

## **APPENDIX 1**

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

## **Introduction provided by ConAgra Foods**

ConAgra Foods would like to thank those members of the community who submitted questions and concerns about our plan to partner with Stanislaus County and a local landowner to recycle natural by-products on farmland that uses these types of organic nutrients to keep its soil fertile and thriving. As committed members of the Oakdale community since the early 1900s, we care deeply about those who live in and near the area, and work hard to ensure that any and all business activities adhere to the highest environmental, health and safety standards. In this case, we have committed extensive time and resources through extensive analysis to ensure that this plan will not adversely impact water, air, land or human health, will reduce landfill waste and will help ensure that our plant is able to take a necessary business action so we can continue to operate effectively and grow the business for local employees.

The following is a summary of who we are, why we're working closely with the county and the community, and what we intend to do as part of our partnership with a local landowner. We appreciate your interest in this matter and look forward to working with you to make sure we have addressed any concerns and are able to proceed to help our cannery thrive.

### **ConAgra Foods cannery background**

ConAgra Foods operates a tomato and bean processing facility and cannery at 554 S. Yosemite Ave in Oakdale, Calif. The products manufactured at the facility include Hunt's tomato sauce, ketchup, spaghetti sauce, Manwich, consumer tomato paste, bulk tomato paste, various peeled, crushed, diced, and whole tomato products, and Rosarita Refried Beans. The cannery and the Hunt's Brand have a long history in Oakdale, dating back to the early 1900's. The facility has grown over the years to become one of the largest canneries on the West Coast, and *the* largest employer in the Oakdale area with more than 1,200 employees at its peak production time each year. The cannery and processing operations currently use 79 acres and 688,000 square feet of production and warehouse space; and ConAgra Foods continues to pursue expansion opportunities. This facility is ConAgra Food's largest Hunt's fresh pack tomato canning operation, and one of only two bulk tomato paste manufacturing facilities servicing ConAgra Food brands nationwide. Based on its size, capacity and location, the Oakdale facility is currently considered a strategic location for ConAgra Foods.

### **Cannery processes and land application plan summary**

This facility purchases tomatoes from Central Valley growers during the tomato harvest season for processing and canning. Steam is used to peel the fruit and heat the product. No chemical or lye peeling methods are used in the production process. The fresh water used to rinse the fruits and vegetables, move them through the flumes to the production areas, and generate steam for peeling and heating is filtered and collected in a 10-acre settling and aeration pond. The

settling and aeration pond requires capacity expansion through by-product mud dredging activities to accommodate current and future production capacity.

The by-products generated from the processes consist of tomatoes, juice, leaves, stems, water, soil from the aeration pond, and soil rinsed from the fruit. By-product tomatoes and peels are used for animal feed under a Stanislaus County Food Processing By-product Use Permit, and the tomato and bean rinse water is used for fertile irrigation water on local farmland under a Regional Water Quality Control Board (RWQCB) Permit Program. The remaining by-products (leaves, stems, soil, and plant residue) are currently sent to landfill or compost. All of the by-products generated from the food processing operations are non-toxic and non-hazardous, and meet all criteria for the RWQCB approved Stanislaus County Food Processing By-product Use Program (Program) and County Ordinance. This Ordinance includes strict provisions specifically designed to ensure that the land application operations will be protective of the environment and the community. Land application operations will be closely monitored by the County DER to ensure compliance with all regulatory and reporting requirements. ConAgra Foods is seeking a permit to participate in the Program and use the natural by-products as a soil amendment on local farmland. Returning this material to the land constitutes a beneficial re-use, and prevents unnecessary landfill disposal. The proposed land application end use will take place on existing agricultural lands that historically have been utilized using the same machinery, employees, cropland and management practices with improved organic farming practices. No significant impacts from this project have been identified through the CEQA process, and none are anticipated. Ultimately, this project is crucial to the continued operation and future growth of the cannery.

The ConAgra Foods cannery in Oakdale is committed to its employees, customers, the environment and the local community. We believe that the proposed project will pose no risk to the health and quality of water, air, land or local residents. The Oakdale's cannery management team will continue work closely with the Stanislaus County Department of Environmental Resources to ensure the land application sites are managed in a manner fully consistent with the Ordinance.

## 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 ConAgra Foods Aerated By-product Mud Pond and Rinse Mud Residue for Land Application as a Soil Amendment / ConAgra Application for Permit to Operate a Food Processing By-product Use Site. The public comment period for this project was from July 15, 2009 to August 13, 2009. A total of thirty-one (31) 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, Kenneth Slamon, Fire Marshal, July 13, 2009.
- Letter # 2 Stanislaus County, Parks and Recreation, Margarita Ramos, Deputy Director, July 13, 2009.
- Letter # 3 Stanislaus County, Sheriff, M. Wirowek, HR Mgr., July 16, 2009.
- Letter # 4 Mary Ann Henriques, July 16, 2009.
- Letter # 5 Hendrik Bomer, July 16, 2009.
- Letter # 6 Elaine Matthews, July 21, 2009.
- Letter # 7 Layton Miles, July 21, 2009.
- Letter # 8 Richard C. Sinclair, Attorney at Law, July 21, 2009.
- Letter # 9 George Vieths, July 22, 2009.
- Letter # 10 Dan and Janet Medina, July 18 and 22, 2009.
- Letter # 11 City of Oakdale, Public Works Department, David L. Myers, Deputy Public Works Director/City Eng., July 23, 2009.
- Letter # 12 Bobby E. Goad, July 26, 2009.
- Letter # 13 Vern Fabry, July 29, 2009.

- Letter # 14 Dan Medina, July 21, 2009.
- Letter # 15 Mike Schonhoff, July 31, 2009.
- Letter # 16 California Natural Resources Agency, Department of Fish and Game, Jeffrey R. Single, Ph.D., Regional Manager, August 4, 2009.
- Letter # 17 Stanislaus County, Planning and Community Development, Steve Treat, Supervising Building Inspector, August 5, 2009.
- Letter # 18 Robert M. (Mike) Adian DVM, August 5, 2009.
- Letter # 19 Marcella L. Goad, August 5, 2009.
- Letter # 20 Nancy Adian, R.N., August 6, 2009.
- Letter # 21 Foster-Moore Christian School, Heidi Jorgenson, Principal, August 9, 2009.
- Letter # 22 Department of Conservation, Division of Land Resource Protection, Meri Meraz, Environmental Planner, August 10, 2009.
- Letter # 23 Stanislaus County Food Processing By-products Re-use Committee, Martin Reyes, August 10, 2009.
- Letter # 24 San Joaquin Valley Air Pollution Control District, Dave Warner, Director of Permits Services, and David McDonough for Arnaud Marjollet, Permit Services Manager, August 11, 2009.
- Letter # 25 California League of Food Processors, Rob Neenan, Vice President, Government Affairs, August 12, 2009.
- Letter # 26 Ed Franciosa, August 12, 2009.
- Letter # 27 Marcella L. Goad, August 12, 2009.
- Letter # 28 Oakdale Joint Unified School District, Fred Rich, Superintendent, August 13, 2009.
- Letter # 29 Community Letter, August 13, 2009.
- Letter # 30 Unsigned Letter, August 11, 2009.
- Letter # 31 Unsigned Letter, August 11, 2009.

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

### **Response to comments submitted by Stanislaus County, Oakdale Rural Fire Protection District, Kenneth Slamon, Fire Marshal, July 13, 2009. (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 Stanislaus County, Parks and Recreation, Margarita Ramos, Deputy Director, July 13, 2009. (Letter # 2).**

Response to Comment No. 2A – This letter notes that the Department of Parks and Recreation has no comments. Therefore, no response is necessary.

### **Response to comments submitted by Stanislaus County, Sheriff, M. Wirowek, HR Mgr., July 16, 2009. (Letter # 3).**

Response to Comment No. 3A – 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.

### **Responses to comments submitted by Mary Ann Henriques, July 16, 2009. (Letter # 4).**

Response to Comment No. 4A: This comment does not pertain to the adequacy of the IS/ND. Therefore, no response is necessary.

Response to Comment No. 4B: As referenced in the last sentence of Section 1 of the Plan of Operation entitled, "Aerated Pond and Rinse Mud Disposal Management and Sampling Plan," mature tree land application will take place after harvest and in early spring to minimize the potential impact to nut harvest season. In addition, and as referenced in Section 1 and Section 4.2 of the Plan of Operation, impacts from soil disturbance associated with dust or soil impacts will be addressed using agricultural best management practices; a water truck with spray nozzles will be used as warranted.

Response to Comment No. 4C: As referenced in the last sentence of Section 1 of the Plan of Operation, and Response to Comment No. 4B, mature tree land application will take place after harvest and in early spring to minimize the potential impact to nut harvest season.

Response to Comment No. 4D: As referenced in Section 1 and Section 4.2 of the Plan of Operation, impacts from soil disturbance associated with dust or soil impacts will be addressed using agricultural best management practices; a water truck with spray nozzles will be used as warranted.

