

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
Thursday, December 15, 2016
Regional Water Board Office
Santa Rosa, California

ITEM: 5

SUBJECT: Renewal of Conditional Waiver of Waste Discharge Requirements, Order No. R1-2016-0045 for Existing Dairies (Cherie Blatt)

BOARD ACTION: Consider adoption of Renewal of Conditional Waiver of Waste Discharge Requirements for Existing Cow Dairies, Order No. R1-2016-0045

BACKGROUND: On January 19, 2012, the North Coast Regional Water Quality Control Board (Regional Water Board) adopted General NPDES Permit (Order No. R1-2012-0001), General Waste Discharge Requirements (Order No. R1-2012-0002), and Conditional Waiver of Waste Discharge Requirements (Order No. R1-2012-0003) as a comprehensive regulatory program for waste discharges from existing dairies and concentrated animal feeding operations. New and expanding dairies are required to obtain individual permits and conduct separate California Environmental Quality Act (CEQA) reviews.

Order No. R1-2012-0003, the Conditional Waiver of Waste Discharge Requirements (2012 Conditional Waiver) will expire on January 18, 2017. Order No. R1-2012-0001, the General NPDES Permit will expire on March 31, 2017. Order R1-2012-0002, General Waste Discharge Requirements (GWDRs) do not expire but the Regional Water Board can review, reissue, or rescind the GWDRs when necessary. As of November 2016, there are 120 enrollees under the 2012 Conditional Waiver, three enrollees under the GWDRs, and no enrollee under the General NPDES Permit.

DISCUSSION: Renewal of the Conditional Waiver to continue coverage of existing dairies is needed to provide Regional Water Board staff additional time to update the regulatory program for Regional Water Board consideration. The proposed Order No. R1-2016-0045 serves as a renewal of the Conditional Waiver and retains all of the provisions of the 2012 Conditional Waiver and the associated Monitoring and Reporting Program (MRP). The proposed Order continues coverage of dairies that meet the requirements established in the 2012 Conditional Waiver and is categorically exempt from CEQA. The term of the renewed Order is for five years and will expire on December 14, 2021, unless rescinded, renewed, or superseded by new waste discharge requirements duly adopted by the Regional Water Board before the expiration date.

Following adoption of the proposed Order No. R1-2016-0045, staff plans to update and streamline the current dairy regulatory program by considering the following:

1. Consolidate the Conditional Waiver and the GWDRs into a new GWDR;
2. Rescind the General NPDES Permit;
3. Allow new or expanding dairies to be covered under the consolidated GWDR;

4. Expand the GWDR to cover other types of animal facilities in addition to dairies;
5. Include a Prohibition on discharges to surface waters;
6. Require protection of riparian areas for water quality and beneficial uses protection; and
7. Conduct CEQA analysis, if required.

As was done with the existing dairy permits, staff plans to conduct extensive outreach with the dairy and environmental communities as well as other stakeholders, to solicit recommendations, share ideas, and answer questions regarding potential modifications to the GWDRs. Staff anticipates bringing a revised GWDR to the Regional Board for consideration in late 2017.

RECOMMENDATION: Adopt proposed Order R1-2016-0045

SUPPORTING
DOCUMENTS:

1. Conditional Waiver of Waste Discharge Requirements for Existing Dairies in the North Coast Region, Order No. R1-2016-0045 (Renewal of Order No. R1-2012-0003)