flare utilization)	= <
				7.06 tons/yr
				0.35 tons/yr

Estimated Emergency Backup Flare Emissions

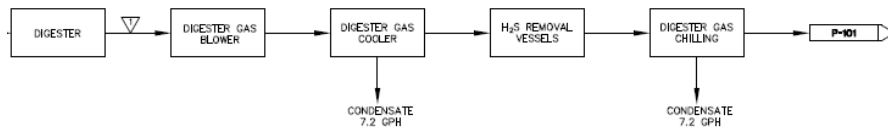
Figure 1-3

Operating Schedule: The entire system is expected to operate 8,768 hours annually with less than 5% downtime. The emergency backup flare is anticipated to be in use less than 5% of system operating time and during times of maintenance or unplanned events. It will be at an approximate 21' elevation.

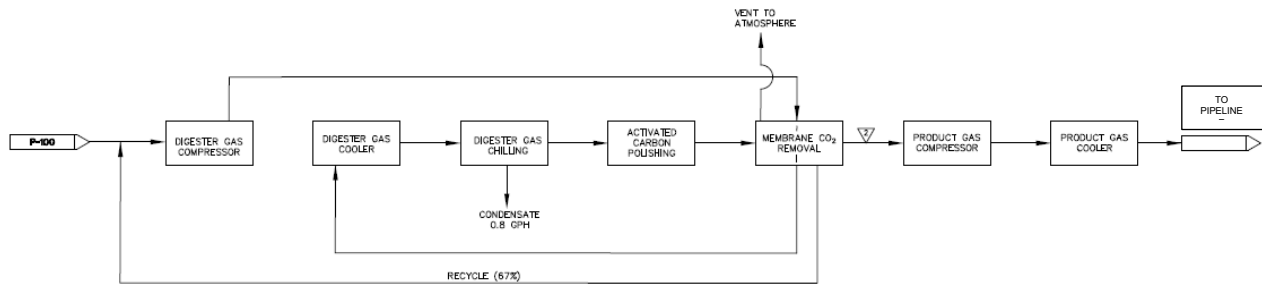
Health Risk Assessment: The nearest non-dairy business is approximately 12,000 feet to the west and the nearest residence is dairy housing approximately 3,000 feet to the south.



Biomethane Facility Layout with emission source points -
 • Is off spec gas to vent; • is membrane system CO₂ vent.
 Figure 2-1



Biomethane Facility – Preconditioning
 Figure 2-2



Biomethane Facility – Main Process
 Figure 2-3

Equipment List:

DVO Digester system (no motors have VFD or Softstart)

Equipment Description	Quantity	Run Time Per Year	Kilowatts (HP*0.746)	System Load kWh/yr.
Heat Zone 1 - 3 HP Water Pump	2	50%	2.24	19,605
Heat Zones 2-5 - 1.5 HP Water Pump	8	40%	1.12	31,368
Main Heat Zone - 3 HP Water Pump	2	60%	2.24	23,526
25 HP Motor and Blower - Gas Recirculation System	2	100%	18.65	326,748
Skid Pit Blower powered by 3 HP / 3 Phase motor	2	100%	2.24	39,210
Sludge Pump - 3HP/ 3 Phase	2	100%	2.24	39,210
TOTAL ESTIMATED kWh/yr.				479,666

Boiler Type: Camus >2MMBTu/hour unit – pre-approved by SCAQMD. See brochure attached.

Gas Conditioning and Biomethane System

Equipment	Motor Rating (HP)	Motor Rating (KW)	Type	Operating Factor	Operating KW
DG Blower + Air Cooler	25	18	VFD	100%	18
Chiller	20	15	VFD	100%	15
Feed Compressor	700	425	SS	100%	425
Compressor Cooler Fan	15	10	VFD	100%	10
Plant Air Compressor	5	3.5	ATL	50%	2
Product Gas Compressor	100	70	VFD	100%	70
Product Gas Compression Cooler Fan	15	10	VFD	100%	10
Lighting/Other					5
Connected Load	880	551	Operating Load:		550

