

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION (CENTRAL VALLEY WATER BOARD)**

RESOLUTION NO. R5-2010-0117

ADOPTION OF FINAL WASTE DISCHARGE REQUIREMENTS GENERAL ORDER
FOR
DAIRIES WITH MANURE ANAEROBIC DIGESTER OR CO-DIGESTER FACILITIES
(GENERAL ORDER)
AS IN
THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (PROGRAM EIR) AND
FINDINGS

WHEREAS:

1. The Central Valley Water Board has certified the Final Program EIR.
2. The Central Valley Water Board has prepared and circulated the draft General Order for public review and comment.
3. The Central Valley Water Board has considered and responded to the comments received on the draft General Order.
4. This General Order and the implementation procedures supporting the General Order incorporate all mitigation measures for the significant environmental impacts identified in the Final Program EIR, except for measures within the jurisdiction of other public agencies. A listing of those significant environmental impacts, the written findings regarding those impacts required by §15091 of the Guidelines, and the explanation for each finding are contained in a separate Findings of Fact and Statement of Overriding Considerations document (Attachment A), which is incorporated by reference in this resolution and made a part of this record.
5. Pursuant to §§ 15091(d) and 15097 of the CEQA Guidelines, a Mitigation Monitoring and Reporting Program has been incorporated into the General Order as described in Attachment A.
6. The Final Program EIR identified significant unavoidable impacts for water quality and criteria air pollutants. Pursuant to §15093 of the CEQA Guidelines, the Central Valley Water Board has prepared a Statement of Overriding Considerations, which balances the specific economic, legal, social, technological, or other benefits of the General Order against the unavoidable environmental risks of the General Order. The Statement of Overriding Considerations is contained in Attachment A, which is incorporated by reference in this resolution and made a part of this record.
7. The Central Valley Water Board has reviewed and considered the requirements within the General Order, and the General Order reflects the independent judgment of the Central Valley Water Board.

THEREFORE BE IT RESOLVED THAT:

The Central Valley Water Board adopts Order No. R5-2010-0130, General Order for Dairies with Manure Anaerobic Digester or Co-digester Facilities.

CERTIFICATION

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region on 10 December 2010.

PAMELA C. CREEDON, Executive Officer

Attachment A

Findings of Fact and Statement of Overriding Considerations

Resolution No.R5-2010-0117
Adoption of Final Waste Discharge Requirements General Order
for
Dairies with Manure Anaerobic Digester or Co-digester Facilities
as in
The Final Program Environmental Impact Report and Findings

As required by the California Environmental Quality Act (CEQA), the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) has made specific findings regarding the environmental effects of the project. Those findings are presented below, along with facts and evidence to support each finding.

The Central Valley Water Board has prepared a Final Program Environmental Impact Report (Program EIR) for the proposed waste discharge regulatory program for dairy manure digester and co-digester facilities (the “proposed project”). The Final Program EIR is comprised of two documents. These documents are identified below:

1. Draft Program EIR, Dairy Manure Digester and Co-digester Facilities, July 2010 (State Clearinghouse Number 2010031085); and
2. Final Program EIR, Dairy Manure Digester and Co-digester Facilities, November 2010.

The documents and other materials that constitute the record of proceedings on which these findings are based are located at the Central Valley Water Board office at 1685 “E” Street, Suite 100, Fresno, CA 93706-2007. This information is provided in compliance with Public Resources Code Section 21081.6(a) (2).

Potentially Significant Impacts

Under the CEQA Guidelines, public agencies are required to make written findings for each significant effect associated with a project prior to approval of the project. The possible findings are:

- Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. (CEQA Guidelines, Section 15091[a][1])

- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CEQA Guidelines, Section 15091[a][2])
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR. (CEQA Guidelines, Section 15091[a][3])

Each of these findings must be supported by substantial evidence in the record.

The Central Valley Water Board finds that the proposed waste discharge regulatory program will have potentially significant impacts, identified in the Final Program EIR, and listed in Table 1 (attached). In Table 1, the Central Valley Water Board also makes appropriate findings for each potentially significant impact, as required by CEQA Guidelines Section 15091.

Significant and Unavoidable Impacts

The Central Valley Water Board finds that the project will have significant and unavoidable impacts, identified in the Final Program EIR and listed in Table 1 (attached), that cannot be eliminated or reduced to a less than significant level. These impacts are:

Impact 5.6: Development of dairy digester and co-digester facilities could contribute to cumulative impacts to water quality.

Impact 6.6: Development of dairy digester and co-digester facilities in Region 5, together with anticipated cumulative development in the area, would contribute to regional criteria pollutants.

The Central Valley Water Board has prepared a statement of overriding consideration for these impacts, below.

Mitigation Monitoring and Reporting Program

Mitigation monitoring is the follow-up effort by a public agency to ensure that mitigation measures are implemented. In the Program EIR, the Central Valley Water Board has identified mitigation measures that reduce potentially significant effects of the program to a less than significant level. Section 15097 of the CEQA Guidelines requires the lead agency to prepare a Mitigation Monitoring and Reporting Program (MMRP) for those mitigation measures prior to project approval. The General Order contains an MMRP for all mitigation measures described in the Final EIR, except where the Central Valley Water Board finds, pursuant to Section 15091(a)(2), that implementation of the mitigation measure is

within the responsibility of other public agencies that can and should implement the measure. Central Valley Water Board's Section 15091(a)(2) findings are included in Table 1.

The MMRP for the General Order is structured in three main parts. For potential impacts to water quality, the General Order includes the mitigation measures as enforceable permit provisions contained in the body of the General Order. For other mitigation measures not traditionally within the expertise of the Central Valley Water Board, such as those protecting cultural resources and noise impacts, the mitigation measures have been incorporated into the Notice of Intent (NOI) permit enrollment process for the General Order such that permit applicants will need to document that they have submitted the paperwork and performed other studies set forth in the mitigation measures. For the measures by which the Central Valley Water Board makes a Section 15091(a)(2) finding, the Central Valley Water Board takes a supporting role in the General Order by requiring permit applicants to provide documentation with the NOI that they submitted the appropriate paperwork and other studies to the agencies described in the Final EIR. The mitigation monitoring and reporting plan which provides the framework for the General Order's MMRP is provided in Appendix A of the Final Program EIR.

Alternatives to the Project

An EIR is required to describe a range of reasonable alternatives to the project that could feasibly attain the objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and to evaluate the comparative merits of the alternatives (CEQA Guidelines Section 15126.6(a)).

Additionally, CEQA Guidelines Section 15126.6(b) requires consideration of alternatives to the project or its location that could avoid or substantially lessen any significant environmental effects of the proposed project, including alternatives that may be more costly or could otherwise impede the project's objectives. The range of alternatives required in an EIR is governed by a rule of reason that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice (CEQA Guidelines Section 15126.6(f)).

The following alternatives are discussed in the Draft Program EIR:

1. No Project Alternative
2. Additional Co-digestion Substrate Restrictions Alternative
3. Thermal Conversion Alternative
4. Reduced NO_x Emissions Alternative

Descriptions of these alternatives, the basis for selection, and the environmental characteristics of the alternatives are discussed in Chapter 17 of the draft Program EIR.

These alternatives are compared to the following project objectives, as outlined in the Draft Program EIR (Chapter 3):

- Protect the beneficial uses of surface and groundwater¹ within the Central Valley Region from discharges to land associated with dairy manure digesters and co-digesters on or off-site of dairies.
- Provide a regulatory framework for the water quality aspects of anaerobic biological digestion facilities using dairy manure and dairy manure with other organic substrates (co-digestion) to produce biogas (a flexible renewable fuel source).
- Assist the State in meeting greenhouse gas (GHG) reduction measures in support of the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32) through the production of biogas from dairy manure.
- Provide a renewable green energy source to allow energy companies to help achieve the 2010 and 2020 California Renewables Portfolio Standard (RPS) through the production of biogas from dairy manure.
- Reduce the time required to develop and issue water quality permits for dairy manure digester and co-digester projects by more than 75 percent primarily through the issuance of one or more Waste Discharge Requirements (WDRs) General Orders (GOs) and secondarily through the issuance of Individual WDRs or Conditional Waivers of WDRs (CWs).
- Reduce the permitting time for other State and local agencies² with discretionary permit responsibilities by providing a Program EIR that can be relied upon or tiered from for region wide environmental and regulatory settings, project alternatives analyses and cumulative impacts analyses.

¹ Beneficial uses are described in *Water Quality Control Plan for the Tulare Lake Basin*, Second Edition, revised January 2004 (Tulare Lake Basin Plan) and *Water Quality Control Plan for the Sacramento River Basin and the San Joaquin River Basins*, Fourth Edition, revised September 2009 (Sacramento and San Joaquin Basin Plan).

