

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: ENVIRONMENTAL RESOURCES *KMW*

BOARD AGENDA # B-10

Urgent _____ Routine *✓*

AGENDA DATE October 9, 2001

CEO Concurs with Recommendation YES *DK* NO _____
(Information Attached)

4/5 Vote Required YES _____ NO *✓*

SUBJECT:

ACCEPT THE STATUS REPORT REGARDING MODESTO TALLOW COMPANY

STAFF
RECOMMEN-
DATIONS:

ACCEPT THE STATUS REPORT REGARDING MODESTO TALLOW COMPANY

FISCAL
IMPACT:

There is no fiscal impact.

BOARD ACTION

No. 2001-791

On motion of Supervisor Blom, Seconded by Supervisor Mayfield
and approved by the following vote,

Ayes: Supervisors: Mayfield, Blom, Simon, and Chair Paul

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: Caruso

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

MOTION:

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

By: *Christine Ferraro* Deputy

File No.

ACCEPT THE STATUS REPORT REGARDING MODESTO TALLOW COMPANY

Page 2

DISCUSSION: This agenda item is important to ensure a safe and healthy community and to take pride in our local community. The Department of Environmental Resources presented its last update regarding Modesto Tallow Company to the Board on June 19, 2001.

In past updates to the Board, we have used a couple criteria to measure the progress made by the Modesto Tallow Company in reducing odors. One criterion has been compliance with the facility-wide permit requirements imposed by the San Joaquin Valley Air Pollution Control District (SJVAPCD). Another criterion has been the number of odor complaints registered against the Modesto Tallow Company.

We were able to report to the Board on June 19, that although missing the June 1 deadline, the facility-wide permit requirement pertaining to the dead stock room had been completed. The dead stock room was to be "...fully enclosed, under negative pressure, and served by odor control equipment. The dead stock room may be under refrigeration in lieu of being served by odor control equipment." (Item 11 of Attachment A). The dead stock room has been completed, refrigerated and continues to be operational.

As reported at the last meeting, the SJVAPCD issued a Notice of Violation citation (NOV) to the Modesto Tallow Company for missing the deadline date of June 1. (Attachment B). As of the writing of this report, this NOV has not been settled and no monetary penalties have been assessed.

The remaining permit requirement, which has a completion date of January 1, 2002, is as follows:

"All roadways, parking areas, load out areas, and staging areas shall be paved and maintained in good condition to mitigate odors that may constitute a nuisance" (Item 5 of Attachment A). As per the footnote on Attachment A, "Interim repairs to roadways will be made (site plan identifying areas is being developed)..."

As reported in June, the Modesto Tallow Company took temporary measures to correct the problem areas prior to the summer heat. The potholes in the problem areas were patched. Permanent repairs to the roadway are to be completed by January 1, 2002. Plans have not yet been submitted to the SJVAPCD.

The second criterion used to measure Modesto Tallow Company's progress is the number of odor complaints registered with the SJVAPCD. As noted

ACCEPT THE STATUS REPORT REGARDING MODESTO TALLOW COMPANY

Page 3

below, there was a significant reduction in the number of complaints from 1999 to 2000. However, there is clearly an increase in complaints this year.

Month and Total	Number of Complaints per Month for Respective Years		
	1999	2000	2001
June	30	18	16
July	55	5	22
August	43	14	28
September	47	13	5
Total	175	50	71

In response to complaints, The SJVAPCD makes site visits. The SJVAPCD reports that they are not able to determine the cause of the odor generation. They put the onus on the Modesto Tallow Company to evaluate the problem, determine the cause of the odors and resolve it.

Modesto Tallow Company reports frustration with their efforts to determine the source. They indicate they are operating within the parameters of the permit. They have reported that they have cleaned their vapor lines and increased the maintenance on scrubbers one (1) and two (2). The vapor lines deliver trapped vapors from the equipment to the scrubbers. The subject scrubbers are located in the rendering plant. They serve to remove particulates and odors from equipment and the ambient air in the plant. These scrubbers are being drained twice a week and refilled with fresh water.

The SJVAPCD has escalated their efforts to control the odor problems. As reported earlier, the SJVAPCD issued a NOV on June 6 for missing the deadline for the completion of the dead stock room. Since the last update, three more NOVs were issued for noxious odors. (Attachment B). You may recall, NOVs are processed through the Fresno office, where monetary penalties are assessed. The amount of penalty will be dependent upon how well Modesto Tallow Controls the odors. There have been no settlements to date.

