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Central Valley Regional Water Quality Control Board  
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April 19, 2007

RE: Tentative Waste Discharge Requirements General Order For Existing Milk Cow Dairies

The California Dairy Quality Assurance Program (CDQAP) is committed to assisting the Regional Water Quality Control Board in its implementation of the new Waste Discharge Requirements General Order For Existing Milk Cow Dairies (WDR) and appreciates the opportunity to provide comments. Our program is leveraging expertise from our member organizations and actively preparing the needed curriculum, education materials and support tools to implement a successful education outreach effort.

Those of us working with the CDQAP appreciate the incorporation of previously submitted comments into the current Tentative Order. In reading the current version of the WDR a small number of additional changes will greatly facilitate our ability to ensure a successful education outreach program.

Clarification needs to be made regarding the July 1, 2009 deadline for Nutrient Management Plan completion included in the Groundwater Monitoring Ranking Priority (MRP, Table 5). Our understanding based on the asterisk footnote is that as long as a producer is in compliance with the timeline schedule put forth in the Submittal Schedule (Order, Table 1) after the July 1, 2009 date that the producer will be viewed as "on schedule" and not receive an additional 100 points toward their ranking score. This weighting as we understand it is both appropriate and necessary. It will provide the flexibility needed to allow the educational process to take place to develop and implement effective Nutrient Management Plans. Our program simply will not be able to provide the full-fledged education process needed to develop Nutrient Management Plans in a shorter timeline.

In addition, our outreach performance and presumably producer compliance would be greatly augmented if the Schedule of Submittal (Order, Table 1) between the July 1, 2008 and October 31, 2008 submittals were adjusted. Although we understand that the submittals being requested for the October 31, 2008 deadline are fairly brief, we respectfully would request a minimum of six months between submittals to allow for

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outreach and education. We suggest that you change the October 31, 2008 submittal date to December 31, 2008 to make it consistent with the every 6-months submittal schedule for the first two years of the permit and allow for fall education meetings prior to the deadline.

Similarly our outreach efforts would be exponentially enhanced if the report submittal timelines for various required reports within the permit were streamlined and made consistent. In reading through the document we have noted reports due two weeks post events, 30-days post, 45-days post, 60 days prior, 90 days prior, 140 days prior, etc. We appreciate staff's attempt to allow reasonable timelines for submittals, but we are concerned that the differing timelines for submittal will be confusing to even well intentioned producers and lead to a greater number of missed deadlines. In the process of trying to construct a workable solution to the problem we drafted a one-page summary document of what was needed by when. In reviewing this summary it became apparent that more consistency would make it easier for all parties to remember and comply with deadlines. We understand the need for the 2-week post offsite discharge report and the 140-day notification prior to any material change timelines. Outside of those two reports, we suggest that staff create a consistent timeline for all imminently needed reports such as a 60-day timeline either prior/post event (event depending) and then include the remainder of reports (those not absolutely necessary within 60 days) as part of the next annual report submittal. A simplified, constant timeline will allow for improved compliance with report submittals.

Lastly, I have already submitted to Rudy some suggestions regarding the use of manure on or around human food crops. I am a great proponent of dairy producers playing a role in protecting fresh produce and I believe that the proposed clarifications will avert some unintended negative consequences to groundwater.

Beyond these needed modifications to the tentative order, it is important to emphasize that the curriculum development process of a successful education program of this size and scale necessitates an iterative process between CDQAP educators, partner representatives, and Regional Board staff. There are a large number of support documents, educational tools and report examples that will be needed for a successful education program. The attached document includes a detailed analysis of each step and the needs of CDQAP from Regional Board staff for each piece. In addition to these materials, technical review of educational materials and ability to provide definitive answers to questions as they arise in the educational process will be keys to success.

Our experience has shown that the development of a successful education & outreach program must include the minimum set of activities listed below. In addition to curriculum development, a workshop program to assist producers in meeting a regulatory compliance deadline also includes a parallel process of workshop scheduling, announcing, delivering and on-farm follow-up.

