

## **APPENDIX 1**

### **COMMENTS RECEIVED AND RESPONSE TO COMMENTS**

## RESPONSES TO PUBLIC COMMENTS

This section provides a summary of comments received during the public comment period on the Initial Study and Negative Declaration for the 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. The public comment period for this project was from January 13, 2010 to February 11, 2010. A total of eighteen (18) letters were received during the public comment period. Section A provides a list of all written correspondence received during the public comment period; Section B provides a written response to individual comments; and Section C contains a copy of each correspondence that was received.

### **A. AGENCIES, ORGANIZATIONS, AND INDIVIDUALS WHO HAVE COMMENTED ON THE DRAFT INITIAL STUDY / NEGATIVE DECLARATION (IS/ND)**

- Letter # 1 Stanislaus County, Oakdale Rural Fire Protection District, Stanislaus Consolidated Fire Protection District, Kenneth Slamon, Fire Marshal, January 6, 2010.
- Letter # 2 California Natural Resources Agency, Department of Fish and Game, Jeffrey R. Single, Ph.D., Regional Manager, January 11, 2010.
- Letter # 3 San Joaquin Valley Air Pollution Control District, Dave Warner, Director of Permits Services, and David McDonough for Arnaud Marjollet, Permit Services Manager, January 12, 2010.
- Letter # 4 Oakdale Irrigation District, John B. Davids, P.E., District Engineer, January 13, 2010.
- Letter # 5 Stanislaus County, Agricultural Commissioner, L. Denton Hoeh, Manager, January 13, 2010.
- Letter # 6 Stanislaus County, Environmental Review Committee, Christine Almen, Senior Management Consultant, January 14, 2010.
- Letter # 7 Mike and Cathy Brown, January 17, 2010.
- Letter # 8 Foster Farms, Shelley Worsham, Environmental Program Manager, January 18, 2010.
- Letter # 9 City of Oakdale, Public Works Department, David L. Myers, Deputy Public Works Director/City Eng., January 19, 2010.

- Letter # 10 Stanislaus County, Parks and Recreation, Margarita Ramos, Deputy Director, January 20, 2010.
- Letter # 11 South San Joaquin Irrigation District, Bill Hubkey, Water Treatment Plant Manager, January 20, 2010.
- Letter # 12 San Joaquin Valley Air Pollution Control District, Dave Warner, Director of Permits Services, and David McDonough for Arnaud Marjolle, Permit Services Manager, January 22, 2010.
- Letter # 13 Helen R. French, January 25, 2010.
- Letter # 14 Cathy Alberti, January 27, 2010.
- Letter # 15 Stanislaus County, Environmental Review Committee, Christine Almen, Senior Management Consultant, January 14, 2010.
- Letter # 16 Nancy Abdallah, February 1, 2010.
- Letter # 17 South San Joaquin Irrigation District, Jim Atherstone, Environmental Compliance & Safety Officer, February 10, 2010.
- Letter # 18 California League of Food Processors, Rob Neenan, Vice President, Government Affairs, February 11, 2010.

## **B. RESPONSES TO WRITTEN COMMENTS**

**Response to comments submitted by Stanislaus County, Oakdale Rural Fire Protection District, Stanislaus Consolidated Fire Protection District, Kenneth Slamon, Fire Marshal, January 6, 2010. (Letter # 1).**

Response to Comment No. 1A: This letter concurs with the findings of the IS/ND that the proposed project would not have a significant impact on the environment. Therefore, no response is necessary.

**Response to comments submitted by California Natural Resources Agency, Department of Fish and Game, Jeffrey R. Single, Ph.D., Regional Manager, January 11, 2010. (Letter # 2).**

Response to Comment No. 2A: Comments noted. These comments do not pertain to the adequacy of the IS/ND. Therefore, no response is necessary.

Response to Comment No. 2B: The proposed land application activities on the existing orchards and oat farmland are similar to the current ongoing maintenance and fertilizing farming practices that are completed on an annual basis. Removal of bird habitat or impact to endangered species is not anticipated as no new activities are proposed. Habitat and wetland preservation is already established with the existing agricultural operations and the proposed setbacks included in the Stanislaus County Ordinance, Chapter 9.88 (County Ordinance) and in Section 1.2 of the Plan of Operation, which requires a 300-foot by-product application setback from any public property (e.g. rivers, streets). Additionally, three subject parcels located near Woodward Reservoir have been voluntarily removed from this project by the project applicant; refer to Addendum 1 of the Negative Declaration document to view the letter written by Mr. Dennis Thomas dated February 9, 2010.

Response to Comment No. 2C: Comments noted. These comments do not pertain to the adequacy of the IS/ND. Therefore, no response is necessary.

Response to Comment No. 2D: Refer to the Response to Comment No. 2B regarding current farming activities and proposed project setbacks.

Response to Comment No. 2E: The proposed project does not involve work within a bed, bank, or channel of any surface water body. Refer to the Response to Comment No. 2B regarding proposed project setbacks.

Response to Comment No. 2F: Comments noted. These comments do not pertain to the adequacy of the IS/ND. Therefore, no response is necessary.

Response to Comment No. 2G: With regard to potential runoff and water quality concerns, and considering the County Ordinance requirements, Stanislaus County Food Processing By-product Use Program restrictions of non-application during rain events or periods of soil saturation and the existing micro-irrigation systems or dry farming operations on the two proposed land application sites, the impacts to water quality will be minimal.

Response to Comment No. 2H: Refer to the Response to Comment No. 2B regarding current farming activities and proposed project setbacks.

Response to Comment No. 2I: Refer to the Response to Comment No. 2B regarding current farming activities and proposed project setbacks.

Response to Comment No. 2J: Refer to the Response to Comment No. 2B regarding current farming activities and proposed project setbacks.

Response to Comment No. 2K: Refer to the Response to Comment No. 2B regarding current farming activities, parcels removed from this project, and proposed project setbacks. In a telephone conversation conducted on February 8, 2010 between Vicki Jones of the Department of Environmental Resources and Jim Vang of the Department of Fish and Game, Ms. Jones informed Mr. Vang of the applicant's voluntary removal of the three subject parcels located near Woodward Reservoir from the project. Mr. Vang stated to Ms. Jones that the three parcels located near Woodward Reservoir were the project parcels of concern to the Department of Fish and Game, in regards to their comment letter dated January 11, 2010.

Response to Comment No. 2L: Refer to the Response to Comment No. 2B regarding current farming activities and proposed project setbacks.

Response to Comment No. 2M: Comments noted. These comments do not pertain to the adequacy of the IS/ND. Therefore, no response is necessary.

**Response to comments submitted by San Joaquin Valley Air Pollution Control District, Dave Warner, Director of Permits Services, and David McDonough for Arnaud Marjollet, Permit Services Manager, January 12, 2010. (Letter # 3).**

Response to Comment No. 3A: The JND Thomas Co., Inc. project proposed is similar in scope and magnitude to the approved ConAgra by-product mud land application project, which was approved by the Stanislaus County Board of Supervisors on December 8, 2009. The JND Thomas Co., Inc. Plan of Operation includes similar contingency plans to address potential nuisance conditions. This letter notes that the San Joaquin Valley Air Pollution Control District has no additional comments. Therefore, no further response is necessary.

**Responses to comments submitted by Oakdale Irrigation District, John B. Davids, P.E., District Engineer, January 13, 2010. (Letter # 4).**

Response to Comment No. 4A: The proposed land application activities on the existing orchards and oat farmland are similar to the current ongoing maintenance and fertilizing farming practices that are completed on an annual basis. The existing agricultural operations and the proposed setbacks included in the County Ordinance and in Section 1.2 of the Plan of Operation require a 300-foot by-product application setback from any public property (e.g. rivers, streets). The California Regional Water Quality Control Board (RWQCB) has approved the land-application of food processing by-products when utilized following requirements of the

Stanislaus County Food Processing By-product Use Program; refer to the approval letter from the RWQCB dated June 8, 2009 in the Negative Declaration document as Reference No. 9 of the Initial Study.

**Responses to comments submitted by Stanislaus County, Agricultural Commissioner, L. Denton Hoeh, Manager, January 13, 2010. (Letter # 5).**

Response to Comment No. 5A: This letter notes that the Agricultural Commissioner has no comments. Therefore, no response is necessary.

**Responses to comments submitted by Stanislaus County, Environmental Review Committee, Christine Almen, Senior Management Consultant, January 14, 2010. (Letter # 6).**

Response to Comment No. 6A: This letter notes that the Environmental Review Committee has no comments. Therefore, no response is necessary.

**Responses to comments submitted by Mike and Cathy Brown, January 17, 2010. (Letter # 7).**

Response to Comment No. 7A: The County Ordinance and Section 4.2 of the Plan of Operation address the requirements to use best management practices to control nuisance conditions from odors. The proposed activities are similar to the application of manure or other organic products, which has occurred historically on these "Right to Farm" properties. Setbacks have been included in the County Ordinance and in Section 1.2 of the Plan of Operation to address application proximity to public properties, residential properties and agricultural properties.

