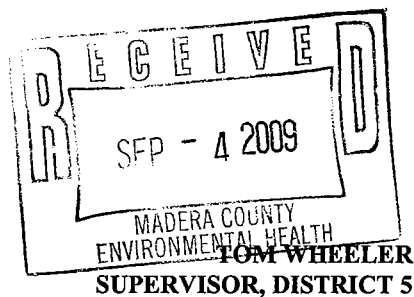




## BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER  
200 WEST FOURTH STREET / MADERA, CALIFORNIA 93637  
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970



September 3, 2009

Dear Coarsegold Resident,

As your County Supervisor, I am contacting you directly regarding the cow carcasses in the Fresno River. Following the Town Hall Meeting on August 25, I understand that many of you had remaining concerns and questions. I will do my best to address those concerns in this letter. I hope this information will not only update you on the status of the carcass removal, but inform you in detail of the steps the County has taken to assist in alleviating the situation.

As of August 31, the cattle owner and his crew had all of the cattle carcasses loaded into a covered trailer used for hauling dead animals. The disposal company picked up the truck on September 1 and the work crew returned to finish cleaning the site of any debris left behind. On September 3, Environmental Health Department staff made a final site visit. Samples of surface water in the area were obtained for bacteriological analyses and background information. Abatement is now considered complete.

I think it's important to reiterate that the effort to remediate the situation has been a collaboration between multiple County and State regulatory agencies. The agencies involved include the California Integrated Waste Management Board, the California Department of Food & Agricultural Animal Health Branch, The San Joaquin Valley Air Pollution Control District, the Emergency Animal Disposal Workgroup, Cal Fire, as well as County departments of Environmental Health, Public Health, Animal Services, Agricultural Commissioner, Fire Marshal and Sheriff's Department. As you can imagine, coordinating with each agency or department and obtaining approval for any remediation action is an extensive and sometimes time-consuming process. However, the County is required to comply with all state and federal regulations.

Many questions were raised during the Town Hall Meeting. I would like to address those questions and concerns that were most frequently asked:

**Q. When did the County learn of the incident?**

A. During the Town Hall, it was stated that the County has known about the carcasses for three weeks. This is not accurate. The County's Animal Services Department was notified about this incident on Friday, August 14, eleven days prior to the Town Hall Meeting. The Environmental Health Department was then notified on August 15. On Monday, August 17, the cattle and property owners were then identified and contacted. Please view the attached *Chronology of Events* for a full description of the steps taken by staff to help remediate the situation.

**Q. Why didn't the County assume responsibility of clean up and immediately remove the carcasses?**

A. As the incident occurred on private property, and a responsible party was notified and fully cooperative, the County's role was one of advisement and direction. Our responsibility was to ensure that clean up was performed to county and state regulations and done in the most expedient manner possible. The County worked closely with the cattle owner, communicating daily the information relayed to us by the State

agencies involved. Additionally, there was no willful intent by the cattle owner to violate the law.

**Q. Why weren't the carcasses burned or buried immediately?**

A. As a means of remediation, the County did consider burial and burning. In regards to burial, the California Integrated Waste Management Board has banned mammalian compost on site unless as a last resort and was not recommended by the Regional Water Quality Control Board. In addition, there was very little soil available for on-site burial, which assists in the decomposition process. Regarding burning, although the San Joaquin Valley Air Pollution Control District was willing to grant the cattle owner a burn permit variance, Cal Fire issued a "no burn" decision. This decision was based on the level of fuel loading in the immediate area and limited access to both sides of the river. Cal Fire stated that burning of the carcasses was an "unacceptable risk" in the fire season. Therefore, it was determined that the best course of action would be off-site disposal. The Emergency Animal Disposal Workgroup recommended pumping out the pond water to access the cow remains in the pools. The pond water was lightly sprayed onto neighboring rocks to allow for quick evaporation of the pond water.

