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William Marshall
Regional Water Quality Control Board
11020 Sun Center Drive #200
Rancho Cordova, CA 95670

Dear Mr. Marshall:

We have reviewed the “*Conditional waiver of waste discharge requirements for disaster related wastes during a state of emergency within the Central Valley Region*” and offer the following comments. First we would like to thank Regional Board staff for recognizing the need for such a waiver for the disposal of animal mortality during times of an emergency. The summer of 2006 brought this issue to the forefront with the heat wave that created the need to dispose of many tons of material in an expeditious manner in order to safeguard public health.

This waiver is the correct direction for emergency preparedness; however, emergency conditions require quick action, especially when dealing with animal mortality. Some sections of the waiver, including finding #5, require notification of the Regional Board before action can begin. Is a response from the Regional Board required for action, and if so, is there a Regional Board contact available 365 days a year? Responses in these situations must occur within 24 hours.

We also encourage Regional Board staff to work closely with the Emergency Animal Disposal Workgroup (EADW). The draft waiver raises issues with regulations from other agencies that participate in the EADW. Regional Board staff should participate in the workgroup to work out those issues. Examples include the California Integrated Waste Management Board’s prohibition on the composting of mammalian tissue and the State’s agricultural code regulations on the transfer of mortalities to any place other than a rendering plant or diagnostic laboratory. The workgroup has been working on these issues for some time, and it would be good if this waiver reflected some of the workgroups findings. As an example, the workgroup is studying the possibility of treating animal mortality through temporary composting on the farm before transporting the material to a landfill or other site for final disposal. The waiver does not seem to address that option.

Condition A.1. states that this waiver can be extended to a regulated landfill that is not in an area which is under a state of emergency if the landfill is accepting waste from such an area. This became an issue during the summer of 2006 as resources, other than landfills, located in counties that did not declare an emergency were prevented from ramping up their abilities to assist the affected areas. We suggest that rendering plants, incinerators, and other facilities that can assist be included in condition A.1. In addition, condition G.1 requires facilities not within a declared disaster area to submit an NOI before commencing discharges under this waiver. The same comments about the timeliness of Regional Board action apply

here. Please clarify between conditions A.1. and G.1. as to what facilities outside of the declared disaster area must do to be covered under this waiver.

Condition F.2.a) should be revised to include that the bottom of the landfill should be at the existing ground surface if the 10 foot separation cannot be met at the ground surface.

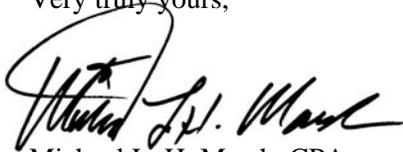
Condition F.2.g) should be revised as the size of large animal carcasses makes it difficult to limit layers to a thickness 2 feet or less.

Condition F.2.i) should allow a layer of a “suitable alternative approved by Regional Board staff” in addition to soil. Also, the thickness of the soil or approved alternative layer should be reduced, if possible, as the availability of cover maybe limited on some sites.

Another significant comment relates to the fact that most dairies in the Central Valley are covered under General WDRs that prevent the disposal of animal mortality at the facility. Does this waiver supersede that WDR and allow onsite disposal, if appropriate, in a declared emergency?

Thank you for the opportunity to comment on the proposed waiver. If you have any questions on our comments please contact our office at (209) 527-6453.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael L. H. Marsh". The signature is stylized and cursive.

Michael L. H. Marsh, CPA
Chief Executive Officer