

## Lahontan Regional Water Quality Control Board

November 15, 2013

### To Designated Parties on the proposed N&M Dairy enforcement matter:

I have reviewed the attached responses to the Advisory Team comments and questions concerning the proposed Cleanup and Abatement Order (CAO) and settlement agreement for the N&M Dairy and Neil and Mary DeVries. To the extent feasible, I would ask the designated parties to work together to revise the CAO and Settlement Agreement and Stipulation for Entry of Order (referred to as "the documents") by December 16, 2013. Specifically, I would like to see modifications to three items in the documents as described below:

1. The documents, particularly in sections order paragraphs 3 and 5 of the CAO and the SEP milestones in the section III of the Settlement Agreement and Stipulation for Entry of Order, must include new dates that appropriately reflect a reasonable schedule based on the date I issue the CAO. Assume that I will issue the CAO on December 16, 2013, so please submit new dates that would provide a reasonable period in which to meet the requirements in the documents.
2. Proposed Exhibit C must be revised to identify in the Schedule for Performance the submission of the conservation easement to the Executive Office before it is recorded with a final recording date by no later than April 15, 2014. Proposed Order 1 in the CAO must include a statement to emphasize the Affected Area is able to change as needed to incorporate additional residences if downgradient domestic wells equal or exceed the trigger nitrate or TDS concentrations, and is not tied to the description of the Affected Area set forth in the Settlement Agreement.

Because I am expecting to issue a CAO by December 16, 2013, I would like to receive the revised documents, incorporating the items described above, by December 9, 2013. I will accept responses from either designated party only if the other party also submits a letter of support for those changes. Thank you for your cooperating with one another to come to this settlement, which I believe is in the best interest of the people of California, and I am eager to issue a CAO so the restoration activities can begin and we can resolve this matter. If you have any questions, please contact either Kim Niemeyer (916) 341-5547 [kim.niemeyer@waterboards.ca.gov](mailto:kim.niemeyer@waterboards.ca.gov) or Doug Smith (530) 542-5453 [dfsmith@waterboards.ca.gov](mailto:dfsmith@waterboards.ca.gov).

  
PATTY Z. KOUYOUMDJIAN  
EXECUTIVE OFFICER

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION**

**CLEANUP AND ABATEMENT ORDER NO. R6V-2013-(PROPOSED)**

**WDID NO. 6B368010004**

**REQUIRING NEIL AND MARY DE VRIES  
TO CLEAN UP AND ABATE THE EFFECTS OF DISCHARGING NITRATE  
CONTAMINANTS TO THE GROUNDWATERS OF THE MOJAVE RIVER  
HYDROLOGIC UNIT**

\_\_\_\_\_ San Bernardino County \_\_\_\_\_

The California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) finds:

**FINDINGS**

**N&M Dairy Facility**

1. Neil and Mary de Vries as the operators of N&M Dairy and the trustees of the Neil and Mary de Vries Family Trust (hereafter the "Discharger") own a 909-acre property adjacent to the Mojave River, located at 18200 and 36001 Lords Road, and on Indian Trails and Wild Road, in Helendale, San Bernardino County. The property includes San Bernardino County Assessor's Parcel Numbers 466-041-01, -17, and -20 through -23; parcel numbers 466-091-15, -17, and -26; parcel numbers 466-101-06, and 07; and parcel number 466-111-02.
2. On June 13, 2001, the Lahontan Water Board adopted Board Order No. 6-01-38, Revised Waste Discharge Requirements, for dairy-related wastes discharges (e.g., cow manure and urine in corral areas, dairy wash water discharged to unlined lagoons, feed, storm water runoff discharged to unlined depressions/basins) at the N&M Dairy (Dairy). Board Order No. 6-01-38 requires water quality protective measures, prohibits waste management, treatment, and discharges from the Dairy causing exceedances of water quality objectives for groundwater and surface water, and prohibits the creation of nuisance and/or pollution conditions. Board Order No. 6-01-38 also included Monitoring and Reporting Program No. 01-38 that, in part, requires groundwater monitoring to evaluate the impacts of dairy-related waste discharges on groundwater quality.

**Discharge Findings**

3. Lahontan Water Board staff sampled residential wells in the vicinity of several dairy facilities, including four near N&M Dairy, between January 7, 2010 and March 9, 2010. The results of that sampling effort, shown in the following table, indicate that

N&M Dairy is a source of nitrate and TDS contaminants in ground water that exceed Maximum Contaminant Levels and adversely affect area residential drinking water wells.

| Location  | Nitrate as N (mg/L) | TDS (mg/L)   |
|---|---------------------|--|
| Upgradient Residential Well at 17950 Lords Road (sampled February 26, 2010)             | 1.6                 | 310  |
| Upgradient Residential Well at 29442 Bullion Road (sampled February 26, 2010)           | 0.23                | 420  |
| Downgradient Residential Well at 19741 National Trail Highway (sampled March 9, 2010)   | 18                  | 810  |
| Downgradient Residential Well at 19456 National Trail Highway (sampled January 7, 2010) | 18                  | 780  |
| Maximum Contaminant Level   | 10                  | 500 (secondary limit)<br>1,000 (upper limit)<br>1,500 (short term limit) |

4. On October 21, 2010, the Water Board issued Investigative Order No. R6V-2010-0044 (2010 Investigative Order) requiring the Discharger provide a workplan to investigate the extent and occurrence of nitrate and TDS in domestic water supply wells that could be affected by waste discharges from the Dairy and to summarize the results of the groundwater investigation. The associated monitoring results indicate that the impacted groundwater migrated beyond the Dairy and adversely affected a number of residential wells down-gradient of the Dairy<sup>1</sup>.
5. The "Final Report - Neighboring Domestic Supply Well Sampling," dated June 4, 2011 (June 4, 2011 Report), submitted by the Discharger to the Water Board on June 7, 2011, details the presence of nitrate in groundwater downgradient from the Dairy. The June 4, 2011 Report also identifies nitrate contaminants in groundwater originating at the Dairy. The groundwater sampling results provided in the June 4, 2011 Report document nitrate and TDS concentrations downgradient and cross-gradient from the Dairy exceeding the Maximum Contaminant Level for nitrates and the Secondary Maximum Contaminant level for TDS. The June 4, 2011 Report states (page 6) that the, "...pattern of nitrate observed in the N&M Dairy monitoring wells, coupled with the results of neighboring domestic supply wells (showing the highest nitrate in wells near agricultural fields), indicates that agricultural operations

<sup>1</sup> Finding No. 15 of Amended CAO No. R6V-2011-0055-A1 states that approximately eight (8) down-gradient residential wells exceeded the nitrate as nitrogen MCL (10 mg/L), and approximately 11 down-gradient residential wells exceeded the TDS recommended SMCL (500 mg/L).

may be the largest contributor to the nitrate observed in the groundwater beneath the general study area.”

