



# Community Development Department

Planning · Building · Code Enforcement · Fire Prevention

Jennifer Jolley, Director

Eric Merlo, Assistant Director

Tim Burns, Code Enforcement Chief

Corinne King, Deputy Director of Planning

Jeff Niemeyer, Deputy Director of Building Inspection

October 22, 2025

DDS Digester, LLC  
1588 N. Batavia St., Ste 1C  
Orange, CA 92867

Dear Owners:

Re: Conditional Use Permit No. PA-2300155 of DDS Digester, LLC (c/o SROM) (APN[s]/Address: 207-160-04 / 23335 E. Dodds Rd., Escalon)

**ACTION:** On October 16, 2025, the San Joaquin County Planning Commission approved Conditional Use Permit No. PA-2300155 subject to the enclosed Conditions of Approval.

**APPEAL PERIOD:** This action can be appealed to the Board of Supervisors by any interested party. Appeals must be filed with this Department within 10 days of the action with an appeal fee of \$1,027.30. The 10-day appeal period ends at 4:30 p.m. on October 26, 2025. If this date falls on a weekend or holiday, the appeal period will expire on the next regular business day at 4:30 p.m.

**EXPIRATION:** This action requires you to comply with all Conditions of Approval within the next thirty-six (36) months (by October 26, 2028). If you have not complied with the Conditions of Approval by that date, this approval will expire, and the project cannot proceed.

**NEXT STEP:** Prior to the expiration date, you must comply with all Conditions of Approval, including the securing of building permits and any other permits specified in the Conditions of Approval.

Please contact me if you have questions regarding the Community Development Department Conditions (Phone: [209] 468-0222 or via email at [alisa.goulart@sjgov.org](mailto:alisa.goulart@sjgov.org)). Questions regarding the building permit process should be directed to the counter staff (Phone: [209] 468-2098).

Sincerely,

Alisa Goulart  
Associate Planner

AG/sc

Enclosure(s): Conditions, Mitigation Monitoring and Reporting Program, Site Plan, Informational Letters, Findings

c: SROM  
San Joaquin County Building Inspection Division  
San Joaquin County Environmental Health  
San Joaquin County Public Works

# CONDITIONS OF APPROVAL

PA-2300155

DDS DIGESTER, LLC / SR0M

Conditional Use Permit No. PA-2300155 was approved by the Planning Commission on October 16, 2025. The effective date of approval is October 26, 2025. This approval will expire on October 26, 2028, which is thirty-six (36) months from the effective date of approval, unless (1) all Conditions of Approval have been complied with, (2) all necessary building permits have been issued and remain in force, and (3) all necessary permits from other agencies have been issued and remain in force.

Unless otherwise specified, all Conditions of Approval and ordinance requirements shall be fulfilled prior to the establishment of the use and the issuance of any building permits. Those Conditions followed by a Section Number have been identified as ordinance requirements pertinent to this application. Ordinance requirements cannot be modified, and other ordinance requirements may apply.

1. COMMUNITY DEVELOPMENT DEPARTMENT (Contact: [209] 468-0222)

- a. **BUILDING PERMIT:** Submit an "APPLICATION-COMMERCIAL BUILDING PERMIT". The Site Plan required as a part of the building permit must be prepared by a registered civil engineer or licensed architect. This Plan must show drainage, driveway access details including gates, on-site parking, landscaping, signs, existing and proposed utility services, and grading (refer to the "SITE PLAN CHECK LIST" for details). Foundation and soils investigation shall be conducted in conformance with Chapter 18 of the California Building Code at the time of permit application. A fee is required for the Site Plan review. (Development Title Section 9-802.020)
- b. **APPROVED USE:** This approval is for a manure only anaerobic digester and natural gas clean-up and compression system to include installation of the components for solids separation, wastewater recycling, an anaerobic digester, and biogas collection system, including construction of a new lined and covered pond, an 800-square-foot office building and a 1,404-square-foot utility building to house the equipment. (Use Types: Renewable Energy - Biomass)
- c. **CAPITAL FACILITY FEE:** This project may be subject to the Capital Facility Fee. If the Capital Facility Fee is applicable, the County shall collect the fees before the issuance of any building permits. (Development Title Section 9-610.070)
- d. **PARKING:** Off-street parking shall be provided and comply with the following:
  1. All permanent parking lots, including internal circulation and loading areas, shall be surfaced and permanently maintained with asphalt concrete or Portland cement concrete. Bumper guards and/or wheel stops shall be provided when necessary to protect adjacent structures or properties. (Development Title Section 9-406.060[i])
  2. A minimum of 5 permanent off-street vehicle parking spaces shall be provided for the project. *(The number of required parking spaces required for the Renewable Energy use type is determined by the Zoning Administrator and was based on employee information provided by the applicant.)* (Development Title Section 9-406.040).
  3. Each vehicle parking stall shall be an unobstructed rectangle, minimum 9 feet wide and 20 feet long. (Development Title Section 9-406.060)
  4. All parking stalls and directional arrows shall be delineated with paint or similar distinguishable material. (Development Title Section 9-406.040[e])

- e. **ACCESS AND CIRCULATION:** The following requirements apply and shall be shown on the Site Plan:
    - 1. Access driveways shall have a width of no less than 25 feet for two-way aisles and 16 feet for one-way aisles, except that in no case shall driveways designated as fire department access be less than 20 feet wide. (Development Title Section 9-406.060[n][1])
    - 2. Driveways with gated entries shall be designed such that the gate is setback a sufficient distance to allow at least one vehicle (passenger car, delivery truck, etc.) to queue on-site in front of the gate without extending into the right-of-way. (Development Title Section 9-607-040(d))
  - f. **LIGHTING:** Lighting shall be provided and comply with the following:
    - 1. All lighting shall be designed to confine direct rays to the premises. No spillover beyond the property lines shall be permitted, except onto public roads, provided, however, that such light shall not cause a hazard to motorists. (Development Title Section 9-406.060[m][3])
  - g. **STORAGE:** Storage shall be provided and comply with the following:
    - 1. The facility shall include sufficient on-site storage for both raw materials and fuel production. On-site storage shall also be provided for all additional by-products resulting from bioenergy production unless those additional products are used on site for crop production or livestock consumption. (Development Title Section 9-409.110[c])
  - h. **SIGNS:** Sign details shall be consistent with Chapter 9-408 of the Development Title and be included on the Site Plan. All portions of any sign shall be set back a minimum of 5 feet from existing and future right-of-way lines and shall not block pedestrian or vehicle rights-of-way or obstruct drivers' visibility. (Development Title Section 9-408.070[p])
  - i. **REGULATORY COMPLIANCE:** The operator of the facility shall provide to Community Development proof that all necessary approvals have been obtained from State and Federal agencies involved in permitting any of the following aspects of biofuel production:
    - 1. Air pollution emissions;
    - 2. Transportation of biofuel, or additional products resulting from biofuel production;
    - 3. Use or reuse of additional products resulting from biofuel production; and,
    - 4. Storage of raw materials, fuel, and additional products used in, or resulting from, biofuel production.
  - j. **MITIGATION MONITORING AND REPORTING PROGRAM:** The project shall comply with all required mitigations included in the MMRP dated August 14, 2025.
2. DEPARTMENT OF PUBLIC WORKS (Contact: [209] 468-3000)
- a. An encroachment permit shall be required for all work within the road right-of-way. (Note: Driveway encroachment permits are for flatwork only – all vertical features, including but not limited to fences, walls, private light-standards, rocks, landscaping and cobbles are not allowed in the right-of-way.) (Development Title Sections 9-607.020 and 9-607-040)
  - b. Prior to issuance of the occupancy permit, the driveway approaches shall be improved in accordance with the requirements of San Joaquin County Improvement Standards Drawing No. 17. (Development Title Section 9-607.040)
  - c. The Traffic Impact Mitigation Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee shall be automatically adjusted July 1 of each

