

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION R5-2012-0089

ADOPTING A MITIGATED NEGATIVE DECLARATION
AND
APPROVING AN INITIAL STUDY
FOR
POM WODNERFUL, LLC
WHOLE FRUIT AND JUICE EXTRACTION PLANT EXPANSION
FRESNO COUNTY

The California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) finds:

1. The Central Valley Water Board proposes to adopt Waste Discharge Requirements (WDRs) for the discharge/recycling of treated food processing wastewater to an approximately 291-acre land application area by POM Wonderful, LLC (hereafter Discharger) from its whole fruit and juice extraction plant located at 5286 South Del Rey Avenue, Del Rey, Fresno County.
2. The Central Valley Water Board is the lead agency for the project in accordance with the California Environmental Quality Act and has conducted an Initial Study in accordance with Title 14, California Code of Regulation, Section 15063, entitled *Guidelines for the Implementation of the California Environmental Quality Act*.
3. The Discharger's plant is an existing plant that currently discharges treated food processing wastewater to a land application area. The plant and land application area are located in Sections 4 and 9, Township 15 South, Range 22 East, Mount Diablo Base & Meridian.
4. Copies of the Initial Study and Mitigated Negative Declaration were transmitted to or made available to all agencies and persons known to be interested in these matters. The Central Valley Water Board responded to and addressed all public comments on the proposed project. The Initial Study was revised to include a discussion of additional mitigation measures proposed by the commenters, including other agencies. None of the comments identified new significant impacts or showed how impacts previously thought to be insignificant should instead be considered significant. The additional mitigation measures are equivalent or more effective than those originally proposed, and the new mitigation measures will not cause any adverse effects upon the environment. Re-

circulation of Initial Study and Mitigated Negative Declaration is therefore not required pursuant to California Code of Regulations, title 14, section 15074.1(c).

5. The Central Valley Water Board considered all testimony and evidence at a hearing held on 4 October 2012 in Rancho Cordova, California and good cause was found to approve the Initial Study and adopt a Mitigated Negative Declaration.
6. Central Valley Water Board staff drafted Tentative WDRs that incorporate the various findings described in the Initial Study. The proposed WDRs contain discharge prohibitions, a monitoring and reporting program, and were developed to protect the beneficial uses of underlying groundwater and prevent conditions of nuisance.
7. Along with the WDRs, the Board will issue a Monitoring and Reporting Program that will ensure that the project will not create significant effects to the environment and that all of the mitigation measures incorporated into the WDRs will be implemented. This Monitoring and Reporting Program will therefore satisfy the requirements of Public Resources Code section 21081.6(a)(1).
8. The Board finds that a more efficient or effective mitigation measure for the conversion of cropland to agricultural reuse ponds, rather than requiring cancellation of a Williamson Act Contract, which may not be required as the agricultural reuse ponds may be considered a compatible use, is to require the Discharger to ensure that at least 18 acres of previously-fallow Prime Farmland of Statewide Importance are being put into production following the conversion of APN 350-031-13 to agricultural reuse ponds. No recirculation of the Initial Study and Negative Declaration is required pursuant to California Code of Regulations, title 14, section 15074.1.

THEREFORE BE IT RESOLVED, pursuant to Section 21080, et seq. of the California Public Resources Code, the Central Valley Water Board, after considering the entire record, including written and oral testimony at the hearing:

1. Approves the Initial Study and adopts the Mitigated Negative Declaration for the adoption of WDRs and Monitoring and Reporting Program for the discharge/recycling of treated food processing wastewater to an approximately 291-acre land application area by POM Wonderful, LLC from its whole fruit and juice extraction plant.
2. Finds the record before the Central Valley Water Board contains no substantial evidence that a fair argument has been made that the project may have a significant effect on the environment.

RESOLUTION R5-2012-0089
INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION
POM WONDERFUL, LLC
WHOLE FRUIT AND JUICE EXTRACTION PLANT EXPANSION
FRESNO COUNTY

3

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region on 4 October 2012.

Original signature on file

PAMELA C. CREEDON, Executive Officer

POM WONDERFUL, LLC

**REVISED CEQA INITIAL STUDY/PROPOSED MITIGATED NEGATIVE DECLARATION
FOR
WASTE DISCHARGE REQUIREMENTS FOR
EXPANSION OF WHOLE FRUIT AND JUICE EXTRACTION PLANT**

13 September 2012
(Original signed on 28 June 2012)

Prepared, Edited, and Distributed by:

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION
1685 E Street
Fresno, California 93706
(559) 445-5116**

This document has been revised to include a discussion of additional mitigation measures proposed by commenters, including other agencies. The additional mitigation measures are equivalent or more effective than those originally proposed, and the new mitigation measures will not cause any adverse effects upon the environment. (Re-circulation of this document is therefore not required pursuant to Cal. Code Regs. tit. 14, § 15074.1(c).)

Table of Contents

I. MITIGATED NEGATIVE DECLARATION	1
II. INITIAL STUDY.....	1
PROJECT SUMMARY	1
INTRODUCTION.....	3
Project Description	3
Groundwater	5
Table 1 – POM Wonderful Groundwater Quality – December 2011.....	5
Constituents of Concern.....	5
Proposed Plant Expansion	6
PURPOSE.....	6
SOURCES	7
Figure 1 – Project Location	8
DISCUSSION OF INITIAL STUDY CHECKLIST.....	9
I. Aesthetics.....	9
II. Agricultural Resources	9
III. Air Quality.....	10
IV. Biological Resources	11
V. Cultural Resources	14
VI. Geology and Soils.....	15
VII. Hazards and Hazardous Materials.....	16
VIII. Hydrology and Water Quality	17
IX. Land Use and Planning.....	19
X. Mineral Resources	19
XI. Noise.....	20
XII. Population and Housing.....	21
XIII. Public Services	21
XIV. Recreation	22
XV. Transportation/Traffic	22
XVI. Utilities and Service Systems	23
XVII. Mandatory Findings of Significance.....	24
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED	24
DETERMINATION.....	25
ATTACHEMENT A – NATIVE AMERICAN CONTACT LIST	26
ATTACHMENT B – PUBLIC COMMENTS.....	29

