San Joaquin Valley
Air Pollution Control District

WHITE RIVER DAIRY

SCH No. 2005041071
(PSP 04-093)

California Environmental Quality Act Statement of Findings, Statement of Overriding Considerations, and Mitigation Monitoring Program

March 2007

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2007

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I. INTRODUCTION

The California Environmental Quality Act (CEQA) requires each public agency to adopt objectives, criteria, and specific procedures consistent with CEQA Statutes and the CEQA Guidelines for administering its responsibilities under CEQA, including the orderly evaluation of projects and preparation of environmental documents. The San Joaquin Valley Air Pollution Control District (District) adopted its *Environmental Review Guidelines* (ERG) in 2001. The ERG was prepared to comply with this requirement and is an internal document used to comply with CEQA.

The basic purposes of CEQA are to:

1) Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.

2) Identify the ways that environmental damage can be avoided or significantly reduced.

3) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.

4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

As the Lead Agency for the White River Dairy project, the County of Tulare is required to:

- Conduct preliminary reviews to determine if applications are subject to CEQA [CCR §15060].
- Conduct review to determine if project is exempt from CEQA [CCR §15061].
- Prepare initial studies for projects that may have adverse environmental impacts [CCR §15063].
- Determine the significance of the environmental effects caused by the project [CCR §15064]
- Prepare Negative Declarations or Mitigated Negative Declarations for projects with no significant environmental impacts [CCR §15070].
- Prepare, or contract to prepare, EIRs for projects with significant environmental impacts [CCR §15081].
- Adopt reporting or monitoring programs for the changes made to projects or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment [PRC §21081.6 & CCR §15097].
- Comply with CEQA noticing and filing requirements.

In order to meet its CEQA requirements, the County of Tulare Resource Management Agency has prepared a Draft Environmental Impact report (SCH #2005041071,

September 2005) and a Final Environmental Impact Report (SCH #2005041071, December 2005) for the White River Dairy project. The District is a Responsible Agency because of its discretionary approval power over the project via its Permits Rule (Rule 2010) and New Source Review Rule (Rule 2201) (CEQA Guidelines §15381). Rule 2010 requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. Rule 2201 requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT) and for non-agricultural sources to offset emissions when above thresholds, using among other things, emission reduction credits, or "offsets" (SB 700).

The District has been developing site-specific BACTs until a BACT determination is finalized by the Air Pollution Control Officer (APCO). The Dairy Permitting Advisory Group (DPAG) provided its recommendations to the District at the end of January 2006.[1] The District is considering DPAG's BACT recommendations for new and modified dairies. However, the District has repeatedly stated that individual final BACT determinations must be made on a case-by-case basis. Other mitigation measures for dairies and other agricultural operations are included in the District's Conservation Management Practices (Rule 4550) and Confined Animal Facility (Rule 4570).

The District cannot require dairies to provide offsets for their emissions at this time, however. Section 3.26 of District Rule 2201 defines offsets as "emission reductions recognized by the APCO in the form of Emission Reduction Credits that are issued in accordance with the provisions of Rule 2301 (Emission Reduction Credit Banking), or other Actual Emissions Reductions that may be used to mitigate an emission increase as part of the same Stationary Source Project in accordance with the provisions of this rule. California Health & Safety Code section 42301.18(c) states that, "a district may not require an agricultural source to obtain emissions offsets for criteria pollutants for that source if emission reductions from that source would not meet the criteria for real, permanent, quantifiable, and enforceable emission reductions." Thus, under this section, if dairies are not permitted to generate offsets, the District cannot require that they obtain offsets for permitting purposes. As outlined in Section VIIIB: Offsets, of the District's Engineering Evaluation for the project, there is currently no protocol set up to allow dairies to generate offsets and; therefore, the District is prohibited from requiring dairies to provide offsets for their emissions under section 42301.18(c). In addition, CEQA Guidelines section 15040(b) expressly states that CEQA does not provide the District with authority that it does not already possess. Because the District is currently prohibited from requiring offsets for dairies by state law, the District also has no authority to require offsets under CEQA

As a responsible agency the District complies with CEQA by considering the EIR prepared by the Lead Agency, Tulare County, and by reaching its own conclusion on whether and how to approve the project involved (CEQA Guidelines §15096).

[1] San Joaquin Valley Air Pollution Control District Dairy Permitting Advisory Group, "Recommendations to the San Joaquin Valley Air Pollution Control Officer Regarding Best Available Control Technology for Dairies in the San Joaquin Valley-Final Report", January 31, 2006

The District must perform the following to comply with CEQA requirements as a Responsible Agency (ERG, Section 3.2.2, page 3-4):

- Decide on the adequacy of the EIR or Negative Declaration for use by the District [CCR §15096(e)].
- Consider the environmental effects of the project as shown in the EIR or Negative Declaration [CCR §15096(f)].
- Adopt feasible alternative or mitigations for the direct or indirect environmental effects of those parts of the project, which it decides to carry out, finance, or approve [CCR §15096(g)].
- Prepare and submit mitigation monitoring and reporting programs where appropriate [PRC §21081.6 & CCR §15097].
- Make appropriate findings [CCR §15096(h)].
- File appropriate notices [CCR §15096(i)].

The District has reviewed the EIR developed by Tulare County and finds it to be adequate. The District has also considered the environmental effects of the project as they relate to air quality and, as discussed further below, has adopted all feasible mitigation measures to lessen the impacts associated with the project. It has also included a Mitigation Monitoring plan in Section V of this document.

CEQA requires the District as a responsible agency to meet the following standard in making its findings under CEQA Guidelines §15096(h):

- A responsible agency must make one or more of three findings pursuant to CEQA Guidelines §15091(a).

  (1) Changes have been incorporated in the project to avoid or substantially lessen the identified significant environmental effect.

  (2) The changes are within the jurisdiction of another agency and the changes have been or should be adopted by that other agency.

  (3) Specific economic, legal, social, technological or other considerations, which make infeasible the mitigation, measures or alternatives identified in the final EIR.

These findings must be explained and supported by substantial evidence in the record. The District's findings are included in Section III below.

II. SUMMARY OF THE PROPOSED PROJECT

The White River Dairy project proposes to construct and operate a new 6,037 total animal unit (AU) (3,500 Holstein milk cows plus 4,492 support stock) dairy facility on 1,636.7 acres of land located west of Road 40 between Avenue 112 and Avenue 96,

approximately 6.7 miles north of Alpaugh in Tulare County, California. The dairy site is located in the Tulare County AE-40 and AE-80 (Exclusive Agriculture – 40 and 80 acre minimum) zones. The proposed dairy facility will occupy 154 acres of the total site. The remaining acreage will remain in agricultural production as 1,441.1 farmable single-cropped acres in corn silage, and as 41.6 acres of access roadways and canals.

The project objective is to operate an economically viable and competitive dairy facility in compliance with applicable laws and regulations, optimizing the available land resources and mitigating any environmental impacts to the extent feasible and as required by CEQA.

III. STATEMENT OF FINDINGS

Pursuant to CEQA Guidelines 15091(a) the District makes the following findings. The following sets forth the District's findings for significant adverse impacts to air quality identified in the EIR that cannot be reduced to insignificance and the rationale for each finding. The findings are supported by substantial evidence in the record as explained in each finding.

A. POTENTIAL AIR QUALITY IMPACTS WHICH CANNOT BE MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The District concurs with the Tulare County Resource Management Agency characterization of project operations impacts on air quality as being significant and that they cannot be reduced to a level of insignificance.

1. **Operational emissions of criteria pollutants, Reactive Organic Gases (ROG) will be significant, considerable and unavoidable, as well as cumulatively significant.**

Finding: The District makes the following findings with respect to this impact: (1) controls measures were incorporated into the project that would reduce the significant adverse air quality impacts, but not to insignificance; (2) additional measures that would reduce the significant adverse air quality impacts, but not to insignificance are required by the District's rules and regulations; and (3) no other feasible measures are available to lessen the significant impact to air quality.

