



California Regional Water Quality Control Board Central Valley Region

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21 May 2008

Certified Mail No.
[insert number]

Name and Title
Company
Address
City, State Zip

APPLICATION OF DAIRY WASTES TO CROPS GROWN FOR HUMAN CONSUMPTION, [NAME OF DAIRY] AT [ADDRESS OF DAIRY], [DAIRY CITY], [COUNTY NAME] COUNTY

Your Existing Conditions Report of December 2007, indicates that you are applying manure and/or process wastewater from your dairy to **[type of crop(s)]**. Waste Discharge Requirements, General Order No. R5-2007-0035, for existing Milk Cow Dairies states:

General Specification B.4,

Wastes and land application areas shall be managed to prevent contamination of crops grown for human consumption. The term "crops grown for human consumption" refers only to crops that will not undergo subsequent processing which adequately removes potential microbial danger to consumers.

Prohibition A.4,

The collection, treatment, storage, discharge, or disposal of wastes at an existing milk cow dairy that results in ...(2) contamination or pollution of surface water or groundwater, or (3) a condition of nuisance (as defined by the California Water Code Section 13050) is prohibited.

Provisions E.7,

...If site conditions threaten to violate Prohibition A.2 or Prohibition A.4, the Discharger shall take immediate action to preclude the violation, documenting the condition and all corrective actions.

Your application of dairy wastes as reported may not be in compliance with General Specification B.4, and may present health concerns for consumers.

To determine whether you are in compliance with the General Order, **by 10 June 2008**, you must report to the Regional Water Board the following information:

1. Provide information about any application of manured wastes to crops for human consumption; and
2. If you are applying manured wastes to crops for human consumption, provide details of how the crop is grown, handled, and processed to adequately remove potential microbial danger to consumers.

If you are applying manured wastes to crops grown for human consumption, and the current methods used in growing, harvesting, and subsequent processing is not adequate to remove potential microbial danger to consumers, you must stop applying to these crops immediately, and report actions you have taken in your 10 June 2008 submittal.

This directive to report your compliance with General Specification B.4, Prohibition A.4, and Provisions E.7 is made pursuant to California Water Code (CWC) §13267, which authorizes the Regional Water Board to require such technical reports as may be needed to investigate discharges of waste that may affect waters within its region. These reports are necessary to determine whether manure and/or process wastewater to land under your control complies with the General Order, and whether discharges from your dairy may adversely affect water quality, cause pollution or contamination, and/or create a nuisance because they are potentially injurious to human health. This directive is issued to you because your Existing Conditions Report shows that you own and/or operate the facility. Additional information is available in the Regional Water Board's public file on this facility. As set forth in CWC §13268, failure to provide the required reports can subject you to administrative civil liability at a rate of up to \$1,000 for each day each report is late or substantially incomplete, if imposed by the Regional Water Board, or at a rate up to \$5,000 for each day a report is late or substantially incomplete, if imposed by the superior court.

Any person affected by this action may petition the State Water Resources Control Board (State Board) to review the action in accordance with Section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Board, Office of Chief Counsel, P. O. Box 100 Sacramento, 95812 within 30 days of the date of this directive. Copies of the law and regulations applicable to filing petitions will be provided upon request.

If you have any questions regarding these issues, please contact Charlene Herbst at (916) 464-4724.

Pamela C. Creedon
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cc: (next pages)

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