The Modesto Tallow Company responded to the NOV issued August 3, proposing corrective action, including: direct communication between Modesto Tallow Company, the school and residents in the Shackelford area; draining and refilling the scrubbers midweek; and the use of a different oxidizer in the high intensity scrubber. This proposal will be considered during the processing of the citations.

You may recall that at the community meeting of May 8, Dr. Walker

ACCEPT THE STATUS REPORT REGARDING MODESTO TALLOW COMPANY

Page 4

responded to expressed concerns. He promised to evaluate the rate of illnesses at the schools and the rate of complaints from Modesto Tallow Company. During the last update to the Board, Dr. Walker outlined the process of this study.

Dr. Walker was prepared to discuss the study with the community at the scheduled community meeting on August 28. Due to an extremely low community attendance, the meeting has been rescheduled for October 3. He will be prepared to discuss the study with the community at that time. Dr. Walker will update the Board at the meeting of October 9. (Attachment C).

Department staff will continue to monitor Modesto Tallow Company's progress in meeting the permit requirements of the SJVAPCD. The Department of Environmental Resources will update the Board routinely.

POLICY

ISSUE:

Acceptance of this status report is consistent with the Board's priority of ensuring a safe and healthy community.

STAFF

IMPACT:

None.

San Joaquin Valley Air Pollution Control District

FACILITY: N-2049-0-0

EXPIRATION DATE: 11/30/2003

FACILITY-WIDE REQUIREMENTS

1. No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
2. Particulate matter emissions from any single source operation shall be no more than 0.1 gr/dscf and visible emissions from any single emission point shall be less than 20% opacity. [District Rules 4101 and 4201]
3. The Air Pollution Control District must be notified as soon as practical of any breakdown, malfunction, event, or action as to cause a malodorous release that may constitute a nuisance odor. [District Rule 4102]
4. The rendering facility, associated equipment, odor control equipment, ductwork, and facility grounds shall be properly maintained and operated in such a manner as to mitigate odors that may constitute a nuisance. All areas of the facility, including all process and storage equipment, are to be kept clean and free from spillage of raw or finished products, refuse, or standing pools of liquid. [District Rule 4102]
5. All roadways, parking areas, load out areas, and staging areas shall be paved and maintained in good condition to mitigate odors that may constitute a nuisance. [District Rule 4102]
6. All process buildings and finished material storage containment areas shall be kept clean and in good repair. [District Rule 4102]
7. All process equipment at this facility shall be maintained and operated in such a manner to minimize fugitive emissions that may constitute a nuisance. [District Rule 4102]
8. All solid and liquid material shall be expeditiously disposed of or processed to mitigate odors that may constitute a nuisance. [District Rule 4102]
9. Finished product shall be loaded into trucks in a manner that will minimize spillage onto the ground or entrainment into the ambient air. [District Rule 4102]
10. All finished products shall be stored in enclosed containers that may include, but are not limited to, buildings, bins, and silos. [District Rule 4102]
11. The Feather Plant Hydrolyzing area, Rendering Plant, and the Dead Stock buildings including all receiving pits and processing equipment associated with each shall be fully enclosed, under negative pressure, and served by odor control equipment. The buildings shall be equipped with inlets for efficient air mixing and air movement to the odor control equipment. Openings to the buildings shall be controlled so each building remains under negative pressure at all times except during the entry or exit of trucks or personnel. The Dead Stock room may be under refrigeration in lieu of being served by odor control equipment. If the District determines that fugitive emissions from the feather dryer are inadequately captured, the facility must take measures to control the emissions. Such measures include but are not limited to enclosing the area and venting to control equipment. [District Rule 4102]
12. All raw materials to be processed shall be unloaded as soon as possible but not to exceed 4 hours of entering the facility grounds unless the vehicle carrying this material is placed in an area that prevents the exposure of the raw material to direct sunlight. The amount of material stored and or staged, which is to be processed by the feather plant shall not exceed 40 tons. The amount of material stored and or staged, which is to be processed by the rendering (meat and bone meal plant) operation shall not exceed 84 tons. [District Rule 4102]

FACILITY-WIDE REQUIREMENTS CONTINUE ON NEXT PAGE

These terms and conditions are part of the Facility-wide Permit to Operate. Any amendments to these Facility-wide Requirements that affect specific Permit Units may constitute modification of those Permit Units.

