

## 3 PROJECT DESCRIPTION

### 3.1 ENVIRONMENTAL SETTING

#### 3.1.1 PROJECT LOCATION

The Oliveira Dairy is located on 22± acres of an existing farm totaling approximately 290 acres in unincorporated Merced County. The project site is located near the southwest corner of West Oak Avenue and North Gurr Road in the Merced area of the County. The project's location is within the central California region (see Figures 3-1 and 3-2). The project cropland application area consists of 249± acres located on portions of seven parcels (see Figure 3-2 for application areas, and Figure 3-3 and Table 3-1 for Merced County Assessor's Parcel Numbers [APN]). The project site is located in Section 32, Township 7 South, Range 13 East, Mount Diablo Base and Meridian; 37°16'47.91"N, 120°33'51.48" W.

Table 3-1 Oliveira Dairy Project Parcels, Acreage, and Use						
Field Name	APN	Gross Acres	Cropped Acres *	Use	Nutrients Applied	Irrigation Source
Dairy	059-190-026	28		Active Dairy Facilities		
Home Field	059-190-026		7**	Oats/Corn/Sudangrass Silage	WW/DM	MID/Well
	059-190-025	29	29**	Oats/Corn/Sudangrass Silage	WW/DM	MID/Well
Pump Field	059-190-027	15	13**	Oats/Corn/Sudangrass Silage	WW/DM	MID/Well
Buhach Field	059-190-072	22	52	Oats/Corn/Sudangrass Silage	WW/DM	MID/Well
	059-190-073	19				
	059-190-074	19				
New Field	059-220-019	158	148	Oats/Corn/Sudangrass Silage	WW/DM	MID/Well
Total		290	249***			

APN = Assessor's Parcel Number. WW = wastewater. DM = Dry Manure. MID = Merced Irrigation District

\* Approximate acreage. Cropped acreage is based on the Existing Conditions Nutrient Management Plan dated 08/17/2016. Nutrients may not be applied to the gross acreage of the parcel listed, but only the cropped acreage listed.

\*\* Construction of the proposed facilities would result in the conversion of seven acres of cropland in Home Field and Pump Field located within the dairy facility parcels (APN 059-190-025, -026, and -027). Cropped acreage in Home Field would be reduced from 36 acres to 29 acres with implementation of the proposed expansion.

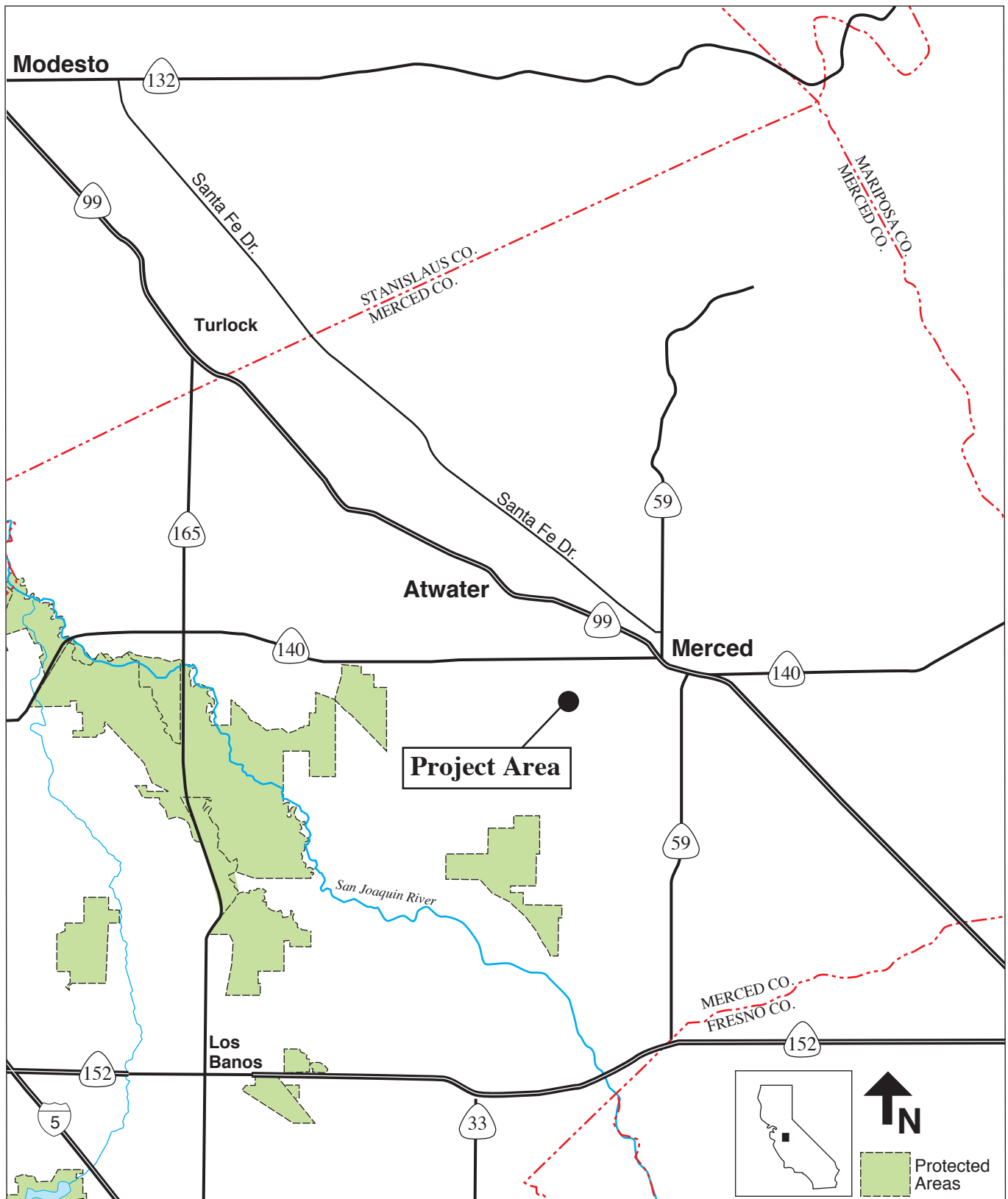
\*\*\* Total cropped acreage would be reduced from 249 acres to 242 acres with implementation of the proposed expansion.

Source: Project Applicant, March 2017; Proposed Conditions Nutrient Management Plan (2/12/16); Merced County GIS March 2017.

#### 3.1.2 EXISTING CONDITIONS

The existing dairy facilities include approximately 104,100 square feet of buildings that are located on a ±22-acre portion of APN 059-190-026 (with several corrals and a portion of an existing wastewater storage pond located in APN 059-190-027 (see Figure 3-4). The facilities include:

- freestall barns
- shade structure
- feed storage area
- maternity barn
- three wastewater storage ponds
- open corrals
- milking parlor
- manure storage area
- commodity barn
- hay barn