year by the Engineering Construction Cost Index as published by the Engineering News Record. (Resolution R-00-433)

- d. The Regional Transportation Impact Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)
- e. The Water Supply Facilities Impact Mitigation Fee shall be required for this development. The fee is due and payable prior to issuance of the building permit. The fee will be based on the current schedule at the time of payment. (Development Title Section 9-803.020 and Resolutions R-91-327, R-94-185 and R-97-5).
- f. The developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards. Retention basins shall be fenced with six (6) foot high chain link fence or equal when the maximum design depth of the basin is 18 inches or more. Required retention basin capacity shall be calculated and submitted with a drainage plan for review and approval prior to release of building permit. (Development Title Section 9-606)
- g. A copy of the Final Site Plan shall be submitted prior to release of building permit.
- h. This project is subject to the NPDES Region-Wide Permit requirements and shall comply with the following conditions. Prior to release of the building permit, plans and calculations shall be submitted and approved by the Public Works Department – Water Resources Division (209-468-3605).
  - 1. Treatment: A registered professional engineer shall design the site to treat the 85<sup>th</sup> percentile storm as defined in the County's 2023 Storm Water Quality Control Criteria Plan (SWQCCP).
  - 2. Hydromodification: A registered professional engineer shall design the site to comply with the volume (reduction requirement outlined in the County's 2023 SWQCCP).
  - 3. Trash: A registered professional engineer shall design the site to comply with the trash control requirement outlined in the County's 2023 SWQCCP.
- i. Prior to release of the building permit, the owner shall enter into an agreement with San Joaquin County for post-construction maintenance of stormwater quality facilities.
- j. Prior to release of the building permit, the applicant shall submit a Storm Water Quality Control Plan (SWQCP) to Public Works that complies with all requirements of the 2023 SWQCCP.
- k. Prior to release of the building permit the applicant shall submit the Storm Water Pollution Prevention Plan (SWPPP) to Public Works. A copy of the approved SWPPP and all required records, updates, test results and inspection reports shall be maintained on the construction site and be available for review upon request.
- l. Applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and comply with the State "General Permit for Storm Water Discharges Associated with Construction Activity". The Waste Discharge Identification Number (WDID) issued by SWRCB, shall be submitted to Public Works prior to release of the building permit. Contact the SWRCB at 1-866-563-3107 for further information.

Informational Notes:

- 1. Wastewater shall not be allowed into the storm drainage system.
- 2. The project will enact appropriate source control BMPs to prevent the discharge of trash offsite.

3. ENVIRONMENTAL HEALTH DEPARTMENT (Contact: [209] 468-3420)

- a. All dairy in-vessel digestion operations shall comply with the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with Section 18100) and Title 14 California Code of Regulations Section 17896.9. The applicant may contact Natalia Subbotnikova, Program Coordinator of Solid Waste Program, at (209) 468-0338 for further information.
- b. A soil suitability and nitrate loading study incorporating proposed staff and customer use shall be submitted to the Environmental Health Department, indicating that the area is suitable for septic system usage. The studies must be approved by the Environmental Health Department prior to issuance of any building permit(s). (San Joaquin County Development Title, Section 9-604.010[d]).

The sewage disposal system shall comply with the onsite wastewater treatment systems standards of San Joaquin County prior to approval. A percolation test conducted in accordance with the E.P.A. Design Manual 0 Onsite Wastewater and Disposal Systems is required for each parcel. The fee will be based on the current schedule at the time of payment.

- c. Prior to issuance of building permit, submit to the Environmental Health Department revised site plans showing the location and configuration of any existing and proposed sewage disposal systems, along with the area required to be reserved for future sewage disposal repair/replacement (area for 100% sewage disposal replacement). The plans shall include the design calculations, including the maximum number of persons the sewage disposal system is proposed to serve.

In addition, show on revised plans that the disposal field area will be barricaded so it cannot be driven over, parked on, or used as a storage area. This disposal field area must be used for that specific purpose only, and it cannot contain any underground utility lines (San Joaquin County Development Title, Section 9-605.010(c)(3)(5)).

- d. The existing private water wells shall be tested for the chemical Dibromochloropropane (DBCP) and nitrates with the results submitted to the Environmental Health Department prior to issuance of building permit(s). Samples are to be taken and analyzed by a State-approved laboratory (San Joaquin County Development Title, Section 9-601.020(j)).
- e. The existing private water wells shall be Any geotechnical drilling shall be conducted under permit and inspection by the Environmental Health Department (San Joaquin County Development Title, Section 9-601.010[b] and 9-601.020[i]).

#### 4. SAN JOAQUIN COUNCIL OF GOVERNMENT (Contact: [209] 235-0600)

1. This project is subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) must provide a Certificate of Payment prior to issuance of any grading or building permits.



**SAN JOAQUIN**  
 COUNTY  
*Greatness grows here.*



Department of Public Works

Fritz Buchman, Director  
 Alex Chetley, Deputy Director - Development  
 Kristi Rhea, Deputy Director - Administration  
 David Tolliver, Deputy Director - Operations  
 Najee Zarif, Deputy Director - Engineering

September 23, 2025

**MEMORANDUM**

**TO:** Community Development Department  
 CONTACT PERSON: Alisa Goulart

**FROM:** Shayan Rehman, Engineering Services Manager  
 Development Services Division

SR

**SUBJECT:** PA-2300155 (C); Conditional Use Permit application to install a manure only anaerobic digester and natural gas clean-up and compression system on a 10-acre portion of a 218.19 acre parcel with an existing dairy. The project includes the installation of the components for solids separation, wastewater recycling, an anaerobic digester, and biogas collection system, including construction of a new lined and covered pond, an 800 square foot office building and a 1,404 square foot utility building to house the equipment. The facility will accept materials for the manure digester from 10 area dairies within a 4-mile radius with an estimated 17 daily truck supply trips from the offsite dairies. The renewable natural gas (RNG) will be trucked away an estimated 3 times per day. The resulting separated solids from the project will be returned to the dairies and the remainder sold as fertilizer. The facility proposes to operate year-round, 7 days per week with an employee operator on site during working hours (7:00 a.m. to 7:00 p.m.); located on the north side of E. Dodds Road, 1 mile east of E. Mariposa Road, Escalon. (Supervisorial District 4)

**OWNER:** DDS Digester, LLC

**APPLICANT:** SROM

**ADDRESS:** 23335 E. Dodds Road, Escalon

**APN:** 207-160-04

**INFORMATION:**

The site is not currently located within a Federal Emergency Management Agency Designated Flood Hazard Area.

