

# STANISLAUS COUNTY PLANNING COMMISSION

March 21, 2024

## STAFF REPORT

USE PERMIT APPLICATION NO. PLN2023-0042  
AEMETIS BIOGAS, LLC.

**REQUEST: REQUEST TO OPERATE A METHANE DIGESTER TO PROCESS DAIRY WASTE ON A 157.56± ACRE PARCEL IN THE GENERAL AGRICULTURE (A-2-40) ZONING DISTRICT. THE METHANE DIGESTOR WILL PROCESS DAIRY WASTE PRODUCED FROM THE ON-SITE DAIRY AND FROM THREE OFF-SITE DAIRIES.**

### APPLICATION INFORMATION

Applicant:	Aemetis Biogas, LLC. (Eric McAfee, Andy Foster, Robbie Macias, Danielle Illig, Gerald Hill, Lynzee Corvelo, Jessica Cardoso, Row Dowd, Juan Linarez, Danny Hermosillo, Kasey Mungunia, John Sprinkle, Jeff Linderman, Anthony Phillips).
Property owner:	Borba Family Ranches, LP (Luis Borba and Louie Borba) and Maria A. Borba, Trustee of the L. & M. Borba 2007 Trust
Agent:	Jessica Cardoso, Aemetis Biogas, LLC.
Location:	7215 South Prairie Flower Road, between Bradbury and August Roads, in the Turlock area.
Section, Township, Range:	12-6-9
Supervisorial District:	Two (Supervisor Chiesa)
Assessor's Parcel:	057-014-001 and 057-013-015
Referrals:	See Exhibit F Environmental Review Referrals
Area of Parcel(s):	157.56± acres
Water Supply:	Private well
Sewage Disposal:	Private septic system
General Plan Designation:	Agriculture
Community Plan Designation:	N/A
Existing Zoning:	General Agriculture (A-2-40)
Sphere of Influence:	N/A
Williamson Act Contract No.:	92-4218
Environmental Review:	Negative Declaration
Present Land Use:	Single-family dwelling, detached garage, dairy facility, wastewater pond and a 130± foot-tall communications facility with an 800 square-foot lease area.
Surrounding Land Use:	Scattered single-family dwellings, crop land, and dairies in all directions; poultry farm and the San Joaquin River to the southwest; and the County of Merced to the south.

## **RECOMMENDATION**

Staff recommends the Planning Commission approve this request based on the discussion below and on the whole of the record provided to the County. If the Planning Commission decides to approve the project, Exhibit A provides an overview of all of the findings required for project approval, which include use permit findings.

## **PROJECT DESCRIPTION**

This project is a request to operate a 9.3± acre covered methane digester on a 157.56± acre parcel located in the General Agriculture (A-2-40) zoning district. The methane digester will process dairy waste produced from the on-site dairy (Lumar Dairy) and from three off-site dairies (Soares Dairy, Machado Dairy, and Silva Holstein Dairy) located approximately one mile east and west of the project site. Manure waste slurry from the off-site dairies will be piped to the project site via underground pipelines located across private property and within County road rights-of-way.

The use of a covered digester and equipment to process dairy manure would be considered an accessory use if it is serving only the on-site dairy; however, because the proposed digester will serve as a hub to process manure waste from multiple dairies, a use permit is required.

As part of this request, a 4,800± square-foot pretreatment skid for equipment will be installed along the south side of the methane digester. The equipment that will be located on the pretreatment skid will be up to 16 feet in height and consist of a fiberglass tank system, chiller, and compressor. The applicant also proposes to gravel a 20-foot-wide driveway extending from the pretreatment skid to South Mitchell Road.

The three off-site dairies are located on Assessor Parcel Numbers (APNs): 057-007-005, 057-008-005, 057-008-010, 057-013-014, and 057-013-019 within 1± mile of the project site (see Exhibit B-6 – *Maps and Plans*). Manure solids will be filtered out at each dairy site leaving only the slurry waste to be piped to the digester. The biogas that is produced in the break down process of the waste will be captured within the covered methane digester. The captured biogas will be sent to equipment on the pretreatment skid and subsequently transferred via pipeline to the Aemetis Advanced Fuels Keyes facility, located approximately 8.65± miles north of the project site. At the Keyes facility, the biogas will be processed and upgraded to compressed natural gas (CNG). The waste slurry remaining at the project site after the breakdown process in the digester will be piped back to each respective dairy pursuant to the quantities listed under each dairies' current wastewater management plan (WMP); no net increase of wastewater will be returned to any of the dairies. No expansion of herd sizes are proposed as a result of this project. Improvements and equipment related to the digester and the pipelines for transferring the manure waste will be installed at the off-site dairies and are considered to be accessory to the existing dairies; no discretionary land use entitlements will be required for the improvements and equipment to be located on the off-site dairies associated with this request.

The proposed methane digester will operate 24 hours a day/seven days a week. The applicant anticipates one daily vehicle round-trip for a single employee who will be on-site seven days a week to inspect the property and equipment and perform standard preventative maintenance.

The offsite pipelines will extend to the west across South Mitchell Road and along Hilmar Road in order to access the Soares Dairy and Machado Dairy located on Hilmar Road (APNs: 057-007-005, 057-008-005, and 057-008-010). The off-site pipeline will also extend to the east across South Prairie Flower Road in order to access the Silva Holstein Dairy located on Elaine Road (APNs: 057-013-014, and 057-013-019).

The pipeline proposed to transfer the biogas from the project site to the Aemetis Advanced Fuels Keyes facility is part of a 59.1± mile pipeline system which pipes biogas from existing dairies located throughout Stanislaus and Merced Counties. Further discussion on the pipeline system is provided in the *Environmental Review* section of this report.

### **SITE DESCRIPTION**

The 157.56± acre project site is located at 7215 South Prairie Flower Road, between Bradbury and August Roads, in the Turlock area (see Exhibit B – *Maps and Plans*). In addition to the main address the site also includes the addresses 7190 South Prairie Flower Road and 7190 South Mitchell Road. The project site is comprised of one legal parcel currently being assessed under two separate APNs: 057-014-001 and 057-013-015. The project site is currently enrolled under Williamson Act Contract No. 92-4218 and is improved with a single-family dwelling and detached garage; improvements associated with the dairy operation consisting of six freestall barns, one haybarn, one milk barn, a 7.5± acre dairy wastewater pond; and a 130-foot-tall communications facility within an 800± square-foot lease area. The project site is currently served by an existing private well and septic system.

The project site has existing access from County maintained South Mitchell and South Prairie Flower Roads. Primary access to the project site will be from South Mitchell Road via the 20-foot-wide gravel driveway along the southside of the proposed methane digester.

The surrounding area is composed of scattered single-family dwellings, crop land, and dairies in all directions; a poultry farm and the San Joaquin River are to the southwest; and the County of Merced is south of the project site.

### **ISSUES**

This is the first request considered by Stanislaus County for the installation of a methane digester to serve multiple dairies; however, environmental documents, encroachment permitting, and building permits for digesters serving individual dairies and pipelines within the County's road right-of-way to transport biogas from the digesters have been previously approved by the County. The County is processing two similar requests for individual digesters to serve multiple dairies under Use Permit Application No. PLN2023-0039 – MD Digester, which is in the Valley Home area, and proposes to serve one on-site and one off-site dairy, and Use Permit Application No. PLN2024-0005 – BA Digester, which will be located in the Modesto area, and proposes to serve one on-site and six off-site dairies. Both proposals will be presented to the Planning Commission at a later date. While unique in nature, no issues have been identified as a part of this request. Standard conditions of approval, along with those discussed in the *Environmental Review* section of this report, have been added to the project (see Exhibit C - *Conditions of Approval*).

## **GENERAL PLAN CONSISTENCY**

The site is currently designated “Agriculture” in the Stanislaus County General Plan. The agricultural designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas. This designation establishes agriculture as the primary use in land so designated, but allows dwelling units, limited agriculturally related commercial services, agriculturally related light industrial uses, and other uses which by their unique nature are not compatible with urban uses, provided they do not conflict with the primary use.

Goal One, Objective 1.2 of the General Plan’s Agricultural Element encourages vertical integration of agriculture by organizing uses requiring use permits into three tiers based on the type of uses and their relationship to agriculture. Tier Two uses include agriculture-related commercial and industrial uses, such as agricultural processing plants and facilities, and agricultural services establishments. Agricultural processing facilities and service establishments are allowed in the A-2 zoning district when the Planning Commission finds that the operation will not be substantially detrimental to or in conflict with the agricultural use of other property in the vicinity; the establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity; and it is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned commercial or industrial. An assessment of the proposed uses compliance with the findings required for approval of a Tier Two use is provided in the *Zoning Ordinance Consistency* section of this report.

To minimize conflicts between agricultural operations and non-agricultural operations, Buffer and Setback Guidelines (Appendix A of the Agricultural Element) have been adopted. The purpose of these guidelines is to protect the long-term health of local agriculture by minimizing conflicts resulting from normal agricultural practices as a consequence of new or expanding uses approved in or adjacent to the General Agriculture (A-2) zoning district. Appendix A of these guidelines states that all projects shall incorporate a minimum 150-foot-wide buffer setback for low people intensive uses. Permitted uses within a buffer area shall include: public roadways, utilities, drainage facilities, rivers and adjacent riparian areas, landscaping, parking lots, and similar low people intensive uses. However, low people intensive Tier One and Tier Two uses which do not serve the general public shall not be subject to compliance with these guidelines.

The digester will meet a 150-foot buffer setback to the north, south, and east. The digester will not meet a 150-foot buffer setback from the west property line along South Mitchell Road. The setback to the nearest agricultural property on the western property line is 117 feet. Given the nature of the proposed use and with only one employee associated with the digester, the digester is not anticipated to increase the potential of trespassing onto adjacent agricultural lands. Based on the project description, staff believes the use to be low people intensive and, as such, not subject to providing an agricultural buffer. The decision-making body (Planning Commission) shall have the ultimate authority to determine if a use is low people intensive. This project was referred to the Stanislaus County Agricultural Commissioner’s office and no comment was received.

Staff believes that the proposed use can be found to be consistent with the General Plan as the use is in direct support of production agriculture.

## **ZONING ORDINANCE CONSISTENCY**

The project site is currently zoned General Agriculture with a 40-acre minimum (A-2-40) which allows dairies as a permitted uses, except when a new dairy or expansion of an existing dairy requires a new or modified permit, waiver, order, or waste discharge requirement from the Regional Water Quality Control Board, where the issuance of such permit, waiver, order or waste discharge requirement requires compliance with the California Environmental Quality Act. In this case, the dairies proposed to be served by the project are existing and are not proposing to expand. The proposed methane digester, serving the on-site dairy and three off-site dairies, is considered to be a Tier Two use, which are agriculturally related commercial and industrial uses. In accordance with Section 21.20.020(B) of the Stanislaus County Zoning Ordinance, Tier Two uses may be allowed when the Planning Commission makes the following findings:

1. The establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; and
2. The establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity; and
3. It is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage.

While this type of use, a methane digester hub, is not explicitly identified as a Tier Two use, staff has determined that it is a mix of an agricultural service establishment and agricultural processing facility.

An Agricultural Service Establishment is defined by Section 21.12.030 of the Stanislaus County Zoning Ordinance as meaning “a business engaging in activities designed to aid production agriculture. Service does not include the provision of tangible goods except those sold directly to farmers and used specifically to aid in production of farm animals or crops. Nor does service include any business which has the primary function of manufacturing products.” Production agriculture is defined by Section 21.12.495 as meaning “agriculture for the purpose of producing any and all plant and animal commodities for commercial purposes.” Section 21.20.030(B)(3)(a) recognizes agricultural service establishments as a Tier Two use when primarily engaging in the provision of agricultural services to farmers and when such establishments are designed to serve the immediately surrounding area as opposed to having a widespread service area.

Section 21.20.030(B)(b) of the Stanislaus County Zoning Ordinance allows agricultural processing facilities under a Tier Two Use Permit provided that: the plant or facility is operated in conjunction with, or as a part of, a bona fide agricultural production operation; at least fifty percent of the produce to be processed is grown on the premises or on property located in Stanislaus County in the same ownership or lease; and the number of full-time, year-round employees involved in the processing shall not exceed ten, and the number of part-time, seasonal employees shall not exceed twenty.

The proposed methane digester will operate 24 hours a day/seven days a week and will be accessory to the on-site dairy and for the use of three other off-site dairies located within

approximately one mile of the project site. One employee associated with the digester will be on-site for preventative maintenance.

Neither the County's General Plan nor the Zoning Ordinance define the appropriate service area for an agricultural service establishment and, as such, each proposed use must be individually assessed. In this case, the project proposes to serve as a methane digester hub for four existing dairies which are stationary to the project area and, by its nature, is "primarily engaged in the provision of agricultural services to farmers".

The project site is enrolled under Williamson Act Contract No. 92-4218. County Code Section 21.20.045, in compliance with Government Code Section 51238.1, specifies that uses approved on contracted lands shall be consistent with three principles of compatibility. Those principles state that the proposed use shall be consistent with the following principles of compatibility:

1. The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district.
2. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
3. The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.

Within the A-2 zoning district, the County has determined Tier Two uses shall be evaluated on a case-by-case basis by the Planning Commission and/or Board of Supervisors to determine whether they are consistent with the principles of compatibility set forth in Section 21.20.045 of the County Code. Based on the specific features and design of this project, it does not appear this project will impact the long-term productive agricultural capability of surrounding contracted lands in the A-2 zoning district. The project itself directly relates to the production of commercial agricultural products on the subject contracted parcel and on neighboring lands. There is no indication this project will result in the removal of adjacent contracted land from agricultural use. This application was referred to the Department of Conservation (DOC) for review and input and no response has been received to date.

Staff believes the establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity, nor be detrimental to the health, safety, property or improvements and the general welfare of persons within the surrounding area of use and the County as a whole; the proposed use will not create a concentration of commercial or industrial uses in the vicinity; and that all findings required for approval can be made. Any requests to expand the operation or serve additional dairies will be subject to additional land use entitlements.

## **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to interested parties and responsible agencies for review and comment and no significant issues were raised (see Exhibit F - *Environmental Review Referrals*). A Negative Declaration has been prepared for approval prior to action on the project itself as the project will not have a significant effect on the environment (see Exhibit E - *Negative Declaration*). Additionally, the methane digester is covered under the State of California Regional Water Quality Control Board's (RWQCB) adopted Reissued General Order which specifies design standards for covered anaerobic digesters. The proposed digester will be required to comply with the specifications and design standards as specified under the Reissued General Order.

The off-site pipeline system that will be used to transfer the biogas from the project site to the Aemetis Advanced Fuels Keyes facility is approved but has only been partially constructed. On January 26, 2021, a Mitigated Negative Declaration, which was prepared by the Stanislaus County Public Works Department, was adopted by the Board of Supervisors to allow 32.5 miles of pipeline to be constructed in County right-of-way for the transmission of biogas from 17 private dairies. Subsequently, a Supplemental Initial Study and Mitigated Negative Declaration were adopted by the Stanislaus County Board of Supervisors on November 28, 2023, to permit the connection of 21 additional dairies (26.6 miles of additional pipeline) to the biogas pipeline system. As discussed in the Initial Study completed for this project, impacts associated with the processing and refining of biogas at the Aemetis facility were addressed under separate environmental documentation and agency permits authorized by the San Joaquin Valley Unified Air Pollution Control District (see Exhibit D – *Initial Study*).

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**Note:** Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay **\$2,973.75** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk-Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Contact Person: Emily DeAnda, Associate Planner, (209) 525-6330

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps and Plans
- Exhibit C - Conditions of Approval
- Exhibit D - Initial Study, with attachments
- Exhibit E - Negative Declaration
- Exhibit F - Environmental Review Referrals
- Exhibit G - Campaign Contribution (Levine Act) Disclosure Form

## Findings and Actions Required for Project Approval

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
  - a. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
  - b. The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district.
  - c. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
  - d. The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.
  - e. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
  - f. The use as proposed will not create a concentration of commercial and industrial uses in the vicinity.
  - g. It is desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage.
  - h. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring improvements.
  - i. That the proposed Tier Two use is "low-people intensive" and not subject to the agricultural buffer.
4. Approve Use Permit Application No. PLN2023-0042 – Aemetis Biogas, LLC., subject to the attached Conditions of Approval.



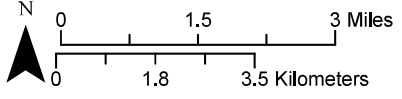
# AEMETIS BIOGAS, LLC.

## UP PLN2023-0042

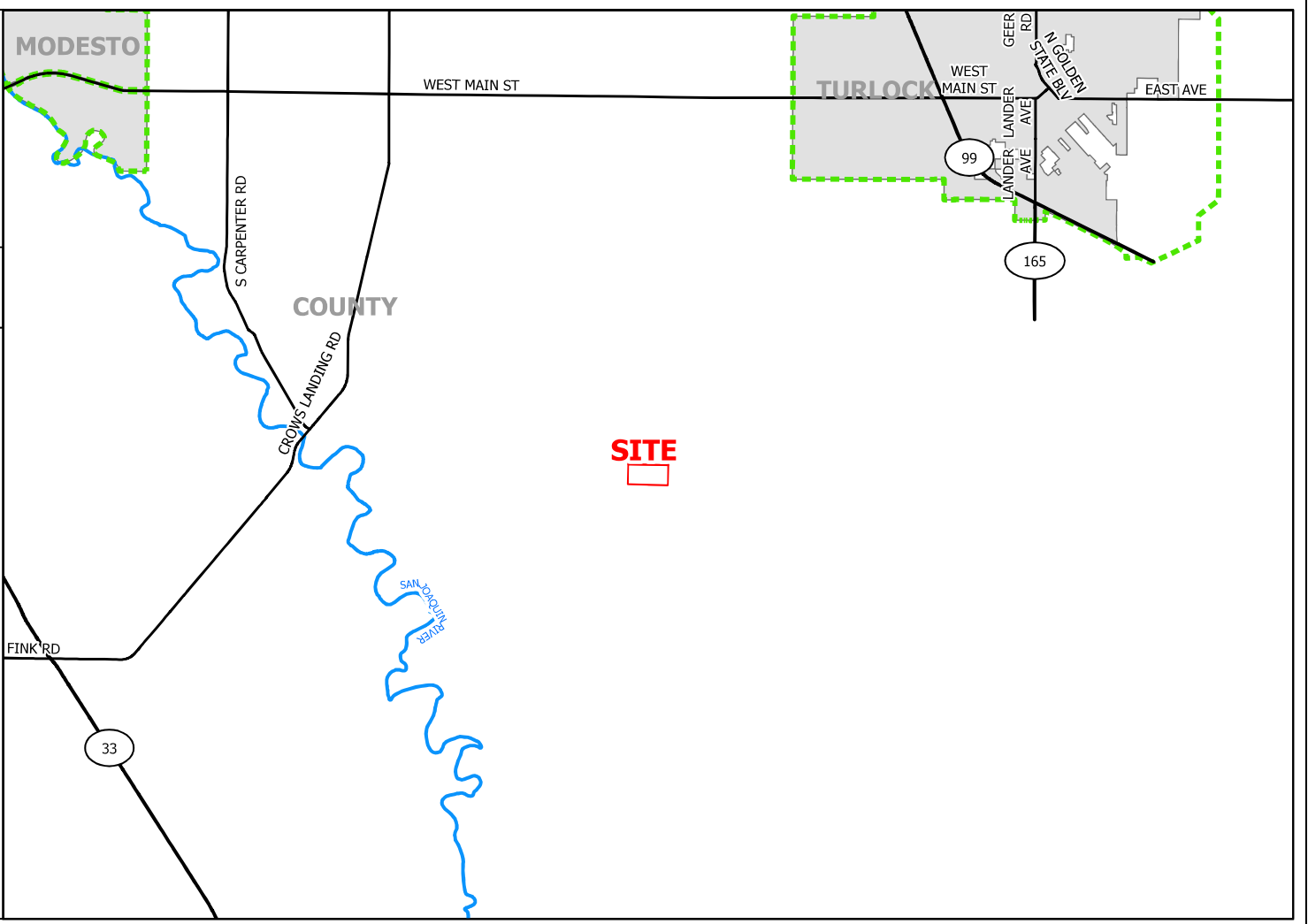
### AREA MAP

#### LEGEND

-  Project Site
-  Highway
-  Major Road
-  River
-  Sphere of Influence



Source: Planning Department GIS Date Exported: 2/29/2024








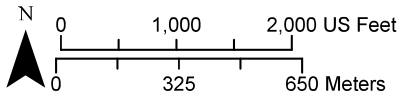
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## UP PLN2023-0042

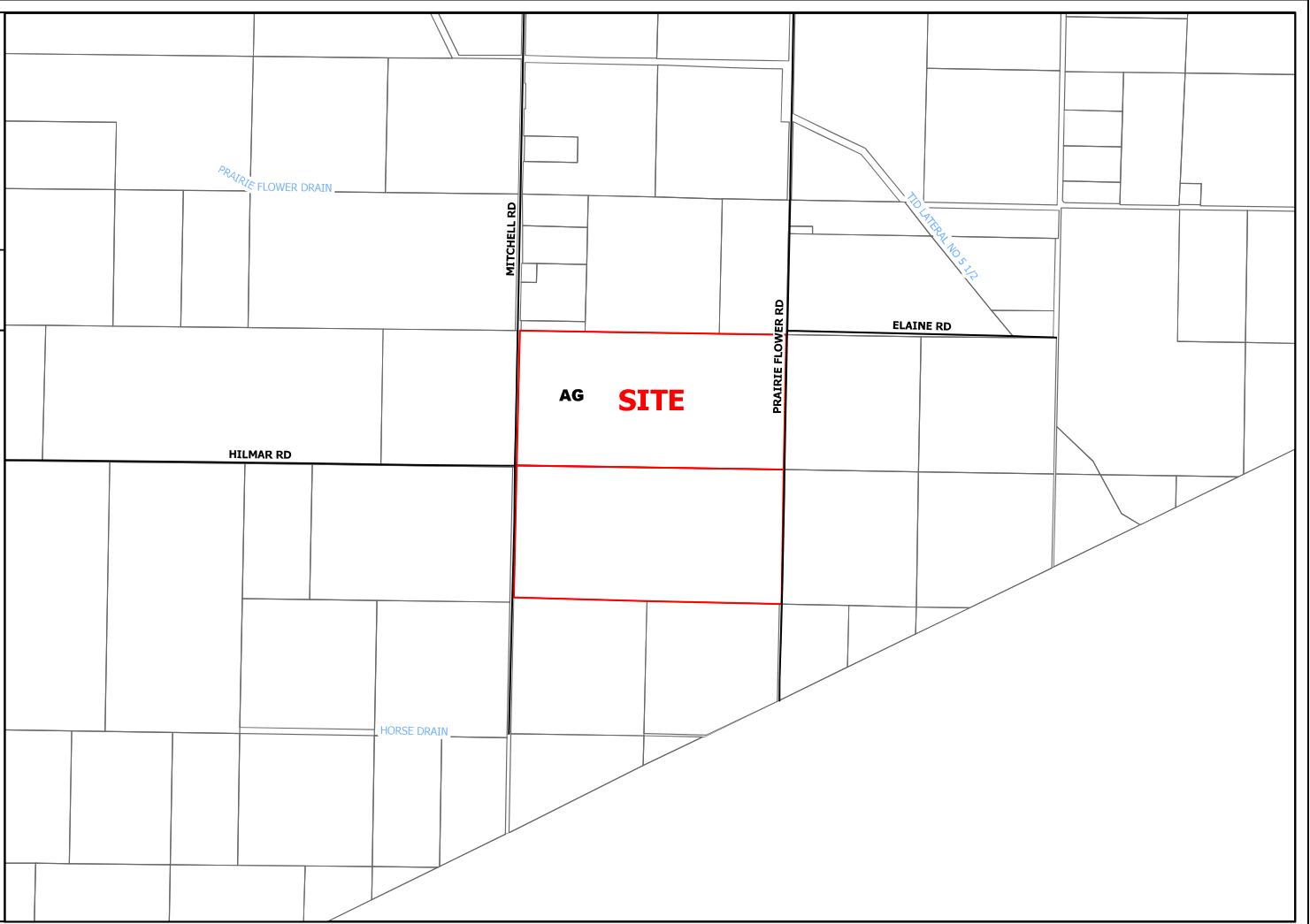
### GENERAL PLAN MAP

#### LEGEND

-  Project Site
-  Parcel
-  Canal
-  Agriculture
-  Street



Source: Planning Department GIS Date Exported: 2/29/2024



# AEMETIS BIOGAS, LLC.

## UP PLN2023-0042

### ZONING MAP

#### LEGEND


 Project Site

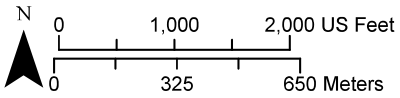
 Parcel

 Canal

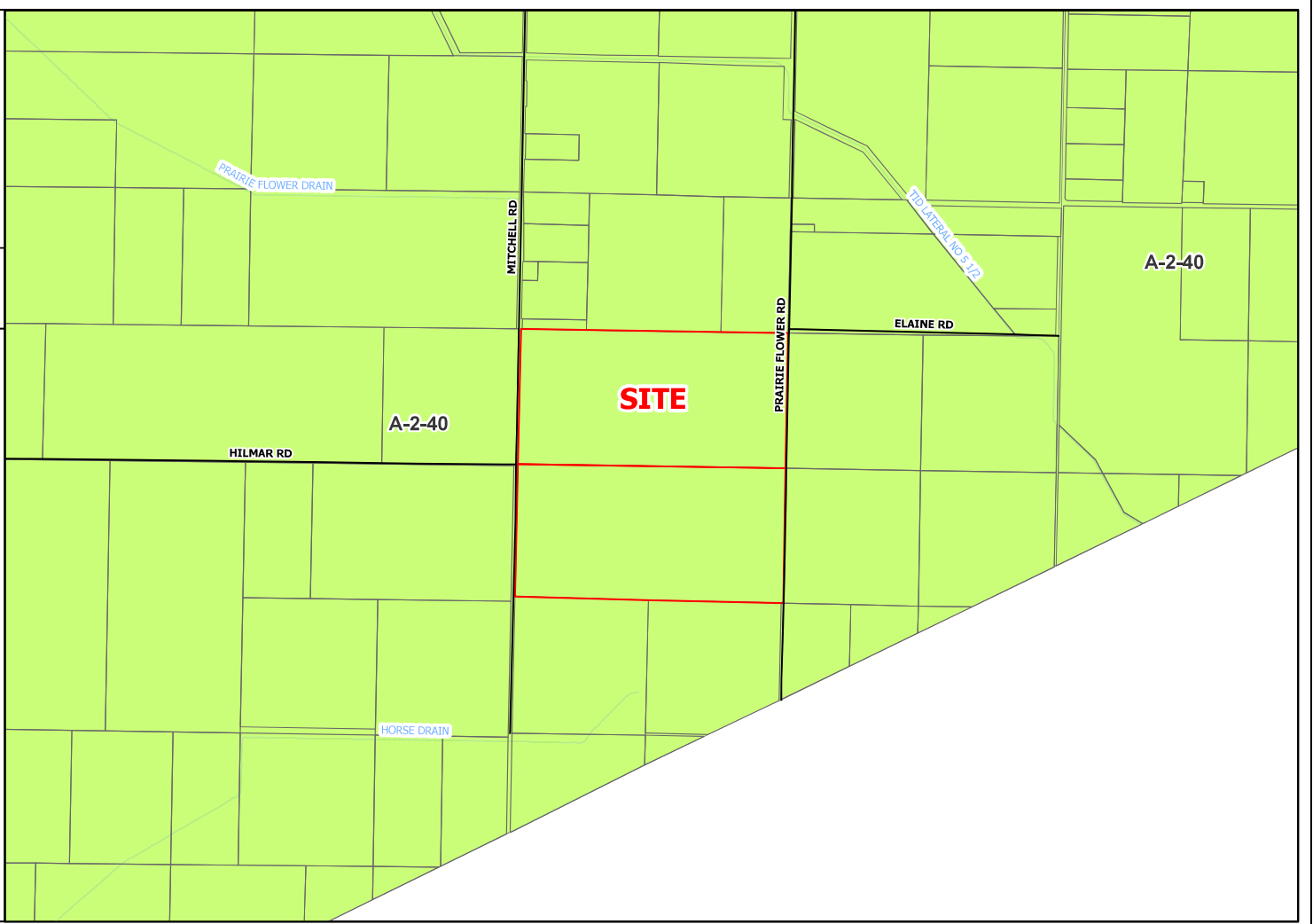
#### Zoning Designation

 General Agriculture 40 Acre

 Street



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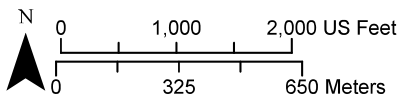
# AEMETIS BIOGAS, LLC.

