

FINAL ENVIRONMENTAL IMPACT REPORT

**S. STAMOULES, INC. PISTACHIO PROCESSING FACILITY
FRESNO COUNTY, CALIFORNIA**

LSA

January 2024

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S. STAMOULES, INC. PISTACHIO PROCESSING FACILITY FRESNO COUNTY, CALIFORNIA

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LIST OF ABBREVIATIONS AND ACRONYMS

AAQA	Ambient Air Quality Analysis
AE-20	Exclusive Agricultural District
ATC	Authority to Construct
BPS	Best Practice Standards
CalEEMod	California Emissions Estimator Model
CALGreen	California Green Building Standards Code
CARB	California Air Resources Board
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CO	carbon monoxide
County	County of Fresno
Draft EIR	Draft Environmental Impact Report
eTRIP	Employer Trip Reduction Implementation Plan
EV	electric vehicle
EVSE	electric vehicle spaces with service equipment
FCFPD	Fresno County Fire Protection District
Final EIR	Final Environmental Impact Report
g/bhp-hr	grams per brake horsepower-hour
HHD	heavy-duty
HP	horsepower

HRA	health risk assessment
ITP	Incidental Take Permit
M&I Regulations	Regulations Regarding the Application for and Use of Municipal and Industrial Water Within Westlands Water District
M&I Terms & Conditions	Terms and Conditions for Municipal and Industrial Water Service
M&I	Municipal and Industrial
NOA	Notice of Availability
NOP	Notice of Preparation
NO _x	nitrogen oxides
PG&E	Pacific Gas and Electric
PM ₁₀	particulate matter less than 10 microns in diameter
PM _{2.5}	particulate matter less than 2.5 microns in diameter
PTO	Permit to Operate
ROG	reactive organic gas
SB	Senate Bill
SBA	Small Business Assistance
SJVAPCD	San Joaquin Valley Air Pollution Control District
SO _x	sulfur oxides
Title 24 Standards	2022 Title 24 Building Energy Efficiency Standards
VA	Variance
WWD	Westlands Water District

1.0 INTRODUCTION

1.1 PURPOSE OF THE RESPONSE TO COMMENTS DOCUMENT

This document has been prepared to respond to comments received on the Draft Environmental Impact Report (Draft EIR) prepared for the proposed S. Stamoules, Inc. Pistachio Processing Facility Project (herein referred to as the proposed project) for the County of Fresno (County). The Draft EIR identifies the likely environmental consequences associated with development of the proposed project and recommends mitigation measures to reduce potentially significant impacts. This Final Environmental Impact Report (Final EIR) provides responses to comments on the Draft EIR and makes revisions to the Draft EIR, as necessary, resulting from those comments or to clarify material in the Draft EIR. This document, together with the Draft EIR, constitutes the EIR for the proposed project.

1.2 ENVIRONMENTAL REVIEW PROCESS

According to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

On July 8, 2022, the County circulated a Notice of Preparation (NOP) notifying responsible agencies and interested parties that an EIR would be prepared for the proposed project and indicated the environmental topics anticipated to be addressed in the EIR. The NOP was sent to the State Clearinghouse, responsible agencies, interested parties, and organizations likely to be interested in the potential impacts of the proposed project. A scoping session was held on July 25, 2022, to solicit feedback regarding the scope and content of the EIR. Comments received by the City on the NOP were considered during preparation of the Draft EIR.

The Draft EIR was made available for public review on November 1, 2023, and was distributed to local and State responsible and trustee agencies. The Notice of Availability (NOA) for the Draft EIR was submitted to the State Clearinghouse, provided to all individuals and organizations who made a written request for notice, and filed with the Fresno County Clerk.

The CEQA-mandated 45-day public comment period ended on December 18, 2023. The County accepted and responded to all comments received between November 1, 2023, and December 18, 2023. Copies of all written comments received during the comment period are included in Chapter 3.0, Comments and Responses, of this document.

1.3 DOCUMENT ORGANIZATION

This Final EIR consists of the following chapters:

- **Chapter 1.0: Introduction.** This chapter discusses the purpose and organization of this Final EIR, and summarizes the environmental review process for the project.

- **Chapter 2.0: List of Commenters.** This chapter contains a list of agencies and individuals who submitted written comments during the public review period and comments made at the public hearing on the Draft EIR.
- **Chapter 3.0: Comments and Responses.** This chapter contains reproductions of all comment letters received on the Draft EIR. A written response for each CEQA-related comment received during the public review period is provided. Each response is keyed to the corresponding comment.
- **Chapter 4.0: Draft EIR Text Revisions.** Corrections to the Draft EIR that are necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft EIR, are contained in this chapter. Double underlined text represents language that has been added to the Draft EIR; text with strikeout has been deleted from the Draft EIR.

2.0 LIST OF COMMENTERS

This chapter presents a list of comment letters received during the public review period and describes the organization of the letters and comments provided in Chapter 3.0, Comments and Responses, of this document.

2.1 ORGANIZATION OF COMMENT LETTERS AND RESPONSES

Chapter 3.0 includes a reproduction of each comment letter received on the Draft EIR. The written comments are grouped by the affiliation of the commenter, as follows: State agencies (A), local agencies (B) and organizations and interested parties (C).

The comment letters are numbered consecutively following the A, B, and C designations and follow the format below:

State Agencies	A#-#
Local Agencies	B#-#
Organizations and Interested Parties	C#-#

The letters are numbered, and comments within each letter are numbered consecutively after the hyphen. For example, Letter A1 represents the first State agency letter, and Comment A1-1 represents the first enumerated comment within that letter.

2.2 LIST OF AGENCIES COMMENTING ON THE DRAFT EIR

Table 2.A provides a list of the State agencies, local agencies, and organizations and interested parties that commented on the Draft EIR prior to the close of the public comment period. The comments received have been organized by date received and in a manner that facilitates finding a particular comment or set of comments. Each comment letter received is indexed with a number below.

Table 2.A: List of Comments Received

State Agencies		
A1	California Department of Transportation, District 6, Nicholas Isla	November 14, 2023
A2	California Department of Fish and Wildlife, Julie Vance	December 14, 2023
Local Agencies		
B1	Fresno County Fire Protection District, Dustin Hail	November 3, 2023
B2	Fresno County Department of Public Works and Planning, Development Engineering Section, Leonardo Navos	December 14, 2023
B3	San Joaquin Valley Air Pollution Control District, Brian Clements	December 18, 2023
B4	Westlands Water District, Russ Freeman	December 18, 2023
Organizations and Interested Parties		
C1	Table Mountain Rancheria, Robert Pennell	November 21, 2023
C2	Picayune Rancheria of the Chukchansi Indians, Heather Airey	November 28, 2023
C3	American Pistachio Growers, Wesley Wilson	December 18, 2023
C4	Richard Matoian	December 18, 2023

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3.0 COMMENTS AND RESPONSES

Written responses to each comment letter received on the Draft EIR are provided in this chapter. All letters received during the public review period on the Draft EIR are provided in their entirety. The letters are immediately followed by responses keyed to the specific comments. The letters are grouped by the affiliation of the commenting entity as follows: State agencies (A), local agencies (B) and organizations and interested parties (C).

Please note that to the extent text within individual letters has not been numbered, it indicates that the text does not raise substantive environmental issues or relate to the adequacy of the information or analysis within the Draft EIR; therefore, no comment is enumerated, nor is a response required per CEQA Guidelines Sections 15088 and 15132. In addition, when general support or opposition is given for the project, that comment is noted but no further analysis is provided in the response, as the commenter is not questioning the adequacy of the information or analysis within the Draft EIR. However, comments related to the merits of the proposed project will be considered by decision-makers taking action on the project.

Where comments on the Draft EIR concern issues requiring technical expertise, the responses to comments, like the analysis in the Draft EIR, rely on the knowledge and professional analysis of qualified experts.

Where revisions to the Draft EIR text are called for, the page is set forth followed by the appropriate revision. Added text is indicated with double underlined text, and deleted text is shown in ~~strikethrough~~. Text revisions to the Draft EIR are summarized in Chapter 4.0 of this Final EIR.

3.1 COMMENTS AND RESPONSES MATRIX

Table 3.A includes all CEQA-related comments received on the Draft EIR and a response to each comment. The text of each comment has been included in the matrix and includes any grammatical errors included in the original comment letter. Each comment letter is included in its entirety in Appendix K, Public Comment Letters on the Draft EIR.

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Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
State Agencies		
A1 California Department of Transportation, District 6 (November 14, 2023)		
A1-1	We've reviewed the above mentioned project and have no comment. Thank you,	This comment states that the California Department of Transportation does not have comments on the adequacy of the analysis included in the Draft EIR. This comment does not address the adequacy or completeness of the Draft EIR; raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. No further response is required.
A2 California Department of Fish and Wildlife (December 14, 2023)		
A2-1	Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, the California Department of Fish and Wildlife (CDFW) appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.	This introductory comment. This comment does not address the adequacy or completeness of the Draft EIR; raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. No further response is required.
A2-2	After reviewing the provided CEQA document, CDFW concurs with the biological resources related analysis and measures proposed in the Draft EIR and recommends that all such measures in the Draft EIR be carried forward into the Final EIR. CDFW has determined that most of the biological resource mitigation measures as currently documented in the Draft EIR are sufficient for mitigation of potential project related impacts to listed species. Please note that take of any species listed under the California Endangered Species Act (CESA) would be unauthorized unless an Incidental Take Permit (ITP) pursuant to Fish and Game Code section 2081 subdivision (b) is acquired in advance of such actions. It is recommended to consult with CDFW before any ground disturbing activities commence and to obtain an ITP if take of CESA listed species cannot be avoided.	The following comment states that the CDFW concurs with the biological resources related analysis and measures included in the Draft EIR. The comment also states that the CDFW has determined that most of the biological resource mitigation measures as they currently are documented in the Draft EIR are sufficient for mitigation of potential project related impacts to listed species. This comment also states that take of species listed under the California Endangered Species Act (CESA) would be unauthorized unless an Incidental Take Permit (ITP) pursuant to Fish and Game Code section 2081 subdivision (b) is acquired in advance of such actions and recommends consultation with the CDFW prior to ground disturbing activities and if an ITP is required. Implementation of Mitigation Measure BIO-1.1, as amended in Chapter 4.0 of this Final EIR, and BIO-1.2 would reduce take potential to special-status species to a less than significant level. As such, ground-disturbing activities at the project site are not expected to result in take, and the issuance of an ITP would not be required. This comment is noted but does not address the adequacy or completeness of the Draft EIR; raise environmental issues; and does

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
		not request the incorporation of additional information relevant to environmental issues. No further response is required.
A2-3	Mitigation Measure BIO-1.1 (Nesting Bird Surveys and Active Nest Avoidance) states that a qualified biologist shall conduct a nesting bird survey no more than 15 days prior to each phase of clearing activities. CDFW recommends that this measure be updated in the Final EIR to state that pre-construction surveys for active nests be conducted no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected.	<p>The following comment includes a recommendation from the CDFW to update Mitigation Measure BIO-1.1 (Nesting Bird Surveys and Active Nest Avoidance) to state that pre-construction surveys for active nests be conducted no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. Therefore, in response to this comment, and as shown in Chapter 4.0 of this Final EIR, Mitigation Measure BIO-1.1 has been updated as follows:</p> <p>Mitigation Measure BIO-1.1. Nesting Bird Surveys and Active Nest Avoidance. Any initial ground disturbance or tree pruning, or removal should take place outside of the active nesting bird season (i.e., February 1–September 30), when feasible, to avoid impacts to nesting birds protected under the California Fish and Game Code and Migratory Bird Treaty Act. Should phased construction require tree removal or initial ground disturbance to ruderal areas, a qualified biologist shall conduct a nesting bird survey no more than 15<u>10</u> days prior to each phase of clearing<u>clearing</u> ground or vegetation<u>ground or vegetation</u> disturbing<u>disturbing</u> activities. If nesting birds are discovered during preconstruction surveys, the biologist shall identify an appropriate buffer where no clearing, grading, or construction activities with potential to have direct or indirect impacts on the nesting bird(s) are allowed to take place until after the nest is no longer active (e.g., the young birds have fledged), or as otherwise determined by the qualified biologist.</p>
A2-4	CDFW appreciates the opportunity to comment on the Project to assist the County of Fresno in identifying and mitigating the Project’s impacts on biological resources. More information on survey and monitoring protocols for sensitive species can be found at CDFW’s website (https://www.wildlife.ca.gov/Conservation/Survey-Protocols). If you have any questions, please contact Kelley Nelson, Environmental Scientist, at the address provided on this letterhead, or by electronic mail at Kelley.Nelson@wildlife.ca.gov .	This comment provides a closing to the comment letter. This comment does not address the adequacy or completeness of the Draft EIR; raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. No further response is required.
Local Agencies		

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response										
B1 Fresno County Fire Protection District (November 3, 2023)												
B1-1	Fresno County Fire Protection District (FCFPD) has received notice of the project and will continue to review the project for its potential impacts on the FCFPD.	This introductory comment is noted. This comment does not address the adequacy or completeness of the Draft EIR; raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. No further response is required.										
B1-2	<p style="text-align: center;">Application Types</p> <table border="0" style="width: 100%;"> <tr> <td>Site Plan Review (SPR)</td> <td>Initial Study Application (ISA)</td> </tr> <tr> <td>Director Review Application (DRA)</td> <td>Variance Application (VA)</td> </tr> <tr> <td>Conditional Use Permit (CUP)</td> <td>General Plan Application (GPA)</td> </tr> <tr> <td>Tentative Parcel Map (TPM, TPMW)</td> <td>Tentative Tract Map (TTM)</td> </tr> <tr> <td colspan="2" style="text-align: center;">Pre-Application for Certificate of Compliance (PCOC)</td> </tr> </table> <p>All application types stated above SHALL comply with California Code of Regulations Title 24 –Fire Code. Prior to receiving your FCFPD conditions of approval for your project, you must submit construction plans to the County of Fresno Public Works and Planning and FCFPD for review. It is the Applicants Responsibility to deliver a minimum of two (2) sets of plans to the FCFPD</p>	Site Plan Review (SPR)	Initial Study Application (ISA)	Director Review Application (DRA)	Variance Application (VA)	Conditional Use Permit (CUP)	General Plan Application (GPA)	Tentative Parcel Map (TPM, TPMW)	Tentative Tract Map (TTM)	Pre-Application for Certificate of Compliance (PCOC)		This comment lists application types that are subject to compliance with the California Code of Regulations Title 24 – Fire Code. This comment also states that project construction plans must be submitted to County of Fresno Public Works and Planning and Fresno County Fire Protection District (FCFPD) for review prior to issuance of FCFPD conditions of approval for the project. The Project Applicant will coordinate with the FCFPD and the County to comply with applicable construction plan review and regulatory compliance requirements for the project. As such, this comment is noted but does not pertain to the analysis or conclusions of the Draft EIR. No further response is required.
Site Plan Review (SPR)	Initial Study Application (ISA)											
Director Review Application (DRA)	Variance Application (VA)											
Conditional Use Permit (CUP)	General Plan Application (GPA)											
Tentative Parcel Map (TPM, TPMW)	Tentative Tract Map (TTM)											
Pre-Application for Certificate of Compliance (PCOC)												
B1-3	Your Project/Development may be required to annex into the into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. Project/Developments included: Single Family Residential (SFR), SFR Properties subdivided into three (3) or more housing units, Multi-Family Residential (MFR) Property, Commercial Property, Industrial Property, and/or Office Property.	<p>This comment states that the project may require annexation into the into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.</p> <p>This comment is noted but does not address the adequacy or completeness of the Draft EIR; raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. No further response is required.</p>										
B1-4	Project/Developments will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.	This comment states that projects and developments seeking a building permit or certificate of occupancy would be subject to requirements of the current Fire Code and Building Code. The Project Applicant will coordinate with the FCFPD and the County to comply with applicable Fire Code and Building Code requirements. As such, this comment is noted but does not pertain to the analysis or conclusions of the Draft EIR. No further response is required.										

