

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2010-XXXX

INDIVIDUAL WASTE DISCHARGE REQUIREMENTS
FOR
FOSTER FARMS, LLC ELLENWOOD HATCHERY
STANISLAUS COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Board) finds that:

Findings

Facility Owner & Location

1. The Foster Farms, LLC Ellenwood Hatchery (hereafter "facility") is a chicken hatchery owned and operated by Foster Farms, LLC (hereafter "Discharger") and is located in a rural agricultural area approximately 1.5 miles northwest of the town of Waterford in Stanislaus County, in Section 20, Township 3 South, Range 11 East, Mount Diablo Base and Meridian, at 1307 Ellenwood Road, Waterford, Stanislaus County (see Attachment A, which is hereby made part of this Order).
2. The facility has been in operation since the 1974 and was previously expanded in 1988.
3. A Report of Waste Discharge dated 21 September 2009 has been submitted for the second expansion of the facility.

Facility Description

4. Fertilized eggs are delivered daily from Colorado and Arkansas to the facility. The Discharger currently hatches and ships approximately 2.1 million chicks per week. Approximately 800,000 hatched chicks per week are imported from the Foster Farms, LLC Albers Hatchery. All chicks are transported to grow-out ranches within hours of hatching. No animal feeding or handling of manure from live animals is conducted at the facility.
5. The Discharger intends to expand the current hatchery. Following the expansion, approximately 3.2 to 3.3 million chicks per week will be hatched and shipped. The expansion will include installation of new incubators that will replace production from both the Foster Farms, LLC Albers Hatchery and the Foster Farms, LLC Walnut Hatchery. The

- maximum number of chicks hatched per week will not exceed the numbers given in this Finding.
6. The Discharger owns 120 total acres. Land under agricultural production at the facility consists of approximately 83.6 acres located on Assessor's Parcel Numbers 015-003-010, 015-056-008, 015-003-012, 015-056-007 and 015-056-010. Of the cropland, 7.6 acres is currently pasture but will be planted with winter forage and sudan grass, and 76 acres are cropped in almonds. The Discharger applies only liquid waste to the cropland.
 7. The remaining 36.4 acres make up the production area which includes the hatchery facility, wastewater storage lagoons, and roads (See Attachment B-2).
 8. The facility is located outside the 100-year floodplain.

Waste Production

9. Wastewater produced at the facility consists of residual egg yolk, washwater, cleaning agents and disinfectants. Solid wastes are also produced at the facility and primarily consist of broken shells, feather down, poultry carcasses and debris. All solids are separated and exported offsite to the Discharger's fertilizer plant.
10. An estimated 27,284 gallons per day (gpd) of clean water from the on-site supply wells is currently used to wash the incubator areas and hatch baskets. Following the expansion, the Discharger anticipates average daily flows to range between 22,000 gpd to 38,500 gpd, with an expected range of 31,000 to 38,500 gpd on washdays. Washdays occur approximately 4 to 5 days per week. Over a 31 day storage period, the volume of wastewater generated will be up to 1,193,500 gallons.
11. The rainfall calculations used are based on a 100-year wet season using the local climate. The 100-year wet season is more conservative than using a 25-year, 24-hour storm event. The average annual precipitation for the area is 11.63 inches. The 100-year wet season precipitation is 22.29 inches. Rainfall onto the wastewater storage lagoons is estimated at 179,218 gallons over the storage period and using the 100-year wet season figures.
12. The total amount of wastewater requiring storage over the 31-day maximum storage period, after removing losses due to evaporation and adding in the 100-year wet season, is 1,359,684 gallons.
13. Storm water, other than rainfall that lands directly on the wastewater storage lagoons, is routed away from buildings and parking areas and infiltrates into the soil. Storm water from gutters and lawns will be routed to an existing decorative pond north of the facility.

