

EJ Dairy Order Comments

The Order Must Be Promptly Adopted After the Following Revisions to Reflect the Urgency of Nitrate Contamination

Regional Board Delegation

- The Revised Draft Order includes appropriate support for the Central Valley Regional Water Quality Control Board (RWB) to ensure that it has the staff capacity and funding needed to revise and enforce this regulatory program.
- The State Water Resources Control Board (SWB) should act as a **CEQA responsible agency** to ensure that environmental review is conducted as directed.

Accelerate Timelines

- We **support** the requirement in Phase 1 to issue 13267 orders within **1 year** to direct more precise reporting of A and R.
- We **request** acceleration of Phase 2 deadline to conclude in **3 years** and Phase 3 in **6 years**.
- Where a dairy's impact to groundwater materially intensifies, that entire facility should be required to attain compliance **immediately**.
- If the RWB cannot, or otherwise fails to, develop interim WDRs with numeric limits within **3 years**, the SWB should impose **whole farm balance on the 8-year timeline** referenced in the Revised Draft Order.

Monitoring

- Reassess representativeness of monitoring network every **5 years**.
- The SWB should strengthen the CVDRMP monitoring network to include SGMA, ILRP, CV-SALTS wells, and vadose zone monitoring.
- Require enough monitoring at all dairies to demonstrate compliance.

Cows Per Acre

- The Boards can use cows per acre to derive an initially acceptable ratio, and a schedule to **reduce** that ratio over time.
- A metric based on **cows per acre** keeps the focus on ensuring that dairies correspond their herd size to their capacity to safely dispose of their waste without contributing to groundwater quality exceedances.

Ponds

- **All ponds** must eventually **be lined** for dairies to stop causing or contributing to exceedances of the water quality objective for nitrate.
- The seepage testing requirement can be replaced with a requirement to line existing ponds by the end of the time schedule.

Drinking Water Mitigation

- The SWB must clarify that **all dairies** must support long-term solutions and provide a **clear timeline** for when dairies must provide drinking water solutions.
- Any dairy that is not currently located within a Priority 1 or 2 Management Zone must provide well testing and, if needed, drinking water solutions to **any domestic well** located within a **3 mile radius** of the operation, with an option by the RWB to adjust the radius if indicated from results of well testing.
- **In-lieu fee option:** Allow contribution to the **Safe and Affordable Drinking Water Fund (SADWF)** in lieu of providing drinking water testing and solutions directly.

*Dairies' manure management has been demonstrated to adversely affect beneficial uses of groundwater and cause **severe health, social and economic impacts** to communities in the Central Valley region who are reliant on groundwater as a drinking water source. **This cannot continue unabated.***