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## FREQUENTLY ASKED QUESTIONS REGARDING WASTE DISCHARGE REQUIREMENTS GENERAL ORDER NO. R5-2007-0035 FOR EXISTING MILK COW DAIRIES 22 February 2008

The Central Valley Regional Water Quality Control Board (Regional Board) adopted Waste Discharge Requirements General Order No. R5-2007-0035 for Existing Milk Cow Dairies (General Order) on 3 May 2007. The following Frequently Asked Questions (FAQs) are intended to answer questions regarding these new requirements. If you have additional questions, you may contact Regional Board staff. The FAQs will be continually updated to include answers to new questions that are asked. Please check the Regional Board website periodically at [http://www.waterboards.ca.gov/centralvalley/water\\_issues/dairies/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/dairies/index.shtml) for these updates.

### **APPLICABILITY QUESTIONS**

#### **1. What areas at the dairy are covered by the General Order?**

The General Order covers the dairy production area and the cropland associated with the dairy, even if the dairy and the cropland are managed by different people.

#### **2. If I lease the production facility and operate the dairy, but the landowner has control of liquid manure application and growing crops, which of us is under the General Order? What if only one of us received a copy of the General Order and cover letter back in June 2007?**

The General Order specifies that both the owner and the operator are the Discharger, so both are responsible for complying with the General Order. The cover letter and General Order may have been sent only to the owner or only to the operator due to information provided in the 2005 Report of Waste Discharge, which asked who should receive Regional Board correspondence: the owner, the operator, or both.

#### **3. I rent my dairy. Do I have to do the PDFA and Existing Conditions Report or does the landowner have to do it?**

If the dairy is rented, both the dairy operator and the dairy landowner are considered to be the Discharger, and both are responsible to see that a PDFA and Existing Conditions Report are submitted for the dairy. Only one set of reports is needed, and it is up to the owner and operator to work out who will be submitting the reports.

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*California Environmental Protection Agency*

***4. I rent out my dairy. I think that the renter will be doing the PDFA and Existing Conditions Report. What happens if the renter does not do the forms and send them in? Will the owner be fined or just the renter?***

Both the owner and the operator are jointly responsible for seeing that the PDFA and Existing Conditions Report are completed and submitted to the Regional Board. Both the owner and the operator must sign the completed PDFA and Existing Conditions Report forms before they are mailed to the Regional Board. If the forms are not turned in, both the owner and operator will be held responsible for the failure to file the forms, and both will be subject to fines for failure to file the forms.

***5. For my dairy, different people operate the dairy and manage the cropland. Who must sample the supply wells in the production area? In the land application area?***

Existing wells (both irrigation and domestic) need to have been sampled by 3 November 2007, and annually thereafter, in both the production area and the land application area (cropland) by the Discharger. Under the General Order, both the landowner and the operator are collectively referred to as the Discharger, and therefore both are jointly responsible for sampling. It is up to the owner and operator to work out who samples what. The results of all supply well sampling must be included in the annual report for the dairy.

You need to sample all wells on land you manage where you have in the past or are currently applying solid manure or process wastewater. You do not need to sample irrigation wells on land where you do not apply process wastewater or solid manure. If you decide to start applying process wastewater or solid manure to a parcel that has not received it in the past, it is advisable to sample any wells on that parcel before you begin to apply manure or wastewater.

**6. Who is required to comply with the provisions of the General Waste Discharge Requirements for Existing Milk Cow Dairies?**

The Order applies to dairy owners and operators who submitted a Report of Waste Discharge in 2005. These parties were sent a certified letter in June 2007 directing them to comply with the Order. In more formal terms taken from the Order itself, it applies to "all Dischargers specified by the Central Valley Water Board and all Dischargers that have submitted the appropriate fee and a complete Report of Waste Discharge in response to the Central Valley Water Board's 8 August 2005 request, their agents, successors, and assigns."

**7. Who has the Regional Board notified to require compliance with the Order?**

The Executive Officer of the Regional Board sent certified letters to parties that submitted a Report of Waste Discharge in 2005.