Dobbs Road has an existing right-of-way and planned right-of-way width of 60 feet.

PA-2300155 (C)

RECOMMENDATIONS:

- 1) An encroachment permit shall be required for all work within the road right-of-way. (Note: Driveway encroachment permits are for flatwork only – all vertical features, including but not limited to fences, walls, private light standards, rocks, landscaping and cobbles are not allowed in the right-of-way.) (Development Title Sections 9-607.020 and 9-607.040)
- 2) Prior to issuance of the occupancy permit, the driveway approaches shall be improved in accordance with the requirements of San Joaquin County Improvement Standards Drawing No. 17. (Development Title Section 9-607.040)
- 3) The Traffic Impact Mitigation Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee shall be automatically adjusted July 1 of each year by the Engineering Construction Cost Index as published by the Engineering News Record. (Resolution R-00-433)
- 4) The Regional Transportation Impact Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)
- 5) The Water Supply Facilities Impact Mitigation Fee shall be required for this development. The fee is due and payable prior to issuance of the building permit. The fee will be based on the current schedule at the time of payment. (Development Title Section 9-803.020 and Resolutions R-91-327, R-94-185 and R-97-5)
- 6) The developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards. Retention basins shall be fenced with six (6) foot high chain link fence or equal when the maximum design depth is 18 inches or more. Required retention basin capacity shall be calculated and submitted along with a drainage plan for review and approval, prior to release of building permit. (Development Title Section 9-606)
- 7) A copy of the Final Site Plan shall be submitted prior to release of the building permit.
- 8) This project is subject to the NPDES Region-Wide Permit requirements and shall comply with the following conditions. Prior to release of the building permit, plans and calculations shall be submitted and approved by the Public Works Department – Water Resources Division (209-468-9360):
  - a) Treatment: A registered professional engineer shall design the site to treat the 85th percentile storm as defined in the County's 2023 Storm Water Quality Control Criteria Plan (SWQCCP).
  - b) Hydromodification: A registered professional engineer shall design the site to comply with the volume reduction requirement outlined in the County's 2023 SWQCCP
  - c) Trash: A registered professional engineer shall design the site to comply with the trash control requirement outlined in the County's 2023 SWQCCP.
- 9) Prior to release of the building permit, the owner shall enter into an agreement with San Joaquin County for post-construction maintenance of stormwater quality facilities.

PA-2300155 (C)

- 10) Prior to release of the building permit the applicant shall submit a Storm Water Quality Control Plan (SWQCP) to Public Works that complies with all requirements of the 2023 SWQCCP
- 11) Prior to release of the building permit the applicant shall submit the Storm Water Pollution Prevention Plan (SWPPP) to Public Works. A copy of the approved SWPPP and all required records, updates, test results and inspection reports shall be maintained on the construction site and be available for review upon request.
- 12) Applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and comply with the State "General Permit for Storm Water Discharges Associated with Construction Activity". The Waste Discharge Identification Number (WDID), issued by SWRCB, shall be submitted to Public Works prior to release of the building permit. Contact the SWRCB at 1-866-563-3107 for further information.

Informational Notes:

- (i.) Wastewater shall not be allowed into the storm drainage system.
- (ii.) The project will enact appropriate source control BMPs to prevent the discharge of trash offsite.
- (iii.) No pipelines carrying manure shall be allowed within the County right-of-way.

SR:GM:GG



September 24, 2025

**To:** San Joaquin County Community Development Department  
 Attention: Alisa Goulart

**From:** Sastina Thammavongsa; (209) 616-3068 *ST*  
 Registered Environmental Health Specialist

**RE:** **PA-2300155 (C), Re-Referral: Revised Environmental Document, SU0015706**  
**23335 E. Dodds Road, Escalon, APN: 207-160-04**

The following requirements have been identified as pertinent to this project. Other requirements may also apply. These requirements cannot be modified.

- 1) All dairy in-vessel digestion operations shall comply with the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100).
- 2) A soil suitability and nitrate loading study incorporating proposed staff and customer use shall be submitted to the Environmental Health Department, indicating that the area is suitable for septic system usage. The studies must be approved by the Environmental Health Department prior to issuance of building permit(s). (San Joaquin County Development Title, Section 9-604.010(d)). The fee will be based on the current schedule at the time of payment.

The sewage disposal system shall comply with the onsite wastewater treatment systems standards of San Joaquin County prior to approval. A percolation test conducted in accordance with the E.P.A. Design Manual - Onsite Wastewater and Disposal Systems is required for each parcel. The fee will be based on the current schedule at the time of payment.

- 3) Prior to issuance of building permit, submit to the Environmental Health Department revised site plans showing the location and configuration of any existing and proposed sewage disposal systems, along with the area required to be reserved for future sewage disposal repair/replacement (area for 100% sewage disposal replacement). The plans shall include the design calculations, including the maximum number of persons the sewage disposal system is proposed to serve.

In addition, show on revised plans that the disposal field area will be barricaded so it cannot be driven over, parked on, or used as a storage area. This disposal field area must be used for that specific purpose only, and it cannot contain any underground utility lines (San Joaquin County Development Title, Section 9-605.010(c)(3)(5)).

- 4) The existing private water wells shall be tested for the chemical Dibromochloropropane (DBCP) and nitrates with the results submitted to the Environmental Health Department prior to issuance of building permit(s). Samples are to be taken and analyzed by a State-approved laboratory (San Joaquin County Development Title, Section 9-601.020(j)).
- 5) Construction of an individual sewage disposal system(s) under permit and inspection by the Environmental Health Department is required at the time of development based on the Soil Suitability/ Nitrate Loading Study findings (San Joaquin County Development Title, Section 9-605.010).
- 6) Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-601.010(b) and 9-601.020(i)).
- 7) Before any hazardous materials/waste can be stored or used onsite, the owner/operator must report the use or storage of these hazardous materials to the California Environmental Reporting System (CERS) at [cers.calepa.ca.gov/](http://cers.calepa.ca.gov/) and comply with the laws and regulations for the programs listed below (based on quantity of hazardous material in some cases). The applicant may contact the Program Coordinator of the CUPA program, Elena Manzo (209) 953-7699, with any questions.
  - a. Any amount but not limited to the following hazardous waste; hazardous material spills, used oil, used oil filters, used oil-contaminated absorbent/debris, waste antifreeze, used batteries or other universal waste, etc. – **Hazardous Waste Program** (Health & Safety Code (HSC) Sections 25404 & 25180 et sec.)
  - b. Onsite treatment of hazardous waste – **Hazardous Waste Treatment Tiered Permitting Program** (HSC Sections 25404 & 25200 et sec. & California Code of Regulations (CCR), Title 22, Section 67450.1 et sec.)
  - c. Reportable quantities of hazardous materials-reportable quantities are 55 gallons or more of liquids, 500 pounds for solids, or 200 cubic feet for compressed gases, with some exceptions. Carbon dioxide is a regulated substance and is required to be reported as a hazardous material if storing 1,200 cubic feet (137 pounds) or more onsite in San Joaquin County – **Hazardous Materials Business Plan Program** (HSC Sections 25508 & 25500 et sec.)
  - d. Any amount of hazardous material stored in an Underground Storage Tank – **Underground Storage Tank Program** (HSC Sections 25286 & 25280 et sec.)
    - i. If an underground storage tank (UST) system will be installed, a permit is required to be submitted to, and approved by, the San Joaquin County Environmental Health Department (EHD) before any UST installation work can begin.
    - ii. Additionally, an EHD UST permit to operate is required once the approved UST system is installed.