## UP PLN2023-0042

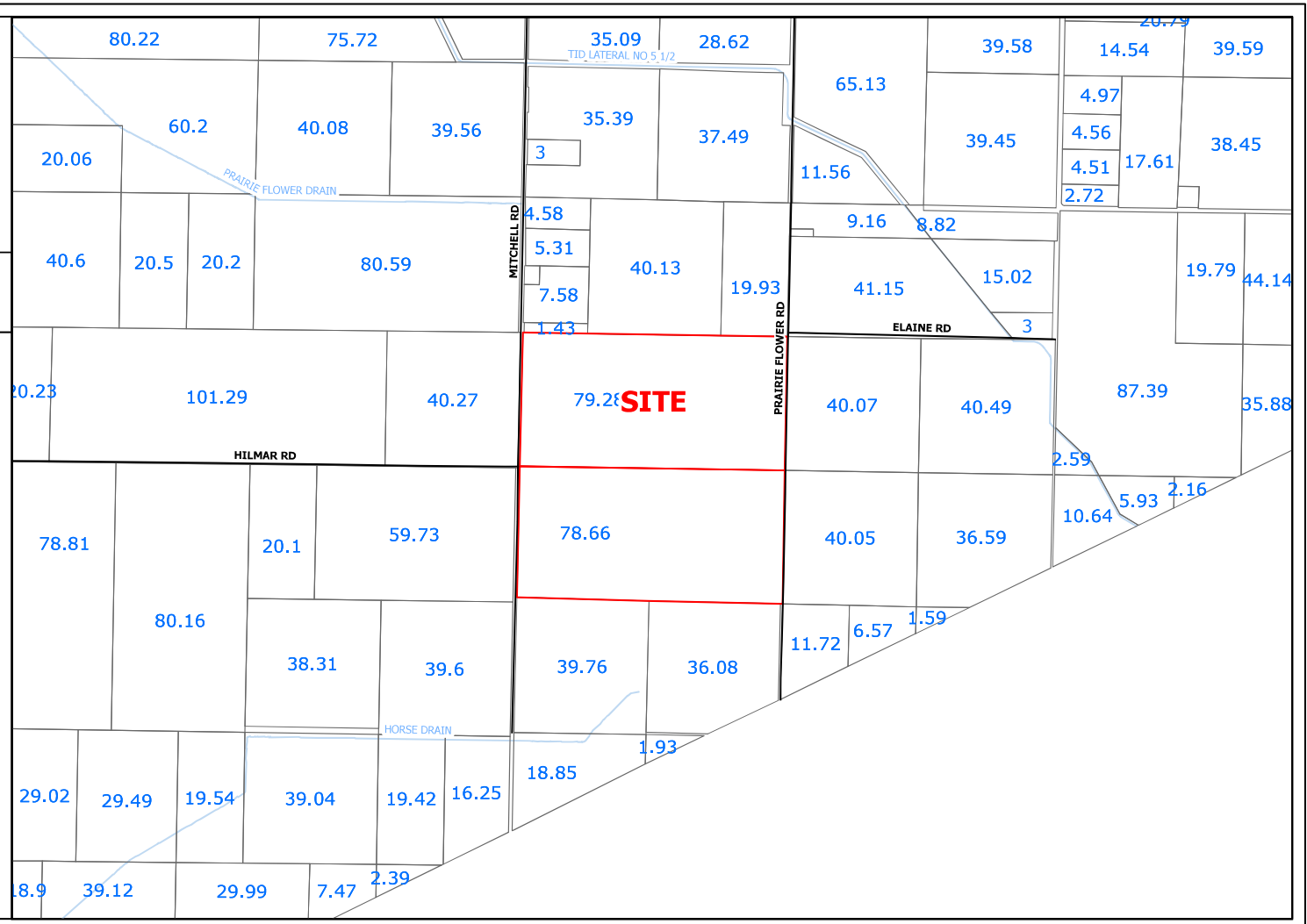
### ACREAGE MAP

#### LEGEND

- Project Site
- Parcel
- Acres
- Canal
- Street



Source: Planning Department GIS      Date Exported: 2/29/2024







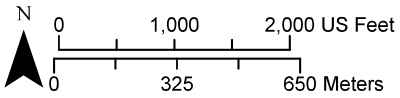
# AEMETIS BIOGAS, LLC.

## UP PLN2023-0042

2023 AERIAL AREA MAP

### LEGEND

-  Project Site
-  Parcel
-  Canal
-  Street



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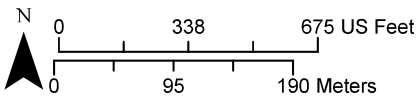
# AEMETIS BIOGAS, LLC.

## UP PLN2023-0042

2023 AERIAL SITE MAP

### LEGEND

-  Project Site
-  Parcel
-  Street

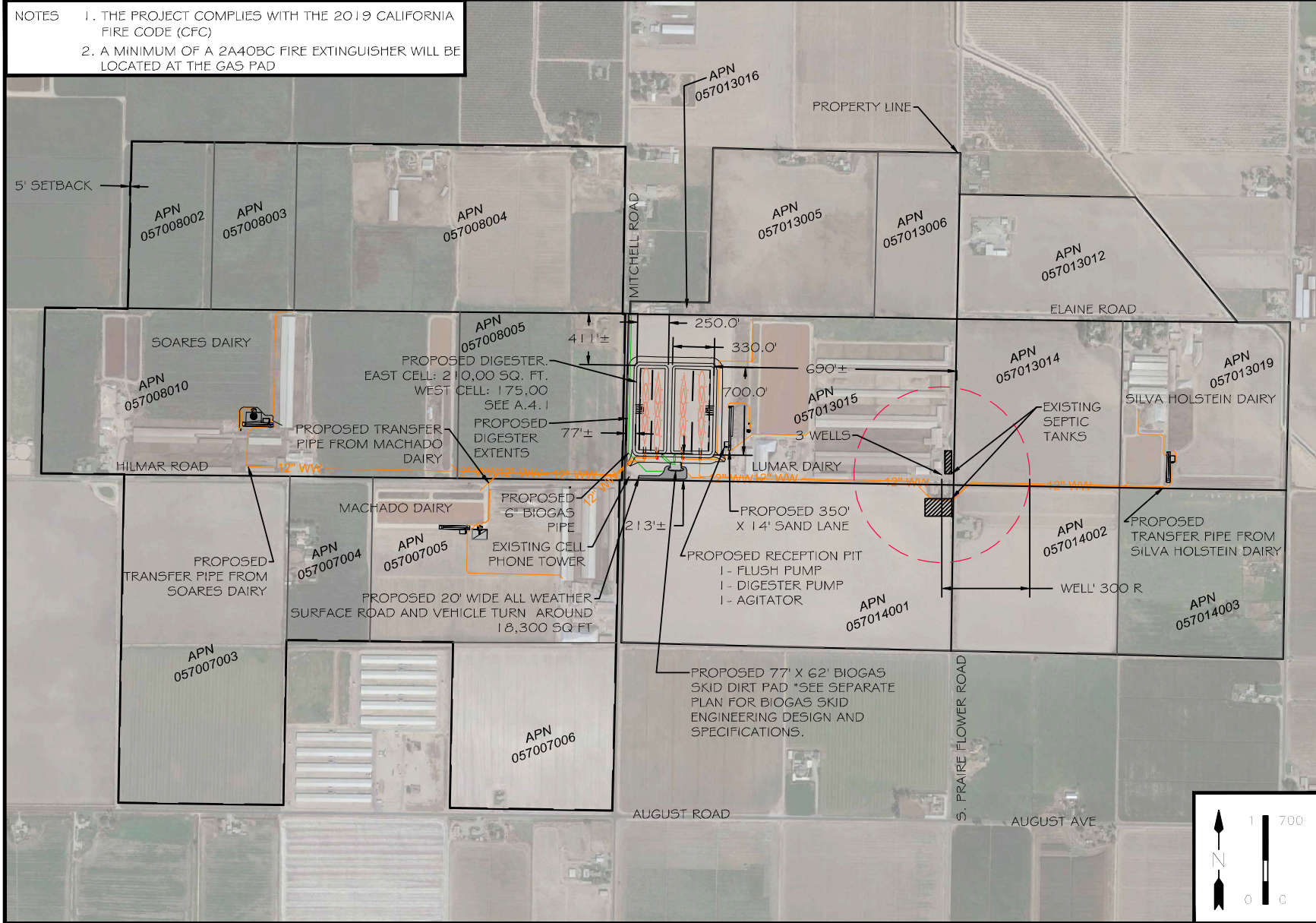


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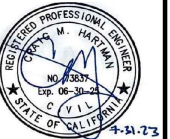


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NOTES  
 1. THE PROJECT COMPLIES WITH THE 2019 CALIFORNIA FIRE CODE (CFC)  
 2. A MINIMUM OF A 2A40BC FIRE EXTINGUISHER WILL BE LOCATED AT THE GAS PAD



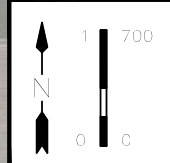
308 WEST OAK AVENUE  
 VISALIA, CA 93291  
 (559) 463-0444



PROJECT:  
**LUMAR DAIRY DIGESTER**  
 CLIENT:  
 AEMETIS  
 20400 STEVENS CREEK  
 BOULEVARD SUITE 700  
 CUPERTINO CA 95014

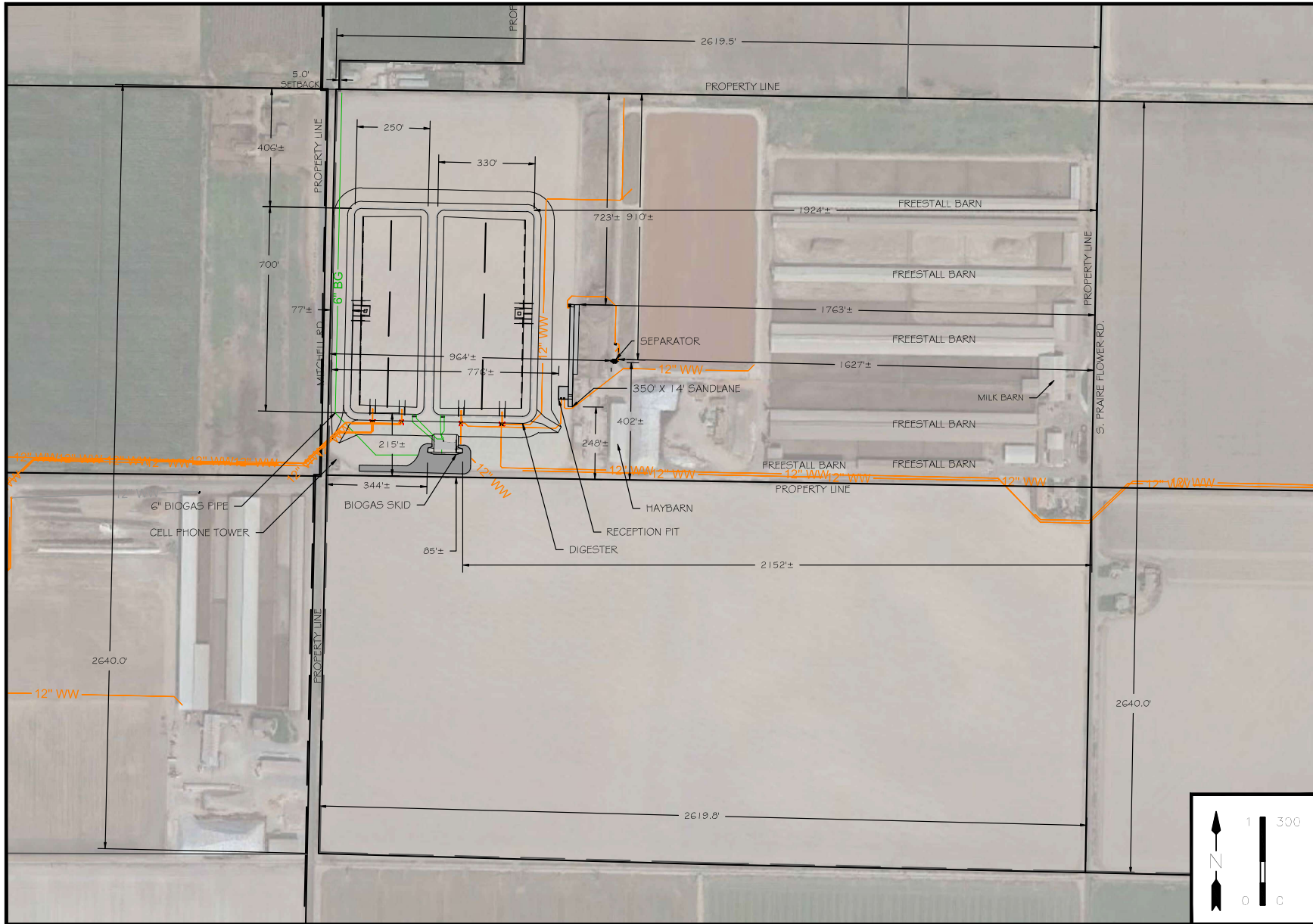
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SCALE:	AS SHOWN
SHEET NO.:	A.3.1

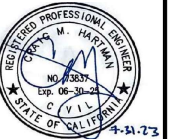


15

EXHIBIT B-6



308 WEST OAK AVENUE  
VISALIA, CA 93291  
(559) 463-0444

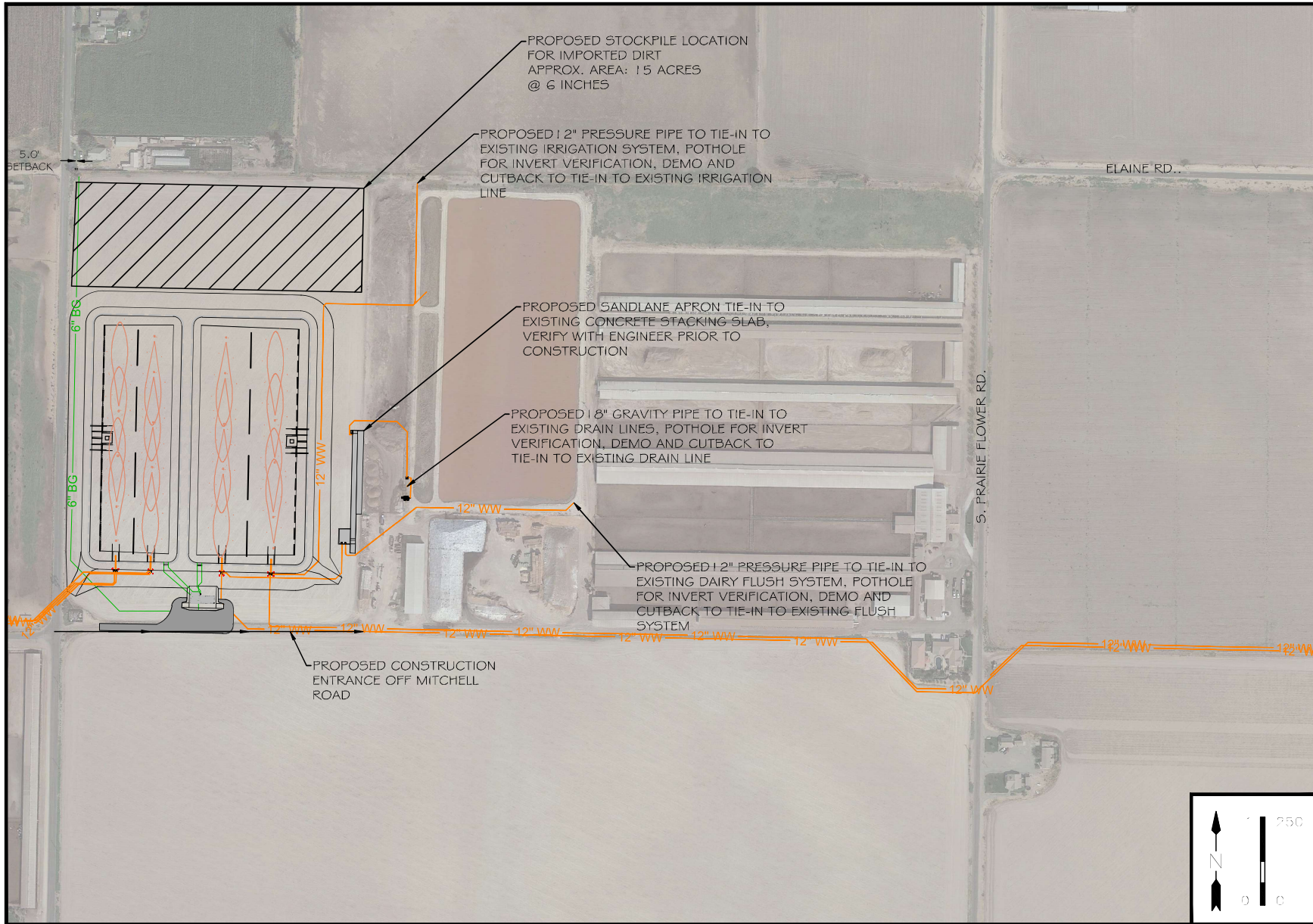


PROJECT:  
**LUMAR DAIRY DIGESTER**  
CLIENT:  
AEMETIS  
20400 STEVENS CREEK  
BOULEVARD SUITE 700  
CUPERTINO CA 95014

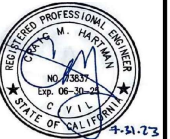
SITE PLAN DAIRY BUILDINGS	REVISION LOG:
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PLOT DATE:	07/31/2023
JOB NO.:	21053
SCALE:	AS SHOWN
SHEET NO.:	A.3.2





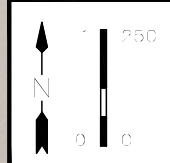
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VISALIA, CA 93291  
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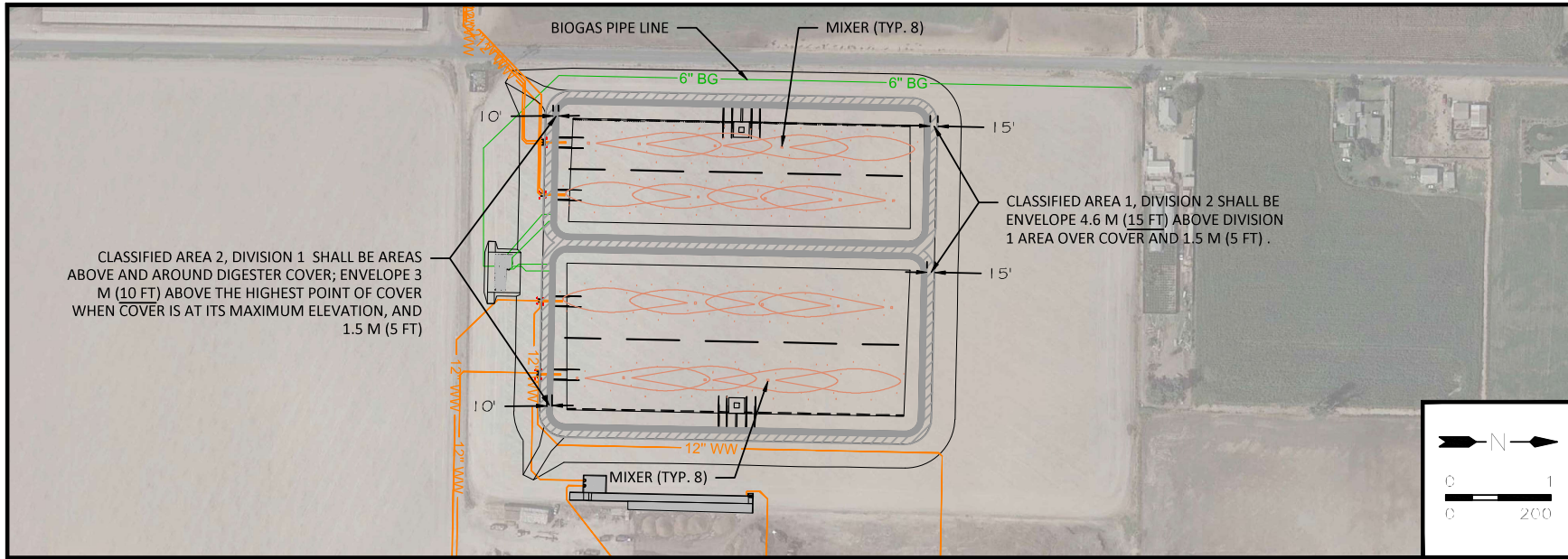


PROJECT:  
**LUMAR**  
**DAIRY**  
**DIGESTER**  
CLIENT:  
AEMETIS  
20400 STEVENS CREEK  
BOULEVARD SUITE 700  
CUPERTINO CA 95014

REVISION LOG:	VERSION 3.2

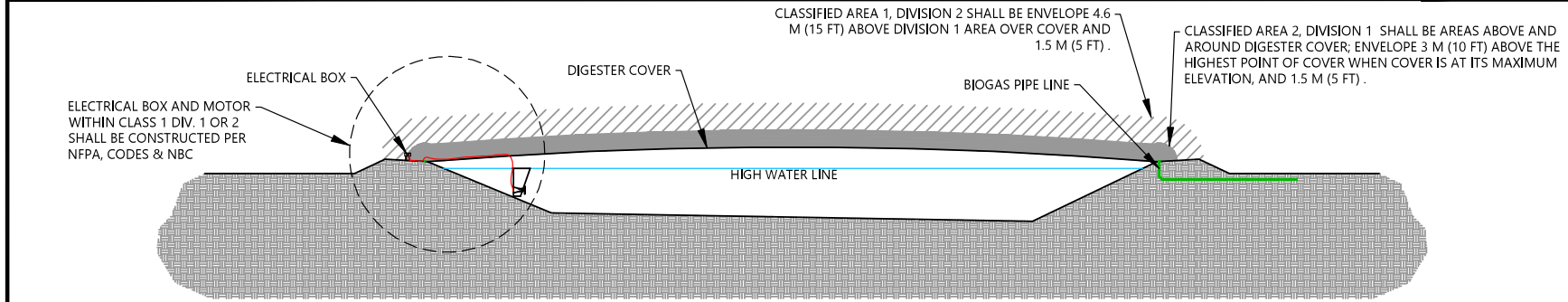
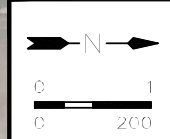
PLOT DATE:	07/31/2023
JOB NO.:	21053
SCALE:	AS SHOWN
SHEET NO.:	A.5.1





CLASSIFIED AREA 2, DIVISION 1 SHALL BE AREAS ABOVE AND AROUND DIGESTER COVER; ENVELOPE 3 M (10 FT) ABOVE THE HIGHEST POINT OF COVER WHEN COVER IS AT ITS MAXIMUM ELEVATION, AND 1.5 M (5 FT)

CLASSIFIED AREA 1, DIVISION 2 SHALL BE ENVELOPE 4.6 M (15 FT) ABOVE DIVISION 1 AREA OVER COVER AND 1.5 M (5 FT) .



