

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

DEPT: ENVIRONMENTAL RESOURCES *SJA*

BOARD AGENDA # *B-9

Urgent

Routine

AGENDA DATE January 29, 2008

CEO Concur with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Set a Public Hearing for February 12, 2008 at 9:15 a.m. to Introduce and Waive the First Reading of an Ordinance Adding Chapter 9.88 "Food Processing By-Products" to the Stanislaus County Code, and to Approve and Adopt the Regulations for the Use of Food Processing By-Products in Stanislaus County by Permitted Use Sites

STAFF RECOMMENDATIONS:

1. Set a Public Hearing for February 12, 2008 at 9:15 a.m., to introduce and waive the first reading of an Ordinance adding Chapter 9.88 "Food Processing By-Products" to the Stanislaus County Code, and to approve and adopt the Regulations for the Use of Food Processing By-Products in Stanislaus County by Permitted Use Sites.
2. Accept the Food Processing By-Product Program Update.
3. Authorize the Department of Environmental Resources to contribute \$30,000 from its main budget to partially fund the Food Processing By-Products Research Project during the 2008-2009 Fiscal Year.

FISCAL IMPACT:

The fiscal impact to the Department of Environmental Resources is estimated to be \$30,000 for Fiscal Year 2008-2009.

It is estimated that \$20,000 to \$30,000 will be collected from the fee on the use of food processing by-products in Stanislaus County for the Fiscal Year 2008-2009.

BOARD ACTION AS FOLLOWS:

No. 2008-067

On motion of Supervisor Grover, Seconded by Supervisor O'Brien
and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini, and Chairman Mayfield

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-G-1

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DISCUSSION:

Stanislaus County has been very active in researching and developing solutions for the use of food processing by-products in the agricultural community. In 1978, Stanislaus County recognized the potential problems of handling, transporting and using food processing by-products and brought together a team of interested individuals, representing the following: the agricultural community including the Farm Bureau, UC Extension and the Agricultural Commissioner's Office, the food processing industry, the by-product hauling companies, and the Department of Environmental Resources (Department). The goal of this team was to develop a program that would address concerns and solve problems related to the handling and use of food processing by-products. This collaboration resulted in a self-supporting program for the operation and oversight of food processing by-product use sites in Stanislaus County.

The Department has always considered this private/public partnership to be a potential model for other California jurisdictions to operate similar beneficial-use programs. In fact, the interpretation of the initial contact by the Regional Water Quality Control Board (RWQCB) was that they had an interest in providing information about the County's program to other jurisdictions that needed a workable solution to monitoring and recycling of food processing by-products.

However, the RWQCB's primary interest in the County's program was related to their concerns about the prevention of water quality impacts and nuisance conditions. In April-May 2006, Department staff met with the Executive Officer of the Central Valley Regional Water Quality Control Board (CVRWQCB) to discuss the concerns about potential water quality impacts. As a result of these meetings, the CVRWQCB proposed a Tentative Resolution Regarding Reuse of Food Processing By-Products (Tentative Resolution) that would allow the Stanislaus County program to continue to operate while a research study was undertaken by the Department to determine if the program posed a threat to groundwater quality.

On June 13, 2006, the Stanislaus County Board of Supervisors authorized the Director of the Department of Environmental Resources to support the Tentative Resolution. The Tentative Resolution, after a presentation by Department staff, was adopted by the CVRWQCB at their June 22, 2006 meeting. The Tentative Resolution set a number of compliance dates for work products required of Stanislaus County. To date, all of the required submittals have been made on time to the CVRWQCB.

Food Processing By-Products Ordinance and Regulations

The final compliance requirement for Stanislaus County is to adopt an Ordinance that provides for the implementation and enforcement of the Food Processing By-Products Program prior to February 28, 2008.

The proposed Ordinance (Attachment "A") was developed in discussion with the By-Product Research Group, the By-Product Use Site Operators, County Counsel and Department staff. A

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partial list of subjects included in this proposed Ordinance is: definitions of terms common to the use of food processing by-products; permit terms (one-year, renewable each year); requirements for fees, financial guarantees, and insurance; general permit terms and conditions; a appeal process for administrative decisions; and a process for the suspension or revocation of a permit.

The proposed Ordinance also codifies a \$0.10 per ton fee on by-products received at permitted use sites that was approved by the Stanislaus County Board of Supervisors after a Public Hearing on August 15, 2006, and proposes that this fee be assessed for any period or periods when such research is required to maintain State approval of the program.

As a companion document, the groups mentioned above also developed Regulations for the Use of Food Processing By-Products in Stanislaus County by Permitted Use Sites (Regulations) (Attachment "B"). The intention in developing these Regulations was that terms and conditions that should remain relatively unchanged over time be specified in the Ordinance, and that the terms and conditions that may change or evolve over time be detailed in the Regulations.

A partial list of subjects included in the proposed Regulations is: definitions; a detailed description of the information required for a permit; detailed requirements for the Plan of Operation; and other detailed requirements for the specific types of by-product use (land application, direct feed, dehydration, and composting). These Regulations are incorporated by reference in the proposed Ordinance.

The proposed Ordinance and Regulations were presented to the by-product use site operators, the hauling companies, and the processors for review at a meeting on December 27, 2007. Those not present received drafts for their review via e-mail or fax. On January 10, 2008, the proposed Ordinance and Regulations were presented to the Local Task Force on Solid Waste Management for their review and comment.

If the Board of accepts the staff recommendations to adopt the proposed Ordinance and Regulations, this action would formalize a long-standing partnership between the by-product use site operators and Stanislaus County. Individuals or organizations proposing to land apply, feed, compost, or dehydrate food processing by-products in the unincorporated areas of Stanislaus County would be required to be permitted by the Department. Pending final approvals from the CVRWQCB, it's hoped that the Department can then provide a local and familiar regulatory environment for the continued beneficial use of food processing by-products in the unincorporated areas of Stanislaus County.

If the Board sets a Public Hearing as requested, Department staff will appear before the Board on February 12, 2008 at 9:15 a.m. to recommend the adoption of an Ordinance Adding Chapter 9.88 "Food Processing By-Products" to the Stanislaus County Code and the Regulations for the Use of Food Processing By-Products in Stanislaus County by Permitted Use Sites.

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Prior to adopting an Ordinance, the Board is required to set and hold a public hearing (Government Code Section 54986(a)). The time and date of the public hearing is required to be properly noticed in a local paper of general circulation. A copy of the proposed notice is included as Attachment "C."

Food Processing By-Product Program Update

As noted earlier, the proposed Ordinance and Regulations make up the final compliance requirement of the Tentative Resolution. The Literature Review and the Technical Review, both undertaken to determine any impacts of food processing by-products on groundwater quality are complete and have been submitted to the CVRWQCB for review and comment. The Manual of Best Practices for Application of Food Processing By-Products on Farmland is also complete and awaiting review by the CVRWQCB.

The voluntary food processing by-product program that has existed for over 25 years has evolved dramatically over the last two years under the Tentative Resolution passed by the CVRWQCB. From a program that for most of its years was focused on preventing dust, odor, and vector nuisances, it is becoming one in which the prevention of water quality impacts is of foremost importance.

