

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**RESPONSE TO COMMENTS REPORT**

**TENTATIVE ORDER NO. R9-2025-0012**

**WASTE DISCHARGE REQUIREMENTS FOR DEMLER BROTHERS LLC, PINE HILL EGG RANCH AND PULLET FARM, RAMONA, SAN DIEGO COUNTY AND PROPOSED NEGATIVE DECLARATION FOR ADOPTION OF WASTE DISCHARGE REQUIREMENTS**

This document contains the California Regional Water Quality Control Board, San Diego Region's (San Diego Water Board) staff responses to written comments received on the 1) Tentative Order No. R9-2025-0012, *Waste Discharge Requirements for Demler Brothers LLC, Pine Hill Egg Ranch and Pullet Farm, Ramona, San Diego County* (Tentative Order) and 2) *Proposed Negative Declaration for Adoption of Waste Discharge Requirements for Demler Brothers LLC, Pine Hill Egg Ranch and Pullet Farm, Ramona, San Diego County* (Negative Declaration).

The San Diego Water Board released the Tentative Order and Negative Declaration for public review and comment on May 21, 2025. The Negative Declaration contains the Initial Study and Environmental Checklist (Initial Study), which identifies mitigation/management measures prescribed by the Tentative Order to prevent potentially significant environmental impacts. The public comment period for the Tentative Order and Negative Declaration lasted for 30 days and ended on June 20, 2025. The San Diego Water Board received thirteen comment letters during the comment period. Board staff reviewed the comment letters and revised the Tentative Order, Negative Declaration, and Initial Study as indicated below. Most notably, San Diego Water Board staff revised the Initial Study, which lead staff to convert the proposed Negative Declaration to a Mitigated Negative Declaration.

Staff prepared the table below to contain the:

- Comments and/or statements copied from each comment letter;
- Names of the commenters;
- Comment category (i.e., the focus of the comment);
- San Diego Water Board staff's response to each comment/statement; and
- San Diego Water Board staff's action taken in response to the comment.

**Table. Written Comments Received and San Diego Water Board Responses**

No.	Comment	Submitted By	Comment Category	San Diego Water Board Response	Action Taken
1	<p><b><i>Current Conditions Are Already Unlivable – and the Ponds Aren’t Even Online</i></b></p> <p><i>Residents living downhill from the ranch routinely experience intolerable odors, likely stemming from chicken waste, carcasses, and general facility operations. Many of us are unable to open windows, particularly in the mornings and evenings when winds carry fumes downhill. These odors are not temporary or seasonal—they are part of daily life.</i></p> <p><i>Now, the ranch proposes to construct 34 evaporation ponds to dispose of approximately 1,500 gallons per day of egg wash wastewater. These ponds, although housed in shade structures, will retain organic-rich liquid and create ideal conditions for the release of ammonia, hydrogen sulfide, and other odor compounds. CEQA’s classification of this impact as “less than</i></p>	Ricardo Lopez	Negative Declaration and Tentative Order (Both)	<p>Staff partially agree with the commenter’s requests.</p> <p>Regarding the reclassification of air quality impacts in the Initial Study, staff agree that the air quality impacts identified in the Negative Declaration should be reclassified, but disagree that they should be reclassified as “significant”. Instead, staff revised the Initial Study to reclassify the impacts from “less than significant” to “less than significant with mitigation incorporated.” Staff made this change to more accurately reflect the requirements in the Tentative Order.</p> <p>The Tentative Order requires the Discharger to implement effective management measures and best management practices (BMPs) for proper handling, storage, and disposal of animal waste and chicken carcasses, which are intended to protect water quality and mitigate the generation of odors. Specifically, the Tentative</p>	Staff modified section 3.e of the Initial Study for the Mitigated Negative Declaration and section III.D.5.c of the Tentative Order.

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	<p><i>significant” does not match what we already know to be true.</i></p> <p><i>We respectfully request:</i></p> <ul style="list-style-type: none"> <li><i>• The air quality impact be reclassified as “significant</i></li> <li><i>• The Order include mandatory odor control technologies (aerators, sealed covers, or odor-neutralizing systems)</i></li> <li><i>• A wind dispersion study be conducted to model actual exposure risk to surrounding neighborhoods</i></li> <li><i>• A public complaint process with defined response protocols be implemented</i></li> </ul>			<p>Order requires the Discharger to: 1) collect and dispose of animal waste at least once a week, 2) store chicken carcasses in freezers prior to disposal offsite, and 3) conduct periodic inspections of manure storage and handling areas, etc. In addition, the Tentative Order requires the Discharger to properly manage the evaporation ponds to prevent nuisance conditions (i.e., odors). The Discharger must: 1) remove floating debris and vegetation, 2) prevent pooling of water outside the evaporation ponds and maintaining water depths that reduce stagnant water, 3) inspect the evaporation ponds monthly, 4) ensure only egg wash process water is discharged to the evaporation ponds, 5) maintain at least 9 inches of freeboard in the evaporation ponds to prevent overflow, 6) use evaporation pond liners that maintain a permeability of <math>1 \times 10^{-6}</math> centimeters per second or less. The Discharger also proposes to implement the following to comply with the Tentative Order requirements: 1) house the</p>	

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				<p>evaporation ponds in roofed barns, which will reduce windborne dispersion of wastewater aerosols, 2) ensure the barns have open sides to allow for ventilation and air circulation, and 3) limit the maximum volume discharged to the evaporation ponds to 1,240 gallons per day.</p> <p>From staff's experience, nuisance odors associated with ponds at confined animal feeding operations are typically from ponds that receive large volumes of liquid manure or wash water commingled with manure. However, the discharge to the evaporation ponds will be comprised entirely of egg wash process water with the volumes limited to 1,240 gallons per day. Manure or wash water commingled with manure is not allowed to be discharged to the ponds.</p> <p>Regarding the request to amend the Tentative Order to include mandatory odor control technologies, staff agree and amended section III.D.5.c of the Tentative Order to clarify the use of</p>	

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				<p>aerators, diffusers, or other appropriate methods is required to minimize anaerobic conditions in the ponds.</p> <p>Regarding the request for a wind dispersion study, staff disagree. To clarify, the San Diego Water Board is an environmental agency, but is not responsible for developing or enforcing air quality or air emission regulations (i.e., odors). The San Diego Water Board is responsible for protecting the quality and beneficial uses of California's water resources within the San Diego Region. Furthermore, the San Diego Water Board is responsible for regulating waste discharges to waters of the State, which may result in contamination, pollution, or nuisance conditions. As written, the Tentative Order requires the Discharger to manage wastes and wastewater to minimize odors beyond the limits of the Facilities and prevent nuisance conditions through implementation of management measures and BMPs.</p> <p>Regarding the request for a public complaint process with defined</p>	

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				<p>response protocols, staff disagree because a public complaint system already exists. The California Environmental Protection Agency (CalEPA) established and maintains an online environmental complaint system. The public can access this system by visiting: <a href="https://calepa.my.salesforce-sites.com/complaints/Complaint">https://calepa.my.salesforce-sites.com/complaints/Complaint</a>. The system allows the public to easily report an environmental problem anywhere in the state, whether it affects the air or water quality, the handling of hazardous or solid waste, or the use of pesticides. The system directs complaints to the appropriate state or local agencies, depending on location and type of environmental problem identified. Additional information about the CalEPA Complaint System can be reviewed by visiting CalEPA's frequently asked questions website at: <a href="https://calepa.ca.gov/enforcement/complaints/faqs/">https://calepa.ca.gov/enforcement/complaints/faqs/</a>. Additionally, the public may contact the San Diego Water Board directly, by telephone, mail, or electronic mail (email).</p>	

