

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

DEPT: Environmental Resources

BOARD AGENDA # 9:15 a.m.

Urgent  Routine

AGENDA DATE December 8, 2009

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Public Hearing to Consider Adopting a Negative Declaration for the ConAgra Application for Permit to Operate a Food Processing By-product Use Site

STAFF RECOMMENDATIONS:

1. Adopt a Negative Declaration for the ConAgra application for Permit to Operate a Food Processing By-product Use Site pursuant to CEQA Guidelines Section 15074 (b), by finding on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects the Department's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.

FISCAL IMPACT:

There is no fiscal impact associated with this item. Fees associated with the CEQA assessment and permit evaluation and inspections and permit issuance, if the Board of Supervisors adopts a Negative Declaration for this project, are paid for by the project proponent.

BOARD ACTION AS FOLLOWS:

No. 2009-824

On motion of Supervisor O'Brien, Seconded by Supervisor Monteith  
 and approved by the following vote,  
 Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini  
 Noes: Supervisors: None  
 Excused or Absent: Supervisors: None  
 Abstaining: Supervisor: None

- 1)  Approved as recommended
- 2)  Denied
- 3)  Approved as amended
- 4)  Other:

MOTION: Approved Staff Recommendations Nos. 1 and 2; and, **amended** the item to add a condition to the issuance of the permit to require that the truck routes be approved by the Department of Environmental Resources.

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

Food Processing By-Product Use Program

For over 30 years, the Stanislaus County Department of Environmental Resources (Department) has worked closely with various State and local agencies, universities, the agricultural community, private industry, by-product haulers, and site operators to develop best management practices for handling the reuse of food processing by-products. During this time, the County's Food Processing By-product Use Program (Program) has successfully controlled nuisance conditions, recycled valuable resources, and offered the local food processing industry an economically viable reuse option for what once was a production liability.

One State agency with oversight authority for the Program is the California Regional Water Quality Control Board (RWQCB), whose charge is to protect groundwater quality. Although the RWQCB determined that the County's former guidelines for the Program were found to be protective of groundwater and surface water quality, the Program was required to be enforceable under an ordinance so as to truly operate as a regulatory program. The RWQCB issued this requirement to the County via Tentative Resolution No. R5-2006-0052, issued on June 20, 2006. As a result, research scientists, by-product use site operators, private industry, County Counsel, and Department staff worked together to develop Chapter 9.88 of the Stanislaus County Ordinance Code with which to regulate the Program.

The Board of Supervisors adopted Chapter 9.88 of the Ordinance Code on February 26, 2008, and in addition to the Ordinance Code, the Program is also governed by the *Regulations for the Use of Food Processing By-Products in Stanislaus County by Permitted Use Sites* and a *Manual of Best Practices for Application of Food Processing By-products on Farmlands* (Attachment "A4"). On June 8, 2009, the RWQCB provided a Program approval letter to the Department affirming that Stanislaus County manages food processing by-products so that they can be "beneficially used in an environmentally sound manner," which qualifies all permitted Program sites to be included under a Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge within the Central Valley Region of the RWQCB. A copy of this approval letter is provided as Attachment "A10."

ConAgra's Application/Proposal

ConAgra Foods has applied to the Department for approval to reuse food processing by-products generated by their tomato and bean processing facility located at 554 S. Yosemite Avenue, Oakdale. The Permit Application is included as Attachment "A5." Their application also includes a Plan of Operation (Plan), which is included in Attachment "A6."

ConAgra has two unlined, aerated ponds onsite that contain tomato and bean plant residue and soil; a by-product slurry of approximately 60% solids that has settled out from the plant's processes and wastewater discharge. This material is referred to as "aerated pond mud" in their Plan. An additional tomato and bean plant/soil by-product results from flume washing and is referred to as "rinse mud" in the Plan, which consists of approximately 25% solids. Collectively, the aerated pond and rinse mud are referred to as "by-product mud" or "mud" within the Plan. Both types of by-product mud are proposed to be utilized as a soil amendment at thirteen (13) different land application project parcels. Rinse water is not proposed for land-application within this project and falls outside of the purview of the Program. Parcel descriptions and locations are included in the California Environmental Quality Act (CEQA) Initial Study as Attachment "A2," and parcel maps for the subject locations are included as Attachment "A3."

Subject land application parcels total approximately 1,357 acres. With the 100-foot, 150-foot, or 300-foot setbacks required by the Program, subject land application parcels result in approximately 996 usable acres for by-product application. Land-application rates of the by-product mud are based on agronomic rates determined by a professional agronomist, which will be modified as data warrant. One parcel (APN 064-031-029) consists of pasture land which is soon to be planted with oats. One parcel (APN 064-031-028) consists of oats. The remaining eleven (11) parcels consist of tree crops. The by-product material may be applied at different rates depending upon the crop type. Please refer to Table 7 in the Plan for the "Application Summary."

A map (Figure 1) and written description (Table 5) of the proposed hauling routes are provided in the Plan. Aerated pond mud quantities generated will range from 12 truckloads per day for periods of intermittent dredging operations, up to a full-time dredging operation at approximately 50 truckloads per day. If the full-time dredging operation is selected by ConAgra, the duration would be for up to a 3-week period, but would only occur one time. The anticipated tonnage per truckload of aerated pond mud is 12 tons. Truck traffic may occur over a 24-hour period and up to a 3-week duration during the full-time dredging operation. The typical hours of operation for the periods of intermittent dredging and application of by-product mud, however, may occur between the hours of 6:00 a.m. to 6:00 p.m., seven days per week over the majority of the year. By-product mud application would occur during the spring and fall months for mature trees, and during summer months for young trees.

By-product mud will be transported in open-top truck tank containers (side or rear dump) or in roll-off bins; loads will be covered as necessary. To prevent dust and dirt from blowing out of containers during transport, loads will be evaluated for dryness and covered if the load is observed as dry and moderate to strong winds exist during transport. The bottom and side floors will be watertight. Truck engines will be shut off during loading.

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Spreading of the by-product mud will occur within 24 hours of delivery of the material onto the ground at the subject sites. The landowner, John Brichetto and partners, will spread the material on the subject parcels using a manure spreader. By-product mud will be incorporated into the soil within 48 to 72 hours after a period of initial drying in order to prevent nuisance conditions. Long-term storage of by-product mud at the land-application sites is not allowed by the Program, and has not been proposed by the applicant.

To assist with the liquid-solid separation process of the by-product, ConAgra has indicated they may add a polymer to the mud prior to land application. The polymer product is approved for this type of application and completely degrades within 72 hours of introduction to the by-product mud. A Fact Sheet for the Amber Group 56F4 Flocculant Product provides information about the polymer and is included as Attachment "A9."

Some stockpiling of aerated pond mud would take place within the aerated ponds and above the pond water level to drain excess liquid from the mud before hauling it off-site. ConAgra may create alternate draining/drying areas on-site at the processing plant/pond site when needed, while properly containing excess runoff. By-product mud will not be stockpiled on top of bare soil at the ConAgra facility parcels. ConAgra will be required to strictly adhere to all applicable rules and regulations of the San Joaquin Valley Air Pollution Control District (SJVAPCD) and the RWQCB if stockpiling occurs.

The by-product mud has been tested and was reported as non-hazardous. Sampling and analyses for metals has been performed at the ponds and flume box, and laboratory results indicated that all results were below levels of concern (found in Tables 2, 3 and 4 of the Plan, and in Appendix 2 of the Final Negative Declaration document). Appendix 2 contains pesticide results and additional metals analytical data to further evaluate the potential for chronic toxicity concerns, which is included as Attachment "A13." No concerns for chronic toxicity have been identified. ConAgra has also provided a "No Known Risk" declaration letter, which is included as Attachment "A7." Sampling and testing of the by-product mud, land-application site soil, and plant tissue will be performed in accordance with the requirements set forth by the Stanislaus County Ordinance, Chapter 9.88, (Ordinance) and simplified in the Stanislaus County Food Processing By-product Use Program Sampling and Testing Guidelines included as Attachment "A8."

Contingency plans have been included in Section 4.2 of ConAgra's Plan to address nuisance conditions in the event of excess liquid, excessive noise, excessive dust, excessive objectionable odors, excessive flies, mosquitoes or vectors, or severe inclement weather. If excessive liquid or moisture is observed, a staging area and field preparation may consist of the application of dry manure or compost in a thin lift to maximize adsorption. Alteration of transportation schedules or land-application activity times may be considered if excessive noise conditions are observed.

In order to reduce potential dust emissions from roadway and site use, a water truck with spray nozzles will be used as needed. Road gravel composed of 2-inch or greater size and speed reduction signs will be used as necessary. Haulers will cover loads from the ConAgra facility to the application areas if needed. If excessive objectionable odors occur, contingency measures would include application of by-product mud at anticipated cooler periods of the day, re-discing activities if needed, or alternate staging and/or application area locations would be selected. If nuisances regarding flies, mosquitoes, or other vectors are observed, changing locations would be strongly considered, moisture content may be modified, or approved spray equipment and insecticides could be used. If a significant rain event is forecasted, application of by-product mud will not take place. Temporarily stored by-product mud will be placed on and covered with Visqueen, or another equivalent containment measure will be used, as necessary. Many additional options for mitigation are provided in Section 4.2 of the Plan that may be utilized based on observed site-specific conditions.

The Department may modify conditions of the permit for cause, after prior notification to the permit holder, to eliminate, reduce or ameliorate any condition or nuisance that adversely affects public health, safety or welfare, or does not fully protect surface and groundwater quality, as noted in Section 9.88.070 (C) of the Ordinance. In the event that any conditions of the permit are not followed by the permit holder, and nuisance conditions occur due to non-compliance, the Department can choose not to renew the Food Processing By-product Use Site permit upon the expiration date of November 30<sup>th</sup> of each year. The Ordinance also states the permit may be suspended or revoked by the Department for cause, following a hearing on the matter. 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. Department inspections occur on a weekly schedule during by-product land application periods that occur July through October, and on a monthly schedule during land application periods that occur November through June. Inspections may be performed on a more frequent schedule as determined by the Department.

#### California Environmental Quality Act (CEQA) Process

The Department of Environmental Resources informed public agencies of this project through the County's environmental referral process. This included informational presentations to the Stanislaus County Environmental Review Committee on May 7, 2008 and July 29, 2009. No mitigation measures specific to the proposed project were received. A Notice of Intent to Adopt a Negative Declaration and Notice of Application for Permit to Operate a Food Processing By-product Use Site (Notice) dated June 29, 2009, was also mailed to the Food Processing By-product Committee, the RWQCB, the California Department of Food and Agriculture, and to all property owners within ¼-mile of each subject parcel, as required by the Stanislaus County Ordinance, Chapter 9.88. The State Clearinghouse and relevant public agencies also received the Notice by mail

as required by CEQA. A copy of the Notice is provided as Attachment "A1." The Notice provided a 30-day comment period from July 15, 2009, through August 13, 2009, and was published in the Oakdale Leader, as required by CEQA, on July 15, 2009.

In addition to the Notice, the public was informed by mail and in published newspaper notices in the Modesto Bee and the Oakdale Leader that a public meeting regarding the project was scheduled for Tuesday, July 21, 2009, at 6:00 p.m. at the Stanislaus County Oakdale Library. This public meeting was scheduled to provide the public an additional opportunity to ask questions and provide comments to the Department.

At the public meeting, a PowerPoint presentation and handout materials were provided to describe the ConAgra project, and approximately 65 people were in attendance. Many concerns were expressed by citizens regarding potential odors, nuisance conditions, truck traffic, prevention of spills, moisture content of the material, set-backs, toxicity of the material, the amount of material to be removed and land-applied, run-off from the material, and air quality concerns. Questions presented by the public were answered to the best of Department staff's abilities at the public meeting. Attendees were also encouraged to submit their comments or questions in writing during the public review period for consideration so that they would receive a written response. The public meeting was tape-recorded, and a written transcript has been translated for the record. The written transcript is included as Attachment "B." No significant impacts were identified that could not be adequately mitigated as an outcome of this public meeting.

A total of thirty-one (31) letters were received during the 30-day public review period, and have been included as Attachment "A12." Six of the 31 letters were either in support of the project, or noted there were no specific comments to provide regarding the project based on the expertise of the author. One of the 31 letters specifically requested notification of upcoming meetings pertaining to the project. In total, twenty-four (24) comment letters expressed concerns about the proposed project. In summary, the majority of written public concerns include the potential for the following:

- Excessive odors, and being downwind from subject sites
- Excessive flies, mosquitoes, rodents, and other pests or vectors
- Air quality impacts
- Disease or pathogenic impacts
- Toxicity or impacts from metals or chemicals
- Insufficient monitoring
- Run-off
- Increased traffic
- Spillage from trucks

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- Dust
- Excessive noise
- Food safety impacts
- Well water contamination
- Unforeseen nuisances

Written responses to the 31 comment letters are provided in Attachment "A11." No significant impacts were identified throughout the CEQA process that could not be adequately mitigated, however, to provide project clarification to address concerns written in Letter # 24 by the SJVAPCD, an Addendum to the Plan of Operation (Addendum) is provided, and included as Attachment "A14." The Addendum also provides clarification regarding initiating the project on the most rural parcels. In addition, the Addendum includes a brief discussion regarding sampling efforts and justifications.

