California Regional Water Quality Control Board
San Francisco Bay Region

Terry Tamminen
Secretary for Environmental Protection

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Arnold Schwarzenegger
Governor

Date: OCT 20 2004
File No. 2229.00 (rlt/lmt)

Marin and Sonoma County Dairy Operators

SUBJECT: ANNUAL COMPLIANCE CERTIFICATION REPORT FORM WATER BOARD DAIRY WAIVER RESOLUTION R2-2003-0094

Last year, the Regional Water Quality Control Board (Water Board) adopted new permitting requirements for your dairy facility in the form of a Conditional Waiver of Waste Discharge Requirements (Waiver –Attachment C). Eligibility for coverage under the Waiver is conditioned upon your dairy's continued compliance with the State Minimum Standards for Confined Animal Facilities as specified under Title 27, California Code of Regulations 22560-22565.

Compliance with the Waiver also requires that each operator perform regular inspections of the dairy's waste management facilities throughout the year. At a minimum, inspections must be conducted prior to anticipated storm events, during extended storm events, and after actual storm events, and on a monthly basis during dry conditions. Records must be maintained at each dairy and made available to Water Board staff upon request, and include the inspection dates, observations, and any response taken to correct problems detected, such as eliminating leaks and ensuring adequate freeboard. Please refer to Attachment B which outlines Waiver Compliance Monitoring and Reporting requirements.

The operator must provide annual certification to the Water Board that the dairy continues to comply with the State Minimum Standards and all Waiver conditions, and has effectively implemented appropriate pre-rainy season pollution prevention measures. Attached for your use in providing this annual certification is an Annual Certification Report Form (Certification Form – Attachment A).

In order to meet the Waiver conditions, the Certification Form must be submitted by November 15. Photo documentation of compliance with the required pre-rainy season pollution prevention measures for all waste containment and confined manured areas must accompany the Certification Form.

Please note that this is a request for a technical report pursuant to Section 13267 of the California Water Code. While we anticipate your cooperation in this matter, you should be aware that late, incomplete, or inadequate response to this request constitutes a violation of the Waiver and may

subject you to civil liability to a maximum amount of $5000 per day of violation. Any extensions of the deadline specified above must be confirmed in writing by Water Board staff.

Members of the Water Board staff will be at the November 4th meeting of the Sonoma-Marin Animal Resource Committee meeting in Two Rock. Staff can answer any questions you have about this form or complying with the waiver at the meeting. Please contact Abigail Smith at 510-622-2413 (for Sonoma County) or John West at 510-622-2438 (for Marin County) with specific questions regarding your dairy.

Completed Certification Forms for dairies located in Sonoma County should be submitted to the attention of Abigail Smith, and for Marin County dairies to John West at:

California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Sincerely,

Bruce H. Wolfe
Executive Officer

Encl: Attachment A - Annual Compliance Certification Report Form
Attachment B - Dairy Compliance Monitoring & Reporting Requirements
Attachment C - Water Board Waiver Resolution R2-2003-0094

Cc: Department of Fish and Game, Mike Otto
Sonoma-Marin Animal Resource Committee, Lex McCorvey
State Water Resources Control Board, John Menke
U.S. Environmental Protection Agency CWA Compliance, Kathi Moore
Western Dairy Association, Kristi Rocha
Western Dairy Association, Paul Martin
Natural Resources Conservation District, Charlette Sanders
Southern Sonoma Resource Conservation District, Leandra Swendt
Marin Resource Conservation District, Nancy Scolari

WATER BOARD WAIVER RESOLUTION R2-2003-0094
COMPLIANCE MONITORING & REPORTING REQUIREMENTS

1. At a minimum, the discharger must conduct visual inspections to verify that all waste and storm water contacting waste accumulation areas is contained on-site and prevented from entering surface waters. These inspections must be conducted according the following conditions:

   a. The discharger must inspect all containment facilities, clean runoff diversion structures and pumping equipment to detect leaks and ensure maintenance of adequate freeboard;

   b. The discharger must inspect the closest receiving water, upstream and downstream of all facilities and disposal areas to monitor any change in water quality resulting from its facility operations;

   c. Inspect confined areas to ensure that all pollution prevention measures, as specified by this order and *Statewide Minimum Standards for Discharges of Animal Wastes*, are implemented and effective;

   d. Inspections shall be conducted prior to anticipated storm events, during extended storm events and after actual storm events, or at a minimum, on a monthly basis during dry conditions. Pre-storm inspections are to ensure that all pollution prevention measures are properly installed and maintained; mid-storm and post-storm inspections are to assure that preventative measures have functioned adequately and whether additional measures are needed; and

   e. Records shall be maintained of the inspection dates, observations, and any response taken to eliminate leaks and to maintain adequate freeboard.

2. The discharger must submit an annual certification to the Regional Board that its facility meets all conditions of this waiver. A report form, developed by the Regional Board, shall be submitted by November 15 of each year (starting in 2004). The report shall include photo documentation of compliance with required preseason pollution prevention measures in all waste containment and confined manured areas.

3. The discharger shall report any noncompliance that endangers human health or the environment, within 24 hours of becoming aware of its occurrence. The incident shall be reported to the Regional Board Office and to the California Office of Emergency Services (OES). During non-business hours, the discharger shall leave a message on the Regional Board's voice mail. The message shall include the time, date, and place of the discharge and shall be recorded in writing by the discharger. The OES is operational 24 hours a day. A written report shall be submitted to the Regional Board office within five (5) business days of the discharger becoming aware of the incident. The written submission shall contain:

   a. The approximate date, time, and location of the discharge;
   b. A description of the noncompliance event and its cause;
   c. The flow rate, volume, and duration of the discharge;
   d. The period of noncompliance, including dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
   e. The steps taken to correct discharge and/or a time schedule and a plan to implement corrective actions necessary to prevent the recurrence of such discharges.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

RESOLUTION NO. R2-2003-0094

RENEWAL OF WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR CONFINED ANIMAL FACILITIES

I. **WHEREAS,** a confined animal facility (CAF) is any place where cattle, calves, sheep, swine, horses, mules, goats, fowl, or other domestic animals are corralled, penned, tethered, or otherwise enclosed or held and where feeding is by means other than grazing; and

II. **WHEREAS,** within the San Francisco Bay Regional Water Quality Control Board's (Regional Board) region, the primary types of CAFs include cow dairies, horse facilities, goat dairies, and egg, chicken, and/or turkey production facilities within the Counties of Marin and Sonoma; and

III. **WHEREAS,** Section 13260 (a) of the California Water Code (Water Code) requires that any person discharging waste or proposing to discharge waste, other than to a community sewer system, that could affect the quality of the waters of the State, shall file a report of waste discharge (ROWD) with the appropriate regional board; and

IV. **WHEREAS,** Section 13263(a) of the Water Code requires a regional board to prescribe waste discharge requirements as to the nature of any proposed discharge, existing or materially changed discharge within its region; and

