



Humboldt County Farm Bureau

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Serving Humboldt County Agriculture since 1913

December 1, 2011

California Regional Water Quality Control Board
North Coast Region
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

Re: Comments on "Regulatory Program for Dairies in the California North Coast Region"

Dear Chairman Hales:

We appreciate the opportunity to offer observations and comments on the proposed Regulatory Program for Waste Discharges from Dairies in the North Coast Region. Our detailed comments are attached to this communication (pages 2 and 3), but we feel it is important to communicate several general comments for your consideration.

Our first observation deals with the rather unique operational methods of North Coast Dairy facilities, which are based on substantially less intense operations than other portions of the state. Your proposals should be developed with considerations of the North Coast management styles, herd configuration, and herd size as primary factors.

We also believe that your goals can be met with a program that includes reporting requirements that can be completed by the operators themselves rather than a regimen that forces each operator to hire a professional consultant to attain compliance. The operators are clearly the most knowledgeable parties regarding their operations, and we urge your staff to develop a program that allows first party reporting without the need for expensive consultants.

While we respect your relatively singular focus on water quality improvement, and share many of your goals, the on-the-ground reality is that many of these operations are only marginally profitable given the current economic environment. Any aspects of your program development that minimize the effects of the reporting requirements would assist our members in becoming true partners in this endeavor.

Finally, our members have worked for almost a century in a cooperative manner and spirit to ensure the continued safe and effective style of operations that can pass from generation to generation without harm to the surrounding communities, and we urge you to consider any aspect of possible group reporting that will minimize the practical and monetary effects of these new requirements.

Sincerely,

John Vevoda
Humboldt County Farm Bureau
President

Comments provided by the Humboldt County Farm Bureau
Regarding Dairy Waiver December 2, 2012

Conditional Waiver of Waste Discharge Requirements
Order # R1-2-12-0003 for Existing Cow Dairies in the North Coast Region:

Page 2 item #12;

“This order applies to dairies that pose a low or insignificant risk to surface water or to ground water.”

Who will determine if a dairy poses a low or insignificant risk and how is the determination made?
When will this determination be made and how will future changes be addressed?

Page 7 Last Paragraph;

“Expansion is defined as not more than 15% of the maximum number of mature dairy cows declared in the NOI”

There should be a simple process for operators who increase their animal capacity either by innovate management practices or acquisition of additional property (purchased or leased) where they can amend their plan to accommodate operational growth in the future.

Page 6 item #29

Additional regulations and reporting will be a burden to each individual landowner. In Humboldt County we have a history of working together to develop programs for the dairies as a group to relieve some of the paperwork of the individuals. Would it be possible to form a “Producer Group” to be responsible for some of this redundant information and reporting the water testing? We believe that it would be important for the Water Board to designate staff personnel to develop a program to assist the group of landowners and make this task much easier.

Page 12, item33

“If the dairy operation meets the conditions of this Order, then the Discharger may apply for coverage by submitting a completed Notice of Intent (NOI)”

If the discharger does not meet the conditions that they apply for, how and who will determine this? If the discharger applies for the Waiver and found ineligible, are their penalties?

Page 12, item 34

No fees are currently required to apply for this Order.

This states No Fees, however the GWDR Fee Schedule on page 9 footnote 2 says “facilities that pose no potential to discharge, as determined by Regional Board shall pay a \$357.00.” Will this charge be waived?

Page 12, item 35

The list of compliance and terms do not address external pressures and unexpected problems for dairy operators. Will there be some flexibility of time for producers to complete their improvement projects to comply with the Waiver?

General Waste Discharge Requirement Monitoring and Reporting Program
Order No R1-2012-0002 for Existing Cow Dairies Region Wide

Page 3 – Item 1 Surface Water Sampling

“Sampling shall take place during or directly following each of three major storms events and one inch or more per 24 hours, during the rainy season, beginning in the winter of 2012/2013. Sampling events shall be at least one month apart.”

In Humboldt County, our dairy pastures are shared with the Aleutian Goose population in January, February, March and April of each year. The U S Fish and Wildlife service in Eureka reports that the Aleutian Goose population has grown from 30,000 birds in 2001 to over 111,000 birds in 2011. The growing number of large mature geese staging for three months in Humboldt County will affect the water quality samples taken by landowners during that time. How has this information been addressed in Surface Water Sampling?

Appendix 2

Nutrient Management Plan (NMP)

Page 2 item B;

This section states “the interim first two years prior to full NMP implementation” but the MRP refers to NMP “must be prepared and implemented at the time of Waiver Enrollment” Which is correct?

Attachment C Definitions

Mature Dairy Cow: This term is not consistent with any industry standards. The term “Mature” usually means a very old cow or what is referred to as a Cull Cow. You may want to select a different name for an animal which has produced at least one calf or has lactated. It would be better to call the Cows which have produced at least one calf a COW – and the other animals will be called Calves or Heifers. It would be very rare to find a group of older cows who have not caved. The Dairy Business depends on animals that have calves in order to produce milk for their income.

Wetlands

A definition of “Wetlands” for this purpose is very critical to this waiver. The definition of “generally include swamps, marshes, bogs and similar areas” will be unacceptable to our landowners. Humboldt County receives between 40” of rainfall in the driest areas and in excess of 100” of rainfall in the zones of heavy participation according to the Humboldt County Web Site on Demographics. In Humboldt County during the rainy season every field can be called a bog or marsh. This is our normal conditions and expecting something different will further frustrate producers who are trying to improve their water quality conditions and attempting to meet acceptable standards. This will lead to additional reports and endless reviews for something that is natural in Humboldt County.

Water Testing:

Has any attempt been made to determine the cost of performing water testing for the individual dairies? Will there be incentives for landowners to work as a group for water testing?

Groundwater Well Sampling:

If you plan to require Well Sampling located on the dairy including domestic and agricultural supply wells, it would only be fair that you require every domestic well on the North Coast to comply with this very same regulation. It seems to discriminate against dairymen to only apply this regulation to dairy landowners. This will be an added expense to each landowner in addition to all the other requirements. The spring well testing may result in additional run off at that time of year. Also, the words “in current use” should be added after agricultural supply wells.