



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 4 September 15, 2022

**SUBJECT:** Unclassified Conditional Use Permit Application No. 3696 and Initial Study No. 7998.

Allow the installation and operation of two anaerobic digesters and a biomethane facility to produce commercial grade biogas for conveyance to an existing utility owned pipeline, via an existing point of interconnection at a previously approved digester site; and allow the construction of an approximately 3.5-mile-long underground pipeline, which will connect the proposed biomethane facility to the existing utility owned pipeline. The processing portion of the project will be located on portions of three adjacent parcels, a 159.26 acre, a 98.14-acre and 48.48-acre parcel; and the proposed pipeline will traverse six additional parcels to the point of interconnection, at the previously approved digester site, in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The project site is located approximately 0.5 miles west of S. Jameson Avenue, between W. Floral Avenue, and W. Nebraska Avenue; the proposed pipeline route would extend southwesterly to an existing dairy site located approximately one half mile northeast of the intersection of W. Kamm Avenue and the S. Bishop Avenue alignment, and approximately 4 miles northeast of the unincorporated community of Helm (APNs: 041-030-47S 48S, 20S, 041-020-30S, 29S, 31S, 32S, 27S, 041-060-60S) (11511 W. Floral Avenue) (Sup. Dist. 4).

**OWNER:** John Verwey

**APPLICANT:** SAR 1, LLC.

**STAFF CONTACT:** Jeremy Shaw, Planner  
(559) 600-4207

David Randall, Senior Planner  
(559) 600-4052

**RECOMMENDATION:**

- Adopt the Mitigated Negative Declaration based on Initial Study (IS) No. 7998; and
- Approve Unclassified Conditional Use Permit Application No. 3696 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Zoning Map
4. Land Use Map
5. Site Plans and Detail Drawings
6. Applicant’s Operational Statement and Project Description
7. Summary of Initial Study No. 7998
8. Draft Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	Digesters and Biomethane facility:  APN’s  041-030-48S: 98.14 acres  041-030-47S: 48.48 acres  041-030-20S: 159.26 acres  Pipeline route:  APN’s  041-020-30S: 160 acres	No change

Criteria	Existing	Proposed
	041-020-29S: 96.16 acres 041-020-31S: 160 acres 041-020-32S: 160 acres 041-020-27S: 160 acres 041-060-60S: 613 acres	
Project Site	Digesters and Biomethane facility: 041-030-48S 041-030-47S 041-030-20S (Dairy Site) Pipeline: APN's 041-030-48S 041-030-47S 041-020-30S 041-020-29S 041-020-31S 041-020-32S 041-020-27S 041-060-60S (Dairy Site)	Approximately 4-acre portion of the subject parcels plus approximately 3.2 miles of pipeline
Structural Improvements	APN 041-030-20S: Adjacent dairy operation with related structures including; milk barns, shade structures, office and three single family dwellings. APN: 041-030-48S: Proposed digester and biogas site is currently vacant of any structures	No change Digester Facility, RNG biogas facility, 3,200 square-foot mechanical building, and 1,200 square-foot digested solids management building; approximately

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
		3.5-mile-long underground biogas pipeline
Nearest Residence	Approximately 2,570 feet north of the proposed digester sites	No change
Surrounding Development	Predominately agricultural, with field crops and confined animal operations	No change
Operational Features	Dairy	Construction and operation of two anaerobic digesters/a biomethane clean-up facility and pipeline
Employees	Dairy operation personnel	1 Employee for routine maintenance and operation of the digesters and biomethane clean-up facility
Customers	None	No change
Traffic Trips	Daily trips associated with dairy operation	Approximately 30 one-way (60 round) trips per day from the two-off site participating dairies contributing feedstock to the digester operation
Lighting	None	Outdoor lighting for facility
Hours of Operation	N/A	24 hours a day, 7 days a week

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

**ENVIRONMENTAL ANALYSIS:**

Initial Study No. 7998 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: November 5, 2021

**PUBLIC NOTICE:**

Notices were sent to 15 property owners within 1,320 feet of the boundaries of the subject

parcels, 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 Conditional Use Permit Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

### **BACKGROUND INFORMATION:**

The project proposes to develop a biomethane processing operation consisting of two anaerobic digesters, a biomethane clean-up facility consisting of blowers, compressors, coolers, scrubbers and filters which will accept raw methane gas and purify it into commercial quality biogas which will then be conveyed via a proposed 3.5-mile-long underground pipeline to a utility owned pipeline through an interconnection point located on a previously approved digester site. The two proposed digesters will each be approximately 39,000 square feet in surface area. The biomethane facility will be comprised of an approximately 3,200 square-foot mechanical building, which will contain digester control systems, boilers, pumps and blowers, and gas flare to burn off excess gas when the digester system is not operating for any reason. The proposed digester and biogas facilities will occupy approximately 8.0-acres of the existing dairy site and two southerly adjacent parcels. Liquid digestate will gravity flow to an existing facility for subsequent land application in accordance with the dairy's nutrient management plan and waste discharge requirements imposed by the Regional Water Quality Control Board.

In the biomethane processing portion of the operation, the biogas from the digesters will be upgraded by compression and chilling to remove water, followed by lowering of hydrogen sulfide levels, further compression, cooling and removal of remaining CO<sub>2</sub> and Hydrogen Sulfide, in order to make the gas utility compliant. The gas would then be delivered via pipeline to public or private utility owned transmission pipeline networks.

The manure supplied by the subject dairy will be roughly equivalent to the quantity supplied by the two off-site dairies.. The manure from the two off-site dairies will be trucked to the subject digester facility approximately 30 times per day between the two off site locations.

Review of web based aerial imagery indicates that most of the affected parcels, are unimproved and under single ownership, with the exception of the improvements related to the existing dairy operations located on APN 041-030-20S, and the proposed pipeline interconnection point, which contains an operating dairy. The proposed pipeline will traverse a number of parcels along its path which are currently under the same ownership as the subject property which will contain proposed dairy digesters and biomethane clean-up facility.

The pipeline is proposed to connect to an existing commercial pipeline currently owned and operated by California Energy Exchange., via an interconnection point, located on another dairy under different ownership, with an existing digester and biomethane facility site approved under CUP 3679. The project will utilize electrical power obtained from the extension of overhead lines.

**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.*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	AE-20 Front Yard: 35 feet Side Yard: 20 feet Rear Yard: 20 feet	No change	Y
Parking	One parking space for every two employees	No change	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 requirement unless pool is present	No change	Y
Septic Replacement Area	100% replacement	No change	Y
Water Well Separation	Septic Tank: 100 feet Disposal Field: 100 feet Seepage Pit: 100 feet	No change	Y

**Reviewing Agency/Department Comments Regarding Site Adequacy:**

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

**Finding 1 Analysis:**

The existing on-site dairy operation will provide manure for the digester and biomethane facility; additionally, two off-site dairies located approximately ten miles northeast and 10 miles northwest of the proposed facility, will contribute manure for the digester/biomethane clean-up facility. The majority of the parcels to be traversed by the pipeline consist of unimproved agricultural land, with the exception of the pipeline interconnection point located on an operating

dairy.

There is adequate space on the subject site for the proposed project to comply with the applicable development standards of the underlying zone district. Additional detailed review of the proposed facility will occur during the building permit process, that will ensure that all applicable development standards are met.

**Recommended Conditions of Approval:** *None*

**Finding 1 Conclusion:**

Finding 1 can be made as the analysis above indicates that the project parcel is adequate in size and shape to accommodate the proposed use.

***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	Floral Avenue alignment: private access road	No change
Public Road Frontage	No	The subject parcels do not have public road frontage	No change
Direct Access to Public Road	No	Private access roads allow connection to the site from Jameson Avenue	No change
Road ADT		N/A	N/A
Road Classification		N/A	N/A
Road Width		N/A	N/A
Road Surface		Private access roads connecting to subject site are unimproved	No change
Traffic Trips		N/A	Approximately 30 one- way (60 round) trips per day from the two-off site participating dairies contributing feedstock to the digester operation
Traffic Impact Study (TIS) Prepared	No	Not required	N/A
Road Improvements Required		None required	No change

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

Road Maintenance and Operations Division of the Department of Public Works and Planning: The subject parcels border on W. Nebraska Avenue and W. Mountain View Avenue, both of which are not County-maintained. Both the Fresno County Design Division of Public Works and Planning and Caltrans have indicated that projects traffic is not appreciable enough to pose any adverse impacts.

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

**Finding 2 Analysis:**

The project site for the proposed digesters, biomethane facility and adjacent dairy are located between W. Floral Avenue, and W. Nebraska Avenue, approximately one half-mile west of their intersection with S. Jameson Avenue. The segment of W. Floral providing access from the dairy site to S. Jameson is paved. The subject parcels do not have public road frontage, and direct access to the public right-of-way along S. Jameson Avenue is via either the W. Floral or W. Nebraska alignments. There have not been any significant impacts from or lack of adequate means of access identified with the project.

**Recommended Conditions of Approval:**

*None*

**Finding 2 Conclusion:**

Finding 2 can be made, as review of the proposal by the Road Maintenance and Operations Division and the Design Division indicated that the project would not impact County-maintained roads, therefore, based on the information provided and subsequent review, access and roads will be adequate to accommodate the proposed use.

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

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North	159.26 acres	Dairy and Single-Family Residences	AE-20	Approximately 2,590 feet
South	320 acres	Orchard	AE-20	N/A
East	303.7 acres	Orchard	AE-20	N/A
West	48.08 acres	Field Crops	AE-20	N/A



## **Reviewing Agency/Department Comments:**

### **Department of Public Health, Environmental Health Division:**

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 Facility 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 (including holding ponds) shall be applied in accordance with approval and water quality standards enforced by the Central Valley Regional Water Quality Control Board (RWQCB).

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 action as the Local Enforcement Agency (LEA).

### **Central Valley Regional Water Quality Control Board:**

A revised nutrient management plan was not submitted to indicate that the Dairy's application fields can accommodate the additional effluent discharged from the digester once the effluent has cycled through. The nutrient management plan should address the change in nutrients that are expected once the digestate has passed through the digester.

The project proposes to receive manure from two sister dairy sites in addition to the dairy adjacent to the digester facility. The capacity of the digester must be known to determine what maximum amount of wastewater effluent will be imported.

An operations and maintenance plan should be included to show how the dairy intends to maintain the digester to prevent failures and indicate what measures will be taken in the event of an upset.

The Initial Study indicated that imported dairy waste will be used for the digester. If the dairy intends to import waste, a mass balance must be presented that documents whether equitable amounts of waste will be exported to participant dairies following the digestion process. If imports and exports are equitable, then the dairy will be requested to submit a Notice of Intent to enroll the dairy under the Waste Discharge Requirements General Order for dairies with manure anaerobic digester or co-digester facilities, Order No. R5-2010-0130 (Digester General Order). If imports and exports are inequitable, the dairy and participant dairies must jointly submit a Notice of Intent as application for regulatory coverage under the Digester General Order, along with the necessary technical documents, a minimum of 120 days prior to the proposed change in operations.

Prior to installation, technical documents should be submitted to Central Valley Regional Water Board staff for review and approval by the Executive Officer. This should include engineering documentation pertaining to the construction of the digester and ancillary parts.

San Joaquin Valley Air Pollution Control District: Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission.

This project will be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require District permits.

District Rule 2010 requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District.

District Rule 2201 requires that new and modified stationary sources of emissions mitigate their emissions using best available control technology (BACT). Prior to commencing construction on any permit-required equipment or process, a finalized Authority to Construct must be issued to the project proponent by the District.

**Fresno County Fire Protection District:**

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

The project/development may be required to 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 preceding comments provided by reviewing Agencies and Departments will be included as project notes unless stated otherwise. No other comments specific to land use compatibility or impacts to adjacent property, were expressed by reviewing Agencies or Departments.

**Finding 3 Analysis:**

Based on comments received from reviewing Agencies and Departments, the project will be subject to additional regulatory requirements, which can include submittal of a Hazardous Materials Business Plan, approval or permits from the San Joaquin Valley Air Pollution Control district, permits from the Regional Water Quality Control Board, and further review by the Fresno County Fire Protection District. These regulatory requirements are included as project notes for compliance by the Applicant. There were no non regulatory mitigation measures identified or requested by the reviewing agencies. The Initial Study prepared for the project determined that the proposed facilities would not result in any significant impacts with the inclusion of the recommended mitigation measures for shielding of lighting and provisions for reporting of unanticipated unearthing of cultural resources.

**Recommended Conditions of Approval:** *None*

**Finding 3 Conclusion:**

Finding 3 can be made, as the foregoing analysis determined that the proposal would not result in adverse effects on abutting property or the surrounding neighborhood.

