California Regional Water Quality Control Board

Conditional Waiver of Waste Discharge Requirements
Order No. R1-2015-0051

for Mello 3/Llano Oaks Dairy

In the North Coast Region

The California Regional Water Quality Control Board, North Coast Region, (hereinafter Regional Water Board) finds that:

1. Order No. R1-2015-0051 (hereafter, "Order") serves as a Conditional Waiver of Waste Discharge Requirements (Waiver) for Mello 3/Llano Oaks Dairy, a new cow dairy at a currently abandoned dairy site at 3915 Llano Road, Santa Rosa, California, Assessor Parcel Number: 063-180-045. This Order does not cover the dairy if it expands the size of the physical facility beyond the dairy's maximum capacity declared in the associated California Environmental Quality Act (CEQA) document (Finding 31 below) at the time of adoption of this Order. Expanding dairies must apply for a new individual waste discharge permit, a new individual waiver of waste discharge requirements, or a new NPDES permit from the Regional Water Board.

2. Mello 3/Llano Oaks Dairy will house a maximum of 370 cows (milking plus dry). Also, a maximum of 287 other dairy cattle (such as bulls, heifers, calves) will be kept onsite to replace existing milking cows. These maximums are due to seasonal fluctuations. The total dairy cattle (milking cows, dry cows, calves, heifers, and bulls) will not exceed 400 dairy cattle (total milking, dry, calves, heifers, and bulls) at any time. The owners and/or operators of this dairy are hereinafter identified jointly and severably as "Discharger."

3. Dairy operations can cause adverse impacts to water quality of surface water and groundwater as a result of waste discharges and activities that result in soil erosion and degradation of riparian habitat.

4. This Order covers the management of process wastewater, manure, and other organic materials at dairy operations including the application of such materials to cropland. Other wastes such as medicines, pesticides, chemicals, and fertilizers must be disposed at appropriately permitted facilities.

LEGAL AND REGULATORY FRAMEWORK

5. California Water Code (CWC) Section 13260 (a) requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, must file with the appropriate regional water board a report of waste discharge (ROWD) containing such information and data as may be required.

6. Pursuant to CWC Section 13260, regional water boards prescribe waste discharge requirements (WDRs) except when it finds, pursuant to CWC Section 13269, that a waiver of WDRs for a specific type of discharge is in the public interest.

7. Pursuant to CWC Section 13269, waivers of WDRs shall not exceed five (5) years in duration. Coverage under this Order
   a. is conditional;
   b. may be terminated at any time;
   c. does not permit an illegal activity;
   d. does not preclude the need for permits which may be required by other local or governmental agencies; and
   e. does not preclude the Regional Water Board from administering enforcement remedies (including civil penalties) pursuant to the CWC and other applicable law.

   Most other cow dairies in the North Coast Region are currently enrolled under the Conditional Waiver of Waste Discharge Requirements for Existing Dairies Order R1-2012-0003 (2012 Waiver). The 2012 Waiver will expire in 2017. The Mello 3/Llano Oaks Dairy may be required to enroll in a revised Waiver or another permit along with these other dairies at that time.

8. Any person may be liable for penalties if that person violates a condition of a waiver or WDR, discharges waste, or causes waste to be deposited where it is discharged, into the waters of the state and creates a condition of pollution or nuisance.

9. This Order shall not create a vested right, and all discharges covered by it shall be considered a privilege, not a right, as provided under CWC Section 13263.

10. This Order does not address the cleanup of existing degraded surface and groundwater from past dairy operations. Any required cleanup actions are handled under separate authority under the CWC.

11. This Order applies to the Mello 3/Llano Oaks Dairy, that the Regional Water Board has determined poses a low threat to surface water or to groundwater quality as described in the CEQA document. Dairies that are Concentrated Animal Feeding Operations (CAFOs) and regularly discharge to waters of the United States are required to obtain coverage under an individual National Pollutant Discharge Elimination System (NPDES) permit. Dairies that potentially pose a significant threat to water quality must be regulated by Individual Waste Discharge Requirements.

12. This Order does not cover discharges associated with activities that are not described in this Order. For example, it does not cover discharges of hazardous material, human waste, or mining waste. Discharges of waste not specifically covered under this Order are prohibited, except in compliance with the CWC.

13. Point source discharges to waters of the United States, as defined by federal law, are not authorized under this Order. Point source is defined as any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, CAFO, or vessel or other floating craft, from which pollutants are or may be discharged (federal Clean Water Act (CWA) § 502(14), 33 U.S.C. §1362(14)). CAFOs, as defined in 40 Code of Federal Regulations (CFR) part 122.23(b) or designated in accordance with 40 CFR 122.23(c), are point sources. Nonpoint discharges include agricultural stormwater discharges and return flows from irrigated agriculture. The State Water Resources Control Board's (SWRCB's) 2004 Policy for the Implementation and Enforcement of the Nonpoint Source Pollution Control Program (NPS Policy) states that nonpoint source discharges of waste be regulated by WDRs, waiver of WDRs, or prohibitions to ensure compliance with Regional Water Board Water Quality Control Plans.

14. Pursuant to the Water Quality Control Plan for the North Coast Region (Basin Plan) and SWRCB plans and policies, including SWRCB Resolution No. 88-63, and consistent with the CWA, the existing and potential beneficial uses of the Laguna de Santa Rosa Hydrologic Sub-Area of the Russian River Hydrologic Unit are as follows:

    a. Municipal and Domestic Supply (MUN)
    b. Agricultural Supply (AGR)
    c. Industrial Service Supply (IND)
    d. Industrial Process Supply (PRO)
    e. Groundwater Recharge (GWR)
    f. Freshwater Replenishment (FRSH)
    g. Navigation (NAV)
    h. Hydropower Generation (POW)
    i. Water Contact Recreation (REC-1)
    j. Non-Contact Water Recreation (REC-2)
    k. Commercial and Sport Fishing (COMM)
    l. Cold Freshwater Habitat (COLD)
    m. Warm Freshwater Habitat (WARM)
    n. Wildlife Habitat (WILD)
    o. Preservation of Areas of Special Rare, Threatened, or Endangered Species (RARE)
    p. Migration of Aquatic Organisms (MIGR)
    q. Spawning, Reproduction, and/or Early Development (SPWN)
    r. Shellfish Harvesting (SHELL)
    s. Aquaculture (AQUA)
    t. Native American Culture (CUL)
    u. Flood Peak Attenuation/Flood Water Storage (FLD)
    v. Wetland Habitat (WET)
    w. Water Quality Enhancement (WQE)

15. The Basin Plan contains water quality objectives, prohibitions, and policies developed to protect the above-listed beneficial uses of water. Economics were considered as required by law during the development of these objectives, prohibitions and policies. Prohibitions, provisions, policies, and other specifications contained in this Order implement the Basin Plan and the CWC. Compliance with applicable water quality objectives, prohibitions, and policies will protect the listed beneficial uses above.

16. Populations of several species of anadromous salmonids listed as threatened or endangered under both the federal Endangered Species Act or the California Endangered Species Act have declined significantly during the past half century in the majority of water bodies in the North Coast Region. Degradation of freshwater habitat by land use activities is an important contributing factor to the decline in populations.

17. SWRCB Resolution 68-16, entitled "Statement of Policy with Respect to Maintaining High Quality of Waters in California," requires that whenever the existing quality of water is better than the quality established in policies as of the date on which such policies become effective, such existing high quality must be maintained. Resolution 68-16 only allows change in the existing high quality if it has been demonstrated to the Regional Water Board that the change is consistent with maximum benefit to the people of the state, will not unreasonably affect present and anticipated beneficial use of such water, and will not result in water quality less than that prescribed in policies. Resolution 68-16 further requires that discharges meet WDRs which will result in the best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and that the highest water quality consistent with maximum benefit to the people of the state will be maintained. This Order is consistent with Resolution No. 68-16 and the federal antidegradation policy.

    This Waiver prohibits discharges of waste to surface waters except in specified circumstances that are consistent with federal regulations, requires the Discharger to manage waste and waste disposal in a manner that will prevent degradation of

groundwater, and requires the Discharger to manage waste to prohibit nuisance conditions. The Regional Water Board finds that under normal operating conditions:

a. The discharge conditions and effluent limitations established in this Waiver will ensure that existing beneficial uses and quality of waters of the State in the Region will be maintained and protected; and
b. Discharges regulated by this Waiver will not degrade existing water quality if the terms and conditions of this Waiver are met.

18. Resolution No. 68-16 incorporates the federal antidegradation policy (reference 40 CFR §131.12). Both Resolution 68-16 and the federal antidegradation policy require that where surface waters are of higher quality than necessary to protect the designated beneficial uses, the high quality of those waters be maintained unless certain findings be made before any adverse change to water quality is allowed.

19. Resolution 68-16 and the federal antidegradation policy acknowledge that an activity that results in an incrementally small decrease of water quality can result in degradation through cumulative effects; especially when a waste that is a cumulative, persistent, or bioaccumulative pollutant is discharged.

20. This Waiver requires that discharges of waste from the dairy shall not cause surface water or groundwater to be further degraded, to exceed water quality objectives, to unreasonably affect beneficial uses, or to cause a condition of pollution or nuisance. This Waiver also requires monitoring of surface water and groundwater to demonstrate compliance with water quality objectives.

21. California regulations governing discharges from confined animal facilities are contained in Title 27 of the California Code of Regulations (CCR), Division 2, Subdivision 1, Chapter 7, Subchapter 2, Article 1 (Attachment A of this Order). Sections 22560-22565 of those regulations require containment of manure, wash water, and stormwater runoff from animal confinement areas. The Mello 3/Llano Oaks Dairy will have a maximum of 370 mature dairy cattle, qualifying as an Animal Feeding Operation under U.S. Environmental Protection Agency regulations. This dairy size is smaller than a Large Concentrated Animal Feeding Operation (Large CAFOs are dairies with 700 or more mature dairy cattle). No discharge of waste to surface waters is expected or allowed under this Waiver. This Order is consistent with Title 27 regulations for confined animal facilities.

22. Numerous North Coast water bodies are listed as impaired for various pollutants including sediment, temperature, nutrients, and indicator bacteria pursuant to CWA Section 303(d). The United States Environmental Protection Agency (EPA) has approved Total Maximum Daily Loads (TMDLs) to address many of these impairments in water bodies throughout North Coast Region. Compliance with this Order is a key component for addressing impairments and meeting Basin Plan water quality standards. Additionally, the Regional Water Board has a Sediment Policy and a Temperature Policy as part of the Basin Plan.

23. This dairy is located in the Laguna de Santa Rosa Hydrologic Sub-Area of the Russian River Hydrologic Unit. Impairments identified within this Sub-Area on the 2012 303(d) List include mercury, indicator bacteria, dissolved oxygen, phosphorus, sediment/siltation, and temperature.

24. This Order requires the Discharger to prepare and implement a Water Quality Plan (WQP), as described in Attachment C, within 60 days of adoption of this Order. The WQP is intended to help ensure that the dairy is designed, constructed, operated and maintained so that nutrients and wastes generated are managed to prevent conditions of nuisance or adverse impacts to groundwater and surface water.

25. This Order requires the Discharger to prepare and implement a Nutrient Management Plan (NMP), as described in Attachment D, within 180 days of adoption of this Order. The NMP is intended to help ensure that the dairy is designed, constructed, operated and maintained so that nutrients and wastes generated are managed to prevent conditions of nuisance or adverse impacts to groundwater and surface water. The NMP must be specific to the maximum number of dairy cattle and nutrients kept onsite. The NMP must be available to Regional Water Board staff during inspections and must be submitted to the Regional Water Board staff upon request.

26. Pursuant to CWC Section 13267, a MRP is attached to this Order. Monitoring must be consistent with the dairy's WQP and NMP. The Discharger shall submit all reports as specified in the MRP. Noncompliance reporting, cleanup, and violations are discussed in the MRP. The MRP requires routine individual facility sampling (or group sampling) of stormwater runoff and/or surface waters on or near the dairy. The MRP also requires sampling of domestic and/or agricultural wells for a representation of groundwater quality conditions. One option for fulfilling these monitoring requirements is to join a representative water monitoring group like the one already formed for surface water monitoring for existing dairies under a 2012 Regional Water Board dairy program permit. If the Discharger can demonstrate that group monitoring will result in meaningful, valid monitoring data, Regional Water Board staff may allow the Discharger to use data gathered from the representative group monitoring program to substitute for some or all of the required monitoring. Approval of the group monitoring plan by Regional Water Board staff is required.