Response to Comment No. 4E: The use of manure is a preferred organic farming practice. Manure application is presently utilized as a farming practice on the subject application acres.

Response to Comment No. 4F: Truck traffic associated with this project would take place whether the by-product mud is land-applied, used as compost under State permit/notification, or transported to a local landfill. 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 impacts. Refer to Letter # 11 for comments from the City of Oakdale, and also refer to Response to Comment Nos. 11A through 11H. As referenced in the Response to Comment No. 4B, best management practices will minimize dust impacts; a water truck with spray nozzles will be used as warranted.

Response to Comment No. 4G: As referenced in Section 4.2 of the Plan of Operation, land application will not take place within seven days of a rain event and plastic covers will be used if necessary. Chemicals are not introduced into the ConAgra by-product mud; ConAgra utilizes a steam-peel process. Due to rainy season precautions and the non-flood micro-irrigation practice, impacts to stormwater runoff will be minimal.

Response to Comment No. 4H: As referenced in Section 4.2 of the Plan of Operation, and in the County Ordinance, best management practices to control nuisance conditions associated with odors will be addressed by covering haul trucks, and additional field discing and spreading as necessary. The rotation of fields on a frequent basis may also be implemented. Note that the pond by-product mud has gone through an anaerobic digestion process, which removes odors.

Response to Comment No. 4I: This comment does not pertain to the adequacy of the IS/ND. Therefore, no response is necessary.

Response to Comment No. 4J: Refer to Letter # 24 submitted by the San Joaquin Valley Air Pollution Control District (Air District), and to Response to Comment Nos. 24A-24E. Refer to Response to Comment No. 4C above with regard to food safety. The California Department of Food and Agriculture was contacted by telephone and provided a written Notice of Intent to Adopt a Negative Declaration (NOI) for this project; no comments were received.

**Responses to comments submitted by Hendrik Bomer, July 16, 2009.  
(Letter # 5).**

Response to Comment No. 5A: This comment does not pertain to the adequacy of the IS/ND. Therefore, no response is necessary.

Response to Comment No. 5B: Refer to Response to Comment No. 4H above on odors.

Response to Comment No. 5C: This comment does not pertain to the adequacy of the IS/ND. Therefore, no response is necessary.

**Responses to comments submitted by Elaine Matthews, July 21, 2009.  
(Letter # 6).**

Response to Comment No. 6A: Refer to Response to Comment No. 4H above regarding potential odor nuisances. In addition, 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.

**Responses to comments submitted by Layton Miles, July 21, 2009. (Letter # 7).**

Response to Comment No. 7A: Refer to Response to Comment No. 4H regarding potential odor nuisances. 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, flies, mosquitoes, and noise. Refer to Response to Comment No. 4F above regarding truck traffic.

Response to Comment No. 7B: The proposed activities are similar to the application of manure or other organic products, which has occurred historically on these "Right to Farm" properties.

Response to Comment No. 7C: 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 of the Plan of Operation to address application proximity to residential properties.

Response to Comment Nos. 7D-7E: Comments noted. These comments do not directly pertain to the adequacy of the IS/ND. Therefore, no response is necessary.



**Responses to comments submitted by Richard C. Sinclair, Attorney at Law,  
July 21, 2009. (Letter # 8).**

Response to Comment No. 8A: These comments do not pertain to the adequacy of the IS/ND. Therefore, no response is necessary.

Response to Comment No. 8B: Comments noted. The Stanislaus County Department of Environmental Resources and ConAgra Foods are both committed to full compliance with the California Environmental Quality Act (CEQA). The proposed project meets the criteria of the Central Valley Regional Water Quality Control Board-approved Stanislaus County Food Processing By-product Use Program (Program) as described by the County Ordinance. The efforts put forth thus far with the permit application process are in full compliance with CEQA.

Response to Comment No. 8C: The request to be included on the mailing list for all future action regarding this matter is noted.

Response to Comment Nos. 8D-8E: ConAgra Foods processes tomatoes and beans in an organic manner without the use of chemical or lime peels. The by-product pond mud generated from residual soil and tomato/bean residue is organic material that has gone through anaerobic digestion. This site-specific project fits the definition of the Regional Water Quality Control Board-approved County Program for Food Processing By-product Use as described by the County Ordinance. In addition, the land application end use is taking place on existing agricultural lands that historically have been utilized using the same machinery, employees, cropland and management practice with improved organic farming practices compared to a chemical fertilizer program. No significant impacts from the implementation of this food by-product reuse program are anticipated. The San Joaquin Valley Air Pollution Control District has been noticed regarding this project; see Letter # 24, and the Response to Comment Nos. 24A-24E.

Response to Comment No. 8F: Extensive laboratory testing has been completed in 2003, 2007 and 2009 of the by-product mud, which will be land applied at agronomic rates. Due to the non-chemical and organic nature of facility operations, no manmade chemical constituents are anticipated. However, the applicant has sampled for pesticides, CAM 17 metals and numerous agronomic specific data as required. Pesticides were non-detect and other parameters were below composting regulatory criteria. The primary limiting constituent for agronomic rate application is nitrogen, as referenced in Section 4.2 of the Plan of Operation. Additional sampling results were submitted to the County, and any future analyses will be submitted to the County as required by the Program. The numerical amounts provided in your comment were transcribed

incorrectly; refer to Table 7 within Section 4.2 of the Plan of Operation. The correct allowable distribution would be one (1) pound per acre per year of nickel, one (1) pound per acre per year of copper, and sixty (60) pounds per acre per year of available potassium. Regarding pathogens, the potential of pathogen impacts to soil and harvested fruit is minimal with the addition of the by-product mud to manure matrix that is already part of the farming practice that includes the thin application of material and discing. In addition, the by-product pond mud has low potential of providing a matrix to support pathogens due to the low organic content of this anaerobically-treated mud. Laboratory testing has confirmed that plant parasitic nematodes are non-detect in the mud. Note that for mature trees, the manure and mud application occurs after harvest and during early spring to minimize the exposure of pathogens to fruit harvest.

Response to Comment No. 8G: Extensive laboratory testing has been completed in 2003, 2007 and 2009 of the mud at varying depths which will be land applied at agronomic rates.

Response to Comment No. 8H: These comments do not pertain to the adequacy of the IS/ND. Therefore, no response is necessary. Refer to Response to Comment No. 10E.

Response to Comment No. 8I: Extensive laboratory testing has been completed in 2003, 2007 and 2009 of the mud, which will be land applied at agronomic rates. A Pacific Ag Consulting report is mentioned in this comment. As clarification, Pacific Ag Consulting is not directly related to the ConAgra application we are currently processing. Pacific Ag Consulting is the consultant for JND Thomas Co., Inc., who is a separate permit applicant. The Department has not yet begun to process the Permit Application for JND Thomas Co., Inc.

Response to Comment No. 8J: The County Ordinance includes a comprehensive sampling and testing protocol that includes soil, by-product material, and plant tissue sampling. Site inspections will occur, at a minimum, on a monthly basis during land application periods. Required sampling, including added conditions of permit provided in the Addendum, will adequately monitor constituents of concern to prevent chronic toxicity to human health and the environment; based on all by-product mud scientific data received to date, no concerns have been identified. Sections 3 and 5 of the Plan of Operation contain additional details of the soil and by-product mud sampling plans that will be used to routinely assess the program and identify impacts to soil and potential water quality. See Response to Comment No. 4G regarding stormwater runoff concerns. Federal, State and local public agencies requiring notice have been notified of this project, and any comments requiring clarification have been addressed within the Addendum of the Final Negative Declaration

document. In addition, the County Ordinance and Section 4.2 of the Plan of Operation provide requirements to use best management practices to control nuisance conditions from odor, dust, rodents and noise. Refer to the Response to Comment No. 4H.

**Responses to comments submitted by George Vieths, July 22, 2009. (Letter # 9).**

Response to Comment No. 9A: The comments regarding errors in the descriptions of two parcels have been noted. The setbacks for the specified parcels have been reviewed and the appropriate setbacks will be applied.

**Responses to comments submitted by Dan and Janet Medina, July 18 and 22, 2009. (Letter # 10).**

Response to Comment No. 10A: Request to be included on a mailing list for all future action regarding this matter is noted.

Response to Comment No. 10B: These comments do not pertain to the adequacy of the IS/ND. Therefore, no response is necessary.

Response to Comment No. 10C: Refer to Response to Comment No. 4H regarding odors, and Response to Comment Nos. 6A and 7A regarding flies, mosquitoes and other pests.

Response to Comment No. 10D: Refer to the Response to Comment No. 4F regarding truck traffic. A similar truck traffic scenario would be anticipated to apply chemical fertilizer. Only Stanislaus County permitted haulers will transport the by-product mud to the land application sites. Any hauler is responsible for cleanup if there were spilled by-products from their vehicle on public roads, but in the event that the hauler does not clean spilled by-products from public roads, related to this project, then ConAgra will provide a street sweeper equipped with water and PM-10 capabilities to perform cleanup as warranted.