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
B1-5	Before plans are submitted to the Fresno County Fire Protection District, please visit our website at www.fresnocountyfire.org and complete the Fire Permit Application to submit with your plans.	This comment provides instructions for completing a Fire Permit Application before submitting project plans to the Fresno County Fire Protection District. This comment is noted but does not pertain to the analysis or conclusions of the Draft EIR. No further response is required.
B1-6	Please Note – requirements for your project may include but are not limited to: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>Water Flow Requirements</p> <p>Water Storage Requirements</p> <p>Fire Pumps</p> <p>Road Access</p> </div> <div style="width: 45%;"> <p>Fire Hydrants</p> <p>Fire Sprinklers Systems</p> <p>Fire Alarm Systems</p> <p>Premises Identification</p> </div> </div>	This comment list potential fire protection design requirements that may be applicable to the project. The proposed project would comply with all applicable fire protection requirements issued by the Fresno County Fire Protection District. This comment is noted but does not address the adequacy or completeness of the Draft EIR; raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. No further response is required.
B1-7	Please contact the FCFPD at (559) 319-0400 to schedule an over the counter meeting to receive specific requirements for your project. Failure to schedule an appointment with the FCFPD will affect your ability to obtain final approval for your project.	This comment requests the Project Applicant to schedule an appointment with Fresno County Fire Protection District to discuss project-specific fire protection requirements. The Project Applicant will coordinate with the FCFPD to comply with applicable fire protection requirements, and as such, this request will be fulfilled. Additionally, this comment does not question the adequacy of the analysis included in the Draft EIR. No further response is required.
B2	Fresno County Department of Public Works and Planning, Development Engineering Section (December 14, 2023)	
B2-1	After browsing all the attachments, Development Engineering Section has no comment.	This comment states that the Development Engineering Section of the Fresno County Department of Public Works and Planning does not have comments on the adequacy of the analysis included in the Draft EIR. This comment is noted but does not address the adequacy or completeness of the Draft EIR; raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. No further response is required.

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
B3 San Joaquin Valley Air Pollution Control District (December 18, 2023)		
B3-1	<p>The San Joaquin Valley Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) from the County of Fresno (County) for the Pistachio Processing Facility. The project consists of the construction and operation of a pistachio hulling, processing and packing facility to be constructed in the following four phases (Project):</p> <ul style="list-style-type: none"> ● Phase 1: construction of a 16,893 square foot huller building, approximately 5,608 square foot drive-over dumping pit area, approximately 3,900 square foot pre-cleaning area, ten 8x29 foot dryers, and eighteen 52x52 foot galvanized steel silos ● Phase 2: construction of a 155,169 square foot processing building for pistachios ● Phase 3: installation of a processing, sorting, and packing equipment in the pistachio processing building. Including twelve additional silos and the installation of ten additional dryer units ● Phase 4: construction of a second 16,893 square foot huller building, and additional drive-over dumping pit area and pre-cleaning area, and the construction and installation of 30 additional silos and 20 dryer units <p>The Project is located on the northwest corner of South Newcomb Avenue and West Muscat Avenue, in Firebaugh, CA.</p>	<p>This comment provides an introduction to the comment letter and does not address the adequacy or completeness of the Draft EIR; does not raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. Such comments do not require a response, pursuant to Section 15088(a) of the State CEQA Guidelines. No further response is necessary.</p>
B3-2	<p><u>1) Stationary Source Operational Emission</u></p> <p>The District recommends the County ensure the quantification of criteria pollutant emissions from stationary sources be included in the DEIR (i.e. dryers, silos, etc.). More specifically, Table 4.3.J (Project Operation Emissions) of the DEIR should be revised to include criteria pollutant emissions from stationary sources.</p>	<p>This comment states that the SJVAPCD recommends that the County ensure the quantification of criteria pollutant emissions from stationary sources be included in the Draft EIR (i.e., dryer, silos, etc). In addition, this comment states that Table 4.3.J of the Draft EIR should be revised to include the stationary source emissions.</p> <p>As discussed on page 4.3-28 of the Draft EIR, emission estimates for operation of the proposed project were calculated using the California Emissions Estimator Model (CalEEMod). As discussed on page 4.2-28 of the Draft EIR, the proposed project would utilize operational equipment and special processing equipment, including a conveyor system, pistachio pre-cleaning equipment, and gas-powered dryers. All off-road equipment (i.e., bobcats, frontend loaders, forklifts) and pre-cleaning special machinery would be all electric; however, industrial</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
		<p>dryers would utilize natural gas. As shown in Appendix B of the Draft EIR, all off-road equipment was included in CalEEMod, including the following equipment:</p> <ul style="list-style-type: none"> • Three Forsburgs Gravity Deck, each consisting of a 1 horsepower (HP) motor, a 3 HP motor and a 60 HP motor with a 0.8-load factor. • Two scalpers, each consisting of a 1 HP motor and a 5 HP motor with a 0.8-load factor. • Ten Magnuson Peeler machines, each consisting of a 0.75 HP motor, a 2 HP motor, a 7.5 HP motor, a 15 HP motor and a 20 HP motor with a 0,8-load factor. • Ten Sukup Dryers, each consisting of a 1 HP motor, a 2 HP motor, a 10 HP motor, and a 4x40 HP motor with a 0.8 load factor. • Ten forklifts, ten skid steer loaders, and ten rubber-tired loaders. <p>In addition, energy estimates for stationary equipment were provided by the Project Applicant (see Chapter 3.0, Project Description, Table 3.A) and added to the overall energy consumption of the project as part of the non-title 24 section in CalEEMod. As such, the operational equipment was included in the analysis and is presented as “Energy Source Emissions” and “Off-Road Equipment Emissions” in Table 4.3.J of the Draft EIR. In addition, as identified in the CalEEMod User’s Guide, stationary source emissions in CalEEMod include emergency generators, fire pumps, and process boilers. The proposed project would not include any emergency generators, fire pumps, or boilers; therefore, the proposed project would not include any stationary source emissions. As such the analysis is adequate as presented.</p> <p>In addition, as discussed on page 4.3-29 of the Draft EIR, the SJVAPCD has identified Best Practice Standards (BPS) for pistachio dryers and dehydrators that can be used to determine significance of project specific impacts. The proposed project would comply with BPS and emission control measures for pistachio dryers by including the use of an electric motor to drive combustion air fans. As such, the proposed</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
		project would include all applicable BPS measures for stationary sources.
B3-3	<p>2) Health Risk Screening/Assessment The District reviewed the Health Risk Assessment (HRA) for the Project and has the following comments:</p> <ul style="list-style-type: none"> • The DEIR states the diesel PM₁₀ exhaust emissions to be 16.7 pounds per year. However, the District has reviewed the California Emission Estimator Model (CalEEMod) output files which identifies emissions from diesel exhaust as 180 pounds per year. The District recommends including the 180 pounds of diesel PM₁₀ from the construction in addition to 16.7 pounds per year of diesel PM₁₀ exhaust emissions project related mobile sources. Additionally, the District recommends including documentation on how the 16.7 pounds per year of diesel PM₁₀ exhaust emissions were derived. • The DEIR HRA does not include emissions from Project operation from sources such as, but not limited to, nut processing (dust), combustion from dryers, and fumigation. The District recommends calculating the aforementioned operational toxic emissions and updating the prioritization analysis. • The DEIR states that the project prioritization score is 9.65 in 1 million, and compares that value to the District cancer risk threshold of 20 in a million. It should be noted, the District’s prioritization threshold is 10 for each category (acute, chronic, and cancer), and should include emissions from both construction and operation of the Project. Should the revised Prioritization score exceed 10 for any category, a health risk assessment (HRA) should be completed to ensure the Project will not exceed the District’s thresholds. <p>Modifications to the Prioritization/HRA based on the deficiencies listed above have the potential to cause the Project to exceed District health risk thresholds. Therefore, the District recommends the Prioritization/HRA be revised to ensure the analysis is representative and adequately reflects the Project’s potential air quality impacts.</p>	<p>This comment states that the Draft EIR identifies the diesel PM₁₀ exhaust emissions to be 16.7 pounds per year and claims that the CalEEMod output files identify emissions from diesel exhaust as 180 pounds per year. As such, this comment recommends including the 180 pounds of diesel PM₁₀ from the construction in addition to 16.7 pounds per year of diesel PM₁₀ exhaust emissions project related mobile sources.</p> <p>In addition, this comment states that the Draft EIR does not include emissions from project operation from sources such as, but not limited to, nut processing (dust), combustion from dryers, and fumigation and recommends updating the prioritization to include these sources.</p> <p>This comment also states that the project prioritization score is 9.65 in 1 million and compares that value to the SJVAPCD cancer risk threshold of 20 in one million. This comment notes that the SJVAPCD’s prioritization threshold is 10 for each category (acute, chronic, and cancer), and should include emissions from both construction and operation of the project and should the revised Prioritization score exceed 10 for any category, a health risk assessment (HRA) should be completed.</p> <p>First, as discussed on page 4.3-31 of the Draft EIR, the analysis for on-site truck emissions assumes that 5 percent of the project-related mobile sources, which is an estimate of the amount of project-related on-site vehicle and truck travel, would occur on site. Considering the total trip length included in CalEEMod, the 5 percent assumption is conservative. As discussed in Response B3-2 above, all off-road equipment (i.e., bobcats, frontend loaders, forklifts) and pre-cleaning special machinery would be all electric; however, industrial dryers would utilize natural gas. As presented in Table 4.3.J of the Draft EIR, emissions associated with the use of the equipment would be negligible. In addition, the SJVAPCD does not have thresholds for dust</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
		<p>emissions; therefore, dust emissions are not included in the prioritization calculator.</p> <p>Therefore, in response to this comment, and as shown in Chapter 4.0 of this Final EIR, text on page 4.3-31 of the Draft EIR has been revised as follows:</p> <p style="padding-left: 40px;">Based on the diesel emissions anticipated for the project and the distance to the nearest sensitive receptor, using the Prioritization Calculator, it is estimated the project would result in a cancer score of 9.65 in 1 million cancer cases, which is below the SJVAPCD threshold of significance of 20 in 1 million <u>prioritization screening score of 10 in 1 million</u>.</p> <p>Impacts would be less than significant. Therefore, further evaluation is not necessary.</p>
B3-4	<p>3) Ambient Air Quality Analysis</p> <p>If the air quality modeling results are revised based on comment 1 above, the District recommends that an Ambient Air Quality Analysis (AAQA) be performed for the Project if emissions exceed 100 pounds per day of any pollutant.</p> <p>An AAQA uses air dispersion modeling to determine if emission increase from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. An acceptable analysis would include emissions from both project-specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.</p> <p>Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District’s website: https://ww2.valleyair.org/permitting/ceqa/.</p>	<p>This comment recommends that if the air quality modeling results are revised based on Comment B3-2, the SJVAPCD recommends that an Ambient Air Quality Analysis (AAQA) be performed for the proposed project if emissions exceed 100 pounds per day of any pollutant.</p> <p>As discussed in Response B3-2, the analysis encompasses all operational activities and equipment and is therefore adequate as presented. As shown in Table 4.3.J of the Draft EIR, the proposed project would generate approximately 1.2 tons per year of ROG, 5.5 tons per year of NO_x, 1.4 tons per year of CO, less than 0.1 ton per year of SO_x, 1.4 tons per year of PM₁₀, and 0.4 ton per year of PM_{2.5} emissions. When converted to pounds per day, the proposed project would generate approximately 6.6 pounds per day of ROG, 30.1 pounds per day of NO_x, 7.7 pounds per day of CO, 0.5 pound per day of SO_x, 7.7 pounds per day of PM₁₀, and 2.2 pounds per day of PM_{2.5}. As such, the proposed project’s operational emissions would be well below 100 pounds per day for any pollutant. Therefore, an AAQA evaluation would not be required.</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
B3-5	<p>4) Industrial/Warehouse Emission Reduction Strategies</p> <p>The District recommends the County incorporate emission reduction strategies that can reduce potential harmful health impacts, such as those listed below:</p> <ul style="list-style-type: none"> ● Require HHD truck routing patterns that limit exposure of residential communities and sensitive receptors to emissions (see comment 5) ● Require minimization of heavy-duty truck idling (see comment 7) ● Require solid screen buffering trees, solid decorative walls, and/or other natural ground landscaping techniques are implemented along the property line of adjacent sensitive receptors ● Incorporate signage and “pavement markings” to clearly identify on-site circulation patterns to minimize unnecessary on-site vehicle travel ● Require projects be designed to provide the necessary infrastructure to support use of zero-emissions on-road vehicles and off-road equipment (see comment 8) ● Require all building roofs are solar-ready ● Require all portions of roof tops that are not covered with solar panels are constructed to have light colored roofing material with a solar reflective index of greater than 78 ● Ensure rooftop solar panels are installed and operated to supply 100% of the power needed to operate all non-refrigerated portions of the development project ● Require power sources at loading docks for all refrigerated trucks have “plugin” capacity, which will eliminate prolonged idling while loading and unloading goods ● Require the use of low volatile organic compounds (VOC) architectural and industrial maintenance coatings ● Designate an area during construction to charge electric powered construction vehicles and equipment, if temporary power is available ● Prohibit the use of non-emergency diesel-powered generators during construction ● Inform the project proponent of the incentive programs (e.g., Carl Moyer Program and Voucher Incentive Program) offered to reduce air emissions from the Project 	<p>This comment recommends the inclusion of several industrial/warehouse emission reduction strategies in the Draft EIR. As demonstrated in Table 4.3.J of the Draft EIR, operational impacts associated with implementation of the proposed project would not exceed the SJVAPCD’s significance criteria and would result in a less-than-significant impact; the commenter has not presented evidence to the contrary. Therefore, the Draft EIR properly determined that the proposed project would not result in any significant impacts related to operational air quality. As such, identification and analysis of mitigation measures or the emission reduction strategies suggested in the comment would not be required to reduce emissions to a less-than-significant level.</p>

