

ITEM: 18

SUBJECT: Michael Vander Dussen, DBA Double Diamond Dairy, Merced County

BOARD ACTION: *Consideration of adoption of individual Waste Discharge Requirements for a confined animal facility.*

BACKGROUND: Michael Vander Dussen, DBA Double Diamond Dairy, Merced County

Michael Vander Dussen has expanded the herd at his dairy in Merced County, south of the city of El Nido. The maximum herd size (Holsteins) at the dairy after the herd size expansion is 9,870: 4,800 milking cows, 720 dry cows, 1,340 bred heifers, 700 heifers aged one year to breeding, 1,540 three-to-twelve month calves and 770 baby calves. The dairy includes a milking parlor, freestall barns, corrals, manure storage and drying areas, a transfer pit, two mechanical separators on concrete slabs, three settling ponds, three wastewater storage lagoons, and feed storage areas. Manure and dairy wastewater is land-applied to 1,990 acres for agricultural production. Solid manure is applied to cropland or used onsite as bedding.

A Report of Waste Discharge dated 11 March 2008 was submitted for the dairy expansion. A Nutrient Management Plan and the balance of the information needed for a complete Waste Management Plan will be provided by 27 February 2009, and groundwater monitoring is being conducted at the dairy. An Environmental Impact Report was prepared for the expansion and was certified by the Merced County Department of Planning and Community Development in December 2005.

ISSUES: A draft of this Order was sent out for public review in June 2008. Comments on the proposed Order were received from The Source Group, Incorporated on behalf of the Discharger, the Law Office of Thomas H. Terpstra on behalf of the Discharger, and Environmental Law Foundation on behalf of Environmental Law Foundation, AGUA, and California Sportfishing Alliance. The tentative Order reflects minor changes made in response to comments received on the June draft. A Response to Comments document is included in the agenda package.

Comments received on the Tentative Order centered on groundwater monitoring requirements, compliance with the State Water Board's Antidegradation Policy, and the CAFO Rule NPDES requirements.

RECOMMENDATION: Adopt the proposed waste discharge requirements.

Mgmt. Review _____
Legal Review _____ EGW _____

5 February 2009
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