Facility Name: MODESTO TALLOW CO INC
Location: 925 CROWS LANDING RD, MODESTO, CA 95351
Apr 29 2003 7:14AM - 14240524

ATTACHMENT A - Page 1 of 4

Facility-wide Requirements for N-2049-0-0 (continued)

13. All raw materials must be processed within 24 hours of receipt. All raw materials that cannot be processed within a 24 hour period must be disposed of off site or stored such that the odors from the raw material are processed through an odor control device. [District Rule 4102]
14. If the District determines that the raw material stored or staged outside is causing a nuisance then the facility must take measures to immediately mitigate the problem and ensure that this condition will not be duplicated. Such measures may include but are not limited to enclosures around the affected areas. All staging areas shall only be used for fresh material. [District Rule 4102]
15. All trucks and vehicles shall be washed following unloading and before leaving the unloading area. All raw material trucks shall be maintained so as to prevent leakage of solid and liquid material. [District Rule 4102]
16. If the District determines that the DAF and solids skimmer (including the collection bin) are causing a nuisance then the facility must take measures to ensure that this condition will not be duplicated. Such measures may include but not limited to enclosures around the affected areas. [District Rule 4102]
17. Training of personnel pertaining to plant procedures and operations needed to maintain the effectiveness of the current odor control measures shall be implemented and conducted on a routine basis. Training shall also include the presentation of district permit conditions to MTC personnel. Documentation of the training attendees and the dates and types of training must be maintained on the premises. [District Rule 4102]
18. The facility shall maintain continuous records of wind speed and direction using a calibrated anemometer and wind vane. These records shall be retained on site for at least 3 years and made available to the District upon request. [District Rule 4102]
19. Daily records of all incoming raw material received shall be maintained and made immediately available to the District upon request. The records shall include the type of material, the amount of that type of material, and the time received. These records shall be retained on site for at least 3 years. [District Rule 4102]
20. An annual throughput/production report shall be submitted at the end of each calendar year. This report is due no later than March 31 for the previous year. This report must include actual amounts of materials processed. Each type of material and each type of process must be listed separately. [District Rule 4102]

These terms and conditions are part of the Facility-wide Permit to Operate.

Modesto Tallow
Subject Facility Wide Permit

Item	Description	Solution	Completion Date
3.	Notification	Policy	March 1, 2000
4.	General Maintenance	Policy, Repair and Maintenance	July 1, 2000
5.	Roadways	Repair and Maintenance. New construction	January 1, 2002*
6.	Building/Containments	Install new tanks. Repair and	November 1, 2000
7.	Equipment	Policy	July 1, 2000
8.	Expeditions Disposal	Policy	March 1, 2000
9.	Finished Product Loading	Repair and maintenance	November 1, 2000
10.	Finished Product Storage	New Tanks	November 1, 2000
11.	Building and Odor Control	Deadstock building	July 1, 2000
12.	Raw Material Storage	New Shed	July 1, 2000
13.	"24" hour rule	Policy	March 1, 2000
14.	If/then: Raw Material		Unknown
15.	Truck/Vehicle Maintenance	Policy	June 1, 2000
16.	If/then: Wastewater Area		Unknown
17.	Training	Policy	March 1, 2000
18.	Wind speed monitoring	Start (3) years of information	Completed
19.	Incoming Raw Records	Start (3) years of information	Completed
20.	Annual Throughput	Existing Condition	Completed

*Interim repairs to roadways will be made (site plan identifying areas is being developed) with final completion by this date.

MODESTO TALLOW FACILITY WIDE PERMIT CONDITION STATUS (6/7/01)

