

# HILLCREST DAIRY EXPANSION PROJECT ENVIRONMENTAL JUSTICE ASSESSMENT

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## 1. INTRODUCTION

The California Environmental Quality Act (CEQA) does not explicitly require analyses of environmental justice. The California Public Resources Code (PRC §21002) requires that an environmental document prepared to meet CEQA requirements evaluate adverse effects to the physical environment, and the ways in which project alternatives and mitigation measures could reduce such effects. An agency is required to find that a “project may have a ‘significant effect on the environment’” if, among other things, “[t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly[.]” (PRC, § 21083, subd. (b)(3)). CEQA documents may identify existing adverse environmental conditions in the document’s discussion of the environmental setting, or in a discussion of cumulative impacts.

The companion document to this Environmental Justice Assessment is the Draft Environmental Impact Report (EIR) for the Hillcrest Dairy Expansion project prepared by Merced County. As required by CEQA, the EIR identifies the environmental setting of the project including adjacent sensitive land uses within and adjacent to the community of Planada and nearby farmworker housing. The EIR evaluates the potential adverse environmental effects that would be caused by implementing the proposed expansion. In evaluating the potential for adverse effects, the County has considered whether the project as proposed would be consistent with County regulations and requirements adopted to protect the physical environment or nearby residents. The EIR additionally identifies and assesses mitigation measures and project alternatives that could reduce or avoid potential adverse effects. However, as noted above, the EIR is not required to explicitly set forth an environmental justice evaluation. To remedy this, the County has prepared this Environmental Justice Assessment report.

As defined by the State of California, environmental justice is the equal treatment of people of all races, cultures and incomes when it comes to environmental laws, regulations and policies. (Government Code Section 65040.12(e))

Consistent with State policies, this report addresses the subject of environmental justice with respect to the proposed Hillcrest Dairy Expansion project. The evaluation includes the identification of environmental justice communities in the project vicinity as well as a characterization of existing environmental stressors. The potential effects of the project on both environmental justice communities and environmental burdens are assessed.

## 2. PROJECT DESCRIPTION

The existing Hillcrest Dairy is located on ±200 acres of 17 parcels totaling 2,290 acres in unincorporated Merced County. The dairy project site is located west of Hayden Road, and 0.75 miles north of Highway 140 in the Planada area of the County. Approximately 1,611 acres of the project site are currently used for the production of crops, including forage crops and pistachios. However, only 1,147 acres of this cropland currently receives manure process water and/or solid manure. Approximately 464 acres of cropland are planted in pistachios and do not receive solid or

liquid manure; several of these orchards are located between active areas of the dairy and the community of Planada.

As proposed, Merced County approval of Conditional Use Permit CUP20-013 would permit the expansion of the existing dairy so that the modified dairy would house 4,000 milk cows, 750 dry cows, and 3,300 support stock. This would represent an increase of 1,700 animals from existing numbers. The proposed project would include construction of one new freestall barn, one special needs barn, and three dry cow shade barns. Modification of the proposed facilities would occur within the existing footprint of the dairy, and there would be no change in cropped acreage associated with the farm.

### **3. REGULATORY SETTING**

#### **3.1 STATE OF CALIFORNIA**

Beginning in 1999, the State of California enacted a series of bills that incorporated the concepts of environmental justice into state law. As a result of these enactments, the term and concept of “environmental justice” has been defined in the California Government Code. Government Code Section 65040.12 (e) defines “environmental justice” as:

The fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation and enforcement of environmental laws, regulations, and policies.

California legislation, state agency programs, and guidance have been issued in recent years that aim to more comprehensively address environmental justice issues, including SB 1000 (2016), SB 535 (2012) and Assembly Bill (AB) 1550 (2016), AB 617 (2017), the California Department of Justice Bureau of Environmental Justice, the California Communities Environmental Health Screening Tool (CalEnviroScreen), and the Governor’s Office of Planning and Research’s (OPR’s) 2020 General Plan Guidelines, Environmental Justice Element.