<p>B3-6</p>	<p>5) Truck Routing</p> <p>Truck routing involves the assessment of which roads Heavy Heavy-Duty (HHD) trucks take to and from their destination, and the emissions impact that the HHD trucks may have on residential communities and sensitive receptors. Per the DEIR, the project consists of a pistachio processing facility which is expected to result in HHD truck trips.</p> <p>The District recommends the County evaluate HHD truck routing patterns for the Project, with the aim of limiting exposure of residential communities and sensitive receptors to emissions. This evaluation would consider the current truck routes, the quantity and type of each truck (e.g., Medium Heavy-Duty, HHD, etc.), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall Vehicle Miles Traveled (VMT), and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality.</p>	<p>This comment recommends an evaluation of heavy-duty (HHD) truck routing patterns for the proposed project, with the aim of limiting exposure of residential communities and sensitive receptors to emissions.</p> <p>As discussed on pages 4.3-30 and 4.3-31 of the Draft EIR, project operational emissions of criteria pollutants would be below SJVAPCD significance thresholds. The proposed project would include operational equipment; however, all processing operational equipment would be electric and would not generate exhaust emissions. In addition, as identified in Section 4.13.3.2 (b) of Section 4.13, Transportation, of the Draft EIR, the proposed project would generate approximately 249 average daily trips, including 43 employee trips, 4 vehicle service trips, 190 raw material hauling truck trips, and 12 dry waste hauling truck trips. Tractor and field trucks would be expected to access the project site from the surrounding orchards via unpaved farm roads. As the project site would contain multiple access points, off-site queuing of trucks is not anticipated. Furthermore, the proposed project trip generation evaluates a worst-case scenario for daily trips generated during peak harvesting season. As such, daily truck trips would be lower during off season and emissions resulting from diesel and gasoline exhaust would be minimal. Since the proposed project would be used for typical processing, hulling, and packing services, it is not expected that trucks would be idling at the project site. In addition, idling of trucks would be limited by the CARB’s In-Use Off-Road Diesel Vehicles regulation, which limits idling to 5 minutes or less. With compliance with CARB’s In-Use Off-Road Diesel Vehicles regulation and based on the minimal number of daily truck trips, operation of the proposed project would not expose sensitive receptors to substantial pollutant concentrations.</p> <p>To determine the increased cancer risk associated with the proposed project, LSA utilized the SJVAPCD’s Prioritization Calculator, which is included in Appendix C of the Draft EIR. The analysis for on-site truck emissions assumes that 5 percent of the project-related mobile sources, which is an estimate of the amount of project-related on-site vehicle and truck travel, would occur on site. Considering the total trip length included in CalEEMod, the 5 percent assumption is conservative. Based on the diesel emissions anticipated for the proposed project and the distance to the nearest sensitive receptor, using the Prioritization Calculator, it is estimated the proposed project would result in a cancer score of 9.65 in 1 million cancer cases, which</p>
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Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
		<p>is below the SJVAPCD prioritization screening score of 10 in 1 million. Chronic and acute risk scores would also be well below the SJVAPCD thresholds. The Prioritization Calculator is a conservative assumption of potential health risks. As such, the proposed project would not expose any sensitive receptors significant health risks. Thus, sensitive receptors are not expected to be exposed to substantial pollutant concentrations during project construction and operation. Potential impacts would be less than significant. Therefore, further evaluation of truck routes is not necessary.</p>
B3-7	<p><u>6) Cleanest Available Heavy-Duty Trucks</u></p> <p>The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from HHD trucks, the single largest source of NO_x emissions in the San Joaquin Valley. Accordingly, to meet federal air quality attainment standards, the District’s ozone and particulate matter attainment plans rely on a significant and rapid transition of HHD fleets to zero or near-zero emissions technologies.</p> <p>The Project consists of a pistachio processing facility which is expected to result in HHD truck trips. The District recommends that the following measures be considered by the County to reduce Project-related operational emissions:</p> <ul style="list-style-type: none"> ● Recommended Measure: Fleets associated with operational activities utilize the cleanest available HHD trucks, including zero and near-zero technologies. ● Recommended Measure: All on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) utilize zero-emissions technologies. 	<p>This comment recommends the following measures to reduce project-related operational emissions: fleets associated with operational activities utilize the cleanest available HHD trucks, including zero and near-zero (0.02 grams per brake horsepower-hour [g/bhp-hr] NO_x) technologies; and all on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) utilize zero-emissions technologies.</p> <p>As identified in Table 4.3.J of the Draft EIR, the proposed project would not exceed the SJVAPCD’s significance criteria for annual ROG, NO_x, CO, SO_x, PM₁₀, or PM_{2.5} emissions. As such, operation of the proposed project would result in a less-than-significant impact related to a cumulatively considerable net increase of any criteria pollutant for which the proposed project region is in non-attainment under an applicable federal or State ambient air quality standard. Additionally, HHD fleets would be required by law to meet the CARB’s Statewide Truck and Bus regulations, as well as the Advanced Clean Truck and forthcoming Advanced Clean Fleets regulations. In addition, as identified in Response B3-2, all off-road equipment (i.e., bobcats, frontend loaders, forklifts) and pre-cleaning special machinery would be all electric; however, industrial dryers would utilize natural gas. As such, identification and analysis of additional measures suggested in the comment would not be required.</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
B3-8	<p>7) Reduce Idling of Heavy-Duty Trucks</p> <p>The goal of this strategy is to limit the potential for localized PM2.5 and toxic air contaminant impacts associated with the idling of Heavy-Duty trucks. The diesel exhaust from idling has the potential to impose significant adverse health and environmental impacts.</p> <p>Since the Project is expected to result in HDD truck trips, the District recommends the DEIR be revised to include measures to ensure compliance of the state anti-idling regulation (13 CCR § 2485 and 13 CCR § 2480) and discuss the importance of limiting the amount of idling, especially near sensitive receptors.</p>	<p>This comment recommends the Draft EIR be revised to include measures to ensure compliance of the state anti-idling regulation (13 CCR §2485 and 13 CCR §2480) and discuss the importance of limiting the amount of idling, especially near sensitive receptors.</p> <p>As discussed in Response B3-6 above and pages 4.3-30 and 4.3-31 of the Draft EIR, since the proposed project would be used for typical processing, hulling, and packing services, it is not expected that trucks would be idling at the project site. In addition, idling of trucks would be limited by the CARB’s In-Use Off-Road Diesel Vehicles regulation, which limits idling to 5 minutes or less. With compliance with CARB’s In-Use Off-Road Diesel Vehicles regulation and based on the number of daily truck trips, operation of the proposed project would not expose sensitive receptors to substantial pollutant concentrations. Further, to determine the increased cancer risk associated with the proposed project, LSA utilized the SJVAPCD’s Prioritization Calculator, which is included in Appendix C of the Draft EIR. The analysis for on-site truck emissions assumes that 5 percent of the project-related mobile sources, which is an estimate of the amount of project-related on-site vehicle and truck travel, would occur on site. Considering the total trip length included in CalEEMod, the 5 percent assumption is conservative. Based on the diesel emissions anticipated for the proposed project and the distance to the nearest sensitive receptor, using the Prioritization Calculator, it is estimated the proposed project would result in a screening level cancer score of 9.65 in 1 million cancer cases, which is below the SJVAPCD prioritization screening score of 10 in 1 million. Chronic and acute risk scores would also be well below the SJVAPCD thresholds. The Prioritization Calculator is a conservative assumption of potential health risks. As such, the proposed project would not expose any sensitive receptors significant health risks. Thus, sensitive receptors are not expected to be exposed to substantial pollutant concentrations during project construction and operation. Potential impacts would be less than significant. Therefore, further mitigation, such as more stringent idling restrictions, would not be necessary.</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
B3-9	<p>8) On-Site Solar Deployment</p> <p>It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the County consider incorporating solar power systems as an emission reduction strategy for the Project.</p>	<p>This comment recommends that the County should consider incorporating solar power systems as an emission reduction strategy for the proposed project. As discussed on pages 4.6-10 and 4.8-20 of the Draft EIR, all buildings would be constructed consistent with the California Green Building Standards Code (CALGreen) building measures and 2022 Title 24 Building Energy Efficiency Standards (Title 24 Standards). In addition, Pacific Gas and Electric (PG&E) is the private utility that would supply the proposed project’s electricity and natural gas services. In 2022, approximately 40 percent of PG&E’s delivered electricity came from renewable sources, including solar, wind, geothermal, small hydroelectric, and various forms of bioenergy. PG&E reached California’s 2020 renewable energy goal in 2017 and is positioned to meet the State’s 60 percent by 2030 renewable energy mandate set forth in Senate Bill (SB) 100. In addition, PG&E plans to continue to provide reliable service to its customers and upgrade its distribution systems as necessary to meet future demand. As shown in Table 4.3.J of the Draft EIR, the proposed project would not exceed the emission thresholds established by the SJVAPCD. In addition, as demonstrated in Section 4.6, Energy, of the Draft EIR, the proposed project would not result in inefficient, wasteful, and unnecessary consumption of energy and would not result in a significant energy impact. Therefore, additional mitigation, such as a solar power system emission reduction strategy, is not required.</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
B3-10	<p><u>9) Electric Infrastructure</u></p> <p>To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of the District’s Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District recommends that the County and project proponents install electric vehicle chargers at project sites, and at strategic locations. Please visit www.valleyair.org/grants/chargeup.htm for more information.</p>	<p>This comment recommends that the County require installation of electric vehicle chargers at project sites and at strategic locations. As discussed on page 4.8-21 of the Draft EIR, in order to meet the CALGreen Tier 2 requirement, the proposed project would need approximately 11 electric vehicle (EV) capable spaces and 6 electric vehicle spaces with service equipment (EVSE), for a total of 17 EV/EVSE parking spaces . As described in Section 3.0, Project Description, of the Draft EIR, a maximum of 14 employees would be on site during hours of operation. Most of the vehicles operating at the project site would include hauling trucks, which would run on diesel fuel. Therefore, based on applicability constraints related to employee numbers and the types of vehicles that would be used by the proposed project, it would not be feasible to implement the 17 EV/EVSE spaces. As such, the proposed project would not meet this design element.</p>
B3-11	<p><u>10) District Rules and Regulations</u></p> <p>The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District’s regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.</p> <p>The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm. To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District’s Small Business Assistance (SBA) Office at (559) 230-5888.</p>	<p>This comment provides information on SJVAPCD rules and regulations and states that current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm. To identify other SJVAPCD rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the Small Business Assistance (SBA) Office. This comment is noted. The proposed project would comply with all applicable SJVAPCD rules and regulations.</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
B3-12	<p><u>10a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources</u></p> <p>Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).</p> <p>This Project will be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District’s SBA Office at (559) 230-5888.</p>	<p>This comment states that the proposed project would be subject to SJVAPCD Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and would require SJVAPCD permits. This comment also states that prior to construction, the Project Applicant should submit to the SJVAPCD an application for an Authority to Construct (ATC) and Permit to Operate (PTO). This comment is noted. The proposed project would comply with all required SJVAPCD rules and regulations, including submitting an ATC and PTO to the SJVAPCD prior to construction.</p>
B3-13	<p><u>10b) District Rule 9510 - Indirect Source Review (ISR)</u></p> <p>Per District Rule 9510 section 4.4.3, a development project on a facility whose primary functions are subject to District Rule 2201 or District Rule 2010 are exempt from the requirements of the rule. The District has reviewed the information provided and has determined that the primary functions of this Project are subject to District Rule 2201 (New and Modified Stationary Source Review Rule) or District Rule 2010 (Permits Required). As a result, District Rule 9510 requirements and related fees do not apply to the Project referenced above.</p>	<p>This comment states that, per SJVAPCD Rule 9510 section 4.4.3, a development project on a facility whose primary functions are subject to SJVAPCD Rule 2201 or SJVAPCD Rule 2010 are exempt from the requirements of the rule. This comment states that the SJVAPCD has reviewed the information provided and has determined that the primary functions of this project are subject to SJVAPCD Rule 2201 or SJVAPCD Rule 2010 (Permits Required) and therefore 9510 requirements and related fees do not apply to the proposed project. The information provided in this comment is noted.</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
B3-14	<p><u>10c) District Rule 9410 (Employer Based Trip Reduction)</u></p> <p>The Project may be subject to District Rule 9410 (Employer Based Trip Reduction) if the project would result in employment of 100 or more “eligible” employees. District Rule 9410 requires employers with 100 or more “eligible” employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees.</p> <p>Information about District Rule 9410 can be found online at: https://ww2.valleyair.org/compliance/rule-9410-employer-based-trip-reduction/.</p> <p>For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at etrip@valleyair.org</p>	<p>This comment states that the proposed project may be subject to SJVAPCD Rule 9410 (Employer Based Trip Reduction) if the proposed project would result in employment of 100 or more “eligible” employees. SJVAPCD Rule 9410 requires employers with 100 or more “eligible” employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. As discussed on pages 3-7 and 3-8 of the Draft EIR, during the harvest season, it is estimated that up to 14 employees would be on site. As such, the proposed project would not have 100 or more employees and SJVAPCD Rule 9410 would not be applicable.</p>
B3-15	<p><u>10d) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)</u></p> <p>In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at: https://ww2.valleyair.org/compliance/demolitionrenovation/</p>	<p>This comment states that in the event an existing building would be renovated, partially demolished or removed, the proposed project may be subject to SJVAPCD Rule 4002. The proposed project would not renovate or demolish an existing building; therefore, SJVAPCD Rule 4002 would not be applicable.</p>
B3-16	<p><u>10e) District Rule 4601 (Architectural Coatings)</u></p> <p>The Project will be subject to District Rule 4601 since it is expected to utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at: https://ww2.valleyair.org/media/tkgjeusd/rule-4601.pdf</p>	<p>This comment states that the proposed project may be subject to SJVAPCD Rule 4601 (Architectural Coatings) since it may utilize architectural coatings. This comment is noted. The proposed project would comply with all required SJVAPCD rules and regulations.</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
B3-17	<p><u>10f) District Regulation VIII (Fugitive PM10 Prohibitions)</u></p> <p>The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities. Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5- acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.</p> <p>The application for both the Construction Notification and Dust Control Plan can be found online at: https://ww2.valleyair.org/media/fm3jrbsq/dcp-form.docx</p> <p>Information about District Regulation VIII can be found online at: https://ww2.valleyair.org/dustcontrol</p>	<p>This comment states that the proposed project may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities, as described in Regulation VIII, specifically Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). This comment is noted. The proposed project would comply with all applicable SJVAPCD rules and regulations. In addition, as indicated in Section 4.3, Air Quality, of the Draft EIR, the proposed project would be required to be consistent with SJVAPCD Regulation VIII.</p>
B3-18	<p><u>10g) Other District Rules and Regulations</u></p> <p>The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).</p>	<p>This comment states that the proposed project may be subject to the following SJVAPCD rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). This comment is noted. The proposed project would comply with all required SJVAPCD rules and regulations.</p>
B3-19	<p><u>11) District Comment Letter</u></p> <p>The District recommends that a copy of the District’s comments be provided to the Project proponent.</p>	<p>This comment provides a closing to the comment letter and does not question the adequacy of the analysis included in the Draft EIR. No further response is required.</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	If you have any questions or require further information, please contact Eric McLaughlin by e-mail at Eric.McLaughlin@valleyair.org or by phone at (559) 230-5808.	
B4 Westlands Water District (December 18, 2023)		
B4-1	Westlands Water District (District) has reviewed Draft EIR No. 8077 to construct a pistachio hulling, processing, and packing facility on 98 acres of Assessor Parcel Number (APN) 019-150-64S. After reviewing the Draft EIR, the District has the following comments about the project and the site.	This introductory comment is noted. No further response is required.
B4-2	The Applicant indicates the proposed water source is the existing groundwater well located in the northeast corner of the proposed site. The existing well is expected to yield sufficient water to serve operational water demands of the project. If the Applicant uses the existing groundwater well as its proposed water source, the applicant will be subject to the District’s Groundwater Allocation Rules & Regulations.	This comment states that as the project proposes to extract groundwater from an existing onsite well to obtain water supply for project operations, the Project Applicant would be subject to the Westlands Water District’s (WWD) Groundwater Allocation Rules & Regulations. As applicable, the Project Applicant would comply with the WWD’s Groundwater Allocation Rules & Regulations for extraction of project water supply. As such, this comment is noted, but does not pertain to the analysis or conclusions of the Draft EIR. No further response is required.
B4-3	<p>The Applicant is eligible to apply for and receive Municipal and Industrial (M&I) water service. The pistachio processing facility is an agricultural related development. As a M&I water user, the Applicant’s operations are bound by the Regulations, and Terms & Conditions established by the District for M&I use, including but not limited to the following.</p> <p>The District has adopted regulations governing the application for and use of M&I water. The Regulations stipulate up to five (5) acre-feet annually will be made available to a water user from the District’s Central Valley Project (CVP) contract supply for agriculture related developments. If operations require more water, the Applicant is responsible for submitting a supplemental M&I water application to the District and identify the source of water to be made available to meet the incremental increase.</p> <p>The District and the California Department of Public Health (CDPH) entered into a Compliance Agreement that restricts the District’s ability to provide M&I services to non-resident facilities that do not have CDPH approved treatment systems. The Applicant must request and receive an exemption</p>	This comment indicates that the Project Applicant is eligible to apply for and receive Municipal and Industrial (M&I) water service; states that if the Project Applicant becomes a M&I user, they would be subject to the WWD’s M&I Regulations, and Terms & Conditions (included as Attachments #1 and #2 of Letter B4 respectively); and lists Regulations and Terms & Conditions potentially applicable to the proposed project if it were to receive M&I water service. This comment is noted; however, the project proposes to extract groundwater for project operations from the Project Applicant’s existing onsite water well, and would not require connection to the WWD’s M&I water service. As such, the stipulations of this comment are not applicable to the proposed project. Additionally, this comment does not pertain to the analysis or conclusions of the Draft EIR. As such, no further response is required.