² San Joaquin Valley Air Pollution Control District staff have estimated that the certification of the Program EIR will reduce air quality permitting time 50 percent or more for certain digester projects.

Evaluation and Findings:

The CEQA Guidelines, at Section 15091(a)(3) require findings about the feasibility of project alternatives whenever the project within the responsibility and jurisdiction of the lead agency will have a significant environmental effect that has not been mitigated to a less than significant level. The significant impacts that require such findings are:

- Impact 5.6: Development of dairy digester and co-digester facilities could contribute to cumulative impacts to water quality.
- Impact 6.6: Development of dairy digester and co-digester facilities in Region 5, together with anticipated cumulative development in the area, would contribute to regional criteria pollutants.

No Project Alternative

The No Project Alternative would maintain the status quo for dairy digester and co-digester facilities with respect to CEQA and permitting. The waste discharge regulatory program for dairy manure digesters under consideration by the Central Valley Water Board would not be implemented under this alternative. Dairy digester and co-digester facilities would be required to comply with current CEQA and Central Valley Water Board regulatory requirements without the benefit of the Program EIR or regulatory program. Development of dairy digesters and co-digester facilities would continue in its current form and would be regulated by the Central Valley Water Board through individual WDRs and exemptions, by other permits from responsible agencies (i.e., County Use Permits, air quality permits, etc.) and by county governments through local ordinances and regulations.

The No Project Alternative would not change the time that is currently needed for permitting dairy manure digester and co-digester facilities, or reduce the time or expense required to develop and issue permits associated with digesters by federal, State and local permitting agencies. This alternative would also be expected to result in the development of fewer facilities and therefore less renewable energy. The No Project Alternative fails to meet the objectives of the Program EIR. The No Project Alternative would not provide a regulatory framework for dairy manure digesters, it would not assist in reducing GHG emissions, it would not help energy companies achieve RPS targets and it would not help to reduce the time required for permitting dairy manure digesters. For the reasons stated in this paragraph, the lead agency does not choose to adopt this alternative.

Additional Co-digestion Substrate Restrictions Alternative

The restrictions in the Additional Co-digestion Substrate Restrictions Alternative are proposed to facilitate the management of nutrients and salts in the project area

without unnecessarily restricting the potential for increase biogas production and tipping fee revenue. This alternative would apply three additional restrictions to the use of co-digestion substrates in dairy manure digesters. First, it would prohibit the use of co-digestion substrates that originate from outside the regional aquifer. Second, it would prohibit the use of co-digestion substrates until dairies have identified and secured an appropriate destination or market for the additional digestate that would be generated by the additional co-digestion substrates. Finally, the alternative would restrict the percentage of non-manure co-substrates that would be processed by dairy manure digester facilities. The project is a regulatory program that seeks to reduce permitting time and promote the increase of renewable energy sources in California. Limiting the use of co-substrates could work against the project objective of reduced permitting time by adding additional regulations and restrictions. The alternative could also reduce the overall generation of biogas by reducing the income available from co-substrate tipping fees, and thus reducing some of the overall incentives of the project. Strict limitations on co-substrates would also affect the project goal of increasing renewable energy sources because co-substrates can significantly increase biogas generation. This alternative could further reduce the cumulative water impacts but would not reduce the cumulative air quality impact unless the alternative would result in lowering the number of facilities that are eventually developed. The lead agency finds that this alternative would likely restrict the development of dairy digesters in Region 5 without compensating environmental benefits and therefore the lead agency does not adopt this alternative.

Thermal Conversion Alternative

The Thermal Conversion Alternative would replace anaerobic digesters with thermal conversion technologies. Under the Thermal Conversion Alternative the regulatory program would apply to the construction and operation of thermal conversion facilities for the production of biogas from dairy manure. Thermal conversion technologies are different from direct incineration of organic matter in that they utilize environments with a range of sub-stoichiometric concentrations of oxygen and thus interrupt the combustion process before complete oxidation can occur. Much like anaerobic digestion, the resultant products can be used for a variety of products including combustion for energy, transportation fuels, industrial chemicals, and soil amendments. Unlike anaerobic digestion, however, thermal conversion involves temperatures sufficiently high to guarantee pathogen reduction.

The project is a regulatory program that seeks to promote availability of biofuels and renewable energy. Limiting the project to thermal conversion processes, which are not as commercially developed for use on dairy manure, could undermine opportunities for energy companies to achieve 2010 and 2020 California Renewable Portfolio Standards by converting dairy manure, green

waste, and other waste streams to a valuable, renewable green energy resource. In addition, thermal conversion technologies only treat the screened/dried, solid portion of manure. This alternative would limit opportunities for on-site treatment of dairy manure process water. This could undermine the objective to create alternate waste treatment methods for dairy manure and other organic waste streams to the extent it would exclude the liquid component of the dairy manure. While the Thermal Conversion Alternative still meets the alternate waste treatment method objective, it does not meet it as efficiently as the project, and would not reduce the unavoidable impacts of the project.

Reduced NOx Emissions Alternative

The Reduced NOx Emissions Alternative would limit the use of combustion engines in the generation of electricity by requiring, or developing incentives, for biogas uses from dairy digester facilities that minimize NOx emissions in the Central Valley (i.e., fuel cells, transportation fuels and injection into utility gas pipelines). The Central Valley Water Board would issue discharge permits only to facilities demonstrating use of technologies supporting low-NOx emissions.

By limiting energy production to the use of fuel cells or for utility pipeline injection or for development of transportation fuel, significant unavoidable cumulative air quality impacts from the emission of NOx could be reduced. This alternative would not affect the unavoidable cumulative water quality impact. However, the project is a regulatory program that seeks to promote the increase of renewable energy sources in California. The majority of existing dairy manure digesters in California and in the United States generate electricity from the combustion of biogas. This alternative would reduce the options for producing renewable energy (including the most common current option for dairy digesters). For these reasons, the lead agency does not find this alternative to be a feasible alternative to the proposed project.

Statement of Overriding Considerations

The Final Program EIR identifies two significant and unavoidable impacts, described above.

The Central Valley Water Board finds, pursuant to Public Resources Code Section 21081(b), that specific overriding economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects of the proposed project (the General Order).

1. The General Order would encourage the development of dairy manure digester and co-digester facilities that could generate biogas, which is a renewable green energy source. Generation of electricity using biogas could help energy companies to help achieve the 2010 and 2020

- California Renewables Portfolio Standard (RPS). Each facility developed under the program (up to 200 digesters over 10 years are considered) could generate on average approximately 250 kilowatts (kW) of electric power, which is power that would meet all of the dairy needs with the excess electricity available for export to the electrical grid.
2. The General Order would also assist the State in meeting GHG reduction measures in support of the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32) through the production of biogas (a flexible renewable fuel source). The cumulative air quality impact discussion in the Final Program EIR (Impact 6.5) indicates that build-out of the cumulative digester scenario (200 digesters over 10 years) under the program would result in a net reduction of 1.6 million metric tons per year of CO₂ equivalent emissions.
 3. The development of dairy digesters may supplement the revenue sources available to dairies. Currently dairy manure digesters in Region 5 are not permitted to use co-digestion substrates, but the General Order would allow the use of co-digestion substrates. As indicated in the Program EIR, co-digestion can increase the generation of biogas by two to five times or more when compared to manure-only digesters. The increased biogas has the potential to substantially increase revenues and make dairy digests more economically viable (since the revenue from biogas energy use is often the most important revenue source of a dairy digester).
 4. Regulating digesters facilities under the General Order reduces the time required for each facility to wait before its discharges are authorized by law. Further, the Program EIR accompanying the General Order will reduce the time required by other agencies with discretionary permit responsibilities to develop and issue permits because they may rely upon or tier from, as opposed to issuing a series of facility-specific permits, the Program EIR for regionwide environmental and regulatory settings, project alternatives analyses and cumulative impact analyses. Reducing the time required for permitting further encourages the development of digesters and the benefits derived from such development as outlined in 1-3 above.

