

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

DEPT: Environmental Resources

BOARD AGENDA # 9:05 A.M.

Urgent Routine

AGENDA DATE April 6, 2010

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Public Hearing to Consider Adopting a Negative Declaration for the JND Thomas Co., Inc., Application for Permit to Operate a Food Processing By-product Use Site

STAFF RECOMMENDATIONS:

1. Conduct Public Hearing to consider adoption of a Negative Declaration for the JND Thomas Co., Inc., 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. 2010-196

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

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DISCUSSION:

Background

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 "A8"). 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 "A11."

On December 8, 2009, following a public hearing, the Board approved an application from ConAgra Foods in Oakdale for a Permit to Operate a Food

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Processing By-product Use Site (Permit to Operate) to land apply food processing by-products generated by their facility. Subsequently, the Department received an additional application from JND Thomas Co., Inc., for a Permit to Operate in order to land apply of the same food processing by-products ConAgra has been permitted to use on local farmland, as outlined below.

JND Thomas' Application/Proposal

JND Thomas Co., Inc., is requesting approval to reuse food processing by-products generated by the ConAgra Foods tomato and bean processing facility located at 554 S. Yosemite Avenue, Oakdale. The Permit Application is included as Attachment "A3." Their application also includes a Plan of Operation (Plan), which is included in Attachment "A4."

The ConAgra facility 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 two 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 and soil types for the subject locations are included as Attachment "A5."

The two subject land application parcels, 1(a) and 1(b), total approximately 1,056.7 acres. With the 100-foot, 150-foot, or 300-foot setbacks required by the Program, subject land application parcels result in approximately 802 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. Parcel 1(a) (APN 015-003-004) consists of oats, but will soon be partially planted with almond trees as well. Parcel 1(b) (APN 015-081-048) consists of oats and young almond trees. The by-product mud may be applied at different rates depending upon the crop type. Please refer to Table 7 on page 37 in the Plan for the "Application Summary."

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Maps of the proposed hauling routes are provided in Attachment "A5." 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 of approximately 50 truckloads per day. The full-time dredging operation will occur one time only; the duration of which would be for an approximate 4-week period in May-June 2010, and an approximate 2-week period in September 2010. The anticipated tonnage per truckload of aerated pond mud is 12 tons. Truck traffic may occur over a 24-hour period and for approximately 6 weeks during the full-time dredging activities to occur in 2010. 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 (typically side dump) and 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.

Spreading will occur within 24 hours of delivery of the by-product mud onto the ground at the subject sites. The applicant will have the by-product mud spread 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 pond by-product mud, JND Thomas Co., Inc., has indicated they may add a polymer to the mud prior to use of a centrifuge or belt press, before land application occurs. 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 "A10."

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. JND Thomas Co., Inc., may create alternate draining/drying areas on-site at the processing plant/pond site when needed, while properly

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containing excess run-off. By-product mud will not be stockpiled on top of bare soil at the ConAgra facility parcels, unless approved by the RWQCB. ConAgra and JND Thomas Co., Inc., will be required to strictly adhere to all applicable rules and regulations of the San Joaquin Valley Air Pollution Control District 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 on pages 13 through 17 of the Plan, and in Tables 3, 4, 5, and 6 on pages 24 through 26 of the Plan). Initial Study Reference sections 4 and 5 contain pesticide results and additional metals analytical data collected in 2007 and in 2009 to further evaluate the potential for chronic toxicity concerns, which are included as Attachments "A6" and "A7," respectively. No concerns for chronic toxicity have been identified. ConAgra has also provided a "No Known Risk" declaration letter, which is included in the Plan on page 8. 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 "A9."

Contingency plans have been included on pages 3 and 4, and in Section 4.2 of the 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 will be used as warranted. 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 land 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 rain 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 Sections 1.2 and 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 30th 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. At project initiation, anticipated in May 2010, the Department would conduct daily inspections until it is determined that project compliance with Program requirements is maintained.

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 an informational presentation to the Stanislaus County Environmental Review Committee on January 13, 2010. 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 January 11, 2010, 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

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mail as required by CEQA. A copy of the Notice is provided as Attachment "A1." The Notice provided a 30-day comment period from January 13, 2010, through February 11, 2010, and was published in the Oakdale Leader, as required by CEQA, on January 13, 2010.

The Notice together with the Oakdale Leader-published newspaper notice also served to inform the public that a public meeting regarding the project was scheduled for Wednesday, January 20, 2010, at 6:00 p.m., at the Gene Bianchi Community Center in Oakdale. 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 JND Thomas Co., Inc., project, and approximately seven people were in attendance, not including presenters and project proponents. Concerns were expressed regarding potential odors, nuisance conditions, 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. Questions presented by the public were answered during the public meeting. Attendees were 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 the recording is currently kept on file.

Also at the public meeting, Bill Hubkey with the South San Joaquin Irrigation District (SSJID) expressed concerns regarding stormwater run-off to Woodward Reservoir; a topic which was further explored during a follow-up meeting held on February 3, 2010, at the nearby Nick C. DeGroot Water Treatment Plant on Dodds Road in Oakdale. As a result of this meeting, the project applicant voluntarily requested removal of the three project parcels located adjacent to and near Woodward Reservoir as follows: Parcel 3(a) APN 002-009-005, Parcel 3(b) APN 002-021-011, and Parcel 3(c) APN 002-021-048. Please refer to Addendum 1, dated February 9, 2010, to view the written request to remove the three subject parcels which is included as Attachment "A12." These parcels were removed from the project in an effort to maintain a good neighbor status with SSJID without impacting the scientific validity of the project.

A total of eighteen (18) letters were received during the 30-day public review period, and have been included in the Final Negative Declaration document as Appendix 1, Attachment "A14." Ten (10) of the 18 letters were either in support

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of the project, or noted there were no additional comments to provide regarding the project based on the expertise of the author. In total, eight (8) comment letters expressed concerns about the proposed project. In summary, the majority of written public concerns include the potential for the following:

- Excessive odors
- Excessive flies, mosquitoes, rodents, and other pests or vectors
- Air quality impacts
- Toxicity
- Disturbance or destruction of habitat
- Stormwater run-off contamination
- Increased traffic/pot holes
- Spillage from trucks
- Dust
- Excessive noise
- Well water/groundwater contamination
- Maintaining setbacks

Written responses to the 18 comment letters are provided in Appendix 1 as Attachment "A14." In addition, Addendum 2 provides written clarifications submitted by the project proponent regarding concerns verbally provided to Department staff by Patrick Dunn, P.G., and is included as Attachment "A13." No significant impacts were identified throughout the CEQA process that could not be adequately mitigated.

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.

