



Board of Supervisors

COUNTY OF TULARE

AGENDA ITEM

BOARD OF SUPERVISORS

KUYLER CROCKER
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

EDDIE VALERO
District Four

DENNIS TOWNSEND
District Five

AGENDA DATE: September 22, 2020

Public Hearing Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Advertised Published Notice	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Meet & Confer Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Personnel Resolution attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

CONTACT PERSON: Samantha Ferrer PHONE: 559.636.5000

SUBJECT: Approve a letter in support of Setton Pistachio's Authority to Construct Permit Application

REQUEST(S):

That the Board of Supervisors:

1. Approve a letter in support of the Setton Pistachio of Terra Bella's Authority to Construct Permit Application for the building permits related to odor reducing corrective measures.

SUMMARY:

In November 2019, Setton Pistachio of Terra Bella (Setton) applied for an Authority to Construct Permit (ATC) application with the San Joaquin Valley Air Pollution Control District (Valley Air District). These building permits are required in order to implement necessary odor reducing corrective measures at Setton's plant in Terra Bella. To date, the ATC permits have not been approved by the Valley Air District. These corrective measures are part of a requirement imposed upon Setton to resolve odor issues that were present in prior year's harvests.

Setton has fulfilled all County permitting and entitlement requirements. The County has approved an Addendum to the Mitigated Negative Declaration for the 2015 Community Plan of Terra Bella which re-affirmed that there would be no additional environmental impacts from the construction as a result of the ATC permits. These proposed uses are consistent with the existing zoning for this part of Tulare County. The County has conducted the required CEQA analysis necessary for the submittal of the ATC permits. All of these measures are taken in order to help correct the odor concerns. For these reasons, a letter of support is being considered as the County believes Setton to have met all the necessary requirements to move forward

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and continue their operations.

Setton Pistachio plays a vital role not only in Terra Bella, but in Tulare County. They provide much needed employment in the area with 750 employees year-round and over 1,000 during the harvest. They have contributed to the Terra Bella community through the building of parks and a proposed school. They have donated several infrastructure improvements to the community of Terra Bella, such as curbs, gutters, sidewalks, a crosswalk, a bus stop, and storm drainage improvements. Having the necessary permits to construct the required odor reducing corrective measures is critical for Setton's operations.

Setton is expecting their largest harvest ever, with over 50% more pistachios from this current crop than they have ever seen. Without the ATC permits, they cannot move forward with harvesting their pistachio crop which would threaten local jobs, halt Setton's operations, and ruin their economic viability, particularly during these challenging times.

FISCAL IMPACT/FINANCING:

There is no Net County Cost to the General Fund.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

Approve a letter in support of Setton Pistachio's Authority to Construct Permit Application is linked to the Economic Well-Being initiative to promote economic development opportunities, effective growth management, and a quality standard of living.

ADMINISTRATIVE SIGN-OFF:

/s/ Samantha Ferrer
Samantha Ferrer
Board Representative

cc: County Administrative Office

Attachment(s) Letter of Support

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

**IN THE MATTER OF APPROVE
A LETTER IN SUPPORT OF SETTON
PISTACHIO'S AUTHORITY TO
CONSTRUCT PERMIT APPLICATION**

)
) Resolution No. _____
) Agreement No. _____
)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

1. Approved a letter in support of the Setton Pistachio of Terra Bella's Authority to Construct Permit Application for the building permits related to odor reducing corrective measures.

September 22, 2020

San Joaquin Valley Air Pollution Control District
1990 E. Gettysburg Ave.
Fresno, CA 93726

Dear San Joaquin Valley Air Pollution Control District,

This letter is in support of Setton Pistachio of Terra Bella's (Setton) Authority to Construct permit application. As you know, these building permits would allow for Setton to implement the necessary corrective odor-reducing measures at their pistachio plant in Terra Bella. The permit application was submitted to the San Joaquin Valley Air Pollution Control District (Valley Air District) in November 2019 and they have yet to be approved. The County of Tulare (County) is both concerned and confused as to why there has been no movement on these ATC permits since November 2019.

Setton has fulfilled every requirement imposed upon them in order to take the necessary steps to correct the odor issue from last year's harvest. They have replaced their spray fields with a new and advanced wastewater treatment pond. The ATC permits would allow for further odor-reducing efforts in both the production of the crop and the wastewater aspect of crop production.

To be sure, the County takes the concerns of the community very seriously. We have been following and monitoring the actions that Setton has taken to correct this issue, including participating in community meetings with the concerned citizens of Terra Bella. County inspectors have found the odor to have dissipated, even before the Central Valley Regional Water Quality Control Board (CVRWQCB) issued their Cease and Desist Order R5-2020-0038. The County has approved an Addendum to the Mitigated Negative Declaration Document for the 2015 Community Plan of Terra Bella, which re-affirmed that there would not be any additional environmental impacts to the construction of the facilities to be approved in the ATC permit application. These uses are also consistent with the existing zoning for this part of Tulare County.

County staff have been working with the Valley Air District in regards to the Air Quality Studies needed for the ATC Permits, as we believed that the potential air quality impacts had been resolved. The required CEQA "Consistency Finding" Analysis was conducted for the ATC permits and for the increased disposal land.

Yet the County remains confused as to why these permits remain unapproved, especially after Setton's proven their willingness to fulfill all the requirements to submit the ATC Permit Application. Now we find that the Valley Air District is basing their decision on compliance with the CVRWQCB's Order and Permitting Process. We feel that this reliance is subject to pressure from outside groups who are opposed to Setton's operations in Terra Bella. Withholding these building permits, especially during Setton's largest crop harvest to date, significantly halts their production and their ability to remain economically viable, particularly during these challenging times.

We urge you to take these factors into consideration when reviewing Setton's ATC application. Setton is not only a valuable member to the Terra Bella community, but to the entire Tulare County community. This Board has watched as Setton has complied with mitigation requests and demands and we believe they have gone above and beyond to do all that has been asked of them. We strongly encourage you to take these comments into consideration as you review the permit application.

Sincerely,

cc: Central Valley Regional Water Quality Control Board