PROJECT REPORT

TO: ENVIRONMENTAL EVALUATION COMMITTEE **AGENDA DATE: February 27, 2020**

FROM: PLANNING & DEVELOPMENT SERVICES **AGENDA TIME 1:30 PM / No. 1**

PROJECT TYPE: ZC #18-0006 (ETX, LLC) SUPERVISOR DIST # 2

LOCATION: 96 Fawcett Road APN: 054-250-012 & 014-000

Heber, CA PARCEL SIZE: 71.3 & 82.2 acres (±)

GENERAL PLAN (existing) Specific Plan Area (SPA) GENERAL PLAN (proposed) N/A

ZONE (existing) Conditional Heavy Ag. A-3 ZONE (proposed) Conditional Heavy Ag. A-3

GENERAL PLAN FINDINGS ☒ CONSISTENT ☐ INCONSISTENT ☐ MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: _____

☐ APPROVED ☐ DENIED ☐ OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: _____

☐ APPROVED ☐ DENIED ☐ OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 02/27/2020

INITIAL STUDY: #18-0023

☐ NEGATIVE DECLARATION ☐ MITIGATED NEG. DECLARATION ☐ EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	☐ NONE	☒ ATTACHED
AG	☒ NONE	☐ ATTACHED
APCD	☐ NONE	☒ ATTACHED
E.H.S.	☒ NONE	☐ ATTACHED
FIRE / OES	☒ NONE	☐ ATTACHED
SHERIFF	☒ NONE	☐ ATTACHED
OTHER	See Attached	

REQUESTED ACTION:

(See Attached)

☐ NEGATIVE DECLARATION
☐ MITIGATED NEGATIVE DECLARATION

Initial Study & Environmental Analysis
For:

El Toro Cattle
Conditional Zone Change #18-0006
INITIAL STUDY IS 18-0023

Prepared By:

COUNTY OF IMPERIAL
Planning & Development Services Department
801 Main Street
El Centro, CA 92243
(442) 265-1736
www.icpds.com

February 2020

TABLE OF CONTENTS

SECTION 1
INTRODUCTION

A. PURPOSE

This document is a ☐ policy-level; ☒ project level Initial Study for evaluation of potential environmental impacts resulting with the proposed El Toro Cattle, LLC project (Refer to Exhibit "A" & "B").

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS AND THE IMPERIAL COUNTY'S GUIDELINES FOR IMPLEMENTING CEQA

As defined by Section 15063 of the State California Environmental Quality Act (CEQA) Guidelines and Section 7 of the County's "CEQA Regulations Guidelines for the Implementation of CEQA, as amended", an **Initial Study** is prepared primarily to provide the Lead Agency with information to use as the basis for determining whether an Environmental Impact Report (EIR), Negative Declaration, or Mitigated Negative Declaration would be appropriate for providing the necessary environmental documentation and clearance for any proposed project.

☐ According to Section 15065, an **EIR** is deemed appropriate for a particular proposal if the following conditions occur:

- The proposal has the potential to substantially degrade quality of the environment.
- The proposal has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- The proposal has possible environmental effects that are individually limited but cumulatively considerable.
- The proposal could cause direct or indirect adverse effects on human beings.

☐ According to Section 15070(a), a **Negative Declaration** is deemed appropriate if the proposal would not result in any significant effect on the environment.

☐ According to Section 15070(b), a **Mitigated Negative Declaration** is deemed appropriate if it is determined that though a proposal could result in a significant effect, mitigation measures are available to reduce these significant effects to insignificant levels.

This Initial Study has determined that the proposed applications will not result in any potentially significant environmental impacts and therefore, a Negative Declaration is deemed as the appropriate document to provide necessary environmental evaluations and clearance as identified hereinafter.

This Initial Study and Negative Declaration are prepared in conformance with the California Environmental Quality Act of 1970, as amended (Public Resources Code, Section 21000 et. seq.); Section 15070 of the State & County of Imperial's Guidelines for Implementation of the California Environmental Quality Act of 1970, as amended (California Code of Regulations, Title 14, Chapter 3, Section 15000, et. seq.); applicable requirements of the County of Imperial; and the regulations, requirements, and procedures of any other responsible public agency or an agency with jurisdiction by law.

Pursuant to the County of Imperial Guidelines for Implementing CEQA, depending on the project scope,

the County of Imperial Board of Supervisors, Planning Commission and/or Planning Director is designated the Lead Agency, in accordance with Section 15050 of the CEQA Guidelines. The Lead Agency is the public agency which has the principal responsibility for approving the necessary environmental clearances and analyses for any project in the County.

C. INTENDED USES OF INITIAL STUDY AND NEGATIVE DECLARATION

This Initial Study and Negative Declaration are informational documents which are intended to inform County of Imperial decision makers, other responsible or interested agencies, and the general public of potential environmental effects of the proposed applications. The environmental review process has been established to enable public agencies to evaluate environmental consequences and to examine and implement methods of eliminating or reducing any potentially adverse impacts. While CEQA requires that consideration be given to avoiding environmental damage, the Lead Agency and other responsible public agencies must balance adverse environmental effects against other public objectives, including economic and social goals.

The Initial Study and Negative Declaration, prepared for the project will be circulated for a period of 20 days (*30-days if submitted to the State Clearinghouse for a project of area-wide significance*) for public and agency review and comments. At the conclusion, if comments are received, the County Planning & Development Services Department will prepare a document entitled "Responses to Comments" which will be forwarded to any commenting entity and be made part of the record within 10-days of any project consideration.

D. CONTENTS OF INITIAL STUDY & NEGATIVE DECLARATION

This Initial Study is organized to facilitate a basic understanding of the existing setting and environmental implications of the proposed applications.

SECTION 1

I. INTRODUCTION presents an introduction to the entire report. This section discusses the environmental process, scope of environmental review, and incorporation by reference documents.

SECTION 2

II. ENVIRONMENTAL CHECKLIST FORM contains the County's Environmental Checklist Form. The checklist form presents results of the environmental evaluation for the proposed applications and those issue areas that would have either a significant impact, potentially significant impact, or no impact.

PROJECT SUMMARY, LOCATION AND EVIRONMENTAL SETTINGS describes the proposed project entitlements and required applications. A description of discretionary approvals and permits required for project implementation is also included. It also identifies the location of the project and a general description of the surrounding environmental settings.

ENVIRONMENTAL ANALYSIS evaluates each response provided in the environmental checklist form. Each response checked in the checklist form is discussed and supported with sufficient data and analysis as necessary. As appropriate, each response discussion describes and identifies specific impacts anticipated with project implementation.

SECTION 3

III. MANDATORY FINDINGS presents Mandatory Findings of Significance in accordance with Section

15065 of the CEQA Guidelines.

IV. PERSONS AND ORGANIZATIONS CONSULTED identifies those persons consulted and involved in preparation of this Initial Study and Negative Declaration.

V. REFERENCES lists bibliographical materials used in preparation of this document.

VI. NEGATIVE DECLARATION – COUNTY OF IMPERIAL

VII. FINDINGS

SECTION 4

VIII. RESPONSE TO COMMENTS (IF ANY)

IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP) (IF ANY)

E. SCOPE OF ENVIRONMENTAL ANALYSIS

For evaluation of environmental impacts, each question from the Environmental Checklist Form is summarized and responses are provided according to the analysis undertaken as part of the Initial Study. Impacts and effects will be evaluated and quantified, when appropriate. To each question, there are four possible responses, including:

1. **No Impact:** A "No Impact" response is adequately supported if the impact simply does not apply to the proposed applications.

2. **Less Than Significant Impact:** The proposed applications will have the potential to impact the environment. These impacts, however, will be less than significant; no additional analysis is required.

3. **Less Than Significant With Mitigation Incorporated:** This applies where incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact".

4. **Potentially Significant Impact:** The proposed applications could have impacts that are considered significant. Additional analyses and possibly an EIR could be required to identify mitigation measures that could reduce these impacts to less than significant levels.

F. POLICY-LEVEL or PROJECT LEVEL ENVIRONMENTAL ANALYSIS

This Initial Study and Negative Declaration will be conducted under a ☐ policy-level, ☒ project level analysis. Regarding mitigation measures, it is not the intent of this document to "overlap" or restate conditions of approval that are commonly established for future known projects or the proposed applications. Additionally, those other standard requirements and regulations that any development must comply with, that are outside the County's jurisdiction, are also not considered mitigation measures and therefore, will not be identified in this document.

G. TIERED DOCUMENTS AND INCORPORATION BY REFERENCE

Information, findings, and conclusions contained in this document are based on incorporation by reference of tiered documentation, which are discussed in the following section.

1. Tiered Documents

As permitted in Section 15152(a) of the CEQA Guidelines, information and discussions from other documents can be included into this document. Tiering is defined as follows:

"Tiering refers to using the analysis of general matters contained in a broader EIR (such as the one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project."

Tiering also allows this document to comply with Section 15152(b) of the CEQA Guidelines, which discourages redundant analyses, as follows:

"Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including the general plans, zoning changes, and development projects. This approach can eliminate repetitive discussion of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration."

Further, Section 15152(d) of the CEQA Guidelines states:

"Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:

(1) Were not examined as significant effects on the environment in the prior EIR; or

(2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means."

2. Incorporation By Reference

Incorporation by reference is a procedure for reducing the size of EIRs/MND and is most appropriate for including long, descriptive, or technical materials that provide general background information, but do not contribute directly to the specific analysis of the project itself. This procedure is particularly useful when an EIR or Negative Declaration relies on a broadly-drafted EIR for its evaluation of cumulative impacts of related projects (*Las Virgenes Homeowners Federation v. County of Los Angeles* [1986, 177 Ca.3d 300]). If an EIR or Negative Declaration relies on information from a supporting study that is available to the public, the EIR or Negative Declaration cannot be deemed unsupported by evidence or analysis (*San Francisco Ecology Center v. City and County of San Francisco* [1975, 48 Ca.3d 584, 595]). This document incorporates by reference appropriate information from the "Final Environmental Impact Report and Environmental Assessment for the "County of Imperial General Plan EIR" prepared by Brian F. Mooney Associates in 1993 and updates.

When an EIR or Negative Declaration incorporates a document by reference, the incorporation must comply with Section 15150 of the CEQA Guidelines as follows:

- The incorporated document must be available to the public or be a matter of public record (CEQA Guidelines Section 15150[a]). The General Plan EIR and updates are available, along with this

document, at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.

- This document must be available for inspection by the public at an office of the lead agency (CEQA Guidelines Section 15150[b]). These documents are available at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.

- These documents must summarize the portion of the document being incorporated by reference or briefly describe information that cannot be summarized. Furthermore, these documents must describe the relationship between the incorporated information and the analysis in the tiered documents (CEQA Guidelines Section 15150[c]). As discussed above, the tiered EIRs address the entire project site and provide background and inventory information and data which apply to the project site. Incorporated information and/or data will be cited in the appropriate sections.

- These documents must include the State identification number of the incorporated documents (CEQA Guidelines Section 15150[d]). The State Clearinghouse Number for the County of Imperial General Plan EIR is SCH #93011023.

- The material to be incorporated in this document will include general background information (CEQA Guidelines Section 15150[f]). This has been previously discussed in this document.

II. Environmental Checklist

1. **Project Title**: ETX, LLC (ZC18-0006)
2. **Lead Agency**: Imperial County Planning & Development Services Department
3. **Contact person and phone number**: Joe Hernandez, Planner IV & David Black, Planner IV, (442)265-1736, ext. 1748. **Address**: 801 Main Street, El Centro CA, 92243
5. **E-mail**: joehernandez@co.imperial.ca.us
6. **Project location**: This project is located at 96 E. Fawcett Road, Heber, lying west along Pitzer Road and Fawcett Road and boarding the east & west side of the Southern Pacific Railroad. Additionally, the parcels is describe as Lot 28, Map No. 361, as the Portion of Tract 48, Township 16 South, Range 14 East, SBM, 160 acres. The parcels identified as APN's 054-250-012-000 and 054-250-014-000.
7. **Project sponsor's name and address**: William Plourd on behalf of ETX, LLC, P.O. Box 1109, El Centro, CA 92244
8. **General Plan designation**: Specific Plan Area ("SPA") "Heber "SPA" area
9. **Zoning**: A-3/G/SPA (Heavy Agriculture/Geothermal Overlay/Specific Plan Area)
10. **Description of project**: The applicant, ETX, LLC is requesting an expansion of the Cattle feed yard operations at the Heber facility. The business has been in continuous operation since 1965. In 2007, El Toro Land and Cattle Company entered into an "agreement for Conditional Zone Change # 06-0011" with the County of Imperial to accommodate a request to change the A-2 Medium zone to Heavy Agriculture "A-3". The parcels were APN 054-250-014-000 & 054-250-012-000. This change was granted to allow El Toro to construct and operate a composting facility on the site. One of the conditions of this Zone Change was "S17" – No Growth Allowed. This condition required the existing footprint of the feedlot operation to remain unchanged. The current request is to increase the feeding capacity of the existing pens on the two APN's. Phase I would involve the South portion of APN 054-250-012-000 (see attached maps), currently being farmed with Bermuda grass. Phase 2 would involve the South portion of APN 054-250-014-000. This area is currently being used for the composting operations. The Composting operation will be re-located locally in the Imperial County vicinity. The completion of both phase I and phase 2 would increase the feeding capacity by approximately 17,000 head of cattle. A request is for the modification to the existing "Agreement for Conditional Zone Change #06-0011".
11. **Surrounding land uses and setting**: Surrounding parcels are zoned Medium Agriculture (A-2) on the east, west and south sides of project area and Light Industrial on the north side of the existing feedlots.
12. **Other public agencies whose approval is required** (e.g., permits, financing approval, or participation agreement.): A) Planning Commission B) Board of Supervisors
13. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentially, etc.?

    The County Planning Department received a response from the Augustine Band of Cahuilla Indians stating they were unaware of any specific cultural resources that may be affected by the proposed project.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture and Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Energy
☐ Geology /Soils	☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials
☐ Hydrology / Water Quality	☐ Land Use / Planning	☐ Mineral Resources
☐ Noise	☐ Population / Housing	☐ Public Services
☐ Recreation	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities/Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance

ENVIRONMENTAL EVALUATION COMMITTEE (EEC) DETERMINATION

After Review of the Initial Study, the Environmental Evaluation Committee has:

☐ Found that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ Found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ Found that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ Found that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Found that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE DE MINIMIS IMPACT FINDING: ☐ Yes ☐ No

EEC VOTES	YES	NO	ABSENT
PUBLIC WORKS	☐	☐	☐
ENVIRONMENTAL HEALTH SVCS	☐	☐	☐
OFFICE EMERGENCY SERVICES	☐	☐	☐
APCD	☐	☐	☐
AG	☐	☐	☐
SHERIFF DEPARTMENT	☐	☐	☐
ICPDS	☐	☐	☐

Jim Minnick, Director of Planning/EEC Chairman Date:

PROJECT SUMMARY

A. **Project Location**: The project site (Site) is located along Fawcett Road, Pitzer Road and east along Ware Road. The parcels are identified as Assessor's Parcel Numbers APN 054-250-012-000 and APN 054-250-014-000, and are legally described as Lot 28 & 29, of Subdivision of Tract 48, Township 16 South, Range, 14 East, SBB&M, in an unincorporated area of the County of Imperial, CA.

B. **Project Summary**: The applicant, ETX, LLC is requesting an expansion of the Cattle feed yard operations at the Heber facility. The business has been in continuous operation since 1965. In 2007 El Toro Land and Cattle Company entered into an "agreement for Conditional Zone Change # 06-0011" with the County of Imperial to accommodate a request to change the A-2 Medium zone to Heavy Agriculture "A-3". The parcels were APN 054-250-014-000 & 054-250-012-000. This change was granted to allow El Toro to construct and operate a composting facility on the site. One of the conditions of this Zone Change was "S17" – No Growth Allowed. This condition required the existing footprint of the feedlot operation to remain unchanged. This new request is to increase the feeding capacity of the existing pens on the two APN's. Phase I would involve the South portion of APN 054-250-012-000 (see attached maps), currently being farmed with Bermuda grass. Phase 2 would involve the South portion of APN 054-250-014-000. This area is currently used for composting operations. The Composting operations will be re-located. The completion of both phase I and phase 2 would increase the feeding capacity by approximately 17,000 head of cattle. A request is for the modification to the existing "Agreement for Conditional Zone Change #06-0011".

C. **Environmental Setting**: The surrounding area consists mostly agricultural farmland and to the north of the existing feedlots are industrial activities.

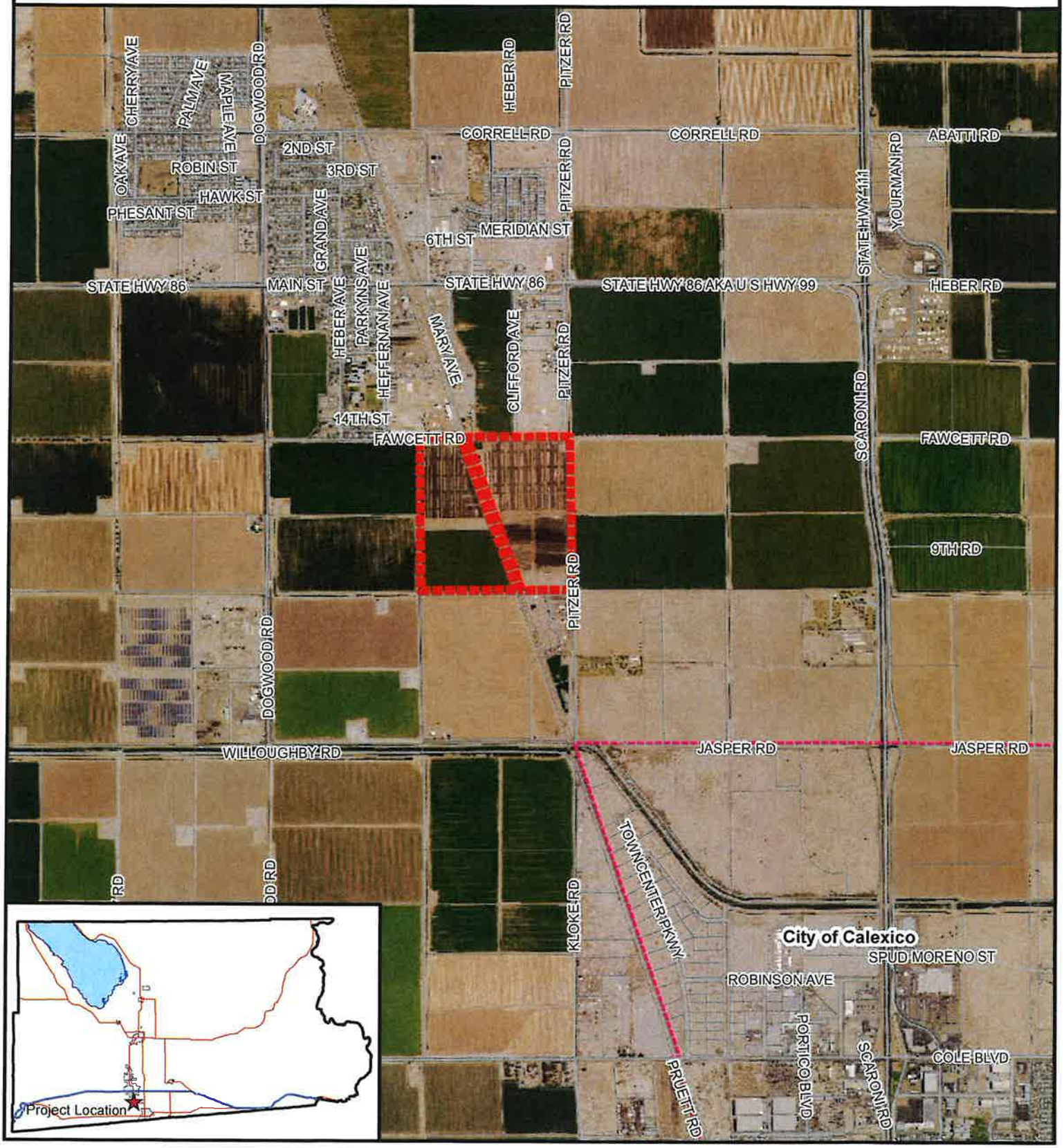
D. **Analysis**: The Land Use Element of the Imperial County General Plan designates the project site as "Specific Plan" and the parcel are currently zoned "A-3" (Heavy Agriculture) per Zoning Map #12 under Title 9 Land Use Ordinance. The surrounding lands are zoned A-2 (Medium Agriculture) and M-1 (Light Industrial).

D. **General Plan Consistency**: The proposed Zone Change application with supporting document was reviewed and found to meet the minimum requirements for processing per Title 9, Land Use Ordinance, Division 2, Chapter 4 and 5. The proposed expansion of the current feedlot project is proposed on the existing parcels currently being used for cattle feed operations and these parcels are currently zoned A-3 "Conditional". Approval of the requested entitlements are consistent with Imperial County's General Plan.

The applicant shall show compliance with California Code of Regulations. Title 9, Division 5, Section 90509.01(d) allows uses include Cattle feed lot operations, if entitlements were to be approved and prior to permit and license submittal.