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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



Stanislaus County

Department of Environmental Resources

3800 Cornucopia Way, Suite C
Modesto, California 95358

Phone: (209) 525-6700
Fax: (209) 525-6774

CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, October 26, 1998

1. **Project title:** JND Thomas Co., Inc., Application for Permit to Operate a Food Processing By-product Use Site, to Reuse Aerated Pond Mud and Rinse Mud Food Processing By-products for Land Application as a Soil Amendment
2. **Lead agency name and address:** Stanislaus County
Department of Environmental Resources
3800 Cornucopia Way, Suite C
Modesto, CA 95358
3. **Contact person and phone number:** Vicki Jones, Senior Resource Management Specialist
(209) 525-6710
4. **Project locations:**
Generator of food processing by-products as a soil amendment:
ConAgra Foods, 554 S. Yosemite Ave, Oakdale includes
APNs 063-024-002, 063-024-008, 063-024-009, and 063-024-020
Five parcels proposed for land application:
The five parcels are located in the unincorporated areas of the County, and include
Parcel 1(a): Ellenwood Rd., west side of road, Waterford (also known as 3000 Crow Rd., Oakdale) – APN 015-003-004;
Parcel 1(b): Ellenwood Rd., east side of road, Oakdale (also known as 4000 Ellenwood, Oakdale) – APN 015-081-048;
[Parcel 2: Voluntarily removed from the project]
Parcel 3(a): 28 Mile Rd., east side of road, Valley Home – APN 002-009-005;
Parcel 3(b): Sonora Rd., south side of road, Oakdale – APN 002-021-011;
Parcel 3(c): Frankenheimer Rd., west side of road, Oakdale – APN 002-021-048

ATTACHMENT A2

5. **Project sponsor(s) name and address:** JND Thomas Co., Inc.
Dennis Thomas, President
22052 W. Everett Avenue
Riverdale, CA 93656
6. **General plan designation:** Unincorporated County land application areas:
Agricultural;
The four ConAgra Foods facility parcels are located in Oakdale city limits; general plan designation is industrial.
7. **Zoning:** Unincorporated County land application areas:
A-2-40;
The four ConAgra Foods facility parcels are located in Oakdale city limits; zoning is LM – limited industrial.
8. **Description of project:** Applicant(s) has applied for a Stanislaus County Food Processing By-product Use permit for land application of food processing by-products. This project includes the land-application of food processing by-product mud, consisting of tomato and bean plant material and soil rinsed from the produce, dredged from the ConAgra facility large aerated pond and by-product rinse mud generated from the rinsing of produce prior to processing to be utilized as soil amendments on active farmland and orchards. These activities would be performed and enforced under the Stanislaus County Ordinance, Chapter 9.88, for food processing by-product use. Subject land application parcels total approximately 1,878 acres. With required by-product application setbacks and excluded application area at Parcel 3(c), subject land application parcels total approximately 1,500 usable acres for by-product application. Land application may occur throughout the year. Application of by-product materials would not exceed limits based on agronomic rates for the crops and trees that are planted.

Stanislaus County Food Processing By-product Use Program Overview

The applicant of this project has applied for a permit to operate under the regulations, and imposed conditions, of the Stanislaus County Food Processing By-product Use Program (Program). The Program was developed over 30 years ago in order to prevent and address nuisance conditions and operational problems created by food processing by-products when disposed in our landfills. Since that time, numerous sites have been subject to the California Environmental Quality Act (CEQA) and have been permitted to operate successfully under the regulation of the Department of Environmental Resources (Department).

Over the last 30 years, the Program has diverted more than 8 million tons of food processing by-products from disposal at landfills through reuse of these by-products most commonly as soil amendments or animal feed.

On June 8, 2009, the California Regional Water Quality Control Board issued a letter to the Department that notes the Program, as enforced under the Stanislaus County Ordinance, Chapter 9.88 and associated regulations and Manual of Best Practices, allows food processing by-products to be "beneficially used in an environmentally sound manner." This Program approval letter allows the Program to operate under the *Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge within the Central Valley Region* Resolution No. R5-2008-0182.

Site details

ConAgra Foods Processing Plant/Pond Site: The ConAgra Foods processing plant and aerated pond are located at 554 S. Yosemite Avenue in Oakdale; the APNs are 063-024-002, 063-024-008, 063-024-009, and 063-024-020. Refer to Figure 2 on page 11 of the JND Thomas Co., Inc., Plan of Operation titled, *Aerated Pond and Rinse Mud Disposal Management and Sampling Plan (Plan or Plan of Operation)*² for an aerial view of the site. The processing plant and project aerated pond location is within Oakdale city limits. The ConAgra plant lies between Greger Road to the south, J Street to the north, the north-northeast aligned railroad to the east, and industrial buildings to the west. The administration and production buildings are located at the northeastern section of the site on mostly flat terrain. The unlined aerated main pond (largest facility pond) and unlined aerated settling pond, and concrete-lined ranch pond are located in the southeastern section of the site on a raised area approximately 15 feet higher than the plant and administration areas, with the base of the ponds exceeding 5 feet below natural grade; collectively, this pond system is referred to as the ConAgra Wastewater Treatment Facility. There is a retired flume pond located in the northwestern section of the site that will be converted into a stormwater pond at a later date. Rotoscreens and an unused clarifier are located between the settling pond and the retired flume pond.

Monitoring and Reporting Program (MRP) No. R5-2002-0098 has been implemented under direction of the Central Valley Regional Water Quality Control Board for the land application of aerated pond wastewater as irrigation for pasture land located near the ConAgra processing plant. The wastewater and food processing by-products are generated during the processing of bean and tomato products. Chemicals are not used to process the produce; a steam-peel process currently is, and has always been, utilized at this ConAgra facility. There are six groundwater monitoring wells installed on-site, surrounding the ConAgra Wastewater Treatment Facility. Additional monitoring wells are installed downgradient, located on the irrigated pasturelands. Upgradient monitoring well MW-5 lies on the very northern tip of the plant near the intersection of J Street and Yosemite Avenue. Monitoring well MW-4 is located northwest of the settling and aerated ponds. Monitoring well MW-3 is located to the east of the unused clarifier and alongside the road near the rotoscreens. Monitoring well MW-2 is located near a storage area for tomato paste crates, to the east-southeast of MW-3. Monitoring wells MW-1 and MW-6 are located just south of Greger Road in a designated Ag-Ops area; both are located in the paved area where tomato trucks are stored, near the road. MW-6 is located on the western end and MW-1 is located closer to the eastern end of the Ag-Ops area.

Major soil types (>10% of acreage) for the ConAgra processing plant and pond parcels include Delhi loamy sand, Dinuba fine sandy loam, Hanford sandy loam, and Snelling sandy loam. Minor soil types (<10% of acreage) include Madera sandy loam, Montpelier coarse sandy loam, San Joaquin sandy loams, and Whitney sandy loams. Slopes for these soil types range from 0%-15%. Drainage for these types ranges from moderately well drained to somewhat excessively drained. The planned 3-acre stormwater pond and the existing ConAgra Wastewater Treatment Facility are predominately Snelling sandy loam, and the retired flume pond area is comprised mostly of Delhi sandy loam. The administration and production plant buildings are underlain primarily with Hanford sandy loam and Delhi loamy sand.

See Section 4.1 of the Plan² for additional details regarding the following land-application sites.

Parcel 1(a): Ellenwood Rd., west side of road, Waterford (also known as 3000 Crow Rd., Oakdale) – APN 015-003-004: This is an estimated 749-acre parcel proposed for land-application of food processing by-products. With Ordinance-imposed setbacks, there are approximately 552 usable acres for land-application. Currently, oats are grown on this parcel. It is anticipated that almond trees will be planted in 2010. To the south, there are approximately 15 residences, two orchards, one dairy, one chicken ranch, and farmland. To the east, there are walnut and almond orchards and farmland. To the north, there is a vineyard, an almond orchard, three residences, and farmland. To the west, there is one residence and rural land. The dominant soil types are Whitney and Rocklin sandy loams (well drained).

Parcel 1(b): Ellenwood Rd., east side of road, Oakdale (also known as 4000 Ellenwood, Oakdale) – APN 015-081-048: This is an estimated 307.7-acre parcel proposed for land-application of food processing by-products. With Ordinance-imposed setbacks, there are approximately 250 usable acres for land-application. This parcel consists of oats. There is farmland to the south. There is farmland and a vineyard to the east. There are almond orchards to the north. To the west, there are two almond orchards and approximately 11 residences. The dominant soil type is Greenfield sandy loam (well drained).

Parcel 3(a): 28 Mile Rd., east side of road, Valley Home – APN 002-009-005: This is an estimated 79.5-acre parcel proposed for land-application of food processing by-products. With Ordinance-imposed setbacks, there are approximately 67.5 usable acres for land-application. This parcel consists of oats. Woodward Reservoir is located to the south. To the east and southeast, there is farmland consisting of oats at Parcels 3(b) and 3(c). To the north, there is an orchard and a residence. To the west, there is farmland and Woodward Reservoir. The dominant soil type is Peters-Pentz association (well drained).

