

State of California  
Regional Water Quality Control Board  
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT  
December 10, 2008

ITEM: 8c

SUBJECT: NPDES Permit Rescission: Waste Discharge Requirements for the Tom Van Tol T.D Dairy, San Diego County, Order No. 2001-28, NPDES No. CA0109339. (Tentative Order No. R9-2008-0122) (Michelle Mata)

PURPOSE: To rescind Order No. 2001-28, NPDES No. CA0109339, Waste Discharge Requirements for Tom Van Tol T.D Dairy, San Diego County.

PUBLIC NOTICE: A public notice of the tentative Order was sent on September 25, 2008. Copies of the tentative order were mailed on September 23, 2008 to Tom Van Tol T.D Dairy and to all known interested parties and agencies. Copies were made available for public review at the Regional Board office on September 23, 2008. The tentative order was also posted on the Regional Board's web site on September 23, 2008.

DISCUSSION: The United States Environmental Protection Agency (USEPA) recently revised the National Pollutant Discharge Elimination System (NPDES) permitting requirements and Effluent Limitations Guidelines and Standards (ELGs) for concentrated animal feeding operations (CAFOs) in response to the order issued by the U.S. Court of Appeals for the Second Circuit in 2005.

This final rule revises several aspects of USEPA's current regulations governing discharges from CAFOs. USEPA is modifying the requirement to apply for a permit by specifying that an owner or operator of a CAFO that discharges or proposes to discharge must apply for an NPDES permit. The final rule also includes an option for an unpermitted CAFO to certify to the permitting authority that the CAFO does not discharge or propose to discharge.

A "No Potential to Discharge to Surface Water Determination Request" form has been sent to Tom Van Tol; however, the completed form has not been submitted to the Regional Board as

of the date of this report.

Pursuant to Division 7 of the California Water Code the Regional Board will be considering regulating the Tom Van Tol T.D Dairy under state waste discharge requirements (WDRs) or a conditional waiver of WDRs as a separate action.

To date, the Regional Board has received no comments. All comments received will be considered, and responses to comments will be prepared and provided to the Regional Board members in the second agenda mailing and to the Discharger and other interested parties.

SIGNIFICANT  
CHANGES:

N/A

COMPLIANCE:

No known discharges have been reported or observed from this facility during the life of the permit.

LEGAL ISSUES:

None

SUPPORTING DOCS:

1. Transmittal Letter for Tentative Order No. R9-2008-0122
2. Tentative Order No. R9-2008-0122

RECOMMENDATION:

Adoption of tentative Order No. R9-2008-0122 is recommended.