



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

## EVALUATION OF ENVIRONMENTAL IMPACTS

**APPLICANT:** Assemi Group, Inc.

**APPLICATION NOS.:** Initial Study No. 8020 and Unclassified Conditional Use Permit Application No. 3698

**DESCRIPTION:** Allow an inground effluent storage pond and related subterranean pipelines to provide tertiary-treated wastewater from an existing Wastewater Treatment facility.

**LOCATION:** The project is located within Millerton Specific Plan boundary approximately 1,335 feet south of Millerton Road, 1.6 miles west of Auberry Road, and 1.5 miles east of the unincorporated community of Friant (APN 300-542-03, 05, 13, 24T, 28T, 51) (SUP. DIST. 5).

### DISCUSSION:

An Environmental Impact Report (EIR) and Mitigation Measures & Monitoring Program Matrix was certified as having been prepared and considered by the decision-making body in accordance with the California Environmental Quality Act (CEQA) when the Millerton Specific Plan was adopted in December 1984. Several additional environmental studies have been prepared since the 1984 certification, the most recent being in December 2004.

This Initial Study has been prepared in part to determine if the existing EIR is adequate for the proposed project pursuant to Section 21166 of the Public Resources Code, which states that no subsequent or supplemental EIR shall be required for a project pursuant to Section 21000 *et seq.* of the Public Resources Code unless one or more of the following events has occurred:

- (a) Substantial changes are proposed in the project, which will require major revisions of the environmental impact report.
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
- (c) New information which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

The subject project was routed to reviewing agencies initially in July of 2018 with mention of the previously adopted EIR and Specific Plan. Comments received at the completion of the routing cycle did not reveal any significant project-related impacts that could not be mitigated.

Based on staff's review of comments received, it has been determined that the provisions of Section 15162 will be utilized in preparing the environmental document.

This Initial Study has been prepared pursuant to Section 15162 of the CEQA Guidelines, to determine if the existing EIR is adequate for the proposed project, or whether any of the three events noted above have taken place necessitating preparation of a new or supplemental EIR.

The Lead Agency may then determine if a subsequent Negative Declaration is appropriate. A determination to prepare a Mitigation Negative Declaration has been made based upon the fact that Mitigation Measures were identified in the Initial Study.

Based upon the comments received, which indicated that no significant impacts would occur, if the project is approved, a Mitigated Negative Declaration has been prepared.

As a project condition, the Applicant would be required to comply with all applicable Mitigation Measures contained in the Millerton Specific Plan - Mitigation Measures and Monitoring Program Matrix Program identified in the previously-certified EIR, as well as, those identified in Initial Study No. 8020 prepared for this project. The Mitigation Measures and Monitoring Program Matrix is attached to this document for reference purposes.

#### I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

FINDING: NO IMPACT:

The proposed site does not front any roadway. Designated as a scenic roadway in the County General Plan, Millerton Road traverses approximately 1,335 feet north of the site and is outside the minimum 200-foot open-space setback required for scenic roadways. There are no scenic vistas or scenic resources, including rock outcroppings, or historic buildings on or near the site that will be impacted by the project.

- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: NO IMPACT

The project would allow an inground 100-acre-foot effluent storage pond on an approximately 35 acres of land and related subsurface pipelines within Millerton Specific Plan. The storage pond would receive tertiary-treated wastewater from an existing

Wastewater Treatment Facility (WWTF) via a proposed 4,700-foot-long subterranean pipeline that would be owned and maintained by County Service Area No. 34. With no above-ground improvements proposed, the project will have no visual impact to the surrounding area comprised of open land reserved for planned residential development.

The tertiary-treated wastewater from WWTF is currently stored in a 45-acre-foot effluent storage pond. During winter season when temperature is low and there is substantial rainfall, the pond level rises, and the amount of available effluent storage is diminished which necessitate lowering of the level by trucking the effluent to an alternative disposal location. The proposed 100-acre-foot effluent storage pond will provide additional storage capacity needed to accommodate planned growth within the Millerton Specific Plan area.

- D. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: NO IMPACT:

No illumination is needed for the proposed effluent storage pond. No impact would occur.

## II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; or
- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: NO IMPACT:

The project is not in conflict with agricultural zoning and is an allowed use on land designated for residential uses with discretionary land use approval and adherence to the applicable General Plan Policies.