For land application operations, testing of the physical and chemical properties of the by-product operators intend to apply will be required. Similar testing will also be required of the soil profile in which the crops are grown. The application of high moisture content by-products prior to the planting of crops, or other practices that may create saturated soil conditions shall be avoided. The application of liquid waste or any by-products that, because of processing, contain high concentrations of salts or constituents that are agriculturally or environmentally deleterious will be prohibited.

Operators who feed by-products to livestock will see few changes, as the CVRWQCB has determined that this program, as currently implemented, is adequate to prevent nuisances and adverse impacts to the waters of the State.

For dehydration and composting operations that use food processing by-products, the CVRWQCB has determined that the program is not adequate to prevent nuisance conditions and adverse impacts to the waters of the State with respect to leachate and storm water impacts, and because such facilities have multiple water quality issues, they are more appropriately regulated under individual or general Waste Discharge Requirements (WDRs), outside the scope of the Tentative Resolution. The Department agrees with this finding.

It's unknown as to when the CVRWQCB may respond to the documents produced by the Research Project and submitted by the Department, but language in the Tentative Resolution states that their intent is that the outcome of the Research Project will support the adoption of an appropriate regulatory mechanism (i.e., a waiver of WDRs or similar instrument) for the land application of food processing by-products prior to the spring of 2008.

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With this initial phase of the Research Project complete, and authorization granted by the Board at their December 18, 2007 meeting, the Department will disburse \$120,000 in January to satisfy the agreement with the CSU, Fresno Foundation for the Research Project. At that point, the balance in the Food Processing By-Products Research Project special revenue fund will drop to zero.

Currently, the Research Group is working on a second Scope of Work to address information and data gaps identified by the Department during the Literature and Technical reviews. The Department also anticipates that additional questions and concerns will arise from the CVRWQCB review of the previously submitted documents, and responses will need to be developed as part of this second phase of work.

POLICY ISSUE:

The Stanislaus County Board of Supervisors should decide if it should set and hold a public hearing as required by Government Code Section 54986(a). The Board should determine if approving staff's recommendations are consistent with its priorities of a strong agricultural economy/heritage and a well-planned infrastructure system.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

**AN ORDINANCE RELATING THE REGULATION OF
FOOD PROCESSING BY-PRODUCTS**

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

Section 1. Chapter 9.88, attached hereto and incorporated herein by reference, is added to the Stanislaus County Code

Section 2. This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor _____, seconded by Supervisor _____, the foregoing resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, the _____ day of _____, 2008, by the following called vote:

AYES: Supervisors:

NOES: Supervisors:

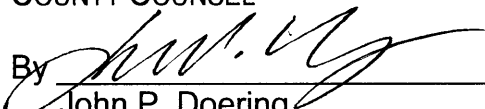
ABSENT: Supervisors:

Thomas W. Mayfield, Chair of the Board
of Supervisors of the County of
Stanislaus, State of California

ATTEST:
CHRISTINE FERRARO TALLMAN
CLERK OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF STANISLAUS, STATE OF CALIFORNIA

By _____
Deputy

APPROVED AS TO FORM:
MICHAEL H. KRAUSNICK
COUNTY COUNSEL

By  _____
John P. Doering
Assistant County Counsel

**TITLE 9
HEALTH AND SAFETY**

**CHAPTER 9.88
FOOD PROCESSING BY-PRODUCTS**

SECTIONS:

- 9.88.010 Definitions**
- 9.88.020 General Prohibition, Permit Required**
- 9.88.030 Term of Permits and Renewals**
- 9.88.040 Application, Renewal and Revocation Procedures**
- 9.88.050 Fees, Financial Guarantee, Insurance**
- 9.88.060 Plan of Operation Information**
- 9.88.070 General Permit Terms and Conditions**
- 9.88.080 Administrative Appeal**
- 9.88.090 Appeal to Board of Supervisors**
- 9.88.100 Suspension and Revocation**
- 9.88.110 Transfer of the Permit**
- 9.86.120 Establishment of Regulations**
- 9.88.130 Misdemeanor Violation**
- 9.88.140 Civil Injunction**
- 9.88.150 Severability**
- 9.88.160 Judicial Review**

Section 9.88.010 Definitions

The following words and phrases shall have the following meanings when used in this Chapter for the Stanislaus County Food Processing By-Product Program:

A. "Composting" means the process of the controlled biological decomposition of organic material into a humus-rich soil amendment. US Composting Council defines "Compost is the product resulting from the controlled biological decomposition of organic material that has been sanitized through the generation of heat and processed to further reduce pathogens (PFRP), as defined by the U.S. EPA (Code of Federal Regulations Title 40, Part 503, Appendix B, Section B), and stabilized to the point that it is beneficial to plant growth. Compost bears little physical resemblance to the raw material from which it originated. Compost is an organic matter source that has the unique ability to improve the chemical, physical, and biological characteristics of soils or growing media. It contains plant nutrients but is typically not characterized as a fertilizer."

B. "Department" means the Stanislaus County Department of Environmental Resources.

C. "Direct Feed" means receiving, processing and feeding food processing by-products to livestock.

D. "Dehydration" means receiving food processing by-products and drying the material so that it may be further processed into any beneficially used material.

E. "Food Processing By-Product" means the by-products of food processing that are solid or semisolid substances derived from agricultural plant material delivered to a food processor for processing that are not utilized in the final product. Food processing by-products includes culls, peelings, seeds, under or over ripe food, skins, cores, pomace, puree, hulls, shells, pits, stems, leaves and any substance including soil washed from plant produce.

F. "Food processor" means a processor of fruit, nut or vegetable raw products which may include but are not limited to tomato, peaches, almonds, walnuts, pears, grapes, grain products or other raw plant material, and that includes, i.e., canneries, nut processors, vegetable processors, frozen food processing, etc.

G. "Land Application" means the spreading, discing, and incorporating of food processing by-products onto agricultural fields for any beneficial use.

H. "Permit" means a permit for use of food processing by-products issued by the County to a person under this Chapter.

I. "Permit holder" means a person or legally recognized entity that holds an effective and current permit under this Chapter.

J. "Person" means any human being or an incorporated or unincorporated business entity or association established under the laws of the State.

Section 9.88.020 General Prohibition; Permit Required

A. It shall be unlawful for any person to conduct, engage in or allow to be conducted or engaged in the land application, direct feed, composting and/or dehydration of food processing by-products in the unincorporated area of Stanislaus County except if authorized by permit issued pursuant to this Chapter, and conducted in accordance with specific permit terms and conditions, the provisions of this Chapter, and all applicable federal, State and local laws, regulations and ordinances.

B. The owner, managing partner, officer of a corporation or such other person who shall be primarily responsible for activities involving use of food processing by-products shall apply to the Department of Environmental Resources for a permit under this Chapter and, if granted, shall maintain operations authorized by the permit in conformity with the terms of this Chapter and of the permit.

C. The fact that an applicant for permit possesses other types of federal, State or county permits or licenses shall not exempt the applicant from obtaining a permit under this Chapter, nor shall the terms and conditions of any other such permit or license modify the requirements of a permit granted under this Chapter.

D. This program prohibits the land application of food processing rinse water, saline waste streams such as boiler blow-down, and ion exchange reject.

Section 9.88.030 Term of Permits and Renewals

A. Each permit shall expire one year after the date of its issuance. Any permit may be renewed by the Department for successive one-year periods upon the submission of an application by the permit holder. At the time of consideration of a renewal application, the Department shall consider the applicant's compliance with permit conditions during the prior term.

B. Notwithstanding subsection A of this Section, all permits issued pursuant to this Chapter shall expire upon the effective date of an ordinance to repeal the provisions of this Chapter.

C. Any application for renewal shall be filed at least fifteen (15) calendar days before expiration of the permit.

D. Any application for renewal may be rejected if:

1. The application is filed less than fifteen (15) calendar days before its expiration.

2. The permit is suspended or revoked at the time of the application; provided, however, that an application for renewal may be filed within ten days after the granting of a permit holders appeal of the suspension or revocation of a permit.

E. Wherever this Chapter requires the County to give notice to an applicant, appellant or permit holder, such notice shall be given by the Department, in writing, and shall be delivered either by personal delivery or by certified U.S. mail, postage prepaid, return receipt requested.

Section 9.88.040 Application for Permit

A. The Department may grant a permit for food processing by-products use, upon application therefore whenever in the opinion of the Department the granting of such permit is in the public interest and welfare and complies with all applicable federal, State and local laws, regulations and ordinances, including the California Environmental Quality Act or other environmental reviews required by law. The Department will inspect the site(s) prior to issuing a permit to assure that permit requirements can be met. During the period when by-products are received and for 60 days following the end of a season or termination of the program the Department may inspect the site(s) to assure that the permit holder is adhering to conditions of the permit and Plan of Operation. Inspections will occur weekly or at other frequencies as determined by the Department.

B. Each application shall be submitted on a standard form adopted by the Department, which sets forth or incorporates by reference the information as set forth in the Regulations for the Use of Food Processing By-Products in Stanislaus County by Permitted Use Sites.

C. The filing of an application shall be deemed complete upon the submission of an application and Plan of Operation in conformance with this Chapter and payment of any application fees required by this Chapter.

D. The Department shall provide written notice of the application for permit to operate a Food Processing By-Product Use Site to members of the Food Processing By-Product Committee, Central Valley Regional Water Quality Control Board, the California Department of Food and Agriculture and property owners, as shown on the latest Assessor's Roll, located within one-quarter mile (1320 feet) and/or two parcels in each direction of the subject site.

E. An application may be reviewed and copied by any member of the public in accordance with the California Public Records Act; provided, however, the Department shall keep confidential, to the extent reasonable and authorized by law, any information revealed during the application process that is protected under privacy laws of the State, or when requested by the applicant, any proprietary project and program information.

Section 9.88.050 Fees, Financial Guarantee, Insurance

A. Permit Administration. The permit holder shall reimburse the Department for all costs incurred by it in administering the permit, including, but not limited to, processing the permit application, enforcing the permit terms, and monitoring permitted activity at the permit location. All costs will be based on the current weighted labor rates of the appropriate Department staff member. The Department shall issue an invoice itemizing all costs incurred by the Department and the permit holder shall remit payment as shown in the invoice within 30-days of the invoice date. Fees under this paragraph are due and payable on or before the thirtieth day after the date an invoice is issued and, thereafter, are deemed to be delinquent until paid.

B. Research Project Surcharge. Each permit holder shall also pay a surcharge fee equal to \$0.10 per ton of by-products received at each of the permitted reuse sites to be used for research required by the Regional Water Quality Control Board, and assessed for the period or periods when such research is required to maintain State approval of the Food Processing By-Product Program. Each permit holder shall report to the Department within 10-days after the end of each month the amount of by-products received by the permit holder during the reporting period. The Department shall issue an invoice based upon the reported amount of by-products received, and the permit holder shall remit payment as shown in invoice within 30-days of the invoice date. The surcharge fee shall be delinquent if unpaid within thirty days after the due date.

C. Fee Delinquency. All fees referred to in this ordinance shall be promptly paid in lawful money of the United States on or before the date such fees are due and payable. A late payment charge equal to 1.5 percent of the unpaid invoice amount shall accrue and shall be added to the total amount each month that an invoice is past due. In addition to late payment charges, persons that have not promptly paid fees when due and payable shall be subject to any or all of the following actions as imposed at the discretion of the Department: (1) the temporary suspension or permanent revocation of a permit to receive and use food by-products, or (2) the posting of security in an amount determined by the Department to be necessary and reasonable to offset additional delinquencies plus estimated collection costs, including reasonable attorney fees.

D. Performance Bond. Before or at the time a permit is issued under this Chapter, the permit holder shall submit a cash bond, certificate of deposit, irrevocable

letter of credit, or a faithful performance bond in favor of the County of Stanislaus, in an amount reasonably determined by the Department to be sufficient for clean-up and remediation at the permit location.

E. Insurance. No permit shall be issued under the provisions of this chapter, nor shall any such permit be valid after issuance, unless there is at all times in force and effect a policy or policies of insurance for comprehensive general liability and automobile liability with limits in an amount approved by the Department, and issued by a company approved by the Department. Insurance policies shall waive any exclusion for pollution coverage, and shall provide a specific endorsement, except Worker's Compensation insurance, if any, naming the County and its officers, officials and employees as additional named insureds. The Department may require additional types or increased amounts of insurance coverage and may adopt such other requirements as may be necessary to protect the County. Satisfactory evidence in the form of a certificate of liability insurance as required by this section shall be furnished to the Department by each permit holder.

Section 9.88.060 Plan of Operation

An application will not be accepted or approved unless the applicant submits a Plan of Operation that provides the information set forth in the Regulations for the Use of Food Processing By-Products in Stanislaus County by Permitted Use Sites, and additional information deemed necessary by the Department to determine the potential effect of the proposed operations on the health, safety and welfare of the public.

Section 9.88.070 General Permit Terms and Conditions

Throughout the term of the permit, each holder of a permit issued under this Chapter shall not violate any provision of this Chapter and shall comply with the standard terms and conditions set forth in the Regulations for the Use of Food Processing By-Products in Stanislaus County by Permitted Use Sites. Permit holders shall also comply with the following additional terms and conditions:

A. The permit holder grants to the Department the right of access, during normal business hours, to the permit location for all reasons and purposes reasonably related to the administration of this permit by the Department, including, but not limited to the right to enter upon the permit location to remediate any problem related to the permitted activity.

B. The permit application and Plan of Operation and supplements or amendments thereto submitted by the permit holder to obtain a permit are incorporated herein by reference. The permitted activity shall be operated in conformance with the above documents, these permit conditions and all applicable state and local laws, ordinances, regulations and codes. In the event of any conflict between the permit

application or the Plan of Operation and the permit conditions, the permit conditions shall take precedence. All supplements, amendments or changes to the Plan of Operation must be submitted in writing to the Department for review and approval prior to initiating said changes in the permitted activity. The issuance of this permit does not release the permit holder from responsibility to comply with any other requirements regulating activities on the site.

