

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

DEPT: Environmental Resources

BOARD AGENDA # \*B-5

Urgent

Routine

AGENDA DATE November 10, 2009

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Set a Public Hearing for December 8, 2009, at 9:15 a.m., to Adopt a Negative Declaration for the ConAgra Application for Permit to Operate a Food Processing By-product Use Site

STAFF RECOMMENDATIONS:

Set a public hearing for December 8, 2009, at 9:15 a.m., to adopt a Negative Declaration for the ConAgra application for Permit to Operate a Food Processing By-product Use Site.

FISCAL IMPACT:

There is no fiscal impact associated with setting a public hearing. If this request is approved, then on December 8, 2009, the Board of Supervisors will be asked to consider adopting a Negative Declaration for the ConAgra application for Permit to Operate a Food Processing By-product Use Site.

BOARD ACTION AS FOLLOWS:

No. 2009-765

On motion of Supervisor Grover, Seconded by Supervisor Chiesa

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Set a Public Hearing for December 8, 2009, at 9:15 a.m., to Adopt a Negative Declaration for the ConAgra Application for Permit to Operate a Food Processing By-product Use Site

## DISCUSSION:

### Food Processing By-Product Use Program

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

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

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

### ConAgra's Application/Proposal

ConAgra Foods has applied to the Department for approval to reuse food processing by-products generated by their tomato and bean processing facility located at 554 S. Yosemite Avenue, Oakdale. The Permit Application is included

Approval to Set a Public Hearing for December 8, 2009, at 9:15 a.m., to Adopt a Negative Declaration for the ConAgra Application for Permit to Operate a Food Processing By-product Use Site

as Attachment "A5." Their application also includes a Plan of Operation (Plan), which is included in Attachment "A6."

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

Subject land application parcels total approximately 1,357 acres. With the 100-foot, 150-foot, or 300-foot setbacks required by the Program, subject land application parcels result in approximately 996 usable acres for by-product application. Land-application rates of the by-product mud are based on agronomic rates determined by a professional agronomist, which will be modified as data warrant. One parcel (APN 064-031-029) consists of pasture land which is soon to be planted with oats. The remaining twelve (12) parcels consist of tree crops. The by-product material may be applied at different rates depending upon the crop type. Please refer to Table 7 in the Plan for the "Application Summary."

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

By-product mud will be transported in open-top truck tank containers (side or rear dump) or in roll-off bins; loads will be covered as necessary. To prevent dust and dirt from blowing out of containers during transport, loads will be evaluated for

Approval to Set a Public Hearing for December 8, 2009, at 9:15 a.m., to Adopt a Negative Declaration for the ConAgra Application for Permit to Operate a Food Processing By-product Use Site

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

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

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

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

Approval to Set a Public Hearing for December 8, 2009, at 9:15 a.m., to Adopt a Negative Declaration for the ConAgra Application for Permit to Operate a Food Processing By-product Use Site

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

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

The Department may modify conditions of the permit for cause, after prior notification to the permit holder, to eliminate, reduce or ameliorate any condition or nuisance that adversely affects public health, safety or welfare, or does not fully protect surface and groundwater quality, as noted in Section 9.88.070 (C) of the Ordinance. In the event that any conditions of the permit are not followed by the permit holder, and nuisance conditions occur due to non-compliance, the Department can choose not to renew the Food Processing By-product Use Site permit upon the expiration date of November 30<sup>th</sup> of each year. The Ordinance also states the permit may be suspended or revoked by the Department for cause, following a hearing on the matter. Permitted operations shall comply with all applicable Federal, State and local laws, ordinances and regulations, including without limitation, County building, zoning and health codes, and shall allow inspections to ensure conformance with such regulations. Department inspections occur on a weekly schedule during by-product land application periods that occur July through October, and on a monthly schedule during land application periods that occur November through June. Inspections may be performed on a more frequent schedule as determined by the Department.