“MMBTu” = million British Thermal Units



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** WTE Riverdale, LLC.
- APPLICATION NOS.:** Initial Study No. 7872 and Unclassified Conditional Use Permit Application No. 3679
- DESCRIPTION:** Allow construction of a dairy digester facility and allow connection to an existing pipeline to deliver renewable natural gas. The dairy digester facility will be located on a 613.07-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The pipeline will span approximately 2 miles west of the digester facility to connect with an existing California Energy Exchange pipeline.
- LOCATION:** The project site is located on the north side of West Kamm Avenue and is approximately 2.01 miles west of its nearest intersection with South Jameson Avenue and is approximately 8 miles southeast of the City of San Joaquin (APN 041-060-60S).

I. AESTHETICS

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

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

FINDING: NO IMPACT:

The subject property is located in a mainly agricultural area. There are no scenic vistas or scenic resources affected by the project proposal. Per Figure OS-2 of the Fresno County General Plan, there are no scenic roadways near the project site.

- 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 point). 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 does propose development that could potentially degrade the existing visual character. Proposed development however, will be located approximately 2,700 feet north of public right-of-way. In considering the amount of space between the proposed development and public right-of-way that would be the source of the public views of the site, a less than significant impact is seen. As the use of the surrounding area is for agricultural use and an existing dairy is located in close proximity of the project site, the existing visual character of the area would not be negatively impacts by the proposed development.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Per the Applicant's Operational Statement, proposed development will utilize outdoor lighting to illuminate key areas related to facility operations. It was also noted that lights would be directed downward and designed not create a nuisance. To ensure that a nuisance is not created from the utilization of outdoor lighting, a mitigation measure shall be implemented.

* **Mitigation Measure(s)**

1. *All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.*

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 Dept. 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: LESS THAN SIGNIFICANT IMPACT:

Per the 2016 Fresno County Important Farmland Map, the project site is located on or near land designated for Confined Animal Agriculture, Unique Farmland, and Prime Farmland. Proposed development related to the digester equipment will be located on land designated to Confined Animal Agriculture. The proposed pipeline is proposed to be located on land designated for Confined Animal Agriculture, Unique Farmland, and Prime Farmland. The pipeline will be constructed underground and will not convert Unique or Prime Farmland to non-agricultural use.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Policy Planning Section the project site encompasses multiple parcels currently enrolled in the Williamson Act Program. The portion of the parcel that will be utilized for the digester facility and related equipment will be required to be removed from the Williamson Act Program through the Nonrenewal process. Land that will be utilized for the biogas pipeline require review and clearance from the Policy Planning Section for compliance with provisions of the Williamson Act prior to construction. The nonrenewal process for the digester facility has been started by the Applicant and will be concluded if the project proposal is approved. Review of the Statement of Intended Use submitted for review has been cleared by the Policy Planning Section and was determined to be consistent with the Williamson Act. With the project compliant with the Williamson Act Program, there is no conflict with the zoning for agricultural use or 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 project site is not located on or near forest land, timberland, or timberland zoned Timberland Production and will not result in the loss of forest land or conversion of forest land to non-forest use.

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: LESS THAN SIGNIFICANT:

The project intends to utilize resources produced from the existing dairy and convert those resources into biogas. The digester facility and pipeline would not result in further conversion of farmland to non-agricultural use. An expansion of the proposed use could occur but would require further evaluation. In considering the existing Williamson Act Contract on the subject parcel, review of those impacts would be required, therefore a less than significant impact is currently seen as the proposed use would not propagate

further conversion, but any future expansion of the digester facility would be reviewed further for any impacts to farmland.

III. AIR QUALITY

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

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

FINDING: NO IMPACT:

The subject application was reviewed by the San Joaquin Valley Air Pollution Control District (SJVAPCD). The SJVAPCD did not express concerns with the project to indicate that the project will conflict with or obstruct implementation of an applicable Air Quality Plan.

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

- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The SJVAPCD did not provide concerns in the construction or operation of the proposed use in terms of increases in criteria pollutants. Descriptions of the proposed operation provided by the Applicant indicate that the use will reduce odors and emissions associated with the adjacent dairy and will have a beneficial impact compared to existing conditions. A backup/emergency flare system is proposed with the project and will be permitted by the SJVAPCD to ensure compliance with local regulations.