Wastewater Storage Lagoons

14. Wastewater at the facility is currently directed to a concrete lined pond and a wastewater storage lagoon. After the expansion, wastewater from the hatchery will flow via floor drains and gravity pipelines to a concrete sump and then be pumped to a screen where solids will be separated out. The wastewater will then be pumped through pipelines into one of two synthetically lined wastewater storage lagoons. The concrete lined pond will be taken out of operation following the expansion.
15. The facility's two new wastewater storage lagoons will have dimensions of approximately 203.5 feet long by 123.5 feet wide, and a side slope of 3:1. The total storage capacity of both wastewater storage lagoons will be 6.06 acre-feet (1,974,660 gallons) plus an additional 1.94 acre-feet (632,152 gallons) of freeboard volume for a total of 8 acre-feet (2,606,811 gallons) of storage.
16. The two wastewater storage lagoons will be constructed with a single layer 60-mil synthetic liner, which will meet the Tier 2 criteria laid out in Waste Discharge Requirements General Order for Existing Milk Cow Dairies Order No. R5-2007-0035. The design and construction of the lagoons meets the criteria of specification B.3 – B.5.

Groundwater Monitoring

17. The Discharger will be installing four monitoring wells to characterize groundwater quality downgradient of the wastewater storage lagoons and cropland. The Discharger shall install an additional monitoring well to characterize groundwater quality upgradient of the facility. The upgradient monitoring well placement will be determined based on the groundwater gradient, which will be determined through evaluation of the other four groundwater monitoring wells. The new well, and any additional groundwater monitoring wells required in the future, will be installed in accordance with Attachment D. With the installation of these wells, the Discharger will be able to characterize the groundwater flow direction and gradient at the facility. In addition, the Discharger will monitor existing domestic and agricultural production wells for changes in water quality.
18. There is one existing agricultural supply well and two domestic wells on the property. Groundwater samples were collected at the facility from the primary supply well on 7, 8, and 11 May 2009. Depth to groundwater ranges between 70 to 80 feet below ground surface. Groundwater flow direction is assumed to be to the west, towards the San Joaquin River. Groundwater flow direction will be confirmed prior to the placement of the fifth monitoring well. In May 2009, Nitrate as N was on average 3.9 mg/L during the sampling period. Electrical Conductivity was on average 329 uS/cm during the sampling period. Sodium was 16 mg/L and Chloride

was 16 mg/L on average during the sampling period. No water quality goals were exceeded during the sampling period.

19. The primary supply well at the facility is fitted with a hypochlorinator which was permitted in 2002 by Stanislaus County as part of the Discharger's water source permit. All of the water used at the facility is chlorinated by the hypochlorinator. Approximately 0.4 to 0.5 mg/L of chlorine is used. All chlorinated wastewater will be directed to the synthetically lined wastewater storage lagoons.

Land Application Area

20. The Discharger has submitted a field-by-field Nutrient Management Plan, prepared by a certified Nutrient Management Specialist. Wastewater generated at the facility is applied to land owned and/or operated by the hatchery at agronomic rates as described in the certified Nutrient Management Plan. No solid waste is applied to the land application areas.
21. Wastewater is applied to both the cropland and the almond orchard. Wastewater is applied in conjunction with fresh water and applied at an agronomic rate in accordance with the limitations of this Order and in compliance with the Nutrient Management Plan. In addition, the cropland is surrounded by a road berm. The almond orchard does not have a berm; however, it only receives on average 0.88 inches of wastewater per year over a four-month period.

California Environmental Quality Act

22. The Stanislaus County Planning and Community Development Department was the lead agency for purposes of the California Environmental Quality Act (CEQA). An Initial Study and Mitigated Negative Declaration for this project were released for public comment on 2 February 2010. Stanislaus County Planning and Community Development approved the final Mitigated Negative Declaration and the Conditional Use Permit #2009-16 on 1 April 2010. The Board is a responsible agency for purposes of CEQA. The Board reviewed and considered the environmental effects of the project identified in the Initial Study and Mitigated Negative Declaration. The Mitigated Negative Declaration identified a single mitigation measure for the Hydrology and Water Quality section. The mitigation measure required the Discharger to obtain Waste Discharge Requirements from the Board, should the Board require it. This Order includes requirements to assure compliance with the Porter-Cologne Water Quality Control Act and the applicable Basin Plan. This Order prohibits discharges of waste to surface water and prevents degradation of groundwater.

Antidegradation Considerations

23. State Water Resources Control Board Resolution 68-16 (“Statement of Policy with Respect to Maintaining High Quality of Waters in California”) (Resolution 68-16) requires that the Board maintain the high quality of waters of the State unless it has been demonstrated that any change will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial uses of such water, and will not result in water quality less than that prescribed in the policies. Any activity which produces or may produce waste must be required to meet waste discharge requirements which will result in the best practicable treatment or control (BPTC) of the discharge necessary to assure that a 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 68-16. It does not authorize pollution of waters of the State. It prohibits the discharge of waste to surface waters from the facility; it prohibits the discharge of waste to surface waters from the land application area; and it prohibits pollution of surface and groundwater. This Order requires the Discharger to meet requirements that constitute best practicable treatment or control. This Order includes groundwater monitoring. This Order requires the Discharger to meet waste discharge and land application specifications, monitoring and reporting requirements, and other provisions.
24. Ellenwood Hatchery will satisfy the requirements of Resolution 68-16 through specific actions taken by the Discharger. The wastewater lagoon will be lined with a 60-mil HDPE liner over a compacted, low permeability subbase. Sand-filled ballast tubes will be placed over the liner and the liner will be vented to ensure there will be no whaling. Wastewater will flow by gravity pipeline to a concrete pump sump for pumping to the cropland so irrigation pumps will not cause uplift of the liner. The land application area also has the potential to impact groundwater. The application of nutrients to crops combined with over-irrigation can cause leaching of nitrogen into the groundwater. This Order requires the Discharger to implement a certified Nutrient Management Plan that limits application of nitrogen to cropland to 1.4 times the crop uptake and controls the amount of irrigation to the fields so leaching is minimized. The Discharger’s NMP currently shows a nitrogen application rate well below the 1.4 crop uptake requirement. Groundwater monitoring will be used to verify that the requirements of the WDR are protective of groundwater.

General Findings

25. This Order regulates the storage, management, and disposal of wastes within the hatchery facility area and land application area to protect beneficial uses of underlying groundwater and the surface waters that receive discharges from the facility.

26. For the purposes of this Order, “waste” includes, but is not limited to residual egg yolk, washwater, broken shells, feather down and debris, cleaning agents, and disinfectants. Storm water is defined as storm water runoff, surface runoff, and drainage.
27. This Order does not authorize violation of any federal, state, or local law or regulation. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the Discharger from his liabilities under federal, state, or local law.
28. As stated in California Water Code Section 13263(g), the discharge of waste into waters of the State is a privilege, not a right, and this Order does not create a vested right to continue the discharge of waste. Failure to prevent conditions that create or threaten to create pollution or nuisance will be sufficient reason to modify, revoke, or enforce this Order, as well as prohibit further discharge.
29. If not controlled or retained, surface water drainage from the area flows to the Oakdale Irrigation District lateral which flows into Dry Creek. Dry Creek flows into the Tuolumne River. Beneficial uses of the Tuolumne River are: municipal, agricultural supply, recreation, fresh water habitat, fish migration, fish spawning, and wildlife habitat.
30. Beneficial uses of groundwater in the surrounding area are domestic, municipal, industrial, and agricultural supply.
31. The Board adopted a *Water Quality Control Plan for the Sacramento and San Joaquin River Basins* (Fourth Edition, revised September 2009) (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the Basin Plan. These requirements are consistent with the Basin Plan.
32. These requirements are consistent with Title 27, Division 2, Chapter 7, Subchapter 2, California Code of Regulations, regulating confined animal facilities.
33. On **7 October 2010**, the Board notified the discharger and interested parties of its intent to issue Waste Discharge Requirements for this discharge and has provided them with a copy of the proposed Order and an opportunity to submit written comments.

IT IS HEREBY ORDERED that Foster Farms, LLC, dba Ellenwood Hatchery, its owners, tenants, agents, successors, and assigns, pursuant to California Water Code Sections 13260, 13263, and 13267 and in order to meet the provisions contained in Division 7 of the California Water Code and regulations and policies adopted thereunder shall comply with the following:

A. Prohibitions

1. The discharge of waste other than as defined in Finding 9 above or from septic tanks, or of hazardous waste, as defined in the California Water Code Section 13173 and Title 23 CCR Section 2521 (a), respectively, is prohibited. The disposal of waste not generated by on-site animal production activities as defined in Finding 9, above, is prohibited unless a Report of Waste Discharge for the disposal has been submitted to the Executive Officer and the Central Valley Water Board has issued or waived waste discharge requirements (WDRs).
2. The direct or indirect discharge of waste and/or storm water from the production area to surface waters is prohibited.
3. The discharge of wastewater to surface waters from a land application area is prohibited. Irrigation supply water that comes into contact or is blended with waste or wastewater shall be considered wastewater under this Prohibition.
4. The discharge of storm water to surface water from a land application area where wastewater has been applied is prohibited unless the land application area has been managed consistent with a certified Nutrient Management Plan.
5. The application of wastewater to a land application area before, during, or after a storm event that would result in runoff of the applied water is prohibited.
6. The discharge of waste from the facility to surface waters which causes or contributes to an exceedance of any applicable water quality objective in the Basin Plan or any applicable state or federal water quality criteria, or a violation of any applicable state or federal policies or regulations is prohibited.
7. The collection, treatment, storage, discharge or disposal of waste from the facility that results in pollution or nuisance is prohibited.
8. The disposal of dead animals at the facility is prohibited except when federal, state or local officials declare a State of Emergency and where all other options for disposal have been pursued and failed and the onsite disposal complies with all state and local policies for disposal of dead animals.
9. The application of waste to lands not owned, leased, or controlled by the Discharger without written permission from the landowner or in a manner not approved by the Executive Officer, is prohibited.

10. The land application of wastewater to land application areas for other than nutrient recycling is prohibited.
11. The direct discharge of wastewater into groundwater via backflow through water supply or irrigation supply wells is prohibited.

B. Specifications

Waste Discharge Specifications

1. The collection, treatment, storage, discharge, or disposal of wastes at the facility shall not result in: (1) discharge of waste constituents in a manner which could cause degradation of surface water or groundwater, (2) contamination or pollution of surface water or groundwater, (3) a condition of nuisance, (4) exceedance of water quality objectives, or (5) unreasonably affect beneficial uses (as defined by the California Water Code Section 13050).
2. The wastewater storage lagoons at the facility shall be operated and maintained to be protective of water quality. If at any time the design, construction, operation, and/or maintenance of the lagoon and/or basins is not protective of water quality, the Discharger shall notify the Board and propose modifications in accordance with Required Reports and Notices F.1.b.
3. As described in Findings 14 – 16, two new synthetic-lined wastewater storage lagoons are being installed at the facility. Prior to the enlargement of the new wastewater storage lagoons; construction of any additional lagoon or settling basin; or in the event that the design, construction, operation and/or maintenance of any lagoon is not protective of water quality, the Discharger shall submit a design for review and approval by the Executive Officer. The design shall conform to either of the options described below:
 - a. Tier 1: A pond designed to consist of a double liner constructed with 60-mil high density polyethylene or material of equivalent durability with a leachate collection and removal system (constructed in accordance with Section 20340 of Title 27) between the two liners will be considered to be consistent with Resolution 68-16. Review for ponds designed to this standard will be conducted in less than 30 days of receipt of a complete design plan package submitted to the Board.
 - b. Tier 2: A pond designed in accordance with California Natural Resource Conservation Service (NRCS) Conservation Practice Standard 313 or equivalent and which the Discharger must demonstrate through submittal of technical reports that the

alternative design is protective of groundwater quality as required in Specification B.4 below.

