

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
November 18, 2009

ITEM: 8c

SUBJECT: NPDES Permit Rescission: An Order rescinding Waste Discharge Requirements for Tom Van Tol T.D. Dairy, San Diego County, Order No. R9-2001-0028, NPDES No. CA0109339 (Tentative Order No. R9-2009-0167) (Kristin Schwall)

PURPOSE: To rescind Order No. R9-2001-0028, NPDES No. CA0109339, Waste Discharge Requirements for Tom Van Tol T.D. Dairy, San Diego County.

PUBLIC NOTICE: Copies of the tentative order were mailed on October 21, 2009 to Tom Van Tol T.D. Dairy and to all known interested parties and agencies. The Regional Board Agenda Notice was mailed on October 30 and was posted on the web on October 31, 2009. Copies were made available for public review at the Regional Board office on October 21, 2009. The tentative order was also posted on the Regional Board's web site on November 3, 2009.

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. CAFOs that will not discharge or propose to discharge to surface waters will no longer need to reapply for an NPDES Permit upon expiration of their permit. The NPDES Permit Order No. R9-2001-0028 for Tom Van Tol T.D. Dairy expired on May 9, 2006. The Regional Board understands that there is no potential to discharge to surface waters from the dairy.

Upon rescission of the NPDES Permit, the dairy will be regulated by General Order No. R9-2008-0130, *Waste Discharge Requirements for Existing Dairy Animal Feeding Operations in*

the San Diego Region.

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. Location Map
2. Transmittal Letter for Tentative Order No. R9-2009-0167
3. Tentative Order No. R9-2009-0167
4. General Order No. R9-2008-0130, *Waste Discharge Requirements for Existing Dairy Animal Feeding Operations in the San Diego Region* (see Item 8a Doc 4)

RECOMMENDATION:

Adoption of tentative Order No. R9-2009-0167 is recommended.