I. MITIGATED NEGATIVE DECLARATION

Project title: POM Wonderful, LLC Whole Fruit and Juice Extraction Plant Expansion

Project Location: The plant is located at 5286 South Del Rey Avenue, Del Rey, Fresno County. The land application area is located south and southeast of the plant. The plant and land application area are located in Sections 4 and 9, Township 15 South, Range 22 East, Mount Diablo Base and Meridian.

Summary Description of Project: Operations at the plant include: pomegranate whole fruit packing consisting of washing, sorting, grading, and processing; pomegranate juice extraction consisting of pressing, evaporating, blending, drumming, and arils processing; biological industrial wastewater treatment; and land application of the treated wastewater and residual sludge. The proposed expansion would allow the following:

- Average daily discharge of 900,000 gallons per day (gpd) from the plant to the treatment/storage ponds from October 1 through January 31,
- Average daily discharge of 150,000 gpd from the plant to the treatment/storage ponds from February 1 through September 30,
- Maximum daily discharge of 1,200,000 gpd from the plant to the treatment/storage ponds year round,
- Annual average daily discharge (treated wastewater and groundwater) of 1,500,000 gpd from treatment/storage ponds to cropland (POM has the ability to add groundwater to the ponds prior to discharge to cropland),
- Construction of up to two additional wastewater storage ponds with a combined capacity of 68 million gallons with similar liners and leak detection and recovery systems as the existing ponds, and
- Wastewater application to 291 acres of alfalfa (with periodic rotation of oats or barley/sudan grass).

POM also proposes to build a new arils processing building at the site. Aril's processing consists of recovering the arils (or seeds) from the leftover portion of the pomegranate for retail instead of sending to the waste stream. The building will be approximately 286 feet long and 130 feet wide (37,180 square feet) and located south of the existing juicing and cold storage buildings. The new arils building will allow more efficient operation of the existing arils process and is not anticipated to substantially change the character or volume of wastewater. The proposed site plan (SPR #7523-R) for the new arils building was approved by the Fresno County Public Works Development Services Department on 1 November 2010.

Mitigation Measures: The following summary of mitigation measures shall be incorporated into the project. Further detail of each mitigation measure is included in the Initial Study Checklist.

1. Agricultural Resources

- a. The area of APN 350-031-13 that will be converted to a storage pond(s) should be canceled from Ag Contract #292.

2. Air Quality

- a. Incorporate the appropriate control measures for construction emissions listed in Tables 6-2, 6-3, and 6-4 of the San Joaquin Valley Air Pollution Control District's (District), 10 January 2002, *Guide for Assessing and Mitigating Air Quality Impacts*.
- b. Obtain the appropriate permits from the District for stationary sources.

3. Biological Resources

- a. Project activities including disturbances near, or the removal of, trees being utilized by nesting birds (particularly the Swainson's Hawk), should take place outside of the breeding bird season to avoid "take". Additional bird surveys should be conducted prior to and during construction activities if the breeding season cannot be avoided. If avoidance of a known nest tree is not feasible, the Department of Fish and Game shall be notified and an Incidental Take Permit shall be obtained.
- b. Trees that must be removed should be replaced with an appropriate native tree species planting at a ratio of 3:1 that will be protected in perpetuity.

4. Cultural Resources

- a. POM shall contact the representatives on Attachment A – Native American Contact List prior to commencing any construction to get their recommendations concerning the proposed project.
- b. In the event that cultural resources are unearthed during grading activity, all work shall be halted in the area of the find, and an Archeologist and the Native American Heritage Commission (NAHC) shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to the origin and disposition. If such remains are determined to be Native American, the Coroner must notify the NAHC within 24 hours.

5. Hydrology and Water Quality Resources

- a. If either of the two proposed ponds is subject to California Department of Water Resources, Division of Safety of Dams jurisdiction, a construction application, together with plans, specifications, and the appropriate filing fee must be filed with the Division of Safety of Dams for this project. All dam safety related issues must be resolved prior to approval of the application, and the work must be performed under the direct supervision of a Civil Engineer registered in California.

Findings: This Mitigated Negative Declaration and attached Initial Study were distributed for public comment between 5 July 2012 and 6 August 2012. Comments were received from POM Wonderful, LLC, The Native American Heritage Commission, The Department of Fish and Game, and the Department of Water Resources and are included as Attachment B. Comments from each agency were included as Mitigation Measures for the proposed project. Based on information contained in the attached Initial Study, the project would not have a significant adverse effect on the environment. Mitigation measures necessary to avoid or reduce to a less-than-significant level the project's potential significant effects on the environment are detailed above. These mitigation measures have been incorporated into the project approval.