Explanation: Project-related Reactive Organic Gases (ROG) are generated by the enteric emissions of cows, the decomposition of their manure, by exhausts from equipment used in dairy operations (tractors, etc.) and exhausts from on- and off-road project-related vehicle traffic.

ROG will be generated at any location where manure undergoes anaerobic decomposition. ROG is a subset of total organic gases (TOG). ROG, also known as VOC (volatile organic compounds), are photochemically reactive

hydrocarbons that are precursors of ozone formation. In order to derive the most conservative values for ROG (and methane) production, the Draft EIR assumed that all manure on the project site undergoes anaerobic decomposition, although thin-layer manure applications to crops may actually result in aerobic decomposition. TOGs are mostly methane, which is photochemically non-reactive and is not considered an ozone precursor.

Controls imposed as mitigation measures that were required by Tulare County include:

1. All animals shall be fed in accord with National Research Council Guidelines, utilizing routine dairy nutritionist analyses of rations and maintaining feed analyses on-site for regulatory agency monitoring.

2. Feed lanes shall be cleared twice daily.

3. Silage piles shall be covered with tarps.

4. Project dairy facilities design and construction shall include concrete-base freestalls and walk lanes, and water drainage to separator facilities.

5. Utilization of manure water shall be in thin layers, blending such manure water with irrigation water in compliance with the comprehensive nutrient management plan.

6. Design and construction of the project's lagoon(s) shall comply with the specifications set forth in the U.S. Department of Agriculture – Natural resource Conservation Service Field Office Technical Guide, Practical Standards No. 359.

Many of the measures Tulare County required are part of DPAG's recommended control technologies for San Joaquin Valley Dairies and are included as part of the project's individual BACT determination.

The District also imposed additional controls on the project as required by BACT and District Rule 2201. These include the following:

1. Ensiling all silage piles or covering all silage piles with tarps.

2. Feeding all animals in accordance with National Research Council (NRC) guidelines utilizing routine nutritional analysis for rations.

3. Concrete corral feed lanes and walkways.

4. Feed lanes and walkways for mature cows flushed four times per day.

5. Flushing or spraying down the milking parlor after each group of cows is milked.
6. Use of mechanical separators equipped with screw presses (or similar) to reduce the moisture of separated solids and to reduce loading of lagoons.

7. Removal of separated solids piles at least on a weekly basis.

8. Corrals with a minimum slope of 3% to facilitate runoff.

9. Weekly Scraping and/or Manure Removal using Pull-Type Manure Harvesting equipment, except during periods of rainy weather.

10. Incorporating solid manure into fields immediately (within 2 hours) after application.

11. Irrigation of crops using liquid and slurry manure from a holding/storage pond.

12. Blending manure water with irrigation water in compliance with the facility's comprehensive nutrient management plan.

13. Installation of a two stage Anaerobic Treatment Lagoon system designed according to NRCS Guidelines; and

14. Installation of an Anaerobic Digester, if determined to be an effective VOC control and required by the final Dairy BACT Guideline.

Cost Effective Controls are those in which the annual cost per ton of controlling each affected air pollutant is less than the Cost effective Thresholds outlined in the District's BACT Policy. The following controls were analyzed, but determined not to be cost effective based on the District's cost-effectiveness thresholds for controls:

1. Freestall enclosure with air vented to an incinerator capable of achieving 98% control.

2. Freestall enclosure with air controlled by biofilter capable of achieving 80% control.

3. Aerobic lagoons

In addition, as discussed in Section I above, the District is prohibited from requiring offsets for dairies at this time under Health and Safety Code section 42301.18(c). Thus, offsets were considered, but determined not to be a feasible mitigation measure.

Estimates of 2004 San Joaquin Valley Air Basin (SJVAB) ROG emissions are 393.5 tons/day or 143,627.5 tons/year (Air Resources Board, Emission Inventory: Estimated Annual Average for 2004). The ROG emission rate used in the Draft EIR was 12.8 lbs of ROG per head per year. After considerable research, the District finalized its present emission factor of 19.3 lbs of ROG per head per year in August 2005.[2] The Draft EIR determined that the ROG emissions of the proposed project would be 52.47 tons/year. Existing farming-related ROG emissions, which would continue as part of the project, are estimated to be 0.69 tons/year. The net change in ROG emissions for the proposed project is 51.72 tons/year based on the emission factor in the Draft EIR. The District's calculation of ROG emissions is 58.54 tons/year. The proposed project will be subject to BACT and as part of the permitting process, the project will be required to implement project-specific controls. These control measures will reduce approximately 41.85 tons/year of ROG emissions. The remaining ROG emissions from the project are expected to be 16.69 tons/year. Even with mitigation measures, the proposed project's ROG emissions will exceed the District's Threshold of Significance of 10 tons/year[3].

Cumulative air quality impacts will be significant, considerable, unavoidable and significant.

Finding: The District makes the following findings with respect to this impact: (1) control measures were incorporated into the project that would reduce the significant adverse air quality impacts, but not to insignificance; (2) additional measures that would reduce the significant adverse air quality impacts, but not to insignificance are required by the District's rules and regulations; and (3) no other feasible measures are available to lessen the significant impact to air quality.

Explanation: The District's Guide to Assessing and Mitigating Air Quality Impacts (GAMAQI) states that any proposed project that would individually have a significant air quality impact (as defined by the GAMAQI §4.3.2-Thresholds of Significance for Impacts from Project Operations) would also be considered to have a significant cumulative air quality impact. The proposed project exceeds the identified significance threshold of significance for ROG. Mitigation measures have been incorporated into the final EIR that will help avoid, mitigate or substantially lessen the impacts to air quality. In addition, the proposed project will be subject to the District new source review and will be required to implement BACT.

The passage of California State Senate Bill 700 (Florez) in 2003 changed the California Health and Safety Code § 39011.5 and removed agriculture's permitting exemption. As a result, new and modified dairies with the potential to emit half of the major source threshold (12.5 tons of criteria pollutants) or more

[2] San Joaquin Valley Air District, "Air Pollution Control Officer's Determination of VOC Emission Factors for Dairies", August 1, 2005.
[3] San Joaquin Valley Air District, "Guide for Assessing and Mitigating Air Quality Impacts", January 10, 2002.

annually are required to obtain pre-construction and operating permits from the District. New and modified stationary sources are required by District Rule 2201 to mitigate their emissions using BACT and to offset emissions when above thresholds. As a new and modified stationary source, dairies would seemingly fall under this requirement. However, California Health & Safety Code §42301.18(c) explicitly states, "a district may not require an agricultural source to obtain emissions offsets for criteria pollutants for that source if emission reductions from that source would not meet the criteria for real, permanent, quantifiable, and enforceable emission reductions. Thus, unless the District allows dairies to generate emissions reductions credits, it cannot require them to obtain them for purposes of offsetting their emissions. However, the District cannot allow dairies to generate emission reductions credits without first developing an EPA-approved protocol and system. While the District is currently investigating and exploring the development of such a system, EPA has approved none. Thus, the District is currently prohibited from requiring dairies to obtain offsets at this time.

BACT is defined as the most effective way to reduce emissions that is either: 1) achieved in practice for a given emitting process, or 2) technologically feasible and cost-effective to apply to that process (even if the technically feasible control has never actually been used anywhere). BACT is required for any non agricultural equipment or process requiring a District permit that proposes to increase emissions by more than 2 lb/day in the San Joaquin Valley, as defined by District Rule 2201, and is based on both the federal and state Clean Air Acts.

There are presently no available technologies to control 100% of the project's emissions. However, the proposed project will be required to implement BACT, which will help lessen the environmental impacts to air quality but not to a level of insignificance.

2. **Construction Particulate Matter (PM10) and Fine Particulate Matter (PM2.5) may have a cumulatively significant impact on air quality.**

Finding: The District finds that construction PM10 and PM2.5 emissions are less than significant for the project and that control measures were incorporated into the project that would further reduce air quality impacts. However, cumulative impacts may be significant and unavoidable. The measures incorporated into the project would reduce the significant adverse air quality impacts for the project, but may not cumulatively reduce the impacts to less than significance. There are no other feasible mitigation measures available to lessen the cumulative significant impact to air quality.

