

September 1, 2020

Tulare County Supervisors Board  
2800 W Burrel Ave  
Visalia, CA 93291

*Delivered Via Email to:*

*Jason T. Britt* [Clerkoftheboard@co.tulare.ca.us](mailto:Clerkoftheboard@co.tulare.ca.us), [pvanderpoel@co.tulare.ca.us](mailto:pvanderpoel@co.tulare.ca.us),  
[ashuklian@co.tulare.ca.us](mailto:ashuklian@co.tulare.ca.us), [dtownsend@co.tulare.ca.us](mailto:dtownsend@co.tulare.ca.us), [kcrocker@co.tulare.ca.us](mailto:kcrocker@co.tulare.ca.us),  
[evalero@co.tulare.ca.us](mailto:evalero@co.tulare.ca.us)

Re: Agenda: #27

We write to urge the board to refrain from approving the proposed pipeline project designed to transport dairy biogas from participating dairies to a Southern California Gas Company mainline tie-in.

This Board must not approve yet another biogas pipeline project without environmental review. A categorical exemption is simply not appropriate, nor has it ever been appropriate for gas pipeline development, much less a 5 mile pressurized gas pipeline. Not only does a plain reading of the CEQA Guidelines illustrate that a categorical exemption for the construction of small structures does not and cannot apply to this project, but common sense also dictates that a project of this size, a project with these qualities, and, thus, a project with significant potential environmental impacts requires robust environmental review.

As a threshold matter, CEQA Guidelines Section 15303, which provides a categorical exemption for construction of small structures, does not apply in these circumstances. A 5 mile pipeline carrying pressurized gas is not a small structure. The CEQA guidelines provide for “[C]onstruction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.”

Nothing in this description indicates that an exemption would extend to a five mile gas pipeline.

The Guidelines go on to list out examples of projects that could be subject to the exception. Examples include

- (a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

(b) A duplex or similar multi-family residential structure totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units.

(c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

(d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction. (emphasis added)

(e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

Examples demonstrate that the exception is designed to exempt discrete, small projects and utilities that serve those discrete, small projects. Application of this exemption to a five mile pipeline designed to connect digesters to the SoCalGas pipeline doesn't comply with either the letter or the spirit of the exemption. Furthermore, this exemption is inappropriate for any similar pipeline construction planned for Tulare County.

Common sense also demands full environmental review of this pipeline project and similar projects. While we don't have the benefit of an environmental review, or time to assess the impacts of the project, we are aware of varied and significant potential impacts of this and similar projects. Some potential impacts of this and similar projects include:

- Gas leaks from the pipeline that increase substantial methane into the atmosphere. New findings suggest methane leakage throughout the nation's gas delivery system is much more widespread than officials understood just a few years ago. In 2018, research published in the journal Science found the leakage rate in the U.S. gas supply chain equaled 2.3% of U.S. gross gas production, 60% higher than the EPA's official estimate. A 2019 study expanded the analysis to include leakage in distribution and enduses, and found observed emissions from local gas distribution to be a factor of two to three times larger than those in the U.S. EPA's inventory.
- Risk of explosions that threaten human life and ecological health
- Construction-related pollution including increased dust and other air emissions along with impacts to ground and surface water.

- Secondary impacts of the pipeline to support expanded manure production and increased cow populations which, in turn, increase air emissions and surface and groundwater pollution. The County's argument in support of the project states that it will "support[t] the county's agriculture-based economy through the introduction of a new revenue stream from what was formerly an expense." The promise of revenue from production of manure will only create more manure, thus increasing air pollution, water contamination, and greenhouse gas emissions.

The promise of revenue for a few does not outweigh the environmental health of the many. Tulare County must complete environmental review for this pipeline project and other proposed pipeline proposals carrying pressurized gas to a common-carrier pipeline.

Thank you for your attention to this matter,

Blanca Escobedo  
Policy Advocate  
Leadership Counsel for Justice and Accountability