II. INITIAL STUDY

PROJECT SUMMARY

1. Project title:
POM Wonderful, LLC Whole Fruit and Juice Extraction Plant Expansion
2. Lead agency name and address:
Regional Water Quality Control Board, Central Valley Region
1685 E Street
Fresno, California 93706
559-445-5116
3. Contact person and phone number:
Scott Hatton
559-444-2502
shatton@waterboards.ca.gov
4. Project location:
The plant is located at 5286 South Del Rey Avenue, Del Rey, Fresno County.
The land application area is located south and southeast of the plant. The plant and land application area are located in Sections 4 and 9, Township 15 South, Range 22 East, Mount Diablo Base and Meridian.
5. Project sponsor's name and address:
Cruz Perez
5286 South Del Rey Avenue
Del Rey, California 93616
559-888-8550
6. General plan designation:
Agriculture
7. Zoning:
AE-20 (Exclusive agriculture, 20-acre minimum parcel size); AL-20 (Limited Agriculture, 20-acre minimum parcel size); and M-3 (Heavy Industrial District)
8. Description of project:
Operations at the plant include: pomegranate whole fruit packing consisting of washing, sorting, grading, and processing; pomegranate juice extraction consisting of pressing, evaporating, blending, drumming, and arils processing; biological industrial wastewater treatment; and land application of the treated wastewater and residual sludge. The proposed expansion would allow the following:
 - Average daily discharge of 900,000 gallons per day (gpd) from the plant to the treatment/storage ponds from October 1 through January 31,
 - Average daily discharge of 150,000 gpd from the plant to the treatment/storage ponds from February 1 through September 30,

- Maximum daily discharge of 1,200,000 gpd from the plant to the treatment/storage ponds year round,
- Annual average daily discharge (treated wastewater and groundwater) of 1,500,000 gpd from treatment/storage ponds to cropland (POM has the ability to add groundwater to the ponds prior to discharge to cropland),
- Construction of up to two additional wastewater storage ponds with a combined capacity of 68 million gallons with similar liners and leak detection and recovery systems as the existing ponds, and
- Wastewater application to 291 acres of alfalfa (with periodic rotation of oats or barley/sudan grass).

POM also proposes to build a new arils processing building at the site. Aril's processing consists of recovering the arils (or seeds) from the leftover portion of the pomegranate for retail instead of sending to the waste stream. The building will be approximately 286 feet long and 130 feet wide (37,180 square feet) and located south of the existing juicing and cold storage buildings. The new arils building will allow more efficient operation of the existing arils process and is not anticipated to substantially change the character or volume of wastewater. The proposed site plan (SPR #7523-R) for the new arils building was approved by the Fresno County Public Works Development Services Department on 1 November 2010.

9. Surrounding land uses and settings:

Land surrounding the whole fruit and juice extraction plant is as follows:

- North – Farmland zoned AE-20,
- East – Del Rey Community Services District Municipal Wastewater Treatment Plant zoned AL-20 and a vacant parcel zoned AE-20,
- South – POM's land application area zoned AE-20, and
- West – Commercial buildings zoned C-4 (Central Trading District) and C-6 (General Commercial District) and a residential neighborhood zoned R-1 (Single Family Residential District).

Land surrounding the land application area is as follows:

- North – POM's whole fruit and juice extraction plant zoned AL-20 and M-3 and a vacant parcel zoned AE-20,
- East – Farmland zoned AE-20,
- South – Farmland zoned AE-20, and
- West – Residential neighborhoods zoned R-1 and R-2 (Low Density Multiple Family Residential District) and farmland zoned AE-20.

10. Other public agencies whose approval is required:

The Central Valley Regional Water Quality Control Board will act as the lead agency as it is preparing Waste Discharge Requirements (WDRs) to regulate the discharge of wastewater to land. No other agency approval is needed for the adoption of the WDRs. However, permits may be required from Fresno County for construction of the arils processing building and storage pond(s) and from the

San Joaquin Valley Air Pollution Control District for emissions from stationary sources associated with the operation of the arils processing building.

INTRODUCTION

This Initial Study provides the necessary California Environmental Quality Act (CEQA) documentation to support POM Wonderful, LLC's (POM) proposed expansion of its whole fruit and juice extraction plant located at 5286 South Del Rey Avenue, Del Rey, Fresno County (Figure 1). The Central Valley Regional Water Quality Control Board (Central Valley Water Board) will act as the lead agency in adoption of this Initial Study/Mitigated Negative Declaration and Waste Discharge Requirements (WDRs).

Project Description

POM's existing operations at the plant consist of pomegranate whole fruit packing, pomegranate juice extraction, industrial wastewater treatment, and land application of the treated wastewater. The plant currently operates under WDRs Order No. 93-126 that was issued to the previous owners of the plant, which includes a maximum daily discharge limit of 0.125 million gallons per day (mgd) from the combined waste streams to the treatment/storage ponds and an annual average daily discharge limit up to 1.256 mgd from the treatment/storage ponds to the land application area (115 acres of vineyards and 88 acres of alfalfa). Waste application rates at the land application area shall not exceed the environmental conditions at the site or 100 lbs BOD/acre/day. The plant is currently zoned M-3 (Heavy Industrial District) and the land application area is currently zoned AE-20 (Exclusive Agriculture, 20-acre minimum).

The whole fruit side of the plant includes washing, sorting, grading, packing, and processing whole fruit. The juicing process includes pressing, evaporating, blending, drumming for the juice and tea product lines, and arils processing instead of sending into waste streams. Juice is processed from October through January. Tea is produced year round with primary operation from February through September. Process control improvements were implemented for juice extraction operations during 2007 and 2008 that improved the water quality of the waste streams. These improvements include:

- Utilizing partial fruit in the processing/juicing operation instead of washing into waste streams,
- High pressure fruit wash system that utilizes less water,
- Capturing juice from fruit that is waiting to be processed instead of washing juice to waste streams,
- Sediment traps in the juice extraction plant that collect debris during washdown,
- Filter retentate system in the juice extraction plant to collect filtering by-products. POM reports a 50% reduction in BOD₅ as a result. Collected by-product is shipped off-site for disposal,

- “Leuter Water” reuse system. Potable water in the evaporative condensate process is reused as Leuter Water for equipment washdown and clean-up within the plant. POM reports a 30% reduction in hydraulic loading as a result,
- Valve on dispensing hose to minimize spillage when filling juice concentrate drums,
- Computerized chemical tracking system to reduce over-dosing bottles during the bottle sterilization process, resulting in the reduction of TDS in the waste stream.

