

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
Thursday, April 18, 2019
Regional Water Board Office
Santa Rosa, California

ITEM: 9

SUBJECT: Public Hearing to consider adoption of Order No. R1-2019-0001, General Waste Discharge Requirements for Dairies in the North Coast Region (Cherie Blatt)

BOARD ACTION: Consider adoption of Order No. R1-2019-0001

BACKGROUND: Within the past eight years, the North Coast Regional Water Quality Control Board (Regional Water Board) adopted the following Orders to regulate discharges from dairies and other animal feeding operations:

- Order No. R1-2012-0001, General National Pollutant Discharge Elimination System (NPDES) No. CAG011001 for Concentrated Animal Feeding Operations;
- Order No. R1-2012-0002, General Waste Discharge Requirements for Existing Dairies;
- Order No. R1-2012-0003, Conditional Waiver of Waste Discharge Requirements for Existing Dairies;
- Order No. R1-2015-0051, Mello 3/Llano Oaks Dairy Waiver of Waste Discharge Requirements; and
- Order No. R1-2016-0045, Renewal of Conditional Waiver of Waste Discharge Requirements for Existing Dairies.

Most cow dairies (about 120) in the Region are covered by the Conditional Waiver which was renewed in 2016 as listed above. No animal facilities have been enrolled under the NPDES permit. The NPDES permit and Waivers expire every five years, so it was time to consider a more long-term permit for dairies and new regulations since 2012 needed to be incorporated. Also, a mechanism was needed to cover new dairies, expanding dairies, and re-opening of previously inactive dairies, and to cover the growing number of goat, sheep, and water buffalo dairies in the North Coast.

Regional Water Board staff began stakeholder outreach in 2017 to consider changes for the dairy regulatory program. Formal public stakeholder meetings were held in Sonoma and Humboldt Counties. Numerous smaller stakeholder communications have been held since. In addition, about 10 goat, sheep, and water buffalo dairies were toured by Regional Water Board staff to assess water quality protection needs and to discuss possible coverage under draft General Waste Discharge Requirements.

In 2018, the draft General Waste Discharge Requirements for Dairies in the North Coast Region (draft GWDR), along with an Initial Study/Mitigated Negative Declaration (IS/MND)

to meet California Environmental Quality Act (CEQA) requirements, was developed. Upon adoption, the GWDR will replace the 2012 GWDR and 2012 Conditional Waiver. Changes from the 2012 Waiver include:

- Expansion of surface water and groundwater monitoring parameters, requirements, and timing of sampling;
- Required Nutrient Management Plan for all dairies with manure or other fertilizer application to land, or for dairies which graze for more than 30 days annually;
- Required Riparian Area Management Plan to enhance protection of streams and watercourses from grazing impacts;
- Required Tribal Cultural Resource protections pursuant to Assembly Bill 52 (Gatto 2015); and
- New dairies, expanding dairies, and reopening of previously inactive dairies must meet the requirements of the GWDR and the IS/MND prior to permit coverage.

DISCUSSION: On November 1, 2018, a public notice was distributed announcing:

- the release and availability of the draft GWDR and IS/MND for public review;
- the public workshop on the draft Order for November 14, 2018; and
- a public hearing to consider adoption of the draft Order as announced in the Regional Water Board agenda.

The November 1, 2018, public notice was:

- Posted on the Regional Water Board's webpage;
- Distributed through the Regional Water Board's Dairy Lyris email subscription list;
- Printed in five regional newspapers; and
- Sent to the State Clearinghouse for agency distribution.

The public comment period for the draft Order began November 1, 2018 and ended on January 3, 2019. Comments from 12 organizations were received during the public comment period. In addition, one comment letter was received from the Federated Indians of Graton Rancheria and is considered as consultation with the tribe. Response to all substantive comments are provided in the Response to Comments document. Revisions to the November 1, 2018, draft GWDR were made in response to comments from interested stakeholders. Revisions include both substantive changes and editorial changes (those intended to improve clarity but that do not change requirements). The following is a brief list of substantive revisions to the draft GWDR. These changes are included in the April 18, 2019 Proposed Order and are discussed below.

- Language was added to draft GWDR Findings regarding Water Quality Objectives and Basin Plan and antidegradation requirements to further explain implementation and the feedback mechanism on effectiveness, milestones for meeting objectives, and consequences for failure to meet requirements;
- Updates concerning limited degradation and Best Practical Treatment or Control regarding dairy discharges;
- Explanation of management measures evaluated through monitoring was added;
- The requirements of a Work Plan to address nitrates in groundwater is further discussed;

- Corrections were made in response to California Department of Fish and Wildlife and California Coastal Commission regarding their requirements;
- Riparian protection is clarified;
- Changes to the dairy odors section was made;
- Due dates for some dairy reports were extended due to the extension of the comment period to January 3, 2019;
- A Nutrient Management Plan Work Sheet questionnaire was added to help meet NMP requirements and public requests;
- Additional surface water monitoring parameters were added;
- Human health discharges are now required to be reported as soon as possible;
- Group monitoring will be considered by the Executive Officer but under certain conditions as noted; and
- General clarifications were made throughout the draft GWDR and attachments in response to comments from stakeholders.

Changes are shown in the underline/strikeout version of the Proposed Order. Regional Water Board staff maintain that the Proposed Order is supported by the entire record and is necessary to support beneficial uses and meet water quality objectives.

RECOMMENDATION: Adopt Order No. R1-2019-0001 as proposed.

SUPPORTING DOCUMENTS:

1. Proposed Order R1-2019-0001 GWDR, strikethrough/underline version
 - Attachment A - Notice of Intent (NOI)
 - Attachment B - Title 27 of the California Code of Regulations, sections 22560-22565
 - Attachment C - Definitions
 - Attachment D - Monitoring and Reporting Program (MRP) No. R1-2019-0001
 - Appendix 1 - Water Quality Plan (WQP) –contains Riparian Management Plan
 - Appendix 2 - Nutrient Management Plan (NMP)
 - Appendix 3 - Annual Report
 - Attachment E – Tribal Cultural Resources Mitigation Program
 - Attachment F - Initial Study and Mitigated Negative Declaration
2. Response to Comments
3. Comment letters received
4. Notices of Public Hearing