V. **WHEREAS,** CAFs involve discharges of waste that could affect water quality and thus are subject to regulation by the Regional Board pursuant to the Water Code; and

VI. **WHEREAS,** Section 13269(a) of the Water Code provides that a regional board may waive the issuance of waste discharge requirements (WDRs) for a specific type of discharge, if such a waiver is not against the public interest, and that waivers shall be conditional and may be terminated at any time by that regional board; and

VII. **WHEREAS,** the State Water Resources Control Board, in March 1973, adopted statewide minimum guidelines for discharges of animal waste at confined animal facilities (currently promulgated at Title 27, California Code of Regulations Sections 22560-22565; hereafter, the "Statewide Minimum Standards"- Attachment B.), which require containment of manure, wash water, and storm water runoff from animal confinement areas; and

VIII. **WHEREAS,** on August 20, 1974, the Regional Board adopted Resolution No. 74-11, *Policy for Enforcement of Guidelines for Waste Disposal From Dairies*, establishing a maximum three-year compliance deadline (extended by the Regional Board for one year in 1977) for full compliance with all guideline provisions by all CAFs in the San Francisco Region; and

IX. **WHEREAS**, on April 20, 1983, the Regional Board adopted Resolution No. 83-3, *Waiving Waste Discharge Requirements for Specific Types of Discharge* (the "Existing Waiver Policy"), waiving the issuance of WDRs for CAFs operating in compliance with State Water Resource Control Board and Regional Board Guidelines; and

X. **WHEREAS,** Section 13269 (b) of the Water Code provides that waivers in effect as of January 1, 2000, shall expire as of January 1, 2003, and that such waivers may be renewed by a regional board in five-year increments; and

XI. **WHEREAS,** Section 13269 (e) of the Water Code provides that the Regional Board require compliance with the conditions pursuant to which waivers are granted; and

XII. **WHEREAS,** the Statewide Minimum Standards are minimum requirements only and allow the Regional Board to impose additional requirements, including compliance reporting as a condition of the issuance of WDRs; and

XIII. **WHEREAS,** Section 13267 of the Water Code authorizes the Regional Board to require the preparation and submittal of technical reports, including monitoring and reporting programs. The monitoring and reporting program required by this Resolution is necessary to assure compliance its terms and conditions, and

XIV. **WHEREAS,** the Regional Board has reviewed the Existing Waiver Policy as it applies to CAFs and surveyed key existing CAFs covered by this Policy and determined that the Policy should be renewed as to those existing CAFs that have proper waste control facilities and management practices in conformance with the Statewide Minimum Standard and updated with additional waiver conditions set forth in Attachment A hereto to ensure compliance with applicable water quality laws and regulations; and

XV. **WHEREAS,** the waiver conditions set forth in Attachment A hereto include requirements to comply with the Statewide Minimum Standards; and

XVI. **WHEREAS,** the Regional Board finds that waiving the issuance of WDRs for existing CAFs in the San Francisco Bay Region involving no or negligible expansion of use as of the date of adoption of this Resolution, and that have proper waste control facilities and management practices in conformance with the Statewide Minimum Standards as well as the conditions of waiver set forth in Attachment A hereto, is in the public interest; and

XVII. **WHEREAS,** the Regional Board further finds that such action will provide for continuation and improvement of the Regional Board's existing program for regulation of CAFs, and will not create any new or additional adverse impacts to water quality in the San Francisco Bay Region; and

XVIII. **WHEREAS,** this action to waive the issuance of WDRs for existing CAFs involving no or negligible expansion of use is categorically exempt from the California Environmental Quality Act (at Public Resources Code Section 21000 et seq.; "CEQA") pursuant to 14 Cal. Code of Regs. Section 15301; and

XIX. **WHEREAS,** on October 15, 2003, the Regional Board held a public hearing and heard and considered all comments pertaining to this matter;

XX. **NOW THEREFORE BE IT RESOLVED,** that the Regional Board hereby waives issuing WDRs for existing CAFs in the San Francisco Bay Region that involve no or negligible expansion of use as of the date of adoption of this Resolution and that now or hereafter have proper waste control facilities and management practices in conformance with the Statewide Minimum Standards,

XXI. **BE IT FURTHER RESOLVED,** that this waiver is for a period of five years unless terminated sooner;

XXII. **BE IT FURTHER RESOLVED,** that coverage under this waiver is conditioned upon the existing CAFs fully complying with the conditions of waiver set forth in Attachment A hereto and incorporated herein by this reference;

XXIII. **BE IT FURTHER RESOLVED,** that the Executive Officer may terminate coverage under this waiver as to a particular discharger where the discharger fails to meet the conditions of waiver set forth in Attachment A. If coverage under this waiver is terminated for a particular CAF, the CAF shall seek coverage under General Waste Discharge Requirements for Confined Animal Facilities, Order No. R2-2003-0093 or individual WDRs.

I, BRUCE H. WOLFE Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on October 15, 2003.

Bruce H. Wolfe
Executive Officer

Attachments:

A. Conditions for Waiver of Waste Discharge Requirements For Discharges From Confined Animal Facilities

B. Title 27 – Statewide Minimum Standards

C. Report of Waste Discharge - Supplemental Information Needed

D. Notice of Intent

ATTACHMENT A

Conditions for Waiver of Waste Discharge Requirements For Discharges From Confined Animal Facilities

With the adoption of Resolution No. R2-2003-0094, the Regional Board waived issuing WDRs for existing confined animal facilities (CAFS) if the facility owner / operator (hereafter "the discharger") meets the applicability requirements and complies with all conditions listed below.

I. Eligibility for Coverage

CAFs that meet all of the following are eligible for coverage under this waiver:

1. Are in existence as of the date of adoption of Resolution No. R2-2003-0094, and

2. Currently have proper waste control facilities and management practices in conformance with the Statewide Minimum Standards, as determined by the Executive Officer.

II. Management Practices

1. The discharger must operate in compliance with *Statewide Minimum Standards for Discharges of Animal Wastes* (Title 27, California Code of Regulations Section 22560-22565-Attachment B.), and any amendments thereto.

2. Manure ponds and containment facilities shall be designed to accommodate the waste water flow and stormwater, contacting manured areas, that is likely to accumulate in the wettest winter that may occur in a twenty-five year period. Management of such containment facilities shall include, but not be limited to, the following:

   a. Spreading of manure and pond clean-out shall occur annually, at a minimum, and should be conducted prior to October 15;

   b. Uncovered feeding and/or confined loafing areas must be scraped/cleaned prior to each storm event and should be conducted prior to October 15, unless all storm water contacting these areas is contained;

   c. Manure and waste water discharges to land, including spray irrigation, shall be conducted during non-rainy or non-saturated conditions;

   d. Discharges to land of solid and liquid waste shall be conducted in such areas that prevent the discharge of waste to surface waters or flood-prone areas and shall be managed to minimize percolation to ground water;

   e. Discharges to land of solid or liquid waste shall be at rates that are reasonable for crop, soil, climate, special local situations, management system and type of manure. The total nutrient loading shall not exceed the amount needed to meet crop demand; and

f. Waste containment ponds shall be managed to have sufficient freeboard, but in no case less than two feet (measured vertically, from the water surface up to the point on the surrounding berm or dike having the lowest elevation) and shall be designed and constructed to prevent overtopping as a result of windy storm conditions. Lesser freeboard may be approved by the Executive Officer if documented by a registered civil engineer that structural integrity and required capacity will not be compromised with the proposed freeboard.