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				<p>Contact information and hours of operation for the San Diego Water Board are available online at: <a href="https://www.waterboards.ca.gov/sandiego/about_us/contact_us/">https://www.waterboards.ca.gov/sandiego/about_us/contact_us/</a>.</p> <p>Complaints received by the San Diego Water Board are assessed to ensure complaints are applicable to the Board's regulatory authority and jurisdiction, or are redirected to an appropriate regulatory agency. Complaints retained by the San Diego Water Board are investigated, which typically includes field inspections and interviews, to better understand the complaint and to ensure compliance with applicable laws and regulations. Timely and consistent enforcement of applicable laws and regulations is critical to the success of the San Diego Water Board's water quality programs and adheres to the State Water Resources Control Board's (State Water Board) <i>Water Quality Enforcement Policy</i> (Enforcement Policy).</p>	

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2	<p><b><i>Dust Emissions Present a Serious Respiratory and Water Quality Risk</i></b></p> <p><i>Dust generated from ranch operations—including from feed storage, manure movement, and vehicular activity—often blows directly into the community. This airborne material likely contains fine particulates, fecal matter, and organic debris. In a region like ours, where most homes rely on shallow wells, this dust presents a compounded risk to both respiratory health and water safety.</i></p> <p><i>We urge the Water Board to:</i></p> <ul style="list-style-type: none"> <li><i>• Require dust suppression measures, such as misting systems and gravel stabilization</i></li> <li><i>• Install air quality monitors along the downhill property boundary</i></li> <li><i>• Mandate a vegetative windbreak or odor buffer to trap airborne contaminants</i></li> </ul>	Ricardo Lopez	Tentative Order	<p>Staff disagree with the commenter's requests.</p> <p>Response to comment No. 1 clarified that the San Diego Water Board is an environmental agency but is not responsible for developing or enforcing air quality or air emission regulations (i.e., odors). The San Diego Water Board is responsible for protecting the quality and beneficial uses of California's water resources within the San Diego Region.</p> <p>Furthermore, the San Diego Water Board is responsible for regulating waste discharges to waters of the State, which may result in contamination, pollution, or nuisance conditions. As a result, the Tentative Order focuses on establishing requirements and specifications to prevent adverse impacts to groundwater and surface water and does not specify the use of dust suppression measures, require installation of air quality monitors, or require the use of vegetative windbreaks. However, the Discharger is required to implement BMPs during manure</p>	Staff did not modify the Tentative Order.



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				<p>handling and loading which will minimize fugitive dust. The Discharger's BMPs are outlined in the Nutrient Management Plans (NMPs) for Pine Hill Egg Ranch and the Pullet Farm. The NMPs were developed as required by Order WQ 2014-0057-DWQ as Amended by Order WQ 2015-0122-DWQ &amp; Order WQ 2028-0028-DWQ, <i>General Permit for Stormwater Discharges Associated with Industrial Activities</i> (Industrial General Permit). For example, manure is hand-loaded with shovels onto conveyor belts inside enclosed henhouses. The belts are equipped with transfer chutes that reduce dust as manure is deposited into trucks. Manure and litter are covered during storage and hauling to further limit windblown particles.</p> <p>Manure loading is suspended during high-wind events or supplemented with on-site dust suppression measures, such as water misting. These procedures are consistent with standard dust control methods used in agricultural operations and are documented in</p>	

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				the Pine Hill Egg Ranch and Pullet Farm NMPs.	
3	<p><b><i>Ongoing Discharges into Teresa Creek Continue Without Oversight</i></b></p> <p><i>We have documented repeated, unpermitted discharges into Teresa Creek—often during weekends or holidays when oversight is minimal. This waterway flows through the recharge zone for many private wells and represents a direct conduit for contamination into our drinking water supply.</i></p> <p><i>These discharges are not mentioned in the CEQA checklist, which we believe is a serious oversight. We ask the Board to:</i></p> <ul style="list-style-type: none"> <li><i>Initiate immediate independent surface water and groundwater testing</i></li> <li><i>Require installation of real-time flow monitoring equipment</i></li> <li><i>Add a condition to the Order requiring corrective action</i></li> </ul>	Ricardo Lopez	Both	<p>Staff disagree with the commenter's requests.</p> <p>Staff disagree that unpermitted discharges to Santa Teresa Creek should be discussed in the Initial Study for the Mitigated Negative Declaration. Staff did not include a discussion on unpermitted discharges in the Initial Study because section II.B of the Tentative Order prohibits discharges of waste or process water to surface waters, including Santa Teresa Creek. Staff have investigated complaints regarding discharges from Pine Hill Egg Ranch to Santa Teresa Creek and have not found evidence to support the allegations. Staff will continue to work with members of the public to investigate any future complaints. Staff, however, have verified that the Discharger terminated onsite discharges of egg wash water either through a leach field or to the unlined pond/depression on the Pine Hill Egg Ranch property. Staff</p>	Staff did not modify the Mitigated Negative Declaration or Tentative Order.

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	<i>upon confirmation of unauthorized discharge</i>			<p>have also verified the Discharger terminated onsite composting operations. Consequently, the potential for stormwater to contact compost has been eliminated. The Discharger has also implemented BMPs to control runoff of pollutants to surface waters. The Discharger's BMPs are documented in the NMPs for Pine Hill Egg Ranch and the Pullet Farm and include the following: 1) <b>Concrete Pads for Loading Manure</b>. Concrete pads are present at some of the loading areas. The concrete pads are built to support manure loading activities and will prevent leachate from manure from infiltrating into groundwater. The Discharger is required to install additional heavy duty concrete pads at all loading locations within six months of the adoption of the Tentative Order. 2) <b>Vegetative Bioswales</b>. The vegetative bioswales mitigate erosion and channel stormwater runoff to the discharge point. Bioswales near the discharge point are also lined with filter sock check dams that remove pollutants from</p>	

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				<p>stormwater. 3) <b>Inspections.</b> The Discharger performs monthly visual observations of structural and nonstructural BMPs in accordance with the Industrial General Permit and the NMPs for Pine Hill Egg Ranch and the Pullet Farm. The Tentative Order also requires The Discharger to conduct periodic inspections of manure management areas and of the wastewater treatment system and submit summaries of these inspections to the San Diego Water Board annually.</p> <p>Staff disagree with the commenter's request to require surface water monitoring and installation of real time flow monitoring equipment. The Tentative Order does not require surface water monitoring or installation of real time flow monitoring equipment because it prohibits discharges of waste or process water to surface waters. The Tentative Order, however, requires the Discharger to develop a groundwater monitoring program which includes periodic collection and analysis of groundwater</p>	

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				<p>samples and assessment of groundwater monitoring data/trends.</p> <p>Staff disagree with the commenter's request to add a condition to the Order requiring corrective action upon confirmation of an unauthorized discharge. This addition is unnecessary because the Tentative Order already prohibits discharges of waste or process water to surface waters. Any unauthorized or prohibited discharges of waste subject the Discharger to enforcement by the San Diego Water Board including administrative civil liabilities/penalties and other enforcement actions as described in the California Water Code.</p>	
4	<p><b><i>Current Monitoring Relies Too Heavily on Self-Reporting</i></b></p> <p><i>The entire monitoring and compliance framework appears to be built on internal inspections and self-reporting by the facility. This is not an effective safeguard, especially when the impacts</i></p>	Ricardo Lopez	Tentative Order	<p>Staff disagree with the commenter's requests.</p> <p>Staff acknowledge that the Tentative Order relies on self-monitoring but disagree that it is not an effective safeguard. Self-monitoring is an effective tool the San Diego Water Board uses in regulating facilities as it allows for</p>	Staff did not modify the Tentative Order.

