

ITEM: 9

SUBJECT: Reissuance of Waste Discharge Requirements General Order For Existing Milk Cow Dairies

BOARD ACTION: *Consideration of Adoption of the Waste Discharge Requirements.*

BACKGROUND: On 9 August 2013, the Board circulated tentative waste discharge requirements for discharges from Existing Milk Cow Dairies (Reissued Dairy General Order) for review and comment by the public. The tentative Reissued Dairy General Order represents modifications to Order R5-2007-0035, Waste Discharge Requirements General Order for Existing Milk Cow Dairies (the "Dairy General Order") made in accordance with a Writ of Mandate issued by the Sacramento County Superior Court following the decision of the Third District Court of Appeal in *Asociación de Gente Unida por el Agua v. Central Valley Regional Water Quality Control Bd.* (2012) 210 Cal.App.4th 1255. The Writ of Mandate compels the Central Valley Water Board to, "[s]et aside the [2007 Dairy General Order] and reissue the permit only after application of, and compliance with, the State's anti-degradation policy ... as interpreted by the Court of Appeal in its opinion." The Reissued Dairy General Order is intended to set aside and replace the 2007 General Order in compliance with the Superior Court's mandate. Written comments on the tentative Reissued Dairy General Order were due 9 September 2013. The tentative Reissued Dairy General Order and attachments have been revised based on comments received.

To assess compliance with the *State Anti-Degradation Policy*, this Order requires Dischargers to monitor discharges to surface waters and to monitor first encountered groundwater. The requirements to monitor first encountered groundwater (the point in the aquifer where typically detection of changes to groundwater quality, caused by the facility, would be first detected) are met when the Dischargers perform individual groundwater monitoring or participate in a Representative Groundwater Monitoring Program (RMP). The purpose of monitoring is to confirm that the discharges are effectively controlled by management practices and to evaluate compliance with this Order. Determination of compliance or non-compliance will be made in a Summary Report for individual monitoring or in a Summary Representative Monitoring Report (SRMR) for dischargers enrolled in a RMP.

If the Summary Report for individual monitoring or the SRMR for representative monitoring indicate that the Dischargers have discharges that violate Groundwater Limitation of this Order or that such discharges may cause degradation to high quality waters, the Dischargers are required to implement management practices/activities (BPTC for high quality waters or best efforts for waters that are not high quality) that will bring the facility into compliance with the Groundwater Limitation of this Order.

Additional significant changes made to the tentative Reissued Dairy General Order include: new language regarding existing wastewater pond operation; additional production area specifications; and the addition of a time schedule for compliance with Groundwater Limitation of the Order.

General summary of revisions

RECOMMENDATION: Adopt the proposed waste discharge requirements.

Mgmt. Review_____

Legal Review_____

3-4 October 2013