6. In its October 27, 2011 report the Discharger asserts that the Dairy’s irrigated fodder crops fields are likely the most significant contributor to nitrate in the ground water compared to other potential dairy waste sources (corrals, wastewater ponds, and stockpiled manure).
7. The table below documents ranges of contaminant levels in on-site monitoring wells that were reported in the Discharger’s self monitoring reports over the last five years.

| <b>Sample Date</b> | <b>Range of Nitrate as Nitrogen Concentrations (mg/L)</b> | <b>Range of TDS Concentrations (mg/L)</b> |
|--------------------|---|---|
| May 21, 2008       | 5.3 to 28.4   | 509 to 3,560                              |
| December 22, 2008  | 3.9 to 31.9   | 741 to 3,410                              |
| May 4, 2009        | 3.0 to 32.2   | 621 to 3,210                              |
| December 9, 2009   | 8.6 to 16.4   | 1,100 to 3,620                            |
| April 26, 2010     | 8.5 to 14.1   | 802 to 4,440                              |
| December 9, 2010   | 8.5 to 16.4   | 848 to 3,020                              |
| May 9, 2011        | 7.4 to 20.5   | 508 to 3,230                              |
| December 5, 2011   | 1.7 to 37.2   | 526 to 3,180                              |
| May 16, 2012       | 1.7 to 32.0   | 442 to 3,120                              |
| December 4, 2012   | 1.3 to 28.4   | 458 to 3,710                              |

8. Water Code section 13050(l) defines “pollution” as an alteration of the water quality to a degree that unreasonably affects either beneficial uses or facilities that serve these beneficial uses.
9. Lahontan Water Board staff find that N&M Dairy has discharged waste into waters of the state in violation of Basin Plan requirements and has caused or contributed waste to be discharged to groundwater beneath and downgradient of the Dairy. The discharge of waste creates or threatens to create a condition of pollution where nitrate as N and TDS concentrations beneath and downgradient of the Dairy exceed drinking water standards. The affected groundwater is no longer useable for drinking or domestic supply purposes. This alteration is unreasonable where the aquifer which is currently designated and used for drinking water is no longer suitable for this beneficial use. The Dairy’s discharges have unreasonably affected the water for municipal and domestic supply beneficial uses and therefore based on

the evidence, Lahontan Water Board staff find that the Dairy has caused a condition of pollution.

### **Regulatory Background**

10. The conditions described in Findings Nos. 3 through 9, above, constitute violations of the following waste discharge requirements specified by Board Order No. 6-01-38.

#### **Discharge Specification I.B.2 (Chemical Constituents)**

“Ground water shall not contain concentrations of chemical constituents in excess of the maximum contaminant level (MCL) or secondary maximum contaminant level (SMCL) based upon drinking water standards specified in the following provisions of Title 22 of the California Code of Regulations:

a. Table 64431-A of Section 64431 (Inorganic Chemicals);

e. Table 64449-B of Section 64449 (SMCLs – Ranges).”

#### **Discharge Specification I.C.4.c**

“The discharger shall not cause a pollution as defined in Section 13050 of the California Water Code, or a threatened pollution.”

11. The Lahontan Water Board issued Cleanup and Abatement Order (CAO) No. RV6-2011-0055 on August 2, 2011, in response to the groundwater monitoring results referenced in Finding Nos. 4 and 5, above, and the resulting violation of waste discharge requirements discussed in Finding No. 10, above. The CAO requires the Discharger to sample residential wells in a specified Study Area, provide replacement water as specified, and provide sampling reports to the Lahontan Water Board on a quarterly basis.
12. The Lahontan Water Board issued Amended CAO No. R6V-2011-0055-A1 on January 19, 2012 to (1) revise the sampling/reporting frequency and constituents to be analyzed, (2) revise the nitrate as N and TDS concentration action limits for providing replacement water, (3) revise the monitoring sites; (4) revise the response time for providing replacement water; and (5) revise the study area boundaries.
13. On (date to be specified), the Lahontan Water Board adopted Board Order No. R6V-2013-XXXX, Settlement Agreement and Stipulation for Entry of Order that included consideration, in part, of the following:

- a. Acknowledgment that the Discharger's dairy operations will no longer be a future threat to water quality where the Discharger is in the process of voluntarily closing the Dairy;
  - b. The requirement to properly remove and dispose of the remaining dairy-related waste (i.e., manure and hardpack from the corrals, wash water lagoon contents, manure stockpiles, manure spread on non-cultivated lands);
  - c. Providing uninterrupted replacement water to those residents within the Study Area whose wells produce groundwater nitrate as N concentrations of or above 7 mg/L, and/or groundwater TDS concentrations of or above 815 mg/L;
  - d. Continuing to monitor Facility monitoring wells and residential wells down-gradient of the Facility;
  - e. Replacing CAO Nos. R6V-2011-0055 and R6V-2011-0055-A1 to continue requiring the Discharger to provide replacement water and to consolidate and revise monitoring and reporting requirements for the Discharger.
14. CAO No. R6V-2011-0055 and its amendment will be replaced by this Order. This Order (1) reflects that dairy operations at the property have ceased and dairy-related wastes have been removed and/or any remaining waste is undergoing composting; (2) consolidates and modifies groundwater monitoring requirements from Amended CAO No. R6V-2011-0055-A1 and Monitoring and Reporting Program 01-38; and (3) identifies decision points and threshold limits for determining when supplying replacement water can be discontinued.

### **REGULATORY AUTHORITY**

15. Water Code section 13304, subdivision (a) states:

"Any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts. A cleanup and abatement order issued by the state board or a regional board may require the provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment, to each affected public water supplier or private well owner. Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the

order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.”

16. The Findings above, establish that the Discharger has discharged waste into groundwater, a water of the state, in violation of its waste discharge requirements. As elaborated in Finding 8, the discharge of waste to groundwater has also created a condition of pollution where nitrate as N and TDS concentrations exceed drinking water standards and groundwater is no longer useable for drinking or domestic supply purposes. Such discharges have unreasonably affected the municipal and domestic beneficial uses of the groundwater. Therefore, upon a finding that the Discharger has caused a condition of pollution, the Lahontan Water Board is authorized to issue this Cleanup and Abatement Order pursuant to Water Code section 13304.