27. Reporting of efforts implemented to achieve sustained water quality protection is required in an Annual Report (MRP Appendix 1) that is due to the Regional Water Board by November 30 each year. The Annual Report shall assess if Best Management Practices (BMPs) for waste containment and nutrient application to land at agronomic rates are effective in preventing discharges to surface water and groundwater for the past year (November 1 of the last year through October 31 of the current year). The Annual Report shall include the results of sampling and assessments required in the MRP and the photo documentation described in the MRP. Sampling results are not required to be submitted by the discharger if the dairy is in group monitoring. However, if the Discharger is in a group monitoring plan then the discharger must indicate the associated group on page 5 of the Annual Report. Regional Water Board staff will review the Annual Report and provide comments if necessary for the dairy facility to meet the Waiver requirements.

CEQA AND ADDITIONAL FINDINGS

28. The Regional Water Board is the lead agency for purposes of complying with the California Environmental Quality Act (CEQA) Public Resources Code sections 21100-21177. On September 28, 2015, the Regional Board provided a Notice of Intent to adopt a Mitigated Negative Declaration (SCH No. 215092073) for the project (California Code of Regulations Title 14, § 15072.) The Initial Study and Mitigated

Negative Declaration reflect the Regional Water Board's independent judgment and analysis. The documents or other material, which constitute the record, are located at 5550 Skylane Blvd, Suite A, Santa Rosa, CA 95403. Based on the Initial Study and Mitigated Negative Declaration, the Conditional Waiver of Waste Discharge Requirements for the dairy operation and related activities in accordance with this Order will be consistent with the Basin Plan and will be in the public interest. The Regional Water Board has reviewed and considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment. The Regional Water Board conducted a public hearing on November 19, 2015, in Santa Rosa, California, considered all evidence concerning this matter, and adopted the mitigated negative declaration. The Regional Board will file a Notice of Determination within five days from the issuance of this Order. Mitigation measures necessary to reduce or eliminate significant water quality impacts are included as conditions of approval in the Order section below.

29. California Department of Food and Agricultural Code section 33487 exempts state agencies from any requirement to prepare a CEQA environmental impact report for dairy farms under the following circumstances:

    a. when the dairy will be constructed and operated in accordance with the minimum standards in Chapter 5 of the Food and Agricultural Code;
    b. where the applicable local agencies have completed all necessary reviews and approvals including that required by CEQA; and
    c. where a permit for construction was issued by a local agency on or after the effective date of Food and Agricultural Code section 33487 and construction has begun.

30. The Regional Water Board conducted a public hearing on November 19, 2015, in Santa Rosa, California, and considered all evidence concerning this matter and adopted the CEQA Mitigated Negative Declaration.

31. The Regional Water Board has reviewed the contents of this Order, related CEQA Initial Study and Mitigated Negative Declaration, written public comments, and testimony provided after the notice and hearing, and hereby finds that the adoption of this Order is consistent with the Basin Plan, and is in the public interest.

THEREFORE, the Regional Water Board hereby approves and adopts the "Mitigated Negative Declaration" prepared on this Order, and directs the Executive Officer to file all appropriate notices; and

IT IS HEREBY ORDERED that this Order is issued for the Mello 3/Llano Oaks Dairy in the North Coast Region, and prohibits the expansion of the physical facilities from that described in the Initial Study and Mitigated Negative Declaration associated with this Order. Physical facilities include the roofed structures, such as stall barns, that limit the size of the mature dairy cow (see Definitions Attachment B) herd. The following conditions apply to Mello 3/Llano Oaks Dairy as covered by this Order:

1. This Order contains a schedule of compliance to complete and submit:
   a. a Water Quality Plan;
   b. a Nutrient Management Plan;
   c. a Monitoring and Reporting Plan; and
   d. Annual Reports.

   Best Management Practices (BMPs) must be in place as needed to avoid pollutant discharges to surface waters and groundwater.

   The Discharger shall prepare and implement a Water Quality Plan (WQP), as described in Attachment C, within 60 days of adoption of this Order. The WQP is intended to help ensure that the dairy is designed, constructed, operated and maintained so that nutrients and wastes generated are managed to prevent conditions of nuisance or adverse impacts to groundwater and surface water.

2. The property has a 2015 Comprehensive Nutrient Management Plan (CNMP) prepared by Conestoga-Rovers Technical Service Providers, however, the CNMP has not yet been updated for the proposed dairy operations. The Discharger shall prepare and implement a Nutrient Management Plan (NMP), as described in Attachment D, within 180 days of adoption of this Order. The NMP is intended to help ensure that the dairy is designed, constructed, operated, and maintained so that nutrients and wastes generated are managed to prevent conditions of nuisance or adverse impacts to groundwater and surface water.

   New waste storage facilities constructed after adoption of this Order must meet all applicable federal, state, and local laws and regulations. Waste storage facilities should be located outside of floodplains; however, if site restrictions require location within a floodplain, they shall be protected from inundation or damage from a 100-year flood event, or larger if required by laws, rules and regulations.

3. Manure ponds constructed after adoption of this Order must comply with Natural Resources Conservation Service (NRCS) National Conservation Practice Standard, Waste Storage Facility Code 313 including a maximum specific discharge (unit seepage rate) of 1×10^{-6} cm/sec.

4. Manure pond liners must meet or exceed the Statewide Water Quality Regulations for Confined Animal Facilities (Cal. Code Regs., tit. 27, §§ 22560-22565; Attachment A) requirements for a minimum of 10 percent clay and not more than 10 percent gravel, or the liner must be constructed of artificial materials of equivalent or greater impermeability.

5. Coverage under this Order:
   a. is conditional;
   b. may be terminated at any time;
   c. does not permit any illegal activity;
   d. does not preclude the need for permits which may be required by other federal, state or local governmental agencies; and
   e. does not preclude the Regional Water Board from administering enforcement remedies (including civil liability) pursuant to the CWC.

6. All discharges from this dairy must comply with the lawful requirements of all municipalities, counties, drainage districts, and other local agencies regarding discharges of stormwater to storm drain systems or to other watercourses under their jurisdiction that are no less stringent than the requirements of this Order.

7. The Discharger shall comply with all federal, State, county, and local laws and regulations pertaining to the discharge of wastes from the dairy that are no less stringent than the requirements of this Order.

8. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the Discharger from liabilities under federal, state, county, or local laws, nor guarantee the Discharger a capacity right in receiving waters.

9. In addition to the requirements of this Order, the Discharger shall take all other reasonable steps to minimize or prevent any discharge that has a reasonable likelihood to adversely affect human health or the environment.

10. This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Wildlife Code Sections 2050 to 2097) or the Federal Endangered Species Act (16 United States Code (U.S.C.) Sections 1531 to 1544). Dischargers shall be responsible for meeting all requirements of the applicable Endangered Species Act. A discharge which is deleterious to fish, plant life, mammals, or bird life or otherwise in violation of California Fish and Game Code Section 5650 is not a discharge which is authorized nor in compliance with the terms and conditions of this Order. The Discharger shall obtain permits as necessary, and comply with permit conditions and all other applicable federal, state, county, and local, laws and regulations.

11. This Order may be re-opened for modifications, revoked and reissued, or terminated.

12. The discharge of waste from the dairy shall not cause the underlying groundwater to exceed water quality objectives or background quality standards; nor cause a condition of pollution or nuisance.

13. Activities conducted under this Order must be in compliance with water quality requirements, the Basin Plan, and amendments thereto.

14. Violations of this Order are subject to enforcement to the extent allowed by law.

MONITORING AND REPORTING PROGRAM (MRP)

15. Pursuant to CWC Section 13267, a MRP is included with this Order. The MRP requires the Discharger to conduct monitoring and to submit Annual Reports (MRP-Appendix 1) by November 30 of each year beginning in 2016.

16. The MRP requires that the Discharger must:
    a. Report any spill, discharge, or other type of noncompliance that violates the condition of this Order and/or endangers human health or the environment within 24 hours of becoming aware of its occurrence;

b. Take immediate action to prevent any unauthorized release of waste; and
c. Notify the Regional Board when corrective actions are completed and document the corrections.