Industrial wastewater treatment includes four screening stations within the plant, pH adjustment and nutrient addition, a primary treatment pond (aeration) and a secondary treatment pond (facultative) prior to discharge to either a storage pond or cropland for irrigation. Screening stations are located at the effluent of juice concentration, juice extraction, fresh fruit packing, and cold storage. pH adjustment utilizing potassium hydroxide and nutrient addition occurs as needed prior to the discharge to the ponds. The storage capacity of the primary treatment, secondary treatment, and storage pond are 6, 12, and 24 million gallons, respectively. The primary aeration and the secondary facultative ponds were installed in the early 1990’s; each with a single layer 40 mil high density polyethylene (HDPE) liner. In 2005, the storage pond was constructed with a primary 80 mil HPDE layer and a secondary 60 mil HDPE layer with a leak detection and recovery system installed between HDPE layers. In 2008 and 2009, the secondary facultative and primary aeration ponds, respectively, were retrofitted with two HPDE layers and leak detection and recovery systems similar to the storage pond.

Storm water is collected and discharged to a separate unlined basin where it percolates to groundwater. POM has indicated that it sometimes diverts the first flush of rainfall runoff to the treatment ponds instead of the unlined storm water pond.

The culls and large fruit solids produced by juicing activities are hauled off site and used as cattle silage. During the summer months when irrigation demand is high and the storage pond is empty, sludge is dried in the empty storage pond. POM manually sweeps the dried sludge into windrows and loads it into the bed of a four-wheel all-terrain vehicle equipped with soft turf tires that is driven in and out of the pond on mats to protect the pond liner. The dried sludge is then stockpiled next to the storage pond on dirt that has been covered with an asphalt-based sealer. The stockpile is covered with a tarp. Dried sludge is applied to up to 38.97 acres of cropland between monitoring wells MW-4 and MW-8 (Figure 1). Dried sludge has not been applied to cropland since 2008. The sludge application area also receives treated wastewater.

Two soil moisture probes are installed in cropland in the sludge application area to monitor the vadose zone in order to improve irrigation practices at the site.

In 2006, POM purchased 75 acres of land (Assessor’s Parcel Number 350-061-6 and 350-061-7) for additional acreage for wastewater application in anticipation of expansion of production at the plant.

Groundwater

Based on groundwater monitoring performed by POM, depth to groundwater underneath the land application area varies historically from 20 to 50 feet below ground surface and generally flows in a west-southwesterly direction; with a gradient of approximately 0.0025 to 0.0041.

Groundwater quality near the land application area is summarized in Table 1. Monitoring well MW-5 is upgradient of the plant. Monitoring wells MW-1, -2, and -3 are downgradient of the treatment/storage ponds. Monitoring well MW-4 is cross gradient of the treatment/storage ponds and since 2005, it has only been monitored for groundwater elevation. Monitoring wells MW-6 and -7 are downgradient of cropland where wastewater is applied. Monitoring well MW-8 is downgradient of where wastewater and dried sludge from the storage pond are applied.

Table 1 – POM Wonderful Groundwater Quality – December 2011

	MW-1	MW-2	MW-3	MW-5	MW-6	MW-7	MW-8
EC (umhos/cm)	382	161	103	41	754	492	1,002
DO (mg/L)	6.9	6.5	6.3	6.9	6.1	6.1	7.9
ORP (mV)	100	78	98	98	69	92	86
Boron (mg/L)	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.01
Chloride (mg/L)	7.3	3.3	1.7	1.5	21	7.9	17
Copper (mg/L)	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05
Iron (mg/L)	0.12	<0.05	<0.05	0.071	<0.05	<0.05	<0.05
Manganese (mg/L)	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01
NO ₃ -N (mg/L)	7.1	1.8	1.2	0.28	6.3	6.6	31
SO ₄ (mg/L)	34	9.6	3.5	2.0	27	33	40
TDS (mg/L)	240	110	76	87	440	300	630

In early 2012, POM installed two additional groundwater monitoring wells; one is downgradient (MW-9) and one is upgradient (MW-10) of the 75 acres of new cropland.

Soils within the land application area consist of loam, fine sandy loam, and sandy loam. Permeability of these soils range from 2.5 to 5.0 inches per hour.

Constituents of Concern

The primary constituents of concern that have the potential to cause groundwater degradation include, in part, organics, nutrients, and salts. Excessive application of high organic strength wastewater to land can create objectionable odors, soil conditions that are harmful to crops, and degradation of underlying groundwater with nitrogen species and metals. Such groundwater degradation can be prevented or minimized through implementation of best management practices which include planting crops to take up plant nutrients and maximizing oxidation of BOD to prevent nuisance conditions. The *Water Quality Control Plan for the Tulare Lake Basin, Second Edition, 2004* indicates the greatest long-term problem facing the entire Tulare Lake Basin is the increase of salinity in groundwater. Controlled groundwater degradation by salinity in the most feasible and practical short-term management alternative for the Tulare Lake Basin.

Proposed Plant Expansion

POM submitted a Report of Waste Discharge and Technical Report in May 2009 and revisions to portions of the Technical Report in March 2012 requesting updated WDRs for the proposed expansion of the plant consisting of the following:

- Average daily discharge of 900,000 gallons per day (gpd) from the plant to the treatment/storage ponds from October 1 through January 31,
- Average daily discharge of 150,000 gpd from the plant to the treatment/storage ponds from February 1 through September 30,
- Maximum daily discharge of 1,200,000 gpd from the plant to the treatment/storage ponds year round,
- Annual average daily discharge (treated wastewater and groundwater) of 1,500,000 gpd from treatment/storage ponds to cropland (POM has the ability to add groundwater to the ponds prior to discharge to cropland),
- Construction of up to two additional wastewater storage ponds with a combined capacity of 68 million gallons with similar liners and leak detection and recovery systems as the existing ponds, and
- Wastewater application to 291 acres of alfalfa (with periodic rotation of oats or barley/sudan grass).