- e. Storage of at least 1,320 gallons of petroleum aboveground or any amount of petroleum stored below grade in a vault – **Aboveground Petroleum Storage Program** (HSC Sections 25270.6 & 25270 et sec.)
  - i. **Spill Prevention, Countermeasures and Control (SPCC) Plan requirement**
- f. Threshold quantities of regulated substances stored onsite - **California Accidental Release Prevention (CalARP) Program** (Title 19, Section 2735.4 & HSC Section 25531 et sec.)
  - i. **Risk Management Plan requirement for covered processes**



S J C O G , I n c .

555 East Weber Avenue • Stockton, C A 95202 • (209) 235-0600 • FAX (209) 235-0438

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)

**SJMSCP RESPONSE TO LOCAL JURISDICTION (RTLJ)  
ADVISORY AGENCY NOTICE TO SJCOG, Inc.**

**To:** Alisa Goulart, San Joaquin County, Community Development Department  
**From:** Laurel Boyd, SJCOG, Inc. Phone: (209) 235-0574 Email: [boyd@sjcog.org](mailto:boyd@sjcog.org)  
**Date:** February 22, 2024  
**Local Jurisdiction Project Title:** PA-2300155 (C)  
**Assessor Parcel Number(s):** 207-350-13, 207-160-04  
**Local Jurisdiction Project Number:** PA-2300155 (C)  
**Total Acres to be converted from Open Space Use:** Unknown  
**Habitat Types to be Disturbed:** Agricultural and Urban Habitat Land  
**Species Impact Findings:** Findings to be determined by SJMSCP biologist.

Dear Ms. Goulart:

SJCOG, Inc. has reviewed the application referral for PA-2300155 (C). This project consists of a Conditional Use Permit application to establish a manure digester at an existing Dairy facility in 2 phases over 5 years. Manure will be trucked in from 12 dairies within a 4-mile radius of the project site in Phase 1 and transported via underground pipe in Phase 2. The project will include the construction of an 800 square foot office building and a 1,404 square foot utility building within a 10-acre footprint on a 218.19-acre parcel. The project proposes operations year-round with 1 employee working 8 hours per day, 5 days per week. The project will utilize an on-site well for water, an onsite septic system for sewage disposal, and natural storm drainage. The project site has direct access off of E. Dodds Road. The project site is on the north side of E. Dodds Road, 1 mile east of E. Mariposa Road, Escalon (APN/Address: 207-350-13, 207-160-04 / 23335 E. Dodds Road Escalon).

San Joaquin County is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP. Although participation in the SJMSCP is voluntary, Local Jurisdiction/Lead Agencies should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.

***This project is subject to the SJMSCP*** and is located within the unmapped land use area. Per requirements of the SJMSCP, unmapped projects are subject to case-by-case review. This can be a 90 day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. <http://www.sjcog.org>

If this project is approved by the Habitat Technical Advisory Committee and the SJCOG Inc. Board, the following process must occur to participate in the SJMSCP:

- Schedule a SJMSCP Biologist to perform a pre-construction survey **prior to any ground disturbance**
- SJMSCP Incidental take Minimization Measures and mitigation requirement:
  1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
  2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
  3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
    - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
    - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
    - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or

- d. Purchase approved mitigation bank credits.
- 4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
  - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
  - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
  - c. Purchase approved mitigation bank credits.

Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

- Receive your Certificate of Payment and release the required permit

*It should be noted that if this project has any potential impacts to waters of the United States [pursuant to Section 404 Clean Water Act], it would require the project to seek voluntary coverage through the unmapped process under the SJMSCP which could take up to 90 days. It may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would be required from each of these resource agencies prior to grading the project site.*

If you have any questions, please call (209) 235-0600.



**S J C O G , I n c .**

*San Joaquin County Multi-Species Habitat Conservation & Open Space Plan*

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 235-0438

**SJMSCP HOLD**

**TO:** Local Jurisdiction: Community Development Department, Planning Department, Building Department, Engineering Department, Survey Department, Transportation Department, Other:

**FROM:** Laurel Boyd, S J C O G , I n c .

**DO NOT AUTHORIZE SITE DISTURBANCE  
DO NOT ISSUE A BUILDING PERMIT  
DO NOT ISSUE \_\_\_\_\_ FOR THIS PROJECT**

The landowner/developer for this site has requested coverage pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). In accordance with that agreement, the Applicant has agreed to:

- 1) **SJMSCP Incidental Take Minimization Measures and mitigation requirement:**
    - 1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, S J C O G , I n c . staff will sign the ITMMs. This is the effective date of the ITMMs.
    - 2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
    - 3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
      - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
      - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
      - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
      - d. Purchase approved mitigation bank credits.
    - 4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
      - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
      - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
      - c. Purchase approved mitigation bank credits.
- Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

Project Title: PA-2300155 (C)