C. The Department will modify the conditions of a permit for cause, after prior notification to the permit holder, to eliminate, reduce or ameliorate any condition or nuisance that adversely affects the public health, safety or welfare, or does not fully protect surface and groundwater quality. The Department will notify the Central Valley Regional Water Quality Control Board of changes in permit conditions.

D. The provisions of a permit are intended to be severable, and if any individual condition or provision hereof is held to be invalid by the order of the Board of Supervisors, by order of any court of competent jurisdiction or for any other reason, the remaining terms of this permit shall not be affected thereby; provided, however, the Department, in its sole discretion, may terminate this permit if it determines that the permit, as modified by the severance, no longer achieves the objectives of the Department or adequately protects the public health, safety and welfare.

E. A permit may be suspended or revoked by the Department for cause. Permitted operations shall comply with all applicable federal, State and local laws, ordinances and regulations, including without limitation, County building, zoning and health codes, and shall allow inspections to ensure conformance with such regulations.

F. The permit holder shall not be delinquent in the payment of fees required by this Chapter.

G. The Department may, in its discretion, add, delete, or modify general permit conditions as necessary to protect the health, safety and welfare of the public.

H. Where applicable, the site operator shall demonstrate compliance with the Central Valley Regional Water Quality Control Board's Irrigated Lands Regulatory Program (Resolution No. R5-2003-0105).

Section 9.88.080 Administrative Appeal

A. Any applicant, permit holder, or other interested person or entity that is dissatisfied with a decision resulting from the application, interpretation or enforcement of the provisions of this Chapter by the Department may appeal any administrative determination related to any of the following actions:

1. Finding that an application is complete or incomplete.

2. Determination that an application is not in the interest of the public health and welfare.

3. Establishment or modification of operating conditions.

4. Grant or denial of permit.

5. Suspension or revocation of a permit.

B. Administrative appeals under this Section must be made in writing, must clearly set forth the reasons why the appeal ought to be granted, and must be received by the Director of the Department within fifteen (15) days of the postmark date on the envelope that transmits the administrative determination. When the last day of the appeal period would fall upon a non-workday or a holiday, the appeal period shall be extended to include the next subsequent regular working day.

C. Within thirty (30) days after the filing of an appeal of an administrative determination, the Department shall set the matter for hearing before a hearing officer or panel, at which time the appeal shall be heard in public session. The Department shall provide written notice of the appeal hearing to the appellant and all interested parties as provided in Section 9.88.040 D. The appellant and any interested parties will be allowed to address the panel regarding the appeal.

D. Within thirty (30) days after conclusion of the administrative hearing on the appeal, the hearing officer or panel shall issue a decision on the appeal, and the Department shall mail a copy of the decision on appeal to all interested parties that participated in the hearing. The decision on appeal shall be final and binding upon all parties to the appeal unless that decision is appealed to the Board of Supervisors as provided in Section 9.88.090.

Section 9.88.090 Appeal to Board of Supervisors

A. Any applicant, permit holder, or other interested person or entity that is dissatisfied with a decision after administrative appeal may appeal to the Board of Supervisors. The appeal must be made in writing and must be received by the Clerk of the Board of Supervisors within fifteen (15) days of the postmark date on the envelope within which the notice of the decision of appeal was sent. When the last day of the appeal period would fall upon a non-workday or a holiday, the appeal period shall be extended to include the next subsequent regular working day. Appeals filed shall be accompanied with a fee in an amount set by resolution of the Board.

B. Decisions appealed to the Board of Supervisors shall be set for specific time and place of public hearing at the next regular meeting and considered not later than forty-five days from the date on which the appeal is filed. The hearing date may be extended beyond forty-five days upon request or consent of the appellant.

C. Written notice of the appeal hearing shall be mailed to the appellant and all interested parties as provided in Section 9.88.040 D., and shall set forth the grounds for the appeal, the method of submitting comments to the County regarding the appeal, and the date and location of the hearing of the appeal.

D. Any appeal that is not timely filed, or that is not accompanied by the required fee, will be deemed ineffective and the administrative determination that is being appealed will become final.

E. The Board of Supervisors may take any appropriate action upon the original administrative action that was appealed pursuant to Section 9.88.080, including granting or denying the appeal or imposing, deleting or modifying operating conditions of the permit. The decision of the Board of Supervisors shall be final.

Section 9.88.100 Suspension and Revocation

A. The Department may initiate the revocation or suspension of a permit when it shall appear that the permit holder violates the terms and conditions of the permit or the requirements of federal, State or local laws, ordinances or regulations.

B. No permit shall be revoked or suspended by virtue of this Section until a hearing has been held in the same manner as described in Sections 9.88.080 and 9.88.090. Notice of the hearing shall contain a brief statement of the grounds for revoking or suspending the permit and the time and date for the hearing.

C. The decision of the administrative panel may include suspension, revocation or the modification of the permit by adding conditions that are designed to reduce or remove the problems that caused the proposed revocation or suspension of the permit.

D. Within ten days after conclusion of the hearing of the appeal by the administrative panel, the Department shall give notice of the decision of the panel.

E. Any interested party may appeal the determination of the administrative panel to the Board of Supervisors within ten days after the date of the notice of the decision of the administrative panel. The Board of Supervisors shall act upon the appeal in accordance with Section 9.88.090.

F. Notwithstanding any other provision of this Chapter, the Department may suspend, or temporarily amend a permit without notice or a hearing whenever an emergency exists that threatens the public health, safety or welfare. In such cases, the Department shall notify the permit holder prior to the action. The Board of Supervisors shall review the emergency action at its next regularly scheduled meeting and at every regularly scheduled meeting thereafter until the emergency condition or situation

ceases to exist, or shall set the matter for hearing to revoke the permit in accordance with the provisions of this Chapter.

Section 9.88.110 Transfer of the Permit

A. A permit issued under this Chapter does not grant any interest in real property or create any interest of value. A permit is not transferable, and automatically terminates upon transfer of ownership of the property.

B. A transferee of an existing permit may apply for a new permit by submitting an application, Plan of Operation and fees that comply with this Chapter. The Department shall verify information in the application and Plan of Operation and shall approve the new permit unless it fails to comply with the standards set forth in this Chapter. The new permit holder must qualify and agree to comply with and be bound by the terms and conditions of the authorization, and the new authorization shall contain any new conditions or stipulations, which circumstances may warrant. A new permit issued pursuant to this Chapter shall be effective on either the date of transfer of ownership of the property or facilities subject to the permit, or the date of approval and issuance of a permit by the Department, whichever occurs last.

Section 9.88.120 Establishment of Regulations

The Board of Supervisors may establish, by resolution, regulations for the administration and implementation of this Chapter. Such regulations, when adopted, shall become and thereafter be a part of Chapter 9.88. A copy of the regulations established by resolution of the Board shall be filed with the Clerk of the Board and with the Department.

Section 9.88.130 Misdemeanor Violation

Any person violating any of the provisions or failing to comply with this Chapter shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished as set forth in Section 1.36.010. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Chapter or the permit is committed, continued or allowed in conjunction with the operations and shall be punishable accordingly.