The project site is located within the Millerton Specific Plan which contains no productive agricultural land subject to a Williamson Act Land Conservation Contract.

According to the 2016 Fresno County Important Farmland Map, all land within Millerton Specific Plan is designated as Grazing Land suited to grazing of livestock.

- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forestland to non-forest use?

FINDING: NO IMPACT:

The project will not conflict with the existing R-1-B (c) (Single-family Residential, Conditional) and RE (Recreational) zoning on the property. The project site is not active forest land or timberland. The site is designated for residential uses which will not change due to this proposal.

### III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan?

FINDING: LESS THAN SIGNIFICANT IMPACT:

*An Air Quality and Greenhouse Gas Analysis Technical Memorandum*, dated September 20, 2021, was prepared for the project by Johnson and Miller Air Quality Consulting Services and was provided to the San Joaquin Valley Air Pollution Control District (SJVAPCD) for comments.

Construction and operation of the project (effluent storage pond) would contribute the following criteria pollutant emissions: reactive organic gases (ROG), carbon monoxide (CO), nitrogen dioxide (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>).

Noted in III. B below, emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> associated with the construction and operation of the project would not exceed the District's significance thresholds. The project complies with all applicable rules and regulations from the applicable Air Quality Plan (AQP). Therefore, the impact would be less than significant.

- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The primary pollutants of concern during project construction and operation are ROG, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>. The San Joaquin Valley Air Pollution Control District (SJVAPCD) Guidance for Assessing and Monitoring Air Quality Impacts (GAMAQI) adopted in 2015 contains threshold for ROG, NO<sub>x</sub>, CO, SO<sub>x</sub> PM<sub>10</sub> and PM<sub>2.5</sub>.

The SJVAPCD's annual emission significance thresholds used for the project, define the substantial contribution for both operational and construction emissions are 10 tons per year ROG, 10 tons per year NO<sub>x</sub>, 100 tons per year CO, 27 tons per year SO<sub>x</sub>, 15 tons per year PM<sub>10</sub>, and 15 tons per year PM<sub>2.5</sub>.

Per the *Air Quality and Greenhouse Gas Analysis Technical Memorandum*, the 2021-2022 construction emissions (ton per year) associated with the project would be 0.141 for ROG, 1.456 for NO<sub>x</sub>, 1.153 for CO, 0.002 for SO<sub>x</sub>, 0.256 for PM<sub>10</sub> and 0.120 for PM<sub>2.5</sub>, which are less than the threshold of significance for all criteria pollutants. The impact is less than significant.

The operational emission over full buildout for 2022 would be 0.005 for ROG, 0.005 for NO<sub>x</sub>, 0.025 for CO, 0.000 for SO<sub>x</sub>, 0.006 for PM<sub>10</sub> and 0.00 for PM<sub>2.5</sub> which are less than the threshold of significance for all criteria pollutants. The impact is less than significant.

As discussed above, the regional analysis of the construction and operational emissions indicates that the project would not exceed the District's significance thresholds and is consistent with the applicable Air Quality Attainment Plan. Therefore, the project would not result in significant cumulative health impacts.

C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Sensitive receptors are defined as locations that houses or attracts children, the elderly with illness, or other who are sensitive to the effects of air pollutants. Examples of sensitive receptors include hospitals, residences, convalescent facilities, and schools. The nearest sensitive receptors include proposed and existing single-family residences, the closest of which are approximately 840 feet east of the project site.

Per the *Air Quality and Greenhouse Gas Analysis Report*, an analysis of maximum daily emissions during construction and operation of the project was conducted to determine if emissions would exceed 100 pounds per day for each of the criteria pollutant which include NO<sub>x</sub>, CO, PM<sub>10</sub>, or PM<sub>2.5</sub>.

Per the *Report*, maximum daily on site emissions (pound per day) during 2021-2022 construction would be 4.83 for NO<sub>x</sub>, 48.63 for CO, 40.69 for PM<sub>10</sub> and 0.08 for PM<sub>2.5</sub> and would not exceed SJVAPCD screening thresholds for all criteria pollutant. Likewise, the maximum daily onsite emissions (pound per day) during operation would be 0.02 for NO<sub>x</sub>, 0.01 for CO, 0.04 for PM<sub>10</sub>, and 0.00 for PM<sub>2.5</sub>, and would not exceed SJVAPCD screening thresholds for all criteria pollutant.

