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December 5, 2011

North Coast Regional Water Quality Control Board
Attn: Cherie Blatt
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

Delivered via e-mail to: CBlatt@waterboards.ca.gov

Regarding: Regulatory Program for Waste Discharges from Dairies in the North Coast Region

Dear Ms. Blatt:

Western United DairyMEN is a statewide dairy trade association representing approximately 1,000 dairy farm families who produce 60% of California's milk supply. Most of the North Coast Regional Board's dairies are within the Sonoma County Dairy Belt, the Laguna de Santa Rosa, the Ferndale and Loleta plains and other areas of Sonoma, Mendocino and Humboldt counties. Most are also members of our organization. We appreciate the time and effort the regional board has put into developing a dairy regulatory program that is practical and cost-effective.

Dairy farms in the North Coast region have been early leaders in the adoption of sound environmental management of their manure. They treat it as the resource that it is and put it to good use to fertilize their crops and pastures. Over the years since the implementation of the Porter-Cologne Act, our producers have invested millions of dollars in enhanced manure control facilities and distribution systems. Many have done so with support from the USDA Natural Resources Conservation Service and local resource conservation districts. Other support services are available from such initiatives as the Sonoma County Farm Bureau's Animal Resource Management Committee and its associated water quality testing program, the Humboldt County Dairy Sustainability Committee, the University of California Cooperative Extension advisors, and the California Dairy Quality Assurance Program environmental stewardship module. Each of these will continue to play an important role in implementation of the General Orders following adoption.

We have submitted comments to the board at public workshops where we stated that in order to be successful, the new dairy program should be one in which the dairy families could take ownership of the outcome rather than having it perceived as a purely bureaucratic exercise. Western United DairyMEN is confident that you have largely achieved that purpose in the current draft.

We do have two suggestions, presented below, that we think necessary for successful implementation. The first is related to the Nutrient Management Plan requirements and the second relates to the timeline for implementation of the Order.

Appendix 2, D. Nutrient Budget Calculations, Page 6, Nitrogen:

From the experience we have gained working with the Central Valley Regional Water Quality Control Board's dairy program we have found that it the task to be extremely complex and the results to be essentially inaccurate when there is an attempt to match nitrogen application to a specific ratio of plant uptake in a pasture situation. In a grazing system, as used by nearly all of the North Coast dairies, the pasture crop is harvested by the animals and therefore forage production is not available for measurement. In order to have a realistic nitrogen budgeting procedure the paragraph on Nitrogen needs to be more flexible. We have worked with UCCE and NRCS to craft some suggested language for you that we believe will resolve this issue, and suggest the following paragraph replace that on page 6.

Nitrogen: Nitrogen application rates shall not result in total nitrogen applied to the land application areas exceeding the N application rate in each geographic location as recommended by University of California Cooperative Extension (UCCE), USDA Natural Resources Conservation Service, other local information, or 1.4 times anticipated N removal in forage. If application of total nitrogen to a land application area exceeds the budgeted application rate for the specific land application area, the Discharger shall either revise the Nutrient Budget to prevent such exceedence in the future or demonstrate and record that the application rates have not contaminated surface or ground water.

Applications of nitrogen exceeding the initial recommendations are allowable if the following conditions are met:

1. Soil Plant Available Nitrogen (PAN) testing or plant tissue testing has been conducted and it indicates that additional nitrogen is required to obtain a crop yield typical for the soils and other local conditions;
2. The amount of additional nitrogen applied is based on the soil or tissue testing and is consistent with UCCE or NRCS written guidelines or a written recommendations from an NMP specialist or certified crop advisor ;
3. The form, timing, and method of application facilitates timely nitrogen availability to the crop; and
4. Records are maintained documenting the need for the additional applications.

Timeline:

The timeline proposed in the draft Order is more aggressive than we believe is reasonably possible to accomplish. A great deal of workshop planning and preparation must take place in order to provide sound education and outreach. We also need to fit the workshops around typically critical busy times on the farms. We have discussed the chronology of implementation subsequent to the submission of the NOI, and we believe that the mapping requirements are critical to complete first, as the information gathered during the mapping process will be necessary for development of the Water Quality Plan and the Nutrient Management Plan. To assist us in preparing and implementing a quality education and outreach program, we would like the board to consider a staged process with dates certain for each piece of the Order. We propose the following schedule:

- January 19, 2012..... Adoption by Regional Board.
- April 30, 2012..... NOI submitted to Regional Board.
- July 31, 2012..... Maps completed, retained on-site for modification, but available to board staff.
- November 30, 2012 ... Water Quality Plan and final maps completed and included in submission of the first Annual Report.

Additionally, we anticipate that certain improvements will be implemented following the assessments performed by Tetra Tech and post-adoption inspections by regional board staff members. This timeline will allow those improvements to be included in the Water Quality Plan and Annual Report, making both more current and relevant.

Western United Dairymen appreciates the opportunity to comment on the draft orders. Should you have questions related to our comments or desire additional information, please contact us.

Very truly yours,



Paul E. Martin

Director of Environmental Services

MM/kmr

cc: Michael L.H. Marsh, Western United Dairymen
Melissa Lema, Western United Dairymen