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	<p><i>extend well beyond ranch property lines.</i></p> <p><i>We request the Order be amended to include:</i></p> <ul style="list-style-type: none"> <li><i>• Monthly public reporting of odor management, wastewater handling, and discharges</i></li> <li><i>• Annual third-party audits of evaporation pond performance and runoff control</i></li> <li><i>• A community-accessible complaint tracking system with mandatory response within 72 hours</i></li> </ul>			<p>more efficient use of staff resources and streamlining of monitoring efforts. In addition to self-monitoring and reporting, staff will review monitoring reports submitted and conduct periodic compliance inspections to evaluate the Discharger's compliance with the Tentative Order.</p> <p>Staff disagree with the commenter's request for the Order to be amended to include monthly public reporting. The Tentative Order already includes clearly defined inspection frequencies and robust reporting requirements to facilitate early detection and correction of deficiencies. For example, the Tentative Order requires the Discharger to 1) inspect pipes and pumps associated with the Pine Hill Egg Ranch wastewater treatment system at least once a month, 2) inspect the evaporation ponds at least once a month-, 3) inspect manure storage and handling areas at least once a week, and 4) include summaries of inspections conducted in monitoring reports</p>	

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				<p>submitted to the San Diego Water Board. The Tentative Order also already requires periodic collection and analysis of effluent and groundwater samples. Effluent and groundwater analyses results are to be included in monitoring reports. The monitoring reports will be submitted via the Geotracker database which is publicly accessible.</p> <p>Staff disagree with the commenter's request for the Order to be amended to include annual third-party audits of evaporation pond performance and runoff control. As described above, the Tentative Order requires the Discharger to inspect the evaporation ponds at least once a month, inspect manure storage and handling areas at least once a week, and include summaries of these inspections in monitoring reports. Self-inspections are required as the first level of oversight due to staffing constraints and to streamline monitoring efforts. Self-monitoring and reporting in combination with San Diego Water Board oversight facilitate correction</p>	

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				<p>of deficiencies identified. Violations identified by staff from review of monitoring reports and from inspections can lead to enforcement actions</p> <p>Staff disagree with the commenter's request for the Order to be amended to include a complaint tracking system. As discussed in response to comment No. 1, members of the public can send complaints directly to the San Diego Water Board by email or through the CalEPA complaint database. Staff will review the complaints received and respond to these complaints.</p>	
5	<p><b><i>Adopt Standard Best Practices Used at Other Egg Facilities</i></b></p> <p><i>Many egg and poultry farms across the U.S. have implemented affordable, proven strategies to reduce their impact on surrounding communities. These include:</i></p> <ul style="list-style-type: none"> <li><i>Floating odor covers or shade balls on wastewater ponds</i></li> </ul>	Ricardo Lopez	Tentative Order	<p>Staff partially agree with the commenter's requests.</p> <p>Regarding the request for adopting standard best practices, staff partially agree. There are no statewide adopted BMPs specific to egg production facilities. However, staff agree that egg production facilities and poultry farms should implement best practices tailored to their operations to reduce impacts on surrounding communities. The</p>	Staff modified section III.D.5.c of the Tentative Order.



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	<ul style="list-style-type: none"> <li>• <i>Low-energy aerators to prevent anaerobic decomposition</i></li> <li>• <i>Vegetative buffers to reduce odor drift and trap particulates</i></li> <li>• <i>Biofilters for carcass and manure handling</i></li> </ul>			<p>Tentative Order requires the Discharger to implement management measures for proper handling, storage, and disposal of animal waste and chicken carcasses. These measures are intended to prevent pollution, contamination, or nuisance conditions.</p> <p>The Tentative Order does not require the use of most of the practices suggested but rather allows for the implementation of site-specific management measures appropriate for the Facilities, as explained below:</p> <p><b>Floating Covers or Shade Balls:</b> Floating covers or shade balls are not appropriate for the type of ponds proposed as they would prevent evaporation. Floating covers or shade balls are more commonly used in water supply reservoirs to reduce evaporation. The Tentative Order addresses odor concerns by requiring the Discharger to properly manage the ponds to prevent nuisance conditions (see response to comment No. 1).</p>	

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				<p><b>Low Energy Aerators.</b> Section III.D.5.c of the Tentative Order has been modified to require the use of aerators, diffusers, or other appropriate methods to minimize nuisance odors from the evaporation ponds.</p> <p><b>Vegetative Buffers.</b> The Tentative Order does not require the use of vegetative buffers. The Discharger uses other appropriate BMPs to limit nuisance odors and fugitive dust. For example, manure is managed under cover and removed off-site regularly to prevent decomposition and nuisance odors. Manure transfer at some of the loading areas occurs on concrete pads which are cleaned after use to prevent residual material from being windblown. The Discharger is required to install additional concrete pads at manure loading areas within six months of adoption of the Tentative Order. Pine Hill Egg Ranch and the Pullet Farm also use vegetated bioswales and other soil stabilization methods to minimize dust emissions.</p>	

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				<p><b>Biofilter Equivalents:</b> While biofilters are not required, the facility controls manure and carcass handling through covered storage and prompt removal, reducing the potential for emissions associated with decomposition.</p> <p>Staff find that additional prescriptive technologies are not needed at this time (see response to comment No. 1 for more details).</p>	
6	<p><i>There are several things that do stand out for me in this report, which raise the following concerns:</i></p> <p><i>1. Inspection and Reporting</i>  <i>I feel a more defined and measurable inspection routine should be part of the process.....especially early on. Given the facility's history, permitting this level of self-regulation appears risky. Also, surrounding community members, who are often the first to notice problems, should have a simple, direct method to report violations. The CalEPA complaint database is confusing to navigate when it</i></p>	Barbara Klein	Tentative Order	<p>Staff reviewed the commenter's concerns and provided the following clarifying information:</p> <p>1. Inspection and Reporting  See responses to comments No. 1 and 4.</p> <p>2. Groundwater Quality  Staff understand that communities near Pine Hill Egg Ranch rely on groundwater and are cognizant of the importance of protecting the community's groundwater resources. To protect this beneficial use, the Tentative Order requires the Discharger to implement</p>	Staff did not modify the Tentative Order.

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	<p><i>comes to reporting on the Egg Ranch and Pullet Farm.</i></p> <p><i>2. Groundwater Quality Most nearby communities, including ours, rely on private wells. At Rancho Santa Teresa Estates, we use a shared well and seem to be in a constant struggle with high nitrate levels—posing serious health risks. And on top of the health concerns, we’re continually faced with the financial strain of keeping our water safe to drink. While causality is difficult to prove without comprehensive studies, it’s hard to ignore the likely connection between this contamination and the massive quantities of waste produced by the facility. This warrants far greater scrutiny and a more cautious regulatory approach, not one that leans heavily on self-reporting.</i></p> <p><i>3. Fines and Enforcement I would like to see clearer language and specifics regarding fines for non-compliance. Without well-</i></p>			<p>management measures for proper handling, storage, and disposal of animal waste and mortalities to prevent adverse impacts to groundwater and surface water. The Discharger will use a system which consists of an effluent wet well with a filter and lined evaporation ponds for treatment and disposal of egg wash water. Using lined evaporation ponds will prevent infiltration of egg wash process water to groundwater. The evaporation ponds will also be placed on a concrete pad which provides an additional layer of protection. The Tentative Order also requires the Discharger to develop a groundwater monitoring program which includes periodic collection and analysis of groundwater samples and assessment of groundwater monitoring data/trends (including nitrate levels). The monitoring program is designed to identify any potential impacts to groundwater associated with discharges from Pine Hill Egg Ranch.</p>	

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	<p><i>defined consequences, there's little incentive for timely or meaningful action. With that said, however, I would much rather see the Discharger invest in improved environmental practices than have those dollars go toward paying fines. For example, they could partner with our community water board to install equipment that helps address the nitrate issues. But what incentive do they currently have to take such a step? I don't know what mechanisms the Water Board might use to encourage that kind of positive investment—but I hope it's something that can be explored.</i></p> <p><i>I would like to end by applauding the inclusion of several key provisions in the proposed order, particularly those that prohibit the Discharger from storing, treating, or disposing of waste in ways that create pollution, contamination, or nuisance. I'm likewise grateful for the explicit requirements addressing odor control, proper management of waste and wastewater, and the design and</i></p>			<p>The Tentative Order relies primarily on self-reporting, which is consistent with other Water Board regulatory programs. Staff will review monitoring reports submitted and conduct periodic compliance inspections to evaluate the Discharger's compliance with requirements of the Order.</p> <p>3. Fines and Incentives</p> <p>The State Water Board's Enforcement Policy outlines the approach to be used by Regional Water Boards in ranking enforcement priorities and assessing administrative civil liabilities/penalties. The Enforcement Policy recommends Regional Water Boards implement a process of progressive enforcement which involves an escalating series of actions beginning with notification of violations and compliance assistance, followed by enforcement orders compelling compliance, culminating in a complaint for civil liabilities. The San Diego Water Board has</p>	