Based on above information, both during construction and operation, the project would not cause an ambient air quality standard violation. Impacts would be less than significant.

The SJVAPCD's current threshold of significance for Toxic Air Contaminant (TAC) emissions is an increase in cancer risk for the maximally exposed individual of 20 in a million (formerly 10 in a million). The SJVAPCD's 2015 GAMAQI does not currently recommend analysis of TAC emissions from project construction activities, but instead focuses on projects with operational emissions that would expose sensitive receptors over a typical lifetime of 70 years.

The project construction would involve the use of diesel-fueled vehicles and equipment that emit Diesel Particulate Matter (DPM), which is considered a TAC. As discussed in Section III. B. above, emissions during construction would not exceed the SJVAPCD significance thresholds and would not be expected to result in concentrations that would exceed ambient standards or contribute substantially to an existing exceedance of an ambient air quality standard. Therefore, construction of the proposed project would not result in localized emissions that, if when combined with background emissions, would result in exceedance of any health-based air quality standard. As such, health risk impacts from construction of the project would be less than significant.

The project operation would involve an approximately 100-acre-foot effluent storage pond. The pond would be an inconsequential source of localized emissions. Maintenance would involve irregular vehicle trips to the project site, which was accounted for in this analysis. As noted in Section II above, emissions during operations would not exceed the applicable SJVAPCD significance thresholds and would not be expected to result in concentrations that would exceed ambient standards or contribute substantially to an existing exceedance of an ambient air quality standard. Therefore, the proposed project would not expose sensitive receptors to substantial pollutant concentrations during operation or result in localized emissions that, when combined with background emissions, would result in an exceedance of any health-based air quality standard.

- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Odor impacts on residential areas and other sensitive receptors, such as hospitals, day-care centers, and schools. The project site is near future residences.

Per the *Air Quality and Greenhouse Gas Analysis Report*, SJVAPCD has determined that the common odor producing land uses are landfills, transfer stations, sewage treatment plants, wastewater pump, stations, composting facilities, feed lots, coffee roasters, asphalt batch plants and rendering plants. The proposed project is not one of these activities.

The proposed 100-acre-foot effluent storage pond would store disinfected, tertiary-treated effluent from a Wastewater Treatment facility. The proposed pond and an existing pond within the Millerton New town boundary will not substantially increase objectionable odors in the area. Furthermore, no new sensitive receptors will be introduced to the area that could be affected by any existing objectionable odor sources in the area. As such, the project would not be a generator of objectionable odors during operations.

During construction, the various diesel-powered vehicles and equipment used on-site would create localized odors. These odors would be temporary and would not likely be noticeable for extended periods of time beyond the project's site boundaries. The potential for diesel odor impacts would therefore be less than significant.

#### IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

FINDING: LESS THAN SIGNIFICANT:

The subject proposal is part of the Millerton Specific Plan for which the U.S. Fish and Wildlife Service (USFWS) issued a Biological Opinion (BO) on August 25, 2018. All development projects within the Millerton Specific Plan boundary, including the subject proposal, are required to comply with Avoidance and Minimization Measures noted in the BO memo.

The project was routed to USFWS and the California Department of Fish and Wildlife (CDFW) for comments. The project applicant also consulted with CDFW for the comments. No comments were provided by either agency.

- C. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

FINDING: LESS THAN SIGNIFICANT IMPACT:

All land within the Millerton New Town Specific Plan has been the subject of a Wetlands Delineation and Verification with the U.S. Army Corps of Engineers (USACE).

The project will be subject to Clean Water Act (CWA) Section 404 dredge and fill permits, Section 401 water quality certifications and California Fish and Game Code Section 1602 streambed alteration agreements, where applicable.

- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

Per the Millerton Specific Plan Policy SP1-P68, Habitat Preservation, an Open Space and Natural Resource Plan (OSNRP) has been established for the Millerton, Dry Creek and Sierra Foothill areas. The OSNRP will provide protection to sensitive resources by establishing key habitat areas, open and continuous wildlife corridors, ridge tops and view protection, native plant landscapes, and lighting restrictions on hilltops to mitigate glare.

The project site is unimproved with no vegetation. The project will not conflict with local policies or ordinances regarding a tree preservation policy or ordinances.