Exhibit "A"
Vicinity Map

PROJECT LOCATION MAP



EL TORO EXPORT
ZONE CHANGE (CONDITIONAL) #18-0006
APN 054-250-012 & 014-000

Project Location
Centerline
City Limit
Parcels

N

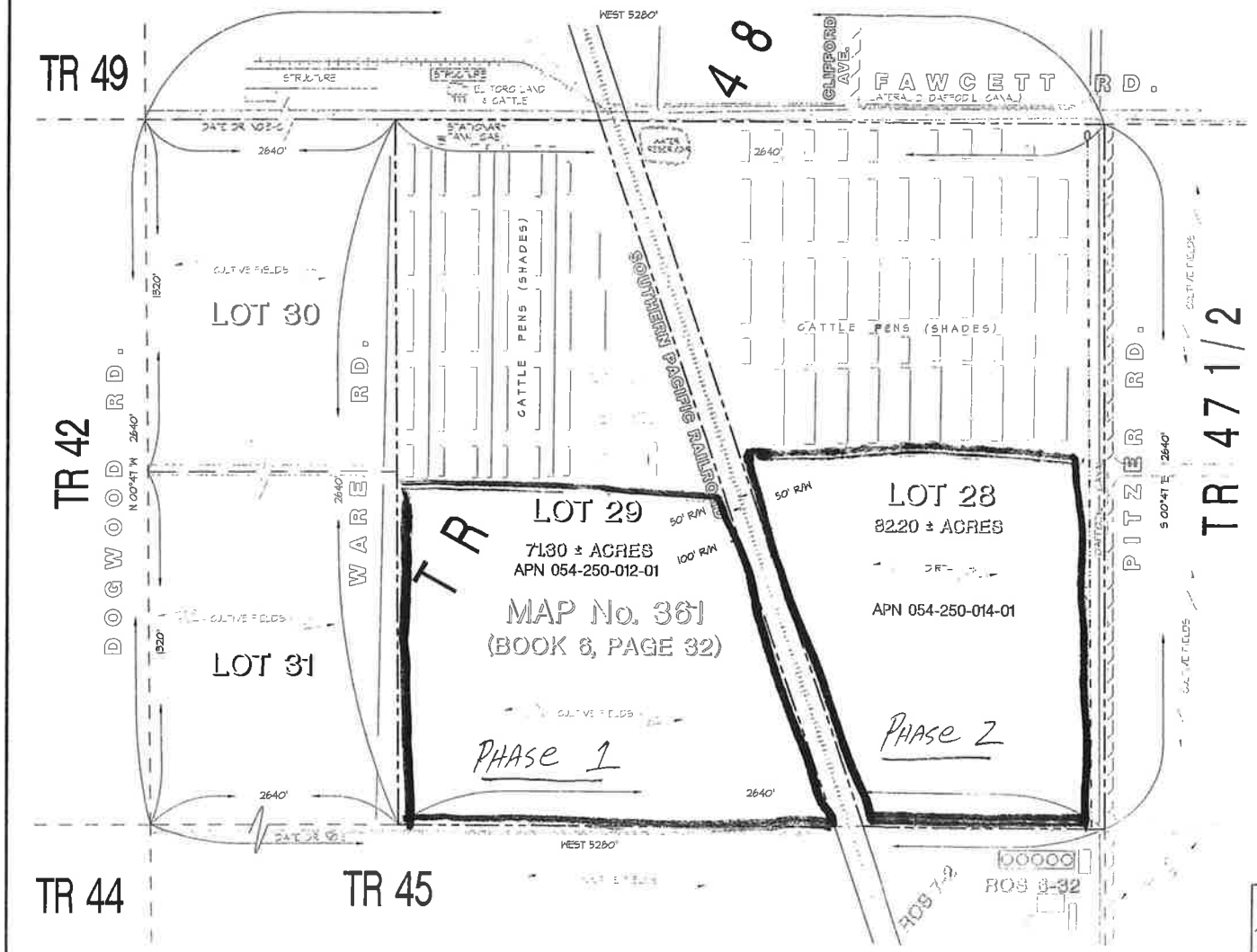
Exhibit "B"
Site Plan/Tract Map/etc.

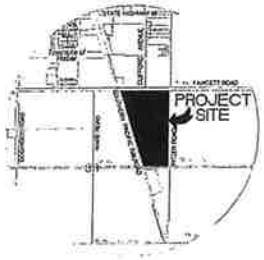
MAP A

CONDITIONAL ZONE CHANGE

IN THE CITY OF HEBER, STATE OF CALIFORNIA

SCALE: 1"=400'





VICINITY MAP

LEGEND:

- PROPERTY LINE
- TRACT LINE
- PIPELINE (SUB-STATION)
- RAILROAD
- EXISTING AC ASPHALT

APN 054-250-014-01

LEGAL DESCRIPTION:

LOT 28 OF SUBDIVISION OF TRACT 48, TOWNSHIP 16 SOUTH, RANGE 14 EAST 82.20 ACRES MORE OR LESS, NORTHEASTERLY OF THE SOUTH PACIFIC RAIL ROAD RIGHT OF WAY ACCORDING TO MAP NO. 361, BOOK 6, PAGE 32 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY.

APN 054-250-012-01

LEGAL DESCRIPTION:

LOT 29 OF SUBDIVISION OF TRACT 48, TOWNSHIP 16 SOUTH, RANGE 14 EAST 71.30 ACRES MORE OR LESS, SOUTHWESTERLY OF THE SOUTH PACIFIC RAIL ROAD RIGHT OF WAY ACCORDING TO MAP NO. 361, BOOK 6, PAGE 32 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY.

OWNER:

EL TORO LAND & CATTLE CO. INC.
PO BOX C
HEBER, CA 92249
PH NUMBER (760) 352-6312

Property Owner:
EJX, LLC
P.O. Box 1109
La Quinta, CA
92247

PROJECT ADDRESS:

96 E. FAWCETT RD.
HEBER, CA

ZONING (EXISTING):

A2G - SPA (GENERAL AGRICULTURE - SPECIFIC PLAN AREA)

CONDITIONAL ZONING (PROPOSED):

ZONE (PROPOSED): A-3 (HEAVY AGRICULTURE)

PROFESSIONAL DESIGN GROUP
38 W. Fourth Street, Suite 7A
Calexico, Ca. 92231
Phone (760)768-3207

CLIENT:		DATE:	BY:
EL TORO LAND & CATTLE CO. INC.	City of Heber, Ca	04-10-07	J. FERRER

LOT 28 SUB OF TR 48 T16S, R14E

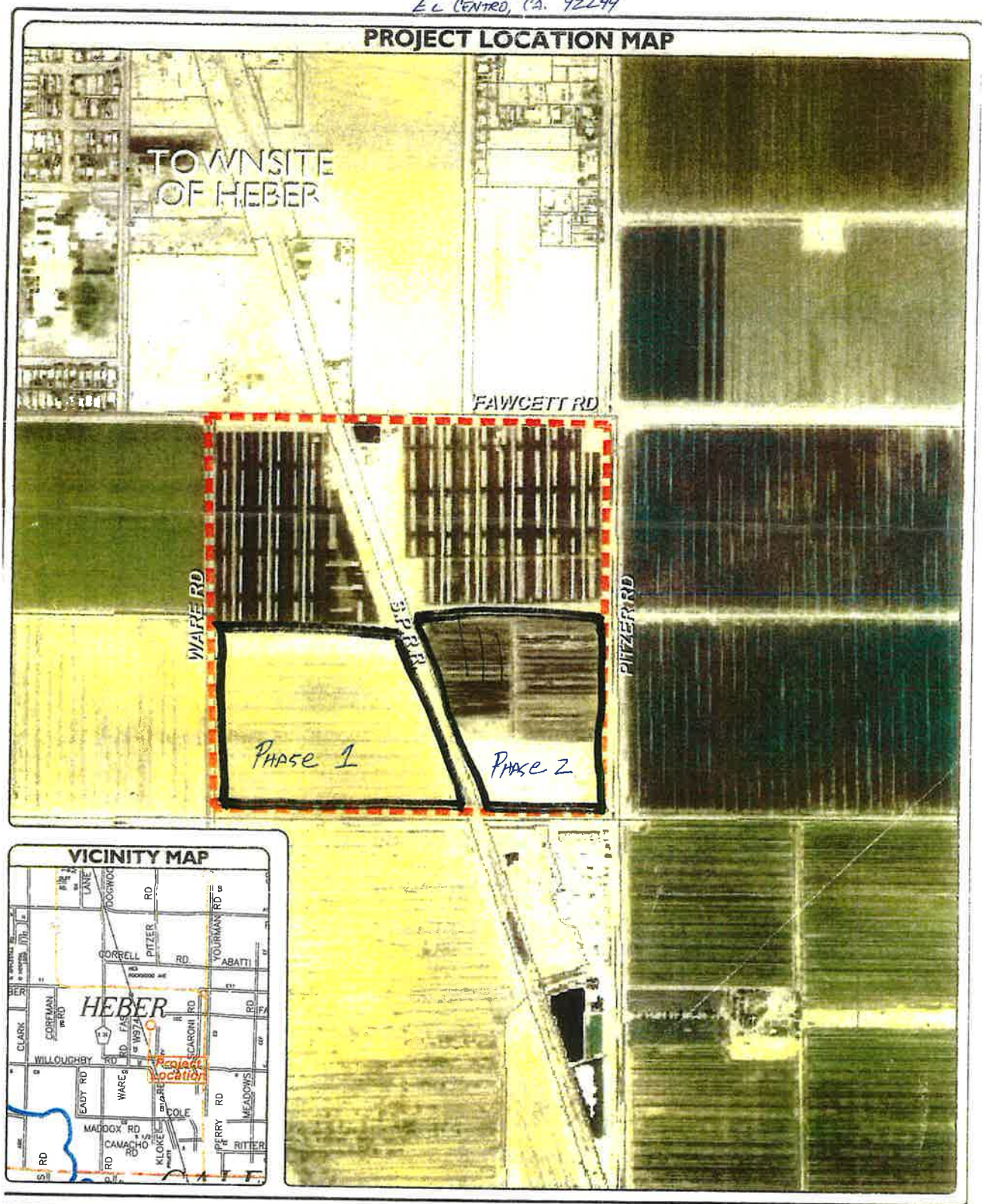
ZONE CHANGE

Job #: 06-110

SHEET 1 OF 1

MAP B

Property Owner:
ETX, LLC
PO Box 1109
El Centro, CA. 92244



PLANNING & DEVELOPMENT SERVICES DEPARTMENT
801 MAIN ST., EL CENTRO, CA 92243
(760) 482-4236 FAX: (760) 353-8338

EL TORO LAND & CATTLE CO., INC.
CUP # 06-0045, GPA #06-0010, ZC #06-001
APN #054-250-012 & 014-001

North

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

   a) The significance criteria or threshold, if any, used to evaluate each question; and
   b) The mitigation measure identified, if any, to reduce the impact to less than significance

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)

I. *AESTHETICS*

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

a) Have a substantial adverse effect on a scenic vista or scenic highway? ☐ ☐ ☒ ☐

a) The proposed project is an agricultural related use and located in an agriculture area; the proposed use appears have a less than significant negative visual impact to public along Fawcett Road. There is an existing feedlot operation west and north of proposed expansion site along Fawcett Road and Ware Road; the composting operation will be located directly to the south of feedlot pens currently used and the expansion will be located on the existing parcels currently zoned for A-3 Heavy Agriculture. There are no scenic vistas or highways near project area. The expansion of current operations would appear to less than significant impacts.

b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? ☐ ☐ ☐ ☒

b) There are no scenic resources such as trees, rock outcroppings or historic buildings surrounding or near the project site; therefore, no impacts are expected.

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

c) The existing visual character of the site is mostly agriculture farming and industrial uses will not degrade the existing visual character. The expansion of current operations would appear to less than significant impacts.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? ☐ ☐ ☒ ☐

d) The proposed project is an agricultural related use and located in an agriculture area; the proposed use appears have a less than significant negative glare impacts to public along Fawcett Road, Ware Road and Pitzer Road. There is an existing feedlot operation west and north of proposed expansion site along Fawcett Road and Ware Road; the composting operation will be located directly to the south of feedlot pens currently used and the expansion will be located on the existing parcels currently zoned for A-3 Heavy Agriculture. The project site will be directly north of a geothermal operation. The expansion of current operations would appear to less than significant impacts.

II. *AGRICULTURE AND FOREST RESOURCES*

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

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? ☐ ☐ ☒ ☐

a) There are no conversion of currently agriculture uses to non-agricultural uses. The Phase I will replace a grass crop with an expansion of a cattle feedlot. Therefore, less than significant impacts are expected.

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	☐	☐	☒	☐

b) The expansion of current feedlot operations on the existing A-3 Heavy Agriculture zoned parcels is consistent with uses allowed under Title 9 Division 5 A-3 uses and is not under a Williamson Act Contract. Less than significant impacts are expected.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒

c) Neither the project site nor surrounding areas are used for timber production or are defined as forestlands. The proposed project would not conflict with any zoning designations designed to preserve timber or agricultural resources. Therefore, no impacts are expected.

d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒

d) The project site is not within or close to any forestland; therefore, no impacts are expected.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?	☐	☐	☒	☐

e) Since the project site is not classified as "Prime", "of Statewide Importance" nor "Unique", less than potentially significant impacts are expected to occur with the cattle feedlot expansion.

III. *AIR QUALITY*

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

a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐

a) The proposed project is not expected to conflict with or obstruct implementation of the applicable Imperial County air quality plan and the applicants will need to update their Imperial County Air Pollution Control District (ICAPCD) permits for the expanded cattle feed-yard based on the ICAPCD requirements. The applicant currently has Permits for the existing operation; however, the expansion will trigger a modification to the Best Management Practices, which will contribute to modification of the air mitigation plan and PM10 Plan. With the adherence to the revised mitigation plan and PM plan, as well as Rule 207 and Regulation VIII, impacts would be maintained at a level less than significant.

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

b) The proposed project entails a Zone Change will not result in a cumulative consideration net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard as there are no other feedlots located within a 2 mile radius. As mentioned in item a) above, the applicant will be required to modify their existing AIR Quality Permit with ICAPCD. Adherence to the mitigation measures MM AQ-1 and MM AQ-2, along with the adherence to the ICAPCD revised plans including Regulations VIII Fugitive Dust Control Measures & mitigations (conditions) as shown in the completed Air Quality and Greenhouse Gas Emissions Study dated October 2019 for this project which includes Rules 800, 802, 803,804, & 805, Rule 217 required permits and Rule 820 compliance.

MM AQ-1. The operator will require that employees and cattle trucks drive only on paved roads.

MM AQ-2.

Standard Mitigation Measures for Fugitive PM10 Control

a. **All disturbed areas, including Bulk Material storage which is not being actively utilized, shall be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emissions by using water, chemical stabilizers, dust suppressants, tarps or other suitable material such as vegetative ground cover.**

b. **All on site and off site unpaved roads will be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.**

c. **All unpaved traffic areas one (1) acre or more with 75 or more average vehicle trips per day will be effectively stabilized and visible emission shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.**

d. **The transport of Bulk Materials shall be completely covered unless six inches of freeboard space from the top of the container is maintained with no spillage and loss of Bulk Material. In addition, the cargo compartment of all Haul Trucks is to be cleaned and/or washed at delivery site after removal of Bulk Material.**

e. **All Track-Out or Carry-Out will be cleaned at the end of each workday or immediately when mud or dirt extends a cumulative distance of 50 linear feet or more onto a paved road within an Urban area.**

f. **Movement of Bulk Material handling or transfer shall be stabilized prior to handling or at points of transfer with application of sufficient water, chemical stabilizers or by sheltering or enclosing the operation and transfer line.**

g. **The construction of any new Unpaved Road is prohibited within any area with a population of 500 or more unless the road meets the definition of a Temporary Unpaved Road. Any temporary unpaved road shall be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emission by paving, chemical stabilizers, dust suppressants and/or watering.**

Discretionary Mitigation Measures for Fugitive PM10 Control

a. **Water exposed soil with adequate frequency for continued moist soil.**

b. **Replace ground cover in disturbed areas as quickly as possible**

c. **Automatic sprinkler system installed on all soil piles**

d. **Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.**

e. **Develop a trip reduction plan to achieve a 1.5 AVR for construction employees**

f. **Implement a shuttle service to and from retail services and food establishments during lunch hours**

Standard Mitigation Measures for Construction Combustion Equipment

a. **Use of alternative fueled or catalyst equipped diesel construction equipment, including all off-road and portable diesel powered equipment.**

b. **Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes as a maximum.**

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)

c. **Limit, to the extent feasible, the hours of operation of heavy duty equipment and/or the amount of equipment in use**

d. **Replace fossil fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set)**

Enhanced Mitigation Measures for Construction Equipment

a. **Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak hour of vehicular traffic on adjacent roadways.**

b. **Implement activity management (e.g. rescheduling activities to reduce short-term impacts)**

c) Expose sensitive receptors to substantial pollutants concentrations? ☐ ☒ ☐ ☐

c) Sensitive receptors are identified in the Ultrasystems Air Quality and Greenhouse Gas Emissions study dated October 2019. Receptors can be found within a two (2) mile radius of the project site and the applicant shall show compliance with APCD's requirements during the permitting process and during construction and operation phases to assure that emissions or pollutants are maintained at minimum levels through implementation of mitigation plan related to air quality. Compliance with MM AQ-1, MM AQ-2, state and local agencies would lessen impacts on sensitive receptors to less than significant levels which includes Rules 800, 802, 803,804, & 805, Rule 217 required permits and Rule 820 compliance. Additionally, the operator shall maintain an updated air permit from ICAPCD and adhere to all Regulation VIII Fugitive Dust Control Measures requirements shown in the Air Quality Study.

(See Mitigation Measure AQ-1 and AQ-2 in item b)

d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people? ☐ ☒ ☐ ☐

d) An Air Quality and Greenhouse Gas Emissions Study dated October 2019 was completed by UltraSystems for this project. Adherence to the mitigation measures MM AQ-1 and MM AQ-2, along with the adherence to the ICAPCD revised plans & mitigations (conditions) as shown in the completed Air Quality and Greenhouse Gas Emissions Study dated October 2019 which includes Rules 800, 802, 803,804, & 805, Rule 217 required permits and Rule 820 compliance.

(See Mitigation Measure AQ-1 and AQ-2 in item b)

IV. ***BIOLOGICAL RESOURCES*** ***Would the project:***

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? ☐ ☐ ☒ ☐

a) These two parcels of land has been disturbed with cattle feeding operations and farming since the early 1960's, there are no known biological resources to exist on these area of land, conversion of the grass crop farming to an expansion of cattle feeding operation would appear to less than significant impacts.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of ☐ ☐ ☒ ☐

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)

Fish and Wildlife or U.S. Fish and Wildlife Service?

b) As mentioned under item a) above, these two parcels have been used for farming and cattle feed lot operations since the early 1960's and the project in itself would not appear to create a substantially effect; therefore, less than significant impacts are expected.

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

c) The proposed project will not interfere with the Clean Water Act, Section 404, since there is not plan on discharging dredge, fill or any kind of material into the waters of the United States. Therefore, no impacts are expected.

d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? ☐ ☐ ☒ ☐

d) These parcels of land have been disturbed with cattle feeding and farming operations since the early 1960's, there are no known biological resources known to exist on this area of land, and the conversion of the existing composting and grass crop to feedlot operations wold appear to be less than significant impacts.

e) Conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance? ☐ ☐ ☐ ☒

e) These parcels of land has been disturbed with cattle feeding and farming operations since the early 1960's and would not conflict with any local policies or ordinance protecting biological resources, such as a tree preservation policy or ordinance; therefore, no impact would be expected.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? ☐ ☐ ☐ ☒

f) There are no Habitat Conservation plans or Natural Community Conservation Plans within the project area; therefore, no impacts are expected.

V. ***CULTURAL RESOURCES*** ***Would the project:***

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? ☐ ☐ ☒ ☐

a) The proposed project area has been historically used for cattle feeding and farming operations since the early 1960s. A record search of the Native American Heritage Commission NAHC) Sacred Land File (SLF) was completed and results were positive, a request to contact the Ewaiiaapaayp tribe was requested. AB 52 letters were mailed on July 23, 2019 to tribes on the NAHC list and one response letter was received from the Augustine Band of Cahuilla Indians dated August 29, 2019 indicating they were unaware of specific cultural resources that may be affected by the proposed project. It would appear less than significant impacts are expected. 2

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? ☐ ☐ ☒ ☐

b) The proposed project area has been historically used for cattle feeding and farming operations since the early 1960s. A record search of the Native American Heritage Commission NAHC) Sacred Land File (SLF) was completed and results were positive, a request to contact the Ewaiiaapaayp tribe was requested. AB 52 letters were mailed on July

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)

23, 2019 to tribes on the NAHC list and one response letter was received from the Augustine Band of Cahuilla Indians dated August 29, 2019 indicating they were unaware of specific cultural resources that may be affected by the proposed project. It would appear less than significant impacts are expected.2

c) Disturb any human remains, including those interred outside of dedicated cemeteries? ☐ ☐ ☒ ☐

c) The project site has been used for farming and feedlot operations for the past 50-60 years and is not expected to disturb any remains, including those interred outside of dedicated cemeteries. Therefore, less than significant impacts are expected.

VI. ***ENERGY Would the project:***

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? ☐ ☐ ☐ ☒

a) The proposed project would not appear to result in any potentially significant impact due to the wasteful, inefficient, or unnecessary consumption of energy resources, during the construction or operation of the project. Therefore, no impacts are expected.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? ☐ ☐ ☐ ☒

b) The proposed project does not appear to conflict with or obstruct a state or local plan for Renewable energy or energy efficiency. Therefore, no impacts are expected.

VII. ***GEOLOGY AND SOILS Would the project:***

a) Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury, or death involving: ☐ ☐ ☒ ☐

a) The proposed project will not expose people to potential substantial impacts including loss, injury or death involving the following effects; therefore, less than significant impacts are expected.

1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? ☐ ☐ ☒ ☐

1) According to the State of California's Alquist-Priolo Earthquake Fault Zone Map, Revised January 1, 1990, the propose project site is not located in a Special Studies boundary. The areas will be mostly filled with cattle and therefore, less than signficant are expected.

2) Strong Seismic ground shaking? ☐ ☐ ☒ ☐

2) The proposed project for the expansion of feeding pens for cattle would not appear to be impacted from the result in strong seismic ground shaking; therefore, less than significant impacts are expected.

3) Seismic-related ground failure, including liquefaction and seiche/tsunami? ☐ ☐ ☒ ☐

3) The site is not located near any large bodies of water; the threat of tsunami, seiches or other seismically-induced flooding is unlikely. The project site will be mostly cattle pens with feeding of cattle and impacts would appear to be less than significant.

