Central Valley Regional Water Quality Control Board

NOTICE OF PUBLIC HEARING & OPPORTUNITY TO COMMENT

CONCERNING

TENTATIVE ORDER R5-2027-XXXX

AMENDING ORDER R5-2013-0122, REISSUED WASTE DISHCARGE REQUIREMENTS GENERAL ORDER FOR EXISTING MILK COW DAIRIES

NOTICE IS HEREBY GIVEN that the Central Valley Regional Water Quality Control Board (Central Valley Water Board) will consider adoption of the subject Order at a public meeting scheduled for:

DATE: **11/12 February 2027**
TIME: **9:00 a.m.**
PLACE: Central Valley Water Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670
(Physical meeting location with remote meeting option)

The date, time, and location of the public meeting may change after this Notice is issued. A Final Agenda for the meeting will be made available at least 10 days before the meeting. The Final Agenda will provide the location and format of the meeting, the anticipated date that the proposed order will be considered, and the anticipated order of all agenda items; however, the Board may consider agenda items out of their listed order. The agenda materials may also include staff revisions to the proposed order.

The Final Agenda, and any information concerning changes to the date, time, location, or format of the public meeting, will be posted on the Central Valley Water Board's website, (https://www.waterboards.ca.gov/centralvalley/board_info/meetings) and will be emailed to all persons that sign up for the GovDelivery e-mail list. (https://www.waterboards.ca.gov/resources/email_subscriptions/reg5_subscribe.html).

The meeting will be webcast live on YouTube. A weblink for viewing will be provided in the Final Agenda. Any person who would like to participate in the meeting, but who is unable to attend in-person, may participate remotely via video or teleconference. Instructions for doing so will be provided in the Final Agenda for the meeting.

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Mindy Bunn at (916) 464-4839 or

Mindy.Bunn@waterboards.ca.gov at least five working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922. To request oral interpretation or sign language services, please submit your request at least 10 business days before the meeting by calling (916) 341-5254 or e-mailing opp-languageservices@waterboards.ca.gov.

Opportunities to Comment

The Central Valley Water Board will consider oral and written comments on the proposed Order before it votes on whether to adopt the Order.

Written comments or evidence concerning the Order must be submitted by 5:00 p.m. on 4 December 2026. Please email any comments to RB5-CAF@waterboards.ca.gov with the subject line, "Amending Order R5-2013-0122, Reissued Dairy GO." While email is preferred, written comments may also be mailed to the following address:

Attention: Confined Animal Facilities Program
Central Valley Water Board
1685 E Street
Fresno, CA 93706

The Board Chair may refuse to admit any comments or evidence received after the comment period unless the submitting party provides a reasonable explanation for why the submission is late and the Board Chair determines that admission of the late submission would not prejudice any other party.

Oral comments concerning the Order must be presented at the scheduled public meeting.

Parties to the Proceeding and Interested Persons

Participants in the hearing will be considered "parties" or "interested persons." Parties include the person or persons to whom the agency action is directed (i.e., the dischargers regulated under the order, and their representatives) and other persons whom the Board determines should be designated as a party. Parties may present written evidence, offer witness testimony, cross-examine witnesses, and provide closing statements.

Interested Persons are those persons and organizations that are interested in the outcome of the hearing who have not been designated as a party. Interested Persons may present written or oral non-evidentiary policy statements but are not subject to cross-examination.

Both Parties and Interested Persons may be asked to respond to questions from the Board or its staff. Interested persons are generally allowed up to three minutes each to provide their comments. If additional time to speak at the hearing is needed, both interested persons and parties shall make a request for more time by the 4 December 2026 deadline.

Persons and organizations other than the dischargers regulated under the Order and their representatives may request to be designated as a party to the proceeding by submitting a written statement describing why they would like to be considered a designated party. Specifically, the request should state the persons' interest in presenting evidence, rather than policy statements and legal argument, and an acknowledgement that those testifying may be subject to cross examination consistent with applicable regulations. Such requests must be submitted to the Central Valley Water Board at 1685 E Street, Fresno CA 93706 or by email to RB5-CAF@waterboards.ca.gov no later than 5:00 p.m. on 4 December 2026.