Explanation: Project construction will result in numerous activities that generate dust. The silty soils in the project area exacerbate the potential for dust, particularly in the summer months. The District's approach to CEQA analyses of construction PM impacts is to require implementation of effective and

comprehensive control measures rather than to require detailed quantification of emissions. The District's GAMAQI recommends that the size of the construction area and nature of the activities that will occur be considered in evaluating PM10 and PM2.5 impacts from construction. Grading, earth moving and excavation are the activities that generate the most PM10 and PM2.5 emissions. Construction activities associated with project development include site preparation, soil excavation, grading equipment traffic on paved and unpaved surfaces, and the construction of dairy structures. The duration of construction for this project is expected to be six months. Based on the relatively large project area and projected intensity of dust-producing activities during construction, PM10 and PM2.5 emissions generated during construction constitute a temporary potentially significant impact. However, the District has determined that compliance with District Regulation VIII control measures will reduce the impacts from construction activities to a level that under the District's criteria would be less than significant.

Controls imposed as mitigation measures that were required by Tulare County include:

1. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizers/suppressants, covered with a tarp or other similar cover, or vegetative ground cover.

2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer suppressant.

3. All land clearing, grubbing, scraping, excavating, land leveling, grading, demolition, and cut and fill activities shall be effectively controlled to minimize fugitive dust emissions utilizing application of water or by pre-soaking.

4. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least 6 inches of freeboard space from top of the container shall be maintained.

5. All operations shall limit, or expeditiously remove the accumulation of mud or dirt from, adjacent public streets at the end of each workday when operations are occurring (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit visible dust emissions; use of blower devices is expressly forbidden).

6. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of

fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

7. Limit traffic speeds on unpaved roads to 15 mph.

8. Suspend excavation and grading activities when winds exceed 20 mph.

9. Limit area subject to excavation, grading or other construction activity at any one time.

10. Install wheel washers for all exiting trucks or wash off all trucks and equipment leaving the site.

3. **Construction equipment exhaust emissions (Carbon Monoxide (CO), Reactive Organic Gases (ROGs), Nitrogen Oxide (NOx), Sulfur Dioxide (SO_2), Particulate Matter (PM10) and Fine Particulate Matter (PM2.5) may have a cumulatively significant impact on air quality.**

Finding: The District finds that construction equipment exhaust emissions are less than significant for the project and that control measures were incorporated into the project that would further reduce air quality impacts. However, cumulative impacts may be significant and unavoidable. The controls incorporated into the project would reduce the significant adverse air quality impacts for the project, but may not cumulatively reduce the impacts to less than significance. There are no other feasible measures available to lessen the cumulative significant impact to air quality.

Explanation: Several pieces of diesel-powered heavy equipment typically operate during the site preparation phase of the proposed project. Site preparation activity emissions have been estimated in the EIR based on a construction vehicle fleet of four scrapers, a grader, a dozer, a loader, and two water trucks. Table 3.3-3 in the Draft EIR (p. 3-40) demonstrates that construction emissions of ROG or NOx will not exceed the District's significance thresholds of 10 tons/year during peak construction activities. The expected construction emissions are 0.29 tons of ROG and 4.58 tons of NOx. The District does not have any ton/year thresholds of significance for SOx, CO, PM10, and PM2.5. Impacts for these pollutants may be modeled for ambient concentrations compared to air quality standards. For this project, the construction phase is not expected to exceed any ambient standard.

Controls imposed as mitigation measures that were required by Tulare County include:

1. When feasible, alternative fueled or electrical construction equipment shall be used at the project site.

2. The idling time of all construction equipment used at the site shall not exceed 10 minutes.

3. The hours of operation of heavy-duty equipment shall be minimized.

4. When feasible, electrical or other smaller equipment shall be used at the project site.

5. Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways.

6. Implement activity management (e.g. rescheduling activities to reduce short-term impacts).

7. Attend a pre-construction meeting at the Tulare County Resource Management Agency.

8. All equipment shall be properly tuned and maintained in accord with manufacturer's specification.

9. The minimum practical engine size for construction equipment shall be used.

10. When feasible, electric carts or other smaller equipment shall be used at the project site.

11. Gasoline-powered equipment shall be equipped with catalytic converters.

4. **Operational emissions of criteria pollutants, Particulate Matter (PM10) and Fine Particulate Matter (PM2.5) may have a cumulatively significant impact on air quality.**

Finding: The District finds that operational emissions of PM10 and PM2.5 will be less than significant for the project and that control measures were incorporated into the project that will further reduce air quality impacts. However, cumulative impacts may be significant and unavoidable. The measures incorporated into the project would reduce the significant adverse air quality impacts for the project, but may not cumulatively reduce the impacts to less than significance. There are no other feasible measures available to lessen the cumulative significant impact to air quality.

Explanation: PM10 and PM2.5 will be generated by several activities associated with dairy operations including primarily PM10 emissions from cattle movement on unpaved surfaces. Routine periodic maintenance of unpaved surfaces and continued farming operations are also expected to contribute to PM10 emissions.

Ammonia is a known pollutant from dairies and contributes to the secondary formation of ammonium nitrate. While it is known that the release of ammonia gas is a participant in the formation of nitrate, there is currently no capability to forecast how much ammonium nitrate would be created by release of a certain amount of ammonia at a specific location. The reaction that forms ammonium nitrate is dependent on the presence of other chemicals, which are in turn part of a complex photochemical process occurring in the atmosphere. At the same time, both ammonia and ammonium nitrate are subject to removal processes that constantly remove the pollutants from the atmosphere (e.g. deposition, removal by rain, participation as nuclei, etc.). Table 3.3-4 in the Draft EIR (p. 3-44) illustrates the best estimate of ammonia emissions from the proposed project. These ammonia emissions would act as a precursor of PM2.5 in the atmosphere. This is analogous to the quantification of emissions of ROG and NOx as precursors to the formation of ozone. Atmospheric modeling accomplished for the 2006 PM10 Plan simulates the formation of ammonium nitrate from all emission sources in the air basin and provides insights on the most effective control strategies for reducing this pollutant.

The District does not currently have any ammonia controls to prevent ammonium nitrate formation. According to recent findings and the modeling conducted for the 2006 PM10 Plan, the limiting component in the formation of ammonium nitrate is nitric acid, and so the reduction in NOx or VOC will lead to less ammonium nitrate formation.[4]

Controls imposed as mitigation measures that were incorporated into the final EIR to help avoid, mitigate or substantially lessen the impacts of PM10 and PM2.5 include:

1. The owner operator shall minimize fugitive dust emissions from cattle movement within and in/out of unpaved corrals using soil stabilizers that are safe for both the ambient environment and cattle.

2. In addition to daily flushing of paved areas, manure shall be removed from all cattle areas as required to prevent pulverization of dried manure.

3. Maintain a manure pack less than two inches deep.

4. Refrain from spreading dry manure on nutrient application areas when wind speeds exceed 10 miles an hour.

5. Disc dry manure into nutrient application fields immediately after spreading.

[4] Herner, John, Jeremy Aw, Oliver Gao, Daniel P. Chang, and Michael J. Kleeman, “Size and Composition of Airborne Particulate Matter in Northern California: Particulate Mass, Carbon, and Water-Soluble Ions”, *Journal of Air and Waste Management Association*, vol. 55, January 2005.

6. Field perimeter roads and onsite dairy facility roads shall be stabilized such that no visible dust clouds extend beyond the site boundary from manure spreading or agricultural service vehicles using these roads. All onsite dairy facility roads shall be surfaced with gravel or decomposed granite.

7. Mud or dirt on project-adjacent public roads, which originate from project operations, shall be removed within 24 hours of deposition.

8. Dry feed storage shall be protected on 3 sides to prevent material loss and transport due to wind action.

9. Trees shall be planted around the dairy facilities

The proposed project will be subject to the following District rules that will also lessen the impacts to air quality.