- D. Expose sensitive receptors to substantial pollutant concentrations; or

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

FINDING: NO IMPACT:

The nearest sensitive receptors are employee housing for the existing adjacent dairy. The employee housing is located approximately 2,965 feet south of the proposed digester facility and is not likely to be affected by the project proposal. Per the Applicant's description of the project, the facility will be processing the manure produced from the adjacent dairy and reduce odors and emissions when compared to existing

conditions. The proposed backup/emergency flare is proposed to be utilized only in needed circumstances and is only expected to be used less than 5% of the system operating time and during times of maintenance or unplanned events. The flare will require permitting from the SJVAPCD and Fresno County Department of Public Works and Planning.

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?

FINDING: NO IMPACT:

Per the California Natural Diversity Database, the project site and pipeline site are not encompassed within reported occurrences of a special status species. The project site is located in agricultural utilized land. A portion of the project site is used in conjunction with the existing dairy that is located adjacent to the project site. The pipeline will run westerly through agricultural land also. Due to the existing conditions of the project sites and human disturbance related to the existing uses, there is minimal likelihood that a special status species inhabits the project site.

- 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the National Wetlands Inventory, the main digester facility and associated equipment is not located on or near identified wetlands. The pipeline, however, will cross through identified wetlands. The pipeline will be built underground along dirt access roads utilized for the surrounding agricultural operations. Aerial images and photographs of the proposed siting of the pipeline do not indicate the presence of wetlands as depicted by the National Wetlands Inventory. The identified wetlands are located within agricultural utilized land with the pipeline crossing through small portions of the wetland and will be constructed underground. Therefore, a less than significant impact is seen as the pipeline is constructed underground and after construction is completed, the disturbed ground will be designed back to pre-improvement conditions. No riparian habitat or other sensitive natural community was found on or near the project site.

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

FINDING: NO IMPACT:

The project site is located in the midst of agricultural operations including an existing dairy. The pipeline will be built underground and will not interfere with movement of a native resident or wildlife species. Therefore, the project will have no impact on the movement of a native resident or wildlife species. No wildlife corridor or native wildlife nursery site was identified on or near the project site.

- 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:

No local or state policies or ordinances protecting biological resources were identified as being in conflict with the project proposal. No Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state Habitat Conservation Plan were identified on the project site and being in conflict with the project proposal.

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:

No historical or archaeological resources has been identified on the project site. A Cultural Survey Report prepared by ASM Affiliates, Inc. in December 2020. The study includes a background records search and literature review, an on-foot inventory of the study area, and preliminary assessment of any resources found within the subject property. Based on the results of the cultural resources survey conducted, no historical or archaeological resources of any kind were identified within the study area. Although

unlikely to occur, a mitigation measure will be implemented to properly address cultural resources should they be unearthed during ground-disturbing activities.

* **Mitigation Measure(s)**

1. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures 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: NO IMPACT:

The project proposes to develop a renewable energy facility utilizing dairy refuse from the nearby dairy operation. The facility will convert the resource to biogas and will be delivered via pipeline ultimately into the PG&E statewide gas grid. The facility will have a beneficial impact on energy resources by providing renewable natural gas into the state grid for utilization. Therefore, the project will not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources and will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

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?

FINDING: NO IMPACT:

Pre the Earthquake Hazard Zone Application and Figure 9-3 of the Fresno County General Plan Background Report, the project site is not located on or near a rupture of a known earthquake fault or earthquake hazard zone.

2. Strong seismic ground shaking?

3. Seismic-related ground failure, including liquefaction?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 9-5 of the Fresno County General Plan Background Report (FCGPBR), the project site is located in a low probabilistic seismic hazard area with a 10% probability in 50 years. Associated development will be built to current building code, which will take into account safe building practices that will decrease adverse effects resulting from seismic ground shaking and seismic-related ground failure.