**Q. Why didn't the County declare a local emergency?**

A. In order for the County to declare an emergency, it is necessary to demonstrate an immediate health or safety hazard. As defined in Government Code Section 8558 (c) of the California Code, a "local emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county." As there was no immediate health risk associated with the carcasses, the County could not declare an emergency.

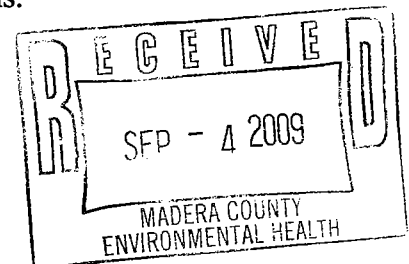
**Q. At what time of year does the river flow?**

A. As you may already be aware, Madera Irrigation District releases and diverts water from the Fresno River based on its water rights. From my understanding, the Big Creek Diversion is used from December 1 through July 15, beginning with 50 cubic feet per second, except for the month of April when it is reduced to 20 cubic feet per second. Generally, MID will only see 50 cubic feet per second in May during the snow melt.

Additionally, I'd like to emphasize that this was a unique incident with multiple physical challenges. This type of scenario is not typical for the County or any of the State agencies involved in the clean up. Our primary concern was the possibility of a health hazard. As it was determined that cattle do not typically get pneumonia or respiratory disease from E. Coli, nor are they a common carrier of botulism, there was no direct threat to humans. Furthermore, drinking water wells, either private or public, if properly constructed with an appropriate annular seal, are not likely to be affected by the situation. In addition, public water systems—the closest to the incident being 7,000 feet away— must perform routine monthly bacteriological testing. The results of the testing are reviewed by the Environmental Health Department. Private well owners may also test their well water as desired. The County's Public Health Department continues to offer free sample kits and analysis for property owners near the cow carcasses in the Fresno River. Please contact the Public Health Department at 559.675.7893 for more information and make sure to identify yourself as a Fresno River resident.

Finally, as mentioned at the Town Hall Meeting, it is not recommended to swim in stagnant waters. From my understanding, the carcasses were discovered by children searching for a swimming hole. Regardless of whether permission is granted to access private property, stagnant waters typically contain high levels of bacteria and swimming is not recommended.

I hope this information helps answer your questions. Please do not hesitate to contact me at 559.662.6050 or [tom.wheeler@madera-county.com](mailto:tom.wheeler@madera-county.com) with any additional questions or concerns.



Sincerely,

A handwritten signature in cursive script that reads "Tom Wheeler".

Tom Wheeler  
Supervisor, District 5

Cc: Board of Supervisors  
Jill Yaeger, Environmental Health  
Carol Barney, Public Health  
Kirsten Gross, Animal Services  
Sheriff John Anderson  
Robert Rolan, Agricultural Commissioner  
Deborah Keenan, Fire Marshal