17. Other reporting, cleanup, and violations are discussed in the MRP. If noncompliance is being reported, the reasons for such noncompliance shall be submitted in writing to the Regional Water Board with an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Regional Water Board by letter when it returns to compliance. Violations may result in enforcement action, including Regional Water Board or court orders requiring corrective action or imposing civil monetary liability, or in terminating the applicability of this Order to a specific facility or Discharger.

18. If the Regional Water Board Executive Officer notifies the Discharger that his/her WQP, NMP, Annual Report, sampling results, or other associated documents are not consistent with this Order, then the Discharger shall submit the revisions or proof of the corrections to the Regional Water Board within 30 days of notification, unless otherwise instructed in writing by the Regional Water Board.

PROHIBITIONS

19. The collection, treatment, storage, discharge, or disposal of wastes at the dairy that results in the following is prohibited:
    a. Discharge of waste constituents in a manner which could cause degradation of surface water or groundwater;
    b. Contamination or pollution of surface water or groundwater;
    c. a condition of nuisance (as defined by the California Water Code Section 13050); or
    d. Exceedance of groundwater and surface water quality objectives due to the discharge of manure, production area wash water, or dairy feeding and housing area wash water.

20. The discharge of wastes not disclosed by the Discharger, or not within the reasonable contemplation of the Regional Water Board, is prohibited.

21. Discharges of manure, process wastewater, or other wastes to surface waters or groundwater, or discharges that do not comply with the requirements in this Order are prohibited.

22. The discharge of stormwater that has come in contact with manure, process wastewater, or other wastes from the production or animal housing areas is prohibited.

23. The discharge of waste to surface water via tile drain lines or irrigation return flow (tailwater) is prohibited.

24. The direct discharge of wastes into groundwater via backflow through water supply or irrigation supply wells is prohibited.

25. Irrigation supply water that comes into contact with manure or process wastewater shall be considered process wastewater, and its discharge to surface water is prohibited.

26. A discharge of stormwater to surface water from the land application area where manure or process wastewater has been applied is prohibited unless specific protective management practices have been implemented. These management practices must be consistent with a WQP and NMP.

27. The disposal of dead animals in any liquid manure or process wastewater system is prohibited. The Discharger must dispose of dead animals in compliance with all applicable federal, state, county, and local laws and regulations. Adverse impacts to surface water or groundwater quality as a result of dead animal disposal is prohibited.

28. In accordance with the Statewide Water Quality Regulations for Confined Animal Facilities (Cal. Code Regs., tit. 27, §§ 22560-22565; Attachment A), the Discharger shall prevent animals at their facility from entering any surface water within the confinement areas.

29. The application of waste to lands not owned, leased, or controlled by the Discharger without written permission from the landowner and in a manner not approved by the Regional Water Board, is prohibited.

30. Discharges of manure, litter, or process wastewater from the land application area that do not comply with the requirements in the Statewide Water Quality Regulations for Confined Animal Facilities (Cal. Code Regs., tit. 27, §§ 22560-22565; Attachment A), MRP, WQP, and NMP (where applicable) are prohibited. The application of manure or process wastewater to a land application area in a manner that results in the discharge of wastes is prohibited.

31. Please visit the Water Quality Fees page of the State Water Resources Control Board website for the latest information on enrollment fees and annual fees: http://www.waterboards.ca.gov/resources/fees/water_quality/

32. The Regional Water Board shall determine compliance with the terms of this Order based on the following:

    Periodic inspections by Regional Board staff and/or contractors;
    a. Evaluation of the completed Annual Report and required information submitted according to the MRP;
    b. Review of progress on the dairy WQP and any NMP; and
    c. Any other information deemed necessary by the Regional Water Board.

33. The Regional Water Board staff may require, as appropriate, additional management practices and/or monitoring on a site specific or watershed basis. Future management practices and/or monitoring requirements may also be imposed by Regional Water Board staff.

34. The Regional Water Board staff may specifically designate, as appropriate, management practices that staff considers to be above-and-beyond the minimum requirements of this Order. Such practices shall be eligible for generating credits as

allowed under an approved nutrient offset program, water quality credit trading program, or other similar TMDL implementation program.

35. The Discharger shall maintain a copy of this Order, the MRP, the WQP, and the NMP , and make them available at all times to site-operating personnel. The Discharger shall ensure that all site-operating personnel are familiar with the content of these documents and help to carry out the water quality protection measures.