**POLICY ISSUE:**

The Board of Supervisors is required to hold a public hearing prior to adopting a Negative Declaration for a proposed project under CEQA. After the public hearing, the project may be approved, modified, or disapproved. The Board should determine if the project is consistent with its priorities of a strong agricultural community/heritage, a safe community, a healthy community, effective partnerships, and a well-planned infrastructure system. Programs such as the reuse of food processing by-products also help the County meet mandated landfill diversion requirements.

**STAFFING IMPACTS:**

There are no staffing impacts associated with this item. The Department can accommodate the inspections and administration required for this project using existing staff if a Permit to Operate is ultimately issued.

**CONTACT PERSON:**

Sonya K. Harrigfeld, Director. Telephone: 209-525-6770.

ATTACHMENTS AVAILABLE  
FROM YOUR CLERK

**From:** <dustynw@aol.com>  
**To:** <vito.chiesa@stancounty.com>, <carlsonj@stancounty.com>, <demartinij@sta...>  
**CC:** <h.moran@sbcglobal.net>  
**Date:** 11/16/2009 7:45 AM  
**Subject:** Re: Con Agra Waste Spread Permit

County Supervisors,

I understand that you will be deciding soon upon whether to issue a permit to Con Agra for the purposes of disposing of and spreading tomato waste by-products from their processing plant in Oakdale. I hope you will seriously consider the concerns addressed by Herb Moran below, as there is great concern for the negative impacts upon our Rivendell Hollow Subdivision.

As has been stated below, we fully understand and appreciate the benefits of attempting to recycle this waste for beneficial purposes. Our concern is the close proximity to a densely populated neighborhood for a few of the proposed parcels to receive the waste, when there are likely more appropriate parcels in the surrounding rural areas. My family and I would strongly urge you not to approve this permit in its current form that includes the parcels adjoining our neighborhoods. Our hope is that more research will be done to find more appropriate rural parcels.

Thank you,

Dustyn Wiggins  
Debra Wiggins  
Erynn Wiggins

82 Willow Glen Ave.  
Oakdale, CA 95361

Sent: Sun, Nov 15, 2009 12:21 pm  
Subject: Con Agra Waste Spread Permit

Mr. Obrien , His Fellow Supervisors and Supervisor Staff Aides:

I am a spokesperson for the Rivendell Hollow Neighborhood Watch Group in Oakdale, California. In recent months, our County Staff has been involved in preparing a recommendation for a negative declaration to a permit request, made by Con Agra Foods and John Brichetto, to dispose of waste and waste by products, from their retention and holding ponds in Oakdale. This matter is tentatively set to be heard by you as OUR Board of Supervisors, early in December.

Without taking substantial time asking all of you to re-read volumes of information via email we could submit, we do ask respectfully and adamantly that you specifically consider the following:

To begin, we, as citizens and homeowners in the impacted area that you represent -DO NOT OPPOSE the general concept of the permit request, DO NOT OPPOSE providing benefit to one of our City's largest employers and community/business partner. HOWEVER WE ADAMANTLY OPPOSE the spreading of these waste materials upon some of the proposed parcels, including the one that bounds our residential subdivision.

Although you are being presented, by County Staff, a "clinical report" indicating the negative declaration and therefore their support of the permit application, we MUST ask that you look beyond the information being submitted in the report and hear the very concerns we address in opposing the permit issuance if it includes the proximate "denser populated" parcels as it currently does.

There are obviously many parcels of land that are far more appropriate for the distribution of these by products, than those adjacent to our properties. If this product held such "beneficial value" as a fertilizer or other valued soil amendment, we suspect many land owners and/or growers would be clamoring for receipt of the product. Furthermore, since Con Agra has not "cleaned" their retention and holding ponds of this material, by their own admission, for over 15 years or more, it does not appear the by products held any financial or soil amendment benefit for land owners or growers-otherwise it might be presumed they would have disposed of the materials earlier or more frequently. Now that they need the "capacity" for further treatment and storage of current production by products, this permit is before you for approval. We simply ask that you not issue an approval that includes the ability of a "SOLE" ACCEPTOR of the by product (waste) to PARTICULARLY to be spread upon parcels that are so close to dense population areas such as our neighborhood. Simply the convenience of the applicants relationship with the co applicant or property owner/manager (Mr. Brichetto) and the fact that he has access to these particular parcels for the waste spreading, is not reason enough to approve the permit as submitted in its entirety. However, Exclusion of the parcels adjacent to our residential SUBDIVISION (the ONLY SUBDIVISION in the parcels chosen) properties, would be cause for us to remove our opposition to the over all permit issuance.



**From:** Randall Azevedo <rjazevedo@sbcglobal.net>  
**To:** Vito Chiesa <vito.chiesa@stancounty.com>, Vito Chiesa-Aide <carlsonj@sta...  
**CC:** Art / Grace Angarole <arole@sbcglobal.net>, Doug / Cynthia Barnhill <smo...  
**Date:** 11/16/2009 8:16 AM  
**Subject:** Re: Con Agra Waste Spread Permit

My husband and I are residents of Rivendell Hollow and are very concerned regarding this permit possibly being issued so they can spread tomato waste that has been setting for some 15 years. We do not understand how it is not going to put off a horrible odor when the place where it is being stored now has an odor that would make you gag. We realize that we were once agriculture property but we are no longer. Not only will this attract many flies we would imagine that it will also entice many other insects. Please give our concerns some consideration when making the decision to grant this permit. There are many out of town properties that it could go too.

Thank you in advance for your assistance.

Randall and Mary Ellen Azevedo  
 1874 Pontiac Street  
 Oakdale, California 95361  
 209-848-4605

--- On Sun, 11/15/09, HERB A MORAN <h.moran@sbcglobal.net> wrote:

**From:** HERB A MORAN <h.moran@sbcglobal.net>  
**Subject:** Con Agra Waste Spread Permit  
**To:** "Vito Chiesa" <vito.chiesa@stancounty.com>, "Vito Chiesa-Aide" <carlsonj@stancounty.com>, "J Demartini" <demartinj@stancounty.com>, "J Demartini-Aide" <goehrings@stancounty.com>, "J Grover" <groverj@stancounty.com>, "J Grover-Aide" <hoppS@stancounty.com>, "D Monteith" <monteithd@stancounty.com>, "D Monteith-Aide" <smithk@stancounty.com>, "W OBRIEN" <OBRIENW@STANCOUNTY.COM>, "W Obrien-Aide" <hayeskm@stancounty.com>  
**Cc:** "Art / Grace Angarole" <arole@sbcglobal.net>, "RANDY /MARY ELLEN AZEVEDO" <rjazevedo@sbcglobal.net>, "Doug / Cynthia Barnhill" <smokie@ix.netcom.com>, "Edward / Denise Bianchi" <spinner50@sbcglobal.net>, "DALON / KIM BURFORD" <dalonburford@sbcglobal.net>, "Jason / Kerri Ann Carroll" <kdtoothfairy@yahoo.com>, "JIM CONNER" <jconner03@comcast.net>, "Bernadette Costa" <bcm@mcsg.biz>, "Emili Cruz" <cruzers@sbcglobal.net>, "Nick / Vicky Diego" <vicknick84@yahoo.com>, "DAN / DANEEN DRADER" <ddrader499@aol.com>, "DENNIS / MARY DURR" <dendmarc@comcast.net>, "RAY / DELIA ESSLINGER" <ramonesslinger@msn.com>, "RANDY / LINDA FISCHER" <RANDY.FISCHER@STANDA.ORG>, "LINDA FISCHER" <LINDAF@MID.ORG>, "JUDY / LARRY FRENCH" <frenchjudy@sbcglobal.net>, "Steve Garcia" <Garciahouse@sbcglobal.net>, "Hank / Polly Hoffman" <capolly7@aol.com>, "Glen / Lucille Hoffman" <queenbeelucy@hotmail.com>, "LEIF / MICHELLE JULIUSSEN" <juliussenfamily@sbcglobal.net>, "Carroll/Nita Kennedy" <nitacarroll@sbcglobal.net>, "STEVE / KIM KNELL" <knell104@aol.com>, "Pat Kuhn" <Pkliveoak@aol.com>, "KEVIN / WENDI LOCH" <lochconstruction@aol.com>, "Mike / Vicky Maez" <vjmaez@att.net>, "STEVE /JEANIE MAHANEY" <JAMAHANEY@SBCGLOBAL.NET>, "Kat Matthews" <digemkat@aol.com>, "Elaine Matthews" <chico\_baby@msn.com>, "Joe/Lori McGrath" <flynirish@sbcglobal.net>, "DAN / JANET MEDINA" <medina1712@sbcglobal.net>, "Dave / Frankie Mercer" <keeopp@comcast.net>, "LAYTON MILES" <miles2417@sbcglobal.net>, "Herb Moran" <hm85@att.net>, "PENNY MUNIAIN" <pmuniain@oakdale.k12.ca.us>, "Mike / Kelly Olson" <ogccgolf@hotmail.com>, "Rick / Aggie Pacheco" <arpacheco@sbcglobal.net>, "Pat / Betty Patterson" <roblyane@aol.com>, "Mike/Leslie Pettinger" <lpettinger@aol.com>, "Dorothy Pitassi" <dpitassi@att.net>, "Charlie / Pat Platt" <platt86@comcast.net>, "JANE RANDALL" <patroln@aol.com>, "GLEN /DELORES RICHARDSON" <grichardson7543@att.net>, "Jackie RIISE" <jackie@riise.com>, "RON / KATHLEEN ROWLEY" <rowdyclan@comcast.net>, "Fred / Debbie Shaw" <Shawfud@aol.com>, "DON / BESS SMITH" <drbksmith@aol.com>, "KYLE / LOIS THOMPSON" <loke2@bigvalley.net>, "Sandy Tucker" <sandaner@yahoo.com>, "BUD / FLORENCE URBAN" <budflorence@aol.com>, "Karl Vargas" <vargaskarl@yahoo.com>, "Dustyn / Debbie Wiggins" <dustynw@aol.com>, "Brian/Lynette Willinger" <momonthego2003@sbcglobal.net>, "BOB / JANE YOUNG" <witchywidow@att.net>  
**Date:** Sunday, November 15, 2009, 12:21 PM

Mr. Obrien , His Fellow Supervisors and Supervisor Staff Aides:

I am a spokesperson for the Rivendell Hollow Neighborhood Watch Group in Oakdale, California. In recent months, our County Staff has been involved in preparing a recommendation for a negative declaration to a permit request, made by Con Agra Foods and John Brichetto, to dispose of waste and waste by products, from their retention and holding ponds in Oakdale. This matter is tentatively set to be heard by you as OUR Board of Supervisors, early in December.

Without taking substantial time asking all of you to re-read volumes of information via email we could submit, we do ask respectfully and adamantly that you specifically consider the following:

**From:** HERB A MORAN <h.moran@sbcglobal.net>  
**To:** D Monteith <monteithd@stancounty.com>, D Monteith-Aide <smithk@stancount...>  
**Date:** 11/16/2009 9:39 AM  
**Subject:** Fw: Con Agra Waste Spread Permit

Sent: Mon, November 16, 2009 8:41:26 AM  
Subject: Re: Con Agra Waste Spread Permit

I've been a resident of Rivendell Hollow since 1989. This was the year that the orchard was planted next to me. Being a farmer most of my life, I accept and expect the good and bad that comes from nearby farming operations. Spreading tomato waste is not ACCEPTABLE. Please oppose the spreading of this waste materials on the parcel next to Rivendell Hollow.