Parcel 3(b): Sonora Rd., south side of road, Oakdale – APN 002-021-011: This is an estimated 303.7-acre parcel proposed for land-application of food processing by-products. With Ordinance-imposed setbacks, there are approximately 258 usable

acres for land-application. This parcel consists of oats. Subject Parcel 3(c) is located to the south. To the east, there is farmland. Farmland and one residence are located to the north. To the west, there is an orchard and two residences. The dominant soil type is Pentz-Peters association (well drained).

Parcel 3(c): Frankenheimer Rd., west side of road, Oakdale – APN 002-021-048: This is an estimated 438.9-acre parcel proposed for land-application of food processing by-products. With Ordinance-imposed setbacks, there are approximately 373 usable acres for land-application. This parcel consists of oats. To the south, there is farmland. To the east, there is farmland and an orchard. Subject Parcel 3(b) is located to the north. To the west, there is Parcel 3(a), farmland, and Woodward Reservoir. The dominant soil type is Peters-Pentz association (well drained).

The Stanislaus County Ordinance, Chapter 9.88⁶, requires the following setbacks for by-product application areas:

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

Dredging, hauling, and land application details

The aerated ponds contain tomato and bean plant residue and soil, a by-product slurry of 60% solids that has settled out from the plant's processes and wastewater discharge, which is referred to as "aerated pond mud" in the Plan². Flume wash by-product tomato and bean plant and soil residue is referred to as "rinse mud" in the Plan². Collectively, the aerated pond mud and the rinse mud are referred to as "by-product," "by-product mud" or "mud" within the Plan² and this document. Both types of by-product mud will be utilized as a soil amendment at the above five proposed land application project locations. The by-product mud does not contain hazardous wastes. Sampling and analysis of metals have been performed at the ConAgra Wastewater Treatment Facility ponds, at the retired flume pond, and of the rinse mud; laboratory results are reported below levels of concern in Tables 2 and 3 on pages 13 and 14 of the Plan², and Tables 3,4,5, and 6 on pages 24, 25 and 26 of the Plan².

Maintenance dredging will be performed to excavate and remove excess by-product mud from the largest unlined aerated facility pond. There is approximately 10 feet of material at the bottom of this 10-acre pond, and it is anticipated that 3-5 feet of by-product mud will be left on the bottom of the pond as a natural liner. This pond contains approximately 20,000 dry tons of by-product material, displacing needed space for produce rinse water discharged from the ConAgra facility. Approximately 10,000 to 12,000 dry tons, or approximately 75,000 cubic yards, of by-product mud is proposed for removal from this pond during 2010. ConAgra Foods, a separate applicant, has recently been approved to land-apply the food processing by-product mud at ten agricultural parcels on approximately 813 usable acres in Oakdale, CA under a Negative Declaration adopted by the Stanislaus County Board of Supervisors on December 8, 2009.

An ANSI/NSF-approved polymer (anionic polyacrylamide) may be added to the by-product mud prior to land application to assist with the liquid-solid separation process; this polymer completely degrades within 72 hours of introduction to the by-product mud. With addition of a polymer and use of centrifuge or belt press, there may be as low as 32% moisture in the pond mud that is hauled to the subject parcels for land application. The maintenance dredging activities that will take place at the ConAgra Wastewater Treatment Facility ponds are categorically exempt from CEQA under Section 15304 (g) when "the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies." The dredging processes described within this document are provided as supplemental information to the land application operations and are not regulated by the Department of Environmental Resources.

Some stockpiling of aerated pond mud will take place within the aerated pond and above the pond water level to drain excess liquid from the mud before hauling off-site. JND Thomas Co., Inc. may create alternate draining/drying areas on-site at the processing plant/pond site when needed, properly containing excess runoff, to minimize liquid impacts during hauling and land-application at the designated fields and orchards. By-product mud will not be stockpiled on top of bare soil at the ConAgra facility parcels, as these parcels will not be approved for land discharge regulated by permit under the Stanislaus County Ordinance, Chapter 9.88⁶.

Depending on the time period in which the aerated pond mud will be dredged and land-applied, tonnages hauled, frequency of hauling, and land-application activities will vary. Aerated pond mud quantities generated will range from 12 truckloads per day

for intermittent dredging, up to a full-time dredging operation at approximately 50 truckloads per day. The anticipated tonnage per truckload of aerated pond mud is 12 tons per truckload. Truck traffic may occur over a 24-hour period and up to an approximate 4-week duration in May-June 2010, to occur after oat harvest, and an approximate 2-week duration in September 2010 for the full-time dredging operation, for a total of approximately 6 weeks. However, typical frequency for the intermittent dredging operation for pond maintenance is anticipated to occur no more often than on an annual basis. Typical hours of operation for the intermittent dredging operation may occur from 6AM to 6PM, seven days a week over the majority of the year.

Application of by-product mud in project orchards is most likely to occur during the spring, or in fall months after harvest. Application of by-product mud to land where oats are grown may occur any time during the year, depending when the oats will be planted.

Rinse mud is an undiluted semi-liquid slurry, composed of soil and broken tomatoes and described as a tomato residue that typically contains 75% water and 25% solids. It is collected in appropriate storage boxes/tanks during the initial rinse of the produce with fresh water as it comes off of the delivery trucks. Rinse mud will typically be land-applied during the tomato season. The amount of rinse mud generated per day during the season is estimated at 32 cubic yards, or typically 6,500 gallons per day. It is anticipated that 3 truckloads per day at 9 tons per truckload, up to an estimated 10 truckloads per day at 12 tons per truckload on an intermittent basis, of this material would be hauled to approved subject sites for land-application. Rinse mud collection areas are within the flume box, serum tanks, and roll-off boxes used for temporary storage; watertight containers will be used as needed.

Land-application rates of the by-product mud are based on agronomic rates determined by a professional agronomist. Refer to Table 7 on page 37 of the Plan² for the Application Summary.

Rinse water is not proposed for land-application within this project and falls outside of the purview of the Stanislaus County Food Processing By-product Use Program. All by-product mud appropriate for land-application is defined as a solid, semi-solid, or slurry.

Spreading of the by-product mud will occur shortly after delivery by truck to the approved sites, within 24 hours. The by-product mud will be incorporated into the soil within 48 to 72 hours, after the period of initial spreading and drying in order to prevent nuisance conditions. For land application parcels where almond trees are grown, on-site temporary storage of the by-product mud may be needed before application to the land could occur, depending on site conditions. Long-term storage of by-product mud at the land-application sites is not proposed, and is not allowed by the Stanislaus County Ordinance, Chapter 9.88⁶. When temporary storage of by-product mud is necessary at the permitted sites, appropriate holding tanks/bins may be used prior to utilizing a manure spreader for land application of the material.

Equipment for land-application and discing/incorporation of by-product mud into the soil

Available equipment for land-application of the by-product mud includes:

- 2 – 375-hp tractors
- 1 – 24' disc and a smaller disc for tree access
- One scoop loader
- 2 – 9-yard manure spreaders
- 500-gallon water tank, minimum

All equipment will be rented from one of multiple equipment dealerships or rented from a local landowner. If equipment necessary for operations outlined in the Plan² is found in disrepair unexpectedly, temporary replacement equipment will be rented to complete hauling, spreading and discing/incorporation activities as required.

