

Executive Summary

The California Environmental Quality Act (CEQA) requires that local government agencies, prior to taking action on projects over which they have discretionary approval authority, consider the environmental consequences of such projects. An Environmental Impact Report (EIR) is a public disclosure document designed to provide local and state governmental agency decision makers with an objective analysis of potential environmental consequences to support informed decision-making. This EIR (State of California Clearinghouse #2012101010) has been prepared by Tulare County in accordance with CEQA Guidelines §15120 through §15131 and §15161 regulating EIRs to evaluate the environmental consequences of the Harvest Power Inc. Digester Project, to discuss alternatives to the proposed Project, and to propose mitigation measures that will offset, minimize or avoid identified significant environmental impacts. This document focuses on issues determined to be potentially significant as discussed in the Initial Study and the public scoping process completed for this project, as well as comments received on the Notice of Preparation (NOP) circulated by Tulare County in Nov 2012.

PROJECT ELEMENTS

This EIR is in partial fulfillment of the CEQA requirements for the CEC grant funding process that is required by the CEC. This Project is located on an existing composting facility next to an existing dairy. The project itself encompasses two separate Special Use Permits, but is in effect a single linked project that has operational connectivity that can not be severed without losing operational efficiency, or the advantages of co-locating a digester next to a dairy and composting facility.

The Project includes the following three main elements:

- 1) Increase the amount of composting material from 156,000 ton per year to a maximum of 216,000 ton per year (combined green, food materials, and manure).
- 2) Construction of a low to high solids anaerobic digestion facility that handles 60,000 tons per year.
- 3) Construction of a Biogas Upgrading Unit, a Compressed Natural Gas (CNG) fueling station and a CHP.

PROJECT OBJECTIVES & BENEFITS

Objectives of the Project Applicant

The following objectives have been proposed by the project developer, as presented in the “Project Description”.

- Implementation of AB 32
- Implementation of the Tulare County General Plan Climate Action Plan
- Create and Use Renewable Energy
- Expand production of organically certified soil
- Efficient Business Operations

Tulare County Objectives

Tulare County’s General Plan Policies that are in line with the Project’s purpose and objectives are as stated below:

Key General Plan Policies

AG-2.11 Energy Production

The County shall encourage and support the development of new agricultural related industries featuring alternative energy, utilization of agricultural waste and solar or wind farms.

ERM-4.6 Renewable Energy

The County shall support efforts, when appropriately sited, for the development and use of alternative energy resources, including renewable energy such as wind, solar, bio-fuels and co-generation.

AQ-1.7 Support Statewide Climate Change Solutions

The County shall monitor and support the efforts of Cal/EPA, CARB, and the SJVAPCD, under AB 32 (Health and Safety Code §38501 et seq.), to develop a recommended list of emission reduction strategies. As appropriate, the County will evaluate each new project under the updated General Plan to determine its consistency with the emission reduction strategies.

PFS-5.3 Solid Waste Reduction

The County shall promote the maximum feasible use of solid waste reduction, recycling, and composting of waste, strive to reduce commercial and industrial waste on an annual basis, and pursue financing mechanisms for solid waste reduction programs.

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Project Benefits Statement

The Project will provide the following public and private benefits to Tulare County:

- 1) Divert, Recycle, and Reuse: The Project will increase the diversion of green waste, food items, and manure from the typical waste stream and will compost and digest these items for recycled and / or energy production purposes.
- 2) Energy: The Project will create have a compressed natural gas (CNG) facility where it reuses methane / bio-gas and a combined heat and power unit (CHP)
- 3) Business and Employment: Added business revenue and employment in the County.
- 4) Offset Emissions: The opportunity with a digester and composting is to credit the facility with the reduced amount of emission the digested waste would otherwise create.

SUMMARY OF POTENTIAL IMPACTS & MITIGATION MEASURES

The following is a summary of the Mitigation Monitoring Program.