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	<p>from the Compliance Agreement’s requirements that the property be connected to a Public Water System or Domestic Well. Provided the Applicant is not deemed a Public Water System, CDPH may grant an exemption on the conditions that the Applicant posts signs at all outlets where human contact may occur, indicating that the water delivered by the District is non potable. Further, the Applicant will have to agree to provide bottled water for consumption at the project site.</p>	
B4-4	<p>Additionally, based on the Site Location Map provided, the proposed project site is located near the District’s Lateral 4 which has delivery turnouts located in the northeast, northwest, southwest, and southeast corners, and on the north side of APN 019-150-64S. Prior to construction, please contact Underground Service Alert (811).</p> <p>Thank you for the opportunity to comment on this project. If you have any additional questions, please contact Kori Peterson at (559) 241-6231.</p>	<p>This comment states that the project site is located near the WWD’s Lateral 4, which has delivery turnouts located in the northeast, northwest, southwest, and southeast corners, and on the north side of Assessor’s Parcel Number (APN) 019-150-64S (i.e., project APN), and recommends the Project Applicant to contact Underground Service Alert prior to project construction. As applicable, the Project Applicant will coordinate with the project contractor to ensure communication with the Underground Service Alert to ensure that project construction would not conflict with operations of the WWD’s Lateral 4. As such, this comment is noted but does not address the adequacy or completeness of the Draft EIR; raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. No further response is required.</p>
B4-5	<p>ARTICLE 19. REGULATIONS REGARDING THE APPLICATION FOR AND USE OF MUNICIPAL AND INDUSTRIAL WATER WITHIN WESTLANDS WATER DISTRICT</p> <p>19.1 PURPOSE</p> <p>Westlands Water District has a long-term contractual entitlement to receive from the United States an annual supply of 1,150,000 acre-feet (AF) of Central Valley Project (CVP) water. The contracts between Westlands Water District and the United States allow the District to make CVP water available for municipal, industrial and domestic uses. The District may also acquire additional water supplies for these purposes. This Article establishes the rules and procedures for making application for and the use of municipal and industrial (M&I) water.</p> <p>19.2 GLOSSARY OF TERMS AND DEFINITIONS</p>	<p>This comment encompasses Attachment #1 of Letter B4, the Regulations Regarding the Application for and Use of Municipal and Industrial Water Within Westlands Water District (M&I Regulations). As previously discussed, the proposed project would not require connection to the WWD’s M&I water service, and as such, M&I Regulations would not be applicable to the project. No further response is required.</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	<p>Unless specified below, the terms and definitions contained in Article 2 of these Regulations shall apply.</p> <p>A. "Ag Related M&I Use" – the use of water exclusively for purposes of commerce, trade or industry associated with the production of agricultural crops or livestock, or their related by-products, including human uses, other than housing, that are incidental to the Ag Related M&I Use.</p> <p>B. "Historic Use" – the greatest annual quantity of CVP water delivered for M&I Use to an M&I Water User at a point of delivery during the five-year period immediately preceding June 30, 2001.</p> <p>C. "M&I Use" – the use of water for drinking, cooking, bathing, showering, dish washing, and maintaining oral hygiene or purposes of commerce, trade or industry.</p> <p>D. "M&I Water Application" - an agreement in a form approved by the General Manager or his designee between the District and an M&I Water User, which describes the point of delivery for such water and the estimated quantity of water that will be made available by the District for M&I Use.</p> <p>E. "M&I Water User" - individual or entity who has executed and submitted to the District an M&I Water Application or to whom the District makes water available for M&I Use.</p> <p>19.3 M&I WATER AVAILABILITY</p> <p>A. The General Manager shall set aside from the District’s CVP water supply or other sources deemed appropriate water for M&I Use.</p> <p>B. The General Manager or designee shall assist any M&I Water User in identifying a source of water that can be made available to the District for M&I Use; provided, that this provision shall not impose on the District or its employees an obligation to incur any expense or other obligation on behalf of such M&I Water User.</p> <p>19.4 APPLICATION FOR WATER</p>	

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	<p>A. Except for M&I Use initiated before July 1, 2001, to receive water for M&I Use, a proposed M&I Water User must file at the District's Fresno office an M&I Water Application. Upon approval by the District, the M&I Water Application shall constitute a valid agreement for M&I Use until the M&I Water User notifies the District in writing that such M&I Use will be terminated. Every M&I Water Application shall identify the point of delivery and the intended use of the M&I Water.</p> <p>B. An M&I Water Application for use in excess of 5 acre-feet, or 5 acre-feet per 160 acres when such application is for a solar development covering such acreage, per year shall identify a source of water that will, at the applicant's expense, be made available to the District for the proposed M&I Use. Solar development resulting from land participating in the "Continued Benefits to Modified Agricultural Land" are not eligible to submit a M&I Water Application.</p> <p>C. Notwithstanding Section 19.4 B. of this Article, a M&I Water User may annually transfer into the M&I Water User's account a quantity of water, from any source available to the M&I Water User, sufficient to satisfy any Ag Related M&I Use for the water year; provided, the M&I Water User shall acknowledge in writing that the District has no obligation to make available to the M&I Water User, in any year, a quantity of water in excess of the quantity transferred into the M&I Water User's account.</p> <p>D. A supplemental M&I Water Application shall be filed by any M&I Water User before the quantity of water for M&I Use made available to such M&I Water User is increased (i) above Historic Use, for M&I Water Users receiving M&I water before July 1, 2001, or (ii) above the quantity stated in the initial M&I Water Application, for M&I Use initiated after June 30, 2001.</p> <p>19.5 USE OF WATER</p> <p>A. The unauthorized use or taking of water for M&I Use, or the waste or unreasonable use of water, are prohibited. Water made available for M&I Use may only be used at the point of delivery and for the purpose(s) identified in the M&I Water Application. Except as provided in Section 19.5 B. of this Article, the transfer of M&I water is prohibited.</p>	

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	<p>B. M&I water identified pursuant to Section 19.4 B. of this Article or water transferred by the M&I Water User pursuant to Section 19.4 C. of this Article may be transferred within the District's boundaries. Nothing contained in this Article shall prevent an M&I Water User from changing the place of use of its M&I water within the District's boundaries.</p> <p>C. All M&I Water Users shall implement conservation measures adopted by the Water Policy Committee of the Board of Directors or its successor.</p> <p>D. All M&I Water Users shall cooperate in the District's efforts to comply with the terms of the Compliance Agreement between the California Department of Health Services and Westlands Water District, dated June 1, 2001.</p> <p>E. Every point of delivery for M&I Water shall be equipped with a backflow prevention device of a design approved by the General Manager.</p> <p>F. The General Manager is authorized, after written notice to the M&I Water User, to discontinue water service to any M&I Water User who violates this Article or th Terms and Conditions for Municipal and Industrial Water Service.</p> <p>G. In the event the District's water supply is insufficient to meet all demands for water, including demands for irrigation, the General Manager is authorized to reduce the quantity of water made available for M&I Use or to impose such temporary conservation actions or other measures, as he deems necessary to protect the public health and safety.</p> <p>19.6 COMPLIANCE WITH TERMS AND CONDITIONS</p> <p>Each M&I Water User shall comply with the Terms and Conditions for Municipal and Industrial Water Service, as amended by the Board from time to time. Failure to comply with the Terms and Conditions for Municipal and Industrial Water Service may be grounds for termination of M&I Water Use service, and no water shall be furnished to an M&I Water User who fails to make required payments pursuant to the Terms and Conditions for Municipal and Industrial Water Service, as amended by the Board, from time to time.</p> <p>19.7 MISCELLANEOUS</p> <p>A. The General Manager may do all things necessary to implement and effectuate these Regulations.</p>	

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	<p>B. An appeal from any decision made pursuant to these Regulations shall be made to the Finance and Administration Committee of the Board of Directors. Such appeal shall be in writing and shall be filed with the District Secretary within 15 working days after notice of the decision. The decision of the Finance and Administration Committee may be appealed to the Board of Directors. Such appeal shall be in writing and shall be filed with the District Secretary within 15 working days after notice of the decision. The decision of the Board shall be final.</p> <p>C. The General Manager shall provide notice of any changes or revision to these Regulations to all District landowners and M&I Water Users.</p>	
B4-6	<p>TERMS AND CONDITIONS FOR MUNICIPAL AND INDUSTRIAL WATER SERVICE</p> <p>1. The furnishing of water to and its use by the water user shall be subject to all regulations of the Board of Directors of the District as the same may exist now or hereafter be amended or adopted. In the event of a conflict between the terms and conditions set forth herein and the regulations, the latter shall be controlling.</p> <p>2. All water delivered shall be pursuant to a request by the water user for the delivery of a stated amount to a specific location. The request shall be made within the time and in the manner prescribed by the General Manager.</p> <p>3. Water will be furnished by the District subject to the terms and conditions under which the water is made available to the District and if, in the exclusive judgment of the District, the water and facilities for its delivery are available; provided, that the District will use its best efforts, to the extent that it has water and capacity available and taking into account the requirements of other water users to receive water from its facilities, to provide such water in the manner and at the times requested. The District may temporarily discontinue water service or reduce the amount of water to be furnished for the purpose of such investigation, inspection, maintenance, repair, or replacement as may be reasonably necessary of any of the District 's facilities. Insofar as feasible, the District will give the water user notice in advance of such temporary discontinuance or reduction, except in case of emergency, in which event no notice need be given. No liability shall accrue against the District or any of its officers, directors, or employees for damage, direct or</p>	<p>This comment encompasses Attachment #2 of Letter B4, Terms and Conditions for Municipal and Industrial Water Service (M&I Terms & Conditions). As previously discussed, the proposed project would not require connection to the WWD’s M&I water service, and as such, M&I Terms & Conditions would not be applicable to the project. No further response is required.</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	<p>indirect, because of the failure to provide water as a result of system malfunctions, interruptions in service necessary to properly operate and maintain the water distribution system, or other causes which are beyond the District's reasonable control.</p> <p>4. By taking delivery of water from the District, the water user assumes responsibility for, and agrees to hold the District harmless from, all damage or claims for damage, which may arise from his furnishing or use of the water after it leaves the District facilities.</p> <p>5. The water furnished by the District is not potable (suitable for drinking, cooking, bathing, or other domestic use) and the District does not warrant the quality or potability of water so furnished. By taking delivery of water from the District, the water user assumes responsibility for, and agrees to hold the District harmless from, damage or claims for damage arising out the non-potability of water furnished by the District. Untreated water must never be used for any type of human consumptive needs. A water user defined and operating as a Public Water Supply (PWS) shall be responsible for any water treatment, including but not limited to filtration and chlorination achieved through central treatment or point-of-entry (POE) treatment devices approved by the California Department of Health Services (DHS), in order to provide water safe for human consumption as required by Federal, State or local law or regulation.</p> <p>According to DHS, the use of POE treatment systems by individual customers of a constructed conveyance system may not provide a continuous safe, potable supply of water due to inadequate operation and maintenance of these systems by the owners, unless they are a regulated PWS. Individual use of POE devices ("Water Treatment Exclusion") may only be used if they are approved by DHS and are regularly maintained by a State-licensed operator or service provider.</p> <p>Facilities in place prior to July 2001, may continue to use bottled water for drinking and cooking ("Alternative Water Exclusion"). After July 2001, the District cannot furnish new municipal and industrial water service if bottled water use is the basis for the potable water supply unless approved by DHS. Bottled water may only be obtained from a State-licensed provider.</p>	

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	<p>DHS mandates the District conduct periodic surveys of water use as required by the Safe Drinking Water Act and to collect records for Alternative Water and Treatment Exclusions. Records for exclusions include invoices or statements of bottled water delivery from a licensed provider or maintenance and service records for a POE system from a licensed operator. Water users who fail to complete a survey or provide records showing an approved exclusion requested by the District shall have water service discontinued if no response is received after a reasonable attempt has been made to obtain the information.</p> <p>6. All water will be measured by the District with meters installed by it and such measurements shall be final and conclusive.</p> <p>7. Charges for water, hereinafter referred to as "water charges", shall be established by the Board of Directors. The water charges shall include District operation and maintenance costs and any other costs determined by the Board to be payable as part of the water charges. Water charges shall be adjusted retroactively to the extent required and authorized by federal or state law or regulations or District regulations. The General Manager may adjust the water charges as necessary and legally authorized to account for increases or decreases in the estimates used to establish the water charges.</p> <p>8. As a condition of the District continuing to furnish water, the water user shall make payment for the amount billed after the District's billing and by the 25th of the month in which the bill is mailed; provided, that the due date will be not less than 15 calendar days after the billing date. Charges not paid by the due date shall be delinquent; provided, that payments postmarked on or before the due date shall be deemed to have been received by that date. The payment of water charges or related penalties or interest shall be made at the District's Fresno office. When any deadline established herein falls on a Saturday, Sunday, or holiday, it shall be extended to the next working day.</p> <p>9. All claims for overcharges or errors must be made in writing and filed with the District at its Fresno Office within 10 working days after the date the bill is received by the water user. In the event the water user files a timely written protest, the District's Finance & Administration Committee shall consider the protest at its next regular meeting and notify the water user in writing of its</p>	

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	<p>decision. The Committee's decision shall be final, unless a written appeal to the Board of Directors is filed with the Secretary of the District within 15 working days after notice of the decision. In the event of an appeal, the decision of the Board shall be final. The filing of a protest or an appeal does not nullify the payment requirement or the District's right to discontinue water service as provided in these terms and conditions. However, in the event the protest or appeal is sustained, the District will refund the amount of the overcharge and penalty, if any.</p> <p>10. On the first day following the due date, a penalty of 10 percent of the water charges which became delinquent on the preceding day shall be added to the water charges and penalties and interest, if any, due and owing to the District, the total of which are hereinafter referred to as "unpaid charges." Prior unpaid charges shall accrue interest at a monthly rate of 1½ percent. The interest shall not, however, accrue after the unpaid charges have been added to, and become a part of, the annual assessment levied on the land by the District. All payments and credits shall be applied to the earliest unpaid charges.</p> <p>11. At the time of filing the District's assessment book with the District Tax Collector, unpaid charges may be added to and become a part of the assessment levied by the District on the land which received the water or for which other water charges were incurred. The District shall notify the landowner of the expected amount prior to its addition to the annual assessment. The amount so added shall be a lien on the land and impart notice thereof to all persons. If the assessment becomes delinquent, penalties and interest will be added as provided by law.</p> <p>12. To supplement the procedure described in paragraph 11, the District may elect to file and record a Certificate of Unpaid Water Charges as provided in California Water Code Section 36729. This Certificate creates a lien in the amount of unpaid charges on any land owned by the delinquent water user, or acquired by the water user before the lien's expiration, within the recording County.</p>	

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	<p>13. Except as provided in paragraph 15, municipal and industrial water service shall not be provided to any parcel of land for which the unpaid charges for such service are a lien on the land or for which the assessment is delinquent.</p> <p>14. Except as provided in paragraph 15, municipal and industrial water service shall not be provided to any person who owes the District unpaid charges notwithstanding the fact that the unpaid charges have been added to the assessment(s) on the parcel(s) for which they were incurred.</p> <p>15. Where the District furnishes residential water service to persons other than the water user to whom the service is billed, the District shall make a reasonable, good faith effort to inform the actual users of the services when the account is delinquent. This shall be done by a notice that service will be terminated in 10 days. The notice shall inform the actual users that they have the right to become customers of the District without being required to pay the amount due on the delinquent account.</p> <p>The District is not required to make service available to the actual users unless each actual user agrees to the terms and conditions of service. However, if one or more actual users are willing and able to assume responsibility for the entire account to the satisfaction of the District, or if there is a physical means legally available to the District of selectively terminating service to those actual users who have not met the requirements of the District's terms and conditions, the District shall make service available to the actual users who have met those requirements. In making service available to an actual user, the District may require that a deposit be paid to the District prior to establishing an account and furnishing service. If a deposit is required, it shall be based solely upon the creditworthiness of the actual user as determined by the District.</p> <p>The District will give notice of the delinquency and impending termination of residential water service, at least 10 days prior to the proposed termination, by means of a notice mailed postage prepaid or by personal delivery to the water user to whom the service is billed not earlier than 19 days from the date of mailing the District's bill for services, and the 10-day period shall not commence until 5 days after the mailing of the notice. When the day established for the discontinuance of water service falls on a Saturday,</p>	

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	<p>Sunday, or District holiday, such water service shall be discontinued on the next working day.</p> <p>The District will make a reasonable, good faith effort to contact an adult person residing at the premises of the water user by telephone or in person at least 48 hours prior to any termination of residential water service.</p> <p>The District will comply with all other applicable provisions of California Government Code Sections 60370-60375.5 regarding termination of residential water service.</p> <p>16. Except as provided in paragraph 15, in the event water service hereunder is discontinued as a result of nonpayment of water charges, all unpaid charges for such service which are due the District from the person in default must be paid before water service can be restored.</p> <p>17. If a water user's delinquent charges are unpaid for 30 days or more, or if a water user's delinquent charges are added to the annual assessments on any lands within the District, or the procedure in paragraph 12 is implemented, the General Manager shall require, as a condition of resumption of water service, that advance payment of all water charges be made for the 12-month period immediately following resumption of service, according to a schedule to be determined by the General Manager. A written guarantee in a form satisfactory to the General Manager from a recognized financial lending institution may be substituted in lieu of advance payment.</p> <p>18. The General Manager, after consultation with and approval by the Finance & Administration Committee, may also require advance payment and/or payment by cashier's check or such other actions as he may deem necessary when a water user's account is determined, based on the payment history or other actions of the water user, to create a financial risk or hardship for the District or its landowners. Circumstances which constitute the basis for such a determination include but are not limited to the following: (1) instances of a water user's checks being returned unpaid or (2) instances where a water user whose account is delinquent has, in violation of District regulations, taken water from a District delivery.</p>	