#### **SENATE BILL 535 AND ASSEMBLY BILL 1550**

Authorized by the California Global Warming Solutions Act of 2006 (AB 32), the cap-and-trade program is one of several strategies that California uses to reduce greenhouse gases (GHGs) that cause climate change. The state’s portion of the cap-and-trade auction proceeds are deposited in the Greenhouse Gas Reduction Fund (GGRF) and used to further the objectives of AB 32. In 2012, the California Legislature passed SB 535 (de Leon), directing that 25 percent of the proceeds from the GGRF go to projects that provide a benefit to disadvantaged communities (DACs). In 2016, the legislature passed AB 1550 (Gomez), which now requires that 25 percent of proceeds from the GGRF be spent on projects located in DACs. The law requires the investment plan to allocate (1) a minimum of 25 percent of the available moneys in the fund to projects located within and benefiting individuals living in DACs; (2) an additional minimum of 5 percent to projects that benefit low-income households or to projects located within, and benefiting individuals living in, low-income communities located anywhere in the state; and (3) an additional minimum of 5 percent either to projects that benefit low-income households that are outside of, but within 0.5 mile of, DACs, or to projects located within the boundaries of, and benefiting individuals living in, low-income communities that are outside of, but within 0.5 mile of, DACs. The California Environmental

Protection Agency (CAL EPA) identifies Planada and its surrounding census tract as a DAC (CalEPA 2022).

## **CALIFORNIA COMMUNITIES ENVIRONMENTAL HEALTH SCREENING TOOL**

California Public Resources Code Section 71113 directs Cal EPA to address environmental justice concerns throughout the agency’s five departments. An element of this statute directs Cal EPA to “[r]ecommend procedures for collecting, maintaining, analyzing, and coordinating information relating to an environmental justice strategy.” In response to this directive, Cal EPA identified the Office of Environmental Health Hazard Assessment (OEHHA) as the lead state agency for the assessment of health risks posed by environmental contaminants.

As identified by Cal EPA and OEHHA, understanding and addressing the cumulative vulnerability of communities most impacted by pollution is critical to minimizing environmental health and justice disparities. The agencies define cumulative vulnerability as “the exposure, public health, or environmental effects from the combined emissions and discharges, in a geographic area, including environmental pollution from all sources, whether single or multi-media, routinely, accidentally, or otherwise released accounting for sensitive populations and socio-economic factors” (OEHHA 2021).

To assess varying levels of vulnerability throughout the state, the OEHHA has developed a screening tool (CalEnviroScreen or CES) that can be used to develop a comprehensive picture of the burdens California communities face from environmental pollutants and their vulnerability to health and economic impacts. The fourth iteration of this tool (CalEnviroScreen 4.0) was released in October 2021.

### **3.2 MERCED COUNTY**

Environmental justice issues also are addressed by goals and policies set forth in the 2030 Merced County General Plan. The General Plan includes a goal and several policies addressing environmental justice. Goal HS-8 in the Health and Safety Element of the General Plan sets forth the County’s intent to “Ensure the fair treatment of all visitors, residents, employees, and property owners, regardless of age, race, culture, and income with respect to land use and environmental decisions.” Policy HS-8.1 states that the County will “[r]equire the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of land use and environmental laws, regulations, and policies. Ensure that no part of the community suffers disproportionately from adverse human health or environmental effects, and strive to provide all residents to live in a clean and healthy community.” Additionally, Policy HS-8.2 prioritizes equal public participation in land use decision making, stating that the County will act to “[e]nsure that all community residents have meaningful opportunities to participate in all public decision-making processes, including Planning Commission and Board of Supervisor actions.”

## **4. CALENVIROSCREEN**

CalEnviroScreen is a science-based mapping tool that helps identify California communities that are most affected by many sources of pollution, and where people are often especially vulnerable to pollution’s effects. The tool uses environmental, health, and socioeconomic information to produce

scores for every census tract<sup>1</sup> in the state. The scores are mapped so that different communities can be compared. For example, an area with a high score is one that experiences a much higher pollution burden than areas with low scores.

The CalEnviroScreen tool is composed of a suite of 21 statewide indicators of pollution burden and population characteristics associated with increased vulnerability to pollution’s adverse health effects. The indicators fall into four broad categories, including “Exposures”, “Environmental Effects”, “Sensitive Populations”, and “Socioeconomic Factors”, as defined below.