17. Water Code section 13267, subdivision (b) states:

“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”

18. The Findings above establish that the Discharger has discharged waste to waters of the Lahontan Region. The Lahontan Water Board is authorized to require technical or monitoring reports to evaluate the continued impacts of the unauthorized waste discharge to the area groundwater.

19. The Discharger has ceased dairy operations and is in the process of removing the remaining portions of the dairy waste from the property. Barring potential new pollution sources, it is expected that closing the Dairy will result in decreased groundwater concentrations of nitrate as N and TDS. The monitoring reports required by this Order are necessary to:

- a. Evaluate the effects on groundwater quality from the removal of dairy waste and dairy operations on the property,
- b. Monitor the progress towards restoring the drinking water beneficial use, and
- c. Ensure replacement water is supplied to residents within the Affected Area.

20. Issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code, section 21000 et seq.) pursuant to California Code of Regulations, Chapter 3, title 14, section 15321, subdivision (a)(2).

**THEREFORE, IT IS HEREBY ORDERED** that Cleanup and Abatement Order No. R6V-2011-0055 and its amendment, Cleanup and Abatement Order No. R6V-2011-0055-A1, are hereby rescinded, and that pursuant to Water Code sections 13304 and 13267, the Discharger shall comply with the following technical, monitoring, and reporting requirements:

**A. ORDERS**

1. Supply uninterrupted replacement drinking water service (i.e., bottled water or equivalent) for consumption and cooking to all residences served by private domestic wells within the Affected Area (see Attachment A) where nitrate as N concentrations have been detected at or above 7 mg/L, or where TDS concentrations have been detected at or above 815 mg/L. Furthermore, the Discharger shall supply uninterrupted replacement drinking water service to any new additional residences in the Affected Area (Attachment A) served by private domestic wells affected as soon as possible but no later than two weeks of determining that the private well at the residence exhibits a nitrate as N concentration of 7 mg/L or above for the first time, or exhibits a TDS concentration of 815 mg/L or above for the first time.

The Affected Area (Attachment A) is defined by the following boundaries in the USGS Wild Crossing and Hodge 7.5-minute quadrangles: the western edge begins 0.2 miles west of the intersection of Indian Trails Road and Lords Road. The eastern boundary ends 0.25 miles west of the intersection of Hinkley Road and National Trails Highway. The northern boundary follows the approximate center line of the Mojave River north of National Trails Highway. The southern boundary is approximately 0.27 miles south of National Trails Highway and runs parallel to National Trails Highway.

2. **Thirty (30) days prior to each groundwater sampling event** described in Directive No. 3, below, the Discharger shall visit all well locations in the Affected Area whose respective property owners and/or property tenants (including new property owners and new tenants) have not already been notified of the potential for elevated nitrate and TDS concentrations in the groundwater, or have not already provided permission for well sampling. The Discharger shall provide the respective property owners and/or property tenants notice of the following:
  - a. How beneficial uses are affected from elevated nitrate and TDS in groundwater at levels greater than that allowed under the Basin Plan, and information (e.g. pamphlets or flyers already prepared by CDPH or other local health agency) regarding the potential health concerns from consuming water with elevated

nitrate concentrations;

- b. A request for consent to sample the domestic supply well(s) providing water to the property occupant (owner and/or tenant) at a maximum frequency of every nine months; and
- c. The existing contact information of the property owner and/or tenant along with a request for updated contact information.

In cases where the Discharger cannot access the property for purposes of notification, a written notice will be left in a prominent location at the property. If any property owner or tenant declines to have their private domestic water well sampled, such a decision, including a nonresponsive to the notice, must be documented and submitted with the associated monitoring report (described in Directive No. 5, below).

3. No later than **December 10, 2013, and every nine months thereafter (i.e., September 2014, June 2015, March 2016, December 2016, etc.)** collect groundwater samples from the following monitoring wells, in addition to any identified pursuant to Directive No. 2, above:
  - a. Former N&M Dairy Facility Monitoring Wells Nos. MW-1, MW-2, MW-3, and MW-4.
  - b. Domestic Wells neighboring the former N&M Dairy Facility, Well Nos. 1, 3B, 4, 5, 7, 8, 8A, 9, 9A, 9D, 11, 12, 13, 14, 17, 18, 19, 22, 23, 24, 25, 33, 41, 50, 51, 52, 53, 54, 55, 56, and 57.

All groundwater samples shall be analyzed for nitrate as N and TDS by a California-certified laboratory.

4. If the monitoring results identify a well that exhibits a nitrate as N concentration at or exceeding 7 mg/L for the first time, or if the monitoring results of the monitoring identify a well that exhibits a TDS concentration at or exceeding 815 mg/L for the first time, the Discharger must notify the Lahontan Water Board of this information **within 48 hours of the Discharger or their representative becomes aware of such monitoring results.**
5. By **January 15, 2014, and every nine months thereafter (i.e., October 15, 2014, July 15, 2015, April 15, 2016, January 15, 2017, etc.)** submit to the Lahontan Water Board a monitoring report containing the following information:
  - a. Laboratory results and associated quality assurance/control documentation from the respective sampling event conducted the month prior to the reporting period;
  - b. List of all residences that are receiving uninterrupted replacement water; and

- c. Written documentation that those property owners/residents have declined to have their residential wells sampled.
6. The Discharger may cease providing uninterrupted replacement water at any individual residence only when one of the two following conditions is met at the specific individual residence's well being evaluated:
    - a. Groundwater nitrate as nitrogen and TDS concentrations are below 7 mg/L and 815 mg/L, respectively, for two consecutive nine-month sampling periods; or
    - b. Groundwater nitrate as nitrogen and TDS concentrations are below 7 mg/L and 815 mg/L, respectively, for four consecutive three-month sampling periods (i.e., the Dischargers may elect to collect groundwater samples on a quarterly basis and submit the results to the Lahontan Water Board with notification that uninterrupted replacement water will no longer be provided based upon the monitoring results).

The Discharger must notify the respective property owner/tenant and submit the test result documentation to the Lahontan Water Board.