3. In addition to manure waste and waste water generated from storm water contacting confined manured areas, the discharger must properly contain and manage all other wastes including, but not limited to, silage leachate, dead animals, waste milk, veterinary medical waste, spoiled feed, bedding, etc., and any precipitation contacting these materials. In addition, the discharger must comply with the following waste disposal criteria:

   a. **Waste milk:** Prepare an operating/maintenance plan and take steps that will virtually eliminate the possibility of impacts to water quality or the development of nuisance problems. The preferred option is some beneficial use of the milk, such as a feed supplement. Because the risk of nuisance from odors or vectors like flies and mosquitoes is so high, only as a last option should the discharger impound the waste milk in its retention ponds for later use in irrigation. If disposal is necessary, the best option is to directly use the waste milk on irrigated cropland implementing the following actions:

      i. Prevent any waste milk from entering into surface waters, either by direct discharge or in irrigation or storm runoff,

      ii. Prevent any ponding of the waste milk on fields that would result in nuisance conditions,

      iii. When possible, dilute the milk with fresh irrigation water or with dairy process water when applying it to cropland to avoid over-application to any part of the field, and

      iv. Report to the Regional Board in writing within one week the quantity of waste milk discharged and the location of the discharge (show the location on a map).

   b. **Dead animals:** Dead animals shall be disposed of in accordance with appropriate state, local laws and regulations. This waiver does not permit on-site animal disposal.

4. Future management practice requirements may also be imposed by the Executive Officer, within federal Clean Water Act (CWA) Section 303(d) Water Bodies, listed as impaired by constituents that may be present in waste from the CAF.

III. Compliance Reporting

1. At a minimum, the discharger must conduct visual inspections to verify that all waste and storm water contacting waste accumulation areas is contained on-site and prevented from entering surface waters. These inspections must be conducted according the following conditions:

a. The discharger must inspect all containment facilities, clean runoff diversion structures and pumping equipment to detect leaks and ensure maintenance of adequate freeboard;

b. The discharger must inspect the closest receiving water, upstream and downstream of all facilities and disposal areas to monitor any change in water quality resulting from its facility operations;

c. Inspect confined areas to ensure that all pollution prevention measures, as specified by this order and *Statewide Minimum Standards for Discharges of Animal Wastes*, are implemented and effective;

d. Inspections shall be conducted prior to anticipated storm events, during extended storm events and after actual storm events, or at a minimum, on a monthly basis during dry conditions. Pre-storm inspections are to ensure that all pollution prevention measures are properly installed and maintained; mid-storm and post-storm inspections are to assure that preventative measures have functioned adequately and whether additional measures are needed; and

e. Records shall be maintained of the inspection dates, observations, and any response taken to eliminate leaks and to maintain adequate freeboard.

2. The discharger must submit an annual certification to the Regional Board that its facility meets all conditions of this waiver. A report form, developed by the Regional Board, shall be submitted by November 15 of each year (starting in 2004). The report shall include photo documentation of compliance with required preseason pollution prevention measures in all waste containment and confined manured areas.

3. The discharger shall report any noncompliance that endangers human health or the environment, within 24 hours of becoming aware of its occurrence. The incident shall be reported to the Regional Board Office and to the California Office of Emergency Services (OES). During non-business hours, the discharger shall leave a message on the Regional Board's voice mail. The message shall include the time, date, and place of the discharge and shall be recorded in writing by the discharger. The OES is operational 24 hours a day. A written report shall be submitted to the Regional Board office within five (5) business days of the discharger becoming aware of the incident. The written submission shall contain:

   a. The approximate date, time, and location of the discharge;
   b. A description of the noncompliance event and its cause;
   c. The flow rate, volume, and duration of the discharge;
   d. The period of noncompliance, including dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
   e. The steps taken to correct discharge and/or a time schedule and a plan to implement corrective actions necessary to prevent the recurrence of such discharges.

4. The Executive Officer may require, as appropriate, additional monitoring on a site specific or watershed basis. Future monitoring requirements may also be imposed by the Executive Officer, within CWA Section 303(d) Water Bodies, listed as impaired by constituents that may be present in waste from CAFs.

IV. Application and Termination Procedures

1. To be covered by this waiver, the discharger shall submit a completed Notice of Intent (NOI – Attachment D.) that includes a ROWD (see Attachment C.) and documentation of compliance with the Statewide Minimum Standards, as well as documentation that conclusively demonstrates how the discharger is or intending to satisfy all the conditions of this waiver, for Executive Officer concurrence, within 90 days of adoption or notification to comply with this Resolution.

2. The discharger shall, within 21 days of receiving notice from the Regional Board that its facility no longer qualifies for coverage under this waiver for failure to comply with the waiver terms and conditions, file an updated ROWD and submit an applicable filing fee with the Regional Board, in order to obtain coverage under WDRs. Discharges that could affect the quality of the waters of the State may commence only in accordance with Water Code Section 13264(a).

3. In the event of any change in operation control or ownership of land or waste discharge facilities, the discharger shall immediately notify any succeeding discharger of its responsibility to comply with this waiver. A copy of such notice shall be submitted to the Regional Board in order for the original discharger to be relieved of its responsibility to comply with this waiver. In order to continue the discharge pursuant to this waiver, the succeeding discharger must submit a completed NOI to the Regional Board within 21 days of receipt of such notice, and receive approval by the Board's Executive Officer.

4. In the event of closure or change in land use of the discharger's facility, the discharger shall file a Notice of Termination to the Regional Board. Prior to termination approval, all manure and animal waste impacted soil is to be disposed of appropriately so as not to pose a threat to surface water or groundwater quality or create a condition of nuisance.

STATEWIDE WATER QUALITY REGULATIONS FOR CONFINED ANIMAL FACILITIES[1]

Subchapter 2. Confined Animals

Article 1. SWRCB - Confined Animal Facilities

§22560. SWRCB - Applicability. (Ch-15: §2560)

(a) **General**—This article prescribes statewide minimum standards for discharges of animal waste at confined animal facilities. These standards shall either be implemented in any WDRs issued for a particular animal waste facility or shall be made a condition to the waiver of such requirements.

(b) **ROWD**—A discharger required to submit a report of waste discharge shall provide the following general information and shall report any material changes as defined in Section 2210 of Title 23 of this code:

(1) average daily volume of facility wastewater and volume or weight of manure;

(2) total animal population at the facility, and types of animals;

(3) location and size of use or disposal fields and retention ponds, including animal capacity; and

(4) animal capacity of the facility.