Response to Comment No. 10E: These comments do not pertain to the adequacy of the IS/ND. Therefore, no response is necessary. However, with regard to the NOV mentioned in this comment, at the time ConAgra believed they were reusing the material in an appropriate manner when discharging the by-product material onto land owned by John Brichetto, and note that ConAgra was in contact with County representatives to ensure the by-products were handled properly and that there was no adverse environmental impact identified. The Regional Water Quality Control Board (RWQCB) provided a letter to ConAgra in 2006 that had approved the closure of the U-pond procedures, with no mention of

violation concerns. In August 2009, Department staff verbally confirmed that ConAgra is not in violation of their Waste Discharge Requirements (WDRs) that are in place under the RWQCB for ConAgra's aerated mud pond on-site. Furthermore, the RWQCB was sent a notice regarding this project seeking comment during the CEQA public comment period; no written comments were received. Currently, the ConAgra facility in Oakdale is in compliance with RWQCB requirements, as required by the County Regulations.

Response to Comment No. 10F: Per the ConAgra WDRs/Monitoring and Reporting Program, the disposal of solid waste from the plant can be addressed through either a State or local approved program. In June 2009, the Stanislaus County Food Processing By-product Use Program gained RWQCB approval.

**Responses to comments submitted by City of Oakdale, Public Works Department, David L. Myers, Deputy Public Works Director/City Eng., July 23, 2009. (Letter # 11).**

Response to Comment No. 11A: ConAgra 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. Refer to Response to Comment No. 24C.

Response to Comment No. 11B: Refer to Response to Comment No. 4H regarding odors. Covering of exposed piles will be completed as warranted. 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 5 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. 11C-11D: Refer to Response to Comment No. 6A regarding excessive noise and dust. Permitted haulers associated with the proposed project will be required to comply with all traffic laws and City ordinances.

Response to Comment No. 11E: Refer to Response to Comment No. 10D.

Response to Comment No. 11F: 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. 11G: Road or driveway construction is not warranted for this project; so an encroachment permit will not be necessary.

Response to Comment No. 11H: Comment noted. The City will be notified of a permit change.

**Responses to comments submitted by Bobby E. Goad, July 26, 2009.  
(Letter # 12).**

Response to Comment Nos. 12A –12C: Refer to Response to Comment No. 7A regarding excessive flies, dust and noise.

Response to Comment No. 12D: Licensed truck drivers will be required to adhere to all traffic laws.

Response to Comment No. 12E: The County Ordinance and the Plan of Operation contain provisions for a detailed sampling program and best management practices to address potential impacts from the land application of the by-product muds. Metals sampling is included in the sampling schedule, although no risks have been identified.

Response to Comment No. 12F: This comment does not pertain to the adequacy of the IS/ND. Therefore, no response is necessary. However, since the Plan of Operation has provisions for prevention and mitigation of nuisance conditions, such as dust and odors, there are no additional expenses anticipated as a result of the proposed project.

Response to Comment No. 12G: Refer to the Response to Comment No. 7A regarding potential excessive flies or mosquitoes.

Response to Comment No. 12H: This comment does not pertain to the adequacy of the IS/ND. Therefore, no response is necessary.

Response to Comment No. 12I: This comment does not pertain to the adequacy of the IS/ND. Therefore, no response is necessary.

Response to Comment No. 12J: This comment does not pertain to the adequacy of the IS/ND. Therefore, no response is necessary.

Response to Comment No. 12K: Licensed truck drivers will be required to adhere to all traffic laws. The CHP was provided notice of this project

through the State Clearinghouse, and no comments were provided to the County.

**Responses to comments submitted by Vern Fabry, July 29, 2009. (Letter # 13).**

Response to Comment Nos. 13A and 13B: Refer to Response to Comment No. 7A regarding excessive flies, dust, and noise. Refer to Response to Comment No. 4F regarding truck traffic and public road maintenance. The amount of by-product mud that may be land-applied per acre per year is limited by agronomic rates, which would be a limiting factor for the truck traffic at each parcel. Refer to Response to Comment No. 12E regarding the sampling program.

Response to Comment No. 13C: This comment does not pertain to the adequacy of the IS/ND. Therefore, no response is necessary. Refer to comment 12F.

Response to Comment No. 13D: Request to be informed of any upcoming meetings regarding this matter is noted.

**Response to comments submitted by Dan Medina, July 21, 2009. (Letter # 14).**

Response to Comment No. 14A: Requests for a copy of the transcribed recording of the 7/21/2009 public meeting, and to be notified in writing of any upcoming meetings regarding this matter are noted. A copy of the public meeting transcript was mailed on 7/30/2009.

**Responses to comments submitted by Mike Schonhoff, July 31, 2009. (Letter # 15).**

Response to Comment No. 15A: A Notice of Intent to Adopt a Negative Declaration for this project was provided in the Oakdale Leader on July 15, 2009. This comment does not pertain to the adequacy of the IS/ND. Therefore, no further response is necessary.

Response to Comment Nos. 15B and 15C: Refer to Response to Comment Nos. 6A regarding odor and pest management. Refer to Response to Comment Nos. 8D-8E and 8F regarding the analytical sampling and characteristics of the mud. This material has a high nitrogen content with low BOD as the pond by-product mud has gone through an anaerobic digestion process. Analytical sampling of the mud was conducted at maximum moisture content, as no dewatering took place prior to analysis. Therefore, the analytical results pertain to the solid and liquid components of the material. The ConAgra aerated mud pond is

under RWQCB regulation under WDRs, which includes a groundwater monitoring program for the pond water. The removal of the pond by-product mud will occur whether the by-product mud is land-applied, used as compost under State permit/notification, or transported to a local landfill.

Response to Comment No. 15D: These comments do not pertain to the adequacy of the IS/ND. By-product material recently described in written sources other than this project's IS/ND is not descriptive of current pond mud characteristics or contents. Therefore, no further response is necessary.

Response to Comment No. 15E: The Air District and the RWQCB were both provided written notification of this project, received a copy of the Initial Study and Notice of Intent to Adopt a Negative Declaration, and given opportunity to comment during the CEQA public comment period. Refer to Letter # 24 from the Air District, and to the Response to Comment Nos. 24A through 24E. No written comments were received from the RWQCB regarding this proposed project, although County Department staff has been in verbal communication with the RWQCB. County Department staff has verbally confirmed that ConAgra is not in violation of their RWQCB Waste Discharge Requirements for ConAgra's aerated mud pond. Currently, the ConAgra facility in Oakdale is in compliance with RWQCB requirements, as required by the County Regulations.

Response to Comment No. 15F: Refer to Response to Comment Nos. 15B and 15C.

Response to Comment No. 15G: All property owners located within 1,320 feet of any of the subject project parcels were mailed a Notice of Intent to Adopt a Negative Declaration regarding this project (NOI), and given an opportunity to comment. The NOI was also posted in the Oakdale Leader on July 15, 2009, fulfilling the CEQA requirement to provide project information to the public and allow an opportunity for comment. Comments received are attached and have been responded to as required by CEQA.

Response to Comment No. 15H: Refer to Comment Nos. 15B and 15C, and 15E.

**Responses to comments submitted by California Natural Resources Agency, Department of Fish and Game, Jeffrey R. Single, Ph.D., Regional Manager, August 4, 2009. (Letter # 16).**

Response to Comment No. 16A: Comments noted. These comments do not pertain to the adequacy of the IS/ND. Therefore, no response is necessary.

Response to Comment No. 16B: The proposed operations on the existing orchards 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.

Response to Comment No. 16C: With regard to potential runoff problems and water quality concerns, and considering the County Ordinance requirements, County Program restrictions of non-application during rain events or periods of soil saturation and the existing micro-irrigation systems on the proposed application sites, the impacts to water quality will be minimal.

Response to Comment No. 16D: Habitat and wetland preservation is already established with the existing agricultural operations and the propose setbacks included in the County Ordinance and in Section 1 of the Plan of Operation, which requires a 300-foot by-product application setback from any public property (e.g. rivers, streets).

Response to Comment No. 16E: Refer to the Response to Comment Nos. 16B and 16D regarding habitat preservation.

Response to Comment No. 16F: Refer to the Response to Comment Nos. 16B and 16D regarding bird habitats and setbacks.

**Response to comments submitted by Stanislaus County, Planning and Community Development, Steve Treat, Supervising Building Inspector, August 5, 2009. (Letter # 17).**

Response to Comment No. 17A: The response in this letter states, "No comment." Therefore, no response is necessary.

**Responses to comments submitted by Robert M. (Mike) Adian DVM, August 5, 2009. (Letter # 18).**

Response to Comment No. 18A: The request to be included on the notification list in regards to development and progress regarding this matter is noted.

Response to Comment No. 18B: Comments noted. These comments do not pertain to the adequacy of the IS/ND. Therefore, no response is necessary.



