

# STANISLAUS COUNTY PLANNING COMMISSION

January 16, 2025

## STAFF REPORT

USE PERMIT APPLICATION NO. PLN2024-0005  
BA DIGESTER

**REQUEST: TO OPERATE A METHANE DIGESTER TO PROCESS DAIRY WASTEWATER PRODUCED FROM THE ONSITE DAIRY (CROSS A DAIRY) AND FIVE OFF-STIE DAIRIES, ON A 294± ACRE PARCEL IN THE GENERAL AGRICULTURE (A-2-40) ZONING DISTRICT.**

### APPLICATION INFORMATION

Applicant:	Jack DeLiddo, BA Digester, LLC
Property owner:	Florene and Ronald Hilarides
Location:	3943 Bentley Road, between Milnes and Claribel Roads, in the Oakdale area.
Section, Township, Range:	9-3-10
Supervisorial District:	District One (Supervisor B. Condit)
Assessor's Parcel:	014-017-001
Referrals:	See Exhibit F Environmental Review Referrals
Area of Parcel(s):	294± 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.:	71-147
Environmental Review:	Negative Declaration
Present Land Use:	Two single-family dwellings, orchard, row crops, and a portion of the Cross A Dairy facility.
Surrounding Land Use:	Irrigated cropland, confined animal facilities, and rural residences in all directions; Modesto Irrigation District Main Canal to the southwest; the Hetch Hetchy right-of-way and Mootz Lateral to the north; and the Oakdale Irrigation District Albers Lateral to the east.

## **RECOMMENDATION**

Staff recommends the Planning Commission approve the project, based on the discussion below and on the whole of the record provided to the County. Exhibit A provides an overview of the findings and actions required for project approval.

## **PROJECT DESCRIPTION**

This project is a request to operate a covered methane digester on a 6± acre portion of a 294± 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 (Cross A Dairy) as well as from five off-site dairies (see Exhibit B – *Maps and Site Plans*).

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 other dairies, a use permit is required.

Cross A Dairy is located on the northern portion of the project site and on the parcel to the north, Assessor Parcel Number (APN) 014-008-004. The applicant proposes to access to the proposed digester site via an existing 40-foot-wide all-weather driveway located on APN 014-008-004, which is currently used to access the existing dairy facility.

As part of this request, the following is proposed to be installed on a 6± acre portion of the site: a 1.3± acre covered anaerobic digester; appurtenant digester equipment including a hydrolyzer; various processing, thickening, flush, and collection pits; jet mixing systems; a biofeeder; three combined heat and power engines; screen separators; and a regenerative thermal oxidizer. The project will also install a 1,680 square-foot utility building for storage and a 360 square-foot office trailer for operations and management. The 6-acre project area surrounding the digester will be paved and will include five parking stalls adjacent to the office.

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 a pretreatment skid and subsequently transferred off-site as renewable natural gas (RNG) via truck to an existing off-site pipeline connection where it will then be upgraded to compressed natural gas (CNG) and used for fueling vehicles. 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 of the donor dairies is proposed as a result of this project. Any future proposal to serve additional off-site dairies may require additional land use entitlements.

The digester will operate 24 hours a day, seven days a week. Up to two employees will be on-site Monday through Friday, 8:00 a.m. to 5:00 p.m. and will be on-call as needed after hours. Initially, up to 40 truck trips per-day are anticipated to transport biogas and dairy manure slurry. Once pipeline infrastructure is in place between the digester and the off-site dairies, 30 truck trips associated with the trucking of the wastewater from the off-site dairies to the site will no longer occur and the facilities truck trips will be reduced to approximately 10 truck trips per-day. Two

employee trips will occur per weekday. The applicant also anticipates two vehicle trips per week for system maintenance and refueling the natural gas generators to be installed on-site.

### **SITE DESCRIPTION**

The 294± acre project site is located at 3943 Bentley Road, between Milnes and Claribel Roads, in the Modesto area (see Exhibit B – *Maps and Site Plans*). The project site is currently developed with two single-family dwellings, 70± acres of orchard, and 170± acres of row crops, and a portion of the Cross A Dairy facility. The existing Cross A Dairy facility is located primarily on the 73± acre parcel to the north of the project site (APN 014-008-004), and encroaches onto the northern 11± acres of the project parcel (APN 014-017-001). The project site is currently served by several private wells and private septic systems. The project site has existing access to County-maintained Bentley Road via a 40-foot-wide, approximately 2,000± foot long all-weather driveway located on APN 014-008-004, immediately north of the project parcel, currently used for dairy facility traffic. The project site is bisected by an Oakdale Irrigation District (OID) 60-foot-wide prescriptive right-of-way (ROW) for the Stowell and Thompson Lateral open ditches, and 30-foot-wide deeded easement for the pipeline portion of the Stowell Lateral.

The site is surrounded by irrigated agriculture, confined animal facilities, and rural residences in all directions. The Modesto Irrigation District (MID) Main Canal is located to the southwest; the Hetch Hetchy right-of-way and Mootz Lateral to the north; and the OID Albers Lateral to the east.

### **ISSUES**

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.

### **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.

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 the five off-site dairies, is considered to be a Tier Two use, which are agriculturally related commercial and industrial uses which 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, which are both classified as Tier Two uses.

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 five off-site dairies in the vicinity of the project site. A maximum of two employees are anticipated on-site for the operation and maintenance of the digester and associated biogas equipment. The applicant anticipates a maximum of 40 truck trips per-day for the transport biogas and dairy manure and wastewater. Once pipeline infrastructure is in place, the facility anticipates up to 10 truck trips per-day. 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, staff believes that the project is consistent with the Tier Two findings as the project proposes to serve as a methane digester hub for six existing dairies which are located within a 2.5 mile radius 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. 71-147. 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 and that all findings required for approval can be made. Any requests to expand the operation or serve additional dairies may be subject to additional land use entitlements.

### **ENVIRONMENTAL REVIEW**

An environmental assessment for the project has been prepared in accordance with the California Environmental Quality Act (CEQA). The assessment included preparation of an Initial Study (see Exhibit D – *Initial Study with Attachments*). Pursuant to 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*). Development standards reflecting referral responses have been placed on the project (see Exhibit C – *Conditions of Approval*).

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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 **\$3,025.75** 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:                      Kristen Anaya, Senior Planner, (209) 525-6330

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps and Site Plans
- Exhibit C - Conditions of Approval
- Exhibit D - Initial Study, with Attachments
- Exhibit E - Negative Declaration
- Exhibit F - Environmental Review Referrals

## 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 as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
  - c. The use as proposed will not create a concentration of commercial and industrial uses in the vicinity.
  - d. 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.
  - e. 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.
  - f. 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.
  - g. The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.
  - h. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring improvements.
4. Approve Use Permit Application No. PLN2024-0005 – BA Digester, subject to the attached Conditions of Approval.

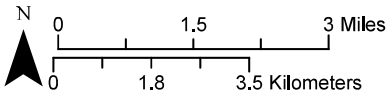
# BA DIGESTER

## UP PLN2024-0005

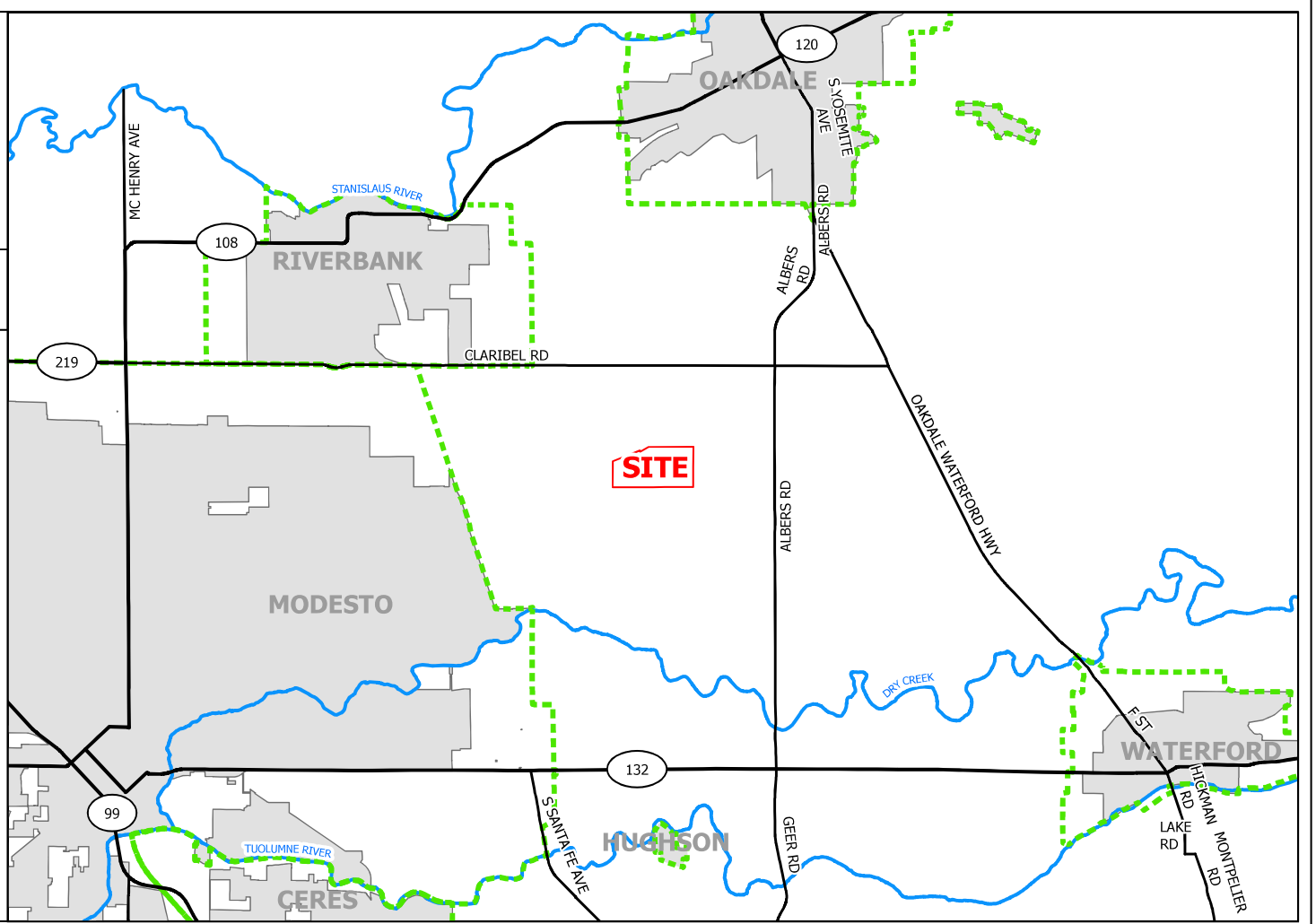
### AREA MAP

#### LEGEND

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



Source: Planning Department GIS Date Exported: 6/25/2024










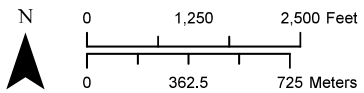
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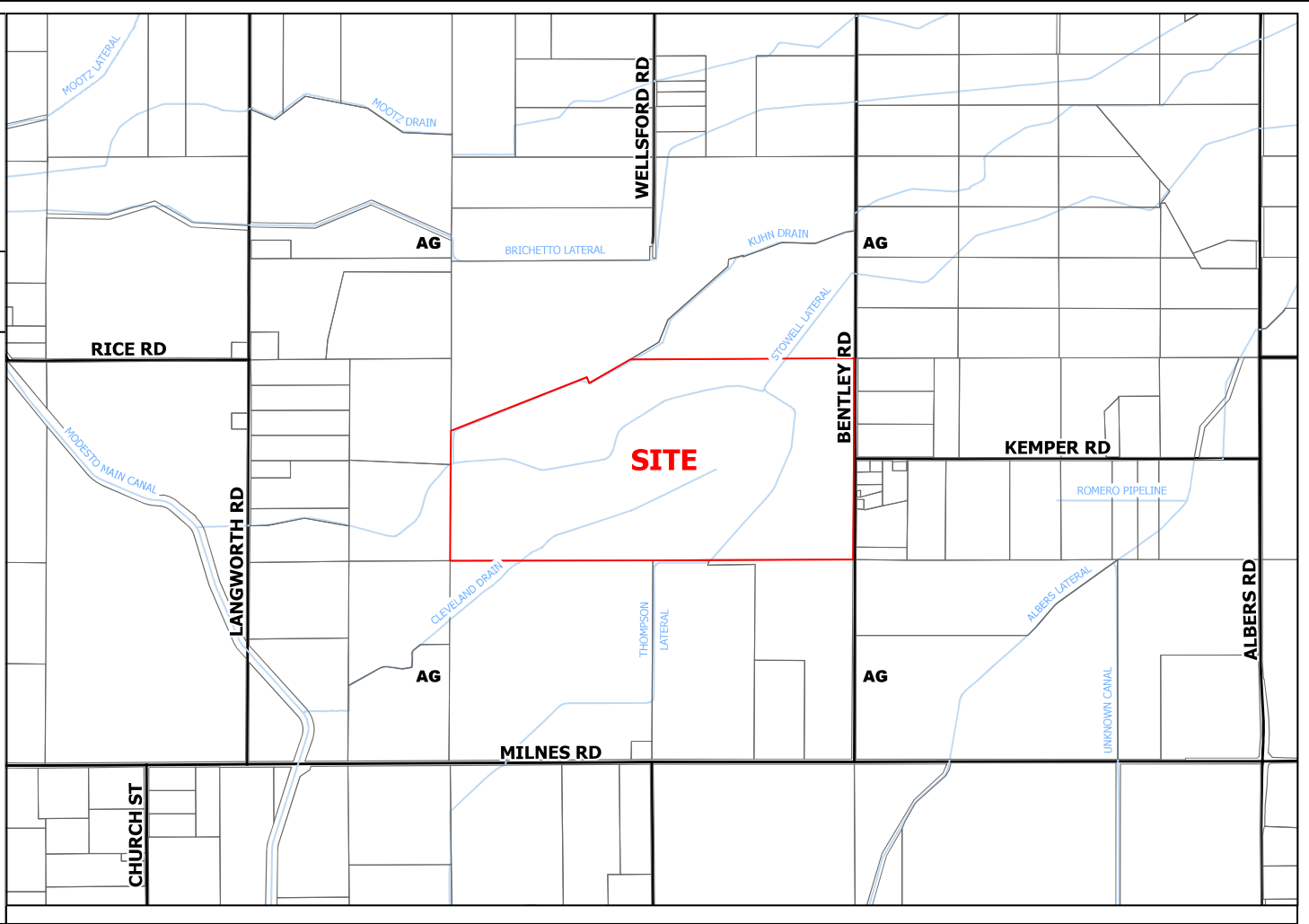
### GENERAL PLAN

#### LEGEND

-  Project Site
-  Parcel
-  Agriculture
-  Canal
-  Street



Source: Planning Department GIS Date Exported: 6/25/2024








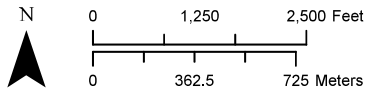
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## UP PLN2024-0005