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	<p>19. By applying for or taking delivery of municipal and industrial water from the District, the water user agrees to these terms and conditions of service.</p> <p>20. The District may modify or terminate these terms and conditions; provided, that such modifications or terminations are prospective only and notice thereof is given prior to the effective date by mail to the water user.</p>	
Organizations and Interested Parties		
C1 Table Mountain Rancheria (November 21, 2023)		
C1-1	This is in response to your letter dated November 1, 2023, regarding S. Stamoules, Inc. Pistachio Processing Facility Project in Fresno County, California. Thank you for notifying us of the potential development and the request for consultation.	This introductory comment is noted. No further response is required.
C1-2	We decline participation at this time but would appreciate being notified in the unlikely event that cultural resources are identified.	This comment states that the Table Mountain Rancheria declines participation in tribal consultation for the proposed project, but requests notification in the event that tribal cultural resources are identified on the project site. This comment is noted but does not address the adequacy or completeness of the Draft EIR; does not raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. No further response is required.
C2 Picayune Rancheria of the Chukchansi Indians (November 28, 2023)		
C2-1	Thanks for taking my phone call this afternoon Nov. 28, 2023 regarding the subject application. This email is to recap our conversation.	This introductory comment indicates that the contents of this comment letter are a recapitulation of a November 28, 2023, phone call between Ejaz Ahmad, Fresno County Planner and contact person for the proposed project, and Heather Airey, Cultural Resources Director and Tribal Historic Preservation Officer for the Picayune Rancheria of the Chukchansi Indians. This comment is noted but does not pertain to the analysis or conclusions of the Draft EIR. No further response is required.
C2-2	During our conversation, I indicated that a Notice of Availability (NOA) for S. Stamoules Inc. Pistachio Processing Facility Project (State Clearing House No. 2022070101) this office mailed to your office was returned to us by post office undelivered. I asked if you (tribe) would need additional time to comment on the project. Or, Dec 18, 2023 comment due date would suffice	This comment states that the Picayune Rancheria of the Chukchansi Indians have indicated that the project is outside of their area of interest and as such, they have no comments on the proposed project. This comment does not address the adequacy or completeness of the Draft EIR; does not raise environmental issues; and does not request

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	for your comments. You stated the tribe has seen the information on this project earlier. The project is outside the tribe’s area of interest and that you (tribe) have no comments on the project.	the incorporation of additional information relevant to environmental issues. No further response is required.
C3 American Pistachio Growers (December 18, 2023)		
C3-1	On behalf of American Pistachio Growers (APG), a non-profit trade association representing over 860 pistachio growing entities and ten Central California based pistachio processing companies, we wish to provide comment on the S. Stamoules, Inc. Pistachio Processing Facility Project State Clearinghouse No. 2022070101/EIR 8077. American Pistachio Growers, headquartered in Fresno County, is in full support of this facility being approved for construction. APG supports the construction and operation of this facility for multiple reasons expressed in this letter.	This introductory comment is noted. No further response is required.
C3-2	<p>First, California pistachio production is expected to grow at an exponential rate, with production estimates for the California pistachio crop exceeding 2 billion pounds by 2030. This growth will require expansion of existing processing facilities, but also the development and construction of new facilities to meet production demand. The S. Stamoules facility will not only accommodate a sizable portion of the increasing pistachio processing demand, but also meet the growth and needs of the facility owner as well as the surrounding community.</p> <p>As a large pistachio grower, S. Stamoules produces millions of pounds of pistachios which currently have to be trucked large distances to be processed. Some of these shipments could potentially remain in Fresno County, but the greatest likelihood is that they are transported out of Fresno County, thus increasing greenhouse gas emissions and adding to highway degradation. The construction of the S. Stamoules plant would all but eliminate the need for hundreds of truckloads to be transported out of Fresno County for processing. With thousands of acres of pistachios in close proximity to the outlined facility, it makes sense both economically and environmentally to develop this plant to serve the grower and potentially other growers in close proximity.</p> <p>This facility would also mean millions of dollars in additional revenues for Fresno County through increased tax revenues and job creation. A plant of this size would require additional labor for year-round operations, benefiting</p>	This comment outlines reasons why the American Pistachio Growers support the development of the proposed project; these reasons include the project meeting growing pistachio processing demands and needs of the Project Applicant and the surrounding community; creating a processing facility in Fresno County that would shorten the hauling distance required to process the Project Applicant’s and other nearby pistachio growers’ crops; and stimulating the economy in Western Fresno County with additional revenue generated through job creation and tax revenues. This comment is noted but does not address the adequacy or completeness of the Draft EIR; does not raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. As such, no further response is required.

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	<p>the city of Mendota and the County of Fresno. APG believes stimulating the economy in these underserved communities in West Fresno County should be a priority, and the development of this facility would create immediate impact for the City of Mendota and Fresno County.</p> <p>The Stephanopoulous and Stamoules families have been leading growers in West Fresno County for generations. Their knowledge of the agriculture community and processing practices across multiple commodities dates back generations. They are respected for the quality of products they grow, process and ship, as well as their philanthropy in Fresno County, especially in the cities of Mendota, Firebaugh and Kerman. APG has no doubt this facility will benefit every resident of Fresno County, and the impacts will be felt in positive ways for generations to come.</p>	
C3-3	In closing, American Pistachio Growers wholeheartedly supports the approval and construction of this facility and looks forward to witnessing the positive impacts this project will create.	This comment provides a closing to the comment letter and does not question the adequacy of the analysis included in the Draft EIR. No further response is required.
C4 Richard Matoian (December 18, 2023)		
C4-1	I am providing comments in support of the proposed S. Stamoules, Inc. Pistachio Processing Facility Project. As the recent former President of American Pistachio Growers, and having worked in the California pistachio industry for the last 16 years, I believe I can provide some insight as to why this processing facility is needed, and is a vital component of the ongoing growth of the pistachio industry in the San Joaquin Valley and California.	This introductory comment is noted. No further response is required.

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
C4-2	<p>The growth of pistachio production in California has been well documented and its future growth will continue long into the next decade. Compared with almonds and walnuts, which have grown at a rate of 4x and 3x respectively since the year 2000, pistachio have grown at a rate of 7x during that same time period. Specifically, bearing acreage has gone from approximately 74,000 bearing acres in 2000, to now more than 464,000 bearing acres, and is anticipated to reach 688,850 acres by the year 2031 according to a recent study completed by American Pistachio Growers. Furthermore, pistachio production, which hit 1 billion pounds in 2020, is anticipated to reach 2 billion pounds by 2031. The reasons for this growth are many, but include: the pistachio tree’s ability to utilize less water than other similar tree nut crops; its ability to grow on lessor quality soils and utilize water that is higher in salinity (water quality that is typically found on the west side of the San Joaquin Valley); better economic returns than other tree nuts; and finally the longevity of the trees compared with other similar tree nut crops.</p>	<p>This comment discusses the exponential growth of the pistachio industry in California since the year 2000, and highlights the reasons for this growth, including pistachio crops’ ability to grow in poor quality soils and with higher-salinity irrigation water, as well as the longevity and good economic returns of the crops. This comment is noted but does not pertain to the analysis or conclusions of the Draft EIR. No further response is required.</p>
C4-3	<p>There are many factors that make the S. Stamoules Pistachio Processing Facility an ideal facility to approve and build. This multi-generational family farming operation has thousands of acres of pistachios already in production, and has many more additional acres that will be coming into production. Unlike other current pistachio processing facilities that require outsidegrowers’ production to supply their plant, the S. Stamoules plant is primarily designed to handle their own production, which will be significant. And, their proposal includes several future phases that will account for additional production growth within their own operation. Additionally, the California pistachio industry needs additional processing capacity to handle these ever larger crops that will be produced. Processing of pistachios, from the orchards to the pistachio processing plants, must be done within 24 hours of harvest, if not sooner, to prevent the hull from drying and adhering onto the shell. This potential drying and adhesion of the hull causes the shell to produce a darkened stain, which cannot be removed, and is considered a grade defect according to the United States Department of Agriculture’s Standards for Grade of Pistachio Nuts in the Shell. S. Stamoules facility will be located within close proximity to their orchards, which makes this ideal for quick and efficient processing.</p>	<p>This comment outlines reasons why the commenter supports the development of the proposed project; these reasons include meeting growing pistachio processing demands and needs of the Project Applicant and the California pistachio industry as a whole; and creating employment opportunities for residents of Western Fresno County communities, including Mendota and Firebaugh. This comment is noted but does not address the adequacy or completeness of the Draft EIR; does not raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. As such, no further response is required.</p>

Table 3.A: Comments and Responses Matrix

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	<p>Additionally, there is an ongoing need for additional processing capacity within the California pistachio industry. Each year, existing facilities must increase their capacity to keep up with the demand for processing, based on the ever increasing crop size. S. Stamoules facility is an important piece of the need for increased pistachio processing capacity. Based on current projections, processing capacity will need to increase by 126 percent to handle the pistachio production projection, based on 2022 to 2031 production figures. This proposed facility will go a long way in addressing the need for additional pistachio processing capacity.</p> <p>Lastly, the proposed S. Stamoules pistachio processing facility will require a significant number of skilled full time employees to both processing and value add work. This is vital for communities like Mendota and Firebaugh which have typically seen larger than normal unemployment figures, compared to other similar Fresno County cities. The Stefanopoulos and Stamoules family have been significant growers of vegetable and fruit commodities in Western portion of Fresno County, and this pistachio processing facility will enhance their ability to provide good jobs and yearlong employment for local residents.</p>	
C4-4	<p>For these reasons, I would ask for your approval of the S. Stamoules pistachio processing facility.</p>	<p>This comment provides a closing to the comment letter and does not question the adequacy of the analysis included in the Draft EIR. No further response is required.</p>

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4.0 DRAFT EIR TEXT REVISIONS

This chapter presents specific changes to the text of the Draft EIR that are being made to clarify any errors, omissions, or misinterpretation of materials in the Draft EIR in response to comments received during the public review period and clarifications that are County-initiated. In no case do these revisions result in a greater number of impacts or impacts of a greater severity than those set forth in the Draft EIR. Further, the clarifications and corrections provided in the following revisions do not constitute significant new information requiring recirculation of the Draft EIR. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with double-underlined text, and deleted text is shown in ~~strikethrough~~ text.

4.1 SECTION 1.0, EXECUTIVE SUMMARY

The following text revision is made to page 1-1 of the Draft EIR:

This Draft EIR has been prepared in accordance with CEQA to evaluate the potential environmental impacts associated with the implementation of the S. Stamoules, Inc. Pistachio Processing Facility Project~~Tract 6343~~.

4.2 SECTION 4.1, AESTHETICS

The following text revision is made to pages 4.1-5 and 4.1-6 of the Draft EIR:

The proposed project is located within the Exclusive Agricultural Zoning District (AE-20) of Fresno County. Implementation of the proposed project would introduce a pistachio processing facility onto the project site; however, the proposed project would be a value-added agricultural operation compliant with General Plan Policies LU-A.2 and LU-A.3, which allow the operation of value-added agricultural processing facilities in agriculturally-designated areas, ~~and the County's Zoning Ordinance for the AE-20 zoning district.~~ The proposed project would include the construction of approximately 50-foot-high silos that surpass the maximum permitted height within Fresno County's AE-20 Zoning District, which is 35 feet. However, the Project Applicant has prepared and filed Variance (VA) Application No. 4112 (VA 4112) to the County to request approval of these structures that represent a minor deviation from the AE District's development standards. The Project Applicant has paid applicable filing fees and submitted all required materials to the County with the VA Application. Development of the proposed oversized structures would be subject to approval of VA 4112. Otherwise, project design would be compliant with applicable development standards of the AE-20 Zoning District.

The following text revision is made to page 4.1-7 of the Draft EIR:

Additionally, the project site is zoned within the Exclusive Agricultural District (AE-20). This district is intended to protect the welfare of the agricultural community of Fresno County from encroachment of non-related uses of the land that could be detrimental to the physical and economic well-being of the community. Uses permitted within the AE-20 District include the harvesting, curing, processing, packaging, shipping and selling of

agricultural products, among other activities, subject to applicable limitations stated in Section 816, “AE” Exclusive Agricultural District, of the County zoning ordinance. The proposed project would include the construction of approximately 50-foot-high silos that surpass the maximum permitted height within Fresno County’s AE-20 Zoning District, which is 35 feet. However, the Project Applicant has prepared and filed VA 4112 to the County to request approval of these structures that represent a minor deviation from the AE District’s development standards. Development of the proposed oversized structures would be subject to approval of VA 4112. Otherwise, project design would be compliant with applicable development standards of the AE-20 Zoning District, and the proposed project would not substantially degrade the existing visual character or quality of public views from the project site. As such, the proposed project would not require a change of the project site’s current zoning and would be consistent with the County’s General Plan and Zoning Ordinance, subject to approval of VA 4112. As such, the proposed project would not conflict with any applicable zoning or other regulations governing scenic quality. Therefore, this impact would be less than significant.

4.3 SECTION 4.3, AIR QUALITY

The following text revision is made to page 4.3-31 of the Draft EIR:

Based on the diesel emissions anticipated for the project and the distance to the nearest sensitive receptor, using the Prioritization Calculator, it is estimated the project would result in a cancer score of 9.65 in 1 million cancer cases, which is below the SJVAPCD ~~threshold of significance of 20 in 1 million~~ prioritization screening score of 10 in 1 million.

4.4 SECTION 4.4, BIOLOGICAL RESOURCES

The following text revision is made to page 4.4-19 of the Draft EIR:

Mitigation Measure BIO-1.1 *Nesting Bird Surveys and Active Nest Avoidance.* Any initial ground disturbance or tree pruning, or removal should take place outside of the active nesting bird season (i.e., February 1–September 30), when feasible, to avoid impacts to nesting birds protected under the California Fish and Game Code and Migratory Bird Treaty Act. Should phased construction require tree removal or initial ground disturbance to ruderal areas, a qualified biologist shall conduct a nesting bird survey no more than ~~15~~ 10 days prior to each phase of ~~clearing ground or vegetation disturbing~~ activities. If nesting birds are discovered during preconstruction surveys, the biologist shall identify an appropriate buffer where no clearing, grading, or construction activities with potential to have direct or indirect impacts on the nesting bird(s) are allowed to take place until after the nest is no longer active (e.g., the young birds have fledged), or as otherwise determined by the qualified biologist.

4.5 SECTION 4.11, LAND USE PLANNING

The following text revision is made to page 4.11-4 of the Draft EIR:

The proposed project includes the application for Conditional Use Permit No. 3709 for the operation of the proposed pistachio processing facility. Additionally, the proposed project

includes Variance (VA) Application No. 4112 (VA 4112), to request County approval for construction of approximately 50-foot-high silos that surpass the maximum permitted height within Fresno County's AE-20 Zoning District, which is 35 feet. Approval of VA 4112 and compliance with the conditions of approval outlined in the Conditional Use Permit would ensure that the proposed project is compliant with the project site's Exclusive Agricultural District zoning. Therefore, the proposed project would not conflict with the County's zoning ordinance and the impact would be less than significant.

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APPENDIX K

PUBLIC COMMENT LETTERS ON THE DRAFT EIR

From: [Kyle Simpson](#)
To: [Nathaly Granda Bustamante](#)
Subject: FW: EIR #8077 CUP #3709 VA# 4112 Pistachio Processing Facility
Date: Wednesday, November 15, 2023 8:36:58 AM
Attachments: [image001.png](#)

Please save, and a respond accordingly.

