



California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair



Linda S. Adams

Secretary for
Environmental Protection

Sacramento Main Office

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Phone (916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>

Arnold
Schwarzenegger
Governor

11 January 2008

Simon Vander Woude
Vander Woude Dairy
1970 Rahilly Road
Merced, CA 95340

TENTATIVE WASTE DISCHARGE REQUIREMENTS FOR THE DAIRY AT 1550 RAHILLY ROAD, MERCED, MERCED COUNTY

Enclosed for your review is a copy of the revised tentative waste discharge requirements (WDRs) for the Vander Woude Dairy. The Regional Water Board will consider approval of these tentative WDRs at its meeting on 25 January 2008. In order to conserve resources, a paper copy of the proposed Order is being sent to the Vander Woude Dairy only. The Order and any additional information is available electronically on our web site (<http://www.waterboards.ca.gov/centralvalley/tentative/>). Those without access to the internet may request a paper copy by contacting Jennifer LaBay at (916) 464-4735.

Two changes were made to the WDRs based on comments received from you on 2 January 2008. The first change is in Finding 28 under Land Application Specifications. The language was changed to mirror the language in the General Order. It now includes the option to use a physical barrier or vegetated buffer for protection of irrigation wells. The second change is in Finding 29 under Land Application Specifications. The language was changed so crops must now be planted within 60 days of waste application instead of 30 days. Based on your comments, an additional 30 days should be sufficient for planting corn after applying manure solids to your fields.

Your letter included a comment that the Environmental Impact Report (EIR) and the Conditional Use Permit (CUP) allow for a 10% increase in your total herd size. You requested that the WDRs reflect this 10% allowance. This concern was reiterated in a phone call to Jennifer LaBay on 8 January 2008. After reviewing the EIR and speaking with Ron Rowe of Merced County, we determined that the total herd size numbers in the tentative WDRs are correct. Although we did confirm that Merced County allows a 10% increase in herd size under the CUP, the EIR for your dairy is based on a total herd size number. The EIR was prepared for the maximum number of animals that will be at the facility, and incorporates any anticipated herd size fluctuations. Since the tentative WDRs allow the maximum herd size reviewed by the EIR, we cannot incorporate an increase in the total herd size number. In order to have a larger herd size at your facility, an environmental review pursuant to CEQA would need to be completed for the larger size.

California Environmental Protection Agency

You also requested some additional information on certain findings in the tentative WDRs. General Finding 22 discusses “best practicable treatment or control.” You requested information on whether the best practicable treatment or control considered cost effectiveness. The language in General Finding 22 is from State Water Resources Control Board Resolution 68-16 (“Statement of Policy with Respect to Maintaining High Quality of Waters in California”). Resolution 68-16 does consider cost effectiveness to the discharger; however, it also considers cost to the people of the state should the treatment be ineffective.

Finally, you requested clarification on what is considered storage of tailwater in Specification 15. Storage of tailwater in this specification refers to water that is pumped or flows to the tailwater system and stays there. If in your system, water is continually moving through the tailwater system and never sits in the same location for a long period of time, you would be in compliance with Specification 15.

If you have any questions regarding the enclosed tentative waste discharge requirements or regarding the response to your comments, please call Jennifer LaBay at (916) 464-4735 or Charlene Herbst at (916) 464-4724.

ORIGINAL SIGNED BY

Charlene Herbst
Senior Engineering Geologist
Confined Animal Facility Regulatory Unit

Enclosures: Tentative Waste Discharge Requirements (Discharger Only)

cc: Lori Okun, Office of the Chief Counsel, State Water Resources Control Board, Sacramento, CA
Joe Mello, Department of Fish and Game, Oakdale, CA
Ron Rowe, Merced County Environmental Health, Merced, CA
Paul Martin, Western United Dairymen, Modesto, CA
Bridget Pomaville, The Source Group, Inc., Denair, CA