Response to Comment No. 18C: These comments do not pertain to the adequacy of the IS/ND. Therefore, no response is necessary. However, the proposed application sites were included in the proposed project based on availability, proximity, and compliance with the County Program. Additional sites are being evaluated for potential future permit applications.

Response to Comment No. 18D: Comments noted. These comments do not pertain to the adequacy of the IS/ND. Therefore, no response is necessary.

Response to Comment Nos. 18E and 18F: Comments noted. These comments do not pertain to the adequacy of the IS/ND. Therefore, no response is necessary. Refer to Response to Comment No. 18C regarding the selection of the proposed sites.

Response to Comment No. 18G: Comments noted. Refer to the Responses to Comment No. 4H regarding odors.

**Responses to comments submitted by Marcella L. Goad, August 5, 2009.  
(Letter # 19).**

Response to Comment No. 19A: Comments noted. These comments do not pertain to the adequacy of the IS/ND. Therefore, no response is necessary. Refer to the Response to Comment No. 4H regarding odors. Refer to the Responses to Comment No. 7A regarding mosquitoes.

Response to Comment No. 19B: Refer to Response to Comment Nos. 8D-8E and 8F regarding facility processes and additional sampling. A sample of by-product mud material was collected and analyzed for various pesticides; all results were non-detect. Frequent sample monitoring for metals and salts is required by the County Program, and ConAgra will comply with all sampling requirements.

Response to Comment No. 19C: Refer to Response to Comment Nos. 4D and 4F regarding dust, truck traffic, and public road maintenance. Refer to Response to Comment No. 7A regarding excessive flies, dust, and noise. Permitted haulers associated with the proposed project will be required to comply with all traffic laws and City ordinances.

Response to Comment No. 19D: The proposed operations are similar in operation time as existing agricultural operations. 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 excessive

noise. Permitted haulers associated with the proposed project will be required to comply with all traffic laws and City ordinances.

Response to Comment No. 19E: Truck drivers will have to comply with State laws regarding speed and road safety.

Response to Comment No. 19F: California Department of Fish and Game has provided comments to the County; see Letter # 16 and Response to Comment Nos. 16A-16F. There is no mention of the California Tiger Salamander habitat in Letter # 16. The proposed land application will take place on existing agricultural property.

Response to Comment No. 19G: This comment is a review of the comments outlined above. Refer to the Response to Comment Nos. 19A-19F. Refer to Comment 12F regarding concerns about expenses. Any unforeseen nuisance conditions would be investigated by County inspectors upon notification or observation.

Response to Comment No. 19H: This is an attached letter from Oakdale Joint Unified School District regarding student transportation mentioned in Letter # 19. These comments do not pertain to the adequacy of the IS/ND. Therefore, no response is necessary. Refer to Comments 19D and 19E regarding truck traffic.

Response to Comment No. 19I: This is an attached Supplemental Disclosure regarding habitat sensitivity of the California Tiger Salamander, mentioned in Letter # 19. These comments do not pertain to the adequacy of the IS/ND. Therefore, no response is necessary. Refer to the Response to Comment No. 19F regarding California Tiger Salamander sensitivity.

**Responses to comments submitted by Nancy Adian, R.N., August 6, 2009.  
(Letter # 20).**

Response to Comment No. 20A: Comments noted. These comments do not pertain to the adequacy of the IS/ND. Therefore, no response is necessary.

Response to Comment No. 20B: Refer to the Response to Comment No. 4H regarding odors. Refer to the Response to Comment No.7A regarding rodents, flies and mosquitoes.

Response to Comment No. 20C: Refer to Comment Letter # 24, and the Response to Comment Nos. 24A-24E. The anticipated number of trucks on the roadways will be similar to the number of trucks used to deliver

manure and other organic materials. Refer to Response to Comment No. 10D regarding cleanup of spillage.

Response to Comment No. 20D: Refer to the Response to Comment No. 10E regarding the 2004 discharge of by-product mud.

Response to Comment Nos. 20E and 20F: These comments do not pertain to the adequacy of the IS/ND. Therefore, no response is necessary. Setbacks required by the County Ordinance and provided in Section 1 of the Plan of Operation will be followed.

Response to Comment No. 20G: Refer to Letter #8 and Response to Comment Nos. 8D-8G and 8I-8J with regard to by-product mud sampling results. The request to be included on the notification list for further information or meetings on this matter is noted.

**Responses to comments submitted by Foster-Moore Christian School, Heidi Jorgenson, Principal, August 9, 2009. (Letter # 21).**

Response to Comment No. 21A: Refer the Response to Comment No. 4H above regarding potential odor or fly nuisances. In addition, Section 4.2 of the Plan of Operation and the County Ordinance address the requirements to use best management practices to control nuisance conditions from odor, dust, rodents, and noise. Refer to the Response to Comment Nos. 24A-24D regarding air quality concerns.

Response to Comment No. 21B: Comments on the timing of the proposed project are noted and will be considered.

**Response to comments submitted by Department of Conservation, Division of Land Resource Protection, Meri Meraz, Environmental Planner, August 10, 2009. (Letter # 22).**

Response to Comment No. 22A: This letter states, "No Comments." Therefore, no response is necessary.

**Responses to comments submitted by Stanislaus County Food Processing By-products Re-use Committee, Martin Reyes, August 10, 2009. (Letter # 23).**

Response to Comment No. 23A: Comments noted. The proposed project meets the criteria of the RWQCB-approved County Program and County Ordinance, and a permit application was submitted and accepted based on meeting the required criteria. Refer to the Response to Comment Nos. 8D-8G and 8J with regard to the additional sampling completed in 2009.

The additional sampling results of the food processing by-product muds were reported below regulatory limits.

Response to Comment No. 23B: Refer to the Response to Comment Nos. 8D-8G and 8J with regard to the additional sampling completed in 2009. The additional sampling of the food processing by-product muds were reported below regulatory limits.

Response to Comment No. 23C: Refer to the Response to Comment Nos. 8D-8G and 8J with regard to the additional sampling completed in 2009. Analytical results provided to the County show that the by-product mud does not contain hazardous wastes or hazardous substances in excess of regulatory limits. The existing organic agricultural application of manure will continue with the augmentation of the referenced by-product muds. Refer to the Response to Comment Nos. 4G and 16C regarding runoff. The ConAgra facility parcels located within the City of Oakdale limits will not be included in the Food Processing By-product Use permit because they will not be farmed, and will then be required to keep by-product mud from being stockpiled on bare soil. Temporary land application on-site storage beyond the 24-hour process period would require storage in appropriate bins; refer to Section 4.2 of the Plan of Operation. Long term stockpiling at the land application sites is prohibited by the Program, which would increase the potential to exceed agronomic loading rates.

Response to Comment No. 23D: Since this project meets the requirements of the Program, and preventative and mitigating measures are included in the Plan of Operation, substantive negative attention to the program is not anticipated.

Response to Comment No. 23E: The RWQCB has been in verbal communication with County staff regarding the land application of the ConAgra by-product muds through this County Program. In August 2009, County Department staff verbally confirmed that ConAgra is not in violation of their Waste Discharge Requirements that are in place under the RWQCB for ConAgra's aerated mud pond on-site. Furthermore, the RWQCB was sent a notice regarding this project seeking comment during the CEQA public comment period; no written comments were received. Currently, the ConAgra facility in Oakdale is in compliance with RWQCB requirements, as required by the County Regulations. Per the ConAgra WDRs, the disposal of solid waste from the plant can be addressed through either a State or local approved program. In June 2009, the County Program gained RWQCB approval.

**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, August 11, 2009. (Letter # 24).**

Response to Comment No. 24A: There is a clarification made to the Plan of Operation: the Air District was contacted regarding the health risk model result related to a misinterpretation of the full-dredge operation schedule as a repeat operation to occur every other month for a three week period at 50 trucks per day. It was also clarified that the full-dredge three-week operation would only occur one time. The sensitive parameter in this model run by the Air District was the truck idle time of 25 minutes. The Air District indicated, based on the clarification made regarding the full-dredge operation and if truck idle time was removed, the need to provide additional modeling by ConAgra is not necessary. Trucks are required to shut off engines during loading onsite, which eliminates truck idle time.

Response to Comment No. 24B: Refer the Response to Comment No. 4H above regarding potential odor nuisances. In addition, Section 4.2 of the Plan of Operation and the County Ordinance address the requirements to use best management practices to control nuisance conditions from odor, dust, rodents, and noise. All Plan of Operation contents, including amendments to the Plan of Operation, will be conditions of the Stanislaus County Food Processing By-product Use permit, upon issuance.

Response to Comment No. 24C: Comments noted. Applicable Air District rules will be strictly adhered to throughout the duration of the proposed project.

Response to Comment No. 24D: Comments noted.

Response to Comment No. 24E: Comments noted. A copy of this letter was provided to the project proponent.

**Response to comments submitted by California League of Food Processors, Rob Neenan, Vice President, Government Affairs, August 12, 2009. (Letter # 25).**

Response to Comment No. 25A: 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.

**Responses to comments submitted by Ed Franciosa, August 12, 2009. (Letter # 26).**

Response to Comment Nos. 26A – 26D: Comments noted. Refer the Response to Comment No. 4H above regarding potential odor nuisances. In addition, Section 4.2 of the Management Plan and the County

Ordinance address the requirements to use best management practices to control nuisance conditions from odor, dust, rodents, and noise. Refer to the Response to Comment No. 4F regarding truck traffic. Applicable Air District rules will be strictly adhered to throughout the duration of the proposed project. Refer to the Response to Comment 23E regarding RWQCB concerns. The RWQCB has approved the land-application of tomato by-products, as well as other by-product types, when utilized following requirements of the Stanislaus County Food Processing By-product Use Program. Refer to the Response to Comment Nos. 4G and 16C regarding runoff.

Response to Comment No. 26E: Comments noted.

**Responses to comments submitted by Marcella L. Goad, August 12, 2009.  
(Letter # 27).**

Response to Comment No. 27A: Comments noted, however, this comment letter contains a written letter followed by various excerpts of untitled and/or unassociated documents making it difficult to understand what the questions or comments are. Much of the letter does not pertain to the adequacy of the IS/ND. Therefore, no response is necessary. Responses are provided for clear and specific questions or comments below.

Response to Comment No. 27B: This comment appears to be an excerpt from the Regulations for Use of Food Processing By-Products in Stanislaus County by Permitted Use Sites (County Regulations), which is incorporated into the Stanislaus County Ordinance, Chapter 9.88. Nothing is highlighted in this section, and there are no written questions or comments. Therefore, no response is necessary.

Response to Comment No. 27C: All of the proposed land application parcels utilize micro-irrigation, and are not subject to paragraph 11 because there is no expectation of direct by-product runoff caused as a result of micro-irrigation. Paragraph 11 exists to address flood irrigation use if proposed at any land-application sites because there may be a potential for direct by-product runoff if flood irrigation were used without additional controls in place. By-product land application will not occur during inclement weather and will not occur on saturated soils due to rain events; refer to Section 4.2 of the Plan of Operation. The proposed operations only include micro-irrigation, so tail water return systems are not necessary.

Response to Comment No. 27D: Paragraph 12 is addressed by existing sampling requirements and agronomic rates that have been proposed. The 55 to 59 tons per acre of by-product mud noted in the letter is an

approximate tonnage that would be allowed for land-application based on agronomic rates for total nitrogen (55.3 tons/acre/year) and available potassium (59.6 tons/acre/year). See Table 7 from ConAgra's Plan of Operation. Agronomic rates are appropriate rates used to determine soil saturation levels. A Professional Agronomist calculated ConAgra's agronomic rates, which is required by the Regulations. On an annual basis, these agronomic rates dictate that less than four inches of by-product mud will be land-applied per acre. This application depth is consistent with the allowable depths noted in the Plan of Operation for two existing Stanislaus County Food Processing By-product Use sites currently permitted for land application of food processing by-products. After a 48-hour period of drying, the by-product mud will be incorporated into the soil. Refer to the Response to Comment Nos. 8D-8G and 8J with regard to the additional sampling completed in 2009. Analytical results provided to the County show that the pond mud does not contain hazardous wastes or hazardous substances in excess of regulatory limits.

Response to Comment No. 27E: Nothing is highlighted in this section, and there are no written questions or comments. Therefore, no response is necessary.

Response to Comment Nos. 27F and 27G: This comment appears to be an excerpt from the ConAgra Foods Aerated Pond and Rinse Mud Disposal Management and Sampling Plan (Plan of Operation), which is incorporated into IS/NOI provided for comments. There are no written questions or comments. Two highlighted phrases in the comment are, "60% solids" and "Tomato Rinse Water Mud is an undiluted semi-liquid mud, composed of soil and broken tomatoes, tomato juice that typically contains 75% water and 25% solids."

The County Regulations defines a slurry as a by-product that contains between 75 and 97 percent moisture, or 3 to 25 percent solids with a smooth, homogeneous texture; a semi-solid has intermediate properties, such as rigidity. This project includes all allowable forms of food processing by-product material: solid, semi-solid and slurry.

Response to Comment No. 27H: This comment appears to be an excerpt of a completely different proposal, and therefore irrelevant to the ConAgra application. No further response is necessary. As clarification, Pacific Ag Consulting is not directly related to the ConAgra application. Pacific Ag Consulting is the consultant for JND Thomas Co., Inc., who is a separate permit applicant. The Department of Environmental Resources has not begun to process the Permit Application for JND Thomas Co., Inc., who is proposing to utilize the same ConAgra by-product muds for land application on three subject parcels. A separate CEQA process will be initiated for the JND Thomas Co, Inc. proposed project.

**Responses to comments submitted by Oakdale Joint Unified School District, Fred Rich, Superintendent, August 13, 2009. (Letter # 28).**

Response to Comment No. 28A: Comments noted.

Response to Comment Nos. 28B-28D: Comments noted. Refer to the Response to Comment Nos. 8D-8G and 8J with regard to the additional sampling completed in 2009. Refer to the Response to Comment No. 12E regarding additional sampling to be added as permit conditions. Refer to the Response to Comment No. 8F regarding pathogen concerns.

Response to Comment No. 28E: A sampling protocol is provided in Section 3 of the Plan of Operation for all known potential contaminants of concern related to the by-product mud. The sampling protocol will be incorporated as conditions of the permit. Results are compared to regulatory levels in order to assess any potential risk to human health and the environment.

Response to Comment No. 28F: All testing and analyses were conducted appropriately, accompanied by a Chain of Custody and submitted to accredited laboratories. This project is not within the jurisdiction of DTSC. However, laboratory results are compared to DTSC regulatory levels as one method of assessment for potential risks to human health; no risks have been identified.

Response to Comment No. 28G: All previous, current, and future testing and analyses associated with this project will be conducted by third parties and accredited laboratories, and in compliance with State and County regulations. By-product mud and soil sampling for this project has been performed with the oversight of a Professional Geologist and through a proper chain of custody.

**Responses to comments submitted by Residents adjacent to and in the prevailing wind pattern path of parcels with APNs 063-005-004, 063-004-030, 062-004-029, 062-004-002, and 063-006-001, August 13, 2009. (Letter # 29).**

Response to Comment No. 29A: Comments noted. This comment expressed joint opposition to the project in general.

The intent of the By-Product Use Guidelines, subsequent County Ordinance, Plan of Operation, Initial Study, July 2009 public meeting, and the enclosed responses to the public comments is to prevent and to mitigate conditions and concerns raised by the author and signatories of this letter.



ConAgra Foods processes tomatoes and beans in an organic manner without the use of chemical or lye peels. The mud generated from residual soil and tomato/bean residue is organic material that has gone through anaerobic digestion. The site-specific project fits the definition of the RWQCB-approved County Program and County Ordinance. In addition, the land application end use is taking place on existing agricultural lands that historically have been utilized using the same machinery, employees, crop land and management practice with improved organic farming practices compared to a chemical fertilizer program. No significant impacts from the implementation of this project have been identified through the CEQA process, and none are anticipated.

Stanislaus County DER and ConAgra Foods are both committed to full compliance with all applicable State and County regulations. Strict monitoring requirements have been put in place for the County to enforce the regulations and requirements of the Program including nuisance prevention and mitigation.

Project information contained in the handouts that was provided at the July 2009 public meeting has been available through access to the Internet at [www.stancounty.com/er/](http://www.stancounty.com/er/) and also at the Stanislaus County Department of Environmental Resources office as noted on the written notice (NOI) provided to the public. Any verbal or written requests to the County for written information have been satisfied.

As clarification, the County Ordinance was not adopted for any reason related to nuisance conditions or potential nuisance conditions. The County Ordinance was adopted as a requirement of the RWQCB in order to provide strict enforcement ability for the same 30-year County Program already in place. In addition, refer to the RWQCB Program approval letter found in the NOI and Initial Study document named as Initial Study Reference 7.

Response to Comment No. 29B: Refer to the Response to Comment Nos. 8D-8G and 8J with regard to the additional sampling completed in 2009. Refer to the Response to Comment No. 12E regarding additional sampling to be added as permit conditions. The extensive data on record clearly indicate that the proposed project will not have a significant impact to human health or the environment. Strict monitoring requirements imposed by the County Program, and enforced by ordinance, are in place to monitor project operations and to identify any unforeseen potential impacts.

Response to Comment No. 29C: Refer to Response to Comment No. 10D regarding potential spillage. Refer the Response to Comment No. 4H

regarding potential odor nuisances. In addition, the County Ordinance and Section 4.2 of the Plan of Operation include the use of best management practices to control nuisances such as odor, noise, dust, and vectors. Refer to Response to Comment No. 29D below regarding the Right to Farm.

Response to Comment No. 29D: The proposed activities are similar to the application of manure or other organic products and soil amendments, which has occurred historically on these "Right to Farm" properties.