<b>POLLUTION BURDEN</b>	Exposures	Contact with pollution
	Environmental Effects	Adverse economic conditions caused by pollution
<b>POPULATION CHARACTERISTICS</b>	Sensitive Populations	Populations with biological traits that may magnify the effects of exposure to pollution
	Socioeconomic Factors	Community characteristics that result in increased vulnerability to pollution

These broad categories are further divided into the following measurable indicators.

<b>POLLUTION BURDEN</b>		<b>POPULATION CHARACTERISTICS</b>
<b>Exposures</b>		<b>Sensitive Populations</b>
Ozone (an air pollutant)	PM <sub>2.5</sub> (fine dust; an air pollutant)	Asthma Emergency Department Visits
Diesel Particulate Matter Emissions	Drinking Water Contaminants	Cardiovascular Disease (Emergency Department Visits for Heart Attacks)
Children’s Lead Risk from Housing	Pesticide Use	Low-birth weight infants
Toxic Releases from Facilities	Traffic Impacts	
<b>Environmental Effects</b>		<b>Socioeconomic Factors</b>
Toxic Cleanup Sites		Educational Attainment
Groundwater Threats from Leaking Underground Storage Sites and Cleanups		Housing Burdened Low Income Households
Hazardous Waste Facilities and Generators		Linguistic Isolation
Impaired Water Bodies		Poverty
Solid Waste Sites and Facilities		Unemployment

CalEnviroScreen ranks communities based on data that are available from state and federal government sources. The model uses a weighted scoring system to derive average pollution burden and population characteristics scores for each census tract throughout the state. Once all characteristics are scored, the model calculates a final CalEnviroScreen score by multiplying the pollution burden and population characteristics components together. The model then compares the

<sup>1</sup> As defined by the federal Department of Commerce, Census Bureau, census tracts are a small, relatively permanent statistical subdivision of a county delineated by a local committee of census data users for the purpose of presenting data. Census tracts nest within counties, and their boundaries normally follow visible features, but may follow legal geography boundaries and other non-visible features in some instances. Census tracts ideally contain about 4,000 people and 1,600 housing units. (Census Bureau 2021).

score to all other census tracts in the state and assigns a comparative rating presented in the form of a percentile. The lower the percentile, the less polluted and/or less sensitive the area is. Thus, the percentile measures the relative pollution burdens and vulnerabilities in a census tract compared to all others in the state. It is not a measure of health risk. No does it describe the magnitude of the difference between two or more areas. For example, an area ranked in the 30th percentile is not necessarily three times more impacted than an area ranked in the 10th percentile.

## 4.1 CALENVIROSCREEN RESULTS

Planada area-specific information developed by CalEnviroScreen for each of the 21 indicators is presented in Table 1. According to CalEnviroScreen data, Planada residents and those in surrounding rural areas are exposed to high levels of drinking water contaminants, children’s lead risk from housing, pesticide use, and groundwater threats<sup>2</sup>. In general, residents of the census tract containing Planada are exposed to relatively low levels of ozone, airborne particles, diesel particulate matter, toxic releases from facilities, traffic impacts, cleanup sites, hazardous waste generators and facilities, and impaired water bodies. As measured by CalEnviroScreen, the Planada area is exposed to environmental contaminants at a level that averages approximately the same level of exposure shared by all census tracts throughout California.

Residents of the Planada census tract exhibit relatively high incidences of population characteristics that would result in a sensitivity to pollution, including high rates of asthma, and high incidences of a lack of education, linguistic isolation, poverty and unemployment. Only 20 percent of census tracts throughout the state have a burden of illness and population characteristics that would indicate a heightened vulnerability to the adverse effects of pollution.

To establish a comprehensive CalEnviroScreen score that measures both the pollution burden and population characteristics, the model combines the individual scores to derive an overall result. For the residents of the census tract containing Planada, the combined score indicates that residents of this census tract are exposed to a cumulative environmental justice burden than is greater than that for 74 percent of all census tracts in California. See the Overall CES Score in Table 1.