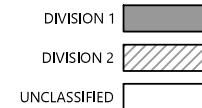
CLASSIFIED AREA 1, DIVISION 2 SHALL BE ENVELOPE 4.6 M (15 FT) ABOVE DIVISION 1 AREA OVER COVER AND 1.5 M (5 FT) .

CLASSIFIED AREA 2, DIVISION 1 SHALL BE AREAS ABOVE AND AROUND DIGESTER COVER; ENVELOPE 3 M (10 FT) ABOVE THE HIGHEST POINT OF COVER WHEN COVER IS AT ITS MAXIMUM ELEVATION, AND 1.5 M (5 FT) .

**FIRE SAFETY NOTES**

TABLE 6.2.2.(a) SOLIDS TREATMENT PROCESSES ROW 16

- LINE A: ANAEROBIC DIGESTERS, BOTH FIXED ROOF AND FLOATING COVER (GENERATION OF SLUDGE GAS FROM DIGESTING SLUDGE). FIRE AND EXPLOSION HAZARD ARE LEAKAGE OF GAS FROM COVER, PIPING, EMERGENCY RELIEF VALVES, AND APPURTENANCES. VENTILATION b,c,d IS NOT ENCLOSED, OPEN TO ATMOSPHERE. CLASSIFIED AREA SHALL BE TANK INTERIOR; AREAS ABOVE AND AROUND DIGESTER COVER; ENVELOPE 3 M (10 FT) ABOVE THE HIGHEST POINT OF COVER WHEN COVER IS AT ITS MAXIMUM ELEVATION, AND 1.5 M (5 FT) FROM THE WALL. ACCORDING TO NFPA 70 ELECTRICAL CLASSIFICATION AREA DIVISION 1. MATERIALS OF CONSTRUCTION SHALL BE NONCOMBUSTIBLE MATERIAL. FIRE PROTECTION MEASURES ARE (H) HYDRANT PROTECTION IN ACCORDANCE WITH 7.2.4, NFPA 820, AND (FE) PORTABLE FIRE EXTINGUISHERS. HYDRANT PROTECTION: 7.2.4.1.1: IN AREAS WHERE THERE IS NO PUBLIC WATER SUPPLY OR WHERE THE SUPPLY IS NOT CAPABLE OF MEETING THE TOTAL DEMAND REQUIRED, TREATMENT PLAN EFFLUENT SHALL BE PERMITTED FOR FIRE PROTECTION USE. FIRE EXTINGUISHER LOCATED AT GAS MECHANICAL PAD.
- LINE B: ANAEROBIC DIGESTERS, BOTH FIXED ROOF AND FLOATING COVER (GENERATION OF SLUDGE GAS FROM DIGESTING SLUDGE). FIRE AND EXPLOSION HAZARD ARE LEAKAGE OF GAS FROM COVER, PIPING, EMERGENCY RELIEF VALVES, AND APPURTENANCES. VENTILATION b,c,d IS NOT ENCLOSED, OPEN TO ATMOSPHERE. CLASSIFIED AREA SHALL BE ENVELOPE 4.6 M (15 FT) ABOVE DIVISION 1 AREA OVER COVER AND 1.5 M (5 FT) BEYOND DIVISION 1 AREA AROUND TANK WALLS. ACCORDING TO NEC ELECTRICAL CLASSIFICATION AREA DIVISION 2. MATERIALS OF CONSTRUCTION SHALL BE NONCOMBUSTIBLE MATERIAL. FIRE PROTECTION MEASURES ARE (H) HYDRANT PROTECTION IN ACCORDANCE WITH 7.2.4, NFPA 820, AND (FE) PORTABLE FIRE EXTINGUISHERS.
- PROJECT COMPLIES WITH THE 2019 CALIFORNIA FIRE CODE (CFC).
- "NO SMOKING, NO OPEN FLAMES, NO CUTTING OR WELDING" SIGNS WILL BE PROVIDED AROUND THE LAGOON AND THE BIOGAS SKID
- PROVIDE NFPA 704 SIGNS AT SITE ENTRANCE, TANKS AND EQUIPMENT FOR BIOGAS: BLUE-2, RED-4, YELLOW-0. CFC 5003.5.
- PROVIDE FIRE LANE NO PARKING POST SIGN AT SIGHT ENTRANCE. FOR REFERENCE SEE CFC/APPENDIX D.



308 WEST OAK AVENUE  
VISALIA, CA 93291  
(559) 463-0444



PROJECT:

**LUMAR  
DAIRY  
DIGESTER**

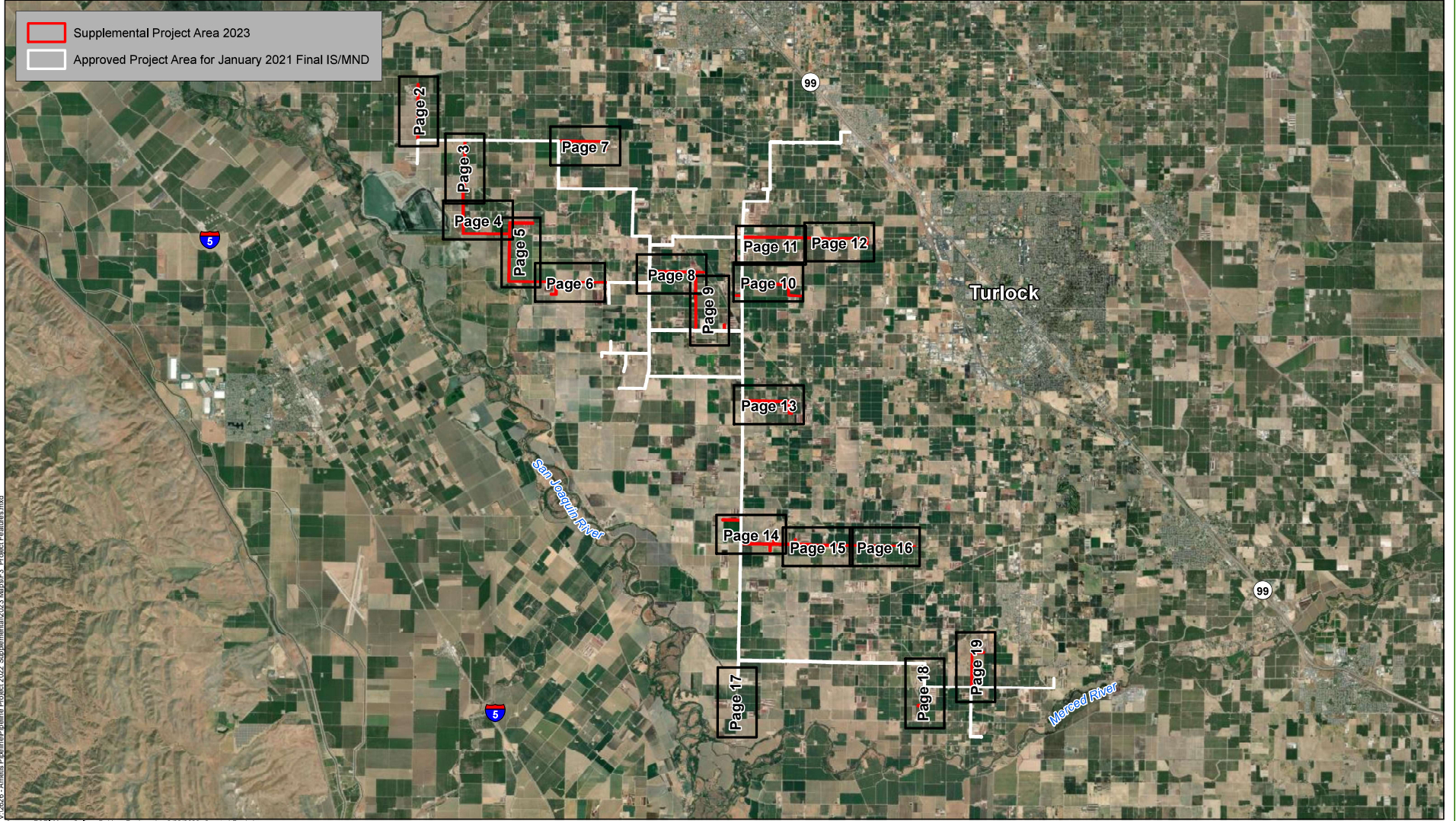
CLIENT:  
AEMETIS  
20400 STEVENS CREEK  
BOULEVARD SUITE 700  
CUPERTINO CA 95014

FIRE SAFETY PLAN

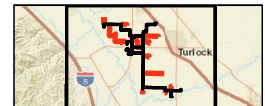
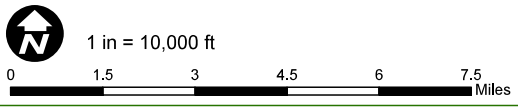
VERSION 3.2

REVISION LOG:

PLOT DATE:	07/31/2023
JOB NO.:	21053
SCALE:	AS SHOWN
SHEET NO.:	A.7.1





Source: ESRI Maps Online, Dokken Engineering 2/22/2023, Created By: kchen



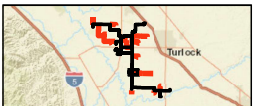
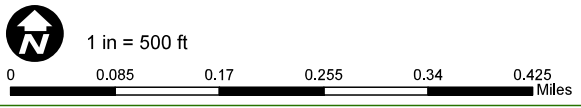
**Overall Biogas Pipeline System  
for Aemetis Advanced Fuels**

Aemetis Biogas Pipeline Project  
Stanislaus and Merced Counties, California

-  Supplemental Project Area 2023
-  Approved Project Area for January 2021 Final IS/MND





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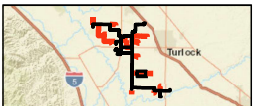
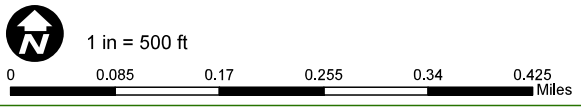
**Section of Biogas Pipeline  
System for Aemetis Advanced  
Fuels**

Aemetis Biogas Pipeline Project  
Stanislaus and Merced Counties, California

-  Supplemental Project Area 2023
-  Approved Project Area for January 2021 Final IS/MND

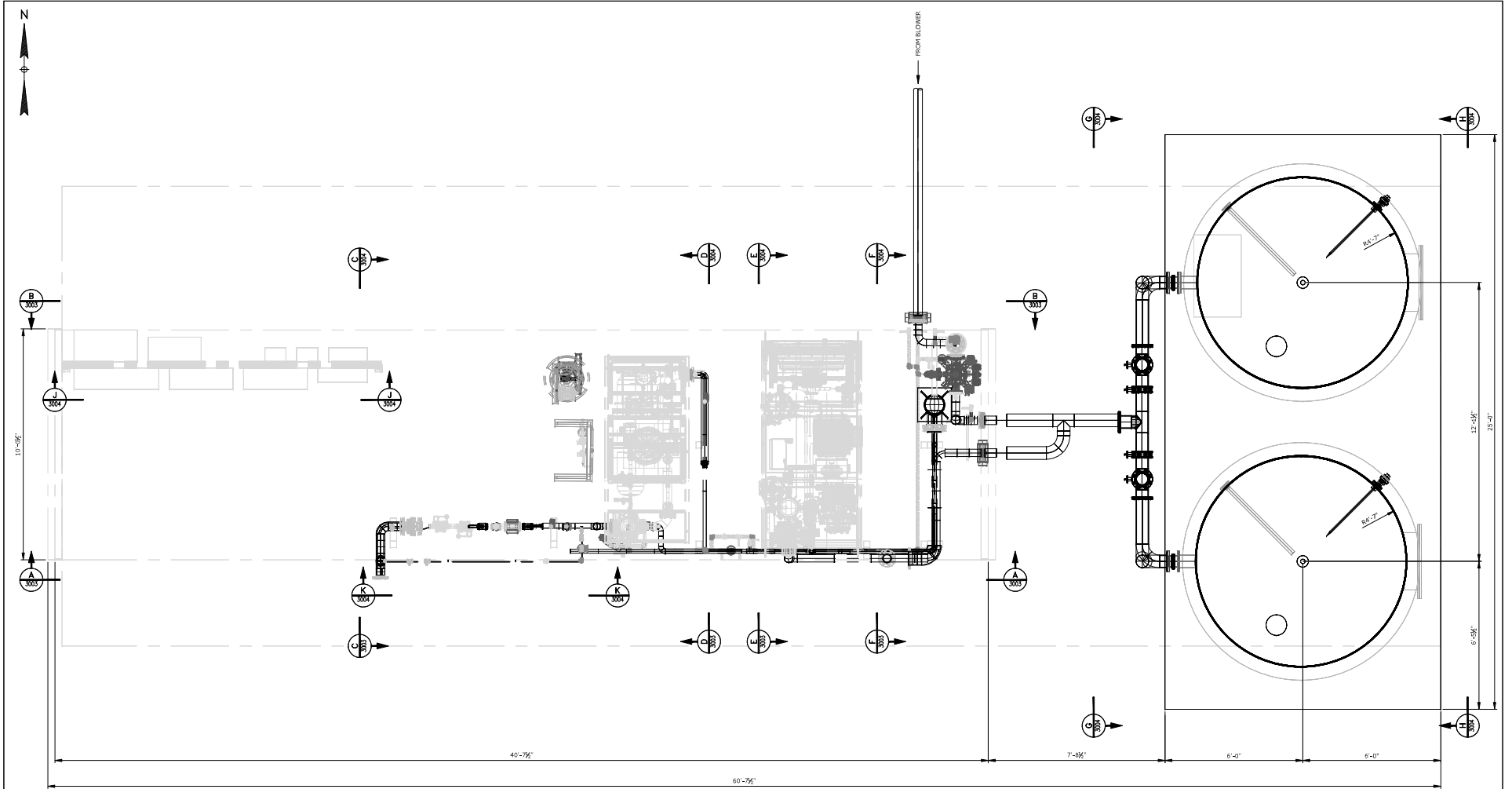


Source: ESRI Maps Online, Dokken Engineering 2/22/2023, Created By: kchen



**Section of Biogas Pipeline  
System for Aemetis Advanced  
Fuels**

Aemetis Biogas Pipeline Project  
Stanislaus and Merced Counties, California



PLAN  
SCALE: 1/2" = 1'-0"

NOTE: PE STAMP DOES NOT APPLY TO THIS DRAWING SET FOR CONSTRUCTION, BUT ONLY FOR PERMITTING PROCESS.

ISSUED FOR PERMIT ONLY



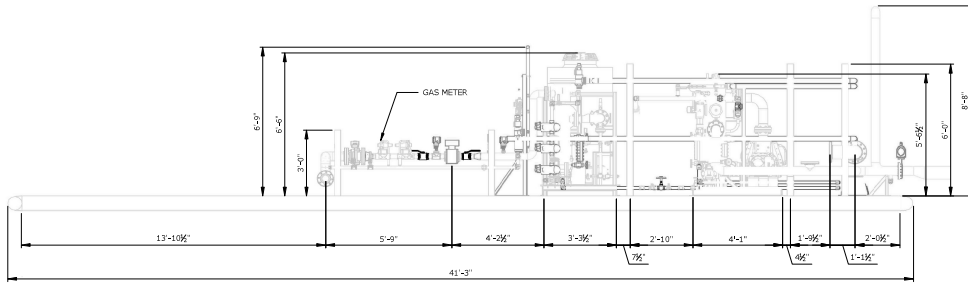
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CHECKED BY:	MS					
APPROVED BY:	MS					
IN SERVICE DATE:		TBD				

WORK ORDER #S	
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LLMA:	-
CNST:	-
REST:	-

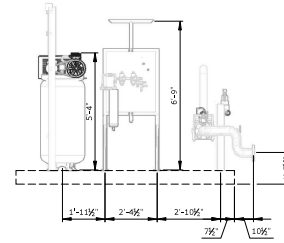
CENTRAL DAIRY DIGESTER PROJECT			
MECHANICAL			
BIOGAS SITE PLAN			
SERVICE CENTER:	LOS ANGELES	LOCATION:	TURLOCK, CA
DIVISION:	ENE	CITY/COUNTY:	TURLOCK/CA
		TYPE:	RWS

DRAWING
02-ME-3002

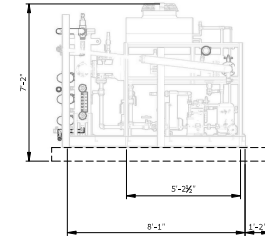
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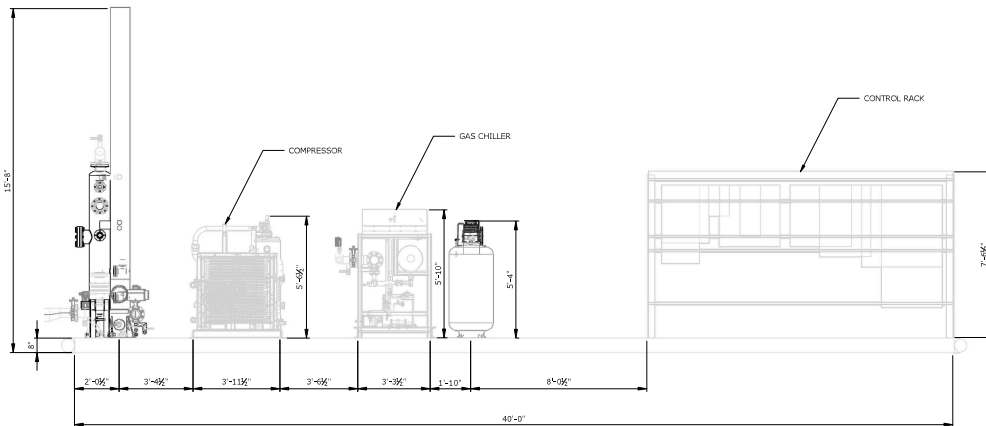
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3002



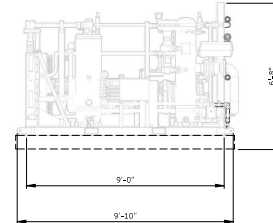
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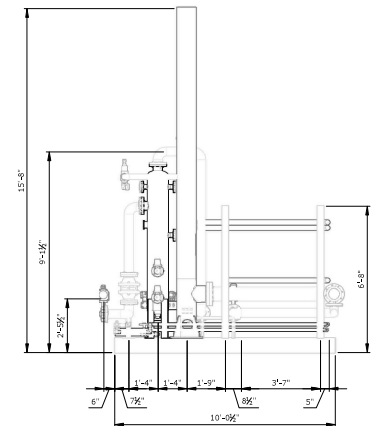
ELEVATION D  
SCALE 3/8" = 1'-0"  
3002



ELEVATION B  
SCALE 3/8" = 1'-0"  
3002



ELEVATION E  
SCALE 3/8" = 1'-0"  
3002



ELEVATION F  
SCALE 3/8" = 1'-0"  
3002

ISSUED FOR PERMIT ONLY

NOTE: PE STAMP DOES NOT APPLY TO THIS DRAWING SET FOR CONSTRUCTION, BUT ONLY FOR PERMITTING PROCESS.



101 11th Street, Denver CO 80202  
303 635-3369

HISTORY	DATES	NO.	REVISIONS	DESCRIPTION	BY	DATE
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DESIGNED BY:	TB	02/4/2020	A	ISSUED FOR PERMIT	LLC	02/14/2020
CHECKED BY:	TB					
APPROVED BY:	MS					
IN SERVICE DATE:	TBD					

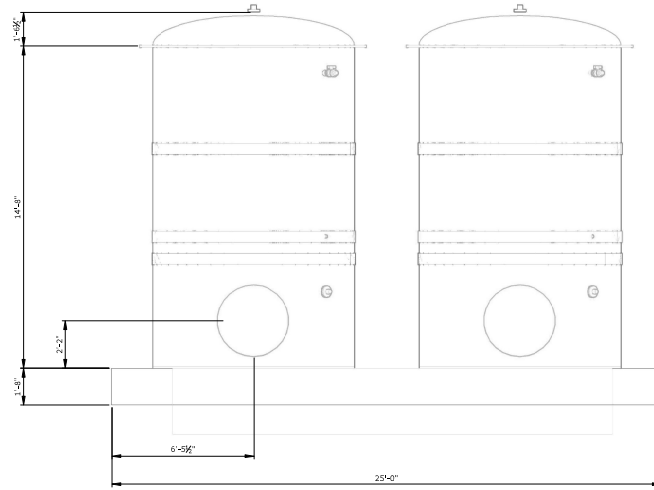
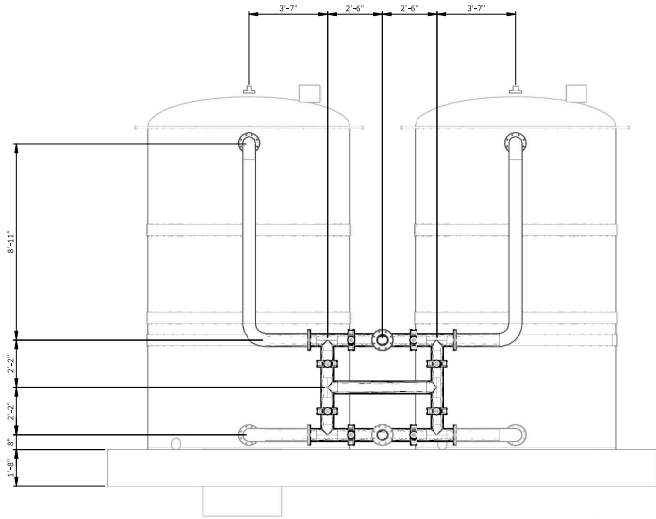
WORK ORDER #S
PLAN: -
LLMA: -
CNST: -
REST: -

CENTRAL DAIRY DIGESTER PROJECT			
MECHANICAL			
BIOGAS SKID SECTIONS			
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DIVISION:	ENE	CITY/COUNTY:	TURLOCK/CA
		TYPE:	RNG

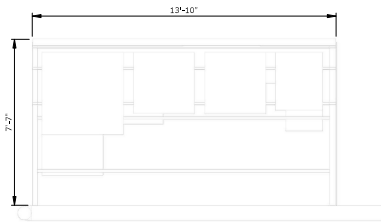
DRAWING
02-ME-3003

FLOC:

02-17-2020

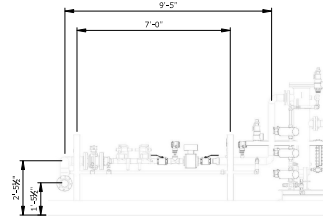


ELEVATION G  
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3002



ELEVATION J  
SCALE 3/8" = 1'-0"  
3002

ELEVATION H  
SCALE 3/8" = 1'-0"  
3002



ELEVATION K  
SCALE 3/8" = 1'-0"  
3002

ISSUED FOR PERMIT ONLY

NOTE: PE STAMP DOES NOT APPLY TO THIS DRAWING SET FOR CONSTRUCTION, BUT ONLY FOR PERMITTING PROCESS.