Response to Comment No. 29E: Comment noted. No negative or problematic issues resulting from the proposed project are anticipated based on site-specific knowledge of the material and farming/application best management practices. Specific mitigation measures are detailed in the IS/NOI and Plan of Operation if unforeseen circumstances arise during the proposed project. It would be appropriate for the County to continually evaluate the project and determine if the permit shall be renewed on an annual basis, or halt the operations, if unforeseen conditions were to occur and unforeseen negative impacts were observed.

Response to Comment No. 29F: Comments noted. Refer to Response to Comment No. 29A.

**Responses to comments submitted by Louis Brichetto, August 11, 2009.  
(Letter # 30).**

Response to Comment No. 30A: Comments noted. Refer to the Response to Comment Nos. 4G and 16C regarding runoff. Refer to Response to Comment No. 27C regarding return systems. The public has been provided notice (NOI) of this project through the Oakdale Leader on July 15, 2009; the ESJ Water Quality Coalition has not contacted the Stanislaus County Department of Environmental Resources and has not provided comments regarding this project. In addition, the project public meeting was publicized in the Modesto Bee on July 16, 2009.

Response to Comment No. 30B: Refer to the Response to Comment Nos. 16C, 4G and 23A-23E regarding runoff concerns.

Response to Comment No. 30C: Refer to Letter #27, and Response to Comment Nos. 27A-27H.

Response to Comment No. 30D: These comments do not pertain to the adequacy of the IS/ND. Therefore, no response is necessary. However, the California Department of Food and Agriculture was provided an NOI for this project; no comments were received.

**Response to comments submitted by Anonymous, August 11, 2009. (Letter # 31).**

These comments do not pertain to the adequacy of the IS/ND. No response is warranted for this letter.

**C. LETTERS RECEIVED**

Copies of the thirty-one (31) 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:** July 13, 2009  
**ADDRESS:** 554 S Yosemite Ave; 26 Mile Rd; 7941 Gilbert Rd; 8700 Crane Rd.; 12019 26 Mile Rd; Brady Rd; 8861 Crane Rd.; & Walnut St.  
**LOCATION:** 063-024-002; 008; 009; & 020; 064-032-006; 002-059-004; 006-091-001; & 002; 064-031-028; & 029; 063-005-004; 002-012-063; 062-004-032; & 029; & 002; 063-004-030; 063-006-001  
**PROJECT #:** Negative Declaration EIR Food Processing By-product Use Site  
**APPLICANT:** ConAgra Foods

Fire Prevention Bureau Comments:

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

1A

On behalf of the Oakdale Rural Fire Protection District the following mitigation measures are required.

None

A handwritten signature in black ink, appearing to read "Kenneth Slamon", is written over a horizontal line.

**Kenneth Slamon  
Fire Marshal**

Oakdale Rural Fire Protection District

**VICKI JONES**

---

**From:** MARGARITA RAMOS  
**Sent:** Monday, July 13, 2009 2:57 PM  
**To:** VICKI JONES  
**Subject:** Conagra Application for Permit to Operate a Food Processing By-product Use Site

Vicki -

2A

The Department of Parks and Recreation has no comments.

Margarita D. Ramos, Deputy Director  
Stanislaus County Parks and Recreation  
*"Making the Community a Better Place to Live"*  
Office 209.525.6771 Cell 209.450.5112 Fax 209.525.6773  
CPRS Region 2, District 5, Vice-President

STANISLAUS COUNTY  
CEQA REFERRAL RESPONSE FORM

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

FROM: SHERIFF

PROJECT: ConAgra 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.

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)

3A

- 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>M. D. POWERS</u>	<u>HR MGR</u>	<u>2/16/05</u>
Name	Title	Date

8255 Maze Blvd.  
Modesto, CA 95358

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

July 16, 2009

To Vicki Jones:

4A

This is in response to the CEQA Referral Initial Study and Notice of Intent to Adopt a Negative Declaration and Notice of Application for Permit to Operate a Food Processing By-product Use Site. I believe this is the first I have been notified of this project. I am firmly against allowing this practice. The odor of the Con Agra Pond when it goes "upside down", septic is unbearable. The pungent smell that carries in the air as one drives along Yosemite Avenue is extremely unpleasant to the senses to the point of being nauseating this scent can at times be noticed all the way to Conlin's Feed Store on Warnerville Road. Now Con Agra is requesting to spread this sickening, repulsive smell throughout the Oakdale Community, this is not acceptable.

4B

To adequately, process this waste to avoid pests, additional odors etc, the process would need to be hauled throughout the town of Oakdale, and then spread onto the fields, then disc into the soil. Most of these APN numbers are currently in trees fruits. There will be food safety issues for the harvesting of these nuts and processes that could potentially poison the food supply of nuts with ecoli and other microorganisms from the decaying tomatoes and chemicals. A major food recall would be devastating to the local nut industry and affect many businesses in the local community, other than Con Agra. Additionally, to harvest nuts, the soil needs to be smooth, which means the fields, when this is applied will need to be disc multiple times and then smoothed, which will increase the dust for the local neighbors around the fields and the dust on the tree fruit. As opposed to the discing into either barren ground or ground for Oat, Winter Wheat or other winter hay type of crops.

4C

My specific areas of concerns are:

4D

1. food safety of the nut harvest,
2. increased soil disturbance from additional discing over normal discing of the area to "smooth" in the waste,
3. increased manure spreading type of activity in the areas,
4. the increased traffic on the dirt roads and the dust it will cause,
5. potential runoff of storm water pollutants; such as nitrates; microorganisms and cleaning chemicals, that may harm the fish
6. in addition, to the revolting smells.

4E

4F

4G

4H

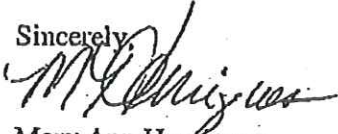
41

I find this especially disturbing when Stanislaus County already has a site that is adequately prepared to accept this waste on the Westside of the county, out on Highway 132, at the Mapes Ranch location. Why would we want to turn the entire county into a waste receptacle? Mapes Ranch does an excellent job of handling solids from Food Processing. I personally drive this area everyday.

43

I would like to see input from the San Joaquin Valley Air Pollution Board on this activity and reports from the USDA on the food safety aspects and potential effects of the nut harvest. As a consumer of nuts, this is of a particular interest to me.

Sincerely,



Mary Ann Henriques  
Neighboring Property Owner on 26 Mile Road.

Cc:

Joe Estrada  
San Joaquin Valley Air Pollution Control District  
Northern Region  
4800 Enterprise Way  
Modesto, CA 95356-8718

Gerardo C. Rios, Chief  
Air Division  
U.S. EPS Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

Jo Anne Kipps  
Fresno Office  
1685 "E" Street, Suite 100  
Fresno, CA 93706-2007

Nova Kleins  
Storm Water  
California Regional Water Quality Control Board  
11020 Sun Center Drive #200  
Rancho Cordova CA 95670-6114



Date July 16, 2009.

To Department of Environmental Resources.

From Hendrik Bomer.

215 FAIRWOOD DRIVE, OAKDALE CA 95361.  
PHONE 847-2901.

Subject. Can Agwa Application.

To whom it may concern.

I Am Around OAKDALE FOR ALMOST 40 YEARS.  
IN THE 1970'S WATER FROM HUNT'S CANARY FLOWED  
INTO THE O.I.D.'S RIVERBANK LATERALS. AT  
3 SIDES. AIR TATORS WERE INSTALLED TO "PURIFY"  
THE WASTE WATER WELL THE ODOR WAS BAD AT  
TIMES. THE SAME AS THE OAKDALE SEWER SYSTEM  
AT TIMES.

5A

Looking at the letter I received DATED JUNE 29  
2009. WASTE OR "LEFT OVERS" FROM THE  
SETTLING PONDS FROM CAN-AGWA ARE GOING TO  
BE USED AS "BY PRODUCTS" OR SOIL AMENDMENTS  
ON FARMS. AS I LOOKED OVER THE 13 PARCELS.  
I BELIEVE WITHOUT ANY INVESTIGATION THEY  
ALL BELONG TO ONE LAND OWNER. I COULD BE  
WRONG HOWEVER. HIS FATHER IN THE 70'S  
DUG A HOLE AND HAD IT FILLED WITH  
LIQUID CHICKEN MANURE. TO SPREAD ON  
HIS FIELDS. MY CONCERN IF IT CONT'S  
FOR ANY THING IS THE SMELL!!! IT MAY  
LIGHT UP THE TOWN!!

5B

I Have smelled the mess at Gregor and  
Kaufman. when the settling ponds at Con-  
Agra, Are Ripe. I Invite you all here  
to eat your lunch here when they Blossom.

I Am In Agriculture all my life and I  
Believe in Soil amendments, and Farmers  
Rights. But here A Farmer is changing  
his operation. Now what?

5C

By the way I consider him A friend ok!  
The Prevailing wind is from the North  
most the time in the Summer.