Dalon & Kim Burford  
2089 Rapunzel ct.  
Oakdale, Ca. 95361  
209-847-8469

--- On Sun, 11/15/09, HERB A MORAN <h.moran@sbcglobal.net> wrote:

>From: HERB A MORAN <h.moran@sbcglobal.net>  
>Subject: Con Agra Waste Spread Permit  
>To: "Vito Chiesa" <vito.chiesa@stancounty.com>, "Vito Chiesa-Aide" <carlsonj@stancounty.com>, "J Demartini" <demartinij@stancounty.com>, "J Demartini-Aide" <goehring@stancounty.com>, "J Grover" <groverj@stancounty.com>, "J Grover-Aide" <hoppS@stancounty.com>, "D Monteith" <monteithd@stancounty.com>, "D Monteith-Aide" <smithk@stancounty.com>, "W OBRIEN" <OBRIENW@STANCOUNTY.COM>, "W Obrien-Aide" <hayeskm@stancounty.com>  
>Cc: "Art / Grace Angarole" <arole@sbcglobal.net>, "RANDY /MARY ELLEN AZEVEDO" <rjazevedo@sbcglobal.net>, "Doug / Cynthia Barnhill" <smokie@ix.netcom.com>, "Edward / Denise Bianchi" <spinner50@sbcglobal.net>, "DALON / KIM BURFORD" <dalonburford@sbcglobal.net>, "Jason / Kerri Ann Carroll" <kdttoothfairy@yahoo.com>, "JIM CONNER" <jconner03@comcast.net>, "Bernadette Costa" <bcm@mcsbg.biz>, "Emili Cruz" <cruzers@sbcglobal.net>, "Nick / Vicky Diego" <vicknick84@yahoo.com>, "DAN / DANEEN DRADER" <ddrader499@aol.com>, "DENNIS / MARY DURR" <dendmarc@comcast.net>, "RAY / DELIA ESSLINGER" <ramonesslinger@msn.com>, "RANDY / LINDA FISCHER" <RANDY.FISCHER@STANDA.ORG>, "LINDA FISCHER" <LINDAF@MID.ORG>, "JUDY / LARRY FRENCH" <frenchjudy@sbcglobal.net>, "Steve Garcia" <Garciahouse@sbcglobal.net>, "Hank / Polly Hoffman" <capolly7@aol.com>, "Glen / Lucille Hoffman" <queenbeelucy@hotmail.com>, "LEIF / MICHELLE JULIUSSEN" <juliussefamily@sbcglobal.net>, "Carroll/Nita Kennedy" <nitacarroll@sbcglobal.net>, "STEVE / KIM KNEEL" <knell104@aol.com>, "Pat Kuhn" <Pkliveoak@aol.com>, "KEVIN / WENDI LOCH" <lochconstruction@aol.com>, "Mike / Vicky Maez" <vjmaez@att.net>, "STEVE /JEANIE MAHANEY" <JAMAHANEY@SBCGLOBAL.NET>, "Kat Matthews" <digemkat@aol.com>, "Elaine Matthews" <chico\_baby@msn.com>, "Joe/Lori McGrath" <flynirish@sbcglobal.net>, "DAN / JANET MEDINA" <medina1712@sbcglobal.net>, "Dave / Frankie Mercer" <keeopp@comcast.net>, "LAYTON MILES" <miles2417@sbcglobal.net>, "Herb Moran" <hm85@att.net>, "PENNY MUNIAIN" <pmuniaiain@oakdale.k12.ca.us>, "Mike / Kelly Olson" <ogccgolf@hotmail.com>, "Rick / Aggie Pacheco" <arpacheco@sbcglobal.net>, "Pat / Betty Patterson" <roblyane@aol.com>, "Mike/Leslie Pettinger" <lpettinger@aol.com>, "Dorothy Pitassi" <dpitassi@att.net>, "Charlie / Pat Platt" <platt86@comcast.net>, "JANE RANDALL" <patroln@aol.com>, "GLEN /DELORES RICHARDSON" <grichardson7543@att.net>, "Jackie RIISE" <jackie@riise.com>, "RON / KATHLEEN ROWLEY" <rowdyclan@comcast.net>, "Fred / Debbie Shaw" <Shawfud@aol.com>, "DON / BESS SMITH" <drbksmith@aol.com>, "KYLE / LOIS THOMPSON" <loke2@bigvalley.net>, "Sandy Tucker" <sandaner@yahoo.com>, "BUD / FLORENCE URBAN" <budflorenc@aol.com>, "Karl Vargas" <vargaskarl@yahoo.com>, "Dustyn / Debbie Wiggins" <dustynw@aol.com>, "Brian/Lynette Willinger" <momonthego2003@sbcglobal.net>, "BOB / JANE YOUNG" <witchywidow@att.net>  
>Date: Sunday, November 15, 2009, 12:21 PM  
>  
>

>Mr. Obrien , His Fellow Supervisors and Supervisor Staff Aides:  
>

>I am a spokesperson for the Rivendell Hollow Neighborhood Watch Group in Oakdale, California. In recent months, our County Staff has been involved in preparing a recommendation for a negative declaration to a permit request, made by Con Agra Foods and John Brichetto, to dispose of waste and waste by products, from their retention and holding ponds in Oakdale. This matter is tentatively set to be heard by you as OUR Board of Supervisors, early in December.  
>

>Without taking substantial time asking all of you to re-read volumes of information via email we could submit, we do ask respectfully and adamantly that you specifically consider the following:  
>

**From:** Kerri Diliberto <kdtoothfairy@yahoo.com>  
**To:** HERB A MORAN <h.moran@sbcglobal.net>, Vito Chiesa <vito.chiesa@stancount...>  
**CC:** Art / Grace Angarole <arole@sbcglobal.net>, RANDY /MARY ELLEN AZEVEDO <r...>  
**Date:** 11/16/2009 9:41 AM  
**Subject:** Re: Con Agra Waste Spread Permit

To fellow residents and neighbors here in Rivendell Hollow and those that may be able to make a difference in the outcome of the Con Agra/ Brichetto issue....

As my husband and I own a home that is separated only by a fence into Mr. Brichetto's orchard, I urge you all to please take into consideration several issues for all our sake before this permit is issued.

Although there have been no negative findings, we disagree. With a toddler and another baby due next month, we do not want our children to be subjected to the odors as they and we try to enjoy our backyard and home. I can't imagine what smells and pests Con Agra's waste will produce. Have any of you driven past the cannery in summer? Imagine that gagging smell, only worse as it will be in our own backyards and has been sitting for months upon months. If your home bordered this orchard, would your opinion be swayed to let this pass? I think so. Mr. Brichetto owns other properties here in town and I still believe there is a better location for the waste. My father's family was born and raised here in Oakdale and these "pits" were always located in the country and away from homes. Although we are borderline country, I still believe there is a better location for this waste, perhaps out of the area. I am asking you to please reconsider passing this.

Jason and KerriAnn Diliberto- Carroll  
 2053 Rapunzel Court  
 209-847-0561

From: HERB A MORAN <h.moran@sbcglobal.net>  
 To: Vito Chiesa <vito.chiesa@stancounty.com>; Vito Chiesa-Aide <carlsonj@stancounty.com>; J Demartini <demartini@stancounty.com>; J Demartini-Aide <goehring@stancounty.com>; J Grover <groverj@stancounty.com>; J Grover-Aide <hoppS@stancounty.com>; D Monteith <monteithd@stancounty.com>; D Monteith-Aide <smithk@stancounty.com>; W OBRIEN <OBRIENW@STANCOUNTY.COM>; W Obrien-Aide <hayeskm@stancounty.com>  
 Cc: Art / Grace Angarole <arole@sbcglobal.net>; RANDY /MARY ELLEN AZEVEDO <rjazevedo@sbcglobal.net>; Doug / Cynthia Barnhill <smokie@ix.netcom.com>; Edward / Denise Bianchi <spinner50@sbcglobal.net>; DALON / KIM BURFORD <dalonburford@sbcglobal.net>; Jason / Kerri Ann Carroll <kdtoothfairy@yahoo.com>; JIM CONNER <jconner03@comcast.net>; Bernadette Costa <bcm@mcsb.biz>; Emili Cruz <cruzers@sbcglobal.net>; Nick / Vicky Diego <vicknick84@yahoo.com>; DAN / DANEEN DRADER <ddrader499@aol.com>; DENNIS / MARY DURR <dendmarc@comcast.net>; RAY / DELIA ESSLINGER <ramonesslinger@msn.com>; RANDY / LINDA FISCHER <RANDY.FISCHER@STANDA.ORG>; LINDA FISCHER <LINDAF@MID.ORG>; JUDY / LARRY FRENCH <frenchjudy@sbcglobal.net>; Steve Garcia <Garciahouse@sbcglobal.net>; Hank / Polly Hoffman <capolly7@aol.com>; Glen / Lucille Hoffman <queenbeelucy@hotmail.com>; LEIF / MICHELLE JULIUSSEN <juliussefamily@sbcglobal.net>; Carroll/Nita Kennedy <nitacarroll@sbcglobal.net>; STEVE / KIM KNELL <knell104@aol.com>; Pat Kuhn <Pkliveoak@aol.com>; KEVIN / WENDI LOCH <lochconstruction@aol.com>; Mike / Vicky Maez <vjmaez@att.net>; STEVE / JEANIE MAHANEY <JAMAHANEY@SBCGLOBAL.NET>; Kat Matthews <digemkat@aol.com>; Elaine Matthews <chico\_baby@msn.com>; Joe/Lori McGrath <flynirish@sbcglobal.net>; DAN / JANET MEDINA <medina1712@sbcglobal.net>; Dave / Frankie Mercer <keeopp@comcast.net>; LAYTON MILES <miles2417@sbcglobal.net>; Herb Moran <hm85@att.net>; PENNY MUNIAIN <pmuniain@oakdale.k12.ca.us>; Mike / Kelly Olson <ogccgolf@hotmail.com>; Rick / Aggie Pacheco <arpacheco@sbcglobal.net>; Pat / Betty Patterson <robylane@aol.com>; Mike/Leslie Pettinger <lpettinger@aol.com>; Dorothy Pitassi <dpitassi@att.net>; Charlie / Pat Platt <platt86@comcast.net>; JANE RANDALL <patroln@aol.com>; GLEN /DELORES RICHARDSON <grichardson7543@att.net>; Jackie RIISE <jackie@riise.com>; RON / KATHLEEN ROWLEY <rowdydan@comcast.net>; Fred / Debbie Shaw <Shawfud@aol.com>; DON / BESS SMITH <drbksmith@aol.com>; KYLE / LOIS THOMPSON <loke2@bigvalley.net>; Sandy Tucker <sandaner@yahoo.com>; BUD / FLORENCE URBAN <budfloreance@aol.com>; Karl Vargas <vargaskarl@yahoo.com>; Dustyn / Debbie Wiggins <dustynw@aol.com>; Brian/Lynette Willinger <momonthego2003@sbcglobal.net>; BOB / JANE YOUNG <witchywidow@att.net>  
 Sent: Sun, November 15, 2009 12:21:14 PM  
 Subject: Con Agra Waste Spread Permit

Mr. Obrien , His Fellow Supervisors and Supervisor Staff Aides:

I am a spokesperson for the Rivendell Hollow Neighborhood Watch Group in Oakdale, California. In recent months, our County Staff has been involved in preparing a recommendation for a negative declaration to a permit request, made by Con Agra Foods and John Brichetto, to dispose of waste and waste by products, from their retention and holding ponds in Oakdale. This matter is tentatively set to be heard by you as OUR Board of Supervisors, early in December.

Without taking substantial time asking all of you to re-read volumes of information via email we could submit, we do ask respectfully and adamantly that you specifically consider the following:

>>> Glenn Richardson <grichardson7543@att.net> 11/16/2009 2:14 PM >>>

County Supervisors & staff, We are members of the Rivendell Hollow neighborhood watch. Our spokesperson, Herb Moran, states our position quite well. We would like to make a personal appeal. Our home shares a block wall with the Bricchetto orchard property. We take a good deal of pride in our home and try to keep it well maintained. We enjoy our yard and spend a lot of time outdoors when the weather is nice. We have a large patio along the block wall adjacent to the orchard property. We tolerate the spraying, dust and noise from the orchard because they have a right to make a living. Please do not approve this permit to spread tomatoe and bean waste on this orchard property so close to this densely populated residential area. Thank you, Glenn & Delores Richardson ,87 Willowood Dr ,Oakdale

From: HERB A MORAN <h.moran@sbcglobal.net>

To: Vito Chiesa <vito.chiesa@stancounty.com>; Vito Chiesa-Aide <carlsonj@stancounty.com>; J Demartini <demartinij@stancounty.com>; J Demartini-Aide <goehring@stancounty.com>; J Grover <groverj@stancounty.com>; J Grover-Aide <hoppS@stancounty.com>; D Monteith <monteithd@stancounty.com>; D Monteith-Aide <smithk@stancounty.com>; W OBRIEN <OBRIENW@STANCOUNTY.COM>; W Obrien-Aide <hayeskm@stancounty.com>

Cc: Art / Grace Angarole <arole@sbcglobal.net>; RANDY /MARY ELLEN AZEVEDO <rjazevedo@sbcglobal.net>; Doug / Cynthia Barnhill <smokie@ix.netcom.com>; Edward / Denise Bianchi <spinner50@sbcglobal.net>; DALON / KIM BURFORD <dalonburford@sbcglobal.net>; Jason / Kerri Ann Carroll <kdtoothfairy@yahoo.com>; JIM CONNER <jconner03@comcast.net>; Bernadette Costa <bcm@mcsg.biz>; Emili Cruz <cruzers@sbcglobal.net>; Nick / Vicky Diego <vicknick84@yahoo.com>; DAN / DANEEN DRADER <ddrader499@aol.com>; DENNIS / MARY DURR <dendmarc@comcast.net>; RAY / DELIA ESSLINGER <ramonesslinger@msn.com>; RANDY / LINDA FISCHER <RANDY.FISCHER@STANDA.ORG>; LINDA FISCHER <LINDAF@MID.ORG>; JUDY / LARRY FRENCH <frenchjudy@sbcglobal.net>; Steve Garcia <Garciahouse@sbcglobal.net>; Hank / Polly Hoffman <capolly7@aol.com>; Glen / Lucille Hoffman <queenbeelucy@hotmail.com>; LEIF / MICHELLE JULIUSSEN <juliussefamily@sbcglobal.net>; Carroll/Nita Kennedy <nitacarroll@sbcglobal.net>; STEVE / KIM

KNELL <knell104@aol.com>; Pat Kuhn <Pkliveoak@aol.com>; KEVIN / WENDI LOCH <lochconstruction@aol.com>; Mike / Vicky Maez <vjmaez@att.net>; STEVE / JEANIE MAHANEY <JAMAHANEY@SBCGLOBAL.NET>; Kat Matthews <digemkat@aol.com>; Elaine Matthews <chico\_baby@msn.com>; Joe/Lori McGrath <flynirish@sbcglobal.net>; DAN / JANET MEDINA <medina1712@sbcglobal.net>; Dave / Frankie Mercer <keeopp@comcast.net>; LAYTON MILES <miles2417@sbcglobal.net>; Herb Moran <hm85@att.net>; PENNY MUNIAIN <pmuniain@oakdale.k12.ca.us>; Mike / Kelly Olson <ogccgolf@hotmail.com>; Rick / Aggie Pacheco <arpacheco@sbcglobal.net>; Pat / Betty Patterson <robylane@aol.com>; Mike/Leslie Pettinger <lpettinger@aol.com>; Dorothy Pitassi <dpitassi@att.net>; Charlie / Pat Platt <platt86@comcast.net>; JANE RANDALL <patroln@aol.com>; GLEN /DELORES RICHARDSON <grichardson7543@att.net>; Jackie RIISE <jackie@riise.com>; RON / KATHLEEN ROWLEY <rowdyclan@comcast.net>; Fred / Debbie Shaw <Shawfud@aol.com>; DON / BESS SMITH <drbksmith@aol.com>; KYLE / LOIS THOMPSON <loke2@bigvalley.net>; Sandy Tucker <sandaner@yahoo.com>; BUD / FLORENCE URBAN <budflorence@aol.com>; Karl Vargas <vargaskarl@yahoo.com>; Dustyn / Debbie Wiggins <dustynw@aol.com>; Brian/Lynette Willinger <momonthego2003@sbcglobal.net>; BOB / JANE YOUNG <witchywidow@att.net>

Sent: Sun, November 15, 2009 12:21:14 PM

Subject: Con Agra Waste Spread Permit

Mr. Obrien , His Fellow Supervisors and Supervisor Staff Aides:

**From:** lynette willinger <momonthego2003@sbcglobal.net>  
**To:** Vito Chiesa <vito.chiesa@stancounty.com>, Vito Chiesa-Aide <carlsonj@sta...  
**CC:** Art / Grace Angarole <arole@sbcglobal.net>, RANDY /MARY ELLEN AZEVEDO <r...  
**Date:** 11/15/2009 5:17 PM  
**Subject:** Re: Con Agra Waste Spread Permit

To all that effect the decision of the spreading of Con Agra waste adjacent to Rivendell Hollow in Oakdale;

My family and I hope you really consider all residents that will be affected by the spreading of the very foul odor matter. Heaven only knows what the material will cause to the neighborhood, last week Mr. Brichetto spread manure on the the fields. Now we are enidated with more flies than we know what to do with. Plus with Mr Brichetto spuratic farming ways will he even comply to the rules you set for him.

Sincerely,  
 Brian, Lynette, Jonathan and Jeremy Willinger  
 2098484673

--- On Sun, 11/15/09, HERB A MORAN <h.moran@sbcglobal.net> wrote:

From: HERB A MORAN <h.moran@sbcglobal.net>  
 Subject: Con Agra Waste Spread Permit  
 To: "Vito Chiesa" <vito.chiesa@stancounty.com>, "Vito Chiesa-Aide" <carlsonj@stancounty.com>, "J Demartini" <demartinij@stancounty.com>, "J Demartini-Aide" <goehring@stancounty.com>, "J Grover" <groverj@stancounty.com>, "J Grover-Aide" <hoppS@stancounty.com>, "D Monteith" <monteithd@stancounty.com>, "D Monteith-Aide" <smithk@stancounty.com>, "W OBRIEN" <OBRIENW@STANCOUNTY.COM>, "W Obrien-Aide" <hayeskm@stancounty.com>  
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 Date: Sunday, November 15, 2009, 12:21 PM

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Without taking substantial time asking all of you to re-read volumes of information via email we could submit, we do ask respectfully and adamantly that you specifically consider the following:

To begin, we, as citizens and homeowners in the impacted area that you represent -DO NOT OPPOSE the general concept of the permit request, DO NOT OPPOSE providing benefit to one of our City's largest employers and community/business partner. HOWEVER WE ADAMANTLY OPPOSE the spreading of these waste materials upon some of the proposed parcels, including the one that bounds our residential subdivision.

Although you are being presented, by County Staff, a "clinical report" indicating the negative declaration and therefore their support of the permit application, we MUST ask that you look beyond the information being submitted in the report and hear the very concerns we address in opposing the permit issuance if it includes the proximate "denser populated" parcels as it currently does.

There are obviously many parcels of land that are far more appropriate for the distribution of these by products, than those adjacent to our properties. If this product held such "beneficial value" as a fertilizer or other valued soil amendment, we suspect many land owners and/or growers would be clamoring for receipt of the product. Furthermore, since Con Agra has not "cleaned" their retention and holding ponds of this material, by their own admission, for over 15 years or more, it does not appear the by products held any financial or soil amendment benefit for land owners or growers-otherwise it might be presumed they would have disposed of the materials earlier or more frequently. Now that they need the "capacity" for further treatment and storage of current production by products, this permit is before you for approval. We simply ask that you not issue an approval that includes the ability of a "SOLE" ACCEPTOR of the by product (waste) to

PARTICULARLY to be spread upon parcels that are so close to dense population areas such as our neighborhood. Simply the convenience of the applicants relationship with the co applicant or property owner/manager (Mr. Bricchetto) and the fact that he has access to these particular parcels for the waste spreading, is not reason enough to approve the permit as submitted in its entirety. However, Exclusion of the parcels adjacent to our residential SUBDIVISION (the ONLY SUBDIVISION in the parcels chosen) properties, would be cause for us to remove our opposition to the over all permit issuance.

Our group gathered a substantial number of signatures in opposition to the spreading process occurring so close to our homes and so proximate to a public school, several churches-and IMMEDIATELY adjacent to an active pre school and day care facility. In contrast most other parcels proposed under the permit are far more rural in density and proximation to neighborhoods etc.. Although within the permit there is a proposed "buffer" zone of a few hundred feet, the orchards adjacent to our SUBDIVISION -LITERALLY abutt our fence lines and homes. This condition exists with the day-care-pre school and other residential units as well. We find it difficult to believe proper control of the actual spread process can or will occur as current fertilization, spray and orchard maintenance and harvesting procedures impact our life style and air quality regularly. Although we all knew of the proximate orchards and activities of farming that would occur when we purchased or built our homes, the use of waste by products for soil amendments of this nature, the fact that there is a "need" or subsequent need to obtain a permit for this purpose and use of the products, was NOT a choice we had to consider prior to or during the purchase process of our homes.

Some of you are current "farmers" or have familial ties to farming operations. Although things change during the course of time (as in this case) that require reconsideration, regulation or modification of pre existing conditions or actions, we believe all relevant considerations of this nature must specifically include the "real time" potential impacts and more over allow for the voice of those immediately or possibly impacted to be heard as well as to have their very specific wishes to be considered as a priority in these type of decisions.

We more than realize the explained and reported benefits to both the Con Agra company, from a cost effective alternative, as well as to the singular party agreeing to accept the waste upon his or management contracted parcels. We again however, MUST STRENUOUSLY OBJECT to some of the specific parcels selected for application of this material in this process, namely those parcels adjacent to or bordering our SUBDIVISION. We further realize that substantial study and analysis by both the applicant and the County Staff has occurred. However since staff was only "tasked" with evaluating the permit validity based upon the information submitted, and because the applicants did not utilize or submit for approval any alternative sites, parcels or locations, other than those owned or contracted for management by a singular party, (Bricchetto), we do not feel that sufficient energy or emphasis has been taken to consider the availability of alternate, yet relatively equally proximate sites, which are less likely to impact residential, school and private enterprise (pre school-churches) parcels.

We attended the Public Hearing-the one where County Staff was over whelmed by the attendance numbers. We submitted written comments ( to date we have not received responses as promised and required). In yesterdays mail we received the notice of the hearing before you in early December. We will attend said meeting and ask you to either modify the permit approval to exclude our affected parcels, or to deny the permit in its entirety.

We respectfully remind you, our government representatives, that you serve at our pleasure, are required to act in each of our individual and then to the greater good's interest and that we have every right to be heard and effectively, with common sense actions, have our best interests served. To that end-please exclude the impacted parcels and/or deny the permit issuance until such time as the application is modified to exclude those parcels that could impact our homes and personal lives.

Respectfully Submitted,

H.A. Moran  
Coordinator for the Rivendell Hollow Neighborhood Watch Group and  
Property Owner in Rivendell Hollow Subdivision-Oakdale, California

**From:** HERB A MORAN <h.moran@sbcglobal.net>  
**To:** D Monteith <monteithd@stancounty.com>, D Monteith-Aide <smithk@stancount...>  
**Date:** 11/16/2009 9:41 AM  
**Subject:** Con Agra Permit Issuance

Sent: Sun, November 15, 2009 7:41:14 PM  
Subject: RE: Con Agra Permit Issuance

As a I am a resident on Willow Glen Ave., my home is next to the fence that separates me from the orchard. I am subjected to all of the spraying which encompasses my home and yards. They tell me the spray is not toxic to me, but my plants say differently as some of the spray burns holes in their leaves. While I have to tolerate this, I do not wish to add to it the smell and additional fly problems that will most certainly come with it. I urge those who are supposed to represent us to take all this into consideration before they grant a permit for this operation.

Dorothy Pitassi  
87 Willow Glen Ave  
(209) 847-8817

Oakdale, Ca. 95361

**From:** <Patroln@aol.com>  
**To:** <h.moran@sbcglobal.net>, <vito.chiesa@stancounty.com>, <carlsonj@stancou...>  
**CC:** <arole@sbcglobal.net>, <rjazevedo@sbcglobal.net>, <smokie@ix.netcom.com>...  
**Date:** 11/15/2009 2:52 PM  
**Subject:** Re: Con Agra Waste Spread Permit

I really hope you will take these issues into consideration and really listen to our concerns.

Sincerely,

Jane Randall  
1889 Maiden Lane  
(209) 847-6433  
(408) 892-5683



**From:** HERB A MORAN <h.moran@sbcglobal.net>  
**To:** Vito Chiesa <vito.chiesa@stancounty.com>, Vito Chiesa-Aide <carlsonj@sta...  
**CC:** Art / Grace Angarole <arole@sbcglobal.net>, RANDY /MARY ELLEN AZEVEDO <r...  
**Date:** 11/15/2009 12:21 PM  
**Subject:** Con Agra Waste Spread Permit

Mr. Obrien , His Fellow Supervisors and Supervisor Staff Aides:

I am a spokesperson for the Rivendell Hollow Neighborhood Watch Group in Oakdale, California. In recent months, our County Staff has been involved in preparing a recommendation for a negative declaration to a permit request, made by Con Agra Foods and John Brichetto, to dispose of waste and waste by products, from their retention and holding ponds in Oakdale. This matter is tentatively set to be heard by you as OUR Board of Supervisors, early in December.

Without taking substantial time asking all of you to re-read volumes of information via email we could submit, we do ask respectfully and adamantly that you specifically consider the following:

To begin, we, as citizens and homeowners in the impacted area that you represent -DO NOT OPPOSE the general concept of the permit request, DO NOT OPPOSE providing benefit to one of our City's largest employers and community/business partner. HOWEVER WE ADAMANTLY OPPOSE the spreading of these waste materials upon some of the proposed parcels, including the one that bounds our residential subdivision.

Although you are being presented, by County Staff, a "clinical report" indicating the negative declaration and therefore their support of the permit application, we MUST ask that you look beyond the information being submitted in the report and hear the very concerns we address in opposing the permit issuance if it includes the proximate "denser populated" parcels as it currently does.

There are obviously many parcels of land that are far more appropriate for the distribution of these by products, than those adjacent to our properties. If this product held such "beneficial value" as a fertilizer or other valued soil amendment, we suspect many land owners and/or growers would be clamoring for receipt of the product. Furthermore, since Con Agra has not "cleaned" their retention and holding ponds of this material, by their own admission, for over 15 years or more, it does not appear the by products held any financial or soil amendment benefit for land owners or growers-otherwise it might be presumed they would have disposed of the materials earlier or more frequently. Now that they need the "capacity" for further treatment and storage of current production by products, this permit is before you for approval. We simply ask that you not issue an approval that includes the ability of a "SOLE" ACCEPTOR of the by product (waste) to

PARTICULARLY to be spread upon parcels that are so close to dense population areas such as our neighborhood. Simply the convenience of the applicants relationship with the co applicant or property owner/manager (Mr. Brichetto) and the fact that he has access to these particular parcels for the waste spreading, is not reason enough to approve the permit as submitted in its entirety. However, Exclusion of the parcels adjacent to our residential SUBDIVISION (the ONLY SUBDIVISION in the parcels chosen) properties, would be cause for us to remove our opposition to the over all permit issuance.

Our group gathered a substantial number of signatures in opposition to the spreading process occurring so close to our homes and so proximate to a public school, several churches-and IMMEDIATELY adjacent to an active pre school and day care facility. In contrast most other parcels proposed under the permit are far more rural in density and proximation to neighborhoods etc.. Although within the permit there is a proposed "buffer" zone of a few hundred feet, the orchards adjacent to our SUBDIVISION -LITERALLY abutt our fence lines and homes. This condition exists with the day-care-pre school and other residential units as well.We find it difficult to believe proper control of the actual spread process can or will occur as current fertilization, spray and orchard maintenance and harvesting procedures impact our life style and air quality regularly. Although we all knew of the proximate orchards and activities of farming that would occur when we purchased or built our homes, the use of waste by products for soil amendments of this nature, the fact that there is a "need" or subsequent need to obtain a permit for this purpose and use of the products, was NOT a choice we had to consider prior to or during the purchase process of our homes.