TABLE 1
FINDINGS FOR GENERAL ORDER FOR DAIRIES WITH MANURE ANAEROBIC DIGESTER OR CO-DIGESTER FACILITIES (GENERAL ORDER)

| Impact | Mitigation Measure | Finding |
|--|--|--|
| 5. Hydrology and Water Quality | | |
| <p>Impact 5.2: Digester and co-digester development could adversely affect surface waters.</p> | <p>Measure 5.2: WDRs for digester and co-digester facilities shall include design and operational requirements to manage all wastes and discharges to protect surface waters. Requirements shall include the following:</p> <ul style="list-style-type: none"> • Prohibitions against any surface water discharges (unless exempt from NPDES permitting requirements or covered by separate NPDES permit), • Prohibitions against any discharges that would cause exceedance of surface water quality objectives, • Setbacks from surface water bodies • Drainage requirements for co-digestion substrates/waste storage/receiving/handling areas to drain to on-site wastewater retention ponds, • Lining requirements for retention ponds in new facilities and operational dairies, • Monitoring requirements that include sampling data of soils, retention water, and waste streams to reconcile annually with Nutrient Management Plan (NMP), • Requirements for tailwater return systems or other effective methods to minimize offsite discharges; • Prohibitions against any unreasonable effects on beneficial uses of nearby surface waters. | <p>Finding per Section 15091(a)(1): Mitigation has been incorporated into the Project. Changes or alterations have been required in, or incorporated into the General Order which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR. Specifically, mitigation measure 5.2 has been incorporated into the General Order's prohibitions, specifications, and provisions.</p> |
| <p>Impact 5.3: Digester and co-digester development could adversely affect groundwater quality.</p> | <p>Measure 5.3: WDRs for the discharge to land from dairy digester and co-digester facilities shall include the following BPTC requirements or equivalent:</p> <ul style="list-style-type: none"> • Prepare and implement site-specific Salt Minimization Plan (SMP) as approved by the Central Valley Water Board. The SMP shall consider the elimination, decommissioning, or the reduction in use of regenerative water softeners on process water distribution networks or, alternatively, evaluate and install alternate technology that reduces or eliminates on-site brine disposal; • Prepare and implement a site-specific NMP that incorporates analytical data for soils, wastewater, manure, digester solids, groundwater and/or surface water supply. The required analytical data is to be generated by a site-specific monitoring and reporting program. In the case of groundwater, data from an approved representative groundwater | <p>Finding per Section 15091(a)(1): Mitigation has been incorporated into the Project. Changes or alterations have been required in, or incorporated into, the General Order which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR. Specifically, mitigation measure 5.3 has been incorporated into the General Order's prohibitions, specifications, and provisions.</p> |

TABLE 1
FINDINGS FOR GENERAL ORDER FOR DAIRIES WITH MANURE ANAEROBIC DIGESTER OR CO-DIGESTER FACILITIES (GENERAL ORDER)

| Impact | Mitigation Measure | Finding |
|---------------|---|----------------|
| | <p>monitoring program may be substituted for some or all site-specific groundwater monitoring, if appropriate. The NMP will be reconciled annually based on results of the monitoring and reporting program and site-specific measurements of agronomic rates;</p> <ul style="list-style-type: none"> • Require all drainage be directed to a retention wastewater pond that has been designed to meet antidegradation provisions of Resolution 68-16 by an appropriately licensed professional; • To the extent practicable, use crops that maximize salt uptake; • Apply liquid digestate consistently with crop water uptake rates; • Prohibit hazardous substances in co-digestion substrates processed by each facility as verified by laboratory analytical testing; • Apply digestate at an approved rate commensurate with agronomic rate; • Properly time application of digestate in accordance with crop requirements; • Avoid excess irrigation; • Maintain cover crops and vegetative buffer zones; • Develop co-substrate acceptance criteria; • Perform vector control and reduction; • Monitor groundwater for pathogen indicator organisms; • Require that solid wastes be stored on surfaces designed in accordance with a site-specific Waste Management Plan prepared for the facility by an appropriate California registered professional in accordance with WDR requirements; • Maintain a neutral or alkaline pH for dairy digestate waste water applied to cropland unless conditions warrant otherwise as detailed in the NMP; • Prohibit hazardous waste, mammalian tissues (with the exception of mammalian tissue as contained in compostable material from the food service industry, grocery stores, or residential food scrap collection), dead animals, and human waste from all discharges; and • Incorporate lined digester and co-digestion substrate storage facilities that meet the antidegradation provisions of Resolution 68-16, as relevant, into project design in order to prevent groundwater contamination with salts, nutrients, and other constituents. | |

**TABLE 1
 FINDINGS FOR GENERAL ORDER FOR DAIRIES WITH MANURE ANAEROBIC DIGESTER OR CO-DIGESTER FACILITIES (GENERAL ORDER)**

| Impact | Mitigation Measure | Finding |
|--|--|--|
| | Each facility shall prepare a site-specific Waste Management Plan in accordance with the WDR requirements for review and approval to the Central Valley Water Board prior to commencement of operations. Annual monitoring reports shall be reviewed by the Central Valley Water Board and any revisions deemed necessary to the handling, storage, or land application of wastes shall be incorporated into facility operations. | |
| Impact 5.4: Development of dairy digester and co-digester facilities could be exposed to flooding hazards. | Measure 5.4: WDRs for digester and co-digester facilities shall include design requirements for individual or centralized anaerobic digester or co-digester facilities and associated facilities to protect them from FEMA 100-year flood events. Design measures may include, but are not limited to: facility siting, access placement, grading foundation soils above projected water elevation, and site protection. | Finding per Section 15091(a)(1): Mitigation has been incorporated into the Project. Changes or alterations have been required in, or incorporated into, the General Order which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR. Specifically, mitigation measure 5.4 has been incorporated into General Specification B.2 of the General Order. |
| Impact 5.6: Development of dairy digester and co-digester facilities could contribute to cumulative impacts to water quality. | Measure 5.6: Implement Mitigation Measures 5.2, 5.3 and 5.4. | Finding per Section 15091(a)(3): Specific considerations make mitigation and alternatives infeasible. Mitigation measures have been adopted to reduce this impact. The lead agency cannot ensure that these measures will reduce the impact to a less than significant level, due to economic, legal, social, and technological constraints. No feasible mitigation measures or project alternatives have been identified that would substantially reduce this impact. |
| 6. Air Quality and Greenhouse Gas Emissions | | |
| Impact 6.1: Construction of dairy digester and co-digester facilities within Region 5 would generate short-term emissions of criteria air pollutants: ROG, NOx, CO, SO ₂ , PM10, and PM2.5 that could contribute to existing nonattainment conditions and further degrade air quality. | Measure 6.1a: Applicants shall prepare and submit an Air Quality Technical Report as part of the environmental assessments for the development of future dairy digester or co-digester facilities on a specific project-by-project basis. The technical report shall include an analysis of potential air quality impacts (including a screening level analysis to determine if construction and operation related criteria air pollutant emissions would exceed applicable air district thresholds, as well as any health risk associated with TACs from all dairy digester or co-digester facility sources) and reduction measures as necessary associated with digester developments through the environmental review process. Preparation of the technical report should be coordinated with the appropriate air district and shall | Finding per Section 15091(a)(2): Responsibility of other agencies. Implementation of mitigation measure 6.1a-b is within the responsibility and jurisdiction of other public agencies that can and should implement the measure. Specifically, Appendix A of the Final EIR describes the expectation that local air districts, which have the responsibility and jurisdiction to regulate air emissions from digester facilities, would |

TABLE 1
FINDINGS FOR GENERAL ORDER FOR DAIRIES WITH MANURE ANAEROBIC DIGESTER OR CO-DIGESTER FACILITIES (GENERAL ORDER)

| Impact | Mitigation Measure | Finding |
|--------|--|---|
| | <p>identify compliance with all applicable New Source Review and Best Available Control Technology (BACT) requirements. The technical report shall identify all project emissions from permitted (stationary) and non-permitted (mobile and area) sources and mitigation measures (as appropriate) designed to reduce significant emissions to below the applicable air district thresholds of significance, and if these thresholds cannot be met with mitigation, then the individual digester project could require additional CEQA review or additional mitigation measures.</p> <p>Measure 6.1b: Applicants shall require construction contractors and system operators to implement the following Best Management Practices (BMPs) as applicable during construction and operations:</p> <ul style="list-style-type: none"> • Facilities shall be required to comply with the rules and regulations from the applicable AQMD or APCD. For example, development of dairy digester and co-digester facilities in the SJVAPCD jurisdiction shall comply with the applicable requirements of Regulation VIII (Fugitive PM10 Prohibitions) and Rule 9510 (Indirect Source Review). • Use equipment meeting, at a minimum, Tier II emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. • Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes (as required by the state airborne toxics control measure [Title 13, §2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site. • Comply with state regulations to minimize truck idling. • Maintain all equipment in proper working condition according to manufacturer's specifications. • Use electric equipment when possible. • Payment into an AQMD or APCD operated Voluntary Emission Reduction Agreement (VERA). • Incorporate fuel cells where feasible as an alternative to internal combustion engines, which generate NOx emissions, to generate energy from the biogas produced at dairy digester and co-digester facilities. • Where feasible as an alternative to internal combustion engines, which generate NOx emissions, use biogas from dairy manure digester and co-digester projects as a transportation fuel (compressed biomethane) or inject biomethane into the utility gas pipeline system. | <p>coordinate with the facility on the air quality technical report. While the Central Valley Water Board will play a supporting role in confirming that the reports have been submitted to the local air districts as part of the General Order's NOI application process, the primary responsibility lies with the local air districts.</p> |