#### General Curriculum Development Process:

1. identify objectives of specific course/step

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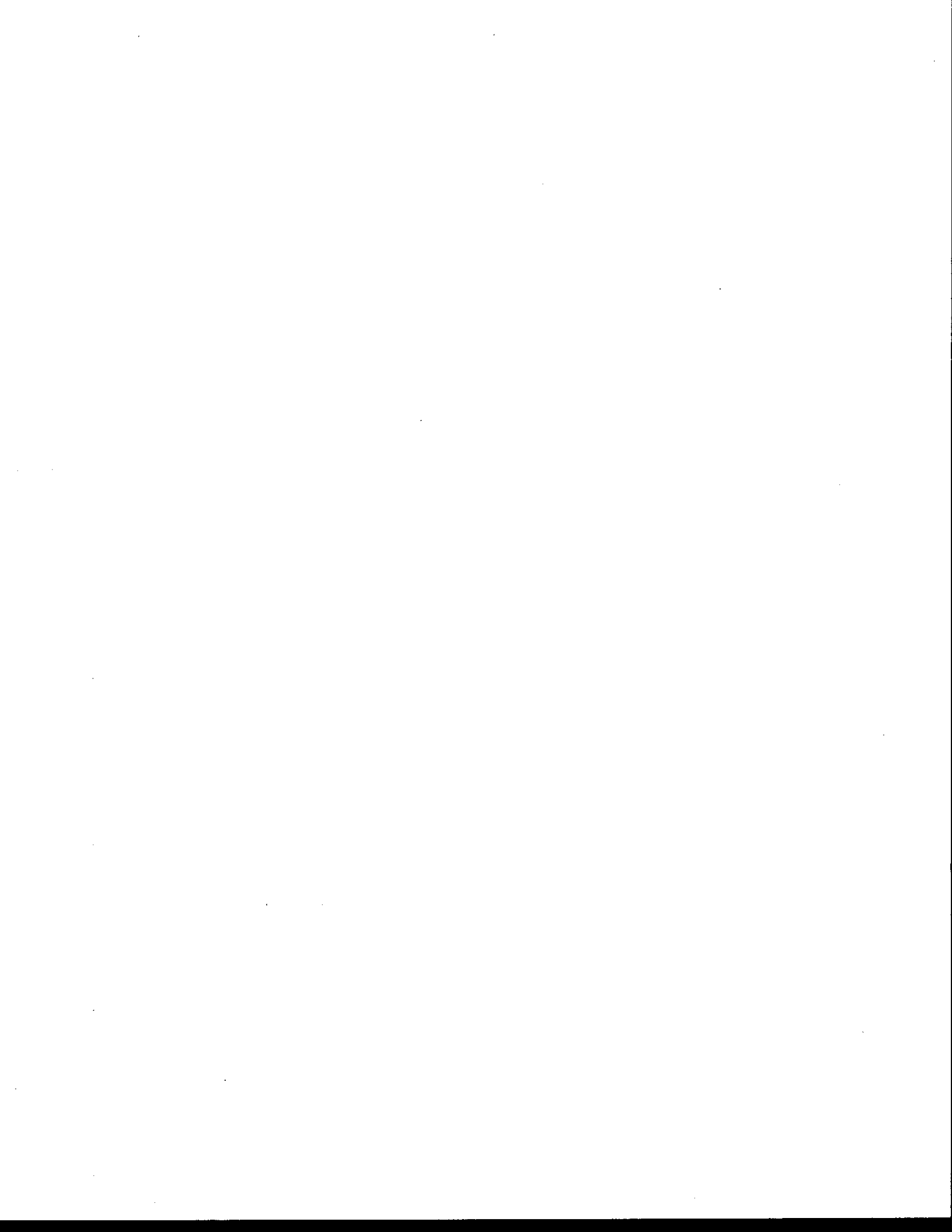
2. identify associated background information needed (Q&A, definitions, etc)
3. draft slide presentation for presentation
4. draft materials to for binders
5. send items 3 and 4 out for review
6. revise materials as needed to achieve objectives
7. test materials on producers/consultants to be sure delivered message meets objectives
8. refine materials after testing to be sure objectives are met.
9. prepare for dissemination.

We anticipate that the WDR support education outreach effort will be the single largest outreach effort ever made in the US relative to dairy environmental stewardship. CDQAP is committed to supporting the Regional Water Quality Control Board in its mission to achieve dairy producer environmental compliance. We look forward to working with you and our partners towards meeting this goal. We wish to meet with RB-5 staff at your earliest convenience (ideally within 30 days of Order adoption) to get started on this important endeavor.

Sincerely,

Michael Payne DVM, PhD

Director, California Dairy Quality Assurance Program  
Outreach Coordinator, Western Institute of Food Safety & Security



**Assessment of CDQAP's Ability to Teach Tenative WDR Contents**

Ability to class teach to meet deadline (Yes/no)	Due Date	Submittal Due	Existing Condition Report	Contents	Comments/Needs of RB5 to Implement
yes	12/31/2007			Attachment A, Preliminary Dairy Facility Assessment, maps & written agreements	contents of Table 1 should include a list of actual submittals vs. "etc." in the content line, need copy/summary of ROWD Submittal info., need example written agreement, need list of approved map sources. CDQAP plans to run Preliminary Dairy Assessments for producers in Class 1.
yes/no	7/1/2008	Annual Report		Per Monitoring and Reporting Program including Annual Dairy Facility Assessment with facility modifications implemented to date.	Re-run of annual facility assessments are not conducive to class/workshop setting-these will need to be done on farm. CDQAP will review annual report issues/needs for understanding.
yes				<b>Attachment C</b> Items 1.A.1, 1.B, 1.C, & 1.D Land Application Area Info.	copies of written agreements have already been submitted with the Existing Conditions Report-these should be limited to any NEW written agreements
yes		Item II		Sampling & Analysis Proposal	this document should be a "protocol" not a "proposal"-unless RB5 will be approving/disapproving the document, need clarification on what staff wants in this document that would be different than the required testing program outlined in the MRP Tables 1-3, need a sample document
yes		Item IV		Setbacks, Buffers, and Other Alternatives to Protect Surface Water	
yes		Item VI		Record-Keeping Requirements	this seems redundant- RB5 has already defined what records must be maintained in the MRP, it seems that this could be streamlined by simply asking a question in the annual report which states that they agree to keep the records identified in the MRP tables.