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

Relevant Policies:	Consistency/Considerations:
<p><b>General Plan Policy LU-A.13:</b>  <i>The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.</i></p>	<p>The project will be subject to the development standards of the underlying zone district. In this instance, the development standards of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District will apply. Minimum setbacks are established for development from parcel boundaries and ensures that a buffer is in place between the project and adjacent agricultural operations.</p>
<p><b>General Plan Policy LU-A.14:</b>  <i>The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.</i></p>	<p>Review of the project’s impact on agricultural land was conducted in the prepared Initial Study and through analysis by the Policy Planning Section. The Initial Study determined that impacts to agricultural land would be less than significant, as the proposed facility will be sited on portion of land that was already part of an existing dairy operation and would not hinder the existing agricultural (dairy) operation.</p> <p>The subject parcels are enrolled in the Williamson Act Program. It was determined that the proposed use is considered incompatible on land under contract, and that as a result the portions of the subject parcels proposed to contain the digester and biogas facilities would need to be taken out of the Williamson Act through a partial non-renewal process, which includes the recordation of a Notice of Nonrenewal.</p>
<p><b>General Plan Policy PF-C.17:</b>  <i>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:</i></p> <p style="padding-left: 40px;">a. <i>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</i></p>	<p>The Water and Natural Resources Division conducted a water supply evaluation, determined that the project’s water supply is adequate to support the project. Additionally, the site is not located in an area of the County designated as being water short.</p>

Relevant Policies:	Consistency/Considerations:
<p><i>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.</i></p> <p>b. <i>A determination of the impact 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.</i></p> <p>c. <i>A determination of the impact that use of 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 significant economic hardship, to surrounding water users.</i></p>	
<p><b>General Plan Policy HS-B.1:</b>  <i>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.</i></p>	<p>The project proposal was reviewed by the Fresno County Fire Protection District as part of this application, with additional review occurring during the building permit process for the proposed facility.</p>
<p><b>General Plan Policy HS-F.1:</b>  <i>The County shall require that facilities that handle hazardous materials or hazardous wastes be designed, constructed, and operated in accordance with applicable</i></p>	<p>Per the Fresno County Department of Public Health, Environmental Health Division, the project is subject to regulatory permit and oversight. Additional regulatory requirements including the preparation and submittal of a</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<i>hazardous materials and waste management laws and regulations.</i>	Hazardous Materials Business Plan is required by the Environmental Health Division.
<b>General Plan Policy HS-F.2:</b> <i>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.</i>	As noted, there are additional regulatory requirements anticipated for this project in addition to County conditions of approval. Regulatory agencies including the Department of Public Health, the Regional Water Quality Control Board, and the San Joaquin Valley Air Pollution Control District will require further compliance with State and local requirements for the handling and disposal of hazardous materials/wastes.

**Reviewing Agency Comments:**

**Policy Planning Section of the Department of Public Works and Planning:**

The parcels associated with this project are located in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District and are designated as Agricultural in the County General Plan.

The use of land enrolled in the Williamson Act Program is limited to commercial agricultural operations and other compatible uses adopted by the Board of Supervisors. The proposed anaerobic and biomethane production facility is not considered a compatible use on land enrolled in the Program. Therefore, the area proposed for the anaerobic digester and biomethane production facility must be removed from the Program through the Nonrenewal process. Unlike an application for cancelation of contract an application for nonrenewal does not require review by the Agricultural Land Conservation Commission (ALCC) or further action by the Board of Supervisors.

The Policy Planning Section has reviewed the submitted information pertaining to the proposed pipeline and has determined that the proposed pipeline is compliant with the Williamson Act Program.

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

**Finding 4 Analysis:**

The project proposes a commercial use in an agricultural area whereby the feedstock (manure) produced by an adjacent dairy operation, and two other participating dairies is utilized to create utility grade biogas to be sold to the grid and conveyed via a proposed pipeline to an existing utility owned pipeline. Although the use itself is not a necessary part of an active dairy operation, it will operate appurtenant to and depend upon the normal operation of the dairy. Additionally, the digester, biomethane facility and pipeline will not conflict with any current or future agricultural use of the property involved; and, no specific General Policy conflicts were identified.

**Recommended Conditions of Approval:** *None*

**Finding 4 Conclusion:**

Finding 4 can be made, the analysis above found no apparent conflicts with the General Plan.

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

**Finding 5 Analysis:**

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

**Finding 5 Conclusion:**

Finding 5 can be made based on staff's analysis, the conditions stated in the resolution can be deemed necessary to protect the public health, safety, and general welfare.

**PUBLIC COMMENT:**

*None*

**SUMMARY CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings for granting a Conditional Use Permit can be made, and therefore recommends approval of Unclassified Conditional Use Permit Application No. 3696, subject to the recommended Mitigation Measures, Conditions of Approval and Regulatory Notes.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Move to adopt the Mitigated Negative Declaration based on Initial Study No. 7998; and
- Move to determine the required Findings for a Conditional Use Permit can be made and move to approve Unclassified Conditional Use Permit Application No. 3696, 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. 3696; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

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

See attached Exhibit 1.

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EXHIBIT 1

**Mitigation Monitoring and Reporting Program  
Unclassified Conditional Use Permit Application No. 3696  
Initial Study No. 7998  
(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	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.
Conditions of Approval					
1.	Development of the proposed digester, biomethane facility and pipeline shall be in substantial compliance with the Site Plans, Floor Plans, Elevations, and Project Description/Operational Statement approved by the Planning Commission.				
2.	Prior to the issuance of permits, a revised Nutrient Management Plan and Operations and Maintenance Plan shall be submitted to the Central Valley Regional Water Quality Control Board for review and approval; and a copy of both of the approved plans shall be provided to the Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division.				
3.	Prior to installation of the digesters, technical documents shall be submitted to the Central Valley Regional Water Quality Control Board for review and approval by the executive officer. Submittal shall include engineering documentation pertaining to the construction of the digesters and ancillary components.				

EXHIBIT 1

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

**Notes**

The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.

1.	Building permits will be required for all proposed structures and buildings.
2.	<p>The Development Engineering Section provide the following comments:</p> <ul style="list-style-type: none"> <li>a. Any additional storm water runoff generated by the proposed development of this site cannot be drained across property lines or into the road right-of-way and must be retained on-site per County Standards.</li> <li>b. If the proposed development does not substantially 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, Letter of Retention and Letter of Certification from a licensed Civil Engineer addressed to the Department of Public Works and Planning may be required. Letter of Certification must specify the reason why an engineered grading and drainage plan is not needed.</li> <li>c. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) are required to be filed with the State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area. Copies of the completed NOI with WDID # and SWPPP shall be provided to the Development Engineering Section prior to any grading work.</li> <li>d. Any existing or proposed driveway should be set back a minimum of 10 feet from the property line.</li> </ul>
3.	<p>The Road Maintenance and Operations Division provided the following comments:</p> <ul style="list-style-type: none"> <li>a. The digester facility subject parcels border on W. Nebraska Avenue and W. Mountain View Avenue, which are not County maintained roads. If the pipeline enters County right-of-way, encroachment permits, and franchise agreements may be required.</li> </ul>
4.	<p>The Central Valley Regional Water Quality Control Board provided the following comments:</p> <ul style="list-style-type: none"> <li>a. A revised Nutrient Management Plan was not submitted to indicate that the Dairy’s application fields can accommodate the additional effluent discharged from the digester(s) once the effluent has cycled through. The Nutrient Management Plan should address the change in nutrients expected once the digestate has passed through the digester(s). See Condition No. 2</li> <li>b. The project proposes to receive manure from two sister dairy sites, in addition to the adjacent dairy. The capacity of the digester(s) must be known to determine what maximum amount of wastewater effluent will be imported.</li> </ul>

Notes

- c. An Operations and Maintenance Plan should be included to show how the Dairy intends to maintain the digester to prevent failures and indicate what measures will be taken in the event of an upset.
- d. The Initial Study indicates that imported dairy waste will be used for the digester. If the dairy intends to import waste, a mass balance must be presented which documents whether equitable amounts of waste will be exported to participant dairies following the digestion process. If imports and exports are equitable, then it is requested that the dairy submit a Notice of Intent to enroll the dairy under the waste discharge general order for dairies with manure anaerobic digester or co-digester facilities, order no. R5-2010-0130 (Digester General Order). If imports and exports are inequitable, then the digester host dairy and other participant dairies must jointly submit a Notice of Intent as application for regulatory coverage under the digester general order, along with the necessary technical documents, and minimum of 120 days prior to the proposed change in operations.
- e. Prior to installation, technical documents should be submitted to Central Valley Water Board staff for review and approval by the Executive Officer. The submittal should include engineering documentation pertaining to the construction of the digester(s) and ancillary equipment and structures. See Condition No. 3

5. The Department of Public Health, Environmental Health Division provided the following comments:
- a. The use shall comply with the Fresno County Noise Ordinance and Noise Element of the Fresno County General Plan.
  - b. Within 30 days of the occurrence of the following events the Applicant/operators shall update their Hazardous Materials Business Plan and site map:
    - 1. There is a 100% or more increase in the quantities of a previously disclosed materials.
    - 2. 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 that that the changes were submitted to the local agency.
  - c. All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.
  - d. If the anaerobic digester process requires accepting manure or other feedstock from other than their own

Notes

property, the facility would be subject to the Transfer/Processing Operations and Facility Regulatory Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, and Article 6.0-6.35).

- e. The land application rates of liquid from digester and solid waste from the digester (including holding ponds) shall be applied in accordance with approval and water quality standards enforced by the Central Valley Regional Water Quality Control Board (RWQCB).
- f. The operational statement 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 action as the Local Enforcement Agency (LEA). The Applicant will be required to obtain a SWIS Number from Cal Recycle.
- g. In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately licensed contractor (permits required).
- h. If any underground storage tank(s) are found during construction, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.

6. The San Joaquin Valley Air Pollution Control District provided the following comments:

- a. Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 requires that new and modified stationary sources of emissions mitigate their emissions using best available control technology (BACT). This project will be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require District permits. Prior to commencing construction on any permit-required equipment or process, a finalized Authority to Construct must be issued to the project proponent by the District.
- b. The purpose of District Rule 9510 (Indirect Source Review) is to reduce the growth in both NOx and PM10 emissions associated with development and transportation projects from mobile and area sources associated with construction and operation of development projects. The rule encourages clean air design elements to be incorporated into the development projects. The rule encourages clean air design elements to be incorporated into the development project. In case the proposed project clean air design elements are insufficient to meet the targeted emission reductions, the rule requires developers to pay a fee used to fund projects to achieve off-site emissions reductions. The pipeline portion of the project is separate from the permitted facility and is subject to District Rule 9510.

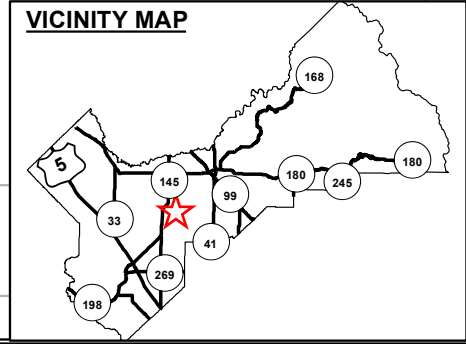
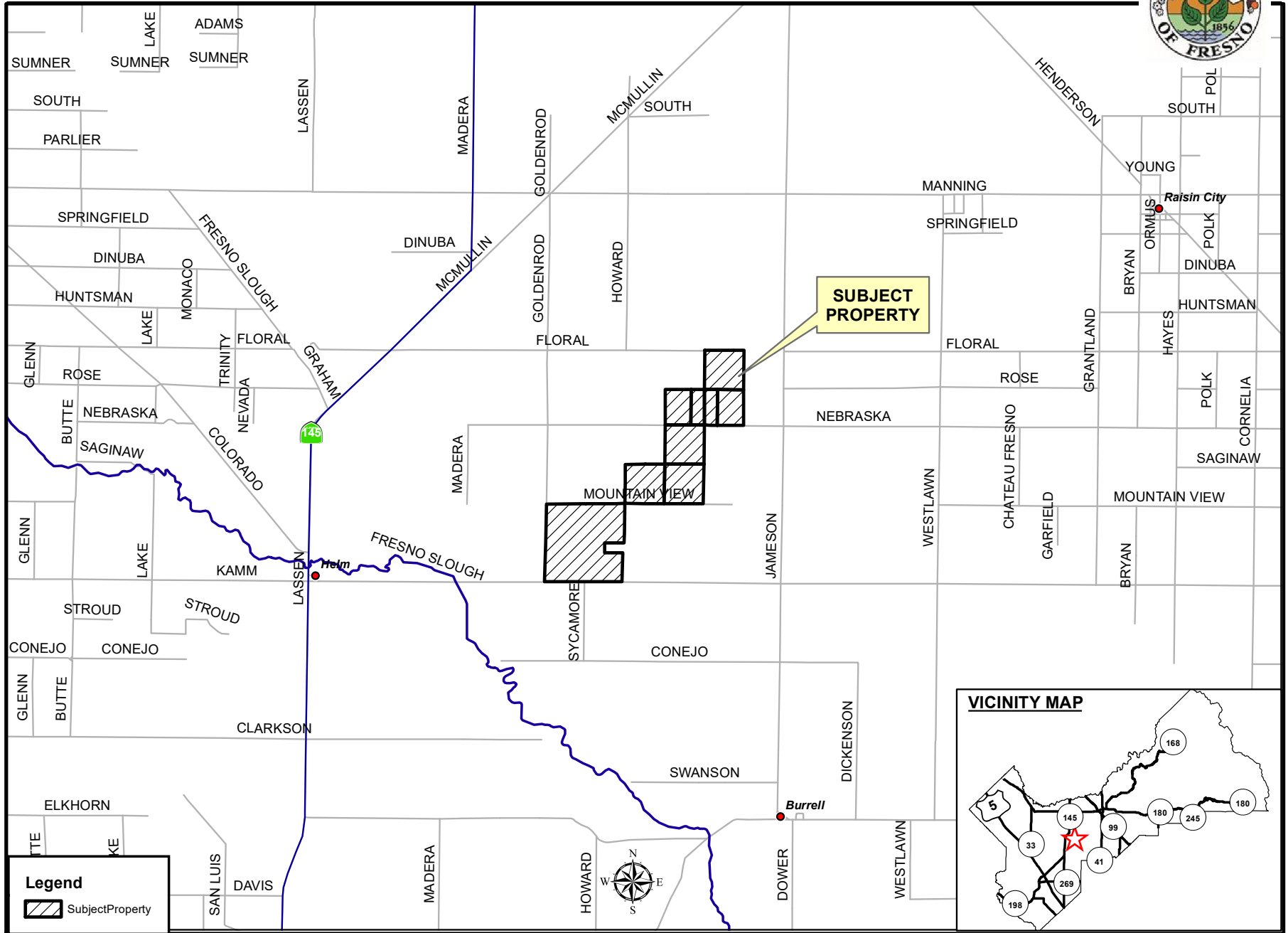
Notes

- c. In the event an existing building will be renovated, partially demolished or removed. The project may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated.
- d. The project will be subject to Regulation VIII. The project proponent is required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to construction.
- e. The project may also be subject to the following District rules: Regulations VIII (Fugitive PM10 Prohibitions), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), Rule 4102 (Nuisance), Rule 4550 (Conservation Management Practices), Rule 4570 (Confined Animal Facilities)). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

7. The Fresno County Fire Protection District provided the following comments:
- a. The application shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving your Fresno County Fire Protection District conditions of approval for your project, you must submit construction plans to the County of Fresno Public Works and Planning and FCFPD for review. It is the Applicant’s responsibility to deliver a minimum of two sets of plans to the FCFPD.
  - b. The project/development may be required to annex into the Community Facilities District No. 2010-01 of the FCFPD. Project/developments included: Single-Family Residential (SFR), SFR properties subdivided into three or more housing units, Multi-Family Residential (MFR) Property, Commercial Property, Industrial Property, and/or Office Property.
  - c. 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.