**8. What if I was notified of my responsibility to comply with the Order but one or more of the other owners and/or operators were not notified?**

Notify the other responsible party(ies) of the situation in writing with a copy to the Regional Water Board. This will help protect both you and your co-owner/operator from potential liability that may arise from this situation.

**9. What if one of the responsible parties does not want to conduct the work required by the Order?**

All responsible parties are jointly and severably responsible. If enforcement action is taken for failure to comply, all parties will be named.

**10. What cropland is regulated by the Order?**

The Order applies to cropland that is owned and/or operated by parties that own and/or operate a dairy and that receives applications of wastewater, manure or other waste generated at the dairy. These lands should have been listed in the Report of Waste Discharge submitted in 2005 and in the Existing Conditions report due on 31 December 2007.

**11. Is all cropland owned or operated by a dairy owner or operator regulated by the Order?**

Not necessarily. If the cropland does not (and will not) receive waste from the dairy, it does not have to be listed as acreage regulated by the Order. In most cases, this cropland will be subject to regulation under the Irrigated Lands Regulatory Program. Information on this program can be found at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/index.shtml)

**Important note:** If you own or operate a dairy, it is important to identify all cropland under your control that may be used for application of the dairy's waste. If you add cropland in the future, it may be considered a change that triggers new waste discharge requirements and the need for the dairy to pay for the development of an environmental review pursuant to the California Environmental Quality Act.

**12. I lease a dairy facility and the waste goes to cropland owned by my landlord but leased by someone else. How do I develop information needed for the Nutrient Management Plan or Monitoring and Reporting Program if I do not operate the farming operation?**

The landlord is responsible for complying with the Order and will have to make arrangements with the operator of the cropland to ensure that conditions of the Order are met.

**13. I own a dairy and lease some of my cropland to someone who uses waste from the facility but is not cooperating when it comes to meeting conditions of the Order. What do I do?**

As owner of the dairy and the cropland, you are responsible for compliance with the Order. It is up to you to make arrangements with the tenant to ensure compliance with provisions of the Order or to stop providing waste from the dairy to the cropland.

**14. I operate a dairy and some of the waste from the facility is applied to land that I lease from someone. Does this leased land have to be identified as cropland covered by the Order?**

Yes. This cropland should be identified in all submittals related to the Order, including the maps, nutrient management plan, and monitoring and reporting program.

**QUESTIONS ABOUT HERD SIZE**

***15. If I submitted a Report of Waste Discharge (ROWD) prior to 2005 for an expansion of my herd size, but I never received Waste Discharge Requirements for the larger herd, and if I had not reached the expanded herd size by the time the 2005 ROWD was due, am I limited to the maximum number of mature cows I reported in 2005 plus 15%, or can I grow to the size that I listed in the earlier Report of Waste Discharge?***

It does not matter what herd size you may have put on a Report of Waste Discharge that was submitted prior to the 2005 Existing Dairy ROWD – you are limited to the maximum number of mature cows you submitted on the 2005 Existing Dairy ROWD plus 15%. Individual Waste Discharge Requirements adopted by the Regional Board are required if you want to expand beyond the “2005 ROWD + 15%” figure.

Note: If you believe that you made an error in reporting the maximum number of mature dairy cows on your 2005 ROWD, please see the 17 October 2007 Frequently Asked Questions form for more information on how to correct the problem.

***16. I have more mature dairy cows than the maximum number of mature cows that I listed in my 2005 ROWD plus 15%. What do I do?***

If you have more mature dairy cows than the maximum number you listed on the 2005 ROWD plus 15%, the increase in herd size will be considered an “expansion.” If you wish to continue to milk that expanded herd size, you will need to obtain Individual Waste Discharge Requirements. Individual Waste Discharge Requirements will be very similar to the General Order, but may have different schedules for report submittals, and will require proof of compliance with the California Environmental Quality Act (CEQA). For now, you need to prepare a PDF, Existing Conditions Report, and maps, and submit copies of any wastewater agreements that you have, by 31 December 2007. You need to continue to comply with the

other requirements or deadlines in the General Order. Prepare all documents using the number of mature cows that you actually have. Regional Board staff will contact you to schedule your Individual Waste Discharge Requirements.

