



**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**

**Date:** June 29, 2009

**To:** Distribution List (Attachment A), Property Owners and Interested Parties

**From:** Department of Environmental Resources

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

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

**Respond By:** August 13, 2009

**Public Hearing Date:** Not yet scheduled. Upon request, a separate notice will be sent to you when a hearing is scheduled.

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You may have previously received notice regarding this project, and your comments, if provided, were incorporated into the Initial Study. Based on all comments received, Stanislaus County anticipates adopting a Negative Declaration for this project. This referral provides notice of a 30-day comment period during which Responsible and Trustee Agencies and other interested parties may provide comments to this Department regarding our proposal to adopt the Negative Declaration.

All applicable project documents are available for review at: Stanislaus County Department of Environmental Resources, 3800 Cornucopia Way, Suite C, Modesto, CA 95358. Please provide any additional comments in writing to the above address, to the attention of Vicki Jones. Please call (209) 525-6710 if you have any questions. Thank you.

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**Applicant:** ConAgra Foods

**Project Locations and APNs:** Generator of food processing by-products as a soil amendment:  
554 S. Yosemite Ave, Oakdale includes  
APNs 063-024-002, 063-024-008, 063-024-009, and 063-024-020  
Thirteen parcels proposed for land application:  
Thirteen parcels are located in the unincorporated areas of the County, and include  
S. Yosemite Ave., Oakdale APN 064-032-006;  
26 Mile Rd., Valley Home APN 002-059-004;  
7971 Gilbert Rd., Oakdale APN 006-091-001 (also referred to as APN 006-091-004 after a recent parcel split);  
Gilbert Rd., Oakdale APN 006-091-002;  
S. Yosemite Ave., Oakdale APN 064-031-028;  
8700 N. Crane Rd., Oakdale APN 063-005-004;  
12019 26 Mile Rd., Oakdale APN 002-012-063;  
Brady Rd., Oakdale APN 062-004-032 (formerly identified as 062-004-011);  
Brady Rd., Oakdale APN 062-004-029;  
8661 Crane Rd., Oakdale, CA APN 062-004-002;

Walnut St., Oakdale APN 063-004-030;  
Walnut St., Oakdale APN 063-006-001;  
S. Yosemite Ave., Oakdale APN 064-031-029

**Williamson Act  
Contract:**

APNs 064-032-006; 002-059-004; 064-031-028; 063-005-004; 002-012-063;  
062-004-032 (formerly identified as 062-004-011); 062-004-029; 062-004-  
002; 064-031-029

**General Plan:**

Unincorporated County land application areas: Agricultural and Urban  
Transition (UT);  
The four ConAgra Foods facility parcels are located in Oakdale city limits;  
general plan designation is industrial.

**Zoning:**

Unincorporated County land application areas: A-2-10, A-2-40;  
The four ConAgra Foods facility parcels are located in Oakdale city limits;  
zoning is LM – limited industrial.

**Project Description:**

Applicant(s) has applied for a Stanislaus County Food Processing By-product Use permit for land application of food processing by-products. This project includes the land-application of food processing by-product mud dredged from the ConAgra facility aerated ponds and by-product rinse mud generated from the rinsing of produce prior to processing to be utilized as soil amendments on farmland and orchards located within the vicinity of the ConAgra processing plant. These activities would be performed and enforced under the Stanislaus County Ordinance, Chapter 9.88<sup>2</sup> for food processing by-product use. Subject land application parcels total approximately 1,357 acres. With required by-product application setbacks, subject land application parcels total 996 usable acres for by-product application. Land application will occur throughout year. Application of by-product materials would not exceed limits based on agronomic rates for the crops or walnut and almond trees that are planted.

**Full document with attachments available for viewing at: [www.stancounty.com/er/](http://www.stancounty.com/er/)**

**ConAgra Application for Permit to Operate a Food Processing By-product Use Site**  
Attachment A

Distribution List

X	AGRICULTURE COMMISSIONER		NATURAL RESOURCES CONSERVATION
	ALLIANCE	X	PARKS & FACILITIES
	ANIMAL SERVICES	X	PLANNING
X	BUILDING PERMITS DIVISION: STEVE TREAT	X	PUBLIC WORKS: ANGIE HALVERSON JUDY LINDSAY - DRAINAGE BILL CARDOZA - MORGAN RD TRAFFIC
X	CAL TRANS		PUBLIC WORKS - TRANSPORTATION
	CEMETERY DISTRICT	X	RAILROAD: BURLINGTON NORTHERN/SANTA FE RAILROAD; UNION PACIFIC RAILROAD
X	CENTRAL VALLEY FLOOD PROTECTION		REDEVELOPMENT
X	CHIEF EXECUTIVE OFFICE	X	REGIONAL WATER QUALITY CONTROL
X	CITY OF OAKDALE: PLANNING, PUBLIC WORKS	X	SAN JOAQUIN VALLEY APCD
	COMMUNITY SERVICES / SANITARY DIST	X	SCHOOL DIST 1: OAKDALE JOINT UNIFIED
X	COOPERATIVE EXTENSION	X	SCHOOL DIST 2: VALLEY HOME JOINT SCHOOL DIST
X	CORPS OF ENGINEERS	X	SHERIFF
X	COUNTY COUNSEL		StanCOG
	COUNTY OF:	X	STAN CO ERC
X	DEPARTMENT OF CONSERVATION Land Resources / Mine Reclamation	X	STAN CO FARM BUREAU
	DEPT OF FORESTRY	X	STANISLAUS FIRE PREVENTION BUREAU
X	ENVIRONMENTAL RESOURCES	X	STATE CLEARINGHOUSE
X	FIRE PROTECTION DIST: OAKDALE RURAL FIRE DIST		STATE LANDS COMMISSION
X	FISH & GAME	X	SUPERVISOR DIST #: 1 WILLIAM O'BRIEN
X	HAZARDOUS MATERIALS		SURROUNDING LAND OWNERS (on file w/the Clerk to the Board of Supervisors)
X	HOSPITAL DIST: OAK VALLEY	X	TELEPHONE COMPANY: AT&T
X	IRRIGATION DIST: OAKDALE		TRIBAL CONTACTS
X	LAFCO		TUOLUMNE RIVER TRUST
X	MOSQUITO DIST: EASTSIDE	X	UNITED STATES MILITARY AGENCIES (SB 1462) (5 agencies)
X	MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES	X	US FISH & WILDLIFE
X	MUNICIPAL ADVISORY COUNCIL: VALLEY HOME MAC		WATER DIST:

**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:** \_\_\_\_\_

**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)

- 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



# Stanislaus County

## Department of Environmental Resources

3800 Cornucopia Way, Suite C  
Modesto, California 95358

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

### CEQA INITIAL STUDY

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

- 1. Project title:** ConAgra Foods Aerated By-product Mud Pond and Rinse Mud Residue for Land Application as a Soil Amendment
- 2. Lead agency name and address:** Stanislaus County  
Department of Environmental Resources  
3800 Cornucopia Way, Suite C  
Modesto, CA 95358
- 3. Contact person and phone number:** Vicki Jones, Senior Resource Management Specialist  
(209) 525-6710
- 4. Project locations:** Generator of food processing by-products as a soil amendment:  
554 S. Yosemite Ave, Oakdale includes APNs 063-024-002, 063-024-008, 063-024-009, and 063-024-020  
Thirteen parcels proposed for land application:  
Thirteen parcels are located in the unincorporated areas of the County, and include  
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7971 Gilbert Rd., Oakdale APN 006-091-001 (also referred to as APN 006-091-004 after a recent parcel split);  
Gilbert Rd., Oakdale APN 006-091-002;  
S. Yosemite Ave., Oakdale APN 064-031-028;  
8700 N. Crane Rd., Oakdale APN 063-005-004;  
12019 26 Mile Rd., Oakdale APN 002-012-063;  
Brady Rd., Oakdale APN 062-004-032 (formerly identified as 062-004-011);  
Brady Rd., Oakdale APN 062-004-029;  
8661 Crane Rd., Oakdale, CA APN 062-004-002;  
Walnut St., Oakdale APN 063-004-030;  
Walnut St., Oakdale APN 063-006-001;  
S. Yosemite Ave., Oakdale APN 064-031-029

5. **Project sponsor(s) name and address:** Jeff Schultz                      John Brichetto  
 ConAgra Foods                      Brichetto Cattle Co.  
 554 S. Yosemite Ave.              P.O. Box 11600  
 Oakdale, CA 95361                  Oakdale, CA 95361
6. **General plan designation:** Unincorporated County land application areas:  
 Agricultural and Urban Transition (UT);  
 The four ConAgra Foods facility parcels are located in Oakdale city limits; general plan designation is industrial.
7. **Zoning:** Unincorporated County land application areas:  
 A-2-10, A-2-40;  
 The four ConAgra Foods facility parcels are located in Oakdale city limits; zoning is LM – limited industrial.
8. **Description of project:** Applicant(s) has applied for a Stanislaus County Food Processing By-product Use permit for land application of food processing by-products. This project includes the land-application of food processing by-product mud dredged from the ConAgra facility aerated ponds and by-product rinse mud generated from the rinsing of produce prior to processing to be utilized as soil amendments on farmland and orchards located within the vicinity of the ConAgra processing plant. These activities would be performed and enforced under the Stanislaus County Ordinance, Chapter 9.88<sup>2</sup> for food processing by-product use. Subject land application parcels total approximately 1,357 acres. With required by-product application setbacks, subject land application parcels total 996 usable acres for by-product application. Land application will occur throughout year. Application of by-product materials would not exceed limits based on agronomic rates for the crops or walnut and almond trees that are planted.

Site details

**ConAgra Foods Processing Plant/Pond Site:** The ConAgra Foods processing plant and aerated pond are located at 554 S. Yosemite Avenue in Oakdale; the APNs are 063-024-002, 063-024-008, 063-024-009, and 063-024-020. Refer to Figure 2 of ConAgra's plan of operation titled, *Aerated Pond and Rinse Mud Disposal Management and Sampling Plan* (Plan or Plan of Operation)<sup>3</sup> for an aerial view of the site. The processing plant and aerated pond locations are within Oakdale city limits. The ConAgra plant lies between Greger Road to the south, J Street to the north, the north-northeast aligned railroad to the east, and industrial buildings to the west. The administration and production buildings are located at the northeastern section of the site on mostly flat terrain. The unlined aerated main pond and unlined aerated settling pond, and concrete-lined ranch pond are located in the southeastern section of the site on a raised area approximately 15 feet higher than the plant and administration areas, with the base of the ponds exceeding 5 feet below natural grade; collectively, this pond system is referred to as the ConAgra Wastewater Treatment Facility. There is a retired flume pond located in the northwestern section of the site that will be converted into a stormwater pond at a later date. Rotoscreens and an unused clarifier are located between the settling pond and the retired flume pond. By-products such as damaged produce, residual plant materials and soil washed from the produce that have been filtered out during the initial flume wash are temporarily diverted to appropriate storage containers on-site.