Transportation of by-products

Only approved haulers will transport the by-product materials from the ConAgra facility to the designated land-application sites. Haulers will follow all local and California Department of Transportation requirements to load and secure trucks. Maps of the proposed hauling routes are provided in the reference documents to this Initial Study as Maps and General Plan³ information. Aerated pond mud and rinse mud will typically be transported in side dump truck tank containers. Loads may be covered; loads will be evaluated for dryness prior to transport of the by-products to the land application sites and covered if necessary. The loading of the transport containers will be kept at approximately 60% to avoid spillage during transfer and transport. Truckload weight limits will be followed. The bottom and side floors will be watertight. If needed, containers with baffles will be used to reduce movement of the loads. Between loads, water rinsing may be necessary to reduce odors; the rinse water will be appropriately disposed at the ConAgra Wastewater Treatment Facility.

Contingency plans

Excessive liquid and moisture: Excessive liquid and moisture accumulation in the pond mud will be significantly reduced through the "dewatering" process after dredging and prior to hauling, resulting in the material being unloaded at the site having approximately 32% moisture. By-products will be assessed for excessive liquid and moisture prior to shipping and field preparation efforts. An appropriate, designated draining area may be used on the ConAgra facility site prior to hauling, as necessary. Discing of the land-application sites will be completed so that appropriate adsorption will occur. Staging area and field preparation may consist of the application of dry manure or compost in a thin lift to maximize adsorption. Agronomic rates will be closely observed for these applications, and will not be exceeded.

Excessive noise: Utilized equipment will be kept in good working condition to prevent excessive noise. In addition, the rural setting of the proposed application areas will reduce the number of noise receptors. Field activities will follow typical farming practices.

Excessive dust: In order to reduce potential dust emissions from roadway and site use, a water truck will be used, as warranted. Loads may be covered during transport; loads will be evaluated for dryness prior to transport of the by-products to the land application sites and covered if necessary.

Excessive objectionable odor: Haulers will cover loads from the ConAgra facility to the application areas. To reduce objectionable odors at the application fields, spreading and discing actions will be the primary mitigation measure. Earlier application or re-discing activities will be completed as necessary. If odors persist, alternate staging and/or application area locations will be selected.

Excessive fly, mosquito and/or vector nuisance: Similar mitigation measures used for odors will be used to reduce excessive fly, mosquito and/or vector concerns. Incorporation of by-product mud into the soil by spreading, and discing within 48 to 72 hours, will reduce the potential of nuisances and odors discussed above. If nuisances were to persist, changed locations would be strongly considered. Approved spray equipment and insecticides may be used.

Severe inclement weather: If rain is forecasted, application of by-product will not take place. Appropriate storage areas that drain to the ConAgra Wastewater Treatment Facility will be used for staging purposes. Temporarily stored by-product piles may be placed on and covered with Visqueen or equivalent plastic, as necessary. A general goal of seven days of drying (insignificant rain events resulting in no saturation) will be used prior to by-product placement on fields.

Containment: The by-products will be contained on the site and not allowed to flow or otherwise be deposited on other surrounding properties or waterways by specific site selection of the staging areas for unloading of the side dumps prior to loading into the manure spreaders. All staging areas will be chosen according to flatness and the least slope, adhering to all setback requirements. The site manager will ultimately determine the most suited staging area that minimizes any detrimental containment issues.

Sampling and testing

See Table 8 on page 44 of the Plan² for by-product mud and soil analytical parameters.

All required soil, by-product mud, and plant tissue constituent sampling and laboratory testing will be conducted as written in the Stanislaus County Ordinance, Chapter 9.88⁶, and also provided in the *Stanislaus County Food Processing By-products Program Sampling and Testing Guidelines*⁷ document.

In addition to the above-noted sampling and testing requirements, sediment micronutrients (Total and DTPA Extractable Method) and additional CAM 17 metals analyses will be performed for aerated pond mud as noted in Section 3.1 of the Plan². An EPA 503 metals analysis (arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium, and zinc) will be performed on rinse mud samples as described in Section 3.2 of the Plan².

Program details

Each year, after the harvest season ends and post-application sampling is completed, a summary report will be compiled and provided to the Stanislaus County Department of Environmental Resources. This report will contain specifics on the annual application under this program as determined by the Department, and include updates for the rates of application and sampling protocol. Detailed daily records will be kept to report each truckload of by-product mud received at land-application sites, as

required by the Stanislaus County Ordinance, Chapter 9.88⁶.

Only the land application parcels described within this document are subject to enforcement and regulation under the Stanislaus County Ordinance, Title 9, Chapter 9.88⁶, for the land-application of food processing by-products. As noted in the Stanislaus County Ordinance, Title 9, Section 9.88.070 (B)⁶, the permitted activity shall be operated in conformance with the permit application and Plan of Operation and supplements or amendments thereto submitted by the permit holder, in addition to permit conditions and all applicable State and local laws, ordinances, regulations and codes.

The Central Valley Regional Water Quality Control Board has worked closely with the Department of Environmental Resources through development of the Stanislaus County Ordinance, Title 9, Chapter 9.88⁶, for the Stanislaus County Food Processing By-product Use Program.

9. **Surrounding land uses and setting:** Row crops, orchards, agricultural uses, scattered single-family residential, and single-family residential areas.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** City of Oakdale; Stanislaus County Public Works; Central Valley Regional Water Quality Control Board; San Joaquin Valley Air Pollution Control District

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

- a) **Earlier Analysis Used.** Identify and state where they are available for review.
 - b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) **Mitigation Measures.** For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
 - 7) **Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
 - 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
 - 9) The explanation of each issue should identify:
 - a) the significant criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

ISSUES

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?				X
<p>Discussion: The sites are not considered to be scenic resources or unique scenic vistas. All parcels are used for the planting and growing of crops or orchards. Any application of food processing by-product mud during this project will be consistent with existing agricultural best management practices and enforced under the Stanislaus County Code, Title 9, Chapter 9.88.</p>				
<p>Mitigation: None.</p>				
<p>References: Project sponsor(s) Food Processing By-product Program Permit Application¹ and Plan of Operation² documents. Stanislaus County Maps, General Plan and Support Documentation³. Stanislaus County Ordinance, Title 9, Chapter 9.88⁶.</p>				
II. AGRICULTURE RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X
<p>Discussion: The subject parcels are used for agricultural purposes and are not planned for any other use. All parcels are currently used for and will continue to be used for the planting and growing of crops or orchards.</p>				
<p>Mitigation: None.</p>				

References: Project sponsor(s) Food Processing By-product Program Permit Application¹ and Plan of Operation² documents. Stanislaus County Maps, General Plan and Support Documentation³. Stanislaus County Ordinance, Title 9, Chapter 9.88⁶.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?			X	

Discussion: The project sites are within the San Joaquin Valley Air Basin (Basin), which has been classified as "extreme non-attainment" for ozone as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. The SJVAPCD maintains permit authority over stationary sources of pollutants.

b) The primary sources of air pollutants generated by this project would be classified as being generated from mobile sources, farming activities, and from the organic decomposition of food processing by-products. Mobile sources would generally include automobile exhausts and dust from roads due to truck traffic. Farming activities may create dust during spreading and discing of by-product mud, however, on-field activities such as this are exempt from SJVAPCD Rules. A contingency plan is provided in the Plan of Operation that was submitted by the applicant(s) to address unforeseen excessive dust conditions. Mobile sources are generally regulated by the Air Resources Board of the California EPA, which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. The SJVAPCD has addressed most criteria air pollutants through basin-wide programs and policies to prevent cumulative deterioration of air quality within the Basin. Food processing by-products are organic materials and release volatile organic compounds (VOCs) into the atmosphere during the decomposition process. The significance of impact to the environment is not known at this time due to the breakdown of food processing by-products and release of VOCs from those by-products. A formal study to collect VOC/Greenhouse Gas data from the decomposition of food residuals and composting facilities will be conducted by the SJVAPCD; initiation of this study was April 2009. Truck engines will be shut off during by-product loading activities at the ConAgra facility.

e) The Stanislaus County Food Processing By-product Use Program was developed to assist in preventing nuisance conditions, including excessive objectionable odors. The Stanislaus County Ordinance, Title 9, Chapter 9.88 provides enforcement ability used to prevent and mitigate public nuisance conditions. Setbacks (buffer zones) for by-product land application are provided in the Ordinance, and listed on page 4 of this document. A contingency plan is provided in the Plan of Operation that was submitted by the applicant(s) to address unforeseen excessive objectionable odor conditions; the contingency plan for excessive objectionable odor is described on page 6 of this document. Both the Department and the SJVAPCD are responsible for investigating objectionable odor complaints.