So, Crant Rd, Brady Rd. Should not  
Be considered to use these "Soil"

Additives. I checked with some neighbors they  
don't care because Con-Agra is on the  
other side of town. They said. So I  
plead For Them. Brady and Crant  
Roads are out.

CARE to Respond?

Respectfully Submitted By

Stanley J. Goetz

6A

We are against dumping of tomato waste in the orchard! Want no added stink, flies or rodents.....The dirt and dust, noise at the wee hours of the night and day are more than enough! How could anyone in their right mind ever consider dumping of waste tomatoes or anything else this close to private homes and people who live around the orchard ?

Hope to make it to the meeting today, Tues. at 6:00...

Elaine Matthews  
(next to the orchard)

88 Willowood Drive

## Letter # 7

Tuesday, July 21, 2009

7A

The Bricchetto orchard in Oakdale has been selected as one of the possible sites for the disposition of some "treated" waste from the Oakdale Hunt-Wesson cannery. Our residence is less than 100 feet from the boundary of the site in question and is not unlike dozens of homes in the Rivendell hollow area. Additionally, there are literally Hundreds of families residing along the Western border (Pontiac) of the named property running from Crane Road to Willow Glen. With the normal Westerly prevailing wind, I feel that the exposure to unusual odors, flies, mosquitoes and additional traffic would far exceed any benefit to Stanislaus county or Oakdale to issue such a permit.

7B

We who have lived here for some 20 years were required to sign papers acknowledging the "right to farm" in our immediate area. This, for the most part has allowed the Bricchetto orchard to raise enough dust (primarily at harvest time) to smother or inundate our homes and clog most of those w/ pools with dirt and trash. However we had to learn to work around that problem as we had signed the referenced "right" papers.

7C

Now a new and perhaps more disturbing question is be raised and I for one do not feel we should accept or allow any such dumping so close to this residential section of our city.

7D

There is another major concern for the majority of those living immediately adjacent to the orchard. That might very well be the dilution of Property values in the event of the necessity or choice of sale. Certain factors might prove that this "dumping" resulted in far more problems that first imagined.

7E

I urge out County Board of Supervisors to vote no on this proposal and request Hun-Wesson to search out rural farmland for the disposition of there sludge.

Layton Miles  
86 Willowood Drive  
Oakdale, Ca 95361

RICHARD C. SINCLAIR  
ATTORNEY AT LAW  
P.O. BOX 1628  
OAKDALE, CALIFORNIA 95361  
(209) 847-8788  
FAX (209) 847-7077  
E-MAIL: rsinclairlaw@msn.com

July 21, 2009

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

RE: Con-Agra Foods Application  
for Permit to Operate a Food Processing  
By-Product use site, "Aerated Pond Mud".

Dear Ms. Jones and the Department of Environmental Resources:

I am generally in favor of the re-use of our resources and for more than 2 years recently served on the Wastewater Treatment Committee Task Force for the Department of Environmental Resources and the Board of Supervisors in Tuolumne County.

8A  
I currently am embarking on a project in that County which reuses wastewater at least twice before distributing it into the ground: First, from the sinks, tubs, washer and showers, we will filter the water, then reuse that same water in the toilets, then filter that wastewater into a membrane bio reactor in the Septic tanks to reuse the water again for irrigation. However, it is our responsibility to ensure that that waste is pure and not toxic.

8B  
Con-Agra is a valuable industry and partner in our community. I want them to be able to succeed in this project. However, they must prove that they have and are doing enough to ensure that the water and the sludge (aerated pond mud) is free of ANY SIGNIFICANT POSSIBLE EFFECTS on the environment.

On that basis, I would respectfully request that the Department of Environmental Resources ensure that that happens by complying with the California Environmental Quality Act (CEQA) prior to adopting a Negative Declaration.

8C

I also respectfully request that I be put on the mailing list for notification of all actions regarding this matter.

CEQA requires that you can issue a Negative Declaration, a Mitigated Negative Declaration and/or Environmental Impact Report with each project. In order to issue a Negative Declaration as proposed here, YOU MUST determine that the project will have NO POSSIBLE SIGNIFICANT ENVIRONMENTAL EFFECTS. We are in the area of California Pub Resources Code Section 21064 et seq and 14 Cal Code Regs 15070-75.

8D

Otherwise, you will need to prepare a Mitigated Negative Declaration or an Environmental Impact Report that imposes mitigation or factors that reduce the environmental effect to less than significant levels.

It appears from the documentation that the County and Con Agra have not completed tests or studied a number of environmental factors in order to make that determination. Until it does, it can't issue a Negative Declaration.

8E

Recently, in Tuolumne County, I was splitting a few 10 acre parcels into 5 acre parcels. We became aware that to comply with CEQA and a Negative Declaration, we had to have a finding of no possible significant odor or effects on air quality and pollution in an air quality study. An air quality study of the effects on the environment including odor and pollution, at a minimum, is required. I do not see that study included. If it produces either, in significant amounts, you must mitigate it. That leads you to the effect of flies and disease and the effect on humans and the environment because of distribution of waste products. I only quickly scanned the Initial Study, but didn't see that.

Further, it does not appear that the Aerated Pond Mud itself, that is approximately 40% water, has been tested for its 1) toxicity; 2) for pathogens; or 3) for chemicals of production.

8F

The studies submitted appear to tell us the content of the waste is, water and mud consisting of Copper, Potassium and Nickel as well as Nitrogen and Phosphorus which along with potash makes great ammonium sulphate fertilizer. I know that Copper is what we put in our swimming pools in tiny amounts to clear up the algae, but we don't drink our swimming pool water. I saw no studies or tests on the effects of the Copper, Potassium and Nickel in those quantities, which are going to be distributed PER ACRE, and their effects on air, people, soil, crops or underground water. You are going to be distributing up to 407 pounds of Nickel per year per acre, 449 pounds of Copper per year per acre and 59.6 tons per year per acre on Almonds and on Oats and must explain the effect of that.

There is no study of the effect of those elements on the air, on the soil, on the resulting groundwater and on the crops which they touch. I.e. the waste in on the ground when the almonds are knocked and the waste is spread onto the Oats. Is there NO POSSIBLE SIGNIFICANT ENVIRONMENTAL EFFECTS?

8F  
(Cont.)

From that, we also have to test what pathogens or chemicals or toxic substances that are in the aerated pond mud waste itself and their effect on air quality, the ground and crops, the soil, and the underlying groundwater. Public and private wells are in the vicinity serving all of Oakdale, yet there appears to be no reference as to that effect.

It does not address the effect on workers in the field, just like the tests that must be run for pesticides that are distributed in orchards.

8G

While the waste water appears to be getting some monitoring, there is no monitoring of the mud sludge at the bottom of the pond where the sludge is to determine the effects on the above factors.

8H

Likewise, there is no disclosure of the Notices of Violations issued against Con Agra in the last 10 years, such as the one issued by the California Regional Water Quality Control Board on April 16, 2004 for Unauthorized Waste Discharge and a report on their present compliance.

8I

The testing appears to be too limited to accurately identify the significant environmental effect that the Mud will have on the environment. The report by Pacific Ag Consultants appears to be too limited in its testing parameters to adequately address the issues regarding the Aerated Pond Mud.

Finally, there also appears to be no procedure for monitoring the effects over time to ensure that it does not become a significant problem to humans, the air, soil, and crops. There is no requirement for precautions to protect groundwater; there is no procedure for protecting downstream contaminants and downstream farmers or landowners; there is no discussion or protections regarding runoff downstream during rains and their subsequent effects. We require it of dairymen and there are a lot of experts and studies out there. In many instances, it has resulted in a cleanup of our environment and its conversion into fuel to further save our environment. Does the Aerated Pond Mud, once tested, need to go to a Class One Disposal site? Or can you mitigate the potential harmful effects enough to protect our population, water and environment.

8J

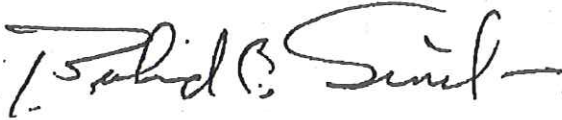
From the tests and information in the reports so far, it does not appear that you can answer those questions. Until you can, you cannot issue a negative declaration. Your initial study contains a checklist of "potentially Significant Impacts" for Aesthetics, Biological Resources, Hazards & Hazardous Materials, Mineral Resources, Public Services, Utilities/Service Systems, Agricultural Resources, Cultural Resources, Hydrology/ Water Quality, Noise, Recreation Air Quality, Geology/ Soils, Land Use and Planning, Population Housing and Transportation and Traffic. I can quickly see that 8 or 9 of those items have not been addressed in this report. Until they are, a negative Declaration cannot be issued.

Hopefully, you can address those issues and proceed with the distribution of Aerated Mud waste. In Tuolumne County, the Sierra Conservation Camp water is purified so that it can be piped up Hwy 120/108 and Hwy 49 to huge holding pond that irrigate what appears to be hundreds of

acres. They purify the water and the Mud so that it can be reused again. Hopefully, Con-Agra can do the same.