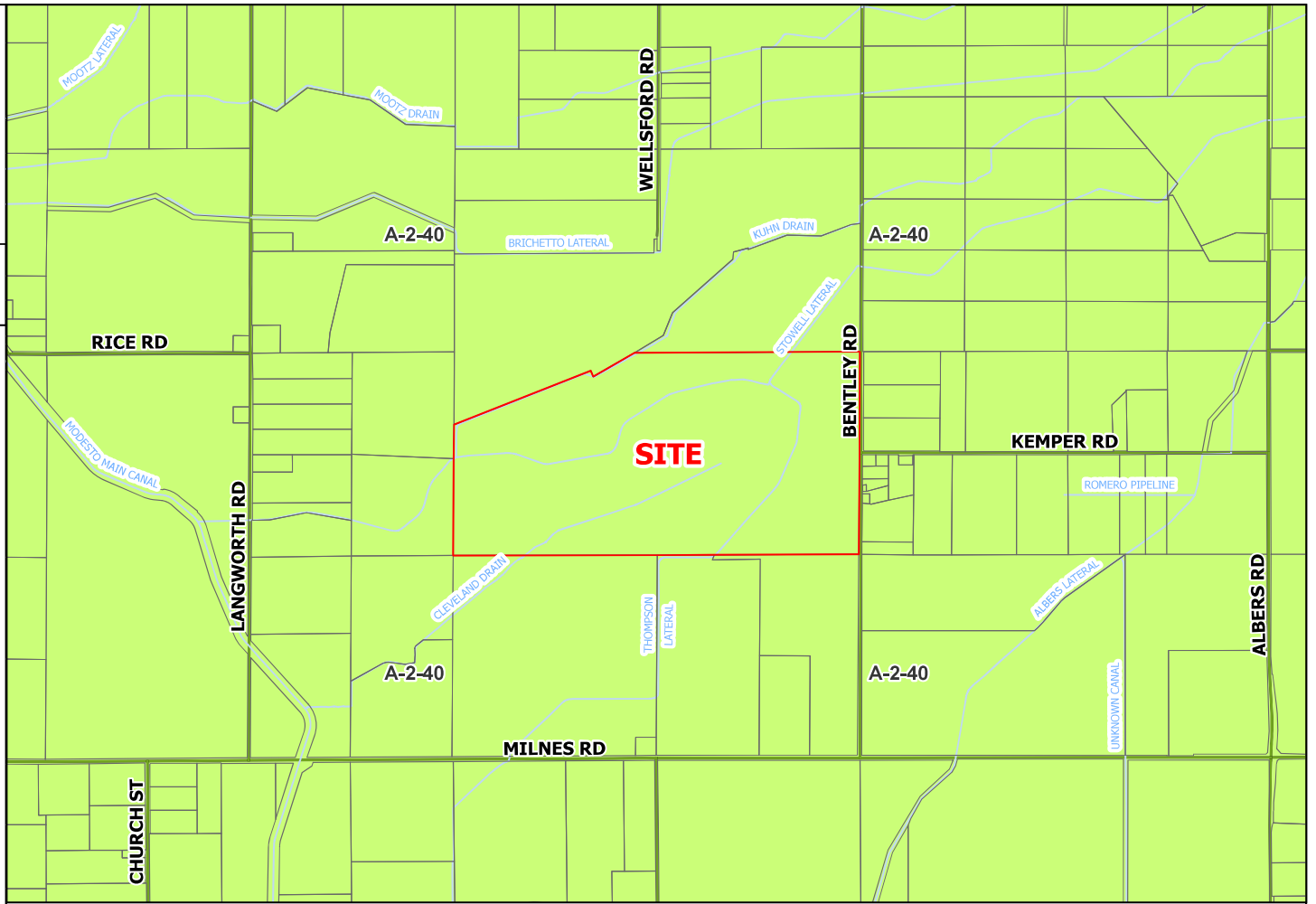
### ZONING

#### LEGEND

-  Project Site
-  Parcel
-  General Agriculture 40 Acre
-  Canal
-  Street



Source: Planning Department GIS Date Exported: 6/25/2024







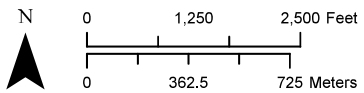
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## UP PLN2024-0005

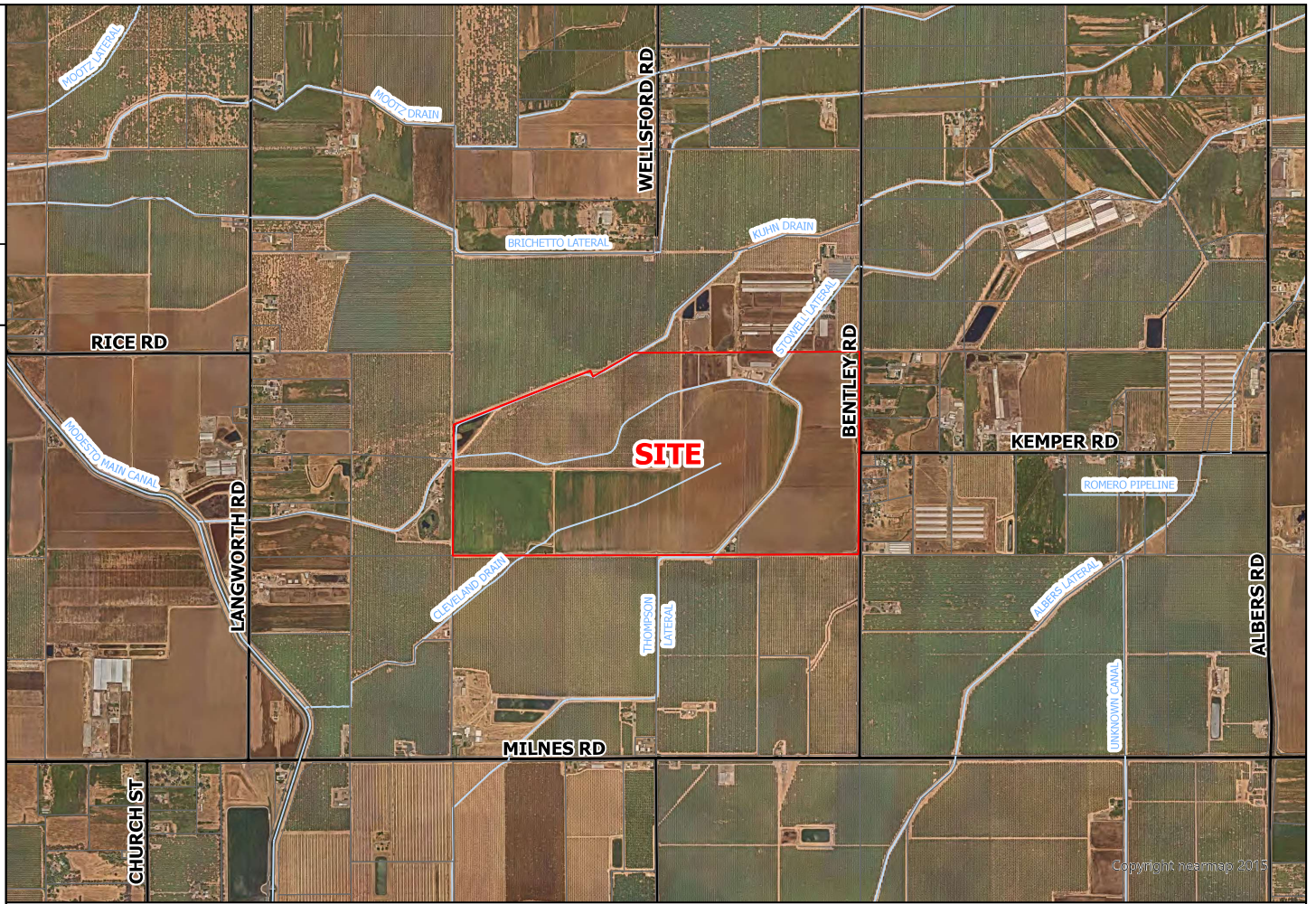
2023 AERIAL AREA MAP

### LEGEND

-  Project Site
-  Parcel
-  Canal
-  Street



Source: Planning Department GIS Date Exported: 6/25/2024







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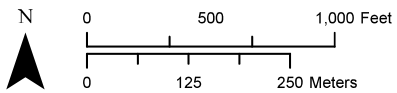
# BA Digester

## UP PLN2024-0005

2023 AERIAL SITE MAP

### LEGEND

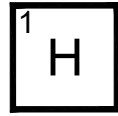
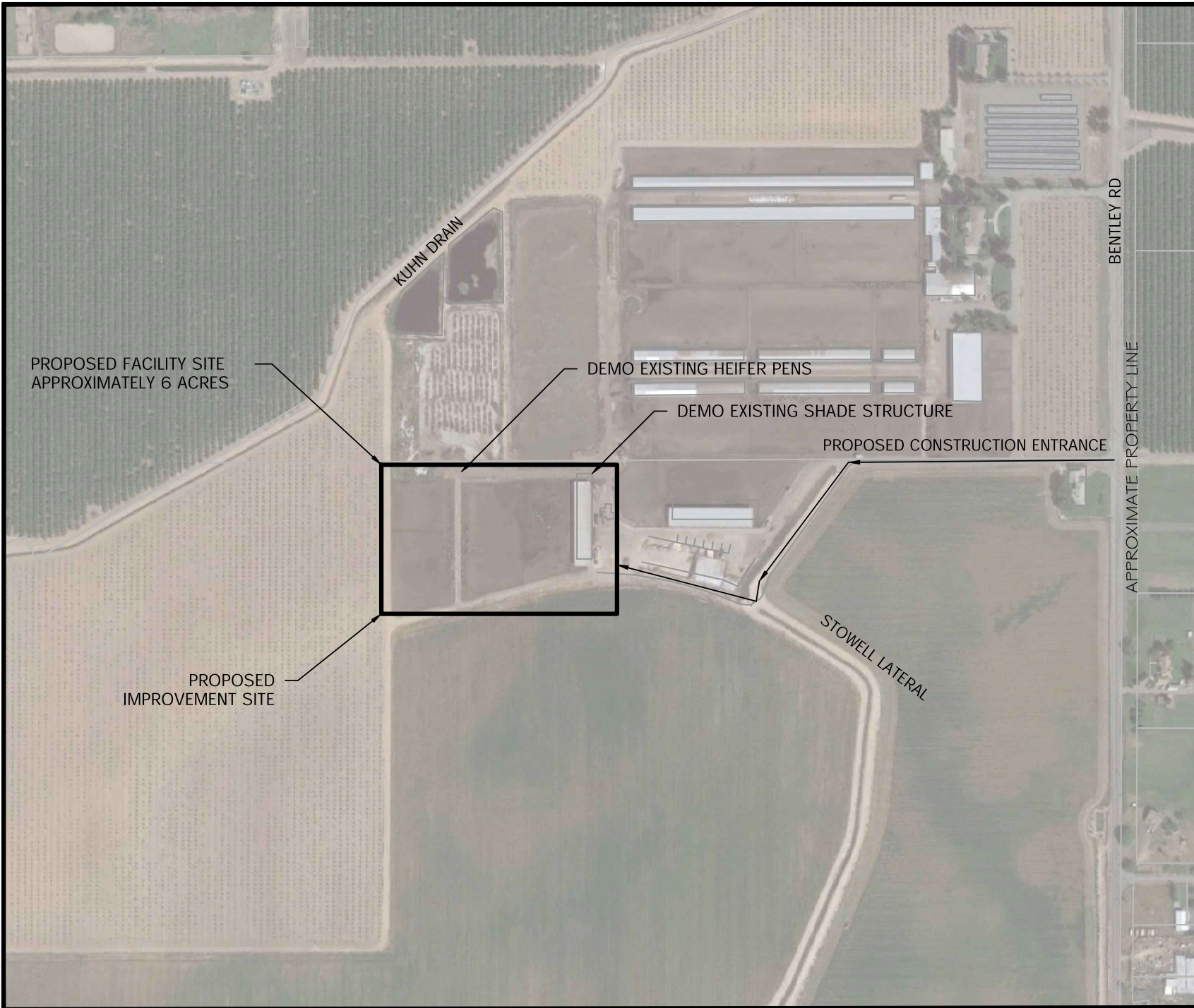
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-  Parcel
-  Canal
-  Street



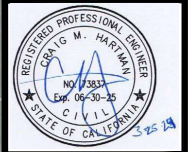
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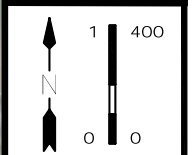


**HARTMAN**  
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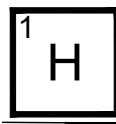
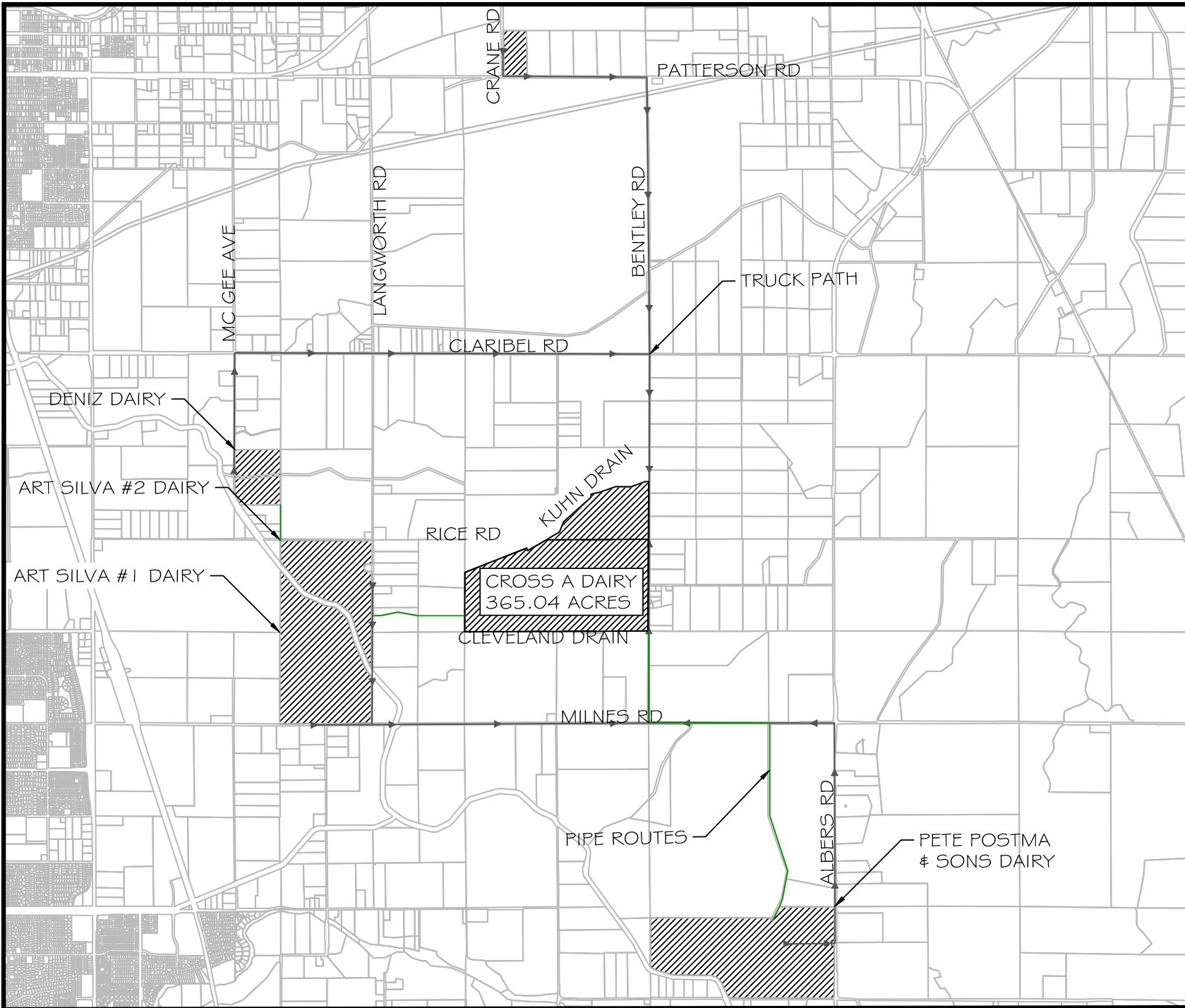