1. District Rule 8061 (Paved and Unpaved Roads)
2. District Rule 8071 (Unpaved Vehicle/Equipment Traffic Areas)
3. District Rule 8081 (Agricultural Sources)
4. District Rule 4550 (Conservation Management Practices)

The following control measures also required as part of BACT to lessen the impacts on air quality:

1. Shade Structures on open corrals.

2. Weekly scraping and/or manure removal using a pull type manure harvesting equipment in morning hours when moisture in air except during periods of rainy weather.

3. Use of water and/or soil stabilizers on the dirt corral surfaces, as necessary to maintain optimum moisture content, such that PM and VOC emissions are minimized. A detailed proposal of this system needs to be provided to the District.

4. Feeding Young Stock (heifers and calves) Near Dusk.

5. Individual Calve Hutches (Calves under three months).

6. Concrete freestall and drylot feed lanes and walkways.

7. Drylots controlled by windbreaks – Downwind and upwind shelterbelts must meet the USDA National Research Conservation Services (NRCS) Conservation Practice Standard: Windbreaks/Shelterbelt Establishment - Code 380.

The District conducted an Ambient Air Quality Analysis (AAQA) to determine if the project would violate ambient air quality standards. The District's AAQA showed a violation of the ambient air quality standard for PM. In order for the project to be approved the applicant is offsetting the PM10 emissions through the purchase of Emission Reduction Credits (ERCs). The applicant's decision to change from freestalls to open corrals will have a less than significant impact on air quality as the applicant is offsetting the project's PM10 emissions.

The draft EIR used the best available data to quantify PM10 emissions from fugitive dust and annual emissions of PM10 and PM2.5 are provided in Table 3.3-4 of the Draft EIR (p. 3-44). The proposed project-related emissions are estimated to be 21.22 tons/year for PM10 and 4.07 tons/year of PM2.5. Existing farming-related PM10 emissions, which would continue as part of the project, are estimated to be 22.88 tons/year for PM10 and 4.98 tons/year for PM2.5. The net change in emissions for the proposed project is 1.66 tons/year for PM10 and 0.91 tons/year for PM2.5. The 2005 estimates of San Joaquin Valley Air Basin (SJVAB) emissions are 393.55 tons/day or 143,646 tons/year for PM10 and 178.62 tons/day or 65,196 tons/year for PM2.5 (Air Resources Board, Emission Inventory: Estimated Annual Average for 2005). The District does not currently have adopted thresholds of significance for PM10 or PM2.5. However, using the new source review offset threshold as the basis for a threshold, as is the case for ozone precursor thresholds, a PM10 threshold of 15 tons/year would be appropriate. Therefore PM10 impacts should not be considered significant. Directly emitted PM2.5 from this source is a small fraction of the PM10 and should also be considered insignificant.

5. **Operational emissions of criteria pollutants, Nitrogen Oxides (NOx) may have a cumulatively significant impact on air quality.**

Finding: The District finds that operational emissions of NOx will be less than significant for the project and that control measures were incorporated into the project that will further reduce air quality impacts. However, cumulative impacts may be significant and unavoidable. The measures incorporated into the project would reduce the significant adverse air quality impacts for the project, but may not cumulatively reduce the impacts to less than significance. There are no other feasible measures available to lessen the cumulative significant impact to air quality.

Explanation: CEQA Guidelines §15125(a) requires the analysis of impacts of a project be defined as the changes in the environmental setting that are attributable to project components or operations as opposed to existing or baseline conditions. The existing source of NOx emissions that will continue during project operations is from farm equipment exhaust and is estimated at 4.17 tons/year (Draft EIR, Table 3.3-4, p. 3-44), are considered the baseline emissions. The new sources of NOx emissions are project-related truck

exhausts and employee vehicles. The proposed project related NOx emissions are calculated at 6.56 tons/year (Draft EIR, Table 3.3-4, p. 3-44). Therefore, the net change in NOx emissions for the proposed project is 2.39 tons/year (Draft EIR, Table 3.3-4, p. 3-44); these are the total operational emissions minus the baseline conditions. The total NOx emissions from the project are less than the District's Threshold of Significance of 10 tons/year. Therefore, NOx emissions would have a less than significant impact.

Several of the District's control measures listed in the GAMAQI have been required in, or incorporated into the project. These measures include:

1. Use of alternative-fueled or catalyst-equipped diesel construction equipment where feasible.

2. Minimize idling time for farming and dairy operation equipment.

3. Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use.

4. Whenever feasible, replace fossil-fueled equipment with electrically driven equivalents (provided that they are not run via a portable generator).

5. Curtail operations during periods of high ambient pollutant concentrations; this may include ceasing of construction during the peak-hour of vehicular traffic on adjacent roadways.

6. Implement activity management (e.g., rescheduling activities to reduce short-term impacts).

7. All equipment shall be properly tuned and maintained in accord with manufacturer's specifications.

8. The minimum practicable onsite engine sizes shall be used.

9. On-site gasoline-powered equipment shall be equipped with catalytic converters.

10. Employees will be encouraged to carpool to and from the site.

These measures will help further reduce any project-level impacts from NOx.

The proposed project NOx emissions are below the District's Threshold of Significance for NOx, which is 10 tons/year and are therefore individually less than significant and not cumulatively significant. This differs with Tulare County's determination.

6. **Air quality impacts from ammonia (NH_3) emissions may have a cumulatively significant impact on air quality.**

Finding: The District finds: (1) ammonia emissions will not contribute to a decline in air quality; (2) ammonia emissions will not pose a risk to workers' health; and (3) ammonia emission should be considered less than significant for the project. However, cumulative impacts may be significant and unavoidable. The control measures incorporated into the project would reduce the significant adverse air quality impacts for the project, but may not cumulatively reduce the impacts to less than significance. There are no other feasible measures available to lessen the cumulative significant impact to air quality.

Explanation: Ammonia is produced during anaerobic decomposition of manure, since manure is produced and stored wherever cows are housed and nutrients are collected and stored, ammonia emissions will be dispersed over much of the project site. Current research is attempting to quantify ammonia measurements of dairies at their property fence lines in order to quantify the extent of ammonia dispersion.

As mentioned in the previous discussion on particulates, ammonia emissions are a concern because they are a secondary source for the formation of ammonium nitrate particulate matter. According to air quality studies for the San Joaquin Valley, ammonia controls are not effective in limiting the formation of particulates. NOx emissions controls appear to be the most efficient method to reduce the concentration of locally generated particulate nitrate in the San Joaquin Valley.

However, ammonia emissions can be significant with respect to workers health. The inhalation reference exposure level for ammonia is 3,200 ug/m3 for 1 hour. At this level of concentration, a person would experience eye and respiratory irritation. The District's thresholds for toxic and hazardous pollutants are based on the probability of contracting cancer of the Maximally Exposed Individual (MEI) of 10 in one million or a ground-level concentration of non-carcinogenic toxic air contaminants resulting in a Hazard Index greater than 1 for the MEI. The District will perform a Health Risk Assessment (HRA) to determine if air quality impacts from ammonia will affect worker's health. The District will not approve the project if the MEI or Hazard Index thresholds are exceeded. Because the dairy is an open facility, workers should not be exposed to concentration above the reference exposure level.

For this project, air quality impacts from ammonia emissions are not expected to affect worker's health and will not contribute to decline in air quality, therefore the impacts will be less than significant for this project. However, cumulative impacts on air quality may be significant.

Project-related generation of ammonia is shown in Table 3.3-4 of the Draft EIR (p. 3-44). The proposed project would create 295.70 tons of airborne ammonia/year. Ammonia emission rates range from 17 to over 87 pounds per head per year. The Draft EIR utilized ARB's 2001 estimate of 74 pounds per head per year, which is based on research conducted at the University of California, Davis. Research is ongoing to determine a more accurate emission rate.

However, controls imposed as mitigation measures have been required by Tulare County for this project. These measures will help avoid, mitigate or substantially lessen the impacts of ammonia emissions.

These measures include:

1. All animals shall be fed in accord with National Research Council guidelines, utilizing routine dairy nutritionist analyses of rations and maintaining feed analyses on-site for regulatory agency monitoring (National Research Council 2001).

2. Feed lanes shall be cleared daily.

3. Silage piles shall be covered with tarps.

4. Project dairy facilities design and construction shall include concrete-base freestalls and walk lanes, and water drainage to separator facilities.

