

**Regional Water Quality Control Board
Central Valley Region
Board Meeting – 13/14 March 2008**

**Response to Written Comments for Cloverdale Dairy
Kings County
Tentative Waste Discharge Requirements**

At a public hearing scheduled for 13/14 March 2008, the Regional Water Board will consider adoption of Waste Discharge Requirements for the Cloverdale Dairy. This document contains responses to written comments received from interested parties regarding the tentative Waste Discharge Requirements (TWDRs) circulated on 19 December 2007. Written comments were received from Microgy, Inc., on behalf of Cloverdale Dairy. Minor revisions made by the Regional Water Board are also presented.

The written comments and resulting revisions (when applicable) are summarized below.

MICROGY, INC.

COMMENT 1: Compliance timelines require adjustment. Provision E.10 requires the Discharger submit, within approximately sixty (60) days of the adoption of the Order by the Regional Water Board, a “hydrological report for the area affected, “ and a “Monitoring Well Installation Work Plan.” **Microgy, Inc. recommended that** the Discharger be allowed one hundred twenty (120) days to submit the hydrological report, from the effective date of the Order.

Provision E.12 requires the Discharger submit, by 1 July 2008, a work plan for BPTC evaluation. **Microgy, Inc. recommended that** the Discharger be allowed two hundred forty (240) days to submit the BPTC evaluation report, from the effective date of the Order.

Provision E.13 requires the Discharger, by 1 October 2008, formulate and implement a Waste Management Plan. **Microgy, Inc. recommended that** the Discharger be allowed two hundred forty (240) days to formulate and implement a Waste Management Plan.

Provision E.14 requires the Discharger submit, by 1 October 2008, a Nutrient Management Plan. **Microgy, Inc. recommended that** the Discharger be allowed one hundred twenty (120) days to submit the hydrological report, from the effective date of the Order.

RESPONSE: Comment noted and:

- Provision E.10 of the TWDRs has been amended requiring the hydrogeologic report including the Monitoring Well Installation Work Plan by 30 May 2008;
- Provision E.12 of the TWDRs has been amended requiring a report addressing BPTC by 1 October 2008;
- Provision E.13 of the TWDRs was not changed and continues to require formulation and implementation of a Waste Management Plan by 1 October 2008; and
- Provision E.14 of the TWDRs was not changed and continues to require formulation and implementation of a Nutrient Management Plan by 1 October 2008.

COMMENT 2: Irrigation efficiency numerical objectives should be removed. The TWDRs contain findings that suggest “reasonable application of irrigation water (including leaching fraction) results in an irrigation efficiency of no less than 75 percent.” Provision E. 14(a) further suggests 75 percent irrigation efficiency should be stated as a numerical objective in the Nutrient Management Plan. These findings and requirements are precedent-setting but do not appear to be based on or supported by expert reference. **Microgy, Inc. recommend that deletion of the last sentence of Finding 17 and the last sentence of Provision E.14(a), or the inclusion of an expert reference to support the Finding.**

RESPONSE: Comment noted and no change was made to TWDRs. An irrigation efficiency of 75 percent is practicable.

COMMENT 3: Clarify salt definition for nutrient management. The term “non-nutrient salts” is not defined explicitly in Specification C.1. **Microgy, Inc. recommended clarifying that non-nutrient salts are defined as Total Dissolved Solids minus nitrogen, potassium, and phosphorous.**

RESPONSE: Comment noted and Specification C.1 of the TWDRs has been amended to include the following statement: *“For purposes of this Order, non-nutrient salts are defined as the mass of Total Dissolved Solids minus the mass of nitrogen, potassium, and phosphorus utilized by the crop(s) being grown in the field.”*

COMMENT 4: Clarify definition of “specialist to prepare nutrient management plans.” **Microgy, Inc. recommended defining said “specialist” in the TWDRs as it was defined in the general order for existing milk cows dairies adopted by the Regional Water Board in May 2007.**

RESPONSE: Comment noted and Specification C.2 of the TWDRs has been amended to include the following statement: *“A certified specialist is a Professional Soil Scientist, Professional Agronomist, or Crop Advisor certified by the American Society of Agronomy or a Technical Service Provider certified in nutrient management in California by the Natural Resources Conservation Service (NRCS). The Executive Officer may approve alternative proposed specialists. Only NMPs prepared and signed by these parties will be considered certified.”*

COMMENT 5: Clarify that an “industry-wide salinity report” may be relied upon by the discharger in compliance with Provision E.16 which requires the discharger to submit a report identifying the sources of salt in the dairy and digester waste streams. **Microgy, Inc. recommended that this be stated as it is in the General Order for Existing Milk Cow Dairies adopted by the Regional Water Board in May 2007.**

RESPONSE: No change. A dairy industry-wide salinity report may be used to the extent that it addresses salinity issues for the on-site dairy and digester operations.

COMMENT 6: Revise herd count consistent with the 2005 Report of Waste Discharge Form. **Microgy, Inc. recommended the 2005 herd numbers be listed in the Order including the permissible herd count which would represent the 2005 count plus 15%.**

RESPONSE: Herd numbers reported in Finding 4 were changed to reflect the population reported in the 2005 Report of Waste Discharge Form, 5,100 milking and dry cows.

COMMENT 7: Revise requirement regarding farming operations. Specification C.5 of the Order requires that crops be planted within one month of solid waste application. Microgy, Inc. indicates that this window could be widened to three months during the non-winter months without threatening water quality. **Microgy, Inc. recommended that Specification C.5 be revised to permit crops to be planted within three months of solid waste applications during non-winter months.**

RESPONSE: No change.

REGIONAL WATER BOARD STAFF CHANGES

Amendment 1: Microgy, Inc. named as discharger throughout the TWDRs.

Amendment 2: The following discussion was added to Provision E.13: *“The Discharger shall comply with all requirements of Attachment B of the Dairy General Order except as otherwise explicitly stated in this Order. If the design, construction, operation, and/or maintenance of the facility does not comply with those requirements, the WMP must propose modifications and a schedule for modifications that will bring the dairy facility into compliance. The schedule must comply with the due dates in this Order. If the Executive Officer determines that any provisions of Attachment B of the Dairy General Order do not apply to this facility, the*

Executive Officer shall notify the Discharger that compliance with those provisions is not required.”

Amendment 3: The following discussion was added to Provision E.14: *“The Discharger shall comply with all requirements of Attachment C of the Dairy General Order except as otherwise explicitly stated in this Order. If the Executive Officer determines that any provisions of Attachment C of the Dairy General Order do not apply to this facility, the Executive Officer shall notify the Discharger that compliance with those provisions is not required.”*

Amendment 4: The following was added to the end of Finding 17: *“in addition to the non-nutrient salts contained in the irrigation waters.”*