CONDITION	DESCRIPTION	PROPOSED SOLUTION	SCHEDULED DATE	MODIFIED DATE	STATUS
3	Notification	Policy	03/01/2000		Complete
4	General Maintenance	Policy, Repair and Maintenance	07/01/2000		Complete
5	Roadways	Repair and Maintenance. New Construction	01/01/2002	* (see below)	
6	Buldngs/Containments	Repair and Maintenance / POLICY	11/01/2000		Complete
7	Equipment	Policy, Continual Repair and Maintenance	07/01/2000		Complete
8	Expeditious Disposal	Policy	03/01/2000		Complete
9	Finished Product Loading	Repair and Maintenance	11/01/2000		Complete
10	Finished Product Storage	New Tanks	11/01/2000		Complete
11	Building and Odor Control	Deadstock Building	07/01/2000	06/01/2001	
12	Raw Material Storage	Keep In Enclosed Trailers	07/01/2000		Complete
13	"24" hr Rule	Policy	03/01/2000		Complete
14	If/ Then: Raw Material		UNKNOWN		Complete
15	Truck Vehicle Maintenance	Policy	06/01/2000		Complete
16	If/Then: Wastewater Area		UNKNOWN		Complete
17	Training	Policy	03/01/2000		Complete
18	Wind Speed Monitoring	Start 3 yrs of Information	Complete		Complete
19	Incoming Raw Records	Start 3 yrs of Information	Complete		Complete
20	Annual Throughput	Existing Condition	Complete		Complete

* Temporary patch work commenced week of (4/9/01 - 4/13/01).

7/30/01

SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

Northern Regional Office
1230 Kieman Ave. Suite 130
Modesto, CA 95356
(209) 557-6400

Central Regional Office
1990 E. Getysburg Ave.
Fresno, CA 93726
(559) 230-5950

Southern Regional Office
2700 "M" St. Suite 275
Bakersfield, CA 93301
(562) 326-8900

NOTICE OF VIOLATION

NO. 15160

ISSUED TO:

NAME: Modesto Tallow Co. PERMIT NO. 209-0-0
ADDRESS: 925 Cross Landing
CITY: Modesto STATE: CA ZIP: 95356
PHONE: (209) 522-7224

OCCURRENCE LOCATION:

NAME: SAME
ADDRESS: _____ [] Same as Above
CITY: _____ STATE: _____ ZIP: _____
DATE: _____ TIME: _____


THIS NOTICE HAS BEEN ISSUED AS A RESULT OF A VIOLATION OF:

San Joaquin Valley Unified Air Pollution Control District Rules and Regulations [] California Health and Safety Code

Rule(s) / Section(s): 2070
Equipment Type (If Applicable): _____

Description: Facility missed deadline for completion of deadstock room to come into compliance with permit condition #11

RECIPIENT NAME: Dana M. Means TITLE: Manager

SIGNING THIS NOTICE IS NOT AN ADMISSION OF GUILT  SIGNATURE

RETURN A COPY OF THIS NOTICE WITH A WRITTEN DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE TAKEN TO PREVENT A CONTINUED OR RECURRENT VIOLATION

**THIS VIOLATION IS SUBJECT TO SUBSTANTIAL PENALTY.
YOUR RESPONSE DOES NOT PRECLUDE FURTHER LEGAL ACTION.**

ISSUED BY: Chris Kaji
DATE: 8/21/01 TIME: 3:13PM [] MAILED

PLEASE PRESS HARD



SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

Northern Regional Office
4230 Kieman Ave. Suite 130
Modesto, CA 95356
(209) 557-6400

Central Regional Office
1990 E. Gettysburg Ave.
Fresno, CA 93726
(559) 230-5950

Southern Regional Office
2700 "M" St. Suite 275
Bakersfield, CA 93301
(661) 326-6900

NOTICE OF VIOLATION

NO. 15261

ISSUED TO:

NAME: Modesto Tallow Company PERMIT NO. N-2045
ADDRESS: P.O. Box 1036
CITY: Modesto STATE: CA ZIP: 95353
PHONE: (209) 522 7224

OCCURRENCE LOCATION:

NAME: Shackelford Elementary School
ADDRESS: 100 School Ave. Same as Above
CITY: Modesto STATE: CA ZIP: 95351
DATE: July 11, 2001 TIME: 10:20 HRS.

THIS NOTICE HAS BEEN ISSUED AS A RESULT OF A VIOLATION OF:

San Joaquin Valley Unified Air Pollution Control District Rules and Regulations

California Health and Safety Code

Rule(s) / Section(s): 4102, 2070 7.0 41700 42400

Equipment Type (If Applicable): _____

Description: Noxious odors were emanating from Modesto Tallow Company, which negatively impacted / effected the comfort and repose of the surrounding businesses and residents.