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<sup>2</sup> As set forth in the CalEnviroScreen 4.0 Report, “Many activities can pose threats to groundwater quality. These include the storage and disposal of hazardous materials on land and in underground storage tanks at various types of commercial, industrial, and military sites. ... Storage tanks are of particular concern when they can affect drinking water supplies. ... Dairy farms and concentrated animal-feeding operations, which produce large quantities of animal manure pose a threat to groundwater. Other activities that pose threats to groundwater quality include produced water ponds, which are generated as a result of oil and gas development.” (OEHHA 2021)

**Table 1 CalEnviroScreen Results for Planada (Census Tract 6047001901)**

Category	Indicator	Score	Percentile
<b>Pollution Burden: Exposure Indicators</b>			
Ozone	Mean of summer months (May-October) of the daily maximum 8-hour ozone concentration (ppm), averaged over three years (2017 to 2019).	0.056	7.58
PM <sub>2.5</sub>	Annual mean concentration of PM <sub>2.5</sub> (weighted average of measured monitor concentrations and satellite observations, µg/m <sup>3</sup> ), over three years (2015 to 2017).	0.045	16.14
Diesel Particulate Matter	Spatial distribution of gridded diesel PM emissions from on-road and non-road sources 2016 (tons/year).	2.09	6.40
Drinking Water Contaminants	Drinking water contaminant index for selected contaminants (2011 to 2019)	641.93	71.97
Children's Lead Risk from Housing	Potential risk for lead exposure in children living in low-income communities with older housing.  Percentage of households within a census tract with likelihood of lead-based paint (LBP) hazards from the age of housing (2017 California parcel data and 5-year estimates 2015-2019) combined with the percentage of households that are both low-income (household income less than 80% of the county median family income) and have children under 6 years old (5-year estimates 2013-2017).	63.62	71.01
Pesticide Use	Total pounds of 132 selected active pesticide ingredients (filtered for hazard and volatility) used in production-agriculture per square mile, averaged over three years (2017 to 2019).	129.26	78.79
Toxic Releases from Facilities	Toxicity-weighted concentrations of modeled chemical releases to air from facility emissions and off-site incineration (averaged over 2017 to 2019 and including releases from Mexican facilities averaged over 2014 to 2016).	45.79	17.48
Traffic Impacts	Sum of traffic volumes adjusted by road segment length (vehicle-kilometers per hour) divided by total road length (kilometers) within 150 meters of the census tract (traffic volumes estimates for 2017).	169.85	3.09
<b>Pollution Burden: Environmental Effects Indicators</b>			
Cleanup Sites	Sum of weighted sites within each census tract. (Data downloaded July 2021)  Since the nature and the magnitude of the threat and burden posed by hazardous substances vary among the different types of sites as well as the site status, the indicator takes both into account. Weights were also adjusted based on proximity to populated census blocks.	0.40	5.64

**Table 1 CalEnviroScreen Results for Planada (Census Tract 6047001901)**

Category	Indicator	Score	Percentile
Groundwater Threats <sup>3</sup>	Sum of weighted scores for sites within each census tract. (Data downloaded July 2021)  The nature and the magnitude of the threat and burden posed by sites maintained in GeoTracker vary significantly by site type (e.g., leaking underground storage tank or cleanup site) and status (e.g., Completed Case Closed or Active Cleanup). The indicator takes into account information about the type of site, its status, and its proximity to populated census blocks.	26.75	76.57
Hazardous Waste Generators and Facilities	Sum of weighted permitted hazardous waste facilities, hazardous waste generators, and chrome plating facilities within each census tract.  Permitted hazardous waste facilities were downloaded July 2021, Hazardous waste data are from 2018-2020, and chrome plating facilities are based on a survey from 2018.	0	0.00
Impaired Water Bodies	2018 303(d) List of Impaired Water Bodies, State Water Resources Control Board (SWRCB)  The SWRCB provides information relevant to the condition of California surface waters. Such information is required by the Federal Clean Water Act. Every two years, State and Regional Water Boards assess and report on the quality of California surface waters. Lakes, streams and rivers, and coastal waters that do not meet water quality standards, or are not expected to meet water quality standards, are listed as impaired under Section 303(d) of the Clean Water Act. The 2018 303(d) List was based on water quality data collected prior to May 3, 2017.	3.00	33.16

