

LETTER 14 - Keith Winkler, Kings County Division of Environmental Health Services

Response to Comment 14-1

The commentator's opinion that the Fifty-Percent Reduced Herd Size alternative is the environmentally superior alternative is noted for the record. The estimation of the theoretical County dairy herd was developed through identification of lands suitable for dairy development and nutrient spreading throughout the County. If lands identified in the Element are used for purposes that would conflict with their use by future dairy development, the theoretical limit on dairy development would be reduced.

Response to Comment 14-2

As described in Section II of the Element, the calculation of the "theoretical County dairy herd did account for nutrient loading associated with other confined animal facilities and land application of biosolids. As indicated on Table 5A of the Element, 95,495 acres of land within the DDOZs and NSOZs were assumed to be necessary for application of nutrients from these "non-dairy" sources. That acreage was discounted as unavailable for application of dairy manure and process water.

Response to Comment 14-3

The commentator is referred to Response to Comment 4-4.

Response to Comment 14-4

The commentator is referred to Responses to Comments 4-1 and 4-2.

Response to Comment 14-5

The potential for fly infestation at proposed new and expanded dairy developments was described in the Draft PEIR (pages 4.8-8 and 4.8-9). As described in that discussion, most complaints associated with flies have been directed at dairies where drainage is a problem and facility design makes maintenance and good housekeeping practices difficult. Potential drainage problems in corrals at new and expanded dairies are addressed in **Policies DE 4.1a.B.2.g** and **4.1a.B.2.h**. **Policy DE 4.3b** of the Element requires development and implementation of a Pest and Vector Management Plan (PVMP) for all new and expanded dairies. Guidance for preparation of PVMPs is provided in Appendix J of the Element. The design and management requirements of the Element would provide effective mitigation of the potential development of fly infestations. **Policies DE 6.4a** through **6.4c** provide for a formal process to evaluate and respond to public complaints that may result from failure of operators to control pest infestations. In conjunction with the minimum setbacks presented under **Goal DE 3** of the Element, the policies discussed above provide feasible mitigation that would reduce the potential for nuisance conditions related

to flies to a less-than-significant level. Whereas it is possible that individual flies or groups of flies may travel farther than one-half mile, it is not practical to determine an average maximum distance that flies can fly or be carried by the wind.

The comment also addresses the potential impact of odors with respect to setback requirements contained in the Element. Although the SJVUAPCD indicates that odors may be significant within one mile of a dairy facility, the Element includes effective controls on odor that are not currently in place at most dairies in the San Joaquin Valley Air Basin. Most significantly, the Element requires advanced treatment of manure and process water that would dramatically reduce the formation of odorous compounds. Drainage controls would also reduce the potential for odor development.

The estimated rate of salt generation for dairy cows (1.29 pounds per day per animal unit) was obtained from the Regional Water Quality Control Board's *Instructions for Dairy Waste Load Calculations*.

Response to Comment 14-6

The comment correctly indicates that a footnote to Table 2 of the RWQCB Fact Sheet 4 indicates that the assumptions used in the table (which presents the methodology for calculating nitrogen loading) are consistent with "assumptions used by staff in Merced County." The RWQCB considers the assumptions to be based on the best science available and have adopted the cited nutrient loading factors for their guidelines for determining potential nitrogen loading. The Element acknowledges (page DE-10) that the values may be modified in the future as new information becomes available.

Response to Comment 14-7

The commentor is referred to Response to Comment 4-2.

Response to Comment 14-8

The text of **Policy DE 3.2a.A** has been modified in response to the comment.

Response to Comment 14-9

The text of **Policy DE 4.1a.B.2.g** has been modified in response to the comment.

Response to Comment 14-10

Policy DE 5.1g (now **5.1f**) has been modified to require that dairy developments conform with the SJVUAPCD standards for construction equipment activities.

Response to Comment 14-11

The points made by the commentor regarding the fact that methane is not identified as a criteria air pollutant or a toxic air contaminant and that no quantified emissions standards exist for methane are noted for the record. However, the fact that methane emissions are not controlled by the same regulations that apply to criteria air pollutants and toxic air contaminants does not support the implied conclusion that methane emissions would not be a significant environmental impact. As pointed out in the PEIR, the U.S. EPA has identified methane emissions as a significant greenhouse gas and has prepared guidance for voluntary reduction of methane emissions. In recognition of potential adverse effects of methane emissions, the 1992 Clean Air Act Amendment (Section 603) includes provisions for the continued evaluation of methane sources and for developing control measures to stop or reduce the growth in atmospheric concentrations of methane from sources in the United States. As discussed in Response to Comment 1-1, CEQA does not exclude consideration of global environmental impacts. Additionally, the responsibility to reduce methane emissions at the project site is not negated by the possibility that the impact would occur with or without the project. The impact of methane emissions would be reduced by implementation of advanced manure treatment but cannot be eliminated. Methane generated by the digestive systems of dairy cattle (even if in good health) would remain a significant source of methane emissions.

Response to Comment 14-12

The comment is noted for the record. Most of the plans cited in the comment are required to be prepared by qualified professionals, and it is not assumed that the plans would be developed by the dairy operators. However, the County does support participation by dairy operators in the Environmental Stewardship Short Course offered by U.C. Cooperative Extension. Section VI of the Element has been modified to reflect the County's desire that all dairies operate in efficient, economical, and environmentally sound ways and recommends, but does not require, that dairies work toward California Dairy Quality Assurance Program certification.