RECIPIENT NAME: Bill Eckstein TITLE: General Manager

SIGNING THIS NOTICE IS NOT AN ADMISSION OF GUILT [Signature] SIGNATURE

RETURN A COPY OF THIS NOTICE WITH A WRITTEN DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE TAKEN TO PREVENT A CONTINUED OR RECURRENT VIOLATION.

**THIS VIOLATION IS SUBJECT TO SUBSTANTIAL PENALTY.
YOUR RESPONSE DOES NOT PRECLUDE FURTHER LEGAL ACTION.**

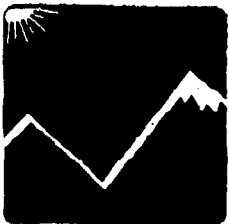
ISSUED BY: G. Reeves
DATE: 8-3-01 TIME: 11:20 AM MAILED

PLEASE PRESS HARD

ATTACHMENT B - Page 2 of 4

Continued On Reverse

Handwritten mark



SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

Northern Regional Office
4230 Kiernan Ave, Ste. 130
Modesto, CA 95356
(209) 545-7000

Central Regional Office
1999 Tuolumne St. Ste. 200
Fresno, CA 93721
(209) 497-1000

Southern Regional Office
2700 "M" St., Ste. 275
Bakersfield, CA 93301
(805) 661-3682

NOTICE OF VIOLATION

NO. 006354

ISSUED TO:

NAME: Modesto Tallow PERMIT NO. N-2049
ADDRESS: P.O. Box 1036
CITY: Modesto STATE: Ca ZIP: 95353
PHONE: (209) 522-7224

OCCURRENCE LOCATION:

NAME: Shackelford Elementary School Area
ADDRESS: 100 School Ave Same As Above
CITY: Modesto STATE: Ca ZIP: 95351
DATE: August 23, 2001 TIME: 0935 (HOURS)

THIS NOTICE HAS BEEN ISSUED AS A RESULT OF AN ALLEGED VIOLATION OF:

San Joaquin Valley Unified Air Pollution Control District Rules and Regulations California Health and Safety Code
Rules / Section(s): 4102 2070 7.0 41700 42400
Equipment Type (If Applicable): _____

Description: Noxious odors were emanating from Modesto Tallow Company which negatively impacted/affected the comfort and repose of the surrounding business and residents

RECIPIENT NAME: Bruce Ekstein TITLE: _____

SIGNING THIS NOTICE IS NOT AN ADMISSION OF GUILT [Signature]
SIGNATURE

RETURN A COPY OF THIS NOTICE WITH A WRITTEN DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE TAKEN TO PREVENT CONTINUED OR RECURRENT VIOLATION.

**THIS VIOLATION IS SUBJECT TO SUBSTANTIAL PENALTY.
YOUR RESPONSE DOES NOT PRECLUDE FURTHER LEGAL ACTION.**

ISSUED BY: CRAIG L. MIRABEL
DATE: 8-23-01 TIME: 1352 HOURS | MAILED

PLEASE PRESS HARD

ATTACHMENT B - Page 3 of 4
Continued On Reverse

SEP-25-01 TUE 13:22 2723

FAX NO. 209 545 8652

P.01

SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

COPY

Northern Regional Office
4230 Kiernan Ave. Suite 130
Modesto CA 95358
(209) 557-5400

Central Regional Office
1990 E. Gettysburg Ave
Fresno, CA 93726
(209) 236-5011

Southern Regional Office
2700 "M" St., Suite 275
Bakersfield CA 93307
(805) 335-4300

NOTICE OF VIOLATION

NO. 15266

ISSUED TO:

NAME: Modesto Tallow Company PERMIT NO. N-20-2
ADDRESS: P.O. Box 1036
CITY: Modesto STATE: CA ZIP: 95353
PHONE: (209) 522-7224

OCCURRENCE LOCATION:

NAME: Shackelford Elementary School
ADDRESS: 100 School Ave. [] Same as Above
CITY: Modesto STATE: CA ZIP: 95351
DATE: August 22, 2001 TIME: 1040 HRS

THIS NOTICE HAS BEEN ISSUED AS A RESULT OF A VIOLATION OF:

San Joaquin Valley Unified Air Pollution Control District Rules and Regulations

California Health and Safety Code

Rule(s) / Section(s): 4102 2070 7.0 41700 42400

Equipment Type (If Applicable):

Description: Noxious odors were emanating from Modesto Tallow Company which negatively impacted / effected the comfort and repose of the surrounding businesses and residents