4. Landslides?

FINDING: NO IMPACT:

According to Figure 9-6 of the FCGPBR, the project site is not located in area identified as moderate or high landslide hazard.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will result in development that will increase the amount of impervious surface which will amount to some loss of topsoil. The project site is located in flat agricultural land, therefore hazardous conditions due to soil erosion is not expected to occur. The pipelines aspect of the project will not result in substantial soil erosion or loss of topsoil as the pipeline is proposed to be underground and buried with native fill.

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

FINDING: NO IMPACT:

No geologic unit or soil was identified on the project site as being considered unstable.

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:

Per Figure 7-1 of the FCGPBR, the project site could potentially be located on or near areas identified as containing Expansive Soils. Development would be dictated by the current building code for safe construction. Further review of the proposed development will occur to ensure that construction of the proposed improvements will meet building code and safety standards while also addressing safety standards should high potential of expansive soils be identified on the project site. The existing dairy use also suggest that safe development on the site can occur.

- E. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water; or
- F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: NO IMPACT:

Soils on the project site were not identified as being incapable of support the use of septic tanks or alternative wastewater disposal systems. The current proposal does not include the development of a septic system or alternative wastewater disposal system. There were no paleontological resource or site or unique geologic feature identified on the project site.

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

FINDING: NO IMPACT:

Per the Applicant, the project will have a beneficial impact on greenhouse gas emissions by reducing the amount of GHG emissions from the existing dairy by 152,654 Metric Tons of Carbon Dioxide Emissions (MTCO_{2e}). The calculations were derived from the GHG Benefits Calculator Tool found on the California Department of Food and Agriculture (CDFA) and developed by the California Air Resources Control Board (CARB). This model has been developed by CARB for use as a GHG avoidance calculator as part of the CDFA dairy digester grant program. The model is designed as a two step process that utilized project-specific data to forecast GHG avoidance as express in metric tons over a 10-year period. As stated, the results of the modeling for the project show that a GHG avoidance over a ten-year period is 152,654 MTCO_{2e}. This analysis and modeling data has been routed to the San Joaquin Valley Air Pollution Control District. Due to the reduction of GHG emissions from existing conditions, and no concerns expressed from reviewing agencies and departments, the

project could have a net beneficial impact on GHG emissions and will have not generate GHG emissions that may have a significant impact on the environment or conflict with an applicable plan, policy, or regulation.

VIII. 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?

FINDING: NO IMPACT:

The project proposes to utilize refuse produced from the cattle on the adjacent dairy site to produce pipeline quality and compliant biomethane gas for delivery via a proposed pipeline to an existing California Energy Exchange (CEE) pipeline connection point. The project proposal will be made to comply with state and local regulations for the handling of any hazardous materials. In addition to state and local regulations for handling hazardous materials, the digester process is subject to additional standards and permitting to ensure safe handling and operation of the proposed facility. Therefore, a significant hazard to the public or environment is not expected.

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

FINDING: NO IMPACT:

Aerial images of the site suggest that the nearest sensitive receptor is located approximately 2,965 feet south of the subject site. Per the Department of Public Health, Environmental Health Division, the project proposal will be subject to local and State regulations. Those regulations include the proper handling and reporting of any hazardous material to be utilized on the property with reports filed with the Department of Public Health. There are no existing or proposed schools within a one-quarter mile of the project site.

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

FINDING: NO IMPACT:

According to the NEPAAssist database, the project site is not a listed hazardous materials site on the subject site. Additionally, there are no listed hazardous material sites located within a half-mile of the project site.

- 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, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

There is no public airport or public use airport within two miles of the project site and therefore would not result in a safety or excessive noise issue for people residing or working in the project area.

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

FINDING: NO IMPACT:

Reviewing agencies and departments provided no indication that the project would result in impairment of implementation of physically interfere with an adopted emergency response plan or emergency evacuation plan.

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

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern with the project proposal to indicate that the project would result in significant risk of loss, injury or death involving wildland fires. The project site is located in an agricultural area with a dairy operation located directly south. There is no indication of increased wildland fire risk.