(c) **Regulations Are Minimum Standards**—The RWQCB shall impose additional requirements, if such additional requirements are necessary to prevent degradation of water quality or impairment of beneficial uses of waters of the state.

§22561. SWRCB - General Standard For Surface Water. (Ch-15: §2561)

The discharger shall prevent animals at a confined animal facility from entering any surface water within the confined area.

§22562. SWRCB - Wastewater Management. (Ch-15: §2562)

(a) **Design Storm (for Run-On/Run-Off Control)**—Confined animal facilities shall be designed and constructed to retain all facility wastewater generated, together with all precipitation on, and drainage through, manured areas during a 25-year, 24-hour storm.

(b) **Manured Area Run-On Exclusion**—All precipitation and surface drainage outside of manured areas, including that collected from roofed areas, and runoff from tributary areas during the storm events described in &(a), shall be diverted away from manured areas, unless such drainage is fully retained. RWQCBs can waive application of such requirements only in specific instances where upstream land use changes have altered surface drainage patterns such that retention of flood flows is not feasible.

(c) **Design Storm (for Flood Protection).**

(1) Retention ponds and manured areas at confined animal facilities in operation on or after November 27, 1984, shall be protected from inundation or washout by overflow from any stream channel during 20-year peak stream flows.

(2) Existing facilities that were in operation on-or-before November 27, 1984, and that are protected against 100-year peak stream flows must continue to provide such protection. Facilities, or portions thereof, which begin operating after November 27, 1984, shall be protected against 100-year peak stream flows.

(3) The determination of peak stream flows shall be from data provided by a recognized federal, state, local, or other agency.

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[1] From Title 27, Division 2, Subdivision 1, California Code of Regulations.

(d) **Retention Pond Design**—Retention ponds shall be lined with, or underlain by, soils which contain at least 10 percent clay and not more than 10 percent gravel or artificial materials of equivalent impermeability.

(e) **Discharge To Disposal/Use Fields**—The RWQCB shall allow the discharge of facility wastewater and of collected precipitation and drainage waters to use or disposal fields only if such discharge is in accordance with ß18130. Absent an NPDES permit for discharge to surface waters, the only other allowable discharge is to wastewater treatment facilities approved by the RWQCB.

§22563. SWRCB - Use or Disposal Field Management. (Ch-15: §2563)

(a) **Reasonable Soil Amendment Rate**—Application of manure and wastewater to disposal fields or crop lands shall be at rates which are reasonable for the crop, soil, climate, special local situations, management system, and type of manure.

(b) **Run-Off & Percolation**—Discharges of facility wastewater to disposal fields shall not result in surface runoff from disposal fields and shall be managed to minimize percolation to ground water.

§22564. SWRCB - Management of Manured Areas. (Ch-15: §2564)

Manured areas shall be managed to minimize infiltration of water into underlying soils.

§22565. SWRCB - Monitoring. (Ch-15: §2565)

The RWQCB can require confined animal facility operations to undertake a monitoring program as a condition to the issuance or waiver of WDRs.

ATTACHMENT C

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

REPORT OF WASTE DISCHARGE - SUPPLEMENTAL INFORMATION NEEDED for CONFINED ANIMAL FACILITIES

The Report of Waste Discharge (ROWD shall include at least the information identified below. It should be noted that this list does not necessarily identify all of the information needed for a complete ROWD. Additional information may be needed, as determined by project staff, based on review of the information submitted.

- ☐ A completed ROWD application form (Form 200). This form include basic information such as name and location of facility; name, address and telephone number of legal owner and operator; type of facility operation (use) and waste; dated signature of applicant or agent, and status of CEQA process for the project.
  (Blank copy available on internet at www.swrcb.ca.gov/sbforms/index.html)

- ☐ Descriptions of the confined animal populations normally at your facility, delineating the numbers of milking cows, dry cows, heifers, calves and other livestock.

- ☐ A scaled facility map including: property perimeter, buildings, roadways, land use designations (crops, grazed areas, woodlands, dairy facilities, pastures, confined areas, feeding areas, etc.), topography, creeks, drainages, livestock crossings, waste collection and disposal system (waste conveyances, ponds, pumps, pipes, irrigation/disposal areas, etc.).

- ☐ Calculations of average daily volume of manure and wastewater generated (liquids and solids), including storm water runoff contacting areas that may contain animal waste that would: a) be generated during a 25-year, 24-hour storm event, and b) be likely to accumulate in the wettest winter that may occur in a twenty five-year period. (Information on the 25-year, 24-hour storm event and the wettest winter in a ten-year period in your facility's vicinity should be available from the National Weather Service or from local flood control agencies.)

- ☐ A description of confined manured areas that are scraped or flushed (including corrals and areas covered by roofs), the scraping/flushing frequency, and the average daily volumes of solid and liquid wastes generated in each area.

- ☐ Calculation of existing and required storage capacity. An evaluation of collection system including the use of any sumps, pumps, scraping pits, settling ponds, solids separators, wastewater recycling facilities, waste ponds or other waste containment areas or facilities. Capacity shall be defined in terms of both volume and animal capacity. Indicate whether pumps are activated manually or automatically.

- ☐ If any wastes are disposed off-site, indicate the volume disposed, disposal frequency, the disposal site, and the name of the contractor hauling the wastes.

California Regional Water Quality Control Board
San Francisco Bay Region

Terry Tamminen
Secretary for Environmental Protection

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Arnold Schwarzenegger
Governor

ANNUAL CERTIFICATION REPORTING FORM

DAIRY WAIVER COMPLIANCE DOCUMENTATION

Facility Information

Name of Dairy _____

Address (location) _____

_____

Name of Operator _____

Mailing Address _____

_____

Name of Owner _____

Mailing Address _____

_____

Pre-Rainy Season Facility Evaluation

Attach Photo-Documentation for each *Yes*, and explanations for each *No* or *Not Applicable* response.

1. Runoff from all roofed areas is diverted away from confined or heavily manured areas through working gutters or other means.

   ☐ Yes ☐ No ☐ Not Applicable

2. Berms, ditches and other measures used to divert precipitation and surface drainage away from manured areas or waste impoundments are adequately maintained and protected against erosion.

   ☐ Yes ☐ No ☐ Not Applicable

3. All uncovered confined or heavily manured areas including corrals, feeding, watering or loafing areas, not draining into waste containment facilities have been scraped clean and/or otherwise protected.

   ☐ Yes ☐ No ☐ Not Applicable

4. Animals have been relocated away from all uncovered confined areas not draining into waste containment facilities.

   ☐ Yes ☐ No ☐ Not Applicable

5. All waste containment facilities, pumping equipment, pipes and other conveyances have been inspected and maintained and are free of leaks.

