

41. The existing Cloverdale Dairy facility is currently regulated by the General Order. With respect to the existing dairy facility, this Order is exempt from California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq.) under 14 CCR 15301.

42. On 30 August 2007, the San Joaquin Valley Air Pollution Control District (SJVAPCD) received an Authority to Construct application to accommodate the installation and operation of a thermophilic digester at the existing Cloverdale Dairy and construction of an underground biogas pipeline to connect to the existing regional gas company's natural gas pipeline system. SJVAPCD is the lead agency for purposes of ~~CEQA the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq.) and the CEQA guidelines (Title 14, Division 6, California Code of Regulations, as amended)~~. Between 5 February 2008 and 4 March 2008, SJVAPCD circulated for public comment an Initial Study and Proposed Mitigated Negative Declaration for the project. SJVAPCD concluded in the Initial Study and Proposed Mitigated Negative Declaration that impacts related to hydrology and water quality from the project would be "less than significant" with adherence to the rules, regulations, and permits under the jurisdiction of the Regional Water Board. In a 21 February 2008 letter, Regional Water Board staff commented on the Initial Study and the Proposed Mitigated Negative Declaration by indicating that a tentative order had been drafted for the subject facility and that it contained protections for surface and groundwater quality necessary to mitigate impacts to water quality from the project. The protections include: Prohibitions A.4. and A.9.; Discharge Specifications B.1.a., B.1.b., B.1.c., and B.1.d.; Waste Application to Cropland Specification C.1; Interim Groundwater Limitations D.1. and D.2.; and Provision E.12. On 5 March 2008, the Air Pollution Control Officer for the SJVAPCD certified the Initial Study and Proposed Mitigated Negative Declaration and approved and adopted a Mitigated Negative Declaration for the project. The Regional Water Board, as a Responsible Agency, considered the Mitigated Negative Declaration and concurs that the identified mitigation measures reduce all impacts on water quality to a less-than-significant level.