**PROJECT**  
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4125 BENTLEY RD  
OAKDALE, CA 95361  
**CLIENT**  
SROM, LLC  
1588 N BATAVIA ST  
STE 1C  
ORANGE, CA 92867

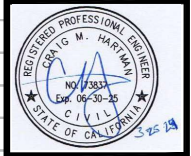
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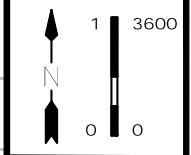


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**PROJECT**  
ALGERS CLUSTER  
CROSS A DAIRY  
4125 BENTLEY RD  
OAKDALE, CA 95361  
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SROM, LLC  
1588 N BATAVIA ST  
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ORANGE, CA 92867

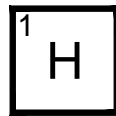
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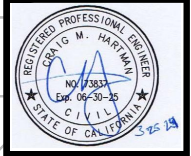
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SHEET NO. 1 OF 8

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EXHIBIT B-6



**HARTMAN**  
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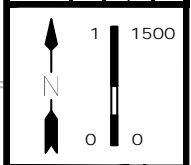


**PROJECT**  
ALGERS CLUSTER  
CROSS A DAIRY  
4125 BENTLEY RD  
OAKDALE, CA 95361  
**CLIENT**  
SROM, LLC  
1588 N BATAVIA ST  
STE 1C  
ORANGE, CA 92867

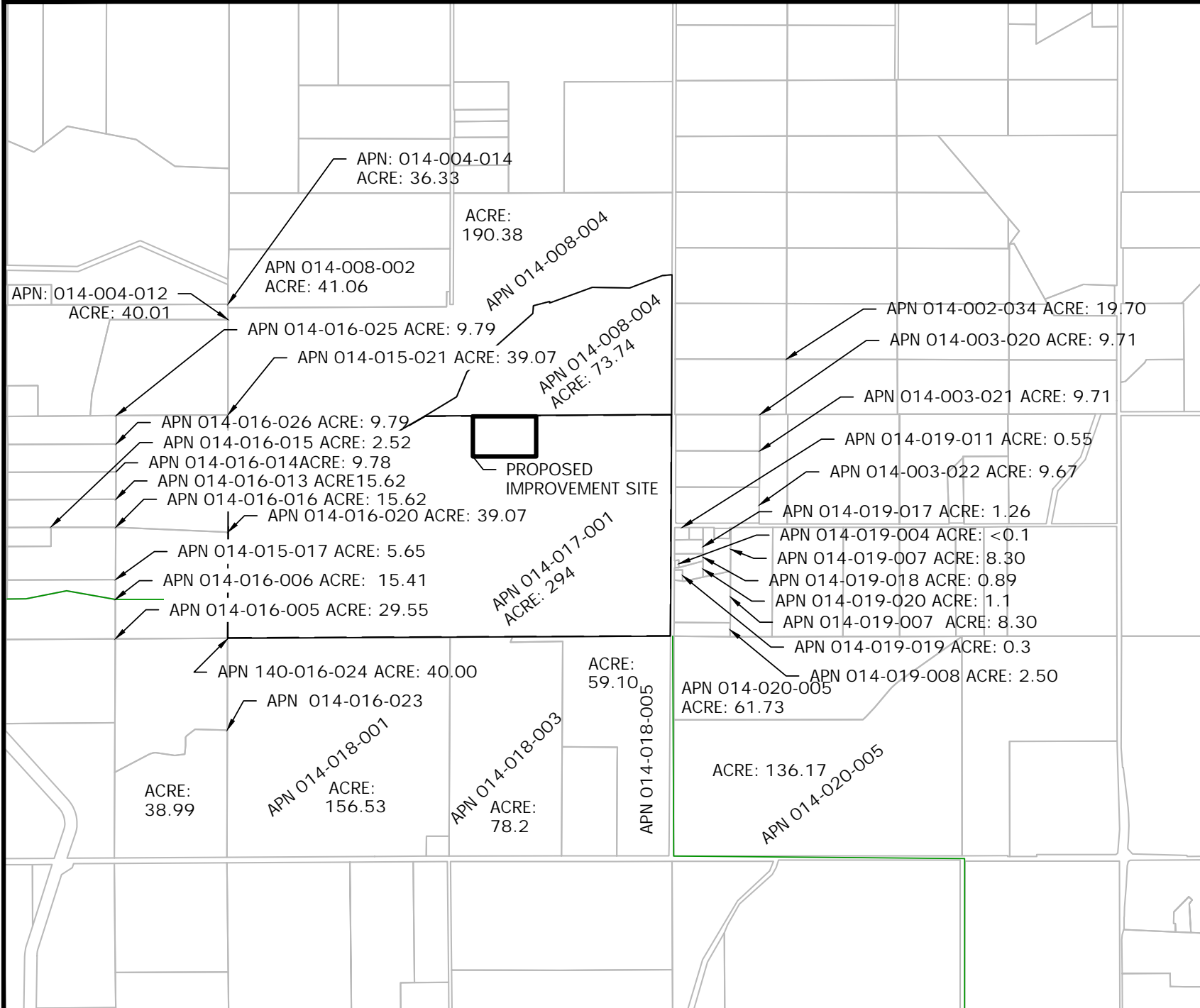
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SURROUNDING PARCELS

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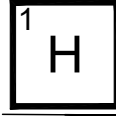
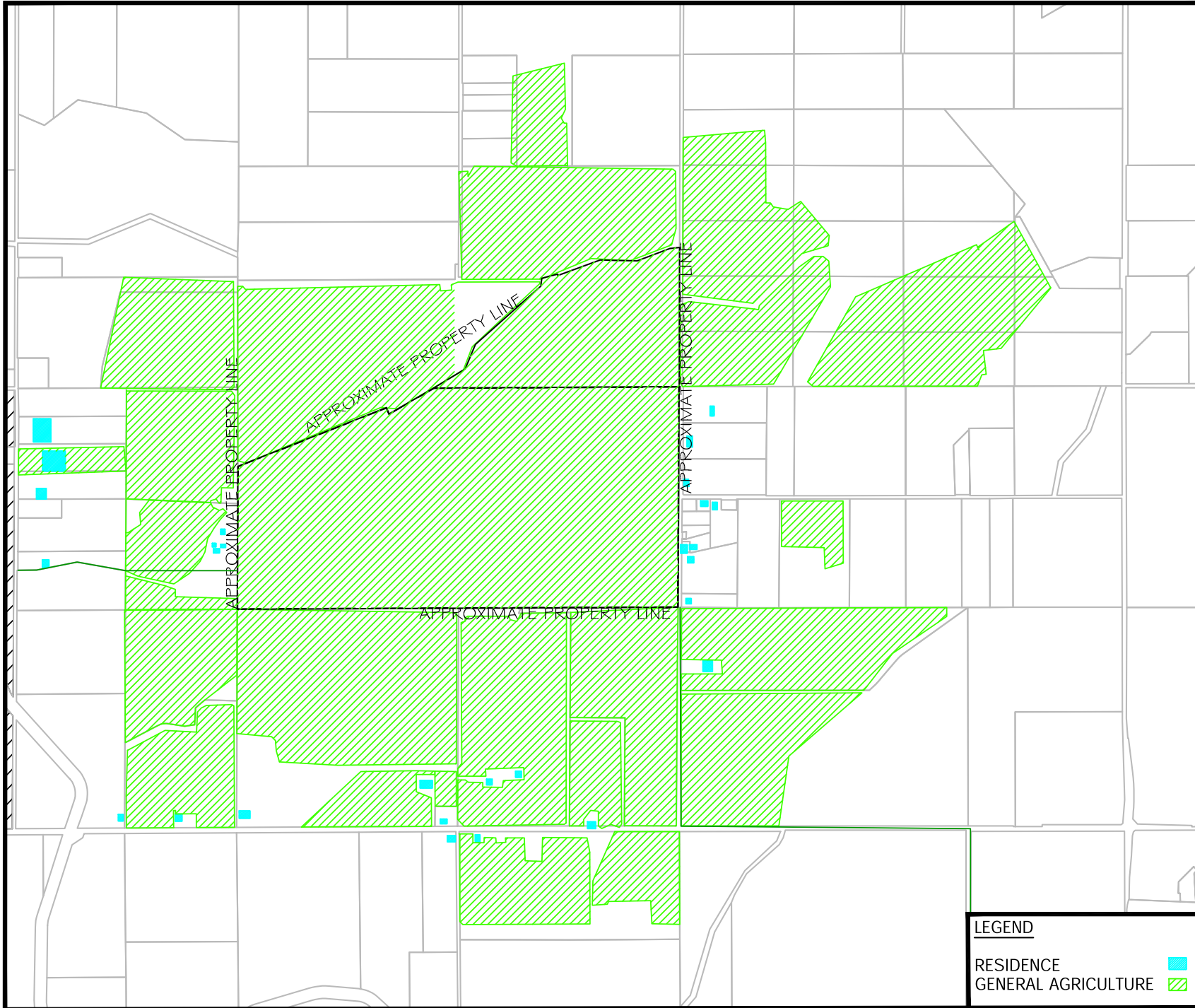


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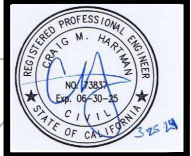
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EXHIBIT B-8

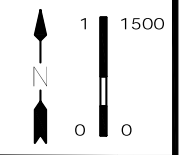


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**PROJECT**  
ALGERS CLUSTER  
CROSS A DAIRY  
4125 BENTLEY RD  
OAKDALE, CA 95361  
**CLIENT**  
SROM, LLC  
1588 N BATAVIA ST  
STE 1C  
ORANGE, CA 92867

ALGERS DAIRY CLUSTER	LAND USE	REVISION LOG:	DRAW BY:	CHK BY:
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**LEGEND**

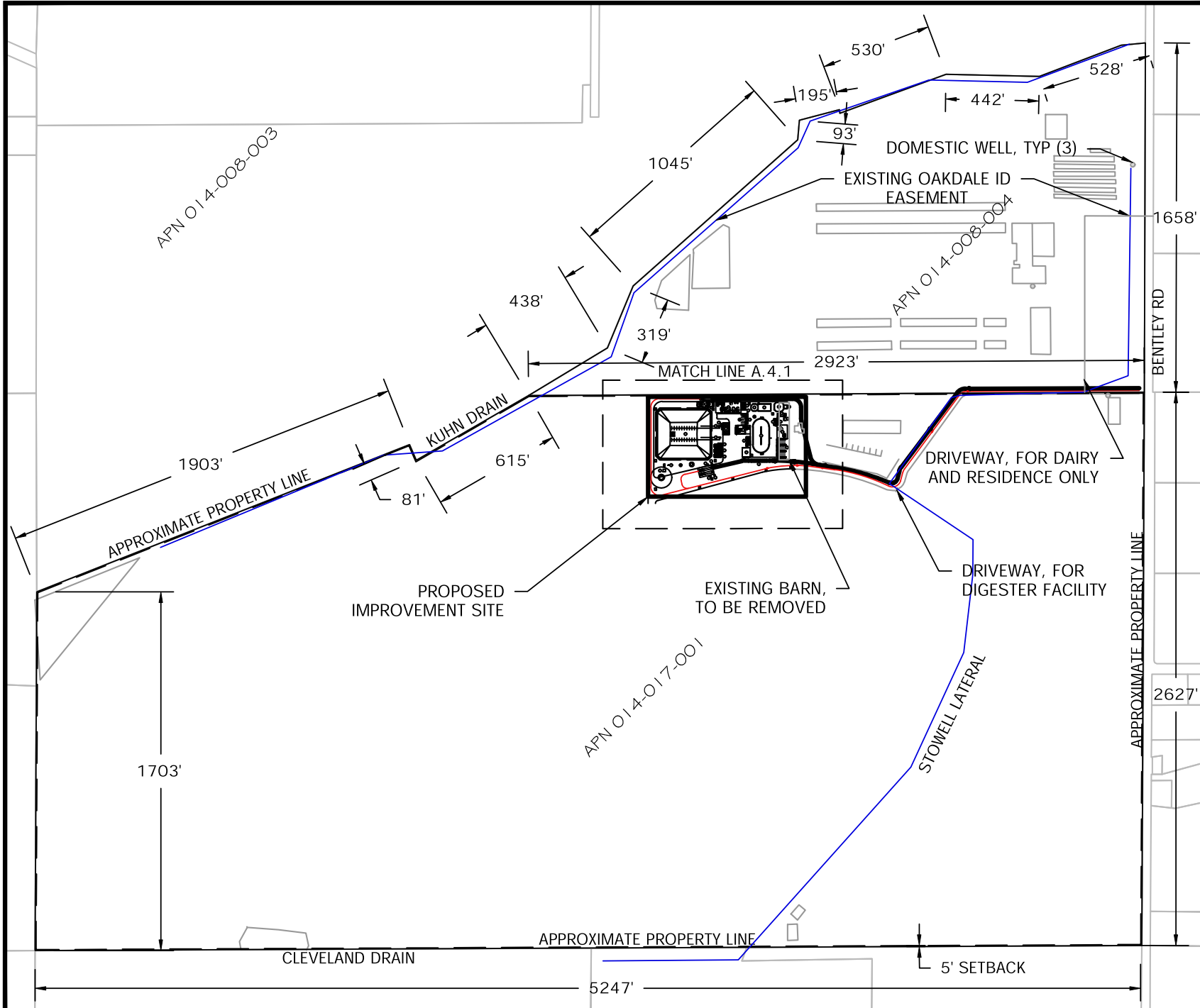
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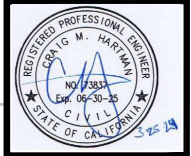


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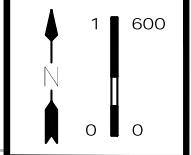