## V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:

The project site is in an area designated as highly sensitive for archeological Resources. A study entitled *Cultural Resources Inventory (CRI) Millerton New Town Specific Plan*, was prepared by Kristina Roper and dated April 21, 2014. While encompassing all properties within the Millerton New Town Specific Plan area, this study was used as the basis for preparing a Cultural Resources Management Plan for Millerton Specific Plan development projects.

Per the *Cultural Resources Inventory* (CRI), six archeological sites exist within the entire Millerton Specific Plan area that appear to meet the eligibility criteria for listing in the National Register of Historic Places and the California Register of Historic Resources. None of those sites are located within the project site. Other sites identified in the CRI as MNT-6, MNT-7, MNT-8, MNT-9 and MNT-10 are comprised of milling features and are located near the project area. However, these sites are not eligible for NRA and do not appear to be in dispositional area where buried materials and/or features may be anticipated.

The project will adhere to the following mitigation measure to ensure that in the unlikely event that cultural resources are unearthed during ground disturbance, impacts to cultural resources remain less than significant. The Mitigation Measure No. 12. c. - Historic/Cultural Resources listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix also reflects on this requirement.

\* **Mitigation Measure:**

1. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

## VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:

The project is unlikely to result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources. To minimize the potential for wasteful or inefficient consumption of energy resources, the project will adhere to the following Mitigation Measure.

\* **Mitigation Measure:**

1. *The idling of on-site vehicles and equipment will be avoided to the most extent possible to avoid wasteful or inefficient energy consumption during project construction.*

- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: NO IMPACT:

The project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

## VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
  1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
  2. Strong seismic ground shaking?
  3. Seismic-related ground failure, including liquefaction?
  4. Landslides?

FINDING: NO IMPACT:

Per Figure 9-6 of the Fresno County General Plan Background Report, the project site is not in any identified landslide hazard area.

- B. Result in substantial soil erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Any site grading associated with the construction of the proposed effluent storage pond and placing of subsurface pipelines will adhere to the Grading and Drainage Sections of the County Ordinance Code.

The project will adhere to Mitigation Measure 13.g, Geology and Soils, listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix, which requires that the Applicant shall provide a detailed erosion and drainage control program for the project to control erosion, siltation, sedimentation and drainage.

- C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

FINDING: NO IMPACT:

Per Figure 9-6 of Fresno County General Plan Background Report, the subject parcel is not in an area at risk of landslides. Also, the project development involves no underground materials movement and therefore poses no risks related to subsidence.

- D. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

The Millerton Specific Plan identifies no potential soil problems. According to the Soils Analysis contained in the 1984 Environmental Impact Report (EIR) for Millerton Specific Plan, the predominant soil type in the area is not subject to shrink/swell. There is no geomorphic evidence of past landslides, slumps or mudslides on the site or adjacent property.

- E. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

FINDING: NO IMPACT:

The project requires no restroom facility for which an onsite wastewater disposal system may be required.

- F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section V. CULTURAL RESOURCES above.

## VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

*An Air Quality and Greenhouse Gas Analysis Technical Memorandum*, completed by Johnson and Miller Air Quality Consulting Services, and dated September 20, 2021, estimated project GHG emissions for construction and operation using the California Emissions Estimator Model (CalEEMod) version 2016.3.2 [California Air Pollution

Control Officers Association (CAPCOA) 2017], which is the most current version of the model approved for use by SJVAPCD.

The SJVAPCD does not have a recommendation for assessing the significance of construction related emissions, however, other jurisdictions such as the Sacramento Metropolitan Air Quality Management District (SMAQMD) have concluded that construction emissions should be included since they may remain in the atmosphere for years after construction is complete. The SMAQMD has established quantitative significance thresholds of 1,100 MT CO<sub>2</sub>e per year for the construction phases of land use projects. As such, annual construction emissions below the 1,100 MT CO<sub>2</sub>e would have a less than significant cumulative impact on GHGs.

The total construction-generated greenhouse gas emissions from emission sources such as site grading, reclaimed water main, and other activities would be 213 which is below the significant threshold of 1,100 MT CO<sub>2</sub>e. Operational or long-term GHG emissions occur over the life of the project. Source of emissions includes motor vehicles, and indirect electricity (from pumps). The total operation-generated greenhouse gas emissions during operations would be 43 MT CO<sub>2</sub>e.