   ☐ Yes ☐ No ☐ Not Applicable

6. All waste containment ponds have been emptied, properly maintained and protected from inundation or washout.

   ☐ Yes ☐ No ☐ Not Applicable

7. Wastes, liquids or manure solids have been applied to land located a safe distance from waterways, flood-prone and heavy run-off areas **prior** to the middle of October.

   ☐ Yes ☐ No ☐ Not Applicable

Photo Documentation

Has the Photo-Documentation of the activities identified in Items 1 through 7 above been collected and attached to this Annual Certification Report Form?

☐ Yes ☐ No *If not, explain* _____

_____

Note: This Annual Certification Report Form will be deemed incomplete if detailed explanations are not provided for each *No* or *Not Applicable* response given to Items 1 through 7 above.

Name & Title of Person or Persons Conducting the Inspection(s):

_____

Date(s) of Pre-Rainy Season Inspections: _____

8. In accordance with the Waiver monitoring conditions, have facility inspections been conducted throughout the year, and are records of the inspection dates, observations, and any corrective actions implemented maintained at the dairy? *These records must be made available for review by Water Board staff upon request during a site inspection.*

   ☐ Yes ☐ No *If not, explain* _____

_____

Certification

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Printed Name: _____ Title: _____

Signature: _____ Date: _____

SF REGIONAL WATER QUALITY CONTROL BOARD
WAIVER INFORMATION

BACKGROUND

Dairy facilities are Confined Animal Facilities because they are a place where cattle are corralled, penned or otherwise held and where feeding is by means other than grazing for more than 45 days/year. Dairies fall under the requirement to file a Report of Waste Discharge (ROWD) because manure and manure-contaminated water could affect the waters of the State. The California Water Code requires a regional board to prescribe waste discharge requirements (WDR) for waste discharge, however there is a provision to waive the issuance of the WDRs for a specific discharge type if its not against public interest. This is the waiver you have received if your facility was determined to be compliant with the requirements.

Waivers are conditional- it can be terminated at anytime by the Regional Board if your facility fails to meet the conditions of the waiver. You would then be put on a general WDR= more documentation, more paperwork, less fun! The waiver is for a period of 5 years unless terminated sooner. Lets keep things running smoothly so we can maintain a waiver system!

LIST OF CONDITIONS TO WAIVER:

Management Practices:
Pond capacity must be able to hold all wastewater and storm water that comes in contact with waste for the WETTEST WINTER in a 25year period.

Pond management includes:
*Pond cleaning and spreading **annually** and SHOULD be conducted before October 15th.

*Animal areas SHOULD be scraped before October 15th, unless storm water from the area can be contained.

*Manure application in non-rainy conditions on unsaturated soil. Apply so that it will not come in contact surface waters and will not affect groundwater. Application rates must be reasonable for crop, soil, etc.

*POND MUST HAVE AT LEAST 2FT FREEBOARD. **Freeboard is measured from pond water surface to LOWEST point on pond wall.**

*Waste milk in pond as last option-if it can't be used as feed or put directly on fields

*Waiver does not permit on-site animal disposal

Compliance Reporting:

*At minimum, a visual inspection must take place **before** storms, **during** extended storms, and **after storms** of the ponds, diversions, and pumps as well as the closest receiving water upstream and down stream. Records shall be maintained of inspection date, observations and response taken

*An annual compliance certification form, developed by the Regional Board, shall be submitted by November 15th, starting this year. It will require photo-documentation of compliance (i.e. scraped corrals, cleaned pond).

*Any spill or contaminated run-off shall be reported to the Regional Board office and the CA Office of Emergency services, with information as to the time, date, and place of the occurrence within 24 hours. A written report shall be submitted to the Regional Board within 5 days including the above mentioned info as well as a description of the event and cause, flow rate, volume and duration of, and steps taken to correct the problem.

The Executive Officer may require additional monitoring requirements at anytime to individuals or watersheds.

Application and Termination Procedures:

*Required to send the Notice of Intent (attached), a ROWD (most submitted last year) and documentation of compliance (i.e. last inspection report if have), and documentation of intending to satisfy conditions of waiver.

*A facility's removal from the waiver, requires a updated ROWD and the appropriate filing fee to be sent to the Regional Board within 21 days.

*If a facility has a change in operators, the current operator must notify the new operator of their responsibility to comply with the waiver and submit a Notice of Intent, with the copy of the letter sent to the Regional Board. If the facility is closed down or land use is changed, a Notice of Termination is required to be completed as well as appropriate disposal of manure and soil impacted by manure.

SF REGIONAL WATER QUALITY CONTROL BOARD
WASTE DISCHARGE REQUIREMENTS (WDR) INFORMATION

- non waiver

BACKGROUND

Dairy facilities are Confined Animal Facilities because they are a place where cattle are corralled, penned or otherwise held and where feeding is by means other than grazing for more than 45 days/year. Dairies fall under the requirement to file a Report of Waste Discharge (ROWD) because manure and manure-contaminated water could affect the waters of the State. The California Water Code requires a regional board to prescribe waste discharge requirements (WDR) for waste discharge, however there is a provision to waive the issuance of the WDRs for a specific discharge type if its not against public interest.

A Facility determined to not be in compliance must follow the General WDR Requirements. A waiver can be requested following a minimum of 3 years of being found in compliance and having attended an educational program (such as Dairy Quality Assurance Environmental Short Course). The 3yr period can be shortened with approval of the Exec. Officer in special circumstances. If an operator fails to comply with this order and requires additional regulations they may be put under an Individual WDR.

LIST OF WDR REQUIREMENTS

Provisions:

*The operator shall comply with the Monitoring and Reporting Progam.
*The operator shall develop and implement a Waste Management Plan (WMP) as well as an improvement schedule within 90 days receiving this notice
*The portions of the WMP related to manure containment and structural facility shall be prepared and certified by a civil engineer and portions related to nutrient management shall be developed by a certified or licensed professional.
* The Regional Board and other authorized representatives shall be allowed: to enter the premise, to access copies of records under conditions of the Order, to inspect facility and equipment, as well as to photograph, sample and monitor to assure compliance.
*The operator shall maintain a copy of this Order and the WMP at the site as to be available at all times and ensure all site personnel are familiar with the content.

Management Practices:

Pond capacity must be able to hold all waste water and storm water that comes in contact with waste for the WETTEST WINTER in a 25 year period.

* Pond management includes:
  - -Pond cleaning and spreading **annually** and SHOULD be conducted before October 15th.
  - -Manure application in non-rainy conditions on unsaturated soil. Apply so that it will not come in contact surface waters and will not affect groundwater. Application rates must be reasonable for crop, soil, etc.
  - -POND MUST HAVE AT LEAST 2FT FREEBOARD. **Freeboard is measured from pond water surface to LOWEST point on pond wall.**
  - -Waste milk in pond as last option-if can't be used as feed or put directly on fields
  - -Ponds must be lined with soils of at least 10% or equivalent artificial materials. A report verifying such must be submitted to the board before using new ponds.
* Animal areas SHOULD be scraped before October 15th, unless storm water from the area can be contained.
* Animals shall be prevented from entering surface water within confined areas.
* Manured Areas shall be managed to minimize ground water contamination.
* On-site animal disposal is not permitted.
* After a storm event the holding capacity of the ponds shall be restored as necessary.