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VISALIA, CA 93291  
(559) 463-0444

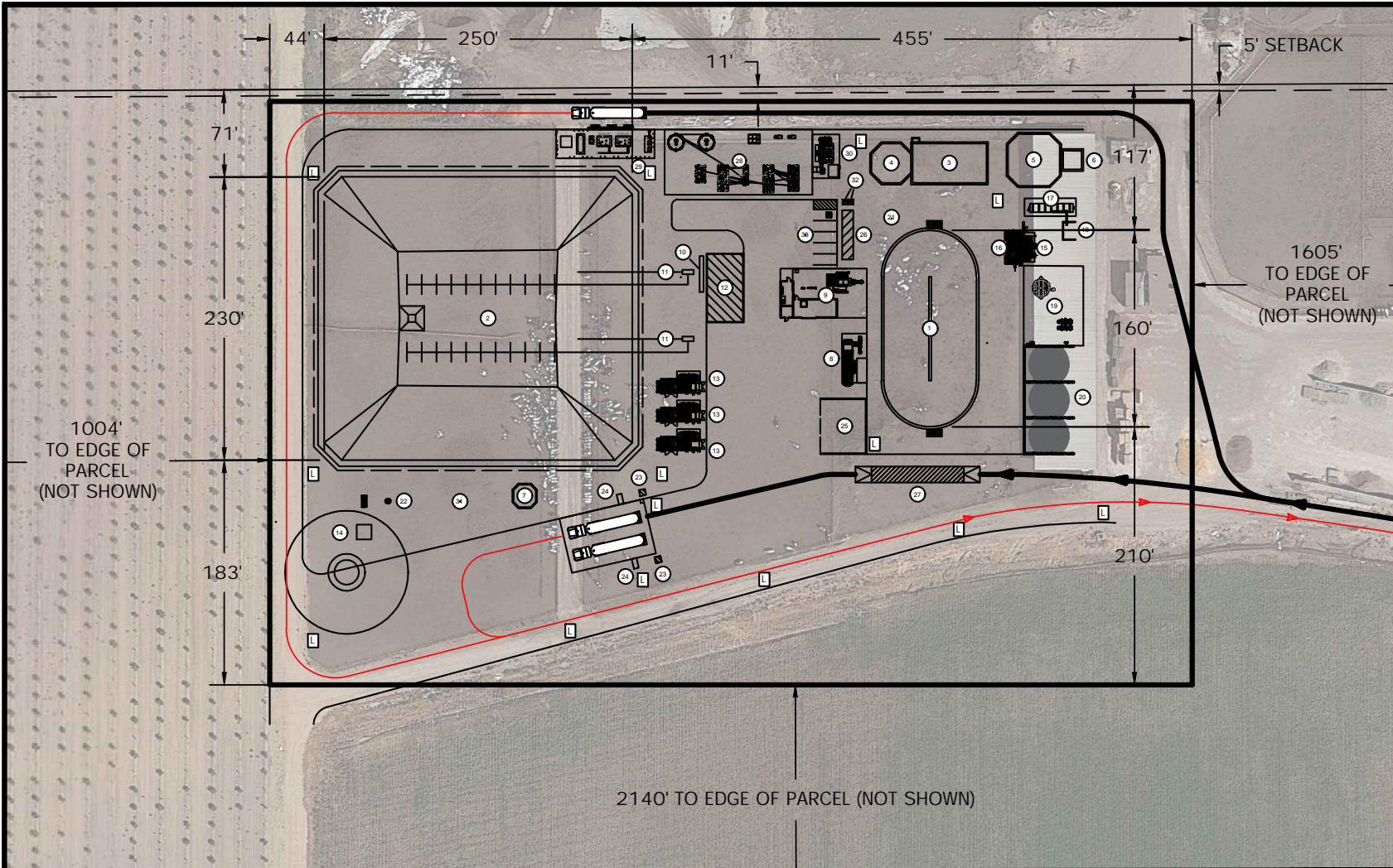


**PROJECT**  
ALGERS CLUSTER  
CROSS A DAIRY  
4125 BENTLEY RD  
OAKDALE, CA 95361  
**CLIENT**  
SROM, LLC  
1588 N BATAVIA ST  
STE 1C  
ORANGE, CA 92867

ALGERS DAIRY CLUSTER SITE PLAN	VERSION: 1.4	CHK BY:
REVISION LOG:		DRW BY:



DATE: 03.25.24  
JOB#: 23039  
SCALE: AS SHOWN  
SHEET NO. 4 OF 8

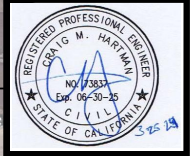


2140' TO EDGE OF PARCEL (NOT SHOWN)

**1**  
**H**

**HARTMAN**  
ENGINEERING

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

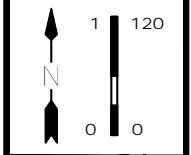


**PROJECT**  
ALGERS CLUSTER  
CROSS A DAIRY  
4125 BENTLEY RD  
OAKDALE, CA 95361  
**CLIENT**  
SROM, LLC  
1588 N BATAVIA ST  
STE 1C  
ORANGE, CA 92867

ALGERS DAIRY CLUSTER SITE PLAN - IMPROVEMENT AREA	REVISION LOG:	VERSION: 1.4	CHK BY:

SITE PLAN LEGEND

- |   |  |  |
|---|--|--|
| 1. HYDROLYZER LWR (163'X79'X12) OCCUPIED SPACE: NO                      | 17. SEDITANK GRIT REMOVAL (14'X41) OCCUPIED SPACE: NO                  | 33. PARKING SPACES (53'X20) AT GRADE/ OCCUPIED SPACE: NO |
| 2. ANAEROBIC DIGESTER (230'X250'X9) OCCUPIED SPACE: NO                  | 18. GRIT COLLECTION AREA WITH PUSH WALL (15'X11'X4) OCCUPIED SPACE: NO | 34. ASPHALT CONCRETE OR PORTLAND CEMENT                  |
| 3. PROCESSING PIT (34.5'X62.5) AT GRADE/ OCCUPIED SPACE: NO             | 19. BEDDING PASTEURIZING SHED (65'X48.5'X20) OCCUPIED SPACE: NO        | 35. ACCESSIBLE SPACE: 9' WIDE SPOT WITH 8' WIDE LOADING  |
| 4. HYDROLYZER EQUALIZATION PIT (L34.5'X33) AT GRADE/ OCCUPIED SPACE: NO | 20. STACKING AREA (88'X41) AT GRADE/ OCCUPIED SPACE: NO                | TOTALING 17' X 20'                                       |
| 5. FLUSH PIT (44.5'X44.5) AT GRADE/ OCCUPIED SPACE: NO                  | 21. MONITORING WELL (R:2.2) AT GRADE/ OCCUPIED SPACE: NO               | 36. STANDARD SPOTS 15' X 20'                             |
| 6. MANURE COLLECTION PIT (18'X18) AT GRADE/ OCCUPIED SPACE: NO          | 22. CONDENSATE WELL (R: 2.2) AT GRADE/ OCCUPIED SPACE: NO              | TOTALING 60' X 20'                                       |
| 7. DIGESTER EQUALIZATION PIT (20'X20) AT GRADE/ OCCUPIED SPACE: NO      | 23. LIQUID RECEIVING STATION (5'X5) 2 TYP. OCCUPIED SPACE: NO          | 37. DIRECTION OF TRAFFIC (AT GRADE)                      |
| 8. BIOFEEDER (42.5'X20) OCCUPIED SPACE: NO                              | 24. DIGESTER FILLING STATION (8'X4) 2 TYP. OCCUPIED SPACE: NO          | 38. LIGHTS (TYP. 14)                                     |
| 9. HYDROLYZER LWR (70'X40'X12) OCCUPIED SPACE: NO                       | 25. RECEIVING PAD WITH PUSH WALL (45.5'X38'X4) OCCUPIED SPACE: NO      |  |
| 10. DIGESTER HEAT EXCHANGER (29'X3) OCCUPIED SPACE: NO                  | 26. OFFICE TRAILER (40'X9'X20) OCCUPIED SPACE: YES                     |  |
| 11. DIGESTER JET MIXING SYSTEM (12.5'X228) 2 TYP. OCCUPIED SPACE: NO    | 27. TRUCK SCALE (13'X101) OCCUPIED SPACE: NO                           |  |
| 12. UTILITY BUILDING (56'X30'X20) OCCUPIED SPACE: NO                    | 28. BIOGAS UPGRADER (53'X120'X30) OCCUPIED SPACE: NO                   |  |
| 13. COMBINED HEAT AND POWER ENGINES (18.5'X35'X15) OCCUPIED SPACE: NO   | 29. COMPRESSION STATION (53'X20) OCCUPIED SPACE: NO                    |  |
| 14. SAFETY FLARE (12'X12'X20) & BLOWER (L9.5'X4) OCCUPIED SPACE: NO     | 30. REGENERATIVE THERMAL OXIDIZER (22'X35.5) OCCUPIED SPACE: NO        |  |
| 15. SCREEN SEPARATORS (24'X10'X30) OCCUPIED SPACE: NO                   | 31. WATER STORAGE TANK (7.5'R) OCCUPIED SPACE: NO                      |  |
| 16. THICKENING PIT (14'X27) AT GRADE/ OCCUPIED SPACE: NO                | 32. PORTABLE WASHROOM/ OCCUPIED SPACE: NO                              |  |

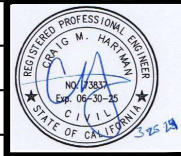


DATE:	03.25.24
JOB#	23039
SCALE:	A5 SHOWN
SHEET NO.	5 OF 8

	STRUCTURE	DIMENSIONS	SQ FT	HEIGHT	OCCUPANCY
1	HYDROLIZER LWR	163' X 79'	12,877	12	OUTDOOR; NO OCCUPANCY
2	ANAEROBIC DIGESTER	230' X 250'	57,500	9	OUTDOOR; NO OCCUPANCY
3	PROCESSING PIT	34.5' X 62.5'	2,156	AT GRADE	OUTDOOR; NO OCCUPANCY
4	HYDROLYZER EQUALIZATION PIT	34.5' X 33'	1,139	AT GRADE	OUTDOOR; NO OCCUPANCY
5	FLUSH PIT	44.5' X 44.45'	1,980	AT GRADE	OUTDOOR; NO OCCUPANCY
6	MANURE COLLECTION PIT	18' X 18'	324	AT GRADE	OUTDOOR; NO OCCUPANCY
7	DIGESTER EQUALIZATION PIT	20' X 20'	400	AT GRADE	OUTDOOR; NO OCCUPANCY
8	BIOFEEDER	42.5' X 20'	850	20	OUTDOOR; NO OCCUPANCY
9	HYDROLYZER LWR	70' X 40'	2,800	12	OUTDOOR; NO OCCUPANCY
10	DIGESTER HEAT EXCHANGER	29' X 3'	87	AT GRADE	OUTDOOR; NO OCCUPANCY
11	DIGESTER JET MIXING SYSTEM	12.5' X 228'	2,850	AT GRADE	OUTDOOR; NO OCCUPANCY
12	UTILITY BUIDLING	56' X 30'	1,680	20	ENCLOSED; USE ONLY
13	COMBINED HEAT AND POWER ENGINES	18.5' X 35'	648	15	OUTDOOR; NO OCCUPANCY
14	SAFETY FLARE	24' X 12'	288	20	OUTDOOR; NO OCCUPANCY
14	BLOWER	9.5' X 4'	38	4	OUTDOOR; NO OCCUPANCY
15	SCREEN SEPARATORS	24' X 10'	240	30	OUTDOOR; NO OCCUPANCY
16	THICKENING PIT	14' X 27'	378	AT GRADE	OUTDOOR; NO OCCUPANCY
17	SEDITANK GRIT REMOVAL	14' X 41'	574	30	OUTDOOR; NO OCCUPANCY
18	GRIT COLLECTION AREA WITH PUSH WALL	15' X 11'	165	4	OUTDOOR; NO OCCUPANCY
19	BEDDING PASTEURIZING SHED	65' X 48.5'	3,153	20	OUTDOOR; NO OCCUPANCY
20	STACKING AREA	88' X 41'	3,608	AT GRADE	OUTDOOR; NO OCCUPANCY
21; 22	WELL	R 2.20	15	AT GRADE	OUTDOOR; NO OCCUPANCY
23	LIQUID RECEIVING STATION	5' X 5'	25	AT GRADE	OUTDOOR; NO OCCUPANCY
24	DIGESTER FILLING STATION	8' X 4'	32	15	OUTDOOR; NO OCCUPANCY
25	RECEIVING PAD WITH PUSH WALL	45.5' X 38'	1,729	4	OUTDOOR; NO OCCUPANCY
26	OFFICE TRAILER	40' X 9'	360	20	ENCLOSED; 4 PLUS VISITORS
27	TRUCK SCALE	13' X 101'	1,313	AT GRADE	OUTDOOR; NO OCCUPANCY
28	BIOGAS UPGRADER	53' X 120'	6,360	30	OUTDOOR; NO OCCUPANCY
29	COMPRESSION STATION	53' X 20'	1,060	30	OUTDOOR; NO OCCUPANCY
30	REGENERATIVE THERMAL OXIDIZER	22' X 35.5'	781	30	OUTDOOR; NO OCCUPANCY



**HARTMAN**  
ENGINEERING  
308 W OAK  
VISALIA, CA 93291  
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PROJECT  
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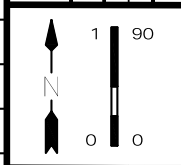
ALGERS DAIRY CLUSTER  
STRUCTURE SPECIFICATIONS

VERSION: 1.4

CHK BY:

REVISION LOG:

DRW BY:

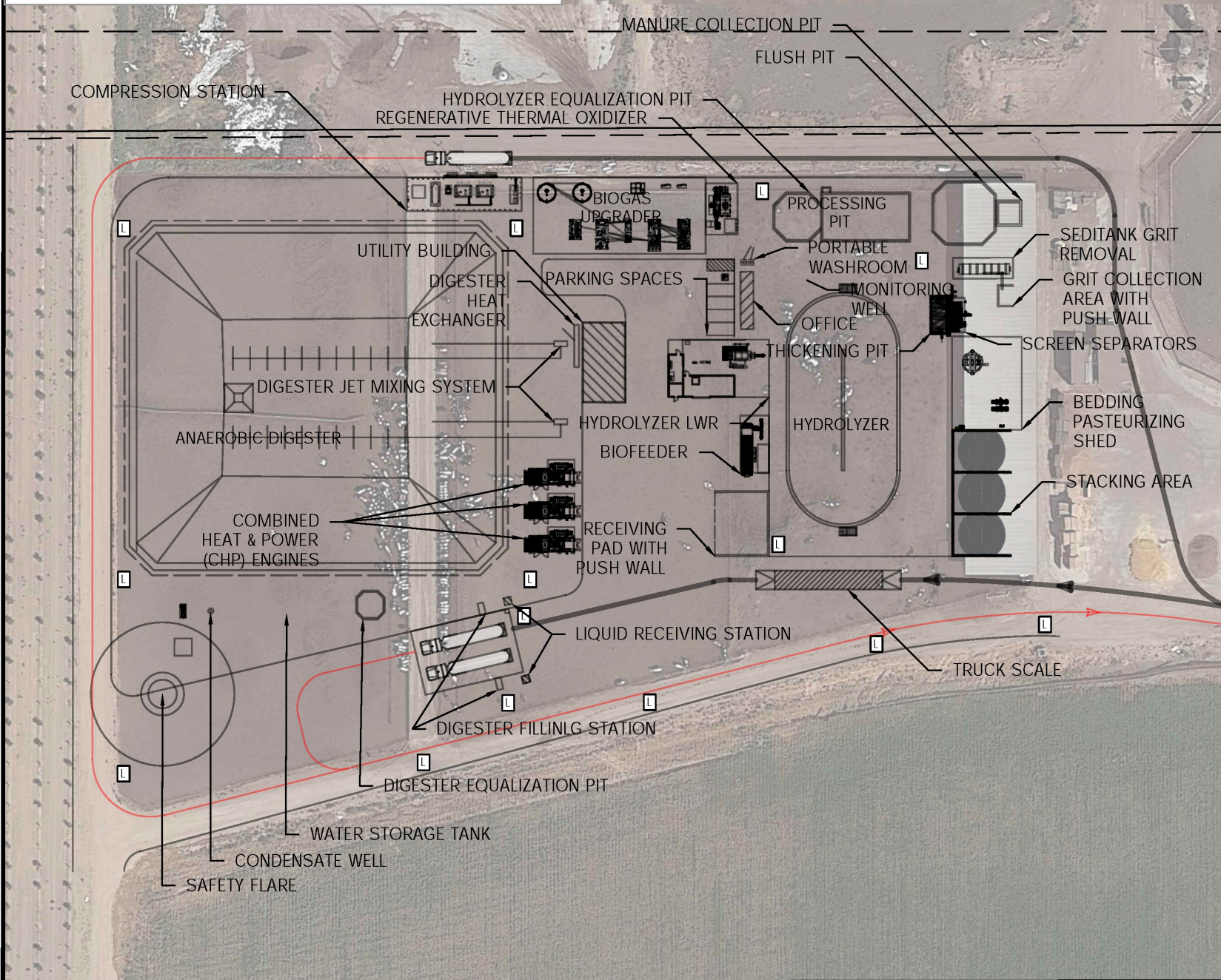


DATE: 03.25.24  
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SCALE: AS SHOWN  
SHEET NO. 6 OF 8

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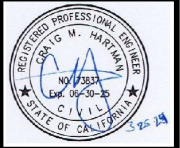
EXHIBIT B-11

THERE ARE NO EXISTING OR PROPOSED WELLS OR SEPTIC TANKS AT THE PROJECT SITE.  
 ARROWS DENOTE THE DIRECTION OF TRAFFIC.  
 "L" INDICATES LIGHTING.



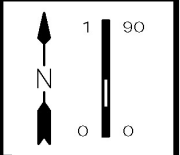
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**HARTMAN ENGINEERING**  
 308 W OAK  
 VISALIA, CA 93291  
 (559) 463-0444



**PROJECT**  
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DATE: 03.25.24  
 JOB#: 23039  
 SCALE: AS SHOWN  
 SHEET NO. 7 OF 8

20

EXHIBIT B-12

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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. PLN2024-0005 BA DIGESTER**

#### **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, the applicant is required to pay a California Department of Fish and Wildlife 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 **\$3,025.75**, 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 future building permits, a photometric lighting plan shall be submitted for review and approval by the Planning Department for any additional 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. Building permits are required and the project must conform with the California Code of Regulations, Title 24.

**Department of Public Works**

9. No parking, loading, or unloading of vehicles shall be permitted within the County road right-of-way.
10. The developer will be required to install or pay for the installation of any street signs and/or markings, if warranted.
11. 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.
12. The storage depth outside of any gate shall be adequate for trucks coming off the road. The entry vehicles shall not block any travel lane or shoulder. If the storage depth is inadequate, it may require that the fence be moved further into the property, or a deceleration lane be installed.
13. A pipeline maintenance agreement shall be recorded prior to the issuance of an encroachment permit for installation of a pipeline crossing a County road.
14. Bentley Road is classified as a 60-foot local road. The required ½ width of Bentley Road is 30 feet west of the centerline of the roadway. The existing right of way is 20 feet west of the centerline. The remaining 10 feet west of the centerline shall be dedicated as an Irrevocable Offer of Dedication.
15. No grading shall be performed without first obtaining a Grading Permit. An application for a Grading Permit shall be submitted to the County Department of Planning and Community Development prior to the commencement of any grading, clearing, excavating, filling or other disturbance of natural terrain.

- a. New development and re-development projects shall contain all storm drainage on-site.
- b. Storm drainage facilities shall be designed using a 100-year, 24-hour storm. The drainage facility shall be capable of dewatering the 100-year, 24-hour storm within 48 hours. Calculations for the storm drainage capacity and dewatering shall be submitted to the County engineer for approval.
  - i. A comprehensive soils report shall be submitted for the proposed project. The soils report shall be prepared, stamped, and signed by a licensed geotechnical engineer experienced in soil. It shall include R-values taken at the site with a map showing the locations and depths of the test samples.
  - ii. Submit a completed Regulated Project Worksheet per the Stanislaus County 2015 Post-Construction Standards Plan.
  - iii. Regulated Project Volume Reduction Calculations, signed and stamped by a registered civil engineer licensed to practice in California, shall be submitted for each drainage management area and must include any control measure(s) that meet the volumetric sizing criteria.
  - iv. An Operation and Maintenance Plan and owner-signed and notarized Statement of Responsibility is required for all proposed treatment control measures.
- c. Dischargers of stormwater associated with construction activity that result in the disturbance of one acre or more of land area shall apply for and obtain coverage under 2022 Construction General Permit.

**Department of Environmental Resources (DER) – Environmental Health Division**

16. Prior to issuance of a building permit or business license, the property owner shall verify to Stanislaus County DER that the property use does not or will not constitute a public water system. At the time the use constitutes a public water system, the applicant shall submit an application for water supply permit and associated technical report to the State Water Boards.
17. Prior to issuance of any grading or building permit, the applicant(s) shall submit a site plan that includes the location, layout and design of all-existing and proposed on-site wastewater treatment systems (OWTS) and the Future 100% Expansion (Replacement) Areas.
18. Any new proposed OWTS shall be by individual Primary and Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X.

19. Any new building requiring an OWTS, shall be designed according to type and/or maximum occupancy of the proposed structure to the estimated waste/sewage design flow rate.
20. The applicant(s) shall demonstrate and secure any necessary permits for the destruction/relocation of all OWTS and/or water wells impacted or proposed by this project, under the direction of the Stanislaus County DER.
21. All applicable County Local Agency Management Program (LAMP) standards and required setbacks are to be met.

**Department of Environmental Resources (DER) – Hazardous Materials Division**

22. The applicant shall determine, to the satisfaction of DER, that a site containing (or formerly containing) residences or farm buildings, or structures, has been fully investigated (via Phase I study, and if necessary, Phase II study) prior to the issuance of any grading permit. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of DER.

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

23. 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.
24. Prior to final of any building permit, the property owner/operator shall contact the SJVAPCD to determine if any SJVAPCD rules or permits are required, including, but not limited to, a Permit to Operate (PTO), Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rules 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

**Oakdale Irrigation District (OID)**

25. OID access for continued operations, maintenance, and future replacement of OID facilities shall not be hindered by the proposed project, including project traffic. Establishment of an alternative access route within the project site may be necessary during OID maintenance or replacement activities on the Stowell Lateral.
26. Gates and fences shall not be placed across OID rights-of-way without OID's prior written approval. Where fencing is approved, OID shall maintain access through the fence gates at all times.
27. OID shall not be responsible for the maintenance of the proposed all-weather access along the Stowell Lateral easement and right-of-way. Pavement shall not be permitted without an approved OID encroachment permit.



28. Permanent structures, light poles, electrical poles, guy wires, and trees shall not be permitted within OID's rights-of-way or easements. Overhead electric wires, buried conduits, and pipelines may be permitted to cross perpendicularly to OID facilities provided an OID encroachment permit is obtained.
29. Private facilities shall not be placed or installed parallel to OID facilities within OID's rights-of-way or easements.
30. The project shall not drain or discharge into OID facilities.
31. Any future pipelines from donor dairies shall not be placed or installed parallel to OID facilities within any OID rights-of-way or easements.

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

32. Prior to operation, the developer/applicant 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).

**California Department of Resources Recycling and Recovery (CalRecycle)**

33. Prior to operation, the developer/applicant shall be responsible for contacting CalRecycle to determine if permitting and/or inspections are required, pursuant to In-Vessel Digestion Operations and Facilities outlined under Title 14, California Code of Regulations (14 CCR) Section 17896.5.

\*\*\*\*\*

*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. PLN2024-0005 – BA Digester
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:** Kristen Anaya, Senior Planner  
(209) 525-6330
4. **Project location:** 3943 Bentley Road, between Milnes and Claribel Roads, in the Modesto area.  
(APN: 014-017-001)
5. **Project sponsor's name and address:** Ignacio Sanchez, BA Digester LLC  
1588 N Batavia St., Ste. 1C  
Orange, CA 92867
6. **General Plan designation:** Agriculture
7. **Zoning:** General Agriculture (A-2-40)
8. **Description of project:**

This is a request to operate a methane digester to process dairy wastewater produced from the on-site dairy (Cross A Dairy) and five off-site dairies, on a 294± acre parcel in the General Agriculture (A-2-40) zoning district. The proposed facility will serve as a digester hub to process dairy wastewater produced from the on-site dairy (Cross A Dairy) and five off-site dairies within 2.5± miles of the project site. The project parcel is currently developed with two single-family dwellings, 70± acres of orchard, 170± acres of row crops, and a portion of the Cross A Dairy facility consisting of heifer pens, two freestall barns, and feed storage. Cross A Dairy currently operates on the project parcel and the parcel immediately to the north, further identified as Assessor Parcel Numbers (APNs) 014-017-001 and 014-008-004, respectively. The project proposes to demolish heifer pens and one freestall barn in order to develop a six-acre area, containing: a 1.3± acre covered anaerobic digester; appurtenant digester equipment including a hydrolyzer; various processing, thickening, flush, and collection pits; jet mixing systems, a biogas upgrader; a biofeeder; three combined heat and power engines; screen separators; and a regenerative thermal oxidizer. The project will also install a 1,680 square-foot utility building for storage and a 360 square-foot office trailer for operations and management. The six-acre project area will be paved and will include five parking stalls adjacent to the office. Feedstock for the digester will consist of manure waste from existing dairies. The break-down process within the proposed covered anaerobic digester (with a five-acre-foot capacity) produces biogas and a slurry of digestate, which is the degraded organic material. Digestate produced from the digester will be pumped to a storage lagoon on the parcel to be applied to farmed acreage agronomically, and nutrients within the digestate will be land-applied in accordance with the donor dairies' respective nutrient and waste management plans. The captured biogas is pre-treated to ensure hydrogen sulfide (H<sub>2</sub>S) levels in the biogas are suitable for use in the upgrader where carbon dioxide (CO<sub>2</sub>) and methane are separated. The treated methane stream is the renewable natural gas (RNG) byproduct that is then upgraded and compressed on-site until it is viable to be injected into a RNG pipeline. RNG that is not at levels for injection into the pipeline is re-processed through the upgrader. The "on-spec" captured biogas by-product will then be transferred via trucks to an off-site injection point. Upon initial development, wastewater will be trucked in from off-site dairies; however, the applicant anticipates that an underground pipeline system will gradually be installed within the County road right-of-way to pipe wastewater from each of the six donor dairies to the proposed digester. As mentioned, digestate coming out of the digester will be transferred 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. Manure solids will be filtered out and used for normal dairy operations including bedding and crop fertilizer at each dairy.

The digester will operate 24 hours a day/seven days a week. Up to two employees will be on-site Monday through Friday, 8:00 a.m. to 5:00 p.m. and be on-call in case of emergencies. Up to 40 truck trips per-day are anticipated to transport biogas, RNG and dairy wastewater. Once pipeline infrastructure is in place, the facility anticipates up to 10 truck trips per-day. Two employee trips will occur per weekday. The project site is currently served by several private wells, including domestic wells serving the residences, a monitoring well, and condensate well. The existing residences are also served by private septic systems. The project site has existing access to County-maintained Bentley Road via a 40-foot-wide, approximately 2,000± foot long all-weather driveway located on APN 014-017-001, immediately north of the project parcel, currently used for dairy facility traffic. The project site is currently enrolled in Williamson Act Contract No. 71-147 and will remain enrolled if approved.

- 9. Surrounding land uses and setting:** Irrigated agriculture, confined animal facilities, and rural residences in all directions; Modesto Irrigation District Main Canal to the southwest; the Hetch Hetchy right-of-way and Mootz Lateral to the north; and the Oakdale Irrigation District Albers Lateral to the east.
  
- 10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Department of Public Works  
Stanislaus County Department of Environmental Resources  
San Joaquin Valley Air Pollution Control District  
Stanislaus County Planning and Community Development Department, Building Permits Division  
Central Valley Regional Water Quality Control Board
  
- 11. Attachments:** I. Project Description

**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 Kristen Anaya, Senior Planner

**October 15, 2024**  
 \_\_\_\_\_  
 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. The surrounding area is comprised of irrigated agriculture, confined animal facilities, and rural residences in all directions, the Modesto Irrigation District Main Canal to the southwest, the Hetch Hetchy right-of-way and Mootz Lateral to the north, and the Oakdale Irrigation District Albers Lateral to the east. Buildings in the surrounding area primarily consist of metal, wood, and stucco agricultural and residential buildings. As part of this request, the project proposes to demolish heifer pens and one freestall barn in order to develop a six-acre area, containing a 1.3± acre covered anaerobic digester, appurtenant digester equipment including a hydrolyzer, various processing, thickening, flush, and collection pits, jet mixing systems, a biogas upgrader, a biofeeder, three combined heat and power engines, screen separators, and a regenerative thermal oxidizer. The project will also install a 1,680 square-foot utility building for storage and a 360 square-foot office trailer for operations and management. The six-acre project area will be paved. As the site is already developed with a portion of a dairy facility consisting of metal freestanding barns and metal storage structures, aesthetics associated with the project site are not anticipated to change as a result of this project, nor impact aesthetics of the greater surrounding area. No new structures are proposed to be installed on the parcel to the north which contains the primary portion of the dairy facility that will be served by the digester. 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 office and utility building, to be obtained from the Stanislaus County Building Permits Division, and that all building permits for the proposed structures and equipment be finalized prior to operation.