<sup>3</sup> Groundwater threats from the GeoTracker and CIWQS database were weighted on a scale of 1 to 15 in consideration of both the site type and status. The following table shows the weights applied for dairies and feedlots. This category includes farms or ranches where livestock are held for a significant period of time and provided food in the facility (as opposed to grazing), and whose discharges are regulated by the State Water Resources Control Board and/or one of the nine Regional Water Quality Control Boards. Discharges include manure, wastewater, and storm water runoff that may contain waste constituents. Dairies make up 10% of the 12,000 groundwater threat sites identified by the State. Feedlots comprise another 2%. (OEHHA 2021)

Site Type	Weight	CAFO Population
Dairies	1	0 - 299
	3	300 - 999
	5	1,000 or more
Feedlots	1	0 - 499
	3	500 – 2,999
	5	3,000 or more

**Table 1 CalEnviroScreen Results for Planada (Census Tract 6047001901)**

Category	Indicator	Score	Percentile
Solid Waste Sites and Facilities	Solid Waste Information System (SWIS) and Closed, Illegal, and Abandoned (CIA) Disposal Sites Program, California Department of Resources Recycling and Recovery – CalRecycle SWIS is a database which tracks solid waste facilities, operations, and disposal sites throughout California. Solid waste sites found in this database include landfills, transfer stations, material recovery facilities, composting sites, transformation facilities, waste tire sites, and closed disposal sites. The CIA Disposal Sites Program is a subset of the SWIS database and includes closed landfills and disposal sites that have not met minimum state standards for closure as well as illegal and abandoned sites.	2.00	52.90
<b>Population Characteristics: Sensitive Population Indicators</b>			
Asthma	Spatially modeled, age-adjusted rate of ED visits for asthma per 10,000 (averaged over 2015-2017)	75.87	82.61
Cardiovascular Disease	Spatially modeled, age-adjusted rate of emergency department (ED) visits for Acute myocardial infarction (AMI) per 10,000 (averaged over 2015-2017).	12.83	52.92
Low Birth Weight Infants	Percent low birth weight, (averaged over 2009-2015).	4.46	37.58
<b>Population Characteristics: Socioeconomic Factor Indicators</b>			
Educational Attainment	Percent of the population over age 25 with less than a high school education (5-year estimate, 2015-2019).	53.6	97.87
Housing Burdened Low Income Households	Housing Burdened Low Income Households. Percent of households in a census tract that are both low income (making less than 80% of the HUD Area Median Family Income) and severely burdened by housing costs (paying greater than 50% of their income to housing costs). (5-year estimates, 2013-2017).	14.3	34.8
Linguistic Isolation	Percent limited English-speaking households, (2015-2019).	34.3	97.43
Poverty	Percent of the population living below two times the federal poverty level (5-year estimate, 2015-2019).	56.3	88.43
Unemployment	Percent of the population over the age of 16 that is unemployed and eligible for the labor force. Excludes retirees, students, homemakers, institutionalized persons except prisoners, those not looking for work, and military personnel on active duty (5-year estimate, 2015-2019).	14.1	95.86
<b>Pollution Burden Summary Score</b>		<b>5.36</b>	<b>53.68</b>
<b>Population Characteristics Summary Score</b>		<b>7.29</b>	<b>80.46</b>
<b>Overall CES 4.0 Score</b>		<b>39.06</b>	<b>73.59</b>

Source: California OEHHA, CalEnviroScreen 4.0, CES4Results Data Dictionary; October 2021; obtained April 25, 2022.

## 4.2 MERCED COUNTY COMPARATIVE CALENVIROSCREEN RESULTS

Rural Merced County-specific information developed by CalEnviroScreen for the Pollution Burden Summary and Population Characteristics Summary Scores, together with the Overall CES 4.0 Score, are set forth in Table 2.

