



Linda S. Adams
Secretary for
Environmental
Protection

California Regional Water Quality Control Board Central Valley Region

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



Arnold
Schwarzenegger
Governor

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>

30 April 2008

Michael L.H. Marsh
Chief Executive Officer
Western United Dairymen
1315 K. Street
Modesto, CA 95354-0917

FOLLOW-UP TO RESPONSE TO COMMENTS ON TENTATIVE EMERGENCY WAIVER

This letter is to inform you of changes to some of the wording in the *Conditional Waiver of Waste Discharge Requirements for Disaster Related Wastes During a State of Emergency Within the Central Valley Region* (Emergency Waiver) since our 21 April 2008 letter responding to your comments. The changes were a result of our internal review process in preparation for the Board meeting agenda. We wanted to make you aware of these changes in case they might affect your decision on whether to present additional testimony at the Board meeting.

Condition F.2.i of the tentative Emergency Waiver now reads:

- i) Each layer of lime-covered mass mortality wastes shall be covered by at least three feet of soil, or an alternative material approved by Regional Water Board staff, before adding another layer of mass mortality wastes. Alternative materials shall not increase threat to underlying groundwater relative to using three feet of clean soil.

Condition G of the tentative Emergency Waiver now reads:

G. Specific Waiver Conditions for Discharges from Emergencies Not Within a Declared Disaster Area

1. In the event of an emergency not within a disaster area declared by the Governor, this conditional waiver may be used for waste discharges necessary to mitigate an emergency under either of the following conditions:
 - a. The Discharger submits a Notice of Intent to the Regional Water Board before commencing discharges pursuant to this conditional waiver. Enrollment shall not take effect until the Executive Officer provides the Discharger a written Notice of Enrollment stating that the proposed discharge is eligible for coverage under this conditional waiver.
 - b. An emergency is declared by a state or local government agency and an Incident Commander working through the Statewide Incident Management System and

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Office of Emergency Services directs that waste be discharged to mitigate the emergency.

2. A Discharger who seeks coverage under Condition G.1.a shall submit a RWD before commencing discharges if the Executive Officer determines that a proposed discharge is not eligible for coverage.
3. Before commencing the discharge, a Discharger who seeks coverage under Condition G.1.b shall notify the Regional Water Board by telephone (or voicemail if after business hours) of the location, type of discharge, and contact information. The Discharger shall also submit a Notice of Intent to the Regional Water Board within **10 days** after commencing the discharge, along with documentation that the Discharger has met the conditions described in Condition G.1.b.
4. The Discharger shall comply with the applicable conditions of Sections B through F of this conditional waiver.

The Emergency Waiver will be posted on our website approximately two weeks before the Board meeting, and a notice mailed to the interested parties list. Once again, we appreciate your taking the time to review and comment on the tentative Emergency Waiver.

If you have any questions, please call me at (916) 464-4622.

WILLIAM BRATTAIN, P.E.
Water Resources Control Engineer
Title 27 Permitting and Mining

cc: Paul Sousa, Western United Dairymen, Modesto