Monitoring and Reporting Program (MRP) No. R5-2002-0098 has been implemented under direction of the Central Valley Regional Water Quality Control Board for the land application of aerated pond wastewater as irrigation for pasture land located near the ConAgra processing plant. The wastewater and food processing by-products are generated during the processing of

bean and tomato products. There are six groundwater monitoring wells installed on-site, surrounding the ConAgra Wastewater Treatment Facility. Additional monitoring wells are installed downgradient, located on the irrigated pasturelands. Upgradient monitoring well MW-5 lies on the very northern tip of the plant near the intersection of J Street and Yosemite Avenue. Monitoring well MW-4 is located northwest of the settling and aerated ponds. Monitoring well MW-3 is located to the east of the unused clarifier and alongside the road near the rotoscreens. Monitoring well MW-2 is located near a storage area for tomato paste crates, to the east-southeast of MW-3. Monitoring wells MW-1 and MW-6 are located just south of Greger Road in a designated Ag-Ops area; both are located in the paved area where tomato trucks are stored, near the road. MW-6 is located on the western end and MW-1 is located closer to the eastern end of the Ag-Ops area.

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

See Table 5 of the Plan<sup>3</sup> for additional details regarding the following land-application sites.

**S. Yosemite Ave., Oakdale APN 064-032-006:** This is an estimated 156-acre parcel proposed for land-application of food processing by-products. With Ordinance-imposed setbacks, there are 105 usable acres for land-application. The orchard on this parcel includes 1996 almonds and 2007 almonds. To the south, there are 3 residences and pastureland, one dairy, and a chicken ranch. To the east, there is pastureland, 3 residences, and an aggregate pit. To the north, there is pastureland, an orchard, and a farmer's market/produce stand. To the west, there is pastureland, 4 residences, a farmer's market/produce stand, a pond, and an industrial park. The dominant soil is San Joaquin sandy loam (moderately well drained, 0.06 in/in capacity).

**26 Mile Rd., Valley Home APN 002-059-004:** This is an estimated 138.75-acre parcel proposed for land-application of food processing by-products. With Ordinance-imposed setbacks, there are 80 usable acres for land-application. The orchard on this parcel includes 2005 almonds. To the south, there are 20 residences and pasture land. To the east, there is pastureland, 2 residences, and a mobile home park. To the north, there is pastureland and orchards. To the west, there is pastureland and numerous residences. The dominant soils are Madera and Cometa sandy loam (moderate to well drained, 0.08 in/in capacity) and Peters Clay (0.14 in/in capacity).

**7971 Gilbert Rd., Oakdale APN 006-091-001 (recently renamed APN 006-091-004):** This is an estimated 52-acre parcel proposed for land-application of food processing by-products. With Ordinance-imposed setbacks, there are 45 usable acres for land-application. The orchard on this parcel includes 2009 almonds and pasture land. Parcel APN 006-091-002 is located to the south. To the east, there is pastureland, 2 orchards, 3 residences, and a dairy. To the north, there is pastureland, a dairy, and several residences. To the west, there is pastureland and numerous residences. The dominant soils are San Joaquin sandy loam (moderately well drained, 0.08 in/in capacity) and Peters Clay (0.14 in/in capacity).

**Gilbert Rd., Oakdale APN 006-091-002:** This is an estimated 158-acre parcel proposed for land-application of food processing by-products. With Ordinance-imposed setbacks, there are 109 usable acres for land-application. The orchard on this parcel includes 2009 almonds and pasture land. To the south, there are approximately 15-20 residences. To the east, there is pastureland, 2 orchards, 3 residences, and a dairy. Parcel APN 006-091-004 is located to the north, along with pastureland, a dairy, and several residences. To the west, there is pastureland and numerous residences. The dominant soils are San Joaquin sandy loam (moderately well drained, 0.08 in/in capacity) and Peters Clay (0.14 in/in capacity).

**S. Yosemite Ave., Oakdale APN 064-031-028:** This is an estimated 15.5-acre parcel proposed for land-application of food processing by-products. With Ordinance-imposed setbacks, there is 1 usable acre for land-application. The orchard on this parcel includes mature almonds. To the south, there is pastureland and a farmer's market/produce stand. To the east, there is pastureland and there are orchards. To the north, there is an orchard, a dairy, and a residence. To the west, there is pastureland, 4 residences, and an orchard. The dominant soil is San Joaquin sandy loam (moderately well drained, 0.06 in/in capacity).

**8700 N. Crane Rd., Oakdale APN 063-005-004:** This is an estimated 244.7-acre parcel proposed for land-application of food processing by-products. With Ordinance-imposed setbacks, there are 180 usable acres for land-application. The orchard on this parcel includes mature almonds. To the south, there is a housing development and a city water well. To the east, there is a school, a church, a housing development, and orchards. The Stanislaus River is located to the north. Parcel APN 062-004-

002 is located to the west, along with orchards, numerous residences, and idle land. The dominant soils are Hanford/Tujunga sandy loam (deep well drained, 0.14 to 0.07 in/in capacity).