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The Central Valley Regional Water Quality Control Board (RWQCB) has reviewed the subject application and provided comments regarding waste discharge requirements pertaining to the dairy operation that will be fueling the proposed digester facility. The requirements provided by the RWQCB will be implemented as mitigation measures to ensure water quality and waste discharge requirements are met and that the project will not violate any state or local standard. No other reviewing agency or department expressed concern with the project to indicate that the project would violate water quality standards or waste discharge requirements.

* **Mitigation Measure(s)**

1. *The subject Maddox Dairy facility is currently regulated under the Central Valley Regional Water Quality Control Board adopted Waste Discharge (WDR) for Maddox Dairy LTD et.al, Order No. R5-2008-003. Per the Provision E.3 of the WDR Order R5 2008-003, the discharger (Dairy owner/Operator) shall submit a complete Report of Waste Discharge in accordance with the CWC 13260 at least 140 days prior to any material change or proposed change in the character, location, or volume of the discharge including an expansion of the facility, addition of waste storage facilities or equipment, closure of the facility, or development of any new treatment technology. The operational statement provided for the project indicates that a different digester treatment technology to be developed than the technology in the WDR Order R5-2008-003. Due to this change in treatment technology, the Discharger shall submit Report of Waste Discharge in accordance with Provision E.3 of the WDR Order R5-2008-003.*

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Applicant, water utilization is expected to be minimal as the operation of the facility does not utilize water outside of maintenance of the site. The water source will be the onsite well. Review of the estimated water usage by the State Water Resources Control Board, the North Fork Kings Groundwater Sustainability Agency (GSA), and the Water and Natural Resources Division did not express concern with the project in terms of the project resulting in substantial decreases in groundwater supply or interference of groundwater recharge. Therefore, the project is expected to have a less than significant impact.

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 result in substantial erosion or siltation on or off site?

1. Result in substantial erosion or siltation on- or off-site;

FINDING: NO IMPACT:

The project does propose development that would introduce additional impervious surfaces to the subject site. The project site is located on flat agricultural land with an existing dairy operation located directly south. The project will be built to current building and safety code standards. There is no stream or river that would be affected by the project and would not result in substantial erosion or siltation. The proposed pipeline project will be built underground with after construction conditions being similar to existing conditions.

2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?
3. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Project development will be subject to building and grading permits to ensure compliance with state and local standards. Although the addition of impervious surface will occur, this will not result in substantial amounts of surface runoff which could result in on-site or off-site flooding or exceed capacity of stormwater drainage systems or provide substantial additional sources of polluted runoff. The digester facility and other equipment will be enclosed within buildings and would not increase polluted runoff.

4. Impede or redirect flood flows?

FINDING: NO IMPACT:

Per FEMA FIRM Panel C2575H, the project site is not located within a special flood hazard area and is designated Zone X, Area of Minimal Flood Hazard. Therefore, the project will not impede or redirect flood flows.

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

FINDING: NO IMPACT:

The subject site per FEMA FIRM Panel C2575H is not located in an identified flood hazard area. There are no bodies of water located in vicinity of the project site that would indicate tsunami or seiche zone risk.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The State Water Resources Control Board, the Regional Water Quality Control Board, the North Fork Kings Groundwater Sustainability Agency and the Water and Natural Resources Division did not express concern with the project proposal to indicate a conflict with a water quality control plan or sustainable groundwater management plan. Per the Regional Water Quality Control Board, waste discharge permit requirements will need to be addressed as there is a change in the current operation of the existing dairy in conjunction with the current proposal. Compliance is sought via a Mitigation Measure, and therefore would not be conflicting with a water quality control plan or sustainable groundwater management plan.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The subject site is located directly north of an existing dairy operation and among agricultural operations. There is no established community that would be physically divided by the project site.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Development in Fresno County is required to be consistent with the Fresno County General Plan. Goal LU-A reads "To promote the long-term conservation of productive and potentially productive agricultural lands and to accommodate agricultural-support services and agriculturally-related activities that support the viability of agriculture and further the County' economic development goals." This goal relates to the environmental impacts of the loss of farmland.