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	<i>upkeep of evaporation ponds to prevent environmental harm, mosquito breeding, and other nuisance conditions. These are critical protections for our community and environment, and I sincerely hope they will be enforced with the vigilance this situation clearly warrants.</i>			addressed previous violations in a manner consistent with the Enforcement Policy through issuing Notices of Violation and a Cease-and-Desist Order. San Diego Water Board staff will address any future violations through procedures outlined in the Enforcement Policy and mechanisms established under the California Water Code. When appropriate, the San Diego Water Board can assess administrative civil liabilities/penalties for violations pursuant to sections 13350 and 13385 of the California Water Code.  As the commenter suggests, staff strongly support proactive investment in environmental improvements over fines. While the San Diego Water Board cannot require cooperative infrastructure funding, compliance motivators are built into the regulatory process through enforceable timelines, inspections, and adaptive management provisions.	
7	<i>The Rancho Santa Teresa Property Owners Association, which borders the Demler Egg Ranch, is grateful to have this</i>	Barbara Lynch Shimek	Tentative Order	Staff reviewed the commenter's concerns and disagree with the commenter's suggestion that the San Diego Water Board is missing	Staff did not modify the Tentative Order.

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	<i>opportunity to comment on the ongoing regulation practices for the Demlers. Over this last year, we have expressed to you in our past meetings with your team that we have been extremely concerned with the fact that the Demler's do not tightly cover the manure and carcasses when transporting from the pullet farm to the main facility, within the facility grounds and hauling off-site. Also, they don't tightly cover manure when "storing" it before hauling off-site. In total, they move literally TONS of manure and carcasses around with no covers, which allows for pollution, contamination and nuisance. And a lot of it! In these most recent documents, we are encouraged to see that "waste management" is focusing a large part on manure and carcasses, however the SDWB is missing the key piece of requiring them to tightly cover (not just an open-air roof) all transporting and storing of manure. It seems pointless to regulate their waste management without mandating they cover their</i>			<p>a key piece of requiring the Discharger to tightly cover manure.</p> <p>As described in response to comment No. 2, the Discharger's NMPs for Pine Hill Egg Ranch and the Pullet Farm include BMPs for proper handling, storage, and disposal of manure which help limit airborne dispersion of manure particles. These BMPs include loading manure from within enclosures using conveyor belts and transfer chutes and covering manure during trucking.</p> <p>In addition, chicken carcasses are bagged and placed in trash cans with lids before being stored in freezers prior to offsite disposal. This practice is consistent with mortality management specifications of the Tentative Order and the Discharger's NMPs.</p> <p>Trucks hauling manure or waste from Pine Hill Egg Ranch and from the Pullet Farm and required to comply with applicable California Vehicle Code sections regulating the hauling of wastes. However, please note, while the San Diego</p>	



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	<i>manure and carcasses tightly - both while transporting and storing. Attached are two documents I am including with my comments here, which outlines how manure (and carcasses), if not tightly covered, can have a detrimental effect on "pollution, contamination, and nuisance. "Our request is that the SDWB add specific requirements that will mandate the Demler's tightly cover ALL transported and stored manure and carcasses.</i>			Water Board is an environmental agency. The California Department of Motor Vehicles, Highway Patrol, and Department of Transportation are primarily responsible for developing or enforcing vehicle laws and regulations. The San Diego Water Board is responsible for protecting the quality and beneficial uses of California's water resources within the San Diego Region. Furthermore, the San Diego Water Board is responsible for regulating waste discharges to waters of the State, which may result in contamination, pollution, or nuisance conditions.	
8	<i>Section 3 of the Analysis of Impacts of the Discharges and Reasonably Foreseeable Methods of Compliance checklist on page 13 discusses Air Quality considerations. The preamble to this section states: "Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations." Were the findings</i>	Ron Matuszek	Negative Declaration	Staff reviewed the commenter's concerns and questions and developed the following response.  Staff developed the findings in Section 3 in accordance with the applicable CEQA guidelines. Specifically, staff contacted the San Diego County Air Pollution Control District (SDAPCD) during the development of the Proposed Negative Declaration. SDAPCD informed staff of the following:	Staff did not modify the Negative Declaration.



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	<p><i>documented in this section in accordance with the appropriate criteria determined by the governing air quality district or were they so stated because there were “none available?” This section deals with the odors involved with the ranch but determines them to be of little impact or just that the impact of these objectionable odors does not affect a substantial number of people. I understand that the Water Board does not have jurisdiction over airborne pollution. Where may we find if there has been any appropriate review of the airborne material being expelled by this facility? Please refer to my email regarding the Tentative Cease and Desist Order dated Oct. 10, 2023. In it I relate my observations of considerable quantities of an unknown powder being expelled from this facility.</i></p>			<ul style="list-style-type: none"> <li>• SDAPCD has limited authority over agricultural operations.</li> <li>• SDAPCD regulates odors via a public nuisance rule, however, this rule does not apply to odors from agricultural operations.</li> <li>• Proving a dust nuisance involves identifying the impact on the community. SDAPCD has been unable to identify the impact of dust on the community (possibly due to the remoteness of Pine Hill Egg Ranch).</li> <li>• The Discharger is not required to obtain a Title V operating permit because emission levels from Pine Hill Egg Ranch and the Pullet Farm are below the threshold required for a permit.</li> </ul> <p>Commenters can contact the SDAPCD to discuss the air quality emissions/concerns raised. Contact information for the SDAPCD can be obtained by visiting their website at:</p>	

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				<a href="https://www.sdapcd.org/">https://www.sdapcd.org/</a> . Nonetheless, compliance with the requirements of the Tentative Order related to animal waste management and mortality management and implementation of BMPs outlined in the Discharger's NMPs will help reduce potential for adverse air quality impacts. (see responses to comments No. 2 and 3).	
9	<i>I am writing to express my concern regarding the proposed approval of a permit to allow the construction of evaporation ponds for egg wash wastewater at the Pine Hill Egg Ranch. As you are likely aware, over the last few years the egg ranch has been found to be out of compliance in a number of areas. The neighboring communities have felt the effects of this non-compliance. Among others, communities neighboring the Pine Hill Egg Ranch experience foul noxious odors in the air and in the runoff water that runs through neighborhood streams, the seeping of contaminants into the groundwater, finding chicken</i>	Lillian Ciulla	Tentative Order	Staff reviewed the commenter's concerns and provided the following clarifying information.  The Tentative Order directly addresses past violations by requiring the Discharger to implement animal waste and mortality management measures, and by establishing requirements for treatment and disposal of egg wash process water (see responses to comments No. 1, 2, and 3). The treatment system regulated by the Tentative Order will receive wash water from already existing egg washing operations and will not result in expansion of agricultural operations.	Staff did not modify the Tentative Order.

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	<p><i>feathers and carcasses scattered throughout their properties, and the release of a white, powdery substance from egg ranch buildings into the air.</i></p> <p><i>I implore you to deny any permits for new operations at the Pine Hill Egg Ranch! Shouldn't a business be expected to run their operation in compliance before allowing any form of expansion of said operation?</i></p>			<p>The Tentative Order regulates discharges of waste to land and does not serve as a permit for expanded or new agricultural operations nor is it a County of San Diego (County) major use permit. Adoption of the Tentative Order does not exempt the Discharger from having to obtain any permits required by the County or any local agencies for expansion of agricultural operations.</p>	
10	<p><i>My comment is NO GO!! This business owner has continued to evade being caught adhering to so many guidelines. His mode of operation is to do it hopefully not get caught and if they are plead ignorance or sorry it won't happen again. Your organization exists to protect the environment and I don't see how you can guarantee that approval of this permit will have "less than significant" environmental impact. So often environment damage takes years to show its devastating impact on our health and homes. Don't be</i></p>	Gerry Appleby	Both	<p>Staff reviewed the commenter's concerns and provided the following clarifying information.</p> <p>The Tentative Order is being considered for adoption to address previous violations of the California Water Code and to prevent adverse impacts to groundwater and surface water from discharges of waste to land. The Tentative Order contains requirements to enhance water quality protection which include:</p> <ul style="list-style-type: none"> <li>• Prohibits discharges to surface waters;</li> </ul>	Staff did not modify the Mitigated Negative Declaration or Tentative Order.