Response to Comment No. 7B: Comment noted. This comment does not directly pertain to the adequacy of the IS/ND. Therefore, no response is necessary.

**Responses to comments submitted by Foster Farms, Shelley Worsham, Environmental Program Manager, January 18, 2010. (Letter # 8).**

Response to Comment No. 8A: This letter notes that Foster Farms has no comments, as long as all aspects of the assigned permits are adhered to and that odor issues are mitigated. Refer to the Response to Comment No. 7A regarding best management practices and contingency plans. Site inspections will occur at the land application sites, at a minimum, on a weekly basis during the tomato season (July through October) and on a monthly frequency when by-products are received for land application during the off-season. At the initiation of the project, daily inspections will

be performed at the land application sites to ensure compliance with the County Ordinance.

**Responses to comments submitted by City of Oakdale, Public Works Department, David L. Myers, Deputy Public Works Director/City Eng., January 19, 2010. (Letter # 9).**

Response to Comment No. 9A: JND Thomas Co., Inc. will be held to the regulations provided by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and RWQCB during the excavation of the by-product muds at the aerated pond site, regardless of the destination of the excavated by-product material. Applicable Air District rules will be strictly adhered to throughout the duration of the proposed project.

Response to Comment No. 9B: Covering of exposed piles will be completed as warranted. Note that the pond by-product mud has gone through an anaerobic digestion process, which removes odors. The potential for use of a very low dosage of flocculent in a centrifugal dewatering operation associated with the large scale dredge operation was addressed on Pages 4 and 13 of the CEQA Initial Study. This flocculent is widely used for water clarification purposes and on farmland for erosion control, per Dennis M. Delamore, Managing Partner, The Amber Group. Since the proposed flocculent dosage would be very low, if it is used at all, and it completely degrades within 72 hours, it was determined to have no significant impact on the environment.

Response to Comment Nos. 9C-9D: The County Ordinance and Section 4.2 of the Plan of Operation address the requirements to use best management practices to control nuisance conditions from odor, dust, rodents and noise. Permitted haulers associated with the proposed project will be required to comply with all traffic laws and City ordinances where applicable.

Response to Comment No. 9E: Only Stanislaus County permitted haulers will transport the by-product mud to the two land application project sites. Haulers are responsible for cleanup if there were spilled by-products from their vehicle onto public roads, but in the event that the hauler does not clean spilled by-products from public roads, related to this project, then JND Thomas Co., Inc. will provide a street sweeper equipped with water and PM-10 capabilities to perform cleanup as warranted.

Response to Comment No. 9F: The industrial-zoned east end of Greger Street will be utilized as necessary due to the project proximity, and in the same manner it is used by all of the industrial and commercial residents in the vicinity today. However, truck routes will not include residential areas along Greger Street as part of the proposed project.

Response to Comment No. 9G: Road or driveway construction is not warranted for this project; so an encroachment permit will not be necessary.

Response to Comment No. 9H: Comment noted. The City will be notified of a permit change.

**Responses to comments submitted by Stanislaus County, Parks and Recreation, Margarita Ramos, Deputy Director, January 20, 2010. (Letter # 10).**

Response to Comment No. 10A: This letter notes that the Department of Parks and Recreation has no comments. Therefore, no response is necessary.

**Responses to comments submitted by South San Joaquin Irrigation District, Bill Hubkey, Water Treatment Plant Manager, January 20, 2010. (Letter # 11).**

Response to Comment No. 11A: This comment does not pertain to the adequacy of the IS/ND. Therefore, no response is necessary.

Response to Comment Nos. 11B, 11C and 11D: The three subject parcels located near Woodward Reservoir have been voluntarily removed from this project by the project applicant; refer to Addendum 1 of the Negative Declaration document to view the letter written by Mr. Dennis Thomas dated February 9, 2010. These three parcels located near Woodward Reservoir were the project parcels of concern to the South San Joaquin Irrigation District, in regards to this comment letter dated January 20, 2010. No further response is necessary.

**Responses to comments submitted by San Joaquin Valley Air Pollution Control District, Dave Warner, Director of Permits Services, and David McDonough for Arnaud Marjollet, Permit Services Manager, January 22, 2010. (Letter # 12).**

Response to Comment No. 12A: This letter notes that the San Joaquin Valley Air Pollution Control District has no additional comments. Therefore, no response is necessary.

**Responses to comments submitted by Helen R. French, January 25, 2010. (Letter # 13).**

Response to Comment No. 13A: This letter notes that Helen R. French has no comments. Therefore, no response is necessary.



**Response to comments submitted by Cathy Alberti, January 27, 2010.  
(Letter # 14).**

Response to Comment Nos. 14A and 14B: The California Highway Patrol, Stanislaus County Public Works and City of Oakdale Public Works have received notice regarding this project, and no mitigation measures have been provided regarding potential traffic or road impacts.

Response to Comment No. 14C: Refer to the Response to Comment No. 4A regarding current farming activities, proposed project setbacks, and RWQCB approval.

Response to Comment No. 14D: The County Ordinance and Section 4.2 of the Plan of Operation address the requirements to use best management practices to control nuisance conditions from odor, dust, rodents and noise. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has received notice regarding this project, and has no comments to add to this project proposal; refer to the Response to Comment Nos. 3A and 12A regarding SJVAPCD letters for this project. The Air Resources Board was provided notice of this project and no comments were received.

Response to Comment No. 14E: This comment does not pertain to the adequacy of the IS/ND. Therefore, no response is necessary.

**Responses to comments submitted by Stanislaus County, Environmental Review Committee, Christine Almen, Senior Management Consultant, January 14, 2010. (Letter # 15).**

Response to Comment No. 15A: This letter notes that the Environmental Review Committee has no comments. Therefore, no response is necessary.

**Response to comments submitted by Nancy Abdallah, February 1, 2010.  
(Letter # 16).**

Response to Comment No. 16A: Refer to the Response to Comment Nos. 14A and 14B regarding traffic concerns.

Response to Comment No. 16B: Refer to the Response to Comment No. 7A regarding best management practices and contingency plans. Site inspections will occur at the land application sites, at a minimum, on a weekly basis during the tomato season (July through October) and on a monthly frequency when by-products are received for land application during the off-season. At the initiation of the project, daily inspections will

be performed at the land application sites to ensure compliance with the County Ordinance.

Response to Comment No. 16C: Refer to the Response to Comment No. 4A regarding current farming activities, proposed project setbacks, and RWQCB approval.

**Responses to comments submitted by South San Joaquin Irrigation District, Jim Atherstone, Environmental Compliance & Safety Officer, February 10, 2010. (Letter # 17).**

Response to Comment Nos. 17A – 17G: The three subject parcels located near Woodward Reservoir have been voluntarily removed from this project by the project applicant; refer to Addendum 1 of the Negative Declaration document to view the letter written by Mr. Dennis Thomas dated February 9, 2010. These three parcels located near Woodward Reservoir were the project parcels of concern to the South San Joaquin Irrigation District, as noted in this comment letter dated February 10, 2010. No further response is necessary.

**Responses to comments submitted by California League of Food Processors, Rob Neenan, Vice President, Government Affairs, February 11, 2010. (Letter # 18).**

Response to Comment No. 18A: This letter concurs with the findings of the IS/ND that the proposed project would not have a significant impact on the environment. Therefore, no response is necessary.

**C. LETTERS RECEIVED**

Copies of the eighteen (18) letters that were received during the public comment period follow this section.

LETTER # 1



OFFICE OF FIRE WARDEN  
FIRE PREVENTION BUREAU

Gary Hinshaw  
Fire Warden

Ray Jackson  
Deputy Fire Warden

Kenneth Slamon  
Fire Marshal

3705 Oakdale Road, Modesto, CA 95357

**STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE**

DATE: January 6, 2010  
ADDRESS: 3000 Crow Road; 4000 Ellenwood Road, 28 Mile Rd, Sonora Rd,  
& Frankenheimer Rd.  
LOCATION: 015-003-004; 015-081-048; 002-009-005; 002-021-011; & 002-  
021-048  
PROJECT #: Application for Permit to Operate a Food Processing By-Product  
Use Site.  
APPLICANT: JND Thomas Co., Inc.

