
North Coast Regional Water Quality Control Board

In the Matter of

Notice of Approval, Nutrient Reduction Activities

for the

Beretta Dairy Nutrient Offset Project

APPLICANT: City of Santa Rosa
RECEIVING WATER: Roseland Creek
HYDROLOGIC AREA: Laguna Hydrologic Sub Area No. 114.21,
Russian River Hydrologic Unit No. 114.00
COUNTY: Sonoma County
FILE NAME: Santa Rosa Subregional Water Reclamation System

BY THE EXECUTIVE OFFICER:

1. This Notice of Approval provides notice that certain activities are eligible under Resolution No. R1-2008-0061 Approving the Nutrient Offset Program for the Santa Rosa Subregional Water Reclamation System, which was adopted by the California Regional Water Quality Control Board, North Coast Region, (Regional Water Board) on July 24, 2008. The Nutrient Offset Program establishes a framework for the review and approval of projects proposed by the City of Santa Rosa (City) that are designed to reduce the nutrient load discharged to the Laguna de Santa Rosa and a procedure for granting nutrient reduction credits to the City that will offset nutrient discharges from the City's wastewater treatment facility to the Laguna.
2. The City of Santa Rosa is regulated under National Pollutant Discharge Elimination System (NPDES) Permit No. CA0022764, Waste Discharge Requirements Order No. R1-2006-0045 for the Santa Rosa Subregional Water Reclamation System (Permit). The Permit imposes the following final effluent limitations for total nitrogen and total phosphorus:

“The Regional Board plans to develop and adopt total maximum daily loads (TMDLs) for nitrogen and phosphorus which specify wasteload allocations (WLAs) for point sources and load allocations (LAs) for non-point sources, as appropriate. Following the adoption of these TMDLs by the Regional Water Board, this Order will be issued with final WQBELs based on applicable WLAs. Alternatively, in the absence of a TMDL, at the end of the compliance schedule authorized by this Order, the final effluent limitations for nitrogen and phosphorus will be zero, or no net loading.”

3. Footnote 5 to Effluent Limitations section IV.A.1.g of the Permit also states:

“A ‘no net loading’ effluent limit may be met by: 1) reducing the effluent concentration below detectable levels through source control and/or treatment; 2) reducing loads through recycling/reclamation; and/or 3) reducing loads elsewhere in the watershed by an amount at least equal to the amount discharged (and of equivalent bioavailability) through an approved offset program.”

4. The Nutrient Offset Program is designed to encourage the City of Santa Rosa to undertake nutrient reductions projects that improve habitat and ecosystem conditions and projects that reduce or eliminate nonpoint source or other waste discharges not currently subject to waste discharge requirements, waiver, or other permits. The Nutrient Offset Program also prohibits the City of Santa Rosa from receiving nutrient offset credits for projects that later become subject to additional regulatory controls imposed by the Regional Water Board.
5. On June 6, 2012, Mr. Miles Ferris, on behalf of the City, submitted the proposal for activities associated with the Beretta Dairy Nutrient Offset Proposal (Project). The Project is located at a latitude and longitude of 38.390875°N and 122.772617°W, respectively.
6. The Project involves the installation of Best Management Practices (BMPs) at the Beretta Dairy in Santa Rosa to reduce potential nonpoint source discharges of nutrients from pasture areas at the Beretta Dairy to Roseland Creek, a tributary of the Laguna de Santa Rosa, in Sonoma County. Proposed BMPs include:
- The relocation of a manure stacking pad to a location within the production area of the dairy and creation of a new vegetated buffer area between the former pad area and a watercourse. (BMP No.1)
 - The installation of a vegetated buffer and a cattle crossing over a clean water diversion swale that passes through a high use pasture area. (BMP No. 2)
 - The relocation of a high use pasture area to a remote field and conversion of the high use area to rotational grazing pasture. (BMP No. 3)