4. Prior to commencement of construction described in Specification B.3, Discharger shall submit a design report for review and approval by the Executive Officer prepared by, or under the direct supervision of, and certified by, a Civil Engineer who is registered pursuant to California law or other person as may be permitted under the provisions of the California Business and Professions Code to assume responsible charge of such work. The design report shall include the following:
 - a. Design calculations demonstrating that adequate containment will be achieved.
 - b. Details on the liner and leachate collection and removal system (if appropriate) materials,
 - c. A schedule for construction and certification of completion,
 - d. A construction quality assurance plan describing testing and observations needed to document construction of the pond in accordance with the design and Sections 20323 and 20324 of Title 27,
 - e. An operations and maintenance plan for the pond, and
 - f. Unless waived by the Executive Officer, a technical report and groundwater model that demonstrates the proposed pond is in compliance with the groundwater limitations in this Order, including calculations that demonstrate the amount and quality of seepage from the proposed pond and its effect on water quality.
5. Prior to the placement of waste in any enlarged existing settling, storage, or retention pond or any such newly constructed pond, the Discharger shall submit a post construction report prepared by, or under the direct supervision of, and certified by, a Civil Engineer who is registered pursuant to California law or other person as may be permitted under the provisions of the California Business and Professions Code to assume responsible charge of such work. Waste shall not be placed into the pond until the Executive Officer notifies the Discharger in writing that the post construction report is acceptable. The post construction report shall include: (1) verification that the pond meets the requirements of this Order including documentation of the results of the construction quality assurance testing and observations, (2) certification that the pond was constructed as designed and (3) as-built diagrams.

6. The facility shall have lagoons and conveyance structures that are designed, constructed, operated, and maintained to retain all facility wastewater generated during the storage period (maximum period of time anticipated between land application of wastewater), including the 100-year wet season.
7. The level of waste in the wastewater storage lagoons at the facility shall be kept a minimum of two (2) feet from the top of the lagoons. Less freeboard may be approved by the Executive Officer when a Civil Engineer who is registered pursuant to California law, or other person as may be permitted under the provisions of the California Business and Professions Code to assume responsible charge of such work, demonstrates that the structural integrity of the ponds will be maintained with the proposed freeboard.
8. The wastewater storage lagoon and the settling basins shall be managed and maintained to prevent breeding of mosquitoes and other vectors. In particular,
 - a. Small coves and irregularities shall not be allowed around the perimeter of the water surface;
 - b. Weeds shall be minimized through control of water depth, harvesting, or other appropriate method;
 - c. Dead algae, vegetation, and debris shall not accumulate on the water surface; and
 - d. Management shall be in accordance with the requirements of the Mosquito Abatement District.
9. Storage lagoons designated to contain the 100-year wet season runoff must have a freeboard fill level indicator.
10. Unlined ditches, swales, and/or earthen-berm channels may not be used for storage of wastewater or tailwater and may only be used for conveyance of wastewater collected in the facility area to the storage lagoons, conveyance of wastewater from the storage lagoon to the land application area, irrigation return water management, or temporary control of accidental spills

Land Application Specifications

11. Land application of all waste from the facility shall be conducted in accordance with the certified Nutrient Management Plan. The Nutrient Management Plan is consistent with Resolution No. 68-16. Land application of wastes at the facility shall not pollute underlying

groundwater or cause the underlying groundwater to contain any waste constituent, degradation product, or any constituent of soil mobilized by the interactions between applied waste and soil or soil biota, to exceed the groundwater prohibitions and specifications set forth in this Order. The Nutrient Management Plan shall be modified within 90 days if monitoring shows that discharge from the land application is polluting ground water or fails to comply with surface water quality objectives or criteria. The modifications must be designed to bring the facility into compliance with this Order.