Fire Prevention Bureau Comments:

**This project poses a less than significant impact on the Oakdale Rural and Stanislaus Consolidated Fire Protection District.**

**On behalf of the Fire Protection Districts the following mitigation measures are required.**

**NONE**

**Kenneth Slamon  
Fire Marshal**

Oakdale Rural Fire Protection District  
Stanislaus Consolidated Fire Protection District



California Natural Resources Agency  
 DEPARTMENT OF FISH AND GAME  
 Central Region  
 1234 East Shaw Avenue  
 Fresno, California 93710  
 (559) 243-4005  
<http://www.dfg.ca.gov>

LETTER # 2

ARNOLD SCHWARZENEGGER, Governor  
 JOHN McCAMMAN, Director



January 11, 2010

Vicki Jones  
 Senior Resource Management Specialist  
 Department of Environmental Resources  
 3800 Cornucopia Way, Suite C  
 Modesto, California 95358

Subject: Early Consultation  
 JND Thomas Company, Inc., Application for Permit to Operate a Food  
 Processing By-product Use Site

The Department of Fish and Game has reviewed the Early Consultation submitted by the Stanislaus County Department of Environmental Resources. The Project includes the land application of food processing by-product mud dredged from the ConAgra facility located at 554 South Yosemite Avenue, Oakdale. The by-product mud will be utilized as soil amendments on parcels totaling approximately 1,878 acres. Land application will occur on APNs 015-003-004 (located on the west side of Ellenwood Road in Waterford), 015-081-048 (located on the east side of Ellenwood Road in Oakdale), 002-009-005 (located on the east side of 28 Mile Road in Valley Home), 002-021-011 (located on the south side of Sonora Road in Oakdale), and 002-021-048 (located on the west side of Frankenheimer Road in Oakdale).

2A

The Department is concerned with the potential impacts to sensitive wildlife and waterways (i.e., Dry Creek, Woodward Reservoir, and blue-lined waterways) that are adjacent to the Project sites. In order to adequately assess any potential Project-related impacts to biological resources, focused biological surveys of the proposed application sites should be conducted by qualified wildlife biologists/botanists during the appropriate survey period(s) and prior to any application of food processing by-product. Surveys are necessary in order to determine whether or not any special status species may be present within the Project area. This information can then be used to identify any mitigation, minimization, and avoidance measures that should be included in the California Environmental Quality Act (CEQA) document and any permitting needs. Our general comments follow.

2B

**Department Jurisdiction**

**Trustee Agency Authority:** The Department is a Trustee Agency with responsibility under CEQA for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the

2C



habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities, as those terms are used under CEQA (Division 13 [commencing with Section 21000] of the Public Resources Code).

2C CONT.

**Responsible Agency Authority:** The Department also has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to Fish and Game Code Section 2081. If the Project could result in the "take" of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue an Incidental Take Permit for the Project. The Project has the potential to impact the State candidate California tiger salamander (*Ambystoma californiense*) and the State threatened Swainson's hawk (*Buteo swainsoni*).

2D

**Stream Alteration Notification:** The Department also has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource, pursuant to Fish and Game Code Sections 1600 et seq. If land-application activities are proposed that will involve work within the bed, bank, or channel of any surface water body, a Stream Alteration Agreement may be necessary. The Project proponent should submit a Stream Alteration Notification to the Department for the Project. The Department is required to comply with CEQA in the issuance or the renewal of a Stream Alteration Agreement. Therefore, for efficiency in environmental compliance, we recommend that the stream disturbance be described, and mitigation for the disturbance be developed as part of the environmental review process. For additional information on notification requirements, please contact our staff in the Stream Alteration Program at (559) 243-4593.

2E

**Bird Protection:** The Department has jurisdiction over actions which may result in the disturbance or destruction of active nest sites or the unauthorized "take" of birds. Sections of the Fish and Game Code that protect birds, their eggs and nests include Sections 3503 (regarding unlawful "take," possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the "take," possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful "take" of any migratory nongame bird).

2F

### Potential Impacts and Recommendations

**Water Pollution:** Pursuant to Fish and Game Code Section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into the "Waters of the State" any substance or material deleterious to fish, plant life, or bird life, including non-native species. The Regional Water Quality Control Board also has jurisdiction regarding discharge and pollution to "Waters of the State."

2G

It is possible that without mitigation measures, this Project could result in the pollution of "Waters of the State" from overland flows through areas where by-product mud is applied. Impacts to the fish and wildlife resources associated with surface waters could result from increased sediment deposition, the introduction of hazardous materials, nutrients, and other constituents of concern from the by-product mud, and from impairment of wildlife movement along riparian corridors.

2G CONT.

**Riparian Habitat and Wetlands:** Riparian habitat and wetlands are of extreme importance to a wide variety of plant and wildlife species. The Department considers projects that impact these resources as significant and gives the following recommendations to decrease the possible pollutant discharges to waterbodies:

- The riparian vegetation along waterways should be protected with a minimum 200-foot no-disturbance/no-application buffer delineated from the high water mark of each surface water body, or from the outside edge of the riparian vegetation, whichever is greater.
- A minimum 100-foot no-disturbance/no-application buffer around the high water mark of each surface water channel that has no riparian vegetation.
- A minimum 250-foot no-disturbance buffer delineated from the high water mark of vernal pools and swales.

2H

**Nesting Birds:** The Department recommends that land application be conducted outside the avian nesting/breeding season. If land application must occur during the breeding season (February through mid-September), surveys for active nests should be conducted by a qualified biologist no more than 30 days prior to the start of application. A minimum no-disturbance buffer of 250 feet should be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

2I

**Swainson's Hawks:** Nest avoidance buffers would likely need to be larger to avoid take of the State threatened Swainson's hawk as this species can be very sensitive to human disturbance around nests, leading to nest abandonment and fledgling death. Buffer zones should be developed in consultation with the Department to ensure the Project does not result in the take of this state threatened species. Surveys conducted to determine presence of nesting Swainson's hawks should follow the Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys (2000).

2J



**California Tiger Salamander (CTS):** California Natural Diversity Database records show that a California tiger salamander (*Ambystoma californiense*) was observed adjacent to some of the Project sites, potentially within the boundary of the Project area. In addition to being Federally threatened, this species is currently a candidate for State listing under CESA. This means the Department currently has jurisdiction over this species under CESA and depending on the outcome of the final listing status ruling (likely in February 2010), the Department may continue to have jurisdiction over this species. Potential Project-related impacts to this species in and surrounding the Project footprint should be evaluated by a qualified biologist using the Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander which were issued by the Department and the United States Fish and Wildlife Service in 2003. The Department should be consulted regarding potential impacts to this species and for permitting requirements well in advance of any potential Project-related impacts.

2K

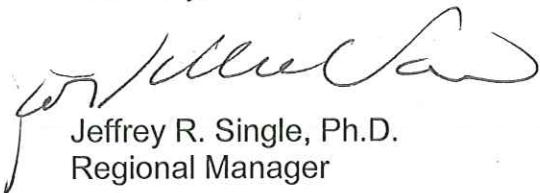
**Burrowing Owl:** Burrowing owls may occur near the Project area. If any ground-disturbing activities will occur during the burrowing owl nesting season (approximately February 1 through August 31), disturbance avoidance measures should be implemented. The Department's Staff Report on Burrowing Owl Mitigation (CDFG 1995) recommends that impacts to occupied burrows be avoided by implementation of a no-construction buffer zone of a minimum distance of 250 feet, unless a qualified biologist approved by the Department verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

2L

More information on survey and monitoring protocols for sensitive species can be found at the Department website ([www.dfg.ca.gov/wildlife/nongame/survey\\_monitor.html](http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html)). If you have any questions on these issues, please contact Jim Vang, Environmental Scientist, at the address provided on this letterhead or by telephone at (559) 243-4014, extension 254.

2M

Sincerely,



Jeffrey R. Single, Ph.D.  
Regional Manager

cc: See Page Five

Vicki Jones  
January 11, 2010  
Page 5

cc: Susan Jones  
United States Fish and Wildlife Service  
2800 Cottage Way, Suite W-2605  
Sacramento, California 95825

United States Army Corps of Engineers  
San Joaquin Valley Office  
1325 J Street  
Sacramento, California 95814-2922

Regional Water Quality Control Board  
Central Valley Region  
1685 E Street  
Fresno, California 93706-2020





January 12, 2010

Vicki Jones  
 County of Stanislaus  
 Department of Environmental Resources  
 3800 Cornucopia Way, Suite C  
 Modesto, CA 95358

**Project: JND Thomas Co., Inc. Application for Permit to Operate a Food Processing By-product Use Site**  
**District CEQA Reference No: 20100001**

Dear Ms. Jones:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of a food processing by-product use permit for land application of food processing by-products, located at 554 S. Yosemite Ave, in Oakdale, CA. The District has previously commented on a similar project for ConAgra's permit District reference No. 20090442. It is the District's understanding that JND Thomas Co., permit is similar in scope and magnitude. The District also understands that JND Thomas Co., will implement the same mitigation measures as ConAgra therefore the District has no additional comments at this time.

3A

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call David McDonough at (559) 230-5920.

Sincerely,

David Warner  
 Director of Permit Services

A handwritten signature in blue ink that reads "David Warner".

for, Arnaud Marjollet  
 Permit Services Manager

DW:dm

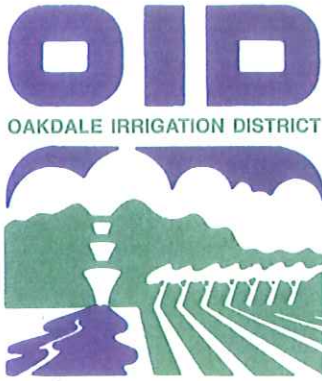
cc: File

**Seyed Sadredin**  
 Executive Director/Air Pollution Control Officer

**Northern Region**  
 4800 Enterprise Way  
 Modesto, CA 95356-8718  
 Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
 1990 E. Gettysburg Avenue  
 Fresno, CA 93726-0244  
 Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
 34946 Flyover Court  
 Bakersfield, CA 93308-9725  
 Tel: 661-392-5500 FAX: 661-392-5585



January 13, 2010

Ms. Vicki Jones, MPA, REHS  
Senior Resource Management Specialist  
Stanislaus County  
Department of Environmental Resources  
3800 Cornucopia Way, Suite C  
Modesto, CA 95358

**Re: JND Thomas Co., Inc. Application for Permit to Operate a Food Processing By-Product Use Site**  
**APN: 015-003-004, 015-081-048, 002-009-005, 002-021-011, 002-021-048**  
**(By-product receiving parcels)**  
**APN: 063-024-002, 063-024-008, 063-024-009, 063-024-020**  
**(By-product generation parcels)**

Dear Ms. Jones:

Oakdale Irrigation District (OID) has reviewed the above noted project and has the following comments regarding the parcels that will be receiving by-products generated from Con Agra Foods.

1. Only a portion of parcel 015-003-004 is currently within OID. The portion that is not within OID is in the process of annexing into OID. The remaining parcels of the proposed project to receive by-products are not within OID.
2. OID requests that the parcel receiving by-products for application comply with all water quality permits required by law specifically as it pertains to the 300-foot buffer required for public facilities.

4A

If I can be of any further assistance, please call me at (209) 840-5537.

Sincerely,

**OAKDALE IRRIGATION DISTRICT**

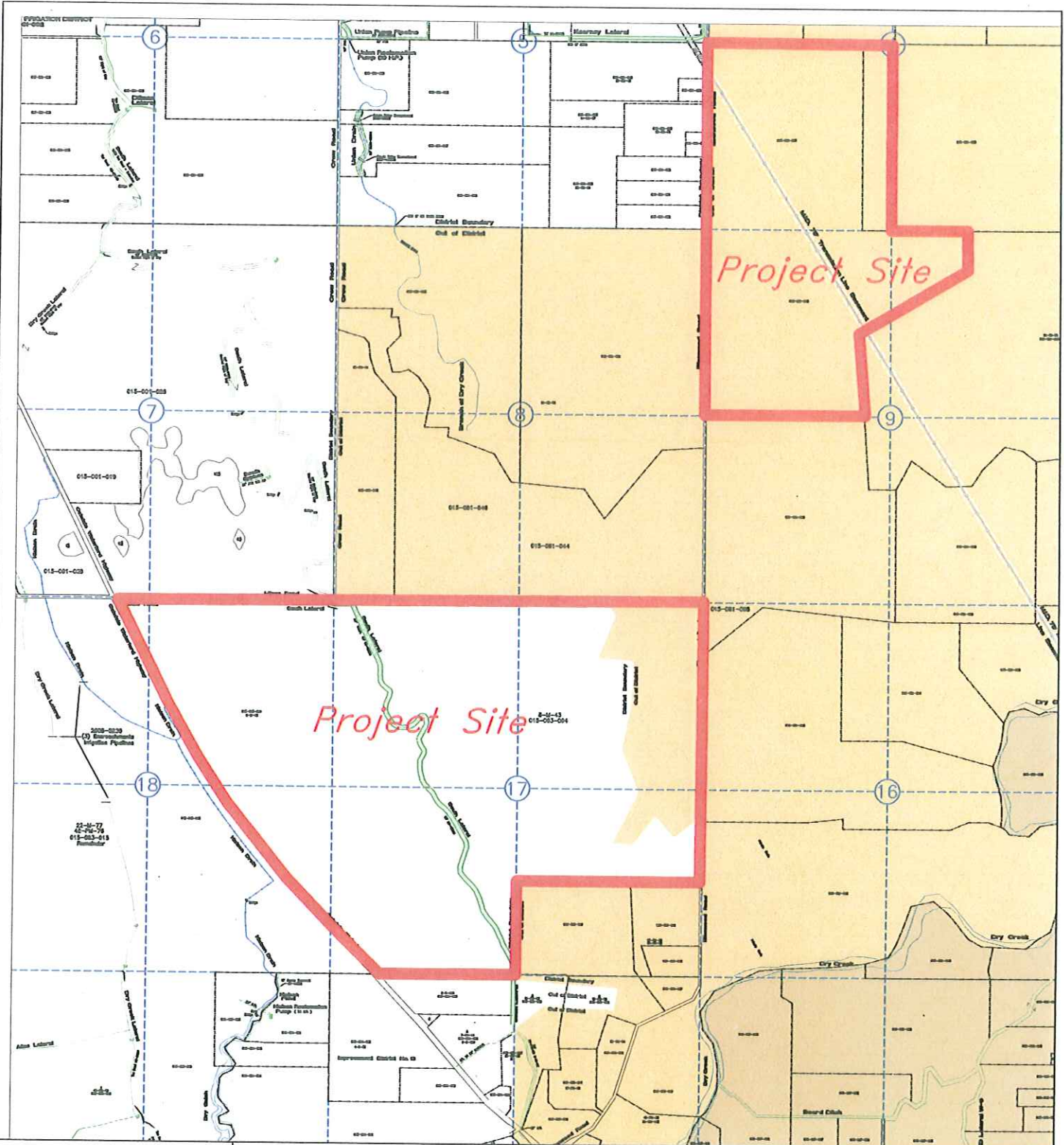
A handwritten signature in blue ink, appearing to read "John B. Davids", is written over the printed name and title of the District Engineer.

John B. Davids, P.E.  
District Engineer

Enclosure: Project Site Map

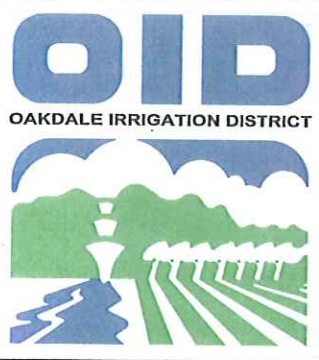
cc: Administration Files





OAKDALE IRRIGATION DISTRICT  
 1205 EAST F STREET  
 OAKDALE CALIFORNIA 95361

*Stanislaus County Early CEQA Consultation  
 JND Thomas Co., Inc. Permit for By-Product Use Site  
 APNs 015-003-004 and 015-081-048*



DATE: 1/08/2010  
 DRAWN BY: SJD  
 CHECKED BY: JBD

*Project Site Map*

CAD FILE No.  
 DWG. No. 1 of 1

STANISLAUS COUNTY  
CEQA REFERRAL RESPONSE FORM

TO: Stanislaus County Department of Environmental Resources  
Attn: Vicki Jones, Sr. Resource Management Specialist  
3800 Cornucopia Way, Suite C  
Modesto, CA 95358

FROM: AGRICULTURAL COMMISSIONER

PROJECT: JND Thomas Co., Inc. Application for Permit to Operate a Food Processing By-product Use Site

Based on this agency's particular field(s) of expertise, it is our position the above described project:

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No Comments.

5A

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) - (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

\_\_\_\_\_  
\_\_\_\_\_

Response prepared by:

		
Name	Title	Date



CHIEF EXECUTIVE OFFICE  
Richard W. Robinson  
Chief Executive Officer

Patricia Hill Thomas  
Chief Operations Officer/  
Assistant Executive Officer

Monica Nino-Reid  
Assistant Executive Officer

Stan Risen  
Assistant Executive Officer

1010 10<sup>th</sup> Street, Suite 6800, Modesto, CA 95354  
P.O. Box 3404, Modesto, CA 95353-3404  
Phone: 209.525.6333 Fax 209.544.6226

**STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE**

January 14, 2010

Vicki Jones  
Department of Environmental Resources  
3800 Cornucopia Way, Suite C  
Modesto, CA 95358-9492

**SUBJECT: ENVIRONMENTAL REFERRAL – JND THOMAS CO., INC.  
APPLICATION FOR PERMIT TO OPERATE A FOOD  
PROCESSING BY-PRODUCT USE SITE**

Ms. Jones:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has no comments at this time.