POM also proposes to build a new arils processing building at the site. The building will be approximately 286 feet long and 130 feet wide (37,180 square feet) and located south of the existing juicing and cold storage buildings. The new arils building will allow more efficient operation of the existing arils process and is not anticipated to substantially change the character or volume of wastewater. The proposed site plan (SPR #7523-R) for the new arils building was approved by the Fresno County Public Works Development Services Department on 1 November 2010.

PURPOSE

This CEQA Initial Study addresses POM's proposal to expand its pomegranate processing plant and apply the treated wastewater to nearby cropland. The project area is shown on Figure 1.

Section 15063 of the CEQA Guidelines provides for preparation of Initial Studies. The purpose of an Initial Study is to:

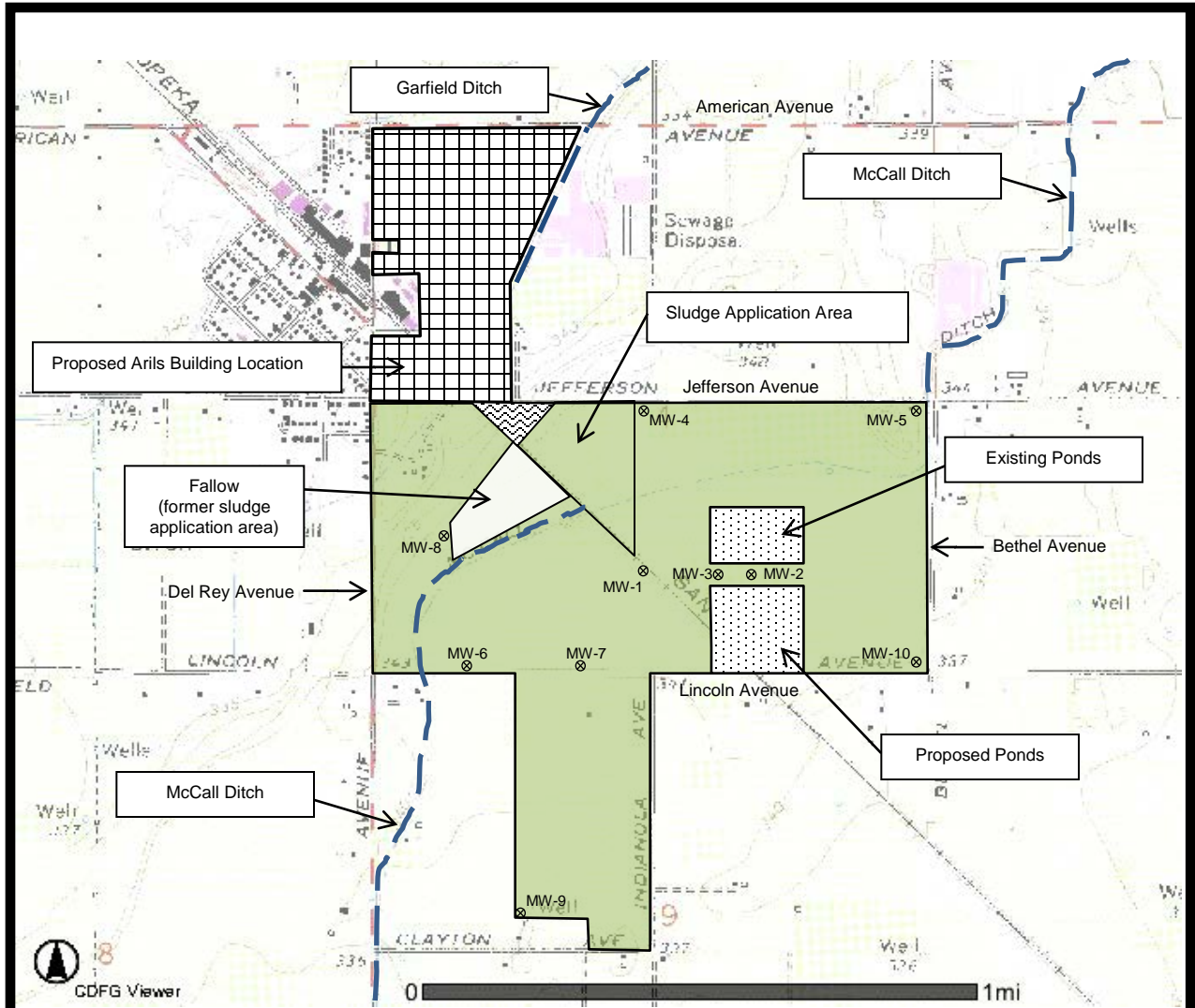
1. Provide the lead agency with information to use as the basis for deciding whether to prepare an Environmental Impact Report (EIR) or Negative Declaration.
2. Enable an applicant or lead agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling a project to qualify for a Negative Declaration.

3. Assist in the preparation of an EIR, if one is required.
4. Facilitate environmental assessment early in the design of a project.
5. Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment.
6. Eliminate unnecessary EIRs.
7. Determine whether a previously prepared EIR could be used with the project.

SOURCES

The primary source of information for this Initial Study is the Report of Waste Discharge and supplemental data provided by POM. Additional information was obtained by Central Valley Water Board staff from the County of Fresno, California Department of Fish and Game, California Department of Water Resources, Native American Heritage Commission, and the San Joaquin Valley Air Pollution Control District. The Report of Waste Discharge and the supplemental data are part of public record and are available for review at the Central Valley Water Board's Fresno office.