4) Landslides? ☐ ☐ ☒ ☐

4) The hazard of land sliding is unlikely. No ancient landslides are shown on geologic

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)

maps of the regions and no indication of landslides were observed during site inspection. Therefore, the impacts from liquefaction and seiche/tsunami appears to be less than significant.

b) Result in substantial soil erosion or the loss of topsoil? ☐ ☐ ☒ ☐

b) The project is not located within an area of substantial soil erosion according to Imperial County Seismic and Public Safety Element, Figure 3 (Erosion Activity). Less than significant impacts are expected.

c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse? ☐ ☐ ☒ ☐

c) The project site is not located on a geological unit that would become unstable or collapse as a result of the project; compliance with California Building Code (CBC) for any future construction would make any impact less than significant.

d) Be located on expansive soil, as defined in the latest Uniform Building Code, creating substantial direct or indirect risk to life or property? ☐ ☐ ☒ ☐

d) The proposed expansion lies within existing composting and farming operations and will involve expansion of pens for cattle feeding purposes. Impacts due to expansive soils with a risk to life and property would appear to be less than significant.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? ☐ ☐ ☐ ☒

e) The proposed project is for the expansion of an existing feedlot operation and will not require a septic or wastewater disposal system. No impacts are expected.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ☐ ☐ ☒ ☐

f) The proposed project is located on land that has been used for farming and feedlot operation for the past 50-60 years and is not expected to directly or indirectly destroy a unique paleontological resource or site of unique geologic feature. Less than significant impacts are expected.

VIII. ***GREENHOUSE GAS EMISSION*** ***Would the project:***

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? ☐ ☐ ☒ ☐

a) As seen on Table 5.3-1, of the Air Quality and Greenhouse Gas Emissions Study dated October 2019. The air quality study shows the project will generate about 28,860 tons per year of CO2e emissions primary of CH4 and N2O from enteric and manure management sources. Implementation through the ICAPCD permitting process with an Emissions Mitigation Plan that would demonstrate that the facility would reduce emissions of VOCs and NH3. The Plan would also affect the GHG emissions related to manure management and enteric emissions. These Impacts would appear to be less than significant when addressed through the ICAPCD permitting process.

b) Conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? ☐ ☐ ☒ ☐

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)

b) The proposed project will update air quality permit operations with ICAPCD which when applied appears to reduce GHG emissions and does not anticipate to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases. Therefore, less than significant impacts are expected.

IX. ***HAZARDS AND HAZARDOUS MATERIALS*** ***Would the project:***

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? ☐ ☐ ☒ ☐

a) The project involves the expansion of existing feedlot operations on lands currently farmed and uses for composting, the transport, use or disposal of hazardous materials would appear to less than significant impact.

b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment? ☐ ☐ ☒ ☐

b) The proposed feedlot cattle expansion would not appear to create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment; therefore, less than significant impacts are expected.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? ☐ ☐ ☒ ☐

c) The proposed project is for the expansion of an existing feedlot operation. The expansion area will be located to the south of the existing feedlot existing, away from the Townsite of Heber, and the Heber Elementary School located approximately 1,900 feet to the north of the expansion area. The facility operator will permit facility with ICAPCD and adhere to all Fugitive Dust Control Regulation VIII requirements and possible impacts would appear to be less than significant.

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

d) The proposed project site is not located on a site included on a list of hazardous material sites; therefore, no impact is expected.

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

e) The proposed project site is not located within an Airport Land Use Compatibility Area and project would not appear to have any significant impacts with excessive noise or a safety hazard to people residing or working the area, therefore less than significant impacts are expected. The expansion would be built further south from the community of Heber.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ☐ ☐ ☐ ☒

f) The proposed project site does not appear to interfere with an adopted emergency response plan or emergency evacuation plan therefore, no impacts are expected.

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

g) The proposed project site is not located in an area susceptible to wildland fires; therefore, no impact is expected.

X. ***HYDROLOGY AND WATER QUALITY*** ***Would the project:***

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐

a) The proposed project is located adjacent to an existing cattle feedlot operation and existing fields and composting operation. The existing and expansion will require updated permits from Environmental Health Services and Air Quality and is not expected to violate any water quality standards or waste discharge requirements; therefore, less than significant impacts would be expected.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐

b) The proposed project is not expected to affect or deplete groundwater supplies or interfere with groundwater recharge. The water source is expected from IID water operations and therefore, less than significant impacts are expected.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐

c) The proposed project would not appear to substantially alter the existing drainage patterns, nor result in substantial erosion or siltation on- or off-site; therefore, less than significant impacts are expected.

(i) result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐

As mentioned under Geology & Soils b) above, the project site is not located within an erosion susceptible area. Therefore, less than significant impacts are expected.

(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☐	☒

The project site is located within Zone X as per Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel #06025C2075C and is not expected a substantially increase to the rate or amount of surface runoff that would result in flooding on- or off-site. Therefore, no impacts are expected.

(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or;	☐	☐	☒	☐

The proposed project can contribute to runoff water; however, any runoff would not appear to exceed the capacity of the existing IID storm-water drainage system. Any impact would appear to be less than significant.

(iv) impede or redirect flood flows?	☐	☐	☒	☐

The proposed project would not appear to significantly impede or redirect flood flow; therefore, less than significant impacts are expected.

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? ☐ ☐ ☒ ☐

d) Based on the Flood Insurance Rage Map (FIRM), Panel #06025C2075, the project site is not located within a flood hazard, tsunami or seiche zone. The proposed expansion is directly south of existing operations that have been in operation for decades. It would appear that less than significant impacts are expected.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? ☐ ☐ ☐ ☒

e) The proposed project does not appear to conflict or obstruct implementation of a water quality control plan or a sustainable groundwater manage plan. Therefore, no impacts are expected.

XI. ***LAND USE AND PLANNING Would the project:***

a) Physically divide an established community? ☐ ☐ ☐ ☒

a) The proposed project will not physically divide an established community; therefore, no impacts are expected.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? ☐ ☐ ☐ ☒

b) The project will not conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, no impact is expected.

XII. ***MINERAL RESOURCES Would the project:***

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? ☐ ☐ ☐ ☒

a) According to the Existing Mineral Resources Map (Figure 8) in the conservation and open Space Element of the County of Imperial General Plan, no known mineral resources occur within the project vicinity nor are there any mapped mineral resources within the boundary of the project site. Therefore, no impacts are expected.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? ☐ ☐ ☐ ☒

b) As stated above in XII (a) above, there will be no impacts to mineral resources.

XIII. ***NOISE Would the project result in:***

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

a) The proposed project will include construction noise, noise from additional cattle and on-going operation, but is not expected to exceed the County's noise regulation; therefore, less than significant impacts are expected. The expansion of feedlot operations would be further to the south of existing operations and the local Heber community.

b) Generation of excessive groundborne vibration or groundborne noise levels? ☐ ☐ ☒ ☐

b) There will be vibrations and groundborne noises due to the construction of pens, increased number of cattle trucks(s), hauling cattle to and from the expanded area; however impacts would be considered less than significant due to location of expansion to its proximity to the

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existing El Toro Feed-yard operation.

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

c) The project is not located within the vicinity of a private airstrip or airport land use plan or within two miles of public airport. The expansion of feeding operation would appear to have less than significant impacts to public airports or public use airports.

XIV. ***POPULATION AND HOUSING*** ***Would the project:***

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)? ☐ ☐ ☐ ☒

a) The proposed project is a non-residential project, and it is not expected to directly or indirectly induce the local population or infrastructure substantially for new homes and/or businesses; therefore, no impacts are expected.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? ☐ ☐ ☐ ☒

b) The proposed project is not expected to displace substantial numbers of existing housing, necessitation the construction of replacement housing elsewhere; therefore, no impacts are expected. The proposed site is currently farmed with a composting operation on one side.

XV. ***PUBLIC SERVICES***

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: ☐ ☐ ☒ ☐

a) The project would not result in substantial adverse physical impacts associated with potential impacts foreseen on public services. However, any impact would be less than significant.

1) Fire Protection? ☐ ☐ ☒ ☐

1) The proposed project is for an expansion to an existing feed-yard and is not be expect to result in a substantial adverse effect to fire protection. Any impacts would appear to be less than significant.

2) Police Protection? ☐ ☐ ☒ ☐

2) The proposed project will not result in a substantial impact to police protection; however, any impacts would appear to be less than significant.

3) Schools? ☐ ☐ ☐ ☒

3) The proposed project would not result in a substantial impact to schools, as it is a non-residential project; therefore, no impacts are expected.

4) Parks? ☐ ☐ ☐ ☒

4) As explained under item 3) Schools above, the project is a non-residential project and is

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would not require the construction or expansion of new parks; therefore, no impacts are expected.

5) Other Public Facilities? ☐ ☐ ☐ ☒

5) The Project would not result in a substantial increase in population; it does not require additional public facilities beyond that which already exists. Therefore, no impact is expected.

XVI. ***RECREATION***

a) Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? ☐ ☐ ☐ ☒

a) The proposed project is not expected to impact neighborhood and regional or other recreational facilities including parks, nor would it create a substantial physical deterioration of any facilities; therefore, no impacts would be expected.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment? ☐ ☐ ☐ ☒

b) The proposed project does not include the construction of recreational facilities; therefore, no impacts are expected.

XVII. ***TRANSPORTATION*** ***Would the project:***

a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? ☐ ☐ ☒ ☐

a) The project facility would not appear to conflict with a program plan, ordinance or polity regarding the circulation system, the project site expansion is to the south of existing facility along the same roadways currently used by operators. Less than significant impacts are expected.

b) Would the project conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b)? ☐ ☐ ☒ ☐

b) The proposed project does not appear to conflict or be inconsistent with CEQA Guidelines, Section 15064.3(b). There are no transit stops near the proposed project site; Additionally, any road improvement(s) shall be made to the Imperial County Public Works Department requirements. Less than significant impacts are expected.

c) Substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? ☐ ☐ ☒ ☐

c) Expansion of feeding operation would appear to have less than significant impacts to roadways; the roads appear to be straight and level with no sharp curves for dangerous intersections, less than significant impacts are expected.

d) Result in inadequate emergency access? ☐ ☐ ☒ ☐

d) The Project would not appear to block any major thoroughfares and would not result in inadequate emergency access to the Facility. Therefore, less than significant impacts are expected.

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)

XVIII. ***TRIBAL CULTURAL RESOURCES***

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe, and that is: ☐ ☐ ☒ ☐

a) The proposed project area has been historically used for cattle feeding and farming operations since the early 1960s. A record search of the Native American Heritage Commission NAHC) Sacred Land File (SLF) was completed and results were positive, a request to contact the Ewaiiaapaayp tribe was requested. AB 52 letters were mailed on July 23, 2019 to tribes on the NAHC list and one response letter was received from the Augustine Band of Cahuilla Indians dated August 29, 2019 indicating they were unaware of specific cultural resources that may be affected by the proposed project. It would appear less than significant impacts are expected.

(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as define in Public Resources Code Section 5020.1(k), or ☐ ☐ ☒ ☐

(i) The proposed project area has been historically used for cattle feeding and farming operations since the early 1960s. A record search of the Native American Heritage Commission NAHC) Sacred Land File (SLF) was completed and results were positive, a request to contact the Ewaiiaapaayp tribe was requested. AB 52 letters were mailed on July 23, 2019 to tribes on the NAHC list and one response letter was received from the Augustine Band of Cahuilla Indians dated August 29, 2019 indicating they were unaware of specific cultural resources that may be affected by the proposed project. It would appear less than significant impacts are expected.

(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth is subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe. ☐ ☐ ☒ ☐

(ii) The proposed project area has been historically used for cattle feeding and farming operations since the early 1960s. A record search of the Native American Heritage Commission NAHC) Sacred Land File (SLF) was completed and results were positive. A request to contact the Ewaiiaapaayp tribe was done. AB 52 letters were mailed on July 23, 2019 to tribes on the NAHC list and one response letter was received from the Augustine Band of Cahuilla Indians dated August 29, 2019 indicating they were unaware of specific cultural resources that may be affected by the proposed project. It would appear less than significant impacts are expected.

XIX. ***UTILITIES AND SERVICE SYSTEMS Would the project:***

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects? ☐ ☐ ☐ ☒

a) No expansion of water wastewater treatment is expected. Storm-water drainage will

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)

require operator to permit with local agencies. No impacts are expected.

b) Have sufficient water supplies available to serve the project from existing and reasonably foreseeable future development during normal, dry and multiple dry years? ☐ ☐ ☒ ☐

b) Water supplies provided either by Heber Utility District or IID to project site and impacts due to expansion would appear to be less than significant.

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

c) Expansion of cattle feeding operations would not appear to have significant impacts to local wastewater treatment facilities. Less than significant impacts are expected.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? ☐ ☐ ☒ ☐

d) Project will not appear to generate additional solid waste in excess of State or local standards. Less than significant impacts are expected.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? ☐ ☐ ☒ ☐

e) The Permittee will comply with all federal, state and local statues and therefore, less than significant impacts are expected.

XX. *WILDFIRE*

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

a) Substantially impair an adopted emergency response plan or emergency evacuation plan? ☐ ☐ ☒ ☐

a) According to the Draft Fire Hazard Severity Zone Map for Imperial County prepared by the California Department of Forestry and Fire Protection, the Project site is not located in or near state responsibility, areas or lands classified as very high hazard severity zones. The proposed Project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Therefore, less than significant impacts is expected.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? ☐ ☐ ☒ ☐

b) The project site is not located in or near state responsibility, areas or lands classified as very high hazard severity zones (California Department of Forestry and Fire Protection 2007). Therefore, the project would not worsen wildfire risks. Therefore, less than significant impacts are expected for this area.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? ☐ ☐ ☒ ☐

c) The project site is not located in or near state responsibility, areas or lands classified as very high hazard severity zones (California Department of Forestry and Fire Protection 2007). The project would not require the installation or maintenance of associated infrastructure that may worsen fire risk or that may result in temporary or ongoing impacts to the environment. The expansion of feedlot operations for cattle would appear to have a less than significant

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)

impact to fire risk or expansion of fire risks.

d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

d) The project site is not located in or near state responsibility, areas or lands classified as very high hazard severity zones (California Department of Forestry and Fire Protection 2007). The project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result, of runoff, post-fire slope instability, or drainage changes. The expansion of feeding operation is on level and flat grounds and impacts would appear to be less than significant.

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; Sundstrom v. County of Mendocino,(1988) 202 Cal.App.3d 296; Leonoff v. Monterey Board of Supervisors, (1990) 222 Cal.App.3d 1337; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App.4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656.

Revised 2009- CEQA
Revised 2011- ICPDS
Revised 2016 – ICPDS
Revised 2017 – ICPDS
Revised 2019 – ICPDS

	Potentially Significant Impact **(PSI)**	Potentially Significant Unless Mitigation Incorporated **(PSUMI)**	Less Than Significant Impact **(LTSI)**	No Impact **(NI)**

SECTION 3
III. MANDATORY FINDINGS OF SIGNIFICANCE

The following are Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

a)	**Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, eliminate tribal cultural resources or eliminate important examples of the major periods of California history or prehistory?**	☐	☐	☐	☐
b)	**Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)**	☐	☐	☐	☐
c)	**Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?**	☐	☐	☐	☐

IV. PERSONS AND ORGANIZATIONS CONSULTED

This section identifies those persons who prepared or contributed to preparation of this document. This section is prepared in accordance with Section 15129 of the CEQA Guidelines.

A. COUNTY OF IMPERIAL

- Jim Minnick, Director of Planning & Development Services
- Michael Abraham, AICP, Assistant Director of Planning & Development Services
- David Black, Project Planner
- Imperial County Air Pollution Control District
- Department of Public Works
- Fire Department
- Ag Commissioner
- Environmental Health Services
- Sheriff's Office

B. OTHER AGENCIES/ORGANIZATIONS

- _____
- _____

(Written or oral comments received on the checklist prior to circulation)

V. REFERENCES

1. Air Quality and Greenhouse Gas Emission Study for El Toro Land and Cattle Company. Prepared for Imperial County Planning and Development Services Department Prepared by UltraSystems dated October 2019.
2. Native American Heritage Commission comment letter dated August 14, 2019
3. California's Alquist-Priolo Earthquake Fault Zone Map, Revised January 1, 1990, 3
4. County Seismic and Public Safety Element, Figure 3 (Erosion Activity). 4
5. Zone X as per Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel #06025C2075C 5
6. Existing Mineral Resources Map (Figure 8) in the conservation and open Space Element of the County of Imperial General Plan,

1 MITIGATED NEGATIVE DECLARATION – County of Imperial

The following Negative Declaration is being circulated for public review in accordance with the California Environmental Quality Act Section 21091 and 21092 of the Public Resources Code.

Project Name: EL TORO CATTLE CONDITIONAL ZONE CHANGE #18-0006

Project Applicant: ETX, LLC

Project Location:

This project is located at 96 E. Fawcett Road, Heber, lying west along Pitzer Road and Fawcett Road and boarding the east & west side of the Southern Pacific Railroad. Additionally, the parcels is describe as Lot 28, Map No. 361, as the Portion of Tract 48, Township 16 South, Range 14 East, SBM, 160 acres. The parcels identified as APN's 054-250-012-000 and 054-250-014-000.

Description of Project:

The applicant, ETX, LLC is requesting an expansion of the Cattle feed yard operations at the Heber facility. The business has been in continuous operation since 1965. In 2007, El Toro Land and Cattle Company entered into an "agreement for Conditional Zone Change # 06-0011" with the County of Imperial to accommodate a request to change the A-2 Medium zone to Heavy Agriculture "A-3". The parcels were APN 054-250-014-000 & 054-250-012-000. This change was granted to allow El Toro to construct and operate a composting facility on the site. One of the conditions of this Zone Change was "S17" – No Growth Allowed. This condition required the existing footprint of the feedlot operation to remain unchanged. The current request is to increase the feeding capacity of the existing pens on the two APN's. Phase I would involve the South portion of APN 054-250-012-000 (see attached maps), currently being farmed with Bermuda grass. Phase 2 would involve the South portion of APN 054-250-014-000. This area is currently being used for the composting operations. The Composting operation will be re-located locally in the Imperial County vicinity. The completion of both phase I and phase 2 would increase the feeding capacity by approximately 17,000 head of cattle. A request is for the modification to the existing "Agreement for Conditional Zone Change #06-0011".

2 FINDINGS

This is to advise that the County of Imperial, acting as the lead agency, has conducted an Initial Study to determine if the project may have a significant effect on the environmental and is proposing this Mit Igated Negative Declaration based upon the following findings:

☐ The Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment and a MITIGATED NEGATIVE DECLARATION will be prepared.

☐ The Initial Study identifies potentially significant effects but:

(1) Proposals made or agreed to by the applicant before this proposed Mitigated Negative Declaration was released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.

(2) There is no substantial evidence before the agency that the project may have a significant effect on the environment.

(3) Mitigation measures are required to ensure all potentially significant impacts are reduced to levels of insignificance.

A MITIGATED NEGATIVE DECLARATION will be prepared.

If adopted, the Mitigated Negative Declaration means that an Environmental Impact Report will not be required. Reasons to support this finding are included in the attached Initial Study. The project file and all related documents are available for review at the County of Imperial, Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 (442) 265-1736.

NOTICE

The public is invited to comment on the proposed Negative Declaration during the review period.

Date of Determination Jim Minnick, Director of Planning & Development Services

The Applicant hereby acknowledges and accepts the results of the Environmental Evaluation Committee (EEC) and hereby agrees to implement all Mitigation Measures, if applicable, as outlined in the MMRP.

Applicant Signature Date

SECTION 4

VIII. RESPONSE TO COMMENTS

(ATTACH DOCUMENTS, IF ANY, HERE)

MM AQ-1.

The operator will require that employees and cattle trucks drive only on paved roads.

MM AQ-2.

Standard Mitigation Measures for Fugitive PM_{10} Control

a. All disturbed areas, including Bulk Material storage which is not being actively utilized, shall be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emissions by using water, chemical stabilizers, dust suppressants, tarps or other suitable material such as vegetative ground cover.

b. All on site and off site unpaved roads will be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.

c. All unpaved traffic areas one (1) acre or more with 75 or more average vehicle trips per day will be effectively stabilized and visible emission shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.

d. The transport of Bulk Materials shall be completely covered unless six inches of freeboard space from the top of the container is maintained with no spillage and loss of Bulk Material. In addition, the cargo compartment of all Haul Trucks is to be cleaned and/or washed at delivery site after removal of Bulk Material.

e. All Track-Out or Carry-Out will be cleaned at the end of each workday or immediately when mud or dirt extends a cumulative distance of 50 linear feet or more onto a paved road within an Urban area.

f. Movement of Bulk Material handling or transfer shall be stabilized prior to handling or at points of transfer with application of sufficient water, chemical stabilizers or by sheltering or enclosing the operation and transfer line.

g. The construction of any new Unpaved Road is prohibited within any area with a population of 500 or more unless the road meets the definition of a Temporary Unpaved Road. Any temporary unpaved road shall be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emission by paving, chemical stabilizers, dust suppressants and/or watering.

