

ITEM: 25

SUBJECT: Gilbert Alston, John Alston and Elsie Sewald, DBA Alston Farms Dairy No. 2, Tehama County

BOARD ACTION: *Consideration of adoption of a revision to individual Waste Discharge Requirements for a confined animal facility.*

BACKGROUND: On 24 April 2009 the Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted Individual Waste Discharge Requirements Order No. R5-2009-0045 (Order) for a facility that was to operate as a dairy. The facility was the Alston Farms Dairy No. 2 located at 22954 Christian Road, Orland, Tehama County.

Gilbert Alston leases the Alston Farms Dairy No. 2 from Elsie Sewald. In addition, land owned by John Alston is incorporated into Alston Farms Dairy No. 2. The dairy was to house up to 850 animals: 400 milking cows, and up to 450 dry cows and bred heifers. There were not going to be any calves housed at the dairy. The facility included a milking parlor, freestall barns, corrals, room for future manure storage and drying areas, a wastewater storage lagoon, and feed storage areas. Wastewater was to be land-applied to 158.8 of the 517 acres for agricultural production.

The Central Valley Regional Water Quality Control Board was the lead agency for CEQA. A final Mitigated Negative Declaration was adopted by the Central Valley Regional Water Quality Control Board on 24 April 2009 as part of the Order.

As part of CEQA, the Discharger was required to mitigate for the environmental effects from operating the dairy by installing a synthetic liner in the existing wastewater storage lagoon or install a new lined lagoon. The Order required the pond mitigation measure to be fully completed by 31 December 2009. In addition, groundwater monitoring wells were required to be installed at the facility by 1 March 2010.

Due to the economic situation, the Alstons were not able to begin operating the facility as a dairy. Because the facility is currently being operated as rangeland, certain requirements set forth in the Order have not and will not be met in time. These requirements include the design report for the wastewater lagoon, the completion report for the wastewater lagoon, a Nutrient Management Plan, a Salinity Report and the installation of the groundwater monitoring wells.

These updated Waste Discharge Requirements will permit Alston Farms Dairy No. 2 to operate as a dairy once again at some point in the future. The dairy will house the number of cows allowed under the approved Mitigated Negative Declaration. The facilities constructed at the dairy are all sized to house the number of animals allowed under the Mitigated Negative Declaration. A Report of Waste Discharge dated 4 March 2008 has been submitted for the dairy. Additional

information has been submitted to the Regional Board including portions of the Nutrient Management Plan, a Waste Management Plan, and a Monitoring Well Installation and Sampling Plan. The facility will not be permitted to operate as a dairy until certain requirements of the Order are completed. This includes the lining of the wastewater storage lagoon, the submittal of a certified Nutrient Management Plan that meets the 1.4 nitrogen ratio, the installation of groundwater monitoring wells and completion of an initial round of sampling, and the submittal of the Salinity Report. Written approval from the Executive Officer will be required before the facility can begin operating as a dairy.

ISSUES: A draft of the revised Waste Discharge Requirements was sent out for public review on 23 November 2009. No comments were received on the draft WDRs.

RECOMMENDATION: Adopt the proposed revised waste discharge requirements.

Mgmt. Review _____
Legal Review _____

28/29 January 2010
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