**Table 1
Mitigation Monitoring Report and Program Summary**

Mitigation Measure #	Mitigation Measure	Timing of Compliance
3.1-1	If any exterior lighting is proposed, it shall be so adjusted as to deflect direct rays away from public roadways and adjacent properties.	Prior Issuance of Building Permit
3.1-2	The Anaerobic Digester and equipment shall be painted with muted colors, with a matte finish prior to the final inspection by the building department.	Prior Issuance of Building Permit
3.3-1	The applicant shall obtain all required permits from the Air District prior to implementing any elements of the proposed Project.	Prior to issuance of grading permits
3.5-1	In the event that historical, archaeological or paleontological resources are discovered during site excavation, the County shall require that grading and construction work on the project site be immediately suspended until the significance of the features can be determined by a qualified archaeologist or paleontologist. In this event, the property owner shall retain a qualified archaeologist/ paleontologist to provide recommendations for measures necessary to protect any site determined to contain or constitute an historical resource, a unique archaeological resource, or a unique paleontological resource or to undertake data recover, excavation analysis, and curation of archaeological or paleontological materials. County staff shall consider such recommendations and implement them where they are feasible in light of project design as previously approved by the County.	Prior to issuance of grading permits Ongoing monitoring during subsurface excavation
3.5-2	Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5, if human remains of Native American origin are discovered during project construction, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). In the event of the accidental discovery or recognition of any human remains in any location	Prior to issuance of grading permits Ongoing monitoring during

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Mitigation Measure #	Mitigation Measure	Timing of Compliance
	<p>other than a dedicated cemetery, the following steps should be taken:</p> <ol style="list-style-type: none"> 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: <ol style="list-style-type: none"> a. The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and b. If the coroner determines the remains to be Native American: <ol style="list-style-type: none"> i. The coroner shall contact the Native American Heritage Commission within 24 hours. ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American. iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98, or 2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. <ol style="list-style-type: none"> a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission. b. The descendant fails to make a recommendation; or c. The landowner or his authorized representative rejects the recommendation of the descendent. 	<p>subsurface excavation</p>
3.5-3	<p>The property owner shall avoid and minimize impacts to paleontological resources. If a potentially significant paleontological resource is encountered during ground disturbing activities, all construction within a 100-foot radius of the find shall immediately cease until a qualified paleontologist determines whether the resources requires further study. The owner shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall notify the Tulare County Resource Management Agency and the project proponent of the procedures that must be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the Tulare County Resource Management Agency determines avoidance is not feasible, the paleontologist shall design and implement a data recovery plan consistent with applicable standards. The plan shall be submitted to the Tulare County Resource Management Agency for review and approval. Upon approval, the plan shall be incorporated into the project.</p>	<p>Prior to issuance of grading permits</p> <p>Ongoing monitoring during subsurface excavation</p>
3.6-1	<p>The project shall incorporate all recommendations contained within the Preliminary Soil and Geology Phase 1 Study. These recommendations shall be stipulated in the construction contracts and specifications.</p>	<p>During project site design, construction, and operations,</p>