Discretionary Mitigation Measures for Fugitive PM_{10} Control

a. Water exposed soil with adequate frequency for continued moist soil.

b. Replace ground cover in disturbed areas as quickly as possible

c. Automatic sprinkler system installed on all soil piles

d. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

e. Develop a trip reduction plan to achieve a 1.5 AVR for construction employees

f. Implement a shuttle service to and from retail services and food establishments during lunch hours

Standard Mitigation Measures for Construction Combustion Equipment

e. Use of alternative fueled or catalyst equipped diesel construction equipment, including all off-road and portable diesel powered equipment.

a. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes as a maximum.

b. Limit, to the extent feasible, the hours of operation of heavy duty equipment and/or the amount of equipment in use

c. Replace fossil fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set)

Enhanced Mitigation Measures for Construction Equipment

a. Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak hour of vehicular traffic on adjacent roadways.
b. Implement activity management (e.g. rescheduling activities to reduce short-term impacts)

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURES PURSUANT TO THE ENVIRONMENTAL EVALUATION COMMITTEE
February 27, 2020
ETX, LLC
Cattle Feedlot Expansion Project
[ZC #18-0006] (APN 054-250-012 & 014-000)
(CEQA – Mitigated Negative Declaration)

Pursuant to the review and recommendations of the Imperial County Environmental Evaluation Committee (EEC) on February 27, 2020, the following Mitigation Measures are hereby proposed for the project:

AIR QUALITY RESOURCES:

MITIGATION MEASURES:

Mitigation for Criteria Pollutant Impacts

MM AQ-1

- **The operator will require that employees and cattle trucks drive only on paved roads.**

MM AQ 2

Standard Mitigation Measures for Fugitive PM_{10} Control

a. All disturbed areas, including Bulk Material storage which is not being actively utilized, shall be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emissions by using water, chemical stabilizers, dust suppressants, tarps or other suitable material such as vegetative ground cover.

b. All on site and off site unpaved roads will be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.

c. All unpaved traffic areas one (1) acre or more with 75 or more average vehicle trips per day will be effectively stabilized and visible emission shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.

d. The transport of Bulk Materials shall be completely covered unless six inches of freeboard space from the top of the container is maintained with no spillage and loss of Bulk Material. In addition, the cargo compartment of all Haul Trucks is to be cleaned and/or washed at delivery site after removal of Bulk Material.

e. All Track-Out or Carry-Out will be cleaned at the end of each workday or immediately when mud or dirt extends a cumulative distance of 50 linear feet or more onto a paved road within an Urban area.

f. Movement of Bulk Material handling or transfer shall be stabilized prior to handling or at points of transfer with application of sufficient water, chemical stabilizers or by sheltering or enclosing the operation and transfer line.

g. The construction of any new Unpaved Road is prohibited within any area with a population of 500 or more unless the road meets the definition of a Temporary Unpaved Road. Any temporary unpaved road shall be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emission by paving, chemical stabilizers, dust suppressants and/or watering.

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f. Implement a shuttle service to and from retail services and food establishments during lunch hours

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b. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes as a maximum.

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d. Replace fossil fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set)

Enhanced Mitigation Measures for Construction Equipment

a. Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak hour of vehicular traffic on adjacent roadways

b. Implement activity management (e.g. rescheduling activities to reduce short-term impacts)

AIR QUALITY AND GREENHOUSE GAS EMISSIONS STUDY
FOR
EL TORO LAND AND CATTLE COMPANY
HEBER OPERATIONS EXPANSION

Prepared for:

Imperial County Planning and Development Services Department
801 Main Street
El Centro, California 92243

Prepared By:

UltraSystems Environmental
16431 Scientific Way
Irvine, California 92618-4355

Job No. 7019

October 2019

This analysis was prepared in accordance with § 15063(d)(3) and Appendix G of the State CEQA Guidelines to determine the potential significant air quality effects on the physical environment that could result from the implementation of the project.

Report Preparers:

Name & Title: MICHAEL ROGOZEN, Senior Principal Engineer

Signature: _____ Date: October X, 2019

Name & Title: JOE O'BANNON, Staff Engineer

Signature: _____ Date: October X, 2019

Name & Title: MIKE LINDSAY, Air and Noise Scientist

Signature: _____ Date: October X, 2019

TABLE OF CONTENTS

LIST OF TABLES

LIST OF FIGURES

ATTACHMENTS

1.0 INTRODUCTION

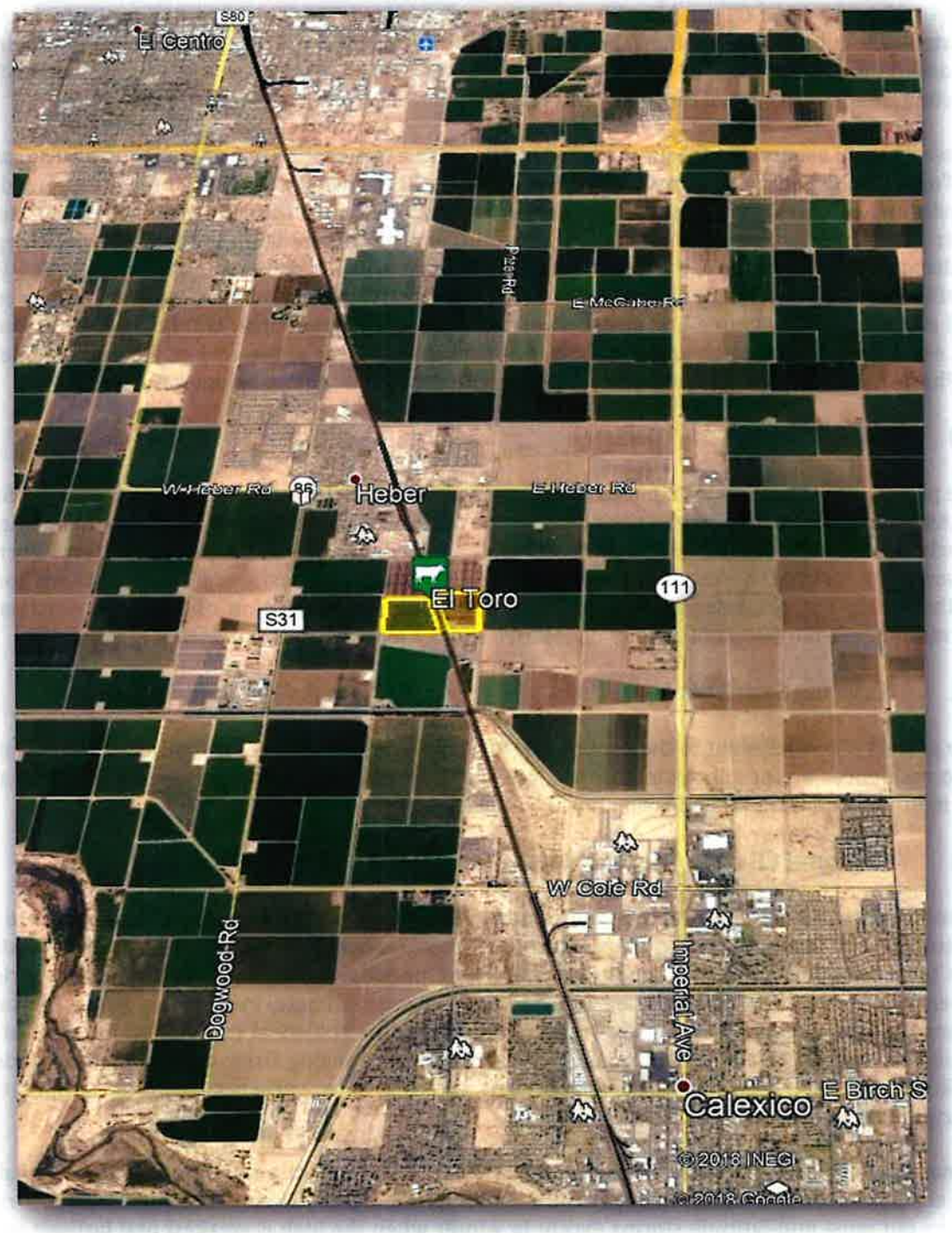
El Toro Land and Cattle (ETLC), the applicant, operates a cattle feedlot located south of Fawcett Road between Ware Road on the west and Pitzer Road on the east in Heber, California, a census-designated place in Imperial County. Its business address is 96 East Fawcett Road. The project proposes to expand the facility's operations to allow an additional 17,000 head of cattle. Operations at the proposed feedlot will be like those of the existing feedlot; however, an existing composting facility will be moved to a yet unknown location. The site location of the proposed expansion is shown in **Figure 1.0-1**. The vicinity is shown in **Figure 1.0-2**.

This air quality analysis was conducted within the context of the California Environmental Quality Act (CEQA, California Public Resources Code §§ 21000 et seq.). The methodology follows the CEQA Air Quality Handbook[1] prepared by the Imperial County Air Pollution Control District (ICAPCD) for quantification of emissions and evaluation of potential impacts on air resources.

1 CEQA Air Quality Handbook: Guidelines for the Implementation of the California Air Quality Act of 1970 as amended. Imperial County Air Pollution Control District. Final - December 12, 2017.

Figure 1.0-1
SITE LOCATION

Figure 1.0-2
VICINITY MAP



2.0 PROJECT DESCRIPTION

The applicant is proposing to expand its operations on Lot 29, a 71.3-acre lot (APN# 054-250-0012-01) and Lot 28, an 82.2-acre lot (APN# 054-250-0014-01), both of which are located contiguous to the southern boundary of the existing feedlot. The new feedlot area will house an additional 17,000 head of cattle. Phase 1 of the proposal would consist of displacement of the existing established crop of Bermuda grass on Lot 29.

Phase 2 would expand the feeding area to Lot 28 where a composting operation is currently located. El Toro Land & Cattle Company currently holds ICAPCD Permit No. 3669 PTO for a "beef feedlot." Condition No. 8 of the permit says, "The Permittee shall implement the control measures outlined in their LCAF Emissions Mitigation Plan (Beef Feedlot) which was submitted to the APCD." With regard to disposal of solid manure, the facility's Large Confined Animal Facility Emissions Mitigation Plan, Beef Feedlot, signed January 31, 2017, states, "All corral cleaning and manure composting is handled and managed by TruSource LLC at their location." Currently, TruSource, LLC holds ICAPCD Permit No. 4462 for the composter, which is located at the same address as the project. Prior to completion of Phase 2, a new location would need to be identified for the composting operation. [2]

3.0 EXISTING CONDITIONS

The project site is in an unincorporated area of Imperial County, which is in the Salton Sea Air Basin (SSAB). The SSAB includes the Imperial Valley and the central part of Riverside County, including the Coachella Valley. The Imperial Valley is bordered by the Salton Sea to the north, the Anza-Borrego Desert State Park to the west, the Chocolate Mountains to the northeast, and the U.S./Mexican border to the south. The proposed site is located in the southeastern portion of Heber, approximately 2.9 miles north-northwest of the city of Calexico and 5.7 miles south-southeast of El Centro.

3.1 Existing Sensitive Land Uses

The project site is adjacent to the community of Heber and has several residences within one mile. Two residences are at approximately 0.3 mile, another group of residences are at approximately 0.4 mile, and another is at approximately 0.6 mile. (See **Figure 3.1-1**.)

3.2 Regional Climate/Meteorology

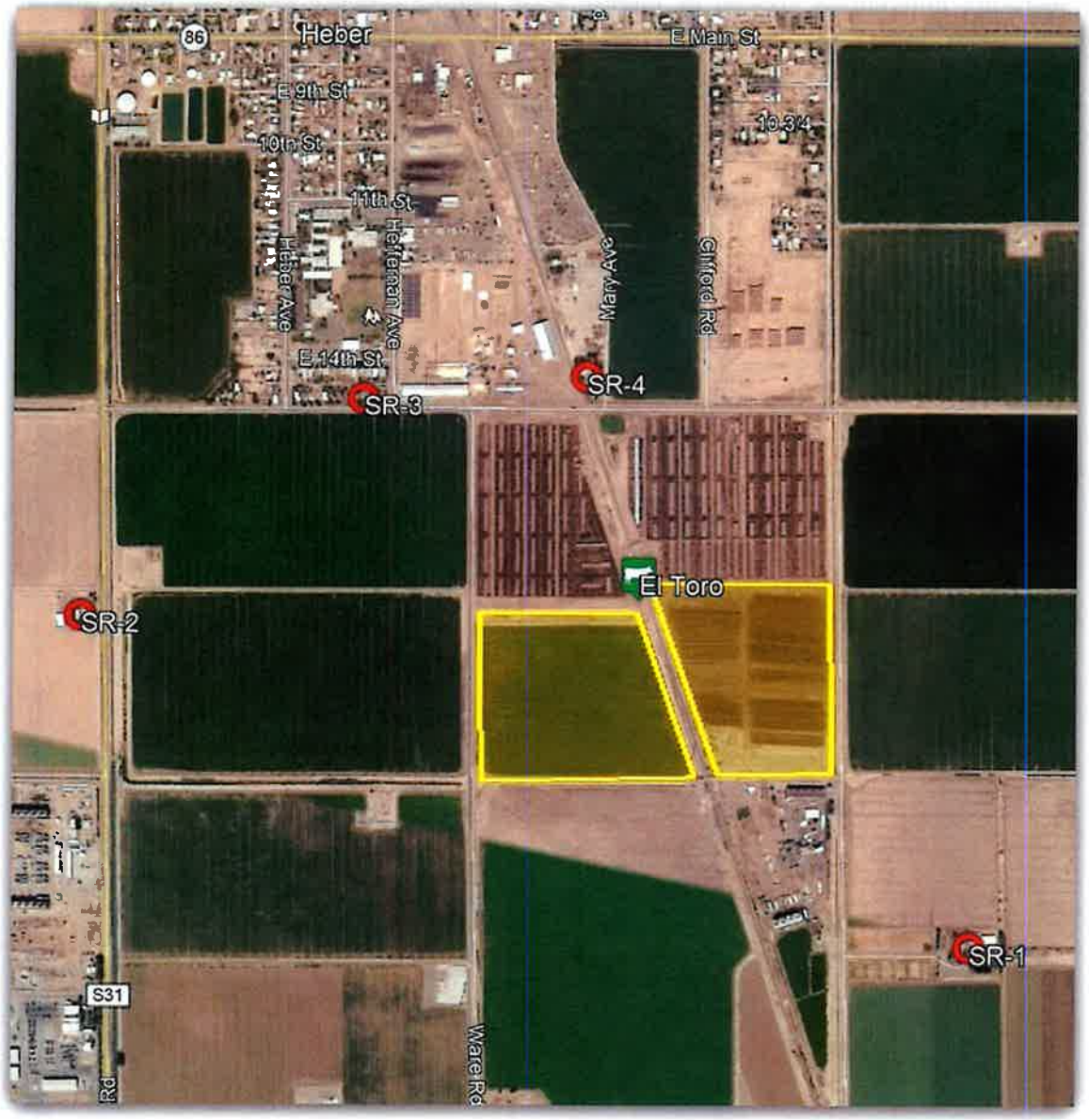
Meteorology is the study of weather and climate. Weather refers to the state of the atmosphere at a given time and place regarding temperature, air pressure, humidity, cloudiness, and precipitation. The term "weather" refers to conditions over short periods; conditions over prolonged periods, generally at least 30 to 50 years, are referred to as climate. Climate, in a narrow sense, is usually defined as the "average weather," or more rigorously as the statistical description in terms of the mean and variability of relevant quantities over a period ranging from months to thousands or millions of years. These quantities are most often surface variables such as temperature, precipitation, and wind.

Climatic conditions in Imperial County are governed by the large-scale sinking and warming of air in the semi-permanent tropical high-pressure center of the Pacific Ocean. The high-pressure ridge blocks out most mid-latitude storms except in winter when the high is weakest and farthest south. The coastal mountains prevent the intrusion of any cool, damp air found in California coastal

2 Relocation of the composter is discussed further in **Section 5.3.4**.

environs. Because of the weakened storms and barrier, Imperial County experiences clear skies, extremely hot summers, mild winters, and little rainfall. The flat terrain of the valley and the strong temperature differentials created by intense solar heating produce moderate winds and deep thermal convection.

Figure 3.1-1
SENSITIVE RECEPTORS IN PROJECT AREA



The subsiding air, protective mountains, and distance from the ocean all combine to limit precipitation severely. Rainfall is highly variable with precipitation from a single heavy storm sometimes exceeding the entire annual total during a later drought condition.

Imperial County enjoys a year-round climate characterized by a temperate fall, winter, and spring and a harsh summer. Humidity often combines with the valley's normal elevated temperatures to produce a moist, tropical atmosphere that frequently seems hotter than the thermometer suggests. The sun shines, on the average, more in Imperial County that anywhere else in the United States.

3.2.1 Temperature and Precipitation

The nearest National Weather Service Cooperative Observer Program weather station to the project is in Calexico at the corner of Highway 98 and Bowker Road, approximately 3.9 miles southeast of the project. At the Calexico[3] station, average recorded rainfall during the period of record (1910 to 2007) measured 2.65 inches, with 72% of precipitation occurring between October and March and 47% in just December, January, and February. Monthly average maximum temperatures at this station vary annually by 38.2 degrees Fahrenheit (°F): 107.6°F at the hottest to 69.4°F at the coldest and monthly average minimum temperatures vary by 36.9°F annually; i.e., from 38.9°F to 75.8°F. In fact, this station shows that the months of June, July, August, and September have monthly maximum temperatures greater than 100°F.

3.2.2 Humidity

Relative humidity in Imperial County is typically low throughout the year, ranging from 28% in summer to 52% in winter. The large daily oscillation of temperature produces a corresponding large variation in the relative humidity. Nocturnal humidity rises to 50-60% but drops to about 10% during the day. Summer weather patterns are dominated by intense heat-induced low-pressure areas that form over the interior desert.

3.2.3 Wind

The wind direction follows two general patterns. The first occurs from fall through spring, where prevailing winds are from the west and northwest. Most of these winds originate in the Los Angeles Basin. The second pattern consists of occasional periods of high winds. Wind speeds exceeding 31 miles per hour (mph) occur most frequently in April and May. On an annual basis, high winds, those exceeding 31 mph, are observed 0.6% of the time, while speeds of less than 6.8 mph account for more than half of the observed winds. Wind statistics indicate that prevailing winds are from the west-northwest through southwest; however, a secondary flow pattern from the southeast is also evident.

3.2.4 Inversions

Air pollutant concentrations are primarily determined by the amount of pollutant emissions in an area and the degree to which these pollutants are dispersed in the atmosphere. The stability of the atmosphere is one of the key factors affecting pollutant dispersion. Atmospheric stability regulates the amount of vertical and horizontal air exchange, or mixing, that can occur within a given air basin.

3 Western U.S. Climate Historical Summaries. Western Regional Climate Center. http://www.wrcc.dri.edu/Climsum.html. Accessed September 2019.

Horizontal mixing is a result of winds, as discussed above, but vertical mixing also affects the degree of stability in the atmosphere. An interruption of vertical mixing is called an inversion.

In the atmosphere, air temperatures normally decrease as altitude increases. However, the presence of the Pacific High-Pressure Cell can cause elevated air to warm to a temperature higher than that of the air below. This highly stable atmospheric condition, termed a subsidence inversion, can act as a nearly impenetrable lid to the vertical mixing of pollutants. The strength of these inversions makes them difficult to disrupt. Consequently, they can persist for one or more days, causing air stagnation and the buildup of pollutants. Highest or worst-case ozone levels are often associated with the presence of this type of inversion.

Imperial County experiences surface inversions almost every day of the year. Due to strong surface heating, these inversions are usually broken, allowing pollutants to disperse more easily. Weak, surface inversions are caused by radiational cooling of air in contact with the cold surface of the earth at night. In valleys and low-lying areas, this condition is intensified by the addition of chilly air flowing down slope from the hills and pooling on the valley floor.

3.3 Regulatory Setting

Federal, state, and local agencies have set ambient air quality standards for certain air pollutants through statutory requirements and have established regulations and various plans and policies to maintain and improve air quality, as described below.

3.3.1 Air Pollutants of Concern[4]

As required by the Federal Clean Air Act (FCAA), the U. S. Environmental Protection Agency (USEPA) has identified criteria pollutants and established National Ambient Air Quality Standards (NAAQS) to protect public health and welfare. NAAQS have been established for ozone, carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide, suspended particulate matter (PM), and lead. Suspended PM includes both PM with an aerodynamic diameter of 10 micrometers or less (respirable PM, or PM_{10}) and PM with an aerodynamic diameter of 2.5 micrometers or less (fine PM, or $PM_{2.5}$). The California Air Resources Board (ARB) has established separate standards for the state; i.e., the California Ambient Air Quality Standards (CAAQS). The ARB established CAAQS for all the federal pollutants, plus sulfates, hydrogen sulfide, and visibility-reducing particles.

For some of the pollutants, the identified air quality standards are expressed in more than one averaging time to address the typical exposures found in the environment. For example, CO is expressed as a one-hour averaging time and an eight-hour averaging time. Regulations have set NAAQS and CAAQS limits in parts per million (ppm) or micrograms per cubic meter ($\mu g/m^3$). **Table 3.3-1** summarizes the state and federal ambient air quality standards for all criteria pollutants. Criteria pollutants of concern in Imperial County are ozone and PM, since the standards for other criteria pollutants are either being met or are unclassified in the county, and the latest pollutant trends suggest that these standards will not be exceeded in the foreseeable future.

4 This section discusses only criteria pollutants. Greenhouse gases are defined and discussed in **Section 5.**

Table 3.3-1
AMBIENT AIR QUALITY STANDARDS FOR CRITERIA AIR POLLUTANTS

Air Pollutant	Averaging Time	California Standard	National Standard
Ozone (O_3)	1 hour 8 hour	0.09 ppm 0.070 ppm	— 0.070 ppm *
Respirable particulate matter (PM_{10})	24 hours Mean	50 µg/m³ 20 µg/m³	150 µg/m³ —
Fine particulate matter ($PM_{2.5}$)	24-hour Annual Arithmetic Mean	— 12 µg/m³	35 µg/m³ 12.0 µg/m³
Carbon monoxide (CO)	1 hour 8 hour	20 ppm 9.0 ppm	35 ppm 9 ppm
Nitrogen dioxide (NO_2)	1 hour Mean	0.18 ppm 0.030 ppm	100 ppb 0.053 ppm
Sulfur dioxide (SO_2)	1 hour 24 hour	0.25 ppm 0.04 ppm	75 ppb —
Lead	30-day Rolling 3-month	1.5 µg/m³ —	— 0.15 µg/m³
Sulfates	24 hour	25 µg/m³	**No National Standards**
Hydrogen sulfide	1 hour	0.03 ppm	
Vinyl chloride	24 hour	0.01 ppm	
Visibility-reducing particles	8 hour	Extinction coefficient of 0.23 per kilometer, visibility of ten miles or more due to particles when relative humidity is less than 70%.	