***17. I have a CUP for more mature dairy cows than the maximum number of cows listed on the 2005 ROWD plus 15%. Can I build out to the CUP and still be covered by the General Order?***

No. To be covered by the General Order, you cannot have more mature cows than the maximum listed on the 2005 ROWD plus 15%, regardless of any language in your CUP that allows more animals. To exceed the “2005 ROWD plus 15%” figure, you will need to obtain Individual Waste Discharge Requirements. Individual Waste Discharge Requirements will be very similar to the General Order, but may have different schedules for report submittals, and will require proof of compliance with the California Environmental Quality Act (CEQA). If you are interested in increasing your herd size, please contact the Regional Board to discuss a schedule for receiving Individual Waste Discharge Requirements. If you have already increased your herd size about the “2005 ROWD plus 15%” figure, please see the answer to the question above.

***18. If I have fewer mature cows today than I reported in the 2005 ROWD, can I still be covered by the General Order? What if I have a lot fewer cows (more than 15% less than the number I reported in 2005) - can I still be covered by the GO? Will my maximum herd size be downsized to the number I report in my December 2007 PDFAs?***

Yes, you can still be covered by the General Order if you have fewer cows than you reported on your 2005 ROWD, even if your number of mature cows is more than 15% less than what you reported in 2005. No, your maximum herd size will remain at the “2005 ROWD + 15%” figure regardless of what you report in your December 2007 PDFAs – it will not be reduced.

#### ***QUESTIONS ABOUT THE EXISTING CONDITIONS REPORT / PRELIMINARY DAIRY FACILITY ASSESSMENT / MAPS***

***19. How do multiple dairies that use the same pond or series of ponds complete the PDFAs? Do they do one PDFAs for all or do they submit one PDFAs for each parlor unit?***

The PDFAs is used to determine if the wastewater pond or ponds are large enough to store all of the wastewater that is generated during the periods when wastewater cannot be applied to cropland, either because the crops do not need the nutrients or because it is too wet. Therefore, it is important that all of the sources that send water to a wastewater pond be included in the PDFAs for that pond. If wastewater ponds are interconnected, they need to be considered together in a single PDFAs.

For this situation, PDFAs will be prepared for both the dairy that exports its wastewater to another dairy’s pond, and for the dairy that receives that exported wastewater into its pond. The exporting dairy would show the wastewater that leaves as an export on the PDFAs. The dairy receiving the wastewater into its pond would show the imported wastewater under

“miscellaneous equipment”, and would include a comment that this number represents “import of neighbor’s wastewater” and the name of the dairy sending the wastewater.

***20. If a dairy operator pastures their cows and supplements the pasture feed with grain in the milk barn, how does the dairy complete its PDFA when they don’t harvest crops from the land?***

The PDFA can be completed using book values for nutrient uptake by the type of pasture grown with some assumptions being made for yield.

***21. What if the crop I grow is not included in the pulldown menu for the PDFA?***

If your crop is not on the pulldown menu, enter acres, the name of the crop, and the yield, if you know it. Use “0” for “nutrient removal”. Put a note on your form before you mail it describing the problem. You can also send an email to [Rrowe@co.merced.ca.us](mailto:Rrowe@co.merced.ca.us) with the name of your crop, so it can be added to future versions of the PDFA. You will be collecting specific information about your crop performance starting this spring, which will provide much better site-specific data than the book values in the PDFA.

***22. For the map required in the Existing Conditions Report, can I send a Blueprint Map or do I need to submit an aerial photograph map of my facility?***

You may submit an aerial or topographic map of your dairy. Blueprint maps are generally very large, may not copy clearly, and may not show topography, and so would usually not be a good choice for the required map. If your blueprint map is clear, shows either an air photo base or topographic contours, and is of a reasonable size (no greater than 11 inches by 17 inches) and scale, it can be submitted. Remember that the following items need to be marked on the map: the dairy facility property boundaries; the locations of all monitoring, domestic, and irrigation wells; process wastewater retention ponds; milking parlor; animal housing; corrals; and all land application areas (cropland) that receive solid manure, liquid manure, or both solid and liquid manure (and identify which each field receives).