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	<i>personally responsible for any more damage to people and property from this (I was here first) business owner.</i>			<ul style="list-style-type: none"> <li>Establishes requirements for proper handling, storage and disposal of animal waste, which include use of concrete pads for transfer of manure and manure removal at least once a week;</li> <li>Requires storage of chicken carcasses in freezers prior to offsite disposal; and</li> <li>Establishing requirements for proper operation and maintenance of a treatment system for egg wash water, which includes lined evaporation ponds.</li> </ul> <p>Continuous monitoring and the San Diego Water Board's authority to modify or terminate the Tentative Order for any non-compliance ensure accountability. These safeguards underpin the San Diego Water Board's CEQA conclusion in the Mitigated Negative Declaration that the project will have no significant environmental impact with the Tentative Order in place to regulate the facility. Adoption of the Tentative Order does not reward prior violations, rather it encourages</p>	

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				compliance under San Diego Water Board oversight. In addition, see responses to comments No. 3 and 6.	
11	<i>I have lived in Rancho Santa Teresa Estates since 1988 when the (now Demler Factory) was merely a small egg ranch and did not encompass the 160 (approx.) additional acres it now owns between the factory and our neighborhood. In all that time we have consistently seen (and experienced!) a lack of hygiene and indifference to standards of practice for their business (we know as we investigated ourselves). Our neighborhood's continuing attempt during all these past 35 years to appeal for a cleaner and healthier environment to both San Diego Country Health Dept and to the Demler family has fallen short at each and every turn and obviously fallen on deaf ears. The few times that the SD Health Dept has actually (finally) heard our repeated appeals for inspections has returned the constant refrain, "Well, they are</i>	Gayle Wright	Tentative Order	Staff reviewed the commenter's concerns and refer to responses provided to comments No. 9 and 10.	Staff did not modify the Tentative Order.

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	<p><i>agreeing to improve their practices and want to be a 'good neighbor'". (Something of what we have heard from the Water Board's answer to our pleas.). We have heard, "They are working on it", "they are 'committed to improvement" and "Well, we have to give them time to implement" -- a constant refrain from the beginning. We have also asked repeatedly why financial penalties have not been used. We know that will ultimately be the only likely stimulant to their Actual attempt at compliance. Needless to say, as one of the oldest residents of our neighborhood I must admit that I am NOT optimistic that any safeguards outlined on this document will actually be adhered to. I don't expect anything to be an improvement as every other attempt at their compliance has shown disappointing and desultory results. They have consistently fallen short and continue to try to 'fly under the radar' for as long as anyone is looking and then continue with 'business as usual'. We have NO hope that there will</i></p>				

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	<i>be a change to that. Consequently, I am not in favor of ANY plan that even Remotely would allow them more access to air, soil or groundwater contamination. They have already (probably) caused irreversible damage to the entire Santa Teresa Valley and Basin and I can't believe it would be wise to encourage more. I am most decidedly against any of the proposed 'enhancements'. As I stated at the last meet: "Why does the success of one family and their business trump the health and safety of countless other families and businesses in the area?"</i>				
12	<i>I appreciate the efforts to keep local streams and our well water clean. My hope is that the Demler's plan does not create new problems. Open air evaporation ponds could cause insect issues and foul odor. Any water that is not enclosed will be contaminated with manure because of the method they use when loading the trucks. Unless they load the trucks in an enclosed area the particulates will</i>	Robert Klein	Tentative Order	Staff reviewed the commenter's concerns and refer the commenter to responses provided to comments No. 1, 2, and 5. The BMPs the Discharger implements to prevent spread of fugitive dust and to limit nuisance odors from manure handling and storage are described in responses to comments No. 2 and 5. The Tentative Order also requires the Discharger to manage the ponds to prevent nuisance	Staff did not modify the Tentative Order.



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	<i>drift into the ponds. These things should be researched before approval is given to proceed.</i>			conditions such as vectors and foul odors by implementing the following: 1) preventing pooling of water outside the ponds and maintaining water depths in the evaporation ponds that reduce stagnant water, 2) using aerators, diffusers, or other appropriate methods, 3) applying larvicides or other approved treatments to control vector populations, 4) removing floating debris, 5) coordinating with the local mosquito abatement or vector control district, 6) inspecting the evaporation ponds monthly to observe vector activity.	
13	<i>I'm in direct opposition to the expansion of the Pine Hill Egg Ranch due to their laissez-faire attitude over the years, despite the negative impact on the environment, including health issues for the communities surrounding the facility. For years, I watched as row after row of manure and carcass piles multiplied and lay stagnant on their grounds. I've observed the plumes of "poultry dust" choke us out in the mornings, the buildup of</i>	Mrs. Galyean	Tentative Order	Staff reviewed the commenter's concerns and questions and developed the following response.  The commenter's concerns regarding potential air quality, odor and health/environmental impacts are addressed in responses to comments No. 1, 2, and 6, while concerns related to the Discharger's past noncompliance are addressed in response to comment No 9.	Staff did not modify the Tentative Order.



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	<p><i>contaminants and decay so foul we'd throw up after stepping outside to go to work in the morning or coming home at night. The 1,500 gallons of egg wash water, combined with the proposed open-sided barns without any odor suppression or filtration, will, I suspect, only further contribute to an even more foul and odiferous environment—one where we can't go outside again.</i></p> <p><i>Further, what happens with any water that remains in the evaporation ponds? How will it be removed? How often? If it's standing, my concern is that it will draw more bacteria and mosquitoes, and the heat will only worsen it. Does the owner have a backup plan if this isn't approved?</i></p>			<p>Additionally, the Tentative Order will not result in the expansion of agricultural operations, nor does it serve as a permit for increasing agricultural operations. Rather the Tentative Order establishes requirements to prevent adverse impacts to groundwater and surface water from discharges of waste to land.</p> <p>The evaporation ponds will be 32 feet long and 16 feet wide or 24 feet long and 12 feet wide. Water depths in the ponds will be 9 inches or less to facilitate evaporation. The primary purpose of evaporation ponds is to allow water to naturally dry out. As a result, residual pond water will typically only be removed during maintenance. The Tentative Order also contains specifications for proper operation and maintenance of the evaporation ponds (see section III.D of the Tentative Order). The Discharger reported in its permit application/report of waste discharge that the life span of the pond is 7 years, and the ponds will be replaced every 5 years. The</p>	

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				Discharger will also maintain four 5,000-gallon storage tanks onsite. These storage tanks will be used to store egg wash water in the event the ponds reach capacity or when the ponds are taken out of service for maintenance or replacement. Egg wash process water discharged to the storage tanks will be hauled offsite for disposal.	
14	<i>As a concerned resident living in close proximity to Pine Hill Egg Ranch, I am writing to formally object to the Negative Declaration issued regarding the Waste Discharge Requirements for the facility. I urge the Board to reconsider its findings and take into serious account the long-standing and continuing environmental impacts this operation has had—and will continue to have—on the surrounding community and ecosystem. For years, nearby families, including my own, have relied on private drinking wells for our water supply. However, we are now facing unsafe nitrate levels that have been increasing over the years, a condition commonly linked</i>	Jasmine Supnet Rance	Both	<p>Staff partially agree with the commenter's requests.</p> <p>Regarding the reclassification of air quality impacts in the Initial Study, please see response to comment No. 1.</p> <p>Regarding a mandate for dust and debris control measures, please see staff responses to comments Nos. 2 and 5.</p> <p>Regarding increased monitoring of Santa Teresa Creek, please see response to comment No. 3. Additionally, monitoring is not required at Santa Teresa Creek because the Tentative Order prohibits discharges of waste to Santa Teresa Creek.</p>	Staff modified sections 3.e and 9.a of the Initial Study for the Mitigated Negative Declaration but did not modify the Tentative Order.