Compliance Reporting:

Operator must comply with the Monitoring and Reporting Program.

All Monitoring results shall be recorded and reported in the Annual Report as well as maintained onsite for a 3 year period.

*WEEKLY inspection of all ponds, pumps, pipelines, and confinement areas, noting any discharges from the property.

*WEEKLY measurement of the freeboard within each pond to the nearest .1 foot

* BEFORE anticipated storms, DURING extended storms, and AFTER actual storms, or at minimum, MONTHLY inspections of
  - Ponds and Freshwater diversions for berm integrity, cracking, excess vegetation, burrowing animals and seepage
  - Closest receiving water up and downstream of the facility
  - Confined areas to ensure prevention measures described in WMP.

*Any storm-related discharge of contaminated water off of property

* Cropland inspection ONCE DAILY where wastewater is applied for:
  - -erosion, field saturation, runoff, or nuisance conditions
  - -crop ID, acreage, dates of planting, harvest and maintenance
  - -dates, location and volume of material applied
  - -weather conditions at time and 24 hours before and after application
  - -dates, occurrences, location and amounts of runoff.

*Any spill or contaminated run-off shall be reported to the Regional Board office and the CA Office of Emergency services, with information as to the time, date, and place of the occurrence within 24 hours. A written report shall be submitted to the Regional Board within 5 days including the above mentioned info as well as a description of the event and cause, flow rate, volume and duration of, and steps taken to correct the problem.
*An annual report form developed by the Regional Board including the previous year's monitoring record must be submitted by July 1 of each year.
*An Annual Pre-rainy Season Certification must be submitted by November 15th of each year, which includes photo documentation of preseason prevention measures (i.e. emptied pond, scraped corrals)
*All monitoring reports shall be certified to be true and correct and contain the required information at the designated frequency.

The Executive Officer may require additional monitoring requirements at anytime to individuals or watersheds.

Application and Termination Procedures:

*Required to send the Notice of Intent (attached), a ROWD (most submitted last year), a Waste Management Plan, and the corresponding fee. Also a written agreement between operator and property owner for any property that manure is applied that is not in the control of the operator.
*A ROWD shall be submitted 180 days prior to changes in control or location of facility, facility size, animal population above Nutrient Budget Analysis capacity, waste application or waste containment
*If a facility has a change in operators, the current operator must notify the new operator of these orders and the requirement to submit a Report of Waste Discharge, with a copy of the letter sent to the Regional Board. If the facility is closed down or land use is changed, a Notice of Termination is required to be completed as well as appropriate disposal of manure and soil impacted by manure.

Penalties

*Any person that violates the WDR or a provision of the CWC is subject to penalties up to $15,000/dy or up to $20/gallon of waste discharged. Alternately, administrative civil liability may be imposed up to $5,000/dy or $10/gallon.
*False statements or records can be punished by up to a $25,000 fine and/or imprisonment for 2 years.

California Regional Water Quality Control Board

General Waste Discharge Requirements
Order No. R1-2012-0002

for Existing Cow Dairies

In the North Coast Region

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

1. Order No. R1-2012-0002 (hereafter, "Order") serves as General Waste Discharge Requirements (GWDR) for existing cow dairies in the North Coast Region that meet the requirements established in this Order. For purposes of this Order, "existing dairies" are defined as cow dairies that are constructed and operating as of the effective date of this Order, and which have subsequently undergone no expansion in size of their physical facilities. This Order does not cover dairies that expand the size of their physical facilities beyond the dairy's maximum capacity at the time of adoption of this Order. Also, this Order does not cover facilities that were not operating as dairies at the time of adoption of this Order. New or expanding dairies must apply for an individual waste discharge permit or individual waiver of waste discharge requirements from the Regional Water Board.

2. The North Coast Region contains approximately 150 dairies, housing about 50,000 cows. The owner and/or operator of a dairy is/are hereinafter identified jointly and severably as "Discharger."

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

4. This Order covers the management of process water, 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. CWC Section 13263(i) authorizes the Regional Water Board to prescribe general WDRs and/or waivers of WDRs for a category of discharges if the discharges are produced by the same or similar operations, involve the same or similar types of waste, require the same or similar treatment standards, and are more appropriately regulated under general WDRs or waivers than individual WDRs.

8. Enrollment in 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.

9. 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.

10. 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.

11. 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.

12. This Order applies to dairies that potentially pose a significant risk to surface water or to groundwater but do not need coverage under an individual order. Dairies that require coverage under this Order will be identified in correspondence from the Executive Officer. Dairies that are Concentrated Animal Feeding Operations (CAFOs) and discharge to waters of the United States are required to obtain coverage under a National Pollutant Discharge Elimination System (NPDES) permit (e.g., Order No. R1-2012-0001). Dairies that pose a low or insignificant threat to water quality may be regulated by a Conditional Waiver of Waste Discharge Requirements (e.g., Order No. R1-2012-0003).

13. 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.

14. 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 (reference federal Clean Water Act (CWA) Section 502(14)). CAFOs, as defined in 40 Code of Federal Regulations (CFR) 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) requires 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.

15. 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 waters in the North Coast Region include one or more of the following:

a. Municipal and Domestic Supply (MUN)
b. Agricultural Supply (AGR)
c. Industrial Service Supply (IND)
d. Industrial Process Supply (PROC)
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 Biological Significance (ASBS)
p. Preservation of Areas of Special Rare, Threatened, or Endangered Species (RARE)
q. Preservation of Areas of Special Rare, Threatened, or Endangered Species (RARE)
r. Marine Habitat (MAR)
s. Migration of Aquatic Organisms (MIGR)
t. Spawning, Reproduction, and/or Early Development (SPWN)
u. Shellfish Harvesting (SHELL)
v. Estuarine Habitat (EST)
w. Aquaculture (AQUA)
x. Native American Culture (CUL)
y. Flood Peak Attenuation/Flood Water Storage (FLD)
z. Wetland Habitat (WET)
aa. Water Quality Enhancement (WQE) Subsistence Fishing (FISH)
bb. Inland Saline Water Habitat (SAL)

16. 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.

17. 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 waterbodies in the North Coast Region. Degradation of freshwater habitat by land use activities is an important contributing factor to the decline in populations.

18. 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.

19. 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.

20. 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. This Order is consistent with Resolution No. 68-16 and the federal antidegradation policy.

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 B). Sections 22560-22565 of those regulations require containment of manure, wash water, and storm

water runoff from animal confinement areas. This Order is consistent with Title 27 regulations for confined animal facilities.