Approval to Set a Public Hearing for December 8, 2009, at 9:15 a.m., to Adopt a Negative Declaration for the ConAgra Application for Permit to Operate a Food Processing By-product Use Site

### California Environmental Quality Act (CEQA) Process

The Department of Environmental Resources informed public agencies of this project through the County's environmental referral process. This included informational presentations to the Stanislaus County Environmental Review Committee on May 7, 2008, and July 29, 2009. No mitigation measures specific to the proposed project were received. A Notice of Intent to Adopt a Negative Declaration and Notice of Application for Permit to Operate a Food Processing By-product Use Site (Notice) dated June 29, 2009, was also mailed to the Food Processing By-product Committee, the RWQCB, the California Department of Food and Agriculture, and to all property owners within ¼-mile of each subject parcel, as required by the Stanislaus County Ordinance, Chapter 9.88. The State Clearinghouse and relevant public agencies also received the Notice by mail as required by CEQA. A copy of the Notice is provided as Attachment "A1." The Notice provided a 30-day comment period from July 15, 2009, through August 13, 2009, and was published in the Oakdale Leader, as required by CEQA, on July 15, 2009.

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

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

A total of thirty-one (31) letters were received during the 30-day public review period, and have been included as Attachment "A12." Six of the 31 letters were either in support of the project, or noted there were no specific comments to

Approval to Set a Public Hearing for December 8, 2009, at 9:15 a.m., to Adopt a Negative Declaration for the ConAgra Application for Permit to Operate a Food Processing By-product Use Site

provide regarding the project based on the expertise of the author. One of the 31 letters specifically requested notification of upcoming meetings pertaining to the project. In total, twenty-four (24) comment letters expressed concerns about the proposed project. In summary, the majority of written public concerns include the potential for the following:

- Excessive odors, and being downwind from subject sites
- Excessive flies, mosquitoes, rodents, and other pests or vectors
- Air quality impacts
- Disease or pathogenic impacts
- Toxicity or impacts from metals or chemicals
- Insufficient monitoring
- Run-off
- Increased traffic
- Spillage from trucks
- Dust
- Excessive noise
- Food safety impacts
- Well water contamination
- Unforeseen nuisances

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

**POLICY ISSUE:**

The Board of Supervisors is required to set 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 setting a public hearing 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.

Approval to Set a Public Hearing for December 8, 2009, at 9:15 a.m., to Adopt a Negative Declaration for the ConAgra Application for Permit to Operate a Food Processing By-product Use Site

**STAFFING IMPACTS:**

There are no staffing impacts associated with this item. The Department can accommodate the inspections 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**



NOTICE OF PUBLIC HEARING  
TO CONSIDER ADOPTION OF A NEGATIVE DECLARATION  
REGARDING AN APPLICATION FOR PERMIT TO OPERATE A FOOD  
PROCESSING BY-PRODUCT USE SITE

NOTICE IS HEREBY GIVEN that on December 8, 2009, at 9:15 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to conduct a public hearing to consider adoption of a Negative Declaration for the ConAgra application for permit to operate a food processing by-product use site. This project includes the land-application of food processing by-product mud dredged from the ConAgra facility aerated ponds and by-product rinse mud generated from the rinsing of produce prior to processing to be utilized as soil amendments on farmland and orchards located within the vicinity of the ConAgra processing plant. 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 1,357 acres. With required by-product application setbacks, subject land application parcels total approximately 996 usable acres for by-product application. Land application will typically occur during Spring, Summer and Fall months. Application of by-product materials would not exceed limits based on agronomic rates for the crops or walnut and almond trees that are planted. Generator of food processing by-products as a soil amendment is located at 554 S. Yosemite Ave, Oakdale includes APNs 063-024-002, 063-024-008, 063-024-009, and 063-024-020. Thirteen parcels proposed for land application are located in the unincorporated areas of the County, and include S. Yosemite Ave., Oakdale APN 064-032-006; 26 Mile Rd., Valley Home APN 002-059-004; 7971 Gilbert Rd., Oakdale APN 006-091-001 (also referred to as APN 006-091-004 after a recent parcel split); Gilbert Rd., Oakdale APN 006-091-002; S. Yosemite Ave., Oakdale APN 064-031-028; 8700 N. Crane Rd., Oakdale APN 063-005-004; 12019 26 Mile Rd., Oakdale APN 002-012-063; Brady Rd., Oakdale APN 062-004-032 (formerly identified as 062-004-011); Brady Rd., Oakdale APN 062-004-029; 8661 Crane Rd., Oakdale, CA APN 062-004-002; Walnut St., Oakdale APN 063-004-030; Walnut St., Oakdale APN 063-006-001; and, S. Yosemite Ave., Oakdale APN 064-031-029.