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Mitigation Measure #	Mitigation Measure	Timing of Compliance
		to reduce any potential geotechnical hazards at the project site
3.8-1	<p>Hazardous Materials Business Plan from Environmental Health – Under the California Health Chapters 4 & 4.5, the facility is required to submit a business plan to Certified Unified Program Agency (CUPA). Environmental Health as the CUPA for Tulare County, requires a business plan for threshold quantities of:</p> <ul style="list-style-type: none"> • 55 gallon of a liquid • 500 pounds of solids • 200 cubic yards of compressed gas 	Prior to Occupancy
3.8-2	If more than 10,000 pounds of methane is produced in the process, the applicant is required to submit an application for a California Accidental Release Prevention (CalARP)/Risk Management Plan. The applicant shall immediately contact the Certified Unified Program Agency’s (CUPA) inspector and notify the CalARP and submit an application.	Prior to Issuance of Building Permits
3.8-3	If the facility has/or proposes an above ground storage capacity over 1,320 gallons of a petroleum based product, the site shall be required to prepare a Spill Prevention Control and Countermeasure (SPCC) plan in accordance with the U.S. Code of Federal Regulations, Title 40, Part 112 (40CFR112) prior to the final inspection of the building permit. The plan shall be submitted to the Tulare County Environmental Health Services Division. The applicant shall contact the TCEHSD’s CUPA inspector.	Prior to Issuance of Building Permits
3.9-1	The applicant shall receive all required permits from the RWQCB and the State Water Board prior to the issuance of building permits.	Prior to Issuance of Building Permits
3.9-2	The proposed Project shall comply with any new regulations brought by the RWQCB and/or the State Water Board. This includes, but is not limited to, regulations pertaining to the General Tentative Composting Order No. Dwq-2012-Xxxx for composting facilities.	Prior to Issuance of Building Permits
3.9-3	The applicant shall prepare and submit a SWPPP to Tulare County prior to the issuance of a building permit. This SWPPP shall be implemented and retain on site as part of business operations.	Prior to Issuance of Building Permits
3.9-4	That any tanks or basin lining be designed to RWQCB standards and approved by TCEHSD prior to the issuance of a building permit.	Prior to Issuance of Building Permits
3.9-5	That any piping be reviewed and approved by the TCEHSD to verify that the contents will not pollute the groundwater.	Prior to Issuance of Building Permits
3.9-6	The drainage system, including the berms, and the retention pond and drainage swale facilities shall be designed, and the plans stamped by a registered Professional Engineer, of whom must be registered and/or licensed in California, and have professional knowledge and experience in the field of on site drainage and detention facility design. The specifications and engineering data for the drainage system and detention facilities shall be submitted to the Public Works Department and TCEHSD for review and	Prior to Issuance of Building Permits

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Mitigation Measure #	Mitigation Measure	Timing of Compliance
	approval prior to the issuance of a building permit.	
3.10-1	The composting and anaerobic digester operator shall adhere to all conditions of approval (COA's) noted in the Use Permits for the composting expansion and the anaerobic digester.	Prior to Issuance of Building Permits
3.14-1	Applicant shall provide an all weather access road to the site and any buildings affected by the Special Use Permit.	
3.14-2	Applicant shall submit plans for any new construction, remodeling, alterations, or building additions. All new construction shall meet 2007 Building Code, Fire Code, Mechanical Code, Electric Code and Plumbing Code, as applicable.	Prior to Issuance of Building Permits
3.14-3	If proposed use constitutes a change of occupancy, the existing building(s) affected by the change of occupancy and the Special Use Permit shall comply with 2007 Building and Fire Codes and other adopted standards.	Prior to Issuance of Building Permits
3.14-4	The Tulare County Fire Department shall be notified of the proposed start date of any processing, storage, or special use granted and mitigated prior to initiation of any building operations.	Prior to Occupancy
3.14-5	Violations of any of these conditions will result in Tulare County Fire Department's rescission of approval of the Special Use Permit.	Prior to Occupancy Fire Department Inspection for Violations
3.17-1	The Project shall comply with any conditions required by the RWQCB for wastewater treatment for on-site effluent treatment in lagoons or tanks. RWQCB conditions shall be forwarded to the Tulare County Planning Branch and the Environmental Health and Human Services Agency for appropriate action.	Prior to Occupancy that any RWQCB conditions be forwarded and considered.
3.17-2	The Project shall be required to obtain any applicable permit from the RWQCB as appropriate.	Prior to Issuance of Building Permits
3.17-3	The Project shall include all facilities as specified by the RWQCB and/or the Tulare County Planning Branch and the Environmental Health and Human Services Agency.	Prior to Issuance of Building Permits
3.17-4	The applicant shall prepare a SWPPP prior to construction and keep it on site per the NPDES requirements.	Prior to Issuance of Building Permits
3.17-5	The Project's drainage facilities and grading be designed to RWQCB, Tulare County Public Works, CalRecycle and Tulare County Environmental Health Standards and approved by a certified Professional Engineer. Certification shall indicate that the Project will accommodate 100 year, 24 hour storm events in accordance with the noted Agencies standards.	Prior to Issuance of Building Permits
3.17-6	The applicant shall obtain an updated Solid Waste Facility Permit (SWFP) per CCR, Title 27, Section 21570. A SWFP must be obtained prior to the issuance of building permits, the commencement of the additional composting, and the construction of the anaerobic digestion facility.	Prior to Issuance of Building Permits
3.18-1	Update the Odor Impact Management Plan (OIMP) required by Cal Recycle	Prior to