**Attachment B**

yes

Items I.A, I.B, I.C, I.D, I.E,  
I.F. 1a, I.F. 2a, I.F. 3, I.F. 4,  
I.F. 5

Facility Description

yes

Item V

Operation & Maintenance Plan

need to work with RB5 staff on operation & maintenance plan format-is this simple q&a or paragraph form, etc.

yes

Identification of Backflow Problems

no

Proposed Interim Facility Modifications as Necessary to Improve Storage Capacity

This requires a scenario analysis for each dairy-with the volume of needed before/after assessments proposed, this activity cannot be done in a class setting nor can the number of industry support staff do this on an individual basis -an achievable goal at this waypoint is a bulleted list of activities that will be done in the interim to maximize the existing capacity (this can be done in class setting). The preliminary facility assessment provides an initial assessment. Prior to investing financial and physical resources a more in-depth analysis of liquid waste stream origin and fate needs to be completed- all options for meeting storage needs must be explored. The focus of the interim practices should be on water conservation and water diversion of rainfall runoff and roof runoff. An in-depth engineered assessment is included as part of the storage capacity requirements in the July 1, 2009 deadline. Continued use of the preliminary facility assessment will not provide sufficient level of detail to allocate scarce resources.

no

Proposed Interim Facility Modifications as Necessary to Balance Nitrogen

Same as above

yes	10/31/2008 (Needs to be 12/31/07)	Statement of Completion of Item V of Attachment C	Field Risk Assessment	This date needs to be pushed back to 12/31/08 at a minimum to allow for fall workshop presentations. More clarification is needed as to what producers should complete in the absence of any offsite discharges. RB5 will need to provide written guidelines for conducting these assessments prior to class (Class 3, fall 2008). In the absence of an offsite discharge, it seems that this item would not necessitate the sign-off of a Certified Nutrient Management Specialist.
yes		Preliminary Infrastructure Needs Checklist		no needs here
yes/no	1-Jul-09 Annual Report	Per Monitoring and Reporting Program including Annual Dairy Facility Assessment with facility modifications implemented to date.		Re-run of annual facility assessments are not conducive to class/workshop setting-these will need to be done on farm
yes		Documentation of Interim Facility Modifications Completion for Storage Capacity and to Balance Nitrogen Nutrient Management Plan-Retrofitting Plan With Schedule	checklist document	no needs here
yes		Statement of Completion of Item V of Attachment C		no needs here
yes	Item I.A.2	Land Application Area Info.		Producers will most likely utilize decision support software for this item.
yes	Item III	Nutrient Budget		no needs here
yes	Attachment B-Waste Management Plan	WMP with Retrofit Plan		no needs here
yes	Item I.F.1b, I.F.2b	Facility Description (Map)		no needs here
yes	Item II	Storage Capacity		no needs here
yes	Item III	Flood Protection		need map source for appropriate peak-stream flow flood areas

yes	Item IV	Production Area Design/Construction	no needs here
yes	Item VI	Documentation of no cross connections	no needs here
yes	Salinity Report	identification of salt sources at a dairy, measures to minimize salt in dairy waste, commitment to implement measures identified to minimize salt in the dairy waste.	As timeline approaches will need sample documents or references
yes/no	1-Jul-10 Annual Report	Per Monitoring and Reporting Program including Annual Dairy Facility Assessment with facility modifications implemented to date.	Re-run of annual facility assessments are not conducive to class/workshop setting-these will need to be done on farm
yes/no	1-Jul-11 Annual Report	Per Monitoring and Reporting Program including Annual Dairy Facility Assessment with facility modifications implemented to date.	Re-run of annual facility assessments are not conducive to class/workshop setting-these will need to be done on farm
		<b>Status on facility retrofitting completed or in progress</b>	
		<b>Certification of Facility Retrofitting Completion for NMP Attachment B</b>	
	Item II.C	Certification of completion of modifications made to meet storage capacity requirements	no needs here
	Item III.D	Certification of completion of modifications made to meet flood protection requirements.	no needs here
	Item IV.C	Certification of modifications made to meet construction criteria for corrals, pens, animal housing area, and manure and feed storage areas.	no needs here



yes/no	<b>1-Jul-12 Annual Report</b>	Per Monitoring and Reporting Program including Annual Dairy Facility Assessment with facility modifications implemented to date.	Re-run of annual facility assessments are not conducive to class/workshop setting-these will need to be done on farm
	Certification of NMP implementation	Certification that the NMP has been completely implemented.	no needs here