Section 9.88.140 Civil Injunction

In addition to the penalties provided in this Chapter, any condition caused or allowed to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and shall, at the discretion of County, create a cause of action for injunctive relief, and which may be enforced pursuant to Chapter 2.92.

Section 9.88.150 Severability

The provisions of this Chapter are hereby declared to be severable. If any provision, clause, word, sentence or paragraph of this Chapter or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Chapter.

Section 6.88.160 Judicial Review

Judicial review of a final decision made under this Chapter may be had by filing a petition for a writ of mandate with the Superior Court in accordance with the provisions of Section 1094.5 of the California Code of Civil Procedure. Any such petition or any other action seeking judicial review shall be filed within ninety (90) days after the day the decision becomes final.

**Regulations for the Use of Food Processing By-Products
in Stanislaus County by Permitted Use Sites**

SECTIONS:

- 1 General Definitions**
- 2 Definitions**
- 3 Application for Permit - Contents**
- 4 Plan of Operation - Contents**
- 5 General Permit Terms and Conditions**
- 6 Land Application - Additional Conditions**
- 7 Direct Feed Operations - Additional Conditions**
- 8 Dehydration Operations - Additional Conditions**
- 9 Composting Operations - Additional Conditions**
- 10 Reporting Forms**

Section 1 General

Pursuant to Stanislaus County Code Section 9.04.180, and in accordance with the provisions of the Stanislaus County Code for the beneficial use of food processing by-products in the unincorporated area of the County of Stanislaus, the following regulations shall govern the permit holder's operations and shall be included in the terms of the permit to operate.

Any person proposing the use of food processing by-products must comply with all provisions of Stanislaus County Refuse Ordinance Title 9 including the application for a permit prior to feeding, land applying, dehydrating, composting or any other beneficial use of food processing by-products. Proposed activities must also conform to the June 2007 Manual of Best Practices for Application of Food Processing By-Products on Farmlands as prepared for the Stanislaus County Food Processing By-Products Use Program.

Section 2 Definitions

All of the definitions set forth in Stanislaus County Code 9.88.010 are hereby incorporated by reference in these Regulations. In addition the following words and phrases shall have the following meanings when used in these Regulations:

1. "Agronomic Rate" means the application rate, which will provide the amount of nitrogen, or other critical nutrients required for optimum crop growth and development, and that, will not result in the violation of applicable standards or requirements for the protection of soil and groundwater.
2. "Best Management Practice" means the use of by-products on farmland under regular monitoring and testing to protect soil and groundwater quality.
3. "Cation Exchange Capacity or CEC" refers to the buffering capacity of soils to retain or resist soil pH change when by-products are applied. As defined by Singer, CEC is "The total amount of positive ions (cations) that a soil can adsorb exchangeable." Buffering action is effective in controlling soluble concentrations of aluminum, calcium, hydrogen, magnesium, potassium, and sodium ions. In addition, Calcium carbonate content not associated with CEC is an important part of soil buffering capacity. Soils having high buffering capacity are those containing high humus and/or montmorillonite or vermiculite clays. Calcareous soils also have high buffering capacities, as soil pH will remain at about 8.4 until calcium carbonate is exhausted. Leaching of ions from soils containing CEC > 10 cmolc/kg is small. In summary, CEC values at pH 7 range in the order of clay loams > silt loams > sandy loams > loamy sands.

4. "Crop Nutrient Requirements" means the amount of plant nutrients or essential elements necessary for promoting crop growth and development. This includes macronutrients, micronutrients, and trace elements.

5. "Department" means the Stanislaus County Department of Environmental Resources.

6. "Exchangeable Sodium Percentage or ESP" is a method of estimating the sodium hazard. Soils with ESP values higher than 15 within the first 24" of the soil profile indicate excess sodium and tend to be hard and cloddy when dry, to crust badly, and to drain poorly.

7. "Fallow-Dry Soil" is a condition of soil after tilling without sowing for a season.

8. "Food Processing By-Product" means the by-products of food processing that are solid or semisolid substances derived from agricultural plant material delivered to a food processor for processing that are not utilized in the final product. Food processing by-products includes culls, peelings, seeds, under or over ripe food, skins, cores, pomace, puree, hulls, shells, pits, stems, leaves and any substance including soil washed from plant produce.

9. "Food processor" means a processor of fruit, nut or vegetable raw products which may include but are not limited to tomato, peaches, almonds, walnuts, pears, grapes, raw olives, grain products or other raw plant material, and that includes, i.e., canneries, nut processors, vegetable processors, frozen food processing, etc.

10. "Geostatistical-based Standards of Practice" are statistical methods, which can adequately represent spatial distributions.

11. "Liquid" is a substance that exhibits textures and properties very much like water, such as wastewater.

12. "Liquid Waste" is process wash or rinse water that provides none of the benefits of food processing by-products.

13. "Natural Background Concentration" means the concentration of chemical, physical, or biological substances normally present in the environment and not influenced by regional or localized human activities.

14. "Permit" means a permit for use of food processing by-products issued by the County to a person under this Chapter.

15. "Permit holder" means a person or legally recognized entity that holds an effective and current permit under this Chapter.

16. "Person" means any human being or an incorporated or unincorporated business entity or association established under the laws of the State.

17. "Salinity Loading Rate" means the by-product application rate that will provide the amount of overall salt-based elements (calcium, magnesium, potassium, and sodium and their associated anions) for normal crop growth and development, and that will not result in the violation of applicable standards or requirements for the protection of soil and groundwater.

18. "Semi-Solid" means a substance that has intermediate properties, such as rigidity, between solid and liquid.

19. "Slurry" as it applies to the Stanislaus County Food Processing By-Product Program, means a by-product mixture that contain between 75 and 97 percent moisture or 3 to 25 percent solids with a smooth, homogeneous texture.

20. "Sodium Adsorption Ratio or SAR" refers to the portion of sodium ions compared to the concentration of calcium plus magnesium. A SAR value higher than 15 indicates excess sodium in the soil and causes soil to be hard and cloddy when dry, to crust badly, and to drain poorly.

21. "Soil Amendment" means land-applied by-products that are intended to improve the physical, chemical, or biological characteristics of soil for optimum crop growth and development, and that will not result in the violation of applicable standards or requirements for the protection of soil and groundwater.

22. "Solid" is a substance that is stackable, of definite shape and volume, can hold a definite angle of repose, and is not liquid or gaseous.

Section 3 Application for Permit - Contents

Each application shall set forth or incorporate by reference the following information in a standard form adopted by the Department:

1. Address or location of the proposed site, the name and address of the permit holder and, if different, the name and address of the owner or owners of the land on which permit operations will be conducted.

2. If the applicant is an individual, the full name, present mailing address and telephone number of the applicant. If the applicant is not an individual, the name and address of the applicant's agent who is authorized to receive notice of actions pertaining to the proposal, and an applicant in one of the following categories must furnish the information specified for that category:

A. If the applicant is a State or local government agency, a copy of the authorization under which the proposal is made.

B. If the applicant is a public corporation, the statute or other authority under which it was organized.

C. If the applicant is a Federal Government agency, the title of the agency official delegated the authority to file the proposal.