TABLE 1
FINDINGS FOR GENERAL ORDER FOR DAIRIES WITH MANURE ANAEROBIC DIGESTER OR CO-DIGESTER FACILITIES (GENERAL ORDER)

| Impact | Mitigation Measure | Finding |
|--|--|--|
| <p>Impact 6.2: Pre-processing, digestion, and post-processing operational activities of dairy digester and co-digester facilities in Region 5 would result in emissions of criteria air pollutants at levels that could substantially contribute to a potential violation of applicable air quality standards or to nonattainment conditions.</p> | <p>Measure 6.2: Implement Mitigation Measures 6.1a and 6.1b.</p> | <p>Finding per Section 15091(a)(2): Responsibility of other agencies. Implementation of mitigation measure 6.2 is within the responsibility and jurisdiction of other public agencies that can and should implement the measure. As described above, local air districts have the primary responsibility and jurisdiction over mitigation measure 6.1a-b.</p> |
| <p>Impact 6.3: Operation of dairy digester and co-digester facilities in Region 5 could create objectionable odors affecting a substantial number of people.</p> | <p>Measure 6.3a: Applicants for the development of digester facilities shall comply with appropriate local land use plans, policies, and regulations, including applicable setbacks and buffer areas from sensitive land uses for potentially odoriferous processes.</p> <p>Measure 6.3b: AD facilities that handle compostable material and are classified as a compost facility must develop an Odor Impact Minimization Plan (OIMP) pursuant to 14 CCR 17863.4. Otherwise, applicants shall implement a site-specific Odor Management Plan (OMP) as part of each application submitted to establish digester and co-digester facilities under the waste discharge regulatory program. The OMP will specifically address odor control associated with digester operations and will include:</p> <ul style="list-style-type: none"> • A list of potential odor sources. • Identification and description of the most likely sources of odor. • Identification of potential, intensity, and frequency of odor from likely sources. • A list of odor control technologies and management practices that could be implemented to minimize odor releases. These management practices shall include the establishment of the following criteria as appropriate: <ul style="list-style-type: none"> - Establish time limit for on-site retention of undigested odiferous co-substrates (i.e., organic co-substrates must be put into the digester within 48 hours of receipt). - Provide negative pressure buildings for indoor unloading of odiferous co-digestion substrates. Treat collected foul air in a biofilter or air scrubbing system. - Establish contingency plans for operating downtime (e.g., equipment malfunction, power outage). - Manage delivery schedule to facilitate prompt handling of odorous | <p>Finding per Section 15091(a)(2): Responsibility of other agencies. Implementation of mitigation measures 6.3a-b is within the responsibility and jurisdiction of other public agencies that can and should implement the measure. Specifically, Appendix A of the Final EIR describes the expectation that local air districts, local planning departments or local enforcement agencies (LEA), which have the responsibility and jurisdiction to regulate air emissions from digester facilities, would review the odor management plans. While the Central Valley Water Board will play a supporting role in confirming that the plans have been submitted as part of the General Order's NOI application process, the primary responsibility lies with the local air districts, planning departments and LEAs.</p> |

TABLE 1
FINDINGS FOR GENERAL ORDER FOR DAIRIES WITH MANURE ANAEROBIC DIGESTER OR CO-DIGESTER FACILITIES (GENERAL ORDER)

| Impact | Mitigation Measure | Finding |
|--|--|--|
| | <ul style="list-style-type: none"> co-substrates. - Modification options for land application practices if land application of digestate results in unacceptable odor levels. - Protocol for monitoring and recording odor events. - Protocol for reporting and responding to odor events. | |
| <p>Impact 6.4: Construction and operation of dairy digester and co-digester facilities in Region 5 could lead to increases in chronic exposure of sensitive receptors in the vicinity to certain toxic air contaminants from stationary and mobile sources.</p> | <p>Measure 6.4a: Implement Mitigation Measures 6.1a and 6.1b.</p> <p>Measure 6.4b: Based on the Air Quality Technical Report (specified in Measure 6.1a), if the health risk is determined to be significant on a project-by-project basis with DPM as a major contributor, then the applicants shall either use new diesel engines that are designed to minimize DPM emissions (usually through the use of catalyzed particulate filters in the exhaust) or retrofit older engines with catalyzed particulate filters, which will reduce DPM emissions by 85%.</p> <p>Measure 6.4c: H₂S contained in the biogas shall be controlled before emission to air can occur.</p> | <p>Finding per Section 15091(a)(2): Responsibility of other agencies. Implementation of mitigation measures 6.4a-c are within the responsibility and jurisdiction of other public agencies that can and should implement the measure. Specifically, Appendix A of the Final EIR describes the expectation that local air districts, which have the responsibility and jurisdiction to regulate air emissions from digester facilities, would monitor facility compliance with this mitigation measure.</p> |
| <p>Impact 6.6: Development of dairy digester and co-digester facilities in Region 5, together with anticipated cumulative development in the area, would contribute to regional criteria pollutants.</p> | <p>Measure 6.6: Implement Mitigation Measures 6.1a and 6.1b.</p> | <p>Finding per Section 15091(a)(3): Specific considerations make mitigation and alternatives infeasible. Mitigation measures have been adopted to reduce this impact. The lead agency cannot ensure that these measures will reduce the impact to a less than significant level, due to economic, legal, social, and technological constraints. No feasible mitigation measures or project alternatives have been identified that would substantially reduce this impact.</p> |
| <p>7. Land Use and Agricultural Resources</p> | | |
| <p>Impact 7.4: Implementation of the project could result in the permanent conversion of land designated by the Department of Conservation FMMP as Prime Farmland, Farmland of Statewide Importance or Unique Farmland.</p> | <p>Measure 7.4: Whenever feasible, project related facilities off-site of a dairy should not be sited on Important Farmland as defined by the California Department of Conservation's Farmland Mapping and Monitoring Program.</p> | <p>Finding per Section 15091(a)(1): Mitigation has been incorporated into the Project. Changes or alterations have been required in, or incorporated into, the General Order which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR. Specifically, mitigation measure 7.4 has been incorporated into the</p> |

TABLE 1
FINDINGS FOR GENERAL ORDER FOR DAIRIES WITH MANURE ANAEROBIC DIGESTER OR CO-DIGESTER FACILITIES (GENERAL ORDER)

| Impact | Mitigation Measure | Finding |
|--|---|---|
| 8. Transportation and Traffic | | |
| <p>Impact 8.1: Construction of dairy digester and co-digester facilities would intermittently and temporarily increase traffic levels and traffic delays due to vehicle trips generated by construction workers and construction vehicles on area roadways.</p> | <p>Measure 8.1: The contractor(s) will obtain any necessary road encroachment permits prior to installation of pipelines within the existing roadway right-of-way. As part of the road encroachment permit process, the contractor(s) will submit a traffic safety / traffic management plan (for work in the public right-of-way) to the agencies having jurisdiction over the affected roads. Elements of the plan will likely include, but are not necessarily limited to, the following:</p> <ul style="list-style-type: none"> • Develop circulation and detour plans to minimize impacts to local street circulation. Use haul routes minimizing truck traffic on local roadways to the extent possible. Use flaggers and/or signage to guide vehicles through and/or around the construction zone. • To the extent feasible, and as needed to avoid adverse impacts on traffic flow, schedule truck trips outside of peak morning and evening commute hours. • Limit lane closures during peak traffic hours to the extent possible. Restore roads and streets to normal operation by covering trenches with steel plates outside of allowed working hours or when work is not in progress. • Limit, where possible, the pipeline construction work zone to a width that, at a minimum, maintains alternate one-way traffic flow past the construction zone. • Install traffic control devices as specified in Caltrans' Manual of Traffic Controls for Construction and Maintenance Work Zones where needed to maintain safe driving conditions. Use flaggers and/or signage to safely direct traffic through construction work zones. • Coordinate with facility owners or administrators of sensitive land uses such as police and fire stations, hospitals, and schools. Provide advance notification to the facility owner or operator of the timing, location, and duration of construction activities. | <p>General Order's NOI application process which requires the applicant to submit an over-riding justification for the choice of location if projected related facilities off-site of a dairy are sited on Important Farmland as defined by the California Department of Conservation's Farmland Mapping and Monitoring Program.</p> <p>Finding per Section 15091(a)(2): Responsibility of other agencies. Implementation of mitigation measure 8.1 is within the responsibility and jurisdiction of other public agencies that can and should implement the measure. Specifically, Appendix A of the Final EIR describes the expectation that local agencies, which have the responsibility and jurisdiction over roads and encroachment permits, would review the plans and encroachment permit applications. While the Central Valley Water Board will play a supporting role in confirming that the plans and applications have been submitted as part of the General Order's NOI application process, the primary responsibility lies with the local agencies.</p> |