The subject parcel is enrolled in the Williamson Act Program. Review of the proposed use by the Policy Planning Section resulted in the determination that the anaerobic digester facility is no considered a compatible use on land enrolled in the Program. Therefore, the areas proposed for the anaerobic digester and biogas upgrading facility within the subject parcel must be removed from the program through the Nonrenewal Process. It was determined by review of the Statement of Intended Uses for parcels affected by the pipeline project that the pipeline are allowed without any further Williamson Act requirements.

As the proposed use has been determined to be incompatible with the Williamson Act Program, the nonrenewal process for the contract establishes a 10-year wind-down period during which time the applicant is still subject to the terms of the agreement. The Applicant has already filed the non-renewal. The loss of approximately 2.23 acres for the digester and biogas upgrading facility of contracted agricultural land is not a significant loss of agricultural resources and has a less than significant impact based on the identified goal of conservation of agricultural productive land.

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:

Per Figure 7-7 and 7-8 of the Fresno County General Plan Background Report, the project site is not located on or near identified mineral resource locations of mineral producing locations. Therefore, the project will not result in the loss of availability of a known mineral resource or mineral resource recovery site.

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Applicant's Operational Statement, the facility will be running continuously when operation commences. The project does have the potential to generate a permanent increase in ambient noise levels. However, all potential noise generating equipment related to the operation will be conducted within an enclosed building. The Department of Public Health, Environmental Health Division has reviewed the application and noted that the use shall comply with the Noise Element of the Fresno County General Plan and Fresno County Noise Ordinance. No concerns were expressed by reviewing agencies and departments to indicate the proposed operation and equipment would exceed established ambient noise level standards. Aerial images of the subject site indicate that there are no sensitive receptors in the immediate vicinity of the project site. The nearest sensitive receptor are single-family residences located approximately 2,970 feet south of the project site. In considering comments provided by reviewing agencies and departments and the distance between the project site and nearest sensitive receptor, a less than significant impact is seen due to the increase in noise levels likely to occur from the proposed operation.

- 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; or

FINDING: NO IMPACT:

No private airstrip, airport land use plan, public airport or public use airport is located within two miles of the project site.

XIV. POPULATION AND HOUSING

Would the project:

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

FINDING: NO IMPACT:

The project proposes an anaerobic digester and biogas upgrade facility. Per the Operational Statement, the operation will employ up to one person to operate the facility. The use takes advantage of the existing dairy operation. The project will not induce a substantial unplanned population growth and will not displace people or housing necessitating construction of replacement housing elsewhere.

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 public services?

- 1. Fire protection;

FINDING: NO IMPACT:

The Fresno County Fire Protection District has reviewed the project proposal and did not express concern to indicate that the project will result in the provision or construction of government facilities to maintain acceptable service ratios, response times or other performance objectives.

- 2. Police protection;

- 3. Schools;

- 4. Parks; or

- 5. Other public facilities?

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern with the project to indicate that project development will adversely affect public services.

XVI. RECREATION

Would the project:

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

FINDING: NO IMPACT:

The project proposes to create a digester facility and is not expected to result in population growth in the area to increase use of parks or recreational facilities. The project would not increase the use of existing neighborhood and regional parks and would not require the construction or expansion of recreational facilities.

XVI. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

FINDING: NO IMPACT:

Review of the project by the Road Maintenance and Operations Division and the Design Division did not provide determination that the project proposal would conflict with a program, plan, ordinance, or policy addressing the circulation system. Kamm Avenue is a County-maintained road and is classified as an Arterial Road in the Fresno County General Plan. Per the Applicant, there is minimal traffic generated from operation of the proposal with one full time employee being on site to oversee and manage the digester facility. The minimal increase of traffic generated from the proposal would not conflict with the County's maintained circulation system.

- B. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Review of the proposed traffic generation did not trigger any thresholds that would require the preparation of a Traffic Impact Study. In considering that one full time

employee is associated with the project, an increase in vehicle miles traveled will technically occur. However, the increase as stated, did not trigger a threshold to require the preparation of a Traffic Impact Study and is expected to have a less than significant impact in terms of traffic generation and vehicle miles traveled. The project does not conflict with or be inconsistent with CEQA Guidelines Section 15064.3 subdivision(b).