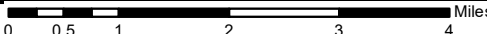


# LOCATION MAP



**Legend**

SubjectProperty







CUP 3696 REV  
STR 9,10,17-16/18

# EXISTING ZONING MAP

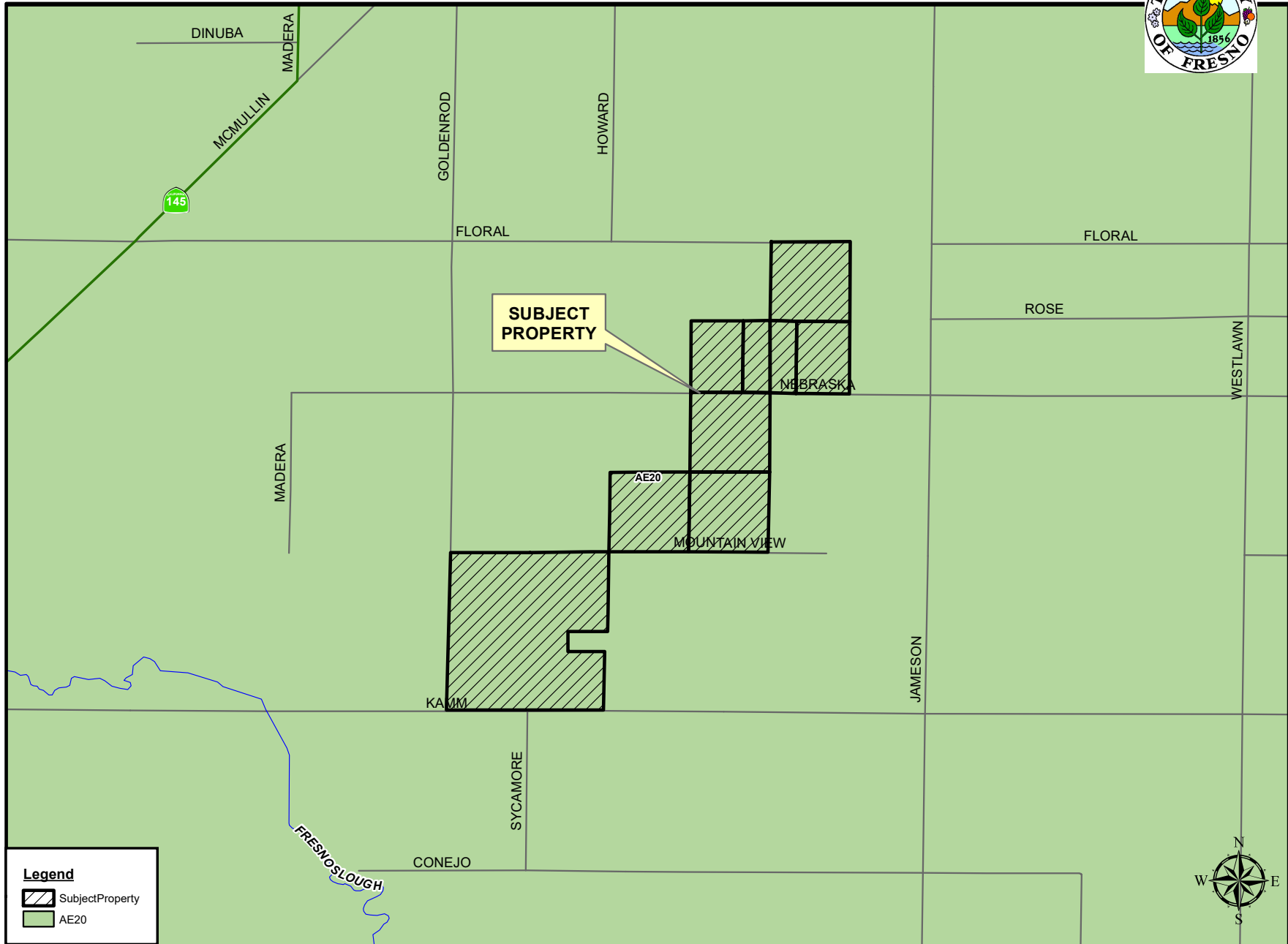
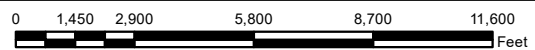


EXHIBIT 3

**Legend**

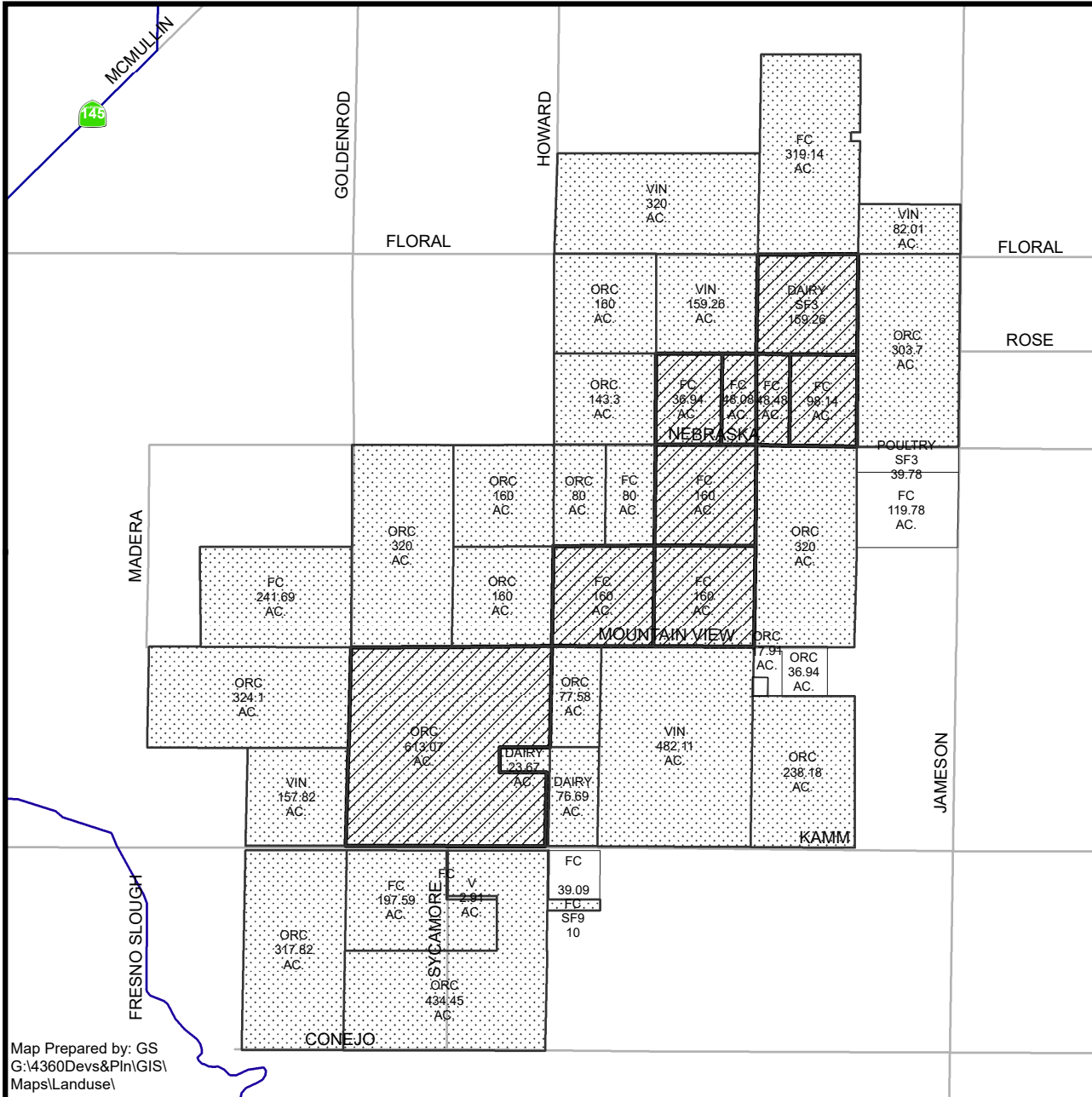
- SubjectProperty
- AE20






# EXISTING LAND USE MAP

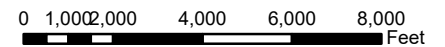
CUP 3696 REV



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

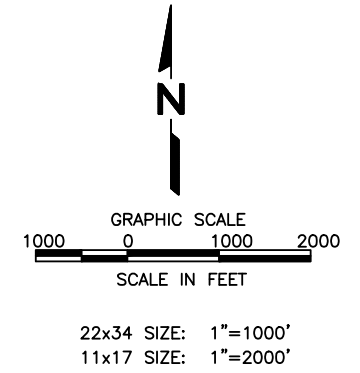
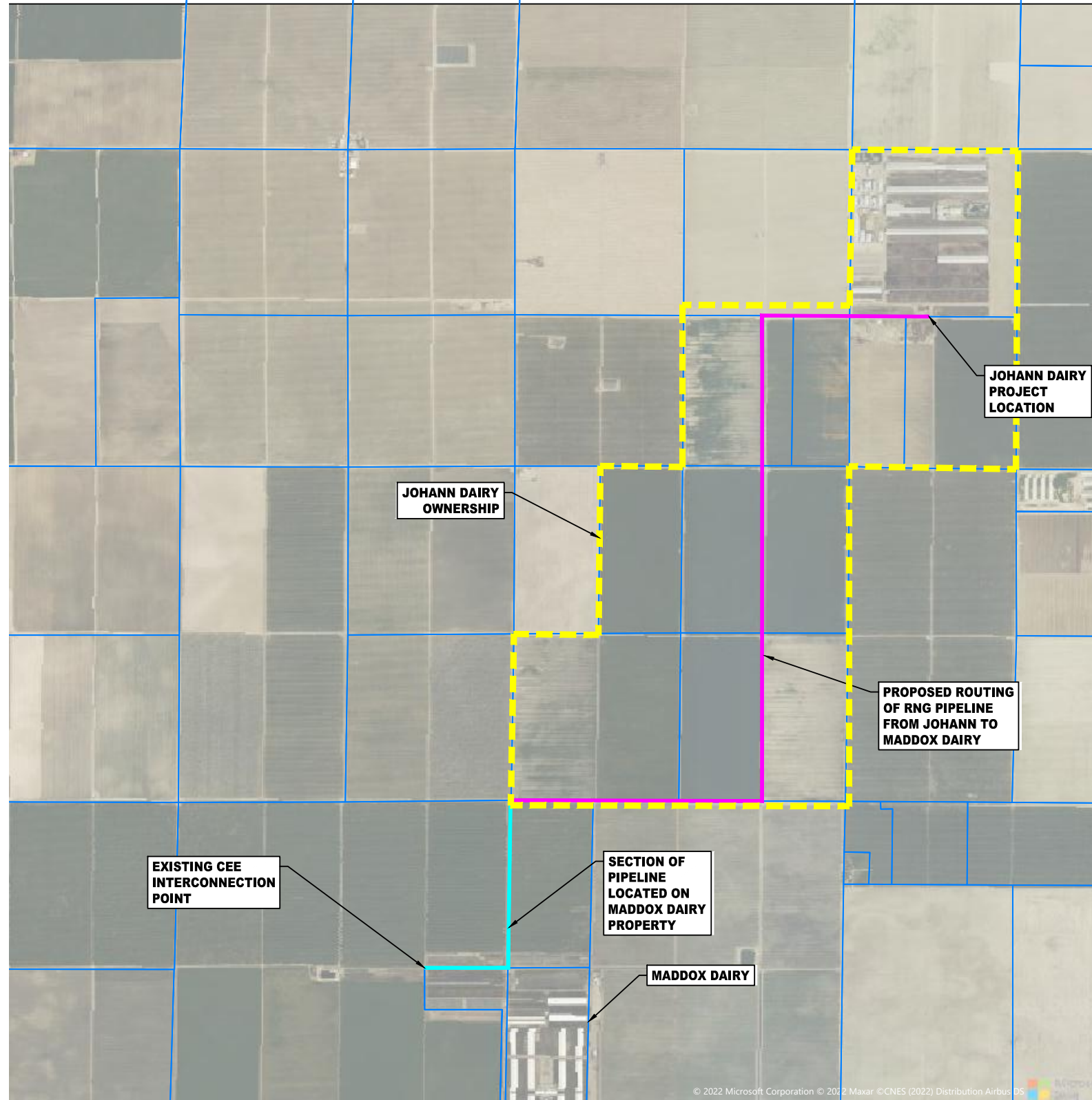
Map Prepared by: GS  
G:\4360Devs&Plan\GIS\Maps\Landuse\




# EXHIBIT 5

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


A  
B  
C  
D  
E  
F  
G  
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I  
J



**LEGEND**  
 PROPOSED ROUTING OF RNG PIPELINE

\\lbc-1601\DATA\PROJECTS\06219013\02\Drawings\Pipeline Route\Pipeline Route.dwg Aug 01, 2022 - 5:45pm By: 3888@s

EXHIBIT 5

 <b>SCS ENERGY</b> 3900 KILROY AIRPORT WAY LONG BEACH, CA 90806 (562) 426-9544	CLIENT  SA ENERGY	SHEET TITLE		NO.	REVISION	DATE	PROJECT DATE: 05/16/2022
		PROJECT TITLE SAR 1 DIGESTER FACILITY					SCALE: AS SHOWN
NAME: EXPIRATION DATE: PROFESSIONAL ENGINEER: LIC. NO.:	PROJ. NO.: DSN. BY:	DWN. BY: CHK. BY:	ACAD FILE: APP. BY:				DRAWING NO.



