

ITEM: 10

SUBJECT: Status Report for Waste Discharge Requirements General Order for Existing Milk Cow Dairies R5-2007-0035

BOARD ACTION: None: Informational Item only.

BACKGROUND: The purpose of this Informational Item is to provide the Board with an update on the Central Valley Water Board's Dairy Program. The presentation will concentrate on what is being done to revise the Waste Discharge Requirements General Order for Existing Milk Cow Dairies R5-2007-0035 (the "Dairy General Order") in light of an adverse court judgment, and how the dairy representative groundwater monitoring program is currently being implemented.

Revisions to the Dairy General Order: On 6 November 2012, the Third Appellate Court of Appeal determined that the Dairy General Order failed to comply with the requirements of State Water Board Resolution 68-16 (*The State Anti-Degradation Policy*). Following the appellate decision, the Sacramento County Superior Court issued a Writ of Mandate that compels the Central Valley Water Board to, "[s]et aside the [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." Staff is in the process of developing revisions to the Dairy General Order that will address the Court's mandate.

Representative Groundwater Monitoring Program: On 23 February 2011, the Board's Executive Officer revised the Dairy General Order's Monitoring and Reporting Program, adding a representative groundwater monitoring program that provides an alternative to individual groundwater monitoring at each dairy. Under the representative groundwater monitoring program, a subset of dairies are being monitored to evaluate which types of management practices achieve compliance with the Dairy General Order in a variety of different geologic conditions. Results of the representative monitoring will be extrapolated to all represented dairies, and these dairies will be required to implement the management practices that have been demonstrated to be effective. The dairy industry formed the Central Valley Dairy Representative Monitoring Program (CVDRMP) and has completed two phases of monitoring well installations. An annual report, including the analytical results for Phase 1 of the CVDRMP, has been submitted to the Central Valley Water Board. Staff will summarize current and proposed representative monitoring activities.

RECOMMENDATION: Informational Item only. No action is required.

Mgmt. Review \_\_\_\_\_

Legal Review PEP

Agenda Date \_\_\_\_\_

25/26 July 2013

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