***23. How do I enter manure that I receive for fertilizer that was not generated at my dairy? It might be cow manure or some other type of manure, such as poultry manure.***

Manure that you import for use as fertilizer should be entered into the PDFA just like any other imported fertilizer, such as commercial fertilizer that you buy. Similarly, compost that you buy as a soil amendment/ fertilizer should be entered into the PDFA as an imported fertilizer.

***QUESTIONS ABOUT MANURE MANIFESTS AND WASTEWATER AGREEMENTS***

***24. I rent just the dairy production area. My landlord handles all the solid manure and wastewater applications and all the cropland. Do I need to have a manifest for manure going to the cropland? Do I need to have a wastewater agreement with the property owner for wastewater going to the cropland?***

The biggest question in this situation is “Who will be preparing the Nutrient Management Plan?” for the cropland. If the dairy operator will be preparing the Nutrient Management Plan, the manifest is not necessary because the operator will know how much manure and wastewater were transported to the cropland, and applications will be incorporated into the NMP. However, it is more likely that the landlord will prepare the NMP since the landlord handles all the applications of manure and wastewater. In this case, the manifests will provide documentation for the dairy operator that all manure and process wastewater generated at the dairy is transferred to the control of another person. Similarly, in this case wastewater agreements will help to formalize the times and amounts of wastewater applications for that the dairy operator can ensure that the wastewater lagoon has the required amount of freeboard.

***25. If solid manure or process wastewater is exported from the dairy, does the recipient of the manure solids or process wastewater need to report any nutrient management information?***

Not at this time, if the export is to land that is not under the ownership or control of the dairy operator or landowner. The manure manifests document where solid manure and process wastewater goes. The wastewater agreements also require proper backflow prevention and application of manure at agronomic rates to protect groundwater. Non-dairy land receiving solid manure is regulated under the Irrigated Lands Program, and should be registered with a coalition group or should have received an individual waiver. Non-dairy land receiving manure wastewater will eventually be placed under Waste Discharge Requirements that will include nutrient management requirements.

***26. If I ship manure off to lots of different locations, do I need to test manure for each offsite destination?***

You will need to determine the total volume (cubic yards) exported and density (grams per liter), or determine the total weight (tons) exported and percent moisture, for all the manure that leaves your property. This information is necessary to quantify the amount of manure solids that leave your facility and therefore do not need to be included in the cropland application portion of your Nutrient Management Plan. If one pile of manure from a single source, such as corral scrapings, is going to three separate people, the information can be collected one time for the single pile. If manure is from different sources, such as manure separators and corrals scrapings, each source needs to be quantified as the density/moisture content will be different for each.

***27. When filling out the Wastewater Agreement, do I need to include the Assessors Parcel Numbers (APNs)?***

Yes.

### **SAMPLING AND MONITORING QUESTIONS**

**28. How does one collect soil samples when the field is in pasture? Some solid manure is collected and tilled in to part of the pasture when it is reseeded.**

Soil samples could be collected: in bare ground areas within the pasture; after removing some of the pasture vegetation; from below the root zone; or after tilling and just before reseeding if the timing is right.

**29. For soil sampling, if I have multiple fields can I sample 20% of the fields each year instead of all the fields at one time every five years?**

No. All fields need to be sampled at the same time, but soil samples can be composited over 40 or 80 acres, depending on the amount of cropland involved. Please refer to APPROVED SAMPLING PROCEDURES FOR NUTRIENT AND GROUNDWATER MONITORING AT EXISTING MILK COW DAIRIES for more information. This document can be found on our website at [www.waterboards.ca.gov/centralvalley/water\\_issues/dairies/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/dairies/index.shtml).

**30. Can a shallow production well be substituted for a Monitoring Well?**

Maybe. When your dairy is asked to submit a proposal for groundwater monitoring, you may propose that an existing shallow well be substituted for a newly constructed monitoring well. To be an acceptable substitute, the existing well must be in a suitable location, information on the construction of the well must be available, and the well must have a screen length and gravel pack location that are suitable for monitoring the shallow groundwater at the dairy. Whether the production well is an acceptable substitute is a question that falls within the discretion of the Regional Board.