7. Regional Water Board staff reviewed the Project to assess the eligibility of the BMPs for offset credits under the City's Nutrient Offset Program, focusing on the following criteria:
 - a. Are the proposed activities required by Regional Board permit, waiver, or other permit and thus ineligible for credit offsets?
 - b. Are the proposed activities over and above what is required to comply with the Beretta Dairy's waiver, Order No. R1-2012-0003 Conditional Waiver of Waste Discharge Requirements for Cow Dairies in the North Coast Region (Conditional Waiver)?
 - c. Are the calculations for nutrient reductions and offset credits supported by scientific literature or other acceptable methodology?
8. Regional Board staff determined that BMP No. 2 and BMP No. 3 of the Project are eligible because the BMPs targeted potential nonpoint source pollution from high-use pasture are practices that are not required by the Conditional Waiver. The BMPs were recommendations contained in a Voluntary Assessment Report prepared for the Beretta Dairy by an independent USEPA contractor. BMP No. 1 is also eligible for offset credits under conditions of the Nutrient Offset Program because the BMP also targets future nonpoint source discharges from an area that will be converted from a manure stacking pad to a high-use pasture area, and the credits are not being sought for the removal or relocation of the manure to another location at the dairy. The control of discharges from the manure handling and storage areas is required by the Conditional Waiver and BMPs targeting this waste stream would, therefore, be ineligible for offset credits.
9. The methodology for calculating nutrient reductions and offset credits was developed by the City's consultant, Keiser and Associates, using a nutrient offset tool known as the Pennsylvania Credit Calculator. This offset calculating tool is well established in the Midwest and accepted there by the pertinent regulatory agencies. Regional Water Board staff concluded that the assumptions used in the model were conservative and reasonable, and that the final credit proposals are acceptable.
10. On October 8, 2008, the City certified a program-level Discharge Compliance Project Environmental Impact Report (DCP EIR) for activities related to manure management and agricultural land management projects, such as the BMP projects proposed for the Beretta Dairy. The DCP EIR evaluated the potential impacts from nutrient offset projects and found that the impacts from nutrient offset projects would be less than significant and no mitigations were required because the nutrient offset project, if effective, would reduce the nutrient loads from the Laguna Subregional Water Reclamation System to no net increase. In addition, given the nature of these offset projects, which are designed to be beneficial to water quality, it is expected that an offset project would not have a significant negative impact to the environment.

11. Pursuant to its role as a responsible agency, the Regional Water Board has considered the EIR as required under title 14, California Code of Regulations, section 15096 and determined that there are no potentially significant impacts associated with the Project. The Regional Water Board will file a notice of determination in accordance with title 14, California Code of Regulations, section 15096(i) within five days from the issuance of this Notice of Approval.
12. The Project Proposal was made available for public review on the Regional Water Board's website from July 9, 2012 to July 31, 2012, in accordance with provisions of the Nutrient Offset Program. Public comments were received and considered by the Regional Water Board Executive Officer. Regional Water Board staff provided a written response to significant public comments related to this Project.

ACCORDINGLY, BASED ON AN INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD EXECUTIVE OFFICER APPROVES THE BERETTA DAIRY OFFSET PROPOSAL AS ELIGIBLE FOR NUTRIENT OFFSET CREDITS IN ACCORDANCE WITH RESOLUTION NO R1-2008-0061, PROVIDED THAT THE PROJECT COMPLIES WITH THE FOLLOWING TERMS AND CONDITIONS:

1. Except as may be modified by any preceding conditions, all actions subject to this approval are contingent on: (a) all proposed activities and activities to mitigate potential water quality impacts being completed in strict compliance with the City's project description, and (b) compliance with all applicable requirements of the Basin Plan.
2. Any change to the operation of the Project that would have a significant or material effect on the findings, conclusions, or conditions of this Notice of Approval must be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.
3. The Project meets the eligibility criteria for Resolution No. R1-2008-0061 and the Nutrient Offset Program and, if constructed as described in the proposal and in compliance with the above-listed conditions, the Project will adhere to applicable water quality standards. Therefore, the Project is eligible for nutrient offset credits, as proposed.

Original signed by

Matthias St. John
Executive Officer