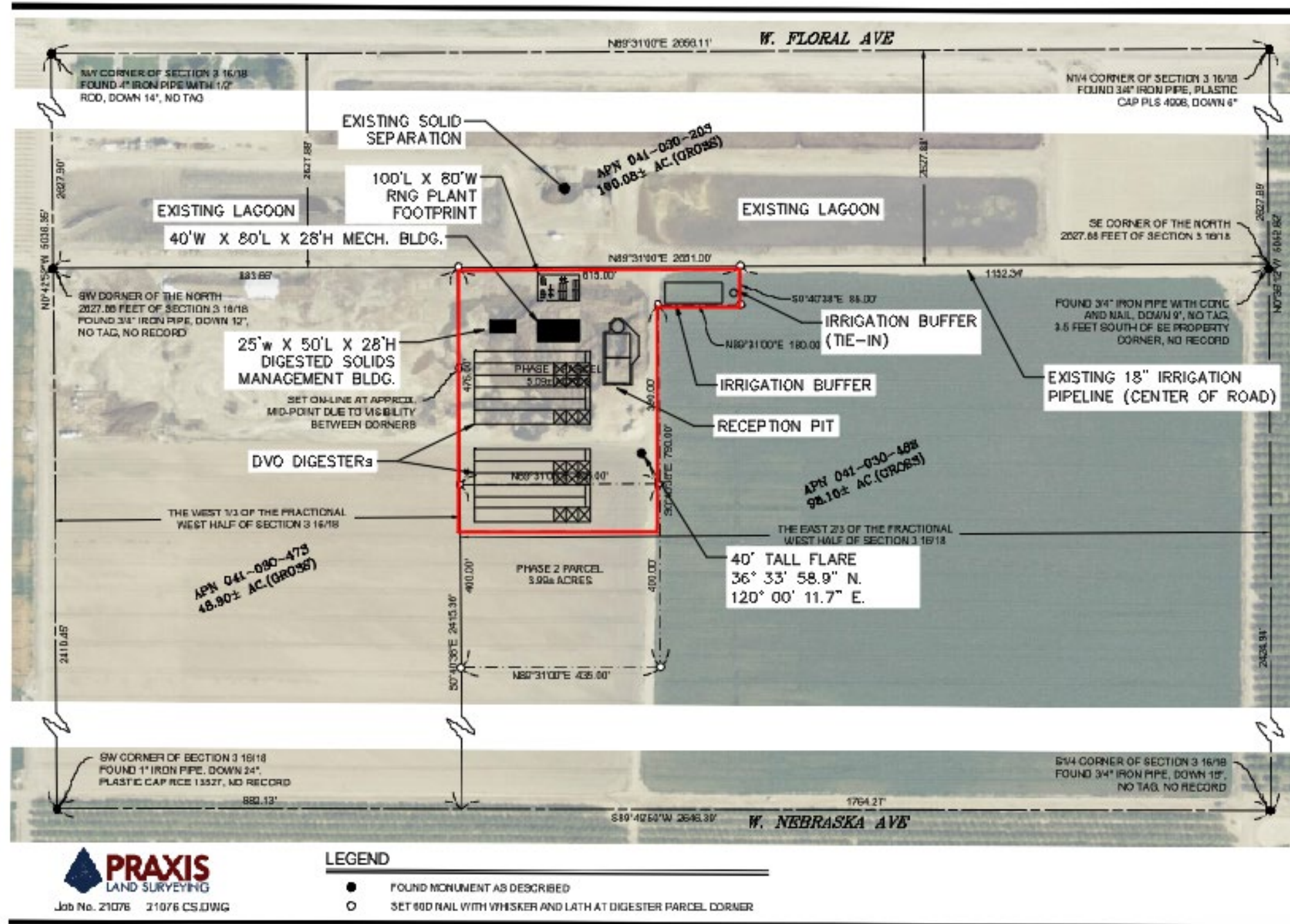


Figure 1. Facility Overall Layout



Figure 2. DVO Style Digester Option consisting of a mainly underground structure covered by a pre-cast concrete lid

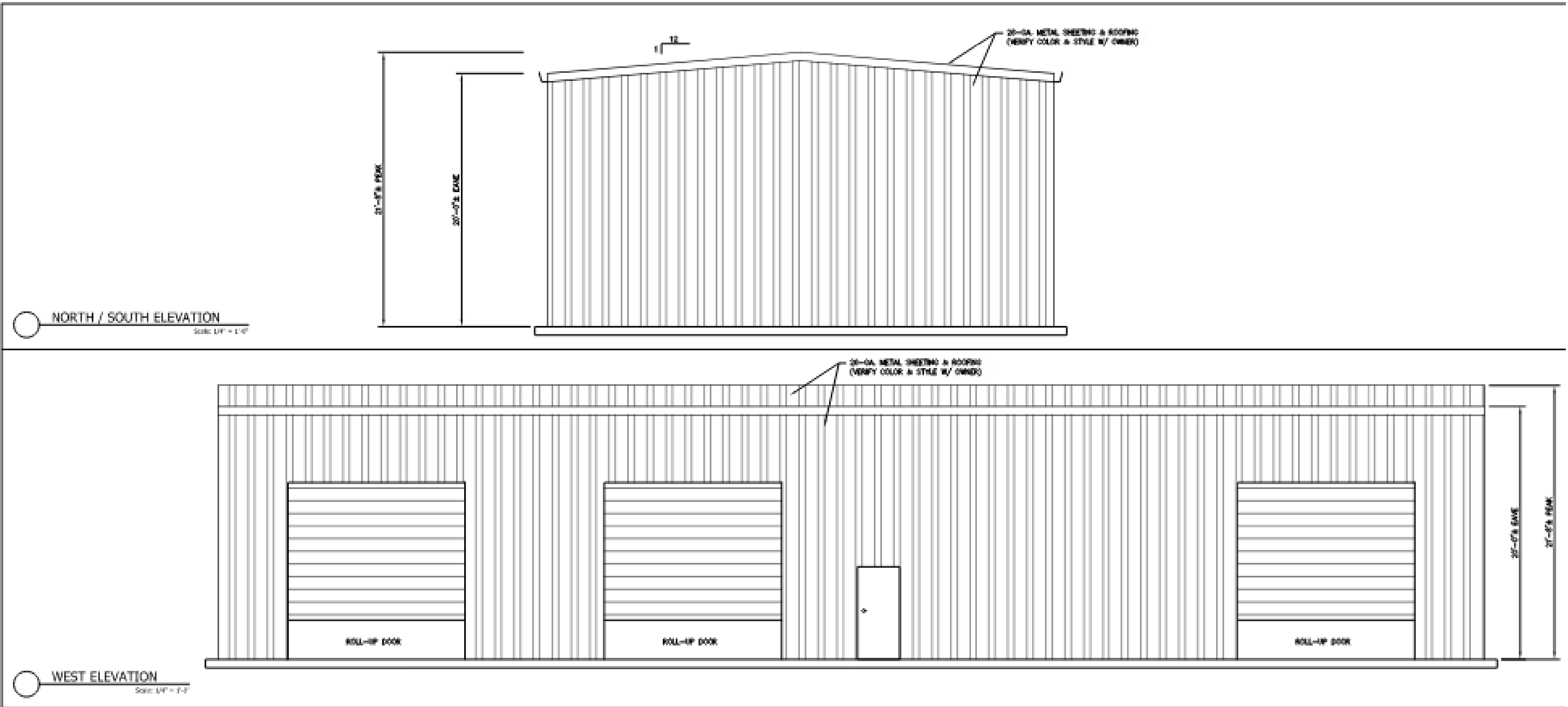


Figure 3. Typical Building Elevation (Max 25' Peak height)



# SAR1 Dairy Digester/Biomethane Facility Project Description

**SCS ENERGY**

06219013.02 | May 13, 2022

3900 Kilroy Airport Way Suite 100  
Long Beach, CA 90806  
562-426-9544

## Table of Contents

Section	Page
<b>1 Project Overview .....</b>	<b>1</b>
Project Description.....	2
Digester Facility .....	3
RNG Facility.....	3
SAR1 Facility Operation .....	5

### Figures

Figure 1. Vicinity Map .....	1
Figure 2. Proposed Pipeline Route .....	2
Figure 3. Digester Facility Process Flow Diagram.....	6
Figure 4. Digester System Block Flow Diagram .....	7
Figure 5. Estimated Emissions .....	8
Figure 6. Biomethane Facility Overall Layout.....	9
Figure 7. RNG Plant Layout with Emission Source Point.....	10
Figure 8. Biomethane Facility – Preconditioning Block Flow Diagram.....	11
Figure 9. Biomethane Facility – Main Process Block Flow Diagram .....	11
Figure 10. SAR1 Biomethane Plant Johann Dairy Development Site for Digester(s) and Biomethane Facility .....	12

### Tables

Table 1. DVO (or similar) Style Digester system (no motors have VFD or Soft-start) .....	A-2
Table 2. Gas Conditioning and Biomethane System.....	A-2
Table 3. Utility and Support Equipment .....	A-3

### Appendices

Appendix A	Equipment List
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# 1 PROJECT OVERVIEW

The project development consists of an anaerobic digester/biomethane facility on the Johann Dairy site located at 11544 W. Floral Ave, Fresno, CA, to produce pipeline quality and compliant biomethane gas for delivery to a utility owned pipeline point of connection.

The anaerobic digester/biomethane facility (SAR1 Biomethane Plant) at Johann Dairy will utilize manure feedstock from its dairy operations. The facility will also import manure feedstock from two sister dairy facilities, Generations and John DeGroot and Sons Dairies. The location of the SAR1 Plant and sister dairy facilities are shown in Figure 1 below.

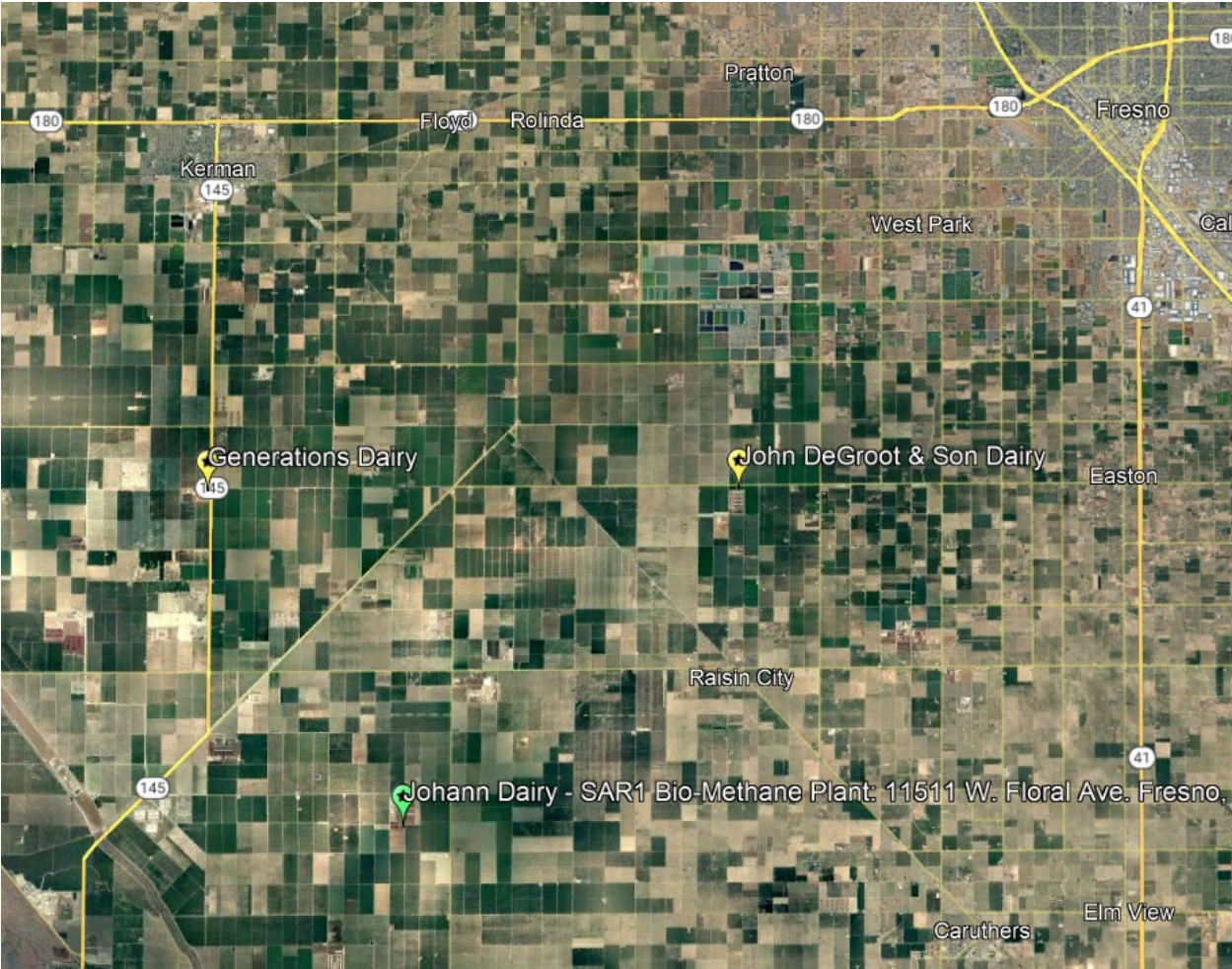


Figure 1. Vicinity Map

Renewable Natural Gas (RNG) produced at the SAR1 plant will be routed via an approximately 3.5-mile underground pipeline to a pipeline owned by California Energy Exchange (CEE) located approximately 2 miles west of the Maddox Dairy. The proposed routing for the pipeline from the SAR1 plant to the CEE interconnection point is shown in Figure 2 below.