California Regional Water Quality Control Board, Central Valley Region
1685 E Street
Fresno, California 93706
559-445-5116
Project Contact: Scott Hatton





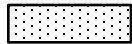

-  Whole Fruit and Juice Extraction Plant
-  Land Application Area
-  Treatment/Storage Ponds
-  Storm Water Pond

Figure 1 – Project Location
 POM Wonderful, LLC
 Whole Fruit and Juice Extraction Plant
 Sections 4 & 9, T15S, R22E, MDB&M

DISCUSSION OF INITIAL STUDY CHECKLIST

The following discussion provides an evaluation of the environmental factors listed in the environmental checklist form below, which may be potentially affected by the project. A brief explanation is provided for each factor in the order presented in the environmental checklist form.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. Aesthetics				
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

I. a, b, c) The proposed project will occur on land with an Agriculture Land Use Designation as identified in the Fresno County 2000 General Plan. Land that is currently fallow will be planted with alfalfa, existing vineyards will be replaced with an alfalfa crop, and approximately 18 acres of existing vineyards will be removed for the construction of up to two in ground wastewater storage ponds with the banks of the ponds extending approximately 5 feet above grade. As a result, the proposed project will not have a substantial adverse effect on the aesthetics in the vicinity of the project site.

I. d) The proposed project will not create a substantial light or glare which would adversely affect day or nighttime views in the area.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
II. Agricultural Resources				
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Agency, to non-agricultural use?

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

II. a, c) *Although the construction of the storage pond(s) will convert approximately 18 acres of Farmland of Statewide Importance to non-agricultural use, the purpose of the storage pond(s) are to store water for agricultural reuse. Further, the proposed project will add approximately 41 acres of previously fallow Prime Farmland and Farmland of Statewide Importance into production.*

II. b) *The parcel of land (APN 350-031-13) where the additional storage pond(s) are proposed to be constructed is under a Williamson Act contract with Fresno County (Ag Contract #292).*

Mitigation Measure:

The area of APN 350-031-13 that will be converted to a storage pond(s) should be canceled from Ag Contract #292.

III. Air Quality

Would the project:

- | | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---|-------------------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 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)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

number of people?

III. a - c) *The San Joaquin Valley Air Pollution Control District (District) has pre-calculated the emissions on a large number and types of projects to identify the level at which they have no possibility of exceeding the ozone precursor emissions thresholds for project operations. These Small Project Analysis Threshold Levels (SPAL) are found in the "Guide for Assessing and Mitigating Air Quality Impacts, January 10, 2002." (GAMAQI) The proposed project does not exceed the SPAL limits of 1,506 trips/day or the lowest project size of 370,000 square feet for Industrial Land Use; therefore, no quantification of ozone precursor emissions is needed for project operations and there would be less than significant air quality impacts as a result of project operations.*

The construction activities associated with the arils building and storage pond(s) could have the potential to affect air quality. As such, the District's mitigation measures should be incorporated into the construction of the project.

The District's permitting process ensures that emissions of criteria pollutants from permitted equipment and permitted activities at a stationary source are reduced or mitigated to below the District's threshold of significance. As such, POM should obtain the appropriate permits from the District for stationary sources.

Mitigation Measures:

- I. *Incorporate the appropriate control measures for construction emissions listed in Tables 6-2, 6-3, and 6-4 of the GAMAQI.*
- II. *Obtain the appropriate permits from the District for stationary sources.*

III. d - e) *The proposed project should not expose sensitive receptors to substantial pollutant concentrations or create objectionable odors that affect a substantial number of people.*

IV. Biological Resources

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Wildlife Service?

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

IV. a, b, d) *The Department of Fish and Game (DFG) is concerned with the potential project related impacts to the State-listed threatened Swainson’s Hawk and other birds which may utilize large on-site eucalyptus trees for nesting or roosting. These trees are located near where the new arils processing building will be constructed and there are preliminary plans to remove the eucalyptus trees. DFG’s recommendations to protect the Swainson’s Hawk and other nesting bird species will be included as a Mitigation Measure.*

IV. c, e, f) *The property is currently in agricultural production and is located in an area zoned for agricultural production. No impacts associated with these items are expected.*

Mitigation Measure:

Project activities including disturbances near, or the removal of, trees being utilized by nesting birds, should take place outside of the breeding bird season which generally runs from February 15 to August 31 to avoid “take” (including disturbances which would cause abandonment of active nests containing eggs and/or young). “Take” means to hunt, pursue, catch, capture, or kill or attempt to hunt, pursue, catch, capture, or kill (Fish and Game Code, Section 86).

If the Project activities cannot feasibly avoid the breeding bird season, DFG recommends that beginning no more than 15 days prior to construction of tree removal, bird surveys should be conducted to detect any protected native birds utilizing the trees. The surveys should be conducted by a qualified wildlife biologist with experience in conducting breeding bird surveys. A no-disturbance buffer should be clearly delineated on the ground around active bird nests. DFG recommends buffers of at least ½ mile around active nests of listed species, 500 feet around active nests of non-listed raptors and migratory birds species, and 250 feet around active nests of other bird species until the breeding season has ended or until a qualified wildlife biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

If ground-disturbing or construction activities are to occur in association with the Project during the breeding season (February 1 through September 15), DFG recommends that a qualified wildlife biologist conduct surveys for nesting Swainson's Hawk following the survey method developed by the Swainson's Hawk Technical Advisory Committee prior to commencing Project-related activities. Additional pre-construction surveys for active nests should be conducted by a qualified biologist no more than 10 days prior to the start of construction and during the appropriate timing to maximize detectability. Should an active nest be found, a minimum no-disturbance buffer of ½ mile should be observed until the breeding season has ended or until a qualified wildlife biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

If avoidance of a known nest tree is not feasible, the acquisition of an Incidental Take Permit pursuant to Section 2081(b) of the Fish and Game Code may be warranted and consultation with DFG should occur well in advance of ground disturbing activities.