Mitigation: None.

References: San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis. Project sponsor(s) Food Processing By-product Program Permit Application¹ and Plan of Operation² documents. Food Processor By-product Use No Known Risk Declaration Letter dated March 24, 2009 provided by ConAgra Foods on page 8 of the Plan of Operation². Stanislaus County Maps, General Plan and Support Documentation³. Stanislaus County Ordinance, Title 9, Chapter 9.88⁵.

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Discussion: It does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. The parcels to be utilized for land application of food processing by-products are currently designated for farming uses to grow crops. The subject parcels will continue to be used for the farming of crops following the best management practices for farming operations. An anionic polyacrylamide polymer may be used to aid in the liquid-solid separation process during dredging activities; this polymer is appropriate for use on soils and for water clarification purposes and completely degrades within 72 hours. Subject Parcels 3(a) and 3(c) are located adjacent to Woodward Reservoir; with imposed setbacks, the by-product land application area would occur approximately 600 feet from the water's edge and would be incorporated into the soil within 48-72 hours, after a period of initial spreading and drying. By-products will be spread within 24 hours of delivery onto the soil at subject land-application parcels.

Mitigation: None.

References: California Department of Fish and Game California Natural Diversity Database. Project sponsor(s) Food Processing By-product Program Permit Application¹ and Plan of Operation² documents. Stanislaus County Maps, General Plan and Support Documentation³. The Amber Group 56F4 Flocculant Product Fact Sheet⁴. Phone consultation with Dennis M. Delamore, Managing Partner, The Amber Group, LLC.

V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

Discussion: It does not appear this project will result in significant impacts to any archaeological or cultural resources.

Mitigation: None.

References: Project sponsor(s) Food Processing By-product Program Permit Application¹ and Plan of Operation² documents. Stanislaus County General Plan and Support Documentation³. Stanislaus County Ordinance, Title 9, Chapter 9.88⁶.

VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to State Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X

b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

Discussion: Areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5. Geologic conditions are expected to be less than significant since this project involves usual agricultural and farming practices. An anionic polyacrylamide polymer may be used to aid in the liquid-solid separation process during dredging activities; this polymer is appropriate for use on soils and for water clarification purposes and completely degrades within 72 hours.

d) Soils located in the project areas are only mildly expansive, and are not expected to create substantial risks to life or property since the land is used for agricultural purposes. This project will not change the expansiveness of the soils.

Mitigation: None.

References: Consultation with Dr. Horacio Ferriz, Ph.D., Professional Engineering Geologist. Project sponsor(s) Food Processing By-product Program Permit Application¹ and Plan of Operation² documents. Stanislaus County Maps, General Plan and Support Documentation³. Stanislaus County Ordinance, Title 9, Chapter 9.88⁶. The Amber Group 56F4 Flocculant Product Fact Sheet⁹. Phone consultation with Dennis M. Delamore, Managing Partner, The Amber Group, LLC.

VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public				X

airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Discussion: No known hazardous materials are located on the sites related to this project. No hazardous wastes will be applied to the subject sites. Pesticide exposure is a risk in agricultural areas. Sources of exposure include contaminated groundwater that is consumed and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. Sampling and laboratory analysis of by-product mud will be conducted in accordance with the Plan of Operation and the Stanislaus County Ordinance, Title 9, Chapter 9.88.

Mitigation: None.

References: Project sponsor(s) Food Processing By-product Program Permit Application¹ and Plan of Operation² documents. Food Processor By-product Use No Known Risk Declaration Letter dated March 24, 2009 provided by ConAgra Foods on page 8 of the Plan of Operation². Stanislaus County Maps, General Plan and Support Documentation³. Stanislaus County Ordinance, Title 9, Chapter 9.88⁶.



VIII. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-			X	

site?				
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

Discussion:

a) No waste discharge requirements will be violated. Violation of water quality standards is not expected since the quantity of by-product mud is land-applied to permitted sites based on agronomic rates. A professional agronomist has calculated the agronomic rates for this project; the Application Summary of agronomic rates is noted as Table 7 in the Plan of Operation. Previous by-product mud sample laboratory results were noted below regulatory levels of concern; see Tables 2 and 3 on pages 13 and 14 of the Plan², and Tables 3, 4, 5, and 6 on pages 24, 25 and 26 of the Plan² for results. Depth to groundwater at project locations is approximately 58-80 feet below ground surface.

d) Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act. None of the project land application sites are located within a recognized flood zone and, as such, flooding is not an issue with respect to these project sites. Project activities will not significantly impact these parcels because site activities follow best management practices for agricultural farming operations. By-product mud delivery to the land-application sites will not occur during inclement weather or prior to forecasted rain events.

e) Run-off is not considered an issue because of several factors that limit the potential impact, including a relatively flat terrain of the subject sites and relatively low rainfall intensities.

f) It is known that the introduction of salts, from food processing by-products, into the environment where it could significantly impact groundwater quality is of concern to the Central Valley Regional Water Quality Control Board. Soil, by-product mud, and plant tissue sampling and testing will occur as required by the Stanislaus County Ordinance, Title 9, Chapter 9.88, to monitor the subsurface in order to detect potential impacts. The potential of this project to degrade the quality of the environment is less than significant due to the fact that it will be strictly managed under the Stanislaus County Ordinance, Title 9, Chapter 9.88, to prevent significant environmental impacts.

Food processing by-products will not be stored for excessive periods on project sites unless properly containerized and/or covered as needed or contained on appropriate material or Visqueen; spreading activities shall commence shortly within receipt of by-products at the site if not adequately containerized or contained. The Plan of Operation submitted by the applicant(s) prior to permit issuance contains contingency plans for sudden inclement weather conditions and excess moisture. An anionic polyacrylamide polymer may be used to aid in the liquid-solid separation process during dredging activities; this polymer is appropriate for use on soils and for water clarification purposes and completely degrades within 72 hours. There is a less than significant impact expected regarding groundwater quality impairment utilizing the best management practices set forth by the Stanislaus County Ordinance, Title 9, Chapter 9.88.

The California Regional Water Quality Control Board, Central Valley Region, has provided a letter of approval dated June 8, 2009 supporting the Stanislaus County Food Processing By-product Use Program.

Mitigation: None.

References: Consultation with Dr. Horacio Ferriz, Ph.D., Professional Engineering Geologist. Project sponsor(s) Food Processing By-product Program Permit Application¹ and Plan of Operation² documents. Food Processor By-product Use No Known Risk Declaration Letter dated March 24, 2009 provided by ConAgra Foods on page 8 of the Plan of Operation². Stanislaus County Maps, General Plan and Support Documentation³. Stanislaus County Ordinance, Title 9, Chapter 9.88⁶. The Amber Group 56F4 Flocculant Product Fact Sheet⁸. Phone consultation with Dennis M. Delamore, Managing Partner, The Amber Group, LLC. California Regional Water Quality Control Board, Central Valley Region, Letter of Approval for the Food Processing By-product Use Program Pursuant to Resolution No. R5-2008-0182, County of Stanislaus Environmental Resources Department dated June 8, 2009⁹.



IX. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Discussion: There are no known conflicts regarding this project and the subject parcels.

Mitigation: None.

