



**To:** Laurie Taul

**From:** David Lewis

**Subject:** Comments and suggestions on the draft *General Waste Discharge Requirements for Confined Animal Facilities Within the San Francisco Bay Region, Tentative Order No. R2-2016-00XX*

**Date:** April 29, 2016

Thank you for the opportunity to review and provide technical comments and suggestions on the content of the referenced draft document. Along with this review, comments provided by Dr. Deanne Meyer and myself in December 2014 on the draft version of the Conditional Waiver of Waste Discharge Requirements for Existing Dairies and the renewed waiver, R2-2015-0031 are referenced. The majority of the technical recommendations in that review are relevant to these new draft General Waste Discharge Requirements.

**General observations:**

- **Implementing 40 years of water quality management in 5 years** – For those CAFs that have never participated in water quality management programs and efforts, this order will be difficult to fully comply with in the short five-year timeframe stipulated in the order. Existing dairies have had the benefit of learning about water quality management and the technical and financial support of local, state, and federal partners to implement practices for decades. The proposed Order asks the other CAFs to come up to the same level of documentation, management measure implementation, monitoring, and fees in too short of time frame. More effort and input on how to phase-in the implementation of the requirements is needed – longer timeline, temporary or phased fee waivers, and exceptions or delays in water quality monitoring should be considered. It is appreciated that this order provides flexibility in the requirement of the different plan elements for each CAF based upon the scale and operational factors for animal and manure handling of specific facilities.
- **Tiers** – From the stand point of the existing dairies the proposed Tiers mirror current scales of operation and compliance requirements in the renewed conditional waiver.
- **Dormant and New Dairies/CAFs** - It is appreciated that there is a path for dormant dairies that restart and for entirely new dairies fall under this order.
- **Application of Grazing elements** – It is not recommended that the grazing elements be included and required across all regions covered by the order on the basis that there are Grazing Conditional Waivers in the Napa River and Sonoma Creek and Tomales Bay Watersheds. There are parallels with the State Water Resources Control Board's exploration and subsequent decision to not pursue the Grazing Regulatory Action Program (GRAP). Namely, water quality regulation is best organized and implemented to address identified problems instead of applying the same policy and set of requirements broadly in the absence of identified impacted water quality conditions.

## Specific Comments

- Page 1 #2 and Page 3 #9 – It is appreciated that processing water for endeavors like creameries is included making it easier for the producer and RB staff to work through the handling of processing water.
- Page 4 #21 and #22, Page 13 4.a. and 4.b – These are the specific elements that assert the assumption that there are impacted watersheds and that those impacts are from grazing livestock and therefore the grazing elements of the order are required. Again, the dialogue, recommendations, and resulting decision of the SWRCB not pursue GRAP are directly relevant to this portion of the order. The recommendation is that these elements and requirements be removed.
- Page 5 #23 – The studies being referenced are for groundwater basins in other California regions with hydrogeologic conditions that differ greatly from those in RB2 in terms of the pathways and surface and groundwater connections. The order should not use those studies to justify requiring the monitoring of groundwater. Instead, a groundwater study should be implemented and where impacted conditions are identified a regulatory program should be developed and implemented to address those impacts.
- Page 8 #38 and Page 16 #E 1.a-c – It will be important to develop a way for potential new dairies to transition from individual WDRs to the Tiers and these General WDRs. This won't happen very often but there is real potential for it to happen in a few select instances. This is in addition to the General WDRs' recognition and path for accommodating the restart of dormant dairies that is very much appreciated.
- Page 10 #A.7 – What does "...manner not approved..." mean and what is the process for approval?
- Attachment A and other Attachments' reference to and requirements for RDM monitoring – Please note that past and continual input and recommendation provided on the Conditional Waiver for Existing Dairies and the Grazing Land Conditional Waivers approved by RB2, affirming RDM as a management tool and not a regulatory tool for enforcement. In referencing past comments on this subject, the factors and conditions that effect RDM levels and that result in levels being below any recommended annual quantities should be considered and accounted for in this General WDR – this includes drought, fire, and weed management measures, among other factors and objectives.
- Attachment A Page 9 and 10 III.A.1 and 2 – It is recommended that the requested photographs stay on farm and be filed with the other records, available for review upon request.
- A title for Order Elements and Attachments – In implementing the revised Waiver for Existing Dairies it is difficult to communicate the content and purpose of the "Grazing Management Plan" because the title and the content are not in agreement. Learning from that experience, it is recommended that the titles for the following order elements and plans be changed as indicated:
  - Attachment B – Ranch Facility Water Quality Plan
  - Attachment E – Grazing Ranch Water Quality Plan