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We attended the Public Hearing-the one where County Staff was over whelmed by the attendance numbers. We submitted written

comments ( to date we have not received responses as promised and required). In yesterdays mail we received the notice of the hearing before you in early December. We will attend said meeting and ask you to either modify the permit approval to exclude our affected parcels, or to deny the permit in its entirety.

We respectfully remind you, our government representatives, that you serve at our pleasure, are required to act in each of our individual and then to the greater good's interest and that we have every right to be heard and effectively, with common sense actions, have our best interests served. To that end-please exclude the impacted parcels and/or deny the permit issuance until such time as the application is modified to exclude those parcels that could impact our homes and personal lives.

Respectfully Submitted,

H.A. Moran  
Coordinator for the Rivendell Hollow Neighborhood Watch Group and  
Property Owner in Rivendell Hollow Subdivision-Oakdale, California

and day care) in the event any study errors have occurred.

**From:** SONYA HARRIGFELD <sharrigf@envres.org>  
**To:** William O'Brien <OBRIENW@stancounty.com>, Vito Chiesa <CHIESAV@stancount...>  
**CC:** Kelly Hayes <HAYESKM@stancounty.com>, Jennifer Carlson <CARLSONJ@stancou...>  
**Date:** 12/3/2009 3:24 PM  
**Subject:** ConAgra Foods  
**Attachments:** DER Land App parcel withdrawal Letter Conagra Oakdale BK edits v2 (3).doc

Good Afternoon All:

We received a letter this afternoon amending ConAgra Foods' food process by-product reuse application. ConAgra has voluntarily removed the three parcels located next to the city limits of Oakdale. These were the parcels that were either surrounded on three sides or touching the city limits. There are no parcels located in the city (previously removed) or adjacent to the city limits left in the project. The department has prepared a cover letter to accompany ConAgra letter to be mailed to all interested persons. If you have any question regarding the specific parcels please let me know.

Thank you,

Sonya Harrigfeld

**Christine Ferraro - Re: Con Agra Waste Spread Permit**

**From:** "Delia Esslinger" <mama2turtle@msn.com>  
**To:** "Vito Chiesa" <vito.chiesa@stancounty.com>, "Vito Chiesa-Aide" <carlsonj@stancounty.com>, "J Demartini" <demartinij@stancounty.com>, "J Demartini-Aide" <goehrings@stancounty.com>, "J Grover" <groverj@stancounty.com>, "J Grover-Aide" <hoppS@stancounty.com>, "D Monteith" <monteithd@stancounty.com>, "D Monteith-Aide" <smithk@stancounty.com>, "W OBRIEN" <OBRIENW@STANCOUNTY.COM>, "W Obrien-Aide" <hayeskm@stancounty.com>, "HERB A MORAN" <h.moran@sbcglobal.net>, "Randall Azevedo" <rjazevedo@sbcglobal.net>  
**Date:** 11/25/09 12:44 PM  
**Subject:** Re: Con Agra Waste Spread Permit  
**CC:** "Art / Grace Angarole" <arole@sbcglobal.net>, "Doug / Cynthia Barnhill" <smokie@ix.netcom.com>, "Edward / Denise Bianchi" <spinner50@sbcglobal.net>, "DALON / KIM BURFORD" <dalonburford@sbcglobal.net>, "Jason / Kerri Ann Carroll" <kdtoothfairy@yahoo.com>, "JIM CONNER" <jconner03@comcast.net>, "Bernadette Costa" <bcm@mcsbg.biz>, "Emili Cruz" <cruzers@sbcglobal.net>, "Nick / Vicky Diego" <vicknick84@yahoo.com>, "DAN / DANEEN DRADER" <ddrader499@aol.com>, "DENNIS / MARY DURR" <dendmarc@comcast.net>, "RAY / DELIA ESSLINGER" <ramonesslinger@msn.com>, "RANDY / LINDA FISCHER" <RANDY.FISCHER@STANDA.ORG>, "LINDA FISCHER" <LINDAF@MID.ORG>, "JUDY / LARRY FRENCH" <frenchjudy@sbcglobal.net>, "Steve Garcia" <Garciahouse@sbcglobal.net>, "Hank / Polly Hoffman" <capolly7@aol.com>, "Glen / Lucille Hoffman" <queenbeelucy@hotmail.com>, "LEIF / MICHELLE JULIUSSEN" <juliussefamily@sbcglobal.net>, "Carroll/Nita Kennedy" <nitacarroll@sbcglobal.net>, "STEVE / KIM KNELL" <knell104@aol.com>, "Pat Kuhn" <Pkliveoak@aol.com>, "KEVIN / WENDI LOCH" <lochconstruction@aol.com>, "Mike / Vicky Maez" <vjmaez@att.net>, "STEVE / JEANIE MAHANEY" <JAMAHANEY@SBCGLOBAL.NET>, "Kat Matthews" <digemkat@aol.com>, "Elaine Matthews" <chico\_baby@msn.com>, "Joe/Lori McGrath" <flynirish@sbcglobal.net>, "DAN / JANET MEDINA" <medina1712@sbcglobal.net>, "Dave / Frankie Mercer" <keeopp@comcast.net>, "LAYTON MILES" <miles2417@sbcglobal.net>, "Herb Moran" <hm85@att.net>, "PENNY MUNIAIN" <pmuniain@oakdale.k12.ca.us>, "Mike / Kelly Olson" <ogccgolf@hotmail.com>, "Rick / Aggie Pacheco" <arpacheco@sbcglobal.net>, "Pat / Betty Patterson" <robylane@aol.com>, "Mike/Leslie Pettinger" <lpettinger@aol.com>, "Dorothy Pitassi" <dpitassi@att.net>, "Charlie / Pat Platt" <platt86@comcast.net>, "JANE RANDALL" <patroln@aol.com>, "GLEN / DELORES RICHARDSON" <grichardson7543@att.net>, "Jackie RIISE" <jackie@riise.com>, "RON / KATHLEEN ROWLEY" <rowdyclan@comcast.net>, "Fred / Debbie Shaw" <Shawfud@aol.com>, "DON / BESS SMITH" <drbksmith@aol.com>, "KYLE / LOIS THOMPSON" <loke2@bigvalley.net>, "Sandy Tucker" <sandaner@yahoo.com>, "BUD / FLORENCE URBAN" <budflorencia@aol.com>, "Karl Vargas" <vargaskarl@yahoo.com>, "Dustyn / Debbie Wiggins" <dustynw@aol.com>, "Brian/Lynette Willinger" <momonthego2003@sbcglobal.net>, "BOB / JANE YOUNG" <witchywidow@att.net>

It's a sad comment on America's government, federal, state and local, that in order for our elected officials to **read, fully consider and respond** to their constituents comments regarding an issue that has direct impact on them, they must exert a **tremendous** amount of time and effort. Our request is simple, straight forward and only requires common sense. Our spokesman, Mr. Herb Moran, stated our position in a very concise email to you on 11/13/09. We do not mean to be obstructive in this matter, but believe that Con Agra can modify its' request and still achieve its' goal. Please give this matter your full attention.

Ramon & Delia Esslinger  
 85 North Willowood Drive  
 Oakdale, CA 95361  
 209.8480411, 209.8488712

----- Original Message -----

**From:** Randall Azevedo

**To:** Vito Chiesa ; Vito Chiesa-Aide ; J Demartini ; J Demartini-Aide ; J Grover ; J Grover-Aide ; D Monteith ; D Monteith-Aide ; W OBRIEN ; W Obrien-Aide ; HERB A MORAN

**Cc:** Art / Grace Angarole ; Doug / Cynthia Barnhill ; Edward / Denise Bianchi ; DALON / KIM BURFORD ; Jason / Kerri Ann

Carroll ; JIM CONNER ; Bernadette Costa ; Emili Cruz ; Nick / Vicky Diego ; DAN / DANEEN DRADER ; DENNIS / MARY DURR ; RAY / DELIA ESSLINGER ; RANDY / LINDA FISCHER ; LINDA FISCHER ; JUDY / LARRY FRENCH ; Steve Garcia ; Hank / Polly Hoffman ; Glen / Lucille Hoffman ; LEIF / MICHELLE JULIUSSEN ; Carroll/Nita Kennedy ; STEVE / KIM KNELL ; Pat Kuhn ; KEVIN / WENDI LOCH ; Mike / Vicky Maez ; STEVE / JEANIE MAHANEY ; Kat Matthews ; Elaine Matthews ; Joe/Lori McGrath ; DAN / JANET MEDINA ; Dave / Frankie Mercer ; LAYTON MILES ; Herb Moran ; PENNY MUNIAIN ; Mike / Kelly Olson ; Rick / Aggie Pacheco ; Pat / Betty Patterson ; Mike/Leslie Pettinger ; Dorothy Pitassi ; Charlie / Pat Platt ; JANE RANDALL ; GLEN / DELORES RICHARDSON ; Jackie RIISE ; RON / KATHLEEN ROWLEY ; Fred / Debbie Shaw ; DON / BESS SMITH ; KYLE / LOIS THOMPSON ; Sandy Tucker ; BUD / FLORENCE URBAN ; Karl Vargas ; Dustyn / Debbie Wiggins ; Brian/Lynette Willinger ; BOB / JANE YOUNG

**Sent:** Monday, November 16, 2009 8:16 AM

**Subject:** Re: Con Agra Waste Spread Permit

My husband and I are residents of Rivendell Hollow and are very concerned regarding this permit possibly being issued so they can spread tomato waste that has been setting for some 15 years. We do not understand how it is not going to put off a horrible odor when the place where it is being stored now has an odor that would make you gag. We realize that we were once agriculture property but we are no longer. Not only will this attract many flies we would imagine that it will also entice many other insects. Please give our concerns some consideration when making the decision to grant this permit. There are many out of town properties that it could go too.

Thank you in advance for your assistance.

Randall and Mary Ellen Azevedo  
1874 Pontiac Street  
Oakdale, California 95361  
209-848-4605

--- On **Sun, 11/15/09, HERB A MORAN <h.moran@sbcglobal.net>** wrote:

From: HERB A MORAN <h.moran@sbcglobal.net>

Subject: Con Agra Waste Spread Permit

To: "Vito Chiesa" <vito.chiesa@stancounty.com>, "Vito Chiesa-Aide" <carlsonj@stancounty.com>, "J Demartini" <demartinij@stancounty.com>, "J Demartini-Aide" <goehrings@stancounty.com>, "J Grover" <groverj@stancounty.com>, "J Grover-Aide" <hoppS@stancounty.com>, "D Monteith" <monteithd@stancounty.com>, "D Monteith-Aide" <smithk@stancounty.com>, "W OBRIEN" <OBRIENW@STANCOUNTY.COM>, "W Obrien-Aide" <hayeskm@stancounty.com>

Cc: "Art / Grace Angarole" <arole@sbcglobal.net>, "RANDY /MARY ELLEN AZEVEDO" <rjazevedo@sbcglobal.net>, "Doug / Cynthia Barnhill" <smokie@ix.netcom.com>, "Edward / Denise Bianchi" <spinner50@sbcglobal.net>, "DALON / KIM BURFORD" <dalonburford@sbcglobal.net>, "Jason / Kerri Ann Carroll" <kdtoothfairy@yahoo.com>, "JIM CONNER" <jconner03@comcast.net>, "Bernadette Costa" <bcm@mcsbg.biz>, "Emili Cruz" <cruzers@sbcglobal.net>, "Nick / Vicky Diego" <vicknick84@yahoo.com>, "DAN / DANEEN DRADER" <ddrader499@aol.com>, "DENNIS / MARY DURR" <dendmarc@comcast.net>, "RAY / DELIA ESSLINGER" <ramonesslinger@msn.com>, "RANDY / LINDA FISCHER" <RANDY.FISCHER@STANDA.ORG>, "LINDA FISCHER" <LINDAF@MID.ORG>, "JUDY / LARRY FRENCH" <frenchjudy@sbcglobal.net>, "Steve Garcia" <Garciahouse@sbcglobal.net>, "Hank / Polly Hoffman" <capolly7@aol.com>, "Glen / Lucille Hoffman" <queenbeelucy@hotmail.com>, "LEIF / MICHELLE JULIUSSEN"

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 Date: Sunday, November 15, 2009, 12:21 PM

Mr. O'Brien, His Fellow Supervisors and Supervisor Staff Aides:

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Respectfully Submitted,

H.A. Moran

Coordinator for the Rivendell Hollow Neighborhood Watch Group and  
Property Owner in Rivendell Hollow Subdivision-Oakdale, California

and day care) in the event any study errors have occurred.