5. Utilization of manure water and manure will be in thin layers, blending such manure water with irrigation water, in compliance with the nutrient management plan.

6. Design and construction of the project's lagoon(s) shall comply with the specifications set forth in U.S. Department of Agriculture – Natural Resources Conservation Service Field Office Technical Guide, Practice Standards No. 359.

7. **Hydrogen Sulfide (H_2S) from manure decomposition may have a cumulatively significant impact on air quality.**

Finding: The District finds that air quality impacts from hydrogen sulfide will be less than significant for this project and that control measures were incorporated into the project that would further reduce air quality impacts. However, cumulative impacts may be significant and unavoidable. The measures incorporated into the project would reduce the significant adverse air quality impacts for the project, but may not cumulatively reduce the impacts to less than significance. There are no other feasible measures available to lessen the cumulative significant impact to air quality.

Explanation: Hydrogen sulfide is created when sulfur compounds react anaerobically. Hydrogen sulfide, even at low concentrations, has a distinct odor, and is very toxic. The emission rate for hydrogen sulfide during manure decomposition is unknown.

A credible emission factor does not exist for hydrogen sulfide emissions from animal manure. While hydrogen sulfide can present a workplace hazard in confined spaces, open-air areas generally do not present such a risk. The proposed project consists of earthen storage lagoons. The applicant does not propose any aerators or agitation pumps. The solids separation pits are expected, based upon experience, to have a solid crust year-round, thus minimizing hydrogen sulfide emissions.

The District's thresholds for toxic and hazardous pollutants are based on the probability of contracting cancer of the Maximally Exposed Individual (MEI) of 10 in one million or a ground-level concentration of non-carcinogenic toxic air contaminants resulting in a Hazard Index greater than 1 for the MEI. Based on the District's understanding of potential ground level concentrations of hydrogen sulfide, this impact would not be significant for this project.

Control measures for manure-related ROG and methane emissions would concurrently reduce emissions of hydrogen sulfide. Therefore, control measures have been required in, or incorporated into the project that will help avoid or substantially lessen the impacts of hydrogen sulfide emissions.

These measures include:

1. All animals shall be fed in accord with National Research Council guidelines, utilizing routine dairy nutritionist analyses of rations and maintaining feed analyses on-site for regulatory agency monitoring (National Research Council 2001).

2. Feed lanes shall be cleared daily.

3. Silage piles shall be covered with tarps.

4. Project dairy facilities design and construction shall include concrete-base freestalls and walk lanes, and water drainage to separator facilities.

5. Utilization of manure water and manure will be in thin layers, blending such manure water with irrigation water, in compliance with the nutrient management plan.

6. Design and construction of the project's lagoon(s) shall comply with the specifications set forth in U.S. Department of Agriculture – Natural

Resources Conservation Service Field Office Technical Guide, Practice Standards No. 359.

B. POTENTIAL AIR QUALITY IMPACTS WHICH CAN BE MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

1. Although Methane (CH_4) generation will be considerable, the District does not have authority to regulate this pollutant and cannot characterize the impacts of methane as significant.

Finding: The District finds the following: (1) the District does not have authority to regulate methane; (2) the District presently does not have guidelines or thresholds of significance for methane; and (3) the District cannot characterize the impacts of methane as significant.

Explanation: The breakdown of cellulose fiber by beneficial bacteria in cattle stomachs creates methane gas. Smaller amounts of methane are also generated by the decomposition of manure. Project-related emissions of methane are estimated to be 1,093 tons/year (Draft EIR, Table 3.3-4, p.3-44). Methane production is affected by factors similar to those that impact milk production and ROG emissions, these factors include herd health, feed quality, feed-rates and inter-cattle species differences. Methane generation impacts are reduced by management procedures that include the following components:

- Health practices and tracking procedures.
- Feed quality, quantity and scheduling.
- Use of supplements to upgrade feed quality and reduce rumination time.

Controls imposed as mitigation measures have been required in, or incorporated into the project, which use the above management procedures. These measures will help avoid or substantially lessen the impacts of methane emissions.

These measures include:

1. All animals shall be fed in accord with National Research Council guidelines, utilizing routine dairy nutritionist analyses of rations and maintaining feed analyses on-site for regulatory agency monitoring (National Research Council 2001).

2. Feed lanes shall be cleared daily.

3. Silage piles shall be covered with tarps.

4. Project dairy facilities design and construction shall include concrete-base freestalls and walk lanes, and water drainage to separator facilities.

5. Utilization of manure water and manure will be in thin layers, blending such manure water with irrigation water, in compliance with the nutrient management plan.

6. Design and construction of the project's lagoon(s) shall comply with the specifications set forth in U.S. Department of Agriculture – Natural Resources Conservation Service Field Office Technical Guide, Practice Standards No. 359.

2. **Though less than significant, odor emissions may be considered a perceived nuisance and an environmental impact.**

Finding: The District finds that odor will be a less than significant impact.

Explanation: Although odors from raising livestock are exempt from direct regulation by the District under the California Health and Safety Code, §41705(a), odor can still be considered a perceived nuisance and an environmental impact.

Odor formation and transport from dairy operations – corrals, lagoons, and freestalls – is a complex procedure. Odor formation is most rapid during hot weather when aerobic conditions set in the fastest. Conversely, atmospheric dispersion is best when heated surfaces induce gusty winds and convective turbulence. There is therefore no time of day when odor potential is minimized. Odors generate faster in the day, but disperse faster. Slower nighttime chemistry is offset by more stagnant meteorology.

The prevailing wind direction in Tulare County is toward the southeast. Factors which affect the analysis of the significance of odor impacts include the influence of the proposed dairy's modern design incorporating concrete-base, flushed freestalls and walk lanes and water drainage to separator facilities, together with operational mitigation measures for other impacts result in odor reduction as a supplemental benefit.

The DEIR states that the nearest receptor is roughly 6,470 feet from the facility, and that the receptor is located on an existing confined animal facility.

The proposed dairy facility complies with Tulare County's Animal Confinement Policies and Standard Conditions (Policies 4 and 5):

Policy 4: A new dairy or other animal confinement facility shall not be located as follows:

- Within any Windshed area for incorporated and unincorporated communities or within the Windsheds for areas zoned for residential use and containing at least thirty (30) legally-established dwelling units (for

which the Windshed Area shall be measured from the outermost residential zoning boundary) – a 'Windshed Area' is defined as a one-mile setback from an incorporated or unincorporated community's Urban Area Boundary (however, for those communities that have an Urban Development Boundary but do not have an Urban Area Boundary, the Urban Development Boundary line shall be used) or urban-type residential zoning boundary line;
- Within 1000 feet of the boundary of a public park;
- Within one-half mile (2640 feet) of school grounds or of the nearest point of a dwelling structure in a concentration of ten (10) or more occupied private residences [to qualify as a 'concentration', such residences must be legally established, occupied, located within a contiguous area, and exceed a density of one dwelling unit per acre, excluding travel trailers]. As used herein, 'legally established' residences are defined as residences "established in accordance with all applicable building and zoning regulations".

Policy 5: A new dairy or other animal confinement facility shall not be located closer than the distances shown on Micro-Windshed Diagram "A" (Residential) to an occupied dwelling owned by a property owner other than the animal confinement facility site owner/operator or employee.

Although no specific control measures have been required in, or incorporated into the project specifically for odor reduction, the proposed measures for other air quality impacts have the additional benefit of helping avoid, mitigate or substantially lessen the impacts of odor emissions to a less than significant level.

3. **Local Carbon Monoxide (CO) concentrations will be less than significant.**

Finding: The District finds that CO concentrations will be less than significant.

Explanation: Concentrations of CO are related to levels of traffic and of congestion along streets and intersections. The District's GAMAQI provides screening criteria to identify situations where further analysis and modeling are required. The District's criteria includes the following:

- The Level of Service (LOS) on one or more streets or at one or more intersections in the project vicinity will be reduced to LOS E or F, or
- The project will substantially worsen an already existing LOS F on one or more streets or at one or more intersections in the project vicinity.