12. In the event that the Discharger exports wastewater to a third party, the Discharger shall have a written agreement. The written agreement will be with each third party that receives wastewater from the Discharger for its own use. Each written agreement shall be included in the Discharger's Nutrient Management Plan and Annual Report. The written agreement(s) shall be effective until the third party is covered under waste discharge requirements or a waiver of waste discharge requirements that are adopted by the Central Valley Water Board and that are specific to the application of the Discharger's wastewater to land under the third party's control. The written agreement shall:

- a. Clearly identify:
 - i. The Discharger and facility from which the wastewater originates,
 - ii. The third party that will control the application of the wastewater to land application areas,
 - iii. The Assessor's Parcel Number(s) and the acreage(s) of the land application areas where the wastewater will be applied, and
 - iv. The types of crops to be fertilized with the wastewater.
- b. Include an agreement by the third party to:
 - i. Use the wastewater at agronomic rates appropriate for the crops to be grown, and
 - ii. Prevent the runoff to surface waters of wastewater, storm water or irrigation supply water that is blended with wastewater.
- c. Include a certification statement, as specified in General Reporting Requirements C.7 of the Standard Provision and Reporting Requirements (which is attached to and made

part of this Order), which is signed by both the Discharger and third party.

13. The application of waste to land application areas shall be at rates that preclude development of vectors or other nuisance conditions and meet the conditions of the certified Nutrient Management Plan. Application shall be timed to minimize nitrogen movement below the root zone.
14. All wastewater applied to land application areas must infiltrate completely within 72 hours after application.
15. Wastewater shall not be applied to land application areas during periods when the soil is at or above field moisture capacity unless consistent with the certified Nutrient Management Plan.
16. Wastewater shall not be applied closer than 100 feet to any down gradient surface waters, open tile line intake structures, sinkholes, agricultural or domestic well heads, or other conduits to surface waters, unless a 35-foot wide vegetated buffer or physical barrier is substituted for the 100-foot setback or alternative conservation practices or field-specific conditions will provide pollutant reductions equivalent or better than the reductions achieved by the 100-foot setback.
17. Wastewater shall not be applied for disposal to any land that is not being used to grow crops. Crops must be planted within 60 days of waste application.
18. Waste and land application areas shall be managed to prevent contamination of crops grown for human consumption. The term "crops grown for human consumption" refers only to crops that will not undergo subsequent processing which adequately removes potential microbial danger to consumers.

C. Interim Groundwater Limitations

1. These interim groundwater limitations are to be applied at the shallowest groundwater beneath the facility. These limitations are based on either the maximum contaminant level (MCL) for the constituent as published in Title 22 CCR or other applicable Basin Plan objectives but they may or may not reflect the appropriate final groundwater limitations for this site. Final limitations will be established following completion of work required by this Order. Release of waste constituents from any treatment, storage, or disposal component associated with the facility shall not cause or contribute to groundwater:

- a. Containing constituent concentrations in excess of the concentrations specified below or natural background quality, whichever is lower:
 - i. Nitrate as nitrogen of 10 mg/L (Title 22 CCR MCL);
 - ii. Chloride of 250 mg/L (Title 22 CCR Secondary MCL);
 - iii. Total Dissolved Solids of 500 mg/L (Title 22 CCR Secondary MCL);
 - iv. Electrical Conductivity of 900 umhos/cm (Title 22 CCR Secondary MCL);
 - v. For constituents identified in Title 22 CCR, the MCLs quantified therein; and
 - b. Containing taste or odor-producing constituents, toxic substances, or any other constituents, in concentrations that cause nuisance or adversely affect beneficial uses.
2. Final groundwater limitations will be developed based upon the results of the BPTC Technical Evaluation conducted as directed by section F.1.f of this Order and reported consistent with the Provisions below.