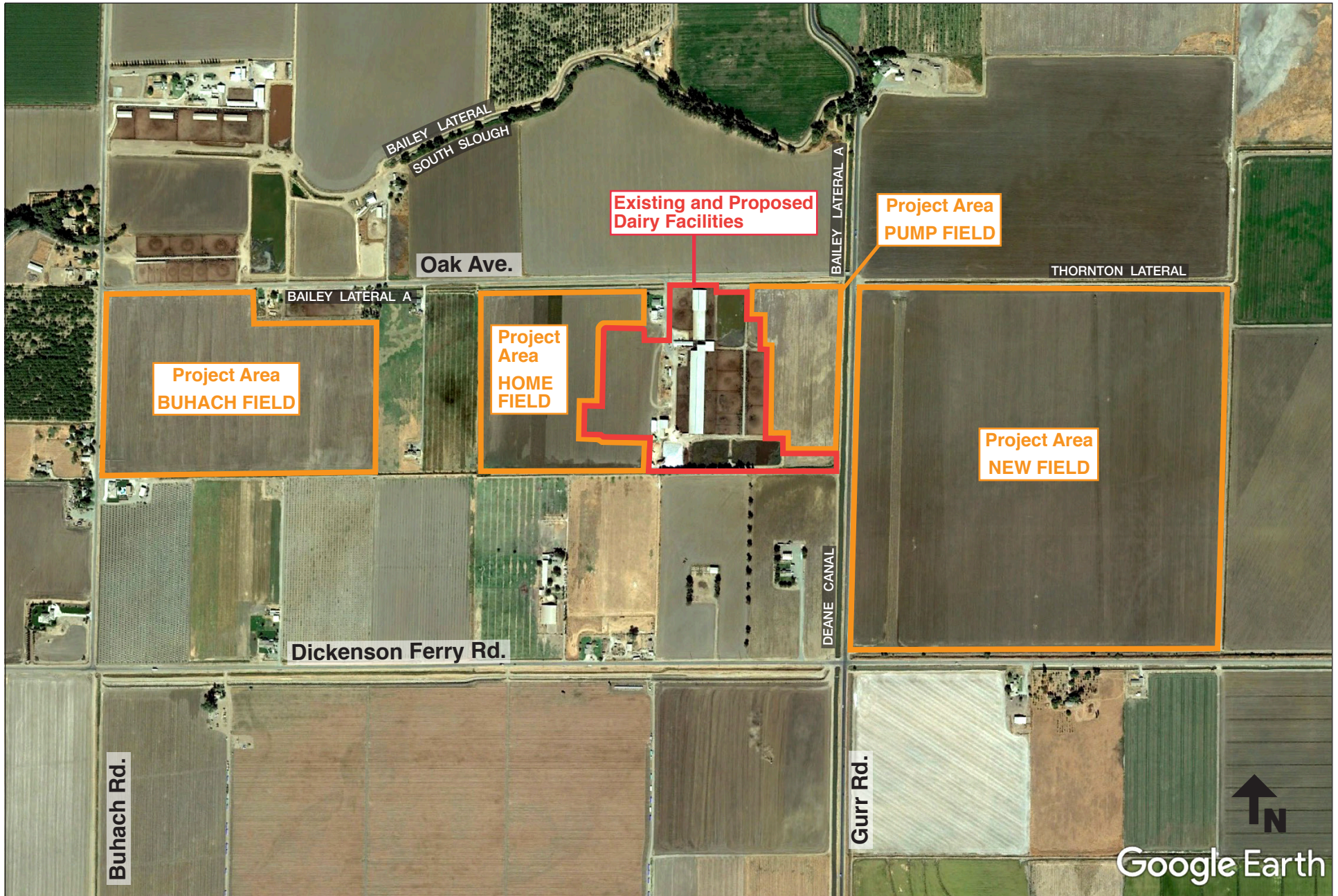


SOURCE: Planning Partners, 2017

Oliveira Dairy Expansion Project CUP16-005

**Figure 3-1**  
Regional Location

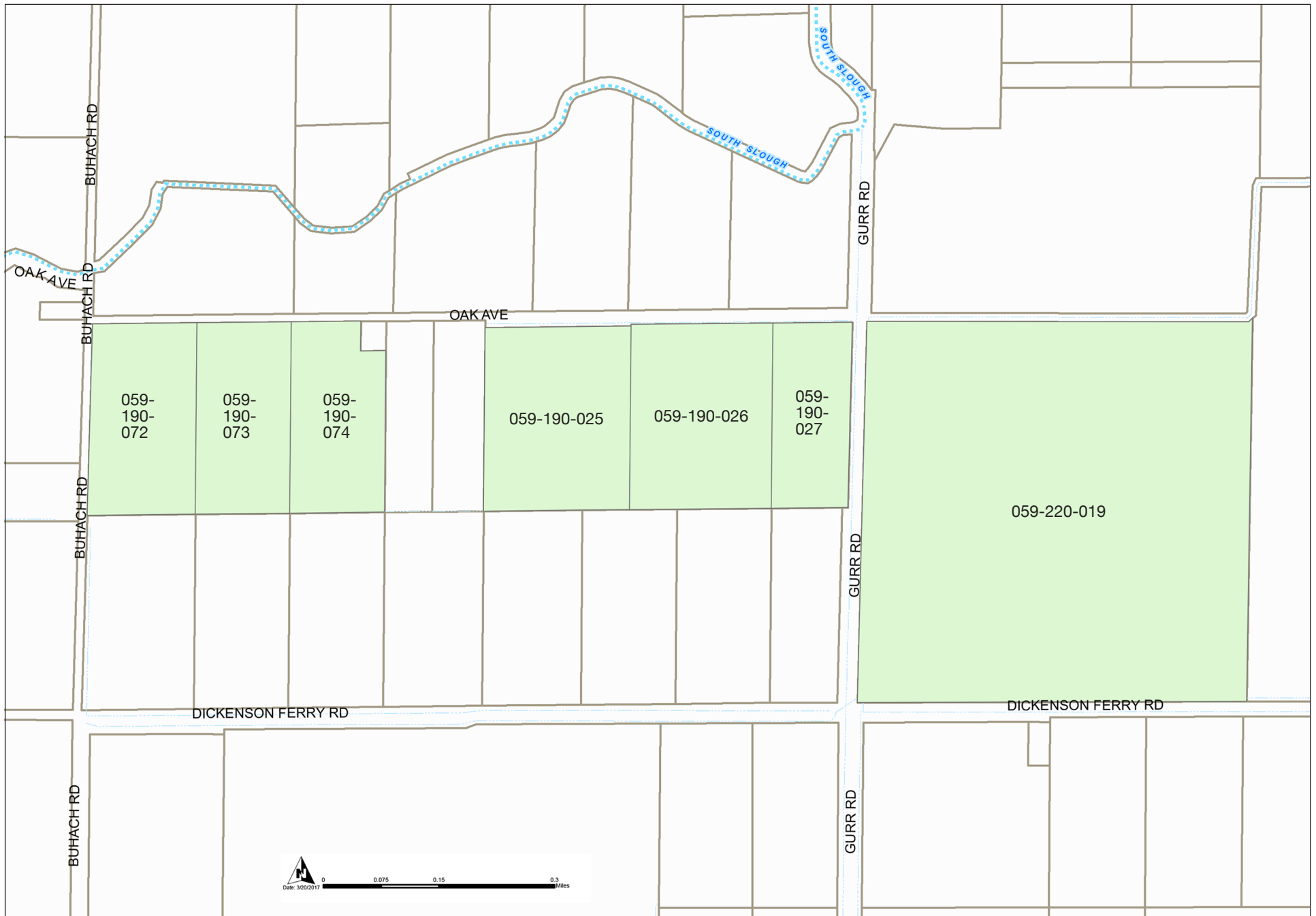




SOURCE: Sousa Engineering 2016; Planning Partners 2017

Oliveira Dairy Expansion Project CUP16-005

**Figure 3-2**  
Project Location



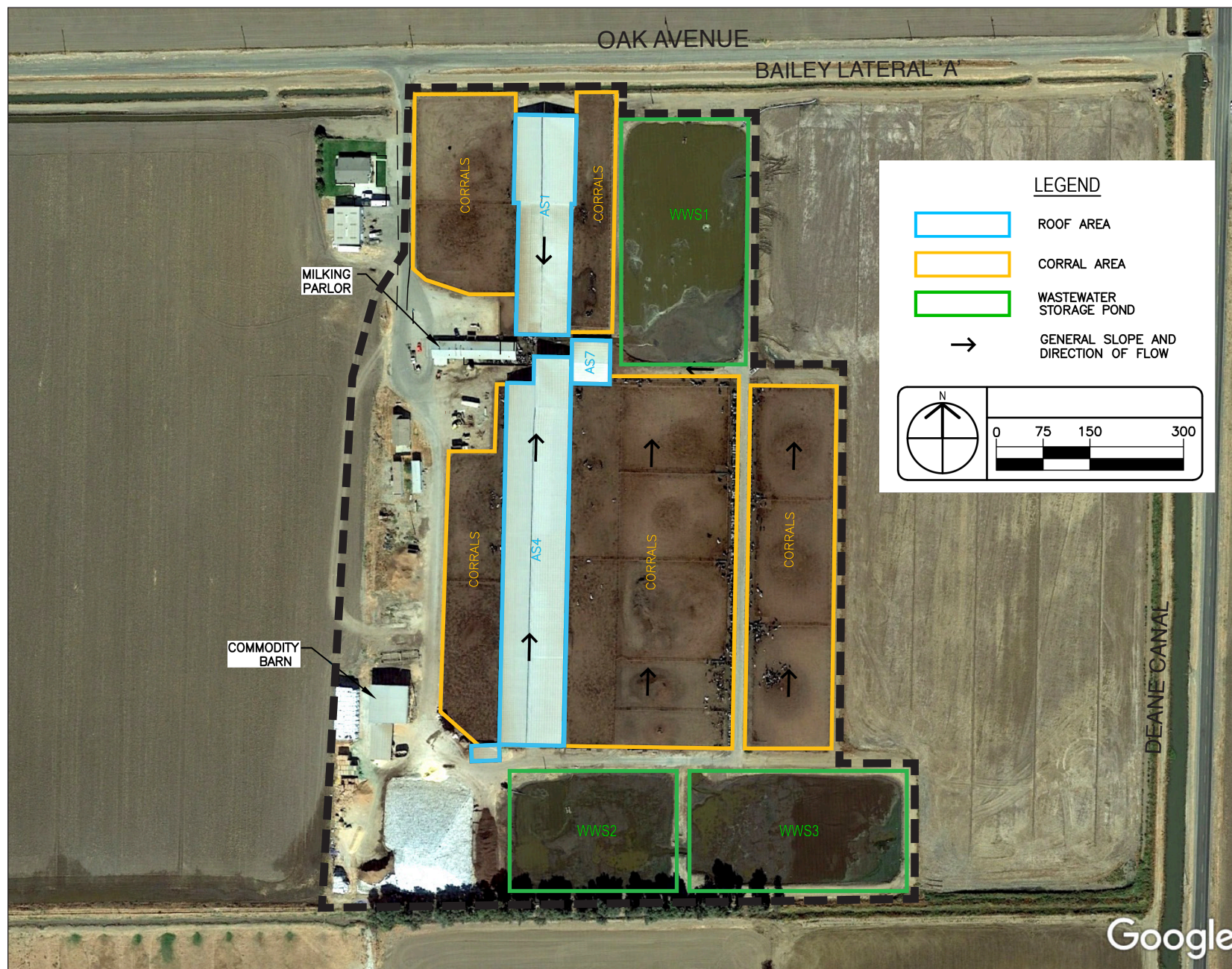
SOURCE: Source: Merced County GIS 2017

Oliveira Dairy Expansion Project CUP16-005

**Figure 3-3**

Project Site Merced County Assessor Parcel Numbers





SOURCE: Sousa Engineering 2016; Planning Partners 2017

Oliveira Dairy Expansion Project CUP16-005

**Figure 3-4**  
Existing Dairy Facilities

Approximately 249± acres of the project area are currently used for the production of crops and the application of manure process water and/or solid manure<sup>1</sup> (see Figure 3-5). Field application of dry manure and wastewater would include surface irrigation and broadcast spreading/incorporation. The remaining project acres consist of field roads and ancillary farm uses.

As established at the time of Initial Study preparation (August 2018), there are approximately 1,063 milk cows and 158 dry cows with 997 support stock, totaling 2,218 animals at the dairy. The predominant breed of cows housed at the dairy is Holstein. Dry manure and almond shells are used for animal bedding.

The existing facility consists of flush and scrape systems that are used to collect and process wastewater and solid manure. Animal wastes from freestall and other concrete-surfaced areas are flushed with recycled water to an on-site waste management system that consists of one settling basin and two wastewater storage ponds (retention pond). The area of active dairy facilities has been graded to direct corral runoff to the existing waste management system. Stormwater runoff from impervious surfaces is routed to the wastewater ponds. Stormwater from all roofed areas is routed to a nearby field, except for stormwater from the commodity barn roof. That water is routed to a wastewater pond. Recycled water is used to clean the milk parlor floor, and is the source of sprinkler pen water.