6A

The ERC appreciates the opportunity to comment on this project.

Sincerely,

A handwritten signature in cursive script that reads "Christine Almen".

Christine Almen, Senior Management Consultant  
Environmental Review Committee

cc: ERC Members



STANISLAUS COUNTY  
CEQA REFERRAL RESPONSE FORM

TO: Stanislaus County Department of Environmental Resources  
Attn: Vicki Jones, Sr. Resource Management Specialist  
3800 Cornucopia Way, Suite C  
Modesto, CA 95358

FROM: MIKE & CATHY BROWN

PROJECT: JND Thomas Co., Inc. Application for Permit to Operate a Food Processing By-product Use Site

Based on this agency's particular field(s) of expertise, it is our position the above described project:

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No Comments.

7A

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) - (attach additional sheet if necessary)

- 1.
2. 60 + YRS. SMELLING THEIR BY PRODUCTS
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

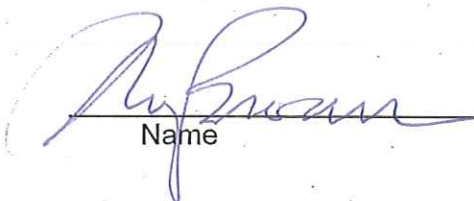
- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

COW AGRICULTURE IS A BAD NEIGHBOR NOW

7B

Response prepared by:

	<u>LANDOWNER</u>	<u>1/17/10</u>
Name	Title	Date

STANISLAUS COUNTY  
CEQA REFERRAL RESPONSE FORM

TO: Stanislaus County Department of Environmental Resources  
Attn: Vicki Jones, Sr. Resource Management Specialist  
3800 Cornucopia Way, Suite C  
Modesto, CA 95358

FROM: Foster Farms

PROJECT: JND Thomas Co., Inc. Application for Permit to Operate a Food Processing By-product Use Site

Based on this agency's particular field(s) of expertise, it is our position the above described project:

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No Comments, as long as all aspects of the assigned permits are adhered to and that odor issues are mitigated.

8A

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) - (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):

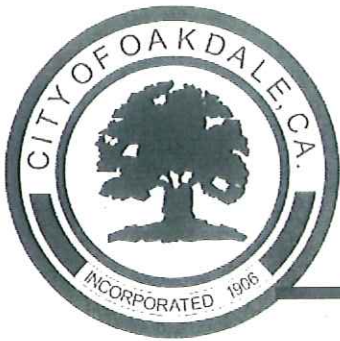
- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

\_\_\_\_\_  
\_\_\_\_\_

Response prepared by:

Shelley Worsham Environmental Program Manager 1-18-10  
 Name Title Date



**CITY OF OAKDALE  
PUBLIC WORKS DEPARTMENT**

**455 SOUTH FIFTH AVENUE – OAKDALE, CA 95361  
(209) 845-3600 Fax (209) 848-4344**

---

January 19, 2010

Stanislaus County  
Department of Environmental Resources  
3800 Cornucopia Way, Suite C  
Modesto, CA 95358  
Attn: Vicki Jones

Re: JND Thomas Co., Inc.  
Food Processing By-Product Use  
Notice of Intent to Adopt a Negative Declaration

Dear Ms. Jones:

Thank you for the opportunity to comment on this project. The City has reviewed the documents used to support the initial study and negative declaration and we believe our original comments regarding sludge removal at the ConAgra site will address our concerns. These comments were:

1. The issues of 'Excessive Objectionable Odor' and 'Excessive Fly, Mosquito, and/or Vector Nuisance' have the same comment from the City. The support documents address the sludge hauling and application only, but not the sludge handling at the originating site. For instance, after land application the mud must be tilled into the soil within 72 hours to prevent odor and vector nuisances, but the handling of the mud at the aeration pond banks have no criteria. Occasionally, there have been complaints of objectionable odors from the aeration ponds; onsite drying as proposed will only increase the level of nuisance. Please address the onsite drying criteria and procedures for incidents that exceed such criteria, specifically those incidents where there are numerous complaints of objectionable odors.
2. The removal of the mud from the aeration ponds should be adequately described so that comments can be made. Previous documents described the mud as being removed and dried on the pond banks and later at the Public Hearing a centrifuge was discussed. The objectionable odor will be a concern with any method adopted, but if a centrifuge is used then we will also need an assessment of the impact of the flocculant; specifically if the emulsion is safe for soil and it's possible effect on the groundwater.

9A

9B



- 
3. Regarding the issue of 'Excessive Noise', the City recently adopted an ordinance prohibiting engine braking within the City. This should only affect the hauling operation. 9C
  4. The 'Excessive Dust' discussion probably only applies to onsite roads, not the land application or public street hauling. There should be criteria for when watering will be required. 9D
  5. The mud is proposed to be transported to the land application site by water tight trucks. Water tight trucks do not ensure that leakage is prevented. Please add the requirement that when leakage is observed on the roadway, the roadway should be cleaned by a street sweeper equipped with water and PM-10 capabilities. 9E
  6. The City does not object to the proposed hauling routes, however variations from these routes into residential areas should be avoided. Specifically avoid using Greger Street. 9F
  7. The designated haul routes begin at the ConAgra plant on Yosemite Avenue, however the ponds are located on Greger Street. If a driveway, or road, is proposed to intersect Greger then an Encroachment Permit shall be obtained from the City prior to start of haul operations. Because this part of the project was not described in the documents, it's difficult to assess an impact. However, the requirement for an encroachment permit with the possibility that engineered plans may be required should accommodate all variations. 9G
  8. The City should also be notified prior to renewal of this permit or if the permit is modified. 9H

If you have any further questions or concerns, please contact me at (209) 845-3607 or [dmyers@ci.Oakdale.ca.us](mailto:dmyers@ci.Oakdale.ca.us).

Sincerely,



David L. Myers  
Deputy Public Works Director/City Eng.

**VICKI JONES**

---

**From:** MARGARITA RAMOS

**Sent:** Wednesday, January 20, 2010 1:34 PM

**To:** VICKI JONES

**Subject:** JND Thomas Co., INC. Application for Permit to Operate a Food Processing By Product Use Site

Vickie -

The Department of Parks and Recreation has no comments.

10A

Margarita D. Ramos, Deputy Director

Stanislaus County Parks and Recreation

"Stanislaus County Parks Make Life Better"

**Office 209.525.6771 Cell 209.450.5112 Fax 209.525.6773**

CPRS Region 2, District 5, Vice-President



SOUTH SAN JOAQUIN  
IRRIGATION DISTRICT

Date: January 20, 2010

To: Stanislaus County Department of Environmental Resources

From: Bill Hubkey, Water Treatment Plant Manager; South San Joaquin  
Irrigation District

Subject: JND Thomas Co., Inc. Application for permit to operate a food  
processing by-product use site

South San Joaquin Irrigation District owns and operates the Nick C DeGroot Water Treatment Plant located at 5855 Dodd's Road Oakdale CA. We currently serve high quality drinking water to the cities of Manteca, Lathrop and Tracy, with plans to extend our service to Escalon and Ripon in the near future. Our water treatment plant can produce up to 40mgd. Our raw water supply is conveyed from the Stanislaus river watershed through a series of reservoirs, an irrigation feed canal and finally Woodward Reservoir. During the irrigation season, mid-March through late October; we draw from the east side of the reservoir from our upper intake near the proposed land application site. Once irrigation season ends we switch to our lower intake at the dam.

11A

Woodward Reservoir is a multipurpose reservoir including water sports recreation during the warmer months, hunting and fishing all year or when in season. The reservoir is closed to human contact while we are on the lower intake to maintain water quality standards. SSJID also constructed a water quality wall to keep boats and other human contact away from the upper intake while it is in use. We regularly sample around the lake for bacteriological contamination on set intervals. SSJID takes its watershed protection seriously.

We very recently learned of the proposed project for the permitting land application of food processing by-products very near to our reservoir's shoreline and within its watershed area. SSJID is very concerned about the possible adverse side effects of this type of activity so close to our potable water supply. The by-product mud, consisting of tomatoes and bean plant material would be a rich fertilizer for crops such as trees. With that said, the run-off from this type of material is nutrient rich, possibly causing a negative effect on Woodward Reservoirs water quality, such as; algae blooms, oxygen depletion, fish kills and possible unknown contamination from pesticides or herbicides.

11B

MAIN OFFICE:  
11011 E. Highway 120  
Manteca, CA 95336  
PO Box 747  
Ripon, CA 95366  
tel 209.249.4600

NICK C. DEGROOT  
WATER TREATMENT PLANT:  
5855 Dodds Road  
PO Box 1679  
Oakdale, CA 95361  
tel 209.844.1500  
www.ssjid.com

Even if the loading rates for the mud are strictly followed, this type of activity requires the mud to be disked under and mixed with the existing soil, causing soil runoff directly into the reservoir, creating at the very least increased turbidity in the lake and ultimately our raw water. So it is the District's opinion that this activity as designed is unacceptable directly behind Woodard Reservoir and it will have a significant potential to adversely effect the environment inside of the reservoir basin, impacting the water quality for our customers.