BOARD OF SUPERVISORS  
2009 DEC -4 A 8:47

**ConAgra Foods, Inc.**  
**Specialty Group**  
554 S. Yosemite Avenue  
Oakdale, CA 95361

TEL: 209-847-0321  
FAX: 209-848-7386

December 2, 2009

Ms. Vicki Jones, MPA, REHS  
Sr. Resource Management Specialist  
Stanislaus County Department of Environmental Resources  
3800 Cornucopia Way, Suite C  
Modesto, CA 95361

RE: ConAgra Foods, Oakdale Food Processing By-Product Reuse Application

Dear Ms. Jones:

As you know, the ConAgra Foods food processing facility in Oakdale, CA., applied for a *Stanislaus County Food Processing By-Product Use Permit* to place food processing by-products on appropriately designated farmland. Land application of the food processing by-products on local farmland as a soil amendment constitutes a beneficial reuse of this material and diverts it from the local landfill.

ConAgra Foods and our Oakdale facility also care deeply about our relationship with the local community. During this process, we've listened closely to people's concerns. We've worked side-by-side with the County's Department of Environmental Resources (DER) to answer resident's questions. All along, we've worked hard to find solutions that meet the community's needs and allow us to successfully run our business.

That is why, based on community input and additional analysis, we are amending the permit application to remove the following three parcels adjacent to the City of Oakdale, specifically those parcel numbers near Crane Road and Walnut Street.

1. 063-005-004
2. 063-006-001
3. 063-004-030

This is not an easy decision based on the needs of our business. However, in speaking with the DER, government officials and community members, we believe this decision is an act of good faith and an indication of our commitment to the community. It's important to reiterate that we don't believe any placement of the materials on local farmland will create nuisances in the community, and that the project is completely in line with Section 9.88.010.E, Title 9, Chapter 9.88 of the Stanislaus County Health and Safety Code. This code has provisions to protect the environment, prevent nuisance conditions, and ensure ConAgra Foods' compliance with regulations and agricultural best management practices.

This project is very important to ConAgra Foods. Thank you again for your time and involvement in this process.

Sincerely,  
**ConAgra Foods**

**Geoff Pyka,**  
**Plant Environmental Engineer**

BOARD OF SUPERVISORS December 3<sup>rd</sup> 2009 ✓

HENDRIK J. BOMER  
2009 DEC -4 P 1:47  
215 FAIRWOOD DRIVE  
OAKDALE CA 95361

TO: Stanislaus County  
Board of Supervisors.

From Hendrik J. Bomer

RE: Con-Agra Sludge Agreement.

Some time ago I wrote a letter of concern to the County regarding the spreading of Settling Ponds Sludge to be spread on fields close to homes in Oakdale.

I recently became aware that Con-Agra has agreed to not apply the sludge on a parcel next to property's in town.

This satisfies my concern.

I operated a Poultry Ranch for 30 years in the Riverbank Area. Dust and smells can be bad and I am more than willing to have some smell in my area especially if it can save jobs, keep a business in town. I discussed this with Mr. John Bricchetto. And we are still friends. Agriculture is the most important business in the world because we all like to have 3 meals a day. So please OK the application.

Respectfully Submitted

Hendrik J. Bomer.

POWERPOINT PRESENTATION – 9:15 A.M.

# **ConAgra Foods Application for Permit to Operate a Food Processing By-product Use Site**

Sonya K. Harrigfeld, Director

Jami Aggers, Assistant Director

Vicki Jones, Sr. Resource Management Specialist

Department of Environmental Resources

December 8, 2009

# Stanislaus County Food Processing By-product Use Program History

- In the 1970's, food processing by-products generated in Stanislaus County were landfilled
- This created many fly, mosquito, and odor nuisances as well as operational problems at the landfill

# Food Processing By-product Use Program History – Cont'd

- The Food Processing By-product Use Program (Program) was begun more than 30 years ago specifically to address these conditions
- Since this time, numerous sites have been subject to the California Environmental Quality Act (CEQA) process and have been permitted to operate and regulated by the Department

# Food Processing By-product Use Program History – Cont'd

- The Program currently has 15 permitted sites, of which 12 are direct-feeding operations, 1 is a dehydration site, and 2 are land application sites
- During the 30-year history of the Program, the only nuisances that resulted were associated with an ensilaging operation approx. 15 years ago, and that operation was ultimately shut down

# Food Processing By-product Use Program History – Cont'd

- In its 30 years, the Program has diverted over 8 million tons of by-products from disposal
- No other complaints attributable to permitted Program sites have resulted
- Both Department staff and the site operators have gained a tremendous amount of knowledge
- Proven, successful track record



# About ConAgra Foods

- ConAgra Foods operates a tomato and bean processing facility in Oakdale, CA
- Steam is used to peel the fruit and heat the product
- Fresh water rinses the fruits and vegetables, moves them through the flumes to the production areas, then is filtered & collected in a 10-acre settling and aeration pond

# Project Proposal

- Food processing by-products are generated through the rinsing/processing of produce
- The by-products include tomatoes, beans, leaves, stems, and soil rinsed from the fruit

# Project Proposal – Cont'd

- By-products and rinse water are deposited into aerated ponds from the processing plant
- By-products are also containerized within a flume box, resulting from flume washing of produce as it arrives to the facility from the trucks

# ConAgra Foods Processing Plant



# ConAgra Foods Tomato Rinse



## Project Proposal – Cont'd

- The largest unlined, aerated facility pond is proposed for dredging activities in order to remove excess tomato and bean plant material and soil rinsed from the produce
- This pond contains a by-product mud slurry that is approximately 60% solids
- There is approximately 10 feet of this material at the bottom of the pond

## Project Proposal – Cont'd

- The pond contains approximately 20,000 dry tons of by-product mud, displacing needed space in the pond for rinse water discharged from the ConAgra facility
- Approximately 3 to 5 feet of by-product mud is anticipated to remain on the bottom of the pond as a natural liner

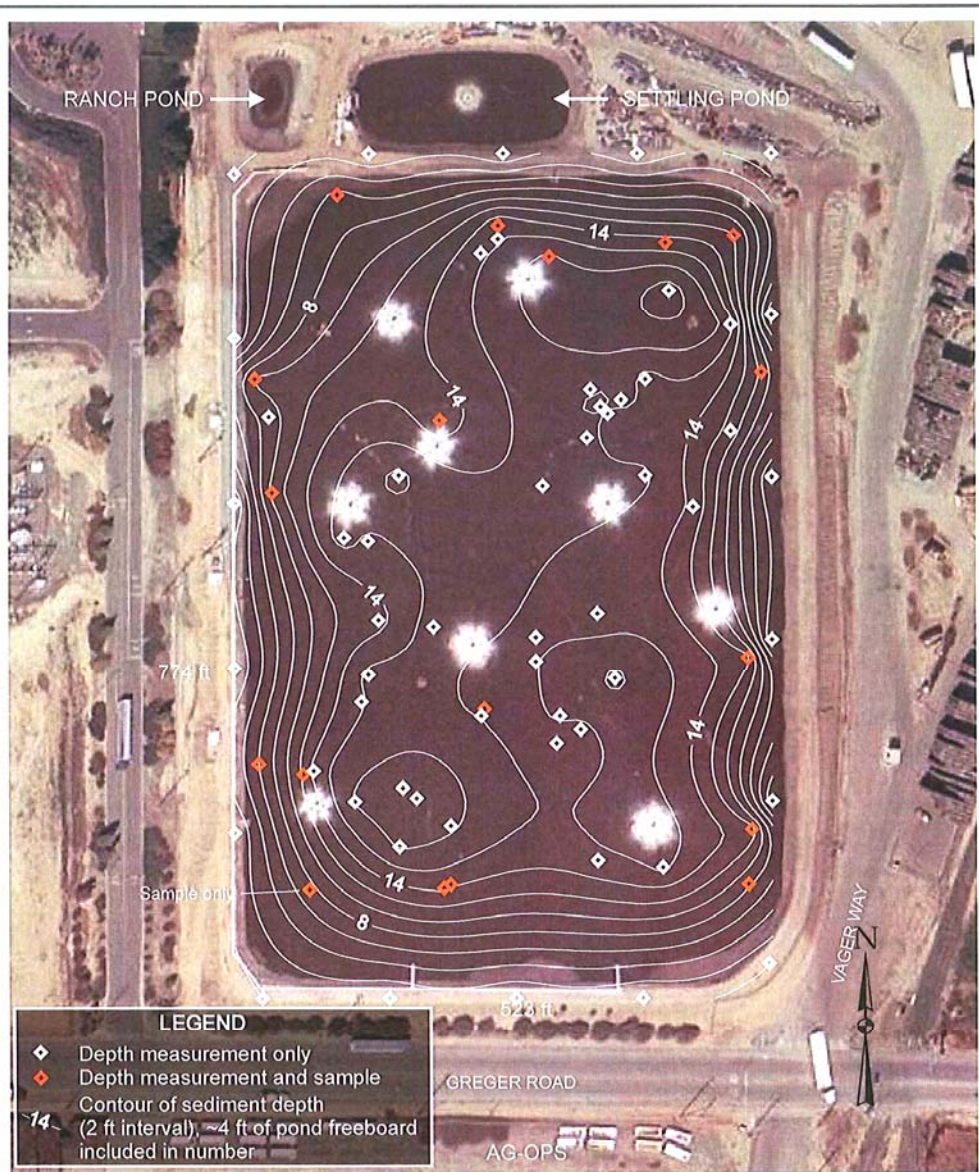
## Project Proposal – Cont'd

- By-product mud is proposed to be removed from the project pond, but not all at one time
- A centrifuge may be utilized and a polymer may be added to increase the liquid-solid separation process during dredging activities
- The polymer is safe for use on farmland soils, and completely degrades within 72 hours



## Project Proposal – Cont'd

- By-product mud that is collected at the flume box consists of approximately 25% solids
- By-product rinse mud from the flume box may be utilized as a soil amendment each tomato season
- Limiting factors will vary during mud removal and land application, and may either be based on the maximum number of truckloads allowed by this proposal or by the most recent agronomic rates calculated



## ConAgra Facility Ponds located at 554 S. Yosemite Avenue, Oakdale

The largest pond pictured is the  
**ConAgra Aerated Mud Pond**,  
where dredging activities are  
proposed

**Dunn**  
ENVIRONMENTAL, INC.

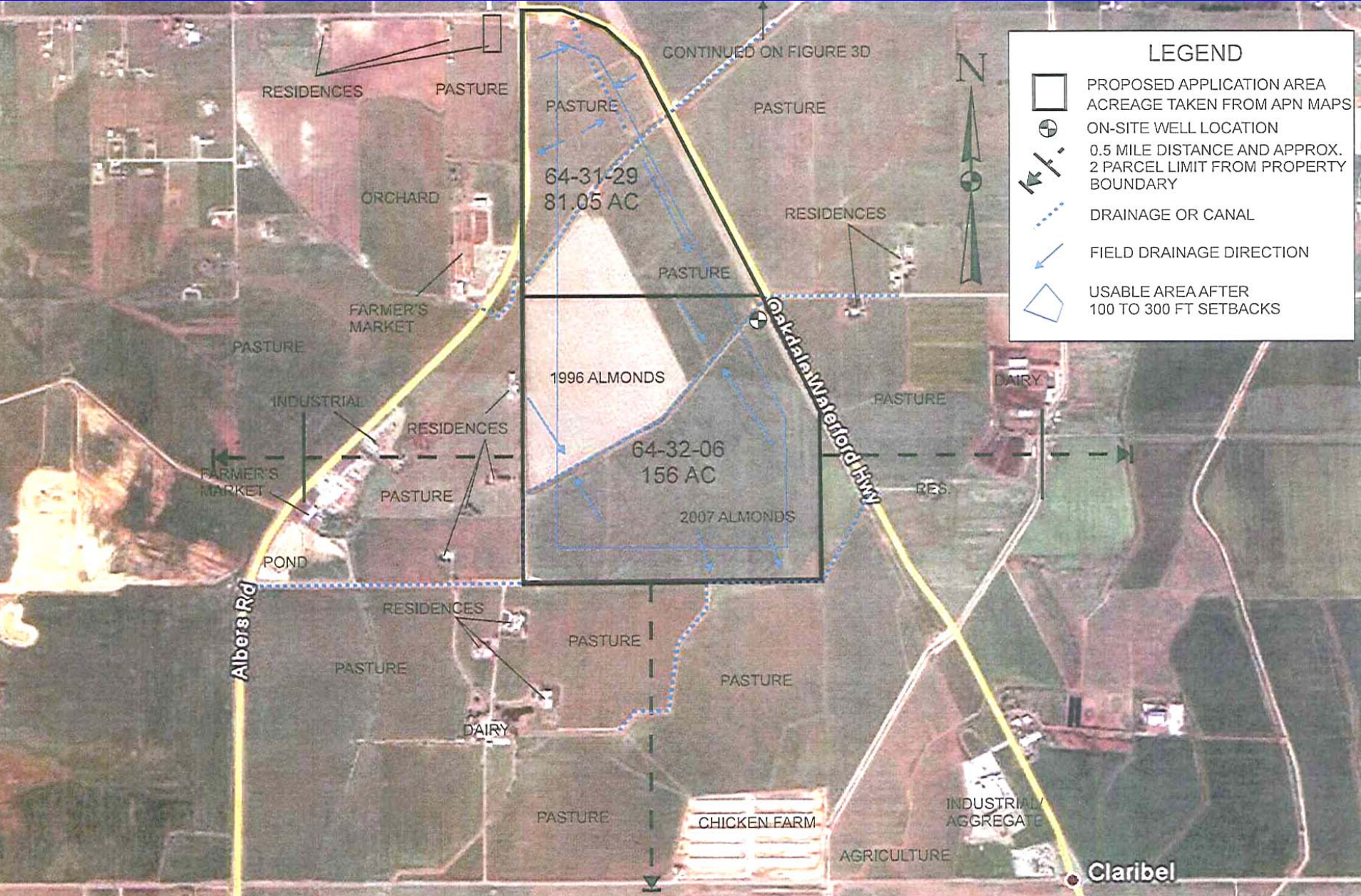
DATE: 10/29/2007  
SCALE: 1"=120'  
PROJECT NO: 102-15  
DRAWN: MM  
CHECKED: PFD  
FIGURE: 2