Dry manure is removed from corrals three times a year. The wastewater ponds are cleaned as sludge accumulates, and solids are typically removed with an excavator or slurry removal equipment, with care taken to avoid disturbance of the soil liner. Manure is stored at the dairy in stockpiles before use as bedding or fertilizer. Dry manure is currently applied to all fields. As reflected in the Nutrient Management Plan (NMP), approximately 3,800 tons of solid manure (approximately 80 percent of dry manure) is exported and applied to off-site fields not owned by the dairy operator.

Wastewater for irrigation is mixed with surface water supplied by a Merced Irrigation District (MID) canal, or with groundwater from three dairy farm irrigation wells (well locations are shown on Figure 3-5); the mixture is then applied to cropland (see Table 3-1). Receiving fields are graded to guide excess applied irrigation water to an existing tailwater management system. Most collected tailwater is retained by berms; for the Pump Field, tailwater is returned to the storage pond.

Most of the crops grown on site are used for dairy feed crops and supplement imported grain and hay. Crops include oats silage-soft dough, corn silage, and sudangrass silage. Feed is stored in two silage piles, and in an on-site commodity barn.

The operators of the Oliveira Dairy farm currently use a monthly pest control service, primarily for the on-site residences. There is one diesel generator on site.

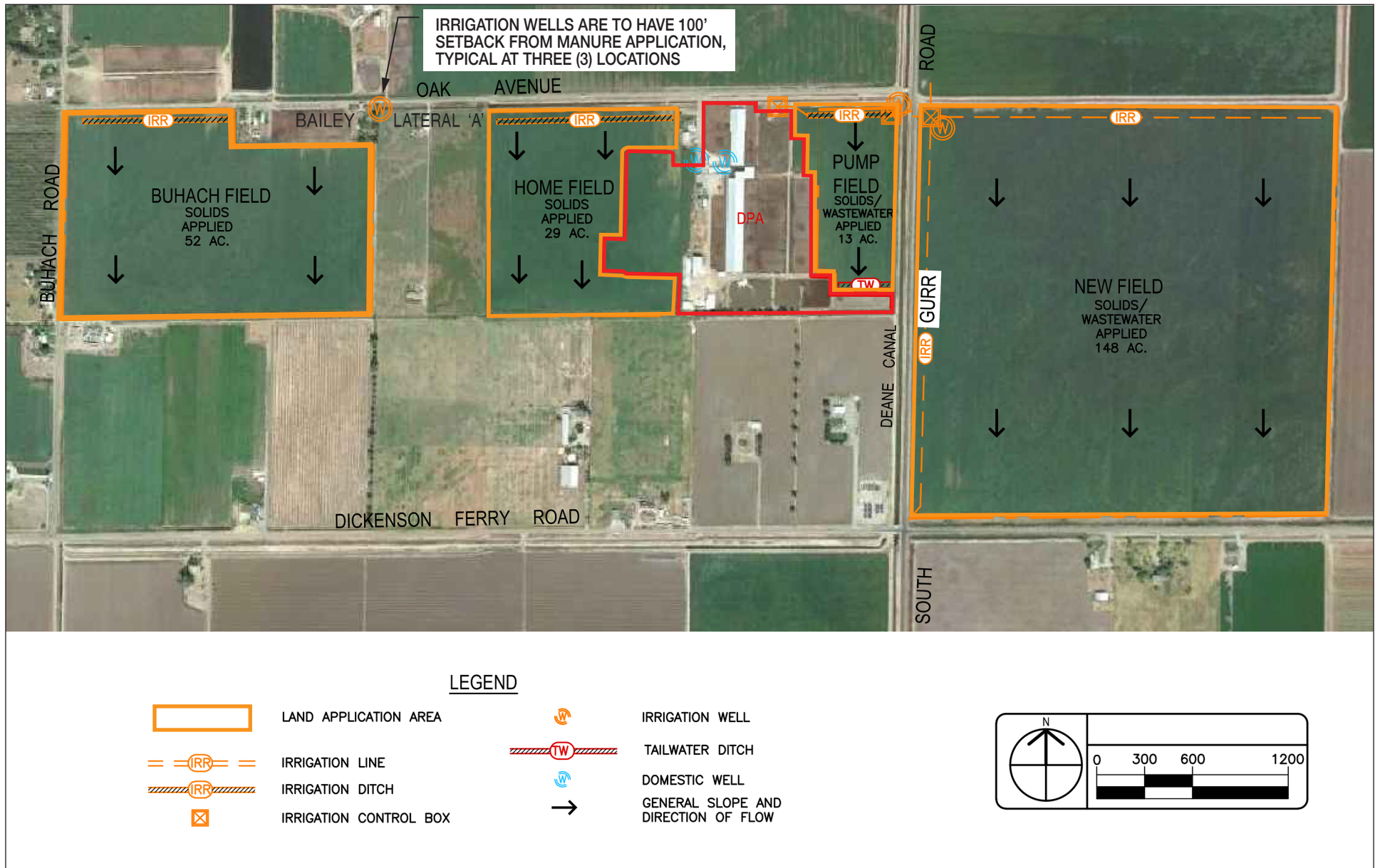
**Definition of the Project Site –**

For the purposes of this EIR, the “project site” refers to the area of active dairy facilities. The larger project also includes cropland associated with the dairy farm. Throughout this document, “project area” refers to all parcels that are part of the project, including the active dairy facilities and dairy farm cropland.