References: Project sponsor(s) Food Processing By-product Program Permit Application¹ and Plan of Operation² documents. Stanislaus County Maps, General Plan and Support Documentation³. Stanislaus County Ordinance, Title 9, Chapter 9.88⁶.



X. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the subject sites.

Mitigation: None.

References: Stanislaus County Maps, General Plan and Support Documentation³.



XI. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
Discussion:				
d) This project is not anticipated to generate excessive noise beyond that of usual agricultural farming practices, since by-products will be land-applied at agronomic rates. The Plan of Operation submitted by the applicant(s) prior to permit issuance contains plans to prevent and alleviate excess noise conditions if observed.				
Mitigation: None.				
References: Project sponsor(s) Food Processing By-product Program Permit Application ¹ and Plan of Operation ² documents. Stanislaus County Maps, General Plan and Support Documentation ³ . Stanislaus County Ordinance, Title 9, Chapter 9.88 ⁶ .				
XII. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the				X

construction of replacement housing elsewhere?				
Discussion: This project would not affect housing or population growth.				
Mitigation: None.				
References: Project sponsor(s) Food Processing By-product Program Permit Application ¹ and Plan of Operation ² documents. Stanislaus County Maps, General Plan and Support Documentation ³ . Stanislaus County Ordinance, Title 9, Chapter 9.88 ⁶ .				



XIII. PUBLIC SERVICES:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				X
Fire protection?				X
Police protection?				X
Schools?				X
Parks?				X
Other public facilities?				X

Discussion: This project is an agricultural farming project, and does not impact public services.				
Mitigation: None.				
References: Project sponsor(s) Food Processing By-product Program Permit Application ¹ and Plan of Operation ² documents. Stanislaus County Maps, General Plan and Support Documentation ³ . Stanislaus County Ordinance, Title 9, Chapter 9.88 ⁶ .				



XIV. RECREATION:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				X

Discussion: This project does not include or alter recreational facilities.

Mitigation: None.

References: Project sponsor(s) Food Processing By-product Program Permit Application¹ and Plan of Operation² documents. Stanislaus County Maps, General Plan and Support Documentation³. Stanislaus County Ordinance, Title 9, Chapter 9.88⁶.



XV. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Discussion:

a) This project involves the transportation of food processing by-product mud by truck to each of the five project land application parcels for spreading, drying, and then discing the by-product mud into the soil as a soil amendment for reuse; this project activity will occur instead of transporting the material to a landfill or other site for disposal/reuse. A portion of the activity, regarding transportation and land-application of rinse mud, will typically occur only on a seasonal basis. To access the three northern land application parcels for by-product delivery, trucks would drive from the ConAgra facility northwest on N. Yosemite Avenue, then north on 26 Mile Road, then east on Dorsey Road, and then north-northeast on 28 Mile Road. To access the two southern land application parcels for by-product delivery, trucks would drive from the ConAgra facility south on S. Yosemite Avenue, then southeast on the Oakdale Waterford Highway to parcel APN 015-003-004, or from the Oakdale Waterford Highway drive east on Claribel Road, then south on Ellenwood Road to parcel APN 015-081-048.

b) Truck traffic will be increased at designated routes during hours of operation detailed in the Plan of Operation that was submitted by the applicant(s). The Stanislaus County Department of Public Works has been contacted for comment regarding traffic and load management; the Plan of Operation, as written, addresses all potential concerns. Land-application would occur at varying subject site locations throughout the year. Typical hours of operation would be 6AM to 6PM, seven days a week. A full-time, 24-hour dredging operation would occur during 2010 for a total of approximately 6 weeks (anticipated 4 weeks in May-June and 2 weeks in September). The Plan of Operation submitted by the applicant(s) prior to

permit issuance contains processes for transportation of the by-product mud to prevent spillage on the roadways.
 d) If farm equipment is driven or transported on the roadways, it would be consistent with usual agricultural practices and performed in accordance with what is allowed by State and local laws, regulations and codes for transportation purposes.

Mitigation: None.

References: Project sponsor(s) Food Processing By-product Program Permit Application¹ and Plan of Operation² documents. Stanislaus County Maps, General Plan and Support Documentation³. Stanislaus County Ordinance, Title 9, Chapter 9.88⁶.



XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

Discussion: Water supplies at the sites are either micro irrigation in nature or land is dry-farmed and both are sufficient for this project. By-product mud removed from the aerated mud pond and rinse mud will be utilized at the subject parcels as a soil amendment. Any by-product mud brought to the parcels that is not ultimately land-applied would be either appropriately containerized or transported back to the ConAgra aerated mud pond or other ConAgra site holding location, as appropriate and necessary.

a) Wastewater generated from initial draining of the by-product mud will not be discharged at any of the parcels. Prior to land-application, wastewater will either be drained directly into the aerated mud ponds or wastewater will be appropriately contained and diverted back into the aerated mud ponds at the ConAgra Wastewater Treatment Facility for proper management under the Central Valley Regional Water Quality Control Board Monitoring and Reporting Program (MRP) No. R5-2002-0098.

Mitigation: None.

References: Project sponsor(s) Food Processing By-product Program Permit Application¹ and Plan of Operation² documents. Stanislaus County Maps, General Plan and Support Documentation³. Stanislaus County Ordinance, Title 9, Chapter 9.88⁶.



XVII. MANDATORY FINDINGS OF SIGNIFICANCE:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<p>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</p>			X	
<p>b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</p>			X	
<p>c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?</p>			X	

Discussion:

a) The potential of this project to degrade the quality of the environment is less than significant due to the fact that it will be strictly managed under the Stanislaus County Ordinance, Title 9, Chapter 9.88, to prevent significant environmental impacts. It does not appear this project will result in impacts to habitats or locally designated species or animal communities. The parcels to be utilized for land application of food processing by-products are currently designated for agricultural uses and are actively farmed.

b) It is known that the introduction of salts, from food processing by-products, into the environment where it could significantly impact groundwater quality is of concern to the Central Valley Regional Water Quality Control Board. Soil, by-product mud, and plant tissue sampling and testing will occur as required by the Stanislaus County Ordinance, Title 9, Chapter 9.88, to monitor the subsurface in order to detect potential impacts.

c) The Stanislaus County Food Processing By-product Use Program has regulated projects successfully for more than 30 years, and no substantial adverse effects on human health or animal health have been documented due to these projects. There is a potential for unforeseen temporary indirect environmental impacts due to project activities, but this risk is considered less than significant since it would be temporary and any needed mitigation would be immediate.

This project as enforced under the Stanislaus County Ordinance Title 9, Chapter 9.88, significantly reduces the risk to a "less than significant" risk to the environment while allowing the reuse of food processing by-product mud as a soil amendment.

References

¹Food Processing By-product Program Permit Application submitted by the Project sponsor(s).

²Food Processing By-product Program Plan of Operation submitted by the Project sponsor(s).

³Stanislaus County Maps, General Plan and Support Documentation adopted in October 1994, as amended. Optional and revised elements of the General Plan and Support Documentation: *Agricultural Element* adopted on December 18, 2007.

⁴2007 Laboratory Analytical Reports.

⁵2009 Laboratory Analytical Reports.

⁶Stanislaus County Ordinance, Title 9, Chapter 9.88 adopted in February 2008. The Stanislaus County Food Processing By-product Program Regulations and the *Manual of Best Practices for Application of Food Processing By-products on Farmlands* dated June 29, 2007 are referenced and enforceable by the Ordinance, in the unincorporated areas of the County.

⁷Stanislaus County Food Processing By-product Use Program Sampling and Testing Guidelines, compiling all constituent sampling and testing requirements from the Stanislaus County Ordinance, Title 9, Chapter 9.88 into one quick-reference document.

⁸The Amber Group 56F4 Flocculant Product Fact Sheet provides information for the anionic polyacrylamide polymer.