AERATED POND SAMPLING AND  
MUD DEPTH MEASUREMENT CONTOURS  
CONAGRA FOODS, INC  
STANISLAUS COUNTY, CALIFORNIA

# Project Proposal – Cont'd

- The project will spread, dry, and incorporate the by-products into soil at 10 ag parcels as a soil amendment
- With required 100-foot, 150-foot, or 300-foot setbacks, approx. 813 usable acres are proposed for land-application of the by-products
- Subject parcels consist mostly of tree crops, and oats

# Proposed Land Application Parcels: S. Yosemite Ave., Oakdale APNs 064-031-029 and 064-032-006

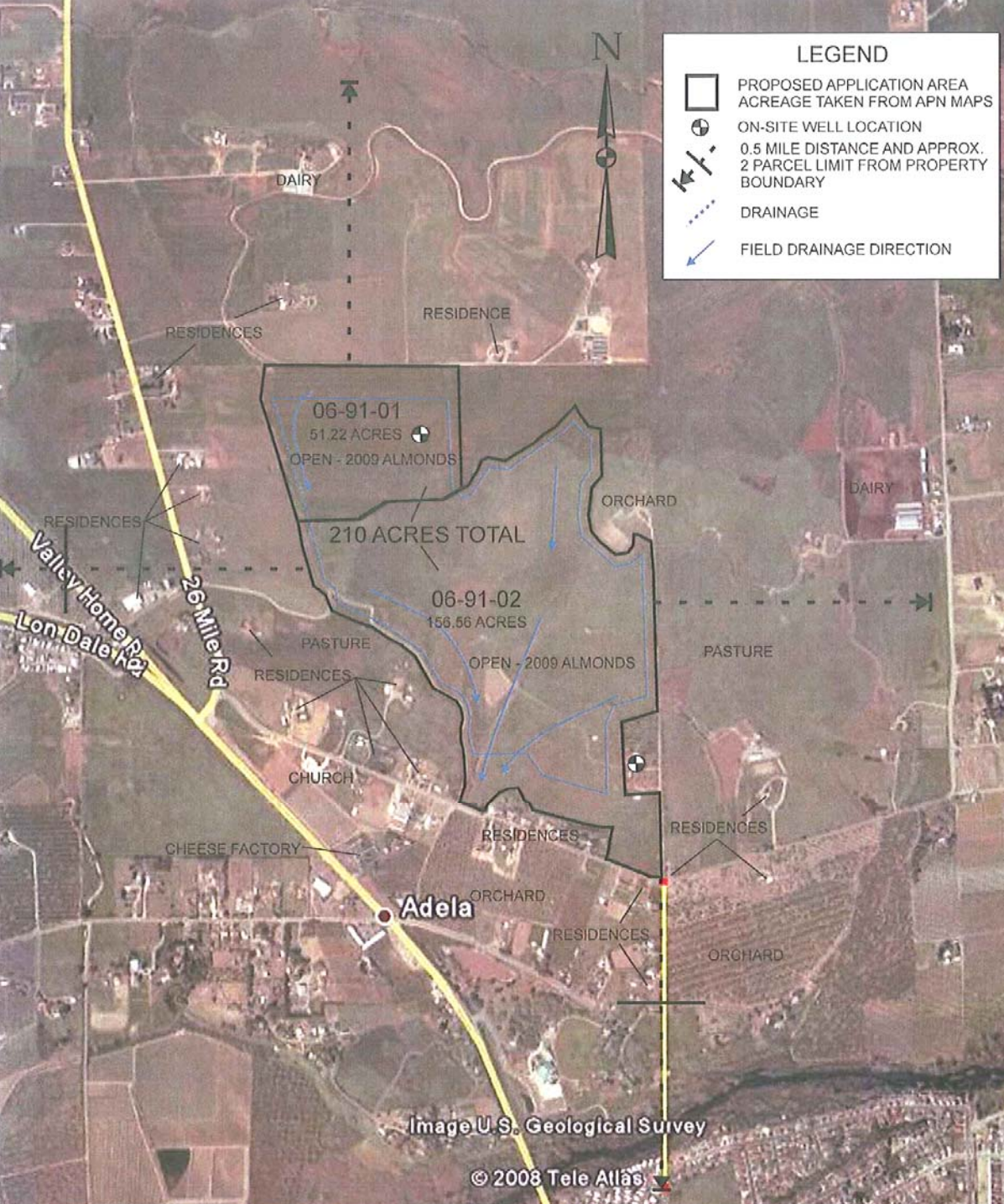


# LEGEND

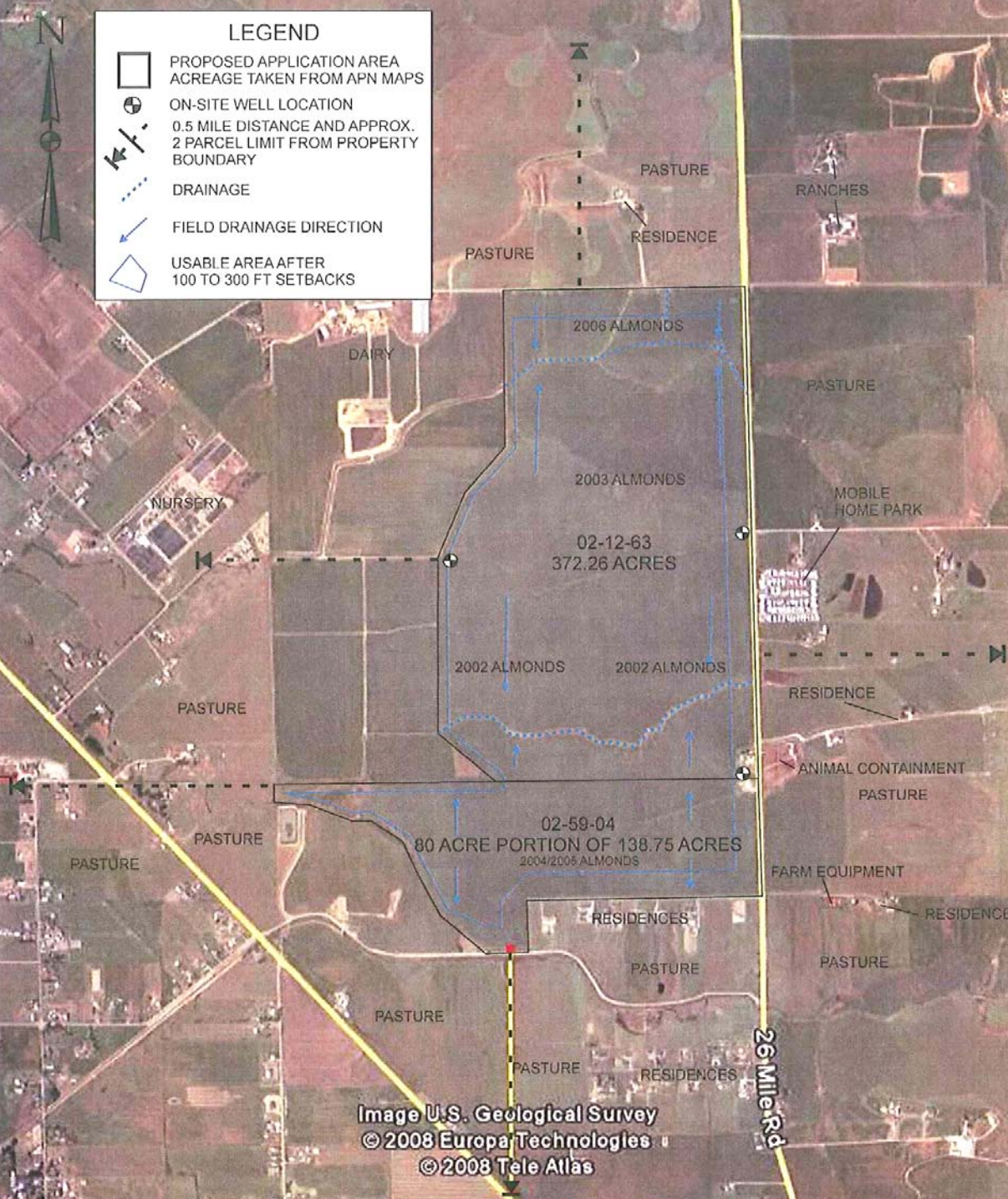
- PROPOSED APPLICATION AREA  
ACREAGE TAKEN FROM APN MAPS
- ⊕ ON-SITE WELL LOCATION
- ↔ 0.5 MILE DISTANCE AND APPROX.  
2 PARCEL LIMIT FROM PROPERTY  
BOUNDARY
- ⋯ DRAINAGE OR CANAL
- ↘ FIELD DRAINAGE DIRECTION
- ◊ USABLE AREA AFTER  
100 TO 300 FT SETBACKS



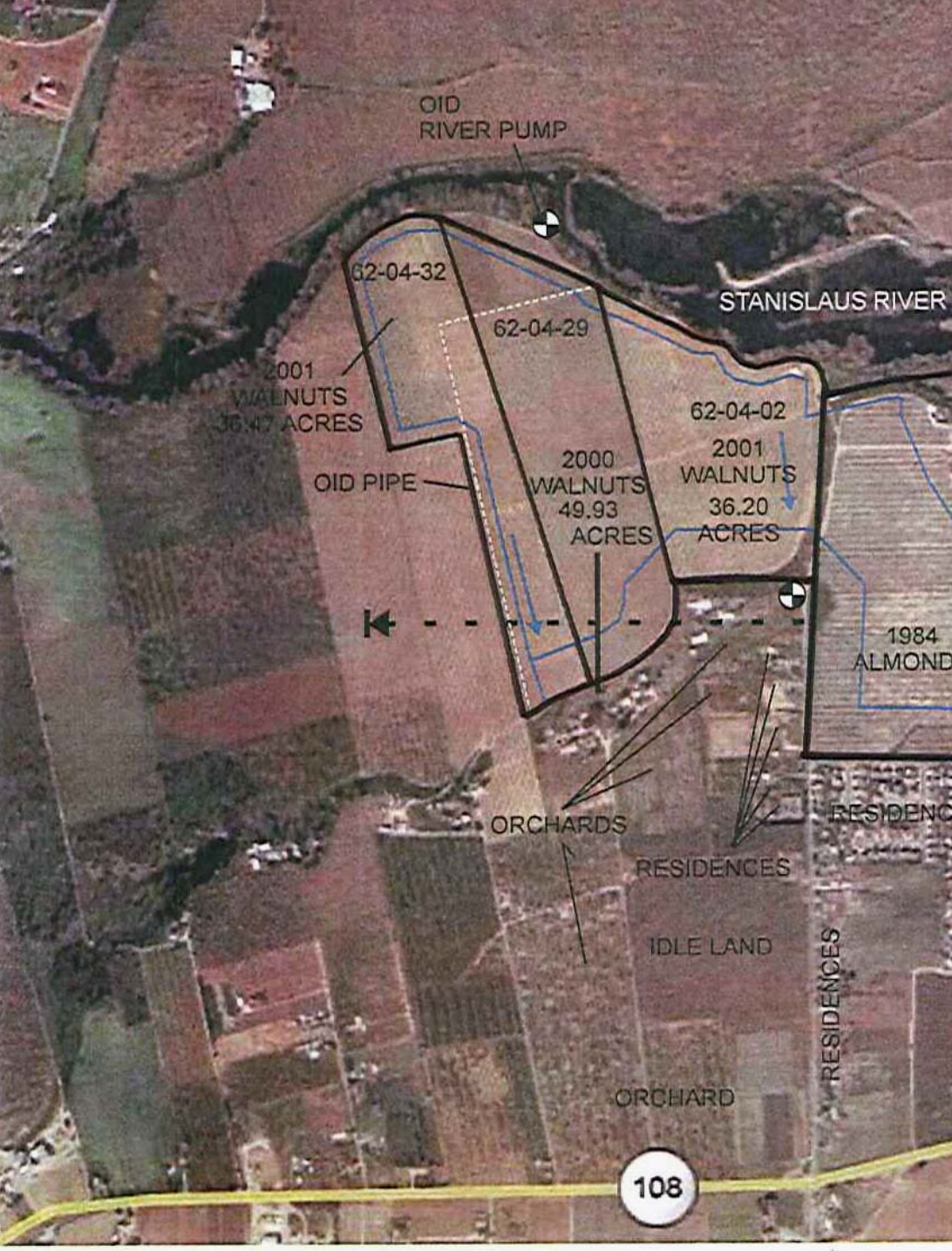
Proposed Land  
Application Parcel:  
S. Yosemite Ave.,  
Oakdale  
APN 064-031-028