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

**Mitigation:** None.

**References:** Application information; Stanislaus County Zoning Ordinance; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>II. AGRICULTURE AND FOREST RESOURCES:</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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. 71-147 and is classified as “Confined Animal Agriculture,” “Prime Farmland,” and “Unique Farmland” by the California Department of Conservation’s Farmland Mapping and Monitoring Program. The six-acre portion of the project site where the proposed digester will be developed will be located within the area classified as Confined Animal Agriculture. The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that the project site is primarily comprised of San Joaquin sandy loam, 0 to 3 percent slopes (California Revised Storie Index Rating: 16 and Class 4); and Snelling sandy loam, 0 to 3 percent slopes (Storie Index Rating: 93 and Class 2). 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 16 as very poor, and 93 as excellent. The class system corresponds to the irrigated capability class, demonstrating suitability of different kinds of soils for most field crops. Soils with Class 2 have moderate limitations that reduce the choice of plants or require moderate conservation practices, and Class 4 soils have very severe limitations that reduce the choice of plants or require careful management, or both. Stanislaus County considers land that meets at least one of the following requirements to be prime farmland under the Uniform Rules: parcels comprised of Class 1 or 2 soils; parcels with a Storie Index Rating of 80 to 100; parcels comprised of irrigated pastureland which supports livestock, or are 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. While portions of the project parcel meet the definition of prime farmland, the six-acre project area is located entirely on portions of the parcel that consist of non-prime soils. However, the project site meets the definition of prime farmland under the County’s Uniform Rules as the parcel is used as a dairy facility and

planted in corn, oats, forage crops and almonds. The project site receives irrigated water from OID, and private irrigation wells. 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 (A-2-40) which allows dairies as a ministerially 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, the proposed digester will serve as a hub to process manure wastewater slurry from the on-site dairy as well as five off-site dairies within a 2.5 mile radius. Due to the use of the digester for processing waste from multiple dairies, discretionary approval is required to permit the operation. Within the A-2 zoning district, the County has determined that certain uses related to agricultural production are "necessary for a healthy agricultural economy" and can be permitted as a Tier One or Two Use Permit provided specific criteria can be met and if specific findings can be made.

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. Surrounding parcels in agricultural production that are also enrolled under the Williamson Act are adjacent to the project site on all sides and range in size from 523± acres to 21± acres and planted in row and forage crops, and almonds. 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. Up to two employees will be on-site Monday through Friday, 8:00 a.m. to 5:00 p.m. and be on-call in case of emergencies. In addition to the two vehicle round trips for the employees, the applicant anticipates up to 40 roundtrips per-day for trucks transporting dairy waste to the project site and renewable natural gas (RNG) off-site to an existing pipeline connection. 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 Oakdale Irrigation District (OID). The project was referred to OID which responded that the proposed driveway access from Bentley Road appears to be located along OID's 60-foot-wide prescriptive right-of-way (ROW) for the Stowell and Thompson Lateral open ditches, and 30-foot-wide deeded easement for the pipeline portion of the Stowell Lateral. Their comment letter addresses the need for OID operations, maintenance, and future replacement of OID facilities not be hindered by project operations or traffic, and that alternative access may be necessary during OID maintenance activities within the affected section of the Stowell Lateral. They also indicated that gates may not be placed across their ROW without written approval, nor will OID be responsible for maintenance of the proposed all-weather access. They will require an agreement for use of the ROW, and any permanent structures including light poles and electrical poles may not be permitted within their ROW, nor will the project be permitted to discharge or drain into OID facilities. They also indicated that pipelines installed as part of the project may not be permitted to be placed within OID ROWs or easements. Their comments will be incorporated into the project as conditions of approval.

The surrounding area is comprised of irrigated agriculture, confined animal facilities, and rural residences in all directions, the Modesto Irrigation District Main Canal to the southwest, the Hetch Hetchy right-of-way and Mootz Lateral to the north, and the Oakdale Irrigation District Albers Lateral to the east. The project site will continue to operate as a dairy and the proposed digester is located within an already disturbed portion of the project site associated with the dairy facility.



Existing on-site and adjacent farming and dairy operations are proposed to continue unaffected by the proposed request. Accordingly, the project 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.

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; Referral response received from Oakdale Irrigation District, dated July 11, 2024; 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 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 digester will operate 24 hours a day, seven days a week. A maximum of two employees are anticipated on-site five days a week, from 8:00 a.m. to 5:00 p.m. In addition to the two round vehicle trips for the employees, the applicant anticipates up to 40 roundtrips per-day for trucks transporting dairy waste on-site for processing, and for transporting renewable natural gas (RNG) bi-product off-site to an existing pipeline connection.

The project who was referred to the SJVAPCD who did not provide comments on the project. The project may be subject to the following District Rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 Nuisance, Rules 4601 Architectural Coatings, and 4641 Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations. A condition of approval will be placed on the project requiring that the applicant be in compliance with the District’s rules and regulations

prior to issuance of a building permit. 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. Standard District recommendations include that the project utilize the cleanest available off-road construction equipment to reduce impacts from construction-related diesel exhaust emissions. The SJVAPCD also recommends the environmental document include a discussion on nuisance odors; however, Stanislaus County has adopted a Right-to-Farm Ordinance (§9.32.050) which states that inconveniences associated with agricultural operations, such as noise, odors, flies, dust, or fumes shall not be considered to be a nuisance if agricultural operations are consistent with accepted customs and standards.

Construction activities associated with the digester and equipment on the project site, and pipeline and transfer equipment on the off-site dairies under this request may require use of heavy-duty construction equipment. However, all construction activities are required to occur in compliance with all SJVAPCD regulations; therefore, construction emissions are anticipated to be less than significant without mitigation.

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 two vehicle roundtrips for up to two employees per-day, and 40 roundtrips for three heavy-duty trucks to transport of dairy waste to and from the site and transport of RNG off-site. Accordingly, the operation will have a maximum of 84 one-way trips per-day if all vehicle and truck trips occur on the same 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.

The closest sensitive receptor to the project site is a single-family dwelling located on the parcel to the north on a parcel under the same ownership (APN: 014-008-004), which is located approximately 0.17 miles from the digester area on the project site. The second closest receptor on a parcel under different ownership is a single-family dwelling located 0.25 miles from the digester area on a parcel to the east of the project site (APN: 014-003-020). Neither of the receptors are expected to be impacted by the project activities. Additionally, odors associated with construction are not expected to impact off-site receptors, as construction equipment and haul trucks will abide by best practices for equipment used during construction, and truck idling on-site.

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; 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; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; [www.valleyair.org](http://www.valleyair.org); CA Building Code; 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 regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
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 Waterford Quad of the California Natural Diversity Database. There are 12 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, tricolored blackbird, burrowing owl, longhorn beetle, stinkbells, beaked clarkia, Colusa grass, San Joaquin Valley Orcutt grass, and Greenes tuctoria. There are no reported siting’s of any of the other aforementioned species listed within the Waterford Quad on the project site. The nearest documented siting of a special-status species is a reporting of American bumble bee approximately 1.75 miles to the south; however, this record indicates the species as presumed extant from this location. 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 half of the project site adjacent to the existing dairy facility.

An Early Consultation was referred to the California Department of Fish and Wildlife and the U.S. Fish and Wildlife, and no responses were 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 migratory corridors are considered to be less than significant.

**Mitigation:** None.

**References:** Application information; California Department of Fish and Wildlife’s Natural Diversity Database Quad Species List and Spotted Owl Viewer; 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:** It does not appear this project will result in significant impacts to any archaeological or cultural resources. The project site is improved with a dairy facility, residential, and accessory structures. The remaining balance of the project site is planted in corn, oats, forage crops, and almonds. As part of this request, the project proposes to demolish heifer pens and one freestall barn in order to develop a six-acre area, containing a 1.3± acre covered anaerobic digester, appurtenant digester equipment including a hydrolyzer, various processing, thickening, flush, and collection pits, jet mixing systems, a biogas upgrader, a biofeeder, three combined heat and power engines, screen separators, and a regenerative thermal oxidizer. The project will also install a 1,680 square-foot utility building for storage and a 360 square-foot office trailer for operations and management. The six-acre project area will be paved. No new structures are proposed to be installed on the off-site dairy. Conditions of approval will be placed on the project, requiring that any construction activities shall be halted, if any resources are found, until appropriate agencies are contacted, and an archaeological survey is completed.

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

**Mitigation:** None.

**References:** Application information; 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.

As stated above in Section III - *Air Quality*, the proposal includes the use of a digester, associated equipment, and office in order to process dairy waste produced from the on-site dairy and from five off-site dairies located within a 2.5 mile radius of the project area. The slurry of dairy waste from each dairy will be processed through the digester and associated equipment by a gas collection and water filtration system to convert greenhouse gases (GHG) to Renewable

Natural Gas (RNG), which will be trucked off-site. The project was referred to the San Joaquin Valley Air Pollution Control District (SJVAPCD) who did not comment on the project; however, as discussed in Section III – *Air Quality*, the operation of the digester may be subject to a Permit to Operate (PTO) from the Air District and may be subject to the following District Rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 Nuisance, Rules 4601 Architectural Coatings, and 4641 Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations. A condition of approval will be placed on the project requiring that the applicant be in compliance with the District's rules and regulations prior to operation.

All construction activities shall be in compliance with Title 24 Energy requirements. Building permits will be required for the demolition of a freestall barn and for the following proposed improvements and structures on the project site: a 1.3± acre covered anaerobic digester, appurtenant digester equipment including a hydrolyzer, various processing, thickening, flush, and collection pits, jet mixing systems, a biogas upgrader, a biofeeder, three combined heat and power engines, screen separators, and a regenerative thermal oxidizer. Conditions of approval will be added to the project requiring that a building permit be obtained for the proposed office and that all building permits, for the structures and equipment to be utilized under this request, be finalized by the Stanislaus County Building Permits Division prior to operation. Additionally, any future construction activities will be required to occur in compliance with all SJVAPCD regulations.

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 84 one-way vehicle and truck trips associated with employee, RNG, and dairy waste deliveries. The trucks and equipment to operate the digester 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.

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; CEQA Guidelines; 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:			X	
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 San Joaquin sandy loam, 0 to 3 percent slopes and Snelling sandy loam, 0 to 3 percent slopes. 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. Any addition or expansion of a septic tank or alternative wastewater disposal system 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. The project was referred to the Stanislaus County Department of Public Works which responded requiring the applicant to obtain a grading permit prior to the commencement of any grading, clearing, excavating, filling or other disturbance of natural terrain. 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 DER, Public Works and the Building Permit Services Division’s requirements and standards will be applied to the project and will be triggered when the building permit for the office is applied for or if any future building or grading permit is requested.

The Department of Environmental Resources (DER) 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); any new building requiring an OWTS, shall be designed according to type and/or maximum occupancy of the proposed structure to the estimated waste/sewage design flow rate; prior to issuance of any grading or building permit, the applicant(s) shall submit a site plan that includes the location, layout and design of all-existing and proposed OWTS and the future 100% expansion (replacement) areas; and that all applicable County Local Agency Management Program (LAMP) standards and required setbacks are met. Their comment letter also indicated that a water supply permit shall be obtained at any point that the property use triggers public water system standards. Their comments will be incorporated into the project as conditions of approval.

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; United States Department of Agriculture NRCS Web Soil Survey; Referral response from the Department of Public Works, dated July 29, 2024; Referral response from the Department of Environmental Resources (DER) – Environmental Health Division, dated July 1, 2024; 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.

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 associated equipment, office and utility building 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) which includes minimum statewide standards to significantly reduce GHG emissions from new construction. 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 emissions.

Direct emissions of GHGs from the operation of the proposed project are primarily due to the employee vehicle trips, truck trips to transport RNG off-site and maintenance truck trips, 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 16 one-way vehicle and truck trips 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 equipment will ultimately be used to power heavy duty trucks rather than using gasoline for the trucks.

This project was referred to the San Joaquin Valley Air Pollution Control District (SJVAPCD) who did not comment on the project. As discussed in Section III – *Air Quality*, a Permit to Operate (PTO) may be required to be obtained from the SJVAPCD for the proposed project prior to operation. The project may also be subject to other applicable Air District permits including but not limited to the following District Rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 Nuisance, Rules 4601 Architectural Coatings, and 4641 Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations. 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; California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11); ; 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) indicated that the project is not anticipated to have a significant impact on the environment in terms of hazards and hazardous materials, and requested that the developer conduct a Phase I or Phase II study prior to the issuance of a grading 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 Environmental Health 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 also be added as conditions of approval.

Animal waste resulting from daily operations from both dairies are managed through Waste Management Plans (WMPs) and Nutrient Management Plans (NMPs), which are reviewed by the Central Valley Regional Water Quality Control Board (CVRWQCB). An NMP and WMP 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. The dairy waste slurry from the five off-site dairies will be delivered to the digester site via trucks; however, eventually a pipeline is proposed to be installed within the County right-of-way to allow the waste to be piped to the site. Slurry coming out of the digester will be trucked 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. Manure solids will be filtered out by screen separators and equipment on each dairy prior to the slurry being sent through the pipelines to the digester. All manure solids will be used for normal dairy operations including bedding and crop fertilizer at each respective dairy. The project was referred to Regional Water who did not respond to the project; however, all wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. Antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System (NPDES) and land discharge Waste Discharge Requirements (WDRs) permitting processes. Under CEQA, the CVRWQCB is a responsible state agency with the statutory responsibility to protect water quality in California's Central Valley. Current dairy facilities are able to comply with Regional Water and obtain coverage under the Order No. R5-2010-0130, Waste Discharge Requirements General Order for Dairies with Manure Anaerobic Digester or Co-Digester Facilities (Dairy Digester General Order) if the dairy facility has a digester on-site in order to comply with Regional Water regulations. The pond for the digester under this request is under the Dairy Digester General Order and subject to report all monitoring data collected regarding the performance of the digester's collection system in the Dairy's annual reports in order to comply with Regional Water regulations. The project as proposed may 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. Conditions of approval will be placed on the project requiring the applicant contact Regional Water in order to comply with any rules, regulations, required amendments for the WMPs or NMPs for either dairy, or to obtain any applicable permits from their department.

A referral response from CalRecycle indicated that they are the solid waste Enforcement Agency (EA) and responsible for regulatory oversight of solid waste handling activities, permitting, and inspections. Their comment letter indicated the project may be subject to regulatory permitting requirements for In-Vessel Digestion Operations and Facilities, pursuant to Title 14, California Code of Regulations. Furthermore, they requested that information related to capacity of the digester, feedstock, and transport of RNG be provided. The project description has been updated to reflect a five acre-feet capacity of the digester, feedstock consisting of dairy waste, and transportation of RNG to an off-site injection point via truck trips. A condition of approval will be added requiring the applicant to obtain all applicable permits from CalRecycle prior to operation.

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. 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. A maximum of two employees are anticipated on-site five days a week, from

8:00 a.m. to 5:00 p.m. 40 round trips for trucks transporting RNG off-site per-day are anticipated for the operation. 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 Oakdale Rural 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.