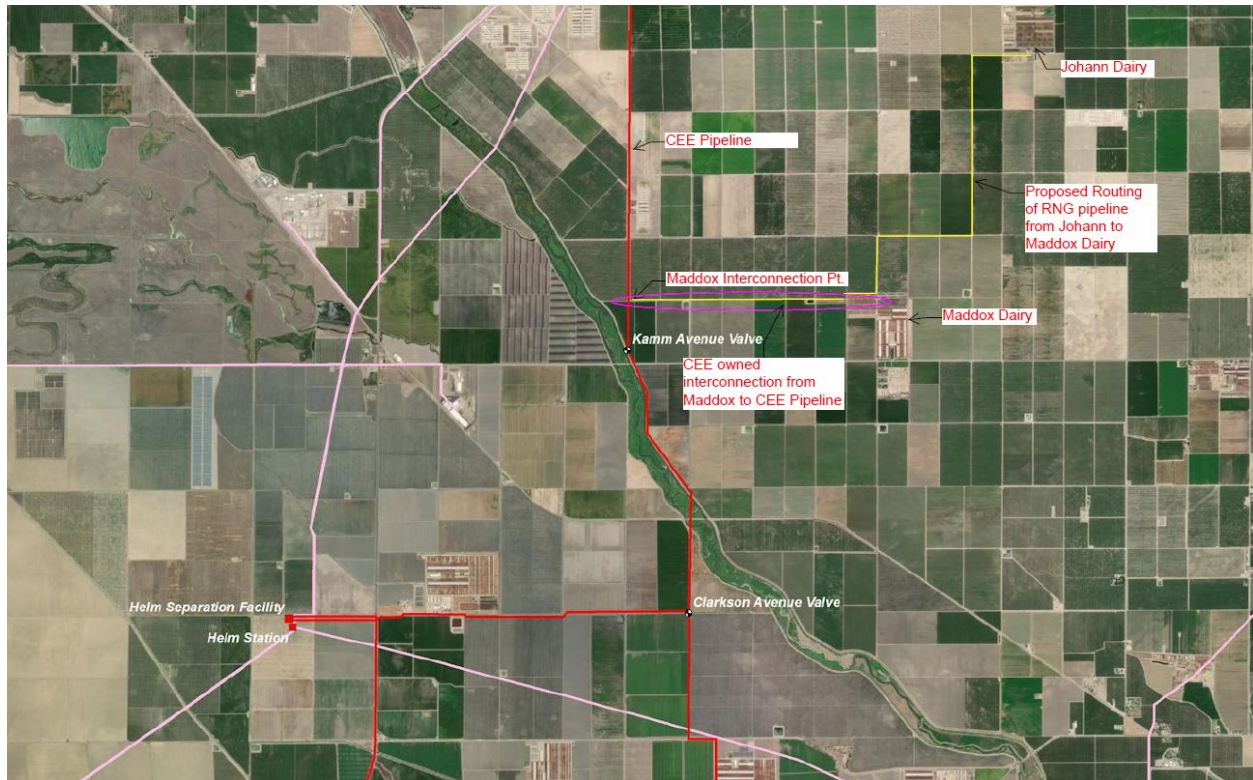


Figure 2. Proposed Pipeline Route

## PROJECT DESCRIPTION

The project development involves a portion of the 160.08-acre parcel (identified by APN 041-030-20S) developed with improvements related to the dairy and 98.10-acre undeveloped parcel identified by APN 041-030-48s, further defined as LAT/LONG N36o34'04" W120o00'13". Please see Figure 1, 6 and 7 for project vicinity, overall layout and equipment locations.

The process will require power supplied by extending the existing 12KV overhead electrical lines located on the dairy property.

The existing site improvements consist of a solid separation area and lagoons. These are to be used in conjunction with this proposal and are located on the dairy site. Integration is described within the Digester Facilities description below.

The proposed project improvements are addressed as two project elements below:

## Digester Facility

The digester portion of this project will consist of above or below grade digesters and two fabricated metal buildings. The first building will include approximate 3,200 square-foot (40' W X 80' L X 28' H) to house mechanical equipment and digester control systems, boilers, pumps, blowers, etc. The second metal building will consist of and an approximately 1200 square-foot (25'W X 50'L X 28' H) digested solids management building. The anaerobic digester process including all related equipment will utilize an approximate 8-acre portion of the undeveloped parcel. Please see Figure 6.6.

**Digester Process Description:** A DVO or similar style digester is sized for a 22-day retention time. The circulation is facilitated by cattle waste being continuously added to the digester with an equal amount leaving the digester. A series of sub 2MM Btu/hour pre-certified hydronic boilers will supply heat to elements in the digester to allow the bacteria to generate biogas in a mesophilic process. Recirculation of a portion of the biogas is used for mixing to help maintain digestate consistency in the digester.

The flushed cow manure feedstock to the digester first goes through a vibratory screen with solids directed into a receiving pit (See Figures 3 and 4) where heavy, non-digestible sediments such as sand and rocks from the open lot feed lanes are removed from the process. The remaining optimized slurry of 6-10% total solids is pumped into the digester vessel. Remaining undigested liquids from the pit system are recirculated as flush water resulting in water savings. This separation step negates the need for composting thus reducing odors, vectors and emissions.

Within the digester vessel, the manure slurry will be mixed and heated to 100 deg F where methanogenic bacteria convert the feedstock into a biogas, consisting primarily of methane and CO<sub>2</sub> with smaller amounts of hydrogen sulfide (H<sub>2</sub>S), oxygen, and water.

The biogas collected from the digester vessel is directed toward the RNG Facility described below to produce pipeline quality RNG.

During service intervals or times when the system is down for any reason, excess biogas will be directed to a permitted flare. Please see Figure 5 for flare description

After digestion, a mechanical manure screen located in the digested solids management building 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 for bedding replacement, land application on dairy-owned lands, or sold 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.

## RNG Facility

The RNG portion of the facility the facility consists of blowers, compressors, coolers, scrubbers, filters, and a separation skid that together accept raw digester biogas and purify it into pipeline quality RNG. This equipment will encompass an overall footprint approximately 100' x 80' with a maximum filter vessel height of approximately 20' tall. (See Figures 2-1a and 2-1b) The RNG facility will initially be designed to accept up to 1,000 scfm of digester biogas, which provides a level of conservativeness over the expected 900 scfm of biogas that is currently expected.



Location	Production from digesters		Delivery to pipeline <sup>(1)</sup>	
	SCFM	MSCFH	SCFM	MSCFH
SAR 1 FACILITY	900	54	567	34

Note 1: Assumes that digester produces biogas at 63 percent methane content

The biogas quality from the digester is expected to be approximately 55-64% methane, 35-41% CO<sub>2</sub>, with the remaining being nitrogen and oxygen. The upgrading process will precondition the biogas at its onset by compressing it to 2-3 psig, and then chilling to remove most of the water entrained in the biogas (See Figure 2-2). Then as shown in Figure 2-3, the biogas will go through H<sub>2</sub>S removal technology to lower H<sub>2</sub>S content to less than 50ppm. At this point the biogas is further compressed to 205-210 psig and chilled and filtered to remove the remaining water. The gas is then “polished” in an activated carbon vessel to reduce H<sub>2</sub>S concentration to less than 10ppm, and sent through a membrane separation skid that removes the remaining H<sub>2</sub>S, the CO<sub>2</sub>, and approximately 75% percent of the O<sub>2</sub> in order to create RNG compliant with utility gas quality requirements. A final compression and cooling stage conditions the gas to be delivered at a pressure and temperature compliant with the requirements of the receiving utility (PG&E or CEE) specifications at the point of reception.

Production: The summary production estimates for the SAR1 RNG facility are based upon an approximate herd size of 20,000 head of dairy cows including milk cows, dry cows and heifers comprised from three dairies as listed below. Details as to how the production estimates below were formed are available upon request.

Location	Milk Cows	Dry cows	Heifers	Total lbs of Manure (maximum)
<b>Johann Dairy Herd Size</b>	<b>4,420</b>	<b>780</b>	<b>4,800</b>	
Lbs/day of Manure Generated at 8% Solids	1,216,472	150,271	660,526	2,027,269
Collection Efficiency (%)	95%	65%	35%	
Lbs/Day of Manure Collected at 8% Solids	1,155,648	97,676	231,184	1,484,509
Location	Milk Cows	Dry cows	Heifers	
<b>Generations Dairy Herd Size</b>	<b>2,200</b>	<b>240</b>	<b>850</b>	
Lbs/day of Manure Generated at 8% Solids	605,484	46,237	116,968	768,689
Collection Efficiency (%)	100%	40%	35%	
Lbs/Day of Manure Collected at 8% Solids	605,484	18,495	40,939	664,918
Location	Milk Cows	Dry cows	Heifers	
<b>John DeGroot and Sons Dairy Herd Size</b>	<b>3,000</b>	<b>410</b>	<b>3,410</b>	
Lbs/day of Manure Generated at 8% Solids	743,094	57,796	412,829	1,213,719
Collection Efficiency (%)	90%	40%	35%	
Lbs/Day of Manure Collected at 8% Solids	668,785	23,118	144,490	836,393
	<b>Grand Total Manure Generated/day</b>			<b>4,009,677</b>
	<b>Grand Total Manure Collected/day</b>			<b>2,985,819</b>

Importing of Manure from sister dairies: The SAR1 Biomethane Facility located at the Johann Dairy will be receiving manure from two sister dairies, Generations and John DeGroot and Sons (JDS) via 6,500-gallon tanker trucks. The tank trucks will be well under the 80,000 lbs total weight limit for California.

There will be 17 trips each day from John DeGroot & Sons Dairy (6105 W Lincoln Ave, Fresno, CA 93706) to Johann Dairy (11511 W Floral Ave, Fresno, CA 93706) and 13 trips each day from Generations Dairy (6043 S Madera Ave, Kerman, CA 93706) to Johann Dairy (11511 W Floral Ave, Fresno, CA 93706).

The distance from either Generations or JDS to Johann is approximately 10 miles. The distance between Generations and JDS is 9 miles.

Electrical Load Requirement at Johann Dairy for the SAR1 Facilities: The site requires approximately 550KW of electrical power for continuous operations. Please see Tables 1, 2 and 3 for projected electrical load requirements. The largest motors will be equipped with VFD's or soft start to reduce in-rush current. This new load will be served by extending the existing PG&E service at the Johann Dairy from the northeast corner of the dairy site near Floral Avenue and separately metering the power delivered to the SAR1 Biomethane Plant.

Natural Gas Supply for the New Boilers: The digester boilers will utilize natural gas from SoCalGas (SCG) via an extension of the existing 4-inch service to the Johann Dairy.

## **SAR1 FACILITY OPERATION**

The entire digester and RNG facility process will run continuously 24 hours per day, 7 days per week. However, the plant will be manned Monday through Friday in single-shift operation. All maintenance and servicing work will usually be performed during this time, and only a short inspection-round is necessary on weekends and holidays.