**12019 26 Mile Rd., Oakdale APN 002-012-063:** This is an estimated 372.26-acre parcel proposed for land-application of food processing by-products. With Ordinance-imposed setbacks, there are 328 usable acres for land-application. The orchard on this parcel includes 2 to 6-year-old almonds. Parcel APN 002-059-004 is located to the south. To the east, there is pastureland, 4 residences, and a mobile home park. Pastureland is located to the north. To the west, there is a dairy, a nursery, pastureland, and numerous residences. The dominant soils are Madera and Cometa sandy loam (moderate to well drained, 0.05 to 0.08 in/in capacity).

**Brady Rd., Oakdale APN 062-004-032 (formerly identified as 062-004-011):** This is an estimated 37.6-acre parcel proposed for land-application of food processing by-products. With Ordinance-imposed setbacks, there are 23 usable acres for land-application. The orchard on this parcel includes 2000 and 2001 walnuts. To the south, there are residences and orchards. Parcel APN 063-005-004 is located to the east. The Stanislaus River is located to the north. Orchards and agricultural land are located to the west. The dominant soils are Hanford/Tujunga sandy loam (deep well drained, 0.14 to 0.07 in/in capacity).

**Brady Rd., Oakdale APN 062-004-029:** This is an estimated 51-acre parcel proposed for land-application of food processing by-products. With Ordinance-imposed setbacks, there are 47 usable acres for land-application. The orchard on this parcel includes 2000 and 2001 walnuts. To the south, there are residences and orchards. Parcel APN 063-005-004 is located to the east. The Stanislaus River is located to the north. Orchards and agricultural land are located to the west. The dominant soils are Hanford/Tujunga sandy loam (deep well drained, 0.14 to 0.07 in/in capacity).

**8661 Crane Rd., Oakdale, CA APN 062-004-002:** This is an estimated 34-acre parcel proposed for land-application of food processing by-products. With Ordinance-imposed setbacks, there are 25 usable acres for land-application. The orchard on this parcel includes 2000 and 2001 walnuts. To the south, there are residences and orchards. Parcel APN 063-005-004 is located to the east. The Stanislaus River is located to the north. Orchards and agricultural land are located to the west. The dominant soils are Hanford/Tujunga sandy loam (deep well drained, 0.14 to 0.07 in/in capacity).

**Walnut St., Oakdale APN 063-004-030:** This is an estimated 6.11-acre parcel proposed for land-application of food processing by-products. With Ordinance-imposed setbacks, there is 1 usable acre for land-application. The orchard on this parcel includes 1976 almonds. To the south, there is a housing development. Pastureland is located to the east. The Stanislaus River is located to the north. Parcel APN 063-005-004 is located to the west. The dominant soils are Hanford/Tujunga sandy loam (deep well drained, 0.14 to 0.07 in/in capacity).

**Walnut St., Oakdale APN 063-006-001:** This is an estimated 10.032-acre parcel proposed for land-application of food processing by-products. With Ordinance-imposed setbacks, there are 2 usable acres for land-application. The orchard on this parcel includes 1976 almonds. To the south, there is a housing development. Pastureland is located to the east. The Stanislaus River is located to the north. Parcel APN 063-005-004 is located to the west. The dominant soils are Hanford/Tujunga sandy loam (deep well drained, 0.14 to 0.07 in/in capacity).

**S. Yosemite Ave., Oakdale APN 064-031-029:** This is an estimated 81.05-acre parcel proposed for land-application of food processing by-products. With Ordinance-imposed setbacks, there are 50 usable acres for land-application. The orchard on this parcel includes 1996 almonds and pasture land. Parcel APN 064-032-006 is located to the south. Pastureland is located to the east. Parcel APN 064-031-028 is located to the north. To the west, there is pastureland, a farmer's market/produce stand, 3 to 6 residences and orchards. The dominant soils are San Joaquin sandy loam (moderately well drained, 0.06 in/in capacity).

The Stanislaus County Ordinance, Chapter 9.88<sup>2</sup>, requires the following setbacks for by-product application areas:

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



### Dredging, hauling, and land application details

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

Maintenance dredging will be performed to excavate and remove excess by-product mud from the ConAgra Wastewater Treatment Facility ponds. An ANSI/NSF-approved polymer (anionic polyacrylamide) may be added to the by-product mud prior to land application to assist with the liquid-solid separation process; this polymer completely degrades within 72 hours of introduction to the by-product mud. The maintenance dredging activities that will take place at the ConAgra Wastewater Treatment Facility ponds are categorically exempt from CEQA under Section 15304 (g) when "the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies." The dredging processes described within this document are provided as supplemental information to the land application operations and are not regulated by the Department of Environmental Resources.

Some stockpiling of aerated pond mud will take place within the aerated pond and above the pond water level to drain excess liquid from the mud before hauling off-site. ConAgra may create alternate draining/drying areas on-site at the processing plant/pond site when needed, properly containing excess runoff, to minimize liquid impacts during hauling and land-application at the designated fields and orchards. By-product mud will not be stockpiled on top of bare soil at the ConAgra facility parcels.