* On October 1, 2015, the national 8-hour ozone standard was lowered from 0.075 to 0.070 ppm.

Abbreviations:
ppm = parts per million
µg/m³ = micrograms per cubic meter
ppb = parts per billion
Mean = Annual Arithmetic Mean
30-day = 30-day average

Ozone (O_3) is not emitted directly to the atmosphere but is formed by photochemical reactions between reactive organic gases (ROG), or volatile organic compounds[5] (VOC), and oxides of nitrogen (NO_X) in the presence of sunlight. The long, hot, humid days of summer are particularly conducive to ozone formation; thus, ozone levels are of concern primarily during May through September. Ozone is a strong chemical oxidant that adversely impacts human health through effects on respiratory function. It can also damage forests and crops. Tropospheric[6] ozone is formed by a complex series of chemical reactions involving nitrogen oxides, the result of combustion processes and evaporative ROGs such as industrial solvents, toluene, xylene, and hexane; as well as the various hydrocarbons that are evaporated from the gasoline used by motor vehicles or emitted through the tailpipe following combustion. Additionally, ROGs are emitted by natural sources such as trees and crops. Ozone formation is promoted by strong sunlight, warm temperatures, and winds. High concentrations tend to be a problem in Imperial County only during the hot summer months when these conditions frequently occur.

Reactive Organic Gases (ROG) are defined as any compound of carbon, excluding CO, carbon dioxide (CO_2), carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participate in atmospheric photochemical reactions. It should be noted that there are no state or national ambient air quality standard for ROG because ROGs are not classified as criteria pollutants. They are regulated, however, because a reduction in ROG emissions reduces certain chemical reactions that contribute to the formulation of ozone. ROGs are also transformed into organic aerosols in the atmosphere, which contribute to higher PM_{10} and lower visibility.

Nitrogen Oxides (NO_X) serve as integral participants in the process of photochemical smog production. The two major forms of NO_X are nitric oxide (NO) and nitrogen dioxide (NO_2).[7] NO is a colorless, odorless gas formed from atmospheric nitrogen and oxygen when combustion takes place under high temperature and/or high pressure. NO_2 is a reddish-brown irritating gas formed by the combination of NO and oxygen. NO_X is an ozone precursor. A precursor is a directly-emitted air contaminant that, when released into the atmosphere, forms, causes to be formed, or contributes to the formation of a secondary air contaminant for which an Ambient Air Quality Standard (AAQS) has been adopted, or whose presence in the atmosphere will contribute to the violation of one or more AAQSs. When NO_X and ROG are released in the atmosphere, they can chemically react with one another in the presence of sunlight to form ozone.

Particulate Matter (PM) is a general term used to describe a complex group of airborne solid, liquid, or semi-volatile materials of various size and composition. Primary PM is emitted directly into the atmosphere from both human activities (including agricultural operations, industrial processes, construction and demolition activities, and entrainment of road dust into the air) and non-anthropogenic activities (such as windblown dust and ash resulting from forest fires). Secondary PM is formed in the atmosphere from predominantly gaseous combustion by-product precursors, such as sulfur oxides and NO_X, and ROGs. The overwhelming majority of airborne PM in Imperial

5 Emissions of organic gases are typically reported only as aggregate organics, either as Volatile Organic Compounds (VOC) or as Reactive Organic Gases (ROG). These terms are meant to reflect what specific compounds have been included or excluded from the aggregate estimate. Although the USEPA defines VOC to exclude both methane and ethane, and the ARB defines ROG to exclude only methane, in practice it is assumed that VOC and ROG are essentially synonymous.

6 The troposphere is the atmospheric layer closest to the Earth's surface. Ozone produced here is an air pollutant that is harmful to breathe, and it damages crops, trees and other vegetation.

7 Another form of NO_X, nitrous oxide (N_2O), is a greenhouse gas and is discussed below.

County is primary PM. The major source of primary PM is fugitive windblown dust, with other contributions from entrained road dust, farming, and construction activities.

Particle size is a critical characteristic of PM that primarily determines the location of PM deposition along the respiratory system (and associated health effects) as well as the degradation of visibility through light scattering. In the United States, federal and state agencies have established two types of PM air quality standards, as shown in **Table 3.3-1.** PM_{10} corresponds to the fraction of PM no greater than 10 micrometers in aerodynamic diameter and is commonly called respirable particulate matter, while $PM_{2.5}$ refers to the subset of PM_{10} of aerodynamic diameter smaller than 2.5 micrometers, which is commonly called fine particulate matter.

PM air pollution has undesirable and detrimental environmental effects. PM affects vegetation, both directly (e.g. deposition of nitrates and sulfates may cause direct foliar damage) and indirectly (e.g. coating of plants upon gravitational settling reduces light absorption). PM also accumulates to form regional haze, which reduces visibility due to scattering of light.

3.3.2 Ammonia

Ammonia (NH_3) is addressed in the 2013 $PM_{2.5}$ SIP[8] due to its role as a precursor to PM_{10}, specifically the wintertime violations. The cooler temperatures and higher humidity of the winter months are conducive to ammonium nitrate (NH_4NO_3) formation through a complex process involving NO_X, NH_3, and ROGs. This occurs both at the surface and aloft, via both daytime and nighttime chemistry. Understanding the interactions amongst these precursors is needed to design an appropriate and effective approach to reduce NH_4NO_3. The 2020 Imperial County Emission Inventory[9] shows that about 48% of the NH_3 is generated from farming operations (primarily feedlots) and another 46% is from the use of pesticides and fertilizers.

3.3.3 Applicable Regulations

3.3.3.1 Federal Regulations

The federal Clean Air Act (FCAA), passed in 1970, established the national air pollution control program. The basic elements of the FCAA are the National Ambient Air Quality Standards (NAAQS) for criteria air pollutants (discussed above), hazardous air pollutants standards, state attainment plans, motor vehicle emissions standards, stationary source emissions standards and permits, acid rain control measures, stratospheric ozone protection, and enforcement provisions.

Data collected at permanent monitoring stations are used by the USEPA to classify regions as "attainment" or "nonattainment," depending on whether the regions met the requirements stated in the primary NAAQS. In addition, the FCAA uses a classification system to design cleanup requirements appropriate for the severity of the pollution and set realistic deadlines for reaching cleanup goals. If an air basin is not in federal attainment for a particular pollutant, the Basin is classified as a marginal, moderate, serious, severe, or extreme nonattainment area, based on the

8 Imperial County 2013 SIP for the 2006 24-hr $PM_{2.5}$ Moderate Nonattainment Area. Imperial County Air Pollution Control District. December 2, 2014.

9 Almanac Emissions Projection Data. California Air Resources Board. http://www.arb.ca.gov/app/emsinv/. Accessed May 2017.

estimated time it would take to reach attainment. Nonattainment areas must take steps towards attainment by a specific timeline. This is discussed further in **Section 3.4.**

Although new source performance standards have been set for a wide variety of air pollution emissions sources, no federal regulations govern emissions from livestock operations.

3.3.3.2 State Regulations

The State of California began to set CAAQS in 1969 under the mandate of the Mulford-Carrell Act. There were no attainment deadlines for the CAAQS originally. However, the State Legislature passed the California Clean Air Act (CCAA) in 1988 to establish air quality goals, planning mechanisms, regulatory strategies, and standards of progress to promote their attainment. The ARB, which became part of the California Environmental Protection Agency (CalEPA) in 1991, is responsible for ensuring implementation of the CCAA, responding to the FCAA, and for regulating emissions from motor vehicles and consumer products.

The CCAA requires attainment of CAAQS by the earliest practicable date. The state standards are generally more stringent than the corresponding federal standards. Attainment plans are required for air basins in violation of the state ozone, PM_{10}, CO, SO_2, or NO_2 standards. Responsibility for achieving state standards is placed on the ARB in cooperation with local air pollution control districts/air quality management districts. District plans for nonattainment areas must be designed to achieve a 5% annual reduction in emissions. Preparation of and adherence to attainment plans are the responsibility of the local air pollution districts or air quality management districts. CAAQS are included in **Table 3.3-1.**[10]

Senate Bill 700 (Chapter 479, Statutes of 2003)

SB 700 deals with agricultural air pollution and specifies how California will conform to federal and state air pollution laws. Prior to the adoption of SB 700, California law had exempted agricultural sources from requirements to obtain air permits. This had resulted in a conflict between state and federal law, and California faced sanctions if it failed to correct the problem. SB 700 defined "agricultural source," removed the restriction from state law that prevented air districts from requiring permits for agricultural sources, required emission-control regulations in areas that have not attained NAAQS for PM_{10} and required permits and emissions mitigation for confined animal facilities.[11]

3.3.4 Air Quality Plans

3.3.4.1 Ozone Plan

On December 3, 2009, the USEPA issued a final ruling determining that the Imperial County "moderate" 8-hour ozone non-attainment area attained the 1997 8-hour NAAQS for ozone. The determination by the USEPA was based upon complete, quality-assured, and certified ambient air monitoring data for 2006 through 2008. This determination effectively suspended the requirement for the state to submit an attainment demonstration, an RFP plan, contingency measures, and other planning requirements for so long as Imperial County continues to attain the 1997 8-hour ozone

10 Ambient Air Quality Standards. California Air Resources Board. https://www.arb.ca.gov/research/aaqs/aaqs2.pdf. May 4, 2016. Accessed October 2018.

11 Health and Safety Code Sections 39011.5, 39023.3, 40724-40724.7, 40731, 42301.16-, 42301.18, 42310 and 44559.9.

NAAQS. However, this determination did not constitute a re-designation to attainment; therefore, the classification and designation status for Imperial County remain as a "moderate" non-attainment area of the 1997 8-hour ozone NAAQS. Imperial County was required to submit for USEPA approval a 2009 8-Hour Ozone "Modified" Air Quality Management Plan (Modified AQMP), which was approved July 13, 2010.

The Modified AQMP served as a comprehensive planning document intended to provide guidance to the ICAPCD, the County, and other local agencies on how to continue maintaining the 1997 8-hour ozone NAAQS. The Modified AQMP includes control measures consisting of three components: 1) the ICAPCD's Stationary Source Control Measures; 2) Regional Transportation Control Measures; and 3) the State Strategy. These measures primarily rely on the traditional command and control approach and provide the framework for ICAPCD rules that reduce ROG and NO_X emissions.

However, Imperial County's 2017 Ozone SIP,[12] demonstrates that Imperial County is in attainment of the 2008 8-hour ozone standard but for emissions emanating across the international border. In addition, a weight-of-evidence analysis has been included to show that Imperial County will maintain this status of attainment through the July 2018 attainment date.

As of November 2017, after consideration of the ARB's recommendations, the USEPA "is designating Imperial County, CA as nonattainment for the 2015 ozone NAAQS".[13]

3.3.4.2 PM_{10} Plan

The ICAPCD District Board of Directors adopted the PM_{10} SIP for Imperial County on August 11, 2009.[14] The PM_{10} SIP meets USEPA requirements to demonstrate that the County will attain the PM_{10} standard as expeditiously as practicable. The PM_{10} SIP was required to address and meet the following elements, required under the FCAA of areas classified to be in serious nonattainment of the NAAQS:

- Best available emission inventories.
- A plan that enables attainment of the PM_{10} federal air quality standards.
- Annual reductions in PM_{10} or PM_{10} precursor emissions that are of not less than 5% from the date of SIP submission until attainment.
- Best available control measures and best available control technologies for significant sources and major stationary sources of PM_{10}, to be implemented no later than four years after reclassification of the area as serious.
- Transportation conformity and motor vehicle emission budgets in accord with the attainment plan.
- Reasonable further progress and quantitative milestones.

12 2017 Imperial County State Implementation Plan for the 2008 8-Hour Ozone Standard. Imperial County Air Pollution Control District, September 12, 2017.

13 California – Final Area Designations for the 2015 Ozone National Ambient Air Quality Standards, Technical Support Document. United States Environmental Protection Agency. November 16, 2017.

14 2009 Imperial County State Implementation Plan for Particulate Matter Less Than 10 Microns in Aerodynamic Diameter. Imperial County Air Pollution Control District. July 10, 2009.

- Contingency measures to be implemented (without the need for additional rulemaking actions) if the control measure regulations incorporated in the plan cannot be successfully implemented or fail to give the expected emission reductions.

The PM_{10} SIP updated the emission inventory to incorporate revised cattle emissions, revised windblown dust model results, revised Southern California Association of Governments (SCAG) activity data, and updated entrained and windblown unpaved road dust estimates. The adjustments made to the emission inventory fell in two categories: (1) adjustments to incorporate new methodology and updated information (e.g. throughputs, activity data, etc.); and (2) adjustments to incorporate emission reductions arising from the implementation of new control measures.

Additionally, the PM_{10} SIP demonstrates that Imperial County attained the Federal PM_{10} NAAQS, but for international emissions from Mexico, based on 2006–2008 monitoring data. Attainment was due, in part, to ICAPCD's November 2005 adoption and subsequent implementation of Regulation VIII fugitive dust rules; those rules were based on the related 2005 Best Available Control Measure (BACM) analysis.

Since the reclassification of Imperial County to serious nonattainment for PM_{10} occurred in August 2004, control of fugitive PM_{10} emissions from the significant source categories that meets BACM stringency identified in the PM_{10} SIP began in January 2006.

Major stationary sources are required to implement Best Available Control Technology (BACT) to control PM_{10} emissions (Rule 207) and they are required to comply with the 20% opacity rule (Rule 403). In addition, stationary sources will be required to mitigate fugitive dust emissions from access roads, construction activities, handling and transferring of bulk materials, and track-out/carry-out according to the requirements of Regulation VIII.

Because Imperial County is shown in the PM_{10} SIP to have attained the 24-hour PM_{10} NAAQS but for international transport of Mexicali, Mexico emissions in 2006–2008, reasonable further progress and milestone requirements are unnecessary, and specifically the 5% yearly emission reductions requirement does not apply to future years. As documented in the PM_{10} SIP, all remaining SIP requirements applicable to the 2009 Imperial County PM_{10} Plan have been successfully addressed.

3.3.4.3 $PM_{2.5}$ Plan

The ICAPCD District Board of Directors adopted the $PM_{2.5}$ SIP for Imperial County on December 2, 2014.[15] The $PM_{2.5}$ SIP fulfills the requirements of the CAA for those areas classified as "moderate" nonattainment for $PM_{2.5}$. It incorporates updated emission inventories, and analysis of Reasonable Available Control Measures (RACM), an assessment of Reasonable Further Progress (RFP), and a discussion of contingency measures. Analyses in the $PM_{2.5}$ SIP included assessing emission inventories from Imperial County and Mexicali; evaluating the composition and elemental makeup of samples collected on Calexico violation days; reviewing the meteorology associated with high concentration measurements; and performing directional analysis of the sources potentially impacting the Calexico $PM_{2.5}$ monitor. As is demonstrated in the $PM_{2.5}$ SIP, the primary reason for elevated $PM_{2.5}$ levels in Imperial County is transport from Mexico. Essentially, the $PM_{2.5}$ SIP

15 Imperial County 2013 SIP for the 2006 24-hr $PM_{2.5}$ Moderate Nonattainment Area. Imperial County Air Pollution Control District. December 2, 2014.

demonstrated attainment of the 2006 $PM_{2.5}$ NAAQS "but for" transport of international emissions from Mexicali, Mexico.

3.3.5 Local Regulations

3.3.5.1 Air Quality

The ICAPCD also has the authority to adopt and enforce regulations dealing with controls for specific types of sources, emissions of hazardous air pollutants, and New Source Review. The ICAPCD Rules and Regulations are part of the SIP and are separately enforceable by the EPA. The following ICAPCD rules potentially apply to the project.

Rules 800 (General Requirements for Control of Fine Particulate Matter [PM-10]), **801** (Construction and Earthmoving Activities), **802** (Bulk Materials), **803** (Carry-out and Track-out), **804** (Open Areas), and **805** (Paved and Unpaved Roads) are intended to reduce the amount of PM_{10} entrained in the ambient air as a result of emissions generated by anthropogenic fugitive dust sources by requiring actions to prevent, reduce, or mitigate PM_{10} emissions. These rules include opacity limits, control measure requirements, and dust control plan requirements that apply to activities at a facility.

Rule 217 (Large Confined Animal Facilities [LCAF] Permits Required) requires owners/operators of any confined animal facility considered large in operation, including beef feedlots that maintain at least 3,500 head of beef cattle, to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) for the facility. The rule includes a comprehensive set of "mitigation measures" to reduce ammonia emissions.

Rule 420 (Beef Feedlots) requires any person using or operating an LCAF to include in the submission for a permit set forth in Rule 217, a written plan designed to effectively control dust. The Dust Control Plan is to contain (1) procedures for assuring that manure is at all times maintained at a moisture factor between 20% and 40%, in the top three inches in occupied pens and (2) an outline of manure management practices, including standards and time tables for manure removal, designed to effectively control dust and to prevent adverse public health conditions.

3.3.5.2 Right-to-Farm Ordinance

In recognition of the role of agriculture in the county, Imperial County has adopted a right-to-farm ordinance. A "right-to-farm" ordinance creates a legal presumption that ongoing, standard farming practices are not a nuisance to adjoining residences. It requires a disclosure to owners and purchasers of property near agricultural land operations, or areas zoned for agricultural purposes. The disclosure advises persons that discomfort and inconvenience from odors, fumes, dust, smoke, and chemicals resulting from conforming and accepted agricultural operations are normal and necessary aspects of living in the agricultural areas of the county.

3.4 Regional Air Quality

Table 3.4-1 shows the area designation status of Imperial County for each criteria pollutant for both the NAAQS and the CAAQS.

Table 3.4-1
FEDERAL AND STATE ATTAINMENT STATUS FOR IMPERIAL COUNTY

Pollutant	State Designation	Federal Designation (Classification)
Ozone	Nonattainment	Nonattainment
Respirable PM (PM_{10})	Nonattainment	Nonattainment (Serious) *
Fine PM ($PM_{2.5}$)	Attainment***	Nonattainment (Moderate) **
Carbon Monoxide (CO)	Attainment	Unclassifiable/Attainment
Nitrogen Dioxide (NO_2)	Attainment	Unclassifiable/Attainment
Sulfur Dioxide	Attainment	Attainment
Sulfates	Attainment	**No Federal Standard**
Lead	Attainment	
Hydrogen Sulfide	Unclassified	
Visibility reducing Particles	Unclassified	

* Designation for Imperial Valley Planning Area only, which is most of Imperial County save for a small stretch of land on the County's eastern end.
** Designation is only for the urban areas within Imperial County. Same attainment status for 24-hour and annual arithmetic mean standards.
*** Designation for the whole of Imperial County except the City of Calexico.
Source: Area Designations and Maps – 2013. California Air Resources Board. October 2018.

On April 30, 2004, Imperial County was classified as a "marginal" nonattainment area for 8-Hour Ozone NAAQS under the FCAA. On March 13, 2008, the USEPA found that Imperial County failed to meet attainment for the 8-Hour Ozone NAAQS by June 15, 2007 and was reclassified as "moderate" nonattainment. However, on November 17, 2009, EPA announced that Imperial County has met the 1997 federal 8-hour ozone standard—demonstrating improved air quality in the area. The announcement is based on three years of certified clean air monitoring data for the years 2006-2008. However, on November 16, 2017 the USEPA designated Imperial County as nonattainment for the 2015 ozone NAAQS.[16]

In response to the opinion of the US Court of Appeals for the Ninth Circuit in Sierra Club v. United States Environmental Protection Agency, et al., in August 2004, the USEPA found that the Imperial Valley PM_{10} nonattainment area had failed to attain by the moderate area attainment date of December 31, 1994, and as a result reclassified under the FCAA the Imperial Valley from a moderate to a serious PM_{10} nonattainment area. Also, in August 2004, the USEPA proposed a rule to find that the Imperial area had failed to attain the annual and 24-hour PM_{10} standards by the serious area deadline of December 31, 2001. The USEPA finalized the rule on December 11, 2007, citing as the basis for the rule that six Imperial County monitoring stations were in violation of the 24-hour standard during 1999-2001. The USEPA's final rule action requires the state to submit to the USEPA by December 11, 2008 (within one year of the rule's publication in the Federal Register) an air quality

16 California - Final Area Designations for the 2015 Ozone National Ambient Air Quality Standards, Technical Support Document. United States Environmental Protection Agency. November 16, 2017.

plan that demonstrates that the County will attain the PM_{10} standard as expeditiously as practicable. The County is in the process of requesting designation of attainment for PM_{10}.[17]

On November 13, 2009, EPA published Air Quality Designations for the 2006 24-Hour Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standards[18] wherein Imperial County was listed as designated nonattainment for the 2006 24-hour $PM_{2.5}$ NAAQS. On April 10, 2014, the ARB Board gave final approval to the 2013 Amendments to Area Designations for CAAQSs. For the state $PM_{2.5}$ standard, effective July 1, 2014, the Calexico area was designated nonattainment, while the rest of the SSAB was designated attainment. The project lies outside the Calexico nonattainment area.

3.5 Local Air Quality

Ambient air concentrations and historical trends and projections in the project area are documented by measurements made by the ICAPCD and the ARB. Imperial County began its ambient air monitoring in 1976; however, monitoring of ozone began in 1986 at the El Centro monitoring station. Since that time, monitoring has been performed by the ICAPCD, ARB, and private industry. There are six monitoring sites in Imperial County, from Niland to Calexico.

The nearest monitoring station to the project site is in Niland, approximately 4.2 miles north-northeast of the site. The Niland station is located at 7711 English Road and only monitors ozone and PM_{10}. The nearest site that monitors $PM_{2.5}$ is in Brawley, approximately 11.7 miles south of the site. **Table 3.5-1** summarizes 2016 through 2018 published monitoring data from the ARB's Aerometric Data Analysis and Management System (iADAM) for the project vicinity.[19]

The monitoring data show that the Niland Station did not exceed any federal or state ozone standard in all three years. State and federal PM_{10} standards were exceeded at the Niland Station and the federal $PM_{2.5}$ standard was exceeded at the Brawley Station for all three years. It should be noted that some extreme data values presented in iADAM may be the result of fires, according to data[20] compiled by the California Department of Forestry and Fire Protection (CDFFA).