All hearing participants that would like to make a PowerPoint presentation during their panel presentation must submit it to RB5-CAF@waterboards.ca.gov by no later than 5:00 pm on 1 February 2027.

Proposed Order

On 15 September 2026, the State Water Resources Control Board (State Water Board) adopted Order WQ-2026-0028 (Dairy Petition Order), which directed the Central Valley Water Board to revise Order R5-2013-0122, *Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies* (2013 Dairy General WDRs) to incorporate significant changes, including the State Water Board's new regulatory framework for nitrogen discharges.

As a preliminary step towards implementing the State Water Board's new regulatory framework for nitrogen discharges, the Dairy Petition Order directs the Central Valley Water Board to revise the Dairy General WDRs within 150 days,

> *. . . for the sole purposes of authorizing enrollments for any dairy that is currently operating as of [15 September 2026] to submit current operational details (including the current herd size as of [15 September 2026]) and enroll under the amended 2013 Dairy [General] WDRs within a deadline of 60 days after the amendment to the 2013 Dairy General WDRs, and to authorize future expansions of these dairies subject to [specified limitations].*

(Dairy Petition Order, p. 81.) One purpose of this directed revision is to group dairies into one of two categories: (i) existing dairies, which will be eligible for a compliance time schedule for meeting interim and final land application requirements when the Dairy General WDRs are revised to incorporate those requirements; and (ii) expanded

or new dairies, which will not be eligible for compliance time schedules for implementing the land application requirements (*Id.*, p. 78).

The Central Valley Water Board will be considering whether to approve amending the 2013 Dairy General WDRs to incorporate requirements outlined in the Dairy Petition Order at its February 2027 Board meeting and require eligible dairies to respond within 60 days.

As part of approving this amending order, the Dairy Petition Order suggests that this revision will be exempt from CEQA review because it would simply establish a pathway to regulatory coverage for existing facilities, with negligible or no expansion of their existing uses, and result in only minor modifications to land, water, or vegetation. (See Dairy Petition Order, p. 81, fn. 222, referencing Cal. Code Regs., tit. 14, §§ 15301, 15304.) The Central Valley Water Board tentatively agrees that this approach is appropriate but is seeking public feedback before it proceeds.

The Central Valley Water Board requests comments on the tentative Amending Order and the CEQA Consultation Notice referenced in this Notice.

To conserve paper and reduce mailing costs, a digital copy of the Amending Order and CEQA Consultation Notice is available on the Central Valley Water Board's tentative orders web page, under the heading, "All Other Items for Future Board Meetings".

(https://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/#other)

Copies of the proposed Order and associated documents may also be obtained by visiting the offices of the Central Valley Water Board at 11020 Sun Center Drive, #200, Rancho Cordova, California, 95670 or at 1685 E Street, Fresno, CA 93706 or by contacting the Board by phone at (916) 464-3291, weekdays between 8:00 a.m. and 5:00 p.m. Questions concerning the proposed Order or anything in this Notice should be directed to Scott Hatton at 559-444-2502 or scott.hatton@waterboards.ca.gov.

Other Information

The Procedures Governing Central Valley Water Board Meetings may be found in California Code of Regulations, title 23, division 3, chapter 1.5 (starting with section 647) and are available upon request or via the web. (http://www.waterboards.ca.gov/laws_regulations/).

Additional information on meeting procedures can be found on the Central Valley Water Board's Meeting Procedures webpage.

(http://www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd.shtml).

The hearing on the proposed Order will follow the Procedures for Hearings in Adjudicative Matters. Hearings before the Central Valley Water Board are not conducted pursuant to Government Code section 11500 et seq.

All meeting procedure information is also available upon request to any one of the Central Valley Water Board's offices. Questions regarding such procedures should be directed to Mindy Bunn at (916) 464-4839 or Mindy.Bunn@waterboards.ca.gov

Si necesita interpretación al español, favor de comunicarse con: Adriana Ross, coordinadora de participación comunitaria y coordinadora tribal. Correo electrónico: Adriana.Ross@Waterboards.ca.gov Número de teléfono: (559) 445-5576.