Kyle Simpson | Principal
LSA | 2565 Alluvial Avenue, Suite 172
Clovis, CA 93611

559-490-1212 Tel
[Website](#)

From: Ahmad, Ejaz <EAhmad@fresnocountyca.gov>
Sent: Wednesday, November 15, 2023 8:31 AM
To: Kyle Simpson <Kyle.Simpson@lsa.net>; Dirk Poeschel Land Dev. Services <dirk@dplds.com>
Cc: Randall , David A. <drandall@fresnocountyca.gov>
Subject: EIR #8077 CUP #3709 VA# 4112 Pistachio Processing Facility

Gentlemen,

Please see the email below.



Ejaz Ahmad | Planner

**Department of Public Works and Planning | Development Services and
Capital Projects Division/Current Planning Section**

2220 Tulare St. 6th Floor Fresno, CA 93721

Main Office: (559) 600-4497 Direct: (559) 600-4204

[Your input matters! Customer Service Survey](#)

From: Isla, Nicholas@DOT <Nicholas.Isla@dot.ca.gov>
Sent: Tuesday, November 14, 2023 9:33 AM
To: Ahmad, Ejaz <EAhmad@fresnocountyca.gov>
Cc: Padilla, Dave@DOT <dave.padilla@dot.ca.gov>
Subject: EIR #8077 CUP #3709 VA# 4112 Pistachio Processing Facility

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Good morning Ejaz,

We've reviewed the above mentioned project and have no comment.

Thank you,

Nicholas Isla
Associate Transportation Planner

A1-1

Local Development Review and Regional Planning
California Department of Transportation
1352 West Olive Avenue
(559) 981-7373

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 14, 2023

Ejaz Ahmad, Planner
Fresno County, Department of Public Works and Planning
Development Services Division
2220 Tulare Street, 6th floor
Fresno, California 93721
(559) 600-4204
eahmad@fresnocountyca.gov

**Subject: Draft Environmental Impact Report (EIR) No. 8077, Stamoules, Inc.
Pistachio Processing Facility Project (Project)
SCH No.: 2022070101**

Dear Ejaz Ahmad:

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, the California Department of Fish and Wildlife (CDFW) appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

A2-1

After reviewing the provided CEQA document, CDFW concurs with the biological resources related analysis and measures proposed in the Draft EIR and recommends that all such measures in the Draft EIR be carried forward into the Final EIR. CDFW has determined that most of the biological resource mitigation measures as currently documented in the Draft EIR are sufficient for mitigation of potential project related impacts to listed species. Please note that take of any species listed under the California Endangered Species Act (CESA) would be unauthorized unless an Incidental Take Permit (ITP) pursuant to Fish and Game Code section 2081 subdivision (b) is acquired in advance of such actions. It is recommended to consult with CDFW before any ground disturbing activities commence and to obtain an ITP if take of CESA listed species cannot be avoided.

A2-2

Mitigation Measure BIO-1.1 (Nesting Bird Surveys and Active Nest Avoidance) states that a qualified biologist shall conduct a nesting bird survey no more than 15 days prior to each phase of clearing activities. CDFW recommends that this measure be updated in the Final EIR to state that pre-construction surveys for active nests be conducted no

A2-3

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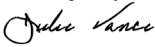
Ejaz Ahmad
Fresno County
December 14, 2023
Page 2

more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected.

CDFW appreciates the opportunity to comment on the Project to assist the County of Fresno in identifying and mitigating the Project's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). If you have any questions, please contact Kelley Nelson, Environmental Scientist, at the address provided on this letterhead, or by electronic mail at Kelley.Nelson@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

ec: State Clearinghouse
Governor's Office of Planning and Research
State.Clearinghouse@opr.ca.gov

↑ A2-3
A2-4



FRESNO COUNTY FIRE

PROTECTION DISTRICT
103

1700 Jensen Ave, Ste

Sanger, California 93657
Telephone: (559) 319-0400
Fax: (559) 272-2410

Date

Ejaz Ahmad, – Development Services Division
County of Fresno
Fresno County Public Works & Development Services
2220 Tulare Street, Suite A
Fresno, CA 93721

Transmitted by Email to: eahmad@fresnocountyca.gov

RE: **Application Reference #: DEIR #8077**
Name of Applicant: S. STAMOULES, INC
Address of Project: SWC W. NORTH AVE & S. NEWCOMB AV
City, State & Zip of Project:

Fresno County Fire Protection District (FCFPD) has received notice of the project and will continue to review the project for its potential impacts on the FCFPD.

B1-1

Application Types

- | | |
|---|--|
| Site Plan Review (SPR) | Initial Study Application (ISA) |
| Director Review Application (DRA) | Variance Application (VA) |
| Conditional Use Permit (CUP) | General Plan Application (GPA) |
| Tentative Parcel Map (TPM, TPMW) | Tentative Tract Map (TTM) |
| Pre-Application for Certificate of Compliance (PCOC) | |

B1-2

All application types stated above **SHALL** comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving your FCFPD conditions of approval for your project, you must submit construction plans to the County of Fresno Public Works and Planning and FCFPD for review. It is the **Applicants Responsibility** to deliver a minimum of **two (2)** sets of plans to the FCFPD.

EEIR#8077
Page 2 of 2

Your Project/Development may be required to annex into the into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. Project/Developments included: Single Family Residential (SFR), SFR Properties subdivided into three (3) or more housing units, Multi-Family Residential (MFR) Property, Commercial Property, Industrial Property, and/or Office Property.

B1-3

Project/Developments will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.

B1-4

Before plans are submitted to the Fresno County Fire Protection District, please visit our website at www.fresnocountyfire.org and complete the Fire Permit Application to submit with your plans.

B1-5

Please Note – requirements for your project may include but are not limited to:

Water Flow Requirements
Water Storage Requirements
Fire Pumps
Road Access

Fire Hydrants
Fire Sprinklers Systems
Fire Alarm Systems
Premises Identification

B1-6

Please contact the FCFPD at **(559) 319-0400** to schedule an over the counter meeting to receive specific requirements for your project. Failure to schedule an appointment with the FCFPD will affect your ability to obtain final approval for your project.

B1-7

Sincerely,

DUSTIN HAIL
District Fire Chief

By

Larry Brown

LARRY BROWN, SENIOR FIRE INSPECTOR

From: [Kyle Simpson](#)
To: [Nathaly Granda Bustamante](#)
Subject: FW: Notice of Availability (Draft) and Draft Environmental Impact Report (DEIR) for S. Stamoules Inc, Pistachio Processing facility Project (EIR 8077)
Date: Thursday, December 14, 2023 3:41:53 PM
Attachments: [image001.png](#)

Please save and list accordingly. On Tuesday morning we should have a full list of the comment letters that we have received that we can then send to Ejaz for confirmation.

Kyle Simpson | Principal
LSA | 2565 Alluvial Avenue, Suite 172
Clovis, CA 93611

559-490-1212 Tel
[Website](#)

From: Ahmad, Ejaz <EAhmad@fresnocountyca.gov>
Sent: Thursday, December 14, 2023 3:40 PM
To: Kyle Simpson <Kyle.Simpson@lsa.net>; Dirk Poeschel Land Dev. Services <dirk@dplds.com>
Subject: Notice of Availability (Draft) and Draft Environmental Impact Report (DEIR) for S. Stamoules Inc, Pistachio Processing facility Project (EIR 8077)

FYI

From: Navos, Leonardo <lnavos@fresnocountyca.gov>
Sent: Thursday, December 14, 2023 2:17 PM
To: Ahmad, Ejaz <EAhmad@fresnocountyca.gov>
Subject: RE: Notice of Availability (Draft) and Draft Environmental Impact Report (DEIR) for S. Stamoules Inc, Pistachio Processing facility Project (EIR 8077)

After browsing all the attachments, Development Engineering Section has no comment.

B2-1



Leonardo T. Navos, PE | **Engineer III**
Department of Public Works and Planning
Development Services and Capital Projects Division
Development Engineering Section
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4022 Direct: (559) 600-4257
[Your input matters! Customer Service Survey](#)

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From: Ahmad, Ejaz <EAhmad@fresnocountyca.gov>
Sent: Wednesday, November 01, 2023 11:42 AM
To: CALFIRE FKU Prevention-Planning <FKU.Prevention-Planning@fire.ca.gov>; rfreeman@wwd.ca.gov;
Shana Powers <SPowers@tachi-yokut-nsn.gov>; Bob Pennell <rpennell@TMR.ORG>; Heather Airey

<hairey@chukchansi-nsn.gov>; ledgerrobert@ymail.com; Chris Acree <cacree@hotmail.com>; mcunha@niseifarmersleague.com; kathy.norton@usace.army.mil; 'CEQA E-mail' <CEQA@valleyair.org>; Kevin.Faulkenberry@water.ca.gov; Reyes, Cinthia@Waterboards <Cinthia.Reyes@Waterboards.ca.gov>; Wildlife R4 CEQA Program <R4CEQA@wildlife.ca.gov>; Dave Padilla <dave.padilla@dot.ca.gov>; Xiong, Christopher@DOT <Christopher.Xiong@dot.ca.gov>; Isla, Nicholas@DOT <Nicholas.Isla@dot.ca.gov>; Dale Harvey (dharvey@waterboards.ca.gov) <dharvey@waterboards.ca.gov>; Scroggins, Matt@Waterboards <Matt.Scroggins@waterboards.ca.gov>; Alexander.Mushegan@waterboards.ca.gov; david.durham@ca.usda.gov; Cregan, Melissa <mcregan@fresnocountyca.gov>; Tsuda, Kevin <ktsuda@fresnocountyca.gov>; Sidhu, Sukhdeep <ssidhu@fresnocountyca.gov>; Ramirez, Augustine <auramirez@fresnocountyca.gov>; Jimenez, Roy <RJJimenez@fresnocountyca.gov>; Alimi, Mohammad <malimi@fresnocountyca.gov>; Luna, Hector <HLuna@fresnocountyca.gov>; Nakagawa, Wendy <WNakagawa@fresnocountyca.gov>; Mohamed, Mohamoud <momohamed@fresnocountyca.gov>; Kennedy, Laurie <kennedy@fresnocountyca.gov>; Valdivia, Arnulfo (Arnold) <avaldivia@fresnocountyca.gov>; Granat, Michael <mgranat@fresnocountyca.gov>; Mtunga, Tawanda <tmtunga@fresnocountyca.gov>; Mendez, Daniel E. <dmendez@fresnocountyca.gov>; Gutierrez, Daniel <dangutierrez@fresnocountyca.gov>; Anders, James <janders@fresnocountyca.gov>; Khorsand, Mohammad <mkhorsand@fresnocountyca.gov>; Jim.Vang@wildlife.ca.gov; jgutierrez@wwd.ca.gov; kcampbell@wwd.ca.gov; hydrobuffalo@sbcglobal.net; creis@fresnowestmosquito.com; ORG-SSJVIC <ssjvic@csub.edu>; Navos, Leonardo <lnavos@fresnocountyca.gov>; Cameron.Velva@nahc.ca.gov; Aguilar, Albert <ATAguilard@fresnocountyca.gov>

Cc: Randall , David A. <drandall@fresnocountyca.gov>

Subject: Notice of Availability (Draft) and Draft Environmental Impact Report (DEIR) for S. Stamoules Inc, Pistachio Processing facility Project (EIR 8077)

Good Afternoon,

The County is notifying interested agencies, organizations, and individuals of the release of the Notice of Availability (Draft) and Draft Environmental Impact Report (DEIR) for S. Stamoules Inc, Pistachio Processing Facility Project - EIR 8077. These documents are available for a 45-day Public Comment Period starting November 1, 2023 and ending December 18, 2023, and may be viewed/downloaded at:

<https://www.fresnocountyca.gov/Departments/Public-Works-and-Planning/divisions-of-public-works-and-planning/development-services-division/planning-and-land-use/environmental-impact-reports/eir-8077-s-stamoules-inc-pistachio-processing-facility-project>

Please send your written comments to the Lead Agency/Contact:

Ejaz Ahmad, Project Planner
County of Fresno, Department of Public Works and Planning
Development Services and Capital Projects Division
2220 Tulare Street, Sixth Floor
Fresno, California 93721
Email. eahmad@fresnocountyca.gov

Thank you for your interest in this project.



December 18, 2023

Ejaz Ahmad
County of Fresno
Department of Public Works and Planning
2220 Tulare Street, Sixth Floor
Fresno, CA, 93721

Project: Draft Environmental Impact Report for S. Stamoules Inc., Pistachio Processing Facility

District CEQA Reference No: 20231065

Dear Mr. Ahmad:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) from the County of Fresno (County) for the Pistachio Processing Facility. The project consists of the construction and operation of a pistachio hulling, processing and packing facility to be constructed in the following four phases (Project):

- Phase 1: construction of a 16,893 square foot huller building, approximately 5,608 square foot drive-over dumping pit area, approximately 3,900 square foot pre-cleaning area, ten 8x29 foot dryers, and eighteen 52x52 foot galvanized steel silos
- Phase 2: construction of a 155,169 square foot processing building for pistachios
- Phase 3: installation of a processing, sorting, and packing equipment in the pistachio processing building. Including twelve additional silos and the installation of ten additional dryer units
- Phase 4: construction of a second 16,893 square foot huller building, and additional drive-over dumping pit area and pre-cleaning area, and the construction and installation of 30 additional silos and 20 dryer units

B3-1

The Project is located on the northwest corner of South Newcomb Avenue and West Muscat Avenue, in Firebaugh, CA.

Samir Sheikh
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: (661) 392-5500 FAX: (661) 392-5585

The District offers the following comments at this time regarding the Project:

1) Stationary Source Operational Emission

The District recommends the County ensure the quantification of criteria pollutant emissions from stationary sources be included in the DEIR (i.e. dryers, silos, etc.). More specifically, Table 4.3.J (Project Operation Emissions) of the DEIR should be revised to include criteria pollutant emissions from stationary sources.

B3-2

2) Health Risk Screening/Assessment

The District reviewed the Health Risk Assessment (HRA) for the Project and has the following comments:

- The DEIR states the diesel PM10 exhaust emissions to be 16.7 pounds per year. However, the District has reviewed the California Emission Estimator Model (CalEEMod) output files which identifies emissions from diesel exhaust as 180 pounds per year. The District recommends including the 180 pounds of diesel PM10 from the construction in addition to 16.7 pounds per year of diesel PM10 exhaust emissions project related mobile sources. Additionally, the District recommends including documentation on how the 16.7 pounds per year of diesel PM10 exhaust emissions were derived.
- The DEIR HRA does not include emissions from Project operation from sources such as, but not limited to, nut processing (dust), combustion from dryers, and fumigation. The District recommends calculating the aforementioned operational toxic emissions and updating the prioritization analysis.
- The DEIR states that the project prioritization score is 9.65 in 1 million, and compares that value to the District cancer risk threshold of 20 in a million. It should be noted, the District's prioritization threshold is 10 for each category (acute, chronic, and cancer), and should include emissions from both construction and operation of the Project. Should the revised Prioritization score exceed 10 for any category, a health risk assessment (HRA) should be completed to ensure the Project will not exceed the District's thresholds.

B3-3

Modifications to the Prioritization/HRA based on the deficiencies listed above have the potential to cause the Project to exceed District health risk thresholds. Therefore, the District recommends the Prioritization/HRA be revised to ensure the analysis is representative and adequately reflects the Project's potential air quality impacts.

3) Ambient Air Quality Analysis

If the air quality modeling results are revised based on comment 1 above, the District recommends that an Ambient Air Quality Analysis (AAQA) be performed for the Project if emissions exceed 100 pounds per day of any pollutant.

An AAQA uses air dispersion modeling to determine if emission increase from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. An acceptable analysis would include emissions from both project-specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District’s website:
<https://ww2.valleyair.org/permitting/ceqa/>.