Proposed Land  
Application Parcels:  
7971 Gilbert Rd. and  
Gilbert Rd., Oakdale  
APNs 006-091-004  
(formerly 006-091-001)  
and  
006-091-002



Proposed Land Application Parcels:  
 12019 26 Mile Rd.,  
 Oakdale and 26 Mile Rd., Valley Home  
 APNs 002-012-063  
 and 002-059-004



Proposed Land  
Application Parcels:  
Brady Rd. and  
Crane Rd., Oakdale  
APNs 062-004-032,  
062-004-029, and  
062-004-002



# Nutrient Value of the ConAgra By-products

- Mr. Terry Prichard, Professional Agronomist, was consulted to determine agronomic rates for these by-products
- The by-products contain usable total nitrogen, available phosphorous, and available potassium
- The by-products do not contain elevated levels of metals, and pesticides were not detected

# Nutrient Value of the ConAgra By-products – Cont'd

- Agronomic rates for land application of by-products will be modified as data warrant
- By-product application for tree crops is limited by total nitrogen
- By-product application for oats is limited by available potassium

# Application Summary Based on Agronomic Rates

Application Summary  
Trees limited by N, Oats limited by K  
ConAgra, Oakdale

|   | Total N   | Available Phosphorus | Available Potassium                               | DTPA Copper | DTPA Nickel |
|---|---|----------------------|---|-------------|-------------|
| <b>Walnuts/Almonds - Maximum lbs/ac/yr</b>    | 130 lbs/ac/year                                   | 60 lbs/ac/yr         | 60 lbs/ac/yr                                      | 1 lb/ac/yr  | 1 lb/ac/yr  |
| Tons of Wet Waste Allowable/ac/yr*            | 55.3  | 636                  | 59.6  | 449         | 407         |
| Tonnage/Loads for 80 acres of Walnuts/Almonds | Approximately 4,400 tons, 480 loads (9 ton loads) |                      |   |             |             |
|   |   |                      |   |             |             |
| <b>Oats - Maximum lbs/ac/yr</b>               | 160 lbs/ac/year                                   | 60 lbs/ac/yr         | 60 lbs/ac/yr                                      | 1 lb/ac/yr  | 1 lb/ac/yr  |
| Tons of Wet Waste Allowable/ac/yr*            | 68.1  | 636                  | 59.6  | 449         | 407         |
| Tonnage/Load for 40 acres of Oats             |   |                      | Approximately 2,360 tons, 260 loads (9 ton loads) |             |             |
|   |   |                      |   |             |             |

Based on an average moisture of 32.2%

# By-product Mud Findings

- Dunn Environmental has conducted two sampling events, in 2007 and 2009, to characterize the aerated pond mud
- Field and laboratory findings indicate the by-product mud is non-hazardous
- Pond mud is under anaerobic conditions, so odors have been significantly reduced
- All lab results, including metals, are well below the State-specified criteria for compost material use and below regulatory levels of concern



# Sampling Constituents

## FOOD PROCESSING BY-PRODUCTS PROGRAM SAMPLING AND TESTING GUIDELINES

### LAND APPLICATION SITES

Sample and analyze for the following constituents in:

| Soil (units)  | By-product (units)                              | Plant Tissue (units) *   |
|---|---|--|
| Total nitrogen (%)  | Moisture (%)                                    | Moisture (%)   |
| Total organic carbon (%)  | Total nitrogen (%)                              | Total Kjeldahl nitrogen (%)  |
| Sodium <sup>a</sup> (mg/L)  | Total organic carbon (%)                        | Sodium (%)   |
| Chloride <sup>a</sup> (mg/L)  | Sodium (mg/kg)                                  | Chloride (%)   |
| Potassium <sup>a</sup> (mg/L)   | Chloride (mg/kg)                                | Potassium (%)  |
| Calcium <sup>a</sup> (mg/L)   | Potassium (mg/kg)                               | Calcium (%)  |
| Magnesium <sup>a</sup> (mg/L)   | Calcium (mg/kg)                                 | Magnesium (%)  |
| Available phosphorus – Olsen (mg/kg)  | Magnesium (mg/kg)                               | Phosphorus (%)   |
| Saturation paste extracts shall be analyzed for pH  | Phosphorus (mg/kg)                              | *Further tests for B, Cu and Zn needed when plant toxicity symptoms observed on the site |
| Saturation paste extracts shall be analyzed for soluble salts - Electrical conductivity @ 25°C (µmhos/cm) | pH  |  |
| Nitrate-nitrogen (mg/kg)  | Electrical conductivity @ 25°C (µmhos/cm)<br>EC |  |
| Ammonium-nitrogen (mg/kg)   | Total solids <sup>b</sup> (mg/kg)               |  |
| Buffer pH   | Fixed solids <sup>b</sup> (mg/kg)               |  |
| Exchangeable Sodium Percentage<br>ESP   | Volatile solids <sup>b</sup> (mg/kg)            |  |
| Cation exchange capacity<br>CEC   |   |  |
| Sodium Adsorption Ratio<br>SAR  |   |  |

<sup>a</sup>Analysis performed in saturation paste extracts

- In addition to the constituents required by the Program as shown, Total and DTPA CAM 17 metals will be tested for aerated pond mud samples to monitor for toxicity

# Sampling Constituents – Cont'd

- Sampling and analysis of pond mud: one sample collected for every 100 tons of material, or up to three times per week
- For rinse mud from the flume box: one sample for every 10 truckloads
- Samples will be accompanied by a proper Chain of Custody and submitted to a laboratory for the required analyses

# Project Frequency Proposed

- If full-scale dredging is utilized at the aerated pond, truck traffic and land application may occur over a 24-hour period and up to a 3-week duration, however, this would occur one time only
- If intermittent dredging is utilized or seasonal rinse mud removal activities occur, typical hours of operation would be from 6:00 a.m. to 6:00 p.m., 7 days a week

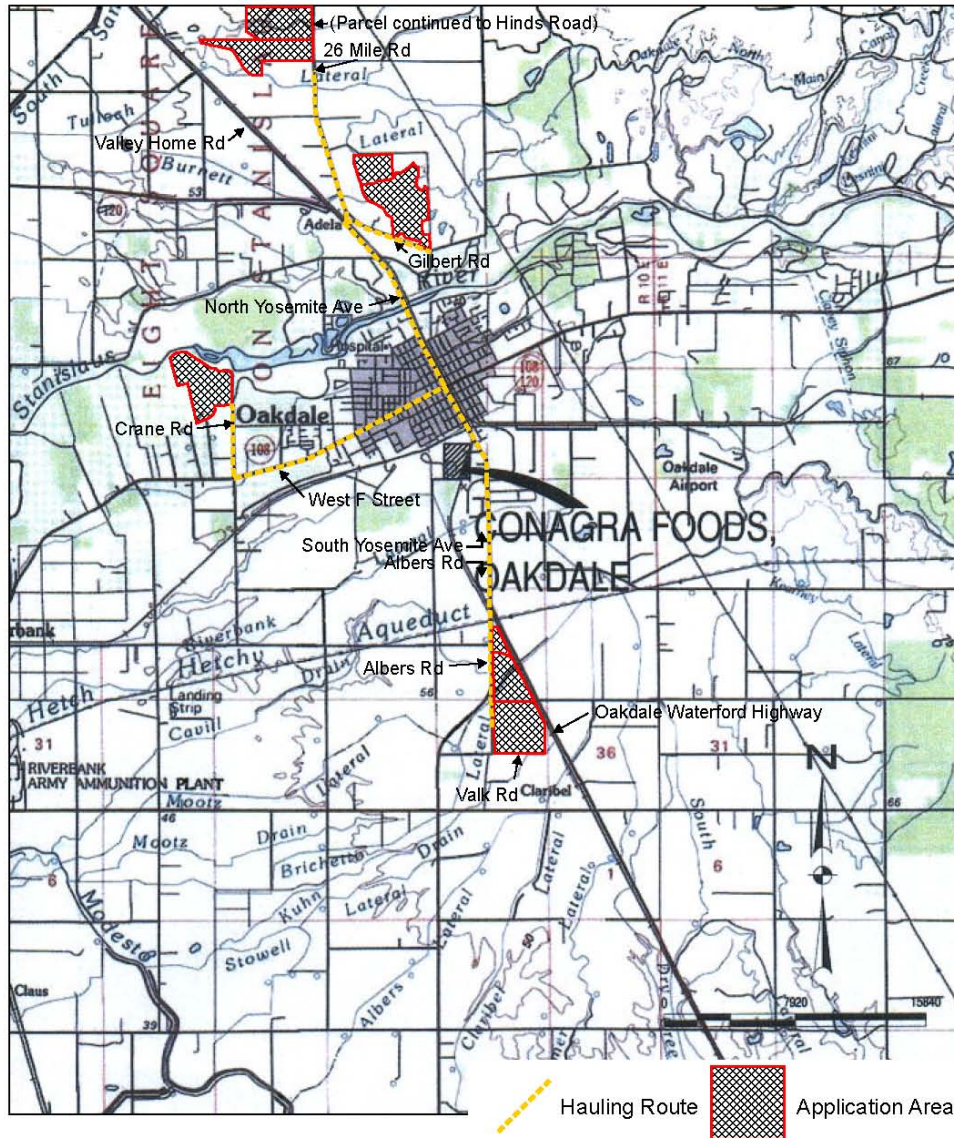
# Project Frequency Proposed – Cont'd

- Aerated pond mud quantities generated will range from 12 truckloads per day (intermittent dredging and flume box/rinse mud removal), up to a maximum of 50 truckloads per day (3-week full-scale dredging operation)
- Land application would occur during the spring and fall months for mature trees, and typically during summer months for young trees



# By-product Transport

- Open-top truck tank containers or in roll-off bins
- Container bottom and side floors will be watertight
- Loads will be covered as necessary
- Truck engines will be shut off during loading
- If spillage occurs on roadways, it will be cleaned by either the hauler or ConAgra Foods



# Site Map and Hauling Routes

# Land Application Process

- Mud spreading will occur within 24 hours of delivery onto the ground at the subject sites
- The landowner will spread the material using a manure spreader
- By-products will be incorporated into the soil within 48 to 72 hours, after a period of initial drying, in order to prevent nuisance conditions

# Inspections

- At project initiation, inspections will be made daily to ensure compliance
- Conducted at least weekly during tomato season (July - October)
- Conducted to prevent nuisance conditions and impacts to groundwater and surface water quality

## Inspections – Cont'd

- During the off-season, site inspections will be conducted at a minimum on a monthly basis depending upon volume hauled, if permitted operations occur (November -June)
- Contingency plans or new permit conditions will be implemented if found necessary

# Contingency Plans

- ConAgra's Plan of Operation addresses nuisance conditions in the event of excess liquid, excessive noise, dust, objectionable odors, flies, mosquitoes or vectors, or severe inclement weather
- If found necessary, the Dept can modify permit conditions to eliminate, reduce, or ameliorate any condition that adversely affects public health, safety or welfare (County Ordinance Code)

# CEQA Process

- Public agencies, the State Clearinghouse, nearby property owners, and citizens were noticed regarding this project as required by CEQA
- A 30-day public review period was provided, from July 15, 2009, through August 13, 2009
- A public meeting was held at the Stanislaus County Oakdale Library on July 21, 2009, to provide the public an additional opportunity to ask questions and offer comments

## CEQA Process – Cont'd

- Approximately 65 people attended the meeting
- Concerns were expressed regarding potential odors, nuisances, truck traffic, prevention of spills, moisture content of the material, set-backs, toxicity of the material, amount of material to be removed and land-applied, run-off from the material, and air quality



## CEQA Process – Cont'd

- Attendees of the meeting were encouraged to provide comments in writing
- 31 public comment letters were received during the 30-day public review period
- Of the 31 letters, 6 provided either support for the project or noted there were no specific comments regarding the project

## CEQA Process – Cont'd

- The remaining 25 letters expressed concerns which mirrored the comments received at the public meeting
- Written responses to the 31 letters have been drafted by Department staff and are provided as Appendix 1 of the Final Negative Declaration document

## CEQA Process – Cont'd

- At the time the public hearing was set, a Notice of Public Hearing was provided to those who submitted written comments, or who made a written request for a notice

# Addendum to the Plan of Operation

- No significant impacts were identified during the public review period
- An Addendum was submitted by ConAgra to provide project clarification to address concerns written in a letter by the San Joaquin Valley Air Pollution Control District (SJVAPCD)
- The Addendum also provides clarification regarding initiating the project first on the most rural parcels, and includes discussion of sampling efforts and justifications

# Project Modification

- Following discussions with ConAgra, they have voluntarily withdrawn the 3 parcels from the Project that adjoin residences adjacent to the City limits
- ConAgra's letter regarding this project modification was mailed to the 31 parties that submitted written comments on December 3rd

## Project Modification – Cont'd

- While there is no environmental or scientific basis for the removal of these 3 parcels, the Dept. concurs with ConAgra's decision to make this modification in order to maintain its good neighbor standing in the community

# Staff Recommendation

- Staff recommends that the Board adopt a Negative Declaration for the ConAgra application for a Permit to Operate a Food Processing By-product Use Site

Questions?