The State of California (State) regulatory program implementing the 2008 Scoping Plan is now fully mature. All regulations envisioned in the Scoping Plan have been adopted, and the effectiveness of those regulations has been estimated by the agencies during the adoption process. The State projects that it will meet the 2020 target (AB 32 requires GHGs emitted in California be reduced to 1990 levels by the year 2020).

The State's regulatory program targets both new and existing development because the two most important strategies, motor vehicle fuel efficiency, and emissions from electricity generation, obtain reductions equally from existing sources and new sources. This is because all vehicle operators use cleaner low carbon fuels and buy vehicles subject to the fuel efficiency regulations, and all building owners or operators purchase cleaner energy from the grid that is produced by increasing percentages of renewable fuels. This includes regulations on mobile sources such as the Pavley standards that apply to all vehicles purchased in California, the LCFS (Low Carbon Fuel Standard) that applies to all fuel sold in California, and the Renewable Portfolio Standard and Renewable Energy Standard under Senate Bill (SB) 100 that applies to utilities providing electricity to all California end users. Moreover, the Scoping Plan strategy will achieve more than average reductions from energy and mobile source sectors that are the primary sources related to development projects and lower than average reductions from other sources such as agriculture.

Because the proposed project's operational GHG emissions would principally be generated from electricity consumption and vehicle use, which both activities are directly under the purview of the Scoping Plan strategy and have experienced reductions above the State average reduction, the proposed project would be consistent with the State's AB 32, and SB 32 GHG reduction goals. As such, the proposed project's GHG impacts would be less than significant and would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or
- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Public Health Department, Environmental Health Division (Health Department) reviewed the project and the following is required as Project Notes: 1) Facilities that use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5.; 2) The project shall submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95.

The nearest school, Foothill Elementary School, is approximately 8.7 miles northeast of the project site.

- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

According to the search results of the CalEPA (Cortese List: Section 65962.5(a), the project site is not listed as a hazardous materials site. The project will not create hazards to the public or the environment.

- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

Per the Fresno County Airport Land Use Compatibility Plan Update adopted by the Airport Land Use Commission (ALUC) on December 3, 2018, the nearest public airport, Fresno-Yosemite International Airport, is approximately 13.5 miles south of the project site. The airport will not result in a safety hazard for the project which is an effluent storage pond.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

FINDING: NO IMPACT:

The project will not impair implementation of, or physically interfere with an adopted emergency response/evacuation plan.

- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

Per Figure 9-9 of the Fresno County General Plan Background Report, the project site is within the State Responsibility Area for wildland fire. There are no above ground structures associated with the proposed inground effluent storage pond which may expose persons or structures to wildland fire hazards. No impact would occur.

#### X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Central Valley Regional Water Quality Control Board (RWQCB) reviewed the proposal and stated that per WDRs Order R5-2008-0127, all tertiary treated effluent shall be stored in lined effluent storage ponds with a permeability less than 10<sup>-7</sup> cm/sec. A Condition of Approval would require that the applicant shall submit a Construction Quality Assurance Plan and Design Report to the RWQCB for the pond liner to ensure the pond is designed and constructed in a manner that prevents leakage. With adherence to this requirement, impacts to the groundwater will be reduced to less than significant.

The Resources Division of the Fresno County Development Services and Capital Projects Division reviewed the project and requires the following as Project Notes: 1) all wastewater infrastructure required for the project shall be designed and constructed in accordance with the approved Infrastructure Plan; 2) the applicant shall provide engineered plans and documents, prepared by a Registered Professional Engineer, for any improvements associated with the project; 3) the plans, along with fees per the Master Fee Schedule, shall be submitted to the County of Fresno Department of Public Works and Planning for review and approval; 4) the applicant shall provide a one-year warranty for all improvements; and 5) the applicant shall obtain all necessary local and state regulatory permits prior to the project operation.

The Fresno County Department of Public Health, Environmental Health Division (Health Department) reviewed the project and requires the following as Project Notes: 1) In an effort to protect groundwater, any water wells or septic systems that exist or that have been abandoned within the project area, not intended for future use and/or use by the project, shall be properly destroyed; and 2) if any underground storage tank(s) are found during construction, an Underground Storage Tank Removal Permit shall be obtained.

- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: NO IMPACT:

All existing and proposed improvements within the Millerton New Town Specific Plan are served with surface water from Millerton Lake through County Service Area (CSA) No. 34. The effluent storage pond proposed by this application will receive and store tertiary-treated wastewater from CSA 34 Wastewater Treatment Facility for ground spray subject to approval of a Use Permit.

The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning reviewed the proposal and offered no comments.

The State Water Resources Control Board Division of Drinking Water (SWRCB-DDW) reviewed the project and stated it does not meet the definition of a new public water system and is not subject to a permit from SWRCB-DDW.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
1. Result in substantial erosion or siltation on or off site; or
  2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site; or
  3. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
  4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project development may cause minimal changes in absorption rates, drainage patterns, and an increase in the rate and amount of surface runoff. This potential impact would result from construction of effluent storage pond and placing of subsurface pipelines.

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, the project shall be subject to the following requirements included as Project Notes. The project shall: 1) require either a grading plan, improvement plan, permit, or voucher; 2) file a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) with State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area; and 3) provide copies of completed NOI and SWPPP to Development Engineering prior to any grading work.

- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

FINDING: NO IMPACT:

Per Figure 9-7 of the Fresno County General Plan Background Report (FCGPBR), the project site is not located in a 100 Year Flood Inundation Area and not subject to flooding from the 100-year storm per the Federal Emergency Management Agency (FEMA) FIRM Panel 1035H.

- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern with the application to indicate that the project will conflict with or obstruct implementation of a water quality control plan or sustainable management plan.

## XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project will not physically divide an established community. The project site is located within Millerton Specific Plan boundary, a self-sustained community.

- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project entails construction of an effluent storage pond and subterranean pipelines connecting the pond to an existing offsite Wastewater Treatment Facility (WWTF).

The proposed 35-acre inground effluent storage pond will be located on a portion of an 87.9-acre parcel (APN 300-542-51) and a portion of a 19.8-acre parcel (APN 300-542-03). These parcels have split zoning comprised of R-1-B (c) (Single Family Residential, 12,500 square-foot minimum parcel size; Conditional) and R-E (Recreational). The R-1-B zoned portions of the subject parcels are designated as Medium Low Density Residential and the R-E zoned portions of said parcels are designated as Open Space in the Millerton Specific Plan.

The existing WWTF (APN 300-542-24T & 28T) is in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District, and is designated as Public Facilities in the Millerton Specific Plan.

The proposed underground pipelines to transport treated wastewater from WWTF to the pond will pass through an 80-acre parcel (APN 300-542-13) which has split zoning comprised of R-1 (Single Family Residential, 6,000 square-foot minimum parcel size) and O (Open Conservation). The R-1 zoned portions of the parcel are designated as Medium Low Density Residential and the O zoned portions of said parcel are designated as Open Space in the Millerton Specific Plan. The pipeline will also pass through a 34.9-acre parcel (APN 300-542-05) which has split zoning comprised of R-1-B (Single Family Residential, 12,500 square-foot minimum parcel size) and R-E (Recreational). The R-1-B zoned portions of the parcel are designated as Medium Low Density Residential and the R-E zoned portions of said parcel are designated as Open Space in the Millerton Specific Plan.

The project is not in conflict with any land use plan, policy, or regulation of any agency with jurisdiction over the project and complies with the following policies from the Millerton Specific Plan:

Regarding Millerton Specific Plan Policy SP1-P45, the effluent storage pond will be used to store treated wastewater from WWTF for the purpose of irrigating land within the Millerton Specific Plan area.

Regarding Millerton Specific Plan Policy SP1-P82, the project will be owned, operated, and maintained by the County Service Area No. 34.

Regarding General Plan Policy SP1-P83, the effluent from WWTF will be collected in the proposed effluent storage pond for storage, seepage, and partial evaporation. The effluent will be used for ground spray subject to approval of a Use Permit.

## XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- B. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

Per Figure 7-8 of the Fresno County General Plan Background Report, the project site is not located within a mineral-producing area of the County.

### XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Department of Public Health, Environmental Health Division reviewed the project and expressed no specific concerns related to noise.

The project could result in an increase in noise level due to the construction noise. Noise impacts associated with construction will be temporary and be subject to the County Noise Ordinance.

- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: NO IMPACT:

The construction or operation of the project would not result in ground-borne vibration or generate ground-borne noise levels.

- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

See Section IX. E. above.

### XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

This project to allow an effluent storage pond is unrelated to population growth. The project would not induce population growth, displace housing, or displace a substantial number of people, necessitating the construction of replacement housing elsewhere.

## XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

1. Fire protection?

FINDING: NO IMPACT:

The Fresno County Fire Protection District reviewed the project and identified no concerns related to fire hazard.

2. Police protection; or

3. Schools; or

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

The project will have no impact on police protection, parks, schools, or other public facilities.

## XVI. RECREATION

Would the project:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

The project will require no new or expanded recreational facilities in the area.

## XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

FINDING: NO IMPACT:

The Design and Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning reviewed the project and offered no comments related to traffic.

- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b)?

FINDING: NO IMPACT:

Construction and/or operation of the proposed effluent storage pond is expected to generate fewer than 110 trips per day which is presumed to cause a less-than-significant transportation impact per the State of California Governor's Office of Planning and Research document entitled *Technical Advisory on Evaluating Transportation Impacts* in CEQA dated December 2018 (OPR Technical Advisory). As such, no traffic impact related to vehicle miles travel (VMT) would occur from this proposal.

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The project will not change the existing roadway design, or result in inadequate emergency access within or near the Millerton Specific Plan boundary. No impacts would occur.

## XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of

the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is in an area designated as highly sensitive for archeological Resources. Pursuant to AB (Assembly Bill) 52, the subject proposal was routed to the Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, and Table Mountain Rancheria offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No tribe requested consultation, resulting in no further action on the part of the County. However, in the unlikely event tribal cultural resources are unearthed during ground disturbance, the Mitigation Measure included in the CULTURAL ANALYSIS section above will reduce impact to less than significant.

#### XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

FINDING: NO IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS above. The project will not result in the relocation or construction of new or expanded electric power, natural gas, or telecommunications facilities.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: NO IMPACT:

See discussion in Section X. B. HYDROLOGY AND WATER QUALITY above.

- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: NO IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS above.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The project will not generate any solid waste for disposal to local land-fill. No impact would occur.

## XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

Although, the project is located within the State Responsibility Area (SRA), it would not impair any emergency response/evacuation plan, exacerbate wildfire risks due to slope, prevailing winds, and other factors to require installation or maintenance of associated infrastructure, or create risks related to downstream flooding due to drainage changes or landslides.

## XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located within an area of wildlife and wetlands which were previously identified in the Environmental Impact Report certified for the Millerton Specific Plan approved in 1984. As indicated in the above analysis, the project will adhere to Mitigation Measures listed in the Monitoring Program Matrix, Avoidance and Minimization Measures noted in the Biological Opinion (BO) for Millerton Specific Plan. Impacts on the Cultural Resources will be less than significant with a Mitigation Measure included in Section V above.

- B. Have impacts that are individually limited, but cumulatively considerable (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project was analyzed for potential impacts, and appropriate project-specific Mitigation Measures have been developed to reduce project impacts to less than significant levels. The project is required to comply with applicable County policies and ordinances. The incremental contribution by the proposed project to overall development in the area is less than significant.

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance. No cumulatively considerable impacts relating to Agricultural and Forestry Resources, Air Quality, Greenhouse Gas Emission or Transportation were identified in the project analysis. Impacts identified for Cultural Resources and Energy will be addressed with the Mitigation Measures discussed above in Section IV and Section VI.

- C. Have environmental effects which will cause substantial adverse effects on human beings either directly or indirectly?

FINDING: NO IMPACT:

No substantial impacts on human beings, either directly or indirectly, were identified in the analysis.

## **CONCLUSION/SUMMARY**

Based upon Initial Study No. 8020 prepared for Unclassified Conditional Use Permit Application No. 3698, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to aesthetics, agriculture and forestry resources, mineral resources, population and housing, public services, recreation, transportation, utilities, and service systems or wildfire.

Potential impacts related to air quality, biological resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology & water quality, land use and planning, noise, and tribal cultural resources have been determined to be less than significant.

Potential impacts to cultural resources and energy have been determined to be less than significant with the identified Mitigation Measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Streets, Fresno, California.

EA:im

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