**31. If an irrigation well is no longer operational but has not been abandoned, or if it doesn't have power or a functional pump, does it have to be sampled? What if it has power to it and a pump, but it is not used?**

If an irrigation well is no longer operational, doesn't have power, or lacks a functional pump, it does not need to be sampled. Include a note in your Annual Report (due each July) describing the well's location and the reason that it was not sampled. If an irrigation well has power and a pump, it should be sampled. Water samples from irrigation wells are collected only once a year and can be taken at any time during the year. It is only the initial irrigation well samples that had to be collected by a certain date (within six months of adoption of the permit, or November 3, 2007).

**32. Turlock Irrigation District owns wells they use to remove water from the water table. These are not owned by the individual producers. If I have one of these wells on my dairy, must I sample it?**



No. TID is currently sampling these wells and it is not the responsibility of the dairy operator. However, you should note the location of the TID wells on any maps you submit and indicate that the wells are owned by TID.

**33. What is the definition of “storm water containment structure” (see MRP-2, Table 1, “Production Area – During and after each significant storm event”)**

Some dairies have separate ponds that are used exclusively for the storage of clean storm water that does not come in contact with waste, such as water collected from the roofs of buildings. Other dairies collect all storm water from the production area in the wastewater lagoon. “Storm water containment structures” are all those ponds used to collect storm water. Depending on the design of the dairy, the stormwater containment structure may be the wastewater lagoon only, or it may be the lagoon and ponds that capture clean storm water.

**34. I would like more information about the need for 100 feet of separation between my domestic or irrigation well and fields where I apply process wastewater. What is the purpose of this requirement?**

- The purpose of this requirement is to prevent process wastewater from moving to groundwater, either by flowing down the well casing or by entering a poorly sealed well and moving down the gravel pack/backfill between the well casing and the side of the well bore. Alternative barriers, such as a physical barrier can be used to keep the wastewater away from the well and prevent this. These are the alternative methods referred to in the General Order, and must be better than or equal to the protection offered by a 100 foot setback. Be aware, however, that some counties have standards for well construction that require a specified distance between a well and source of contamination, and do not allow alternatives, such as a corral. In such a case, you would need to comply with the most stringent standard. To determine who enforces well standards in your community, contact your local county environmental health department.

**GENERAL QUESTIONS ABOUT THE GENERAL ORDER**

**35. I received a Notice of Violation (NOV) letter prior the General Order. What do I do now with respect to those items requested in the NOV?**

In general, the requirements of the NOV take precedence over the requirements of the General Order. However, if the NOV and the General Order require the same thing, you must comply with whichever deadline is earlier. If there is an inconsistency, other than a deadline, between the NOV and the General Order, contact your Regional Board for clarification.

**36. How long does the General Order allow for wastewater to be standing in the production and land application area?**

Wastewater in the production area must be managed according to General Specification B16 (see Page 16 of the General Order):

“The milk parlor, animal confinement area (including corrals), and feed storage areas shall be designed and maintained to convey all water that has contacted animal wastes or feed to the wastewater retention system and to minimize standing water as of 72 hours after the last rainfall and the infiltration of water into the underlying soils.”

All process wastewater applied to land application areas must infiltrate completely within 72 hours after application (see Land Application Specification C7 on Page 18 of the General Order).

***37. The General Order requires at least 60 days advance notice to the Regional Board of any planned changes in the ownership or control of the facility, and 90 days notice prior to closure (see Standard Provisions and Reporting Requirements C1, Page SPRR-4, and General Order Provision E11, Page 19, respectively). What happens if the owner or operator dies?***

Under those circumstances, the timelines do not apply. Someone should notify the Regional Board as soon as circumstances allow so that we can update our contact information and discuss future operations at the dairy.

### **STORMWATER PERMIT QUESTIONS**

***38. I have been filling out a visual inspection form for the Storm water NPDES permit for 5-years for the Regional Water Board. Do I stop filling out this form now that the General Order was adopted?***

As long as you have Storm water NPDES permit, you must comply with the terms of that permit, including completing visual inspection forms. The General Order does not replace the Storm water NPDES permit, and in some cases, both are required. Staff will be reviewing the visual inspection forms for both programs to determine if a single form will suffice for both purposes.