22. Numerous North Coast streams are listed as impaired for sediment and temperature, and some are impaired for nutrients and indicator bacteria pursuant to CWA Section 303(d). To date, the United States Environmental Protection Agency (EPA) has established Total Maximum Daily Loads (TMDLs) for 26 impaired stream segments in the North Coast Region. Compliance with this Order is a key component for compliance with TMDLs.

23. Dairies are no longer covered by Regional Water Board Order No. R1-2007-0098 "Policy for Waiving Waste Discharge Requirements for Specific Types of Waste Discharges." That Order applied to confined animal facilities in the region that did not require a NPDES discharge permit.

24. This Order requires Dischargers to prepare and implement a Waste Management Plan (WMP); (Monitoring and Reporting Program, MRP, Appendix 1) for the production area of their dairy within one (1) year of adoption of this Order. The WMP is intended to help ensure that the dairy is designed, constructed, operated and maintained so that wastes generated are managed to prevent conditions of nuisance or adverse impacts to groundwater and surface water. The production area generally includes animal confinement areas and all areas used for storing manure, litter, process water, or materials such as feed, silage, and bedding. Progress in WMP development is required to be reported in the Annual Report (MRP, Appendix 3) due to the Regional Water Board by November 30 each year. Prior to implementation of the WMP, best management practices (BMPs) must be implemented to prevent waste discharges to surface water and groundwater from the production area.

25. This Order requires the Dischargers to prepare and implement a Nutrient Management Plan (NMP) (MRP, Appendix 2) within one (1) year of adoption of this Order. The NMP shall describe the practices used for the application of manure nutrients to land. Progress in NMP development is required to be reported in the Annual Report due to the Regional Water Board by November 30 each year. Prior to implementation of the NMP, BMPs must be implemented to prevent waste discharges to surface water and groundwater. The land application area is any area under the control of the dairy facility owner or operator where manure, litter, or process water from the production area is applied.

26. This Order contains a time schedule to meet the WMP requirements for the dairy production area, the NMP requirements for the land application area, and Title 27 regulations for Confined Animal Facilities (Attachment B).

27. Large CAFOs (with 700 or more mature dairy cows) that are not point sources and want to enroll under this Order must be implementing a NMP within one (1) year of

adoption of this Order if they will discharge stormwater from cropland where manure, litter, or process wastewater has been applied (40 CFR §§ 122.23(e), and 122.42(e)(1)(vi)–(ix)). Large CAFOs that discharge such stormwater without a NMP are in violation of the CWA and may be fined for the discharge and/or required to enroll under a NPDES permit (e.g., R1-2012-0001).

28. Medium Animal Feeding Operations (AFOs) (200-699 mature dairy cows) and small AFOs (less than 200 mature dairy cows) may be designated as CAFOs by the Regional Water Board if the dairy discharges wastes to waters of the United States. Such designated CAFOs would then be required to develop a NMP and apply for coverage under a NPDES permit. A CAFO means an AFO which is defined as a Large CAFO or Medium CAFO by 40 CFR §§ 122.23 (4) and (6), or that is designated as a CAFO by the United States Environmental Protection Agency (USEPA) or the Regional Water Board.

29. Pursuant to CWC Section 13267, a MRP is attached to this Order. Monitoring must be consistent with the dairy's WMP 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 existing domestic and agricultural wells currently in use. One option for fulfilling these monitoring requirements is to form a representative monitoring group in order to develop and/or administer a local, watershed-based surface or groundwater monitoring program. If the group of Dischargers can demonstrate that group monitoring will result in meaningful, valid monitoring data, the Regional Water Board staff may allow the Discharger group to use data gathered from the representative monitoring program to substitute for some or all of the required monitoring of individual dairies. Approval of the group monitoring plan by the Regional Water Board staff is required.

30. Reporting of efforts implemented to achieve sustained water quality protection is required in an Annual Report (MRP Appendix 3, Annual Report) 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 required in the MRP and the photo documentation described in the MRP. Sampling results are not required to be submitted by individuals if the dairy is in group monitoring. However, Dischargers in a group monitoring plan must indicate the associated group on page 4 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 GWDR requirements.

CEQA AND ADDITIONAL FINDINGS

31. 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. Pursuant to CEQA guidelines section 15301, this action to adopt GWDRs for existing dairies is exempt from the provisions of CEQA under Exemption 1 for "Existing Facilities." CEQA Guidelines section 15301 applies to "...the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination..." This Order involves the permitting of existing dairy facilities, which are defined as cow dairies that are fully constructed and operating as of January 19, 2012, and which have subsequently undergone no expansion in size of their physical facilities. Accordingly, because this Order allows for no expansion in use beyond their existing physical facilities, this Order is exempt from CEQA pursuant to CEQA Guidelines section 15301.

32. Any facility that is a "new source," as that term is defined in CWA Section 306 and CFR, Title 40, Sections 122.2 and 122.29, must demonstrate that it is an "existing facility" under CEQA Guidelines Exemption 1 for Existing Facilities (CCR, Title 14, §15301) before coverage under this Order can be issued for the project. New sources that do not qualify for the Existing Facilities categorical exemption will be required to submit an application for Individual WDRs. Action on Individual WDRs requires separate CEQA compliance.

33. Two additional CEQA categorical exemptions are also applicable to this action. CEQA Guidelines Exemption 2 for Replacement of Existing Structures (Cal. Code of Regs., tit. 14, §15302) exempts "replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced." Consistent with the categorical exemption for Replacement of Existing Structures, this Order may require covered CAFOs to replace or reconstruct ponds or other structures on the facility to ensure proper function in compliance with this Order. CEQA Guidelines Exemption 4 for Minor Alterations (Cal. Code of Regs., tit. 14, §15304) exempts "minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes..." Consistent with the categorical exemption for Minor Alterations, this Order may require covered CAFOs to make improvements to their facilities that will result in minor alterations to land, water, and/or vegetation.

34. Food and Agricultural Code section 33487 exempts state agencies from any requirement to prepare a CEQA environmental impact report for CAFOs under the following circumstances: (1) when the CAFO will be constructed and operated in

accordance with the minimum standards in Chapter 5 of the Food and Agricultural Code; (2) where the applicable local agencies have completed all necessary reviews and approvals including that required by CEQA; and (3) 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.

35. The Regional Water Board conducted a public hearing on January 19, 2012, in Santa Rosa, California, and considered all evidence concerning this matter and adopted the CEQA Notice of Exemption.

36. The Regional Water Board has reviewed the contents of this Order, related CEQA Notice of Exemption, 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 "CEQA Notice of Exemption" 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 existing cow dairies in the North Coast Region that involve no expansion of their physical facilities from the date of adoption of this Order. Physical facilities include the roofed structures, such as stall barns, that limit the size of the dairy cow herd (see Definitions Attachment C). The following conditions apply to dairies covered by this Order:

1. This Order contains a schedule of compliance to complete and submit: (a) a Notice of Intent (NOI), (b) a WMP and a NMP, and (c) Annual Reports. Large CAFOs must meet Federal CAFO requirements upon enrollment under this Order. BMPs must be in place as needed to avoid pollutant discharges to surface waters and groundwater.