11C

The District has contacted Joseph Spano, CA Department of Public Health, for his review and opinion of the described project. His concerns are similar to ours and at the very least requires us to make sure that appropriate conditions are applied to the permit, and SSJID must take responsibility for monitoring the use of the sites, particularly during rainstorms, to assure that compliance with the requirements of the RWQCB are consistently satisfied.

11D

The District will follow up with a formal letter on or before the final CEQA comment date of February 11<sup>th</sup>, 2010 regarding our position.

Regards,



Bill Hubkey, Water Treatment Plant Manager





January 22, 2010

Vicki Jones  
County of Stanislaus  
Department of Environmental Resources  
3800 Cornucopia Way, Suite C  
Modesto, CA 95358

**Project: JND Thomas Co., Inc. Application for Permit to Operate a Food Processing By-product Use Site**  
**District CEQA Reference No: 20100001**

Dear Ms. Jones:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of a food processing by-product use permit for land application of food processing by-products, located at 554 S. Yosemite Ave, in Oakdale, CA. The District has previously commented on this project and has no additional comments at this time.

12A

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call David McDonough at (559) 230-5920.

Sincerely,

David Warner  
Director of Permit Services

for, Arnaud Marjollet  
Permit Services Manager

DW:dm

cc: File

Séyed Sadredin

Executive Director/Air Pollution Control Officer

Northern Region

4800 Enterprise Way  
Modesto, CA 95356-8718

Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)

1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244

Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region

34946 Flyover Court  
Bakersfield, CA 93308-9725

Tel: 661-392-5500 FAX: 661-392-5585

STANISLAUS COUNTY  
CEQA REFERRAL RESPONSE FORM



TO: Stanislaus County Department of Environmental Resources  
Attn: Vicki Jones, Sr. Resource Management Specialist  
3800 Cornucopia Way, Suite C  
Modesto, CA 95358

FROM: Helen R. French

PROJECT: JND Thomas Co., Inc. Application for Permit to Operate a Food Processing By-product Use Site

Based on this agency's particular field(s) of expertise, it is our position the above described project:

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No Comments.

13A

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) - (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

\_\_\_\_\_  
\_\_\_\_\_

Response prepared by:

<u>Helen R. French</u>	Parcel =	
Name	<u>1242 Oakdale-Wifed. Hwy. W. Terfend</u>	<u>1-25-10</u>
	Title	Date





CHIEF EXECUTIVE OFFICE  
Richard W. Robinson  
Chief Executive Officer

Patricia Hill Thomas  
Chief Operations Officer/  
Assistant Executive Officer

Monica Nino-Reid  
Assistant Executive Officer

Stan Risen  
Assistant Executive Officer

1010 10<sup>th</sup> Street, Suite 6800, Modesto, CA 95354  
P.O. Box 3404, Modesto, CA 95353-3404  
Phone: 209.525.6333 Fax 209.544.6226



**STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE**

January 28, 2010

Vicki Jones  
Department of Environmental Resources  
3800 Cornucopia Way, Suite C  
Modesto, CA 95358-9492

**SUBJECT: ENVIRONMENTAL REFERRAL – JND THOMAS CO., INC.  
APPLICATION FOR PERMIT TO OPERATE A FOOD  
PROCESSING BY-PRODUCT USE SITE**

Ms. Jones:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has no comments at this time.

15A

The ERC appreciates the opportunity to comment on this project.

Sincerely,

A handwritten signature in cursive script that reads "Christine Almen".

Christine Almen, Senior Management Consultant  
Environmental Review Committee

cc: ERC Members







February 10, 2010

Ms. Vicki Jones  
 Senior Resource Management Specialist  
 Stanislaus County Department of Environmental Resources  
 3800 Cornucopia Way, Suite C  
 Modesto, CA 95358

C.C.: Sonya Harrigfeld, Director

Dear Ms. Jones

RE: CEQA Referral, Initial Study and Notice of Intent to Adopt a Negative Declaration, Notice of Application for Permit to Operate a Food Processing By-product Use Site.

South San Joaquin Irrigation District appreciates the opportunity to comment on the CEQA Referral, Initial Study and Notice of Intent to Adopt a Negative Declaration, Notice of Application for Permit to Operate a Food Processing By-product Use Site ("Project"). The District has a number of concerns with the Initial Study (IS) and finds it to be inadequate as a planning document for the County to evaluate the environmental impacts of the proposed Project on the environment.

Background:

We have consulted with Mr. Mota, Soil Conservationist for the United States Department of Agriculture, (USDA), National Resource Conservation Service, Modesto Service Center. Mr. Mota has reservations about the slope of the lands in parcels 3 (a) and 3(b) for several reasons, the main one being that in a storm of one inch of rain in a 24 hour period there would be approximately one ton of material runoff from each acre of land throughout these watersheds. Especially if the land was disturbed by planting winter oats, which has been done this year. The USDA has soil profile scenarios for all types of soil and slope of the land. This would have been done through their program had an Approved Conservation Plan been completed on these parcels. See attached photographs showing runoff from the Project lands during a recent storm event.

There are several issues with the constituents that are in the sludge that is going to be distributed on these parcels. Disking the material into the existing soil will not guarantee that everything will be incorporated throughout the soil bed. This will allow wind and rains to move particles of soil (sludge) and there is no way of keeping this out of Woodward Reservoir. Constituents such as; Arsenic MCL is 0.010 mg/L, Barium MCL is 1.0 mg/L, Chromium MCL is 0.05 mg/L, Copper MCL is 1.0 mg/L, along with nitrates, phosphates, and polymers are all potential problems that will increase costs and operational challenges for the NDWTP.

17A



Specific Comments

1. The IS fails to adequately describe the historical and existing uses of Parcels 3(a), (b) and (c) ("Parcels 3."). For example, the IS does not state that some of these parcels have historically, and up until the last several years, been dry pasture and currently are not used as irrigated farmland. The Initial Study does not identify the existing uses of the Parcels 3, the availability of irrigation water, their soil types or other factors bearing on their ability to absorb Project material. Without evaluation of the proper application rate of the Con Agra material to the Parcels 3, excessive application of the material could occur, resulting in chemical-laden runoff escaping to the District's adjoining land and into Woodward Reservoir during the rainy season.

17B

2. The IS assumes that the Project will not result in damage to any environmentally sensitive areas. However, the IS does not indicate that any field studies were conducted or that County records were reviewed. Designated wetlands occur in the Project area or adjacent lands likely to be affected by the Project. See attached map. The IS should include the results of a field study to locate environmentally-sensitive areas and evaluate likely effects of the Project.

17C

3. The IS does not does not evaluate the potential environmental effects from Project runoff to Woodward Reservoir. Woodward Reservoir is a source of drinking water through the Nick DeGroot Water Treatment Plant, (NDWTP), 5855 Dodds Road, Oakdale, CA 95361. This membrane-treatment facility serves the Cities of Manteca, Lathrop, and Tracy with over 160,000 citizens. Any projects that could impact the influent water to Woodward Reservoir will be reviewed in a very critical manner. The District and the Cities of Manteca, Lathrop and Tracy have a huge investment in the NDWTP: the District has a responsibility to treat and deliver safe potable drinking water to those cities. For this reason the District has taken steps to protect the watershed around Woodward Reservoir including purchasing the grazing rights on the property in question. Additionally Stanislaus County has recognized this use in its agreement with the District to operate Woodward Reservoir as a recreational facility. However, the IS fails to identify Woodward as a source of drinking water or to evaluate the effect of the Project on this use. In addition, the IS identifies polymers as a by-product of the Project. Polymers are a membrane-fouling material which if present in the receiving water at the NDWTP's membranes, will damage the membranes, interrupting the operation of the NDWTP. This potential effect of the Project on drinking water is not identified or evaluated in the IS.

17D

4. In addition, the IS fails to mention that the Project material contains substances that the Regional Water Quality Control Board regulates, if discharged to surface waters. It is likely that runoff from Project lands, including runoff from Parcels 3, will escape to Woodward Reservoir, and from there to the San Joaquin River, which is subject to State and to Federal regulation. The IS should evaluate the effects of the discharge of substances to waters of the State and to Waters of the US.

17E

It is the District's position that the Stanislaus County Department of Environmental Resources should exclude the three additional sites 3(a), 3(b), and 3(c) from this CEQA Referral, Initial Study and Notice of Intent to Adopt a Negative Declaration, Notice of Application for Permit to Operate a Food Processing By-product Use Site. At the meeting at the Nick DeGroot Water Treatment Plant on February 3<sup>rd</sup> 2010, Sonya Harrigfeld stated her commitment to exclude the three parcels; 3(a), 3(b), and 3(c) from the Project. These comments are expressed in the event that the County approves the Project without deleting these parcels from the Project.