⁹California Regional Water Quality Control Board, Central Valley Region, Letter of Approval for the Food Processing By-product Use Program Pursuant to Resolution No. R5-2008-0182, County of Stanislaus Environmental Resources Department dated June 8, 2009.

NEGATIVE DECLARATION

NAME OF PROJECT: JND Thomas Co., Inc., Application for Permit to Operate a Food Processing By-product Use Site, to Reuse Aerated Pond Mud and Rinse Mud Food Processing By-products for Land Application as a Soil Amendment

LOCATION OF PROJECT: Generator of food processing by-products as a soil amendment:
ConAgra Foods, 554 S. Yosemite Ave, Oakdale includes APNs 063-024-002, 063-024-008, 063-024-009, and 063-024-020
Five parcels proposed for land application:
The five parcels are located in the unincorporated areas of the County, and include
Parcel 1(a): Ellenwood Rd., west side of road, Waterford (also known as 3000 Crow Rd., Oakdale) – APN 015-003-004;
Parcel 1(b): Ellenwood Rd., east side of road, Oakdale (also known as 4000 Ellenwood, Oakdale) – APN 015-081-048;
[Parcel 2: Voluntarily removed from the project]
Parcel 3(a): 28 Mile Rd., east side of road, Valley Home – APN 002-009-005;
Parcel 3(b): Sonora Rd., south side of road, Oakdale – APN 002-021-011;
Parcel 3(c): Frankenheimer Rd., west side of road, Oakdale – APN 002-021-048

PROJECT DEVELOPERS: JND Thomas Co., Inc.
Dennis Thomas, President
22052 W. Everett Avenue
Riverdale, CA 93656

DESCRIPTION OF PROJECT: Applicant(s) has applied for a Stanislaus County Food Processing By-product Use permit for land application of food processing by-products. This project includes the land-application of food processing by-product mud, consisting of tomato and bean plant material and soil rinsed from the produce, dredged from the ConAgra facility large aerated pond and by-product rinse mud generated from the rinsing of produce prior to processing to be utilized as soil amendments on active farmland and orchards. These activities would be performed and enforced under the Stanislaus County Ordinance, Chapter 9.88 for food processing by-product use. Subject land application parcels total approximately 1,878 acres. With required by-product application setbacks and excluded application area at Parcel 3(c), subject land application parcels total approximately 1,500 usable acres for by-product application. Land application may occur throughout the year. Application of by-product materials would not exceed limits based on agronomic rates for the crops and trees that are planted.

Based upon the Initial Study, dated January 11, 2010, the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts which are individually limited but cumulatively considerable.
4. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The Initial Study and other environmental documents are available for public review at the Department of Environmental Resources, 3800 Cornucopia Way, Suite C, Modesto, California.

Initial Study prepared by: Vicki Jones, Senior Resource Management Specialist

Submit comments to: Stanislaus County
Department of Environmental Resources
Attn: Ms. Vicki Jones
3800 Cornucopia Way, Suite C
Modesto, CA 95358

PowerPoint

JND Thomas Co., Inc. 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

April 6, 2010

Food Processing By-product Use Program History

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

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

- The Program currently has 16 permitted sites, of which 12 are direct-feeding operations, 1 is a dehydration site, and 3 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

Project Proposal

- JND Thomas Co., Inc. requests approval to reuse plant-derived food processing by-products generated by ConAgra Foods as a soil amendment
- ConAgra is a tomato and bean food processing facility located in Oakdale, CA
- The by-products include tomatoes, beans, leaves, stems, and soil rinsed from the produce

Project Proposal – Cont'd

- Food processing by-products are generated by ConAgra through the rinsing and processing of produce
- Fresh water rinses the fruits and vegetables, moves them through flumes to the production areas, then by-products and rinse water are collected in a 10-acre settling and aeration pond
- Steam is used to peel the produce and heat the product, not chemicals

Project Proposal – Cont'd

- By-products are also containerized within a flume box, resulting from rinsing of produce as it arrives to the facility from the trucks
- JND Thomas Co., Inc. is a second applicant proposing to use the same ConAgra Foods by-products for land application on two different rural Oakdale parcels
- ConAgra Foods received Board approval on December 8, 2009, to land-apply their facility-generated by-products on 10 local farmland parcels

ConAgra Foods Processing Plant

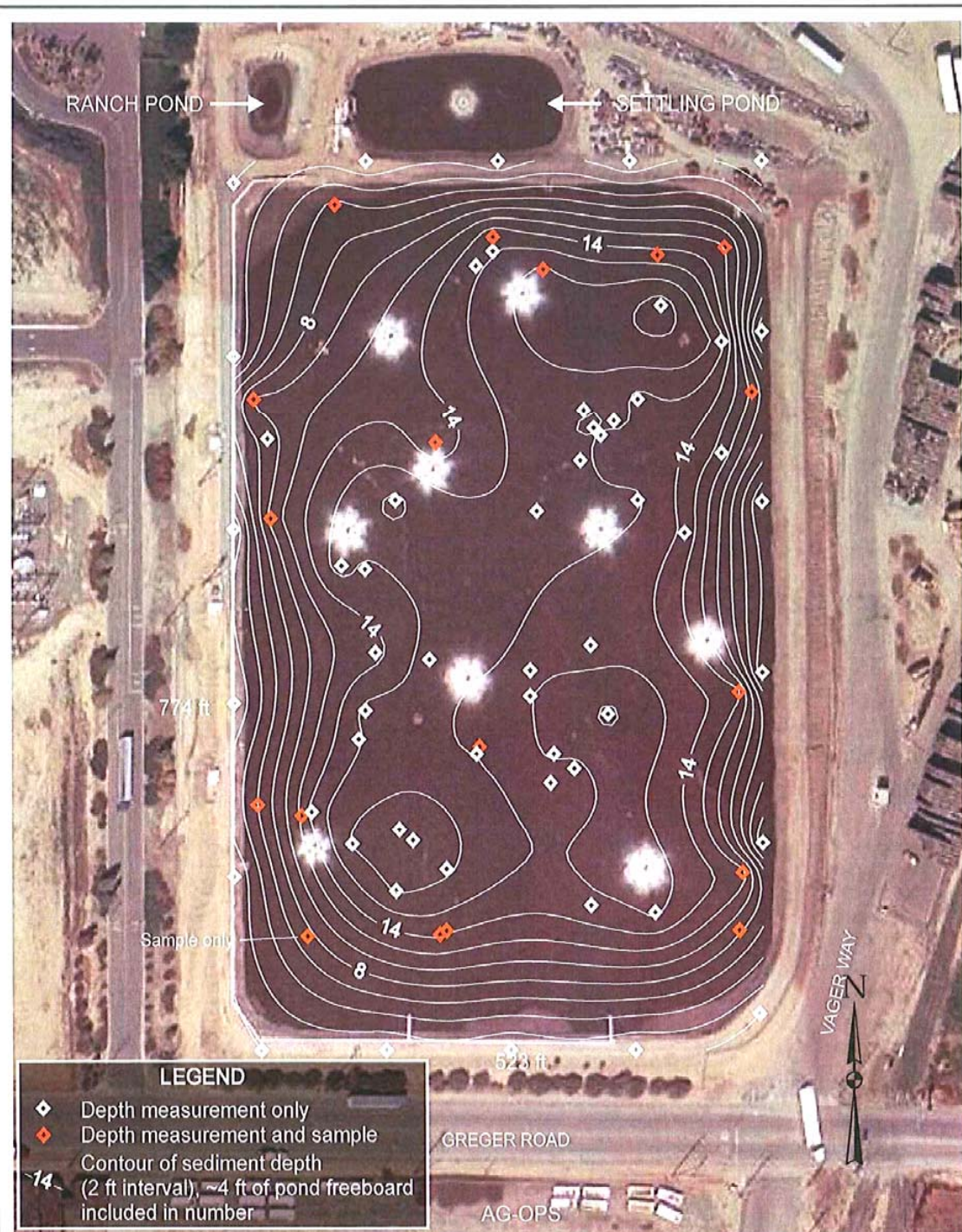


ConAgra Foods Tomato Rinse



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



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

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
- An estimated 75,000 cubic yards of by-product mud is proposed for removal

