

State of California
Regional Water Quality Control Board
San Diego Region

REVISED
EXECUTIVE OFFICER SUMMARY REPORT
March 11, 2009

ITEM: 6

SUBJECT: NPDES Permit Rescission: Waste Discharge Requirements for S & S Farms Swine Raising Facility, San Diego County, Order No. R9-2002-0067, NPDES No. CA0109371. (Tentative Order No. ~~R9-2008-0123~~ **R9-2009-0036**) (Michelle Mata)

PURPOSE: To rescind Order No. R9-2002-0067, NPDES No. CA0109371, Waste Discharge Requirements for S & S Farms Swine Raising Facility, San Diego County.

PUBLIC NOTICE: A public notice of the tentative Order was sent on September 25, 2008. Copies of the tentative order were mailed on September 23, 2008 to the S & S Farms Swine Raising Facility and to all known interested parties and agencies. Copies were made available for public review at the Regional Board office on September 23, 2008. The tentative order was also posted on the Regional Board's web site on September 23, 2008.

DISCUSSION: The United States Environmental Protection Agency (USEPA) recently revised the National Pollutant Discharge Elimination System (NPDES) permitting requirements and Effluent Limitations Guidelines and Standards (ELGs) for concentrated animal feeding operations (CAFOs) in response to the order issued by the U.S. Court of Appeals for the Second Circuit in 2005.

This final rule revises several aspects of USEPA's current regulations governing discharges from CAFOs. USEPA has modified the requirement to apply for a permit by specifying that an owner or operator of a CAFO that discharges or proposes to discharge must apply for an NPDES permit. The final rule also includes an option for an unpermitted CAFO to certify to the permitting authority that the CAFO does not discharge or propose to discharge.

On October 15, 2008, the S & S Farms Swine Raising Facility submitted a "No Potential to Discharge to Surface Water Determination Request" form to the Regional Board.

Pursuant to Division 7 of the California Water Code the Regional Board will be considering regulating the S & S Farms Swine Raising Facility under state waste discharge requirements (WDRs) or a conditional waiver of WDRs as a separate action. **On November 12, 2008, the Regional Board received a Notice of Intent from the S & S Farms Swine Raising Facility for coverage under the Regional Board's Waiver Policy.**

To date, the Regional Board has received no comments. ~~All comments received will be considered, and responses to comments will be prepared and provided to the Regional Board members in the second agenda mailing and to the Discharger and other interested parties.~~

The tentative Order had previously been released for public review as Order No. R9-2008-0123. Modifications have been made to clarify language in the findings and update the Order Number to reflect the current year, 2009. The transmittal letter and redline/Strikeout version of the tentative Order have been included in this supplemental mailing. These documents were sent to the discharger and interested parties by email and via regular mail.

SIGNIFICANT
CHANGES:

N/A

COMPLIANCE:

No known discharges have been reported or observed from this facility during the life of the permit.

LEGAL ISSUES:

None

SUPPORTING DOCS:

1. Location Map
2. Transmittal Letter for Tentative Order No. R9-2009-0036
2. Tentative Order No. R9-2009-0036

RECOMMENDATION:

Adoption of tentative Order No. ~~R9-2008-0123~~ **R9-2009-0036** is recommended.