## **B. REPORTING REQUIREMENTS**

1. **Signatory Requirements.** All reports required under this Cleanup and Abatement Order shall be signed and certified by the Discharger or by a duly authorized representative of the Discharger and submitted to Lahontan Water Board staff. A person is a duly authorized representative of the Discharger only if: (1) the authorization is made in writing by the Discharger and (2) the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
2. **Certification.** Include the following signed certification with all reports submitted pursuant to this Order:

*"I certify under penalty of perjury under the laws of the State of California that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

3. **Report Submittals.** All monitoring and technical reports required under this Order shall be submitted to:

California Regional Water Quality Control Board – Lahontan Region  
14440 Civic Drive, Suite 200  
Victorville, CA 92392  
ATTN: Ghasem Pour-Ghasemi

California Regional Water Quality Control Board – Lahontan Region  
2501 Lake Tahoe Boulevard  
South Lake Tahoe, CA 96150  
ATTN: Eric J. Taxer

### C. **NOTIFICATIONS**

1. **Cost Recovery.** Pursuant to Water Code section 13304, the Lahontan Water Board is entitled to, and may seek, reimbursement for all reasonable costs actually incurred by the Lahontan Water Board to investigate unauthorized discharges of wastes and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial actions required by this Order.
2. **Requesting Administrative Review by the State Water Board.** Any person aggrieved by an action of the Water board that is subject to review as set forth in Water Code section 13320, subdivision (a), may petition the State Water Resources Control Board (State Water Board) to review the action. Any petition must be made in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 and following. The State Water Board must receive the petition within 30 days of the date the action was taken, except that if the thirtieth day following the date the action was taken fall on a Saturday, Sunday, or state holiday, then the State Water Board must receive the petition by 5:00 p.m. on the next business day. Copies of the law and regulation applicable to filing petitions may be found on the internet at [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/index.shtml](http://www.waterboards.ca.gov/public_notices/petitions/water_quality/index.shtml) or will be provided upon request.
3. **Modifications.** Any modification to this Order shall be in writing and approved by the Executive Officer, including any potential extensions. Any written extension request by the Discharger shall include justification for the delay.
4. **Enforcement Notification.** Failure to comply with the requirements of this Cleanup and Abatement Order may result in additional enforcement action, which may include pursuing administrative civil liability pursuant to Water Code sections 13268, 13350, and/or 13385, or referral to the Attorney General of the State of California for such legal action as she may deem appropriate.

5. **No Limitation of Water Board Authority.** This Order in no way limits the authority of this Water Board to institute additional enforcement actions or to require additional investigation and cleanup of the site consistent with the Water Code. This Order may be revised as additional information becomes available.

Ordered by: \_\_\_\_\_

LAURI KEMPER, P.E.  
ASSISTANT EXECUTIVE OFFICER

Dated: \_\_\_\_\_

Attachments: A. Map of Affected Area  
B. Water Code section 13267 Fact Sheet

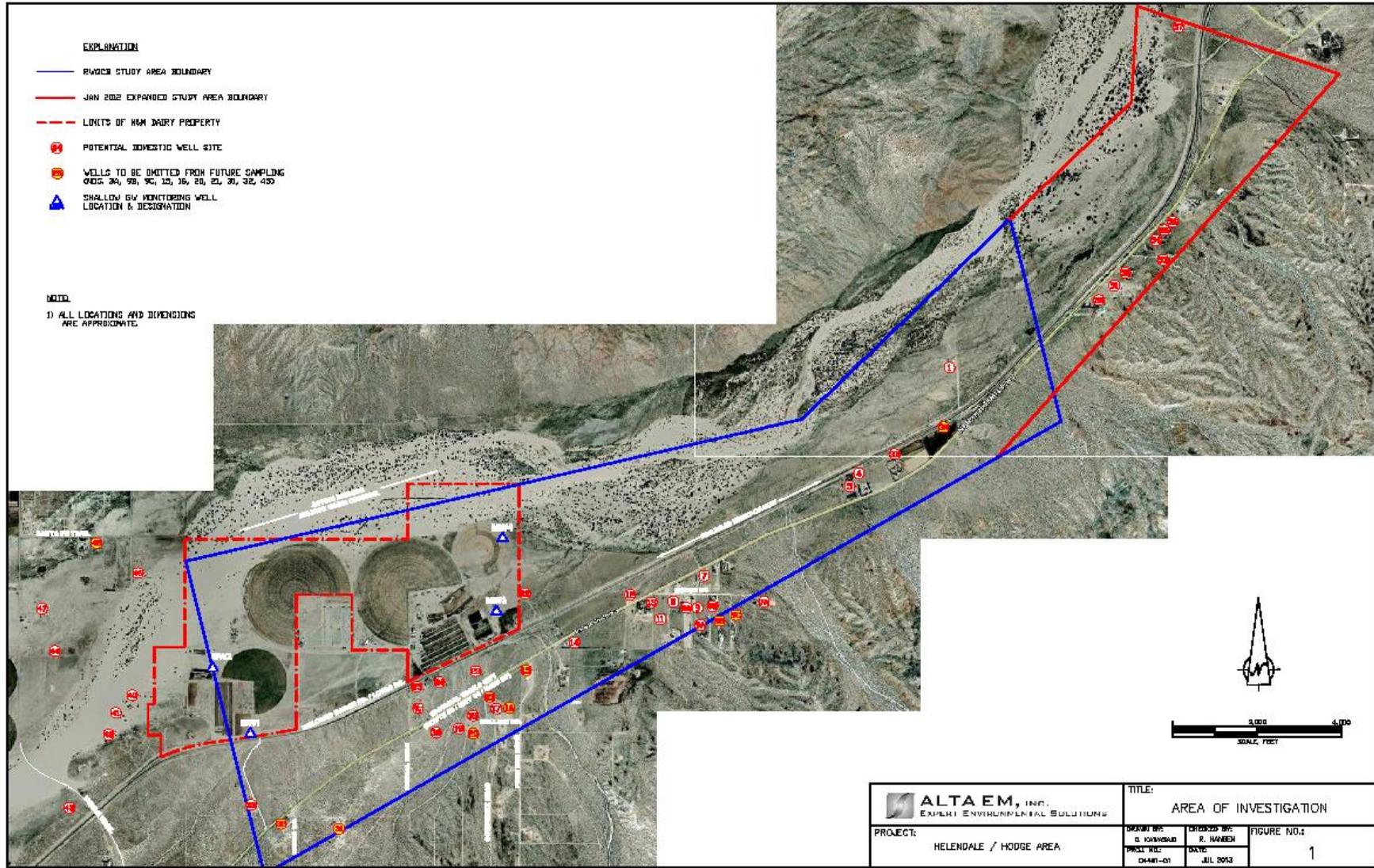
PROPOSED

**ATTACHMENT A**  
**MAP OF AFFECTED AREA**

PROPOSED

**ATTACHMENT B**  
**WATER CODE SECTION 13267 FACT SHEET**

PROPOSED





Egoscue Law Group

October 31, 2013

Patty Z. Kouyoumdjian  
Executive Officer  
Lahontan Regional Water Quality Control Board  
2501 Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150

**Re: N&M Dairy's Response To The Advisory Team's Request for Response to Comments Made on the Proposed Settlement Agreement and Stipulation For Entry of Order For the N&M Dairy and Neil and Mary de Vries**

Dear Ms. Kouyoumdjian:

Egoscue Law Group respectfully submits the following answers in response to Lahontan Regional Water Quality Control Board's request, on behalf of N&M Dairy.

