

---

## Lahontan Regional Water Quality Control Board

January 4, 2024

TO: ATTACHED MAILING LIST as bcc

### **Rescission Of Waste Discharge Requirements, Board Order No. 6-01-038 For Neil and Mary DeVries, N&M Dairy, San Bernardino County**

Lahontan Regional Water Quality Control Board (Water Board) staff are proposing to rescind waste discharge requirements for Neil and Mary DeVries, N&M Dairy (Board Order No.6-01-038). If you are interested in reviewing and providing written comments regarding the tentative rescission of waste discharge requirements for N&M Dairy (Board Order No. 6-01-38), please complete the following steps:

- Include the subject line “N&M Dairy Rescission WDID No. 6B368010004 Comments”
- Address to the California Regional Water Quality Control Board, Lahontan Region, attention of John Morales
- Send comments by **February 16, 2024**
- Send via email to [Lahontan@waterboards.ca.gov](mailto:Lahontan@waterboards.ca.gov) or mail to 15095 Amargosa Rd., Bldg. 2 - Suite 210, Victorville, CA 92394

In addition to or instead of written comments, you can provide verbal comments during the scheduled Lahontan Regional Water Quality Control Board meeting. This item is tentatively scheduled for consideration during the regular board meeting on April 17, 2024. You can view the Water Board's meeting agenda 10 days before the meeting on our [web site](#) to ensure the item remains scheduled for that meeting. If you need further information regarding this meeting, please contact our office at (760) 241-6583.

If you have any questions regarding this letter or the enclosed documents, please contact John Morales, Water Resource Control Engineer at (760) 241-7366 or [john.morales@waterboards.ca.gov](mailto:john.morales@waterboards.ca.gov), and/or Reginald Tan, Senior Water Resource Control Engineer at (760) 241-2434 or [reginald.tan@waterboards.ca.gov](mailto:reginald.tan@waterboards.ca.gov).

Enc: Tentative Rescission of Waste Discharge Requirements, Neil and Mary DeVries, N&M Dairy

---

DR. AMY HORNE, ACTING CHAIR | MICHAEL R. PLAZIAK, PG, EXECUTIVE OFFICER

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

**BOARD ORDER NO. R6V-2024-TENTATIVE  
WDID NO. 6B368010004**

**RESCISSION OF WASTE DISCHARGE REQUIREMENTS  
BOARD ORDER NO. 6-01-038**

**FOR  
NEIL AND MARY DE VRIES  
N & M DAIRY**

San Bernardino County

---

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

1. Facility Description

N&M Dairy (Facility) is located on 909-acres adjacent to the Mojave River approximately five miles northeast of the community of Helendale in San Bernardino County. The Facility is comprised of two adjacent sites: one at 30061 Lords Road (designed to accommodate a maximum of 1,500 cows) and the other at 18200 Lords Road (designed to accommodate a maximum of 800 cows).

The barns, corrals, and feedlots were located on approximately 45 acres. Most of the remaining 864 acres of land were used to grow fodder crops. At full operation, the Facility generated and discharged approximately 0.05 million gallons per day (MGD) of dairy wash water and approximately 8.9 tons of manure per day. The Facility closed in July 2013 and the site has since undergone closure activities to remove infrastructure and manure. Concentrations of nitrate as nitrogen (N) and total dissolved solids (TDS) in groundwater have shown a decreasing trend since the closure of the Facility.

2. Discharger

For this Board Order Rescission, N&M Dairy is referred to as the Facility and Neil and Mary DeVries (owners and operators) as the "Discharger."

3. Permit History

The Facility was previously operated as the Vander Veen Dairy. On January 12, 1984, the Water Board adopted Board Order No. 6-84-03 establishing waste discharge requirements (WDRs) for wash water and manure management for the Vander Veen Dairy. On July 11, 1985, the Water Board adopted Board Order No. 6-85-88 to reflect a change in ownership to Neil and Mary DeVries. The WDRs

were subsequently updated in 1994 (Board Order No. 6-94-062) and 2001 (Board Order No. 6-01-038).

#### 4. Enforcement

Dairy operations have resulted in a release of nitrate and TDS to groundwater. Since 2011, the Discharger has been monitoring groundwater and providing replacement water for drinking and cooking to downgradient residences relying on supply wells whose nitrate as N and/or TDS concentrations are at or above action levels. On December 12, 2013, the Water Board issued Cleanup and Abatement Order (CAO) No. R6V-2013-0103 (2013 CAO), replacing CAO No. R6V-2011-0055 and its amendments. The 2013 CAO documented that dairy operations had ceased, that some dairy-related wastes had been removed from the site, and remaining waste would undergo composting for future agricultural use. The 2013 CAO consolidated groundwater monitoring requirements from previous CAOs and identified decision points and threshold limits for determining when supplying replacement water must be initiated or can be discontinued. Under the 2013 CAO, uninterrupted replacement water must be provided to those residents whose wells produce groundwater nitrate as N concentrations of or above 7 mg/L and/or TDS concentrations of or above 815 mg/L. The 2013 CAO is still in effect.

#### 5. Closure

The Facility was closed in July 2013, and all infrastructure including corrals, barns, and buildings have since been removed from the site. In November 2022, the site was re-graded and residual manure stockpiled on the east side of the site. The manure has been composted for onsite agricultural use. On December 1, 2022, staff inspected the site and observed that the site was properly graded, and the stockpiled manure was stabilized. The remaining stockpiled manure was land applied onsite for agricultural use in December 2023 where it will be up taken by the crops.

#### 6. Reason for Action

The onsite infrastructure and impoundments, including the disposal areas, are no longer in use and have been decommissioned, thus no longer requiring the WDRs. Water quality data show a decreasing trend of nitrate as N and TDS concentrations in groundwater since the closure of the Facility, though concentrations still exceed the cleanup thresholds established in CAO No. R6V-2013-0075. Rescission of Board Order No. 6-01-038 will have no effect on CAO No. R6V-2013-0075, which requires groundwater monitoring and uninterrupted replacement water for those residences affected until groundwater quality has been restored.

#### 7. California Environmental Quality Act

Rescission of the WDRs is exempt from the provisions of the California

Environmental Quality Act (Public Resources Code section 21000, et seq.) in accordance with the California Code of Regulations, title 14, section 15321 (a)(2), Enforcement Actions by Regulatory Agencies.

8. Notification of Interested Parties

The Water Board has notified the Discharger and interested parties and agencies of its intent to rescind Board Order No. 6-01-038. No comments were received during the public review period for the rescission order.

9. Public Meeting

The Water Board, in a public meeting, heard and considered all comments pertaining to the rescission of Board Order No. 6-01-038.

**IT IS HEREBY ORDERED THAT** pursuant to the Water Code, sections 13260 and 13263, Board Order No. 6-01-038 is hereby rescinded except for enforcement purposes.

I, Michael R. Plaziak, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on April 17, 2024.

---

MICHAEL R. PLAZIAK  
EXECUTIVE OFFICER