

State Water Resources Control Board

EX PARTE DISCLOSURE REQUIREMENTS FOR PENDING GENERAL ORDERS

The prohibition against ex parte communications no longer applies to general waste discharge requirements (including NPDES permits), general waivers and general Clean Water Act section 401 water quality certifications. A “general order” does not name specific dischargers, but instead allows eligible dischargers to enroll. The following information will help the public comply with the requirement to meet statutory disclosure requirements. For more information, see Water Code section 13287 and http://www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf.

Must I disclose ex parte communications with board members regarding pending general orders?

You must provide written disclosure if you are in one of these categories:

- Potential enrollees (including their representatives or employees)
- Persons with a financial interest (including their representatives or employees). For a definition of “financial interest,” consult the Political Reform Act (Gov. Code, § 87100 et seq.) and implementing regulations (Cal. Code of Regs., tit. 2, § 18700 et seq.), or the Fair Political Practices Commission website (<http://www.fppc.ca.gov/index.php?id=51>)
- Representatives acting on behalf of any formally organized civic, environmental, neighborhood, business, labor, trade, or similar association

What must I disclose?

The attached form lists the information that must be disclosed to document a meeting, telephone call or other conversation. For written communications, a complete copy of the letter or email with all attachments is adequate.

When is the disclosure due?

Water Board staff must receive the disclosure within seven (7) working days after the board member receives the communication (generally, the date of a phone call or meeting with a board member).

Who must receive my disclosure documents?

Unless the board member(s) provided you with a different contact person, please send your materials to: commentletters@waterboards.ca.gov

What will the Water Board do with my disclosure?

The Water Board is required to post the disclosure on its website and to distribute it via any electronic distribution list for the proposed order. There is no requirement to distribute the disclosure to board members or to prepare responses. If you want to submit written comments or evidence on a proposed general order, you must provide the comments or evidence following the procedure and timelines provided in the notice for the board's proceeding.

May other interested persons respond to a disclosure notice?

The Water Code does not require that interested persons be allowed to respond to disclosure notices. Any such responses should be included in formal comments submitted during the order's written comment period, included in oral comments at the hearing, or both.

**STATE WATER RESOURCES CONTROL BOARD
EX PARTE COMMUNICATIONS REGARDING PENDING GENERAL ORDERS
DISCLOSURE FORM**

Note: This form is intended to assist the public in providing the disclosure required by law. It is designed to document meetings and phone calls. Written communications may be disclosed by providing a complete copy of the written document, with attachments. Unless the board member(s) provided you with a different contact person, please send your materials to: commentletters@waterboards.ca.gov. Use of this form is not mandatory.

1. Pending General Order that the communication concerned:
2. Name, title and contact information of person completing this form:
Note: Contact information is not mandatory, but will allow the Water Board to assist you if additional information is required. If your contact information includes your personal residence address, personal telephone number or personal email address, please use a separate sheet of paper if you do not want that information posted on our website. However, this information may be provided to members of the public under the Public Records Act.
3. Date of meeting, phone call or other communication:
Time:
Location:
4. Type of communication (written, oral or both):
5. Names of all participants in the communication, including all board members who participated:
6. Name of person(s) who initiated the communication:
7. Describe the communication and the content of the communication. Include a brief list or summary of topics discussed at the meeting, any legal or policy positions advocated at the meeting, any factual matters discussed, and any other disclosure you believe relevant. The Office of Chief Counsel recommends that any persons requesting an ex parte meeting prepare an agenda to make it easier to document the discussion properly. Attach additional pages, if necessary.
8. Attach a copy of handouts, PowerPoint presentations and other materials any person used or distributed at the meeting. If you have electronic copies, please email them to facilitate web posting.

Revised Dairy Order

May 28, 2025



Agenda

1. **Introductions**
2. **Community Priorities**
3. **EJ Supported Elements**
4. **Elements Needing Further Revision**
5. **Discussion**

Introductions



ENVIRONMENTAL LAW FOUNDATION

Community Priorities



Supported Elements

- 1. Waste Disposal Characterization of Manure Land Application**
- 2. Development of Enforceable Final Land Application Rate**
- 3. Alternative Water Supplies for communities located outside the Central Valley and CV-SALTS**
- 4. Whole-farm balance within 8 year makes sense, and we strongly support the State Board establishing it as a mandatory deadline.**

Elements Needing Further Revision

- 1. Prevent further delay and ensure Dairy order implementation conforms to CV-Salts timeline.**
- 2. Strengthen the regulation of crop application**
- 3. Consider authorizing State Board staff to address actions that could delay implementation**
- 4. Require lining of all wastewater retention ponds**
- 5. Expand the CVDRMP representative well monitoring program**

Prevent further delay to finalize and implement the Dairy Order

- The State Board should oversee development of elements that would pose capacity challenges for the Regional Board
 - Alternative water supply
 - Whole farm balance
- Interim milestones should front load progress



West Goshen

Strengthen the regulation of crop application

- We support land application rates that correspond with discharge limits, and the inclusion of a margin of safety.
- But,
 - Accelerate compliance and interim milestones.
 - Clarify that the CV SALTS timeline started at approval of the program.
 - Annual review of time schedules and milestones to ensure as short as practicable.



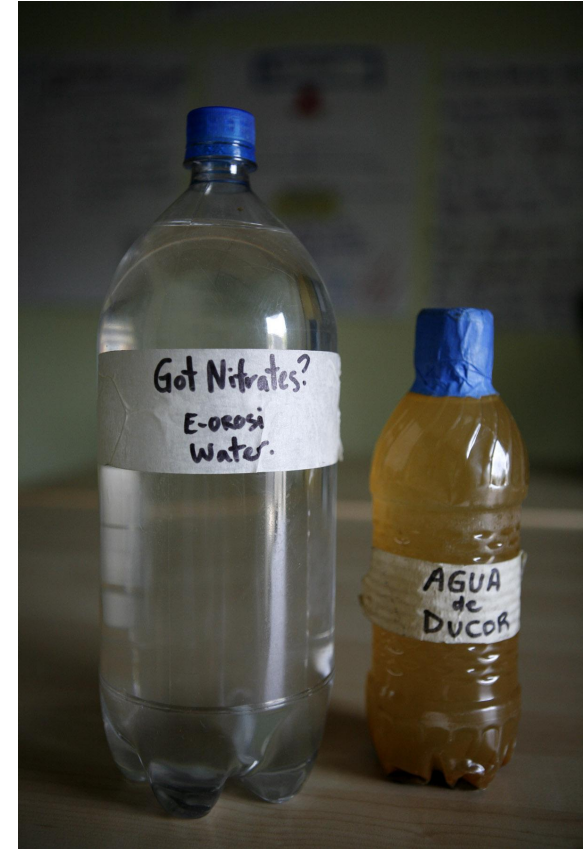
Strengthen the regulation of wastewater retention ponds

- The mean subsurface nitrogen loading rate for monitored dairies is 1,045 lbs/ac/year for ponds
 - All ponds, regardless of intersection with groundwater, must be lined according to a time schedule that is as short as practicable.
- Clarify definition of new and reconstructed ponds



Expand the CVDRMP well monitoring plan

- Dairy Order needs sufficient feedback mechanisms to determine whether dairy operations are complying with the conditions of their permit or not.
- Require individual dairies to monitor their operations
- Coordinate with other programs' monitoring networks
- Require vadose zone monitoring



Thank you for supporting
access to safe and
affordable drinking water.

