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UCCE Kings County

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Mr. Bill Zumwalt
Director, Kings County Planning Agency
Government Center Building #6
1400 W. Lacey Blvd.
Hanford, CA 93230

Dear Bill,

Thank you for the opportunity to review the draft Dairy Element and Program EIR for Kings County. I recognize the tremendous amount of time that went into this document. You, your staff, and Baseline should be commended for your valiant effort to set out a blueprint to ensure that the dairy industry continues to grow and prosper while protecting public health, safety and the environment. In spite of all the work that has been done, I have some serious concerns about what has been proposed. 19-1

There is no question that clean air is a vital resource to protect. Yet the provisions of the Element propose to regulate an entire industry based on sketchy and questionable data. Information used throughout the air quality discussion (section 4.2) of the PEIR to assess impacts and develop mitigation measures does not have the endorsement of the scientific community. The PIER references data from studies that have not been published or peer reviewed to ensure accuracy. We do not know with any certainty at this time the quantity of air emissions occurring from dairies. Standard methods for sampling air at dairy facilities to make these determinations are only now being developed. To make a finding of significance in the PEIR regarding air quality impacts is presumptuous and unwarranted until accurate means of quantification are available to establish baseline data for air emissions from livestock and their manure. Technologies to address reducing potential adverse air quality effects from livestock are under investigation, but it would be woefully premature to establish policy regulating an industry on issues for which there is a lack of information and complete understanding. 19-2

Following are more specific comments or questions relating to the draft Dairy Element:

Section III. Policies for Siting

Policy DE1.2d addresses **high groundwater areas**. A statement is made about what would be required for new dairies in those areas, but there is no reference to existing dairies. Can they continue to operate and expand in those areas? 19-3

Policy DE 2.1f says that all **new dairies** have to include a **Technical Report** in their application. The technical report is a very detailed, comprehensive document that must contain studies, plans and programs to describe the siting, management and operation of the dairy. What about existing dairies (pre-1979)? Will they be required to submit a Technical Report as part of establishing their calculated capacity? 19-4

Policy DE 2.2a says that dairies with zoning permits (which means the ones that came in after 1979) are subject to the limits of their current zoning permit. Most of these dairies have expanded, so they will need to establish a calculated capacity too. Is establishing a calculated capacity (based on land owned by July 1, 1998) considered an expansion that would require a site plan review? 19-5

Policy DE 4.1 requires a Comprehensive Nutrient Management Plan as part of the Technical Report. Efforts are underway to define a uniform CNMP for use in California. Until the details of a uniform CNMP are finalized it would be more appropriate to use another term such as a manure nutrient management plan to avoid confusion. 19-6

Section IV. Design Criteria

Policy DE 3.2e refers to "developing requirements" to ensure that there is even distribution of manure laden irrigation water on crops to prevent "hot spots". Who will develop these requirements and will there be review prior to implementation? 19-7

Policy DE 4.1a describes components of the comprehensive nutrient management plan that are required as part of the Technical Report. Under Manure Handling and Storage there is a section on "Manure treatments" that says manure must be handled and **treated** for a number of reasons including the reduction of air emissions. Treatment implies some action other than standard storage, handling and management of the liquid and dry manure. Many various manure treatment options are being studied, but there is currently little information available about real world efficiency, cost effectiveness, etc. for these technologies. The treatment options listed in Appendix J-7 or others may have merit, but until there is a proven track record of how to best manage them on dairies it is premature to require treatment. 19-8

Policy 4.2b says that run-off water that does not come into contact with manured areas must be diverted and is not allowed in the lagoon. If a dairy has sufficient capacity in the lagoon 19-9

to handle this run-off, why should it be prohibited from being stored in the lagoon for subsequent use as irrigation water? 19-9 Cont.

Policy DE 5.1e suggests using water to reduce fugitive dust emissions from corrals. Adding water to corral surfaces to reduce dust can increase odors, humidity, and flies thus causing other problems for animals (mastitis, respiratory disease, pinkeye) and people (nuisances). 19-10

Section V. Monitoring

The monitoring program that is described which includes inspections, logging, recording and reporting on a daily, weekly, monthly, periodic, seasonal, semi-annual or annual basis (depending on what is being monitored) goes way beyond the realm of being practical for any dairy producer. The required monitoring is unrealistic, burdensome, and will be impossible to implement on many dairy farms. 19-11

Minimum standards for monitoring are listed for each area of concern. Will additional standards be forthcoming that will be required over and above the minimum standard? 19-12

The requirement for monitoring wells on all dairies is overkill. If all the detailed provisions of the Element are met and complied with to protect the environment and public health, why are monitoring wells required? 19-13

The Dairy Monitoring Office and the compliance specialist assigned to administer the program can not possibly do all of the tasks that are described. Creating a new bureaucracy to oversee the work that milk inspectors, RWQCB inspectors, OSHA compliance officers, Fish and Game wardens, CDFA animal health branch personnel and others are already doing is redundant.

Section VI. Conformance Program 19-14

The term "legally established" has appeared in a number of places and needs clarification. Are there any illegally established dairies in the county? It seems that any existing dairy is legally established.

More time and lots of money will be required to bring existing dairies into voluntary conformance with current operational standards. 2006 is not realistic. Instead of creating a new Dairy Conformance "certification" program, the California Dairy Quality Assurance Program should be considered. The CDQAP is voluntary program that allows dairy producers to become certified in Food Safety, Animal Health and Welfare and **Environmental Stewardship.** The program is a collaborative effort by the dairy industry, the University of California and state and federal regulatory agencies. To certify in Environmental Stewardship, producers must attend classes, develop an Environmental 19-15

Stewardship Farm Management Plan, and successfully complete an on-site evaluation by a non-regulatory third party. More than half of the dairies in Kings County have begun the six hours of class room instruction. About 30% (46 of the 149 dairies) have completed the classes and are now eligible for the on-site evaluation leading to certification. Environmental Stewardship classes will be offered again in Hanford on Oct. 15th, 22nd and 29th. 19-15 Cont.

Section VII. Economic Analysis

A glaring omission in the economic analysis is the cost of conforming to the Element. There will be enormous costs for private consultant and attorney fees, facility upgrades and improvements, land purchases, installation and maintenance of record keeping systems, and all the other details related to preparing, implementing, monitoring and reporting the plans and surveys required for the technical reports. The technical report seems to be in reality a mini-EIR. 19-16

Sadly, the practical realities for dairy producers have been lost in preparing all of the very specific details of the Dairy Element to prevent lawsuits from environmental groups. One of the stated goals is to ensure that the dairy industry can grow to enhance the economy of Kings County. Adoption of the draft Dairy Element may have the opposite effect. Few dairies will want to build or expand in Kings County when they may be at an economic disadvantage from the cost of complying with the Element. Regulatory mechanisms already exist to ensure that the environment and public health is protected. The level of participation in the voluntary CDQAP Environmental Stewardship program by Kings County dairy producers demonstrates their commitment to ensuring that they comply with all current, applicable environmental laws and regulations. The Element creates excessive requirements that have questionable benefit for dairies, for the environment and for the public. 19-17

I hope that you will give careful consideration to these and other comments you receive regarding the draft Dairy Element and Program EIR for Kings County.

Respectfully,

Carol Collar

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cc: Bruce Roberts, County Director
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