**TABLE 1
 FINDINGS FOR GENERAL ORDER FOR DAIRIES WITH MANURE ANAEROBIC DIGESTER OR CO-DIGESTER FACILITIES (GENERAL ORDER)**

| Impact | Mitigation Measure | Finding |
|---|---|---|
| | <ul style="list-style-type: none"> • To the maximum extent feasible, maintain access to private driveways located within construction zones. • Coordinate with the local public transit providers so that bus routes or bus stops in work zones can be temporarily relocated as the service provider deems necessary. | |
| <p>Impact 8.3: Construction and operation of dairy digester and co-digester facilities could potentially cause traffic safety hazards for vehicles, bicyclists, and pedestrians on public roadways, and could increase traffic hazards due to possible road wear or to accident spills of manure, or co-digestion feedstocks or digestate.</p> | <p>Measure 8.3a: Implement Measure 8.1, which stipulates actions required of the contractor(s) to reduce potential traffic safety impacts to a less-than-significant level.</p> <p>Measure 8.3b: Prior to construction, the contractor(s), in cooperation with the agencies having jurisdiction over the affected roadways, will survey and describe the pre-construction roadway conditions on rural roadways and residential streets. Within 30 days after construction is completed, the affected agencies will survey these same roadways and residential streets in order to identify any damage that has occurred. Roads damaged by construction will be repaired to a structural condition equal to the condition that existed prior to construction activity.</p> | <p>Finding per Section 15091(a)(2): Responsibility of other agencies. Implementation of mitigation measures 8.3 a-b are within the responsibility and jurisdiction of other public agencies that can and should implement the measure. As described in Attachment A of the Final EIR, local agencies issuing encroachment permits and other agencies having jurisdiction over affected roadways have the primary responsibility and jurisdiction over this mitigation measure.EIR.</p> |
| <p>Impact 8.4: Construction of dairy digester and co-digester facilities could intermittently and temporarily impede access to local streets or adjacent uses (including access for emergency vehicles), as well as disruption to bicycle/pedestrian access and circulation.</p> | <p>Measure 8.4: Implement Measure 8.1, which stipulates actions required of the contractor(s) to reduce potential access impacts to a less-than-significant level.</p> | <p>Finding per Section 15091(a)(2): Responsibility of other agencies. Implementation of mitigation measure 8.4 is within the responsibility and jurisdiction of other public agencies that can and should implement the measure. As described above, local agencies have the primary responsibility and jurisdiction over mitigation measure 8.1</p> |
| <p>Impact 8.5: Construction and operation of dairy digester and co-digester facilities could contribute to cumulative impacts to traffic and transportation (traffic congestion, traffic safety, and emergency vehicle access).</p> | <p>Measure 8.5a: Prior to construction, for installation of pipelines in existing roadways, the project sponsor will coordinate with the appropriate local government departments, Caltrans, and utility districts and agencies regarding the timing of construction projects that would occur near project sites. Specific measures to mitigate potential significant impacts will be determined as part of the interagency coordination, and could include measures such as employing flaggers during key construction periods, designating alternate haul routes, and providing more outreach and community noticing.</p> <p>Measure 8.5b: Implement Mitigation Measures 8.1 and 8.3b.</p> | <p>Finding per Section 15091(a)(2): Responsibility of other agencies. Implementation of mitigation measures 8.5 a-b are within the responsibility and jurisdiction of other public agencies that can and should implement the measure. As described in Attachment A of the Final EIR, local agencies, Caltrans, and utility districts have the primary responsibility and jurisdiction over this mitigation measure. While the Central Valley Water Board will play a supporting role in confirming that coordination has occurred, the primary responsibility lies with the aforementioned agencies.</p> |

TABLE 1
FINDINGS FOR GENERAL ORDER FOR DAIRIES WITH MANURE ANAEROBIC DIGESTER OR CO-DIGESTER FACILITIES (GENERAL ORDER)

| Impact | Mitigation Measure | Finding |
|--|--|---|
| 9. Biological Resources | | |
| <p>Impact 9.1: The project could impact special-status plant or wildlife species or their habitats.</p> | <p>Measure 9.1a: The project applicant or agency(s) responsible shall document that site assessment report for dairy digester and co-digester facilities to be constructed (including the location of digestate application) has been submitted to CDFG for its review. This report shall be prepared by a qualified biologist. It shall evaluate the project site's potential to support special-status plant and wildlife species (including critical habitat) and whether special-status species could be affected by dairy digester and co-digester development, including construction and operations. If there are no special-status species or critical habitat present, no additional mitigation would be required.</p> <p>Measure 9.1b: If the site assessment determines that special-status species could be affected by facilities development, the project would not be eligible as part of the project (for the Central Valley Water Board discharge permit) unless the applicant submits a plan, prepared by a qualified biologist, to mitigate or avoid any significant impacts on special-status species. This plan must be forwarded to the appropriate regional office of the CDFG, the Endangered Species Unit of the USFWS in Sacramento, and/or NMFS for review and approval of the mitigation strategy, when appropriate. If the site assessment determines that a State or federally listed species would be affected by facilities development, the project applicant shall consult with CDFG, the Endangered Species Unit of the USFWS in Sacramento, and/or NMFS, as appropriate.</p> | <p>Finding per Section 15091(a)(1): Mitigation has been incorporated into the Project. Changes or alterations have been required in, or incorporated into, the General Order which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR. Specifically, mitigation measure 9.1a-b has been incorporated into the General Order's NOI application process which requires the applicant to provide documentation that it has submitted biological site assessment report to the CDFG for its review and approval. If the site assessment report determines that special-status species could be affected by facilities development then the NOI requires the applicant to provide documentation that it has submitted a plan to mitigate or avoid any significant impacts on special-status species to the CDFG, the Endangered Species Unit of the USFWS in Sacramento, and/or NMFS, as appropriate, for their review and approval.</p> |
| <p>Impact 9.2: The project could result in impacts on biologically unique or sensitive natural communities.</p> | <p>Measure 9.2a: The project applicant or agency(s) responsible shall submit a site assessment report prepared by a qualified biologist that determines if the project is likely to affect biologically unique or sensitive natural communities. This information could be included in the report prepared under Mitigation Measure 9.1a. If there are no biologically unique or sensitive natural communities present, no further mitigation is required.</p> <p>Measure 9.2b: If biologically unique or sensitive natural communities are present and would be disturbed, the project would not be authorized under the project unless the applicant or agency(s) responsible submits a plan to avoid or mitigate for any significant impacts on biologically unique or sensitive natural communities and agrees to implement the mitigation. This report must be forwarded to the appropriate regional office of the CDFG and/or the Endangered Species Unit of the USFWS in Sacramento (as appropriate) for review and approval of the mitigation strategy. As described above, this portion of the report could be incorporated into the report prepared under Mitigation Measure 9.1a.</p> | <p>Finding per Section 15091(a)(1): Mitigation has been incorporated into the Project. Changes or alterations have been required in, or incorporated into, the General Order which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR. Specifically, mitigation measure 9.2a-b has been incorporated into the General Order's NOI application process which requires the applicant to provide documentation that it has submitted the biological site assessment report to the CDFG for its review and approval. If the site assessment report determines that the project is likely to affect biologically unique or sensitive natural communities then the NOI</p> |