Landowner: DDS Digester, LLC Applicant: SROM

Assessor Parcel #s: 207-350-13, 207-160-04

T \_\_\_\_\_, R \_\_\_\_\_, Section(s): \_\_\_\_\_

Local Jurisdiction Contact: Alisa Goulart

**The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.**

# MITIGATION MONITORING AND REPORTING PROGRAM

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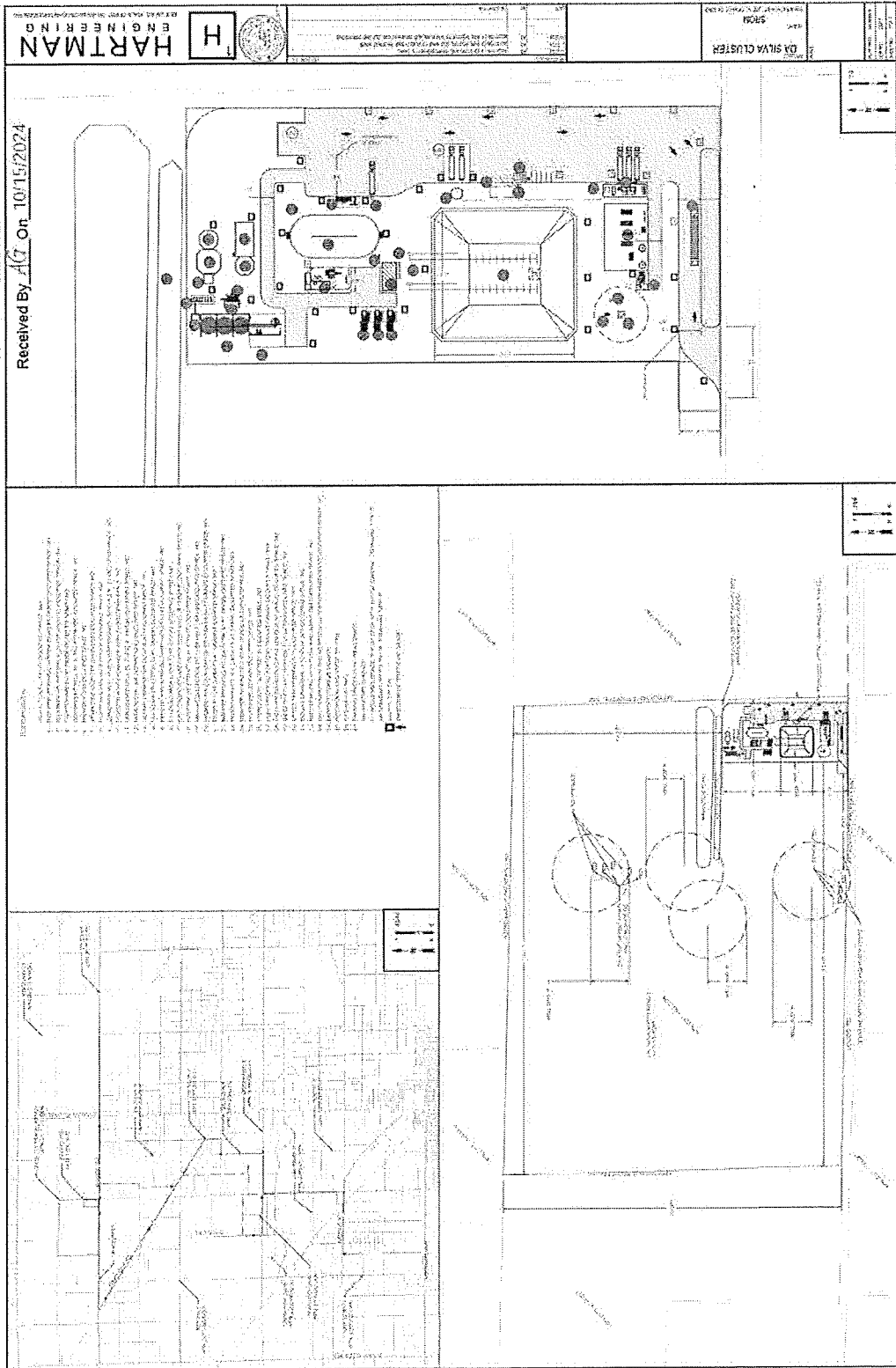
<p>for the reduction in use of regenerative water softeners on process water distribution networks or, alternatively, evaluate and install alternate technology that reduces or eliminates on-site brine disposal;</p>										
<ul style="list-style-type: none"> <li>• Prepare and implement a site-specific NMP that incorporates analytical data for soils, wastewater, manure, digester solids, groundwater and/or surface water supply. The required analytical data is to be generated by a site-specific monitoring and reporting program. In the case of groundwater, data from an approved representative groundwater monitoring program may be substituted for some of all site-specific groundwater monitoring, if appropriate. The NMP will be re-evaluated annually based on results of the monitoring and reporting program and site-specific measurements of agronomic rates;</li> <li>• Require all drainage be directed to a retention wastewater pond that has been designed to meet anti-degradation provisions of Resolution 68-26 by an appropriately licensed professional;</li> <li>• To the extent practicable, use crops that maximize salt uptake;</li> <li>• Apply liquid digestate consistently with crop water uptake rates;</li> </ul>										
<ul style="list-style-type: none"> <li>• Prohibit hazardous substances in co-digestion substrates processed by each facility as verified by laboratory analytical testing;</li> </ul>										
<ul style="list-style-type: none"> <li>• Apply digestate at an approved rate commensurate with agronomic rate;</li> </ul>										
<ul style="list-style-type: none"> <li>• Properly time application of digestate in accordance with crop requirements;</li> <li>• Avoid excess irrigation;</li> <li>• Maintain cover crops and vegetative buffer zones;</li> </ul>										
<ul style="list-style-type: none"> <li>• Develop co-substrate acceptance criteria;</li> <li>• Perform vector control and reduction;</li> </ul>										

# SITE PLAN

REVISED SITE PLAN

Application # PA-2300155(CUP)

Received By AG On 10/15/2024





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## Central Valley Regional Water Quality Control Board

21 November 2024

Alisa Goulart  
County of San Joaquin  
Community Development Department  
1810 E Hazelton Avenue  
Stockton, CA 95205

CERTIFIED MAIL NUMBER  
9589 0710 5270 0591 2610 78

***COMMENTS ON NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR CONDITIONAL USE PERMIT NO. PA-2300155 - DASILVA DAIRY FARMS LP DODDS HEIFER RANCH (WDID 5B39NC00278), 23335 DODDS ROAD, ESCALON, SAN JOAQUIN COUNTY, DIGESTER PROJECT***

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is a state agency with the statutory responsibility to protect water quality in California's Central Valley. (See Wat. Code, § 13000 et seq.) In support of this mission, the Central Valley Water Board regulates discharges of waste, including from dairies, that have the potential to affect surface and ground water quality. The Central Valley Water Board has established a regulatory program that regulates discharges of waste from dairy facilities throughout the Central Valley.

The Central Valley Water Board, in its role as responsible agency, has reviewed the Notice of Intent to adopt a Mitigated Negative Declaration and Initial Study (IS/MND) prepared for the County's adoption of Conditional Use Permit PA-2300155, DaSilva Dairy Farms LP Dodds Heifer Ranch (Facility) Digester Project (Project). Consistent with the Central Valley Water Board's obligations as a responsible agency, this comment letter reviews the scope and content of the environmental information germane to the Board's statutory responsibilities that should be included in the environmental impact report for the expansion project.