1. **Question/Comment #1:** Proposed Settlement Agreement and Stipulation for Entry of Order (R6V-2013-0075) Finding 12(g) – what are the “recent administrative considerations” referred to as the reasons staff costs are not being recovered as part of this settlement.

**Response:**

The Prosecution Team most appropriately provides this answer.

2. **Question /Comment #2:** Who will be the holder of conservation easement? Section 815.3 of the Civil Code sets out entities that are authorized to acquire and hold conservation easements. Naming the holder of the easement is important because that entity will be the one able to enforce the conditions of the conservation easement.



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**Response:**

Pursuant to Civil Code section 815.3 only three types of entities can hold title of a conservation easement; a tax-exempt nonprofit organization, a state or local governmental entity, or a federally or State recognized Native American tribe. Specifically the tax-exempt nonprofit organization must be “qualified under Section 501(c)(3) of the Internal Revenue Code and qualified to do business in this state which has as its primary purpose the preservation, protection, or enhancement of land in its natural, scenic, historical, agricultural, forested, or open-space condition or use.” (Civ. Code § 815.3(a).) The governmental entity may be the state or any city, county, city and county, district, or other state or local governmental entity, if the entity is otherwise authorized to acquire and hold title to real property and if the conservation easement is voluntarily conveyed. “No local governmental entity may condition the issuance of an entitlement for use on the applicant's granting of a conservation easement pursuant to this chapter.” (Civ. Code § 815.3(b).) “A federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the Native American Heritage Commission to protect a California Native American prehistoric, archaeological, cultural, spiritual, or ceremonial place, if the conservation easement is voluntarily conveyed.” (Civ. Code § 815.3(c).) Once the Settlement Agreement and Stipulation for Entry of Order is final, the conservation easement will be developed naming an authorized entity as described in Civil Code section 815.3.

3. **Question / Comment #3:** The SEP should provide an opportunity for the Executive Officer to approve the terms of the conservation easement before it is recorded. Please include this in Section 5 of the Schedule for Performance in Appendix B.

**Response:** The schedule for completing the SEP is extremely ambitious and we are concerned that Executive Officer approval may cause a delay, which could render our client in violation of the Stipulated Order. Therefore, we request a modification to the deadlines and schedule in the Stipulated Order, to more practically implement the Conservation Easement related tasks, and to address your comments.

- a. Conservation Easement Boundary Demarcation Proposal due at the end of Month 1 (Month 1 to be determined by Executive Officer approval of Stipulated Order).
- b. Conservation Easement Boundary Survey due by the end of Month 3.
- c. Completion of Conservation Easement Demarcation & Request for Executive Officer Pre-Recording Approval due by the end of Month 5.



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- d. Recording the Conservation Easement due within 60 calendar days of Executive Officer approval.
- e. Monthly Progress Reports start by end of Month 1.

Section III, Item 15 (SEP Milestones) and Exhibit C, Item 5 (Schedule of Performance) of the Settlement Order should be amended as appropriate to reflect any of these proposed revisions.

4. **Question / Comment #4:** Appendix B, section 3 states “the southern boundary of the conservation easement must be appropriately demarcated.” Please explain what is meant by “appropriately demarcated.”

**Response:** Details of the method for demarcation will be provided in the Conservation Easement Boundary Demarcation Proposal. The exact method of demarcation has yet to be determined; however, fencing is not considered appropriate or desirable. Certain features will remain within the conservation easement that must be accessed (i.e. numerous irrigation wells, electrical power infrastructure, etc.). Additionally the site is located in a high wind area, and fencing will catch debris and dead brush potentially impeding natural movement of animals in the area.

5. **Question / Comment #5:** What is the justification for the boundaries of the study area or affected area? It seems to be slightly expanded from the Revised Affected Area established in CAO 2011-0055A1. What information is relied upon to draw those boundaries and what assumptions, if any, were made in drawing those boundaries?

**Response:** The Regional Board set the boundaries of the Study Area and revised Study Area (expanded down-gradient).

6. **Question / Comment #6:** The Settlement Agreement requires replacement water in the future for those within the Affected Area, if their wells exceed limits for nitrate and TDS set in the Settlement Agreement; however, it does not address replacement water requirements for those outside of the Affected Area. What information are you basing the conclusion on that existing contamination will not cause TDS and Nitrate limits in wells outside the Affected Area to exceed the limits in the Settlement Agreement that trigger the requirement for replacement water? Is the Settlement Agreement intended to limit replacement water supply only to those within the Affected Order even if existing contamination were to migrate to those outside the Affected Area?



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**Response:** Patterns of nitrate observed within the Study Area do not indicate N&M Dairy is the primary source of nitrate in large portions of the down gradient Study Area. Previously reported groundwater velocity information has also indicated that the Study Area may be substantially much larger than is necessary to assess nitrate conditions associated with N&M Dairy. Numerous other sources of nitrate exist within the study area (septic systems at each home/ranch, animals/livestock at the homes/ranches, domestic agricultural activities at many of the homes/ranches). Additionally, samples of neighborhood wells in very close proximity to the southern boundary of the Study Area have been collected and analyzed regardless of their specific location within or just outside of the interpreted study area boundary. It is noted that all samples from wells located on or just beyond the interpreted southern Study Area boundary have been reported to contain nitrate well below the alternative action level triggering water replacement (7 ug/L).

7. **Question / Comment #7:** Are the deadlines in the proposed Settlement Agreement and Stipulation for Entry of Order and the proposed Cleanup and Abatement Order appropriate and reasonable? If not, what should the deadlines be and the rationale for your suggested revisions.

**Response:** Due to the delay in Regional Board approval, the deadlines for Conservation Easement related tasks in the current Stipulated Order are no longer reasonable. A generic schedule for completion of these tasks has been proposed above in Response #3.

We very much appreciate the opportunity to provide responses to your questions.

