

# Central Valley Dairy Industry: Today's Regulatory Framework Much Needed Changes are Coming

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## **Protecting Our Water Quality is Crucial**

In California's Central Valley (Valley), cities, food processors, farmers and other businesses all depend on a safe and abundant water supply. Farmers put water to good use, growing food for millions of families in California and around the nation and world. The Central Valley Regional Water Quality Control Board (Central Valley Water Board), regulates "discharges" of water that has been used and then is returned to the environment. Current regulations are intended to protect water quality now and for future use.

## **Salt and Nitrate Accumulations in Groundwater Can Harm Drinking Water Supplies**

Some seepage or movement of salts and nitrates into groundwater or below-ground aquifers is inevitable, even with technological advancements over the past century. Small amounts of the nitrogen fertilizer, containing nitrates, seeps into groundwater, and that very same groundwater is carrying small amounts of naturally occurring dissolved salts. These salts and nitrates are pumped onto farmland soils as irrigation water from below-ground aquifers, or are brought onto to farmlands by water from irrigation canals. At high enough concentrations, the salt and nitrate accumulations can harm aquatic life in surface water or make groundwater unusable for drinking water or agricultural uses.

## **Ensuring Safe Drinking Water Supplies and a Robust Farm Economy is Critical**

The current regulations require that waste water discharges seeping into the groundwater meet safe water drinking standards. Yet, in many cases, this is not achievable. The current regulations contain stringent water quality objectives that are "one-size-fits-all" and inflexible in accounting for the Valley's variable soil, climate, hydrology, aquifers, crops, and farming practices. Even with the implementation of best practices, under the *current* nitrate and salt regulations, dairy farmers face with a difficult choice: (a) shut down their operation or (b) keep farming, knowing they may be deemed out of compliance, and subject to enforcement, such as fines or even cease-and-desist orders, and even civil liability lawsuits. Regulators are force to require dairy farmers to meet impractical, even impossible standards, or order them to stop discharging, which is equivalent in many cases to telling them to stop farming.

## **Regulatory Change is Coming in Late 2018**

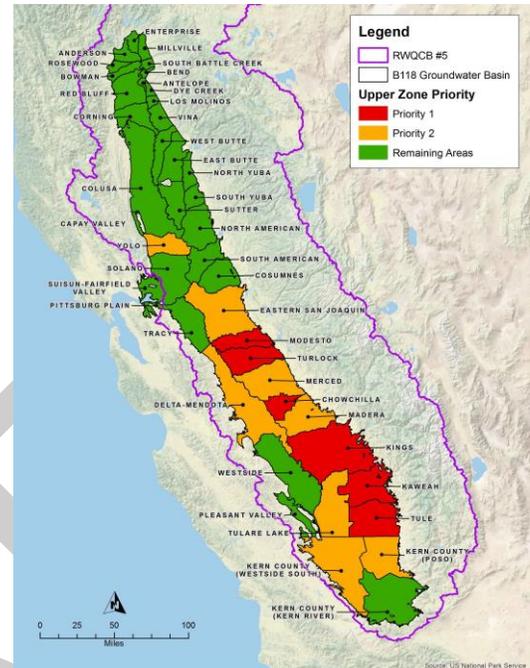
The good news is that changes in regulations is on the way, change that will allow farmers and other dischargers to work with their neighbors to ensure safe drinking water for all – without putting farms out of business. Change won't necessarily be easy, as change rarely is, but the new regulatory policies and recommendations in the January 2017, CV-SALTS *Salt and Nutrient Management Plan* (SNMP) will provide a more sensible and balanced approach for farm water use. The SNMP proposes new, more locally flexible and balanced regulatory solutions for nitrate and salt management that will allow dairies and other farms to remain in business. The SNMP charts a balanced vision for the future, where farmers utilize management practices that contribute to groundwater protection. Where safe drinking water is not available to all, farmers and other dischargers will contribute to solutions that provide treatment or other actions needed to correct the situation. To combat the long-term salt problem, planning would also begin on developing major infrastructure changes needed to remove more salt from the Valley, returning it to the ocean or to otherwise safe storage.

Instead of asking farmers to do the impossible – to either grow crops without fertilizer or to meet drinking water standards immediately below their crops – the SNMP asks everyone to do their best now and continue to improve, while moving quickly to make sure all Valley communities have a safe drinking water supply.

## Central Valley Dairy Industry: New Flexible and Localized Regulatory Framework Coming

The current Waster Discharge Requirements (WDRs) for dairy operations will remain in effect and the ways in which farmers work to comply will become much more flexible and much more localized to their given situation. Some of the benefits include the following:

- High-priority areas will be the first focus of implementation (see red areas on map). In these areas, dairy operators will be required to participate in providing safe drinking water, while continuing to apply best practices to reduce the amount of salt and nitrate entering the groundwater at their location.
- Dairy operators will be offered choices: Pathway A: traditional permitting with no requirement to contribute to safe drinking water so long as a farmer can show that water quality objectives are being met, or Pathway B: joining a local management zone and working collaboratively with others to provide drinking water while using reasonable management practices, even if water quality standards cannot be met immediately.
- By participating in the provision of safe drinking water, farmers will receive some “wiggle” room in complying with WDRs. If a dairy operator does their best to reduce and control salt and nitrates using the best management practices available, and they continue to do so, then compliance will be more flexible.
- Benefits of Pathway B, joining a management zone:
  1. Demonstrated Compliance. Demonstrate you are contributing your fair share towards providing drinking water to everyone in your area. If your management practices are not enough to prevent impacts to groundwater under your farm’s location and there was no way to feasibly do better, you would not face enforcement action. The consequences of being unable to comply, particularly in shallow groundwater beneath farms, would become less stringent even though the current WDRs remain in effect; the operator’s risk of enforcement actions is reduced.
  2. Cost Savings. Work with others and share the cost of providing safe drinking water. The goal is to spread the costs equitably among the members, while also working as a cooperative entity to secure additional funding for continuing the provision of safe drinking water.
  3. Reduce Future Regulation. Reduce the need for even more stringent regulation in the future.



### Why Do Dairy Operators Need to Know About This Now?

It is important that dairy operators support the move toward a more localized and flexible regulatory process. Some solutions are recommended, but not all the details of these solutions have been developed. Being involved will make a difference in determining everything from cost shares for drinking water solutions to what constitutes reasonable management practices. In fall 2018, in the areas identified in the SNMP as “High-Priority” implementation of the SNMP policies will begin. For this bold new vision to work, cost sharing must be equitable, with everyone doing their part. Success is essential for everyone in the Valley, from dairy farmers who use water resources to grow crops and feed cattle, to their neighbors who depend on them to create jobs for hundreds of thousands of Valley residents and food for millions of Americans. Most importantly, success is essential for everyone who drinks, uses and depends upon the valley’s water resources for health and prosperity.