**Project Description/Summary**

As described in the IS/MND, the Facility is located on the north side of E. Dodds Rd., 1 mile east of E. Mariposa Rd., Escalon., San Joaquin County. (APN/Address: 207-160-04 / 23335 E. Dodds Rd., Escalon). A Conditional Use Permit to install a manure only anaerobic digester and natural gas clean-up and compression system on a 10-acre portion of a 218.19-acre parcel with an existing dairy. The project includes the installation of the components for solids separation, wastewater recycling, an anaerobic digester, and biogas collection system, including construction of a new lined and covered pond, an 800 square foot office building and a 1,404 square foot utility building to house the equipment. The facility will accept materials for the manure digester from 10 area dairies within a 4-

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mile radius with an estimated 17 daily truck supply trips from the offsite dairies. The renewable natural gas (RNG) will be trucked away an estimated 3 times per day. The resulting separated solids from the project will be returned to the dairies and the remainder sold as fertilizer. The facility proposes to operate year-round, 7 days per week, with an employee operator on site during working hours (7:00 a.m. to 7:00 p.m.).

### Central Valley Water Board Comments

**1. The Lead Agency Should Consider the Central Valley Water Board's Programmatic Environmental Impact Report (PEIR) for Order R5-2010-0130, Waste Discharge Requirements General Order for Dairies with Manure Anaerobic Digester or Co-Digester Facilities.**

As described in the IS/MND, discharges of waste from the Proposed Project will be regulated under Central Valley Water Board Order R5-2010-0130, Waste Discharge Requirements General Order for Dairies with Manure Anaerobic Digester or Co-Digester Facilities (Digester General Order). In adopting this Order, the Central Valley Water Board adopted a Programmatic Environmental Impact Report (PEIR) for Dairy Manure Digester and Co-Digester Facilities (SCH No. 2010031085) and an accompanying Statement of Overriding Considerations. A copy of the PEIR is available upon request to the Central Valley Water Board.

PEIR section 2.2.2 states,

*If a responsible agency determines that, in compliance with CEQA Guidelines § 15162, no new effects would occur and no new mitigation would be required, the agency can rely on this existing [PEIR] to comply with CEQA. In the event that it is determined that a future dairy digester project would result in new or substantially greater impacts, including site-specific impacts, the agency may require preparation of a subsequent environmental document which can be tied from this [PEIR].*

The Lead Agency should consider whether its analysis of the Proposed Project can rely, in part, on the PEIR. If not, the Lead Agency should consider revising its CEQA document to tier off of, or otherwise incorporate, the PEIR's analysis and mitigation measures that may apply to the Proposed Project.

One purpose for incorporating the PEIR into the Lead Agency's own CEQA evaluation is that the Project Proponent will need to submit specific information to address relevant environmental issues and mitigation measures identified in the PEIR before it can be enrolled in the Digester General Order. Digester General Order, Attachment A: Digester or Co-Digester Facility CEQA Compliance Assessment describes the documentation that the Board will require from the Project Proponent. The Lead Agency's incorporation of the PEIR may help to streamline the Central Valley Water Board's permitting of the Proposed Project and avoid the need for additional environmental review prior to permit issuance.

A second purpose for incorporating the PEIR is to acknowledge and address the PEIR's finding that digester projects may result in unavoidable cumulative impacts with regard to

water quality. (See PEIR, §§ 5.6, 16.4.) As discussed in the next comment, there is a fair argument that the Proposed Project will have potentially significant, unavoidable impacts with respect to groundwater degradation; while these impacts may be mitigated to less-than-significant over the long term (i.e., 30-50 years, or more), more immediate site-specific and cumulative impacts are likely to be significant.

**2. There is a Fair Argument that the Proposed Project's Disposal of Liquid Digester Wastes Will Result in Potentially Significant Impacts with Regard to Groundwater Degradation (Appx. G Checklist, § X.a).**

The Proposed Project will involve disposal of liquid digester waste (i.e., liquid digestate) generated from digestion of manure sourced from the Project Proponent's confined animal facility and approximately 10 other local dairies. The IS/MND does not specify the estimated quantities of manure that the Project facility expects to digest on a regular basis, nor which dairies it will receive manure from, so it is not clear to the Central Valley Water Board how much liquid waste will be generated and require disposal as a result of the Proposed Project. The Lead Agency should revise its CEQA document to supplement the Project Description and appropriate discussion sections with additional information concerning the anticipated manure imports.

The IS/MND also does not state how the Proposed Project's liquid digester waste (i.e., liquid digestate) will be disposed. The Central Valley Water Board presumes that liquid digestate will be disposed of via land application to cropped fields in accordance with the requirements of the Digester General Order and the Central Valley Water Board's Salt and Nitrate Control Programs. Discharges of liquid digestate in compliance with these authorities will generally result in less than significant impacts with regard to compliance with water quality standards and waste discharge requirements (CEQA Appx. G Checklist, § X.a) and implementation of water quality control plans (CEQA Appx. G Checklist, § X.e). However, as described below, there is a fair argument that these discharges will foreseeably result in potentially significant impacts, even with mitigation, with regard to and degradation of groundwater quality (CEQA Appx. G Checklist, § X.a). The Lead Agency should revise its CEQA document to (1) supplement the Project Description and appropriate discussion sections with additional information concerning liquid digestate generation and disposal, and (2) evaluate and discuss these potential impacts and corresponding mitigation measures, as appropriate.

Under the Digester General Order, the Project Proponent would be required to implement specific management practices to mitigate or otherwise minimize potential water quality impacts arising from the Proposed Project. Compliance with this Order may in some cases be insufficient to protect groundwater from the impacts of waste discharges from dairies and manure digesters. (See Central Valley Dairy Representative Monitoring Program (CVDRMP), *Summary Representative Monitoring Report* (2019) (SRMR).) No set of dairy waste management practices has been identified that can fully mitigate these water quality impacts; in other words, even dairies

with the highest caliber of waste management practices and infrastructure will generally impact groundwater. (*Ibid.*) As a result, discharges of dairy and digester wastes that comply with the Digester General Order are still likely to, in the short-term, cause or contribute to degradation (i.e., worsening of existing quality) of groundwater with respect to salts and nitrate.

On 31 May 2018, the Central Valley Water Board adopted Basin Plan amendments incorporating the Salt Control Program (SCP) and Nitrate Control Program (NCP) (Resolution R5-2018-0034). On 10 December 2020, the Central Valley Water Board adopted revision to the Basin Plan amendments (Resolution R5-2020-0057), which became effective on 10 November 2021. These Basin Plan amendments established "alternative compliance pathways" for dischargers of salts and nitrate (e.g., dairies and manure digester facilities) that cannot meet water quality standards for those constituents at this time.

