

Lahontan Regional Water Quality Control Board

November 15, 2013

To Designated Parties on the proposed N&M Dairy enforcement matter:

I have reviewed the attached responses to the Advisory Team comments and questions concerning the proposed Cleanup and Abatement Order (CAO) and settlement agreement for the N&M Dairy and Neil and Mary DeVries. To the extent feasible, I would ask the designated parties to work together to revise the CAO and Settlement Agreement and Stipulation for Entry of Order (referred to as "the documents") by December 16, 2013. Specifically, I would like to see modifications to three items in the documents as described below:

1. The documents, particularly in sections order paragraphs 3 and 5 of the CAO and the SEP milestones in the section III of the Settlement Agreement and Stipulation for Entry of Order, must include new dates that appropriately reflect a reasonable schedule based on the date I issue the CAO. Assume that I will issue the CAO on December 16, 2013, so please submit new dates that would provide a reasonable period in which to meet the requirements in the documents.
2. Proposed Exhibit C must be revised to identify in the Schedule for Performance the submission of the conservation easement to the Executive Office before it is recorded with a final recording date by no later than ~~April 15~~ **July 31**, 2014. Proposed Order 1 in the CAO must include a statement to emphasize the Affected Area is able to change as needed to incorporate additional residences if downgradient domestic wells equal or exceed the trigger nitrate or TDS concentrations, and is not tied to the description of the Affected Area set forth in the Settlement Agreement.

Because I am expecting to issue a CAO by December 16, 2013, I would like to receive the revised documents, incorporating the items described above, by December 9, 2013. I will accept responses from either designated party only if the other party also submits a letter of support for those changes. Thank you for your cooperating with one another to come to this settlement, which I believe is in the best interest of the people of California, and I am eager to issue a CAO so the restoration activities can begin and we can resolve this matter. If you have any questions, please contact either Kim Niemeyer (916) 341-5547 kim.niemeyer@waterboards.ca.gov or Doug Smith (530) 542-5453 dfsmith@waterboards.ca.gov.

Original signed by

PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER