

Executive Officer's Summary Report
8:30 a.m., November 3, 2011
Regional Water Board Office
David C. Joseph Hearing Room
5550 Skylane Blvd, Suite A
Santa Rosa, CA

ITEM: 7

SUBJECT: Regulatory Program for Waste Discharges from Dairies in the North Coast Region

DISCUSSION

Regional Water Board staff has drafted a three-tier regulatory program for existing cow dairies and Concentrated Animal Feeding Operations (CAFOs) in the North Coast Region. A Notice of Public Hearing formally announcing the availability of the draft permits for public review and comment was posted on October 24, 2011. A Public hearing to consider adoption of the tentative Orders is scheduled for January 18 & 19, 2012 in Santa Rosa or announced in the Regional Water Board's agenda. At the November Workshop, staff will provide an overview of the draft permits, highlighting the different requirements for each permit type, answer the Board's questions, and hear public comments. The public comment period will close December 5, 2011.

The three tiers of the dairy regulatory program are:

1. A federal National Pollution Discharge Elimination System (NPDES) permit for Concentrated Animal Feeding Operations (CAFOs). This permit covers cow dairies as well as other designated CAFOs that discharge waste to surface water or groundwater. A Nutrient Management Plan and water quality sampling of discharges are mandatory requirements of this permit. The NPDES permit allows dairies to operate while meeting minimum water quality standards. Dairies that have large volumes of water to control, in comparison to the size of the dairy infrastructure, may fall under this permit type.
2. General Waste Discharge Requirements (GWDRs) cover dairies that do not discharge to surface waters and do not meet the requirements for coverage under the Conditional Waiver of Waste Discharge Requirements. The GWDR requires the development and implementation of a Nutrient Management Plan over several years following permit adoption, while requiring regular sampling of surface water runoff and groundwater wells. Best management practices must be implemented to protect water quality and meet Title 27 statewide minimum standards for discharges of animal waste at confined animal facilities.

3. The Conditional Waiver of Waste Discharge Requirements (Waiver) covers dairies that demonstrate that they do not discharge to surface waters and that they meet the minimum standards for protection of surface water and groundwater contained in Title 27. Preparation of a Water Quality Plan, including key elements of a nutrient management plan, is required. Regular inspections of best management practices are required, including showing compliance before the winter rains begin. Submittal of an Annual Report documenting compliance with conditions of the Waiver is due each fall. Surface water and groundwater sampling are required; however, group monitoring may be allowed if approved in advance by the Regional Water Board Executive Officer.

All three permit types require:

1. Enrollment within 90 days of Board adoption of these permits;
2. A written plan for the control of waste within the production area and the land application area;
3. Regular inspection of water quality protection structures and other best management practices;
4. Submittal of surface water and groundwater monitoring results;
5. Submittal of Annual Reports each fall prior to the rainy season; and
6. Allowing Regional Water Board access to conduct inspections, review of the dairy plan, take photographs, and collect water quality samples.

The permits allow for termination of industrial stormwater permits or individual waste discharge requirements upon enrollment in one of the new permit types.

PRELIMINARY STAFF
RECOMMENDATION:

Informational item only