TABLE 1
FINDINGS FOR GENERAL ORDER FOR DAIRIES WITH MANURE ANAEROBIC DIGESTER OR CO-DIGESTER FACILITIES (GENERAL ORDER)

| Impact | Mitigation Measure | Finding |
|---|---|---|
| <p>Impact 9.3: The project could result in impacts on waters of the State and/or the U.S., including wetlands.</p> | <p>Measure 9.3a: The project applicant or agency(s) responsible shall submit a site assessment report prepared by a qualified biologist that evaluates if the project is likely to affect waters of the State and/or U.S., including wetlands. This information could be included in the report prepared under Mitigation Measure 9.1a. If there are no waters present, no further mitigation would be required.</p> <p>Measure 9.3b: If waters of the State and/or U.S. are present in the project area, the project applicant or agency(s) responsible shall either re-design the project to avoid affecting the waters, or obtain the appropriate permits to allow for the impact. For waters that cannot be avoided, the permit process shall start with the preparation of a jurisdictional wetland delineation, prepared by a qualified biologist that will be submitted to the Corps for verification. Following verification, if jurisdictional waters occur within the project site, the project applicant or agency(s) responsible shall obtain and comply with federal and State permit requirements. This could include obtaining a Clean Water Act Section 404 permit, Section 401 Water Quality Certification or Waiver, a Section 1602 Streambed Alteration Agreement, and any other applicable permits.</p> | <p>requires the applicant to provide documentation that it has submitted a plan to avoid or mitigate any significant impacts on special-status species to the CDFG, the Endangered Species Unit of the USFWS in Sacramento, and/or NMFS, as appropriate, for its review and approval</p> <p>Finding per Section 15091(a)(1): Mitigation has been incorporated into the Project. Changes or alterations have been required in, or incorporated into, the General Order which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR. Specifically, mitigation measure 9.3a-b has been incorporated into the General Order's NOI application process which requires the biological site assessment report to determine if the project is likely to affect waters of the state and/or United States including wetlands. If waters of the State and/or U.S. are present in the project area, NOI requires the applicant to either re-design the project to avoid affecting the waters, or submit the appropriate permits to allow for the impact.</p> |
| <p>Impact 9.6: Development of dairy digester and co-digester facilities could contribute to cumulative impacts to biological resources.</p> | <p>Measure 9.6: Implement Measures 9.1a, 9.1b, 9.2a, 9.2b, 9.3a, and 9.3b.</p> | <p>Finding per Section 15091(a)(1): Mitigation has been incorporated into Project. Changes or alterations have been required in, or incorporated into, the General Order which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR. As described above, mitigation measures 9.1a-b, 9.2a-b, and 9.3a-b have been incorporated into the General Order.</p> |
| 10. Hazards and Hazardous Materials | | |
| <p>Impact 10.1: Construction of dairy digester and co-digester facilities could result in the potential exposure of construction workers, the public and</p> | <p>Measure 10.1: Prior to final project design and any earth disturbing activities, the applicant or agency(s) responsible shall conduct a standard "Phase I Type" electronic record search. If no incidents are identified within a quarter mile</p> | <p>Finding per Section 15091(a)(1): Mitigation Has Been Incorporated into Project. Changes or alterations have been required</p> |

TABLE 1
FINDINGS FOR GENERAL ORDER FOR DAIRIES WITH MANURE ANAEROBIC DIGESTER OR CO-DIGESTER FACILITIES (GENERAL ORDER)

| Impact | Mitigation Measure | Finding |
|--|---|---|
| <p>the environment to preexisting soil and/or groundwater contamination.</p> | <p>of the construction area, standard construction practices can be implemented. If the record search identifies soil or water quality contamination open cases within a quarter mile of the construction area, a Phase I Environmental Site Assessment (ESA) shall be prepared by a Registered Environmental Assessor (REA) or other qualified professional to assess the potential for contaminated soil or groundwater conditions at the project site; specifically in the area proposed for construction of dairy digester or co-digester facilities. The Phase I ESA shall include a review of appropriate federal and State hazardous materials databases, as well as relevant local hazardous material site databases for hazardous waste on-site and off-site locations within a one quarter mile radius of the project site. This Phase I ESA shall also include a review of existing or past land uses and areal photographs, summary of results of reconnaissance site visit(s), and review of other relevant existing information that could identify the potential existence of contaminated soil or groundwater.</p> <p>If no contaminated soil or groundwater is identified or if the Phase I ESA does not recommend any further investigation then the project applicant or agency(s) responsible shall proceed with final project design and construction.</p> <p>OR</p> <p>If existing soil or groundwater contamination is identified and if the Phase 1 ESA recommends further review, the applicant or agency(s) responsible shall retain a REA to conduct follow-up sampling to characterize the contamination and to identify any required remediation that shall be conducted consistent with applicable regulations prior to any earth disturbing activities. The environmental professional shall prepare a report that includes, but is not limited to, activities performed for the assessment, summary of anticipated contaminants and contaminant concentrations at the proposed construction site, and recommendations for appropriate handling of any contaminated materials during construction.</p> | <p>in, or incorporated into, the General Order which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR. Specifically, mitigation measure 10.1 has been incorporated into the General Order's NOI application process which requires the applicant to submit a standard "Phase I Type" electronic record search. If no incidents are identified within a quarter mile of the construction area, standard construction practices can be implemented. If the record search identifies soil or water quality contamination open cases within a quarter mile of the construction area, a Phase I Environmental Site Assessment shall be prepared.</p> |
| <p>Impact 10.6: Installation of biogas pipelines in public rights-of-way could impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.</p> | <p>Measure 10.6: Implement Mitigation Measure 8.1.</p> | <p>Finding per Section 15091(a)(2): Responsibility of other agencies. Implementation of mitigation measure 10.6 is within the responsibility and jurisdiction of other public agencies that can and should implement the measure. Specifically, Appendix A of the Final EIR describes the expectation that local agencies, which have the responsibility and jurisdiction over roads</p> |

**TABLE 1
 FINDINGS FOR GENERAL ORDER FOR DAIRIES WITH MANURE ANAEROBIC DIGESTER OR CO-DIGESTER FACILITIES (GENERAL ORDER)**

| Impact | Mitigation Measure | Finding |
|--|---|--|
| | | and encroachment permits, would have jurisdiction over mitigation measure 8.1. While the Central Valley Water Board will play a supporting role in confirming that plans and applications have been submitted as part of the General Order's NOI application process, the primary responsibility lies with the local agencies. |
| 11. Aesthetic Resources | | |
| Impact 11.1: Implementation of the project, including operation of dairy digester and co-digestion facilities, could result in impacts to scenic highways and/or scenic vistas. | <p>Measure 11.1a: Centralized biogas processing facilities shall be sited in locations that do not conflict with local polices for preservation of vistas or scenic views.</p> <p>Measure 11.1b: When feasible considering the scale of the facilities and the site specific topography, site specific landscape design, including berms and/or tree rows, shall be constructed in order to minimize potentially sensitive views of both digester facilities at dairies or off dairies at centralized facilities.</p> <p>Measure 11.1c: Centralized biogas processing facilities shall be designed similarly in massing and scale to other nearby agricultural buildings in agricultural areas, in order to retain the character of the surrounding visual landscape.</p> | <p>Finding per Section 15091(a)(2): Responsibility of other agencies. Implementation of mitigation measures 11.1a-c are within the responsibility and jurisdiction of other public agencies that can and should implement the measure. Specifically, Appendix A of the Final EIR describes the expectation that local planning and building departments, which have the responsibility and jurisdiction over local regulation regarding scenic resources, would review visual assessment reports. While the Central Valley Water Board will play a supporting role in confirming that the a visual assessment report has submitted as part of the General Order's NOI application process, the primary responsibility lies with local planning and building departments.</p> |
| Impact 11.2: Construction of the project could result in impacts to scenic highways and/or scenic vistas. | <p>Measure 11.2: The project shall incorporate into all construction contracts for the proposed project and ensure implementation of the following measures:</p> <ul style="list-style-type: none"> • Main construction staging areas and the storage of large equipment shall be situated on individual sites in such a manner to minimize visibility to nearby receptors. As feasible, staging areas and storage shall occur away from heavily traveled designated scenic roadways, in areas where it will be least visible from the surrounding roads. • Construction staging areas shall be onsite and remain clear of all trash, weeds and debris, etc. Construction staging areas shall be located in areas that limit visibility from scenic roadways and sensitive receptors to the extent feasible. | <p>Finding per Section 15091(a)(2): Responsibility of other agencies. Implementation of mitigation measure 11.2 is within the responsibility and jurisdiction of other public agencies that can and should implement the measure. Specifically, Appendix A of the Final EIR describes the expectation that local building and planning departments, which have the responsibility and jurisdiction over local regulation regarding scenic resources, would review visual assessment reports. While the Central</p> |

