



April 7, 2017

Via email to charlene.herbst@waterboards.ca.gov

Charlene Herbst
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114

Re: Comments on the "Waste Discharge Requirements General Order for Confined Bovine Feeding Operations" (Tentative Order)

Dear Ms. Herbst:

Agricultural Council of California (Ag Council) appreciates the opportunity to provide comments on the Tentative Order referenced above. Ag Council is a member-supported organization advocating for more than 15,000 farmers across California, ranging from small, farmer-owned businesses to some of the world's best-known brands. Ag Council works tirelessly to keep its members productive and competitive, so that agriculture can continue to produce the highest quality food for the entire world.

AGCC 1 Enhancing the Tentative Order's ability to protect water quality, while moving toward more reasonable and practical expectations for the regulated community is our main objective. Ag Council's main concern is that the Central Valley Regional Water Quality Control Board's (Regional Board) Tentative Order comes with new financial obligations. California dairies are increasingly impacted economically through regulations on water quality, air quality, greenhouse gases, labor, and others. Many dairies have shut down or moved out of state due to the associated cost increases of these regulations, along with unstable milk market conditions. According to the California Department of Food and Agriculture (CDFA), 46 dairies went out of business in 2016 alone.¹ The state's dairy community is shrinking, which leads to fewer jobs and less economic growth in the Central Valley. We urge the Regional Board to consider this proposal in the context of all the other regulations effecting dairy families and make efforts to minimize the costs.

Along with our concern regarding the economic burden the Tentative Order will place on newly regulated facilities, we put forward the following comments for additional consideration:

AGCC 2

- The Regional Board is proposing to focus their regulatory threshold on operations with six bovine animals. This is too small and will put a huge burden on small,

¹ https://www.cdfa.ca.gov/dairy/pdf/Annual/2016/2016_Statistics_Annual.pdf

family-owned operations. At a minimum, the Tentative Order should return to its previous intention of regulating facilities with more than 100 animals only. The Tentative Order should also make the effort to exclude all educational projects related to secondary schools, FFA and 4-H programs, and others.

AGCC 3

AGCC 4

- The proposed implementation timeline should be extended in a way that will reduce the negative, practical and financial impacts on the regulated community. We suggest using the more reasonable timeframe proposed by Dairy Cares. This timeline will take into account many socioeconomic factors that can arise from regulating a new sector. It will also provide greater flexibility and chance of success, while still reaching the ultimate goals.

AGCC 5

- The Regional Board should include streamlined approval for single geosynthetic lagoon liners, just like they have done for double-lined retention ponds. Ponds with geosynthetic liners perform at a comparable level with double-liners, providing an adequate level of protection. Reducing the cost and increasing the compliance functionality of these liners will encourage and incentivize wider use. As a result, we could expect a decline in seepage from ponds and an improvement in manure management.

AGCC 6

- We appreciate that the Tentative Order seems to step back the importance of the requirement that applied nitrogen on dairy crops not exceed 140 percent (1.4 ratio) of harvested nitrogen. However, we would caution the Regional Board from analyzing the general modeled assumptions in the U.C. Davis Report² and jumping to enforcement. We suggest the Regional Board forgo the 1.4 ratio in favor of a system that requires measuring and reporting application and removal practices. This will help inform future management decisions until appropriate guidelines can be set.

AGCC 7

- We urge the Regional Board to adopt a simplified and more straightforward process for regulated operations to notify their intent to comply. Setting up a system that is easy for the facility operator to follow and comply with, without professional assistance or further financial burdens, is an essential first step. This will help to establish a more successful and collaborative regulatory approach.

AGCC 8

- The Regional Board should provide or develop new, standardized and user-friendly reporting forms for Annual Reports, Nutrient Management Plans and Waste Management Plans. The use of existing forms for dairies are not appropriate for this Tentative Order and could create confusion.

AGCC 9

- On March 9, 2017, the Regional Board adopted recommendations for best management practices to the Salt and Nutrient Management Plan (SNMP). There is also an effort to incorporate the SNMP changes into the Central Valley Water Quality

² Section 5.9, "Managing Dairy Manure in the Central Valley of California," 2005, Chang et al., University of California Division of Agriculture and Natural Resources, Committee of Experts on Dairy Manure Management.



AGCC 9

Control Plan. We suggest the Tentative Order update the Representative Monitoring Programs (RMPs) section to track with these modifications and to identify tools, practices and strategies that strengthen an operator’s ability to reduce impacts to groundwater.

AGCC 10

- Ag Council supports the option to allow regulated operations to join an Irrigated Lands Regulatory Program (ILRP) coalition as an alternative to enrolling their crop acreage or methods for complying with surface water monitoring requirements under the Tentative Order. However, the scope of this proposal still needs to be flushed out. These operations are some of the state’s smallest and least sophisticated. It is not even clear how many operations or the number of acres that may be subject for inclusion under the Tentative Order and if ILRP coalitions have the bandwidth for new members. The Regional Board should address concerns before moving forward with the proposal.

In closing, thank you for your consideration of these comments. We look forward to continuing to work with the Regional Board as this process moves forward. Should you have any questions or need anything further, please feel contact Rachael O’Brien at (916) 443-4887 or via email at Rachael@agcouncil.org.

Respectfully,



Emily Rooney
President