17F

Conclusion:

The District believes that through full disclosure of the proposed sites and by carefully checking the watershed characteristics of each site using good topographic mapping, the County will determine that there is no way to prevent the contamination of the water at Woodward Reservoir.

It is in the best interest of everyone involved that any proposed site in the vicinity of Woodward Reservoir be removed from this Permit to Operate a Food Processing By-product Use Site.

The District would appreciate timely notification of any future projects within our watershed.

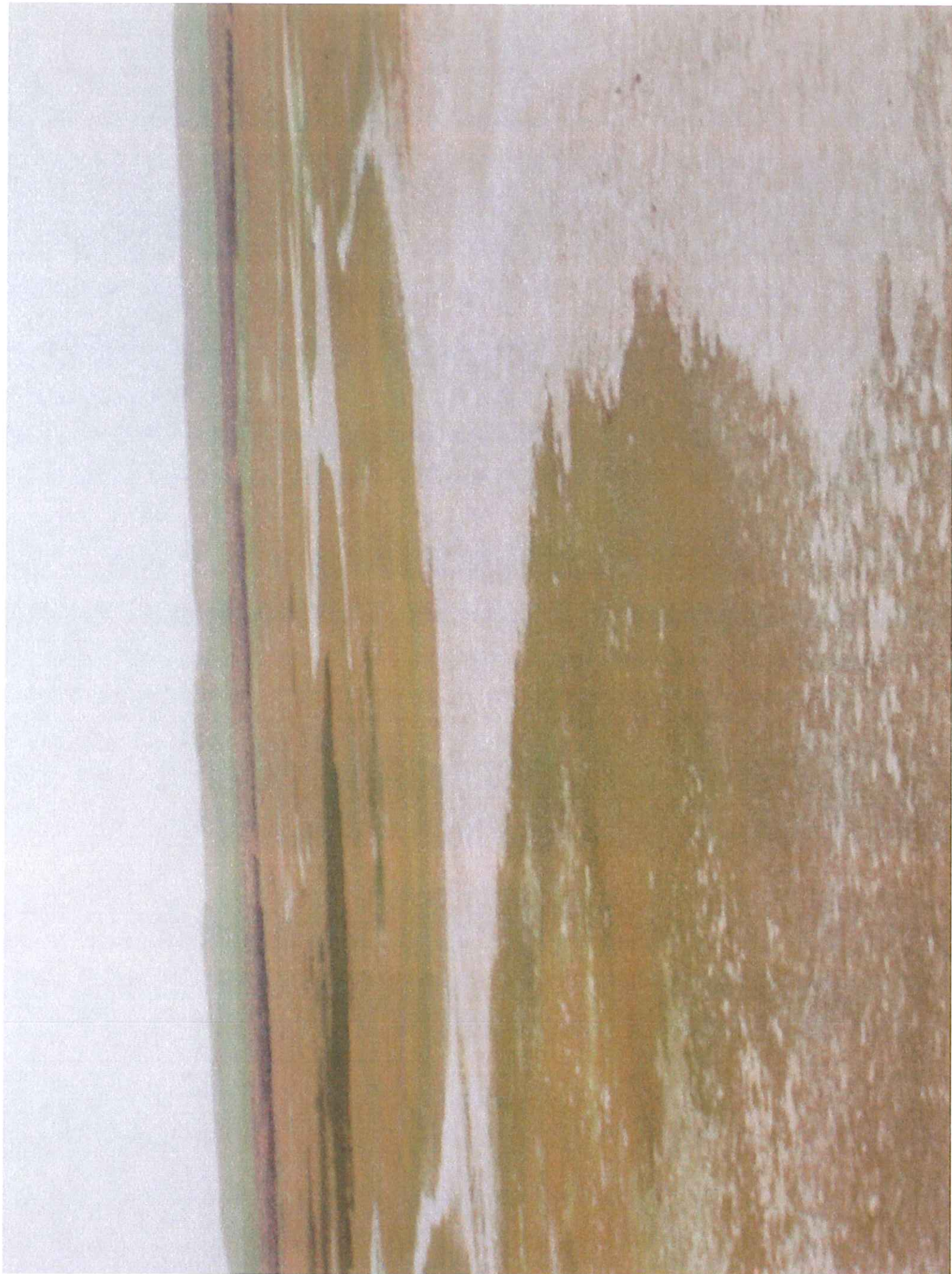
If you have any questions or concerns regarding this document, please contact me at (209)-993-7971 or e-mail at [jima@ssjid.com](mailto:jima@ssjid.com).

Sincerely,



Jim Atherstone  
Environmental Compliance & Safety Officer  
South San Joaquin Irrigation District











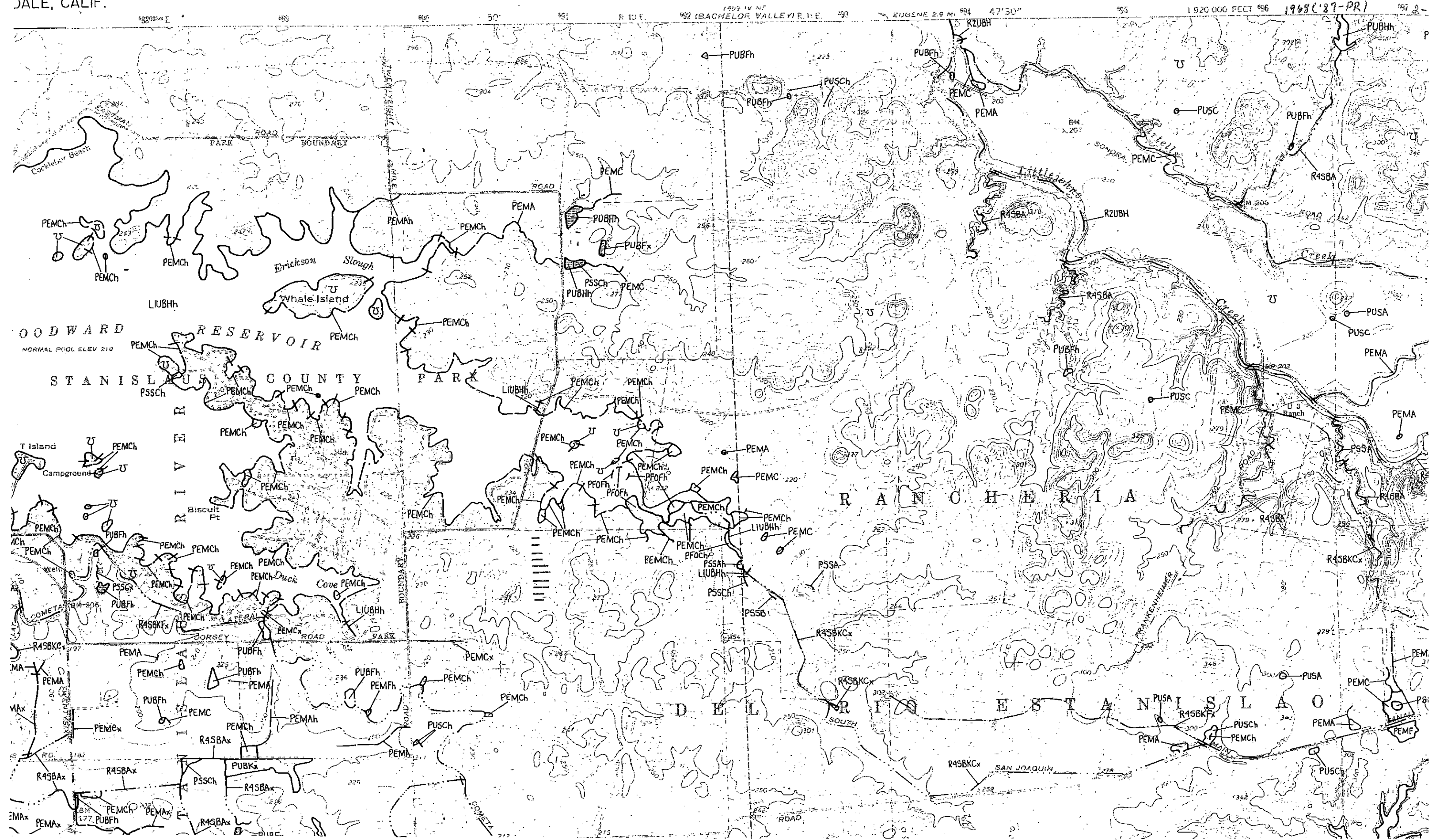




# NATIONAL WETLANDS INVENTORY

## UNITED STATES DEPARTMENT OF THE INTERIOR

DALE, CALIF.

