

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF FEBRUARY 04, 2010

Prepared on January 13, 2010

ITEM NUMBER: 14

SUBJECT: Reissuance of Waste Discharge Requirements, National Pollutant Discharge Elimination System Permit No. CA0050601, for the Gallo Cattle Company's Joseph Gallo Farms Feed Lot, Monterey County (Order No. R3-2010-0004)

KEY INFORMATION

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| Discharger: | Gallo Cattle Company |
| Facility Name: | Joseph Gallo Farms Feed Lot |
| Facility Address: | 31701 Johnson Canyon Road Gonzales, CA 93926 Monterey County |
| Type of Waste: | CAFO (concentrated animal feeding operation) |
| Disposal: | Land via agricultural irrigation |
| Facility Design Flow: | The facility is designed to contain storm runoff up to the 25-year, 24-hour event, and thereby preclude discharges to surface water. |
| Existing Order: | Waste Discharge Requirements Order No. R3-2003-0126, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0050601 |
| Recycling Requirements: | Not applicable at this time |
| This Action: | Reissue NPDES Permit |

SUMMARY

The proposed Order is presented in the statewide format for National Pollutant Discharge Elimination System (NPDES) permits. This standardized format presents the proposed Order with all supporting information appended as associated attachments. This format was developed through a statewide effort between the State Water Resources Control Board, Regional Water Quality Control Boards, and U.S. Environmental Protection Agency (USEPA) to standardize NPDES permitting and compliance evaluation. The facility information and permit evaluation discussion normally contained within the staff report are presented in the Fact Sheet, which is included as Attachment F to the proposed Order.

This staff report briefly summarizes general information regarding proposed changes in the permit, referencing the Fact Sheet for additional detail. The Order, Monitoring and Reporting Program, and Fact Sheet each include a table of contents.

Discharger. The Gallo Cattle Company (Discharger) owns and operates a concentrated animal feeding operation (CAFO) that contains and feeds up to 30,000 head of cattle on 101 acres of a 373.2-acre parcel. The remaining 272 acres are used for dry storage, manure composting, runoff containment ponding, and irrigated croplands.

Facility and Discharge. The runoff containment ponding/ treatment system consists of nine ponds — three wastewater holding ponds, three storm water retention ponds, and three irrigation holding ponds. Wastewater disposal occurs by evaporation from the wastewater holding ponds and the irrigation holding ponds. Additional wastewater disposal occurs on 64 acres of spray irrigated, regularly harvested, oat fields.

PURPOSE OF THE ORDER

The purpose of this proposed Order is to update and reissue NPDES Permit No. CA0050601. The existing permit, Order No. R3-2003-0126, expired on December 05, 2008.

CHANGES IN THE PROPOSED ORDER

Changes proposed in Order No. R3-2010-0004 from the existing Order No. R3-2003-0126 are summarized below. Typographical errors and minor changes that do not alter the intent of the Order are not discussed. For a complete discussion of the rationale for these changes, refer to the Fact Sheet portion of the permit (Attachment F).

Statewide NPDES Permit Template: The State Water Resources Control Board hired a contractor, Tetra Tech, Inc., to aid with drafting NPDES Permits. Tetra Tech, Inc. used the current statewide NPDES Permit template to draft this proposed permit. Tetra Tech, Inc. personnel also helped the USEPA write the current CAFO regulations, so Tetra Tech, Inc.'s particularly valuable expertise is reflected in the draft permit.

Although the proposed permit's format differs from the existing permit's format, major permit elements and discharge requirements have been retained.

Changes in CAFO Regulations

The USEPA, due to legal challenges of the previous (2003) CAFO rule, revised CAFO regulations since the Regional Water Board last adopted the existing permit. The new CAFO rule includes these changes: (a) a Nutrient Management Plan, prepared in accordance with new guidance, must be submitted with the CAFO's application to renew its permit ... (b) the NMP must be publicly noticed and available for public comment ... and (c) certain terms of the NMP must be incorporated into the discharge permit as enforceable permit conditions.

Nutrient Management

The Discharger submitted a Nutrient Management Plan as required, which should provide improved nutrient control. The Nutrient Management Plan is included in the Permit's Attachment H.

Monitoring: To date, the Discharger has not been required to monitor groundwater. The proposed monitoring program includes a requirement that the Discharger submit a groundwater monitoring plan within 180 days of adoption of the Order. Monitoring program changes are described in the Fact Sheet Section VI.

Changes in Response to Comments: Monterey Coastkeeper contends that the permit contained major inadequacies that made the permit incomplete. Based on Monterey Coastkeeper's comments, staff replaced a different figure (Figure C-1) into the proposed Order. That figure shows the location of the onsite irrigation area and supply wells. No other comments were received on the draft proposed Order.

RECOMMENDATION

Adopt Order R3-2010-0004 as proposed.

ATTACHMENT

Waste Discharge Requirements Order No. R3-2010-0004, including attachments:

- A – Definitions
- B – Location Map
- C – Facility Map
- D – Standard Provisions
- E – Monitoring and Reporting Program
- F – Fact Sheet (including Response to Comments)
- G – Summary of CAFO Requirements From 40 CFR 122 And 412
- H – Gallo Cattle Company's Nutrient Management Plan

The attachments are available at:

http://www.waterboards.ca.gov/centralcoast/Board_info/agendas/2010/2010_agendas.shtml

Then click on “view agenda” for February 4, 2010; then click on Item 14.