D. If the applicant is a private corporation, evidence of incorporation and its current good standing.

3. An initial Plan of Operation in compliance with Section 4 of these Regulations.

4. A description of the methods by which the applicant will mitigate any potentially adverse impacts, of excessive objectionable food processing by-product odors, and excessive insect, rodent or other nuisances or public health hazards.

5. Written certification that the applicant has reviewed and understands and accepts the standard conditions that are set forth in this Chapter. If the applicant does not own the premises where the permit operations will occur, the applicant must provide a notarized letter from the owner that states that applicant has the owner's consent to conduct the proposed project on that parcel, that the owner has approved the proposed Plan of Operation, and that the landowner acknowledges that the landowner could be held responsible for clean-up and abatement of any condition resulting from the permitted operations.

6. Certification, under penalty of perjury, that all the information contained in the application is true and correct.

7. A statement by the applicant that it has the ability to comply with all laws regulating businesses in the State of California and that it shall maintain compliance during the term of the permit.

8. Additional information as needed to conduct an environmental assessment of the proposed permit as may be required to comply with the California Environmental Quality Act.

Section 4 Plan of Operation - Contents

An application will not be accepted or approved unless the applicant submits a Plan of Operation that provides the information set forth in this section, and additional information deemed necessary by the Department to determine the potential effect of the proposed operations on the health safety and welfare of the public.

1. List the owner of the site. If different from the permit applicant, list the property owner's name, mailing address and phone number.

2. List the address and the assessor's parcel number(s) of the site.

3. List the general plan and zoning designation of the site.

4. List the current use of the site.
5. List the soil types of the project site. List their approximate absorption/water holding capacities.
6. List the approximate depth to groundwater at the site. State how the depth was determined, and the month and year the depth was determined.
7. Provide a vicinity map showing the location of the site and all proposed delivery routes.
8. Provide a plot plan drawn to a legible scale, which clearly shows the intended project. The map must contain the following information:
 - A. Sufficient description to define the location, date, north arrow, scale and boundaries; (full width of all public and private road ways bordering the property must be shown).
 - B. Name and address of recorded owner(s).
 - C. Name and address of person(s) preparing the map.
 - D. Acreage to the nearest acre.
 - E. Location and size of all waterways, drainage courses, pipelines, existing irrigation and drainage facilities, irrigation and drainage patterns, existing or proposed water wells, septic tanks and drainage (leach) fields, sewage lines and structures used in connecting therewith, slope of the land.
 - F. Outline of existing buildings and other structures to remain in place within the project area, showing the distance to existing or proposed public and private roadways.
9. Provide an 8 ½ inches by 11 inches reproducible, to scale, legible area map showing specific land uses (crops, houses, buildings, parcel lines and parcel sizes, etc.) for the adjacent two parcels in each direction from the subject property.
10. Name the site manager, provide a mailing address and list a 24-hour contact phone number.
11. List the types of by-product you plan to accept at the site, and describe how by-product will be ultimately utilized.
12. List the names, addresses, phone numbers and contact persons for the food processing plant(s) that will provide the by-product.
13. List the names, addresses, phone numbers and contact persons of the hauler(s) who will haul the by-product(s) to your site.

14. State how many tons per day of by-product will be delivered to your site. List the total tons for the season.

15. If more than one type of by-product will be delivered, estimate the tons per day of each type of by-product that will be delivered to the site.

16. State how many truckloads per day will be delivered to your site.

17. Give the date that by-product deliveries will start and the date they will stop each season or indicate if you will accept the by-product year-round. Estimate how many days per year the site will accept by-product.

18. List the days of the week, and the approximate times that by-product will be delivered to your site.

19. Explain in a detailed, step-by-step manner, how you will use or process the by-products. Applicants for direct feed operations shall also contain the following information:

A. Indicate what type of livestock or poultry will be fed.

B. List the percentage (by dry weight) of the feed ration at which this by-product will be used.

C. List the number of lactating and non-lactating animals.

D. List the number of livestock or poultry that will consume the by-product, or a list of purchasers and their intended use.

20. Explain in detail, the methodology to be used for tracking, receiving, storing, and depositing by-products. This tracking procedure must include records of when by-product is received, where it is received, and the location of the by-product when it is used at the site.

21. List the types of the equipment you will use to manage the by-products. Indicate if that equipment is under your ownership. List stand-by equipment available in case of equipment breakdown.

22. Explain in detail how you will prevent the following conditions from occurring, and provide contingency plans in the event these conditions occur:

A. Excessive liquid accumulation and excess moisture.

B. Excessive dust.

C. Excessive noise.

D. Excessive objectionable odors.

- E. Excessive fly, mosquito and/or vector nuisance.
- F. Inclement weather.

23. Describe how the by-products will be contained on the site and not allowed to flow or otherwise be deposited on other surrounding properties or waterways.

24. Applicant shall provide Department staff with written verification from the food processing by-product processor, that all by-products deposited on permitted sites in Stanislaus County will not pose a risk to land, air, water, to human and animal health or the environment and that utilization of the by-product as direct feed or as a soil amendment is an acceptable use of said by-product.

Section 5 General Permit Terms and Conditions

Throughout the term of the permit, each holder of a permit issued under these Regulations shall not violate any provision of Stanislaus County Code Chapter 9.88 and shall comply with the standard terms and conditions set forth in this section.

1. Only the types and amounts of food processing by-product listed in the permit application and Plan of Operation may be received and used at the permit location.

2. The permit holder is prohibited from receiving milk, whey, cheese by-products, meat and processed animal by-products, including dead animals, as well as fruit and vegetable by products that, because of processing, contain high concentrations of salts or constituents that are agriculturally or environmentally deleterious.

3. The total amount of by-product delivered to the permit location shall not exceed the amounts stated in the approved Plan of Operation.

4. The permit holder shall maintain a daily log approved by the Department, which shall contain the following information:

- A. Date and time of each delivery of material,
- B. Name of the hauler of the material,
- C. Amount (by weight) delivered,
- D. Source of material, and
- E. Type of material.

All daily logs shall be submitted annually to the Department and shall be made available to the Department for review and inspection upon reasonable request of the Department.

5. Written procedures acceptable to the Department shall be developed whereby food processing by-product trucks are directed to the correct discharge lanes/areas during all delivery times. These procedures shall be implemented whenever the site receives food processing by-products.

6. The site shall be operated and managed at all times so that no excessive objectionable food processing by-product odors are produced, and no excessive insect, rodent or other nuisances or public health hazards are created.

7. Approved spray equipment, insecticides and pesticides shall be readily available for use at all times to control flies, mosquitoes, gnats and other pests. All insecticides and pesticides used shall be stored and used according to the label directions and in compliance with applicable local, state and federal rules, regulations and laws.

8. Mechanical equipment shall be readily available and be adequate to perform the necessary by-product operations. Standby equipment must be readily available, in the event of mechanical failure. If no equipment is available or if equipment becomes inoperable, no by-product materials shall be accepted at the site until operable processing equipment is available and existing stockpile is processed.

9. To prevent surface water quality degradation, ensure that all site personnel are familiar with the proper use and function of any on-site water control structures, which allow discharge. Maintain all valves that allow runoff and repair immediately as needed.

10. Within sixty (60) days of the cessation of deliveries of food processing by-product to the site or at the end of the site season, the operator shall report to the Department the amount of by-product delivered daily (tons); the total amount of by-product delivered to the site (tons).

11. An annual inspection of vehicles collecting and/or transporting food processing by-products shall be made, and an identification sticker will be issued and shall be displayed on each vehicle. The following are checked during the inspection: leak proof beds/bodies, load covering, current vehicle registration, broom and shovel, fire extinguisher, operable brake lights and turn signals. Applicant must provide proof of certification/documentation to the Department that the hauler complies with the California Department of Business, Transportation and Housing B.I.T. Program at the time of permit renewal.

Section 6 Land Application - Additional Conditions

In addition to the general permit terms and conditions set forth in Stanislaus County Code Section 9.88.070 and Section 5 of these Regulations, permits issued for land application operations shall also comply with the terms and conditions set forth in this section.

1. Nutrient and Irrigation Management is key to the effective use of by-products. Field operators shall seek consultation from California State University specialists, UC Cooperative Extension specialists, certified crop advisors, agronomists, or soil scientists to properly manage by-product inputs as part of a fertilizer program to maintain farm economic viability and to minimize potential impacts on soil and water quality.

2. Prior to accepting food processing by-products at the site, the soil shall be prepared to receive by-products. Clods of soil shall be broken by a Schmeizer or equivalent. The soil surface shall be leveled to reduce pocket holes and furrows. Soil shall be sufficiently dry to retain moisture applied with food processing by-product in the surface 12 inches.

3. Food processing by-product shall be discharged from the trucks as thinly and evenly as practical. Overlapping onto previously spread food processing by-product shall be minimal. Check runs shall be no longer and slopes shall be no greater than that which permits uniform infiltration, evaporation and maximum practical irrigation efficiency. The quantity of by-products applied to any given area within the permit location shall not exceed the agronomic rate, but may be done in two or three lifts to allow for even drying.

4. Within twenty-four hours of deposition at the site, the food processing by-product shall be spread and crushed with a tandem drag or equivalent. The by-product shall dry for a minimum of 48 hours after which it shall be disced or harrowed. The soil should be worked to an appropriate depth with alternate discing or harrowing and drying until final drying and incorporation into the soil are complete. In the event of inclement weather, the site operator may invoke the contingency plan outlined in the Plan of Operation upon approval by the Department.

5. The applicant shall maintain the following minimum setbacks for all by-product areas:

Setback Definition:	Setback (feet):
Edge of by-product area to public property (e.g., street)	300'
Edge of by-product area to other non-owned agricultural property	100'
Edge of by-product area to occupied residences (on-site)	150'
Edge of by-product area to occupied residences (off-site)	300'

6. All cans, metal, wood, plastic, paper, cardboard, and other refuse in the food processing by-product at the site shall be removed and placed in approved containers and disposed of at an approved refuse disposal site. This refuse shall be removed and properly disposed of as needed.

7. Crops shall be grown on the land application areas. Crops shall be selected based on nutrient uptake capacity, tolerance of anticipated soil moisture and salinity conditions, water needs and evapotranspiration rates. All crops shall be grazed or they shall be harvested and removed from the by-product areas at least once per year.

8. By-product shall be tested and the following parameters and constituents: moisture, total nitrogen, organic carbon, sodium, chloride, potassium, calcium, magnesium, phosphorus, pH and total solids versus volatile solids. Results of the analysis must be submitted to the Department within 30 days of receipt of results. The Department shall determine the number and frequency of sampling the food by-products after a review of the current Plan of Operation.

9. Application rates shall be based on agronomic rates.

10. Soil samples from fields to which by-products are applied shall be analyzed for cation exchange capacity, plant nutrients, total organic carbon, and ESP. Plant nutrients must include total nitrogen, nitrate and ammonium nitrogen, available phosphorous (Olsen), potassium, magnesium, calcium, sodium, and chloride. Saturation paste extracts shall be analyzed for soluble salts (electrical conductivity), and pH. Results of the analysis must be submitted to the Department within 30 days of receipt of results.

Samples shall be drawn from 1-foot intervals to the rooting depth. Alternative sampling intervals may be employed with technical justification. Each field scheduled to receive by-products in any given year should be sampled in late spring or early summer prior to the by-products application. Obtaining representative samples is critical to getting valid and interpretable analytical results. One method to ensure representative samples are collected is to conduct the soil sampling as follows. Collect soil samples from the depth intervals of 0-12 inches, 12-24 inches, and 24-36 inches at 10 to 20 sites per field based on geostatistical-based standards of practice. Mix samples taken from the same depth intervals to form a single composite sample for that depth interval. This composite sample should have a minimum weight of one pound. Submit each composite sample to a certified laboratory for analysis, for a total of three composite samples per field representing the three depths. Results of the analysis must be submitted to the Department within 30 days of receipt of results.

11. Land application of by-product to any sub-area or irrigation check not having a fully functional tail water/runoff control system is prohibited.

12. Applicant shall avoid excessive use of food processing by-product or practices that may create saturated soil conditions or other conditions that are harmful to crops and potentially degrading of underlying groundwater by overloading the shallow soil profile and causing by-product constituents (organic carbon, nitrate, other salts and metals) to percolate below the evaporative root zone.

13. Within sixty (60) days of the cessation of deliveries of food processing by-product to the site or at the end of the site season, the operator shall report to the Department a record of fields where by-products are applied, rate of application and total application/year/field.

Section 7

Direct Feed Operations - Additional Conditions

In addition to the general permit terms and conditions set forth in Stanislaus County Code Section 9.88.070 and Section 5 of these Regulations, permits issued for direct feed operations shall also comply with the terms and conditions set forth in this section.

1. The by-product receiving pad shall be constructed of concrete or asphalt and maintained in good repair, free of cracks and openings that would allow food by-products and liquid to drain or leach into the soil. The pad shall be kept clean of accumulated by-product and maintained to prevent fly and mosquito production and objectionable odors.

2. By-product shall be fed on concrete, asphalt or other approved manger and not applied to open ground.

3. Food processing by-product must be processed or fed within twenty-four (24) hours of delivery to the site. If the by-product is not processed or consumed within twenty-four (24) hours after delivery, no additional by-product shall be delivered to the site until such time as all by-products at the site has been consumed or properly processed per the procedures in the current site Plan of Operation.

4. No liquid or runoff from food processing by-product use areas shall be discharged from or allowed to drain off-site or onto adjacent property. The site shall comply with appropriate Regional Water Quality Control Board requirements, which may include individual or general Waste Discharge Requirements.

5. Food processing by-product used, as an animal feed shall conform to the applicable sections of the Commercial Feed Law and Regulations, as issued by the California Department of Food and Agriculture. The permit holder shall provide confirmation satisfactory to the Department that the feed meets the applicable requirements of the California Food & Agriculture Code, including but not limited to compliance with labeling, testing, and receiving sections of the Code.

6. By-product shall be tested for the following attributes: moisture, total nitrogen, organic carbon, sodium, chloride, potassium, calcium, magnesium, phosphorus, and pH. Results of the analysis must be submitted to the Department within 30 days of receipt of results. The Department shall determine the number and frequency of sampling the food by-products after a review of the current Plan of Operation.