Census Tract	Nearest Community	Pollution Burden Percentile	Population Characteristics Percentile	Overall CES 4.0 Percentile
6047001901	Planada	54	80	74
6047000901	El Nido	<b>92</b>	65	83
6047002000	Gustine	79	79	84
6047000402	Hilmar	85	<b>44</b>	64
6047001902	Le Grand	62	<b>82</b>	78
6047000303	Livingston South	84	49	68
6047002100	Los Banos S/W	82	79	<b>85</b>
6047002600	Merced East	62	65	68
6047001002	Merced NW	66	<b>82</b>	80
6047002500	Snelling	73	77	81
6047000401	Stevinson	69	74	77
6047001801	UC Merced	<b>19</b>	52	<b>37</b>
6047000503	Winton	86	54	72
<b>All</b>	<b>Median</b>	<b>73</b>	<b>74</b>	<b>77</b>

Note: The highest value in each column is indicated in **red** font. The lowest value in each column is indicated in **green** font.

Sources: CalEnviroScreen 4.0 Results for 13 census tracts in Merced County obtained on April 8, 2022.

In general, residents of the census tract containing Planada have a relatively low overall pollution burden when compared with other rural census tracts in Merced County. However, Table 2 reveals that the Planada census tract is characterized by moderately higher percentiles of population characteristics that result in a sensitivity to pollution as compared to other rural areas within the County. On balance, the combination of the moderate pollution burden and high population characteristics yields an Overall CES 4.0 percentile score that indicates that the Planada area is slightly less burdened with adverse environmental effects than is typical of the other rural areas of Merced County as described in Table 2.

## 5. DEMOGRAPHIC SETTING

Table 3 compares the general demographic characteristics used to identify sensitive populations in Planada, Merced County as a whole, and the state of California, using information provided by the U.S. Department of Commerce, Bureau of the Census.

**Table 3 Demographic Characteristics of Planada Compared to Merced County and California**

	Population Characteristics		
	Planada <sup>a</sup>	Merced County	California
<b>Total Population</b>	4,418	271,382	39,283,497
<b>Age</b>	<b>Percent</b>		
<i>Children Under 18</i>	30.3	29.6	23.0
<i>18-64 years</i>	59.3	59.4	63.0
<i>Elderly 65 and Over</i>	10.4	11.0	14.0
<b>Race or Ethnicity</b>	<b>Percent</b>		
<i>Hispanic</i>	97.8	59.6	39.0
<i>White</i>	53.4	55.1	59.7
<i>African American</i>	0.0	3.2	5.8
<i>Native American</i>	0.6	0.9	0.8
<i>Asian American</i>	0.0	7.5	14.5
<i>Other</i>	45.0	36.5	14.1
<i>Two or More</i>	1.0	4.1	4.9
<b>Income</b>	<b>Median Income, in Dollars</b>		
<i>Household</i>	\$46,801	\$56,330	\$78,672
<b>Language Spoken at Home</b>	<b>Percent</b>		
<i>Speak Only English</i>	18.9	47.5	56.1
<i>Other Languages, Speak English Less than Very Well</i>	57.5	22.0	17.4
<i>Speak Spanish</i>	81.1	43.8	28.3

Note <sup>a</sup> Planada has been categorized by the U.S. Bureau of the Census as a Census Designated Place (CDP). CDPs are small, often unincorporated, and typically rural communities that exhibit some or all of the features of a larger town.

Sources: U.S. Bureau of the Census, *American Community Survey, 2020: ACS 5-year Estimates Data Profiles, DP02 Selected Social Characteristics in the United States, California, Merced County and Planada Census Designated Place*, accessed at [https://data.census.gov/cedsci/table?q=DP02&g=0400000US06\\_0500000US06047\\_1600000US0657582&tid=ACSDP5Y2020.DP02](https://data.census.gov/cedsci/table?q=DP02&g=0400000US06_0500000US06047_1600000US0657582&tid=ACSDP5Y2020.DP02) on April 25, 2022.

U.S. Bureau of the Census, *American Community Survey, 2019: ACS 5-year Estimates Data Profiles, DP05 Demographic and Housing Estimates in the United States, California, Merced County and Planada Census Designated Place*, accessed at [https://data.census.gov/cedsci/table?t=Populations%20and%20People&g=0400000US06\\_0500000US06047\\_1600000US0657582&tid=ACSDP5Y2019.DP05](https://data.census.gov/cedsci/table?t=Populations%20and%20People&g=0400000US06_0500000US06047_1600000US0657582&tid=ACSDP5Y2019.DP05) on April 25, 2022.