B3-4

4) Industrial/Warehouse Emission Reduction Strategies

The District recommends the County incorporate emission reduction strategies that can reduce potential harmful health impacts, such as those listed below:

- Require HHD truck routing patterns that limit exposure of residential communities and sensitive receptors to emissions (see comment 5)
- Require minimization of heavy-duty truck idling (see comment 7)
- Require solid screen buffering trees, solid decorative walls, and/or other natural ground landscaping techniques are implemented along the property line of adjacent sensitive receptors
- Incorporate signage and “pavement markings” to clearly identify on-site circulation patterns to minimize unnecessary on-site vehicle travel
- Require projects be designed to provide the necessary infrastructure to support use of zero-emissions on-road vehicles and off-road equipment (see comment 8)
- Require all building roofs are solar-ready
- Require all portions of roof tops that are not covered with solar panels are constructed to have light colored roofing material with a solar reflective index of greater than 78
- Ensure rooftop solar panels are installed and operated to supply 100% of the power needed to operate all non-refrigerated portions of the development project
- Require power sources at loading docks for all refrigerated trucks have “plugin” capacity, which will eliminate prolonged idling while loading and unloading goods
- Require the use of low volatile organic compounds (VOC) architectural and

B3-5



- industrial maintenance coatings
- Designate an area during construction to charge electric powered construction vehicles and equipment, if temporary power is available
- Prohibit the use of non-emergency diesel-powered generators during construction
- Inform the project proponent of the incentive programs (e.g., Carl Moyer Program and Voucher Incentive Program) offered to reduce air emissions from the Project

B3-5

5) Truck Routing

Truck routing involves the assessment of which roads Heavy Heavy-Duty (HHD) trucks take to and from their destination, and the emissions impact that the HHD trucks may have on residential communities and sensitive receptors. Per the DEIR, the project consists of a pistachio processing facility which is expected to result in HHD truck trips.

The District recommends the County evaluate HHD truck routing patterns for the Project, with the aim of limiting exposure of residential communities and sensitive receptors to emissions. This evaluation would consider the current truck routes, the quantity and type of each truck (e.g., Medium Heavy-Duty, HHD, etc.), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall Vehicle Miles Traveled (VMT), and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality.

B3-6

6) Cleanest Available Heavy-Duty Trucks

The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from HHD trucks, the single largest source of NOx emissions in the San Joaquin Valley. Accordingly, to meet federal air quality attainment standards, the District's ozone and particulate matter attainment plans rely on a significant and rapid transition of HHD fleets to zero or near-zero emissions technologies.

The Project consists of a pistachio processing facility which is expected to result in HHD truck trips. The District recommends that the following measures be considered by the County to reduce Project-related operational emissions:

- *Recommended Measure:* Fleets associated with operational activities utilize the cleanest available HHD trucks, including zero and near-zero technologies.
- *Recommended Measure:* All on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) utilize zero-emissions technologies.

B3-7

7) Reduce Idling of Heavy-Duty Trucks

The goal of this strategy is to limit the potential for localized PM2.5 and toxic air contaminant impacts associated with the idling of Heavy-Duty trucks. The diesel exhaust from idling has the potential to impose significant adverse health and environmental impacts.

B3-8

Since the Project is expected to result in HHD truck trips, the District recommends the DEIR be revised to include measures to ensure compliance of the state anti-idling regulation (13 CCR § 2485 and 13 CCR § 2480) and discuss the importance of limiting the amount of idling, especially near sensitive receptors.

8) On-Site Solar Deployment

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the County consider incorporating solar power systems as an emission reduction strategy for the Project.

B3-9

9) Electric Infrastructure

To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of the District's Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District recommends that the County and project proponents install electric vehicle chargers at project sites, and at strategic locations.

B3-10

Please visit www.valleyair.org/grants/chargeup.htm for more information.

10) District Rules and Regulations

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and

B3-11



processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm. To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District’s Small Business Assistance (SBA) Office at (559) 230-5888.

B3-11

10a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

B3-12

This Project will be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District’s SBA Office at (559) 230-5888.

10b) District Rule 9510 - Indirect Source Review (ISR)

Per District Rule 9510 section 4.4.3, a development project on a facility whose primary functions are subject to District Rule 2201 or District Rule 2010 are exempt from the requirements of the rule. The District has reviewed the information provided and has determined that the primary functions of this Project are subject to District Rule 2201 (New and Modified Stationary Source Review Rule) or District Rule 2010 (Permits Required). As a result, District Rule 9510 requirements and related fees do not apply to the Project referenced above.

B3-13

10c) District Rule 9410 (Employer Based Trip Reduction)

The Project may be subject to District Rule 9410 (Employer Based Trip Reduction) if the project would result in employment of 100 or more “eligible” employees. District Rule 9410 requires employers with 100 or more “eligible” employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the

B3-14



options that work best for their worksites and their employees.

Information about District Rule 9410 can be found online at:
<https://ww2.valleyair.org/compliance/rule-9410-employer-based-trip-reduction/>.

For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at etrip@valleyair.org

B3-14

10d) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)

In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at: <https://ww2.valleyair.org/compliance/demolition-renovation/>

B3-15

10e) District Rule 4601 (Architectural Coatings)

The Project will be subject to District Rule 4601 since it is expected to utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at: <https://ww2.valleyair.org/media/tkgjeusd/rule-4601.pdf>

B3-16

10f) District Regulation VIII (Fugitive PM10 Prohibitions)

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction,

B3-17



Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at: <https://ww2.valleyair.org/media/fm3jrbsq/dcp-form.docx>

Information about District Regulation VIII can be found online at: <https://ww2.valleyair.org/dustcontrol>

10g) Other District Rules and Regulations

The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

11) District Comment Letter

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Eric McLaughlin by e-mail at Eric.McLaughlin@valleyair.org or by phone at (559) 230-5808.

Sincerely,

Brian Clements
Director of Permit Services



Mark Montelongo
Program Manager



B3-17

B3-18

B3-19



Westlands Water District

December 18, 2023

Mr. Ejaz Ahmad, Planner
Fresno County Public Works and Planning
Development Services & Capital Projects Division
2220 Tulare Street, 6th Floor
Fresno, CA 93721

SUBJECT: Comments Regarding Draft Environmental Impact Report (EIR) No. 8077 for S. Stamoules, Inc, Pistachio Processing Facility

Dear Mr. Ahmad,

Westlands Water District (District) has reviewed Draft EIR No. 8077 to construct a pistachio hulling, processing, and packing facility on 98 acres of Assessor Parcel Number (APN) 019-150-64S. After reviewing the Draft EIR, the District has the following comments about the project and the site.

B4-1

The Applicant indicates the proposed water source is the existing groundwater well located in the northeast corner of the proposed site. The existing well is expected to yield sufficient water to serve operational water demands of the project. If the Applicant uses the existing groundwater well as its proposed water source, the applicant will be subject to the District's Groundwater Allocation Rules & Regulations.

B4-2

The Applicant is eligible to apply for and receive Municipal and Industrial (M&I) water service. The pistachio processing facility is an agricultural related development. As a M&I water user, the Applicant's operations are bound by the Regulations, and Terms & Conditions established by the District for M&I use, including but not limited to the following.

1. The District has adopted regulations governing the application for and use of M&I water. The Regulations stipulate up to five (5) acre-feet annually will be made available to a water user from the District's Central Valley Project (CVP) contract supply for agriculture related developments. If operations require more water, the Applicant is responsible for submitting a supplemental M&I water application to the District and identify the source of water to be made available to meet the incremental increase.
2. The District and the California Department of Public Health (CDPH) entered into a Compliance Agreement that restricts the District's ability to provide M&I services to non-resident facilities that do not have CDPH approved treatment systems. The Applicant must request and receive an exemption from the Compliance Agreement's requirements that the property be connected to a Public Water System or Domestic Well. Provided the Applicant is not deemed a Public Water System, CDPH may grant an exemption on the conditions that the Applicant posts signs at all outlets where human contact may occur, indicating that the water delivered by the District is non-

B4-3

Westlands Water District



B4-3

potable. Further, the Applicant will have to agree to provide bottled water for consumption at the project site.

Additionally, based on the Site Location Map provided, the proposed project site is located near the District's Lateral 4 which has delivery turnouts located in the northeast, northwest, southwest, and southeast corners, and on the north side of APN 019-150-64S. Prior to construction, please contact Underground Service Alert (811).

B4-4

Thank you for the opportunity to comment on this project. If you have any additional questions, please contact Kori Peterson at (559) 241-6231.

Sincerely,

Russ Freeman, P.E.
Deputy General Manager of Resources

Enclosures (2)

1. Regulations for Application and Use of Municipal and Industrial Water
2. Terms and Conditions for Municipal and Industrial Water Service

Adopted: 1/14/02
Revised:09/19/2023

**ARTICLE 19. REGULATIONS REGARDING THE APPLICATION FOR
AND USE OF MUNICIPAL AND INDUSTRIAL WATER WITHIN
WESTLANDS WATER DISTRICT**

19.1 PURPOSE

Westlands Water District has a long-term contractual entitlement to receive from the United States an annual supply of 1,150,000 acre-feet (AF) of Central Valley Project (CVP) water. The contracts between Westlands Water District and the United States allow the District to make CVP water available for municipal, industrial and domestic uses. The District may also acquire additional water supplies for these purposes. This Article establishes the rules and procedures for making application for and the use of municipal and industrial (M&I) water.

19.2 GLOSSARY OF TERMS AND DEFINITIONS

Unless specified below, the terms and definitions contained in Article 2 of these Regulations shall apply.

- A. "Ag Related M&I Use" – the use of water exclusively for purposes of commerce, trade or industry associated with the production of agricultural crops or livestock, or their related by-products, including human uses, other than housing, that are incidental to the Ag Related M&I Use.
- B. "Historic Use" – the greatest annual quantity of CVP water delivered for M&I Use to an M&I Water User at a point of delivery during the five-year period immediately preceding June 30, 2001.
- C. "M&I Use" – the use of water for drinking, cooking, bathing, showering, dish washing, and maintaining oral hygiene or purposes of commerce, trade or industry.
- D. "M&I Water Application" - an agreement in a form approved by the General Manager or his designee between the District and an M&I Water User, which describes the point of delivery for such water and the estimated quantity of water that will be made available by the District for M&I Use.

B4-5

- E. "M&I Water User" - individual or entity who has executed and submitted to the District an M&I Water Application or to whom the District makes water available for M&I Use.

19.3 M&I WATER AVAILABILITY

- A. The General Manager shall set aside from the District's CVP water supply or other sources deemed appropriate water for M&I Use.
- B. The General Manager or designee shall assist any M&I Water User in identifying a source of water that can be made available to the District for M&I Use; provided, that this provision shall not impose on the District or its employees an obligation to incur any expense or other obligation on behalf of such M&I Water User.

19.4 APPLICATION FOR WATER

- A. Except for M&I Use initiated before July 1, 2001, to receive water for M&I Use, a proposed M&I Water User must file at the District's Fresno office an M&I Water Application. Upon approval by the District, the M&I Water Application shall constitute a valid agreement for M&I Use until the M&I Water User notifies the District in writing that such M&I Use will be terminated. Every M&I Water Application shall identify the point of delivery and the intended use of the M&I Water.
- B. An M&I Water Application for use in excess of 5 acre-feet, or 5 acre-feet per 160 acres when such application is for a solar development covering such acreage, per year shall identify a source of water that will, at the applicant's expense, be made available to the District for the proposed M&I Use. Solar development resulting from land participating in the "Continued Benefits to Modified Agricultural Land" are not eligible to submit a M&I Water Application.
- C. Notwithstanding Section 19.4 B. of this Article, a M&I Water User may annually transfer into the M&I Water User's account a quantity of water, from any source available to the M&I Water User, sufficient to satisfy any Ag Related M&I Use for the water year; provided, the M&I Water User shall acknowledge in writing that the



B4-5

District has no obligation to make available to the M&I Water User, in any year, a quantity of water in excess of the quantity transferred into the M&I Water User's account.

- D. A supplemental M&I Water Application shall be filed by any M&I Water User before the quantity of water for M&I Use made available to such M&I Water User is increased (i) above Historic Use, for M&I Water Users receiving M&I water before July 1, 2001, or (ii) above the quantity stated in the initial M&I Water Application, for M&I Use initiated after June 30, 2001.

19.5 USE OF WATER

- A. The unauthorized use or taking of water for M&I Use, or the waste or unreasonable use of water, are prohibited. Water made available for M&I Use may only be used at the point of delivery and for the purpose(s) identified in the M&I Water Application. Except as provided in Section 19.5 B. of this Article, the transfer of M&I water is prohibited.
- B. M&I water identified pursuant to Section 19.4 B. of this Article or water transferred by the M&I Water User pursuant to Section 19.4 C. of this Article may be transferred within the District's boundaries. Nothing contained in this Article shall prevent an M&I Water User from changing the place of use of its M&I water within the District's boundaries.
- C. All M&I Water Users shall implement conservation measures adopted by the Water Policy Committee of the Board of Directors or its successor.
- D. All M&I Water Users shall cooperate in the District's efforts to comply with the terms of the Compliance Agreement between the California Department of Health Services and Westlands Water District, dated June 1, 2001.
- E. Every point of delivery for M&I Water shall be equipped with a backflow prevention device of a design approved by the General Manager.
- F. The General Manager is authorized, after written notice to the M&I Water User, to discontinue water service to any M&I Water User who violates this Article or the Terms and Conditions for Municipal and Industrial Water Service.



B4-5

- G. In the event the District's water supply is insufficient to meet all demands for water, including demands for irrigation, the General Manager is authorized to reduce the quantity of water made available for M&I Use or to impose such temporary conservation actions or other measures, as he deems necessary to protect the public health and safety.

19.6 COMPLIANCE WITH TERMS AND CONDITIONS

Each M&I Water User shall comply with the Terms and Conditions for Municipal and Industrial Water Service, as amended by the Board from time to time. Failure to comply with the Terms and Conditions for Municipal and Industrial Water Service may be grounds for termination of M&I Water Use service, and no water shall be furnished to an M&I Water User who fails to make required payments pursuant to the Terms and Conditions for Municipal and Industrial Water Service, as amended by the Board, from time to time.

B4-5

19.7 MISCELLANEOUS

- A. The General Manager may do all things necessary to implement and effectuate these Regulations.
- B. An appeal from any decision made pursuant to these Regulations shall be made to the Finance and Administration Committee of the Board of Directors. Such appeal shall be in writing and shall be filed with the District Secretary within 15 working days after notice of the decision. The decision of the Finance and Administration Committee may be appealed to the Board of Directors. Such appeal shall be in writing and shall be filed with the District Secretary within 15 working days after notice of the decision. The decision of the Board shall be final.
- C. The General Manager shall provide notice of any changes or revision to these Regulations to all District landowners and M&I Water Users.

WESTLANDS WATER DISTRICT

OFFICE--3130 N. FRESNO STREET/MAILING--P. O. BOX 6056, FRESNO, CA 93703
TELEPHONE: WATER DEPT. (559) 241-6250/OTHER (559) 224-1523/FAX (559) 241-6276

TERMS AND CONDITIONS FOR MUNICIPAL AND INDUSTRIAL WATER SERVICE

1. The furnishing of water to and its use by the water user shall be subject to all regulations of the Board of Directors of the District as the same may exist now or hereafter be amended or adopted. In the event of a conflict between the terms and conditions set forth herein and the regulations, the latter shall be controlling.

2. All water delivered shall be pursuant to a request by the water user for the delivery of a stated amount to a specific location. The request shall be made within the time and in the manner prescribed by the General Manager.

3. Water will be furnished by the District subject to the terms and conditions under which the water is made available to the District and if, in the exclusive judgment of the District, the water and facilities for its delivery are available; provided, that the District will use its best efforts, to the extent that it has water and capacity available and taking into account the requirements of other water users to receive water from its facilities, to provide such water in the manner and at the times requested. The District may temporarily discontinue water service or reduce the amount of water to be furnished for the purpose of such investigation, inspection, maintenance, repair, or replacement as may be reasonably necessary of any of the District 's facilities. Insofar as feasible, the District will give the water user notice in advance of such temporary discontinuance or reduction, except in case of emergency, in which event no notice need be given. No liability shall accrue against the District or any of its officers, directors, or employees for damage, direct or indirect, because of the failure to provide water as a result of system malfunctions, interruptions in service necessary to properly operate and maintain the water distribution system, or other causes which are beyond the District's reasonable control.

4. By taking delivery of water from the District, the water user assumes responsibility for, and agrees to hold the District harmless from, all damage or claims for damage, which may arise from his furnishing or use of the water after it leaves the District facilities.

5. The water furnished by the District is not potable (suitable for drinking, cooking, bathing, or other domestic use) and the District does not warrant the quality or potability of water so furnished. By taking delivery of water from the District, the water user assumes responsibility for, and agrees to hold the District harmless from, damage or claims for damage arising out the non-potability of water furnished by the District. Untreated water must never be used for any type of human consumptive needs. A water user defined and operating as a Public Water Supply (PWS) shall be responsible for any water treatment, including but not limited to filtration and chlorination achieved through central treatment or point-of-entry (POE) treatment devices approved by the California Department of Health Services (DHS), in order to provide water safe for human consumption as required by Federal, State or local law or regulation.