17 Letter from Curtis Blondell, Environmental Coordinator, Imperial County Air Pollution Control District, El Centro, CA to Jim Minnick, Planning & Development Services Director, County of Imperial, El Centro, CA. December 11, 2018,

18 Air Quality Designations for the 2006 24-Hour Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standards. United States Environmental Protection Agency. Federal Register. Vol. 74, No. 218. November 13, 2009.

19 iADAM Air Quality Data Statistics. California Air Resources Board. http://www.arb.ca.gov/adam/welcome.html. Accessed August 2019.

20 Incident Archive. California Department of Forestry and Fire Protection. https://www.fire.ca.gov/incidents/. Accessed August 2019.

Table 3.5-1
AMBIENT CRITERIA POLLUTANT CONCENTRATION DATA FOR PROJECT VICINITY

Air Pollutant	Standard/Exceedance	2016	2017	2018
Ozone (O_3) – Niland	Max. 1-hour Concentration (ppm)	0.079	0.072	0.060
	Max. 8-hour Concentration (ppm)	0.066	0.061	0.055
	# Days > Federal 8-hour Std. of 0.070 ppm	0	0	0
	# Days > California 1-hour Std. of 0.09 ppm	0	0	0
	# Days > California 8-hour Std. of 0.070 ppm	0	0	0
Respirable Particulate Matter (PM_{10}) - Niland	Max. 24-hour Concentration (µg/m³)	**255.7**	**345.8**	**331.5**
	#Days > Fed. 24-hour Std. of 150 µg/m³	1	4	11
	#Days > California 24-hour Std. of 50 µg/m³	14	ND	ND
	Annual Average(µg/m³)	**40.9**	**36.3**	**47.3**
Fine Particulate Matter ($PM_{2.5}$) - Brawley	Max. 24-hour Concentration (µg/m³)	**57.9**	**46.1**	**55.1**
	State Annual Average (µg/m³)	11.3	9.4	10.4
	#Days > Fed. 24-hour Std. of 35 µg/m³	2	1	2
	Federal Annual Average (µg/m³)	11.2	9.4	10.4

Source: California Air Resources Board, "iADAM Air Quality Data Statistics." Internet URL: http://www.arb.ca.gov/adam/ (October 2018)
Bold Potential exceedances (not official, pending further processing for extreme events)
ND There were insufficient (or no) data available to determine the value.

4.0 AIR QUALITY IMPACTS ANALYSIS

This analysis was prepared in accordance with the ICAPCD CEQA Air Quality Handbook and with Appendix G of the California Environmental Quality Act (CEQA) Guidelines. Air quality impacts are typically divided into short-term and long-term impacts. Short-term impacts are associated with construction activities, such as site grading, excavation and building construction of a project. Long-term impacts are associated with the operation of a project upon its completion.

4.1 CEQA Impact Review Criteria

In accordance with *State CEQA Guidelines* Appendix G, implementation of the project would result in a potentially significant impact if it were to:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard;
- Expose sensitive receptors to substantial pollutant concentrations; or
- Result in other emissions (such as those leading to odors affecting a substantial number of people.

Where available, the significance criteria established by the applicable air quality management district (AQMD) or air pollution control district (APCD) may be relied upon to make the significance determinations. As will be discussed in the next section, the ICAPCD has developed a CEQA Air Quality Handbook to provide a protocol for air quality analyses that are prepared under the requirements of CEQA.

4.2 Imperial County APCD Thresholds of Significance

Under the ICAPCD guidelines, an air quality evaluation must address the following:

- Comparison of calculated project emissions with ICAPCD emission thresholds.
- Consistency with the most recent Clean Air Plan for Imperial County.
- Comparison of predicted ambient pollutant concentrations resulting from the project to state and federal health standards, when applicable.
- The evaluation of special conditions that apply to certain projects.

4.2.1 Construction Impacts

As will be discussed in **Section 4.5.2**, this is a "Tier I" project. In general, projects whose *operational* emissions qualify them as Tier I do not need to quantify their construction emissions; instead they adopt the standard mitigation measures for construction (See **Section 6.1**). The CEQA Guidelines states the "approach of the CEQA analyses for construction particulate matter impacts should be qualitative as opposed to quantitative."

4.2.2 Operational Impacts

To evaluate long-term air quality impacts due to operation of a project, the ICAPCD recommends the significance criteria shown in **Table 4.2-1.**

Table 4.2-1
THRESHOLDS OF SIGNIFICANCE FOR PROJECT OPERATIONS[21]

Pollutant	Emissions (lbs/day)	
	Tier I	Tier II
Carbon Monoxide (CO)	< 550	≥ 550
Reactive Organic Gases (ROG)	< 137	≥ 137
Nitrogen Oxides (NO_X)	< 137	≥ 137
Sulfur Oxides (SO_X)	< 150	≥ 150
Particulate Matter (PM_{10})	< 150	≥ 150
Particulate Matter ($PM_{2.5}$)	< 550	≥ 550
Level of Significance	Less Than Significant	Significant Impact
Level of Analysis	Initial Study	Comprehensive Air Quality Report
Environmental Document	Negative Declaration	Mitigated Negative Declaration or Environmental Impact Report

4.3 CO "Hotspots" Thresholds

Exhaust emissions from motor vehicles can potentially cause a direct, localized hotspot impact at or near proposed developments or sensitive receptors. The optimum condition for the occurrence of a

21 Imperial County Air Pollution Control District. 2017. CEQA Air Quality Handbook. November, p. 10.

CO hotspot would be cool and calm weather at a congested major roadway intersection with sensitive receptors nearby, and where vehicles are idling or moving at a stop-and-go pace.

The significance of localized project impacts depends on whether project-related emissions result in a violation of state and/or federal CO standards. A significant impact would occur if the CO hotspot analysis of vehicular intersection emissions exposes sensitive receptors to concentrations that are more than the following thresholds:

- 20 parts per million (ppm) for 1-hour average, and/or
- 9 ppm for 8-hour average.

The ICAPCD *CEQA Air Quality* Handbook does not specify criteria for significance when ambient CO levels already exceed a state or federal standard. For that case, we used the South Coast Air Quality Management District's specification that project impacts are considered significant if they increase 1-hour CO concentrations by 1.0 ppm or more or 8-hour CO concentrations by 0.45 ppm or more.[22]

4.4 Methodology

Regional and local emissions of criteria air pollutants and precursors, and GHGs during project operations were assessed in accordance with the methodologies described below. ICAPCD suggests that the "approach of the CEQA analyses for construction PM_{10} impacts should be qualitative as opposed to quantitative"[23] but that any projects which are greater than the level of significance for construction may have a significant impact on local and, under certain circumstances, regional air quality. This analysis does not include construction PM_{10}.

Operational emissions were estimated for employees and hauling trucks using methodologies incorporated in the widely used and recommended California Emissions Estimator Model® (CalEEMod)[24,25] and presented in **Attachment 1.**

4.5 Air Quality Impacts

4.5.1 Short-Term Impacts

Project construction activities will generate short-term air quality impacts. The starting date is unknown as of this writing. The major construction phases, some of which will be at least partially concurrent, will be clearing of existing crop cover; site grading; excavation of runoff storage pond; grading of perimeter road and feed alleys; laying of road base; and construction of confinement pens that will be used to house an additional 17,000 head of cattle.

Use of diesel-fueled construction equipment such as excavators and graders will result in exhaust emissions of criteria pollutants and air toxics (mainly diesel particulate matter) and will generate fugitive dust emissions.

22 South Coast Air Quality Management District. 1993. CEQA Air Quality Handbook. April.
23 CEQA Air Quality Handbook: Guidelines for the Implementation of the California Air Quality Act of 1970, and amended. Imperial County Air Pollution Control District, November 2007.
24 California Emission Estimator Model (CalEEMod)®, Version 2016.3.2. California Air Pollution Control Officers Association. November 2017.
25 The CalEEMod software itself was not used.

However, since the project proponent must comply with all the requirements of the ICAPCD's rules and regulations, specifically those of Regulation VIII, which applies to any activity or man-made condition capable of generating fugitive dust and requires the use of reasonably available control measures to suppress fugitive dust emissions, the impact will be less than significant.

4.5.2 Long-Term Impacts

4.5.2.1 Mobile Sources

The project will generate long-term air quality impacts associated with the exhaust emissions from increased truck traffic and employee commuting. Emission factors for employee vehicles and trucks were obtained from the EMFAC2017 Web Database[26] for Imperial County in calendar year 2019. In addition to generating exhaust emissions, the vehicles generate fugitive dust emissions by causing silt on roadways to become entrained in the air. The ICAPCD assumes that 50 percent of travel in Imperial County is on unpaved roads. Estimated emissions from mobile sources are shown in **Table 4.5-1.** Detailed calculations are provided in **Attachment 1.**

Table 4.5-1
DAILY PROJECT OPERATIONAL UNMITIGATED MOBILE EMISSIONS

Emissions Source	Pollutant (maximum lbs/day)				
	ROG	CO	NO_X	PM_{10}	$PM_{2.5}$
Trucks transport activity	0.05	0.24	1.32	0.33	0.26
Employee vehicles	0.01	0.60	0.05	0.03	0.01
Entrained road dust	–	–	–	219.43	21.88
Max Daily Emissions	**0.1**	**0.8**	**1.4**	**219.8**	**22.2**
Thresholds for Tier II	*137*	*550*	*137*	*150*	*550*
Tier	**I**	**I**	**I**	**II**	**I**

Source: Calculated by OB-1 Air Analyses.

As indicated in **Table 4.5-1**, the project would generate mobile source operational PM_{10} emissions that would exceed the ICAPCD threshold for Tier II. The emissions are a potentially significant impact. However, they will be reduced to a less than significant level by implementation of the following mitigation measure:

MM AQ-1 The operator will require that employees and cattle trucks drive only on paved roads.

As indicated in **Table 4.5-2**, implementation of mitigation to require transport trucks to primarily travel on paved roads would reduce the impact to less than significant.[27]

26 EMFAC2017 Web Database. California Air Resources Board. (https://www.arb.ca.gov/emfac/2017/). Accessed August 2019.

27 The calculations assume that cattle trucks will drive on unpaved roads 5% of the time; see **Attachment 1.**

Table 4.5-2
DAILY PROJECT OPERATIONAL MITIGATED MOBILE EMISSIONS

Emissions Source	Pollutant (maximum lbs/day)				
	ROG	CO	NO_X	PM_{10}	$PM_{2.5}$
Trucks transport activity	0.05	0.24	1.32	0.33	0.26
Employee vehicles	0.01	0.60	0.05	0.03	0.01
Entrained road dust	–	–	–	119.14	10.46
Max Daily Emissions	**0.1**	**0.8**	**1.4**	**119.5**	**10.7**
Thresholds for Tier II	*137*	*550*	*137*	*150*	*550*
Tier	**I**	**I**	**I**	**I**	**I**

Source: Calculated by OB-1 Air Analyses.

4.5.2.2 Stationary Sources

The project would fit the definition of a large confined animal facility (LCAF)[28] pursuant to requirements set out in SB 700. ARB has defined beef cattle LCAFs as any facility in an ozone nonattainment area "that maintains on any one day" 3,500 or more beef cattle and 7,000 or more beef cattle in attainment areas.[29] As such, the project would be subject to ICAPCD Rule 217 and require an ATC/PTO.

4.5.2.3 PM_{10}

LCAFs can contribute directly to primary PM_{10} through several mechanisms, including animal activity, animal housing fans, and air entrainment of mineral and organic material from soil, manure, and water droplets generated by high-pressure liquid sprays. Whereas the main purpose of Rule 217 is to reduce to limit emissions of VOCs and ammonia from LCAFs, to get an ATC an LCAF must submit a dust control plan that the Air Pollution Control Officer (APCO) believes is reasonably designed to effectively control dust. Therefore, required compliance with Rule 420 would reduce the impacts of fugitive dust to less than significant.

4.5.2.4 VOCs and Ammonia (NH_3)

The nitrogen in animal manure can be converted to NH_3 and be emitted in large quantities from animal housing and manure management systems and is an indirect precursor to the greenhouse gas nitrous oxide (N_2O) emissions as well as an environmental concern. NH_3 can contribute to reduced air quality when it reacts with SO_2 or NO_2 in the atmosphere to form ammonium sulfate and ammonium nitrate, respectively; both are forms of $PM_{2.5}$. In addition, animal manure emits VOCs through the processes of anaerobic and aerobic decomposition. Through the ICAPCD's permitting process, emissions of VOC and NH_3 will be reduced and controlled to the extent feasible; therefore, impacts related to the project's VOC and NH_3 emissions are considered less than significant. Cumulative impacts of ammonia emissions are discussed in **Section 4.5.6.**

28 Final Statement of Reasons for Rulemaking for Large Confined Animal Facility Definition. California Air Resources Board. Adopted June 23, 2005.

29 Title 17, California Code of Regulations, Division 1, Chapter 1, Subchapter 2.7, commencing with section 86500.

4.5.3 Sensitive Receptors

Sensitive receptors are persons who would be more susceptible to air pollution than the general population, such as children, athletes, the elderly, and the chronically ill. Examples of land uses where substantial numbers of sensitive receptors are often found are schools, daycare centers, parks, recreational areas, medical facilities, nursing homes, and convalescent care facilities. Residential areas are also considered to be sensitive to air pollution because residents (including children and the elderly) tend to be at home for extended times, resulting in sustained exposure to pollutants. The closest sensitive receptor to the project site currently is a rural residence 0.9 mile from the proposed site. (See **Figure 3.1-1**.)

4.5.4 Objectionable Odors

Odor implications of NH_3 are localized to regions near the LCAF. NH_3 is easily recognized by its smell but is seldom associated with nuisance odor complaints near LCAFs any more than other manure constituents such as cresols, sulfides, or volatile fatty acids. NH_3 readily disperses from open-lot feed yards, which helps reduce its odor intensity to below human detection thresholds. NH_3 odors tend to be more noticeable inside animal barns than in open lots[30] and are greater on or near LCAFs than at more distant offsite locations.[31]

4.5.5 Conformity with Air Quality Management Plan

The ICAPCD *CEQA Air Quality Handbook* calls for a consistency analysis with the regional clean air plans, namely ozone and PM_{10} attainment demonstration plans, for large residential and commercial developments that are required to develop an EIR. Projects that are projected to exceed ICAPCD thresholds of significance for its operations are considered large developments and are required to demonstrate consistency with regional air quality plans.

4.5.6 Cumulative Impacts of Ammonia Emissions

Cattle feeding is a major agricultural activity in Imperial County, although it has declined in recent years. In 2017, almost 350,000 head of cattle, having a gross value of about $387 million, were raised in feedlots in the county.[32] In combination, the many feedlots potentially emit a significant amount of ammonia. Besides being an air pollutant itself, NH_3 is a precursor to the criteria pollutant $PM_{2.5}$. However, as discussed in **Section 3.3.5**, all feedlots above a certain size must comply with ammonia mitigation measures prescribed by Rule 217 and must obtain a permit to operate from the ICAPCD and. The ICAPCD would not issue a permit to operate to a facility whose operations are not compatible with air quality management plans.[33] Cumulative NH_3 emissions from the proposed new Moiola facility, along with those of the other feedlots in the county, would not be cumulatively significant.

30 For odor generation and dispersal, an open lot and a large confined animal facility (LCALF) are equivalent.

31 Ammonia Emissions from Cattle Feeding Operations. Sharon L. M. Preece, N. Andy Cole, Richard W. Todd, and Brent W. Auvermann. December 2012. https://aglifesciences.tamu.edu/baen/wp-content/uploads/sites/24/2017/01/E-632.-Ammonia-Emissions-from-Cattle-Feeding-Operations.pdf.

32 2017 Imperial County Agricultural Crop and Livestock Report. Office of the Agricultural Commissioner. July 10, 2018. https://www.co.imperial.ca.us/ag/docs/spc/crop_reports/2017_Imperial_County_Crop_and_Livestock_Report.pdf.

33 Personal communication from Monica Soucier, Imperial County Air Pollution Control District, El Centro, CA to Michael Rogozen, UltraSystems Environmental, Inc, Irvine, CA and Matthew Harmon, DuBose Design Group, El Centro, CA. January 23, 2019.

5.0 GREENHOUSE GAS EMISSIONS ANALYSIS

5.1 Climate Change and Greenhouse Gases

If the earth had no atmosphere, almost all of the energy received from the sun would be re-radiated out into space. Our atmosphere helps retain a major portion of the solar radiation through "the greenhouse effect." Short-wavelength solar radiation passes through the atmosphere and is absorbed by the earth's surface. The earth re-radiates the heat up into the atmosphere, at a longer wavelength. GHG in the atmosphere absorb the longer-wavelength heat and then radiate it back downward. In general, as concentrations of GHG in the atmosphere increase, global temperatures increase.

For many centuries, atmospheric GHG concentrations were relatively stable. As combustion of fossil fuels for industrial activities and transportation increased, concentrations of CO_2 in the atmosphere increased dramatically. The result has been an observed increase in average global temperature. The current consensus among scientists is that continued increases in atmospheric GHG will not only raise the average global temperature but will also lead to changes in climate. While air temperatures will mainly rise, temperatures may decrease in some areas. Rainfall distribution and storm patterns will be affected. As polar ice melts, sea levels may rise, inundating coastal areas.

GHG is defined under the California Global Warming Solutions Act of 2006 (AB 32) as CO_2, CH_4, nitrous oxide (N_2O), hydrofluorocarbons (HFC), perfluorocarbons (PFC) and sulfur hexafluoride (SF_6). Associated with each GHG species is a "global warming potential" (GWP), which is defined as the ratio of degree of warming to the atmosphere that would result from the emission of one mass unit of a given GHG compared with one equivalent mass unit of CO_2 over a given period of time. By this definition, the GWP of CO_2 is always 1. The GWP of CH_4 and N_2O are 25 and 298, respectively.[34] "carbon dioxide equivalent" (CO_2e) emissions are calculated by weighting each GHG compound's emissions by its GWP and then summing the products.

Carbon dioxide (CO_2) is a clear, colorless, and odorless gas. Fossil fuel combustion is the main human-related source of CO_2 emissions; electricity generation and transportation are first and second in the amount of CO_2 emissions, respectively. Carbon dioxide is the basis of GWP, and thus has a GWP of 1.

Methane (CH_4) is a clear, colorless gas, and is the main component of natural gas. Anthropogenic sources of CH_4 are fossil fuel production, biomass burning, waste management, and mobile and stationary combustion of fossil fuel. Wetlands are responsible for the majority of the natural methane emissions.[35] As mentioned above, CH_4, within a 100-year period, is 25 times more effective in trapping heat than is CO_2.

Nitrous oxide (N_2O) is a colorless, clear gas, with a slightly sweet odor. N_2O has both natural and human-related sources, and is removed from the atmosphere mainly by photolysis, or breakdown by sunlight, in the stratosphere. The main human-related sources of N_2O in the United States are agricultural soil management (synthetic nitrogen fertilization), mobile and stationary combustion of fossil fuel, adipic acid production, and nitric acid production.[36] Nitrous oxide is also produced from a

34 Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change. 2007.

35 U.S. Environmental Protection Agency, "Methane." Climate Change Web Site. Internet URL: http://www.epa.gov/methane/. Updated April 1, 2011.

36 U.S. Environmental Protection Agency, "Nitrous Oxide." Climate Change Web Site. Internet URL: http://www.epa.gov/nitrousoxide/. Updated June 22, 2010.

wide range of biological sources in soil and water. Within a 100-year span, N_2O is 298 times more effective in trapping heat than is CO_2.[37]

5.2 Regulatory Background

5.2.1 Federal Climate Change Regulation

The federal government has been involved in climate change issues at least since 1978, when Congress passed the National Climate Program Act (92 Stat. 601), under authority of which the National Research Council prepared a report predicting that additional increases in atmospheric CO_2 would lead to non-negligible changes in climate. At the "Earth Summit" in 1992 in Rio de Janeiro, President George H.W. Bush signed the United Nations Framework Convention on Climate Change (UNFCCC), a nonbinding agreement among 154 nations to reduce atmospheric concentrations of carbon dioxide and other greenhouse gases. The treaty was ratified by the U.S. Senate. However, when the UNFCCC signatories met in 1997 in Kyoto, Japan, and adopted a protocol that assigned mandatory targets for industrialized nations to reduce greenhouse gas emissions, the U.S. Senate expressed its opposition to the treaty. The Kyoto Protocol was not submitted to the Senate for ratification.

The federal government is taking several steps to address the challenge of climate change. The USEPA collects several types of GHG emissions data. These data help policy makers, businesses, and USEPA track GHG emissions trends and identify opportunities for reducing emissions and increasing efficiency. USEPA has been collecting a national inventory of GHG emissions since 1990 and in 2009 established mandatory reporting of GHG emissions from large GHG emissions sources.

The United States Department of Agriculture (USDA) is taking steps to create modern solutions to the challenge of climate change. It has identified the real threat changing climate poses to U.S. agricultural production, forest resources, and rural economies. These threats have significant implications not just for farmers, ranchers, and forest landowners, but for all Americans. Land managers across the country are already feeling the pressures of a changing climate and its effects on weather. As these risks continue and amplify, producers will be faced with the challenges of adapting.

To mitigate climate-related risks, USDA has established seven regional hubs[38] for risk adaptation and mitigation to climate change. These Hubs will deliver science-based knowledge and practical information to farmers, ranchers and forest landowners on a regional basis to support decision-making related to changing climate.

5.2.2 California Climate Change Regulation

Since 2005, through legislation, regulations, and executive orders, the State of California has actively pursued a goal of substantially reducing public and private sector GHG emissions in the state. The following are the major actions taken to date.