Section 8

Dehydration Operations - Additional Conditions

In addition to the general permit terms and conditions set forth in Stanislaus County Code Section 9.88.070 and Section 5 of these Regulations, permits issued for

dehydration operations shall also comply with the terms and conditions set forth in this section.

1. The by-product receiving pad shall be constructed of concrete or asphalt and maintained in good repair, free of cracks and openings that would allow food by-products and liquid to drain or leach into the soil. The pad shall be kept clean of accumulated by-product and maintained to prevent fly and mosquito production and objectionable odors.

2. By-product shall remain on the receiving pad no longer than 24 hours before processing commences.

3. By-product shall be tested for the following attributes: moisture, total nitrogen, organic carbon, sodium, chloride, potassium, calcium, magnesium, phosphorus, pH and total solids versus volatile solids. Results of the analysis must be submitted to the Department within 30 days of receipt of results. The Department shall determine the number and frequency of sampling the food by-products after a review of the current Plan of Operation.

4. Site shall comply with appropriate Regional Water Quality Control Board requirements, which may include individual or general Waste Discharge Requirements.

Section 9 Composting Operations - Additional Conditions

In addition to the general permit terms and conditions set forth in Stanislaus County Refuse Code Section 9.88.070 and Section 5 of these Regulations, permits issued for composting operations shall also comply with the terms and conditions set forth in this section.

1. The by-product receiving pad shall be constructed of concrete or asphalt and maintained in good repair, free of cracks and openings that would allow food by-products and liquid to drain or leach into the soil. The pad shall be kept clean of accumulated by-product and maintained to prevent fly and mosquito production and objectionable odors.

2. By-product shall remain on the receiving pad no longer than 24 hours before processing commences.

3. By-product shall be tested for the following attributes: moisture, total nitrogen, organic carbon, sodium, chloride, potassium, calcium, magnesium, phosphorus, pH and total solids versus volatile solids. Where composting is over packed soil, samples shall be taken from the surface three feet in one-foot increments. Analytes shall include at a minimum pH, nitrate nitrogen, Olsen phosphorus, ammonium acetate extractable potassium, electrical conductivity of the saturation extract and sodium absorption ratio. The top foot of access holes shall be backfilled with bentonite clay to minimize leaching and to prevent re-sampling back fill material. Results of the analysis must be submitted to the Department within 30 days of receipt of results. The

Department shall determine the number and frequency of sampling the food by-products after a review of the current Plan of Operation.

4. Site shall comply with appropriate Regional Water Quality Control Board requirements, which may include individual or general WDRs.

SECTION 10.00 Reporting Forms

Permit holders must report data using a form approved by the Department. Permit holder may request use of alternate formats that are reviewed and approved by the Department before data is submitted.

SITE ACTIVITY LOG TONNAGE REPORT

Site Name:

Address:

Site Operator:

DATE	TYPE OF RESIDUE	HOW MUCH RESIDUE (BY TON)	HAULER	SOURCE OF RESIDUE	SOURCE IN STANISLAUS COUNTY (Yes or No)

FOOD PROCESSING RESIDUE USE SURVEY

YEAR _____

Business Name : _____

Business Address : _____

City _____ **State** _____ **Zip Code** _____

Mailing Address : _____

City _____ **State** _____ **Zip Code** _____

Person Completing Form : _____

Phone No. : _____

TYPE OF RESIDUE ¹	HAULER(S)	USE SITE & LOCATION	WEIGHT OF RESIDUE ² (in tons)

¹PLEASE itemize each type of residue.

²PLEASE express the weight of the residue in tons.

**Return the completed survey form to:
DEPARTMENT OF ENVIRONMENTAL RESOURCES
3800 Cornucopia Way, Suite C
Modesto, California 95358-9494**

NOTICE IS HEREBY GIVEN that on February 12, 2008, at the hour of 9:15 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will conduct a public hearing in the basement Chambers, Lower Level, 1010 Tenth Street, Modesto, CA, to Introduce and Waive the First Reading of an Ordinance Adding Chapter 9.88 "Food Processing By-Products" to the Stanislaus County Code, and to Approve and Adopt the Regulations for the Use of Food Processing By-Products in Stanislaus County by Permitted Use Sites

AT THE ABOVE NOTICED TIME AND PLACE, interested persons will be given an opportunity to be heard. Material submitted to the Board of Supervisors or the Department of Environmental Resources for consideration (i.e., petitions, etc.), will be retained by the County. If a challenge to the above process is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board or the Department of Environmental Resources. For further information, call (209) 525-6700.

BY ORDER OF THE BOARD OF SUPERVISORS

ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors of the County of Stanislaus,
State of California

Date:

By: _____
Elizabeth King, Assistant Clerk of the Board

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on February 12, 2008, at the hour of 9:15 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will conduct a public hearing in the basement Chambers, 1010 Tenth Street, Modesto, CA, to introduce and waive the first reading of an ordinance adding Chapter 9.88 "Food Processing By-Products" to the Stanislaus County Code, and to approve and adopt the regulations for the use of food processing by-products in Stanislaus County by permitted use sites.

ADDITIONAL NOTICE IS GIVEN that the proposed ordinance will be available for review on February 1, 2008, in the Clerk of the Board Office, 1010 Tenth Street, Suite 6700, Modesto, CA.

AT THE ABOVE NOTICED TIME AND PLACE, interested persons will be given an opportunity to be heard. Material submitted to the Board of Supervisors or the Department of Environmental Resources for consideration (i.e., petitions, etc.), will be retained by the County. If a challenge to the above process is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board or the Department of Environmental Resources. For further information, call (209) 525-6700.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: January 29, 2008

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors of the County of Stanislaus,
State of California

BY: Elizabeth King, Assistant Clerk of the Board

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

FEBRUARY 1, 7, 2008

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at **MODESTO, California** on

FEBRUARY 7, 2008


(Signature)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on February 12, 2008, at the hour of 9:15 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will conduct a public hearing in the basement Chambers, 1010 Tenth Street, Modesto, CA, to introduce and waive the first reading of an ordinance adding Chapter 9.88 "Food Processing By-Products" to the Stanislaus County Code, and to approve and adopt the regulations for the use of food processing by-products in Stanislaus County by permitted use sites.

ADDITIONAL NOTICE IS GIVEN that the proposed ordinance will be available for review on February 1, 2008, in the Clerk of the Board Office, 1010 Tenth Street, Suite 6700, Modesto, CA. AT THE ABOVE NOTICED TIME AND PLACE, interested persons will be given an opportunity to be heard. Material submitted to the Board of Supervisors or the Department of Environmental Resources for consideration (i.e., petitions, etc.), will be retained by the County. If a challenge to the above process is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board or the Department of Environmental Resources. For further information, call (209) 525-6700.

BY ORDER OF THE BOARD
OF SUPERVISORS

DATED: January 29, 2008

ATTEST: CHRISTINE FERRARO TALLMAN,
Clerk of the Board of Supervisors of the County
of Stanislaus, State of California

BY: Elizabeth King,
Assistant Clerk of the Board
FEBRUARY 1, 7, 2008

ORA-55-9-1