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; Referral response from the Department of Environmental Resources Hazardous Materials Division, dated July 10, 2024; Referral response from the Department of Environmental Resources - Health Division, dated July 1, 2024; Referral response from the CalRecycle, dated July 11, 2024; Department of Toxic Substances Control's Data Management System (EnviroStor); Stanislaus 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:			X	
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 is required to be submitted for the project, subject to Public Works review and conformance with their Standards and Specifications, as well as the submittal of a Storm Water Pollution Prevention Plan (SWPPP) prior to the approval of the grading plan. Accordingly, runoff associated with the construction at the proposed project site was reviewed as part of the grading review process and required to be maintained on-site. Based on comments received from the Department of Environmental Resources (DER), the project will be required to adhere to current Local Agency Management Program (LAMP) standards. LAMP standards include minimum setback from wells to prevent negative impacts to groundwater quality. The site is currently served by private septic systems and well. No new wells are proposed as part of this request. Any future 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 requires that 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. All applicable standards under Public Works and the DER will be addressed under the building permit review process for the office as well. These comments will be applied as conditions of approval and required prior to issuance of any building permits.

As discussed in Section IX – *Hazards and Hazardous Materials*, the project was referred to Regional Water who did not respond; however, all wastewater discharges must comply with their regulatory Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. Antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System (NPDES) and land discharge Waste Discharge Requirements (WDRs) permitting processes. 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. Current dairy facilities are able to comply with Regional Water and obtain coverage under the Order No. R5-2010-0130, Waste Discharge Requirements General Order for Dairies with Manure Anaerobic Digester or Co-Digester Facilities (Dairy Digester General Order) if the dairy facility has a digester on-site. The dairy is currently covered under the Dairy Digester General Order. The pond for the digester under this request will be under the Dairy Digester General Order and subject to report all monitoring data collected regarding the performance of the digester's collection system in the Dairy's annual reports in order to comply with Regional Water. Animal waste resulting from daily operations from both dairies are managed through Waste Management Plans (WMPs) and Nutrient Management Plans (NMPs), which are reviewed by Regional Water. An NMP and WMP 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. Upon initial development, wastewater will be trucked in from off-site dairies via a "virtual pipeline"; however, the applicant anticipates that an underground pipeline system is proposed to be installed within the County road right-of-way to pipe wastewater from each of the six donor dairies to the proposed digester. Wastewater coming out of the digester will be transferred 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. Manure solids will be filtered out and used for normal dairy operations including bedding and crop fertilizer at each dairy. No expansion of existing herd sizes will occur as a result of this project on either 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. The project may also 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. Conditions 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 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 Modesto Subbasin which is overseen by the Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA)

GSA. The Stanislaus and Tuolumne Rivers Groundwater Basin Association GSA GSP was adopted by the Stanislaus County Board of Supervisors and submitted to the Department of Water Resources (DWR) who determined the GSP to be incomplete. The GSA prepared a revised their GSP and resubmitted to DWR on July 11, 2024. Once a GSP is certified and adopted, the proposed dairy and associated digester is subject to the requirements of the GSP for the region which was adopted to minimize impacts to groundwater supplies.

The Department of Environmental Resources - Groundwater Resources Division provided a referral response for the project stating that they have no comments or concerns as the proposed project will not result in additional water use from the existing dairy's water supply.

The California Safe Drinking Water Act (California Health and Safety Code (CHSC) Section 116275(h)) defines a Public Water System as a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system includes the following:

1. Any collection, treatment, storage, and distribution facilities under control of the operator of the system that are used primarily in connection with the system.
2. Any collection or pretreatment storage facilities not under the control of the operator that are used primarily in connection with the system.
3. Any water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption.

The project was referred to the Department of Environmental Resources (DER) – Environmental Health Division which responded that a water supply permit is required at such a time that the project site meets public water system standards are triggered. If the existing well is ever required to become a Public Water System, the applicant must submit an application for a water supply permit with the associated technical report to Stanislaus County DER which will determine if the well water meets State mandated standards for water quality and must also obtain concurrence from the State of California Water Resources Control Board (SWRCB), Drinking Water Division, in accordance to CHSC Section 116527 (SB1263). If the well water does not meet State standards, the applicant may need to either drill a new well or install a water treatment system for the current well. This requirement will be added as a condition of approval for the project.

The project site is located within the boundaries of Oakdale Irrigation District (OID). The project was referred to OID which responded that the proposed driveway access from Bentley Road appears to be located along OID's 60-foot-wide prescriptive right-of-way (ROW) for the Stowell and Thompson Lateral open ditches, and 30-foot-wide deeded easement for the pipeline portion of the Stowell Lateral. Their comment letter addresses the need for OID operations, maintenance, and future replacement of OID facilities not be hindered by project operations or traffic, and that alternative access may be necessary during OID maintenance activities within the affected section of the Stowell Lateral. They also indicated that gates may not be placed across their ROW without written approval, nor will OID be responsible for maintenance of the proposed all-weather access. They will require an agreement for use of the ROW, and any permanent structures including light poles and electrical poles may not be permitted within their ROW, nor will the project be permitted to discharge or drain into OID facilities. They also indicated that pipelines installed as part of the project may not be permitted to be placed within OID ROWs or easements. Their comments will be incorporated into the project as conditions of approval.

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; Referral response from the Department of Environmental Resources - Environmental Health Division, dated July 1, 2024; Email received from the Department of Environmental Resources – Groundwater Division, dated June 28, 2024; Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Plan, revised July 2024, <https://www.strgba.org/Home/GSP>; Referral response received from Oakdale Irrigation District, dated July 11, 2024; 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 site 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 ministerially 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. The project site is currently improved with a portion of Cross A Dairy, which has been permitted to operate under building permits, on Assessor Parcel Numbers (APN) 014-008-004, located to the north of the project parcel, and 014-017-001, the project parcel. In this case the dairies included in the project are existing and are not proposing to expand under this request. The use of a covered digester and equipment to process dairy manure is considered 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 five off-site dairies within a 2.5 mile radius. The current request for a Tier Two Use Permit is obtained to allow processing of waste from multiple dairies.

Within the A-2 zoning district, the County has determined that certain uses related to agricultural production are “necessary for a healthy agricultural economy” and can be permitted as a Tier One or Two Use Permit provided 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. 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 project itself directly relates to the production of commercial agricultural products on the subject contracted parcel and on neighboring lands. A maximum of two employees are anticipated on-site for the operation and maintenance of the digester and associated biogas equipment. The proposed project includes a request to demolish heifer pens and a freestall barn for the existing on-site dairy.

The project site is currently enrolled in California Land Conservation Act (“Williamson Act”) Contract No. 71-147. 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. Surrounding parcels in agricultural production that are also enrolled under the Williamson Act are adjacent to the project site on all sides and range in size from 190± acres to 20± acres and planted in row and forage crops, and almonds. It is not anticipated that the proposed project will impact agricultural operations on the project site or surrounding parcels.

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. Two employees will be on-site five days a week, from 8:00 a.m. to 5:00 p.m. In addition to the two vehicle round trips for the employees, the applicant anticipates up to 40 round trips per-day for trucks transporting dairy waste to and from the served dairies, and for transporting renewable natural gas (RNG) bi-product off-site to an existing pipeline connection. The project was referred to the Stanislaus County Agricultural Commissioner’s Office which did not comment on the project.

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

**Mitigation:** None.

**References:** Application information; 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.

**Mitigation:** None.

**References:** Application information; 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 7:00 a.m. to 10:00 p.m. and 45 hourly Leq, dBA and 65 Lmax, dBA from 10:00 p.m. to 7:00 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 receptor to the project site is a single-family dwelling located on the adjacent dairy to the north that will be served by the digester under this proposal (APN: 014-008-004), which is located approximately 0.17 miles from the digester area on the project site. The second closest receptor is a single-family dwelling located 0.25 miles from the digester area on a parcel to the east of the project site. Noise impacts associated with on-site activities and traffic are not anticipated to exceed the normally acceptable level of noise. Additionally, agricultural activity, as defined within the County’s Right to Farm Ordinance (Section 9.32.010(B) of the County Code) 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 Bentley Road and neighboring agricultural operations.

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; 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	

**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) or the draft 2023 6<sup>th</sup> cycle 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.

**Mitigation:** None.

**References:** Application information; 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:			X	
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	

**Discussion:** This project was circulated to all applicable school, fire, police, and public works departments and districts including Riverbank Unified School District, Oakdale Joint Unified School District, Oakdale Rural Fire Protection District, Stanislaus County Sheriff’s Office, and the Stanislaus County Public Works Department during the Early Consultation referral period and no concerns were identified with regard to public services. 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.

It is not anticipated that the project would substantially affect the level of service on Bentley. 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’ Specifications, restrictions on loading, parking, unloading within the County right-of-way, that the storage depth outside of any gate be adequate for trucks coming off the road, that entry vehicles shall not block any travel lane or shoulder, and that if storage depth is inadequate, it may require fencing to be



moved further into the property or a deceleration lane be installed. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted. Additionally, Public Works has requested roadway dedications for Bentley Road. Currently, Bentley Road is classified as a 60-foot-wide local road. The required half-width of Bentley Road is 30-feet west of the centerline of the roadway; however, the existing right-of-way is only 20-feet south of the centerline. The remaining 10-feet west of the centerline shall be dedicated as an irrevocable offer of dedication. Additionally, Public Works specified that any pipeline crossing a County road shall be subject to review by Public Works and will require a pipeline maintenance agreement and an encroachment permit. Conditions of Approval reflecting Public Works' requests and requirements will be added to the project.

The project site is located within the boundaries of Oakdale Irrigation District (OID). The project site receives irrigated water from OID and private irrigation wells. The project was referred to OID which responded that the proposed driveway access from Bentley Road appears to be located along OID's 60-foot-wide prescriptive right-of-way (ROW) for the Stowell and Thompson Lateral open ditches, and 30-foot-wide deeded easement for the pipeline portion of the Stowell Lateral. Their comment letter addresses the need for OID operations, maintenance, and future replacement of OID facilities not be hindered by project operations or traffic, and that alternative access may be necessary during OID maintenance activities within the affected section of the Stowell Lateral. They also indicated that gates may not be placed across their ROW without written approval, nor will OID be responsible for maintenance of the proposed all-weather access. They will require an agreement for use of the ROW, and any permanent structures including light poles and electrical poles may not be permitted within their ROW, nor will the project be permitted to discharge or drain into OID facilities. They also indicated that pipelines installed as part of the project may not be permitted to be placed within OID ROWs or easements. Their comments will be incorporated into the project as conditions of approval.

**Mitigation:** None.

**References:** Application information; Referral response received from Oakdale Irrigation District, dated July 29, 2024; Referral response received from Stanislaus County Public Works Department, dated July 29, 2024; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XVI. RECREATION --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) 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?			X	
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?			X	

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

**Mitigation:** None.

**References:** Application information; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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

**Discussion:** The site has access to County-maintained Bentley Road, which is classified as 60-foot-wide local road, via a paved driveway with a width of 40± feet.

It is not anticipated that the project would substantially affect the level of service on Dodds Road. 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’ Specifications, restrictions on loading, parking, unloading within the County right-of-way, that the storage depth outside of any gate be adequate for trucks coming off the road, that entry vehicles shall not block any travel lane or shoulder, and that if storage depth is inadequate, it may require fencing to be moved further into the property or a deceleration lane be installed. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted. Additionally, Public Works has requested roadway dedications for Bentley Road. Currently, Bentley Road is classified as a 60-foot-wide local road. The required half-width of Bentley Road is 30-feet west of the centerline of the roadway; however, the existing ROW is only 20-feet west of the centerline. The remaining 10-feet west of the centerline shall be dedicated as an irrevocable offer of dedication. Additionally, the existing fence along the frontage of the property is within the ultimate ROW. Additionally, Public Works specified that any pipeline crossing a County Road shall be subject to review by Public Works and will require a pipeline maintenance agreement and an encroachment permit. Conditions of Approval reflecting Public Works’ requests and requirements will be added to the project.

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 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 84 total one-way vehicle and truck trips associated with this request. The VMT increase associated with the proposed project is less-than significant as the number of vehicle trips will not exceed 110 per-day.

The project site is located within the boundaries of the Oakdale Irrigation District (OID). The project was referred to OID which responded that the proposed driveway access from Bentley Road appears to be located along OID’s 60-foot-wide prescriptive right-of-way (ROW) for the Stowell and Thompson Lateral open ditches, and 30-foot-wide deeded easement for the pipeline portion of the Stowell Lateral. Their comment letter addresses the need for OID operations, maintenance, and future replacement of OID facilities not be hindered by project operations or traffic, and that alternative access may be necessary during OID maintenance activities within the affected section of the Stowell Lateral. They also indicated that gates may not be placed across their ROW without written approval, nor will OID be responsible for maintenance of the proposed all-weather access. They will require an agreement for use of the ROW, and any permanent structures including light poles and electrical poles may not be permitted within their ROW, nor will the project be permitted to discharge or drain into OID facilities. They also indicated that pipelines installed as part of the project may not be

permitted to be placed within OID ROWs or easements. A condition of approval will be applied to the project requiring the applicant to comply with OID’s comments.

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

**Mitigation:** None.

**References:** Application information; Governor’s Office of Planning and Research Technical Advisory, December 2018; Referral response received from Oakdale Irrigation District, dated July 11, 2024; Referral response received from Stanislaus County Department of Public Works, dated July 29, 2024; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XVIII. TRIBAL 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 tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California native American tribe, and that is:			X	
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.

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

**Mitigation:** None.

**References:** Application information; 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	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
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?			X	
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?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

**Discussion:** Limitations on providing services have not been identified. The project site is currently developed with existing wells and septic facilities. The Department of Public Works provided a referral response stating that a grading, drainage, and erosion/sediment control plan for the project shall be submitted for any building permit that will create a larger or smaller building footprint. A Storm Water Pollution Prevention Plan (SWPPP) will be required for future construction prior to the approval of any grading permit. These comments will be applied as conditions of approval. There are no additional wells proposed as part of this request. If in the future the facility results in the formation of a new Public Water System, then the project site will be subject to all applicable rules, regulations and standards as discussed above in the Hydrology and Water Quality Section of this document. A referral response received from DER requested 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 and required prior to issuance of any building permits.

The project site is located within the boundaries of the Oakdale Irrigation District (OID). The project was referred to OID which responded that the proposed driveway access from Bentley Road appears to be located along OID's 60-foot-wide prescriptive right-of-way (ROW) for the Stowell and Thompson Lateral open ditches, and 30-foot-wide deeded easement for the pipeline portion of the Stowell Lateral. Their comment letter addresses the need for OID operations, maintenance, and future replacement of OID facilities not be hindered by project operations or traffic, and that alternative access may be necessary during OID maintenance activities within the affected section of the Stowell Lateral. They also indicated that gates may not be placed across their ROW without written approval, nor will OID be responsible for maintenance of the proposed all-weather access. They will require an agreement for use of the ROW, and any permanent structures including light poles and electrical poles may not be permitted within their ROW, nor will the project be permitted to discharge or drain into OID facilities. They also indicated that pipelines installed as part of the project may not be permitted to be placed within OID ROWs or easements. A condition of approval will be applied to the project requiring the applicant to comply with OID's comments.

The project was referred to the Central Valley Regional Water Quality Control Board (CVRWQCB) which has regulatory requirements that would required any project to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) which will disturb one or

more acres of soil. A condition of approval will be placed on the project that the applicant shall comply with all applicable permits of Regional Water.