Depending on the time period in which the aerated pond mud will be dredged and land-applied, tonnages hauled and frequency of hauling, and land-application activities will vary. Aerated pond mud quantities generated will range from 12 truckloads per day for a short period or intermittent dredging operation up to a full-time dredging operation at approximately 50 truckloads per day. The anticipated tonnage per truckload of aerated pond mud is 12 tons per truckload. Truck traffic may occur over a 24-hour period and up to a 3-week duration during the full-time dredging operation. However, typical hours of operation for the short period or intermittent dredging operation will be 6AM to 6PM, seven days a week over the majority of the year. Application of by-product mud in almond and walnut orchards is most likely to occur during the spring and fall months.

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

Land-application rates of the by-product mud are based on agronomic rates determined by a professional agronomist. See Table 7 in the Plan<sup>3</sup> for the Application Summary.

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

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

### Equipment for land-application and discing

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

- Two 375-hp tractors
- Two drag scrapers for tree access (one 16-foot wide, and a smaller disc for tree access)
- One scoop loader
- Two 9-yard manure spreaders
- 500-gallon water tank, minimum

If equipment necessary for operations outlined in the Plan<sup>3</sup> is found in disrepair unexpectedly, temporary replacement equipment will be rented to complete hauling, spreading and discing activities as required.

### Transportation of by-products

Only approved haulers will transport the by-product materials from the ConAgra facility to the designated land-application sites. Haulers will follow all local and California Department of Transportation requirements to load and secure trucks. A map (Figure 1) and written description (Table 5) of the proposed hauling routes are provided in the Plan. Aerated pond mud and rinse mud will usually be transported in open-top truck tank containers (side or rear dump) or in roll-off bins; loads will be covered as necessary. To prevent dust and dirt from blowing out of the containers during transport, loads will be evaluated for dryness and covered if the load is observed as dry and moderate to strong winds exist during transport. The loading of the transport containers will be kept at approximately 60% to avoid spillage during transfer and transport. Truckload weight limits will be followed. The bottom and side floors will be watertight. When needed, containers with baffles will be used to reduce movement of the loads. Between loads, water rinsing may be necessary to reduce odors; the rinse water will be appropriately disposed at the ConAgra Wastewater Treatment Facility.

### Contingency plans

*Excessive liquid and moisture:* Excessive liquid and moisture accumulation will be addressed by the assessment of water content prior to transport of the by-product mud. A designated draining area may be used on the ConAgra facility site prior to hauling, as necessary. Discing of the land-application sites will be completed so that appropriate adsorption will occur. Staging area and field preparation may consist of the application of dry manure or compost in a thin lift to maximize adsorption. Agronomic rates will be closely observed for these applications, and will not be exceeded.

*Excessive noise:* Utilized equipment will be kept in good working condition to prevent excessive noise. In addition, the rural setting of the proposed application areas will reduce the number of noise receptors. Alteration of transportation schedules or land-application activity times may be considered if excessive noise conditions were observed, although this is not expected since field activities include typical farming practices.

*Excessive dust:* In order to reduce potential dust emissions from roadway and site use, a water truck with spray nozzles will be used, as needed. Road gravel composed of 2-inch or greater size gravels, and speed reduction signs will be used, as necessary.

*Excessive objectionable odor:* Haulers will cover loads from the ConAgra facility to the application areas, as needed. To reduce objectionable odors at the application fields, spreading and discing actions will be the primary mitigation measure. Application of by-product mud at anticipated cooler periods of the day or re-discing activities will be completed if needed. If odors persist, alternate staging and/or application area locations will be selected.

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

*Severe inclement weather:* If rain is forecasted, application of by-product mud will not take place. Temporary storage areas that drain to the ConAgra Wastewater Treatment Facility will be used for staging purposes. Temporarily stored by-product mud may be placed on and covered with Visqueen or equivalent, as necessary.

### Sampling and testing

See Table 8 in the Plan<sup>3</sup> for by-product mud and soil analytical parameters.

All required soil, by-product mud, and plant tissue constituent sampling and laboratory testing will be conducted as written in the Stanislaus County Ordinance, Chapter 9.88<sup>2</sup>, and also provided in the *Stanislaus County Food Processing By-products Program Sampling and Testing Guidelines*<sup>5</sup> document.

In addition to the above-noted sampling and testing requirements, sediment micronutrients (Total and DTPA Extractable Method) and additional CAM 17 metals analyses will be performed for aerated pond mud as noted in Section 3.1 of the Plan<sup>3</sup>. An EPA 503 metals analysis (arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium, and zinc) will be performed on rinse mud samples as described in Section 3.2 of the Plan<sup>3</sup>.

### Program details

Each year, after the harvest season ends and post-application sampling is completed, a summary report will be compiled and forwarded to the Stanislaus County Department of Environmental Resources. This report will contain specifics on the annual application under this program as determined by the Department of Environmental Resources, and include updates for the rates of application and sampling protocol. Detailed daily records will be kept to report each truckload of by-product mud received at land-application sites, as required by the Stanislaus County Ordinance, Chapter 9.88<sup>2</sup>.