RECIPIENT NAME: Bill Elkstein TITLE:

SIGNING THIS NOTICE IS NOT AN ADMISSION OF GUILT X [Signature] SIGNATURE

RETURN A COPY OF THIS NOTICE WITH A WRITTEN DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE TAKEN TO PREVENT A CONTINUED OR RECURRENT VIOLATION

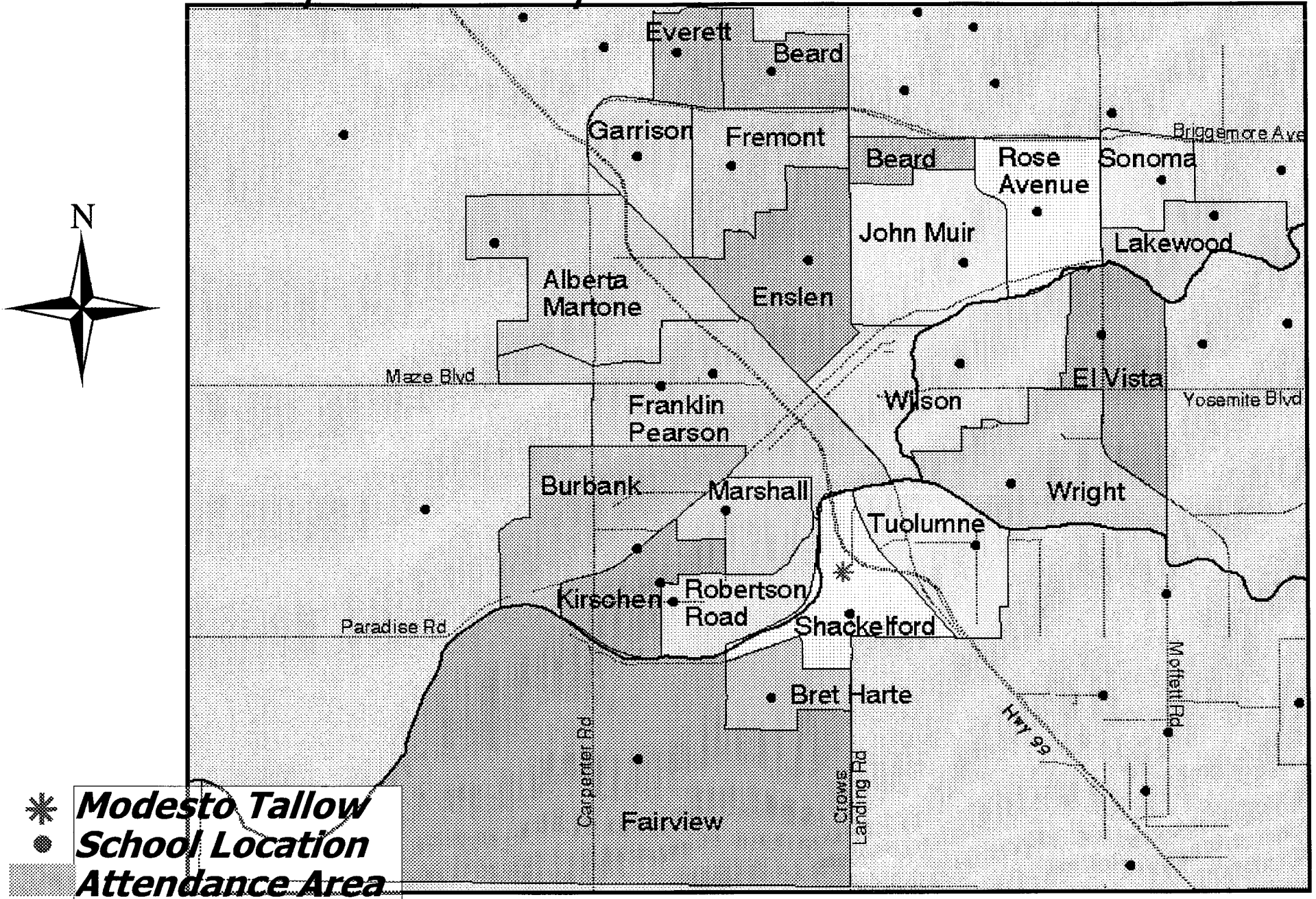
THIS VIOLATION IS SUBJECT TO SUBSTANTIAL PENALTY. YOUR RESPONSE DOES NOT PRECLUDE FURTHER LEGAL ACTION.