## CHRONOLOGY OF EVENTS

- Aug. 14<sup>th</sup>:** Animal Services was notified of incident.
- Aug. 15<sup>th</sup>:** Environmental Health (EH) was notified of incident.
- Aug. 17<sup>th</sup>:** EH, Public Health, Sheriff's Office, Animal Services, Agriculture Commissioner's Office, District 5 Supervisor's Assistant, Regional Water Board, and State Department of Food & Agricultural Animal Health Branch met and conferred. The cattle owner and property owner information was gathered and cattle owner was contacted and notified to take immediate measures to remove the animals from the waterway. Methods of disposal discussed; news release issued to media.
- Aug. 18<sup>th</sup>:** EH site assessment; issued Notices to cattle owner and property owner directing abatement; continued to gather information regarding potential human health risks. EH advised cattle owner regarding various methods of disposal; daily progress updates provided to news media.
- Aug. 19<sup>th</sup>:** EH site follow-up; nearly half of the dead cows have been removed from the immediate waterway; steep, rocky, slippery terrain are making for a slow and physically labor-intensive process; area is inaccessible to heavy equipment and vehicles; methods to control odors are applied; work temporarily halted due to worker health and safety concerns related to the heat; other methods of disposal, e.g. onsite burning, composting, etc. analyzed; outside expertise sought (Kings County Agricultural Commissioner, UC Davis, Emergency Animal Disposal Workgroup).
- Aug. 20<sup>th</sup>:** EH working with cattle owner, Cal Fire, and San Joaquin Valley Air Pollution Control District concerning a possible variance to burn the carcasses onsite. Drinking water is not likely affected due to proper well construction and distance from the immediate area. The closest public water system is 7,000 feet away and is routinely tested for bacteria. Residents on a private water source are encouraged to contact EH or Public Health for information on submitting a sample from their own well for analysis.
- Aug. 21<sup>st</sup>:** County departments met on status of the incident. Air District will not issue variance unless fire officials approve burning; Cal Fire issues "No Burn" decision; EH and Ag Commissioner coordinate weekend site visit with representatives from the statewide Emergency Animal Disposal Workgroup; proposed town hall meeting to be scheduled for Tuesday; EH site follow-up, letters with latest information on incident hand delivered to residents along the Fresno River.
- Aug. 23<sup>rd</sup>:** Site visit with UC Davis, Kings County Ag Commissioner, Madera County Ag Commissioner and EH.
- Aug. 24<sup>th</sup>:** EH requested further Regional Water Board assistance/guidance focusing on cows in ponded area; coordinating site visit with fire and water board

representatives. Town Hall Meeting confirmed and notices hand delivered to Fresno River residents.

- Aug. 25<sup>th</sup>:** EH meets with Regional Water Board representatives and Cal Fire official. Regional Water Board agrees with EH assessment concerning treacherous terrain and offered guidance on removing water from pond and allowing animal remains to dry and be removed under safer conditions; Town Hall meeting held at Coarsegold Community Center 6-8 p.m.
- Aug. 26<sup>th</sup>:** County staff conferred on outcome of Town Hall; Cattle owner was advised by EH on pumping the water from the ponded area after conferring with Regional Water Board staff. Cattle owner was informed that carcasses (not in ponded area) must be removed this week. He informed EH that he was ordering a truck but that the Kettleman disposal site did not have any available at this time.
- Aug. 27<sup>th</sup>:** The process to pump the ponded water to gain access to the remaining cows in the river way began on Tuesday, August 26th. The cattle owner has informed the County that an approved hauling container and truck has been ordered and is pending delivery to the site. As of 5 p.m., most of the water in the ponded area had been pumped onto nearby rocks where it could evaporate quickly so that odors could be minimized. This completely exposed approximately 5 carcasses (not 10 as initially thought) in this area which was only about 3-feet deep. The carcasses were in an advanced state of decomposition with mostly just hide and bones remaining.
- Aug. 28<sup>th</sup>:** A dead animal hauling container/truck was delivered to the site. Workers begin moving the carcasses onto a makeshift sled and tarps so that they can be moved over the rocks to where the lined container/truck is located. A neighbor allowed easier access to the carcasses for removal through their property.
- Aug. 31<sup>st</sup>:** Cattle owner had his crew work throughout the weekend to get the carcasses into the trailer with just two carcasses remaining. As of 3 p.m., all of the cattle carcasses had been loaded into a covered trailer used for hauling dead animals. The disposal company was expected to pick up the trailer, but did not arrive.
- Sept. 1<sup>st</sup>:** **All 38 carcasses were removed from the Fresno River and hauled to Kettleman City Landfill.** Staff gave a brief report to the Board of Supervisors regarding the status of the incident. EH also gave a report at the Planning Commission meeting at the request of the Commission's Chairman.
- Sept. 2<sup>nd</sup>:** Workers perform final site clean up and minor repairs.
- Sept. 3<sup>rd</sup>:** EH makes final site visit. Samples of surface water in the area were obtained for bacteriological analyses and background information. Abatement is considered complete.