> ***Executive Order S-3-05 (GHG Emissions Reductions).*** Executive Order #S-3-05, signed by Governor Arnold Schwarzenegger on June 1, 2005, calls for a reduction in GHG emissions to

37 Ibid.
38 USDA Climate Hubs Webpage, United States Department of Agriculture. https://www.climatehubs.oce.usda.gov/

1990 levels by 2020 and for an 80% reduction in GHG emissions to below 1990 levels by 2050.

The California Global Warming Solutions Act of 2006 (AB 32). In September 2006, Governor Arnold Schwarzenegger signed AB 32, the California Global Warming Solutions Act of 2006 (Health and Safety Code § 38500 et seq.), into law. AB 32 was intended to effectively end the scientific debate in California over the existence and consequences of global warming. In general, AB 32 directs the ARB to do the following:

- On or before June 30, 2007, publicly make available a list of discrete early action GHG emission reduction measures that can be implemented prior to the adoption of the statewide GHG limit and the measures required to achieve compliance with the statewide limit.
- By January 1, 2008, determine the statewide levels of GHG emissions in 1990, and adopt a statewide GHG emissions limit that is equivalent to the 1990 level (an approximately 25% reduction in existing statewide GHG emissions).
- On or before January 1, 2010, adopt regulations to implement the early action GHG emission reduction measures.
- On or before January 1, 2011, adopt quantifiable, verifiable, and enforceable emission reduction measures by regulation that will achieve the statewide GHG emissions limit by 2020, to become operative on January 1, 2012, at the latest. The emission reduction measures may include direct emission reduction measures, alternative compliance mechanisms, and potential monetary and non-monetary incentives that reduce GHG emissions from any sources or categories of sources as the ARB finds necessary to achieve the statewide GHG emissions limit.
- Monitor compliance with and enforce any emission reduction measure adopted pursuant to AB 32.

On December 11, 2008, the ARB approved the *Climate Change Scoping Plan*[39] pursuant to AB 32. The Scoping Plan recommends a wide range of measures for reducing GHG emissions, including (but not limited to):

- Expanding and strengthening of existing energy efficiency programs.
- Achieving a statewide renewables energy mix of 33 percent.
- Developing a GHG emissions cap-and-trade program.
- Establishing targets for transportation-related GHG emissions for regions throughout the state, and pursuing policies and incentives to meet those targets.

39 California Air Resources Board, Climate Change Scoping Plan, a Framework for Change, Pursuant to AB32, the California Global Warming Solutions Act of 2006 (December 11, 2008).

- Implementing existing state laws and policies, including California's clean car standards, goods movement measures and the Low Carbon Fuel Standard.

- Targeted fees to fund the state's long-term commitment to administering AB 32.

Executive Order S-01-07 (Low Carbon Fuel Standard). Executive Order #S-01-07 (January 18, 2007) establishes a statewide goal to reduce the carbon intensity of California's transportation fuels by at least 10% by 2020 through establishment of a Low Carbon Fuel Standard. Carbon intensity is the amount of CO_2e per unit of fuel energy emitted from each stage of producing, transporting and using the fuel in a motor vehicle. On April 23, 2009 the ARB adopted a regulation to implement the standard.

Senate Bill 97. Senate Bill 97 was signed by the governor on August 24, 2007. The bill required the Office of Planning and Research (OPR), by July 1, 2009, to prepare, develop and transmit to the Resources Agency guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions, as required by CEQA, including, but not limited to, effects associated with transportation or energy consumption. On April 13, 2009 OPR submitted to the Secretary for Natural Resources its proposed amendments to the State CEQA Guidelines for greenhouse gas emissions. The Resources Agency adopted those guidelines on December 30, 2009, and they became effective on March 18, 2010. The amendments treat GHG emissions as a separate category of impacts; i.e. they are not to be addressed as part of an analysis of air quality impacts.

Section 15064.4, which was added to the CEQA Guidelines, specifies how the significance of impacts from GHGs is to be determined. First, the lead agency should "make a good faith effort" to describe, calculate or estimate the amount of GHG emissions resulting from a project. After that, the lead agency should consider the following factors when assessing the impacts of the GHG emissions on the environment:

- The extent to which the project may increase or reduce GHG emissions, relative to the existing environmental setting;

- Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; and

- The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional or local plan for the reduction or mitigation of GHG emissions.

The governor's OPR asked the ARB to make recommendations for GHG-related thresholds of significance. On October 24, 2008, the ARB issued a preliminary draft staff proposal for *Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gases under the California Environmental Quality Act.*[40] After holding two public workshops and

40 California Air Resources Board. Preliminary Draft Staff Proposal. Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gases under the California Environmental Quality Act. Planning and Technical Support Division, Sacramento, California (October 24, 2008).

receiving comments on the proposal, ARB staff decided not to proceed with threshold development.[41] Quantitative significance thresholds, if any, are to be set by local agencies.

Senate Bill 605. Senate Bill 605 was signed into law on September 21, 2014. The bill required the ARB to develop a comprehensive strategy to reduce statewide emissions of short-lived climate pollutants (SLCPs), such as methane. The bill specifically required the ARB to inventory the sources and emissions of these pollutants, identify research gaps, identify existing and potential reduction measures, prioritize the development of new measures, and develop a comprehensive strategy for dealing with SLCPs.

Senate Bill 1383. Senate Bill 1383 was signed into law on September 19, 2016. The bill required the adoption of a comprehensive SLCP Strategy that included SLCP reduction targets, including a 40% reduction in statewide methane emissions below 2013 levels by 2030. The SLCP Strategy, which was adopted by the ARB on March 23, 2017, addresses methane emissions in particular.

5.2.3 Local Significance Thresholds

It is widely recognized that no single project could generate enough GHG emissions to change the global climate temperature noticeably. However, the combination of GHG emissions from past, present, and future projects could contribute substantially to global climate change. Thus, project-specific GHG emissions should be evaluated in terms of whether they would result in a cumulatively significant impact on global climate change.

Since the County of Imperial has not established a threshold of significance for GHGs, the ICAPCD recommends that the significance of GHG emissions from a project be evaluated by determining the extent to which they could practicably be reduced by measures that the state is considering for reducing enteric fermentation and manure management emissions from livestock operations.[42]

5.3 Project Greenhouse Gas Emissions Inventory

The project will cause emissions of GHG from mobile sources, enteric fermentation, and manure management. Specific details are presented in **Attachment 1**.

5.3.1 Mobile Source Emissions

The project's mobile source GHG emissions were determined using the methodologies presented in **Section 4.5.2.1.**

5.3.2 Enteric Emissions

The microbial fermentation that occurs in the digestive system of some animals is called enteric fermentation. It is a normal digestive process during which microbes break down indigestible carbohydrates and reprocess them into nutrients that can be absorbed by the animal. This microbial fermentation process produces CH_4 as a by-product, which is then exhaled, eructated or passed out as gas by the animal. Among domesticated animal species, ruminants (e.g., cattle, buffalo, sheep, and

41 Personal communication from Douglas Ito, California Air Resources Board, Sacramento, California, to Michael Rogozen, UltraSystems Environmental Inc., Irvine, California. March 29, 2010.

42 Personal communication from Monica Soucier, APC Division Manager, Imperial County, California, to Joe O'Bannon, OB-1 Air Analyses. November 1, 2018.

goats) are the main emitters of CH_4. Emission factors used to estimate NH_3 emissions were obtained from the ARB's GHG inventory methodology.[43]

5.3.3 Emissions from Manure Management

Other major sources of GHG emissions are NH_3 and N_2O related to manure management. Manure is generated on feedlots as a by-product of raising animals. This manure need not be merely a waste product; instead, it is a valuable resource full of nutrients and is treated as such by farmers. Manure has many different uses (e.g., fertilizer, soil amendment, compost feedstock, biogas feedstock, etc.) that can be used individually or in combination depending on the farm and types of potential beneficial end uses. It can be applied as a liquid or a solid to onsite fields to meet crop nutrient needs; or it can be transported offsite to meet crop nutrient needs at a different facility, among other options. The beneficial use of the manure is very site-specific and may vary from farm to farm. Emission factors for NH_3 and N_2O were obtained from the ARB's GHG inventory methodology.

5.3.4 Displacement of Composting Emissions

As discussed in **Section 2.0**, the composter presently located on the project site will be moved to make room for additional feedlot facilities. The new composter location is unknown, but is not needed for this CEQA-based analysis. The feedlot permit (No. 3669), its mitigation plan, and the composter permit (No. 4462) will all have to be amended to reflect the new conditions (increased cattle population and relocated composter); unless and until this is done, the project will not be able to operate. The ICAPCD will not approve this permit revision "package" unless its review determines that criteria air pollutant and GHG emissions will be mitigated to the extent required by ICAPCD rules and plan provisions. In essence, the change in regional emissions of criteria pollutants and global emissions of GHG will be minor, and impacts under CEQA will be less than significant.

5.3.5 Total Unmitigated Greenhouse Gas Emissions

Table 5.3-1 gives a detailed breakdown of the results of the GHG emissions analysis.

43 Documentation of California's Greenhouse Gas Inventory -11th Edition. California Air Resources Board. Last updated June 22, 2018. https://www.arb.ca.gov/cc/inventory/doc/doc_index.php

Table 5.3-1
UNMITIGATED ANNUAL GHG EMISSIONS 2018 AND BEYOND
(Emissions in tonnes)

Source	GHG (tonnes)			
	CO_2	CH_4	N_2O	CO_2e
Mobile Emissions	166.7	0.001	0.024	174
Enteric Emissions	---	714	---	17,851
Emissions from Manure Management	---	36.91	33.85	11,009
Displaced Composting Emissions[a]	---	0	0	0
Annual Totals	**167**	**750.9**	**33.9**	**29,034**

[a]See discussion in **Section 5.3.4.**

5.4 Impact Analysis

UltraSystems used the following factors from § 15064.4(b) of the CEQA Guidelines to assess the significance of impacts from greenhouse gas emissions on the environment:[44]

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

5.4.1 Increase in Greenhouse Gas Emissions

As seen in **Table 5.3-1**, the project will generate about 28,860 tonnes per year of CO_2e emissions, primarily of CH_4 and N_2O from enteric and manure management sources.

In the first AB 32 Scoping Plan,[45] CH_4 and N_2O emissions from the agricultural sector were addressed only through voluntary measures and suggestions for further research, such as manure digester systems at dairies and fertilizer N_2O emissions. The 2014 First Update[46] to the Scoping Plan expanded on the agricultural strategies but singled out short-lived climate pollutants (SLCPs), such as black carbon, CH_4, and some HFCs, since their relatively short lifetimes but inordinate contributions to climate forcings[47] from anthropogenic sources would produce more immediate effect when mitigated. In California, the largest anthropogenic sources of CH_4 are enteric fermentation (belching

44 CEQA Guidelines §§ 15064.4(b)(1) through 15064.4(b)(3).
45 Climate Change Scoping Plan; a framework for change. California Air Resources Board. December 2008.
46 First Update to the Climate Change Scoping Plan: Building on the Framework. California Air Resources Board. May 2014.
47 "Climate forcings" are defined by the Environmental Literacy Council (https://enviroliteracy.org), as "processes within our atmosphere that can force changes in climate include changes in ocean circulation or in the composition of the atmosphere"

by animals), manure management, landfills, natural gas transmission, and wastewater treatment. Enteric fermentation and manure management contribute 29% and 26% of total California CH_4 emissions, respectively.

In 2017 the ARB proposed a strategy that lays out a range of options to accelerate SLCP emission reductions in California, including regulations, incentives, and other market-supporting activities to address SLCPs.[48] Reductions in enteric fermentation and manure management emissions are recommended as further actions and are actively being pursued technologically and legislatively. Senate Bill (SB) 1383 directs the ARB to develop a manure management strategy that will reduce dairy and livestock sector methane emissions by up to 40 percent from 2013 levels by 2030. Reduction measures from manure management being considered by the ARB, the California Department of Food and Agriculture (CDFA), and stakeholders include switching from flush water lagoon systems; pasture-based dairy management; and installing anaerobic digestion systems. SB 1383 requires the state to support efforts to accelerate project development and help the industry reduce emissions before regulatory requirements take effect, such as to support improved manure management practices through financial incentives, collaboration to overcome barriers, and other market support. Strategies that have been investigated to reduce enteric fermentation include increasing production efficiencies to reduce the amount of methane produced for a given amount of product, breeding animals for lower methane production, gut microbial interventions, and changes to nutrition and animal management.

The science and technological and economic feasibility of the above-mentioned measures are in the early stages of development and industry stakeholders are active participants in the process. In fact, some mitigation will be implemented through the ICAPCD permitting process, with an Emissions Mitigation Plan that would demonstrate that the facility would reduce emissions of VOCs and NH_3. The Plan could also affect the GHG emissions related to manure management and enteric emissions. Feed mitigation measures could improve the quality of the food, lessening the quantity of enteric emissions. Animal housing mitigation could be effective in reducing the GHG emissions from manure.

5.4.2 Compliance with Greenhouse Gas Reduction Plans

There are currently no regional or local climate action plans or general or specific plan provisions to reduce GHG emissions in the study area.

6.0 MITIGATION MEASURES

6.1 Standard Mitigation Measures for Construction

Attachment 2 contains the standard mitigation measures for construction emissions recommended in the ICAPCD's CEQA Air Quality Handbook.

6.2 Mitigation for Criteria Pollutant Impacts

MM AQ-1 The operator will require that employees and cattle trucks drive only on paved roads.

48 Short-Lived Climate Pollutant Reduction Strategy. California Air Resources Board. March 14, 2017.

6.3 Mitigation for Climate Change Impacts

None available, other than GHG emission reductions resulting from implementation of permit conditions based upon Rule 217 requirements.

ATTACHMENTS

ATTACHMENT 1

EMISSION CALCULATION DETAILS

Project GHG Emissions

Source	GHG (tonnes/year)			
	CO_2	CH_4	N_2O	CO_2e
Mobile Emissions	166.7	0.001	0.024	174
Enteric Emissions	0	714	0	17,851
Emissions from Manure Management	0	36.91	33.85	11,009
Displaced Composting Emissions	0	0.00	0.00	0
Annual Totals	**167**	**750.9**	**33.9**	**29,034**

ARB GHG Emission Inventory Emission Factors

(grams per head of cattle)

Sector	Activity	CH_4	N_2O
3A1 - Enteric Fermentation	Livestock population - Steer feedlot	42,002	0
3A2 - Manure Management	Dry Lot - Feedlot steers 500+ lbs	2,171	1,991

Project Size = 17.000 head

Criteria Pollutant Emissions Summary

Unmitigated

Emissions Source	Pollutant (maximum lbs/day)				
	ROG	CO	NO_X	PM_{10}	$PM_{2.5}$
Truck transport activity	0.05	0.24	1.32	0.33	0.26
Employees	0.01	0.60	0.05	0.03	0.01
Entrained road dust	–	–	–	219.43	21.88
Max Daily Emissions	**0.1**	**0.8**	**1.4**	**219.8**	**22.2**

Mitigated

Emissions Source	Pollutant (maximum lbs/day)				
	ROG	CO	NO_X	PM_{10}	$PM_{2.5}$
Truck transport activity	0.05	0.24	1.32	0.33	0.26
Employees	0.01	0.60	0.05	0.03	0.01
Entrained road dust	–	–	–	119.14	10.46
Max Daily Emissions	**0.1**	**0.8**	**1.4**	**119.5**	**10.7**

Operational On-road Emissions

Activity

Expanded Activity	# Vehicles per Day	1 way Trip Length		VMT per day	VMT per year
		In County	Complete		
Trucks incoming transport *	0.3	65	400	41	45,886
Trucks outgoing transport	1.3	41	126	105	59,130
Trucks feed supply	2.1	37	69	159	53,968
Feed truck to handle daily feeding	7.0	1	1	14	2,555
Employees	8.0	18.3	18.3	292	53,290
TOTAL	***18.7***			***611***	***214,829***

** Daily VMT based on travel mileage in Imperial County only.*
Annual VMT based on complete trip including outside Imperial County.

Criteria Emissions

Expanded Activity	Pounds per day				
	ROG	CO	NO_x	PM_{10}	$PM_{2.5}$
Trucks incoming transport	0.01	0.03	0.17	0.04	0.03
Trucks outgoing transport	0.02	0.08	0.44	0.11	0.09
Trucks feed supply	0.02	0.12	0.66	0.17	0.13
Feed truck to handle daily feeding	0.00	0.01	0.06	0.00	0.00
Employees	0.01	0.60	0.05	0.03	0.01
Totals	***0.1***	***0.8***	***1.4***	***0.4***	***0.3***

GHG Emissions

Expanded Activity	Tonnes per Year			
	CO_2	CH_4	N_2O	CO_2e
Trucks incoming transport	42.96	0.0001	0.0068	45.0
Trucks outgoing transport	55.36	0.0002	0.0087	58.0
Trucks feed supply	50.53	0.0002	0.0079	52.9
Feed truck to handle daily feeding	2.39	0.0000	0.0004	2.5
Employees	15.44	0.0002	0.0003	15.5
Totals	***166.7***	***0.001***	***0.024***	***173.9***

Traffic Generated

Project-Related Increases

Additional Trucks		Frequency per		from/to	1 way Distance	
		Week	Year		In Co	Comp
incoming stock trucks (calves in)		2	115	Central CA	65	400
outgoing cattle (grown cattle)		9	468	Tolleson AZ	60	230
				Brawley CA	22	22
				Average	***41***	***126***
incoming feed ingredients	hay	15	780	Imperial Co	20	20
	yellow grease			Los Angeles CA	65	200
	corn & dry minerals			Calipatria CA	30	30
	bakery			Coachella CA	65	90
	protein blend			Imperial CA	5	5
				Average	***37***	***69***
feed truck to handle daily feeding		49	2,555		1	1

Additional Personal Vehicles	Frequency per		from/to	1 way Distance	
	Week	Year		In Co	Comp
Employee commute	56	2,920	El Centro CA (75%)	15	15
			Calexico CA (25%)	28	28
			Weighted Average	***18***	***18***

EMFAC2017 (v1.0.2)

2022 Estimated Annual Emission Rates

EMFAC2011 Vehicle Categories

Imperial COUNTY

Vehicle Info			Emission Factor (grams/mile)											
Type	Fuel	VMT	ROG	CO	NO_X	PM_{10}			$PM_{2.5}$			CO_2	CH_4	N_2O
						Exhaust	TW+BW	Total	Exhaust	TW+BW	Total			
LDA	GAS	5,743,563	0.0100	0.7283	0.0425	0.0013	0.0448	0.0462	0.0012	0.0178	0.0191	270.2	0.0026	0.0047
LDA	DSL	53,970	0.0149	0.1769	0.0963	0.0094	0.0448	0.0582	0.0089	0.0178	0.0306	190.2	0.0007	0.0299
LDT1	GAS	618,128	0.0412	1.9451	0.1770	0.0023	0.0448	0.0478	0.0021	0.0178	0.0206	320.0	0.0092	0.0120
LDT1	DSL	267	0.2104	1.2534	1.2610	0.1736	0.0448	0.1592	0.1661	0.0178	0.1273	390.5	0.0098	0.0614
LDT2	GAS	1,918,189	0.0225	1.2211	0.1194	0.0014	0.0448	0.0463	0.0013	0.0178	0.0192	341.6	0.0053	0.0087
LDT2	DSL	12,140	0.0132	0.0997	0.0505	0.0062	0.0448	0.0502	0.0060	0.0178	0.0230	255.1	0.0006	0.0401
Weighted Avg for Employees			***0.0152***	***0.9272***	***0.0705***	***0.0014***	***0.0448***	***0.0465***	***0.0013***	***0.0178***	***0.0193***	***289.7***	***0.0037***	***0.0062***
T6 instate small	DSL	20,696	0.0700	0.3389	1.8746	0.0800	0.1423	0.4842	0.0765	0.0589	0.3860	936.3	0.0033	0.1472

Notes: - Criteria and CO_2 factors come from EMFAC2017 for Candar Year 2022 and represent Estimated Annual Emission Rates for Imperial County

Entrained Road Dust

Entrained road dust emissions are generated by vehicles traveling on both paved and unpaved roads. These equations are based on the paved and unpaved roads emission factors found in Section 5.3 of Appendix A, CalEEMod Users Guide, version 2016.3.2 and AP-42 Sections 13.2.1 and 13.2.2.

Emission Factors - Paved Roads

$EF\ PM_{10} = EF\ PM_{2.5} =$ $[k * (sL^{0.91}) * (W^{1.02})] * (1 - P/4N) =$ 0.00065 lbs PM_{10}/VMT; 0.00016 lbs $PM_{2.5}$/VMT

Constant	Description	Value
$k =$	PM_{10} particle size multiplier for particle size range and units of interest	0.0022
	$PM_{2.5}$ particle size multiplier for particle size range and units of interest	0.00054
$sL =$	road surface silt loading in g/m^2 (allowable range is 0.02 to 400 g/m^2)	0.1
$W =$	average weight of the vehicles traveling the road in tons (mean average fleet vehicle weight ranging from 1.5 - 3 tons)	2.4
$P =$	number of "wet" days with at least 0.01 in)ches of precipitation during the averaging period	35
$N =$	number of days in the averaging period (e.g., 365 for annual, 91 for seasonal, 30 for monthly)	365

Emission Factors - Unpaved Roads

$EF\ PM_{10} = EF\ PM_{2.5} =$ $(k * (s/12)^1 * (S/30)^{0.5} / (M/0.5)^{0.2} - C) * (1 - P/365) =$ 0.7178 lbs PM_{10}/VMT; 0.0715 lbs $PM_{2.5}$/VMT

Constant	Description	Value
$k =$	PM_{10} particle size multiplier for particle size range and units of interest	1.8
	$PM_{2.5}$ particle size multiplier for particle size range and units of interest	0.18
$s =$	surface material silt content (%) (allowable range 1.8 - 35 %)	4.3
$M =$	surface moisture content (%) (allowable range 0.03 – 13 %)	0.5
$S =$	the average vehicle speed (mph) (allowable range [10 - 55 mph])	40
$C =$	PM_{10} emission factor for 1980's vehicle fleet exhaust, brake wear and tire wear	0.00047
	$PM_{2.5}$ emission factor for 1980's vehicle fleet exhaust, brake wear and tire wear	0.00036
$P =$	number of "wet" days with at least 0.254 mm (0.01 in) of precipitation during the averaging period *	13

** Data from Western Regional Climate Center. Brawley Period of Record General Climate Summary - Precipitation. https://wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca1048*

Entrained Road Dust Emissions - Operation

Unmitigated

Phase/Category	VMT/d		Paved Roads (lbs/d)		Unpaved Roads (lbs/d)		Total Roads (lbs/d)	
	(paved)	(unpaved)	PM_{10}	$PM_{2.5}$	PM_{10}	$PM_{2.5}$	PM_{10}	$PM_{2.5}$
Trucks incoming	20	20	0.013	0.003	14.66	1.46	14.68	1.46
Trucks outgoing	53	53	0.034	0.008	37.84	3.77	37.87	3.78
Trucks feed supply	79	79	0.051	0.013	56.91	5.67	56.96	5.68
Daily feed trucks	7	7	0.005	0.001	5.02	0.50	5.03	0.50
Employees	146	146	0.094	0.023	104.80	10.44	104.89	10.46
Total	**305**	**305**	**0.20**	**0.05**	**219.2**	**21.8**	**219.4**	**21.9**

Notes: Per ICAPCD, vehicular travel in Imperial County is 50% on unpaved roads.

