

Appendix 2

Conditional Waiver of Waste Discharge Requirements Monitoring and Reporting Order No. R1-2012-0003

Nutrient Management Plan (NMP)

Dischargers seeking coverage under the Conditional Waiver, who have over 700 mature dairy cows, and apply manure and/or dairy process water to land as a soil amendment or source of nutrients, are required to develop and implement a Nutrient Management Plan (NMP). Preparation and implementation of a NMP is encouraged and recommended but not required for dairies with less than 700 mature dairy cows. Manure and process water cannot be applied to land for the purpose of disposal. Manure and process water that are wastes must be disposed at an appropriate permitted disposal facility. All Dischargers must report on NMP progress by filling out the Annual Report (MRP-Appendix 3 NMP) for submittal by November 30 each year.

A. NMP Purpose and Implementation

The purpose of the NMP is to identify the management practices used at the dairy to minimize adverse impacts to surface water and groundwater from runoff and leaching from land application areas. The NMP is specific for a particular dairy and considers crops, soil types, climate, local conditions, all sources of nutrients, and the non-nutrient salts applied to each field. All nutrient applications to land at a dairy, including applications to pasture, must be made in accordance with an NMP. The NMP must be updated in response to changing conditions and the results of monitoring.

For dairies covered by the Order, the NMP must be developed by the Dischargers with the assistance of specialists such as a Soil Scientist, Agronomist, Crop Advisor, University of California (UC) Extension Service, or a Technical Service Provider employed by the Natural Resources Conservation Service (NRCS). The Regional Water Board may approve the use of alternative specialists.

If the dairy operation meets the conditions of this Order, then the Discharger may apply for coverage under the Order by submitting a completed Notice of Intent (NOI) Form (Attachment A) and the appropriate filing fee **within 90 days** of adoption of this Order or within 90 days of notification from the Regional Water Board to comply with this Order. Existing dairies where there is a new owner or operator, must enroll under the Order before they commence operations.

Large CAFOs that are not point sources and want to enroll under this Order must be implementing a NMP upon enrollment if they will discharge stormwater from cropland where manure, litter, or process wastewater has been applied.

The most current version of the NMP must be kept at the dairy and must be made available for review by Regional Water Board staff during inspections. The NMP shall be submitted to the Regional Water Board upon request.

The NMP shall be revised within 30 days when discharges from a land application area result in exceedence of water quality objectives. The NMP shall be revised within 90 days when any of the following occur: 1) site-specific information becomes available to replace default values used in the initial NMP, 2) changes in operating practices result in the production of nutrients that are not addressed by the NMP, 3) crops will be grown that are not covered by the NMP, 4) there is a change of 15% in the acreage used for land application, or 5) the NMP is not effective in preventing periodic discharges of manure or process water to Waters of the United States (US).

The Discharger shall review the NMP annually and revise it if changes in conditions or practices at the dairy require changes in the NMP. The review/revision date must be noted in the NMP. Records on the timing and amounts of manure and process water applied to land and information developed through a Monitoring and Reporting Program (MRP) associated with the Waiver Order for the dairy must be considered when making decisions related to nutrient management.

B. Management of Dairy Manure and Process Water

Compliance with the following management measures is required once the Discharger begins implementation of the NMP. Best Management Practices (BMPs) must be in place to prevent discharges to surface waters at all times including during the interim first two years prior to full NMP implementation:

1. The collection, treatment, storage, or application of manure or process water shall not result in:
 - a. degradation of surface water or groundwater except as allowed by the Order,
 - b. contamination or pollution of surface water or groundwater, or
 - c. a condition of nuisance (as defined by the California Water Code Section 13050).

This requirement applies to any degradation products or any constituents of soil mobilized by the interactions between applied materials and soil or soil biota.

2. The application of manure and process water shall not violate any applicable state or federal laws or regulations or contribute to an exceedence of any

applicable water quality objective in the Basin Plan or of any applicable state or federal water quality criteria.