The SCP is a long-term, phased approach intended to identify and support implementation of regionwide salinity management and reduction strategies. The SCP is currently in its first of three 10-to-15-year phases (i.e., Phase I), which is anticipated to conclude between January 2030 and January 2035. Phases II and III will incorporate lessons learned from the preceding Phase(s) to revise permitting approaches for saline wastes. At this stage, the specific details of Phases II and III are largely uncertain. Under the current Phase, dischargers are deemed compliant with applicable water quality standards if they maintain compliance with the requirements of their waste discharge requirements (WDRs) (i.e., waste discharge permits) and provide sufficient financial support for the regionwide Prioritization and Optimization (P&O) Study. The P&O Study is intended to enhance understandings of saline impacts, to identify and support development of physical and non-physical projects, plans, and projects for reducing or otherwise managing salinity-loading to the region's waters, and to identify recommendations for Phases II and III of the SCP. It is possible, but not certain, that this alternative compliance pathway will be available until approximately 2065. As applied in this case, the Project Proponent may discharge saline constituents to groundwater, even where such discharge may cause continued degradation during the approximately 40-year compliance period, so long as the Project Proponent maintains compliance with the Digester General Order, other applicable WDRs, and the SCP.

The NCP likewise provides an alternative compliance pathway for dischargers to continue to discharge nitrates to groundwater, even where such discharge may cause continued degradation of such groundwater, contingent on their participation in groundwater basin-specific Management Zones during a compliance period of up to 35 years. Management Zones are tasked with providing replacement drinking water for domestic users whose domestic wells have been polluted with nitrate, as well as achieving longer-term objectives to reduce nitrate loading to groundwater and, to the extent possible, restore impacted groundwater basins. As applied in this case, once the Proposed Project's WDRs have been updated to authorize managed nitrate degradation

in accordance with the NCP (expected in the next couple of years), the Proposed Project may continue discharges for a period of up to 35 years, even if those discharges continue to cause impacts during the compliance period, so long as it maintains compliance with its applicable WDRs and the NCP.

Ultimately, while the goals of the SCP and NCP are to achieve long-term mitigation of salt and nitrate impacts to the regions' waters, discharges authorized via the Programs' alternative compliance pathways may cause or contribute to potentially significant degradation of groundwater for multiple years before mitigation measures are developed and implemented to reduce the significance of those impacts. Accordingly, the Lead Agency should evaluate and discuss the potentially significant water quality degradation impacts, both site-specific and cumulative, that may foreseeably result from the Proposed Project.

### **3. Construction General Permit.**

The IS/MND notes in section VII.b that, *"The project applicant is required to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and comply with the State "General Permit for Storm Water Discharges Associated with Construction Activity", including the provisions of the California Water Boards Storm Water Program's Construction General Permit (CGP)."* CGP applicability is not referenced in section X. Hydrology and Water Quality.

The Central Valley Water Board agrees that the construction aspects of the Proposed Project will likely require enrollment under and compliance with the CGP (i.e., the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (NPDES General Permit No. CAS000002)). The Lead Agency should expand its discussion in section X.c to include reference to the CGP, as compliance with that permit will mitigate potential impacts in that category.

### **4. Project Description**

The Lead Agency should revise and enhance its Project Description and impact analyses based on the following considerations:

- a. As stated in Comment 2, the Project Description does not describe estimated quantities of manure to be imported for digestion, nor estimated quantities of solid and liquid wastes to be produced by the digester. This information is important for decisionmakers, responsible parties, and the public to understand the scope and quantity of manure imports, waste exports, and on-site waste disposal.
- b. The project description states that digester solids (i.e., solid digestate) will be returned to the dairies from which manure feedstock originated and that the remainder will be sold as fertilizer. No detail is included as to whom excess solid digestate would foreseeably be sold. Based on recent research conducted by the

region's dairy industry (see, e.g., the CVDRMP's 2019 SRMR), the Central Valley Water Board is informed that the supply of cow manure generated in the region exceeds market demand for that manure (i.e., for use as fertilizer, etc.). Since it cannot be guaranteed that a market will always be available to accept the Facility's excess solid wastes, the lead agency should revise its CEQA document to (1) identify manure importers that will actually or foreseeably accept the Facility's excess digestate on a regular basis, and/or (2) describe the Facility's alternative disposal practices for excess digestate that cannot be exported or land applied for nutrient recycling.<sup>1</sup> After making such revision(s), the lead agency should revise its CEQA document to evaluate and describe potential environmental impacts and corresponding mitigation measures associated with the excess digestate disposal component of the proposed project

**5. IS/MND Section X.e**

IS/MND section X.e states that the proposed project will have a less than significant impact with regard to potential conflicts with or obstruction of implementation of a water quality control plan or sustainable groundwater management plan. The lead agency's "Impact Discussion" for section X.e states,

*The applicant will be required to comply with the San Joaquin Valley Water Board's Basin Plan and Water Quality Control Plan to protect surface and groundwater on site and to insure that the project doesn't conflict or obstruct a water quality control plan or sustainable groundwater management plan.*

The Lead Agency should revise this discussion based on the following considerations:

- a. There is no agency called "the San Joaquin Valley Water Board." This may be a reference to the Central Valley Water Board. The lead agency should correct this reference.
- b. The "Impact Discussion" does not reference the applicable Basin Plan. The applicable Basin Plan is the Central Valley Water Board's Water Quality Control Plan for the Sacramento River Basin and San Joaquin River Basin. A copy of this Basin Plan and associated information are available at this webpage: [https://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/).
- c. The Central Valley Water Board is not the agency responsible for "sustainable groundwater management plans" and its Basin Plans do not address compliance with such plans. Under the Sustainable Groundwater Management Act (SGMA),

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<sup>1</sup> Central Valley Water Board permits regulating discharges of dairy and bovine waste contain limits on the amount of wastes that can be applied to cropped land application areas (LAAs) for nutrient recycling. When a regulated facility produces more waste than can be disposed of via the facility's available LAAs, the facility must either obtain additional LAA acreage or export the excess.

Alisa Goulart  
County of San Joaquin  
Community Development Department

21 November 2024

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locally organized Groundwater Sustainability Agencies (GSAs) are responsible for implementing Groundwater Sustainability Plans (GSPs), subject to oversight by the Department of Water Resources (DWR) and the State Water Resources Control Board (State Water Board). The Central Valley Water Board is responsible for regulating the quality of surface and ground waters within its region; it is not responsible for managing or regulating groundwater allocation, use, or preservation. The Central Valley Water Board's Water Quality Control Plans, also called Basin Plans, are documents developed to designate waters within a specified area for beneficial uses to be protected, water quality objectives to protect those uses, and a program of implementation needed for achieving the objectives. (See Wat. Code, §§ 13050(j), 13240-13249.) The Central Valley Water Board's Basin Plans do not constitute, contain, or reference "sustainable groundwater management plans" or "GSPs." The lead agency should consult with the appropriate agency(s) and complete an analysis of potential impacts and mitigation measures as required by CEQA.

Thank you for the opportunity to comment on the IS/MND. If you have questions about these comments, please contact me (916) 464-4724 or by email at Daniel.Gamon@waterboards.ca.gov.