Only the land application parcels described within this document are subject to enforcement and regulation under the Stanislaus County Ordinance, Title 9, Chapter 9.88<sup>2</sup> for the land-application of food processing by-products. As noted in the Stanislaus County Ordinance, Title 9, Section 9.88.070 (B)<sup>2</sup>, the permitted activity shall be operated in conformance with the permit application and Plan of Operation and supplements or amendments thereto submitted by the permit holder, in addition to permit conditions and all applicable state and local laws, ordinances, regulations and codes.

The Central Valley Regional Water Quality Control Board has worked closely with the Department of Environmental Resources through development of the Stanislaus County Ordinance, Title 9, Chapter 9.88<sup>2</sup> for the Food Processing By-product Use Program.

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

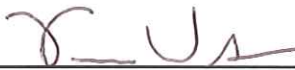
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- Aesthetics
- Agriculture Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology /Soils
- Hazards & Hazardous Materials
- Hydrology / Water Quality
- Land Use / Planning
- Mineral Resources
- Noise
- Population / Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities / Service Systems
- Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)  
On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
\_\_\_\_\_  
Signature

June 29, 2009  
\_\_\_\_\_  
Date

Vicki Jones, Senior Resource Management Specialist  
Printed name

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

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

a) Earlier Analysis Used. Identify and state where they are available for review.

b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

a) the significant criteria or threshold, if any, used to evaluate each question; and

b) the mitigation measure identified, if any, to reduce the impact to less than significant.

**ISSUES**

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?				X
<p><b>Discussion:</b> The sites are not considered to be scenic resources or unique scenic vistas. All parcels are used for the planting and growing of crops or orchards. Any application of food processing by-product mud during this project will be consistent with existing agricultural best management practices and enforced under the Stanislaus County Code, Title 9, Chapter 9.88.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>. Stanislaus County Ordinance, Title 9, Chapter 9.88<sup>2</sup>. Project sponsor(s) Food Processing By-product Program Permit Application and Plan of Operation Documents<sup>3</sup>.</p>				
II. AGRICULTURE RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X
<p><b>Discussion:</b> The subject parcels are used for agricultural purposes and are not planned for any other use. All parcels are used for the planting and growing of crops or orchards.</p>				
<p><b>Mitigation:</b> None.</p>				

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>. Stanislaus County Ordinance, Title 9, Chapter 9.88<sup>2</sup>. Project sponsor(s) Food Processing By-product Program Permit Application and Plan of Operation Documents<sup>3</sup>.

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

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

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

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

**Mitigation:** None.



**References:** San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis. Stanislaus County General Plan and Support Documentation<sup>1</sup>. Stanislaus County Ordinance, Title 9, Chapter 9.88<sup>2</sup>. Project sponsor(s) Food Processing By-product Program Permit Application and Plan of Operation Documents<sup>3</sup>. Food Processor By-product Use No Known Risk Declaration Letter dated March 24, 2009 provided by ConAgra Foods<sup>4</sup>.

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

**Discussion:** It does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. The parcels to be utilized for land application of food processing by-products are currently designated for farming uses. An anionic polyacrylamide polymer may be used to aid in the liquid-solid separation process during dredging activities; this polymer is appropriate for use on soils and for water clarification purposes.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>. California Department of Fish and Game California Natural Diversity Database. The Amber Group 56F4 Flocculant Product Fact Sheet<sup>6</sup>. Phone consultation with Dennis M. Delamore, Managing Partner, The Amber Group, LLC.

	Potentially	Less Than	Less Than	No
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V. CULTURAL RESOURCES -- Would the project:	Significant Impact	Significant With Mitigation Included	Significant Impact	Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X
<b>Discussion:</b> It does not appear this project will result in significant impacts to any archaeological or cultural resources.				
<b>Mitigation:</b> None.				
<b>References:</b> Stanislaus County General Plan and Support Documentation <sup>1</sup> . Stanislaus County Ordinance, Title 9, Chapter 9.88 <sup>2</sup> . Project sponsor(s) Food Processing By-product Program Permit Application and Plan of Operation Documents <sup>3</sup> .				
VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to State Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to			X	

life or property?				
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
<p><b>Discussion:</b> Areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5. Geologic conditions are expected to be less than significant since this project involves usual agricultural practices. An anionic polyacrylamide polymer may be used to aid in the liquid-solid separation process during dredging activities; this polymer is appropriate for use on soils and for water clarification purposes.</p> <p>d) Soils located in the project areas are only mildly expansive, and are not expected to create substantial risks to life or property since the land is used for agricultural purposes. This project will not change the expansiveness of the soils.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Consultation with Dr. Horacio Ferriz, Ph.D., Professional Engineering Geologist. Stanislaus County General Plan and Support Documentation<sup>1</sup>. Stanislaus County Ordinance, Title 9, Chapter 9.88<sup>2</sup>. Project sponsor(s) Food Processing By-product Program Permit Application and Plan of Operation Documents<sup>3</sup>. The Amber Group 56F4 Flocculant Product Fact Sheet<sup>6</sup>. Phone consultation with Dennis M. Delamore, Managing Partner, The Amber Group, LLC.</p>				
<b>VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation				X

plan?				
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
<p><b>Discussion:</b> No known hazardous materials are located on the sites related to this project. Pesticide exposure is a risk in agricultural areas. Sources of exposure include contaminated groundwater that is consumed and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. Sampling and laboratory analysis of by-product mud will be conducted in accordance with the Plan of Operation and the Stanislaus County Ordinance, Title 9, Chapter 9.88.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>. Stanislaus County Ordinance, Title 9, Chapter 9.88<sup>2</sup>. Project sponsor(s) Food Processing By-product Program Permit Application and Plan of Operation Documents<sup>3</sup>. Food Processor By-product Use No Known Risk Declaration Letter dated March 24, 2009 provided by ConAgra Foods<sup>4</sup>.</p>				
<b>VIII. HYDROLOGY AND WATER QUALITY -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate				X