3. The discharge of process water to surface water is prohibited.
4. The discharge of stormwater to surface water from land where manure or process water has been applied is prohibited unless all applications to land are in accordance with an NMP.
5. The application of manure and process water to land shall be in accordance with a NMP.

C. Contents of NMP

The NMP must contain the following components:

1. **Contact Information:** The name, mailing address, and phone number of (a) the dairy owner, (b) the dairy operator (if different), and (c) any specialist who participated in the developed of the NMP.
2. **Specific dates:** The date that the NMP was completed, the date that the NMP will be implemented, and the dates of anticipated NMP reviews and revisions.
3. **Description of the dairy:** The following information must be included:
 - a. name of the dairy;
 - b. the dairy address or, if no street number, the street and nearest cross street;
 - c. design maximum cow population by type (milk cows, dry cows, heifers, calves);
 - d. current cow population by type
 - e. Assessor's Parcel Number(s) for the dairy and all associated land;
 - f. for each Assessor's Parcel, the total acreage; the acreage used for crops including pasture, the acreage used for application of (a) manure, (b) process water, or (c) both;
 - g. the crop rotation, if any, within each land application area.
4. **Maps:** One or more United States Geological Survey quadrangle maps or equivalent showing the location of the dairy and all areas under the Discharger's control, whether owned, rented, or leased, to which manure or process water may be applied. If suitable, an aerial photo with appropriate notations may be utilized. The map(s), aerial photos, and/or drawings (see next section) should show the locations of all the following that exist at the dairy: surface water courses and conveyances, underground pipelines, where process water is mixed with irrigation water or discharged, drainage flows for

the production area and each field, drainage ditches and drainage easements, drainage controls (berms, levees, etc.) for tailwater and storm water; extent of subsurface (tile) drainage systems and associated discharge points, pumping facilities and flow meters, wells and type (domestic, industrial, agricultural, or monitoring), storm water discharge points, a point locating any septic systems, all water quality sampling points, and a map legend. More than one map may be used for clarity.

5. **Drawings:** A scaled drawing, aerial photo or topographic map that shows the production area including the livestock feeding and housing areas, feed storage areas, manure and process water storage areas, milk barn, chemical storage areas, and waste storage areas, if any. These drawings, photos or maps may also be used to show the locations of features listed above under “Maps.”
6. **Nutrient Budget Calculations:** The NMP must include calculations showing all sources of nutrients used by the facility and demonstrating that nutrients are applied at rates that are protective of water quality. These calculations must be reviewed annually and updated if there are any significant changes in conditions or practices at the dairy that necessitate changes in the NMP. These calculations may be reviewed by Regional Water Board staff during inspections. The details of the nutrient budget are discussed below in Section D.
7. **Land application practices and water quality protection:** The NMP must describe the methods by which manure and process water is applied to land application areas, and describe the BMPs that are implemented to protect surface water and groundwater.
8. **Sampling and analysis program:** The NMP must describe the associated sampling program including sampling locations, sampling frequency, sample collection and preservation procedures, The NMP must identify the analytical laboratory utilized and the analyses to be conducted for soil, manure, soil amendments, process water, irrigation water, plant tissue, etc. If that information is in the MRP (Attachment B), the NMP can reference that MRP. The laboratory utilized must be approved by the Regional Water Board.

D. Nutrient Budget Calculations

The Discharger shall develop a nutrient budget that establishes the nutrient application practices for each crop in each land application area. The initial nutrient budget may be based on default values if site-specific information is not

available¹. Subsequent nutrient budgets shall be based on site-specific analytical data for soil, manure, process water, irrigation water, other sources of nutrients, and plant tissue. The nutrient budget shall include the following:

1. The rate of nutrient applications (e.g., pounds of nitrogen per acre) based on default values or site-specific analytical data in order to meet each crop's needs for nitrogen and phosphorus without exceeding the application rates that will protect water quality. The rate of nutrient applications shall be based on realistic yield goals for each crop in each land application area. For new crops or varieties, industry yield expectations may be used until site-specific yield information is available.
2. The quantity of manure, soil amendments, and/or process water to be applied shall be based on the nutrient content of the material, the characteristics of the material (e.g., the amount of organic nitrogen), and the site conditions (e.g., if a pasture is not grazed or mowed, the amount of residual nutrients in soil will be higher). In determining the quantity to apply, the Discharger shall consider all sources of nutrients including irrigation water, commercial fertilizers, and previous crops.
3. The timing of applications shall be based on seasonal and climatic conditions, the growth stage of the crop, and the availability of water. The anticipated maximum time between land application events (i.e., the storage period) shall be used to determine the needed storage capacity for manure and process water.
4. The method of manure, soil amendment, and process water application for each crop in each land application area shall be based on site-specific conditions and shall minimize the discharge of sediments, nutrients, and salts from the application area.

Nutrient application rates shall not approach a site's maximum ability to contain one or more nutrients through soil adsorption. If the nutrient budget shows that the nutrients generated by the dairy exceed the amount needed by crops in the land application area, then the Discharger must implement management practices that will prevent impacts to surface water or groundwater due to application of excess nutrients. Such practices may include obtaining access to additional land for

¹ Crop nutrient needs may be based on recommendations from the University of California or the Western Fertilizer Handbook (9th Edition). Acceptable default values for the nutrient content of materials include values recognized by the American Society of Agricultural and Biological Engineers (ASABE), the Natural Resources Conservation Service (NRCS), and/or the University of California that accurately estimate. The nutrient content of commercial fertilizers shall be California Department of Food and Agriculture published values.

nutrient application, exporting manure, or reducing the number of cows at the dairy.

Supplementary commercial fertilizers and/or soil amendments may be added when the application of nutrients contained in manure and process water alone is not sufficient to meet the crop needs. Specific nutrients are discussed below.

Nitrogen: Ammonia Nitrogen (NH_4) and Total Nitrogen will be measured at the dairy through water and soil sampling. Except as allowed below, application rates shall not result in total nitrogen applied to the land application areas exceeding 1.4 times the nitrogen that will be removed in the harvested portion of the crop (including removal by grazing animals). If application of total nitrogen to a land application area exceeds 1.4 times the nitrogen removed from the land application area, the Discharger shall either revise the NMP to prevent such exceedance or demonstrate and record in the NMP that the application rates have not and will not pollute surface or ground water. Applications of nitrogen exceeding 1.4 times the nitrogen removal are allowable if the following conditions are met:

1. Plant tissue testing has been conducted and it indicates that additional nitrogen is required to obtain a crop yield typical for the soils and other local conditions
2. The amount of additional nitrogen applied is based on the plant tissue testing and is consistent with University of California Cooperative Extension written guidelines or written recommendations from a NMP specialist;
3. The form, timing, and method of application facilitates timely nitrogen availability to the crop; and
4. Records are maintained documenting the need for the additional applications.

Phosphorus and Potassium: Phosphorus will be measured at the dairy through water and soil sampling. Phosphorus limits are further described in Sections F and G below. Potassium can build up in crops and limit their use as animal feed. Application of these nutrients at agronomic levels, along with reasonable erosion control and runoff control measures, will normally prevent problems. In some instances, other best management practices may need to be included in the NMP.

E. Land Application Practices

Nutrients shall be applied in such a manner as not to degrade the soil's structure, chemical properties, or biological condition. Process water applications must be based on the nutrient needs of the crop, the daily water use of the crop, the water holding capacity of the soil, and the lower limit of soil moisture for each crop and soil. Nutrient applications for spring-seeded crops shall be timed to avoid surface runoff and leaching by precipitation.

The timing of nutrient application must correspond as closely as possible with plant nutrient uptake characteristics, while considering cropping system limitations, weather and climatic conditions, and land application area accessibility. The Discharger shall apply nutrient materials uniformly to land or as prescribed by precision agricultural techniques described in the NMP. Land application areas that receive dry manure and process water shall be managed to minimize erosion.

The NMP must identify all surface water or potential conduits to surface water that are within 100 feet of any land application area and take appropriate actions to protect water quality. The following sections discuss practices that reduce the potential for pollutants from land application areas to reach surface water.