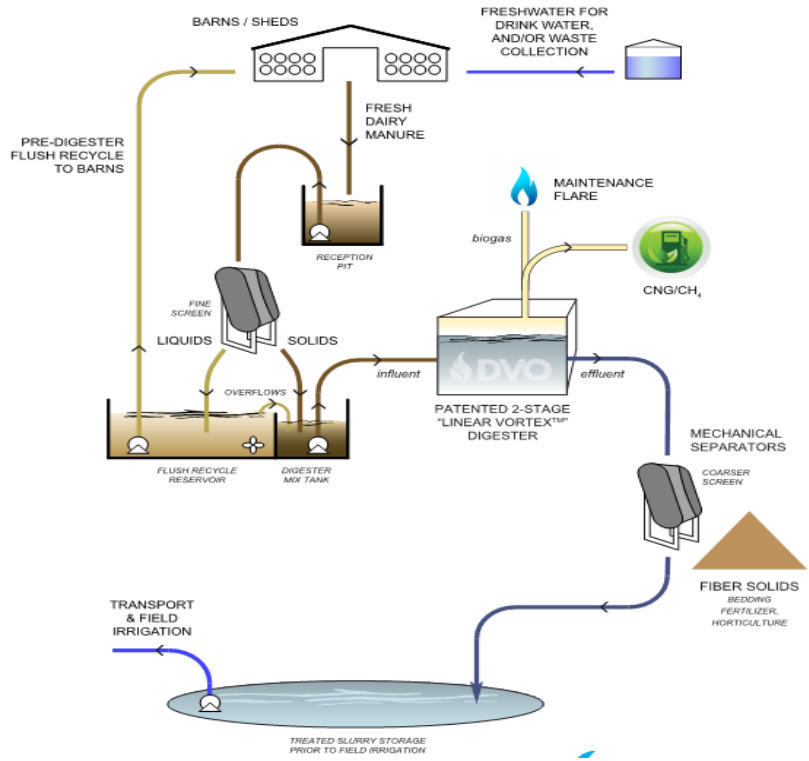


Figure 3. Digester Facility Process Flow Diagram



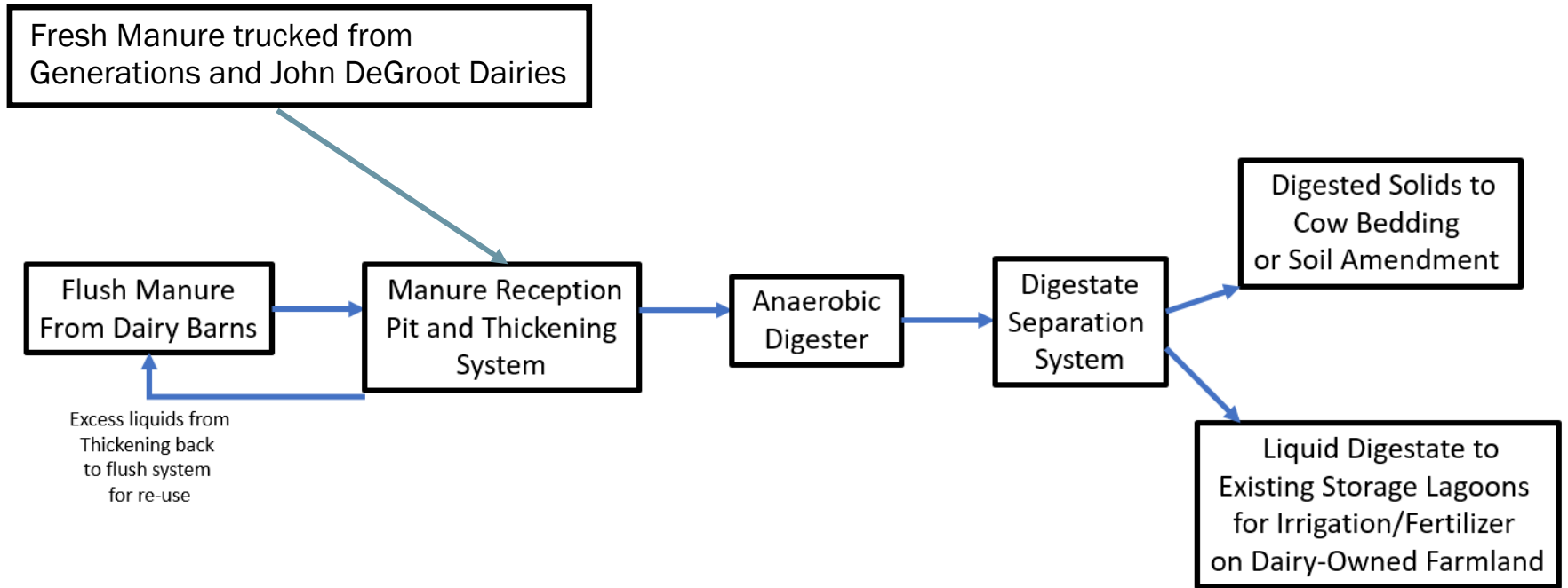


Figure 4. Digester System Block Flow Diagram

## Johann 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 6,140 milking cow equivalents, the digester has the potential to produce:

$$711.855 \text{ MMBtu/day} \times 1 \text{ day/24 hr} = 29.66 \text{ MMBtu/hr of digester biogas}$$

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

Nox	0.068 lb/MMBtu x	29.66 MMBtu/hr	8760 hrs/year x	1 ton/2000 lb =	8.83
				(@ 5% utilization) =	0.44
CO	0.37 lb/MMBtu x	29.66 MMBtu/hr	8760 hrs/year x	1 ton/2000 lb =	48.07
				(@ 5% utilization) =	2.40
<b>NMHC (Non-Methane Hydrocarbons)</b> (AP-42 Table 13.5-2 - 45% of 0.14 lb/MMBtu)					
	0.063 lb/MMBtu x	29.66 MMBtu/hr	8760 hrs/year x	1 ton/2000 lb =	8.18
				(@ 5% utilization) =	0.41

**SO<sub>2</sub>**

Assumptions:

4000 ppm H<sub>2</sub>S average concentration in biogas from the digester  
 29159 scf/hr fuel consumption at 100% of total biogas production  
 Reaction when H<sub>2</sub>S is combusted: 2 H<sub>2</sub>S + 3 O<sub>2</sub> -> 2 SO<sub>2</sub> + 2 H<sub>2</sub>O

4000 ppm x	34 molecular weight of H <sub>2</sub> S / 24.45	=	5562 mg/m <sup>3</sup>
29159 scf/hr x	1 m <sup>3</sup> /35.28 ft <sup>3</sup>	=	826.52 m <sup>3</sup> /hr
5562 mg/m <sup>3</sup> x	826.52 m <sup>3</sup> /hr x	1 g/1000 mg x	1 lb/454 g
10.13 lb/hr H <sub>2</sub> S x	64 molecular weight of SO <sub>2</sub> / 34 molecular weight of H <sub>2</sub> S	=	19.06 lb/hr SO <sub>2</sub>
19.06 lb/hr SO <sub>2</sub> x	8760 hrs/yr x	1 ton/2000 lb	=
	(at 5% flare utilization	=	<b>83.49 tons/yr SO<sub>2</sub></b>
			=
			4.17 tons/yr SO <sub>2</sub> )

**PM/PM<sub>2.5</sub>/PM<sub>10</sub>** [worst case emission factor]

<	0.15 lb/MMBtu x	29.66 MMBtu/hr	<	4.45	lb/hr
<	4.45 lb/hr	x	8760 hrs/yr	x	1 ton/2000 lb
			(@ 5% flare utilization)	=	19.49 ton/yr
				=	0.97 ton/yr

Figure 5. Estimated Emissions

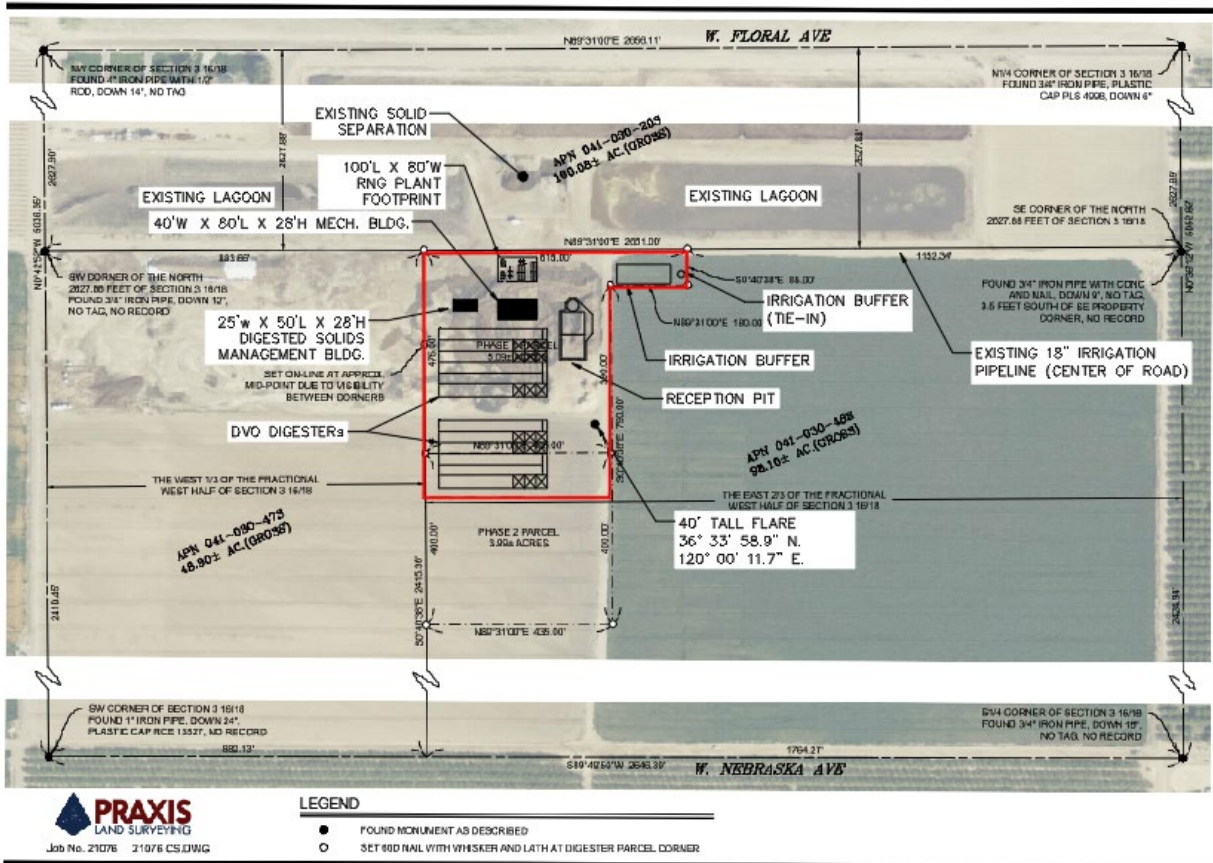
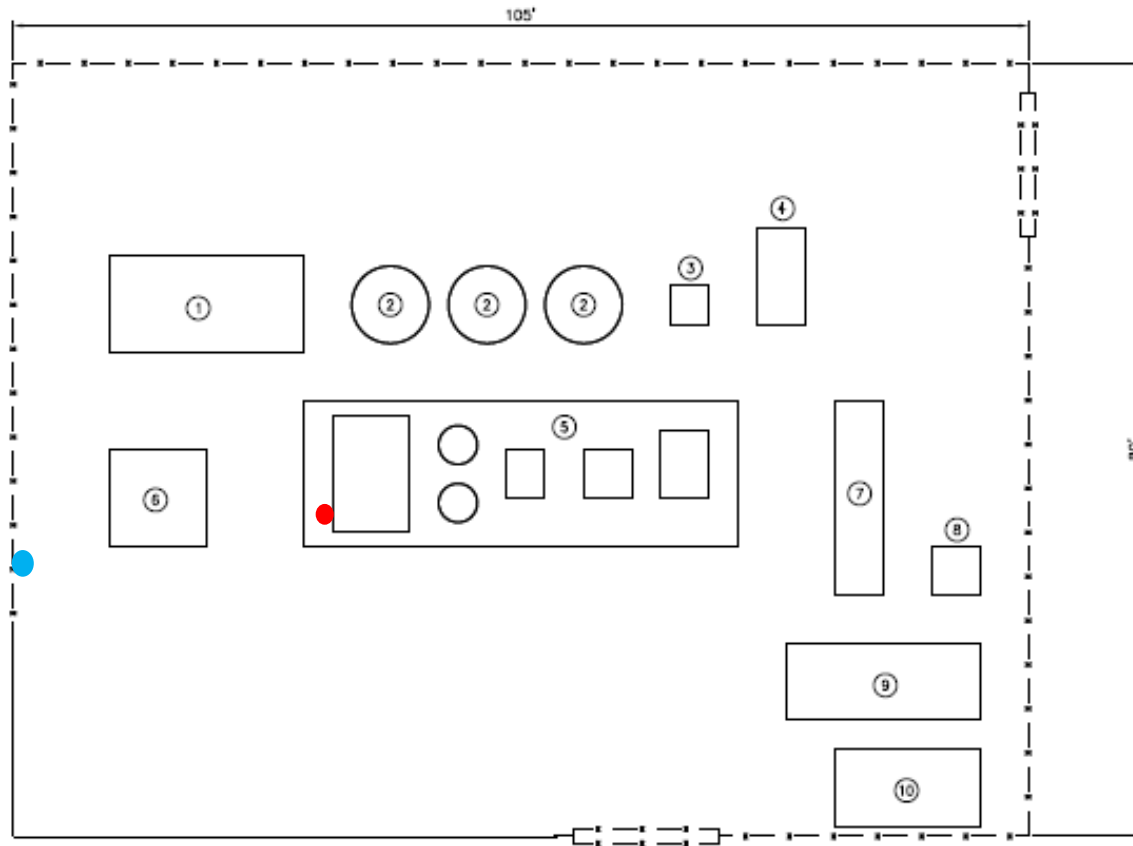


Figure 6. Biomethane Facility Overall Layout



NO	EQUIPMENT DESCRIPTION
①	BLOWER SKID
②	IRON SPONGE VESSEL
③	HEAT EXCHANGER
④	CHILLER
⑤	DC COMPRESSION / MEMBRANE SKID
⑥	PRODUCT GAS COMPRESSOR
⑦	SWITCHGEAR/ MCC
⑧	TRANSFORMER
⑨	MODULAR OFFICE
⑩	STORAGE UNIT

● Is off spec gas vent; ● is membrane system CO2 vent.