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	<p><i>to large-scale agricultural and livestock operations like Pine Hill. Nitrate contamination in groundwater can take decades to reverse and poses a serious health threat, particularly to vulnerable populations such as children and pregnant women. To claim that the project will have “less than significant impact” is contrary to the lived reality of residents. In addition to water quality degradation, we are already suffering from poor air quality, persistent foul odors, and increased dust and debris originating from the ranch. These conditions not only lower our quality of life but pose public health risks. Therefore, I respectfully urge the Board to reclassify the air quality impacts as significant, not negligible. Further, I strongly oppose the proposed construction of additional evaporation ponds. The history of minimal compliance by the Demlers with regulatory orders raises serious doubts about their commitment to environmental</i></p>			<p>Regarding strengthening oversight of self-reporting, please see responses to comment Nos. 4 and 6.</p> <p>Regarding implementation of clear, accessible process for community complaints, please see responses to comment Nos. 1 and 6.</p> <p>Regarding nitrate contamination, the Tentative Order addresses this concern by requiring the Discharger to implement management measures for proper handling, storage, and disposal of animal waste and chicken carcasses (described in response to comments No. 2 and 3). These measures are intended to prevent adverse impacts to groundwater and surface water. Additionally, the evaporation ponds will be lined which will prevent infiltration of egg wash process water to groundwater. The Tentative Order also enhances San Diego Water Board oversight through requiring the Discharger to develop a groundwater monitoring program, requiring the Discharger to conduct</p>	

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	<p><i>stewardship or community well-being. Based on past behavior, there is little evidence to support the notion that future oversight or reporting will be carried out in good faith without significantly increased monitoring and accountability. Specifically, I request that the following actions be considered before any approvals are granted:</i></p> <p><b>1. Reclassify air quality impacts</b> from "less than significant" to <b>significant</b>, reflecting the reality on the ground for residents.</p> <p><b>2. Mandate dust and debris control</b> measures, including coverage or stabilization, to prevent ongoing particulate fallout that contributes to both air pollution and groundwater contamination.</p> <p><b>3. Increase monitoring of Santa Teresa Creek</b> to ensure that unauthorized discharges are not occurring, especially since residents have observed concerning runoff activity repeatedly and recently.</p>			<p>periodic inspections and submit self-monitoring reports (see response to comment 6).</p> <p>Staff have changed the impact identified in section 9.a of the Initial Study for the Mitigated Negative Declaration from "less than significant" to "less than significant with mitigation incorporated". Staff modified section 9.a to reflect that the Tentative Order requires the Discharger to develop a groundwater monitoring program.</p>	

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	<p><b>4. Strengthen oversight of self-reporting</b> mechanisms and require more frequent independent inspections to verify compliance. It is clear that more rigorous enforcement may be necessary, including <b>financial penalties</b>, in order for the Demler's to take their responsibilities seriously and stop merely doing the minimum to get by.</p> <p><b>5. Implement a clear, accessible process for community complaints</b> and whistleblower concerns, so that residents have a formal channel to report violations and unsafe conditions. I've personally heard from many in the community that feel that the current process is not effective. Please take into consideration that many in the neighborhood may not be tech savvy and able to navigate easily. The Demlers have operated Pine Hill Egg Ranch in a manner that prioritizes the bare minimum compliance needed to continue operations. This longstanding pattern is not only unfair to the community but deeply troubling</p>				

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	<i>given the potential for long-term, irreversible environmental harm. The San Diego Water Board must act in the interest of public health, environmental integrity, and community trust—not short-term industrial convenience. Please do not approve the proposed evaporation ponds, and instead take this opportunity to increase regulatory oversight and safeguard the rights of the surrounding community. We depend on your leadership to ensure our families are not subjected to further environmental injustice.</i>				
15	<i>We are part of the Rancho Santa Teresa community and would like to express that we strongly support regulations and oversight pertaining to the Pine Hill Egg Ranch's submitted water discharge proposal. We assume that the suggested evaporation ponds have concrete lining to prevent this water from seeping into the ground.</i>	Susanne Mattern	Tentative Order	Staff reviewed the commenter's concerns and provided the following clarifying information.  The evaporation ponds are double lined with the primary liner being a 30-mil high density polyethylene (HDPE) liner and the secondary liner 60-mil HDPE. The ponds will sit on a concrete pad which will provide an additional layer of protection. The Tentative Order also requires the Discharger to	Staff did not modify the Tentative Order.

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				inspect the ponds monthly to verify the integrity of the ponds.	
16	<i>Section II.B.1. Discharge Prohibitions; As currently written the discharge prohibition is too broad and would prohibit standard farming operations. As written, any chicken carcasses, eggs or feathers that fall to the ground could be a potential violation.<sup>1</sup> The prohibition should be limited to the egg wash process water. In the alternative, the prohibition should be rewritten as follows: "Waste to land which has not been specifically described in this Order, the Discharger's ROWD or the Discharger's Nutrient Management Plan, or which is not already regulated under a National Pollutant Discharge Elimination System (NPDES) permit issued by the San Diego Water Board or the State Water Resources Control Board, and for which valid WDRs are not in force."</i>	Discharger	Tentative Order	Staff disagree with the commenter's request.  Section II.B.1 of the Tentative Order prohibits direct or indirect discharges of animal waste to surface water to prevent adverse impacts to quality and beneficial uses of surface waters. Minimal or occasional dropping of feathers or eggs are expected to occur during normal poultry operations. However, the Discharger is expected to properly store, handle, and dispose of animal waste and chicken carcasses as required by the Tentative Order and implement BMPs as described in its NMPs.	Staff did not modify the Tentative Order.
17	<i>Section II.B.2. Discharge Prohibitions; Add "or the State</i>	Discharger	Tentative Order	Staff agree with the commenter's request.	Staff modified section II.B.2 of



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	<i>Water Resources Control Board” to the end of the prohibition.</i>			Section II.B.2 of the Tentative Order is modified as shown below:  2. Treated or untreated solid or liquid waste directly or indirectly to the Municipal Separate Storm Sewer Systems (MS4s), waters of the United States, or other surface waters and drainage courses, unless authorized by a National Pollutant Discharge Elimination System (NPDES) permit issued by the San Diego Water Board <u>or the State Water Resources Control Board</u> .	the Tentative Order
18	<i>Section III.B.3; If this section is referring to the loading pads at all loading area, those pads do not currently exist at each loading area and will take a reasonable period of time to install. It is not feasible for loading pads to be added immediately to each loading area to address this condition. Therefore, the Demler Brothers request that a compliance timeline be included such that loading pads would be installed at each loading</i>	Discharger	Tentative Order	Staff agree with the commenter’s request.  Section III.B.3 of the Tentative Order is modified to give the Discharger time to install additional concrete pads, as shown below:  3. The Discharger must <del>ensure that manure is placed on constructed heavy-duty concrete pads from which it can be transferred into manure hauling trucks for off-site</del>	Staff modified section III.B.3 of the Tentative Order.



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	<i>area within at least 6 months of the effective date of the WDR.</i>			<u>disposal construct heavy-duty concrete pads at manure loading areas within six months of the effective date of this Order. Heavy-duty concrete pads must be designed, constructed, and maintained to prevent damage by the operation of equipment during manure management activities (e.g., temporary stockpiling or loading of manure into trucks for off-site disposal).</u> Each concrete pad must be swept and cleaned after loading activities at the respective location. Any spilled manure and/or dust on the pads must be disposed of in the manure hauling trucks.	
19	<i>Section II.D; Delete the word “Discharger’s”. The Demler Brothers do not currently use manure for this purpose or have no plans to do so. Since the Demler Brothers do not currently or plan to use manure in this fashion, they do not object to the requirement, but they do not want it to be implied</i>	Discharger	Tentative Order	Staff partially agree with the commenter’s request. Staff acknowledge that the Discharger does not use manure to construct or modify containment structures and that the Discharger has no plans to use manure in this fashion. Section II.D of the Tentative Order has been modified to reflect that the Tentative Order prohibits using	Staff modified Section II.D of the Tentative Order.