ISSUED BY: G. Reeves
DATE: 9-23-01 TIME: 1400 HRS [] MAILED
ATTACHMENT B - Page 4 of 4

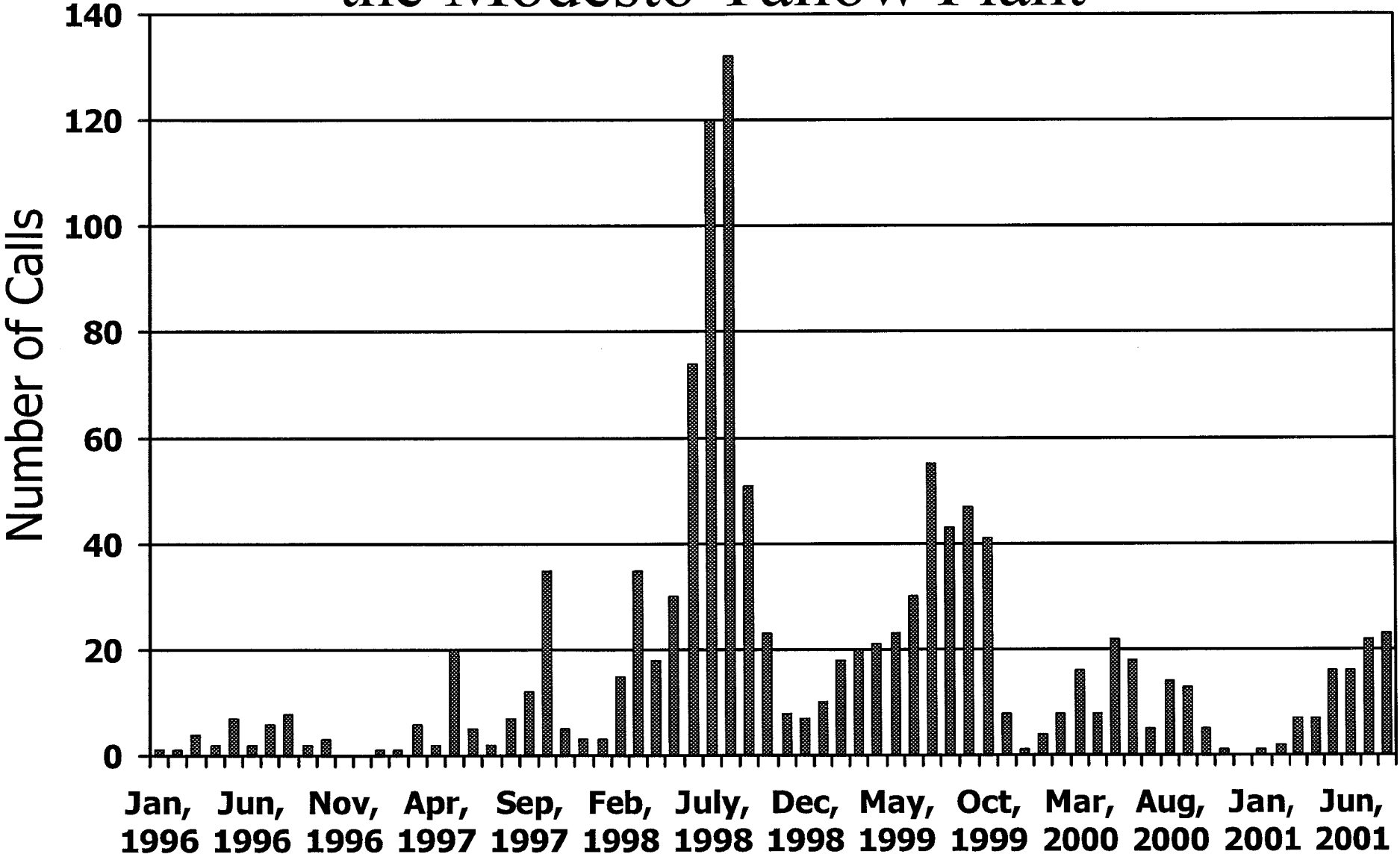
Post-it* Fax Note 7671
To: Denise Wood
Co./Dept: DER
Date: 9/23/01
From: [Signature]
Co: STV/APC/B