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

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

**Mitigation:** None.

**References:** Application information; Referral response received from Oakdale Irrigation District, dated July 11, 2024; Referral response received from Stanislaus County Department of Environmental Resources (DER) – Environmental Health Division, dated July 1, 2024; 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 a County-maintained road. The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Oakdale Rural 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. Building permits will be required for the proposed improvements and will be subject to review by the Building Permit Services Division and Fire Prevention Bureau as well, and all applicable standards will be required to be met. The digester will serve the existing dairy and five off-site dairy as part of this request. Wildfire risk and risks associated with postfire land changes are considered to be less-than significant.

**Mitigation:** None.

**References:** Application information; 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 site 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 ministerially 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. The project site is currently improved with a portion of Cross A Dairy, which has been permitted to operate under building permits, on Assessor Parcel Numbers (APN) 014-008-004, located to the north of the project parcel, and 014-017-001, the project parcel. In this case the dairies included in the project are existing and are not proposing to expand under this request. The use of a covered digester and equipment to process dairy manure is considered 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 five off-site dairies within a 2.5 mile radius. The current request for a Tier Two Use Permit is obtained to allow processing of waste from multiple dairies.

The surrounding area is comprised of irrigated agriculture, confined animal facilities, and rural residences in all directions, the Modesto Irrigation District Main Canal to the southwest, the Hetch Hetchy right-of-way and Mootz Lateral to the north, and the Oakdale Irrigation District Albers Lateral to the east. The project site will continue to operate as a dairy and the proposed digester is located within an already disturbed portion of the project site associated with the dairy facility. Existing on-site and adjacent farming and dairy operations are proposed to continue unaffected by the proposed request. Accordingly, the project 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 project site is currently enrolled in California Land Conservation Act (“Williamson Act”) Contract No. 71-147. It is not anticipated that the proposed project will impact agricultural operations on the project site or the surrounding parcels that are also under contract and in agricultural production.

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 migratory 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. 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, all of the immediately surrounding parcels located adjacent to the project site 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 42 vehicle and truck round-trips 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 to transportation from the 84 one-way truck and vehicle trips are anticipated. These trips are proposed to be further reduced at such a time as a pipeline to the off-site served dairies is constructed.

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; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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

June 23, 2023



Stanislaus County Redevelopment Department  
10<sup>th</sup> Street Place  
1010 10<sup>th</sup> Street #3400  
Modesto, CA 95354

**RE: Anaerobic Digester for Algers Cluster, located in Oakdale, California**

To Whom It May Concern,

The following application is for an anaerobic digester system and associated equipment by the developer Sierra Renewables Organics Management, LLC (SROM). SROM has permitted several other digester sites in San Joaquin County that are very similar to this project.

The facility will be on approximately 6 acres of existing cropland. There are no structures that will need to be demolished for this construction. The area is in FEMA Flood Zone Designation X. Zone X is an area of 0.2% Annual Chance Flood Hazard.

The dairy uses a flush system to clean manure from their barns. The flush effluent goes to a sand recovery system. The flushed manure will then be pumped to the sloped screens in order to generate bedding for use on the dairy. Supernatant from the sloped screens will be pumped to a process pit at the AD site. A portion of the supernatant will be used for dilution purposes. The remainder will be processed through an additional process step where solids will be concentrated prior to being pumped to the hydrolyzer.

In order to meet the target biogas production, solid manure will be trucked in from donor farms. The solid content is anticipated to be 35% upon delivery. Solid manure will be received at the live bottom receiving hoppers (50 cu.yds. each). From the live bottom hoppers, the manure will be conveyed to the injection screw mounted on the hydrolyzer.

The digester will have 2 stages: the first in a concrete, oval-shaped hydrolyzer; the second in an in-ground, Tier 1 double-lined, covered lagoon. There is a 10-foot "hazardous zone" around the digester within which open ignition sources cannot be permanently situated. As a result, system components using exhaust stacks are at least 15 feet from the exterior of the anaerobic digester. These structures are shown on the attached site map. Following digestion, digestate is pumped to a storage lagoon on the farm to be land-applied agronomically.

Biogas is continuously produced in the AD lagoon and is collected around the perimeter of the lagoon where it is continuously drawn off to the biogas upgrading system. The biogas is pre-treated to ensure hydrogen sulfide (H<sub>2</sub>S) levels in the biogas are suitable for use in the biogas upgrader where carbon dioxide and methane are separated. The methane stream (now RNG) is then sent to an on-site compression system and subsequently into the natural gas pipeline at a natural gas injection point a few miles from the dairy. The biogas upgrader, compression system, gas pipeline, and injection station are designed and supplied by Others. The PSA biogas upgrader processes biogas to produce pipeline-quality RNG. Off-specification RNG is redirected to the digester headspace and re-processed through the biogas upgrader.



A gas-burning flare as well as a pressure and vacuum relief valve are installed on the AD lagoon to manage excess gas production; these are safety elements intended to protect workers and equipment.

A hydronic boiler and heat exchanger heat incoming manure in the hydrolyzer and maintain the temperature at 104°F. The heated manure slurry is pumped and circulated through the AD lagoon using a recirculating jet mixing system. A second, smaller, heat exchanger is used to maintain a constant temperature within the AD lagoon. The heated digestate is pumped into and recirculated through the jet mixing system to distribute the heat throughout the AD lagoon.

Three CHPs will power the site. Natural Gas for the CHPs/heating system will be delivered via pipeline in the southwest corner of the site. The exact location is to be determined. There will be gas shutoff valves at each of the engines and where the natural gas enters the site.

The utility building will house the hydronic heating system, MCC and PLC/control room. The system described will operate independently but in coordination with the biogas upgrader.

The site will have two full-time-equivalent employees who will have access to office space in the office trailer. There will be 4 parking spaces plus 1 van-accessible handicap space on the site near the office. The enclosed spaces on site rated for occupancy include only the office trailer.

Security lighting will be placed throughout the site. Lights will be downward facing to prevent light pollution and protect the aesthetic of the facility.

Project roads, turnaround areas, and parking areas will be all-weather surfaces. Two-way roads will be at least 40' wide. One-way roads will be at least 25' wide.

The digester facility is separate from the existing dairy and ranch operations. There will be approximately 40 daily truck trips of manure and RNG. This project proposes 2 phases, the second of which will be to install a gas pipeline, which will eventually replace the virtual RNG pipeline. Donor dairies and their addresses are given in Table 1 below. The attached site plan shows proposed trucking routes for manure deliveries.

The digester system will operate 24/7. Automated equipment eliminates the need for constant operation, although there will be personnel available in case of an emergency. One employee will be on-site during business hours between 8-5, Monday through Friday.

This application package contains the following attachments:

ATTACHMENT A: CUP Application

ATTACHMENT B: CEQA Checklist

ATTACHMENT C: Site Plan

ATTACHMENT D: Consolidated Emergency Response Plan

Table 1: Donor Dairies

<b>Donor Dairy</b>	<b>Donor Dairy Address</b>
Cross A	4125 Bentley Rd, Oakdale, CA 95361
Pete Postma & Sons	1439 Albers Rd, Modesto, CA 95357
Art Silva #1	5201 Milnes Rd, Modesto, CA 95357
Art Silva #2	3701 Langworth Rd, Modesto, CA 95357
Osmundsun Crane Villa	6624 Crane Rd, Oakdale, CA 95361
Deniz (TD6)	4356 McGee Ave, Modesto, CA 95357

Best Regards,

Craig Hartman  
Hartman Engineering, Inc.

## PROCESS PHILOSOPHY – BA Digester, LLC

The following section outlines the process philosophy for the biogas system to be installed at BA Digester, LLC located in Oakdale, California. The purpose is to provide a high-level rationale and overview of the processes involved in the operation of a complete biogas system.

The biogas system was designed to allow for the efficient flow of materials through the overall process and individual project components while facilitating optimal system stability and energy output.

### HAZMAT Training:

It is the policy of the BA Digester, LLC is that the first consideration of work shall be the protection of the health and safety of all employees and the environment. Our Hazard Communication Program is to ensure that all employees receive adequate information and training about the possible hazards that may result from the various materials used in our operations prior to use. An inventory of HAZMAT on site and a collection of corresponding Safety Data Sheets will be maintained. All containers will be labeled to properly communicate the chemical name, hazard warnings, and name and address of the manufacturer. A spill kit will be on site and employees will be trained in how to appropriately use the spill kit as well as check Safety Data Sheets for appropriate response. In the event of a HAZMAT leak or spill on location, employees will be trained for immediate response, including evacuating to primary staging area (if necessary), notifying all appropriate personnel, isolating valves to stop flow, engaging E-Stop's to de-energize units (if necessary), clearing the area, barricading area w/ barriers and signage, verifying area is safe to work in and contacting a HAZMAT team if cleanup is required. Before starting site back up, all equipment and site grounds would be inspected and approved by site supervisor.

### Operation Statement:

The BA Digester LLC Project will receive manure from neighboring dairies barns and stalls via trucking companies and will use the manure as feedstock for the proposed lagoon digester on the BA Digester site. The BA Digester will produce methane gas, the site processing equipment will remove moisture and CO<sub>2</sub>. A combination of blowers, compressors, chillers, coolers, scrubbers, will clean the gas to utility pipeline specifications.

## **1.1 Pre-Anaerobic Digestion**

A number of processes are required to ensure the effective pre-processing and delivery of feedstocks to the anaerobic digester. This section outlines the process philosophy of material flow prior to anaerobic digestion.

### **1.1.1 Sloped Screen Separators**

The dairy uses a flush system to clean manure from their barns. The flush effluent goes to a sand recovery system. The flushed manure will then be pumped to the sloped screens in order to generate bedding for use on the dairy.

Supernatant from the sloped screens will be pumped to a process pit at the AD site. A portion of the supernatant will be used for dilution purposes. The remainder will be processed through an additional process step where solids will be concentrated prior to being pumped to the hydrolyzer.

### **1.1.2 Solids Receiving**

In order to meet the target biogas production, solid manure will be trucked in from donor farms. The solid content is anticipated to be 35% upon delivery. Solid manure will be received at the live bottom receiving hoppers (50 cu.yds. each). From the live bottom hoppers the manure will be conveyed to the injection screw mounted on the hydrolyzer.

### **1.1.3 Hydrolyzer Tank**

The solid manure conveyed to the hydrolyzer will be diluted to 12% TS. The manure slurry is conveyed into the hydrolyzer to pre-treat the manure and make it more bio-available to the microbes in the digestion process. The hydrolyzer is sized for a hydraulic residence time of 7 days. The hydrolyzer also provides a buffer so that the digester can continue to be fed on a regular schedule even if no feedstock is being delivered to the hydrolyzer.

Anaerobic Digester Lagoon

### **1.1.4 Anaerobic Digester**

The anaerobic digester is the heart of the biogas system. Hydrolyzed manure is delivered to the covered anaerobic digester lagoon via a pump and jet mixing system. The anaerobic digester has two primary outputs: digestate and biogas. A gas collection pipe is located around the perimeter of the covered AD lagoon where biogas collects and gets drawn off. There is a 10 foot “hazardous zone” around the digester within which open ignition sources cannot be permanently situated. As a result, system components using exhaust stacks are at least 15 feet from the exterior of the anaerobic digester.

A gas burning flare as well as a pressure and vacuum relief valve are installed on the AD lagoon to manage excess gas production; these are safety elements intended to protect workers and equipment.

## **1.2 Post-Anaerobic Digestion**

### **1.2.1 Digestate**

Digestate is pumped to a storage lagoon on the farm to be used as fertilizer on crops.

### **1.2.2 Biogas Upgrader (by Others)**

Biogas is continuously produced in the AD lagoon and is collected around the perimeter of the lagoon where it is continuously drawn off to the biogas upgrading system. The biogas is pre-treated to ensure hydrogen sulfide (H<sub>2</sub>S) levels in the biogas are suitable for use in the biogas upgrader where carbon dioxide and methane are separated. The methane stream (now RNG) is then sent to an on-site compression system and subsequently into the natural gas pipeline at a natural gas injection point a few miles of the dairy. The biogas upgrader, compression system, gas pipeline and injection station are designed and supplied By Others. The PSA biogas upgrader processes biogas to produce pipeline quality RNG. Off specification RNG is redirected to the digester headspace and re-processed through the biogas upgrader.

A flare will be installed to handle excess biogas in the case of upgrader downtime.

### **1.2.3 Heating System**

A hydronic boiler and heat exchanger heat incoming manure in the hydrolyzer and maintain the temperature at 104°F. The heated manure slurry is pumped and circulated through the AD lagoon using a recirculating jet mixing system. A second, smaller, heat exchanger is used to maintain a constant temperature within the AD lagoon. The heated digestate is pumped into and recirculated through the jet mixing system to distribute the heat throughout the AD lagoon.

Natural Gas for the CHPs/heating system will be delivered via virtual pipeline.

### **1.2.4 Utility Building**

The utility building will house the hydronic heating system, MCC and PLC/control room. The system described will operate independently but in coordination with the biogas upgrader.

The electrical loads are not fully known at this time but are anticipated not to exceed an installed power of 1650 kW with an estimated nominal loading of <1320 kW. As the design develops the actual power requirements will be determined.



## **NEGATIVE DECLARATION**

**NAME OF PROJECT:** Use Permit Application No. PLN2024-0005 – BA Digester

**LOCATION OF PROJECT:** 3943 Bentley Road, between Milnes and Claribel Roads, in the Modesto area. APN: 014-017-001.

**PROJECT DEVELOPERS:** Ignacio Sanchez, BA Digester, LLC  
1588 N. Batavia St., Ste. 1C  
Orange, CA 92867

**DESCRIPTION OF PROJECT:** Request to operate a methane digester to process dairy wastewater produced from the on-site dairy (Cross A Dairy) and five off-site dairies, on a 294± acre parcel in the General Agriculture (A-2-40) zoning district.

Based upon the Initial Study, dated **October 18, 2024**, 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: Kristen Anaya, Senior 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. PLN2024-0005 - BA DIGESTER**

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 / Mine Reclamation	X	X	X		X							
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA OPR STATE CLEARINGHOUSE	X	X	X		X							
CA RWQCB CENTRAL VALLEY REGION	X	X	X		X							
CENTRAL VALLEY FLOOD PROTECTION	X	X	X		X							
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: OAKDALE RURAL	X	X	X		X							
GSA: STAN & TUOLUMNE RIVERS GROUNDWATER BASIN ASSOC.	X	X	X		X							
HOSPITAL DISTRICT: OAK VALLEY	X	X	X		X							
IRRIGATION DISTRICT: OAKDALE	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
STAN COUNTY EMERGENCY MEDICAL SERVICES	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
RAILROAD: BURLINGTON NORTHERN	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X		X							
SCHOOL DISTRICT 1: RIVERBANK UNIFIED	X	X	X	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	
STAN CO DER - GROUNDWATER	X	X	X	X		X				X		X
STAN CO FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	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 1: B. CONDIT	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							
SURROUNDING LAND OWNERS		X	X		X							
TELEPHONE COMPANY:	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							
USDA NRCS	X	X	X		X							