Sincerely,

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## Lahontan Regional Water Quality Control Board

October 31, 2013

Patty Kouyoumdjian  
Executive Officer  
California Regional Water Quality Control Board – Lahontan Region

### **RESPONSE TO COMMENTS ON THE PROPOSED SETTLEMENT AGREEMENT AND STIPULATION FOR ENTRY OF ORDER FOR THE N&M DAIRY AND NEIL AND MARY DE VRIES, SAN BERNARDINO COUNTY – WDID NO. 6B368010004**

The Lahontan Regional Water Quality Control Board (Water Board) Prosecution Team has reviewed the questions and comments provided in the Water Board Advisory Team's October 18, 2013 Request for Response and the October 4, 2013 comments and concerns provided by Jessica Culpepper and Deborah Rosenthal on behalf of Helendale and Barstow residents. The Water Board Prosecution Team offers the following responses.

#### **Response to Advisory Team Comments**

##### **1. Staff Costs**

The “administrative considerations” in the proposed Settlement Agreement refers to Water Board Prosecution Team and the State Water Resources Control Board (State Water Board) Office of Enforcement recommendations in light of the findings made by the California State Auditor in its 2012-120 Audit Report. Specifically, one of the findings in the Audit Report is that staffing costs in penalty actions for water quality certification violations are, “generally not supported and are inaccurate because of inflated cost rates.” (California State Auditor Report 2012-120 State Water Resources Control Board, *It Should Ensure a More Consistent Administration of Water Quality Certification Program*, June 2013). This enforcement action does not involve violations of a 401 Certification as was the focus in Audit Report 2012-120. However, staff believes the justification in the Audit Report still applies to this enforcement action where the staff cost rate has not yet been revised to reflect actual staff salaries and overhead cost for each program. In an abundance of caution Water Board Prosecution Team and the State Water Board Office of Enforcement decided to recommend removing staff costs for this enforcement action.

2. Conservation Easement Title Holder

The Prosecution Team agrees that identifying the holder of the conservation easement is a critical piece to enforcing the terms of the conservation easement. This Settlement Agreement and Stipulated Order, including Exhibit C, generally outlines the conservation easement. Progress to complete the Supplemental Environmental Project (SEP), including the mechanics and specifics of setting up the proposed easement such as identification of a holder, are to be documented to the Water Board in accordance with the Schedule of Performance in Exhibit C, starting with the first monthly progress report due on December 30, 2013. In consideration of resolving the outstanding water quality violations as soon as practical, the Prosecution Team reached an agreement for penalties for water quality violations in addition to deferring part of the penalty in exchange for the implementation of the proposed SEP, the conservation easement. Proposed Order R6V-2013-0075 provides the general terms of the conservation easement. The Proposed Order was issued without additional details, such as the holder of the easement, to facilitate the resolution of the outstanding violations and prevent further delay in the enforcement of water quality violations. The SEP Description contained in Exhibit C states (page 3), “[t]he SEP must be devised in conformance with the Conservation Easement Act (Civil Code sections 815-816).” The failure to comply with Section 815.3 of the Civil Code would trigger the payment of the suspended administrative civil liability (\$188,425).

3. Executive Officer Approval of Conservation Easement

The Advisory Team requests, “[t]he SEP should provide an opportunity for the Executive Officer to approve the terms of the conservation easement before it is recorded. Please include this in Section 5 of the Schedule of Performance in Appendix B.” The Prosecution Team does not object to this request and will revise Proposed Order R6V-2013-0075, Exhibit C accordingly to identify in the Schedule for Performance the submission of the conservation easement to the Executive Officer before it is recorded.

4. Appropriate Demarcation

Demarcation is a determination and marking off a boundary. Typically, such demarcation could consist of fences or other such permanent structure. The SEP boundaries include areas within the active channel of the Mojave River in addition to areas within the floodplain or adjacent to the floodplain of the Mojave River. The Prosecution Team recognizes that fencing or other permanent boundary demarcation structures within the active channel of the Mojave River are not appropriate for demarcation and may adversely affect river and/or habitat function. This proposed Settlement Agreement requires the Discharger to submit a proposal acceptable to the Executive Officer of the Water Board for identifying and demarking the boundaries of the conservation easement both within the active channel area and within areas outside the active channel in the demarcation proposal referenced in Section 5 of Exhibit C.

5. Affected Area Boundary Justification

The Affected Area (also known as the Study Area) boundary identified in the proposed Cleanup and Abatement Order (CAO) is currently very similar to the Affected Area boundary identified in CAO No. R6V-2011-0055-A1 (issued January 19, 2012), and there is no change in the southern boundary of the Affected Area. Attachment A to the proposed CAO provides the map of the Affected Area. The solid red line outlining the Affected Area boundary is described as the, "January 2012 Expanded Study Area Boundary." The Affected Area boundary is drawn to include all private domestic wells exhibiting nitrate as nitrogen (N) concentrations or Total Dissolved Concentration (TDS) above apparent background levels.

The Affected Area boundary identified in the proposed CAO is intended to be dynamic. It may expand in size if downgradient domestic wells equal or exceed the trigger nitrate or TDS concentrations. Conversely, the Affected Area may be modified if specific monitoring result conditions outlined in the proposed CAO are satisfied.

Please note that the proposed CAO is not a stipulation of the Settlement Agreement.

6. Replacement Water for Areas Currently Outside the Affected Area

The proposed CAO currently requires the Discharger to collect and analyze ground water samples within the defined Affected Area (the January, 2012, expanded study area noted in CAO No. R6V-2011-0055-A1). The Discharger is also required to provide replacement water to impacted residences located within this area.

The defined Affected Area is drawn to contain elevated nitrate and TDS concentration levels that may be attributed to upgradient sources, including the former dairy facility. The furthest downgradient groundwater monitoring well, Well No. 57, has elevated nitrate concentrations, but the recent nitrate concentration of this well is 5.8 mg/L (see April 29, 2013 Domestic Well Sampling Report), which is below the current trigger concentration of 7 mg/L. The report indicates a sudden spike in nitrate and TDS concentrations upgradient from Well No. 57 that does not appear to be correlated to the Dairy's discharge, indicating another potential contaminant source or sources (residential septic systems, localized irrigation, etc.) may exist somewhere between Monitoring Well Nos. 50 and 57. Such a potential contamination source is something that should be investigated outside the limits of the proposed Settlement Agreement. Meanwhile, Water Board staff find that the Dairy, albeit now closed, has contributed and continues to pose a threat to the water quality of downgradient neighbors. Thus, the need for the proposed CAO.

