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November 1, 2010

David Sholes  
Central Valley Regional Water Quality Control Board  
1685 E Street  
Fresno, CA 93706

Sent via e-mail to: [dsholes@waterboards.ca.gov](mailto:dsholes@waterboards.ca.gov)

*Regarding: Western United Dairymen's comments on the Tentative Waste Discharge Requirements General Order for Dairies with Manure Anaerobic Digester or Co-Digester Facilities*

Dear Mr. Sholes:

Western United Dairymen (WUD) is the largest dairy producer trade association in California, representing approximately 60% of the state's milk production. WUD has also been involved in helping producers implement digesters on their dairies as a source of renewable energy and for other environmental benefits. WUD applauds the Regional Board for the work to help streamline permitting of dairy digester projects; however, the goal of streamlining these projects must be kept in mind as this WDR is developed so that additional or unnecessary burdens are not placed on digester projects. Below are comments on the dairy digester WDR that will maintain environmental protections while still helping these projects move forward and remain viable.

1. General WDR Prohibition A.5 prohibits the addition of animal mortalities to digesters. Animal disposal is a critical public health and safety issue as we lose existing mortality disposal options. Digesters are being investigated as one alternative for mortality disposal by UC Davis. It is premature to rule out digesters with a blanket prohibition when that may be the safest alternative. Digesters can potentially assist in addressing the problem of losing disposal options while creating renewable energy.
2. General WDR Prohibitions A.9 and A.15 disallow the discharge of tile drain water and storm water, respectively, from croplands for co-digester projects. This should not be an outright prohibition whenever a dairy happens to have a co-digester, but it should be based on the potential impacts to water quality. This also raises the question of whether this same requirement applies to soil amendments sold offsite.
3. General WDR Prohibition A.16 prohibits bypass or overflow of undigested non-manure feedstock. While we agree that this is undesirable, there may cases of

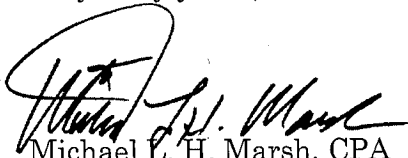
upset that require that something be done immediately with those feedstocks. There needs to be recognition of emergency situations where bypass/overflow is required. The WDR should seek to minimize these events and the impacts from these events without tying the hands of digester operators in the few cases where an emergency requires additional flexibility.

4. General WDR Land Application Area Specifications C.4 requires that a Nutrient Management Plan (NMP) be developed and submitted to the Board. This plan should remain on dairy available for Board staff inspection and not submitted to the Board unless it is requested by the Executive Officer.
5. General WDR Land Application Area Specifications C.12 requires limitations on the application of salts to croplands. It is not specified which salts or how they will be tested/measured. It should be noted that not all salts are problematic and some are essential plants nutrients. This issue is already addressed in the salt minimization plan and should not be in the land application specifications for all areas of the Central Valley Region.
6. General WDR Table 1 requires that the annual report be approved by a Certified Nutrient Management Specialist (CNMS). It seems excessive to have the CNMS approve the annual report as the CNMS may not have been involved in sample collection and daily recordkeeping. The CNMS should prepare the NMP but the annual report should be prepared and certified by the facility owner and operator.
7. In Attachment A, Notice of Intent, the footnotes seem to add requirements to digester projects that do not currently exist. An example of this is footnote iii which requires use of construction equipment with Tier II engines and that the engines must be checked by a certified mechanic prior to use. These footnotes should ensure that equipment is compliant with ARB regulations but not go beyond that.
8. Attachment D, Contents of a Nutrient Management Plan, Technical Standards V.B.2.b states "if application of nitrogen exceeds 1.4 times total nitrogen", the phrase "or 1.65" should be added after 1.4 to be consistent with the previous section. In addition, this section requires that the NMP be revised if the nitrogen limits are exceeded. In many cases it is not the NMP that must be revised but the nutrient applications.
9. The Monitoring and Reporting Program in general requires far more detail than is necessary. This level of detail fails to recognize the cost in time and money involved, and it includes some requirements which are simply unreasonable. We believe, for example, that the requirements outlined item B.1.b.(1) in which weekly/monthly lagoon visual inspections note lagoon freeboard to the nearest 3 inches is excessive, as are the detailed flow meter calibration requirements. We also consider impractical and excessive the required nutrient monitoring: these requirements include daily EC monitoring of digester outflow and additional monitoring for digester effluent and feedstocks, including general minerals and

- a long list of other expensive analysis targets. The required frequency and list of analytes to be sampled should be minimized to include only those that provide reasonable and needed information. Also taken into consideration should be that the analyses would be useful to the digester operator in controlling digester operations.
10. Soil sampling within the MRP should allow sampling 20% of the land application areas each year instead of all every 5 years. The resources of the professionals and laboratories involved in such sampling and analyses cannot handle a spike once every five years of this level.
  11. The analyses required for irrigation water and domestic well water are unreasonable, burdensome, and overly expensive. Specifically, the requirement to analyze for general minerals in the irrigation water and domestic well water provides no benefit or options for control. The sources of domestic and irrigation water are defined by the location of the dairy and cannot be readily changed or managed due to the results of analyses. We therefore recommend that general minerals be removed from the requirements for these two sources.
  12. Due to the arid climate in the Central Valley, weather conditions should not have to be recorded during dry periods, only when applications occur during rainy periods.

We again thank you for the opportunity to comment and appreciate the Board's work providing dairy digester owners and operators with this permit to assist in digester implementation in the Central Valley. However, it is important as we work on this process that additional unnecessary burdens are not placed on dairy digesters that would further harm their implementation. If you have any questions, please call Paul Sousa of our staff at (209) 527-6453.

Very truly yours,



Michael L. H. Marsh, CPA  
Chief Executive Officer

MM/kmr

cc: Paul Sousa, Western United Dairymen  
Paul Martin, Western United Dairymen