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	<i>that they formally used manure in this fashion.</i>			manure to construct containment structures without implying that the Discharger uses manure in that fashion. This change is shown below:  D. The Discharger's <u>is prohibited from using</u> <del>use of</del> manure to construct containment structures or to repair, replace, improve, or raise containment structures <del>is prohibited</del> .	
20	<i>Section III.A.4; Delete the words "quantity and". The Demler Brothers can reduce the velocity and prevent erosion but do not control quantity.</i>	Discharger	Tentative Order	Staff partially agree with the commenter's requests. Section III.A.4 of the Tentative Order is modified, as shown below, to reflect that the specification does not require the Discharger to control the amount of rainfall; rather, it requires the Discharger to implement BMPs to prevent erosion and control runoff of pollutants to waters of the state. BMPs that can be implemented can include controls to reduce stormwater runoff quantity. The Discharger currently implements BMPs that are consistent with this specification	Staff modified section III.A.4 Tentative Order.

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				<p>such as bioswales and filter sock check dams.</p> <p><u>4.</u> The Discharger must implement BMPs to prevent <u>erosion and control runoff of pollutants to waters of the state. BMPs implemented can include controls,</u> to reduce storm water runoff quantity <del>and</del> <u>or</u> velocity, and <u>or</u> hold soil particles in place.</p>	
21	<p><i>Section III.B.2. Animal Waste Management Specifications; This provision should be deleted and replaced with language similar to Section II.I of Attachment C. Suggest "The Discharger shall maintain records to document that any off-site export of manure is performed by a licensed or other permitted hauler for disposal at a permitted site or facility." The Demler Brothers contract with a reputable hauler and will continue to do so. However, once the manure is exported from its site, the Demler Brothers cannot control</i></p>	Discharger	Tentative Order	<p>Staff agree with the commenter's request.</p> <p>Section III.B.2 of the Tentative Order is modified, as shown below, to reflect that 1) the Discharger is required to use a licensed hauler for transporting manure offsite and 2) the Discharger cannot control the actions of other parties.</p> <p>2. The Discharger must <u>ensure that any off-site export of manure is performed by a licensed hauler for disposal at an appropriate licensed facility</u> <del>records of not contribute to the improper disposal of manure</del></p>	Staff modified section III.B.2 of the Tentative Order.

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	<i>the actions of other parties related to that manure.</i>			<del>hailed off-site. Manure hauled off-site must be properly applied or disposed to ensure water quality is not adversely affected.</del>	
22	<i>Section III.B.3. ANIMAL WASTE MANAGEMENT SPECIFICATIONS; This provision should be deleted and replaced with the following language: "The Discharger shall implement best management practices as identified in the Nutrient Management Plan to address indirect discharges of manure during the transfer process to manure hauling trucks. These BMPs shall include regular sweeping and cleaning of loading areas."</i>	Discharger	Tentative Order	Staff disagree with the commenter's request.  Section III.B.3 of the Tentative Order requires that manure be loaded on concrete pads to prevent leachate from manure from infiltrating into groundwater and adversely groundwater quality. Section III.B.3 also requires regular cleaning and sweeping of the concrete pads after loading activities which is consistent with the Discharger's NMPs.	Staff did not modify the Tentative Order.
23	<i>Section IV.A.1. Facility Inspections; Request to define reasonable hours as hours of operation or daylight hours for safety purposes.</i>	Discharger	Tentative Order	Staff agree with the commenter's request.  Footnote 5 is added to section IV.A.1.c of the Tentative Order to clarify that staff typically conduct inspections during normal business/daylight hours with some exceptions:	Staff modified section IV.A.1.c of the Tentative Order.

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				<u><sup>5</sup> Routine inspections are typically conducted during normal business/daylight hours, but the San Diego Water Board may inspect at other times if necessary to observe relevant discharge conditions or investigate an incident.</u>	
24	<i>Attachment C – Monitoring and Reporting Program; The Demler Brothers request that the groundwater monitoring provision be substantially revised. While ambient monitoring of groundwater is feasible, such monitoring will not reflect activities performed by the Discharger and cannot be the basis of compliance assessments. In addition, installation of new wells is not warranted given the site geology and limited information to be gained. Due to the site geology, monitoring of groundwater for the purpose of understanding ambient conditions where wells currently exist is possible. However, due to the nature of groundwater flow in fractured rock, the groundwater may not flow uniformly in one</i>	Discharger	Tentative Order	<p>Staff partially agree with the commenter's statement but disagree with the commenter's request.</p> <p>Staff acknowledge that groundwater may not flow uniformly in one direction in fractured rock unlike in alluvial aquifers or porous media. Though determining groundwater flow gradient through fractured rock may be challenging, the most probable flow path can still be determined through use of methods such as tracer tests, fracture mapping, use of nested piezometers, etc. The Tentative Order requires the Discharger to submit a groundwater monitoring work plan to the San Diego Water Board prior to initiating groundwater</p>	Staff modified section IV.A of Attachment C of the Tentative Order.

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	<i>direction. Unlike porous media (like soil), where groundwater flows through interconnected pores from a higher elevation to a lower elevation, groundwater flows through fractures. The groundwater can follow specific, highly transmissive fractures or fracture networks, and thus gradient and direction cannot be interpreted by elevations measured, like in a porous media aquifer or water bearing zone. The data obtained from the existing wells can be used to address larger trends in the basin, but they are not linked to the site or any specific area. The geologic map, below shows the Las Bancas Tonalite (Fractured Rock) in pink, and the younger channel deposits of sand and gravel in yellow.</i>			<p>monitoring. Staff have modified section IV.A of Attachment C of the Tentative Order to clarify that the Discharger can utilize existing domestic wells, install new monitoring wells, or utilize a combination of new monitoring wells and existing domestic wells provided its groundwater monitoring work plan provides sufficient technical rationale to justify the use of existing wells. The Discharger's groundwater monitoring work plan must demonstrate that any existing wells proposed to be used for monitoring are appropriately located upgradient and downgradient of the Pine Hill Egg Ranch production area and evaporation ponds.</p> <p>Section IV.A of Attachment C of the Tentative Order is modified as shown:</p> <p><b>A. Monitoring Work Plan (Work Plan).</b> The Discharger must submit a Work Plan to the San Diego Water Board within 120 days of adoption of the Order. The Discharger's Work Plan</p>	

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				<p>must provide a detailed description of the proposed actions, milestones, and implementation time schedule necessary to establish a monitoring and assessment program for the Pine Hill Egg Ranch and Pullet Farm (collectively called the Facilities), as outlined in section III of this MRP. <u>The Discharger may propose the use of existing supply wells or the combination of existing supply wells and new monitoring wells in its Work Plan. The Work Plan must provide sufficient technical justification for use of existing supply wells. The Work Plan must also demonstrate that the existing supply wells are located either upgradient and/or downgradient from the production areas and evaporation ponds (as described in Table C-1).</u></p>	

No.	Comment	Submitted By	Comment Category	San Diego Water Board Response	Action Taken
25	<i>Attachment D – Fact Sheet, Section B.2.b; This section should be updated to show the correct number of barns, ponds, locations, and total capacity, as follows: the lined evaporation ponds are housed in four covered barns, with 16 ponds (northern ponds) placed in two barns and 18 ponds (southern ponds) placed in the two separate barns. The total capacity of the 34 ponds is approximately 220,000 gallons.</i>	Discharger	Tentative Order	<p>Staff agree with the commenter's request.</p> <p>Staff modified section II.B.2.b of Attachment D of the Tentative Order (Fact Sheet) to provide a more accurate description of the ponds as shown below:</p> <p>b. <u>Lined Evaporation Ponds.</u> <del>The A total of 34 lined evaporation ponds are used and</del> housed in <del>two-four</del> covered barns, <del>with 18 ponds (northern ponds) placed in one barn and 16 ponds (southern ponds) placed in the second barn.</del> <u>Eight ponds are placed in each of the two northern barns (northern ponds), while 9 ponds are placed in each of the two southern barns (southern ponds).</u> The ponds are protected from run-on and precipitation, and are underlain by a concrete slab, which serves as an additional barrier layer to protect groundwater quality.</p>	Staff modified section II.B.2.b of Attachment D of the Tentative Order.