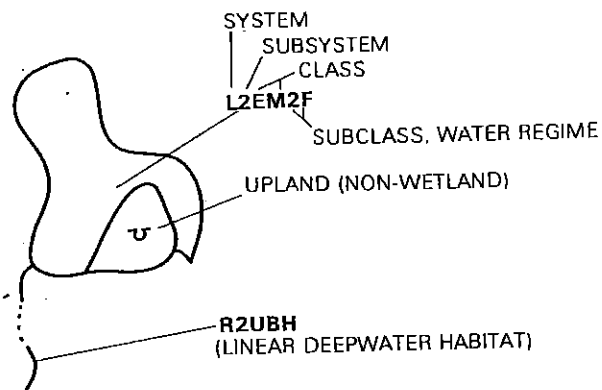




prepared primarily by stereoscopic aerial photographs. Wetlands were mapped based on vegetation, visible on aerial photographs in accordance with Classification of Deepwater Habitats of the United States (December 1979). The aerial photographs reflect conditions during the specific time they were taken. In addition, there is an inherent in the use of the aerial photographs detailed on the ground and historical information may result in a revision of the classification established through photographic interpretation, some small wetlands and those that do not rest cover may not be included on this map.

Local regulatory agencies with jurisdiction may define and describe wetlands in a manner that used in this inventory. There is no proprietary jurisdiction of any Federal, State or local agency to establish the geographical boundaries or to engage in activities involving modifications adjacent to wetland areas should seek appropriate Federal, State or local agency regulatory programs and actions that may affect such activities.

**SYMBOLGY EXAMPLE**



**NOTES TO THE USER**

- Subsystems, Classes, Subclasses, and Water Regimes in *Italics* were developed specifically for NATIONAL WETLANDS INVENTORY mapping.
- Some areas designated as R4SB, R4SBW, OR R4SBJ (INTERMITTENT STREAMS) may not meet the definition of wetland.
- This map uses the class Unconsolidated Shore (US). On earlier NWI maps that class was designated Beach/Bar (BB), or Flat (FL). Subclasses remain the same in both versions.



**U.S. DEPARTMENT OF THE INTERIOR**

**FISH AND WILDLIFE SERVICE**

Prepared by National Wetlands Inventory

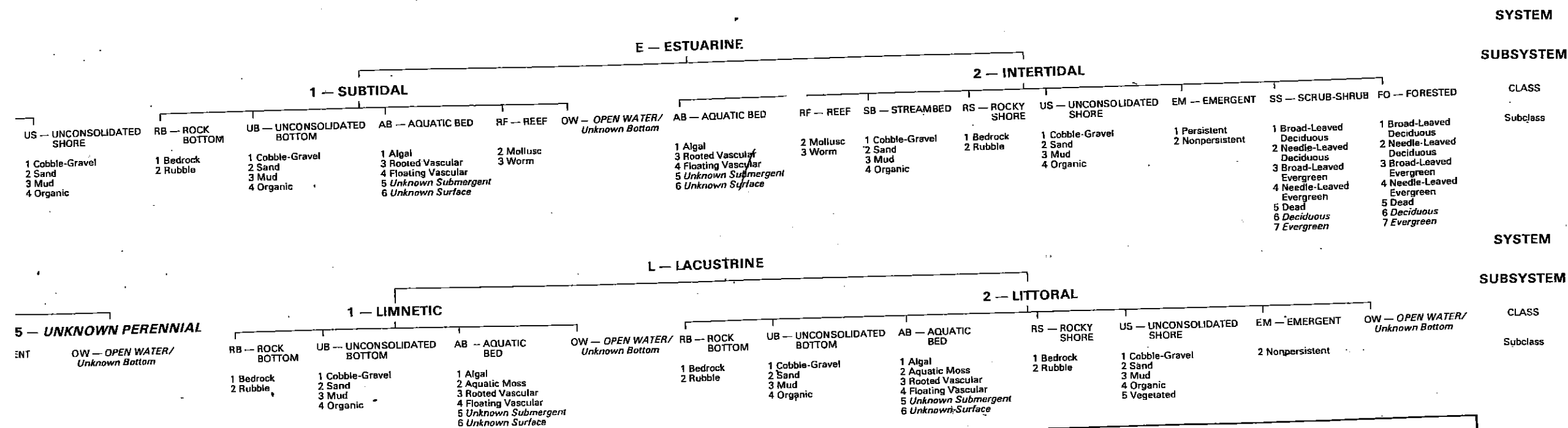
**AERIAL PHOTOGRAPHY**

DATE: 5 / 87  
SCALE: 1:65 000  
TYPE: CIR

DATE: 4 / 87  
SCALE: 1:65 000  
TYPE: CIR

DATE: 6 / 84  
SCALE: 1:58 000  
TYPE: CIR

**U** Primarily represents upland areas, but may include unclassified wetlands such as man-modified areas, non-photographable areas and/or unintentional omissions.



**MODIFIERS**

In order to more adequately describe wetland and deepwater habitats one or more of the water regime, water chemistry, soil, or special modifiers may be applied at the class or lower level in the hierarchy. The farmed modifier may also be applied to the ecological system.

WATER REGIME		WATER CHEMISTRY			SOIL	SPECIAL MODIFIERS
<p><b>Non-Tidal</b></p> <p>A Temporarily Flooded B Saturated C Seasonally Flooded D Seasonally Flooded/Well Drained E Seasonally Flooded/Saturated F Semipermanently Flooded G Intermittently Exposed</p> <p><b>Tidal</b></p> <p>H Permanently Flooded J Intermittently Flooded K Artificially Flooded L Subtidal M Irregularly Exposed N Regularly Flooded P Irregularly Flooded Y Saturated/Semipermanent/Seasonal Z Intermittently Exposed/Permanent U Unknown</p> <p>*These water regimes are only used in tidally influenced, freshwater systems.</p>		<p><b>Coastal Halinity</b></p> <p>1 Hyperhaline 2 Euhaline 3 Mixohaline (Brackish) 4 Polyhaline 5 Mesohaline 6 Oligohaline 0 Fresh</p>	<p><b>Inland Salinity</b></p> <p>7 Hypersaline 8 Eusaline 9 Mixosaline 0 Fresh</p>	<p><b>pH Modifiers for all Fresh Water</b></p> <p>a Acid t Circumneutral i Alkaline</p>	<p>g Organic n Mineral</p>	<p>b Beaver d Partially Drained/Ditched f Farmed h Diked/Impounded r Artificial Substrate s Spoil x Excavated</p>

- 1 Broad-Leaved Deciduous
- 2 Needle-Leaved Deciduous
- 3 Broad-Leaved Evergreen
- 4 Needle-Leaved Evergreen
- 5 Dead
- 6 Deciduous
- 7 Evergreen



February 11, 2010

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

**RE: JND Thomas Co. Inc. Application for Permit to Operate a Food Processing By-Products Use Site**

The California League of Food Processors (CLFP) is an industry trade association that represents fruit, vegetable, and cheese processing companies with facilities in California. CLFP is actively engaged in water quality and land application issues and the beneficial use of food processing byproducts.

The food processing industry is one of the key components of the economy of California's Central Valley. California is the leading U.S. producer of processed tomatoes, raisins, canned fruits and vegetables, dehydrated vegetables, and numerous other commodities which are sold to consumers around the world.

Food processors directly employ over 220,000 workers in California, generating nearly \$40 billion in sales revenue and \$10 billion in annual labor income. Numerous California packaging suppliers, energy providers, truckers, and other companies rely on food processors like ConAgra as an important market for their products.

Many farmers depend on processors for a market for their crop. Over 300,000 acres of farmland in California are devoted to growing crops for processing. Processing plants are the hub of economic activity in many rural communities in the Central Valley, accounting for a large portion of employment, income, and tax revenue. A study by the University of California found that every job created in the food processing sector generates an additional 2.3 jobs in the rest of the economy, and every new dollar in food processing wages also generates \$1.82 in income in other sectors.

CLFP believes that the project proposed by JND Thomas is consistent with the Order approved by the Stanislaus County Board of Supervisors during a hearing that was held on December 8, 2009. At that hearing, it was clear that ConAgra is committed to conducting the dredging and land application process in an environmentally sound manner and is responsive to the concerns of the Stanislaus County Department of Environmental Resources. The project at issue in this

18A

proceeding will pose no risk to water, air, land, or human health and respectfully requests that the permit application be approved as soon as possible.

18A CONT.

If you have any questions please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Neenan", with a long horizontal flourish extending to the right.

Rob Neenan  
Vice President, Government Affairs  
California League of Food Processors  
1755 Creekside Oaks Drive  
Suite 250  
Sacramento, CA 95833  
Phone: 916-640-8150  
e-mail: [rob@clfp.com](mailto:rob@clfp.com)