Should future monitoring efforts demonstrate that the contamination from the former Dairy Facility has migrated beyond the boundaries of the Affected Area, the CAO could be amended to expand the boundary. This is the procedure that was used to expand the boundary in January 2012.

7. Reasonableness of Deadlines

Given the time necessary to conduct the surveys, develop and submit a boundary demarcation proposal, properly record the easement pursuant to Civil Code sections 815-816, and submit a final report, the Prosecution Team and the Discharger agreed upon the proposed deadlines as both appropriate and reasonable. However, the deadlines were established assuming the Settlement Agreement would be signed by October 1, 2013. The Prosecution Team does not object to a reasonable extension of the deadlines in light of the delay. The Prosecution Team and the Discharger will provide an amendment to the Settlement Agreement with revised deadlines.

**Response to October 4, 2013 Comments by Jessica Culpepper and Deborah Rosenthal on behalf of Helendale and Barstow residents**

8. Comment I, Pages 5-6: Establish TDS Trigger Level at 500 mg/L

The Residents argue that the trigger for providing replacement water should be 500 mg/L for TDS concentrations. The Prosecution Team will not accommodate the Residents' request to lower the trigger level to 500 mg/L for TDS. According to California Code of Regulations, Title 22, the recommended secondary maximum contaminant level (MCL) for TDS is 500 mg/L, and the secondary MCL upper limit is 1,000 mg/L (short term MCL is 1,500 mg/L). This is a consumer acceptance level that is still protective of beneficial uses for drinking water.

Finding No. C.d. of CAO No. R6V-2011-0055-A1 found that the average background TDS concentration upgradient from the Dairy is 636 mg/L. The Water Board determined that a concentration level trigger of 700 mg/L would allow for variation in the background data and was within the acceptable secondary MCL range prescribed by the California Code of Regulations.

The Discharger requested increasing the TDS concentration trigger level to provide replacement water. As part of this Settlement Agreement the Discharger and the Prosecution Team agreed on a higher trigger of 815 mg/L<sup>1</sup> where such a level is deemed still protective of beneficial uses.

9. Comment II, Pages 6-7: Do Not Reduce Study Area

The residents express opposition to the potential to reduce the size of the Affected Area, and they also express concern that not enough wells are being tested in order to protect additional community members.

Please note that the proposed CAO does not immediately contemplate any reduction in the study area. Rather, Order No. 6 of the proposed CAO outlines a lengthy process in which wells (and residences) can be removed from the replacement water requirement within the Affected Area. It reads:

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<sup>1</sup> Consistent with the rationale for developing a reduced nitrate trigger level in Amended CAO No. R6V-2011-0055-A1, 815 mg/L was derived by subtracting the standard deviation of 185 mg/L from the upper limit secondary MCL of 1000 mg/L.

*“The Discharger may cease providing uninterrupted replacement water at any individual residence only when one of the two following conditions is met at the specific individual residence’s well being evaluated:*

- a. Groundwater nitrate as nitrogen and TDS concentrations are below 7 mg/L and 815 mg/L, respectively, for two consecutive nine-month sampling periods; or*
- b. Groundwater nitrate as nitrogen and TDS concentrations are below 7 mg/L and 815 mg/L, respectively, for four consecutive three-month sampling periods (i.e., the Dischargers may elect to collect groundwater samples on a quarterly basis and submit the results to the Water Board with notification that uninterrupted replacement water will no longer be provided based upon the monitoring results).*

*The Discharger must notify the respective property owner/tenant and submit the test result documentation to the Water Board.”*

The Prosecution Team agrees with the Resident’s concern that not all the wells in the Affected Area have been adequately monitored. This is due to either well abandonment, property transfers, lack of permission to monitor wells, etc. This is why Order No. 2 was written into the proposed CAO. It reads:

*“**Thirty (30) days prior to each groundwater sampling event** described in Directive No. 3, below, the Discharger shall visit all well locations in the Affected Area whose respective property owners and/or property tenants (including new property owners and new tenants) have not already been notified of the potential for elevated nitrate and TDS concentrations in the groundwater, or have not already provided permission for well sampling. The Discharger shall provide the respective property owners and/or property tenants notice of the following:*

- a. How beneficial uses are affected from elevated nitrate and TDS in groundwater at levels greater than that allowed under the Basin Plan, and information (e.g. pamphlets or flyers already prepared by CDPH or other local health agency) regarding the potential health concerns from consuming water with elevated nitrate concentrations;*
- b. A request for consent to sample the domestic supply well(s) providing water to the property occupant (owner and/or tenant) at a maximum frequency of every nine months; and*
- c. The existing contact information of the property owner and/or tenant along with a request for updated contact information.*

*In cases where the Discharger cannot access the property for purposes of notification, a written notice will be left in a prominent location at the property. If any property owner or tenant declines to have their private domestic water well sampled, such a decision, including a nonresponsive to the notice, must be documented and submitted with the associated monitoring report (described in Directive No. 5, below)."*

The current boundary for the Affected Area is drawn to incorporate those residential wells with nitrate or TDS concentrations elevated from background upgradient wells. The narrative description for the southern boundary has been modified to reflect a more accurate and average distance from National Trails Highway. More importantly, the Affected Area's southern boundary line has not been modified from that established by CAO No. R6V-2011-0055-A1.

10. Comment III, Pages 7-9: Require N&M Dairy to Remediate Contaminated Soil by Removing Nitrates and Other Contaminants

The Prosecution Team agrees that leaving nitrate-saturated soil currently poses a threat to groundwater quality. However, we also recognize that in ceasing dairy operations and removing the manure and hard pack, a large contamination source and driver of continued saturation and downward migration of contamination through the soil profile is also removed. Further, the SEP in the proposed Settlement Agreement will allow the land area to develop equilibrium so that natural processes (biodegradation and attenuation) can, over time, naturally attenuate and decrease the ongoing contamination of the underlying groundwater, thereby improving water quality overtime.

Though this proposed Settlement Agreement does not require the cleanup and removal of contaminated soils, the Water Board reserves its authority to require cleanup or abatement, in compliance with standards set forth in State Water Resources Control Board, Resolution 92-49, pursuant to Water Code section 13304.