Mitigated

Phase/Category	VMT/d		Paved Roads (lbs/d)		Unpaved Roads (lbs/d)		Total Roads (lbs/d)	
	(paved)	(unpaved)	PM_{10}	$PM_{2.5}$	PM_{10}	$PM_{2.5}$	PM_{10}	$PM_{2.5}$
Trucks incoming	39	2	0.025	0.006	1.47	2.77	1.49	2.78
Trucks outgoing	100	5	0.065	0.016	3.78	7.16	3.85	7.17
Trucks feed supply	151	5	0.097	0.024	3.78	10.77	3.88	10.79
Daily feed trucks	7	7	0.005	0.001	5.02	0.50	5.03	0.50
Employees	146	146	0.094	0.023	104.80	10.44	104.89	10.46
Total	**443**	**166**	**0.29**	**0.07**	**118.9**	**31.6**	**119.1**	**31.7**

Notes: Mitigation is all transport trucks required to drive on paved roads 95% of the time

Composting Emissions

Contaminant	Emission Factor (lb/ton mix)	Emissions	
		t/y	lbs/d
NH_3	3.28	82.0	449.3
Sulfur Compounds	0.015	0.4	2.1
CH_4	2.23	55.8	305.5
VOC (TGNMOC)	1.7	42.5	232.9
N_2O **	0.32	8.0	43.8

Annual Feedstock (tons) = 50,000

** Total Facility Emissions Based on Average of 2-day, 20-day, and 50-day piles*

Source Test Report for EKO Systems. Characterization of Ammonia, Total Amine, Organic Sulfur Compounds, and Total Non-methane Organic Compound (TGNMOC) Emissions from Composting Operations. November 16, 1995 and January 24 & 26, 1996

*** N_2O emissions from a study in Journal of Environmental Quality which determined N_2O emission factors to be 0.16 kg per tonne of manure.*

Conversions	
0.16	kg per tonne of manure
2.205	kg per pound
0.353	*lbs per tonne of manure*
1.102	tons per tonne
0.320	*lbs per ton of manure*

Project Data

Phase 1 - Lot 29, 71.3 acres	Current	Proposed
Purpose	Bermuda Hay	Cattle Pens

Phase 2 - Lot 28, 82.2 acres	Current	Proposed
Purpose	Composting	Cattle Pens

Total increase	***17,000***	***head of cattle***

Composting Information From Permit		
Receiving (NTE)	1,000	wet tons/day
	50,000	wet tons/year
Active piles onsite (NTE)	30,000	wet tons/day
	50,000	wet tons/year
Finished Load-out (NTE)	2,500	wet tons/day
	50,000	wet tons/year

ATTACHMENT 2

STANDARD MITIGATION MEASURES FOR CONSTRUCTION EQUIPMENT AND FUGITIVE PM_{10}

Below are a number of fugitive dust mitigation measures, which have been shown to significantly reduce emissions. The following examples are not considered all inclusive. Use of alternative mitigation measures may also be considered if the appropriate documentation is provided.

In no way does compliance with Regulation VIII, Fugitive Dust Control measures alleviate or otherwise preclude a project from compliance with any and all other applicable laws, ordinances, resolutions, rules, statutes or other local, state or federal regulations or requirements.

REGULATION VIII - FUGITIVE DUST CONTROL MEASURES (Most recently adopted) – All construction sites, regardless of size, must comply with the requirements contained within Regulation VIII. Although compliance with Regulation VIII does not constitute mitigation under the reductions attributed to environmental impacts its main purpose is to reduce the amount of PM_{10} entrained into the atmosphere as a result of anthropogenic (man-made) fugitive dust sources. Therefore, under all preliminary modeling a presumption is made that all projects are in compliance with Regulation VIII.

Standard Mitigation Measures for Fugitive PM_{10} Control

a. All disturbed areas, including Bulk Material storage which is not being actively utilized, shall be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emissions by using water, chemical stabilizers, dust suppressants, tarps or other suitable material such as vegetative ground cover.

b. All on site and off site unpaved roads will be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.

c. All unpaved traffic areas one (1) acre or more with 75 or more average vehicle trips per day will be effectively stabilized and visible emission shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.

d. The transport of Bulk Materials shall be completely covered unless six inches of freeboard space from the top of the container is maintained with no spillage and loss of Bulk Material. In addition, the cargo compartment of all Haul Trucks is to be cleaned and/or washed at delivery site after removal of Bulk Material.

e. All Track-Out or Carry-Out will be cleaned at the end of each workday or immediately when mud or dirt extends a cumulative distance of 50 linear feet or more onto a paved road within an Urban area.

f. Movement of Bulk Material handling or transfer shall be stabilized prior to handling or at points of transfer with application of sufficient water, chemical stabilizers or by sheltering or enclosing the operation and transfer line.

g. The construction of any new Unpaved Road is prohibited within any area with a population of 500 or more unless the road meets the definition of a Temporary Unpaved Road. Any temporary unpaved road shall be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emission by paving, chemical stabilizers, dust suppressants and/or watering.

In order to provide a greater degree of PM_{10} reductions, above that required by Regulation VIII, the ICAPCD recommends the following:

Discretionary Mitigation Measures for Fugitive PM_{10} Control

a. Water exposed soil with adequate frequency for continued moist soil.

b. Replace ground cover in disturbed areas as quickly as possible

c. Automatic sprinkler system installed on all soil piles

d. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

e. Develop a trip reduction plan to achieve a 1.5 AVR for construction employees

f. Implement a shuttle service to and from retail services and food establishments during lunch hours

Although the preceding discussion of construction impacts and mitigation measures are primarily focused on PM_{10} emissions from fugitive dust sources, Lead Agencies should also seek to reduce emissions from construction equipment exhaust. Because of the availability of new control devices, required in the manufacturing of PM oxidation catalysts and NOx absorbers, substantial reductions in PM and NOx emissions from diesel engines is achievable. These new retrofit kits and in some cases new original equipment require the use of ultra low sulfur diesel in order to be effective.

Standard Mitigation Measures for Construction Combustion Equipment

a. Use of alternative fueled or catalyst equipped diesel construction equipment, including all off-road and portable diesel powered equipment.

b. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes as a maximum.

c. Limit, to the extent feasible, the hours of operation of heavy duty equipment and/or the amount of equipment in use

d. Replace fossil fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set)

To help provide a greater degree of reduction of PM emissions from construction combustion equipment the ICAPCD recommends the following enhanced measures.

Enhanced Mitigation Measures for Construction Equipment

a. Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak hour of vehicular traffic on adjacent roadways

b. Implement activity management (e.g. rescheduling activities to reduce short-term impacts)

7.2 Standard Mitigation Measures for Project Operations

These standard air quality mitigation measures have been separated according to land use and mitigation type.

According to Table 1, Tier I, projects generating less than 137 lbs/day of NOx or ROG; less than 150 lbs/day of PM_{10} or SOX; or less than 550 lbs/day of CO or $PM_{2.5}$, the Initial Study should require implementation of all the Standard Mitigation Measures in order to help mitigate or reduce the air quality impacts to a level of insignificance. However, simple implementation of the mitigation measures does not guarantee that the project will be insignificant. The insignificance must be determined by the results of the Initial Study.

David Black

From: michael rogozen <mrogozen@ultrasystems.com>
Sent: Wednesday, November 20, 2019 12:15 PM
To: David Black
Cc: Matthew Harmon
Subject: Air Quality and GHG Emissions Study for El Toro Feedlot Expansion

Dave:

It has been over a month since UltraSystems sent you a draft of our air quality and greenhouse gas emissions study for the proposed El Toro feedlot expansion project, and we have not received the County's review of the draft. You did ask about mitigation measure AQ-1, which says, "The operator will require that employees and cattle trucks drive only on paved roads." I left you a voice mail message on November 8, 2019 saying that we were amenable to changing the measure to the final version of the one for the Brandt feedlot project. That measure says:

> **MM AQ-1** The operator will require that cattle trucks drive only on paved roads when they are driving between feedlots. They may drive on unpaved surfaces within feedlots to the extent necessary for delivery, loading and unloading.

We would like to finalize this project. Do you agree with the above version of the mitigation measure? Does the County have any other comments, corrections, or suggestions?

Michael Rogozen, D.Env. | **Senior Principal Engineer**

UltraSystems Environmental | WBE/DBE/SBE
16431 Scientific Way
Irvine, CA 92618
Office **949.788.4900 Ext. 272**
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UltraSystems
environmental•management•planning

NATIVE AMERICAN HERITAGE COMMISSION
Cultural and Environmental Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone: (916) 373-3710
Email: nahc@nahc.ca.gov
Website: http://www.nahc.ca.gov
Twitter: @CA_NAHC

August 14, 2019

David Black
Imperial County

VIA Email to: davidblack@co.imperial.ca.us

RE: El Toro Export Zone Chang 18-0006 Project, Imperial County

Dear Mr. Black:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were positive. Please contact the Ewaiiaapaayp Tribe on the attached list for more information. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our lists contain current information. If you have any questions or need additional information, please contact me at my email address: steven.quinn@nahc.ca.gov.

Sincerely,

Steven Quinn

Steven Quinn
Associate Governmental Program Analyst

Attachment

150 SOUTH NINTH STREET
EL CENTRO, CA 92243-2850

TELEPHONE: (442) 265-1800
FAX: (442) 265-1799

AIR POLLUTION CONTROL DISTRICT

November 29, 2018

Jim Minnick
Imperial County Planning & Development Services
801 Main Street
El Centro, CA 92243

SUBJECT: Request for Zone Change (18-0006) for Proposed Expansion of the Feed Yard for an existing facility in Heber by ETX, LLC (El Toro Export, LLC)

Dear Mr. Minnick,

The Imperial County Air Pollution Control District ("Air District") would like to thank you for the opportunity to review the request by El Toro Export, LLC and its subsidiary ETX, LLC for a proposed Zone Change (18-0006) that would allow for an expansion of a current feed yard at the company's existing facility at 96 East Fawcett Road in Heber, California. In 2007, El Toro Land and Cattle Company entered into an Agreement for Conditional Zone Change 06-0011 with the County of Imperial to accommodate a Zone Change from A-2 Medium Agriculture to A-3 Heavy Agriculture to allow for the construction and operation of a Composting Facility. Zone Change 06-0011 included 19 Specific Conditions, one of which was "S17-No Growth Allowed" that prohibited expansion of the number of corrals and footprint of the feedlot operation.

The proposed Zone Change 18-0006 would increase the feeding capacity of the Feed Yard by adding additional feeding pens on the site. The expansion would occur to the south of existing pens on APN 054-250-012-001 and APN 054-250-014-001 over two phases. Phase 1 of the proposal would expand existing feedlots onto the southern portion of APN 054-250-012-001 which would displace a current established crop of Bermuda grass. Phase 2 would expand feedlots onto the southern portion of APN 054-250-014-001 where a composting operation is currently located. Prior to completion of Phase 2, a new location would need to be identified for the composting operation. If approved, the completed project will increase feeding capacity by approximately 17,000 head of cattle.

ICAPCD Comments

The Air District expresses a number of concerns over the proposed zone change. First, the proposed zone change excludes mention of requirements set forth in Rule 217 governing Large Confined Animal Facility (LCAF) permits. Among other items, Rule 217 requires:

1) That the owner/operator shall obtain from the Air District an Authority to Construct (ATC) or Permit to Operate (PTO) for a new or modified LCAF.

2) An Emissions Mitigation Plan be submitted to the Air District that demonstrates that the facility will reduce emissions of VOCs and ammonia.

3) A Dust Control Plan for beef feedlots shall adhere to the requirements within Rule 420. Rule 420 stipulates that a Beef Feedlot which submits an application for a LCAF permit shall include a written plan designed to effectively control dust.

Aside from the above, the Air District would like to know in advance of the proposed location for the new Composting Facility Operation. The applicant's proposal simply states "in the region" without further details. The Air District respectfully requests more details on this proposal.

Compliance with Regulation VIII Fugitive Dust Rules is also required. Air District Rules and Regulations can be found on our website at www.co.imperial.ca.us/AirPollution under the "Planning" tab. The ICAPCD office can be reached at (442) 265-1800.

Sincerely,

Curtis Blondell

Curtis Blondell
Environmental Coordinator

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November 29, 2018

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NOV 29 2018

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

Ms. Patricia Valenzuela
Planner IV
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: El Toro Land & Cattle Co. Heber Feed Yard Expansion, Zone Change 18-0006

Dear Ms. Valenzuela:

On November 14, 2018, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, a request for agency comments on Zone Change application no. 18-0006. The applicant, ETC, LLC; is requesting a change of zone for the proposed expansion of the feed yard at the existing El Toro Land and Cattle Company facility at 96 East Fawcett Road in Heber, CA.

The IID has reviewed the application and has the following comments:

1. If the prosed expansion requires modification to the feed yard's current electrical load, the applicant should be advised to contact Joel Lopez, Project Manager Sr. at (760) 482-3444 or e-mail Mr. Lopez at jflopez@iid.com to review the project's scope of work and initiate the electrical service application process. The application is available at http://www.iid.com/home/showdocument?id=12923.

2. IID water facilities that may be impacted include the Daffodil Canal, Daffodil Lateral 1, and Daffodil Lateral 2 on APNs 054-250-012 and 054-250-014.

3. The proposed expansion of the feed yard will need increased water supply pond capacity during IID maintenance outages. IID Water Department Engineering Services requests an increase in capacity of the cattle company's water supply pond(s) in accordance with Imperial County's requirements.

4. Applicant should consult with IID Water Department Engineering Services prior to finalization of the fencing plan. The fencing plan consultation will address IID's right-of-way for safety purposes and allow access for IID operation and maintenance activities. IID Water Department Engineering Services can be contacted at (760) 339-9265 for further information.

5. It is important to note that a change in existing drainage discharge locations may substantially alter the drainage pattern of the project site and may adversely impact IID drains. To mitigate these impacts, a comprehensive IID hydraulic drainage system analysis may be required. IID's hydraulic drainage system analysis includes an associated drain impact fee. For further information, applicant should contact IID Water Engineering Services.

6. No offsite drainage discharge is allowed into IID drains from the feed yard or feed yard expansion. This includes existing tailwater pipe(s) and existing tile lines. Applicant should provide description of how current operations manage storm water runoff.

7. The developer may not use IID's canal or drain banks to access the project site. Any abandonment of easements or facilities shall be approved by IID based on systems (irrigation, drainage, power, etc.) needs.

8. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions for its completion are available at http://www.iid.com/departments/real-estate. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements. No foundations or buildings will be allowed within IID's right of way.

9. In addition to IID's recorded easements, IID claims, at a minimum, a prescriptive right of way to the toe of slope of all existing canals and drains. Where space is limited and depending upon the specifics of adjacent modifications, the IID may claim additional secondary easements/prescriptive rights of ways to ensure operation and maintenance of IID's facilities can be maintained and are not impacted and if impacted mitigated. Thus, IID should be consulted prior to the installation of any facilities adjacent to IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities.

10. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and

environmental impacts are fully analyzed. **Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent**.

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,

Donald Vargas
Compliance Administrator II

Kevin Kelley – General Manager
Mike Pacheco – Manager, Water Dept.
Enrique B. Martinez – Manager, Energy Dept.
Jamie Asbury – Deputy Manager, Energy Dept., Operations
Enrique De Leon – Asst. Mgr., Energy Dept., Distr., Planning, Eng. & Customer Service
Vance Taylor – Asst. General Counsel
Robert Laurie – Asst. General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Randy Gray – Supervisor, Real Estate
Jessica Lovecchio – Environmental Project Mgr. Sr., Water Dept.

CHANGE OF ZONE

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (760) 482-4236

- APPLICANT MUST COMPLETE ALL NUMBERED (black & blue) SPACES – Please type or print -

1. PROPERTY OWNER'S NAME ETX, LLC		EMAIL ADDRESS bplourd@eltoroexport.com	
2. MAILING ADDRESS (Street / P O Box, City, State) P.O. BOX 1109 EL CENTRO, CA		ZIP CODE 92244	PHONE NUMBER 760 427-4157
3. ENGINEER'S NAME N/A	CA. LICENSE NO.	EMAIL ADDRESS	
4. MAILING ADDRESS (Street / P O Box, City, State)		ZIP CODE	PHONE NUMBER

5. ASSESSOR'S PARCEL NO. 054-250-12/054-250-014	ZONING (existing) A-3-G-SPA	ZONING (proposed) A-3-G-SPA
6. PROPERTY (site) ADDRESS 96 E Fawcett Rd. Heber CA		SIZE OF PROPERTY (in acres or square foot) Total Area Approx. 160 Acres
7. GENERAL LOCATION (i.e. city, town, cross street) 1/4 South of Fawcett & Ware Rd. Heber CA		
8. LEGAL DESCRIPTION See attached maps & descriptions		

8. DESCRIBE CURRENT USE ON / OF PROPERTY (list and describe in detail)
Farmland, Compost operation, Cattle feeding

9. PLEASE STATE REASON FOR PROPOSED USE (be specific)
See letter attached

10. DESCRIBE SURROUNDING PROPERTY USES
Farmland South,East & West, Feed lot North, Feed Mill North

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT.

William R Plourd — Print Name
10/25/2018 — Date
Signature

REQUIRED SUPPORT DOCUMENTS

A. SITE PLAN
B. PRELIMINARY TITLE REPORT (6 months or newer)
C. FEE
D. OTHER

APPLICATION RECEIVED BY:	D.R.	DATE	10/25/18
APPLICATION DEEMED COMPLETE BY:		DATE	
APPLICATION REJECTED BY:		DATE	
TENTATIVE HEARING BY:		DATE	
FINAL ACTION: ☐ APPROVED ☐ DENIED		DATE	

REVIEW / APPROVAL BY OTHER DEPT'S required.
☐ P. W.
☐ E. H. S.
☐ A. P. C. D.
☐ O. E. S.
☐ _____
☐ _____

ZC # 18-0006

Mailing Address:
P.O. Box 1109
El Centro, California 92244

El Toro EXPORT

Physical Address:
1469 La Brucherie Road
El Centro, California 92243

Phone: (760) 352-4157 · Fax: (760) 352-5754
Email: bplourd@eltoroexport.com

October 25, 2018

Jim Minnick, Director
Imperial County Planning and Development Services Department
801 Main Street
El Centro, California 92243

Dear Director Minnick:

El Toro Land and Cattle Company is currently operating a Cattle Feed yard operation at its Heber Facility, 96 East Fawcett Road, Heber, California. This business has been in continuous operation since 1965 and prior to that from the 1950's by its original owners.

In 2007 El Toro Land and Cattle Company entered into an" Agreement for Conditional Zone Change #06-0011" with the County of Imperial to accommodate our desire of a Zone Change from "A-2" Medium Agriculture to Heavy Agriculture "A-3". The parcels involved were APN 054-250-014-001 and APN 054-250-012-001. This change request was granted to allow us to construct and operate a Composting facility on the site. A composting operation has been continuously operating on the site since that time. One of the conditions of the Conditional Zone Change was "S17-No Growth Allowed". This condition required the existing footprint of the feedlot operation remain unchanged.

It is now our desire to increase the feeding capacity of the Feed yard by adding additional feeding pens on the site. This expansion would occur to the south of the existing pens on the same APN's identified above. We are anticipating doing this in two phases.

Phase 1 would involve the South portion of APN 054-250-012-001 (see attached maps). This area is currently being farmed with an establish crop of Bermuda Hay. Phase 2 would involve the South portion of APN 054-250-014-001 (see attached maps). This area is the location of the current composting operation. Prior to building pens in this area, a new location would need to be identified in the region and approved for the composting operation. The completion of both phase 1 and phase 2 would increase the feeding capacity by approximately 17,000 head of cattle.

It's my understanding the best way to accomplish our desire to expand the feeding capacity is to request a modification to the existing "Agreement for Conditional Zone Change #06-0011". Please find the attached application for Change of Zone. We look forward to working with you, your team, and other county departments on this process.

For your information, the Cattle Operations are conducting under El Toro Land and Cattle Company. The Composting operations are conducted under TruSource, LLC and the Land owner is ETX, LLC. All three companies are wholly owned subsidiaries of El Toro Export, LLC.

Please feel free to reach out to me with any questions you might have.

Sincerely Yours;

EL TORO EXPORT, LLC

WILIIAM R. PLOURD
President/CEO

Enclosures

Agreement for Conditional Zone Change
Conditional Zone Change Map (A)
Project Location Map (B)
Zone Change Application