



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: 4Creeks, Inc. obo POMWonderful, LLC

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

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

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

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

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

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

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

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

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

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

I. AESTHETICS

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

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

FINDING: NO IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

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

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

II. AGRICULTURAL AND FORESTRY RESOURCES

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

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

FINDING: NO IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

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

III. AIR QUALITY

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

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

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

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

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; or
- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

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

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

V. CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

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

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

* **Mitigation Measure**

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

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation; or
- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

VII. GEOLOGY AND SOILS

Would the project:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: NO IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

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

* **Mitigation Measure**

1. See Section V.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

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

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

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: NO IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: NO IMPACT:

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

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT

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

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

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

FINDING: NO IMPACT:

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

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

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

XI. LAND USE AND PLANNING

Would the project:

A. Physically divide an established community; or

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

FINDING: NO IMPACT:

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

XII. MINERAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

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

XIII. NOISE

Would the project result in:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

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

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

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

FINDING: NO IMPACT:

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

C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

XIV. POPULATION AND HOUSING

Would the project:

A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?; or

- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

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

XV. PUBLIC SERVICES

Would the project:

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

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

FINDING: NO IMPACT:

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

XVI. RECREATION

Would the project:

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

FINDING: NO IMPACT:

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

XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; or
- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b); or
- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- D. Result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

FINDING: NO IMPACT:

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

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

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

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: NO IMPACT:

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

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

- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; or
- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

FINDING: NO IMPACT:

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

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

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

FINDING: NO IMPACT:

The proposed project will comply with federal, state, and local management and reduction statutes and regulations. Approval of this project will allow another use for pomace and dirty wash water and will convert the biomass to bio-methane and dewatered cake for land application or composting, which provides for an overall reduction in solid waste.

XX. WILDFIRE

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

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or

- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. The nearest such area is approximately 8.5 miles northeast of the site.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

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

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

* **Mitigation Measure**

1. See Section V.

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

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

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Conditional Use Permit Application No. 3619, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Biological Resources, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. Potential impacts related to Agriculture and Forestry, Aesthetics, Air Quality, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation have been determined to be less than significant. Potential impacts relating to Cultural Resources, and Geology and Soils have determined to be less than significant with compliance with above-noted Mitigation Measures.

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

CMM:

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