



Matthew Rodriguez
Secretary for
Environmental Protection

California Regional Water Quality Control Board
Central Valley Region
Katherine Hart, Chair

11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114
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<http://www.waterboards.ca.gov/centralvalley>



Edmund G. Brown Jr.
Governor

20 September 2011

NOTICE
TENTATIVE MODIFICATIONS TO
GENERAL WASTE DISCHARGE REQUIREMENTS (WDRS) AND
GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT
for
EXISTING MILK COW DAIRY CONCENTRATED ANIMAL FEEDING OPERATIONS WITHIN
THE CENTRAL VALLEY REGION

TO ALL INTERESTED PERSONS AND AGENCIES:

Tentative modifications to General Waste Discharge Requirements (WDRs) and General National Pollutant Discharge Elimination System (NPDES) Permit for Existing Milk Cow Dairy Concentrated Animal Feeding Operations within the Central Valley Region (Board Order R5-2010-0118, NPDES No. CAG015001), originally adopted on 10 December 2010, are available for public comment as explained in the enclosed Notice of Public Hearing. The Tentative Modifications and additional information are available electronically on the Central Valley Regional Water Quality Control Board's (Central Valley Water Boards) web site at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/

The Central Valley Water Board has not reviewed or made any decision concerning the Tentative Modifications, which may be revised following the comment period. Revised documents along with comments and the staff responses will be posted on the above web site and placed in the meeting agenda. Instructions for submitting written comments, instructions for participating at the scheduled public hearing, and other relevant information are provided in the Notice of Public Hearing.

Any comments or recommendations you may have concerning the Tentative Modifications should be submitted to this office in writing by 5:00 pm on 20 October 2011 in order that consideration may be given them prior to the meeting of the Central Valley Water Board.

If you have any questions regarding the Tentative Modifications, or if you wish to request paper copies, please contact Charlene Herbst at (916) 464-4724.

ORIGINAL SIGNED BY
Charlene Herbst
Senior Engineering Geologist
Confined Animal Facility Regulatory Unit
Enclosure: Notice of Public Hearing

PUBLIC HEARING

California Environmental Protection Agency

NOTICE OF PUBLIC HEARING
TENTATIVE MODIFICATIONS TO GENERAL WASTE DISCHARGE REQUIREMENTS
AND GENERAL NPDES PERMIT
EXISTING MILK COW DAIRY CONCENTRATED ANIMAL FEEDING OPERATIONS
Concerning

- 2 -

**TENTATIVE MODIFICATIONS TO GENERAL WASTE DISCHARGE REQUIREMENTS
(WDRS) AND
GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMIT
for
EXISTING MILK COW DAIRY CONCENTRATED ANIMAL FEEDING OPERATIONS WITHIN
THE CENTRAL VALLEY REGION**

The Order offers NPDES coverage to existing milk cow dairies regulated by the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board). It implements the State laws and regulations relevant to confined animal facilities and the Federal Clean Water Act and regulations and guidelines adopted thereunder. The proposed modifications have been made in response to the decision of the United States Court of Appeals for the Fifth Circuit in *National Pork Producers Council, et al v. United States Environmental Protection Agency* (5th Cir. 2011) 635 F 3d 738. The Fifth Circuit Court decision vacated all provisions of the 20 November 2008 EPA Final Rule that require Concentrated Animal Feeding Operations (CAFOs) that "propose to discharge" to apply for an NPDES permit.

A public hearing concerning this matter will be held during the Central Valley Water Board meeting scheduled for:

DATE: 30 November and 1 and 2 December 2011
TIME: To be specified in final meeting agenda (see below)

PLACE: Regional Water Quality Control Board, Central Valley Region
11020 Sun Center Dr #200
Rancho Cordova, CA 95670-6114

The Tentative Order was issued on 20 September 2011. Persons wishing to comment on this item must submit testimony, evidence, if any, and/or comments in writing to the Central Valley Water Board no later than 5:00 p.m. on **20 October 2011**. Written materials submitted after 5:00 p.m. on the above date will not be accepted and will not be incorporated into the administrative record absent a ruling by the Central Valley Water Board Chair.

All interested persons may speak at the Central Valley Water Board meeting, and are expected to orally summarize their written submittals. Oral testimony will be limited in time by the Central Valley Water Board Chair. Interested persons may be asked to respond to clarifying questions from Central Valley Water Board members, counsel staff or others, at the discretion of the Central Valley Water Board.

Anyone having questions on the Tentative Order should contact Charlene Herbst at (916) 464-4724. Interested parties may download the Tentative Order and related documents from the Central Valley Water Board's Internet website at http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/. Copies of these documents can also be obtained by contacting or visiting the office of the Central Valley Water

NOTICE OF PUBLIC HEARING
TENTATIVE MODIFICATIONS TO GENERAL WASTE DISCHARGE REQUIREMENTS
AND GENERAL NPDES PERMIT

- 3 -

EXISTING MILK COW DAIRY CONCENTRATED ANIMAL FEEDING OPERATIONS

Board at 11020 Sun Center Drive, Suite #200, Rancho Cordova, California, 95670, weekdays between 8:00 a.m. and 5:00 p.m. by appointment.

The final meeting agenda will be available at

http://www.waterboards.ca.gov/centralvalley/board_info/meetings/ at least 10 days before the meeting. The agenda will provide the specific date the Board Meeting will be held for this item, indicate the anticipated order of all agenda items, and may include staff revisions to the proposed order(s).

The procedures governing Central Valley Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq. and are available upon request. Hearings before the Central Valley Water Board are not conducted pursuant to Government Code section 11500 et seq. The procedures may be obtained by accessing http://www.waterboards.ca.gov/laws_regulations/. Information on meeting and hearing procedures is also available on the Central Valley Water Board's website at http://www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd.shtml or by contacting any one of the Central Valley Water Board's offices. Questions regarding such procedures should be directed to Ms. Kiran Lanfranchi-Rizzardi at (916) 464-4839.

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Kiran Lanfranchi-Rizzardi at (916) 464-4839 at least five working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Please bring the above information to the attention of anyone you know who may be interested in this matter.

ORIGINAL SIGNED BY

20 September 2011

ROBERT D. BUSBY, Supervising Engineering Geologist