

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION**

ORDER NO. R5-2009-0029  
AMENDING ORDER NO. R5-2007-0035  
WASTE DISCHARGE REQUIREMENTS GENERAL ORDER  
FOR  
EXISTING MILK COW DAIRIES

The California Regional Water Quality Control Board, Central Valley Region (hereafter Central Valley Water Board), finds that:

1. On 3 May 2007 the Central Valley Water Board adopted Order No. R5-2007-0035 Waste Discharge Requirements General Order for Existing Milk Cow Dairies (hereafter General Order).
2. As of March 2009, 1467 dairies are regulated under the General Order.
3. The General Order requires that the dairies prepare and submit technical reports addressing waste management at the dairy facilities. Where the assessment of the waste management determines that modifications to facilities or management are required to comply with the terms of the General Order, the dairy must make the changes within specified timeframes. General Order, Required Reports and Notices H.1.b and Attachment B.
4. Because the General Order imposed new and more stringent requirements on existing milk cow dairies, compliance with provisions of the General Order was phased in over time, with deadlines specified in Table 1 of the General Order. Major elements of the Waste Management Plan (WMP) are due on 1 July 2009.
5. In a letter dated 27 February 2009, the Community Alliance for Responsible Environmental Stewardship (CARES), a coalition of California's dairy producer and processor associations, requested Board consideration of a change in the deadline for the elements of the WMP due 1 July 2009. CARES points out that the cost of the report can be as high as \$30,000 per facility and that the industry is dealing with a significant drop in income as a result of the decrease in milk prices caused by the national and international economic downturn. CARES reports that on 1 February 2009 the minimum price paid to producers for milk dropped from \$1.50 per gallon to 97 cents per gallon. CARES further reports that, at the same time, milk production costs have continued to rise from last year's levels. The proposed new deadline by CARES for submission of the WMP is 1 July 2010.

6. Most of the elements of the WMP due 1 July 2009 must be prepared by registered engineers and would provide details on the changes needed (if any) to meet wastewater storage requirements and flood protection at the facility. Where improvements are necessary, the dairies must submit a retrofitting plan and schedule along with the WMP. Under the schedule specified in Table 1 of the General Order, dairies must certify that the improvements have been completed by 1 July 2011. Table 1 additionally provides that a status on facility retrofitting completed or in progress must be submitted by 1 July 2010.
7. Revising the deadline for submission of elements of the WMP to 1 July 2010 does not change the 1 July 2011 due date when all improvements must be in place. Therefore, the modification will have no impact on water quality. The due date for the status report on facility retrofitting completion as proposed by the WMP will be moved from 1 July 2010 to 31 December 2010 to help ensure that the dairies are on track with implementing the necessary WMP modifications by 1 July 2011.
8. This Order does not change the schedule for submission of the Nutrient Management Plan (1 July 2009) or submission of a report on the status of facility retrofitting completion as proposed by the Nutrient Management Plan (1 July 2010).
9. Finding 38 of the General Order states: "The Central Valley Water Board recognizes that this Order imposes new and more stringent requirements on existing milk cow dairies than they have previously been required to comply with and that some revisions to this Order may be necessary in the future in order to address issues that are not presently foreseen. The Executive Officer will provide annual updates to the Central Valley Water Board on the overall compliance with the Order and make recommendations for revisions to the Order if necessary." This Order is the first proposed revision to the General Order.
10. This action to amend the General Order is not a "project" as defined under California Public Resources Code section 21065 and Title 14 of the California Code of Regulations, section 15378, because it has no potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. The action is therefore exempt from California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, section 15061(b)(3). In addition, this action is exempt from CEQA in accordance with Title 14 of the California Code of Regulations, section 15301 since it

involves no expansion of use of existing facilities beyond what the General Order currently allows.

11. The Central Valley Water Board has notified interested agencies and persons of its intent to issue this Order and has provided them with an opportunity of a public hearing and an opportunity to submit comments.
12. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to the proposal to regulate discharges of wastes from existing milk cow dairies under this Order.
13. Any person affected by this action of the Central Valley Water Board may petition the State Water Resources Control Board (State Water Board) to review this action, in accordance with Water Code section 13320 and Title 23, California Code of Regulations, Section 2050. The State Water Board must receive the petition within 30 days of the date on which the Central Valley Water Board adopted this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

IT IS HEREBY ORDERED that, pursuant to the California Water Code Sections 13260, 13263, and 13267 and in order to meet the provisions contained in Division 7 of the California Water Code and regulations and policies adopted thereunder; all dischargers that have been notified by the Central Valley Water Board that they must comply with the General Order shall comply with the following:

1. Table 1 of the General Order is revised to show that the elements of the WMP originally due on 1 July 2009 are now due on 1 July 2010. The Table is also revised to change the due date for the status report on facility retrofitting completion as proposed by the WMP from 1 July 2010 to 31 December 2010. The status report shall provide the status of facility retrofitting needed to implement the WMP. The portion of the Table that is modified is attached (Attachment A).

I, PAMELA C. CREEDON, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 23 April 2009.

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PAMELA C. CREEDON, Executive Officer

Changes to Table 1 of Waste Discharge Requirements General Order No. R5-2007-0035  
 Existing Milk Cow Dairies  
 (Only those portions of the Table that were changed are shown below)

Table 1. Schedule for Submittal of Existing Conditions Report, Waste Management Plan, Nutrient Management Plan, Salinity Report, Preliminary Infrastructure Needs Checklist, and Annual Reports

Due Date	Submittal Due	Contents of Submittal	Professional Certification Requirements
1 July 200910	<b>Waste Management Plan</b> (with Retrofitting Plan/Schedule) Including the Following Items in Attachment B (Waste Management Plan):	Retrofitting needed to improve storage capacity, flood protection, or design of production area- may include design/construction of new pond, berms for flood protection, grading for drainage, etc.	California Registered Professional
	Items I.F.1.b, I.F.2.b	Facility Description	None
1 July 200910	Item II	Storage Capacity	California Registered Professional
	Item III	Flood Protection	California Registered Professional***
	Item IV	Production Area Design/Construction	None
	Item VI	Documentation there are no cross connections.	Trained Professional**
1 July 2010	Status on facility retrofitting completed or in progress	Status on facility retrofitting completion as proposed (1 July 2009) for the Nutrient Management Plan. <del>and Waste Management Plan.</del>	None
<i>31 December 2010</i>	<i>Status on facility retrofitting completed or in progress</i>	<i>Status on facility retrofitting completion as proposed (1 July 2010) for the Waste Management Plan.</i>	<i>None</i>

*Italics = additions to Table 1*