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<sup>1</sup> While the details of cropland parcels may vary throughout operations, the disposal of wastewater and solid manure and the acreage necessary to properly dispose of manure liquids and solids would be accounted for in an updated project Nutrient Management Plan (NMP).





SOURCE: Sousa Engineering, 2016. Planning Partners 2017

Oliveira Dairy Expansion Project CUP16-005

**Figure 3-5**  
Land Application Areas



There are three residences occupied by employees, and one residence occupied by the dairy owner located at the dairy facility<sup>2</sup>. Water for the residences is delivered to the site by two on-site domestic water wells (see Figure 3-5 for well locations). Sewer service is provided by four on-site septic systems (three for the residences and one for the milking parlor).

Operations at the dairy are 24 hours per day, 365 days per year, with most operations concentrated during daylight hours. Night lighting at the facility includes fluorescent lighting mounted on the milking parlor and animal shelters. The dairy currently employs a staff of approximately seven workers.

Currently, heavy trucks (milk tankers, commodity deliveries) and other vehicles serve the project site. Existing daily trips by all classes of vehicles are estimated at 24 average daily trips (ADT), with approximately 5 heavy truck trips. All trips currently access the site via Oak Avenue. State Route (SR) 140 to the north, SR 99 to the northeast, and SR 59 to the east provide regional access to the site. The dairy provides on-site parking areas for employees and visitors.

The project site is located within Flood Zone A, an area subject to inundation by the 100-year storm, but for which a Base Flood Elevation has not been established.

## SURROUNDING LAND USES AND SETTING

There are off-site single-family residences surrounding the project site and located within the windshed of the dairy (defined as an area of 1,320 feet upwind to 2,640 feet downwind of the periphery of the animal facility) (see Table 3-2 and Figure 3-6). The closest off-site residences are located approximately 610 and 700 feet south of active dairy facilities.

<b>Table 3-2 Surrounding Land Uses at the Oliveira Dairy</b>			
<b>Location</b>	<b>Land Use</b>	<b>General Plan</b>	<b>Zoning</b>
ON SITE	Dairy / Agriculture / Residences	Agricultural	General Agricultural A-1
NORTH	Agriculture	Agricultural	General Agricultural A-1
EAST	Agriculture	Agricultural	General Agricultural A-1
SOUTH	Agriculture / Residences / Animal Confinement Facility	Agricultural	General Agricultural A-1
WEST	Agriculture / Residences	Agricultural	General Agricultural A-1

*Source: Project Site Visit, April 12, 2017; Project Applicant, April 2017.*

The Bailey Lateral 'A' of MID borders the north of the site, on the south side of Oak Avenue. The Deane Canal of MID flows directly through the project area along Gurr Road. Thornton Lateral of MID borders New Field on the north. South Slough, a tributary of Bear Creek, is located approximately 0.25 miles north of the project site. The City of Merced (city limits) is located approximately two miles east of the active dairy facilities. The project site is located 1.25 miles north of the Grasslands Area Focus Boundary, and 2.25 miles north of the Grasslands Ecological Area.

<sup>2</sup> There are two additional residences (one single-family home and one mobile home) associated with project area fields, but because operations at these fields would not change, for the purposes of this analysis, these residences are not discussed further.

Project details such as adjacent land uses and cropping patterns could change over the course of evaluation, and from those existing at the time of this Environmental Impact Report. These changes, however, would consist of agricultural and ancillary uses consistent with the 2030 Merced County General Plan, and would not affect the analysis contained in this Environmental Impact Report.

### **3.1.3 PROJECT PERMITTING HISTORY**

Merced County records indicate there are several permits on file for the project site. In June 1992, Administrative Permit AP 203 was issued by Merced County to re-establish the dairy for 287 total animal units. There is also a permit for a second residence on file. The NMP indicates that the facility has been in operation since 1970.

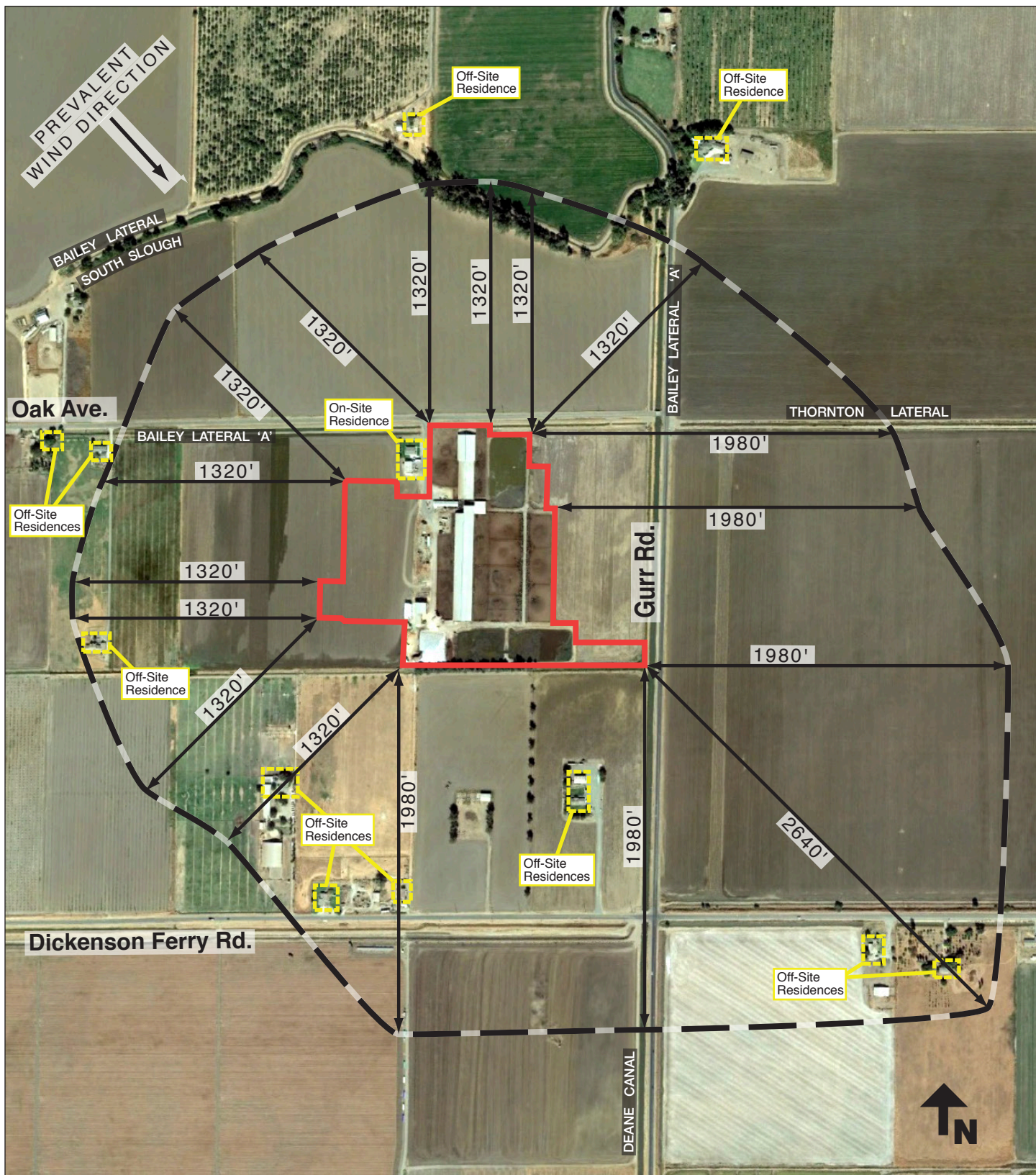
To allow for the expansion of the dairy, the applicant has submitted an application for issuance of a new Conditional Use Permit (CUP16-005) from the County. The Central Valley Regional Water Quality Control Board (CVRWQCB) and the San Joaquin Valley Air Pollution Control District (SJVAPCD) both regulate the existing dairy. As responsible agencies, they will be required to use the County's environmental document in their consideration of the proposed dairy expansion.

The CVRWQCB regulates the existing dairy under the Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies (Order R5-2013-0122). Coverage under the General Order for Existing Milk Cow Dairies requires approval and implementation of a NMP for the application of waste to land application areas, and a Waste Management Plan (WMP) to ensure proper compliance with the General Order. As established by the Report of Waste Discharge (ROWD) submitted for the existing dairy to the CVRWQCB in October 2005, the State-permitted herd size for the dairy is 600 milk and dry cows combined<sup>3</sup>, with regulatory review required for expansions of greater than 15 percent above this value (690 milk and dry cows combined). The existing herd currently exceeds the ROWD herd limit number. The project applicant submitted a Report of Waste Discharge for the proposed dairy expansion in February 2016. To permit the proposed expansion, the CVRWQCB would be required to issue Individual Waste Discharge Requirements (WDR) for the operation.

The Permit to Operate (PTO) issued by the SJVAPCD on file for the dairy facility (expiration date 03/31/2018) allows 910 milk cows, not to exceed a combined total of 1,040 mature cows (milk and dry). An Authority to Construct (ATC) application would be required to modify the PTO from the SJVAPCD for the proposed herd expansion and the modification of existing facilities.

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<sup>3</sup> The CVRWQCB regulates only mature cows (milk and dry) and does not establish any limits on calves, heifers, and other support stock.



SOURCE: Planning Partners 2017

Oliveira Dairy Expansion Project CUP16-005

**Figure 3-6**

Active Dairy Facilities and Nearby Residences Located in the Windshed



### 3.2 GOALS AND OBJECTIVES OF THE PROJECT APPLICANT

As required by California Environmental Quality Act (CEQA) Guidelines Section 15124(b), the following is a discussion of the project applicant's objectives in proposing the Oliveira Dairy Expansion project. The applicant has identified the following goals in proposing the project:

- To maintain a modern, efficient, and competitive dairy operation that operates in full compliance with applicable county, state, and federal laws and regulations.
- To fully use land and facilities currently owned and operated by the project applicant without the need to purchase additional land.
- To use all available land (which is not otherwise used for the dairy) for the production of feed for the herd. This allows for the application, at appropriate agronomic rates, of dairy process water from dairy operations, which in turn reduces the need for imported fertilizers.
- To generate dry manure that can be land applied and/or sold as a commodity for use as fertilizer in the region.
- To construct improvements that could be permitted within a reasonable time frame and would represent commensurate benefit with cost.
- To provide year-round employment opportunities, at competitive wages, for Merced County residents. Unlike other agricultural operations, which provide only seasonal employment, dairies provide year-round employment.

### 3.3 DESCRIPTION OF THE PROPOSED ACTION

The project sponsor has applied for a new Conditional Use Permit (CUP16-005) from Merced County to expand the existing dairy so that the modified dairy would house 2,500 milk cows and 400 dry cows (see Table 3-3). This would represent an increase of 2,182 animals from existing numbers.

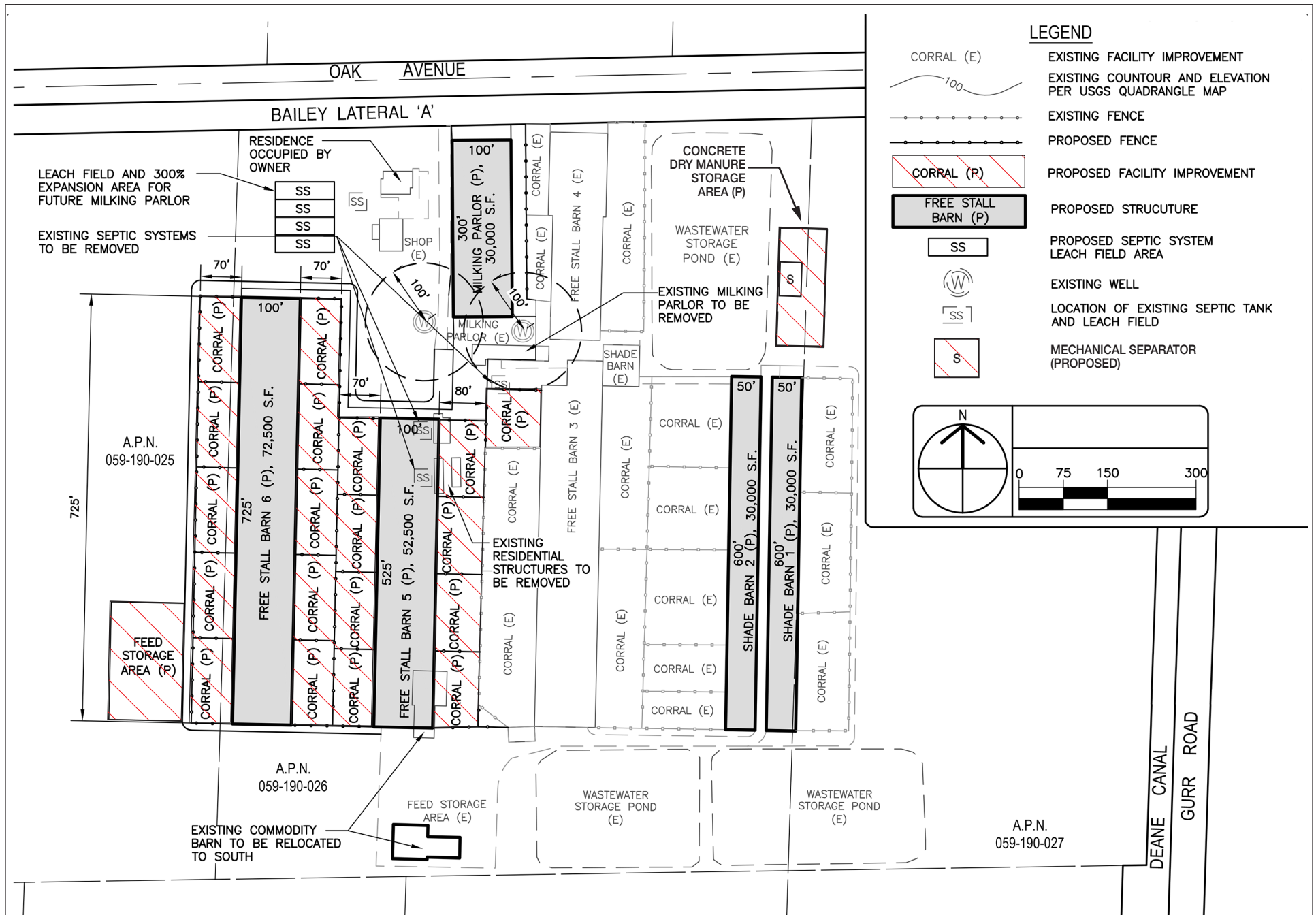
**Table 3-3 Existing and Proposed Herd at the Oliveira Dairy**

	<b>Milk Cows</b>	<b>Dry Cows</b>	<b>Bred Heifers (15-24 mo.)</b>	<b>Heifers (7-14 mo.)</b>	<b>Calves (4-6 mo.)</b>	<b>Calves (0-3 mo.)</b>	<b>Mature Bulls</b>	<b>Total Animals</b>
Existing	1,063	158	467	344	0	186	0	2,218
Proposed	2,500	400	375	375	375	375	0	4,400
<b>Change</b>	<b>1,437</b>	<b>242</b>	<b>-92</b>	<b>31</b>	<b>375</b>	<b>189</b>	<b>0</b>	<b>2,182</b>

Note: This evaluation considers maximum buildout.