Continued On Reverse

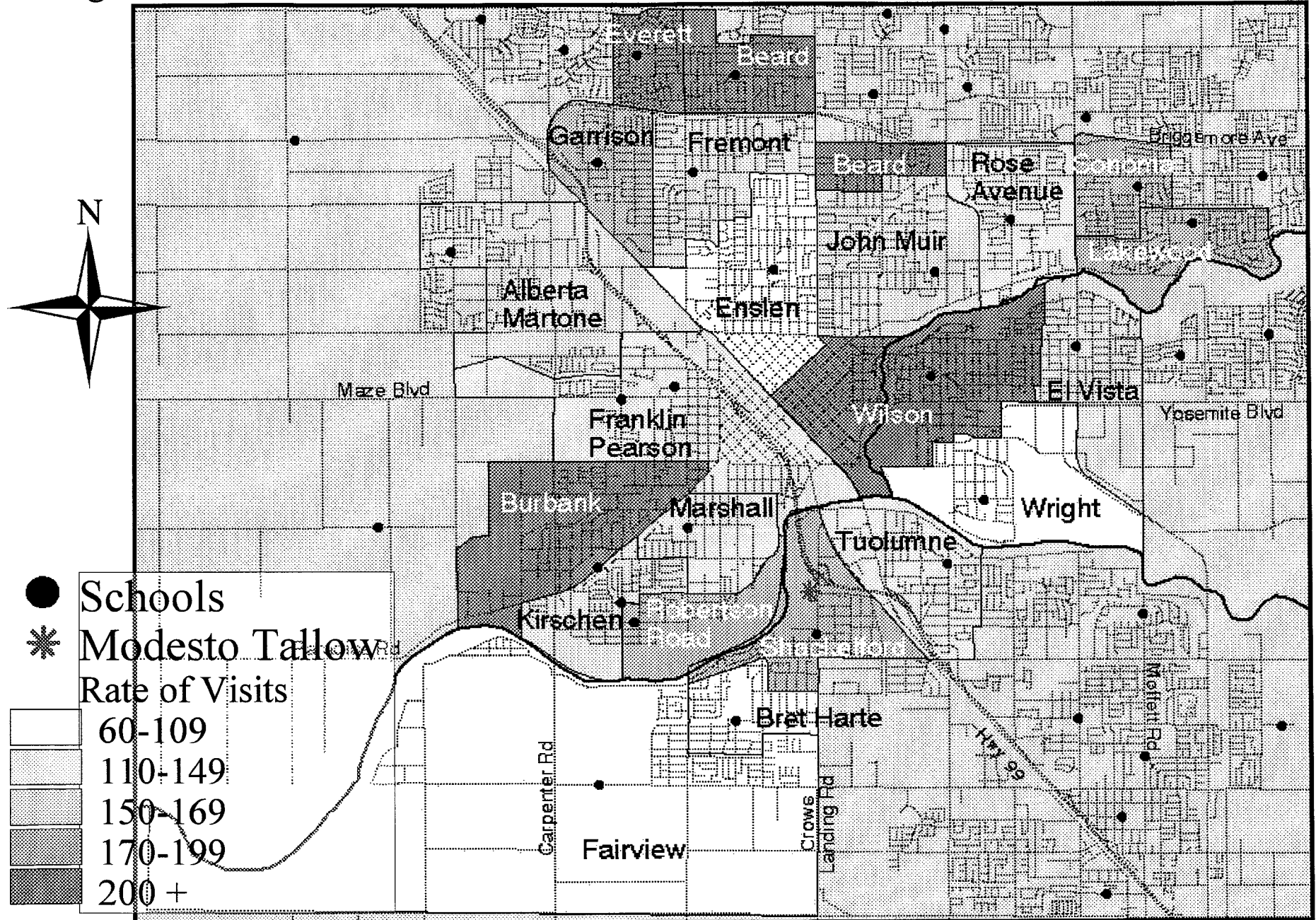
Modesto City Elementary Schools and Attendance Areas



Record of Complaints Regarding the Modesto Tallow Plant



Average Rate of Clinic Visits to the School Nurse at Modesto City Elementary Schools



Rate = Number of visits to the school nurses per 10,000 student days.

School Nurse Visit Rate at Shackelford and Number of Complaints, 2000 - 2001