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				<p><u>The evaporation ponds are not large in-ground depressions but rather are above ground ponds similar in size to children's swimming or wading pools.</u></p> <p>Each of the northern ponds are 32 feet long and 16 feet wide, while each of the southern ponds are 24 feet long and 12 feet wide. The total capacity of the 34 ponds is approximately <del>1,240</del> <u>220,000</u> gallons. <u>A maximum of about 1,240 gallons per day of egg wash process water will be discharged to the evaporation ponds.</u></p>	
26	<p><i>Traffic Engineering and Analysis</i></p> <ul style="list-style-type: none"> <li><i>Caltrans requests that the County of San Diego or the RWQCB condition the applicant to pave the gravel area of the main driveway (Existing Egg Ranch Access: Primary) at the truck path to reduce the amount of gravel entering Caltrans Right-of-Way (R/W) from semi-trucks (see attachment, Caltrans Letter_Demler Manure</i></li> </ul>	California Department of Transportation (Caltrans)	Negative Declaration	<p>Staff disagree with the commenter's request.</p> <p>The project described in the Mitigated Negative Declaration is the adoption of waste discharge requirements for Pine Hill Egg Ranch and Pullet Farm. This project is not related to the construction of a manure processing facility, which is referenced in Caltrans's comment letter. Staff, however, acknowledge that activities such as hauling of</p>	Staff modified section 16.d of the Initial Study for the Mitigated Negative Declaration and added section III.A.5 to the Tentative Order.

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	<p><i>Processing Facility Major Use Permit_MND_SCH#2022010469_02242022).</i></p> <ul style="list-style-type: none"> <li><i>• The applicant will need to construct the existing driveway to current Caltrans standards.</i></li> </ul>			<p>manure and chicken carcasses which occur to ensure proper disposal of waste generated from Pine Hill Egg Ranch and the Pullet Farm may result in similar impacts to those described in Caltrans' comment letter. Although the San Diego Water Board does not have jurisdiction over Caltrans' right of way or traffic or transportation related impacts, staff have added a new requirement to the Tentative Order to reflect that the Discharger must obtain any necessary permits needed for construction, operation, or maintenance of the Facilities and comply with all applicable local, state, or federal regulations related to construction, operation, and maintenance of the Facilities. The following has been added as section III.A.5 of the Tentative Order:</p> <p><u>5. The Discharger must obtain and comply with any additional permits required by local, state, or federal agencies for the construction, operation, or</u></p>	

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				<p><u>maintenance of the Facilities. This Order does not relieve the Discharger from the responsibility to obtain necessary local, state, or federal permits to conduct activities or construct or operate structures necessary for compliance with the Order.</u></p> <p>The following has also been added to section 16.d of the Initial Study for the Mitigated Negative Declaration:</p> <p>d) <b>No Impact.</b> Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale that would result in substantial increase in hazards due to a design feature due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). <u>In addition, the Order requires the Discharger to comply with all regulations overseen by local, state, or</u></p>	

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				<u>federal agencies, and obtain any applicable local, state, or federal agency permits. This may include, but may not be limited to, transportation and traffic related activities associated with construction, operation, or maintenance of the Facilities.</u>	
27	<p><i>Hauling/Traffic Control Plan</i></p> <p><i>Caltrans has discretionary authority with respect to highways under its jurisdiction and may, upon application and if good cause appears, issue a special permit to operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum limitations specified in the California Vehicle Code. The Caltrans Transportation Permits Issuance Branch is responsible for the issuance of these special transportation permits for oversize/overweight vehicles on the State Highway network. Additional information is provided online at:</i></p>	Caltrans	Negative Declaration	Staff acknowledge Caltrans' regulatory authority over State Route 78 (SR-78) and the need for proper coordination to ensure any potential traffic and transportation and traffic related impacts are addressed. In addition, see response to comment No. 26.	Staff modified section 16.d of the Initial Study for the Mitigated Negative Declaration and added section III.A.5 to the Tentative Order.

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	<p><a href="https://dot.ca.gov/programs/traffic-operations/transportation-permits">https://dot.ca.gov/programs/traffic-operations/transportation-permits</a></p> <p><i>A Traffic Control Plan is to be submitted to Caltrans District 11, including the intersection along SR-78 within the project area, at least 30 days prior to the start of any construction. Traffic shall not be unreasonably delayed. The plan shall also outline suggested detours to use during closures, including routes and signage.</i></p> <p><i>Potential impacts to the highway facilities (SR-78) and traveling public from the detour, demolition and other construction activities should be discussed and addressed before work begins.</i></p>				
28	<p><i>Right-of-Way</i></p> <p><i>Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction. Any work performed within Caltrans' R/W will require</i></p>	Caltrans	Negative Declaration	Staff acknowledge Caltrans' regulatory authority. The San Diego Water Board does not have regulatory authority over roadway rights-of-way or monument preservation; however, the Discharger is required to obtain any necessary permits needed for construction, operation, or	Staff modified section 16.d of the Initial Study for the Mitigated Negative Declaration and added section

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	<i>discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction.</i>			maintenance of the Facilities (see response to comment No. 26).	III.A.5 to the Tentative Order.

### Changes Made to the Tentative Order Not Related to Written Comments Received

The changes shown below have been made to specific sections of the Tentative Order. These changes were made to correct minor errors and to ensure consistency with the Discharger's NMPs. These changes are not related to written comments received.

1. Finding I. C

**C. Background and Rationale for Requirements.** The San Diego Water Board developed the requirements of this Order based on information submitted by the Discharger in the Report of Waste Discharge for Pine Hill Egg Ranch (ROWD),<sup>1</sup> Nutrient Management Plans for the Facilities,<sup>2</sup> water quality control plans, policies, and other available information. The Fact Sheet contains background information and rationale for the requirements of this Order. The Fact Sheet and Attachments A through D are incorporated into and constitute findings for this Order.

2. Footnote 2 to Finding I.C (added)

<sup>2</sup> The NMPs were developed as required by Order WQ 2014-0057-DWQ as Amended by Order WQ 2015-0122-DWQ & Order WQ 2028-0028-DWQ, General Permit for Stormwater Discharges Associated with Industrial Activities.

3. Section III.B.5

5. The Discharger must properly manage animal waste in accordance with the following:

- a. Animal waste must be collected and disposed of regularly (at least once ~~a week every two weeks~~).
  - b. Animal waste ~~must not can~~ be stored ~~temporarily (no longer than two weeks)~~ on-site for ~~longer than one week~~ prior to disposal. The amount of animal waste stored in a temporary storage area must not exceed the capacity of the storage area. If animal waste exceeds or threatens to exceed the capacity of the temporary storage area, the animal waste must be disposed of immediately.
4. Section I.B of Attachment D
- B. Demler Brothers LLC (Discharger) submitted, a *Report of Waste Discharge for Pine Hill Egg Ranch* (ROWD)/application for waste discharge requirements (WDRs) and Nutrient Management Plans (NMPs) to the San Diego Water Board on May 22, 2024 for the Facilities...
5. Section II.A.1 of Attachment D
1. Pine Hill Egg Ranch. Pine Hill Egg Ranch occupies approximately 362 acres in Ramona, at 25818 Highway 78, which is within San Diego County. Pine Hill Egg Ranch houses approximately ~~one~~ 1.5 million chickens but has the capacity to house up to two million chickens and produce approximately 800,000 eggs per day...
6. Section IV.A.3 of Attachment D
3. **Discharge Prohibition II.B.2.** The Basin Plan prohibits discharges of treated or untreated solid or liquid waste to Municipal Separate Storm Sewer System, waters of the United States, or other surface waters and drainage courses unless authorized by a NPDES permit. This prohibition ensures that no discharges to waters of the United States occur without an appropriate NPDES permit and WDRs.