Source: Project Applicant, April 2017; Existing Conditions Nutrient Management Plan (08/17/2016); Proposed Conditions Nutrient Management Plan (02/12/2016)

The proposed project would include the construction of supporting buildings and structures, including two new shade barns, approximately 30,000 square feet each; two additional freestall barns, approximately 52,500 square feet and 72,500 square feet; and a new milking parlor, approximately 30,000 square feet. The existing commodity barn would be relocated to an area south on the site. The existing milking parlor and three residences would be removed, for a total of 6,400 square feet of building to be removed. With implementation of the proposed dairy expansion, new structures would consist of approximately 215,000 square feet of construction, for a total of 312,700 square feet of building structures (see Figure 3-7).



SOURCE: Sousa Engineering 2016

Oliveira Dairy Expansion Project CUP16-005

**Figure 3-7**  
Proposed Dairy Facilities

There is an existing heifer facility on Buhach Field, west of the main production area, which would be eliminated with the proposed dairy expansion. Animals currently housed at the heifer facility would be transferred to the main dairy production area to be housed in proposed new structures.

With construction of the proposed facilities, approximately seven acres of cropped acreage would be converted to active dairy facilities. The remaining 242± acres would continue to be cropped with dairy feed crops. Field application of dry manure and wastewater would include surface irrigation and broadcast spreading/incorporation. The number of silage piles would increase from two to four. See Figure 3-2 for the layout of the dairy fields and Figure 3-7 for the proposed dairy site plan. Figure 3-8 shows a cross-section of a freestall dairy barn and Figure 3-9 illustrates the processes that occur at a dairy farm.

Animal wastes from freestall and other concrete-surfaced areas would continue to be flushed to an on-site waste management system, except for solid manure within corral areas, which would continue to be scraped. Liquid manure would continue to be directed to the settling pond and then treated in the wastewater storage ponds.

Stormwater runoff from roofed areas would continue to be routed to the wastewater pond or adjacent field. Wastewater would continue to be mixed with irrigation water and applied to the land.

Solid manure that accumulates within corrals would continue to be removed three times per year. With the proposed dairy expansion, dry manure would continue to be stockpiled on site at the existing dry manure storage area. Dry manure would be used for bedding, or sold and hauled off site weekly for use as fertilizer and soil amendments. As reported in the NMP, exported solid manure applied to off-site agricultural fields not owned by the project applicant would increase from 3,800 tons (currently) to 7,500 tons with the proposed expansion (approximately 90 percent of previously separated solids). In addition, 6,000,000 gallons of wastewater slurry would be exported from the facility and applied to adjacent off-site agricultural fields not owned by the project applicant<sup>4</sup>. While the exact location of these off-site cropland parcels may vary throughout operations, the disposal of manure at off-site locations and the acreage necessary to properly dispose of manure liquids and solids are accounted for in the project NMP.

The proposed dairy expansion would rely on existing utilities, including domestic water, stormwater, and electrical services. The proposed project would include the removal of two existing septic systems associated with the three residences to be demolished, in addition to removal of the septic system associated with the existing milking parlor to be demolished. A new septic system and leach field for the proposed milking parlor would be installed. While the project applicant anticipates new electrical service at the milk parlor, no additional utilities would be required.

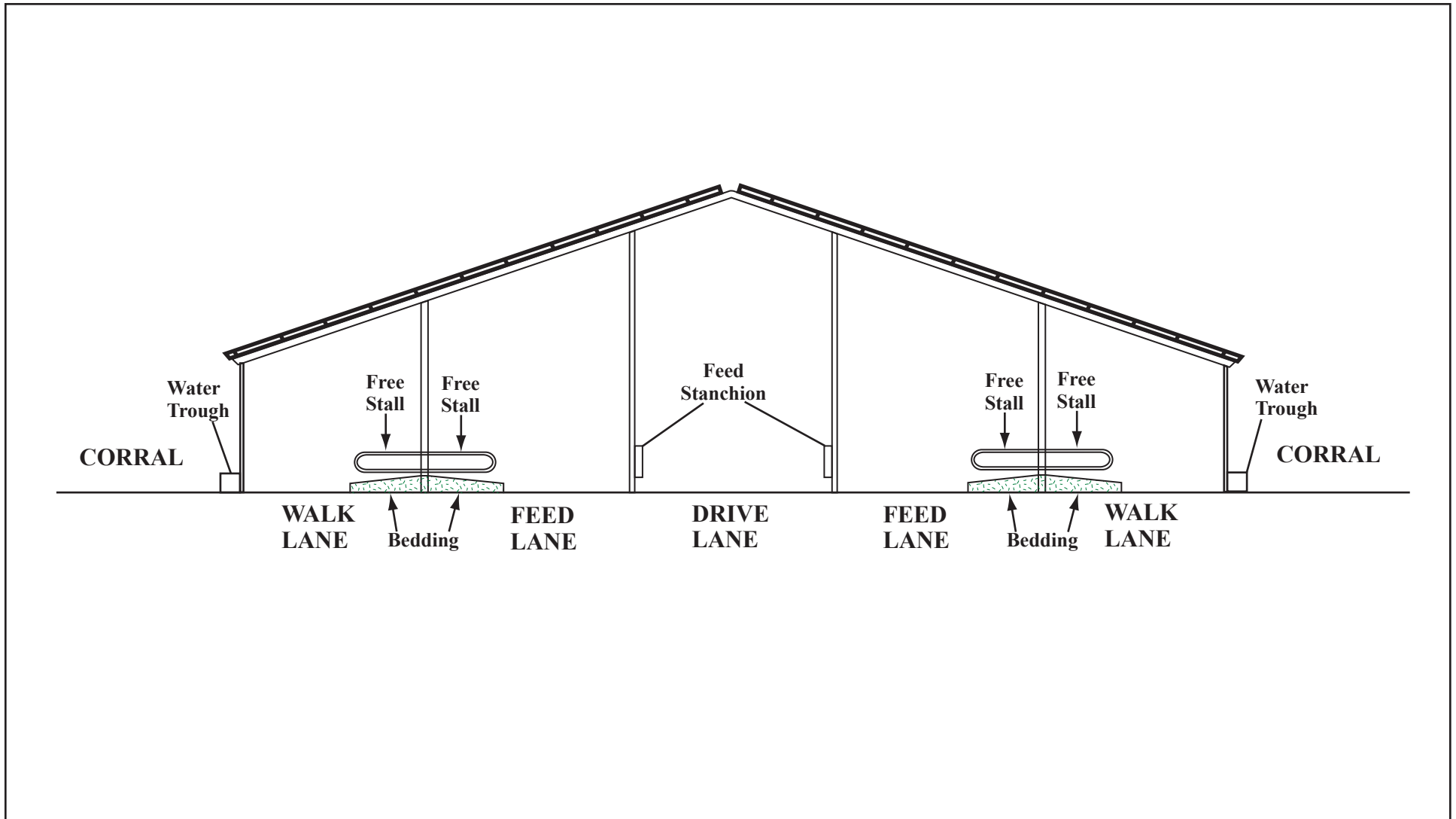
Operations at the dairy would continue to occur 24 hours per day, 365 days per year, with most operations concentrated during daylight hours. With implementation of the proposed project, the number of employees would increase from 7 to approximately 14 workers.

The closest off-site residences are located approximately 610 and 700 feet south of active dairy facilities. With the proposed expansion, distances to these residences would not be reduced (see Figure 3-10).

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<sup>4</sup> A pipeline to transport the wastewater has been previously installed by the project applicant. The ACO requires written agreements between the owner of the animal confinement facility and property owner receiving the wastewater.