11. Comment I, Pages 9-11: Provide Deeper Wells to the Residents

The Discharger and the Prosecution Team have determined that the terms of the proposed Settlement Agreement are appropriate in light of the alleged violations. With that said, the Prosecution Team does not disagree that providing deeper wells could be an option for the Discharger to consider in complying with Order No. 1 of the proposed CAO. Order No. 1 requires the Discharger to supply uninterrupted replacement drinking water, either bottled water or equivalent, for consumption and cooking to all adversely impacted residences within the Affected Area. Providing deeper wells may be an equivalent measure. Without dictating the manner of compliance, the proposed CAO provides the Discharger the option to pursue equivalent measures such as providing deeper wells. Water Board staff notes that deeper aquifers within the Mojave River generally have higher TDS concentrations than shallower aquifers; however, this alone does not foreclose deeper wells as an equivalent measure. To date, the Discharger has not identified the construction of deeper wells as an equivalent measure.

The Residents go on to comment that ceasing dairy operations will not sufficiently remediate the groundwater because, "...nitrates can persist in groundwater for decades and accumulate to even higher levels, as years of soil build-up continues to leach into the aquifers." The Residents base this comment on the USGS Nutrients National Synthesis Project, *A National Look at Nitrate Contamination of Ground Water* (Water Conditioning and Purification, January 1998, v. 39, no. 12, pages 76-79). However, that study actually states that nitrates can accumulate to even higher levels, "...as more nitrogen is applied to the land surface every year." Therefore, the Prosecution Team's interpretation of this article is that groundwater nitrate concentrations will not accumulate to higher levels because additional nitrogen (manure and other dairy waste) is no longer being applied every year. In fact, the concentrations will eventually decrease as the nitrate concentrations attenuate.

The Residents also comment that, "[w]ell water is the Residents' only source of water outside of bottled water, and the bottled water they receive is only enough for drinking. This means that the Residents are using contaminated well water for food preparation ..." However, CAO No. R6V-2011-0055-A1, Order No. 1, requires the Discharger to, "[s]upply uninterrupted replacement drinking water service...for consumption and cooking ..." The Prosecution Team is unaware that inadequate water supply has been provided. If the Residents need additional replacement water for cooking, the Discharger is currently required to provide it. This same requirement is retained in the proposed CAO.

Finally, the Residents indicate that using contaminated water for irrigation of food crops poses a rather significant health threat. They state that, "eating food irrigated with nitrate-rich water can lead to chronic nitrate poisoning because the dietary intake of nitrate is usually much larger than that from drinking water." The Residents cite an August 11, 2013 study published by the Canadian Center of Science and Education, *Would Use of Contaminated Water for Irrigation Lead to More Accumulation of Nitrate in Crops?* However, this August 11, 2013 study cannot be used to support an allegation that irrigating local food crops with the residential wells can lead to chronic nitrate poisoning. That study used sewage wastewater that likely has much higher nitrogen concentrations than groundwater within the study area, and the nitrate concentrations in groundwater would not be expected to significantly affect nitrate concentrations in crops grown with the groundwater. Each type of plant has a normal range of nitrate in its plant parts, with some naturally being higher than others (see <http://www.efsa.europa.eu/en/scdocs/doc/689.pdf>).

#### 12. Comment II, Page 11: Require N&M Dairy to Effectively Communicate Water Delivery and Contamination Issues to the Residents

The Residents related past instances where the Discharger failed to provide adequate, uninterrupted replacement water during the summer months, thereby causing the Residents to ration their water supply. They request a neutral third party be hired for the Residents to contact with problems related to water delivery. The Residents also request notification of sample results of their wells.

The Discharger and the Prosecution Team have determined that the terms of the proposed Settlement Agreement are appropriate in light of the alleged violations. The Prosecution Team is concerned that the Water Board was never notified that the residents were not provided with adequate replacement water during the summer months. Such an interruption or inadequate supply is a violation of the existing CAO issued to the Discharger. The Water Board should be notified of such violations so that such issues can be addressed; the manner in which it is addressed would depend on the circumstances.

The Prosecution Team notes that Water Board staff did receive one complaint from an affected residence near the beginning of the replacement water delivery program. Water Board staff immediately addressed the issue when the complaint was received, ensured replacement water delivery was immediately re-established, and confirmed with the complainant that water delivery was indeed resumed in accordance with the CAO.

13. Comment III, Page 12: Include Penalty Against N&M and Compensation to Residents for Failure to Provide Replacement Water

The Prosecution Team disagrees with the request to modify the proposed Settlement Agreement to provide compensation to the Residents for violations of the replacement water provisions. The proposed Settlement Agreement provides an assessment of administrative civil liability pursuant to Water Code section 13350, subdivision (a), for violations of water quality including the: 1) failure to remove all excess manure by January 17, 2012; 2) failure to submit monthly manure progress reports; and 3) failure to complete drainage, corral grading and eliminate storm water ponding in the corrals. It is not within the jurisdiction of the Water Board to allow for the payment of administrative civil liability to be directed as compensation to the Residents. Water Code section 13350, subdivision k, requires that liability imposed pursuant to Water Code section 13350, subdivision a, be deposited into the Waste Discharge Permit Fund.

The Discharger and the Prosecution Team have determined that the terms of the proposed Settlement Agreement are appropriate in light of the alleged violations. The Prosecution Team encourages the Residents to notify Water Board staff immediately of any lapses in bottled water delivery.

14. Comment IV, Pages 12-13: Include Provisions That Address Odors and Vectors

The Water Board's authority to control odor and vector issues rising to the level of a nuisance, as defined in section 13050 of the Water Code, is limited by its authority to control the discharge causing the nuisance condition. The Water Board does not have general authority to abate nuisance or assure the protection of public health. Control of these areas of concern have been statutorily assigned to local agencies and state health officials and it is the Prosecution Team's understanding that Water Board staff will continue to work together with local agencies to address odor and vector complaints related to the remaining manure until the Discharger completes closure of its operations.

There are different sources of potential odor and vector nuisance currently at the facility. Nuisance conditions for sources that fall under the Water Board's jurisdiction are prohibited under Discharge Specification I.C.4.d. in the Discharger's waste discharge requirements, Board Order No. 6-01-38, which remain in effect until after the Discharger completes closure, including the removal of manure from the lagoons, storage ponds and composting area.

The Discharger and the Prosecution Team have determined that, in accordance with California Government Code section 11415.60, the terms of the proposed Settlement Agreement are appropriate in light of the alleged violations. If nuisance conditions occur within the Water Board's jurisdiction, the Water Board may enforce on the terms of the Discharger's waste discharge requirements with the ultimate goal of abating the nuisance.

Please feel free to contact me at (530) 542-5436 if you have any questions regarding our response. You may also contact Scott Ferguson at (530) 542-5432 or Eric Taxer at (530) 542-5434 if you have any specific questions related to technical issues, or you may contact our Counsel, Vanessa Young, at (916) 327-8622 if you have any specific questions related to legal issues.



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