NOTICE IS FURTHER GIVEN that at the above said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board of Supervisors for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Stanislaus County Board of Supervisors, 1010 10th Street, Suite 6500, Modesto, CA 95354. The Final Negative Declaration document, which includes comment letters received during the public review period and responses to those comments, is available for

viewing online at [www.stancounty.com/er/CEQA.shtm](http://www.stancounty.com/er/CEQA.shtm) or at the Stanislaus County Department of Environmental Resources, 3800 Cornucopia Way, Suite C, Modesto, CA 95358. For further information call Vicki Jones at (209) 525-6710.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: November 10, 2009

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

A handwritten signature in black ink that reads "Elizabeth A. King". The signature is written in a cursive style with a large, stylized 'E' and 'K'.

By: Elizabeth A. King, Assistant Clerk

**Notice of Public Hearing**  
to consider  
**Adoption of a Negative Declaration**  
**Regarding an Application for Permit to Operate a Food**  
**Processing By-product Use Site**

**Date:** November 12, 2009

**To:** Interested Parties

**From:** Department of Environmental Resources

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

**Comment Period:** Occurred July 15, 2009 – August 13, 2009

**Public Hearing Date and Location:** December 8, 2009 at 9:15 a.m.  
Basement Chambers, 1010 10<sup>th</sup> Street, Modesto, CA

---

You may have previously received notice regarding this project, and your comments, if provided, were reviewed and considered. Based on all comments received, Stanislaus County anticipates adopting a Negative Declaration for this project.

Notice is further given that at the above said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board of Supervisors for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Stanislaus County Board of Supervisors, 1010 10<sup>th</sup> Street, Suite 6500, Modesto, CA 95354.

The Final Negative Declaration document, which includes comment letters received during the public review period and responses to those comments, is available for viewing online at: [www.stancounty.com/er/](http://www.stancounty.com/er/) or at the Stanislaus County Department of Environmental Resources, 3800 Cornucopia Way, Suite C, Modesto, CA 95358. A Negative Declaration is a document filed to satisfy requirements of the California Environmental Quality Act (CEQA). This document states that there are no significant effects resulting from the project.

Please contact Vicki Jones at (209) 525-6710 if you have any questions. Thank you.

---

**Applicant:** ConAgra Foods

**Project Locations and APNs:** Generator of food processing by-products as a soil amendment:

554 S. Yosemite Ave, Oakdale includes  
APNs 063-024-002, 063-024-008, 063-024-009, and 063-024-020

Thirteen parcels proposed for land application:

Thirteen parcels are located in the unincorporated areas of the County, and include

S. Yosemite Ave., Oakdale APN 064-032-006;

26 Mile Rd., Valley Home APN 002-059-004;

7971 Gilbert Rd., Oakdale APN 006-091-001 (also referred to as APN 006-091-004 after a recent parcel split);

Gilbert Rd., Oakdale APN 006-091-002;

S. Yosemite Ave., Oakdale APN 064-031-028;  
8700 N. Crane Rd., Oakdale APN 063-005-004;  
12019 26 Mile Rd., Oakdale APN 002-012-063;  
Brady Rd., Oakdale APN 062-004-032 (formerly identified as 062-004-011);  
Brady Rd., Oakdale APN 062-004-029;  
8661 Crane Rd., Oakdale, CA APN 062-004-002;  
Walnut St., Oakdale APN 063-004-030;  
Walnut St., Oakdale APN 063-006-001;  
S. Yosemite Ave., Oakdale APN 064-031-029

**Project Description:** 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 dredged from the ConAgra facility aerated ponds and by-product rinse mud generated from the rinsing of produce prior to processing to be utilized as soil amendments on farmland and orchards located within the vicinity of the ConAgra processing plant. 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 1,357 acres. With required by-product application setbacks, subject land application parcels total approximately 996 usable acres for by-product application. Land application will typically occur during Spring, Summer and Fall months. Application of by-product materials would not exceed limits based on agronomic rates for the crops or walnut and almond trees that are planted.

# PROOF OF PUBLICATION

(2015.5 C. C. P.)

STATE OF CALIFORNIA,

County of Stanislaus

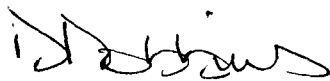
I am a citizen of the United States and a resident of the county aforesaid; I am over the age of twenty-one years, and not a party to or interested in the above entitled matter. I am the principal clerk of THE OAKDALE LEADER, 122 South Third Avenue, Oakdale, California, a newspaper of general circulation, published in Oakdale, California in the City of Oakdale, County of Stanislaus, and which newspaper has been adjudged a newspaper of general circulation, by the Superior Court of the County of Stanislaus, State of California. That the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

November 25,  
all in the year 2009.

I certify or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Oakdale,

California, this day 25<sup>th</sup> day, November 2009.



Signature

This space is for the County Clerk's Filing Stamp

Proof of Publication of

## NOTICE OF HEARING

### CON AGRA APPLICATION FOR FOOD PROCESSING

#### PUBLIC NOTICE

##### **NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF A NEGATIVE DECLARATION REGARDING AN APPLICATION FOR PERMIT TO OPERATE A FOOD PROCESSING BY-PRODUCT USE SITE**

NOTICE IS HEREBY GIVEN that on December 8, 2009, at 9:15 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to conduct a public hearing to consider adoption of a Negative Declaration for the ConAgra application for permit to operate a food processing by-product use site. This project includes the land-application of food processing by-product mud dredged from the ConAgra facility aerated ponds and by-product rinse mud generated from the rinsing of produce prior to processing to be utilized as soil amendments on farmland and orchards located within the vicinity of the ConAgra processing plant. 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 1,357 acres. With required by-product application setbacks, subject land application parcels total approximately 996 usable acres for by-product application. Land application will typically occur during Spring, Summer and Fall months. Application of by-product materials would not exceed limits based on agronomic rates for the crops or walnut and almond trees that are planted. Generator of food processing by-products as a soil amendment is located at 554 S. Yosemite Ave, Oakdale includes APNs 063-024-002, 063-024-008, 063-024-009, and 063-024-020. Thirteen parcels proposed for land application are located in the unincorporated areas of the County, and include S. Yosemite Ave., Oakdale APN 064-032-006; 26 Mile Rd., Valley Home APN 002-059-004; 7971 Gilbert Rd., Oakdale APN 006-091-001 (also referred to as APN 006-091-004 after a recent parcel split); Gilbert Rd., Oakdale APN 006-091-002; S. Yosemite Ave., Oakdale APN 064-031-028; 8700 N. Crane Rd., Oakdale APN 063-005-004; 12019 26 Mile Rd., Oakdale APN 002-012-063; Brady Rd., Oakdale APN 062-004-032 (formerly identified as 062-004-011); Brady Rd., Oakdale APN 062-004-029; 8661 Crane Rd., Oakdale, CA APN 062-004-002; Walnut St., Oakdale APN 063-004-030; Walnut St., Oakdale APN 063-006-001; and, S. Yosemite Ave., Oakdale APN 064-031-029.

NOTICE IS FURTHER GIVEN that at the above said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board of Supervisors for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Stanislaus County Board of Supervisors, 1010 10th Street, Suite 6500, Modesto, CA 95354. The Final Negative Declaration document, which includes comment letters received during the public review period and responses to those comments, is available for viewing online at [www.stancounty.com/er/CEQA.shtml](http://www.stancounty.com/er/CEQA.shtml) or at the Stanislaus County Department of Environmental Resources, 3800 Cornucopia Way, Suite C, Modesto, CA 95358. For further information call Vicki Jones at (209) 525-6710.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: November 10, 2009

ATTEST: CHRISTINE FERRARO TALLMAN,

Clerk of  
the Board of Supervisors  
of the County of Stanislaus,  
State of California.

By: Elizabeth A. King, Assistant Clerk

NOVEMBER 25, 2009

OL#09-689