The proposed project does not meet either of these criteria and would have no potential to create a violation of the carbon monoxide standards. Any carbon monoxide increase resulting from the proposed project would be less than significant.

4. **Although Greenhouse Gas [Methane (CH_4), Nitrous Oxide (N_2O)] generation will be considerable; the District does not have authority to regulate these pollutants and cannot characterize the impacts of these emissions as significant. Carbon Dioxide (CO_2) emissions will be less than significant.**

Finding: The District finds the following: (1) the District does have authority to regulate greenhouse gases; and (2) the District cannot characterize the greenhouse gas emissions as significant.

Explanation: Several sources of greenhouse gases are associated with dairies, including animal metabolic movement, manure decomposition, and cultivation. Specific greenhouse gases associated with dairies and agriculture include CH_4, N_2O, and CO_2. The Draft EIR mentions ozone as a dairy-related emission, however ozone is considered a secondary pollutant because it is formed in the atmosphere from primary pollutants (ROG and NOx) via photochemical reactions. ROG, NOx, and CH_4 were previously discussed in these findings.

N_2O emissions from storage and treatment of animal wastes cannot be accurately estimated. N_2O emissions from agricultural fields associated with new dairies, such as the proposed project would not change because the existing cultivated land would be utilized and animal waste will replace all or a portion of existing synthetic fertilizer. Although CO_2 can result from agricultural activities, the proposed project will be developed on existing cultivated land. Tillage and other management practices would not change, so there should be no potential additional emissions.

The District does not have authority to regulate green house emissions and cannot characterize the impacts of these emissions as significant.

C. STATEMENT OF FINDINGS CONCLUSION

Changes or alterations have been incorporated into the project to mitigate or minimize the potentially significant adverse environmental effects associated with certain project impacts, i.e., air quality impacts during operation. All feasible and cost-effective control measures have been applied to the project as part of BACT. In addition, the project will be subject to several District rules, specifically, Regulation VIII (Fugitive PM10 Control Measures), Rule 4550 (Conservation Management Practices) and Rule 4570 (Confined Animal Facility). The applicant should be aware that District Rules and Regulations are periodically updated. This project will be subject to the District's current rules and regulations.

All feasible controls imposed as mitigation measures identified in the Final EIR have been adopted as set forth in the mitigation monitoring program. The District further finds that the Final EIR considered those alternatives or process modifications that meet the requirements of Public Resources Code §21002.1(a).

IV. MITIGATION MONITORING PLAN

Introduction

CEQA requires an agency to prepare a plan for reporting and monitoring compliance with and implementation of measures to mitigate significant environmental impacts. Mitigation monitoring requirements are included in CEQA Guidelines §15097 which specifically state:

When making findings as required by subdivision (a) of Public Resources Code §21081 or when adopting a negative declaration pursuant to Paragraph (2) of subdivision (c) of Public Resources Code §21080, the public agency shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of an agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.

The provisions of CEQA Guidelines §15097 are triggered when the lead agency certifies a CEQA document in which mitigation measures, changes, or alterations have been required or incorporated into the project to avoid or lessen the significance of adverse impacts identified in the CEQA document.

To fulfill the requirements of CEQA Guidelines §15097, the Tulare County Resource Management Agency must develop a plan to monitor project compliance with those mitigation measures adopted as conditions of approval for the White River Dairy project. The following subsections identify the specific mitigation measures identified in the EIR and the public agency responsible for monitoring implementation of each mitigation measure.

General Mitigation Monitoring and Reporting

The mitigation monitoring and reporting described in this plan is primarily the responsibility of the Tulare County Resource Management Agency as the CEQA lead agency. The mitigation measures discussed herein are primarily the responsibility of White River Dairy to implement. To certify compliance, documentation that mitigation measures have been implemented will be maintained by White River Dairy to ensure potential significant environmental impacts are mitigated to the greatest extent feasible. White River Dairy will also be required to submit a Dust Control Plan, a Conservation Management Practices (CMP) plan and to allow the District to inspect its facilities in order to fulfill its permitting requirements.

Significant adverse air quality impacts that were identified in the Final EIR are listed below.

A. Determination of Air Quality Impacts

Operational emissions of criteria pollutants, Reactive Organic Gases (ROG) will be significant, considerable and unavoidable, as well as cumulatively significant. The following mitigation measures will lessen the impacts of these pollutants on air quality.

1. All animals shall be fed in accord with National Research Council Guidelines, utilizing routine dairy nutritionist analyses of rations and maintaining feed analyses on-site for regulatory agency monitoring.

2. Feed should be removed from feed lanes on a daily basis to prevent decomposition.

3. Silage piles shall be covered with tarps.

4. Project dairy facilities design and construction will include concrete-base freestalls and drylot feed lanes and walk lanes, and water drainage to separator facilities.

5. Utilization of manure water shall be in thin layers, blending such manure water with irrigation water in compliance with the comprehensive nutrient management plan.

The mitigation measures outlined above will lessen the air quality impacts.

CEQA does not require an agency to completely mitigate all environmental impacts. CEQA Guidelines §15041(a) states that a lead agency for a project has authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the environment. A responsible agency's authority is more limited according to CEQA Guidelines §15041(b). A Responsible Agency may require changes in a project to lessen or avoid only the effects, either direct or indirect, of that part of the project which the agency will be called on to carry out or approve. For the White River Dairy project the District's purview is air quality and the mitigation, monitoring and reporting involve lessening air quality impacts.

Mitigation Monitoring (MM) and Reporting

Implementing Party: The District finds that the air quality mitigation measures during project operation will be implemented by the owner/operator of the White River Dairy.

Monitoring Agency: A District inspector will monitor the project as specified by the CMP and permit conditions to ensure that White River Dairy is meeting the conditions set by its ATC/Permit To Operate (PTO).

The Tulare County Resource Management Agency will monitor mitigation measures included in its Special Use Permit.

1. White River Dairy shall maintain feed analysis on-site for regulatory agency monitoring. White River Dairy shall stay apprised of nutritional recommendations from the National Research Council Guidelines.

2. White River Dairy shall clear the feed lanes daily. District inspectors may monitor compliance. White River Dairy shall keep a record of the removal and provide such record to the District as requested.

3. White River Dairy shall ensure that the project dairy facilities design and construction includes concrete-base freestalls and walk lanes, and water drainage to separator facilities. The District shall be given a site plan to review prior to construction. District inspectors will ensure compliance prior to issuing a permit to operate.

4. White River Dairy shall maintain a record of their comprehensive nutrient management plan and instruct operators in the proper use of manure water in irrigation.

5. White River Dairy shall ensure that all silage piles are covered with tarps.

6. White River Dairy shall ensure that the project dairy facilities design and construction of the project's lagoon(s) shall comply with the specifications set forth in U.S. Department of Agriculture – Natural Resources Conservation Service Field Office Technical Guide, Practice Standards No. 359. The District shall be given a site plan to review prior to construction. District inspectors will ensure compliance prior to issuing a permit to operate.

7. The mitigation measures outlined above will lessen the cumulative impacts.

B. Air Quality Impacts That Can Be Mitigated to Less than Significant

B 1. Air Quality Construction Phase Impacts

Construction-related emissions of Particulate Matter (PM10) and Fine Particulate Matter (PM2.5) for the proposed project will be generated by the site preparation. Construction equipment used for the site preparation will generate exhaust emissions of Carbon Monoxide (CO), Reactive Organic Gases (ROGs), Nitrogen Oxide (NOx), Sulfur Dioxide (SO_2), Particulate Matter (PM10), and Fine Particulate Matter (PM2.5).

Emissions of ROGs and NOx are calculated to be below the District's threshold of significance for criteria pollutants and are considered less than significant. The District does not have thresholds of significance for SO_2, PM10 or PM2.5. Adherence to the District's Regulation VIII and implementation of additional control measures will reduce the particulate matter impacts to less than significant. Construction of the project will not degrade the level of service of the roads surrounding the project therefore CO emissions will be less than significant.