TABLE 1
FINDINGS FOR GENERAL ORDER FOR DAIRIES WITH MANURE ANAEROBIC DIGESTER OR CO-DIGESTER FACILITIES (GENERAL ORDER)

| Impact | Mitigation Measure | Finding |
|--|---|--|
| | | Valley Water Board will play a supporting role in confirming that the a visual assessment report has submitted as part of the General Order's NOI application process, the primary responsibility lies with local building and planning departments. |
| Impact 11.3: Implementation of the project could result in substantial creation of or change in light or glare. | Measure 11.3: Whenever possible, flares shall be situated on individual sites in such a manner to minimize visibility to nearby receptors. Site specific design shall discourage placement of flares at higher elevations, or within the line of site of nearby residential buildings or scenic highways. In the event that site design does not provide adequate coverage, an enclosed flare design shall be used or landscaping, such as berms or tree rows, shall be constructed to minimize light impacts. | Finding per Section 15091(a)(2): Responsibility of other agencies. Implementation of mitigation measure 11.3 is within the responsibility and jurisdiction of other public agencies that can and should implement the measure. Specifically, Appendix A of the Final EIR describes the expectation that local building and planning departments, which have the responsibility and jurisdiction over local regulation regarding scenic resources, would review visual assessment reports. While the Central Valley Water Board will play a supporting role in confirming that the a visual assessment report has submitted as part of the General Order's NOI application process, the primary responsibility lies with local building and planning departments. |
| Impact 11.4: Development of dairy digester and co-digester facilities could contribute to cumulative impacts to aesthetics. | Measure 11.4: Implement Mitigation Measures 11.1a, 11.1b, 11.1c, 11.2, and 11.3. | Finding per Section 15091(a)(2): Responsibility of other agencies. Implementation of this mitigation measure is within the responsibility and jurisdiction of other public agencies that can and should implement the measure. As described above, other public agencies have the primary responsibility and jurisdiction over mitigation measures 11.1a-c, 11.2, and 11.3. |
| 12. Cultural Resources | | |
| Impact 12.1: Construction of dairy digester and co-digester facilities could result in the adverse change in the significance of a historical or archaeological resource, pursuant to §15064.5. | Measure 12.1a: In order to determine whether a project may cause a significant impact to cultural resources, and therefore, have an adverse effect on the environment, the Central Valley Water Board shall require each application submitted for a discharge permit for a digester or co-digester | Finding per Section 15091(a)(1): Mitigation has been incorporated into the Project. Changes or alterations have been required in, or incorporated into, the General Order |

TABLE 1
FINDINGS FOR GENERAL ORDER FOR DAIRIES WITH MANURE ANAEROBIC DIGESTER OR CO-DIGESTER FACILITIES (GENERAL ORDER)

| Impact | Mitigation Measure | Finding |
|--------|--|--|
| | <p>facility to identify the project's potential impacts to cultural resources.</p> <p>Prior to ground-disturbing activities, the project applicant shall retain a qualified archaeologist to (1) conduct a record search at the appropriate information center of the California Historical Resources Information System (CHRIS) to determine whether the project area has been previously surveyed and whether cultural resources were identified; and (2) request a sacred lands search from the NAHC. The results of the record search and sacred lands search shall be included in the Cultural Resources Inventory Report provided to the Central Valley Water Board.</p> <p>In the event the CHRIS records search indicates that no previous survey has been conducted, the qualified archaeologist shall recommend whether a survey is warranted to satisfy the requirements of CEQA based on the sensitivity of the project area for cultural resources. If, for example, the existing dairy or agricultural land proposed for establishment of a digester or co-digester facility was constructed entirely on fill, as shown by original and final contour drawings, a surface survey for archaeological resources would not be warranted. Similarly, a surface survey may not be warranted if the project area has been extensively disturbed by dairy or agricultural use.</p> <p>For projects that constitute federal undertakings, as described in the Federal Agencies section of the Introduction (Chapter 2), the cultural resources study shall be prepared in accordance with Section 106 of the NHPA. The cultural resources study and inclusive mitigation measures shall form the basis for the cultural resources component of the project-level environmental documentation prepared for the project under Section 106.</p> <p>If the survey, CHRIS record search, or NAHC search indicate cultural resources are located within a project area, the Cultural Resources Inventory Report shall include an assessment of the significance of the resources according to applicable federal, state, and local significance criteria. If the cultural resources are determined significant historical resources, the Lead Agency (usually the Central Valley Water Board) must review and approve the applicant's proposed treatment measures to ameliorate any "substantial adverse change" in the significance of each historical resource, in consultation with a qualified archaeologist or architectural historian, and other concerned parties. Treatment measures may include preservation through avoidance or project redesign, incorporation within open space or conservation easements, data recovery excavation of archaeological resources, formal documentation of built environment resources, public interpretation of the resource, or other appropriate treatment, and may be described in a project-level Cultural</p> | <p>which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR. Specifically, mitigation measures 12.1a-b have been incorporated into the General Order's NOI application process which requires submittal of a Cultural Resources Inventory Report to identify if cultural resources are in the project area, determine if those resources are significant, and if there are significant historical resources; propose treatment measures. The NOI also requires the applicant indicate that they will require construction contractors performing ground-disturbing activities at their digester facility to implement inadvertent discovery measures for cultural resources.</p> |

TABLE 1
FINDINGS FOR GENERAL ORDER FOR DAIRIES WITH MANURE ANAEROBIC DIGESTER OR CO-DIGESTER FACILITIES (GENERAL ORDER)

| Impact | Mitigation Measure | Finding |
|--------|---|---------|
| | <p>Resources Mitigation Plan included in the Cultural Resources Inventory Report to be approved by the Lead Agency.</p> <p>Should the project area contain standing, built environment resources now 50 years of age, a qualified architectural historian shall be retained to evaluate the integrity and significance of the resource(s) unless the building(s) or structure(s) were covered in the existing survey report and determined not significant according to applicable federal, state, and local criteria. The results of that evaluation shall be included in the Cultural Resources Inventory Report.</p> <p>If cultural resources identified within a project area are neither a historical resource nor unique archaeological resource, there would be no significant effect to the environment and no further treatment of those known resources would be required.</p> <p>Measure 12.1b: Inadvertent discovery measures for cultural resources shall be implemented during all construction activities within the project area. Measures shall include procedures for discovery and protection of cultural resources, including human remains, during construction or earth-disturbing activities.</p> <p>Within project areas of identified archaeological sensitivity, discovery measures would include: (1) a worker education course for all construction personnel; (2) monitoring of all earth-disturbing activities by a qualified archeologist; and (3) procedures for discovery of cultural resources, including human remains, during construction or ground-disturbing activities if an archaeological monitor is not present. Monitoring by a Native American with knowledge in cultural resources may also be required, as appropriate. Monitoring within recent fill deposits or non-native soil would not be required.</p> <p>All construction or ground-disturbing activities shall be halted within 100 feet of a cultural resources discovery, including human remains, whether or not a monitor is present, until a qualified professional archaeologist can evaluate the find. If the find is determined to be a significant historical resource and cannot be avoided, then impacts on that resource will require mitigation. During evaluation or mitigative treatment, ground disturbance and construction work could continue on other parts of the project area.</p> <p>If known or suspected human remains are discovered, in addition to halting all construction or ground-disturbing activities within 100 feet, the following steps must be taken before construction activities may be resumed within the stop-work area:</p> | |

TABLE 1
FINDINGS FOR GENERAL ORDER FOR DAIRIES WITH MANURE ANAEROBIC DIGESTER OR CO-DIGESTER FACILITIES (GENERAL ORDER)

| Impact | Mitigation Measure | Finding |
|---|--|---|
| | <ul style="list-style-type: none"> • The County Coroner has been immediately notified and has determined that no investigation of the cause of death is required; and • If the remains are of Native American origin, the following steps have been taken: <ul style="list-style-type: none"> ○ The applicant has 24 hours to notify the NAHC, who should, in turn, notify the person identified as the proper descendant of any human remains. Under existing law, the descendant then has 24 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. ○ If the NAHC is unable to identify a descendant or if the descendant does not make recommendations within 24 hours, the applicant shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. ○ Should the applicant not accept the descendant's recommendations, the applicant or the descendant may, under existing law, request mediation by the NAHC. | |
| <p>Impact 12.2: Construction of dairy digester and co-digester facilities could result in the disruption of human remains, including those interred outside formal cemeteries.</p> | <p>Measure 12.2: Implement inadvertent discovery measures for the protection of cultural resources, including human remains (Measure 12.1b).</p> | <p>Finding per Section 15091(a)(1): Mitigation has been incorporated into the Project. Changes or alterations have been required in, or incorporated into, the General Order which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR. Specifically, mitigation measure 12.2 has been incorporated into the General Order's NOI application process which requires the applicant indicate that they will require construction contractors performing ground-disturbing activities at their digester facility to implement inadvertent discovery measures for cultural resources, including human remains.</p> |
| <p>Impact 12.3: Construction of dairy digester and co-digester facilities could result in direct or indirect disturbance or destruction of a unique paleontological resource or site or unique geologic feature.</p> | <p>Measure 12.3: If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing activities, all ground disturbing activities within 50 feet of the find shall be halted until a qualified paleontologist can assess the significance of the find and, if necessary, develop appropriate salvage measures in consultation with the lead agency and in conformance with Society of Vertebrate</p> | <p>Finding per Section 15091(a)(1): Mitigation has been incorporated into the Project. Changes or alterations have been required in, or incorporated into, the General Order which would avoid or substantially lessen the significant environmental effects as identified</p> |