According to DHS, the use of POE treatment systems by individual customers of a constructed conveyance system may not provide a continuous safe, potable supply of water due to inadequate operation and maintenance of these systems by the owners, unless they are a regulated PWS. Individual use of POE devices ("Water Treatment Exclusion") may only be used if they are approved by DHS and are regularly maintained by a State-licensed operator or service provider.

Facilities in place prior to July 2001, may continue to use bottled water for drinking and cooking ("Alternative Water Exclusion"). After July 2001, the District cannot furnish new municipal and industrial water service if bottled water use is the basis for the potable water supply unless approved by DHS. Bottled water may only be obtained from a State-licensed provider.

B4-6



DHS mandates the District conduct periodic surveys of water use as required by the Safe Drinking Water Act and to collect records for Alternative Water and Treatment Exclusions. Records for exclusions include invoices or statements of bottled water delivery from a licensed provider or maintenance and service records for a POE system from a licensed operator. Water users who fail to complete a survey or provide records showing an approved exclusion requested by the District shall have water service discontinued if no response is received after a reasonable attempt has been made to obtain the information.

6. All water will be measured by the District with meters installed by it and such measurements shall be final and conclusive.

7. Charges for water, hereinafter referred to as "water charges", shall be established by the Board of Directors. The water charges shall include District operation and maintenance costs and any other costs determined by the Board to be payable as part of the water charges. Water charges shall be adjusted retroactively to the extent required and authorized by federal or state law or regulations or District regulations. The General Manager may adjust the water charges as necessary and legally authorized to account for increases or decreases in the estimates used to establish the water charges.

8. As a condition of the District continuing to furnish water, the water user shall make payment for the amount billed after the District's billing and by the 25th of the month in which the bill is mailed; provided, that the due date will be not less than 15 calendar days after the billing date. Charges not paid by the due date shall be delinquent; provided, that payments postmarked on or before the due date shall be deemed to have been received by that date. The payment of water charges or related penalties or interest shall be made at the District's Fresno office. When any deadline established herein falls on a Saturday, Sunday, or holiday, it shall be extended to the next working day.

9. All claims for overcharges or errors must be made in writing and filed with the District at its Fresno Office within 10 working days after the date the bill is received by the water user. In the event the water user files a timely written protest, the District's Finance & Administration Committee shall consider the protest at its next regular meeting and notify the water user in writing of its decision. The Committee's decision shall be final, unless a written appeal to the Board of Directors is filed with the Secretary of the District within 15 working days after notice of the decision. In the event of an appeal, the decision of the Board shall be final. The filing of a protest or an appeal does not nullify the payment requirement or the District's right to discontinue water service as provided in these terms and conditions. However, in the event the protest or appeal is sustained, the District will refund the amount of the overcharge and penalty, if any.

10. On the first day following the due date, a penalty of 10 percent of the water charges which became delinquent on the preceding day shall be added to the water charges and penalties and interest, if any, due and owing to the District, the total of which are hereinafter referred to as "unpaid charges." Prior unpaid charges shall accrue interest at a monthly rate of 1½ percent. The interest shall not, however, accrue after the unpaid charges have been added to, and become a part of, the annual assessment levied on the land by the District. All payments and credits shall be applied to the earliest unpaid charges.

11. At the time of filing the District's assessment book with the District Tax Collector, unpaid charges may be added to and become a part of the assessment levied by the District on the land which received the water or for which other water charges were incurred. The District shall notify the landowner of the expected amount prior to its addition to the annual assessment. The amount so added shall be a lien on the land and impart notice thereof to all persons. If the assessment becomes delinquent, penalties and interest will be added as provided by law.

12. To supplement the procedure described in paragraph 11, the District may elect to file and record a Certificate of Unpaid Water Charges as provided in California Water Code Section 36729. This

Certificate creates a lien in the amount of unpaid charges on any land owned by the delinquent water user, or acquired by the water user before the lien's expiration, within the recording County.

13. Except as provided in paragraph 15, municipal and industrial water service shall not be provided to any parcel of land for which the unpaid charges for such service are a lien on the land or for which the assessment is delinquent.

14. Except as provided in paragraph 15, municipal and industrial water service shall not be provided to any person who owes the District unpaid charges notwithstanding the fact that the unpaid charges have been added to the assessment(s) on the parcel(s) for which they were incurred.

15. Where the District furnishes residential water service to persons other than the water user to whom the service is billed, the District shall make a reasonable, good faith effort to inform the actual users of the services when the account is delinquent. This shall be done by a notice that service will be terminated in 10 days. The notice shall inform the actual users that they have the right to become customers of the District without being required to pay the amount due on the delinquent account.

The District is not required to make service available to the actual users unless each actual user agrees to the terms and conditions of service. However, if one or more actual users are willing and able to assume responsibility for the entire account to the satisfaction of the District, or if there is a physical means legally available to the District of selectively terminating service to those actual users who have not met the requirements of the District's terms and conditions, the District shall make service available to the actual users who have met those requirements. In making service available to an actual user, the District may require that a deposit be paid to the District prior to establishing an account and furnishing service. If a deposit is required, it shall be based solely upon the creditworthiness of the actual user as determined by the District.

The District will give notice of the delinquency and impending termination of residential water service, at least 10 days prior to the proposed termination, by means of a notice mailed postage prepaid or by personal delivery to the water user to whom the service is billed not earlier than 19 days from the date of mailing the District's bill for services, and the 10-day period shall not commence until 5 days after the mailing of the notice. When the day established for the discontinuance of water service falls on a Saturday, Sunday, or District holiday, such water service shall be discontinued on the next working day.

B4-6

The District will make a reasonable, good faith effort to contact an adult person residing at the premises of the water user by telephone or in person at least 48 hours prior to any termination of residential water service.

The District will comply with all other applicable provisions of California Government Code Sections 60370-60375.5 regarding termination of residential water service.

16. Except as provided in paragraph 15, in the event water service hereunder is discontinued as a result of nonpayment of water charges, all unpaid charges for such service which are due the District from the person in default must be paid before water service can be restored.

17. If a water user's delinquent charges are unpaid for 30 days or more, or if a water user's delinquent charges are added to the annual assessments on any lands within the District, or the procedure in paragraph 12 is implemented, the General Manager shall require, as a condition of resumption of water service, that advance payment of all water charges be made for the 12-month period immediately following resumption of service, according to a schedule to be determined by the General Manager. A written guarantee in a form satisfactory to the General Manager from a recognized financial lending institution may be substituted in lieu of advance payment.



18. The General Manager, after consultation with and approval by the Finance & Administration Committee, may also require advance payment and/or payment by cashier's check or such other actions as he may deem necessary when a water user's account is determined, based on the payment history or other actions of the water user, to create a financial risk or hardship for the District or its landowners. Circumstances which constitute the basis for such a determination include but are not limited to the following: (1) instances of a water user's checks being returned unpaid or (2) instances where a water user whose account is delinquent has, in violation of District regulations, taken water from a District delivery.

19. By applying for or taking delivery of municipal and industrial water from the District, the water user agrees to these terms and conditions of service.

20. The District may modify or terminate these terms and conditions; provided, that such modifications or terminations are prospective only and notice thereof is given prior to the effective date by mail to the water user.



B4-6



TABLE MOUNTAIN RANCHERIA

TRIBAL GOVERNMENT OFFICE

CERTIFIED 4066 1771

November 21, 2023

Ejaz Ahmad, Planner
County of Fresno
Department of Public Works and Planning
2220 Tulare Street,
6th Floor
Fresno, California 96721

Michelle Heredia-Cordova
Tribal Chairperson

Richard L. Jones
Tribal Vice-Chairperson

Jenna Gosselaar
Tribal Secretary/Treasurer

Marlene Jones Ray
Tribal Member-At-Large

Samantha Toles-Rodriguez
Tribal Member-At-Large

RE: S. Stamoules, Inc. Pistachio Processing Facility Project

Dear: Ejaz Ahmad

This is in response to your letter dated November 1, 2023, regarding S. Stamoules, Inc. Pistachio Processing Facility Project in Fresno County, California. Thank you for notifying us of the potential development and the request for consultation.

C1-1

We decline participation at this time but would appreciate being notified in the unlikely event that cultural resources are identified.

C1-2

Sincerely,

Robert Pennell
Tribal Cultural Resources Director
rpennell@tmr.org
559.325.0351

23736
Sky Harbour Road
Post Office
Box 410
Friant
California
93626
(559) 822-2587
Fax
(559) 822-2693

From: [Ahmad, Ejaz](#)
To: [Heather Airey](#)
Cc: [Tanya williamson](#); [Randall , David A.](#); [Kyle Simpson](#)
Subject: CUP 3709/EIR 8077 - Notice of Availability (NOA) for S. Stamoules Inc. Pistachio Processing Facility Project (State Clearing House No. 2022070101)
Date: Tuesday, November 28, 2023 1:28:00 PM
Attachments: [image001.png](#)
[eahmad_231128-125007-7358.pdf](#)

Good Afternoon Ms. Haider,

Thanks for taking my phone call this afternoon Nov. 28, 2023 regarding the subject application. This email is to recap our conversation.

C2-1

During our conversation, I indicated that a Notice of Availability (NOA) for S. Stamoules Inc. Pistachio Processing Facility Project (State Clearing House No. 2022070101) this office mailed to your office was returned to us by post office undelivered. I asked if you (tribe) would need additional time to comment on the project. Or, Dec 18, 2023 comment due date would suffice for your comments. You stated the tribe has seen the information on this project earlier. The project is outside the tribe's area of interest and that you (tribe) have no comments on the project.

C2-2

Regards!



Ejaz Ahmad | **Planner**

Department of Public Works and Planning | Development Services and Capital Projects Division/Current Planning Section

2220 Tulare St. 6th Floor Fresno, CA 93721

Main Office: (559) 600-4497 Direct: (559) 600-4204

[Your input matters! Customer Service Survey](#)

December 18, 2023

Ejaz Ahmad
Fresno County Department of Public Works and Planning
2220 Tulare Street, Sixth Floor
Fresno, CA 96721
Eahmad@fresnocountyca.gov

Re: EIR 8077 S. Stamoules, Inc. Pistachio Processing Facility Project

Dear Ejaz,

On behalf of American Pistachio Growers (APG), a non-profit trade association representing over 860 pistachio growing entities and ten Central California based pistachio processing companies, we wish to provide comment on the S. Stamoules, Inc. Pistachio Processing Facility Project State Clearinghouse No. 2022070101/EIR 8077. American Pistachio Growers, headquartered in Fresno County, is in full support of this facility being approved for construction. APG supports the construction and operation of this facility for multiple reasons expressed in this letter.

C3-1

First, California pistachio production is expected to grow at an exponential rate, with production estimates for the California pistachio crop exceeding 2 billion pounds by 2030. This growth will require expansion of existing processing facilities, but also the development and construction of new facilities to meet production demand. The S. Stamoules facility will not only accommodate a sizable portion of the increasing pistachio processing demand, but also meet the growth and needs of the facility owner as well as the surrounding community.

As a large pistachio grower, S. Stamoules produces millions of pounds of pistachios which currently have to be trucked large distances to be processed. Some of these shipments could potentially remain in Fresno County, but the greatest likelihood is that they are transported out of Fresno County, thus increasing greenhouse gas emissions and adding to highway degradation. The construction of the S. Stamoules plant would all but eliminate the need for hundreds of truckloads to be transported out of Fresno County for processing. With thousands of acres of pistachios in close proximity to the outlined facility, it makes sense both economically

C3-2

and environmentally to develop this plant to serve the grower and potentially other growers in close proximity.

This facility would also mean millions of dollars in additional revenues for Fresno County through increased tax revenues and job creation. A plant of this size would require additional labor for year-round operations, benefiting the city of Mendota and the County of Fresno. APG believes stimulating the economy in these underserved communities in West Fresno County should be a priority, and the development of this facility would create immediate impact for the City of Mendota and Fresno County.

C3-2

The Stephanopoulous and Stamoules families have been leading growers in West Fresno County for generations. Their knowledge of the agriculture community and processing practices across multiple commodities dates back generations. They are respected for the quality of products they grow, process and ship, as well as their philanthropy in Fresno County, especially in the cities of Mendota, Firebaugh and Kerman. APG has no doubt this facility will benefit every resident of Fresno County, and the impacts will be felt in positive ways for generations to come.

In closing, American Pistachio Growers wholeheartedly supports the approval and construction of this facility and looks forward to witnessing the positive impacts this project will create.

C3-3

Respectfully,

Wesley Wilson
Director, Member Services & Communications
American Pistachio Growers
9 River Park Place East, Suite 410
Fresno, CA 93720

December 18, 2023

County of Fresno
Development Services and Capital Projects Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

RE: S. Stamoules, Inc. Pistachio Processing Facility Project
State Clearinghouse No. 2022070101
EIR 8077

I am providing comments in support of the proposed S. Stamoules, Inc. Pistachio Processing Facility Project. As the recent former President of American Pistachio Growers, and having worked in the California pistachio industry for the last 16 years, I believe I can provide some insight as to why this processing facility is needed, and is a vital component of the ongoing growth of the pistachio industry in the San Joaquin Valley and California.

C4-1

The growth of pistachio production in California has been well documented and its future growth will continue long into the next decade. Compared with almonds and walnuts, which have grown at a rate of 4x and 3x respectively since the year 2000, pistachio have grown at a rate of 7x during that same time period. Specifically, bearing acreage has gone from approximately 74,000 bearing acres in 2000, to now more than 464,000 bearing acres, and is anticipated to reach 688,850 acres by the year 2031 according to a recent study completed by American Pistachio Growers. Furthermore, pistachio production, which hit 1 billion pounds in 2020, is anticipated to reach 2 billion pounds by 2031. The reasons for this growth are many, but include: the pistachio tree's ability to utilize less water than other similar tree nut crops; its ability to grow on lesser quality soils and utilize water that is higher in salinity (water quality that is typically found on the west side of the San Joaquin Valley); better economic returns than other tree nuts; and finally the longevity of the trees compared with other similar tree nut crops.

C4-2

There are many factors that make the S. Stamoules Pistachio Processing Facility an ideal facility to approve and build. This multi-generational family farming operation has thousands of acres of pistachios already in production, and has many more additional acres that will be coming into production. Unlike other current pistachio processing facilities that require outside

C4-3



growers' production to supply their plant, the S. Stamoules plant is primarily designed to handle their own production, which will be significant. And, their proposal includes several future phases that will account for additional production growth within their own operation. Additionally, the California pistachio industry needs additional processing capacity to handle these ever larger crops that will be produced. Processing of pistachios, from the orchards to the pistachio processing plants, must be done within 24 hours of harvest, if not sooner, to prevent the hull from drying and adhering onto the shell. This potential drying and adhesion of the hull causes the shell to produce a darkened stain, which cannot be removed, and is considered a grade defect according to the *United States Department of Agriculture's Standards for Grade of Pistachio Nuts in the Shell*. S. Stamoules facility will be located within close proximity to their orchards, which makes this ideal for quick and efficient processing.

Additionally, there is an ongoing need for additional processing capacity within the California pistachio industry. Each year, existing facilities must increase their capacity to keep up with the demand for processing, based on the ever increasing crop size. S. Stamoules facility is an important piece of the need for increased pistachio processing capacity. Based on current projections, processing capacity will need to increase by 126 percent to handle the pistachio production projection, based on 2022 to 2031 production figures. This proposed facility will go a long way in addressing the need for additional pistachio processing capacity.

Lastly, the proposed S. Stamoules pistachio processing facility will require a significant number of skilled full time employees to both processing and value add work. This is vital for communities like Mendota and Firebaugh which have typically seen larger than normal unemployment figures, compared to other similar Fresno County cities. The Stefanopoulos and Stamoules family have been significant growers of vegetable and fruit commodities in Western portion of Fresno County, and this pistachio processing facility will enhance their ability to provide good jobs and yearlong employment for local residents.

For these reasons, I would ask for your approval of the S. Stamoules pistachio processing facility.

Sincerely,

Richard Matoian
Former President, American Pistachio Growers

C4-3

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