PM10/PM2.5 air quality impacts will be mitigated with implementation of the applicable District's Regulation VIII procedures. These provisions are:

1. Complete and file a Dust Control Plan with the District and at least one key individual representing the owner or operator, or any person who prepares the Dust Control Plan must complete a Dust Control Training Course presented by the District.

2. All disturbed areas, including storage piles which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizers/ suppressants, covered with a tarp or other similar cover, or vegetative ground cover.

3. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer suppressant.

4. All land clearing, grubbing, scraping, excavating, land leveling, grading, demolition, and cut and fill activities shall be effectively controlled to minimize fugitive dust emissions utilizing application of water or by presoaking.

5. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from top of the container shall be maintained.

6. All operations shall limit, or expeditiously remove the accumulation of mud or dirt from, adjacent public streets at the end of each workday when operations are occurring (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit visible dust emissions; use of blower devices is expressly forbidden).

7. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

8. Limit traffic speeds on unpaved roads to 15 mph.

9. Suspend excavation and grading activities when winds exceed 20 mph.

10. Limit area subject to excavation, grading or other construction activity at any one time.

11. Install wheel washers for all exiting trucks or wash off all trucks and equipment leaving the site

The District's GAMAQI document lists various mitigation measures that lessen the impact of construction equipment exhaust emissions. These measures include:

12. The idling time of all construction equipment used at the site shall not exceed ten minutes.

13. The hours of operation of heavy-duty equipment shall be minimized.

14. All equipment shall be properly tuned and maintained in accord with manufacturer's specification.

15. When feasible, alternative fueled or electrical construction equipment shall be used at the project site.

16. The minimum practical engine size for construction equipment shall be used.

17. When feasible, electric carts or other smaller equipment shall be used at the project site.

18. Gasoline powered equipment shall be equipped with catalytic converters.

19. The minimum practicable on-site engine shall be used.

20. When feasible, electric carts or other smaller equipment shall be used at the project site.

21. On-site gasoline-powered equipment shall be equipped with catalytic converters.

Mitigation Monitoring (MM) and Reporting

Implementing Party: The District finds that the air quality mitigation measures during construction will be implemented by the owner/operator of the White River Dairy or their construction contractor.

Monitoring Agency: A District inspector may monitor the project's compliance with District regulations.

The Tulare County Resource Management Agency will monitor mitigation measures that are a condition of its Special Use permit.

1. White River Dairy shall develop and submit a Dust Control Plan to the District. The District will review and approve, conditionally approve, or disapprove the Dust Control Plan within 30 days of submittal. Construction activities shall not commence until the Dust Control Plan has been approved or conditionally approved. An owner or operator must also provide written notification to the District via fax or mail within 10 days prior to the commencement of earthmoving activities. A copy of the approved Dust Control Plan must be retained at the project site and made available upon request by a District inspector.

2. White River Dairy shall instruct individuals that accept delivery of materials of the requirement to limit truck idling to no longer than 10 minutes. The White River Dairy employees will evaluate the expected delivery time and if the delivery is expected to take longer than 10 minutes, the truck's operator will be asked to shut off the engine.

3. White River Dairy shall evaluate its construction plan and minimize the hours of heavy-duty equipment use as much as possible.

4. White River Dairy shall maintain or cause to be maintained records of the construction equipment maintenance. All construction vehicles must be maintained in compliance with the manufacturer's recommended maintenance schedule.

5. White River Dairy shall evaluate the use of electricity and alternate fuels for on-site mobile construction equipment prior to the commencement of construction activities.

6. White River Dairy shall review the construction equipment that will be used with its contractor. Appropriate equipment shall be selected that minimizes the engine size of the equipment. White River Dairy shall maintain a list of the heavy-duty construction equipment that is used on-site and the applicable engine size.

7. White River Dairy shall evaluate the use of electrical carts or other smaller equipment for use at the project site.

8. White River Dairy shall review the construction equipment with its contractor. A report shall be developed that lists the construction equipment that is expected to be use and ensures that all gasoline powered equipment shall be equipped with a catalytic converter.

9. White River shall ensure that the minimum practicable on-site engine shall be used.

10. When feasible, White River will utilize electric carts or other smaller equipment shall be used at the project site.

11. White River shall ensure that on-site gasoline-powered equipment is equipped with catalytic converters.

B 2. Air Quality Operational Phase Mitigation Measures

The mitigation measures listed below will lessen the air quality impacts from the project's operation.

Operational emissions of Particulate Matter (PM10) and Fine Particulate Matter (PM2.5) will be less than significant.

1. White River Dairy shall minimize fugitive dust emissions from cattle movement within and in/out of unpaved corrals by limiting the cattle's movement and using soil stabilizers that are safe for both the ambient environment and cattle.

2. White River Dairy shall flush the paved areas daily and remove the manure from the cattle areas as needed to prevent pulverization of dried manure.

3. White River Dairy shall maintain a manure pack less than two inches deep.

4. Refrain from spreading dry manure on nutrient application areas when wind speeds exceed 10 miles an hour.

5. Disc dry manure into nutrient application fields immediately after spreading.

6. Field perimeter roads shall be stabilized that no visible dust clouds extend beyond the site boundary from manure spreading or agricultural service vehicles using these roads. All onsite dairy facilities roads shall be surfaced with gravel or decomposed granite.

7. Mud or dirt on project-adjacent public roads, which originates from project operations, shall be removed within 24 hours of deposition.

8. Dry feed storage shall be protected on three sides to prevent material loss and transport due to wind action.

9. Trees shall be planted around the dairy facilities site.

10. White River Dairy will offset their PM10 emissions from the project through Emission Reduction Credits.

B 3. Operational emissions of criteria pollutants, Nitrogen Oxides (NOx) will be less than significant. The following mitigation measures are incorporated into the project to lessen the impacts.

1. Whenever feasible, alternative fueled or electrical on-site equipment shall be used.

2. Idling time of on-site project farming and dairy operations equipment shall be minimized to 10 minutes.

3. The hours of operation of heavy-duty equipment and/or the amount of equipment shall be limited.

4. When feasible, replace fossil-fueled equipment with electrical construction equipment (provided that they are not run via a portable generator).

5. Implement activity management (e.g. rescheduling activities to reduce short-term impacts).

6. All equipment shall be properly tuned and maintained in accord with manufacturer's specifications.

7. The minimum practicable on-site engine shall be used.

8. On-site gasoline-powered equipment shall be equipped with catalytic converters.

9. Employees will be encouraged to carpool-travel to and from the project site.

B 4. Operational emissions of Methane (CH_4), Ammonia (NH_3), and Hydrogen Sulfide (H_2S) will be less than significant.

No specific measures have been incorporated for methane (CH_4), ammonia (NH_3), and hydrogen sulfide (H_2S). Mitigation measures incorporated for Reactive Organic Gases (ROG) are also expected to have a mitigating effect on emissions of methane (CH_4), ammonia (NH_3), and hydrogen sulfide (H_2S)

B 5. Though less than significant, odor emissions may be considered a perceived nuisance and an environmental impact.

Although no specific mitigation measures have been required in, or incorporated into the project specifically for odor reduction, the proposed measures for other air quality impacts have the additional benefit of helping avoid, mitigate or substantially lessen the impacts of odor emissions to a less than significant level.

B 6. Local Carbon Monoxide (CO) concentrations will be less than significant.

No specific mitigation measures have been required for CO concentrations because they will be less than significant.

B 7. Greenhouse Gas [Methane (CH_4), Nitrous Oxide (N_2O)] generation will be considerable, but less than significant. Carbon Dioxide (CO_2) emissions will be less than significant.

The District does not have authority to regulate green house emissions and cannot characterize the impacts of these emissions as significant. No specific mitigation measures have been required for CO_2 emissions because they will be less than significant.

Mitigation Monitoring (MM) and Reporting

Implementing Party: The District finds that the air quality mitigation measures during operation will be implemented by the owner/operator of the White River Dairy.

Monitoring Agency: A District inspector may monitor the project's compliance with District regulations.

The Tulare County Resource Management Agency will monitor mitigation measures that are a condition of its Special Use permit.