101 11th Street, Denver CO 80202  
303 635-2340

HISTORY	DATES	REVISIONS			WORK ORDER #S
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DESIGNED BY:	02/4/2020	A	ISSUED FOR PERMIT	LLC	02/14/2020
CHECKED BY:					
APPROVED BY:					
IN SERVICE DATE:					

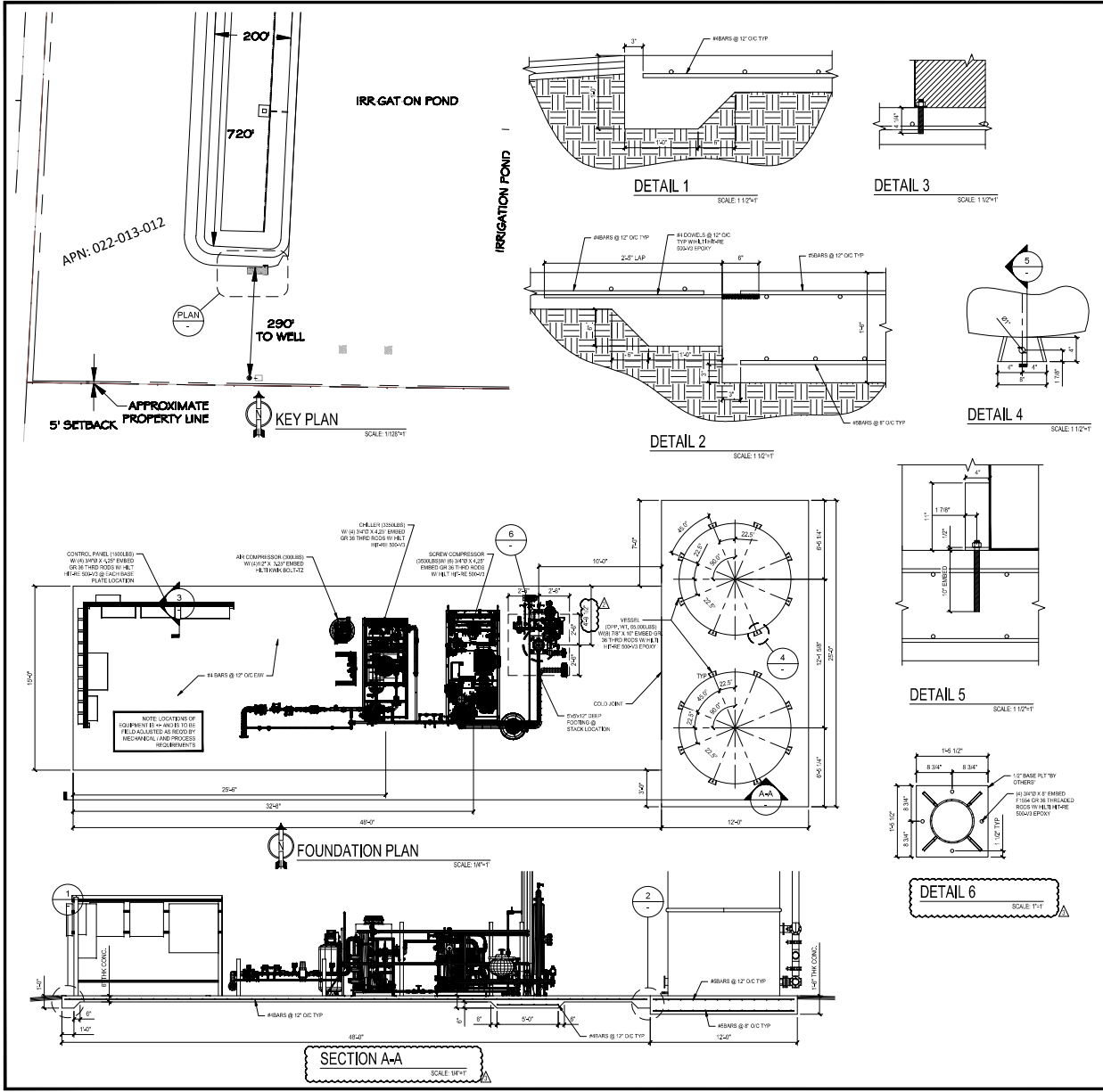
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MECHANICAL TANK ELEVATIONS		02-ME-3004	
SERVICE CENTER:	LOS ANGELES	LOCATION:	TURLOCK, CA
DIVISION:	ENG	CITY/COUNTY:	TURLOCK/CA
		TYPE:	RWG

FLOC:

02-17-2020







**REINFORCING STEEL BARS**  
A.S.T.M. A615/A706 CHART  
FOR REINFORCING STEEL BARS

BAR SIZE DESIGNATION	NOMINAL WEIGHT (lb./ft.)	NOMINAL DIMENSIONS	
		DIAMETER (INCHES)	CROSS SECTIONAL AREA (IN <sup>2</sup> )
#3	0.375	0.375	0.11
#4	0.668	0.500	0.20
#5	1.043	0.625	0.31

**REBAR HOOK & TIE DETAIL**  
SCALE: N.T.S.

**REVISION HISTORY:**

No.	DATE	ISSUANCE
1	05/20/21	AS NOTED
2	05/20/21	AS NOTED
3	05/20/21	AS NOTED

**TABLE 2: DEVELOPMENT LENGTH  $l_d$  (INCHES) OF STANDARD HOOKS FOR UNCOATED GRADE 60 BARS\***

BAR SIZE NO.	$f_c$ (NORMAL WEIGHT CONCRETE), psi	
	3,000	4,000
3	8.2	7.1
4	11.0	9.5
5	13.7	11.9
6	16.4	14.2
7	19.2	16.6
8	21.9	19.0
9	24.7	21.4
10	27.8	24.1
11	30.9	26.8
14	37.1	32.1
18	49.5	42.8

\* DEVELOPMENT LENGTH  $l_d$  (INCLUDING MODIFICATION FACTORS) MUST NOT BE LESS THAN THE LARGER OF  $8d$ , OR 6 INCHES.

**NOTES:**

- SCHEDULED SPICE VALUES ARE BASED ON A.C.I. 318-14 CLASS B REQUIREMENTS.
- THE MINIMUM DEVELOPMENT AND SPICE LENGTHS SHOWN HERE SHALL BE USED FOR ALL REINFORCING U.O.L.
- TOP BARS WHERE THE HORIZONTAL REINFORCEMENT IS PLACED SUCH THAT MORE THAN 12 INCHES OF FRESH CONCRETE IS CAST BELOW THE DEVELOPMENT LENGTH OR SPICE.
- ALL WALL HORIZONTAL REINFORCEMENT ARE CONSIDERED TOP BARS.
- CLEAR SPACING OF BARS OR WIRES BEING DEVELOPED OR SPLICED NOT LESS THAN  $4d$ , CLEAR COVER NOT LESS THAN  $4d$ , AND STIRRUPS OR TIES THROUGHOUT  $l_d$  NOT LESS THAN THE CODE MINIMUM OR CLEAR SPACING OF BARS OR WIRES BEING DEVELOPED OR SPLICED NOT LESS THAN  $2d$ , AND CLEAR COVER NOT LESS THAN  $4d$ .
- FOR EPOXY COATED BARS WITH COVER LESS THAN  $3d$ , OR CLEAR SPACING LESS THAN  $6d$ .

**AEMETIS**  
Aemetis Biogas LLC  
PO Box 879  
Keys, CA 95238

**JUSTIN W. CAPP, Inc.**  
ENGINEERING + DESIGN  
JUSTIN W. CAPP  
CE #4123, SE #4113  
1003 7TH STREET, MODESTO, CA 95354  
PO BOX 961, MODESTO, CA 95351  
(209) 524-4774  
www.jwcapp.com

**ENGINEER'S SEAL:**

**KEY PLAN:**

**PROJECT NAME:**  
Double D Dairy  
Biogas Project

**DRAWING TITLE:**  
FOUNDATION  
PLAN/DETAILS

**JOB NUMBER:** 19290  
**DRAWING NO.:** 0202  
**DATE:** 10/23/19

**DRAWING SCALE:** AS NOTED  
**SHEET NUMBER:** S1.0

---

NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 18 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of the following actions must occur: (a) a valid building permit must be obtained to construct the necessary structures and appurtenances; or, (b) the property must be used for the purpose for which the permit is granted. (Stanislaus County Ordinance 21.104.030)

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## **CONDITIONS OF APPROVAL**

### **USE PERMIT APPLICATION NO. PLN2023-0042 AEMETIS BIOGAS, LLC.**

#### **Department of Planning and Community Development**

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2014), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,973.75**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk-Recorder filing fees.  
  
Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
4. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
5. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval and a project area map.

6. Prior to issuance of any building permit, a photometric lighting plan shall be submitted for review and approval by the Planning Department for any exterior light directly serving the methane digester. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties). The height of the lighting fixtures should not exceed 15 feet above grade.
7. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.
8. If human remains are discovered, California Health and Safety Code Section 7050.5 requires you to protect the discovery and notify the County coroner, who will determine if the find is Native American. If the remains are recognized as Native American, the coroner shall then notify the Native American Heritage Commission (NAHC). California Public Resources Code Section 50.97.98 authorizes the NAHC to appoint a Most Likely Descendant who will make recommendation for the treatment of the discovery.
9. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.

**Department of Public Works**

10. No parking, loading, or unloading of vehicles shall be permitted within the County road right-of-way.
11. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted.
12. An encroachment permit shall be obtained for driveway approaches at all points of ingress and egress on the project site and any other work done within the County right-of-way. A pipeline maintenance agreement shall be recorded prior to the issuance of an encroachment permit for installation of a pipeline crossing a County road.
13. Mitchell Road is classified as an 60-foot local road. The required ½ width of Mitchell Road is 30 feet east of the centerline of the roadway. The existing right of way is 20 feet east of the centerline. The remaining 10 feet east of the centerline shall be dedicated as an Irrevocable Offer of Dedication (IOD).
14. Prairie Flower Road is classified as an 60-foot local road. The required ½ width of Mitchell Road is 30 feet west of the centerline of the roadway. The existing right-of-way is zero feet west of the centerline. A Road Easement Deed shall be recorded to grant 20 feet

west of the centerline to Stanislaus County as an easement for road purposes. The remaining 10 feet west of the centerline of the roadway shall be dedicated as an IOD.

**Department of Environmental Resources – Environmental Health Division**

15. Prior to issuance of any building or grading permit, the applicant shall submit a site plan that includes the location of any onsite water wells, and the location, layout and design of the existing onsite wastewater treatment system (OWTS) and the future 100% expansion (replacement) area. The applicants shall demonstrate and secure any necessary permits for the destruction/relocation of all onsite OWTSs and/or water wells impacted or proposed by this project, under the direction of the Stanislaus County Department of Environmental Resources (DER). All applicable County Local Agency Management Program (LAMP) standards and required setbacks are to be met.

**Department of Environmental Resources – Hazmat Division**

16. A Phase 1 and Phase 2 study may be required to determine if any buried hazardous materials or contaminated soils exist on the project site prior to issuance of a grading permit.
17. The applicant shall contact the Department of Environmental Resources (DER) regarding any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil, and appropriate permitting requirements for hazardous materials, and/or wastes. The applicant and/or occupants handling hazardous materials or generating wastes must notify the DER prior to operation.

**Building Permits Division**

18. Building permits are required and the project must conform with the California Code of Regulations, Title 24.

**San Joaquin Valley Air Pollution Control District (SJVAPCD)**

19. Any construction resulting from this project shall comply with standardized dust controls adopted by the SJVAPCD and may be subject to additional regulations/permits, as determined by the SJVAPCD.
20. The proposed project shall be subject to SJVAPCD Rules and Regulations in place at the time of grading or building permit issuance. Prior to issuance of a grading or building permit, the applicant shall contact the SJVAPCD's Small Business Assistance Office to determine if any SJVAPCD permits are required, including but not limited to an Authority to Construct (ATC).

**Turlock Irrigation District (TID)**

21. The owner/developer must apply for a facility change for any pole or electrical facility relocation. Facility changes are performed at developer's expense.

22. That the developer submit plans detailing the existing irrigation facilities, relative to the proposed site improvement, in order for the TID to determine specific impacts and requirements prior to issuance of a grading or building permit.
23. TID shall review and approve all maps and plans of the project; and that any improvements that impact irrigation or drainage facilities on the project site shall be subject to TID's approval prior to issuance of a grading or building permit.

**Regional Water Quality Control Board (RWQCB)**

24. Prior to any construction, the developer shall be responsible for contacting the California RWQCB to determine if any of the following are required including but not limited to: a Construction Storm Water General Permit; a Storm Water Pollution Prevention Plan (SWPPP); a Dewatering Permit; Limited Threat General National Pollutant Discharge Elimination System (NPDES) Permit; NPDES Permit; a Clean Water Act Section 404 Permit; a Clean Water Act Section 401 Permit-Water Quality Certification; or Waste Discharge Requirements (WDR).

\*\*\*\*\*

*Please note: If Conditions of Approval/Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Conditions of Approval/Development Standards; new wording will be in bold font and deleted wording will be in strikethrough text.*



## CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, January 1, 2020

- 1. **Project title:** Use Permit Application No. PLN2023-0042 – Aemetis Biogas, LLC.
- 2. **Lead agency name and address:** Stanislaus County  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354
- 3. **Contact person and phone number:** Emily DeAnda, Assistant Planner  
(209) 525-6330
- 4. **Project location:** 7123, and 7215 South Prairie Flower Road, and 7190 South Mitchell Road, between Bradbury and August Roads, near the border of Stanislaus County and Merced County (APNs: 057-014-001 and 057-013-015).
- 5. **Project sponsor’s name and address:** Aemetis Biogas, LLC.  
4209 Jessup Road, Ceres, CA 95307
- 6. **General Plan designation:** Agriculture
- 7. **Zoning:** General Agriculture (A-2-40)
- 8. **Description of project:**

Request to operate a methane digester on a 157.56± acre parcel located in the General Agriculture (A-2-40) zoning district. The methane digester will process dairy waste produced from the on-site dairy and from three off-site dairies, which will be piped in a slurry form via underground pipelines located across private property and within County road rights-of-way.

The project site is comprised of one legal parcel currently being assessed under two separate Assessor Parcel Numbers (APNs): 057-014-001 and 057-013-015. The facility will take manure waste from existing dairies. Manure solids will be filtered out at each dairy site before moving through the digester pipeline and the remaining slurry will be piped to the digester where the biogas that is produced in the break down process will be captured within a covered anaerobic digester. As part of this request, a 9.3± acre covered anaerobic digester, a 4,800± square-foot pretreatment skid for equipment that will be up to 16-feet in height consisting of a fiberglass tank system, chiller, and a compressor are proposed to be installed on the project site in addition to the pipelines to transfer the slurry and biogas. After the digester captures biogas by-products, it will be sent through a pretreatment skid on-site and subsequently transferred via a previously approved private pipeline off-site to the Aemetis Advanced Fuels Keyes facility, where it will be processed and upgraded to compressed natural gas (CNG). The manure wastewater slurry from the off-site dairies will be pumped to the digester via proposed underground pipelines located on private property and within the County right-of-way. The pipeline within the County right-of-way will extend to the west across South Mitchell Road and along Hilmar Road in order to access two dairies off Hilmar Road located on APNs 057-007-005, 057-008-005 and 057-008-010. The pipeline will then cross over South Prairie Flower Road to the east to the remaining off-site dairy located on APNs 057-013-014 and 057-013-019. The waste remaining after being processed by the digester will be piped back to each respective dairy pursuant to the quantities listed under each dairies’ current wastewater management plan (WMP); no net increase of wastewater will be applied to any of the dairies. The project site

is currently improved with a single-family dwelling and detached garage; improvements associated with the dairy operation consisting of six freestall barns, one haybarn, one milk barn, a 7.5± acre dairy wastewater pond; and a 130-foot-tall communications facility within an 800± square-foot lease area. The off-site dairies will have a sand lane, processing pits, and pipelines to transfer the slurry installed as part of this project. Additionally, the dairies located at APNs 057-007-005 and 057-008-010 will have screen separators installed on-site. No expansion of existing herd sizes will occur as a result of this project on any of the dairies associated with the use of the proposed digester. The equipment proposed to be installed at the off-site dairies are considered to be accessory to the existing on-site dairies and no discretionary land use entitlements are required for their installation.

The digester will operate 24 hours a day/seven days a week. The applicant anticipates one vehicle round-trip for a single employee who will be on-site seven days a week to inspect the property and equipment and perform standard preventative maintenance; no additional vehicle or truck trips are anticipated beyond the one employee trip. The project site is currently served by a private well and septic system and has existing access from County-maintained South Mitchell and South Prairie Flower Roads. As part of this request, the applicant proposes to gravel a 20-foot-wide driveway extending from the pretreatment skid to South Mitchell Road. Primary access to the site will be from South Mitchell Road.

The pipeline proposed to pipe the processed biogas from the project site is part of a 59.1± mile pipeline system which pipes biogas from existing dairies located throughout Stanislaus and Merced Counties to the Aemetis Advanced Fuels Keyes facility. The biogas pipeline system is approved but has only been partially constructed. On January 26, 2021, a Mitigated Negative Declaration, which was prepared by the Stanislaus County Public Works Department, was adopted by the Board of Supervisors to allow 32.5 miles of pipeline to be constructed in County right-of-way for the transmission of biogas from 17 private dairies. Subsequently, a Supplemental Initial Study and Mitigated Negative Declaration were adopted by the Stanislaus County Board of Supervisors on November 28, 2023, to permit the connection of 21 additional dairies to the biogas pipeline system. Impacts associated with the processing and refining of biogas at the Aemetis facility were addressed under separate environmental documentation and agency permits authorized by the San Joaquin Valley Unified Air Pollution Control District.

- 9. **Surrounding land uses and setting:** Scattered single-family dwellings, large agricultural parcels and dairies in all directions; poultry farm and the San Joaquin River to the southwest; and the County of Merced to the south.
- 10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Regional Water Quality Control Board; San Joaquin Valley Air Pollution Control District; Stanislaus County Department of Public Works; Stanislaus County Department of Environmental Resources.
- 11. **Attachments:** Appendix E - Mitigation Monitoring and Reporting Program for the Aemetis Biogas Pipeline Project from the Aemetis Biogas LLC Dairy Biogas Cluster Supplemental Initial Study and Mitigated Negative Declaration, dated July, 2023.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                  | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources        | <input type="checkbox"/> Cultural Resources               | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology / Soils             | <input type="checkbox"/> Greenhouse Gas Emissions         | <input type="checkbox"/> Hazards & Hazardous Materials      |
| <input type="checkbox"/> Hydrology / Water Quality   | <input type="checkbox"/> Land Use / Planning              | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                       | <input type="checkbox"/> Population / Housing             | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                  | <input type="checkbox"/> Transportation                   | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Wildfire                         | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION: (To be completed by the Lead Agency)**  
 On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature on File.  
 Prepared by Emily DeAnda, Assistant Planner

12/29/2023  
 Date



**EVALUATION OF ENVIRONMENTAL IMPACTS:**

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

- a) **Earlier Analysis Used.** Identify and state where they are available for review.
  - b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) **Mitigation Measures.** For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). References to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
  - 7) **Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
  - 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
  - 9) The explanation of each issue should identify:
    - a) the significant criteria or threshold, if any, used to evaluate each question; and
    - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

**ISSUES**

I. AESTHETICS – Except as provided in Public Resources Code Section 21099, could the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
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?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

**Discussion:** The site itself is not considered to be a scenic resource or unique scenic vista. The only scenic designation in the County is along Interstate 5, which is not near the project site. As the site is already developed with a dairy facility, aesthetics associated with the project site are not anticipated to change as a result of this project. As part of this request, a 9.3± acre covered anaerobic digester, a 4,800± square-foot pretreatment skid for equipment that will be up to 16-feet in height consisting of a fiberglass tank system, chiller, and compressor are proposed to be installed on the project site in addition to the pipelines for transferring the slurry and biogas. Standard conditions of approval will be added to this project to address glare from any on-site lighting. Conditions of approval will be added to the project requiring building permits for the digester and associated equipment to be obtained from the Stanislaus County Building Permits Division prior to operation.

The environmental review prepared for the larger biogas pipeline did not identify any significant impacts to Aesthetics associated with the construction or operation of the underground pipeline. Impacts associated with the processing and refining of biogas at the Aemetis facility were addressed under separate environmental documentation and agency permits authorized by the San Joaquin Valley Unified Air Pollution Control District.

No adverse impacts to the existing visual character of the site or its surroundings are anticipated.

**Mitigation:** None.

**References:** Application information; Aemetis Biogas LLC Dairy Biogas Cluster Supplemental Initial Study and Mitigated Negative Declaration, dated July, 2023 as approved by the Stanislaus County Board of Supervisors on November 28, 2023; Stanislaus County Zoning Ordinance; the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

II. AGRICULTURE AND FOREST 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	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact

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 provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
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?			X	

**Discussion:** The project site is currently enrolled in California Land Conservation Act (“Williamson Act”) Contract No. 92-4218 and is classified as “Confined Animal Agriculture,” “Unique Farmland,” and “Farmland of Statewide Importance” by the California Department of Conservation’s Farmland Mapping and Monitoring Program. The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that the project site is primarily comprised of Hilmar loamy sand (HkbA), slightly saline-alkali, zero to one percent slopes, with a grade of 3 and index rating of 54; Dinuba sandy loam (DyA), shallow, slightly saline-alkali, zero to one percent slopes with a grade of 2 and index rating of 68; and Hilmar loamy sand (HfA), zero to one percent slopes, with a grade of 2 and an index rating of 68. The California Revised Storie Index is a rating system based on soil properties that dictate the potential for soils to be used for irrigated agricultural production in California. This rating system grades soils with an index rating of 54 as fair and 68 as good. Stanislaus County considers land that meets at least one of the following requirements to be prime farmland under the Uniform Rules: parcels comprised of Grade 1 or 2 soils; irrigated pastureland which supports livestock used for the production of food and fiber; and land used for unprocessed agricultural plant production with an annual gross value of not less than eight hundred dollars per acre. The project site meets the definition of prime farmland under the County’s Uniform Rules as the parcel is used as a dairy facility. The proposed project will not convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.

The project has a General Plan designation of Agriculture and zoning designation of General Agriculture with a 40-acre minimum (A-2-40) which allows dairies as a permitted agricultural use, unless a dairy is expanding and a new or modified permit, waiver, order, or waste discharge requirement is needed from the Regional Water Quality Control Board. In this case the dairies included in the project are existing and are not proposed to be expanded. The use of a covered digester and equipment to process dairy manure is considered to be an accessory use if it is serving the on-site dairy and no herd expansion is proposed. However, in this case, the proposed digester will serve as a hub to process manure wastewater slurry from the on-site dairy as well as three off-site dairies located in Stanislaus County within 1± mile of the project site. Due to the use of the digester for processing waste from multiple dairies, discretionary approval is required to permit the operation as a Tier Two Use Permit. Within the A-2 zoning district, the County has determined that certain uses related to agricultural production are “necessary for a healthy agricultural economy.” The County allows agriculture processing plants and facilities by obtaining a Tier Two Use Permit if specific criteria can be met and if specific findings can be made. Those findings include that the establishment, as proposed, will not be substantially detrimental to, or in conflict with, the agricultural

use of other property in the vicinity; that the use is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage; and that it will not create a concentration of commercial and industrial uses in the vicinity. There are limits to the number of employees that are involved in the operation under a Tier Two Use Permit; no more than ten full-time employees, or 20 seasonal employees are permitted to be involved in the operation. In addition, the Planning Commission must find that the establishment, maintenance, and operation of the proposed use is consistent with the General Plan and will not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

County Code Section 21.20.045, in compliance with Government Code Section 51238.1, specifies that uses approved on contracted lands shall be consistent with three principles of compatibility. Those principles state that the proposed use shall not significantly compromise, displace, impair, or remove current or reasonably foreseeable agricultural operations on the subject contracted parcel(s) or on other contracted lands in the A-2 zoning district. The project as proposed is considered a Tier Two use. Within the A-2 zoning district, the County has determined Tier Two uses shall be evaluated on a case-by-case basis by the Planning Commission and/or Board of Supervisors to determine whether they are consistent with the principles of compatibility set forth in Section 21.20.045 of the County Code. During project review, this application was referred to the Department of Conservation (DOC) for review and input and no response has been received to date.

Buffer and Setback Guidelines are applicable to new or expanding uses approved in or adjacent to the General Agriculture (A-2-40) zoning district and are required to be designed to physically avoid conflicts between agricultural and non-agricultural uses. General Plan Amendment No. 2011-01 – *Revised Agricultural Buffers* was approved by the Board of Supervisors on December 20, 2011, to modify County requirements for buffers on agricultural projects. As this is a Tier Two use, if not considered people-intensive by the Planning Commission, the project is not subject to agricultural buffers. As mentioned previously, the proposed operation will be mostly automated and operate 24 hours a day for seven days a week, year-round. One employee will be on-site daily. The project was referred to the Stanislaus County Agricultural Commissioner, and no comments have been received to date. Therefore, staff believes the project can be considered low people-intensive, thus not subject to the County's Agricultural Buffer requirements.

The project site is located within the boundaries of the Turlock Irrigation District (TID). The project was referred to TID which responded with the following requirements: that the developer submit plans detailing the existing irrigation facilities, relative to the proposed site improvement, in order for the District to determine specific impacts and requirements; that the District shall review and approve all maps and plans of the project; that any improvements that impact irrigation or drainage facilities on the project site be subject to the District's approval; that the developer provide load demand information for the processing equipment to the District; and that any facility change for any pole or electrical facility relocation be applied for and performed at the developer's expense.

The digester will operate 24 hours a day/seven days a week and will be accessory to the on-site dairy and for the use of three other off-site dairies within 1± mile of the project site. The applicant anticipates a single employee who will be on-site seven days a week to inspect the property and equipment and perform standard preventative maintenance. One vehicle round-trip for the employee is anticipated; no additional vehicle or truck trips are anticipated beyond the one employee trip. The surrounding area is comprised of scattered single-family dwellings, large agricultural parcels, and dairies in all directions; a poultry farm and the San Joaquin River to the southwest; and the County of Merced to the south. The project site will continue to operate as a dairy and the proposed digester is not anticipated to conflict with the ongoing agricultural use of the site or surrounding properties. The request is not expected to cause the conversion of farmland to non-agriculture use.

