



California Regional Water Quality Control Board Central Valley Region

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Linda S. Adams
Secretary for
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W.E. Loudermilk
California Department of Fish and Game
Central Region
1234 East Shaw Avenue
Fresno, CA 93710

RESPONSE TO COMMENTS ON THE TENTATIVE WASTE DISCHARGE REQUIREMENTS FOR THE VANDER WOUDE DAIRY

Regional Board staff thanks the California Department of Fish and Game, Central Region (the Department) for the comments provided on the tentative Waste Discharge Requirements (WDRs) for the Vander Woude Dairy, located at 1550 Rahilly Road, Merced. Changes to the WDRs based on comments received will be incorporated into the final WDRs and submitted as late revisions to the Regional Board for their consideration at the 25 January 2008 board meeting.

Two new specifications were developed for the WDRs based on the Department's concerns. These new specifications were based off of biological mitigation measures in the Final Environmental Impact Report for the Vander Woude Dairy expansion project. The following specification addresses your comment regarding no disturbance buffers:

"Specification 21. A 200-ft setback between the production area boundaries and the stream corridor, riparian habitat, or wetland shall be required to allow for animal migratory routes or night-active wildlife."

The second specification developed for the WDRs addresses comments related to the development and protection of wetland areas in the northwestern portion of the project site. This specification will require the Discharger to have wetlands delineated if the specified areas are developed:

"Specification 22. The southwest corners of Fields 1 and 2 are considered jurisdictional wetlands regulated under Section 404 of the Clean Water Act. Prior to any leveling, deep-ripping, or excavating of cropland within these fields or cropland outside the boundaries of this Order, the Discharger shall have all wetlands formally delineated by a qualified biologist, and shall obtain a wetlands fill permit from the U.S. Army Corps of Engineers."

California Environmental Protection Agency

In response to the Department's comment that additional permits may be required for the "take" of listed species, and an agreement for the alteration of streams, the Regional Board recommends that the Department contact the Discharger directly to ensure that the Department's requirements are adequately met.

The Department expressed concern over the impact of the dairy on shallow groundwater at the Project site and nearby areas, as well as the concern that species and habitat in the area are susceptible to impacts from discharges. The Regional Board recognizes that there is a potential for pollution from the Vander Woude Dairy; however, the WDRs require sampling semiannually of the five monitoring wells onsite. Should the wells near the facility lagoons show pollution over time, the Discharger will be required to submit a plan for lining the dairy lagoons. The cropland at the Vander Woude Dairy will also be monitored. Wastewater and solid manure must be applied to the cropland at agronomic rates. Applying waste at agronomic rates should avoid the pollution of groundwater. The WDRs also prohibit the discharge of waste into surface waters, which should protect the riparian areas and wetlands on or near the Project site.

If you have any questions regarding the Waste Discharge Requirements or the Late Revisions, please call Jennifer LaBay at (9196) 464-4735 or Charlene Herbst at (916) 464-4724.

ORIGINAL SIGNED BY

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cc: Simon Vander Woude, Merced, CA
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