With respect to the concentration of children and the elderly, the residents of Planada are similar to the prevalence of these groups both in Merced County and throughout the state. The population of the Planada area is characterized by substantially higher proportion of persons who identify as Hispanic than Merced County or the state, although the percentage of persons who identify themselves racially as white or other is similar for Planada and Merced County. The median income of households in Planada is lower than either Merced County or the state. The metric that Planada differs most from Merced County and the state is in linguistic isolation. Over 80 percent of those who live in Planada speak Spanish as their primary language, and approximately 60 percent speak English less than very well.

## 6. ENVIRONMENTAL JUSTICE RESULTS

With respect to Statewide environmental justice standards, in Planada:

- The existing cumulative pollution burden in Planada is similar to the average overall pollution burden of communities across the state.
- The overall burden of pollution exposure and population characteristics for Planada residents is slightly lower than that of Merced County as a whole.
- The community is composed of a significantly smaller percentage of people of color than either Merced County or the State of California. However, the community is characterized by a large majority of residents who identify themselves as Hispanic.
- The community is composed of a significantly larger percentage of persons who speak a language other than English at home than either Merced County or the State of California.
- The Planada community is characterized by low levels of educational attainment, poverty and unemployment.
- Because of the linguistic isolation of a majority of Planada residents, the census tract containing Planada is identified as a sensitive environmental justice community based on health measures and socioeconomic criteria

As proposed, the Hillcrest Dairy Expansion project would not have any adverse environmental justice effects for the following reasons:

- For three indicators of environmental pollution for which Planada is above the 50<sup>th</sup> percentile (children’s lead risk from housing, drinking water contaminants, pesticides), implementation of the project would not contribute to the generation or release of any of these pollutants. No changes in cultivation or crops are contemplated for the proposed dairy expansion; hence, there would be no change in the use of pesticides on the project site. For groundwater threats, the project is consistent with state and Merced County policies to protect ground and surface waters during project construction and operation. Additionally, Planada and the nearby farm labor housing are served by an urban water provider, the Planada Community Services District. As described in the Environmental Impact Report (EIR) Chapter 10, *Hydrology and Water Quality*, the District’s annual Consumer Confidence Reports indicate that no water pollutants that could be associated with the dairy have been found in groundwater that supplies the Planada Community Services District.
- Implementation of the dairy expansion would not adversely influence or increase existing socioeconomic factors such as educational attainment, poverty, or unemployment that could heighten Planada residents’ sensitivity to environmental pollutants.

- While not an environmental pollutant included in CalEnviroScreen, odor is an issue of community concern with respect to the proposed dairy expansion project. As noted in the body of the EIR prepared for the proposed project, the applicant has planted orchards between active areas of the dairy and the community of Planada, and has initiated an odor control plan and outreach to the surrounding community, including establishing a point of contact if adverse odor levels persist. For additional information, see Impact AQ-7 and mitigation measures AQ-7a, AQ-7b, and AQ-7c in the Draft EIR<sup>4</sup>. Because of the linguistic isolation of Planada residents, this Environmental Justice report recommends that any public outreach or distribution of flyers or other documents associated with the Odor Control Plan be made available in Spanish in addition to English.

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<sup>4</sup> DEIR Figure 3-6a (attached) illustrates fields planted with pistachio trees within the Hillcrest Dairy site, including three fields adjacent to the community of Planada. As discussed in the DEIR's Air Quality chapter (*Ch. 5*), Impact AQ-7 both the Merced County Division of Environmental Health (DEH) and the San Joaquin Valley Air Pollution Control District (SJVAPCD) have received complaints regarding odors from residents of Planada during the period from 2016 to 2022. According to County and Air District records, no odor conditions were confirmed by DEH; the SJVAPCD did confirm the presence of odorous conditions for a single complaint submitted to the District.

## 7. REFERENCES

- California, State of, California Office of Environmental Health Hazard Assessment (OEHHA), CalEnviroScreen 4.0 Report, October 2021.
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