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

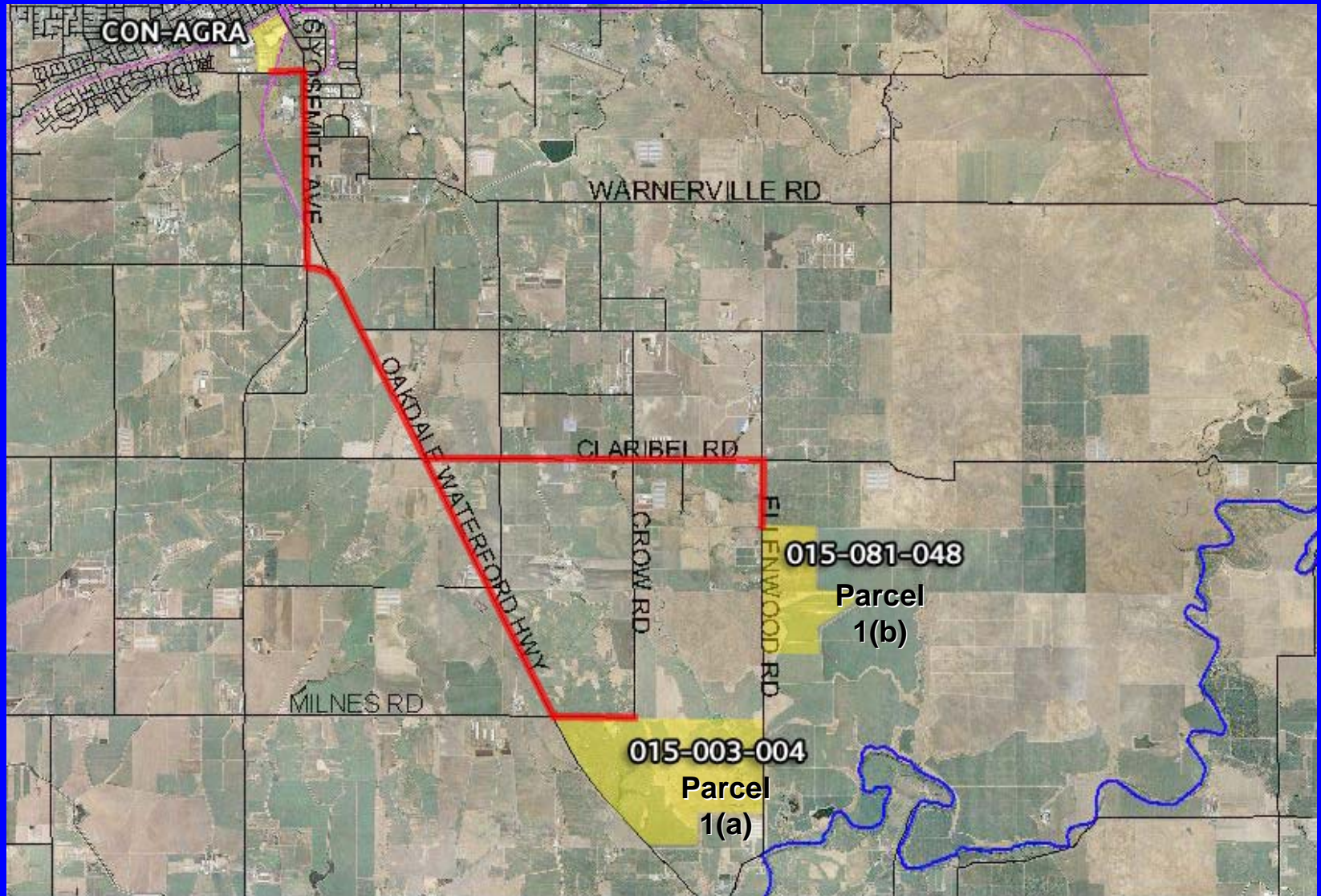
Project Proposal – Cont'd

- 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

Project Proposal – Cont'd

- The project includes the spreading, drying, and incorporation of the by-products into soil at two ag parcels as a soil amendment
- With required 100-foot, 150-foot, or 300-foot setbacks, approx. 802 usable acres are proposed for land-application of the by-products
- Subject parcels consist of tree crops and oats

Proposed Land Application Parcels



Hauling routes designated in red

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

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

	Total N	Available Phosphorus	Available Potassium	DTPA Copper	DTPA Nickel
Walnuts/Almonds - Maximum lbs/ac/yr	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)				
Oats - Maximum lbs/ac/yr	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 ^a (mg/L)	Total organic carbon (%)	Sodium (%)
Chloride ^a (mg/L)	Sodium (mg/kg)	Chloride (%)
Potassium ^a (mg/L)	Chloride (mg/kg)	Potassium (%)
Calcium ^a (mg/L)	Potassium (mg/kg)	Calcium (%)
Magnesium ^a (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) EC	
Ammonium-nitrogen (mg/kg)	Total solids ^b (mg/kg)	
Buffer pH	Fixed solids ^b (mg/kg)	
Exchangeable Sodium Percentage ESP	Volatile solids ^b (mg/kg)	
Cation exchange capacity CEC		
Sodium Adsorption Ratio SAR		

^aAnalysis 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 4-week duration during May-June and a 2-week duration in September for a total of approximately 6 weeks, 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
- 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, side dump truck containers
- 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 JND Thomas Co., Inc.

Land Application Process

- By-product mud spreading will occur within 24 hours of delivery onto the ground at the subject sites
- The applicant will have the material spread 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)
- During the off-season, site inspections will be conducted at a minimum on a monthly basis depending on volume hauled, if permitted operations occur (November – June)
- Contingency plans or new permit conditions will be implemented if found necessary

Contingency Plans

- JND Thomas Co., Inc.'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 January 13, 2010, through February 11, 2010
- A public meeting was held at the Gene Bianchi Community Center in Oakdale on January 20, 2010, to provide the public an additional opportunity to ask questions and offer comments

CEQA Process – Cont'd

- Approximately 7 people attended the public meeting, not including presenters and project proponents
- Concerns were expressed regarding potential odors, nuisances, 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
- 18 public comment letters were received during the 30-day public review period
- Of the 18 letters, 10 provided either support for the project or noted there were no additional comments to provide regarding the project

CEQA Process – Cont'd

- The remaining 8 letters expressed concerns which mirrored the comments received at the public meeting
- Written responses to the 18 letters have been drafted by Department staff and are provided as Appendix 1 of the Final Negative Declaration document

CEQA Process – Cont'd

- A meeting with the South San Joaquin Irrigation District (SSJID) occurred on February 3, 2010, at the Nick C. DeGroot Water Treatment Plant to discuss SSJID concerns regarding stormwater run-off
- In an effort to maintain a good neighbor status with SSJID, the applicant has requested to remove three project parcels adjacent to and near Woodward Reservoir

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
- No significant impacts have been identified

Addendums to the Plan of Operation

- Addendum #1 was submitted by JND Thomas Co., Inc. to formally request removal of three parcels from the project: Parcel 3(a) APN 002-009-005, Parcel 3(b) APN 002-021-011, and Parcel 3(c) APN 002-021-048
- Addendum #2 provides minor project clarifications to the Plan of Operation

Staff Recommendation

- Staff recommends that the Board adopt a Negative Declaration for the JND Thomas Co., Inc. application for a Permit to Operate a Food Processing By-product Use Site

Questions?