36. The Regional Water Board and other authorized representatives shall be allowed:
    a. Entry upon premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order;
    b. To review or to copy any records that are kept under the conditions of this Order;
    c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
    d. To photograph, sample, and monitor for the purpose of assuring compliance with this Order.

RECORD-KEEPING REQUIREMENTS

37. The Discharger shall create, maintain for five years, and make available to the Regional Water Board during inspections and upon request by the Regional Water Board staff, any reports or records required by this Order including those required under the MRP, WQP, and NMP.

38. A manifest is required to record transfer of waste to outside facilities.

TRANSFERS

39. The Discharger must notify the Executive Officer in writing at least 30 days in advance of any proposed transfer of responsibility and coverage under this Order to a new Discharger (dairy owner). The notice must include a new NOI for the proposed Discharger, a Notice of Termination (N.O.T.) for the existing Discharger, and a specific date for the transfer of responsibility for complying with this Order. This notification shall include an acknowledgment that the existing Discharger is liable for compliance with this Order and for all violations up to the transfer date, and that the new Discharger is liable for compliance with this Order after the transfer date.

PERMIT REOPENING, REVISION, REVOCATION, AND RE-ISSUANCE

40. The Regional Water Board will review this Order periodically and may revise requirements when necessary for reasons including, but not limited to:
    a. Adoption of more stringent applicable water quality standards in the Basin Plan;
    b. Changes in state plans, policies, or regulations that would affect the requirements for the discharges.

41. If more stringent requirements are necessary to implement or be consistent with any TMDL adopted by the Water Board to achieve applicable water quality standards pursuant to CWA section 303, or amendments thereto, the Regional Water Board will revise and modify this Waiver.

42. Waivers of Waste Discharge Requirements do not exceed five (5) years. Waiver coverage may be extended by the Regional Water Board or the project may be covered under another permit prior to, or at the end of, the five year term.

43. The Regional Water Board may revoke coverage under this Order at any time and require the Discharger to submit a Report of Waste Discharge or equivalent document and to obtain an individual WDR, an individual NPDES permit, or other permit.

44. The provisions of this Order are severable; and, if any provision of this Order, or the application of any provision of this Order to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this Order shall not be affected thereby.

TERMINATION

45. In the event of closure or change in land use of the dairy, the Discharger shall file a N.O.T. with the Regional Water Board to terminate coverage under the Order. Upon cessation of dairy facility operation, all manure and animal waste-impacted soil is to be treated and stored appropriately so as not to pose a threat to surface water or groundwater quality or create a condition of nuisance.

46. The Regional Water Board staff shall review the N.O.T. and determine its appropriateness. The review may include a Regional Water Board staff inspection to verify project completion and water quality protection. The Executive Officer shall notify the Discharger regarding approval or disapproval of the N.O.T.

47. The Discharger shall, within 30 days of receiving notice from the Regional Water Board that its facility no longer qualifies for coverage under this Order for failure to comply with its terms and conditions, file an updated ROWD or equivalent document for coverage under another permit type. Discharges that could affect the quality of the waters of the state may commence only in accordance with CWC Section 13264(a).

48. If the Discharger fails to comply with the terms and conditions of this Order, the discharger shall be subject to appropriate enforcement action or may be required to enroll under another dairy permit type. Discharges that could affect the quality of the waters of the state may commence only in accordance with CWC Section 13264(a). The Regional Water Board Executive Officer reserves the right to terminate the discharger's coverage under this Order. The Regional Water Board staff can require coverage under another permit such as an Individual NPDES or Individual Waste Discharge Requirements, after proper notice and hearing (CWC Section 13263).

49. Regional Water Board shall terminate the applicability of this Order to any dairy activities at any time when such termination is in the public interest and/or the activities could affect the quality of beneficial uses of the waters of the state.

Certification:

I, Matthias St. John, Executive Officer do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on November 19, 2015.

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Matthias St. John
Executive Officer

ATTACHMENTS

Attachment A – Statewide Water Quality Regulations for Confined Animal Facilities (Title 27)
Attachment B – Definitions
Attachment C – Water Quality Plan (WQP)
Attachment D – Nutrient Management Plan (NMP)
Monitoring and Reporting Program (MRP)
Appendix 1 – Annual Report