Dairy Permit Presentation
Order No. R8-2018-0001
NPDES Permit No. CAG018001
December 7, 2018
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Agenda

- History and status of the Dairy Permit, Order No. R8-2013-0001
- Major Features of the Current Dairy Permit
- Timeline of the New Permit
- Proposed Changes to the Dairy Permit
- Public Comments and Responses
History and Status of the Dairy Permit Order No. R8-2013-0001

- Preceded by individual orders between 1972 and 1994
- General orders: Order No. 94-7, Order No. 99-11, Order No. R8-2007-0001
- Order No. R8-2013-0001 adopted in June 2013
- Current Permit Regulates about 107 Dairies Region Wide.
  - Chino Basin – about 80
  - San Jacinto Basin – about 27
  - Total Animals – ~125,000
Major Features Of The Current Dairy Permit, Order No. R8-2013-0001

- Discharges of pollution is prohibited unless the “production area” has been constructed and operated to contain wastewater and runoff from a 24-hour, 25-year storm event (40CFR412.31(a)(1)(i)).

- Engineered Waste Management Plan (EWMP) – Details the control measures and structures to meet the permit requirements.
Major Features Of The Current Dairy Permit, Order No. R8-2013-0001

- **Nutrient Management Plan (NMP)** – Details the control measure and structures to prevent discharge to surface and ground water from cropland where dairy waste is applied. Only required for application to cropland.
Major features of the current Dairy Permit, Order No. R8-2013-0001

- Salt off-set management for Chino Basin under the Optimum Basin Management Program. Manure application not allowed within the Chino Basin.
- Allows manure and wastewater applications to land in San Jacinto Basin, so long as an off-set program is being developed.
Salt Offset Programs

- **Chino Basin**
  - Well-established in Optimum Basin Management Program
  - Desalters in place
  - Chino Basin Watermaster, SAWPA, dairies, and other stakeholders
  - Offsets salt loading from dairy wastewater NOT manure disposal
  - Offset program was been approved by the Board in 1996.
Salt Offset Programs

- **San Jacinto Basin**
  - Offset program has **NOT** been approved by the Board.
  - Not yet a complete desalter system due to complex groundwater hydrology.
  - In meantime, salt loading is ongoing from both wastewater and manure disposal.
2018 Permit Renewal Process Time Line

- Workshop 4-17-2018
- Workshop 4/19/2018
- Start of Public Notice 7/20/2018
- Permit Workshop 8-21-2018
- Permit Expiration Date 3/15/2024
- Deadline to Enroll 5/1/2019
- Effective Date 3/17/2019
- Board Hearing 12/7/2018
- Effective Date 3/17/2019
- Deadline to Enroll 5/1/2019
- Permit Expiration Date 3/15/2024
Proposed Changes

- **Notice of Intent**
  - Dischargers must submit a new completed Notice of Intent (NOI) form within 45-days following the effective date of the permit.
  - Discharger may continue use of current approved Engineered Waste Management Plan (EWMP).
  - Discharger may declare to continue use of an approved Nutrient Management Plan (NMP).
  - New plans must be submitted with the new NOI, if previously accepted plans are not going to be used. These plans should be submitted with the new NOI.
Proposed Changes

- **Electronic Reporting Requirement**
  - Electronic reporting required federally under 40 CFR Section 122.41 (I)
  - State Board is currently developing an electronic reporting system.
  - No established time of completion.
  - Permittees have been notified of pending requirements through workshops conducted in April and August 2018.
  - Enrollment workshops are planned once the system is ready.
Proposed Changes

- **Written Permission**
  - Discharger must provide a copy of written permission from the operator or land owner for applying dairy related waste to cropland not owned.
  - Manure exemption under Riverside County Ordinance 427.3 is an acceptable alternative.
  - Must be provided within 60 days of the effective date.
  - Should provide better information on the fate of the pollutants from dairy waste.
Proposed Changes

- Non-Production Area Requirements
  - Implement effective measures to prevent storm water from contacting manure, feed, and other potential sources of pollutants in the non-production areas.
  - Effective measures would include sweeping and runoff control of non-production areas.
  - This would include:
    - Diverting runoff from manured areas;
    - Implement effective house keeping;
    - Not allow track-out of manure or other potential pollutants.
Proposed Changes

Examples of Non-Production Areas.
Proposed Changes

• Containment Structures
  • Must meet the 25-year, 24-hour rainfall even requirement for the production area.
  • New containment facilities constructed after the effective date of this Order must be lined, or underlain by low permeability soil;
  • A level marker shall be placed within each pond or impoundment. Signifying the individual capacity of each pond or impoundment to contain the runoff and direct precipitation from a 25-year, 24-hour rainfall event.
Public Comments and Responses

- Written comments received from various stakeholders:
  - Western Riverside County Agricultural Coalition (WRCAC) and the Milk Producer’s Council.
  - Inland Empire Waterkeepers
  - Environmental and Natural Resources Law Clinic, Vermont Law School.
  - United States Environmental Protection Agency (USEPA)
Public Comments and Responses

Comment:
- Previous permit automatically enrolled active dischargers previously covered. The dairy operations will need to resubmit new NOIs under the new permit.
- Commenters were opposed to resubmitting new NOIs.

Response:
- Previous permits allowed for current enrolled dischargers to be automatically renewed. Since the last permit USEPA objected to automatic enrollment.
- Board staff are open to holding enrollment workshops, utilizing pre-printed forms, and other methods to help with re-enrollment.
Public Comments and Responses

• Comment:
  • Various comments were made on the language of the level marker requirements.

• Response:
  • Board Staff agreed that a combination of markers must indicate the minimum capacity to hold the runoff from a 25-year, 24-hour storm event. The language was clarified to reflect this.
Comment(s):
- The requirement to submit letters of permission is redundant and unnecessary. Manure data is available through the manure manifest through Riverside County “NOIs”, and through the Conditional Waiver of Waste Discharge Requirements for Agricultural Dischargers (CWAD).

Response:
- Regional Board staff has reviewed Ordinance 427 and finds that it contains sufficient information to satisfy the purpose of letter of permission.
- The Permit was modified so that valid exemptions, that are issued by the Riverside County Agricultural Commissioner are also acceptable.
- We eliminated the need for letters of permission if manure leaves the state.
Comment(s):
- Commenter objected to Finding 3, regarding the presence of pharmaceuticals and metabolites (these fall within a class of pollutants called CECs) in dairy waste.

Response:
- Finding 3 is well-supported by scientific literature.
- Supplemented with more geographically-relevant studies.
- Language is modified to say CECs “may” be present in dairy waste.
SANCTA ANNA REGION

WITHIN THE

FEEDING OPERATIONS (DAIRIES AND RELATED FACILITIES)

CONCENTRATED ANIMAL GENERAL WASTE DISCHARGE REQUIREMENTS FOR

Order # R8-2018-0001

Adopt Staff Recommendation