

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**TENTATIVE ORDER NO. R9-2006-0096  
NPDES NO. CA0109011**

**WASTE DISCHARGE REQUIREMENTS FOR THE  
JACK AND MARK STIEFEL DAIRY**

**RESPONSES TO COMMENTS RECEIVED BY THE SAN DIEGO REGIONAL WATER BOARD ON OF BEFORE NOVEMBER 29, 2006**

Comment No.	Summary of Comment	Regional Board Staff Response	Suggested Revision	Permit Section
<b><i>Written Comments received from Mr. David Albright of United States EPA dated November 29, 2006</i></b>				
1	The Tentative Order/NPDES Permit indicates in VI.A.1.a.i and VI.A.1.a.xi that the land application of liquid or solid waste is prohibited. Any land application of liquid or solid waste within the property or at a property which is owned, rented, or leased by the CAFO owner or operator will be a violation of the Order/Permit until such time as a Nutrient Management Plan consistent with 40 CFR 412.4(c) is submitted to the Regional Board, and the terms of the Nutrient Management Plan have been public noticed and incorporated into the Order/Permit.	US EPA is correct that Tentative Order R9-2006-0096 prohibits land application of both liquid and solid wastes within the property. Any such application will be a violation of the Permit. However, US EPA is inaccurate to the fact that these conditions are part of the Nutrient Management Plan (NMP) submitted by the Discharger and are subsequently incorporated into the Permit, as well as made available for public review and comment. If in the future the Discharger wishes to land apply either liquid or solid wastes within the property or at a property which is owned, rented, or leased by the CAFO owner or operator, the Discharger would need to submit a revised NMP to the Regional Board, and a revised Permit would need to be adopted by this Regional Board.	No	N/A
2	In VI.A.1.a.i, add language clarifying that "In the absence of an approved Nutrient Management Plan whose terms are incorporated into the Order/Permit, liquid waste shall not be applied to any cropland or pastureland within the property or at a property which is owned, rented, or leased by the CAFO owner or operator."	Section VI.A.1.a.ii. was added to Tentative Order No. R9-2006-0096 to clarify this condition.	Yes	VI.A.1.a.ii.
3	In VI.A.1.a.x, add language clarifying that "In the absence of an approved Nutrient Management Plan whose terms are incorporated into the Order/Permit, solid waste shall not be applied to any cropland or pastureland within the property or	Section VI.A.1.a.xi. of Tentative Order No. R9-2006-0096 has been modified to clarify this condition.	Yes	VI.A.1.a.xi.

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	at a property which is owned, rented, or leased by the CAFO owner or operator.			
4	In VI.A.1.g, clarify records to be kept by referencing the requirements in 40 CFR 412.37(b).	40 CFR 412.37(b) is added to Section VI.A.1.g. of Tentative Order No. R9-2006-0096.	Yes	VI.A.1.g
5	In IV.B, add language clarifying that “in the absence of an approved Nutrient Management Plan whose terms are incorporated into the Order/Permit, land discharges are not allowed within the property or at a property which is owned, rented, or leased by the CAFO owner or operator.”	Section IV.B. of Tentative Order No. R9-2006-0096 has been modified to clarify this condition.	Yes	IV.B.
6	Attachment B posted on the Regional Board’s web site does not include a map. Please include a map in the Order/Permit.	Location map and facility map are included in the Attachment B of Tentative Order No. R9-2006-0096, and re-posted to Regional Board’s website.	Yes	Att. B.
7	Attachment C posted on the Regional Board’s web site does not include a complete view of the wastewater flow schematic. Please include a complete schematic in the Order/Permit.	Flowchart is included in the Attachment C of Tentative Order No. R9-2006-0096 using a landscape layout, and re-posted to Regional Board’s website.	Yes	Att. C.
8	Attachment E is referenced in Attachment F (aka, Fact Sheet) but it was not included in the package posted on the Regional Board’s web site. Please include Attachment E in the Order/Permit.	Attachment E was included in the mailing, but was omitted on Regional Board’s website. Attachment E is re-posted to Regional Board’s website.	No	N/A
9	In VI.A.1.a.v, the Tentative Order/NPDES Permit indicates the storage ponds shall be designed, constructed, and managed to contain 60-days of process wastewater generated and runoff from corrals and other manured areas. Although the Fact Sheet indicates this facility has more-than-adequate storage capacity, the waste pond storage requirements should consider all factors relevant to determining adequate storage. For reference, the language below is an excerpt from EPA’s CAFO Rule preamble found at 68 FR 7215.  <i>CAFOs must properly design, operate, and maintain storage structures to contain all manure, litter, and process wastewater including the runoff from a 25-year, 24-hour rainfall event. The determination of the necessary storage volume should reflect the maximum length of time anticipated between emptying events. The design storage</i>	The 60-day holding period of process water for retention ponds is a recommendation from the San Diego Water Board’s Staff Report on Dairy Farm Waste published in 1975. The report concludes that “In the design of the holding pond, sufficient volume must be provided to contain the runoff from the corrals due to a 25-year, 24-hour storm, plus hold the wastewater generated daily in the milking operation for the period when irrigation is not possible. A 60-day holding period is considered adequate.” Staff agrees that all relevant factors should be considered in determining the storage capacity requirement. During the review of NMP and development of Tentative Order No. R9-2006-0096, staff calculated storage requirement for a 150-day period (a maximum of 5-month raining season) and found that the site provides adequate storage capacity (see Fact Sheet I.E.1.).	No	N/A

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	<p><i>volume must reflect manure, wastewater, and other wastes accumulated during the storage period; normal precipitation less evaporation on the surface area during the entire storage period; normal runoff from the facility's drainage area during the storage period; 25-year, 24-hour precipitation on the surface (at the required design storage volume level) of the facility; 25-year, 24-hour runoff from the facility's drainage area; residual solids after liquids have been removed; necessary freeboard (USDA's Natural Resources Conservation Service (NRCS) recommends a minimum of 1 foot of freeboard); and, in the case of treatment lagoons, a minimum treatment volume necessary to allow anaerobic treatment to occur. Additional storage may also be required to meet management goals or other regulatory requirements. For example, if the permitting authority needs further controls to assure compliance with site-specific water quality standards. EPA encourages CAFOs to consider relevant ASAE and NRCS standards as one method to ensure appropriate design and construction.</i></p>			
10	<p>40 CFR 123.36 requires that the Regional Board establish technical standards for nutrient management that are consistent with 40 CFR 412.4(c)(2). Although not pertinent to this Order/Permit because it does not allow land application, the technical standards will be needed for any Order/Permit that includes land application of manure, litter, or process wastewater.</p>	<p>Agree.</p>	<p>No</p>	<p>N/A</p>
<p><b>Oral Comment received from Mr. Mark Stiefel dated November 29, 2006</b></p>				
1	<p>Mr. Stiefel (owner) requested that the date when water levels in the waste storage ponds be sufficiently lowered be changed from October 1 to November 1, of each year. Mr. Stiefel stated that wet season does not start in the area until late November, and by extending the time he can better manage the liquid waste. Mr. Stiefel stated that he will empty the ponds earlier if weather condition changes.</p>	<p>Staff agrees with Mr. Stiefel and believes Stiefel Dairy provides adequate storage capacity for the wet season.</p>	<p>Yes</p>	<p>VI.A.1.vii.</p>