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Reviewing agencies and departments did not express concern with the project proposal to indicate that design of the facility would increase hazards due to a design feature or incompatible use. The Design Division did provide recommendation of a Traffic Management Plan to address potential impacts during the construction phase of this project, this recommendation will be implemented as a Condition of Approval. Aerial images of the project site indicate that the proposed site is located approximately 2,620 feet north of West Kamm Avenue. There appears to be an access road off Kamm Avenue that will provide access to the project site. Although a Traffic Management Plan is recommended, the project site is located distant from County right-of-way and would have little impact on traffic during project construction. Therefore, a less than significant impact is seen during project construction.

- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern with the project to indicate that the proposal will result in inadequate emergency access. The Fresno County Fire Protection District did not provide comment to suggest that the project will result in inadequate emergency access. Additionally, the project will be subject to current fire and building code for emergency access.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - 1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Per Assembly Bill 52 (AB 52), the subject application was routed to participating California Native American Tribes and given the opportunity to enter into consultation with the County on the project. A request for consultation was received by the Santa Rosa Rancheria Tachi Yokut Tribe. A Cultural Survey was prepared by the Applicant and submitted to the Santa Rosa Rancheria Tachi Yokut Tribe for review. The prepared Cultural Survey conducted a records search with the Southern San Joaquin Valley Archaeological Information Center and the NAHC Sacred Lands Files, and also conducted a field survey of the site. The study concluded that no historical or archaeological resources of any kind were identified within the study area. No additional concerns were received from the Santa Rosa Rancheria Tachi Yokut Tribe after review of the prepared Cultural Survey and consultation was closed. Although no tribal cultural resources were discovered during the Cultural Survey, a mitigation measure will be implemented to address a cultural resource in the event they are unearthed during ground-disturbing activities related to the project.

* **Mitigation Measure(s)**

1. See Section V. Cultural Resources A., B., C., Mitigation Measure #1

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project consists of an anaerobic digester and biomethane facility that will produce pipeline quality and compliant biomethane gas for delivery to a California Energy Exchange (CEE) point of pipeline interconnection. The produced biomethane will ultimately be delivered by CEE into the PG&E statewide gas grid. A pipeline is also proposed with the project connecting the proposed facility to the existing CEE pipeline and will span approximately two miles. The construction of the pipeline is not expected to have a significant impact on the environment. The pipeline will be compliant with current building code standard. Land under Williamson Act Contract has been identified as being affected by the pipeline. The proposal has been found to be compliant with the Williamson Act and would not have an impact on the agricultural land. Additionally,

consultation under Assembly Bill 52 determined that the pipeline project would not have a significant impact on cultural resources on or near the project site.

- 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 State Water Resources Control Board and the Fresno County Water and Natural Resources reviewed the subject application and did not express concern to indicate that the project would not have sufficient water supplies available to serve the project.

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

FINDING: NO IMPACT:

Per the Applicant's Operational Statement, the project does not anticipate the construction of additional wastewater treatment systems. Liquid waste, as a product of the proposed use will be repurposed for the dairy-owner farmlands in proximity of the project site and is not destined for the existing private wastewater treatment system.

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

FINDING: NO IMPACT:

The subject proposal does anticipate an increase in solid waste. A portion of the solid waste produced from the project will be repurposed for the existing dairy operation and surrounding farmland. Other portions of the solid waste will be recycled or disposed of in accordance with applicable laws and regulations. Review of the proposal did not indicate that the project will generate solid waste in excess of state of local standards and will comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

XX. WILDFIRE

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

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or

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

FINDING: NO IMPACT:

Per the 2007 Fresno County Fire Hazard Severity Zones in LRA Map prepared by the California Department of Forestry and Fire Protection, the subject site is not located in areas designated as very high fire hazard severity zone and is not located in a state responsibility area.

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: NO IMPACT:

The subject site is located on disturbed land utilized for the existing dairy operation. The surrounding area is used for agricultural operations further indicating human disturbance that would deter occupation of the site by special status species. The project would not substantially degrade the quality of the environment or reduce habitat for a wildlife species below self-sustaining levels. It was also determined that there were no identified historical or cultural resources in proximity of the project site.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

No cumulative considerable impact were identified in this analysis. Identified impacts related to Aesthetics, Cultural Resources, Hydrology and Water Quality, and Tribal Cultural Resources were determined to have a less than significant impact on the environment with implementation of mitigation measures.