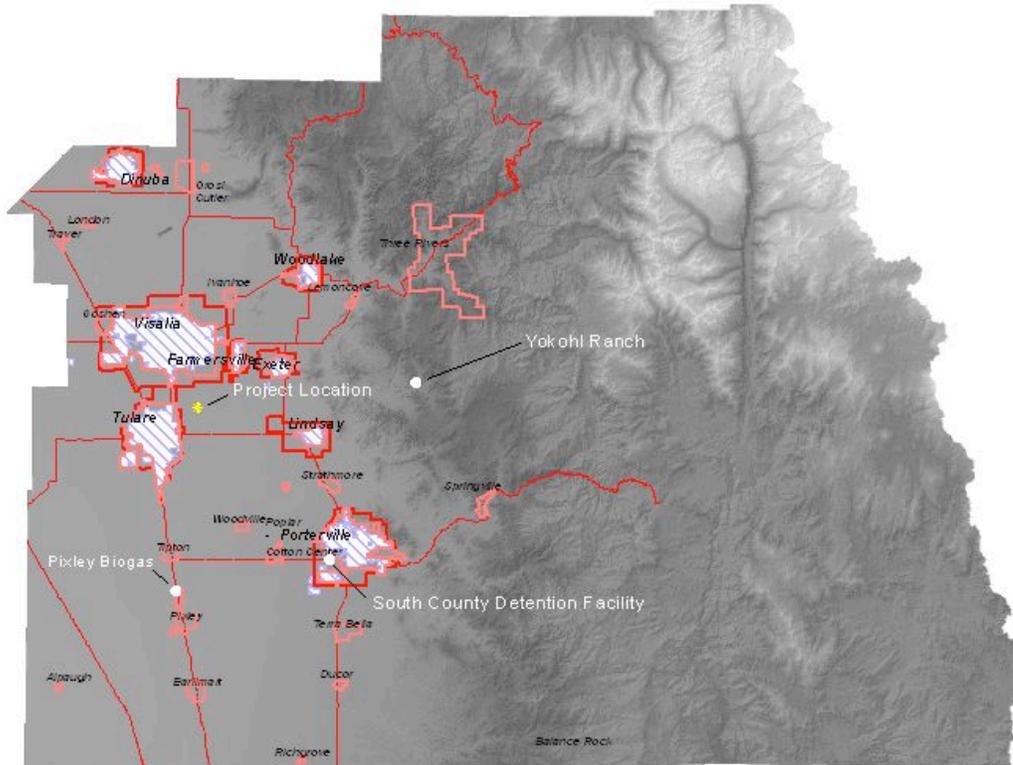
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Mitigation Measure #	Mitigation Measure	Timing of Compliance
	at the facility to maintain its effectiveness despite the Project's increase in the tonnage processed and differing digestion material.	Issuance of Building Permits

SUMMARY OF CUMULATIVE IMPACTS

“An EIR shall discuss cumulative impacts of a project when the project’s incremental effect is cumulatively considerable, as defined in Section 15065 (a) (3).”¹ Unless specifically, stated otherwise, the Cumulative Impact area for the Project is the County, based on the Tulare County 2030 General Plan Update (see **Figure 1**).