Regardless of nesting status, trees that must be removed should be replaced with and appropriate native tree species planting at a ratio of 3:1 that will be protected in perpetuity. This mitigation is needed to offset impacts to the loss of potential nesting habitat as nest trees are an extremely limited resource in the western central portion of the southern San Joaquin Valley. Funding of a sufficient long term endowment for the management of the protected properties should be paid by the Project sponsors. In addition to fee title acquisition of Swainson's Hawk nesting habitat, mitigation could occur by the purchase of conservation or suitable easements. DFG recommends that lands protected as nesting habitat for Swainson's Hawk are located no more than 10 miles from suitable foraging habitat in order to be beneficial to the species.

V. Cultural Resources

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

V. b, c) *The project site is currently in agricultural production and is located in an area zoned for agricultural production. No cultural resources impacts are expected as the land is already in agricultural use.*

V. a, d) *The Native American Heritage Commission (NAHC) recommended POM to make contact with representatives of Native America tribes from the project area to obtain their recommendations concerning the proposed project. The NAHC's recommendation will be added as a Mitigation Measure.*

The project site is not located within proximity of any area designated to be highly or moderately sensitive for archeological resources. Although no impacts on archeological resources are expected of the proposed project, a Mitigation Measure will require that in the event that cultural resources are unearthed during grading or construction, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary recommendations.

Mitigation Measure:

POM shall contact the representatives on the attached Native American Contacts Lists prior to commencing any construction to get their recommendations concerning the proposed project.

In the event that cultural resources are unearthed during grading activity, all work shall be halted in the area of the find, and an Archeologist and the NAHC shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to the origin and disposition. If such remains are

determined to be Native American, the Coroner must notify the NAHC within 24 hours.

VI. Geology and Soils

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VI. a) *The proposed project is not located in the vicinity of a known or suspected earthquake fault and is not expected to experience a seismic event.*

VI. b, c, d) *The property is currently in agriculture production on high quality soils. The new pond(s) will be located near and constructed similarly to existing ponds at the*

site. As such, soil erosion, loss of topsoil, and other hazards described in VI. b, c, and d are not anticipated.

VI. e) The proposed project is anticipated to have no such impact.

VII. Hazards and Hazardous Materials

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wild lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. a - h) *The plant utilizes small amounts of hazardous materials for equipment cleaning and pH adjustment of wastewater. POM has submitted a Hazardous Materials Business Plan (HMBP) to the Certified Unified Program Agency (County of Fresno) that identifies the hazardous materials used at the plant and their proper storage, handling, and emergency response. The project is not anticipated to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The project does not have any other characteristics that could create hazards to the public or the environment.*

The closest school is more than one-quarter mile from the plant and the plant is not located in an airport land use plan. POM has proposed to build a private airstrip immediately south of the plant and west of the proposed storage pond(s); however, the storage and use of the hazardous materials at the plant would not result in a safety hazard for people residing or working in the project area

VIII. Hydrology and Water Quality

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

VIII. a & f) *The discharge from the expanded facility and the potential for groundwater degradation allowed in the Waste Discharge Requirements are consistent with the State Water Resources Control Board Resolution 68-16 (“Policy with Respect to Maintaining High Quality Water of the State”), commonly referred to as the Antidegradation Policy since: (a) the Discharger has implemented best practicable treatment and control (BPTC) of the discharge to minimize degradation, (b) the limited degradation allowed by the Waste Discharge Requirements will not unreasonably affect present and anticipated beneficial uses of groundwater, or result in water quality less than water quality objectives, and (c) the limited degradation is of maximum benefit to people of the State. Furthermore, POM will be required to monitor effluent and groundwater quality to verify the discharge is in compliance with the Waste Discharge Requirements.*

VIII. b) *The proposed project is not anticipated to deplete groundwater supplies. Groundwater used in the facility will eventually be discharged to cropland where a significant amount will percolate back to groundwater.*

VIII. c - e) *The proposed project is anticipated to have no such impact.*

VIII. g, h, j) *The proposed project is not located within a 100-year flood hazard area.*

VIII. i) *The Department of Water Resources (DWR) noted that as defined in Sections 6002 and 6003, Division 3, of the California Water Code, dams 25 feet or higher with a storage capacity of more than 15 acre-feet, and dams higher than 6 feet with a storage capacity of 50 acre-feet or more are subject to State jurisdiction. The State jurisdiction requirements will be added as a Mitigation Measure.*

Mitigation Measure:

If either of the two proposed ponds is subject to State jurisdiction, a construction application, together with plans, specifications, and the appropriate filing fee must be filed with the Division of Safety of Dams for this project. All dam safety related issues must be resolved prior to approval of the application, and the work must be performed under the direct supervision of a Civil Engineer registered in California.

IX. Land Use and Planning

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. a, c) The proposed project would not divide an established community or conflict with a habitat conservation plan or natural community conservation plan.