Figure 7. RNG Plant Layout with Emission Source Point

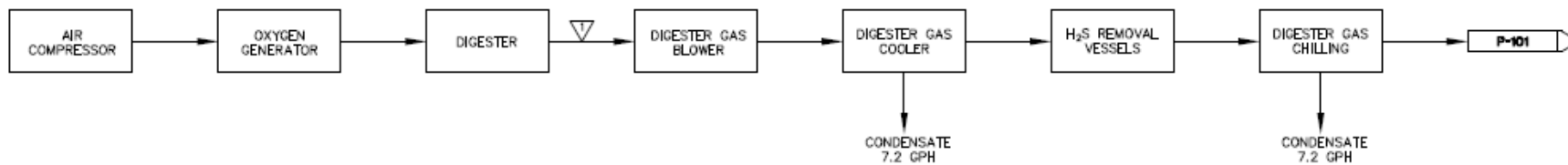


Figure 8. Biomethane Facility – Preconditioning Block Flow Diagram

EXHIBIT 6 Page 13

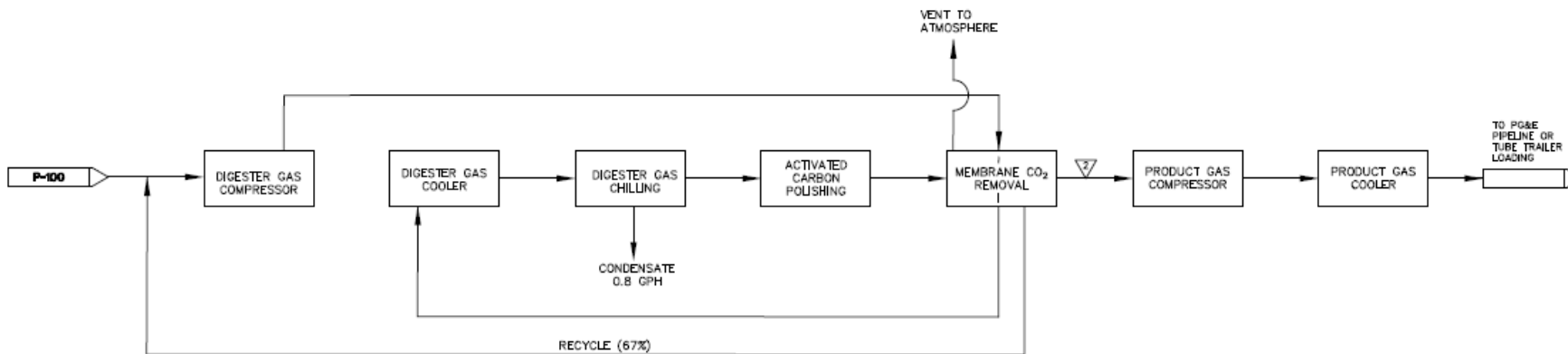


Figure 9. Biomethane Facility – Main Process Block Flow Diagram

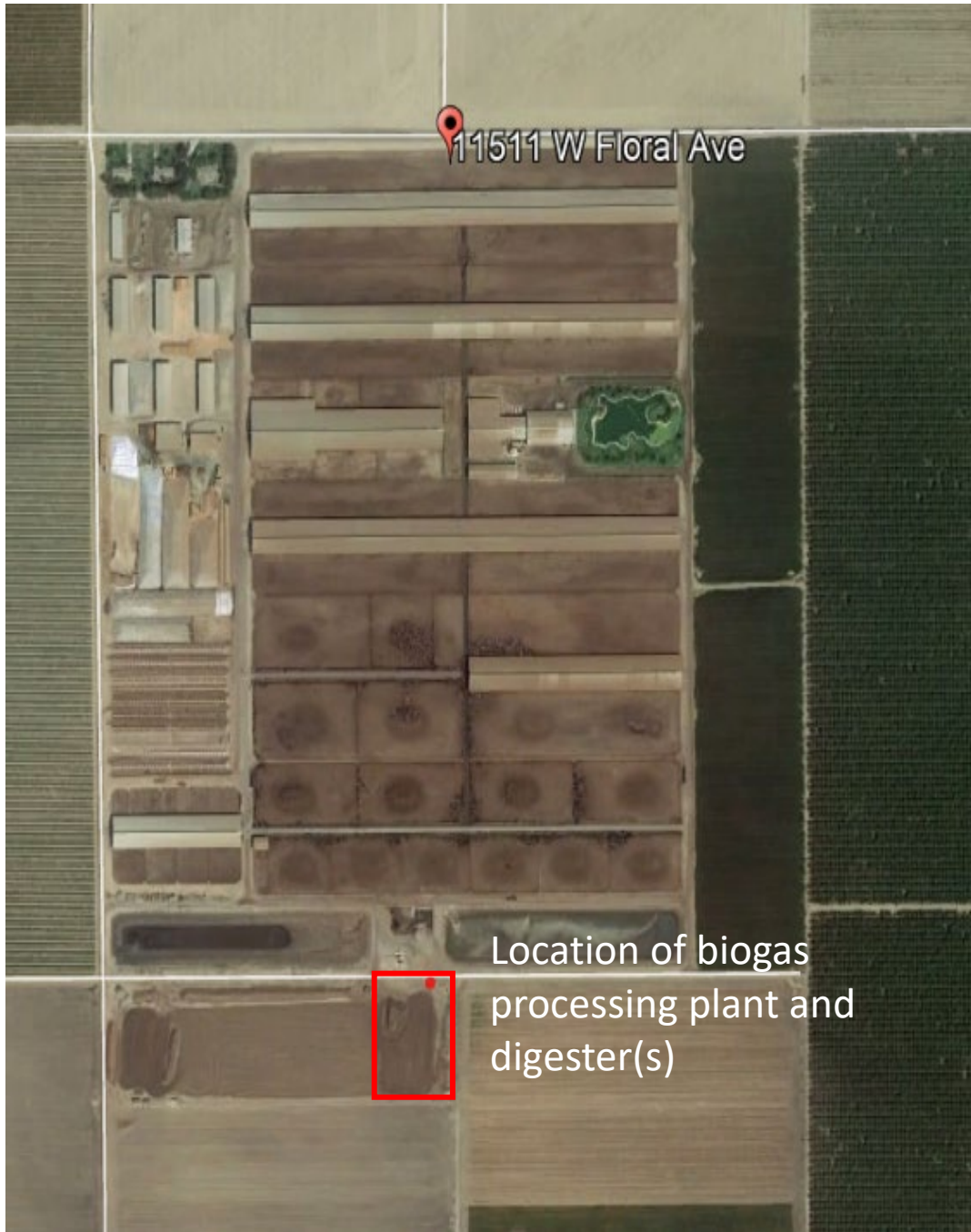


Figure 10. SAR1 Biomethane Plant  
Johann Dairy Development Site for Digester(s) and Biomethane Facility

Appendix A  
Equipment List

## Appendix A

### Equipment List

Table 1. DVO (or similar) Style Digester system (no motors have VFD or Soft-start)

Equipment	No. of Digesters	Motor Rating (HP)	Motor Rating (KW)	No. Per Digester	Run Time per Year	Connected Load (KW)	System Load kWhr/yr
Heat Zone 1-3 Water Pump	2	3	2.24	2	50%	8.95	39,210
Heat Zone 2-5 Water Pump	2	1.5	1.12	8	40%	17.90	62,736
Main Heat Zone Water Pump	2	3	2.24	2	60%	8.95	47,052
Gas Recirculation System Blower	2	25	18.65	2	100%	74.60	653,496
Skid Pit Blower	2	3	2.24	2	100%	8.95	78,420
Sludge Pump	2	3	2.24	2	100%	8.95	78,420
<b>Total</b>						<b>128.31</b>	<b>959,332</b>

Table 2. Gas Conditioning and Biomethane System

Equipment	Motor Rating (HP)	Motor Rating (KW)	Type	OpeOper Factor	Oper BHP	Oper KW
O <sub>2</sub> Injection Equipment	10	7.46	ATL	100%	8	7
DG Blower	75	55.95	VFD	100%	55	56
DG Blower Air Cooler	3	2.24	VFD	100%	2	2
Chiller	50	37.30	VFD	100%	34	37
DG Compressor	800	596.80	VFD	100%	400	597
DG Comp Oil/After Cooler Combo Unit	7.5	5.60	VFD	100%	2	6
Product Gas Compressor	60	44.76	VFD	100%	49	45
Product Gas Comp Gas Cooler Fan	3	2.24	VFD	100%	2	2
Plant Air Compressor No. 1	10	7.46	ATL	50%	4	4
Plant Air Compressor No. 2	10	7.46	ATL	50%	4	4
Lighting/Other						5
<b>Connected Load</b>	<b>1029</b>	<b>767</b>			<b>Operating Load</b>	<b>764.80</b>



Table 3. Utility and Support Equipment

Equipment	Motor Rating (HP)	Motor Rating (KW)	Type	Operating Factor	Oper KW	System Load kWhr/yr
Boiler No. 1	2	1.5	ATL	50%	1.2	5,235
Boiler No. 2	2	1.5	ATL	50%	1.2	5,235
Boiler No. 3	2	1.5	ATL	50%	1.2	5,235
Boiler No. 4	2	1.5	ATL	50%	1.2	5,235
Boiler No. 5	2	1.5	ATL	50%	1.2	5,235
Boiler No. 6	2	1.5	ATL	50%	1.2	5,235
Screw Press No. 1	40	29.9	ATL	80%	23.9	167,491
Screw Press No. 2	40	29.9	ATL	80%	23.9	167,491
Screw Press No. 3	40	29.9	ATL	80%	23.9	167,491
Screw Press No. 4	40	29.9	ATL	80%	23.9	167,491
Screw Press No. 5	40	29.9	ATL	80%	23.9	167,491
Screw Press No. 6	40	29.9	ATL	80%	23.9	167,491
Screw Press No. 7	40	29.9	ATL	80%	23.9	167,491
Screw Press No. 8	40	29.9	ATL	80%	23.9	167,491
Liquid Digestate/Irrigation Buffer Pump	25	18.7	ATL	50%	14.94	65,37
Liquid Digestate/Irrigation Buffer Pump	25	18.7	ATL	50%	14.94	65,38
HVAC (2 units)	25	11.2	ATL	75%	8.96	58,893
Conveyor from Mech to Solids Mgmt	5	3.7	ATL	50%	2.99	13,087
Conveyor from Mech to Solids Mgmt	5	3.7	ATL	50%	2.99	13,088
Miscellaneous 120VAC loads				100%	6	52,560
Lighting				30%	5.54	14,559
Total	253	189			162.73	1,523,527





# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** Sar 1, LLC
- APPLICATION NOS.:** Initial Study No. 7998 and Unclassified Conditional Use Permit Application No. 3696
- DESCRIPTION:** Allow an anaerobic digester and biomethane facility to produce pipeline compliant biomethane gas for delivery to a utility owner pipeline point of connection on a 98.14-acre parcel and 48.48-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The proposed pipeline will run approximately 3.2 miles southwest to a point of connection with an approved biogas facility.
- LOCATION:** The subject parcel is located on the northeast corner of the W. Nebraska Avenue and S. Bishop Avenue alignment approximately 0.76 miles west of S. Jameson Avenue and is located approximately 9 miles west of the city limits of the City of Caruthers (11511 W. Floral Avenue) (041-030-47S and 48S) (Sup. Dist. 4).

### I. AESTHETICS

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

- A. Have a substantial adverse effect on a scenic vista;
- 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 project site is located in a mainly agricultural area. A dairy operation is sited on the parcel northerly adjacent to the project site. There are no scenic vistas or other scenic resources in the vicinity of the project site that would be negatively impacted as a result of the project.

- 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: NO IMPACT:

The subject property is located in a mainly agricultural setting. As noted, an existing dairy operation is located on the northern adjacent parcel with the proposal designed to operate closely with the dairy. The subject site is located approximately 0.76 miles east of S. Jameson Avenue which is the nearest public right-of-way. In between the subject property and S. Jameson Avenue are orchards that would screen the use from public views. In considering the location of the proposed use and its proximity to public right-of-way, the proposed development of the site would not substantially degrade the existing agricultural visual character or quality of public views of the site and its surroundings.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The Applicant does not specify the utilization of outdoor lighting or other sources of substantial light or glare. In considering the proposed development, if outdoor site lighting is proposed on the site, a mitigation measure will be implemented to ensure that outdoor lighting is positioned downward and hooded so as to ensure that any outdoor lighting reduces its impact on adjacent properties or public right-of-way.

\* **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 from the Department of Conservation, the subject site is comprised of land designated Prime Farmland, Land of Statewide Importance, and Confined Animal Agriculture. The proposed development will be located in the northern portions of the subject parcels where the land is designated for Confined Animal Agriculture. Conversion of Prime Farmland and Farmland of Statewide Importance will be minimal as a majority of the facility will be located on Confined Animal Agriculture designated land. The subject project will process manure produced from the northerly adjacent dairy to become a source of renewable natural gas. The majority of the land of the subject parcels will still be utilized for agricultural purposes and therefore have a less than significant impact in terms of the minimal conversion of farmland associated with this project.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposal is an allowable use in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District, subject to an Unclassified Conditional Use Permit and therefore the request is consistent with the underlying zone district. Both subject properties are Williamson Act Contracted and subject to additional provisions and requirements to be compliant with the Williamson Act. The Policy Planning Section requires under the provisions of the Williamson Act that the portions of the subject parcel proposed to be improved be removed from the Williamson Act through the Nonrenewal process. Land proposed to be utilized for the pipeline require review and clearance from the Policy Planning Section for compliance with the provisions of the Williamson Act prior to construction. A Statement of Intended Use for the pipeline has been cleared by the Policy Planning Section for consistency with the Williamson Act. The Nonrenewal process has been started by the Applicant and will be concluded if the project proposal is approved.

- 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 proposal is not located on land zoned for forest land, timberland or timberland zoned Timberland Production and will not result in the loss of 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 IMPACT:

The subject application is for an anaerobic digester and biogas upgrading facility located adjacent to an existing dairy operation. The proposed facility will utilize refuse produced from the dairy operation to produce biogas. Future expansion of the operation would require further review. In considering the existing agricultural environmental, the proposal would not propagate further conversion of the surrounding farmland to non-agricultural uses as this specific use is in conjunction with the existing dairy operation.

III. AIR QUALITY

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

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (SJVAPCD) has reviewed the project and determined that construction and operation emissions resulting from the project would not exceed thresholds established by the SJVAPCD and would have a less than significant impact. As indicated by the results of the project review by the SJVAPCD, additional rules and regulations established by the SJVAPCD would apply. These rules and regulations include further review and permitting by the SJVAPCD. In considering the determinations by the responsible agency and further compliance with rules and regulations of the SJVAPCD, the project is expected to have a less than significant impact on criteria pollutant generation and does not conflict with or obstruct implementation of an applicable Air Quality Plan.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Calculations for a Health Risk Assessment were provided by the Applicant with assistance from the San Joaquin Valley Air Pollution Control District (SJVAPCD). Further review of the calculations indicate that project emissions would not result in substantial pollutant concentrations or other emissions that would adversely affect sensitive receptors in the vicinity of the project site.

#### IV. BIOLOGICAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

The project is located on land used for agricultural purposes. Aerial images of the project site suggest that the site is used in conjunction with the northerly adjacent dairy and would experience human disturbance on a daily basis. Although the project site is clear of any structural improvements, the sites utilization in combination with the existing dairy would likely deter special-status species from occupying the subject site. There is no riparian habitat or other sensitive natural community identified on the project site. Additionally, the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service did not express concerns with the project to indicate adverse impacts on special status species.

