

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
Thursday, May 7, 2015
Humboldt County

- ITEM: 4
- SUBJECT: Update on Status of Implementing the North Coast Dairy Program General Waste Discharge Requirements Order No. R1-2012-0002 and Conditional Waiver Order No. R1-2012-0003 (*Cherie Blatt*)
- BOARD ACTION: This is an information item. No action will be taken by the Regional Water Board.
- BACKGROUND: On January 19, 2012, the North Coast Regional Water Quality Control Board adopted the Regulatory Program for Waste Discharges from Dairies and Concentrated Animal Feeding Operations:
- Order No. R1-2012-0001, General NPDES No. CAG011001;
 - Order No. R1-2012-0002, General Waste Discharge Requirements (GWDR); and
 - Order No. R1-2012-0003, Conditional Waiver of Waste Discharge Requirements (Waiver).
- Copies of the Orders can be found here:
http://www.waterboards.ca.gov/northcoast/water_issues/programs/dairies/
- DISCUSSION: Statistics and key accomplishments associated with implementing the dairy program since January 2012 are presented below. The staff presentation will briefly summarize these accomplishments and focus on presentation of the results of surface and groundwater quality monitoring associated with the dairy program. In addition, staff will report on observations associated with dairy inspections.
- A. Key Accomplishments of the Dairy Program:
- In 2012 and 2013, the following were enrolled under the Orders:
 - 123 cow dairies under the Waiver;
 - 3 cow dairies under the GWDR; and
 - 0 animal operations under the NPDES permit.
 - All Water Quality Plans, as required by the Waiver, were submitted in 2012-2013 for active dairies.
 - About 95 percent of Annual Reports for the Waiver and GWDR were submitted on time in Fall of each year.
 - About 50 percent of individual groundwater sample results for nitrate and fecal coliform have been submitted. About 50 percent of results are late or the dairy has requested an

extension to complete the fall/spring/fall/spring pattern of sampling representative groundwater wells over two years.

- Group surface water monitoring for Sonoma, Humboldt, and Del Norte groups has been received each summer for the following parameters: pH, temperature, electric conductivity, and ammonia, sampled during three storm events;
- Over 90 percent of the dairies have had an onsite inspection performed by the Regional Water Board staff. The remaining 10 percent of the dairies are scheduled to be inspected this fiscal year. Inspection reports with recommendations for water quality improvement are generated and sent to the dairies.
- In May 2013, the Regional Water Board members adopted Resolution R1-2013-0026 for the North Coast dairy community and staff of select organizations in appreciation of their participation in the Dairy Program.
- In July 2013, the Dairy Program received the Governor's Office of Business and Economic Development (GO-Biz) Streamlining Superstar award for their efforts to work collaboratively with the dairy community and other stakeholders.

B. Enforcement Actions Issued:

- 2 Notices of Violation in 2012 for failure to enroll
- 11 Notices of Violation in 2013 for failure to submit Water Quality Plans (under the Waiver) or Annual Reports (under the GWDR)
- 7 Notices of Violation in 2014 for failure to submit Annual Reports
- 2 Administrative Civil Liability Complaints (ACLC) to a dairy in 2014 for failure to submit Annual Reports and late submittal of a Waste Management Plan (WMP) for the milk production area and a Nutrient Management Plan (NMP) for the manure to land application area. A \$37,125 fine was assessed to this dairy
- 2 Notices of Violation issued to dairies in 2015 for failure to submit Annual Reports.

Resolution of enforcement actions:

- To date, all of these enforcement actions except the 2015 Notices of Violation have been resolved by submittal of the missing reports. Also, the ACLC fine has been paid.

C. Dairy Improvements

- Over 60 percent of dairies have or are completing Nutrient Management Plans (NMP) for dairy improvements. This number rises about 10 percent each year. Having an NMP helps the dairy manage nutrients, increase yield, and receive funding for the construction of projects that help protect water quality.
- Over 70 percent of the dairies are certified organic, which reduces the potential of discharge of many harmful contaminants into the environment.

Item 4

- Regional Water Board staff inspections, inspection reports, surface water sampling, groundwater sampling, education workshops, and Nutrient Management Plan development have resulted in many improved best management practices on dairies. These improvements are documented in dairy annual reports and staff inspection reports.

D. Waiver Fees for Order R1-2012-0003

- In summer 2014, State Water Resources Control Board (SWRCB) staff proposed a fee for dairies under the Waiver equivalent to the fee charged for dairies under the GWDR. The GWDR fee is the same throughout the Regional Water Boards and is based on mature cow numbers.
- In fall 2014, after numerous comments were received, SWRCB members voted to postpone any Waiver fees for the 2014-2015 fiscal year. The SWRCB held public outreach stakeholder meetings around the state, including in Humboldt and Sonoma counties in March 2015, to hear comments and concerns about potential Waiver fees.
- SWRCB staff is continuing to collect comments, have conference calls with Regional Water Board staff, and may have new recommendations for Waiver fees in summer 2015 for the 2015-2016 fiscal year.

E. Next Steps

- The Waiver and the NPDES permit will expire in January 2017. Drafting and public workshops for the new permits will begin around May 2016.
- Staff inspections, group surface water monitoring, individual groundwater monitoring, and Regional Water Board staff spot checking of surface water quality of streams below dairies will continue. Staff will continue to help dairies improve water quality where needed.
- A few dairy operators have begun the process of closing their dairy and terminating their permits. At the same time, a few other operators have begun the process of getting estimates for CEQA documents to re-open abandoned dairies and obtain individual Regional Water Board permits.

SUPPORTING
DOCUMENTS:

None

150413_CEB_er_Dairy EOSR May 2015