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America's Conservation Agency

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Ms. Polly Lowry
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Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

Dear Polly,

NRCS commends RB5 for inviting and considering comments made by this agency and other organizations. We believe you have made several improvements to the recent draft.

We offer the following comments and suggestions:

Waste Discharge Requirement General Order – A. Prohibitions

Item 15 is true only if the requirements noted in footnote #6 are not met. We suggest restating this in the body of the item 15 statement. Many producers do plan to expand so the statement will be unnecessarily alarming as it is.

Item 2 states that the discharge of storm water from the production area is prohibited. In many instances, such as with guttered roofs, rain falls on non manured areas producing clean runoff. We suggest the prohibition apply only to "storm water that has come in contact with manure". Reference is made to the need for an NPDES permit to discharge production area runoff. We encourage RB5 to seek ways to allow production area clean water (roof runoff) diversion away from storage facilities without and NPDES permit.

Waste Discharge Requirement General Order – B. General Specifications

Items 7,8, and 9 – We commend RB5 for codifying Region wide requirements for addressing seepage control from new or expanded manure storage ponds. This is a service to the dairy industry in that it assures consistency throughout the Region and specifies what producers must do to get projects approved.

Item 7 – In Tier 1 we suggest RB5 reconsider their decision to make a double liner with leachate collection system as the "Best Practicable Treatment or Control Measure" (BPTCM). Consider the differences between existing dairies and landfills in regards to the risks posed by the stored waste and the size and type of operations. While this treatment may be practicable in publicly

funded projects such as landfills, it is not on privately owned existing dairies. We suggest RB5 consider requiring a single, 40 mil synthetic liner, complete with construction quality assurance, and a rigid pond management plan to protect the liner as the Tier 1 BPTCM.

Item 7 – Current State landfill / surface impoundment regulations require that synthetic liners be 40 mil. This is consistent with NRCS practice standards in CA and Nation wide. The cost, considering materials and constructability is significantly higher for 60 mil as proposed. We suggest that 40 mil be specified.

Item 13 – It's common for 2 or more storage ponds to exist in series. Under normal operations the first in the series will fill to capacity before cascading to following ponds. Therefore, the last pond is usually where we would need to “hold” storage available for the 25 yr storm. We suggest a statement such as “Ponds designated to contain the 25-year, 24-hour storm event shall....”

Item 17 – We suggest you add “that may contain manure” following the work “tailwater”.

Standard Provisions and Reporting Requirements – General Reporting Requirements

In item 8 we ask that federal officers (including NRCS staff) be excluded from the requirement to sign a certification statement. NRCS operates on a process by which the NRCS State Engineer, working under his license, delegates authority to qualified field staff to perform engineering services. Currently, only more complex or high risk projects are submitted for review. It would be very difficult to have the NRCS State Engineer certify all projects or reports.

Monitoring and Reporting Program General Order

Regarding Monitoring and Reporting we offer the following two general comments:

- Because there are so many variables involved that dairy operators are required to report on or monitor, it would be to the Board's advantage to develop checklists, testing and sampling forms for producers' use during their inspections and monitoring efforts and to develop an outline for producers to follow when compiling their annual reports. This would make it much easier for the producers and also for the Board to more easily compile and analyze all results and findings.
- Sampling and testing for monitoring requires consistent techniques and some training of personnel. Since producers will have to be trained to perform some of the required tests anyway, allow them the flexibility to perform all of the required tests that can be done in the field instead of having a field/laboratory mix of requirements. Nitrate-nitrogen, ammonia-nitrogen, potassium, turbidity, total coliform are, among others, tests that can be performed by the producer using relatively inexpensive test kits and simple training. Some times the Order allows these tests to be handled in the field, other times a lab analysis is required. The producer should be allowed the latitude to perform these tests in the field when required.

Monitoring and Reporting Program Attachment A

A risk based ranking system has been developed to guide the Executive Officer's decisions on the need for onsite monitoring wells. However, we suggest that a regional grid network of monitoring wells combined with local deep soil testing for contaminant transport would provide a more conclusive and defensible evaluation of on farm manure management. In the near term we suggest RB 5 consider the use of systematic deep rootzone and/or shallow vadose zone sampling and testing as a quicker and accurate method of evaluating manure management practices on the surface as an alternative to the installation of new groundwater monitoring wells.

Waste Management Plan for the Production Area – Item III

We don't believe the environmental gains justify the cost to perform the suggested level of flood inundation studies. In addition, these expenses will detract from other more critical dairy improvement actions, such as improvement of nutrient management infrastructure, which would have significant environmental benefits. We suggest appropriate response to flood inundation be based on actual local flooding experiences and proximity and relative elevation differences with water ways.

Thank you for the opportunity to comment on this tentative draft. Please let us know if you have any questions and, more importantly, if we can help formulate alternatives to some of the concerns we've raised. Refer questions and comments to Dan Johnson at (530) 792-5625.

Originally signed by Charles Davis

CHARLES K. DAVIS
State Conservation Engineer

Cc Luana Kiger, SASTC, NRCS, Davis