Thank you.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Richard C. Sinclair". The signature is written in dark ink and is positioned above the printed name.

RICHARD C. SINCLAIR



VICKI JONES

---

**From:** George D Vieths [gvieths@sbcglobal.net]  
**Sent:** Wednesday, July 22, 2009 9:17 AM  
**To:** Vicki Jones  
**Subject:** ConAgra Initial Study

Vicki Jones  
Stanislaus County  
Department of Environmental Resources  
Modesto, Ca.

Ms. Jones,

I wish to point out errors in the descriptions of two parcel numbers shown on page 4 of your report.

APN 063-004-030 indicates that this is an almond orchard. It is a walnut orchard. The report also states that there is pastureland to the East of this parcel. Actually this parcel is bordered on the East by six residences. This will change the setback requirements for this parcel

9A  
APN 063-006-001 indicates it is an almond orchard. It is a walnut orchard. The report indicates there is pastureland to the East and the Stanislaus River to the North. Actually this parcel is bordered by Oak Street on the East and Walnut Avenue on the North. The Stanislaus River is 500-feet from the North line of this parcel. This will greatly change the setback requirements for this parcel.

Please enter this as a comment to your study and Notice of Intent for this project.

George Vieths  
567 Del Rio Circle  
Oakdale, Ca. 95361  
847-3538

VICKI JONES

From: Stanislaus County Customer Center [noreply@user.govoutreach.com]  
Sent: Wednesday, July 22, 2009 8:15 AM  
To: vjones@envres.org  
Subject: SCCRM: Message About Request #: 269866

The requestor added the following information to Request # 269866

10A

Message: I went to the information meeting last night and found out that in order to be notified of any additional meetings, we have to sign up for the notifications. If we didnt sign up on the list for notifications, we arent going to be notified. I am requesting to be notified of all meetings that will be concerning Con Agra and Mr. John Brichetto's permit to dump tomato sludge. I hereby request that you notify also, everyone who recieved a notification for the public meeting last night at the Oakdale Library.. Everyone who is affected by this has the right to continue to be notified...Also, it may be difficult for many to attend the meeting in Modesto if it is held at the County Supervisors Chambers. There were many elderly and disabled people in attendance at the meeting last night. I request that all future meetings be held in a venue in Oakdale. There were too many people last night for the chosen venue and I noticed that you held the meeting in

10B

a room that indicated limited space. The number of people in that room was a clear violation of the sign on the wall showing how many people are permitted by the Fire Marshall.

Janet and Dan Medina  
2098 Rapunzel Ct  
Oakdale, CA 95361

--- On Mon, 7/20/09, Stanislaus County Customer Center <stanislaus@user.govoutreach.com> wrote:

From: Stanislaus County Customer Center <stanislaus@user.govoutreach.com>  
Subject: SCCRM: New Request # 269866 [6539373066633263]  
To: medina1712@sbcglobal.net  
Date: Monday, July 20, 2009, 8:05 AM

Request Information

Request type: Complaint  
Request area: Food Processing By-Product Spills  
Citizen name: Dan and Janet Medina  
Description:  
July 18, 2009

To: County Environmental Group, Department of Environmental Resources

Re: Proposal to allow Con Agra by product spreading

To whom it may concern:

10c We live in a residential subdivision in Oakdale that is adjacent to one of the several parcels that Con Agra and the Brichetto Family would like to dump the processed food sludge. We are adamantly opposed to any such dumping for a number of reasons. Some are as follows:

1. The material could very well cause an overwhelming stench and an environment for flies, mosquitoes and other related pests. Any type of remedy after such a condition occurs does not belie the fact that it does happen or will not continue to happen.

10d 2. The roads near these parcels will be inundated with a substantial increase of traffic due to the volume of trucks required to deliver this product. We're sure that there will also be spillage causing more chance of pollution to the air and land surfaces and costs to the public.

10e 3. It is our understanding that both Con Agra and Mr. John Brichetto dumped this material on parcels within the county approximately 5 years ago and did so with a cited violation. Such a track record would have us to believe that both parties would not follow rules and regulations in the future and could not be trusted.

10f 4. Obviously Con Agra has had some other method in the past to deal with this material and we presume such has been approved by the county. The only benefit to change would be some type of monetary savings to Con Agra and a huge money maker to Mr. Brichetto. We see no reason that the public should have to endure or "subsidize" this especially with the chance of negative effects associated with it.

We appreciate the right to farm in the county as we are 3rd and 5th generation descendants from agricultural families. The right to farm does not mean the right to pollute. We strongly request that you deny this application and not allow any such dumping now or in the future.

Thank you,

Dan and Janet Medina

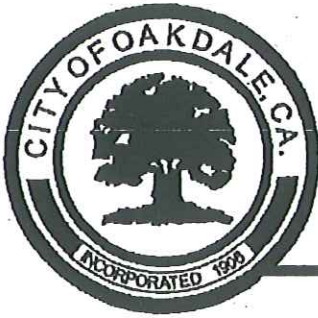
2098 Rapunzel Ct Oakdale CA 95361

Expected Close Date: 08/31/2009

7/23/2009

[Click here to access the request](#)

**Note:** This message is for notification purposes only. Please do not reply to this email. Email replies are not monitored and will be ignored.



**CITY OF OAKDALE**  
**PUBLIC WORKS DEPARTMENT**  
455 SOUTH FIFTH AVENUE – OAKDALE, CA 95361  
(209) 845-3600 Fax (209) 848-4344

July 23, 2009

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

Re: ConAgra Foods, Oakdale  
Mud Residue Land Application  
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 our review has brought forth issues in which further clarification or possible procedural changes are required. Our comments are as follows:

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.

11A

11B

11C

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.

11D

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.

11E

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.

11F

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.

11G

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.

11H

8. The City should also be notified prior to renewal of this permit or if the permit is modified.

Overall, the City is in support of this project and most of these comments are to address impacts to traffic and objectionable odors. 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.

Letter # 12

Bobby E. Goad  
6000 Albers Road  
Oakdale, CA 95361

July 26, 2009

Stanislaus County Dept. Of Environmental Resources  
Vicki Jones, Sr. Resource Management Specialist  
3800 Cornucopia Way, Suite C  
Modesto, CA 95358

Vicki Jones and SCDER:

- 12 A I, Bobby E. Goad, am the homeowner of 6000 Albers Road in Oakdale. My property is in close proximity to the proposed food processing by-product site. I am opposed to it for several reasons that draw my concerns. I will list them below.
- 12 B 1. Increased Flies and mosquitoes
- 12 C 2. Increased Dust
- 12 D 3. Increased Noise
- 12 E 4. Danger at Valk Road and Albers. There have been many, many wrecks at this intersection over the years.
- 12 F 5. I believe if the By Product Waste is distributed near the properties of mine and neighboring residences our wells may become contaminated.
- 12 G 6. I am concerned with any added expense for myself or my neighbors that this By Product Distribution may cause us. For instance, costs related to the added nuisances, dangers, etc.
- 12 H 7. If this By Product waste is distributed at or near 300 feet of a residence, this will cause an increased fly and mosquito problem. Flies and mosquitoes can travel way further than that.
- 12 I 8. The By Product Site in question was only pasture when I purchased my home site many years ago.
- 12 J 9. If this By Product Distribution causes me a nuisance or dangerous situation, I will act.
- 12 K 10. I have put a lot of money in my place, and I will demand my legal rights.
11. If the Semi trucks used to transfer the By Product Waste were to ever use Valk and Albers Intersection in route to a delivery site, I expect someone would be killed. This intersection has a very dangerous history.

12 K  
(Cont)

12.I request you ask the CHP if they have any concerns at this intersection.

Robby C. Head

Date July 27/2009



VICKI JONES

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**From:** Vern Fabry [fabrymotors@gmail.com]  
**Sent:** Wednesday, July 29, 2009 8:55 PM  
**To:** vjones@envres.org  
**Subject:** Con-Agra by-product concerns

Ms. Vicki Jones,

Thank you for your time today. My neighbors and I have some concerns about the proposed food by-product application in the orchards near our homes.

13 A

- **Truck traffic:**  
Frequency (Crane and Brady Roads have only one way in/out)  
Road maintenance (wear and tear caused by trucks)  
Noise (currently Crane and Brady have minimal traffic)  
Time of by-product deliveries

13 B

- **By-product:**  
Odors  
Flies  
Well water

13 C

- **Home Values**

We would appreciate being informed of any upcoming public meetings on this subject.

13 D

Thank you again,

Vern Fabry .

[fabrymotors@gmail.com](mailto:fabrymotors@gmail.com)

(209) 595-2046

14 A

~~\_\_\_\_\_~~  
Please send me a copy of the  
transcribed recording of this meeting (7/24/09)  
and I wish to be notified in writing  
of all meetings pertaining to this matter  
Dan Medina - 2096 Rapunzel Ct. Oakdale, CA  
95361

Mailed to Dan Medina  
7/30/09

DP