IX. b) The proposed project is consistent with the Draft Del Rey Community Plan and Zoning Ordinance.

X. Mineral Resources

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

X. a, b) The proposed project would not involve the loss of a mineral resource.

XI. Noise

Would the project result in:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

XI. a – d) *There would be no substantial permanent noise issues associated with operation of the proposed project. Noises associated with agricultural operations of the storage pond(s) are less-than-significant due to the lack of sensitive receptors in the vicinity of the project site. Noises associated with the arils building will be confined to the inside of the building.*

XI. e) *The project is not within an airport land use plan.*

XI. f) *POM has proposed to build a private airstrip immediately south of the plant and west of the proposed storage pond(s). Fresno County has approved Classified Conditional Use Permit Application No. 3332 for the airstrip and found noise associated with the airstrip to be less than significant.*

XII. Population and Housing

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by processing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XII. a - c) The property is currently in agricultural production and is located in an area zoned for agricultural production. The proposed project would not induce population growth, displace existing housing, or displace substantial numbers of people.

XIII. Public Services

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIII. a) The proposed project would not result in the need for new or physically altered governmental facilities. No additional demand on, or impacts to, public utilities or services are expected.

XIV. Recreation

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIV. a, b) *The proposed project would not affect the use of existing recreational facilities, does not include recreational facilities, nor does it require the construction or expansion of recreational facilities.*

XV. Transportation/Traffic

Would the Project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XV. a - d, f, g) *The proposed project would not substantially increase the number of new vehicle trips or change air traffic patterns. The proposed project would also not result in*

inadequate parking capacity or emergency access; conflict with adopted policies, plans, or programs supporting alternative transportation; or substantially increase hazards due to a design feature or incompatible uses.

XVI. Utilities and Service Systems

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVI. a) *See discussion above in VIII-a and f: Hydrology and Water Quality.*

XVI. b - e) *The proposed project will not utilize public service systems for supply, treatment, or disposal of water, and will not require construction of new storm water drainage facilities or expansion of existing facilities.*

XVI. f, g) *Waste generation and disposal comply with federal, state, and local statutes and regulations related to solid waste.*

XVII. Mandatory Findings of Significance

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

XVII. a) The proposed project does have the potential to nominally degrade groundwater quality. However, wastewater quality meets Basin Plan numerical limitations for discharges to land over groundwater having existing beneficial uses. Therefore, although there may be some nominal degradation from the wastewater discharge, it will not cause underlying groundwater to exceed Basin Plan water quality objectives nor impair beneficial uses of underlying groundwater.

XVII. b, c) The project does not have cumulative impacts, nor would substantial adverse effects occur on human beings.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project:

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Agricultural Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards. And (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

/s/
Signature

(Original signed on 28 June 2012)
Date

Lonnie Wass, Supervising Water Resources Control Engineer
Printed name

ATTACHMENT A – NATIVE AMERICAN CONTACT LIST

Big Sandy Rancheria of Mono Indians
Liz Hutchins Kipp, Chairperson
P.O. Box 337/37302
Auberry, CA 93602
Western Mono
ck@bigsandyrancheria.com
559-855-4003
559-855-4129 fax

Cold Springs Rancheria of Mono Indians
Robert Marquez, Chairperson
P.O. Box 209
Tollhouse, CA 93667
Mono
559-855-5043
559-855-4445 fax

North Fork Mono Tribe
Ron Goode, Chairperson
13396 Tollhouse Road
Clovis, CA 93619
Mono
rwgoode911@hotmail.com
559-299-3729 home
559-355-1774 cell

Dumna Wo-Wah Tribal Government
Robert Ledger Sr., Tribal Chairperson
2216 East Hammond Street
Fresno, CA 93602
Dumna/Foothill, Mono
ledgerrobert@ymail.com
559-519-1742 office

Sierra Nevada Native American Coalition
Lawrence Bill, Interim Chairperson
P.O. Box 125
Dunlap, CA 93621
Mono, Foothill Yokuts, Choinumni
559-338-2354

ATTACHMENT A – NATIVE AMERICAN CONTACT LIST

Choinumni Tribe; Choinumni/Mono
Lorrie Planas
2736 Palo Alto
Clovis, CA 93611
Choinumni, Mono

Table Mountain Rancheria
Bob Pennell, Cultural Resources Director
P.O. Box 410
Friant, CA 93626-0177
Yokuts
559-325-0351
559-217-9718 cell
559-325-0394 fax

Kings River Choinumni Farm Tribe
John Davis, Chairman
1064 Oxford Avenue
Clovis, CA 93612-2211
Foothill Yokuts, Choinumni
559-307-6430

Dunlap Band of Mono Historical Preservation Society
Mandy Marine, Board Chairperson
P.O. Box 18
Dunlap, CA 93621
Mono
mandy_marine@hotmail.com
559-274-1705

Chowchilla Tribe of Yokuts
Jerry Brown
10553 N. Rice Road
Fresno, CA 93720
North Valley Yokuts
559-434-3160

The Choinumni Tribe of Yokuts
Rosemary Smith, Chairperson
1505 Barstow
Clovis, CA 93611
Choinumni, Foothill Yokut
monoclovis@yahoo.com

ATTACHMENT A – NATIVE AMERICAN CONTACT LIST

Frank Marquez
P.O. Box 565
Friant, CA 93626
Mono, Foothill Yokut
francomarquez@pmr.org
559-213-6543 cell
559-822-3785

Santa Rosa Tachi Rancheria
Lalo Franco, Cultural Coordinator
P.O. Box 8
Lemoore, CA 93245
Tachi, Tache, Yokut
559-924-1278 ext. 5
559-924-3583 fax

Dumna Wo-Wah Tribal Government
Eric Smith, Cultural Resource Manager
2216 East Hammond Street
Fresno, CA 93602
Dumna/Foothill, Mono
nuem2007@yahoo.com
559-519-1742 office

Dumna Wo-Wah Tribal Government
John Ledger, Assistant Cultural Resource Manager
2216 East Hammond Street
Fresno, CA 93602
Dumna/Foothill, Mono
ledger17bonnie@yahoo.com
559-519-1742

ATTACHMENT B – PUBLIC COMMENTS