 Digitally signed by Daniel  
Gamon  
Date: 2024.11.20 16:40:30  


Daniel Gamon, PG, CHg  
Senior Engineering Geologist  
Confined Animals Facilities Unit Chief  
Regional Water Quality Control Board, Central Valley Region



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## Central Valley Regional Water Quality Control Board

25 November 2024

Alisa Goulart  
San Joaquin County  
Community Development Department  
1810 East Hazelton Avenue  
Stockton, CA 95205  
[Alisa.Goulart@sjgov.org](mailto:Alisa.Goulart@sjgov.org)

### **COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, PA-2300155 (C) MANURE DIGESTER PROJECT, SCH#2024101118, SAN JOAQUIN COUNTY**

Pursuant to the State Clearinghouse's 25 October 2024 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the PA-2300155 (C) Manure Digester Project, located in San Joaquin County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

#### **I. Regulatory Setting**

##### **Basin Plan**

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has

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MARK BRADFORD, CHAIR | PATRICK PULUPA, Esq., EXECUTIVE OFFICER

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adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/)

#### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/sacsjr\\_201805.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

**Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality/certification/](https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality/certification/)

**Waste Discharge Requirements – Discharges to Waters of the State**

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: [https://www.waterboards.ca.gov/centralvalley/water\\_issues/waste\\_to\\_surface\\_water/](https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/)

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2004/wqo/wqo2004-0004.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf)

#### **Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:  
[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2018-0085.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf)

#### **Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2016-0076-01.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf)

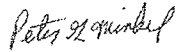
#### **NPDES Permit**

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

PA-2300155 (C) Manure Digester Project - 5 -  
San Joaquin County

25 November 2024

If you have questions regarding these comments, please contact me at (916) 464-4684  
or [Peter.Minkel2@waterboards.ca.gov](mailto:Peter.Minkel2@waterboards.ca.gov).



Peter G. Minkel  
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,  
Sacramento



February 22, 2024

Alisa Goulart  
County of San Joaquin  
1810 E Hazelton Ave  
Stockton, CA 95205

Ref: Gas and Electric Transmission and Distribution

Dear Alisa Goulart,

Thank you for submitting the PA-2300155 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: [https://www.pge.com/en\\_US/business/services/building-and-renovation/overview/overview.page](https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page).
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team  
Land Management



### Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.

2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.

5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 24 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch



wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [ $24/2 + 24 + 36/2 = 54$ ] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 24 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ( $90^\circ \pm 15^\circ$ ). All utility lines crossing the gas pipeline must have a minimum of 24 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.



11. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.
12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.
13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.



## Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. **Buildings and Other Structures:** No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as "RESTRICTED USE AREA – NO BUILDING."
2. **Grading:** Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. **Fences:** Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. **Landscaping:** Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. **Reservoirs, Sumps, Drainage Basins, and Ponds:** Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. **Automobile Parking:** Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. **Storage of Flammable, Explosive or Corrosive Materials:** There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.



8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 ([http://www.cpuc.ca.gov/gos/GO95/go\\_95\\_startup\\_page.html](http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html)) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.



March 19, 2024

Alisa Goulart  
County of San Joaquin  
1810 E Hazelton Ave  
Stockton, CA 95205

Re: PA-2300155  
23335 E Dodds Road

Dear Alisa Goulart,

Thank you for providing PG&E the opportunity to review the proposed plans for PA-2300155 dated 2/21/2024. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to the design, we ask that you resubmit the plans to the email address listed below.

If the project requires PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at [pgeplanreview@pge.com](mailto:pgeplanreview@pge.com).

Sincerely,

PG&E Plan Review Team  
Land Management

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Public

# FINDINGS FOR CONDITIONAL USE PERMIT

PA-2300155

DDS DIGESTER, LLC / SR0M

1. The proposed use is consistent with the goals, policies, standards, and maps of the General Plan; any applicable Master Plan, Special Purpose Plan, Specific Plan, and Planned Development zone; and any other applicable plan adopted by the County.
  - **This finding can be made because the proposed Renewable Energy – Biomass Conversion use may be conditionally permitted in the AG-40 (General Agriculture, 40-acre minimum) zone with an approved Conditional Use Permit. The project site is zoned AG-40 which implements its General Plan designation of A/G (General Agriculture). Therefore, the parcel meets the requirements for the A/G General Plan designation and the project will meet the Development Title regulations for the use. There are no Master Plans, Specific Plans, Special Purpose Plans, or other applicable plans adopted by San Joaquin County applicable to the subject property.**
2. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, and the proposed improvements are properly related to existing and proposed roadways.
  - **This finding can be made because the project proposes adequate utilities, access roads, sanitation, drainage, and other necessary facilities, and the proposed improvements are properly related to existing and proposed streets and highways. Access will be via one driveway on E. Dodds Road, the placement of which will be subject to the Department of Public Works, ensuring the connection with the current road network will be properly related to the highway. The driveway and circulation lanes will have all weather surfacing to prevent bringing dirt and other site material onto the roadway. The project site will utilize a private onsite well for water and septic system for sanitary sewer. Drainage facilities in accordance with the San Joaquin County Development Standards must be provided for storm water.**
3. The site is physically suitable for the type of development and for the intensity of development.
  - **This finding can be made because the 10-acre project site is adequately sized and shaped to accommodate all components of the anaerobic digester and associated structures, and all other Development Title requirements for the proposed use, as depicted on the Site Plan dated October 15, 2024. The project site will utilize all weather surfacing on driveways, circulation lanes, and parking areas, and other improvements will comply with applicable Development Title regulations to ensure and support the project's type and intensity. The project site is zoned AG-40 (General Agriculture, 40-acre minimum), a zone that is applied to parcels that are suitable for the intensity of all possible uses.**
4. The location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
  - **This finding can be made because the project is conditioned to meet all Development Title regulations protecting public health, safety, and welfare and ensuring that adjacent parcels are not injured by the project. Further, the Initial Study prepared for this project found no potentially significant environmental impacts that could not be mitigated to a less than significant impact. Surrounding parcels are primarily in agricultural production with scattered residences. The nearest off-site residence is located approximately 400 feet south. The next nearest residence is located 1,320 feet southwest of the site.**

5. The proposed use will not create any nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding ambient conditions.
  - **This finding can be made because all potential impacts identified in the Initial Study performed for the project can be mitigated to less than significant. The proposed project will reduce existing dairy lagoon odors by containing biological activity within the digester and removing manure particles post-digestion. The proposed project must comply with San Joaquin County noise limits specified in Development Title Table 9-404.040. The development will be subject to the rules and regulations of the San Joaquin County Development Title, the Air Pollution Control District, and the State Water Quality Control Boards.**
6. The site of the proposed use is adequately served by highways, streets, water, sewer, storm drainage, and other public facilities and services.
  - **This finding can be made because the project is located with direct access to Dodds Road, and is permitted to have onsite private wells and septic systems, and onsite storm drainage.**
7. The proposed use complies with all applicable provisions of this Title.
  - **This finding can be made because the Renewable Energy – Biomass use is allowed in the AG-40 (General Agriculture, 40-acre minimum) with an approved Conditional Use Permit. The property does not require rezoning to approve the use nor does in conflict with surrounding agricultural uses. The issued Conditions of Approval will ensure that the project complies with all applicable provisions of the Development Title.**