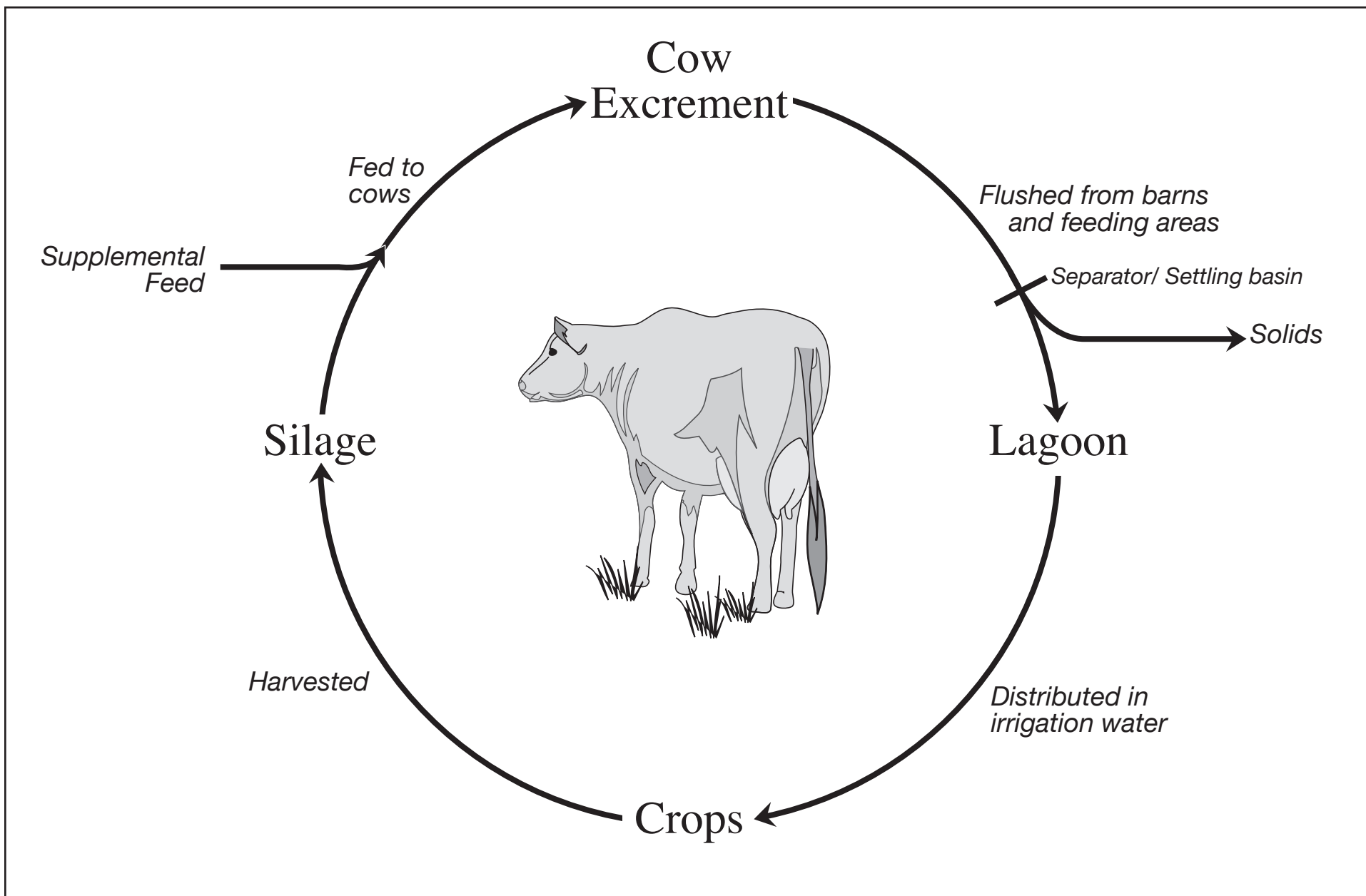


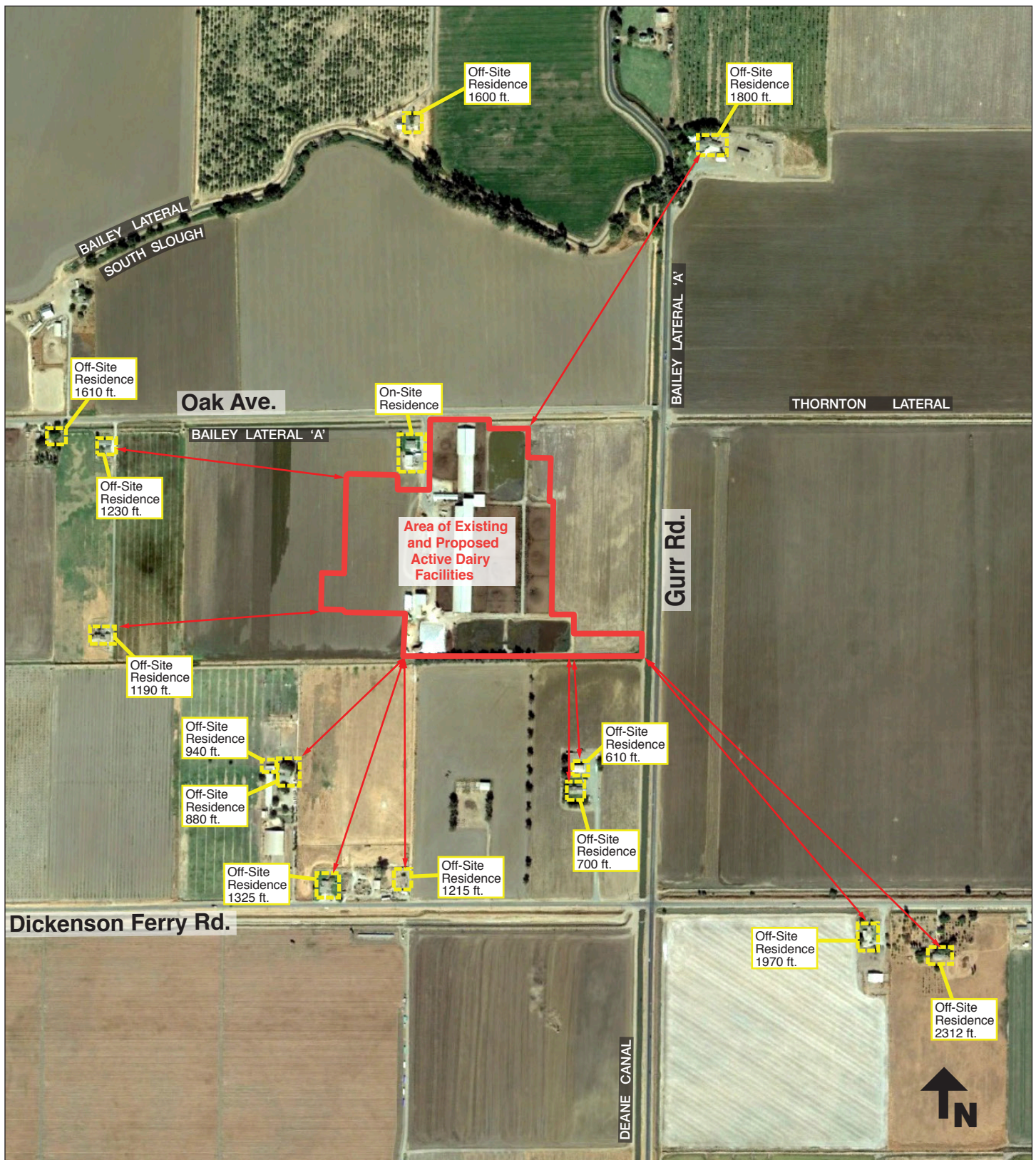


SOURCE: Planning Partners 2017

Oliveira Dairy Expansion Project CUP16-005

**Figure 3-8**  
Freestall Dairy Barn – Schematic Cross-Section





Oliveira Dairy Expansion Project CUP16-005

SOURCE: Planning Partners 2017

**Figure 3-10**

Distance of Nearest Off-Site Residences to Existing and Proposed Active Dairy Facilities



### 3.3.1 CIRCULATION AND PARKING

The project site would continue to be served by heavy trucks (milk tankers, commodity deliveries), and other vehicles. Daily trips by all classes of vehicle are estimated to increase from approximately 24 to 40 average daily trips, with an increase of 16 daily trips, including 5 heavy truck trips per day (see Table 3-4). The majority of trips would consist of auto and light truck trips. All trips would continue to access Oak Avenue.