The environmental review prepared for the larger biogas pipeline did not identify any significant impacts to Agriculture and Forest Resources associated with the construction or operation of the underground pipeline. Impacts associated with the processing and refining of biogas at the Aemetis facility were addressed under separate environmental documentation and agency permits authorized by the San Joaquin Valley Unified Air Pollution Control District.

Based on the specific features and design of this project, it does not appear this project will impact the long-term productive agricultural capability of surrounding contracted lands in the A-2 zoning district. There is no indication this project will result in the removal of adjacent contracted land from agricultural use. No forest lands exist in Stanislaus County. The project will have less than significant impacts to Agriculture and Forest Resources.

**Mitigation:** None.

**References:** Application information; United States Department of Agriculture NRCS Web Soil Survey; California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2022; Aemetis Biogas LLC Dairy Biogas Cluster Supplemental Initial Study and Mitigated Negative Declaration, dated July, 2023 as approved by the Stanislaus County Board of Supervisors on November 28, 2023; Referral response from Turlock Irrigation District, dated September 6, 2023; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
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?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those odors adversely affecting a substantial number of people?			X	

**Discussion:** The proposed project is located within the San Joaquin Valley Air Basin (SJVAB) and, therefore, falls under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In conjunction with the Stanislaus Council of Governments (StanCOG), the SJVAPCD is responsible for formulating and implementing air pollution control strategies. The SJVAPCD’s most recent air quality plans are the 2007 PM10 (respirable particulate matter) Maintenance Plan, the 2008 PM2.5 (fine particulate matter) Plan, and the 2007 Ozone Plan. These plans establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SJVAB, which has been classified as “extreme non-attainment” for ozone, “attainment” for respirable particulate matter (PM-10), and “non-attainment” for PM 2.5, as defined by the Federal Clean Air Act.

The project proposes to operate a methane digester on a 157.56± acre parcel located in the General Agriculture (A-2-40) zoning district. The methane digester will process dairy waste produced from the on-site dairy and from three off-site dairies, which will be piped in a slurry form via underground pipelines located across private property and within County road rights-of-way. The three off-site dairies are located in Stanislaus County within 1± mile of the project site. This proposal includes installation of a 9.3± acre covered anaerobic digester, a 4,800± square-foot pretreatment skid for equipment that will be up to 16-feet in height consisting of a fiberglass tank system, chiller, and compressor will be installed on the project site in addition to the pipelines to transfer the slurry.

The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin. The facility will be mostly automated and will operate 24 hours a day for seven days a week, year-round. One employee will be on-site seven days a week to inspect the property and equipment and perform standard preventative maintenance. One vehicle round-trip is anticipated for the employee per day.

As required by CEQA Guidelines Section 15064.3, potential impacts regarding Air Quality should be evaluated using Vehicle Miles Traveled (VMT). Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by-case basis for evaluation under CEQA. However, the State of California - Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. The CEQA Guidelines identify vehicle

miles traveled (VMT), which is the amount and distance of automobile travel attributable to a project, as the most appropriate measure of transportation impacts. According to the same technical advisory from OPR, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than significant transportation impact. The proposed project will not exceed the screening criteria for VMT analysis with a total of one round-trip for an employee vehicle per day. As this is below the District’s threshold of significance for vehicle and heavy truck trips, no significant impacts from vehicle and truck trips to air quality are anticipated.

Construction activities associated with new development can temporarily increase localized PM10, PM2.5, volatile organic compound (VOC), nitrogen oxides (NOX), sulfur oxides (SOX), and carbon monoxide (CO) concentrations within a project’s vicinity. The primary source of construction-related CO, SOX, VOC, and NOX emission is gasoline and diesel powered, heavy-duty mobile construction equipment. Primary sources of PM10 and PM2.5 emissions are generally clearing and demolition activities, grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed surfaces. Construction activities associated with the proposed project for the digester and pretreatment skid on the project site, and pipeline and transfer equipment on the off-site dairies may require use of heavy-duty construction equipment. However, all construction activities will occur in compliance with all SJVAPCD regulations; therefore, construction emissions are anticipated to be less than significant without mitigation.

The pipeline proposed to pipe the processed biogas from the project site is part of a 59.1± mile pipeline system which pipes biogas from existing dairies located throughout Stanislaus and Merced Counties to the Aemetis Advanced Fuels Keyes facility. The biogas pipeline system is approved but has only been partially constructed. On January 26, 2021, a Mitigated Negative Declaration, which was prepared by the Stanislaus County Public Works Department, was adopted by the Board of Supervisors to allow 32.5 miles of pipeline to be constructed in County right-of-way for the transmission of biogas from 17 private dairies. Subsequently, a Supplemental Initial Study and Mitigated Negative Declaration were adopted by the Stanislaus County Board of Supervisors on November 28, 2023 to permit the connection of 21 additional dairies to the biogas pipeline system. Mitigation measures were incorporated into the environmental review prepared for the biogas pipeline system to address potential impacts to Air Quality which require that all Air District standards be met and that wind erosion control best management practices be adhered to during construction. These mitigation measures are required to be met in conjunction with construction and operation of the biogas pipeline system. Impacts associated with the processing and refining of biogas at the Aemetis facility were addressed under separate environmental documentation and agency permits authorized by the San Joaquin Valley Unified Air Pollution Control District.

The project was referred to the San Joaquin Valley Air Pollution Control District (SJVAPCD) as part of the Early Consultation prepared for the proposed project; however, no response was received.

As the project must comply with District regulations, the project’s emissions would be less than significant for all criteria pollutants, would not be inconsistent with any applicable air quality attainment plans, and would result in less than significant impacts to air quality.

**Mitigation:** None.

**References:** Application information; Aemetis Biogas LLC Dairy Biogas Cluster Supplemental Initial Study and Mitigated Negative Declaration, dated July, 2023 as approved by the Stanislaus County Board of Supervisors on November 28, 2023; Governor’s Office of Planning and Research Technical Advisory, December 2018; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; [www.valleyair.org](http://www.valleyair.org); and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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			X	

regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				
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 Game or U.S. Fish and Wildlife Service?			X	
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?			X	
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?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
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?			X	

**Discussion:** The project site is located within the Hatch Quad of the California Natural Diversity Database. There are seven species which are state or federally listed, threatened, or identified as species of special concern or a candidate of special concern, or listed as on a watch list within this quad. These species include Swainson’s hawk, cackling goose, tricolored blackbird, green sturgeon – southern DPS, steelhead – Central Valley DPS, western pond turtle, and California alkali grass. There are no reported sitings of any of the aforementioned species on the project site; however, nesting tricolored blackbirds were observed in 2000, 2008 and in 2014 approximately 1.85± miles west of the project site in the Hatch Quad according to the California Natural Diversity Database. There is a very low likelihood that these species are present on the project site as it has already been disturbed for agricultural purposes and developed with various residential structures and the dairy facility. The proposed project will take place on the northern side of the parcel to the west of the area that is currently developed with the dairy facility.

The pipeline proposed to pipe the processed biogas from the project site is part of a 59.1± mile pipeline system which pipes biogas from existing dairies located throughout Stanislaus and Merced Counties to the Aemetis Advanced Fuels Keyes facility. The biogas pipeline system is approved but has only been partially constructed. On January 26, 2021, a Mitigated Negative Declaration, which was prepared by the Stanislaus County Public Works Department, was adopted by the Board of Supervisors to allow 32.5 miles of pipeline to be constructed in County right-of-way for the transmission of biogas from 17 private dairies. Subsequently, a Supplemental Initial Study and Mitigated Negative Declaration were adopted by the Stanislaus County Board of Supervisors on November 28, 2023 to permit the connection of 21 additional dairies to the biogas pipeline system. Mitigation measures were incorporated into the environmental review prepared for the biogas pipeline system to address potential impacts to Biological Resources which require implementing best management practices, including limits on construction timeframes and pre-construction surveys, to protect special status species prior to and during construction. These mitigation measures are required to be met in conjunction with construction of the biogas pipeline system. Impacts associated with the processing and refining of biogas at the Aemetis facility were addressed under separate environmental documentation and agency permits authorized by the San Joaquin Valley Unified Air Pollution Control District.

An Early Consultation was referred to the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and no response was received. The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans. Impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors are considered to be less than significant.

**Mitigation:** None.

**References:** Application information; Aemetis Biogas LLC Dairy Biogas Cluster Supplemental Initial Study and Mitigated Negative Declaration, dated July, 2023 as approved by the Stanislaus County Board of Supervisors on November 28, 2023; California Department of Fish and Wildlife’s Natural Diversity Database Quad Species List; California Natural Diversity Database, Planning and Community Development GIS, accessed October 30, 2023; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			X	
c) Disturb any human remains, including those interred outside of formal cemeteries?			X	

**Discussion:** As this project is not a General Plan Amendment it was not referred to the tribes listed with the Native American Heritage Commission (NAHC), in accordance with SB 18. Tribal notification of the project was not referred to any tribes in conjunction with AB 52 requirements, as Stanislaus County has not received any requests for consultation from the tribes listed with the NAHC. It does not appear this project will result in significant impacts to any archaeological or cultural resources. The project site is currently improved with 437,132± square feet of building space consisting of six freestall barns, one haybarn, one milk barn, one single-family dwelling, one detached garage, a 7.5± acre dairy wastewater pond and a 130-foot-tall communications facility within an 800± square-foot lease area. As part of this request, a 9.3± acre covered anaerobic digester, a 4,800± square-foot pretreatment skid for equipment that will be up to 16-feet in height consisting of a fiberglass tank system, chiller, and compressor are proposed to be installed on the project site in addition to the pipeline to transfer the slurry.

The pipeline proposed to pipe the processed biogas from the project site is part of a 59.1± mile pipeline system which pipes biogas from existing dairies located throughout Stanislaus and Merced Counties to the Aemetis Advanced Fuels Keyes facility. The biogas pipeline system is approved but has only been partially constructed. On January 26, 2021, a Mitigated Negative Declaration, which was prepared by the Stanislaus County Public Works Department, was adopted by the Board of Supervisors to allow 32.5 miles of pipeline to be constructed in County right-of-way for the transmission of biogas from 17 private dairies. Subsequently, a Supplemental Initial Study and Mitigated Negative Declaration were adopted by the Stanislaus County Board of Supervisors on November 28, 2023 to permit the connection of 21 additional dairies to the biogas pipeline system. Mitigation measures were incorporated into the environmental review prepared for the biogas pipeline system to address potential impacts to Cultural Resources which require best management practices be adhered to during construction should cultural resources be found. Impacts associated with the processing and refining of biogas at the Aemetis facility were addressed under separate environmental documentation and agency permits authorized by the San Joaquin Valley Unified Air Pollution Control District. Standard conditions of approval regarding the discovery of cultural resources during the construction process will be added to the project. No significant impacts to cultural resources are anticipated to occur as a result of this project.

**Mitigation:** None.

**References:** Application information; Aemetis Biogas LLC Dairy Biogas Cluster Supplemental Initial Study and Mitigated Negative Declaration, dated July, 2023 as approved by the Stanislaus County Board of Supervisors on November 28, 2023; Stanislaus County General Plan and Support Documentation<sup>1</sup>.



VI. ENERGY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

**Discussion:** The California Environmental Quality Act (CEQA) Guidelines Appendix F states that energy consuming equipment and processes, which will be used during construction or operation such as: energy requirements of the project by fuel type and end use, energy conservation equipment and design features, energy supplies that would serve the project, total estimated daily vehicle trips to be generated by the project, and the additional energy consumed per trip by mode, shall be taken into consideration when evaluating energy impacts. Additionally, the project’s compliance with applicable state or local energy legislation, policies, and standards must be considered.

A response was received from the Turlock Irrigation District (TID) for the project requiring that the developer provide load demand information for the processing equipment to the District; and that any facility change for any pole or electrical facility relocation be applied for and performed at the developer’s expense. Conditions of approval reflecting TID’s comments will be added to the project.

Energy consuming equipment and processes include construction equipment, trucks, and the employee vehicle. As discussed in Section III – Air Quality, these activities would not significantly increase Vehicle Miles Traveled (VMT), due to the number of vehicle trips not exceeding a total of 110 vehicle trips per day. There will be a maximum total of one vehicle round-trip per day for one employee traveling to and from the project site. The truck and pretreatment skid are the main consumers of energy associated with this project but will be subject to applicable Air District regulations, including rules and regulations that increase energy efficiency. Consequently, emissions would be minimal. Therefore, consumption of energy resources would be less than significant without mitigation for the proposed project.

The project was referred to the San Joaquin Valley Air Pollution Control District (SJVAPCD) as part of the Early Consultation prepared for the proposed project; however, no response was received.

The proposed structures and any on-site lighting related to the digester and pretreatment skid are subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11). Conditions of approval will be added to the project requiring building permits for the digester and pretreatment skid to be obtained from the Stanislaus County Building Permits Division prior to operation.

The environmental review prepared for the larger biogas pipeline did not identify any significant impacts to Energy associated with the construction or operation of the underground pipeline. Impacts associated with the processing and refining of biogas at the Aemetis facility were addressed under separate environmental documentation and agency permits authorized by the San Joaquin Valley Unified Air Pollution Control District.

It does not appear that this project will result in significant impacts to the wasteful, inefficient, or unnecessary consumption of energy resources. Accordingly, the potential impacts to Energy are considered to be less than significant.

**Mitigation:** None.

**References:** Application information; Aemetis Biogas LLC Dairy Biogas Cluster Supplemental Initial Study and Mitigated Negative Declaration, dated July, 2023 as approved by the Stanislaus County Board of Supervisors on November 28, 2023; CEQA Guidelines; Referral response from Turlock Irrigation District, dated September 6, 2023; San Joaquin Valley Air Pollution Control District – Regulation VIII Fugitive Dust/PM-10 Synopsis; [www.valleyair.org](http://www.valleyair.org); Governor’s Office of Planning

and Research Technical Advisory, December 2018; Title 16 of County Code; CA Building Code; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan and Support Documentation<sup>1</sup>.

VII. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) 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? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
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?			X	
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?			X	
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?			X	
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

**Discussion:** The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that the parcel is primarily comprised of Hilmar loamy sand (HkbA), Dinuba sandy loam (DyA), and Hilmar loamy sand (HfA). As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. No expansion of a septic tank or alternative wastewater disposal system is proposed; however, if any future request is submitted for these, they would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements. DER, Public Works, and the Building Permits Division review and approve any building or grading permit to ensure their standards are met. Conditions of approval regarding these standards will be applied to the project and will be triggered when a building permit is requested for the digester, pretreatment skid, and other associated improvements for transferring the manure waste slurry to the project site from the off-site dairies.

The project was referred to the Department of Environmental Resources (DER) which provided a response to the project requiring the applicants demonstrate and secure any necessary permits for the destruction/relocation of all on-site wastewater treatment systems (OWTS) and/or water wells impacted or proposed by this project, under the direction of the Stanislaus County Department of Environmental Resources (DER); and that all applicable County Local Agency Management Program (LAMP) standards and required setbacks are met.

The environmental review prepared for the larger biogas pipeline did not identify any significant impacts to Geology and Soils associated with the construction or operation of the underground pipeline. Impacts associated with the processing and refining of biogas at the Aemetis facility were addressed under separate environmental documentation and agency permits authorized by the San Joaquin Valley Unified Air Pollution Control District.

The project site is not located near an active fault or within a high earthquake zone. Landslides are not likely due to the flat terrain of the area. Impacts to Geology and Soils are anticipated to be less than significant.

**Mitigation:** None.

**References:** Application information; Aemetis Biogas LLC Dairy Biogas Cluster Supplemental Initial Study and Mitigated Negative Declaration, dated July, 2023 as approved by the Stanislaus County Board of Supervisors on November 28, 2023; United States Department of Agriculture NRCS Web Soil Survey; Referral response from the Department of Environmental Resources (DER), dated September 15, 2023; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

VIII. GREENHOUSE GAS EMISSIONS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

**Discussion:** The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H<sub>2</sub>O). CO<sub>2</sub> is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO<sub>2</sub> equivalents (CO<sub>2</sub>e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020. Two additional bills, SB 350 and SB32, were passed in 2015 further amending the states Renewables Portfolio Standard (RPS) for electrical generation and amending the reduction targets to 40 percent of 1990 levels by 2030.

This project proposes to operate a methane digester on a 157.56± acre parcel located in the General Agriculture (A-2-40) zoning district. The methane digester will process dairy waste produced from the on-site dairy and from three off-site dairies, which will be piped in a slurry form via underground pipelines located across private property and within County road rights-of-way. Solids will be filtered out at each dairy site before moving through the digester pipeline and the remaining slurry will be piped to the digester where the biogas that is produced in the break down process will be captured within a covered anaerobic digester. As part of this request, a 9.3± acre covered anaerobic digester, a 4,800± square-foot pretreatment skid for equipment that will be up to 16-feet in height consisting of a fiberglass tank system, chiller, and a compressor will be installed on the project site in addition to the pipeline to transfer the slurry. After the digester captures biogas by-products, it will be sent through a pretreatment skid on-site and subsequently transferred via a previously approved private pipeline off-site to the Aemetis Advanced Fuels Keyes facility, where it will be processed and upgraded to compressed natural gas (CNG). The manure wastewater slurry from the off-site dairies will be pumped to the digester via proposed underground pipelines located on private property and within the County right-of-way. The waste remaining after being processed by the

digester will be piped back to each respective dairy pursuant to the quantities listed under each dairies' current wastewater management plan (WMP); no net increase of wastewater will be applied to any of the dairies. The facility will be mostly automated and will operate 24 hours a day for seven days a week, year-round. The applicant anticipates one vehicle round-trip for a single employee who will be on-site seven days a week to inspect the property and equipment and perform standard preventative maintenance; no additional vehicle or truck trips are anticipated beyond the one employee trip. No expansion of existing herd sizes are proposed as a result of this project on any of the dairies associated with the use of the proposed digester. Conditions of approval will be added to the project requiring building permits for the digester, pretreatment skid, and other associated equipment to transfer the manure waste slurry from the off-site dairies to the project site to be obtained from the Stanislaus County Building Permits Division prior to operation.

The short-term emissions of GHGs during construction, primarily composed of CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O, would be the result of fuel combustion by construction equipment and motor vehicles. The other primary GHGs (HFCs, PFCs, and SF<sub>6</sub>) are typically associated with specific industrial sources and are not expected to be emitted by future construction at this project site. As described above in Section III - *Air Quality*, the use of heavy-duty construction equipment would be very limited; therefore, the emissions of CO<sub>2</sub> from future construction would be less than significant. Additionally, the construction of the digester and pretreatment skid will be subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11). Construction activities associated with this project are considered to be less than significant as they are temporary in nature and are subject to meeting San Joaquin Valley Air Pollution Control District (SJVAPCD) standards for air quality control.

Direct emissions of GHGs from the operation of the proposed project are primarily due to the single vehicle trip anticipated for the employee, and by the operation of the equipment. As required by California Environmental Quality Act (CEQA) Guidelines section 15064.3, potential impacts regarding Green House Gas Emissions should be evaluated using Vehicle Miles Traveled (VMT). The calculation of VMT is the number of cars/trucks multiplied by the distance traveled by each car/truck. Total vehicle trips as a result of this project will not exceed 110 trips per day. As discussed above, the proposed project will generate a total of only one vehicle round-trip per day. The operation of the digester hub is anticipated to have a net reduction of GHGs as the methane captured by the digester and treated by the pretreatment skid will ultimately be used by the Aemetis Biogas facility to power heavy duty trucks rather than using gasoline for the trucks.

The pipeline proposed to pipe the processed biogas from the project site is part of a 59.1± mile pipeline system which pipes biogas from existing dairies located throughout Stanislaus and Merced Counties to the Aemetis Advanced Fuels Keyes facility. The biogas pipeline system is approved but has only been partially constructed. On January 26, 2021, a Mitigated Negative Declaration, which was prepared by the Stanislaus County Public Works Department, was adopted by the Board of Supervisors to allow 32.5 miles of pipeline to be constructed in County right-of-way for the transmission of biogas from 17 private dairies. Subsequently, a Supplemental Initial Study and Mitigated Negative Declaration were adopted by the Stanislaus County Board of Supervisors on November 28, 2023 to permit the connection of 21 additional dairies to the biogas pipeline system. A mitigation measure was incorporated into the environmental review prepared for the biogas pipeline system to address potential impacts to Greenhouse Gas Emissions which requires that all Air District standards be met. This mitigation measure is required to be met in conjunction with construction and operation of the biogas pipeline system. Impacts associated with the processing and refining of biogas at the Aemetis facility were addressed under separate environmental documentation and agency permits authorized by the San Joaquin Valley Unified Air Pollution Control District.

This project was referred to the San Joaquin Valley Air Pollution Control District (Air District); however, no response has been received to date. Staff will include a condition of approval requiring the applicant to comply with all appropriate District rules and regulations regarding the operation of the digester and associated equipment on the project site. Consequently, GHG emissions associated with this project are considered to be less than significant.

**Mitigation:** None.

**References:** Application information; Aemetis Biogas LLC Dairy Biogas Cluster Supplemental Initial Study and Mitigated Negative Declaration, dated July, 2023 as approved by the Stanislaus County Board of Supervisors on November 28, 2023;

Governor's Office of Planning and Research Technical Advisory, December 2018; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

IX. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
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?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
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?				X
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?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

**Discussion:** The County Department of Environmental Resources (DER) is responsible for overseeing hazardous materials. A referral response from the Hazardous Materials Division of the Stanislaus County Department of Environmental Resources (DER) is requiring the applicant to contact the Department regarding appropriate permitting requirements for hazardous materials and/or wastes. The applicant is required to use, store, and dispose of any hazardous materials in accordance with all applicable federal, state, and local regulations. The Hazardous Materials Division also requested that the developer conduct a Phase I or Phase II study prior to the issuance of a grading or building permit. Additionally, the Hazardous Materials Division requested that they be contacted should any underground storage tanks, buried chemicals, buried refuse, or contaminated soil be discovered during grading or construction. The applicant will also be required to contact the Hazardous Materials Division for information regarding regulatory requirements for hazardous materials and/or wastes. These comments will be reflected through the application of a condition of approval. A referral response was also received from the Wastewater Division of the Department of Environmental Resources (DER) requiring the applicants demonstrate and secure any necessary permits for the destruction/relocation of all on-site wastewater treatment systems (OWTS) and/or water wells impacted or proposed by this project); and that all applicable County Local Agency Management Program (LAMP) standards and required setbacks are maintained. These comments will be applied as conditions of approval.

Animal waste resulting from daily operations will be managed through Waste and Nutrient Management Plans, which were reviewed by the Central Valley Regional Water Quality Control Board (CVRWQCB). The project was referred to Regional Water; however, no comment specific to the waste to be processed on-site was received. The project as proposed will be required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land

Disturbance Activities (Construction General Permit) as the proposal will disturb one or more acres of soil. A condition of approval will be placed on the project reflecting Regional Water's comment regarding the Construction General Permit and that the applicant contact Regional Water in order to comply with any rules and regulations or to obtain any applicable permits from their department; or for any amendments required for the WMPs or NMPs of the associated dairies.

Pesticide exposure is a risk in areas located in the vicinity of agriculture. Sources of exposure include contaminated groundwater from drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. Additionally, agricultural buffers are intended to reduce the risk of spray exposure to surrounding people.

Buffer and Setback Guidelines are applicable to new or expanding uses approved in or adjacent to the General Agriculture (A-2) zoning district and are required to be designed to physically avoid conflicts between agricultural and non-agricultural uses. General Plan Amendment No. 2011-01 – *Revised Agricultural Buffers* was approved by the Board of Supervisors on December 20, 2011, to modify County requirements for buffers on agricultural projects. As this is a Tier Two use, if not considered people-intensive by the Planning Commission, the project is not subject to agricultural buffers. The proposed establishment will be mostly automated and will operate 24 hours a day, seven days a week, year-round. One employee will be on-site seven days a week to inspect the property and equipment and perform standard preventative maintenance; no additional vehicle or truck trips are anticipated beyond the one employee vehicle round-trip. The project was referred to the Stanislaus County Agricultural Commissioner, and no comments have been received to date. Therefore, staff believes the project can be considered low people intensive, thus not subject to the County's Agricultural Buffer requirements.

The project site is not listed on the EnviroStor database managed by the CA Department of Toxic Substances Control or within the vicinity of any airport. The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Mountain View Fire Protection District. The project was referred to the District, and no comments have been received to date. The project site is not within the vicinity of any airstrip or wildlands.

The pipeline proposed to pipe the processed biogas from the project site is part of a 59.1± mile pipeline system which pipes biogas from existing dairies located throughout Stanislaus and Merced Counties to the Aemetis Advanced Fuels Keyes facility. The biogas pipeline system is approved but has only been partially constructed. On January 26, 2021, a Mitigated Negative Declaration, which was prepared by the Stanislaus County Public Works Department, was adopted by the Board of Supervisors to allow 32.5 miles of pipeline to be constructed in County right-of-way for the transmission of biogas from 17 private dairies. Subsequently, a Supplemental Initial Study and Mitigated Negative Declaration were adopted by the Stanislaus County Board of Supervisors on November 28, 2023 to permit the connection of 21 additional dairies to the biogas pipeline system. Mitigation measures were incorporated into the environmental review prepared for the biogas pipeline system to address potential impacts to Hazards and Hazardous Materials which require best management practices be adhered to. These mitigation measures are required to be met in conjunction with construction and operation of the biogas pipeline system. Impacts associated with the processing and refining of biogas at the Aemetis facility were addressed under separate environmental documentation and agency permits authorized by the San Joaquin Valley Unified Air Pollution Control District.

No significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project.

**Mitigation:** None.

**References:** Application information; Aemetis Biogas LLC Dairy Biogas Cluster Supplemental Initial Study and Mitigated Negative Declaration, dated July, 2023 as approved by the Stanislaus County Board of Supervisors on November 28, 2023; Referral response from the Department of Environmental Resources Hazardous Materials Division, dated September 6, 2023; Referral form the Department of Environmental Resources Wastewater Division, dated September 15, 2023; Referral response from the Central Valley Regional Water Quality Control Board, dated September 7, 2023; Department of Toxic Substances Control's data management system (EnviroStar); County General Plan and Support Documentation<sup>1</sup>.

X. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
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:				
i) result in substantial erosion or siltation on- or off-site;			X	
ii) substantially increase the rate of amount of surface runoff in a manner which would result in flooding on- or off-site.			X	
iii) 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; or			X	
iv) impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

**Discussion:** Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project site is located in FEMA Flood Zone X, which includes areas determined to be outside the 0.2 percent annual chance floodplains. The project proposes to handle stormwater drainage overland. A grading, drainage, and erosion/sediment control plan for the project will be submitted for the building permit for the digester, pretreatment skid, and any other equipment associated with the project if applicable, which is subject to Public Works review and Standards and Specifications, as well as the submittal of a Storm Water Pollution Prevention Plan (SWPPP) prior to the approval of any grading plan. Accordingly, runoff associated with the construction at the proposed project site will be reviewed as part of the grading review process and be required to be maintained on-site. Additionally, any construction will be reviewed under the Building Permit process and must be reviewed and approved by the Department of Environmental Resources (DER) and adhere to current Local Agency Management Program (LAMP) standards. LAMP standards include minimum setback from wells to prevent negative impacts to groundwater quality. No new wells or septic systems are proposed as part of this request. Any future new wells constructed on-site will be subject to review under the County’s Well Permitting Program, which will determine whether a new well will require environmental review. The project was referred to DER, which responded with standard conditions of approval regarding compliance with LAMP standards, that a site plan be submitted prior to issuance of a building permit showing the location of any on-site water wells and on-site wastewater treatment systems (OWTS) and the future 100 percent expansion area, and that applicants obtain all necessary permits for any destruction/relocation of an OWTS and/or wells impacted or proposed by the project under the direction of DER.

The primary regulatory program for implementing water quality standards is the federal National Pollutant Discharge Elimination System (NPDES) Program. The United States Environmental Protection Agency (EPA) has delegated NPDES

enforcement and administration to the State of California Regional Water Quality Control Board (RWQCB). The Central Valley RWQCB (Regional Water) administers the federal NPDES program for dairies within Stanislaus County. Regional Water adopted the Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order R5-2013-0122 (Reissued General Order) on October 3, 2013. The Reissued General Order specifies design standards for covered anaerobic digesters. The proposed digester will be required to comply with the specifications and design standards as specified under the Reissued General Order. Confined Animal Facility Operations (CAFO) with 700 or more mature dairy cows are required to prepare and implement a Nutrient Management Plan (NMP) and Waste Management Plan (WMP) which describe the regulatory requirements for the facility, and together they serve as the primary tool to prevent groundwater contamination and to establish best management practices (BMP) for dairy waste management. No expansion of existing herd sizes will occur as a result of this project on any of the dairies associated with the use of the proposed digester; however, the WMPs and NMPs of the dairies utilizing the digester may be required to be amended to make facility modifications as necessary to protect surface water, improve storage capacity, and improve the facilities nitrogen balances before all infrastructure changes are completed. In addition, BMPs intended to minimize surface water discharges and subsurface discharges at dairies are required. A condition of approval will be added to the project requiring the applicant and associated dairies to comply with all applicable rules, regulations and design standards Regional Water may require of the project in order to address ground water quality.

The project was referred to Regional Water which requires the project as proposed to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) as the proposal will disturb one or more acres of soil. A condition of approval will be placed on the project that reflect Regional Water's comments and require that the applicant contact Regional Water in order to apply for and obtain any applicable permits from their department.

The Sustainable Groundwater Management Act (SGMA) was passed in 2014 with the goal of ensuring the long-term sustainable management of California's groundwater resources. SGMA requires agencies throughout California to meet certain requirements including forming Groundwater Sustainability Agencies (GSA), developing Groundwater Sustainability Plans (GSP), and achieving balanced groundwater levels within 20 years. The site is located in the West Turlock Subbasin GSA. The East Turlock Subbasin GSA and West Turlock Subbasin GSA collaboratively developed one GSP to manage groundwater sustainably through at least 2042. The GSAs adopted the Turlock Subbasin GSP on January 6, 2022, and submitted the GSP to the California Department of Water Resources (DWR) on January 28, 2022. DWR has until the end of 2024 to review the plan. The GSAs jointly prepared their second annual report for the Turlock Subbasin addressing groundwater and surface water conditions during Water Year (WY) 2022 and submitted the report to DWR on March 29, 2023. Total groundwater extractions in the Turlock Subbasin during WY 2022 were approximately 554,400 AF. This total is based on both direct measurements by local water agencies and estimates for private agricultural and domestic pumping. During WY 2022, agricultural groundwater extraction accounts for 93 percent (516,200 AF) of the total pumping in the Turlock Subbasin, while urban groundwater extraction accounts for the remaining seven percent (38,200 AF). The proposed dairy expansion would be subject to the requirements of the GSP for the region, when adopted, which would further minimize impacts to groundwater supplies.

The project site is located within the boundaries of the Turlock Irrigation District (TID). The project was referred to TID which responded with the following requirements: that the developer submit plans detailing the existing irrigation facilities, relative to the proposed site improvement, in order for the District to determine specific impacts and requirements; that the District shall review and approve all maps and plans of the project; and that any improvements that impact irrigation or drainage facilities on the project site be subject to the District's approval. A condition of approval will be added to the project addressing TID's requirements.

The environmental review prepared for the larger biogas pipeline did not identify any significant impacts to Hydrology and Water Quality associated with the construction or operation of the underground pipeline. Impacts associated with the processing and refining of biogas at the Aemetis facility were addressed under separate environmental documentation and agency permits authorized by the San Joaquin Valley Unified Air Pollution Control District.

As a result of the conditions of approval required for this project, impacts associated with drainage, water quality, and runoff are expected to have a less than significant impact.

**Mitigation:** None.



**References:** Application information; Aemetis Biogas LLC Dairy Biogas Cluster Supplemental Initial Study and Mitigated Negative Declaration, dated July, 2023 as approved by the Stanislaus County Board of Supervisors on November 28, 2023; Local Agency Management Program (LAMP) for Stanislaus County DER; Referral response from the Department of Environmental Resources, dated September 15, 2023; Referral response from Turlock Irrigation District, dated September 6, 2023; Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order R5-2013-0122 (Reissued General Order), October 3, 2013; Referral response from the Central Valley Water Quality Control Board, dated September 7, 2023; Sustainable Groundwater Management Act; Stanislaus County Code Title 9 Chapter 9.37 Groundwater; West Turlock Subbasin and East Turlock Subbasin Groundwater Sustainability Agencies (GSAs) Turlock Subbasin Groundwater Sustainability Plan (GSP) Annual Report Water Year 2022; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XI. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?			X	
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?			X	

**Discussion:** The project has a General Plan designation of Agriculture and zoning designation of General Agriculture with a 40-acre minimum (A-2-40) which allows dairies as a permitted agricultural use, unless a dairy is expanding and a new or modified permit, waiver, order, or waste discharge requirement is needed from the Regional Water Quality Control Board. In this case the dairies included in the project are existing and are not proposed to be expanded. The use of a covered digester and equipment to process dairy manure is considered to be an accessory use if it is serving the on-site dairy and no herd expansion is proposed. However, in this case, the proposed digester will serve as a hub to process manure wastewater slurry from the on-site dairy as well as three off-site dairies located in Stanislaus County within 1± mile of the project site. Due to the use of the digester for processing waste from multiple dairies, discretionary approval is required to permit the operation as a Tier Two Use Permit. Within the A-2 zoning district, the County has determined that certain uses related to agricultural production are “necessary for a healthy agricultural economy.” The County allows agriculture processing plants and facilities by obtaining a Tier Two Use Permit if specific criteria can be met and if specific findings can be made. Those findings include that the establishment, as proposed, will not be substantially detrimental to, or in conflict with, the agricultural use of other property in the vicinity; that the use is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage; and that it will not create a concentration of commercial and industrial uses in the vicinity. There are limits to the number of employees that are involved in the operation under a Tier Two Use Permit; no more than ten full-time employees, or 20 seasonal employees are permitted to be involved in the operation. In addition, the Planning Commission must find that the establishment, maintenance, and operation of the proposed use is consistent with the General Plan and will not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

The project site is currently enrolled in California Land Conservation Act (“Williamson Act”) Contract No. 79-3677. County Code Section 21.20.045, in compliance with Government Code Section 51238.1, specifies that uses approved on contracted lands shall be consistent with three principles of compatibility. Those principles state that the proposed use shall not significantly compromise, displace, impair or remove current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district. The project as proposed is considered a Tier Two use. Within the A-2 zoning district, the County has determined Tier Two uses shall be evaluated on a case-by-case basis by the Planning Commission and/or Board of Supervisors to determine whether they are consistent with the principles of compatibility set forth in Section 21.20.045 of the County Code.

Buffer and Setback Guidelines are applicable to new or expanding uses approved in or adjacent to the General Agriculture (A-2) zoning district and are required to be designed to physically avoid conflicts between agricultural and non-agricultural uses. General Plan Amendment No. 2011-01 – *Revised Agricultural Buffers* was approved by the Board of Supervisors on

December 20, 2011, to modify County requirements for buffers on agricultural projects. As this is a Tier Two use, if not considered people-intensive by the Planning Commission, the project is not subject to agricultural buffers. The proposed establishment will be mostly automated and will operate 24 hours a day, seven days a week, year-round. One employee will be on-site seven days a week to inspect the property and equipment and perform standard preventative maintenance; no additional vehicle or truck trips are anticipated beyond the one employee vehicle round-trip.

The environmental review prepared for the larger biogas pipeline did not identify any significant impacts to Land Use and Planning associated with the construction or operation of the underground pipeline. Impacts associated with the processing and refining of biogas at the Aemetis facility were addressed under separate environmental documentation and agency permits authorized by the San Joaquin Valley Unified Air Pollution Control District.

The project will not physically divide an established community nor conflict with any habitat conservation plans.

**Mitigation:** None.

**References:** Application information; Aemetis Biogas LLC Dairy Biogas Cluster Supplemental Initial Study and Mitigated Negative Declaration, dated July, 2023 as approved by the Stanislaus County Board of Supervisors on November 28, 2023; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XII. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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?			X	
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?			X	

**Discussion:** The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site, nor is the project site located in a geological area known to produce resources.

The environmental review prepared for the larger biogas pipeline did not identify any significant impacts to Mineral Resources associated with the construction or operation of the underground pipeline. Impacts associated with the processing and refining of biogas at the Aemetis facility were addressed under separate environmental documentation and agency permits authorized by the San Joaquin Valley Unified Air Pollution Control District.

**Mitigation:** None.

**References:** Application information; Aemetis Biogas LLC Dairy Biogas Cluster Supplemental Initial Study and Mitigated Negative Declaration, dated July, 2023 as approved by the Stanislaus County Board of Supervisors on November 28, 2023; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XIII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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?			X	

b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
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?			X	

**Discussion:** The Stanislaus County General Plan identifies noise levels up to 75 dB Ldn (or CNEL) as the normally acceptable level of noise for agricultural uses. The Stanislaus County General Plan identifies noise levels for residential or other noise-sensitive land uses of up to 55 hourly Leq, dBA and 75 Lmax, dBA from 7 a.m. to 10 p.m. and 45 hourly Leq, dBA and 65 Lmax, dBA from 10 p.m. to 7 a.m. Pure tone noises, such as music, shall be reduced by five dBA; however, when ambient noise levels exceed the standards, the standards shall be increased to the ambient noise levels. The closest sensitive noise receptor is a residence located approximately 400± feet from the proposed digester to the north of the project site. On-site grading and construction may result in a temporary increase in the area’s ambient noise levels; however, noise impacts associated with on-site activities and traffic are not anticipated to exceed the normally acceptable level of noise. Operation of the digester is not anticipated to increase the area’s ambient noise levels. Additionally, agricultural activity, such as the operation of a digester is exempt from the Stanislaus County Noise Control Ordinance (Ord. CS 1070 §2, 2010). The site itself is impacted by noise generated by vehicular traffic on South Mitchell Road and South Prairie Flower Road, and neighboring dairy operations.

The pipeline proposed to pipe the processed biogas from the project site is part of a 59.1± mile pipeline system which pipes biogas from existing dairies located throughout Stanislaus and Merced Counties to the Aemetis Advanced Fuels Keyes facility. The biogas pipeline system is approved but has only been partially constructed. On January 26, 2021, a Mitigated Negative Declaration, which was prepared by the Stanislaus County Public Works Department, was adopted by the Board of Supervisors to allow 32.5 miles of pipeline to be constructed in County right-of-way for the transmission of biogas from 17 private dairies. Subsequently, a Supplemental Initial Study and Mitigated Negative Declaration were adopted by the Stanislaus County Board of Supervisors on November 28, 2023 to permit the connection of 21 additional dairies to the biogas pipeline system. A mitigation measure was incorporated into the environmental review prepared for the biogas pipeline system to address potential noise impacts which requires best management practices be adhered to during construction. Impacts associated with the processing and refining of biogas at the Aemetis facility were addressed under separate environmental documentation and agency permits authorized by the San Joaquin Valley Unified Air Pollution Control District.

The site is not located within an airport land use plan. Impacts associated with noise are considered to be less than significant.

**Mitigation:** None.

**References:** Application information; Aemetis Biogas LLC Dairy Biogas Cluster Supplemental Initial Study and Mitigated Negative Declaration, dated July, 2023 as approved by the Stanislaus County Board of Supervisors on November 28, 2023; Stanislaus County Noise Control Ordinance (Title 10); Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XIV. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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)?			X	

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?			X	
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**Discussion:** The site is not included in the vacant sites inventory for the 2016 Stanislaus County Housing Element, which covers the 5<sup>th</sup> cycle Regional Housing Needs Allocation (RHNA) for the County and will therefore not impact the County’s ability to meet their RHNA. No population growth will be induced, nor will any existing housing be displaced as a result of this project.

The environmental review prepared for the larger biogas pipeline did not identify any significant impacts to Population and Housing associated with the construction or operation of the underground pipeline. Impacts associated with the processing and refining of biogas at the Aemetis facility were addressed under separate environmental documentation and agency permits authorized by the San Joaquin Valley Unified Air Pollution Control District.

**Mitigation:** None.

**References:** Application information; Aemetis Biogas LLC Dairy Biogas Cluster Supplemental Initial Study and Mitigated Negative Declaration, dated July, 2023 as approved by the Stanislaus County Board of Supervisors on November 28, 2023; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XV. PUBLIC SERVICES --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in the substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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:				
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	

**Discussion:** The County has adopted Public Facilities Fees, as well as Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. School Districts also have their own adopted fees. All facility fees are required to be paid at the time of building permit issuance.

The project site is located within the boundaries of the Turlock Irrigation District (TID). The project was referred to TID which responded with the following requirements: that the developer submit plans detailing the existing irrigation facilities, relative to the proposed site improvement, in order for the District to determine specific impacts and requirements; that the District shall review and approve all maps and plans of the project; that any improvements that impact irrigation or drainage facilities on the project site be subject to the District’s approval; that the developer provide load demand information for the processing equipment to the District; and that any facility change for any pole or electrical facility relocation be applied for and performed at the developer’s expense.

This project was circulated to all applicable school, fire, police, irrigation, and public works departments and districts including Chatom Union School District, Turlock Unified School District, Mountain View Fire Protection District, Stanislaus County Sheriff’s Office, Turlock Irrigation District and the Stanislaus County Public Works Department during the Early Consultation referral period and no concerns were identified with regard to public services.

The environmental review prepared for the larger biogas pipeline did not identify any significant impacts to Public Services associated with the construction or operation of the underground pipeline. Impacts associated with the processing and refining of biogas at the Aemetis facility were addressed under separate environmental documentation and agency permits authorized by the San Joaquin Valley Unified Air Pollution Control District.

**Mitigation:** None.

**References:** Application information; Aemetis Biogas LLC Dairy Biogas Cluster Supplemental Initial Study and Mitigated Negative Declaration, dated July, 2023 as approved by the Stanislaus County Board of Supervisors on November 28, 2023; Referral response received from Turlock Irrigation District, dated September 6, 2023; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>XVI. RECREATION --</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) <b>Would the project 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?</b>			X	
b) <b>Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</b>			X	

**Discussion:** This project will not increase demands for recreational facilities, as such impacts typically are associated with residential development.

The environmental review prepared for the larger biogas pipeline did not identify any significant impacts to Recreation associated with the construction or operation of the underground pipeline. Impacts associated with the processing and refining of biogas at the Aemetis facility were addressed under separate environmental documentation and agency permits authorized by the San Joaquin Valley Unified Air Pollution Control District.

**Mitigation:** None.

**References:** Application information; Aemetis Biogas LLC Dairy Biogas Cluster Supplemental Initial Study and Mitigated Negative Declaration, dated July, 2023 as approved by the Stanislaus County Board of Supervisors on November 28, 2023; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>XVII. TRANSPORTATION -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) <b>Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?</b>			X	
b) <b>Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?</b>			X	
c) <b>Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</b>			X	
d) <b>Result in inadequate emergency access?</b>			X	

**Discussion:** The site has access to County-maintained South Prairie Flower and South Mitchell Roads which are classified as 60-foot-wide local roads.

Section 15064.3 of the CEQA Guidelines establishes specific considerations for evaluating a project's transportation impacts. The CEQA Guidelines identify vehicle miles traveled (VMT), which is the amount and distance of automobile travel attributable to a project, as the most appropriate measure of transportation impacts. A technical advisory on evaluating transportation impacts in CEQA published by the Governor's Office of Planning and Research (OPR) in December of 2018 clarified the definition of automobiles as referring to on-road passenger vehicles, specifically cars and light trucks. While heavy trucks are not considered in the definition of automobiles for which VMT is calculated for, heavy duty truck VMT could be included for modeling convenience. According to the same technical advisory from OPR, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than significant transportation impact. The applicant anticipates one vehicle round-trip per day for one employee on-site. The VMT increase associated with the proposed project is less-than significant as the number of vehicle trips will not exceed 110 per day.

It is not anticipated that the project would substantially affect the level of service on South Prairie Flower or South Mitchell Roads. The project was referred to the Stanislaus County Department of Public Works, which has requested conditions of approval to address driveway approaches installed according to Public Works' Standards and Specifications, restrictions on loading, parking, unloading within the County right-of-way, and the need for road dedications of ten feet for both South Prairie Flower and South Mitchell Roads.

The pipeline proposed to pipe the processed biogas from the project site is part of a 59.1± mile pipeline system which pipes biogas from existing dairies located throughout Stanislaus and Merced Counties to the Aemetis Advanced Fuels Keyes facility. The biogas pipeline system is approved but has only been partially constructed. On January 26, 2021, a Mitigated Negative Declaration, which was prepared by the Stanislaus County Public Works Department, was adopted by the Board of Supervisors to allow 32.5 miles of pipeline to be constructed in County right-of-way for the transmission of biogas from 17 private dairies. Subsequently, a Supplemental Initial Study and Mitigated Negative Declaration were adopted by the Stanislaus County Board of Supervisors on November 28, 2023 to permit the connection of 21 additional dairies to the biogas pipeline system. A mitigation measure was incorporated into the environmental review prepared for the biogas pipeline system to address potential impacts to Transportation which requires that a Construction Staging and Traffic Management Plan be implemented during construction. Impacts associated with the processing and refining of biogas at the Aemetis facility were addressed under separate environmental documentation and agency permits authorized by the San Joaquin Valley Unified Air Pollution Control District.

Transportation impacts associated with the project are considered to be less than significant.

**Mitigation:** None.

**References:** Application information; Aemetis Biogas LLC Dairy Biogas Cluster Supplemental Initial Study and Mitigated Negative Declaration, dated July, 2023 as approved by the Stanislaus County Board of Supervisors on November 28, 2023; Referral response from the Stanislaus County Department of Public Works, dated September 20, 2023; Governor's Office of Planning and Research Technical Advisory, December 2018; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>XVIII. TRIBAL CULTURAL RESOURCES -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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			X	

cultural value to a California native American tribe, and that is:				
i) 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			X	
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set for the in subdivision (c) of Public Resource 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.			X	

**Discussion:** It does not appear that this project will result in significant impacts to any archaeological or cultural resources. The project site is already improved with multiple buildings. In accordance with SB 18 and AB 52, this project was not referred to the tribes listed with the Native American Heritage Commission (NAHC) as the project is not a General Plan Amendment and no tribes have requested consultation or project referral noticing. While the site is already developed, if any resources are found during future construction, construction activities would halt until a qualified survey takes place and the appropriate authorities are notified.

The pipeline proposed to pipe the processed biogas from the project site is part of a 59.1± mile pipeline system which pipes biogas from existing dairies located throughout Stanislaus and Merced Counties to the Aemetis Advanced Fuels Keyes facility. The biogas pipeline system is approved but has only been partially constructed. On January 26, 2021, a Mitigated Negative Declaration, which was prepared by the Stanislaus County Public Works Department, was adopted by the Board of Supervisors to allow 32.5 miles of pipeline to be constructed in County right-of-way for the transmission of biogas from 17 private dairies. Subsequently, a Supplemental Initial Study and Mitigated Negative Declaration were adopted by the Stanislaus County Board of Supervisors on November 28, 2023 to permit the connection of 21 additional dairies to the biogas pipeline system. Mitigation measures were incorporated into the environmental review prepared for the biogas pipeline system to address potential impacts to Cultural Resources which require best management practices be adhered to during construction should cultural resources be found. Impacts associated with the processing and refining of biogas at the Aemetis facility were addressed under separate environmental documentation and agency permits authorized by the San Joaquin Valley Unified Air Pollution Control District.

No significant impacts to Tribal Cultural resources are anticipated to occur as a result of this project.

**Mitigation:** None.

**References:** Application information; Aemetis Biogas LLC Dairy Biogas Cluster Supplemental Initial Study and Mitigated Negative Declaration, dated July, 2023 as approved by the Stanislaus County Board of Supervisors on November 28, 2023; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XIX. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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?			X	

<p><b>b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?</b></p>			<p><b>X</b></p>	
<p><b>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?</b></p>			<p><b>X</b></p>	
<p><b>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?</b></p>			<p><b>X</b></p>	
<p><b>e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?</b></p>			<p><b>X</b></p>	

**Discussion:** Limitations on providing services have not been identified. The project site is currently developed with an existing well and septic facilities. The project site is located within the boundaries of the Turlock Irrigation District (TID). The project was referred to TID which responded with the following requirements: that the developer submit plans detailing the existing irrigation facilities, relative to the proposed site improvement, in order for the District to determine specific impacts and requirements; that the District shall review and approve all maps and plans of the project; that any improvements that impact irrigation or drainage facilities on the project site be subject to the District's approval; that the developer provide load demand information for the processing equipment to the District; and that any facility change for any pole or electrical facility relocation be applied for and performed at the developer's expense. A condition of approval will be added to the project addressing TID's requirements. The project was referred to the Central Valley Regional Water Quality Control Board (CVRWQCB) which requires the project as proposed to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) as the proposal will disturb one or more acres of soil. A condition of approval will be placed on the project that reflecting Regional Water's comments and that the applicant contact Regional Water in order to apply for and obtain any applicable permits from their department.

The project was also referred to PG&E and AT&T and no response has been received to date.

No new wells or septic systems are proposed for this expansion; installation of any future wells or septic systems must be reviewed and approved by the Department of Environmental Resources (DER) and must adhere to current Local Agency Management Program (LAMP) standards. LAMP standards include minimum setbacks from wells to prevent negative impacts to groundwater quality. The project was referred to DER, which responded with standard conditions of approval regarding compliance with LAMP standards, that a site plan be submitted prior to issuance of a building permit showing the location of any on-site water wells and on-site wastewater treatment systems (OWTS) and the future 100 percent expansion area, and that applicants obtain all necessary permits for any destruction/relocation of an OWTS and/or wells impacted or proposed by the project under the direction of DER.

The pipeline proposed to pipe the processed biogas from the project site is part of a 59.1± mile pipeline system which pipes biogas from existing dairies located throughout Stanislaus and Merced Counties to the Aemetis Advanced Fuels Keyes facility. The biogas pipeline system is approved but has only been partially constructed. On January 26, 2021, a Mitigated Negative Declaration, which was prepared by the Stanislaus County Public Works Department, was adopted by the Board of Supervisors to allow 32.5 miles of pipeline to be constructed in County right-of-way for the transmission of biogas from 17 private dairies. Subsequently, a Supplemental Initial Study and Mitigated Negative Declaration were adopted by the Stanislaus County Board of Supervisors on November 28, 2023 to permit the connection of 21 additional dairies to the biogas pipeline system. A mitigation measure was incorporated into the environmental review prepared for the biogas pipeline system to address potential impacts to Utilities and Service Systems which require best management practices be adhered to during construction. Impacts associated with the processing and refining of biogas at the Aemetis facility were addressed under separate environmental documentation and agency permits authorized by the San Joaquin Valley Unified Air Pollution Control District.