D. Provisions

1. The Discharger shall comply with the *Standard Provisions and Reporting Requirements for Individual Waste Discharge Requirements*, which is attached to and made part of this Order.
2. The Discharger shall comply with all applicable provisions of the California Water Code, Title 27 CCR, and the applicable Water Quality Control Plans.
3. The Discharger shall comply with the attached Monitoring and Reporting Program No. R5-2010-XXXX which is part of this Order, and future revisions thereto as specified by the Board or the Executive Officer.
4. The number of chicks hatched per week shall not be increased above the maximum number stated in Finding 5 until the Discharger submits a new Report of Waste Discharge (ROWD) and the Regional Board has issued new Waste Discharge Requirements. The ROWD shall clearly demonstrate that the increase in hatchings will not constitute a threat to water quality.

5. The Discharger shall submit a complete Report of Waste Discharge in accordance with the California Water Code Section 13260 at least 140 days prior to any material change or proposed change in the character, location, or volume of the discharge, including any expansion of the facility or development of any treatment technology.
6. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be forwarded to the Board.
7. The Board will review this Order periodically and may revise requirements when necessary.
8. If site conditions threaten to violate Specification B.1 or Prohibition A.2, the Discharger shall take immediate action to preclude the violation, documenting the condition and all corrective actions. Such actions shall be summarized in the annual monitoring report. Alterations of the Waste Management Plan (see Required Reports and Notices F.1.b) for the production area to avoid a recurrence shall be submitted as a modification to the Waste Management Plan.
9. If a discharge of waste creates, or threatens to create, significant objectionable odors or nuisance odor and vector conditions, enforcement and/or revocation of coverage under this Order may result.
10. The Discharger shall comply with all requirements of this Order and all terms, conditions, and limitations specified by the Executive Officer.
11. Any instance of noncompliance with this Order constitutes a violation of the California Water Code and its regulations. Such noncompliance is grounds for enforcement action, and/or termination of the authorization to discharge.
12. The Discharger must maintain coverage under this Order or a subsequent revision to this Order until all wastewater, and animal waste impacted soil, including soil within the wastewater storage lagoons, is disposed of or utilized in a manner which does not pose a threat to surface water or groundwater quality or create a condition of nuisance. At least 90 days before seeking to terminate coverage under this Order, the Discharger must submit to the Executive Officer a closure plan that ensures protection of surface water and groundwater. No more than 30 days after completion of site closure, the Discharger shall submit a closure report which documents that all closure activities were completed as proposed and approved in the

closure plan. Coverage under this Order will not be terminated until cleanup is complete.

13. This Order shall become effective upon adoption by the Board.
14. The Discharger must comply with all conditions of this Order, including timely submittal of technical and monitoring reports as directed by the Executive Officer. Accordingly, the Discharger shall submit to the Board on or before each report due date the specified document or, if an action is specified, a written report detailing evidence of compliance with the task. If noncompliance is being reported, the reasons for such noncompliance shall be stated, plus an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Central Valley Water Board by letter when it returns to compliance with the time schedule. Violations may result in enforcement action, including Board or court orders requiring corrective action or imposing civil monetary liability.
15. Technical reports required by this Order must be certified by an appropriately licensed professional as required in this Order and its Attachments. If the Executive Officer provides comments on any technical report, the Discharger will be required to address those comments.
16. The Discharger shall maintain a copy of this Order at the site so as to be available at all times to site-operating personnel. The Discharger, landowner and his/her designee shall be familiar with the content of this Order.

E. Permit Reopening, Revision, Revocation, and Re-Issuance

1. If more stringent applicable water quality standards are adopted in the Basin Plan, the Board may revise and modify this Order in accordance with such standards.
2. This Order may be reopened to address any changes in state plans, policies, or regulations that would affect the water quality requirements for the discharges and as authorized by state law.

F. Required Reports and Notices

1. Dischargers must prepare and submit the following pursuant to Water Code Section 13267 in accordance with this Order:
 - a. The Discharger shall submit Annual Reports, Groundwater Reports, and Storm Water Reports as described in the Monitoring and Reporting Program.