**Table 3-4 Oliveira Dairy Expansion Project Trip Generation and Assignment**

Trip Type/Purpose	Daily Trip Generation Factor	Type of Vehicle	Daily Trips		Local Route of Trip
			Existing	With Project	
Residential Dwellings (on site)	2/residence *See Note 1	Auto/Light Truck	8	2	Oak Ave
Employees (off-site)	2/employee *See Note 2	Auto/Light Truck	8	24	Oak Ave
Milk Tanker	*See Note 3	Heavy Truck	2	4	Oak Ave
Commodities transport from off site	*See Note 4	Heavy Truck	0.7	1.4	Oak Ave
Solid and liquid manure transport to off-site fields	*See Note 5	Heavy Truck	2.2	4.9	Oak Ave
Rendering Service	*See Note 6	Medium Truck	0.4	0.6	Oak Ave
Veterinarian	1/week	Light Truck	1.0	1.0	Oak Ave
Purveyor sales	2/facility office	Auto/Light Truck	2.0	2.0	Oak Ave
<b>Total Auto/Light Truck Trips</b>			<b>19</b>	<b>29</b>	
<b>Total Medium Truck Trips</b>			<b>0.4</b>	<b>0.6</b>	
<b>Total Heavy Truck Trips</b>			<b>4.9</b>	<b>10.3</b>	
<b>Total Trips</b>			<b>24.3</b>	<b>39.9</b>	

Notes: Trip Generation table based on Planning Partners assumptions and information obtained from project applicant.

1. There are four existing residences located on site, all of which are occupied by employees and the dairy owner. For a dairy farm operation, a trip generation factor of 2 trips per day was used for both on-site residences and off-site employees.
2. There are currently 7 employees. Since there are 3 employee residences on site, it is assumed there are 4 off-site employees driving to work each day. There would be 14 total employees with the proposed expansion. Since 3 existing employee residences would be removed, there would be 14 off-site employees driving to work per day.
3. There are 14 milk tanker truck trips to the dairy per week, and there would be 28 per week with the proposed expansion.
4. There are 5 commodity truck trips from off site per week, and there would be 10 with the proposed expansion.
5. Currently, there are approximately 400 diesel truck trips per application, once or twice per year to export dry manure to off-site fields. This analysis assumes a maximum of 800 trips total annually. Under proposed operations, there would be approximately 900 diesel truck trips per application, once or twice per year, to export dry manure to off-site fields, with a maximum of 1,800 trips total annually.
6. There are approximately 3 truck trips per week for rendering service. There would be 4 truck trips per week with the proposed expansion.

Source: Planning Partners 2017. Project Applicant April 2017.

### 3.4 PROJECT CONSTRUCTION AND PHASING

The proposed dairy expansion would be constructed in two phases. Phase 1 would include construction of the proposed milking parlor within one year of application approval. Phase 2 would include the remaining structures to be built concurrently with expansion of the herd, and would likely occur within 10 years after completion of the milking parlor.

### **3.5 ESTABLISHING THE PROPER “BASELINE” FOR THE PROPOSED DAIRY EXPANSION**

To determine whether an impact is significant, a “baseline” set of environmental conditions is required against which agencies can assess the significance of project impacts. As established by CEQA Guidelines Section 15125(a), the existing environmental setting, usually established at the time a Notice of Preparation is issued, should normally constitute the baseline. In this case, “the impacts of a proposed project are ordinarily to be compared to the actual environmental conditions existing at the time of CEQA analysis, rather than to allowable conditions defined by a plan or regulatory framework” (*Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 158 Cal.App.4th 1336). Essentially, prior operating permits or permit levels do not in themselves establish a baseline for CEQA review of a new project.

The purpose of defining the environmental setting is to give decision-makers and the public an accurate picture of the project’s likely impacts, both near-term and long-term. In some cases, “[e]nvironmental conditions may vary from year to year and ... it is necessary to consider conditions over a range of time periods” (quoting *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 125). Lead agencies should choose the baseline that most meaningfully informs decision-makers and the public of the project’s possible impacts.

In the case of the Oliveira Dairy Expansion project, existing permits from the SJVAPCD and CVRWQCB allow for conflicting cow numbers, including a maximum of 1,040 mature cows and 690 mature cows, respectively. The existing herd at the time of NOP circulation comprised a total of 2,218 animals, including 1,063 milk cows. For the purposes of this EIR, the baseline herd to be used in this environmental analysis is the herd count at the time that the NOP is circulated. This herd size and dairy configuration accurately depicts the environmental baseline with which to identify the changes in the physical environment caused by the proposed project pursuant to Section 15064(d) of the State CEQA Guidelines.

### **3.6 REQUIRED APPROVALS, OTHER PROCESSES, AND CONSULTATIONS**

A listing and brief description of the regulatory permits and approvals required to implement the proposed project is provided below. This environmental document is intended to address the environmental impacts associated with all of the following decision actions and approvals.

#### **MERCED COUNTY AND OTHER LOCAL AND REGIONAL AGENCIES**

##### ***Merced County***

The County has the following permitting authority related to the proposed Oliveira Dairy Expansion project:

- Preparation and approval of an Environmental Impact Report - Merced County will act as the lead agency as defined by CEQA, and will have authority to determine if the Environmental Impact Report is adequate under CEQA.

- Approval of the Conditional Use Permit - Merced County will consider the proposed dairy project as a “Conditional Use Permit.” Conditional Use Permits are discretionary permits for uses of land that require special review to ensure that they are compatible with the neighborhood and surrounding land uses. They are considered more likely to affect surrounding land uses than uses permitted by right in a zoning district, or those uses permitted under Administrative Permits.
- Building Permit - Merced County will require a building permit for the proposed dairy expansion project.
- Demolition Permit - Merced County will require a demolition permit to remove the existing milking parlor and three existing residential structures on site.
- Hazardous Material Business Plan (HMBP) - The on-site storage of any hazardous material over threshold quantities (55 gallons; 200 cu. ft.; or 500 pounds) would require a HMBP to be filed with the Merced County Division of Environmental Health (DEH). Any quantity of hazardous waste generated on site also requires that a HMBP be filed. The HMBP and annual update for the Oliveira Dairy has been filed with the DEH.

### *San Joaquin Valley Air Pollution Control District*

- Authority to Construct / Permit to Operate – The owner or operator of any facility or activity (including agricultural activities) that emits criteria air pollutants or their precursors above certain thresholds must first obtain an ATC from the SJVAPCD. All new sources exceeding thresholds will be required to apply for an ATC and PTO; this essentially is one permit that is issued in two steps. The applicant first obtains an ATC with specific conditions for implementation during construction; then an inspection is completed and, if all the conditions of the ATC are met during construction, the applicant is issued a PTO. Beyond the ATC and PTO, preparation of an air quality impact assessment would be required, in addition to compliance with other SJVAPCD regulations.
- Conservation Management Practices Plan – The owner or operator of any agricultural facility of 100 acres or more, or an animal confinement facility in excess of 500 mature cows (for a dairy operation), must have submitted a CMP plan to the SJVAPCD prior to June 30, 2004 for existing uses, and prior to operation for proposed uses. The project applicant may be required to submit a modification request to their existing CMP Plan based on their proposed dairy expansion. A CMP plan requires that farm operators implement dust reduction practices for each of the following categories: harvest; unpaved roads; unpaved equipment/vehicle yards; and other. One CMP Plan must be submitted for each crop currently grown, or that will be grown within the two-year time frame of each Plan.

## **STATE OF CALIFORNIA**

State agencies have the following permitting authority related to the proposed Oliveira Dairy Expansion project:

### ***State Water Resources Control Board***

- General Construction Activity – The State Water Resources Control Board (SWRCB) has adopted a General Construction Activity Storm Water Permit for storm water discharges associated with any construction activity, including clearing, grading, excavation, reconstruction, and dredge and fill activities, that results in the disturbance of at least one acre of total land area.

### ***Regional Water Quality Control Board - Central Valley Region***

- Waste Discharge Requirements – The owner or operator of any facility or activity that discharges, or proposes to discharge, waste that may affect groundwater quality or from which waste may be discharged in a diffused manner (e.g., erosion from soil disturbance) must first obtain a WDR permit from the CVRWQCB. The CVRWQCB regulates discharges from dairies and other confined animal facilities according to the anti-degradation requirements of the Porter-Cologne Water Quality Control Act and the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins. The project applicant has submitted a Report of Waste Discharge for the proposed dairy expansion. The CVRWQCB will be issuing Individual WDRs for the Oliveira Dairy Expansion.

## **FEDERAL GOVERNMENT**

It is anticipated that no permitting from federal agencies would be required.