Impacts to utilities and services are considered to be less than significant.

**Mitigation:** None.

**References:** Application information; Aemetis Biogas LLC Dairy Biogas Cluster Supplemental Initial Study and Mitigated Negative Declaration, dated July, 2023 as approved by the Stanislaus County Board of Supervisors on November 28, 2023; Referral response from Turlock Irrigation District, dated September 6, 2023; Referral response from Central Valley Regional Water Quality Control Board, dated September 7, 2023; Referral response from the Stanislaus County Department of Environmental Resources, dated September 15, 2023; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XX. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
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?			X	
c) Require the installation of 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?			X	
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?			X	

**Discussion:** The Stanislaus County Local Hazard Mitigation Plan identifies risks posed by disasters and identifies ways to minimize damage from those disasters. The terrain of the site is relatively flat, and the site has access to two County-maintained roads. The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Mountain View Fire Protection District. The project was referred to the District, and no comments have been received to date. California Building and Fire Code establishes minimum standards for the protection of life and property by increasing the ability of a building to resist intrusion of flame and burning embers. The building permit for the digester and associated equipment skid pad will be reviewed by the County’s Building Permits Division and Fire Prevention Bureau to ensure all State of California Building and Fire Code requirements are met prior to construction. Wildfire risk and risks associated with postfire land changes are considered to be less-than significant.

The environmental review prepared for the larger biogas pipeline did not identify any significant impacts to Wildfire associated with the construction or operation of the underground pipeline. Impacts associated with the processing and refining of biogas at the Aemetis facility were addressed under separate environmental documentation and agency permits authorized by the San Joaquin Valley Unified Air Pollution Control District.

**Mitigation:** None.

**References:** Application information; Aemetis Biogas LLC Dairy Biogas Cluster Supplemental Initial Study and Mitigated Negative Declaration, dated July, 2023 as approved by the Stanislaus County Board of Supervisors on November 28, 2023; California Fire Code Title 24, Part 9; California Building Code Title 24, Part 2, Chapter 7; Stanislaus County Local Hazard Mitigation Plan; Stanislaus County General Plan and Support Documentation<sup>1</sup>.



XXI. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project 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?			X	
b) Does the project 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.)			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

**Discussion:** The project has a General Plan designation of Agriculture and zoning designation of General Agriculture with a 40-acre minimum (A-2-40) which allows dairies as a permitted agricultural use, unless a dairy is expanding and a new or modified permit, waiver, order, or waste discharge requirement is needed from the Regional Water Quality Control Board. In this case the dairies included in the project are existing and are not proposed to be expanded. The use of a covered digester and equipment to process dairy manure is considered to be an accessory use if it is serving the on-site dairy and no herd expansion is proposed. However, in this case, the proposed digester will serve as a hub to process manure wastewater slurry from the on-site dairy as well as three off-site dairies located in Stanislaus County within 1± mile of the project site. Due to the use of the digester for processing waste from multiple dairies, discretionary approval is required to permit the operation as a Tier Two Use Permit. Within the A-2 zoning district, the County has determined that certain uses related to agricultural production are “necessary for a healthy agricultural economy.” The County allows agriculture processing plants and facilities by obtaining a Tier Two Use Permit if specific criteria can be met and if specific findings can be made. Those findings include that the establishment, as proposed, will not be substantially detrimental to, or in conflict with, the agricultural use of other property in the vicinity; that the use is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage; and that it will not create a concentration of commercial and industrial uses in the vicinity. There are limits to the number of employees that are involved in the operation under a Tier Two Use Permit; no more than ten full-time employees, or 20 seasonal employees are permitted to be involved in the operation. In addition, the Planning Commission must find that the establishment, maintenance, and operation of the proposed use is consistent with the General Plan and will not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans. Impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors are considered to be less than significant.

It does not appear that this project will result in significant impacts to any archaeological or cultural resources. The project site is already developed, and no new construction is proposed. The project site has already been disturbed. Standard conditions of approval regarding the discovery of cultural resources during any future construction resulting from this request will be added to the project.

The project will not physically divide an established community. The surrounding area is composed of scattered single-family dwellings, large agricultural parcels and dairies in all directions; a poultry farm and the San Joaquin River are to the southwest of the project site; and the County of Merced is to the south of the dairy facility. Any development of the surrounding area would be subject to the permitted uses of the A-2 Zoning District or would require additional land use entitlements and environmental review. Additionally, the majority of the surrounding parcels located within Stanislaus County are restricted by Williamson Act Contracts and are limited to the uses found to be compatible with the Williamson Act. Any uses beyond those uses permitted in the A-2 zoning district would require a General Plan Amendment and rezoning of the property which would be evaluated through additional environmental review which would take into consideration impacts from the loss of farmland and the potential for farmland conversion and cumulative impacts to the surrounding area. Any additional request for expansion for the agricultural service establishment under this request, may be subject to further land use entitlement review.

The proposed project will generate a low amount of vehicle trips with a total of one vehicle round-trip per day. As this is below the threshold of significance for vehicle and heavy truck trips as discussed in Section XVII - *Transportation*, no significant impacts from the one vehicle trip to transportation are anticipated.

The pipeline proposed to pipe the processed biogas from the project site is part of a 59.1± mile pipeline system which pipes biogas from existing dairies located throughout Stanislaus and Merced Counties to the Aemetis Advanced Fuels Keyes facility. The biogas pipeline system is approved but has only been partially constructed. On January 26, 2021, a Mitigated Negative Declaration, which was prepared by the Stanislaus County Public Works Department, was adopted by the Board of Supervisors to allow 32.5 miles of pipeline to be constructed in County right-of-way for the transmission of biogas from 17 private dairies. Subsequently, a Supplemental Initial Study and Mitigated Negative Declaration were adopted by the Stanislaus County Board of Supervisors on November 28, 2023 to permit the connection of 21 additional dairies to the biogas pipeline system. Mitigation measures were incorporated into the environmental review prepared for the biogas pipeline system which addressed Air Quality, Biological and Cultural Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Noise, Transportation and Traffic, and Utilities and Services Systems. These mitigation measures are required to be met in conjunction with construction and operation of the biogas pipeline system and have been referenced throughout this document, where applicable. Impacts associated with the processing and refining of biogas at the Aemetis facility were addressed under separate environmental documentation and agency permits authorized by the San Joaquin Valley Unified Air Pollution Control District.

Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area.

**Mitigation:** None.

**References:** Initial Study; Aemetis Biogas LLC Dairy Biogas Cluster Supplemental Initial Study and Mitigated Negative Declaration, dated July, 2023 as approved by the Stanislaus County Board of Supervisors on November 28, 2023; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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<sup>1</sup> Stanislaus County General Plan and Support Documentation<sup>1</sup> adopted in August 23, 2016, as amended. **Housing Element** adopted on April 5, 2016.

**MITIGATION MONITORING AND REPORTING PROGRAM FOR THE  
AEMETIS BIOGAS PIPELINE PROJECT**

Mitigation Measure	Reporting Milestone	Reporting / Responsible Party	VERIFICATION OF COMPLIANCE	
			Initials	Date
<b>AIR QUALITY</b>				
<b>AQ-1:</b> The construction contractor shall comply with the San Joaquin Valley Air Pollution Control District Rule VIII as it pertains to fugitive dust (PM10).	During Construction	Aemetis Construction Contractor		
<b>AQ-2:</b> Wind Erosion Control best management practices will be implemented as follows: <ul style="list-style-type: none"> <li>Water shall be applied by means of pressure-type distributors or pipelines equipped with a spray system or hoses and nozzles that will ensure even distribution.</li> <li>All distribution equipment shall be equipped with a positive means of shutoff.</li> <li>Unless water is applied by means of pipelines, at least one mobile unit shall be available at all times to apply water or dust palliative to the Project.</li> <li>If reclaimed water is used, the sources and discharge must meet California Department of Health Services water reclamation criteria and the Regional Water Quality Control Board requirements. Non-potable water shall not be conveyed in tanks or drain pipes that will be used to convey potable water and there shall be no connection between potable and non-potable supplies. Non-potable tanks, pipes and other conveyances shall be marked "NON-POTABLE WATER – DO NOT DRINK."</li> <li>Materials applied as temporary soil stabilizers and soil binders will also provide wind erosion control benefits.</li> </ul>	During Construction	Aemetis Construction Contractor		

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<b>BIOLOGICAL RESOURCES</b>				
<p><b>BIO-1:</b> Construction specifications will include the following BMPs, where applicable, to reduce erosion during construction:</p> <ul style="list-style-type: none"> <li>• Implementation of the Project shall require approval of a site-specific SWPPP or Water Pollution Control Program (WPCP) that would implement effective measures to protect water quality, which may include a hazardous spill prevention plan and additional erosion prevention techniques;</li> <li>• Existing vegetation shall be protected in place where feasible to provide an effective form of erosion and sediment control;</li> <li>• Stabilizing materials shall be applied to the soil surface to prevent the movement of dust from exposed soil surfaces on construction sites as a result of wind, traffic, and grading activities;</li> <li>• Roughening and/or terracing shall be implemented to create unevenness on bare soil through the construction of furrows running across a slope, creation of stair steps, or by utilization of construction equipment to track the soil surface. Surface roughening or terracing reduces erosion potential by decreasing runoff velocities, trapping sediment, and increasing infiltration of water into the soil, and aiding in the establishment of vegetative cover from seed.</li> <li>• Soil exposure shall be minimized through the use of temporary BMPs, groundcover, and stabilization measures;</li> <li>• The contractor shall conduct periodic maintenance of erosion- and sediment-control measures.</li> </ul>	During Construction	Aemetis Construction Contractor		
<p><b>BIO-2:</b> To conform to water quality requirements, the Project must implement the following:</p> <ul style="list-style-type: none"> <li>• Vehicle maintenance, staging and storing equipment, materials, fuels, lubricants, solvents, and other possible contaminants shall be a minimum of 100 feet from irrigation and drainage canals within the BSA. Any necessary equipment washing shall occur where the water cannot flow into surface waters. The Project specifications shall require the contractor to operate under an approved spill prevention and clean-up plan;</li> <li>• Construction equipment shall not be operated in flowing water; if necessary, equipment buckets and arms may be used within flowing water.</li> <li>• Construction work shall be conducted according to site-specific construction plans that minimize the potential for sediment input to WoUS and WoS;</li> <li>• Raw cement, concrete or concrete washings, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to aquatic life shall be prevented from contaminating the soil or entering surface waters;</li> <li>• Equipment used in and around surface waters shall be in good working order and free of dripping or leaking contaminants; and,</li> <li>• Any surplus concrete rubble, asphalt, or other debris from construction shall be taken to an approved disposal site.</li> </ul>	During Construction	Aemetis Construction Contractor		

<p><b>BIO-3:</b> Construction personnel must receive environmental awareness training. Awareness training shall be given by the Project biologist(s) who have experience in the natural history of species that may occur within the Project area. The training will cover protocol for, identification of, and natural history of the special status species that have the potential to occur within the Project area (such as Swainson’s hawk, tricolored blackbird, and western red bat).</p>	During Construction	Aemetis		
<p><b>BIO-4:</b> If vegetation removal is necessary for Project activities, removal of large diameter trees will be avoided to the greatest extent practicable. Any large diameter trees that cannot be protected within the Project impact area shall be removed outside of the Swainson’s hawk nesting season (February 1st – August 31st), one year prior to construction.</p>	During Construction	Aemetis Construction Contractor		
<p><b>BIO-5:</b> If vegetation removal is necessary for Project activities and Swainson’s hawk nests are discovered within ¼ mile of the Project area, a 300-foot no-work buffer will be installed around the nest using ESA fencing and the Project biologist will monitor the nest until it is determined that the young have fledged. Additional appropriate protective measures may be developed in coordination with CDFW.</p>	During Construction	Aemetis Construction Contractor		
<p><b>BIO-6:</b> If tree removal is required, prior to tree removal the Project biologist will conduct surveys to determine if the trees designated for removal are potentially suitable bat habitat. Potential “bat habitat trees” typically are mature trees with features such as open cavities, crevices, or loose bark.</p>	Prior to Construction	Aemetis		
<p><b>BIO-7:</b> If tree removal is required, removal of trees determined to be potentially suitable for bats must be removed between September 1st and March 31st, outside of the bat maternity season (April 1st –August 31st). Additional specific tree removal procedures (including potential exclusions, two step tree removal, removal of bark etc.) will be determined on a case by case basis by the Project biologist. Potential bat habitat trees not requiring removal will be protected in place with ESA fencing. If surveys for “bat habitat trees” reveal large establish maternity colonies and impacts to these colonies cannot be avoided, coordination will occur with CDFW to determine the best possible course of action.</p>	During Construction	Aemetis		
<p><b>BIO-8:</b> If removal of trees that are potentially suitable bat habitat is required, a biologist will monitor the removal of all potentially suitable bat habitat trees. Additionally, a biologist will inspect downed trees, identified as potentially suitable, for signs of bats prior to the trees being removed offsite. If a bat is discovered in downed vegetation, the bat(s) will be taken to a wildlife rehabilitation center.</p>	During Construction	Aemetis		

<p><b>BIO-9:</b> Vegetation removal or earthwork shall be minimized during the nesting season (February 1st – August 31st). If vegetation removal is required during the nesting season (February 1st – August 31st), a pre-construction nesting bird survey must be conducted within 7 days prior to vegetation removal. Within 2 weeks of the nesting bird survey, all vegetation cleared by the biologist will be removed by the contractor.</p> <p>A minimum 100-foot no-disturbance buffer will be established around any active nest of migratory birds and a minimum 300-foot no-disturbance buffer will be established around any nesting raptor species. The contractor must immediately stop work in the buffer area until the appropriate buffer is established and is prohibited from conducting work that could disturb the birds (as determined by the Project biologist and in consultation with wildlife agencies) in the buffer area until a qualified biologist determines the young have fledged. A reduced buffer can be established if determined appropriate by the Project biologist and approved by CDFW.</p>	During Construction	Aemetis		
<p><b>CULTURAL RESOURCES</b></p>				
<p><b>CR-1:</b> Conduct archaeological monitoring in areas of high sensitivity for buried archaeological resources following areas designated in the Figure 5 of the Initial Study. Monitoring efforts can be reduced at the discretion of the archaeologist.</p>	During Construction	Aemetis		
<p><b>CR-2:</b> If previously unidentified cultural materials are unearthed during construction, work shall be halted in that area until a qualified archaeologist can assess the significance of the find and develop a plan for documentation and removal of resources if necessary. The final disposition of archaeological, historical, and paleontological resources recovered on state lands under the jurisdiction of the California State Lands Commission must first be approved by the Commission. An additional archaeological survey will be needed if Project limits are extended beyond the present survey limits.</p>	During Construction	Aemetis Construction Contractor Stanislaus County		
<p><b>CR-3:</b> Section 5097.94 of the Public Resources Code and Section 7050.5 of the California Health and Safety Code protect Native American burials, skeletal remains and grave goods, regardless of age and provide method and means for the appropriate handling of such remains. If human remains are encountered, work should halt in that vicinity and the county coroner should be notified immediately. At the same time, an archaeologist should be contacted to evaluate the situation. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within twenty-four hours of such identification. CEQA details steps to be taken if human burials are of Native American origin.</p>	Prior to and During Construction	Aemetis Construction Contractor Stanislaus County		

<p><b>GREENHOUSE GASES</b></p> <p><b>GGE-1:</b> The contractor must comply with air pollution control rules, regulations, ordinances, and statutes that apply to work performed under the Contract, including air pollution control rules, regulations, ordinances, and statutes provided in Govt Code § 11017 (Pub Cont Code § 10231).</p>	During Construction	Aemetis Construction Contractor		
<p><b>HAZARDS AND HAZARDOUS WASTE</b></p> <p><b>HAZ-1:</b> The following best practices shall be implemented during construction of the pipeline to ensure the facility does not present a new significant risk of exposure to hazardous material in the form of biogas.</p> <ul style="list-style-type: none"> <li>• The pipeline shall be airtight and must be tested to demonstrate as such prior to operation for the transport of biogas.</li> <li>• The pipeline shall be fluid, pressure, and corrosion resistant.</li> <li>• The pipeline shall be designed to include security valves placed upstream of the installations intended for production, storage treatment and use of biogas.</li> <li>• Systems that could trigger security valves shall be installed in easy to access locations.</li> </ul>	Prior to During Construction	Aemetis Construction Contractor		
<p><b>HAZ-2:</b> Prepare a Health and Safety Plan prior to the start of construction which will include plans for addressing gas leaks, fires, or other failures of the pipeline. The Plan shall identify sensitive receptors and protective measures to ensure risk it minimized to the greatest extent feasible.</p>	Prior to During Construction	Aemetis Construction Contractor		
<p><b>HAZ-3:</b> The contractor shall prepare a Spill Prevention, Control, and Countermeasure Program (SPCCP) prior to the commencement of construction activities. The SPCCP shall include information on the nature of all hazardous materials that shall be used on-site. The SPCCP shall also include information regarding proper handling of hazardous materials, and clean-up procedures in the event of an accidental release. The phone number of the agency overseeing hazardous materials and toxic clean-up shall be provided in the SPCCP.</p>	Prior to During Construction	Aemetis Construction Contractor		
<p><b>HAZ-4:</b> As is the case for any project that proposes excavation, the potential exists for unknown hazardous contamination to be revealed during Project construction. The construction contractor shall prepare an Unknown Hazard Procedures Manual to provide a plan for how previously unknown hazardous waste/material encountered during construction would be handled to maintain public and worker health and safety.</p>	During Construction	Aemetis Construction Contractor		



<p><b>NOISE</b></p> <p><b>NOI-1:</b> To minimize the construction-generated noise, the following construction noise best management practices shall be followed:</p> <ul style="list-style-type: none"> <li>• Do not operate construction equipment or run the equipment engines from 7:00 p.m. to 7:00 a.m. or on Sundays, with the exception that you may operate equipment within the Project limits during these hours to: <ul style="list-style-type: none"> <li>○ Service traffic control facilities</li> <li>○ Service construction equipment</li> </ul> </li> <li>• Equip an internal combustion engine with the manufacturer recommended muffler.</li> <li>• Do not operate an internal combustion engine on the job site without the appropriate muffler.</li> </ul> <p>A variance from these requirements may be provided by request at the discretion of Stanislaus County.</p>	During Construction	Aemetis Construction Contractor		
<p><b>TRANSPORTATION/TRAFFIC</b></p> <p><b>TRA-1:</b> The contractor shall prepare and implement a Construction Staging and Traffic Management Plan to minimize traffic disruption during construction activities. The plan shall be made available to the public and affected stakeholders that use the bridge for access. The following elements shall be included in the plan: parking, detours/road closures, pedestrian/commercial/residential access, and media campaign.</p>	During Construction	Aemetis Construction Contractor		
<p><b><u>UTILITIES AND SERVICE SYSTEMS</u></b></p> <p><b><u>UTIL-1:</u></b> <u>Best Management Practices will be incorporated to locate and avoid underground utilities. Potholing at the intersection of W Keyes Road and Jennings Road and other areas may be necessary to identify utility location. Local jurisdictions will be notified prior to construction if utilities are found to be in close vicinity to the biogas pipeline construction activities. The Stanislaus County Department of Environmental Resources will be contacted if any portion of the existing onsite wastewater treatment system and/or existing onsite water supply system is encountered on any parcel connecting to the proposed dairy biogas pipeline during construction.</u></p>	<u>During Construction</u>	<u>Aemetis Construction Contractor</u>		



## NEGATIVE DECLARATION

**NAME OF PROJECT:** Use Permit Application No. PLN2023-0042 – Aemetis Biogas, LLC. – Lumar Dairy

**LOCATION OF PROJECT:** 7215 South Prairie Flower Road, between Bradbury and August Roads, in the Turlock area.

**PROJECT DEVELOPERS:** Aemetis Biogas, LLC  
4209 Jessup Road, Ceres, CA 95307

**DESCRIPTION OF PROJECT:** Request to operate a methane digester to process dairy waste on a 157.56± acre parcel in the General Agriculture (A-2-40) zoning district. The methane digester will process dairy waste produced from the on-site dairy and from three off-site dairies.

Based upon the Initial Study, dated **December 29, 2023**, the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts which are individually limited but cumulatively considerable.
4. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, California.

Initial Study prepared by: Emily DeAnda, Associate Planner

Submit comments to: Stanislaus County  
Planning and Community Development Department  
1010 10th Street, Suite 3400  
Modesto, California 95354

**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**

**PROJECT: USE PERMIT APPLICATION NO. PLN2023-0042 - AEMETIS BIOGAS, LLC.**

REFERRED TO:	RESPONDED			RESPONSE			MITIGATION MEASURES		CONDITIONS			
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF CONSERVATION LAND RESOURCES	X	X	X		X							
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA OPR STATE CLEARING HOUSE	X	X	X		X							
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X				X		X	X	
COOPERATIVE EXTENSION	X	X	X		X							
COUNTY OF MERCED	X	X	X		X							
DER GROUNDWATER RESOURCES DIVISION	X	X	X		X							
FIRE PROTECTION DIST: MT. VIEW FIRE	X	X	X		X							
GSA: WEST TURLOCK SUBBASIN	X	X	X		X							
IRRIGATION DISTRICT: TURLOCK	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: TURLOCK	X	X	X		X							
STANISLAUS COUNTY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X	X				X		X	X	
SCHOOL DISTRICT 1: CHATOM UNION	X	X	X		X							
SCHOOL DISTRICT 2: TURLOCK UNIFIED	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X	X		X							
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X	X		X		X		X	X	
STAN CO FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X	X	X		X		X		X	X	
STAN CO MILK AND DAIRY	X	X	X		X							
STAN CO PUBLIC WORKS	X	X	X	X				X		X	X	
STAN CO SHERIFF	X	X	X		X							
STAN CO SUPERVISOR DIST 2: CHIESA	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X		X							
TELEPHONE COMPANY: AT&T	X	X	X		X							
STATE OF CA SWRBC - DIV OF DRINKING WATER DIST: 10	X	X	X		X							
SURROUNDING LAND OWNERS		X	X		X							
US FISH & WILDLIFE	X	X	X		X							

# COUNTY OF STANISLAUS CAMPAIGN CONTRIBUTION DISCLOSURE FORM FOR THE PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

Application Number: PLN2023-0042  
 Application Title: Use Permit Application NO. PLN2023-0042 - Aemetis Biogas LLC  
 Application Address: 7215 South Praire Flower Road  
 Application APN: 057-014-001, 057-013--015

Was a campaign contribution, regardless of the dollar amount, made to any member of a decision-making body involved in making a determination regarding the above application (i.e. Stanislaus County Board of Supervisors, Planning Commission, Airport Land Use Commission, or Building Code Appeals Board), hereinafter referred to as Member, on or after January 1, 2023, by the applicant, property owner, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist?

Yes  No

If no, please sign and date below.

If yes, please provide the following information:

Applicant's Name: Aemetis Biogas LLC  
 Contributor or Contributor Firm's Name: Aemetis Biogas LLC  
 Contributor or Contributor Firm's Address: 20400 Stevens Creek Blvd, Suite 700, Cupertino CA 95014

Is the Contributor:

The Applicant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
The Property Owner	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
The Subcontractor	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
The Applicant's Agent/ Lobbyist	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

**Note:** Under California law as implemented by the Fair Political Practices Commission, campaign contributions made by the Applicant and the Applicant's agent/lobbyist who is representing the Applicant in this application or solicitation must be aggregated together to determine the total campaign contribution made by the Applicant.

Identify the Member(s) to whom you, the property owner, your subcontractors, and/or agent/lobbyist made campaign contributions on or after January 1, 2023, the name of the contributor, the dates of contribution(s) and dollar amount of the contribution. Each date must include the exact month, day, and year of the contribution.

Name of Member: Chance Condit  
 Name of Contributor: Aemetis Biogas LLC  
 Date(s) of Contribution(s): July 2023  
 Amount(s): 2,500

(Please add an additional sheet(s) to identify additional Member(s) to whom you, the property owner, your subconsultants, and/or agent/lobbyist made campaign contributions)

By signing below, I certify that the statements made herein are true and correct. I also agree to disclose to the County any future contributions made to Member(s) by the applicant, property owner, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist after the date of signing this disclosure form, and within 12 months following the approval, renewal, or extension of the requested license, permit, or entitlement to use.

3/14/2024  
Date

Aemetis Biogas LLC  
Print Firm Name if applicable

  
Signature of Applicant

Jessica Cardoso  
Print Name of Applicant

**UP APP. NO PLN2023-0042**

**AEMETIS BIOGAS, LLC.**

**Planning Commission**  
**March 21, 2024**

# Overview

- Use Permit
- Request to operate a methane digester to process dairy waste on a 157.56± acre parcel in the General Agriculture (A-2-40) zoning district. The methane digester will process dairy waste produced from the on-site dairy and from three off-site dairies.