**Figure 1
Tulare County Cumulative Analysis Area**



¹ 2012 CEQA Guidelines, Section 15355

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The City's within the County that were included for the cumulative impact analysis are:

- City of Dinuba
- City of Woodlake
- City of Visalia
- City of Tulare
- City of Farmersville
- City of Exeter
- City of Lindsay
- City of Porterville
- City of Kingsburg
- City of Delano

Counties outside the County that were included for the impact analysis are:

- County of Fresno
- County of Kern
- County of Kings

Other projects discussed in the 2030 General Plan Update include:

- Goshen
- Yokohl Ranch
- Rancho Sierra
- Earlimart

Other Projects that may generate cumulative impacts include:

- Pena
- Pixeley Biogas
- South County Detention Facility

The basis for other resource specific cumulative impact analysis includes:

- For Air Quality and Green House Gas Emissions it is the San Joaquin Air Basin
- For Biological Resources it is the San Joaquin Valley
- For Hydrology it is the Tulare Lake Basin
- For Agriculture it is the State of California

Cumulative Impacts

There is only one cumulative significant and unavoidable impact and that is under the mandatory finding of significance for substantial adverse effects by indirect odor impacts on human beings through accumulation with other adjacent dairy odors.

Table 2
Checklist Items with Significant Unavoidable Impacts

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Impact Section	Checklist Item #	Checklist Criteria
Mandatory	3.18	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Other cumulative impact items that are less than significant with mitigation include:

Table 3
Checklist Items with Less than Significant with Mitigation

Impact Section	Checklist Item #	Checklist Criteria
Aesthetics	3.1 c)	Substantially degrade the existing visual character or quality of the site and its surroundings?
Aesthetics	3.1 d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?
Air Quality	3.3 b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
Air Quality	3.3 c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
Cultural Resources	3.5 a)	Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?
Cultural Resources	3.5 b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?
Cultural Resources	3.5 c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
Cultural Resources	3.5 d)	Disturb any human remains, including those interred outside of formal cemeteries?
Hydrology	3.9 a)	Violate any water quality standards or waste discharge requirements?
Utilities	3.17 c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
Utilities	3.17 g)	Comply with federal, state, and local statutes and regulations related to solid waste?

SUMMARY OF ALTERNATIVES

In the Alternatives Analysis, this Draft EIR identified and assessed 5 Alternatives to the proposed Project. These Alternatives are listed below:

Alternative 1: No Project

Alternative 2: Digester Only

Alternative 3: Compost Expansion Only

Alternative 4: Project on Adjacent Site

Alternative 5: Alternative Configuration

SIGNIFICANT UNAVOIDABLE IMPACTS

The following impact areas would have unavoidable and significant effects with full implementation of the Harvest Power Digester:

- 1) Project-specific cumulatively significant odor impacts from the same activities.

STATEMENT OF OVERRIDING CONSIDERATIONS

“The West Coast is deficient in food composting and anaerobic digestion facilities, although several composting and digestion facilities employing various technologies are either planned or under construction. Many traditional recycled materials are exported rather than utilized domestically at the same time that domestic recyclers are in need of more materials. While increasing diversion and recycling of more materials will generate more jobs domestically in the collection, transport, sorting and marketing areas, the material will need to be recycled domestically to have the greatest impact on job creation and economic activity.”²

The findings within the Chapter Mandatory Findings of Significance show that the cumulative odor’s environmental effects on humans will remain significant. This is true even after the imposition of mitigation and the examination of alternatives. Tulare County concludes that there are no feasible alternatives that can reduce these potentially significant and unavoidable impacts because the existing best odor management and dust control practices are in place. In order to mitigate to a less than significant level and having explored all feasible alternatives, cumulatively with the dairies, the Project will have some significant and unavoidable impact to humans. The Project provides public benefits, as stated in the Significant and Unavoidable Section that justifies proceeding with the Project, despite the environmental cost of the residual significant effects.

² Reducing Greenhouse Gas Emissions through Recycling and Composting, page 20

REFERENCES

Reducing Greenhouse Gas Emissions through Recycling and Composting, EPA, May 2011

2012 CEQA Guidelines