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

FINDING: NO IMPACT:

No substantial adverse effects on human beings, either directly or indirectly were identified in this analysis.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3679, 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 Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Mineral Resources, Population and Housing, Public Services, Recreation, and Wildfire.

Potential impacts related to Agriculture and Forestry Resources, Air Quality, Biological Resources, Geology and Soils, Land Use Planning, Noise, Transportation, and Utilities and Services Systems have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, Hydrology and Water Quality, and Tribal Cultural Resources have determined to be less than significant with compliance with listed 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.

TK

G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3600-3699\3679\IS-CEQA\CUP 3679 IS Writeup.docx

EXHIBIT 8

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 7872	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): Thomas Kobayashi Planner	Area Code: 559	Telephone Number: 600-4224	Extension: N/A
Project Applicant/Sponsor (Name): WTE Riverdale, LLC.	Project Title: Unclassified Conditional Use Permit Application No. 3679		
Project Description: Allow construction of a dairy digester facility and allow connection to an existing pipeline to deliver renewable natural gas. The dairy digester facility will be located on a 613.07-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The pipeline will span approximately 2 miles west of the digester facility to connect with an existing California Energy Exchange pipeline.			
Justification for Negative Declaration: Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3679, 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 Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Mineral Resources, Population and Housing, Public Services, Recreation, and Wildfire. Potential impacts related to Agriculture and Forestry Resources, Air Quality, Biological Resources, Geology and Soils, Land Use Planning, Noise, Transportation, and Utilities and Services Systems have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, Hydrology and Water Quality, and Tribal Cultural Resources have determined to be less than significant with compliance with listed Mitigation Measures.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – April 9, 2021		Review Date Deadline: Planning Commission – May 20, 2021	
Date:	Type or Print Signature: David Randall Senior Planner	Submitted by (Signature): Thomas Kobayashi Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**



California Energy Exchange Corporation

March 23, 2020

Mr. Steve Dvorak
WTE Riverdale, LLC
P.O. Box 124
Chilton, WI 53014

RECEIVED
COUNTY OF FRESNO

JUN 04 2020

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

RE: LETTER OF SUPPORT FOR THE WTE RIVERDALE RNG PROJECT AT MADDOX DAIRY

Dear Mr. Dvorak:

California Energy Exchange (“CEE”) is pleased to provide our support for the RNG project that WTE Riverdale is developing at the Maddox Dairy located near Helm, CA. CEE is part of a family owned, Sacramento based company that has successfully provided energy related services to natural gas producers since the early 1950s. CEE, through its Gas Control Center located in Rancho Cordova, California, utilizes advanced SCADA systems and distributed field architecture to monitor and control its gas gathering pipelines under a DOT-compliant pipeline operations platform, including pipeline operators with real time access to flow data and gas quality to assure reliable and safe deliveries into the utility pipeline system.

Per our recent communications, CEE affiliate, California Gas Gathering, Inc. (CGG), owns and operates a natural gas gathering pipeline situated on Maddox Dairy property. That pipeline has capacity to receive the estimated quantities of RNG from the Maddox Dairy project and other dairies that are in close proximity as we’ve discussed and understand. The CEE pipeline has an existing direct connection to the PG&E gas grid at PG&E’s Helm Junction allowing RNG to flow from your project to end users within California. To support the flow of RNG into that line, CEE is in advanced stages of undertaking an upgrading process with PG&E at Helm Junction that will allow metering and transmission for biomethane. We expect this upgrading process to be completed and to have capacity for RNG to flow from your project before the end of this year and over at least a 10-year term.

CEE’s commitment to initiatives and projects that address climate change is an integral part of our business. We encourage efforts such as WTE’s that develop innovative solutions, while supporting the state’s policy goals.

We appreciate you considering this letter in support of the proposed project at the Maddox Dairy by WTE and their plans to seek grant funds from the CDFA.

Sincerely,

Brian G. Habersack
Vice President, Operations