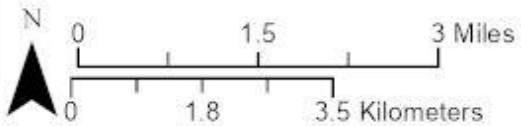
# AEMETIS BIOGAS, LLC.

## UP PLN2023-0042

### AREA MAP

#### LEGEND

-  Project Site
-  Highway
-  Major Road
-  River
-  Sphere of Influence



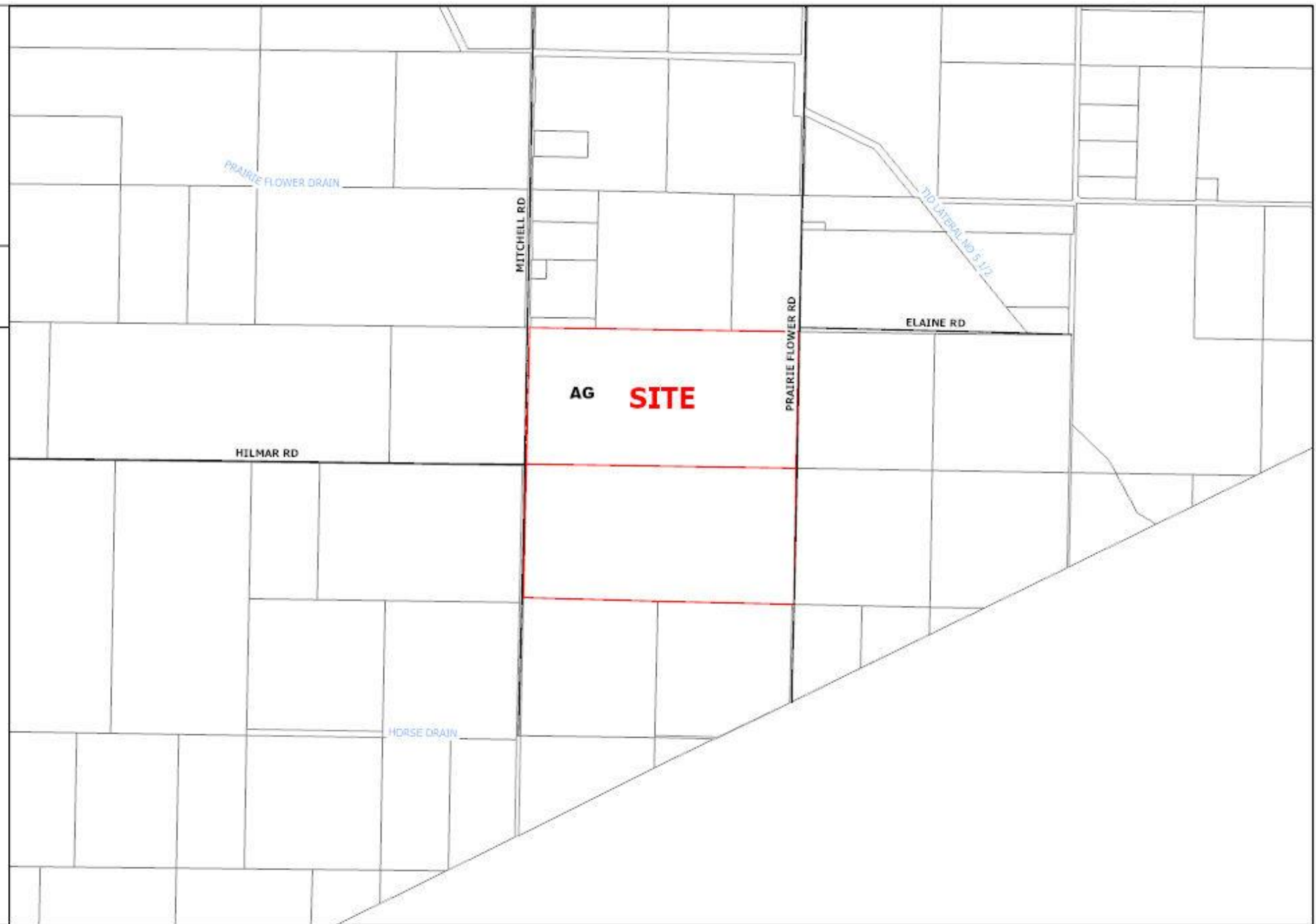
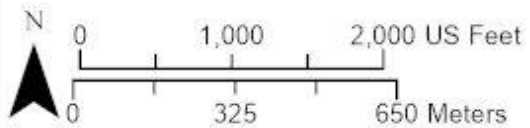
# AEMETIS BIOGAS, LLC.

## UP PLN2023-0042

### GENERAL PLAN MAP

#### LEGEND

-  Project Site
-  Parcel
-  Canal
-  Agriculture
-  Street





# AEMETIS BIOGAS, LLC.



## UP PLN2023-0042

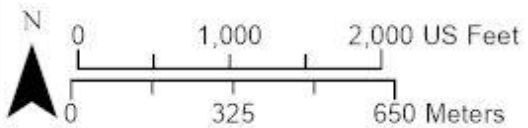
### ZONING MAP

#### LEGEND

-  Project Site
-  Parcel
-  Canal

#### Zoning Designation

-  General Agriculture 40 Acre
-  Street







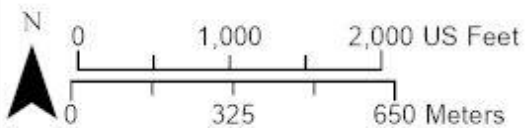
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### 2023 AERIAL AREA MAP

#### LEGEND

-  Project Site
-  Parcel
-  Canal
-  Street



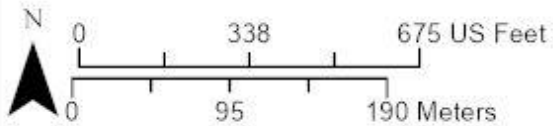
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## UP PLN2023-0042

2023 AERIAL SITE MAP

### LEGEND

-  Project Site
-  Parcel
-  Street



Source: Planning Department GIS Date Exported: 2/29/2024



NOTES  
 1. THE PROJECT COMPLIES WITH THE 2019 CALIFORNIA FIRE CODE (CFC)  
 2. A MINIMUM OF A 2A40BC FIRE EXTINGUISHER WILL BE LOCATED AT THE GAS PAD



308 WEST OAK AVENUE  
 VISALIA, CA 93291  
 (559) 463-0444



PROJECT:

**LUMAR DAIRY DIGESTER**

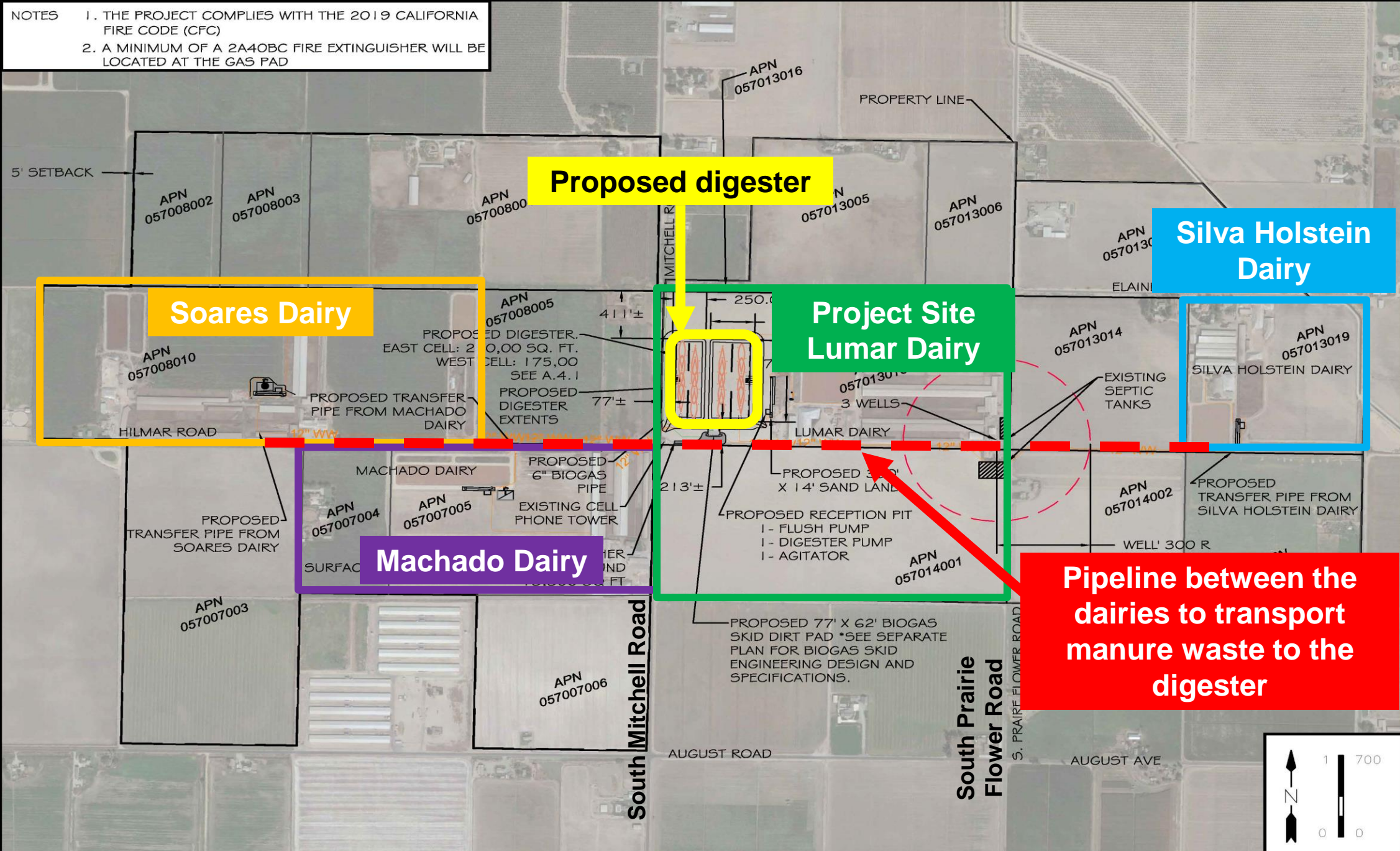
CLIENT:  
 AEMETIS  
 20400 STEVENS CREEK BOULEVARD SUITE 700  
 CUPERTINO CA 95014

VERSION 0.2

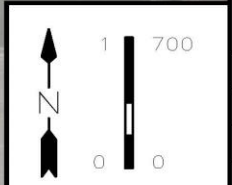
SITE PLAN  
 DAIRY

REVISION LOG:

PLOT DATE:	07/31/2023
JOB NO.:	21053
SCALE:	AS SHOWN
SHEET NO.:	A.3.1



**Pipeline between the dairies to transport manure waste to the digester**










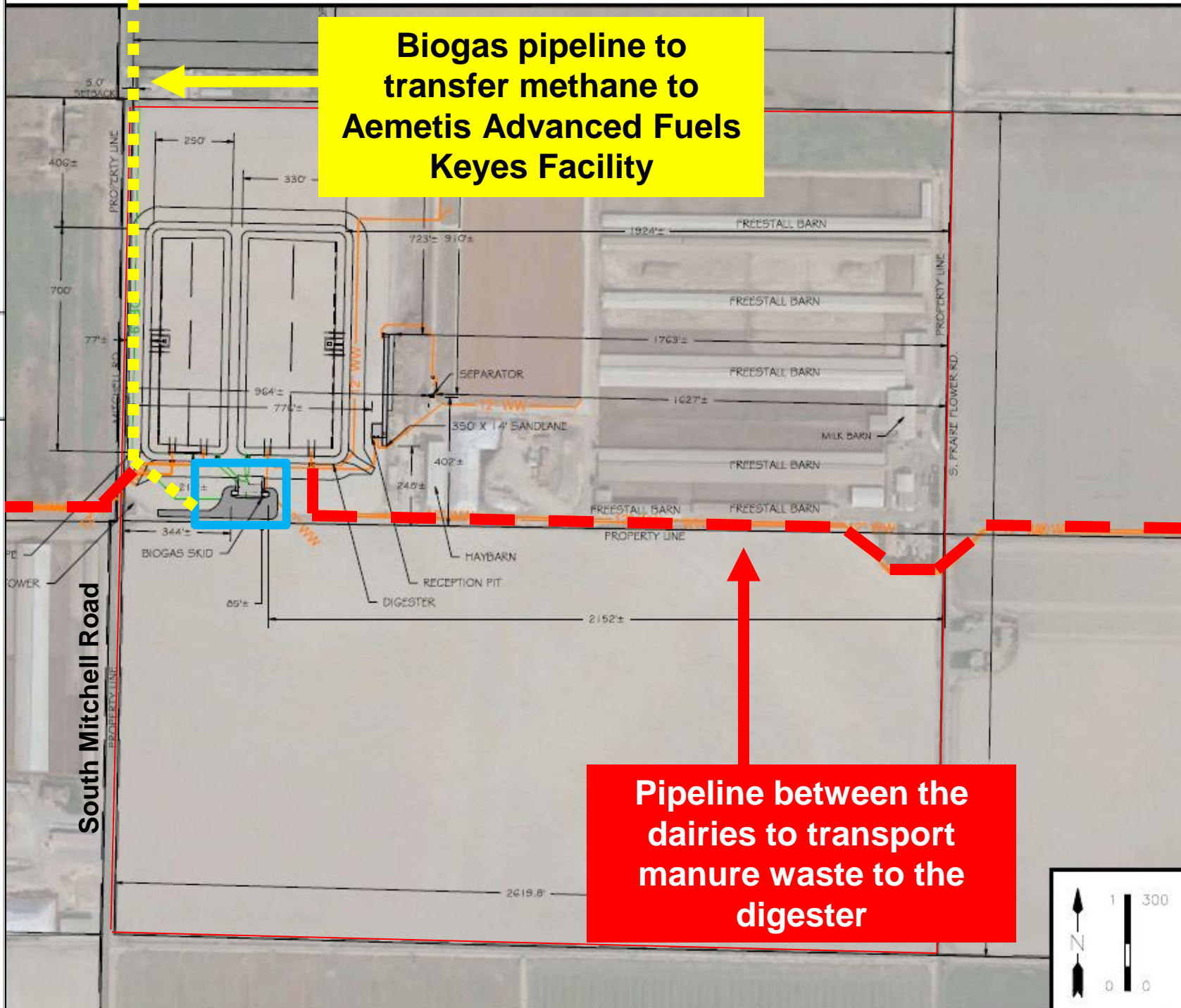
# AEMETIS BIOGAS, LLC.

## UP PLN2023-0042

### Site Plan

#### LEGEND

-  Project Site
-  Parcel
-  Canal
-  Street
-  Pre-treatment skid and equipment
-  Biogas pipeline to Aemetis Advanced Fuels Keys Facility
-  Manure waste pipeline between dairies



**Biogas pipeline to transfer methane to Aemetis Advanced Fuels Keys Facility**

**Pipeline between the dairies to transport manure waste to the digester**



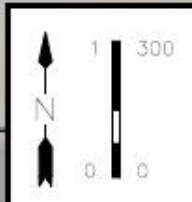
308 WEST OAK AVENUE  
VISALIA, CA 93291  
(559) 463-0444



PROJECT:  
**LUMAR DAIRY DIGESTER**  
CLIENT:  
AEMETIS  
20400 STEVENS CREEK BOULEVARD SUITE 700  
CUPERTINO CA 95014

SITE PLAN  
DAIRY BUILDINGS  
VERSION 3.2

REVISION LOG:  
PLOT DATE: 07/31/2023  
JOB NO.: 21053  
SCALE: AS SHOWN  
SHEET NO.: A.3.2

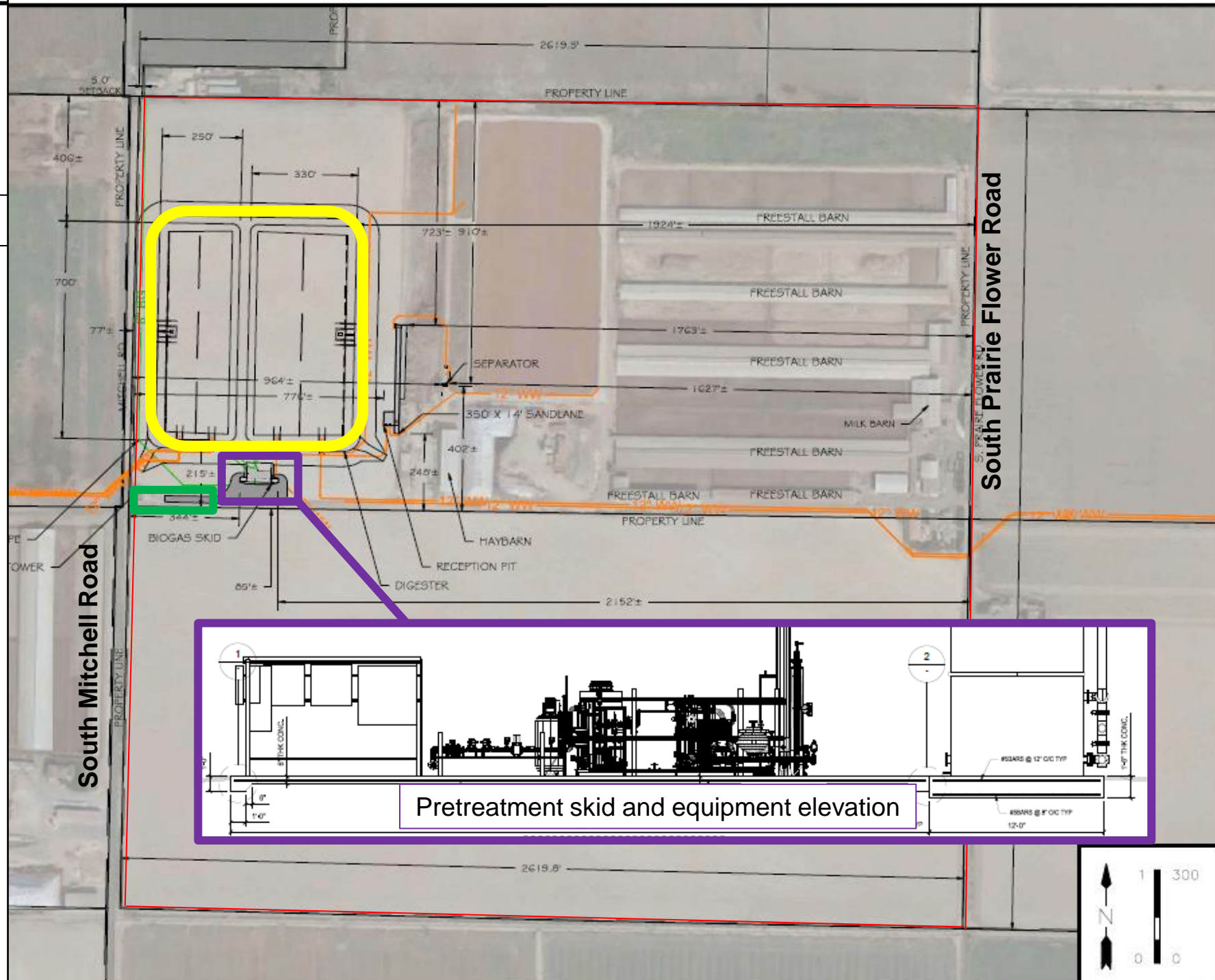


# AEMETIS BIOGAS, LLC.

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PLN2023-0042

## SITE PLAN

-  Project site
-  Digester
-  Pretreatment skid and equipment
-  Proposed 20-foot-wide gravel driveway



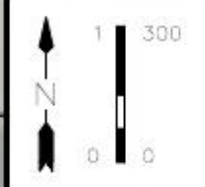
308 WEST OAK AVENUE  
VISALIA, CA 93291  
(559) 463-0444

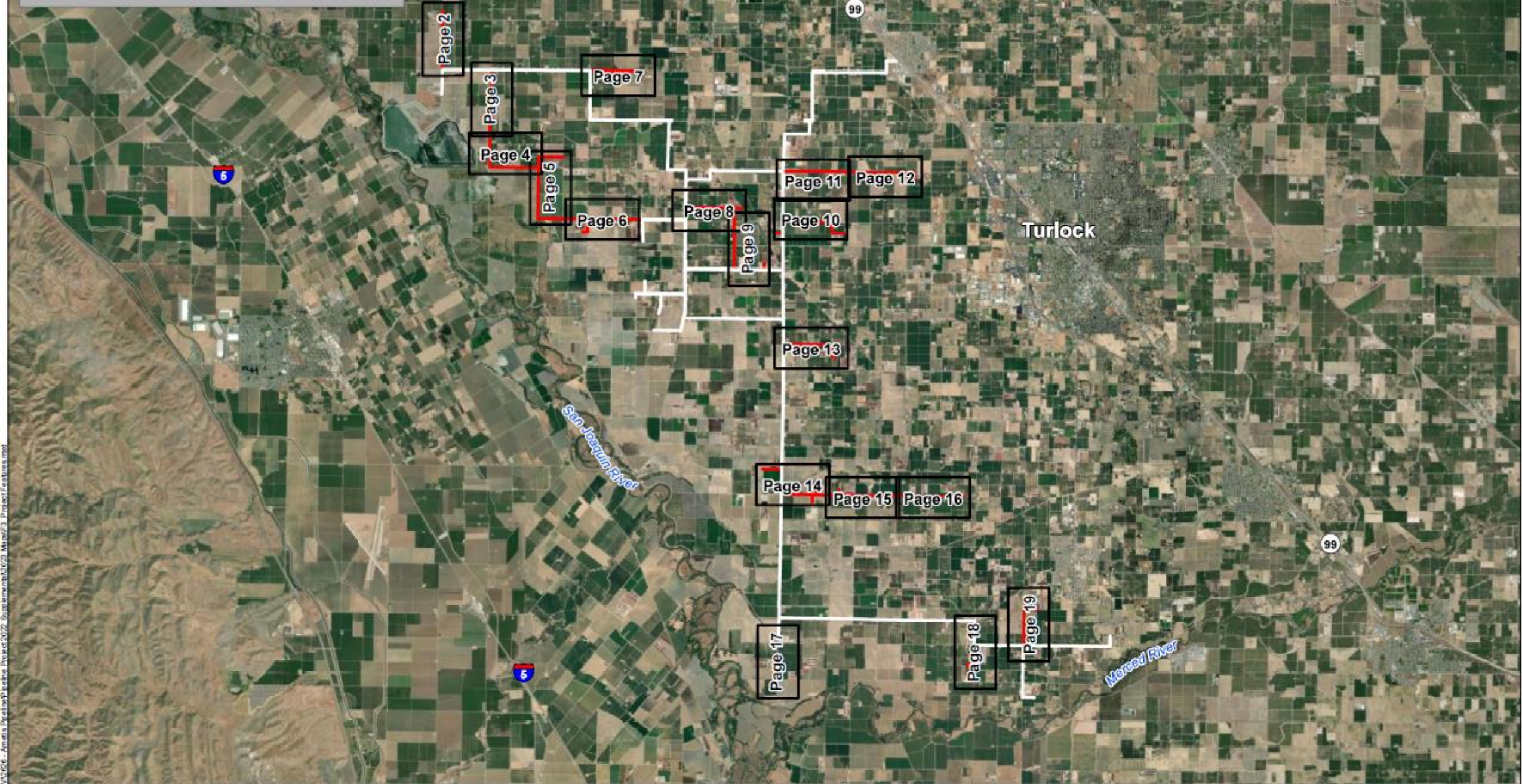


PROJECT:  
**LUMAR DAIRY DIGESTER**  
CLIENT:  
AEMETIS  
20400 STEVENS CREEK BOULEVARD SUITE 700  
CUPERTINO CA 95014

VERSION 3.2  
SITE PLAN  
DAIRY BUILDINGS  
REVISION LOG:

PLOT DATE: 07/31/2023  
JOB NO.: 21053  
SCALE: AS SHOWN  
SHEET NO.: A3.2





Source: ESRI Maps Online; Dokken Engineering 2/22/2023; Created by: kchan



1 in = 10,000 ft



## Overall Biogas Pipeline System for Aemetis Advanced Fuels

# Issues

- First request considered within Stanislaus County for the installation of a methane digester to serve multiple dairies.
- Two similar requests for individual digesters to serve multiple dairies are being processed by the County:
  - Use Permit Application No. PLN2023-0039 – MD Digester in the Valley Home area.
  - Use Permit Application No. PLN2024-0005 – BA Digester in the Modesto area.
- While unique, no issues have been identified as part of this request.



# General Plan Consistency

- General Plan
  - Land Use Element
  - Agricultural Element
    - Agricultural service establishments
    - Agricultural Buffer
      - Tier Two low people intensive uses not subject

# Zoning Ordinance Consistency

- Zoning (Title 21)
  - General Agriculture (A-2-40)
    - Tier Two Use Permit
    - Project site enrolled in Williamson Act Contract

# Environmental Review

- CEQA
- Negative Declaration
  - Reissued General Order
  - Mitigated Negative Declaration for the Aemetis pipeline within the County right-of-way
- Conditions of Approval

# Recommendation

- Staff recommendation
  - Approval
- Findings – Exhibit A
  - Environmental Determination
  - Use Permit Finding
  - Agricultural Buffer
  - Road Improvements
  - Project Approval

# Questions