Map or other flood hazard delineation map?				
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

**Discussion:**

a) No waste discharge requirements will be violated. Violation of water quality standards is not expected since the quantity of by-product mud is land-applied to permitted sites based on agronomic rates. A professional agronomist has calculated the agronomic rates for this project; the Application Summary of agronomic rates is noted as Table 7 in the Plan of Operation. Previous by-product mud sample laboratory results were noted below levels of concern; see Tables 1 through 4 of the Plan of Operation for results. Depth to groundwater at the project locations is approximately 70 feet below ground surface.

d) Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act. Eight of the thirteen project sites are not located within a recognized flood zone and, as such, flooding is not an issue with respect to these project sites. Five project sites are located within the 100-year flood zone, on Crane Road and Brady Road. This project will not significantly impact these parcels because site activities follow best management practices for agricultural farming operations. By-product mud delivery to the land-application sites will not occur during inclement weather.

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

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

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

**Mitigation:** None.

**References:** Consultation with Dr. Horacio Ferriz, Ph.D., Professional Engineering Geologist. Stanislaus County General Plan and Support Documentation<sup>1</sup>. Stanislaus County Ordinance, Title 9, Chapter 9.88<sup>2</sup>. Project sponsor(s) Food Processing By-product Program Permit Application and Plan of Operation Documents<sup>3</sup>. Food Processor By-product Use No Known Risk Declaration Letter dated March 24, 2009 provided by ConAgra Foods<sup>4</sup>. The Amber Group 56F4 Flocculant Product Fact Sheet<sup>6</sup>. Phone consultation with Dennis M. Delamore, Managing Partner, The Amber Group, LLC. California Regional Water Quality Control Board, Central Valley Region, Letter of Approval for the Food Processing By-product Use Program Pursuant to Resolution No. R5-2008-0182, County of Stanislaus Environmental Resources Department dated June 8, 2009<sup>7</sup>.

IX. LAND USE AND PLANNING -- Would the project:				
	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact

a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

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

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>. Stanislaus County Ordinance, Title 9, Chapter 9.88<sup>2</sup>. Project sponsor(s) Food Processing By-product Program Permit Application and Plan of Operation Documents<sup>3</sup>.

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

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

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XI. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

**Discussion:**

d) This project is not anticipated to generate excessive noise beyond that of usual agricultural farming practices. The Plan of Operation submitted by the applicant(s) prior to permit issuance contains plans to prevent and alleviate excess noise conditions if observed.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>. Stanislaus County Ordinance, Title 9, Chapter 9.88<sup>2</sup>. Project sponsor(s) Food Processing By-product Program Permit Application and Plan of Operation Documents<sup>3</sup>.

XII. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

**Discussion:** This project would not affect housing or population growth.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>. Stanislaus County Ordinance, Title 9, Chapter 9.88<sup>2</sup>. Project sponsor(s) Food Processing By-product Program Permit Application and Plan of Operation Documents<sup>3</sup>.

XIII. PUBLIC SERVICES:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact

<p>a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</p>		Included		X
<p>Fire protection?</p>				X
<p>Police protection?</p>				X
<p>Schools?</p>				X
<p>Parks?</p>				X
<p>Other public facilities?</p>				X
<p><b>Discussion:</b> This project is an agricultural farming project, and does not impact public services.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>. Stanislaus County Ordinance, Title 9, Chapter 9.88<sup>2</sup>. Project sponsor(s) Food Processing By-product Program Permit Application and Plan of Operation Documents<sup>3</sup>.</p>				
<p><b>XIV. RECREATION:</b></p>	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<p>a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</p>				X
<p>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?</p>				X
<p><b>Discussion:</b> This project does not include or alter recreational facilities.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>. Stanislaus County Ordinance, Title 9, Chapter 9.88<sup>2</sup>. Project sponsor(s) Food Processing By-product Program Permit Application and Plan of Operation Documents<sup>3</sup>.</p>				
<p><b>XV. TRANSPORTATION/TRAFFIC -- Would the project:</b></p>	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact



a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

**Discussion:**

a) This project involves the transportation of food processing by-product mud by truck to each of the thirteen parcels for spreading, drying, and then discing the by-product mud into the soil as a soil amendment for reuse; this project activity will occur instead of transporting the material to a landfill for disposal. A portion of the activity, regarding transportation and land-application of rinse mud, will typically occur only on a seasonal basis.

b) Truck traffic will be increased at designated routes during hours of operation detailed in the Plan of Operation that was submitted by the applicant(s). The Stanislaus County Department of Public Works has been contacted for comment regarding traffic and load management; the Plan of Operation, as written, addresses all potential concerns. Land-application would occur at varying subject site locations throughout the year. Typical hours of operation would be 6AM to 6PM, seven days a week. The Plan of Operation submitted by the applicant(s) prior to permit issuance contains processes for transportation of the by-product mud to prevent spillage on the roadways.

d) If farm equipment is driven or transported on the roadways, it would be consistent with usual agricultural practices and performed in accordance with what is allowed by local and state laws, regulations and codes for transportation purposes.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>. Stanislaus County Ordinance, Title 9, Chapter 9.88<sup>2</sup>. Project sponsor(s) Food Processing By-product Program Permit Application and Plan of Operation Documents<sup>3</sup>.

XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or				X

wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

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

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

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>. Stanislaus County Ordinance, Title 9, Chapter 9.88<sup>2</sup>. Project sponsor(s) Food Processing By-product Program Permit Application and Plan of Operation Documents<sup>3</sup>.



XVII. MANDATORY FINDINGS OF SIGNIFICANCE:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	

<p><b>b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</b></p>			X	
<p><b>c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?</b></p>			X	

**Discussion:**

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

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

c) The Stanislaus County Food Processing By-product Use Program has regulated land-application projects successfully for 19 years, and no substantial adverse effects on human beings have been documented due to these land-application projects. There is a potential for unforeseen temporary indirect environmental impacts due to project activities, but this risk is considered less than significant since it would be temporary and any needed mitigation would be immediate.

This project as enforced under the Stanislaus County Ordinance Title 9, Chapter 9.88 significantly reduces the risk to a “less than significant” risk to the environment while allowing the reuse of food processing by-product mud as a soil amendment that would otherwise be discarded in a landfill.

**References**

<sup>1</sup>Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and revised elements of the General Plan and Support Documentation: **Agricultural Element** adopted on December 18, 2007.

<sup>2</sup>Stanislaus County Ordinance, Title 9, Chapter 9.88 adopted in February 2008. The Stanislaus County Food Processing By-product Program Regulations and the *Manual of Best Practices for Application of Food Processing By-products on Farmlands* dated June 29, 2007 are referenced and enforceable by the Ordinance, in the unincorporated areas of the County.

<sup>3</sup>Food Processing By-product Program Permit Application and Plan of Operation submitted by the Project sponsor(s).

<sup>4</sup>Food Processor By-product Use No Known Risk Declaration Letter dated March 24, 2009 and provided by ConAgra Foods.

<sup>5</sup>Stanislaus County Food Processing By-product Use Program Sampling and Testing Guidelines compiles all constituent sampling and testing requirements from the Stanislaus County Ordinance, Title 9, Chapter 9.88 into one quick-reference document.

<sup>6</sup>The Amber Group 56F4 Flocculant Product Fact Sheet provides information for the anionic polyacrylamide polymer.

<sup>7</sup>California Regional Water Quality Control Board, Central Valley Region, Letter of Approval for the Food Processing By-product Use Program Pursuant to Resolution No. R5-2008-0182, County of Stanislaus Environmental Resources Department dated June 8, 2009.

## NEGATIVE DECLARATION

**NAME OF PROJECT:** ConAgra Foods Aerated By-product Mud Pond and Rinse Mud Residue for Land Application as a Soil Amendment

**LOCATION OF PROJECT:** Generator of food processing by-products as a soil amendment:  
554 S. Yosemite Ave, Oakdale includes  
APNs 063-024-002, 063-024-008, 063-024-009, and 063-024-020  
Thirteen parcels proposed for land application:  
Thirteen parcels are located in the unincorporated areas of the County, and include  
S. Yosemite Ave., Oakdale APN 064-032-006;  
26 Mile Rd., Valley Home APN 002-059-004;  
7971 Gilbert Rd., Oakdale APN 006-091-001 (also referred to as APN 006-091-004 after a recent parcel split);  
Gilbert Rd., Oakdale APN 006-091-002;  
S. Yosemite Ave., Oakdale APN 064-031-028;  
8700 N. Crane Rd., Oakdale APN 063-005-004;  
12019 26 Mile Rd., Oakdale APN 002-012-063;  
Brady Rd., Oakdale APN 062-004-032 (formerly identified as 062-004-011);  
Brady Rd., Oakdale APN 062-004-029;  
8661 Crane Rd., Oakdale, CA APN 062-004-002;  
Walnut St., Oakdale APN 063-004-030;  
Walnut St., Oakdale APN 063-006-001;  
S. Yosemite Ave., Oakdale APN 064-031-029

**PROJECT DEVELOPERS:**

Jeff Schultz	John Bricchetto
554 S. Yosemite Avenue	P.O. Box 11600
Oakdale, CA 95361	Oakdale, CA 95361

**DESCRIPTION OF PROJECT:** Request to apply for a Stanislaus County Food Processing By-product Use permit for land application of food processing by-products. This project includes the land-application of food processing by-product mud dredged from the ConAgra facility aerated ponds and by-product rinse mud generated from the rinsing of produce prior to processing to be utilized as soil amendments on farmland and orchards located within the vicinity of the ConAgra processing plant. These activities would be performed and enforced under the Stanislaus County Ordinance, Chapter 9.88 for food processing by-product use. Subject land application parcels total approximately 1,357 acres. With required by-product application setbacks, subject land application parcels total 996 usable acres for by-product application. Land application will occur throughout year. Application of by-product materials would not exceed limits based on agronomic rates for the crops or walnut and almond trees that are planted.

Based upon the Initial Study, dated June 29, 2009, the Environmental Coordinator finds as follows:

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

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

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

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