



Media Release

Lahontan Regional Water Quality Control Board

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150

Phone (530) 542-5400 □ Fax (530) 544-2271

www.waterboards.ca.gov/lahontan

Lahontan Water Board and Dairy Owners Reach Settlement Agreement over Water Code Violations

N & M Dairy to pay \$188,425 penalty and establish conservation easement

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Contact: Lauri Kemper
(530) 542-5436

The Lahontan Regional Water Quality Control Board (Lahontan Water Board) has reached a settlement agreement with Neil and Mary de Vries, owners of the N&M Dairy in San Bernardino County. The agreement resolves violations of Lahontan Water Board orders, calls for elimination of nuisance conditions, and protects water quality and beneficial uses of water at the dairy, which is located along the Mojave River, near the unincorporated community of Helendale.

Under the settlement agreement, the dairy must pay \$188,425 to the State Water Resources Control Board (State Water Board) and establish a 300-acre conservation easement consisting largely of Mojave River channel and floodplain habitat located on the dairy property. Failure to establish a 300-acre conservation easement by August 2014 will result in the de Vries paying an additional \$188,425 to the State Water Board.

The conservation easement will allow the land to return to a naturally functioning river floodplain and adjacent habitat area. No development, including farming, is allowed in the conservation easement. Habitat restoration and preservation along the Mojave River is important since development along the river, including farming, has eliminated or reduced habitat for desert wildlife, including the endangered California desert tortoise, and has disrupted the river's natural flow patterns, causing erosion and loss of native vegetation.

The settlement agreement resolves violations of Lahontan Water Board Cleanup and Abatement Orders that were issued in 2010 and 2011. The Lahontan Water Board adopted the Orders in response to inadequately managed waste discharges, including cow manure and urine, dairy wash water, and storm water runoff generated at the 909-acre dairy. Improper management of the wastes resulted in groundwater pollution in some nearby residential wells and in significant fly infestations and odors at neighboring residences. The Orders required replacement drinking water for residents with affected domestic wells, improvements to

manure management and removal practices and dairy wash water treatment and disposal to correct nuisance conditions (odors and flies). The dairy owners violated the requirements addressing manure management and removal and dairy wash water management.

During settlement negotiations, the dairy closed and cleanup activities are underway. The dairy closure and cleanup activities have eliminated the fly and odor problems and additional waste discharges to the environment, which will result in water quality improvement. The de Vries will continue to be under a Lahontan Water Board Order requiring them to provide replacement water to affected domestic wells until specific criteria are satisfied.

The Water Board protects the water quality and beneficial uses of surface and ground waters in the Lahontan Region of eastern California, from the Oregon border through the Mojave Desert.

Please find the adopted order here:

http://www.waterboards.ca.gov/lahontan/board_decisions/adopted_orders/2013/docs/r6v_2013_0103.pdf