1. Setbacks, vegetated buffers, and other alternatives to protect surface water: A setback is a specified distance that separates land application areas from surface water or a potential conduit to surface water, and where manure and dairy process water may not be applied, but where crops may be grown. A vegetated buffer is a relatively narrow (approximately 35 feet), permanent strip of dense perennial vegetation where no crops are grown and which is established perpendicular to the dominant slope of a land application area for the purposes of slowing water runoff, enhancing water infiltration, trapping pollutants bound to sediment, and minimizing the risk of pollutants reaching surface waters. A berm is another alternative to prevent runoff from reaching surface water.

Manure and process water shall not be applied within a 100-foot setback to any down-gradient surface water unless a 35-foot wide vegetated buffer or physical barrier (e.g., a berm) is substituted for the 100-foot setback; or an alternative conservation practice or field-specific condition is demonstrated to provide pollutant reductions equivalent to or better than achieved by the 100-foot setback. Any alternative practice utilized must be described in the NMP.

Animals must be separated from surface waters by a 35-foot wide vegetated buffer unless an alternative practice demonstrating equal or better water quality protection is utilized and described in the NMP. Alternative practices may include rocked crossings, fences, bridges, culverts, engineered slopes, etc. Vegetation along flowing watercourses shall be protected from overgrazing to maintain natural water temperatures and protect stream banks. Flash grazing of the vegetated buffer, as an alternative practice, must be described in the NMP.

Practices for establishing and maintaining vegetated buffers include:

- limiting removal of vegetation within the buffers and promoting plant growth in the buffer;

- maintaining the recommended height for the plant species;
 - establishing plant density for adequate filtering capacity;
 - improving soil conditions to reduce erosion and increase infiltration;
 - preventing erosion channels and gullies from forming.
2. **Avoiding conduits that can transport pollutants:** Manure and process water shall not be applied closer than 100 feet to open tile line intake structures, sinkholes, or well heads unless the NMP contains a statement from a professional explaining that an alternative practice will be as protective as the 100-foot separation. This professional must be a registered or certified engineering geologist or hydrogeologist, or a responsible professional with experience in manure containment and structural facility specification. Wetlands containing standing water shall be protected through dairy cow exclusion.
3. **Wetland Protection:** Wetlands are waters of the state and are protected under state regulations by provisions of the California Water Code. Wetlands are also protected as waters of the U.S. under the federal Clean Water Act. The beneficial use of wetlands must be protected against water quality degradation. Discharges of manure and process water to wetlands with standing water must be addressed in the NMP

F. **Sampling, Analysis, and Calculations**

Soil, manure, soil amendments, process water, irrigation water, and plant tissue shall be monitored, sampled, and analyzed. The analytical results shall be used during the development, implementation, and revision of the NMP.

Samples of soils and crop tissues shall be analyzed for phosphorus at least once every 5 years as detailed in the MRP. Sampling results shall be reviewed to verify that phosphorus levels do not exceed limits needed to maintain acceptable crop yields and prevent adverse impacts to water quality. If this review determines that a buildup of phosphorus threatens water quality, application rates must be decreased until the situation is corrected.

Nutrient credit from previous legume crops shall be determined by methods acceptable to the University of California Cooperative Extension, the NRCS, Resource Conservation District, or a specialist certified in developing nutrient management plans.

G. Field Risk Assessment

Dischargers are required to sample discharges of stormwater from land application areas to surface water. The analytical results for those samples shall be used by the Discharger to assess the movement of nitrogen and phosphorus from each land application area. If results indicate a potential for adverse impacts to receiving waters, the Discharger shall modify their NMP to reduce such movement and collect additional samples to assess the effectiveness of the modifications.

Land application areas must be managed to prevent contamination of crops grown for human consumption. When crops grown for human consumption without processing (berries, nut trees, etc.) are grown near to land application areas, the Discharger shall take appropriate actions to prevent movement of pathogens that could cause adverse impacts to human health.

H. Record-Keeping and NMP Review

The Discharger must maintain records for each land application area and use the records as a basis for revisions to the NMP.