- b. **Waste Management Plan:** The Discharger has submitted waste management information in the areas of facility design, construction, operation, and maintenance for flood protection and waste containment. If, in the course of operation the Discharger or the Board determines that the design, construction, operation, and/or maintenance of the facility is not protective of water quality, the Discharger must notify the Board and propose modifications and a schedule for modifications that will bring the facility into compliance. Certification that the modifications have been implemented shall be submitted to the Executive Officer within 30 days of completion of the modifications.
- c. **Nutrient Management Plan:** The Discharger has submitted a Certified Nutrient Management Plan that addresses the application of wastewater to land for nutrient recycling (See Attachment C). The Plan must be maintained at the facility, submitted to the Executive Officer upon request and must ultimately provide for protection of both surface water and groundwater. The Nutrient Management Plan shall be updated as necessary or if the Executive Officer requests that additional information be included. Groundwater monitoring will be used to determine if implementation of the Nutrient Management Plan is protective of groundwater quality.
- d. **Wastewater Lagoon Design Report:** The Discharger has submitted a Design Report for the installation and lining of the two wastewater storage lagoons. Comments have been provided to the Discharger and the final report is expected prior to the adoption of this Order. Upon staff review of the final design report, the Executive Officer will issue a letter allowing the discharger to construct the lagoons.
- e. **Wastewater Lagoon Post Construction Report:** The Discharger shall submit a post construction report for the newly installed wastewater lagoons. Upon staff review of the final construction quality assurance report the Executive Officer will issue a letter allowing the discharger to begin to use their lagoons. The post construction report shall meet the requirements of this Order as specified in Waste Discharge Specification B.5.
- f. **BPTC Technical Evaluation:** The Discharger shall conduct a technical evaluation that includes groundwater monitoring and a statistical analysis of collected data to determine if the hatchery expansion is impacting groundwater and to determine final groundwater limitations. An impact is defined as a measurably significant increase in certain constituents in the groundwater

over time. The technical evaluation shall involve quarterly monitoring of the groundwater monitoring wells at the facility for a 2-year period. Monitoring will include, at a minimum, the constituents defined in Section C.1.a of this Order. At the end of the 2-year period, an intra-well statistical analysis (an evaluation of the change in each constituent each well over time) will be conducted on the collected data. The statistical analysis will be due within six months from the date the last sample is collected. Should the results of the Technical Evaluation determine that there is a measurably significant impact to the groundwater, the Discharger shall develop a Best Practicable Treatment and Control (BPTC) work plan that addresses the impacts to groundwater. Final groundwater limitations for the facility shall be based on the average concentration of each constituent over the 2-year sampling period.

- g. **BPTC Work Plan:** Within six months of the completion of the BPTC Technical Evaluation, the Discharger shall submit a written work plan for a BPTC approach which addresses the impacts to groundwater. The BPTC work plan shall be reviewed and approved by Regional Board staff prior to the Discharger implementing any changes to the operations and/or design of the facility. The BPTC work plan shall contain a time schedule for completing any changes to facility to meet BPTC. The BPTC work plan is only required if the outcome of the Technical Evaluation indicates a measurably significant impact to groundwater.

G. Reporting Provisions

1. Annual Reports or information submitted to the Board shall be signed certified in accordance with C.7 and C.8 of the Standard Provisions.
2. The Discharger shall submit all reports as specified in the attached Monitoring and Reporting Program No. R5-2010-XXXX.
3. The Discharger shall furnish, within a reasonable time, any information the Board may request, to determine whether cause exists for modifying, revoking, and reissuing, or terminating this Order. The Discharger shall, upon request, also furnish to the Board copies of records required to be kept by this Order.
4. All reports prepared and submitted to the Executive Officer in accordance with the terms of this Order shall be available for public inspection at the offices of the Board.

H. Record Keeping

The Discharger shall create, maintain for five years, and make available to the Board upon request by the Executive Officer any reports or records required by this Order including those required under Monitoring and Reporting Program No. R5-2010-XXXX.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on DATE.

PAMELA C. CREEDON, Executive Officer