

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF FINANCIAL ASSISTANCE
MAY 6, 2008**

ITEM 5

SUBJECT

CONSIDERATION OF A RESOLUTION APPROVING SUPPLEMENTAL FUNDING FOR A GRANT TO THE COUNTY OF MERCED FOR DEVELOPMENT OF A MODEL COMPREHENSIVE NUTRIENT MANAGEMENT PLAN (CNMP) FOR CONFINED ANIMAL OPERATIONS USING WATER CODE (WC) §79114.2, ADDED BY THE COSTA-MACHADO WATER ACT OF 2000 (2000 BOND ACT)

DISCUSSION

The 2000 Bond Act was approved by voters on March 7, 2000. Within the 2000 Bond Act, WC §79114.2 appropriates \$5 million from the Nonpoint Source Pollution Control Subaccount (WC §79112) which can be used for grants to local public agencies to pay for the cost of developing ordinances, regulations, and elements of their General Plans to assist in providing uniform standards for the permitting and operation of animal feeding operations within their jurisdictions. Of the \$5 million available, the State Water Resources Control Board (State Water Board) has only awarded \$3,004,177. Eligible agencies have shown little interest in the funds in part due to uncertainty regarding regulatory requirements.

On November 19, 2002, the State Water Board approved [Resolution No. 2002-0160](#) authorizing a grant with Merced County for \$253,000 to develop CNMP Technical Guidance Documents that provide uniform standards for confined animal operations. In 2005, the State Water Board executed a Grant Agreement (No. 05-095-550-0) with Merced County for the CNMP for Confined Animal Operations Project. As of September 2007, \$140,000 of the \$253,000 has been expended.

In October 2007, Merced County requested that the end date of the Grant Agreement be extended to December 31, 2008. The reason for the extension was that there was a delay by the Central Valley Regional Water Quality Control Board (Central Valley Regional Water Board) in adopting their new dairy requirements. The Central Valley Regional Water Board adopted their Waste Discharge Requirements (WDR) General Order for Existing Milk Cow Dairies ([No. R5-2007-0035](#)) on May 3, 2007. The delay in adopting the WDRs delayed the start of this Project. The Division of Financial Assistance (Division) approved the request for a time extension in January 2008.

When WDR No. R5-2007-0035 was adopted; its requirements were significantly different from what existed when the original Merced County Project was approved. The new requirements caused the increase in the estimated cost to complete the Project. Merced County sent a letter to the Division in September 2007 requesting additional grant funds to complete the Project. The Division requested additional information to justify the increased grant amount.

The additional scope of work and budget information provided by Merced County in November 2007 supported the need for an additional \$202,000 to complete the Project. The additional funds will develop the model CNMP format and include items to meet the current regulatory requirements and guidelines of the Central Valley Regional Water Board, the Natural Resources Conservation Service of the U.S. Department of Agriculture, and, the U.S. Environmental Protection Agency. Merced County will also prepare a web-based, internet downloadable model CNMP that is capable of generating regulatory reports from information input by the user.

POLICY ISSUE

Should the State Water Board authorize \$202,000 in additional funding to Merced County to complete the model CNMP for Confined Animal Operations Project?

FISCAL IMPACT

The 2000 Bond Act authorized \$5 million to fund Dairy Ordinance Grants; \$3,004,177 has been awarded to projects. The current Fiscal Year 2008-2009 Governor's Budget contains a new appropriation from WC §79112 that is sufficient for the additional funds needed for the Project.

REGIONAL WATER BOARD IMPACT

Yes; Central Valley Regional Water Board.

STAFF RECOMMENDATION

That the State Water Board authorize \$202,002 in additional funding to Merced County contingent upon the State Water Board receiving adequate appropriations, to complete their model CNMP for Confined Animal Operations Project.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2008-

APPROVING SUPPLEMENTAL FUNDING FOR A GRANT TO THE COUNTY OF MERCED FOR DEVELOPMENT OF A MODEL COMPREHENSIVE NUTRIENT MANAGEMENT PLAN (CNMP) FOR CONFINED ANIMAL OPERATIONS USING WATER CODE (WC) §79114.2, ADDED BY THE COSTA-MACHADO WATER ACT OF 2000 (2000 BOND ACT)

WHEREAS:

1. The 2000 Bond Act authorizes \$5 million for grants to local public agencies to pay the cost of developing ordinances, regulations, and elements of their General Plan;
2. On November 19, 2002, the State Water Resources Control Board (State Water Board) approved [Resolution No. 2002-0160](#) authorizing issuance of a Grant Agreement with the Merced County for an amount of up to \$253,000 to develop Comprehensive Nutrient Management Plan (CNMP) Technical Guidance Documents that provide uniform standards for confined animal operations;
3. On May 3, 2007 the Central Valley Regional Water Board adopted their Waste Discharge Requirements (WDR) General Order for Existing Milk Cow Dairies ([No. R5-2007-0035](#));
4. Due to the delay and changes to WDR between 2002 and 2007, Merced County has requested additional funds to complete the CNMP for Confined Animal Operations Project (Agreement No. 05-095-550-1); and,
5. The additional funds needed are \$202,000 and will pay for the following new and expanded Project features:
 - Develop the model CNMP format and include items to meet current regulatory requirements and guidelines of the Central Valley Regional Water Board, the Natural Resources Conservation Service of the U.S. Department of Agriculture, and, the U.S. Environmental Protection Agency.
 - Prepare a web-based, internet downloadable model CNMP that is capable of generating regulatory reports from information input by the user.

D R A F T

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

Authorizes \$202,002 in additional funds to Merced County, contingent upon the State Water Board receiving adequate appropriations, to complete their CNMP for Confined Animal Operations Project.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on May 6, 2008.

Jeanine Townsend
Clerk to the Board