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

FINDING: NO IMPACT:

Per the National Wetlands Inventory, there are no identified wetlands located on the project site. Therefore, the project would not affect any state or federally-protected wetlands.

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

FINDING: NO IMPACT:

As noted, the subject site is utilized in conjunction with an existing dairy. The project will not interfere substantially with the movement of any native resident or wildlife species. There are no identified wildlife corridor or wildlife nursery site identified in close proximity of 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:

There were no identified local policies or ordinance, or adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state Habitat Conservation Plan that would be in conflict with the project.

## V. CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The subject application requests to construct an anaerobic digester and biogas upgrading facility, and a pipeline to deliver the upgraded biogas for ultimate delivery into the gas grid system. Notified tribal governments under the provisions of Assembly Bill 52 did not express concern with the subject application to indicate the presence of cultural resources. There was no indication that a historical or archaeological resource is located on the subject parcel. A Mitigation Measure will be implemented to address cultural resources in the unlikely event they are unearthed during project construction.

\* **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 natural gas 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. 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:

Per the Earthquake Hazards Zone Application from the California Department of Conservation, there are no known earthquake faults or other evidence to indicate the presence of a fault in vicinity of the project site.

- 2. Strong seismic ground shaking?
- 3. Seismic-related ground failure, including liquefaction?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Fresno County General Plan Background report, Fresno County is situated in an area of relatively low seismic activity. Faults and fault systems along the eastern and western boundaries of Fresno County as well as other regional faults have the potential to produce intense ground shaking. The project site is not located in close proximity of a known fault that would subject the site to strong seismic shaking or seismic-related ground failure. Although identified faults and fault systems do have the potential of producing intense ground shaking, the ground shaking caused by the faults

in the eastern or western boundaries of Fresno County would likely be experienced County-wide. Per Figure 9-5, assuming a seismic hazard with a 10% probability in 50 years, the project would experience the minimum peak horizontal ground acceleration of 0% to 20%. Therefore, the project would result in a less than significant impact.

#### 4. Landslides?

FINDING: NO IMPACT:

The project site is located in a region that is flat and mainly utilized for agricultural purposes. There is no landform in the vicinity that would suggest risk of being impacted by landslide. Per Figure 9-6 of the FCGPBR, the project site is not located near land identified as having potential landslide hazards.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is situated on flat agricultural land. The proposed development will result in the loss of topsoil, but will not have a substantial effect in terms of the stability of land after development. Therefore, a loss of topsoil will occur and have a less than significant impact. Additionally, the project will not result in substantial soil erosion.

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

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

FINDING: NO IMPACT:

Per Figure 7-1 of the Fresno County General Plan Background Report (FCGPBR) the subject site is not located near an identified area exhibiting moderately high to high expansion potential. There were no geologic unit or unstable soil identified on the subject site.

#### 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?

FINDING: NO IMPACT:

Review of the project proposal and submitted site plan indicates that the project does not propose construction and utilization of a septic tank or alternative wastewater disposal system.

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

FINDING: NO IMPACT:

No paleontological resource or unique geologic feature was identified on the subject parcel.

## 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:

The project intends to utilize refuse produced by the adjacent dairy to produce renewable natural gas. A Benefits Calculator produced by the California Air Resources Board (CARB) and utilized for by the Applicant indicates that the project would have a beneficial impact by reducing total greenhouse gas emissions of CO<sub>2</sub> emission by 205,838 metric tons. In considering the potential reduction of GHG emissions resulting from the project, it can be seen that the project would have a beneficial impact on greenhouse gas emissions and would not conflict with applicable plans, policies, or regulations adopted for the purpose of reducing greenhouse gas emission.

## 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; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division has reviewed and provided comments addressing the reporting and handling of potential hazardous materials. As these requirements are regulatory and mandatory in nature, the project is not expected to create a significant hazard through the routing use and/or disposal of hazardous materials and would not create a significant hazard to the public or environment through upset and accident conditions.

- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

FINDING: NO IMPACT:

The subject parcel is not located within one-quarter mile of an existing or proposed school.

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

FINDING: NO IMPACT:

Per the NEPAssist database, the subject site is not a listed hazardous materials/waste facility.

- 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:

The project site is not located within an airport land use plan or within two miles of a public airport or public use airport.

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

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

FINDING: NO IMPACT:

Agency and Department review of the project did not generate any concerns that the project would impact implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The project site is located in a large agricultural area and would not be subject to increased risk related to wildland fires.

## 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:

The Department of Public Health, Environmental Health Division has commented that the land application rates of liquid and solid waste from the digester shall be applied in accordance with the approval and water quality standards enforced by the Central Valley Regional Water Quality Control Board (RWQCB). The RWQCB were included on the project routing and given the opportunity to provide comment on the proposal. As the RWQCB is a state regulatory agency, their requirements for permitting/updating their permit for the proposed change in operational characteristics of the adjacent dairy is mandatory and would be pursued by the RWQCB.

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

FINDING: NO IMPACT:

The State Water Resources Control Board and the Water and Natural Resources Division reviewed the subject application and did not express concern with the project to indicate substantial decreases in groundwater supplies or recharge would result from operation of the proposed project.

- 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: LESS THAN SIGNIFICANT IMPACT:

Review of the proposal indicates the addition of impervious surface on the project site that will change the existing drainage flow of the site. The subject site is located on flat agricultural land with no changes in slope or streams/rivers in the vicinity that would be affected by the project. Therefore, although the project would change existing drainage patterns that may result in erosion, the project would not result in substantial erosion or siltation on- or off-site.

- 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will result in the addition of impervious surface where existing surface runoff patterns would be affected. Per Fresno County Ordinance, surface runoff is to be kept onsite and not cross property lines. Construction of the project site will be subject to review and permit from the Development Engineering Section of Fresno County which would ensure proper development of the site in accordance with State and local rules

and regulations. Therefore, although addition of impervious surface will occur, the project is not expected to increase the rate or amount of surface runoff where onsite or offsite flooding would occur.

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: NO IMPACT:

The project site is located in a mainly agricultural area. Ponds utilized for the existing dairy operation located northerly adjacent to the project site would potentially be utilized by the proposed operation as both are under common ownership in addition to the proposed project being run in conjunction with the existing dairy site. Review of the project indicates that runoff water resulting from the addition of impervious surface related to the project would not exceed existing capacity, therefore no impact is seen.

4. Impede or redirect flood flows?

FINDING: NO IMPACT:

Per FEMA FIRM Panel C2575H, the project site is not located in a flood hazard zone and would not impact flood flows.

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

FINDING: NO IMPACT:

Per FEMA FIRM Panel C2575H, the project site is not located in a flood hazard zone. Additionally, the project site is not located near a body of water to indicate increased risk of release of pollutants due to project inundation from tsunami or seiche hazards.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Water and Natural Resources Division and the State Water Resources Control Board did not express concern with the project to indicate possible conflicts or obstruction of implementation of a water quality control plan or sustainable groundwater management plan.

With the project's compliance with the Regional Water Quality Control Board's regulations, the project will not adversely affect 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 project is located in a mainly agricultural area. The project site is proposed to be located along the southern property line of an existing dairy operation. The project will not physically divide an established community.

- 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's economic development goals." This goal relates to the environmental impacts of the loss of farmland. The subject parcels are 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 not 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 pipelines 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 land associated with the development of the proposed facility is not a significant loss of agricultural resources and will have a less than significant impact based on the identified goal of conservation of productive agricultural 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:

According to Figure 7-7 and 7-8 of the Fresno County General Plan Background Report (FCGPBR), the project site is not located in any designated resource area and not located in a 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:

Noise levels will increase as a result of the project. The majority of equipment utilized for the project would be within the proposed structures. The Department of Public Health, Environmental Health Division indicated in their review of the project, is that the operation is expected to comply with the Fresno County Noise Ordinance. Review of aerial images also indicate that there are no sensitive receptors in the immediate vicinity of the project site. Therefore, in considering the projects compliance with the Fresno County Noise Ordinance and the projects distance from sensitive receptors, the noise generation is expected to be less than significant.

- 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:

The project site is not located within the vicinity of a private airstrip or an airport land use plan or within two miles of a public airport or public use airport.

### 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 site is located on an undeveloped agricultural utilized parcel. The project proposes to construct an anaerobic digester and biomethane facility and would not induce substantial unplanned population growth in the area. There is no displacement of people or housing occurring with the proposed construction of the project.

## 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 subject application and did not express concern with the project to indicate that impacts to service ratios, response times, or other performance objectives would occur as a result of the project.

- 2. Police protection;

- 3. Schools;

- 4. Parks; or

- 5. Other public facilities?

FINDING: NO IMPACT:

Reviewing agencies and departments did not provide comments to indicate that impacts to service ratios, response times, or other performance objectives would occur as a result of the project.

## 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 would not result in the increased use of existing neighborhood and regional parks, or other recreational facilities. The project does not include or require construction of expansion of recreational facility.

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

FINDING: NO IMPACT:

The Transportation Design Division and the Road Maintenance and Operations Division has reviewed the project and determined through their review that the project will not result in conflict with the County’s circulation system and would not result in additional trip generation during operation of the use.

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

FINDING: NO IMPACT:

Review of the project’s design did not identify any hazards or incompatible use. The project is expected to comply with local and State regulations for emergency access. The Fresno County Fire Protection District to not identify any deficiencies as a result of their review.

#### 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:

Under the provisions of Assembly Bill 52 (AB 52), participating California Native American Tribes were notified of the project proposal and given the opportunity to enter into consultation with the County of Fresno on addressing potential cultural resources. No requests for consultation were received and no concerns were expressed by reviewing tribal governments. As no evidence was supplied to verify presence of tribal cultural resources and in considering the subject sites past use as agricultural production and supportive of the adjacent dairy, there is minimal likelihood that a cultural resource is present on the subject site. A mitigation measure shall be implemented to properly address a cultural resource in the unlikely event that such a resource is unearthed during ground-disturbing activities associated with the project.

\* **Mitigation Measure(s)**

1. See Section V. Cultural Resources A., B., and 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 will result in the construction of an anaerobic digester facility, a biomethane upgrading facility, and pipeline that would deliver compliant gas for ultimate delivery to the public utility gas grid. The construction of the proposed facility does not appear to result in significant environmental effects. The pipeline intends to connect with an existing pipeline that would ultimately hook into the public utility gas grid. Outside of the pipelines needed to connect with the existing pipeline, no addition construction or

relocation of the existing pipeline is needed. Additional utilities and service systems would not be required.

- 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 Water and Natural Resources Division has reviewed the project proposal and determined that the water supply for the area is adequate to support 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:

Review of the site plan and proposed improvements, the project would not include construction of a wastewater treatment system. If a system were to be constructed, the system would be subject to review and permit under the provision of the Fresno County Local Area Management Program (LAMP) which include design standards and regulations for permitting of private septic systems. Therefore, as no wastewater treatment system is proposed, and in considering local regulations for the permitting of septic systems, the project would have no impact.

- 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:

Reviewing agencies and departments did not express concern with the project to indicate that construction and operation of the proposal would generate solid waste in excess of State or local standards or conflict 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 Fire Hazard Severity Zones in LRA 2007 Map, the project site is not located within a State Responsibility Area nor located within a very high fire hazard severity zone.

#### 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:

As noted in Section IV. *Biological Resources*, the project site is located adjacent to a dairy operation and has historically been utilized for agricultural purposes. Although the subject site is clear of any structural improvements, the sites utilization with the existing dairy would likely deter wildlife species from occupying the site. Therefore, the project is not likely to substantially degrade the quality of the environment or substantially reduce the habitat of a wildlife species.

- 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:

As a result of this analysis, it was determined that impacts associated with Aesthetics, Cultural Resources, Hydrology and Water Quality, and Tribal Cultural Resources were determined to be less than significant with implementation of mitigation measures. With

implementation of identified mitigation measures, the project would not have a cumulatively considerable impact.

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

FINDING: NO IMPACT:

Based on the completed analysis, no substantial adverse effects on human beings were identified.

## **CONCLUSION/SUMMARY**

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3696, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Biological Resources, Energy, Greenhouse Gas Emissions, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation, Wildfire.

Potential impacts related to Agricultural and Forestry Resources, Air Quality, Geology and Soils, Hydrology and Water Quality, Hazards and Hazardous Materials, Land Use Planning, Noise, Utilities and Service Systems have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, and Tribal Cultural Resources have determined to be less than significant with compliance with implementation of recommended 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

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**EXHIBIT 8**

File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below For County Clerk Only.  CLK-2046.00 E04-73 R00-00	
Agency File No: <b>IS 7998</b>	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>	County Clerk File No: <b>E-</b>	
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Thomas Kobayashi Planner	Area Code: 559	Telephone Number: 600-4224	Extension: N/A
Project Applicant/Sponsor (Name): SAR 1, LLC.	Project Title: Unclassified Conditional Use Permit Application No. 3696		
Project Description: Allow an anaerobic digester and biomethane facility to produce pipeline compliant biomethane gas for delivery to a utility owner pipeline point of connection on a 98.14-acre parcel and 48.48-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The proposed pipeline will run approximately 3.2 miles southwest to a point of connection with an approved biogas facility.			
Justification for Negative Declaration:  Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3696, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Biological Resources, Energy, Greenhouse Gas Emissions, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation, Wildfire.  Potential impacts related to Agricultural and Forestry Resources, Air Quality, Geology and Soils, Hydrology and Water Quality, Hazards and Hazardous Materials, Land Use Planning, Noise, Utilities and Service Systems have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, and Tribal Cultural Resources have determined to be less than significant with compliance with implementation of recommended mitigation measures.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – November 3, 2021		Review Date Deadline: Planning Commission – September 15, 2022	
Date:	Type or Print Signature: David Randall Senior Planner	Submitted by (Signature): Jeremy Shaw Planner	

State 15083, 15085

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

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**