



# Enforcement News

## CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD CENTRAL VALLEY REGION

<http://www.waterboards.ca.gov/centralvalley>

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### **Central Valley Water Board Issues Complaint to Merced County Dairy**

## **Executive Officer Proposes \$272,928 Penalty to Dairy for Illegal Disposal of Cow Carcasses and Illegal Discharges of Wastewater**

SACRAMENTO - The Executive Officer of the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has issued a complaint for \$272,928 to the Rego Dairy #2 in Gustine, Merced County, for violations found during a routine Board staff inspection in February 2012. The violations included the illegal disposal of more than 50 decomposing cow carcasses, found partially buried in manure piles in the dairy's production area, and off-property discharges of manure wastewater and septic waste to a drainage canal. The dairy is owned and operated by the Rego Family Trust.

"These violations are extremely egregious," said Water Board Executive Officer Pamela Creedon. "Though the dairyman has been cooperative in addressing the violations, the Regional Board is proposing this fine to immediately address the real environmental harm caused by these actions and the economic advantage that resulted by using practices that harmed the environment."

In addition to the decaying cow carcasses, Water Board staff found violations at the dairy's wastewater lagoon, including eroded paths where wastewater had flowed off the property and into a nearby drainage ditch, excessive weeds and rodent holes, and multiple discarded veterinary medical supplies, including syringes. Septic waste from a failed septic system was found flowing along the surface and, during a later inspection, was found to be discharging directly into surface water from a buried pipe.

The maximum penalty that may be assessed under the California Water Code for the violations is \$9.1 million and the minimum penalty that may be assessed is \$161,704. The minimum penalty is determined by the economic benefit that the dairy received because they didn't comply with the Central Valley Water Board's Dairy General Order waste discharge requirements, plus a 10% surcharge. The California Water Code allows discretion in the assessment of penalties. The Executive Officer based the penalty, in part, on the severity of the problems and the dairyman's cooperation in cleanup efforts.

The complaint is scheduled to be heard by the Central Valley Water Board at its regular public hearing scheduled for October 3, 4, and 5 in Rancho Cordova. The complaint is available for public review on the Central Valley Water Board's website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/index.shtml#regodairy2](http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/index.shtml#regodairy2).  
Public comments are due by September 10, 2012.

The Central Valley Water Board is a California state agency responsible for the preservation and enhancement of surface and groundwater quality.