**TABLE 1
 FINDINGS FOR GENERAL ORDER FOR DAIRIES WITH MANURE ANAEROBIC DIGESTER OR CO-DIGESTER FACILITIES (GENERAL ORDER)**

| Impact | Mitigation Measure | Finding |
|--|---|--|
| | Paleontology Guidelines (SVP, 1995; SVP, 1996). Additional guidance may be found in <i>Standard Guidelines for the Assessment and Mitigation of Adverse Impacts to Nonrenewable Paleontologic Resources</i> (SVP 2010). | in the Final EIR. Specifically, mitigation measure 12.3 has been incorporated into the General Order's NOI application process which requires the applicant indicate that they will require construction contractors performing ground-disturbing activities at their digester facility to implement inadvertent discovery measures for paleontological resources. |
| Impact 12.4: Development of dairy digester and co-digester facilities could contribute to cumulative impacts related to archaeological, historical, and/or paleontological resources. | Measure 12.4: Implement Measures 12.1a, 12.1b, 12.2, and 12.3. | Finding per Section 15091(a)(1): Mitigation has been incorporated into Project. Changes or alterations have been required in, or incorporated into, the General Order which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR. As described above, mitigation measures 12.1a, 12.1b, 12.2 and 12.3 have been incorporated into the General Order. |
| 13. Geology | | |
| Impact 13.1: The project could expose people to injury and structures to damage resulting from seismic activity. | <p>Measure 13.1: Prior to construction, project applicants or agency(s) responsible shall ensure that dairy digester facilities are designed and construction techniques are used that comply with relevant local, State and federal regulations and building code requirements. Requirements could include, but might not be limited to:</p> <ul style="list-style-type: none"> Preparation of site-specific soil and geotechnical engineering studies performed by a licensed professional including, but not limited to, a geologist, engineering geologist, certified soil scientist, certified agronomist, registered agricultural engineer, registered civil or structural engineer, and/or certified professional erosion and sediment control specialist with expertise in geotechnical engineering issues who is registered and/or certified in the State of California, to determine site specific impacts and to recommend site specific mitigations. The site specific soil and geotechnical engineering studies shall be submitted to the all appropriate State and local regulatory agencies including, but not limited to, the CVRWQCB and the city or county engineering department for review and approval. The project applicant or agency(s) responsible shall implement all | Finding per Section 15091(a)(2): Responsibility of other agencies. Implementation of this mitigation measure is within the responsibility and jurisdiction of other public agencies that can and should implement the measure. Specifically, Appendix A of the Final EIR describes the expectation that local building departments, which have the responsibility and jurisdiction over building permits, would have jurisdiction over mitigation measure 13.1. While the Central Valley Water Board will play a supporting role in confirming that construction plan reports have been submitted as part of the General Order's NOI application process, the primary responsibility lies with the local agencies. |

**TABLE 1
 FINDINGS FOR GENERAL ORDER FOR DAIRIES WITH MANURE ANAEROBIC DIGESTER OR CO-DIGESTER FACILITIES (GENERAL ORDER)**

| Impact | Mitigation Measure | Finding |
|---|--|--|
| | feasible recommendations addressing potential seismic hazards and soil constraints; and <ul style="list-style-type: none"> • Implementation of CBC design requirements | |
| Impact 13.2: The project could expose people to injury and structures to damage resulting from unstable soil conditions. | Measure 13.2: Implement Mitigation Measure 13.1. | Finding per Section 15091(a)(2): Responsibility of other agencies. Implementation of this mitigation measure is within the responsibility and jurisdiction of other public agencies that can and should implement the measure. As described above, local building departments have the primary responsibility and jurisdiction over mitigation measure 13.1. |
| 14. Noise | | |
| Impact 14.1: Construction of dairy digester and co-digester facilities could temporarily increase noise levels at nearby sensitive receptor locations or result in noise levels in excess of standards in local general plans, noise ordinance, or other applicable standards. | Measure 14.1a: Construction activities shall be limited to daytime hours, between 7 a.m. and 6 p.m., Monday through Saturday, or an alternative schedule established by the local jurisdiction. Measure 14.1b: Construction equipment noise shall be minimized by muffling and shielding intakes and exhaust on construction equipment to a level no less effective than the manufacture’s specifications, and by shrouding or shielding impact tools. Measure 14.1c: Construction contractors within 750 feet of sensitive receptors shall locate fixed construction equipment, such as compressors and generators, and construction staging areas as far as possible from nearby sensitive receptors. Measure 14.1d: Construction contractors shall comply with all local noise ordinances and regulations. | Finding per Section 15091(a)(2): Responsibility of other agencies. Implementations of mitigation measures 14.1a-d are within the responsibility and jurisdiction of other public agencies that can and should implement the measure. Specifically, Appendix A of the Final EIR describes the expectation that local building and planning departments, which have the responsibility and jurisdiction over local regulation regarding construction and operational noise levels, would review an acoustic report that addresses construction and operational noise levels. While the Central Valley Water Board will play a supporting role in confirming that the acoustic report has submitted as part of the General Order’s NOI application process, the primary responsibility lies with local building and planning departments. |

**TABLE 1
 FINDINGS FOR GENERAL ORDER FOR DAIRIES WITH MANURE ANAEROBIC DIGESTER OR CO-DIGESTER FACILITIES (GENERAL ORDER)**

| Impact | Mitigation Measure | Finding |
|--|--|---|
| <p>Impact 14.2: Noise from operation of dairy digester and co-digester facilities or centralized facilities could substantially increase ambient noise levels at nearby land uses or result in noise levels in excess of standards in local general plans, local noise ordinances, or other applicable standards.</p> | <p>Measure 14.2: Any continuous equipment operating at night within 1,000 feet of a sensitive receptor must be enclosed. Furthermore, an acoustic study and follow-up measurements must be performed (after construction) to prove that the noise from any continuous equipment operating at night would comply with all local noise regulations. If no local regulations are available, noise levels must be below 45 dBA at the nearest sensitive receptor. If the sound level exceeds local regulations, or 45 dBA if applicable, additional sound-proofing shall be installed to meet the required sound level.</p> | <p>Finding per Section 15091(a)(2): Responsibility of other agencies. Implementation of mitigation measure 14.2 is within the responsibility and jurisdiction of other public agencies that can and should implement the measure. Specifically, Appendix A of the Final EIR describes the expectation that local building and planning departments, which have the responsibility and jurisdiction over local regulation regarding construction and operational noise levels, would review an acoustic report that addresses construction and operational noise levels. While the Central Valley Water Board will play a supporting role in confirming that the acoustic report has submitted as part of the General Order's NOI application process, the primary responsibility lies with local building and planning departments.</p> |
| <p>Impact 14.4: Development of dairy digester and co-digester facilities could result in a cumulative increase in noise levels.</p> | <p>Measure 14.4a: Implement Mitigation Measures 14.1a through Measure 14.1d and Measure 14.2, above.</p> | <p>Finding per Section 15091(a)(2): Responsibility of other agencies. Implementation of this mitigation measure is within the responsibility and jurisdiction of other public agencies that can and should implement the measure. As described above, local agencies have the primary responsibility and jurisdiction over mitigation measures 14.1a-d and 14.2.</p> |
| 15. Public Services | | |
| <p>Impact 15.7: The project could result in the construction new energy supplies and could require additional energy infrastructure.</p> | <p>Measure 15.7: Implement Mitigation Measures for construction of energy infrastructure including Mitigation Measures 6.1b, 9.1a, 9.1b, 9.2a, 9.2b, 9.3b, 12.1b, 12.2, 12.3, and 14.1a-c.</p> | <p>Finding per Section 15091(a)(1) and 15091(a)(2): Changes or alterations have been required in, or incorporated into, the General Order which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR. As described above, mitigation measures 9.1a, 9.1b, 9.2a, 9.2b, 9.3b, 12.1b,</p> |

TABLE 1
FINDINGS FOR GENERAL ORDER FOR DAIRIES WITH MANURE ANAEROBIC DIGESTER OR CO-DIGESTER FACILITIES (GENERAL ORDER)

| Impact | Mitigation Measure | Finding |
|---------------|---------------------------|---|
| | | 12.2, and 12.3 have been incorporated into the General Order. The remaining mitigation measures are within the responsibility and jurisdiction of other public agencies that can and should implement the measure. As described above, local agencies have the primary responsibility and jurisdiction over mitigation measures 6.1b and 14.1a-c. |