1. White River Dairy shall include in its Conservation Management Practice Plan how it proposes to control fugitive dust from cattle and shall maintain a record of when soil stabilizers are applied to the corrals. Such record shall be made available to the District upon request.

2. White River Dairy shall flush the paved areas daily and remove the manure from the cattle areas as needed to prevent pulverization of dried manure.

3. White River Dairy shall maintain a manure pack less than two inches deep.

4. White River Dairy shall refrain from spreading dry manure on nutrient application areas when wind speeds exceed 10 miles an hour. White River Dairy shall check wind speeds prior to spreading dry manure on nutrient application areas. A record of when dry manure is applied shall be kept by White River Dairy and shall be made available to the District upon request.

5. White River Dairy shall disc dry manure into nutrient application fields immediately after spreading. White River Dairy shall maintain a record of when manure is spread and incorporated into the fields. Such record shall be made available to the District upon request.

6. White River Dairy shall maintain a record of which roads have been treated with soil stabilizers or surfaced with gravel or decomposed granite. Such record shall be made available to the District upon request.

7. White River Dairy shall remove mud or dirt on project-adjacent public roads, which originates from project operations, shall be removed within 24 hours of deposition.

8. White River Dairy shall store dry feed storage in such a way that it is protected on three sides to prevent material loss and transport due to wind action.

9. White River Dairy shall plant trees around the dairy facilities site.

10. White River Dairy shall evaluate the use of electricity and alternate fuels for on-site equipment prior to the commencement of operations.

11. White River Dairy shall instruct individuals that operate on-site project farming and dairy operations equipment of the requirement to limit idling to no longer than 10 minutes. The White River Dairy employees will evaluate the expected idling time and if it is expected to take longer than 10 minutes the equipment will be shut off.

12. White River shall evaluate the hours of operation of heavy-duty equipment and/or the amount of equipment to be used and shall find ways to limit the hours of use or amount of equipment in use.

13. White River Dairy shall evaluate the feasibility of replacing fossil-fueled equipment with electrical construction equipment (provided that they are not run via a portable generator).

14. White River Dairy shall implement activity management (e.g. rescheduling activities to reduce short-term impacts).

15. White River Dairy shall maintain or cause to be maintained maintenance records for all on-site equipment and shall provide such record to the District as requested. All on-site vehicles must be maintained in compliance with the manufacturer's recommended maintenance schedule.

16. White River Dairy shall review the equipment that will be used on the dairy. Appropriate equipment shall be selected that minimizes the engine size of the equipment. White River Dairy shall maintain a list of the equipment that is used on-site and the applicable engine size.

17. White River Dairy shall make a list of all gasoline powered equipment that will be used on-site and ensure that they are equipped with catalytic converters.

18. White River shall ensure that on-site gasoline-powered equipment is equipped with catalytic converters.

19. White River Dairy shall work with the San Joaquin Valley Air Pollution Control District to become a “Spare the Air” participating company.

V. STATEMENT OF OVERRIDING CONSIDERATIONS

If significant impacts of a proposed project remain after incorporation of feasible control measures, or no feasible measures to mitigate the adverse impacts are identified, the lead agency must make a determination that the benefits of the project outweigh the unavoidable, significant, adverse environmental effects, if it is to approve the project. CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental impacts when determining whether to approved the project (CEQA Guidelines §15093(a)). If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable (CEQA Guidelines §15093(a)). Accordingly, a Statement of Overriding Considerations regarding potentially significant adverse environmental impacts resulting from the proposed project was prepared by the Tulare County Resource Management Agency for the County of Tulare Planning Commission’s consideration.

As a responsible agency the District is required to consider the Final EIR and determine its adequacy and issue findings as required by CEQA Guidelines §15091 for each significant effect of the project and make the findings as required by CEQA Guidelines §15093 if necessary. In addition, the District is required to review the mitigation measures for air quality impacts and determine if alternatives or other mitigation measures exist. The District has issued its findings and adopted the proposed mitigation measures. Though the proposed mitigation measures for air quality impacts have lessened their impact, they cannot be avoided or substantially lessened to below levels of significance. Therefore, the District must state in writing the specific reasons to support its action for approving its Authority to Construct (ATC) and issuing an air permit to the proposed White River Dairy project.

The District finds that having reduced the potential effects of the proposed project through all feasible mitigation measures and balancing the benefits of the proposed project against its potential unavoidable adverse impacts on air quality, that the following, legal, public policy, technological requirements and benefits of the project outweigh the potentially significant unavoidable adverse impacts for the following reasons:

1. Legal/Public Policy Considerations:

The District has reviewed the Tulare County Planning Commission's Statement of Overriding Considerations ("SOC") and has also reviewed and considered the substantial evidence it relied on in adopting the SOC. The Commission found that the known significant impacts to air quality caused by the proposed project were outweighed by evidence of the economic benefit to the County the project would provide and the benefit of the project in implementing the policies outlined in Tulare County's Planning Policies.

In making this determination, the Planning Commission relied on information developed in connection with the approval of the Dairy/Bovine Animal Confinement Facilities Plan- Phase I, which demonstrated how derivative businesses in Tulare County benefit economically from dairy projects. The Planning Commission also relied on information developed and provided by CARES (Community Alliance for Responsible Environmental Stewardship) and the applicant in demonstrating the economic benefit. The Planning Commission noted that the dairy project would provide approximately thirty full-time direct and indirect year-round jobs. Tulare County has an unemployment rate of ranging from 13% to 18.5%, thus approving the project would help address the unemployment crisis in the county.

During the hearing on the SOC, the Commission noted that the applicant had gone through the time and expense of preparing a very detailed EIR and that the project was one of very few of such magnitude that had no opposition. The Commission also noted that public comments submitted to the EIR approved for the Dairy/Bovine Facilities Plan- Phase I in 2000 and to several other dairy project-level EIRs approved by the County there is substantial and overwhelming public support for the dairy industry in Tulare County. Finally, the Commission noted that no public opposition was manifested towards this dairy project. After reviewing this information and the unrefuted evidence before it, the Commission determined that the economic and policy considerations outweighed the significant unavoidable impacts of the project and unanimously adopted the SOC.

As a responsible agency under CEQA Guidelines §15096, the District is required to issue findings for significant air quality impacts that are detailed in the Lead Agency's EIR and to adopt a SOC if appropriate. However, as a single purpose agency, the District lacks the broader scope of authority given to local governments, such as counties, in approving projects. The District has required all feasible mitigation measures to lessen the impacts to air quality from this project, and does not believe that it should overrule the land use decisions made by a general-purpose agency, such as Tulare County. Accordingly, after reviewing the Planning Commission's SOC and the substantial evidence it relied on in adopting the SOC, the District finds that it had no basis on which to

disagree with the evidence or the SOC. The District therefore adopts the Planning Commission's SOC by reference as it own.

2. <u>Environmental/Technological Considerations</u>:

This project will implement numerous innovative mitigation measures, which will address air quality and groundwater quality impacts (e.g., additional dust control measures, compliance with NRCS guidelines regarding animal nutrition, and compliance with progressive Conservation Management Practices). The proposed project will also be subject to BACT and the most stringent controls available.

Consequently, these innovative environmental/technological measures would not be implemented but for this project. These measures will serve as an effective guide for future dairy development and environmental protection in Tulare County and throughout the San Joaquin Valley.

VI. CONCLUSION

The San Joaquin Valley Air Pollution Control District has considered the Final EIR for the White River Dairy project prepared by the Tulare County Resource Management Agency and has weighed the public policy and technological benefits of the project against the unavoidable and adverse air quality impacts of the project. The Final EIR for the White River Dairy project includes changes or alterations that mitigate and lessen the air quality impacts. Additional mitigation measures will be required as permit conditions of the Authority to Construct (ATC) and the Permit to Operate (PTO). Air quality impacts that remain significant are found to be acceptable due to the factors described in the Statement of Overriding Considerations. The District will approve the authorization of the ATC upon receipt of a completed application and will issue a Permit to Operate upon inspection of the constructed facility to ensure its compliance to the permit conditions. In addition, White River Dairy will be required to submit a Conservation Management Practices plan.