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

4. Existing manure pond liners must meet or exceed the Title 27 requirements for a minimum of 10% clay and not more that 10% gravel, or the liner must be constructed of artificial materials of equivalent or greater impermeability.

5. To qualify for the Order, large animal facility operations of 700 or more mature dairy cows are by definition designated Concentrated Animal Facility Operations (CAFOs) [Per federal regulations, to designate a medium AFO as a CAFO, see requirements at 122.23(c) or a medium AFO can be defined a CAFO pursuant to 122.23(b)(6)(ii).]. CAFOs must meet specific requirements listed in the NMP (MRP Appendix 2, NMP). Medium AFOs(200-699 mature dairy cows) and small AFOs (less than 200 mature dairy cows) may be designated as CAFOs by the Regional Water Board if the facility discharges waste. The federal NPDES regulations state at 40 CFR 122.23(e)(1) that for unpermitted large CAFOs, a precipitation-related discharge of manure, litter, or process wastewater from land areas under the control of a CAFO shall be considered an agricultural stormwater discharge only where the manure, litter, or process wastewater has been land applied in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater, as specified in § 122.42(e)(1)(vi) through (ix). Agricultural stormwater is exempt from NPDES permitting requirements. To qualify for this GWDR, Large CAFOs must be implementing a NMP within one (1) year of adoption of this Order if they will discharge stormwater from cropland where manure, litter, or process wastewater has been applied (40 CFR Sections 122.23(e) and 122.42 (e)(1)(vi)-(ix)). Large CAFOs without a NPDES permit are only afforded the agricultural stormwater exemption if the NMP requirements have been met at § 122.42(e)(1)(vi) through (ix).

6. This Order, and any enrollment under this order: 1) is conditional, 2) may be terminated at any time, 3) does not permit any illegal activity, 4) does not preclude the need for permits which may be required by other federal, state or local governmental agencies, and 5) does not preclude the Regional Water Board from administering enforcement remedies (including civil liability) pursuant to the CWC.

7. All discharges from a dairy enrolled under this Order 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.

8. 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.

9. 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.

10. 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.

11. 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 Game 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.

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

13. The discharge of waste from a dairy shall not cause the underlying groundwater to exceed water quality standards; nor unreasonably affect beneficial uses; nor cause a condition of pollution or nuisance as described by the CWC.

14. Regional Water Board staff acceptance of dairy enrollment under this Order can provide a basis for rescinding permit coverage for that dairy under an Individual WDR or the Industrial Stormwater NPDES permit if the Discharger request, in writing, termination of that coverage. A written termination request should be submitted to the Regional Water Board staff at the time of submission of the NOI for coverage under this Order. A request for termination of coverage under the Industrial Stormwater Permit shall include a completed Notice of Termination (NOT) form.

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

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

MONITORING AND REPORTING PROGRAM

17. Pursuant to CWC Section 13267, a MRP is included with this Order. This Order requires the Discharger to prepare and implement a WMP and an NMP as described in Finding 24 and 25.

18. Progress in WMP and NMP development and implementation shall be reported in the Annual Report due to the Regional Water Board by November 30 each year. BMPs must be implemented in the interim to prevent waste discharges to surface and groundwater.

19. The services of a professional with the required experience in that field shall be used where required by the WMP and NMP.

20. If the Discharger identifies deficiencies, defects, and/or impending failures in any process water conveyance, control structure, and/or retention structure, the Discharger must notify the Regional Water Board staff within 24 hours of identifying the deficiency and take immediate action to prevent any unauthorized release of waste. The Discharger must notify the Regional Board staff when corrective actions are completed and must document the corrections in the Annual Report.

21. 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.

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

PROHIBITIONS

23. The collection, treatment, storage, discharge, or disposal of wastes at an existing dairy that results in (1) discharge of waste constituents in a manner which could cause degradation of surface water or groundwater except as allowed by this Order, (2) contamination or pollution of surface water or groundwater, (3) a condition of nuisance (as defined by the California Water Code Section 13050), or (4) exceedence 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, is prohibited.

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

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

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

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

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

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

30. A discharge of stormwater to surface water from the land application area where manure or process water has been applied is prohibited unless specific management practices have been implemented. These management practices must be consistent with a WMP, NMP or, if the WMP and NMP have not yet been required to be implemented (e.g., during the two years of development at dairies other than Large CAFOs), then land application areas must be managed consistent with BMPs as described in this Order.

31. The disposal of dead animals in any liquid manure or process water 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.

32. In accordance with Attachment B, the Discharger shall prevent animals at their facility from entering any surface water within the confinement areas.

33. 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 Regional Water Board staff, is prohibited.

34. Discharges of manure, litter, or process water from the land application area that do not comply with the requirements in the WMP, NMP, or MRP, and the Statewide Water Quality Regulations for Confined Animal Facilities (Attachment B), are prohibited. The application of manure or process water to a land application area in a manner that results in the discharge of wastes is prohibited.

ENROLLMENT PROCESS

35. If the dairy operation meets the conditions of this Order, then the Discharger may apply for coverage by submitting a completed Notice of Intent (NOI) Form (Attachment A) on or before April 30, 2012 or upon notification from the Regional Water Board to comply with this Order. If the Discharger becomes aware that a relevant fact was omitted in an NOI, or incorrect information was submitted in a NOI or in any report to the Regional Water Board, it shall promptly submit the correct facts or information. A dairy is covered under this Order upon Regional Water Board approval of a completed NOI to the Regional Water Board. Completed forms shall be sent to the Regional Water Board at the following address:

    North Coast Regional Water Quality Control Board
    5550 Skylane Boulevard, Suite A
    Santa Rosa, CA 95403

36. An application fee is due to the Regional Water Board with the NOI. The application fee/ annual fee schedule can be found in Attachment A.

37. The Regional Water Board staff shall determine compliance with the terms of this Order based on the following:
    a. Periodic inspections by Regional Water Board staff and/or contractors;
    b. Evaluation of the completed Annual Report and required information submitted according to the MRP;
    c. Review of progress on the dairy WMP and NMP; and
    d. Any other information deemed necessary by the Regional Water Board staff.

38. 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 the Regional Water Board staff.

39. The Regional Water Board may give special TMDL nutrient offset dairy projects an alternative schedule for enrollment and submittal of associated documents for a maximum of two years past the due dates in this GWDR. These TMDL nutrient offset dairy projects must provide temporary best management practices of equivalent or greater water quality protection in the interim. Also, these projects must be of long-term water quality benefit to the watershed.

40. The Discharger shall maintain a copy of this Order, the WMP, the NMP, and the MRP required documentation, 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.

41. The Regional Water Board staff 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

42. 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, WMP, or NMP.

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

TRANSFERS

44. 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 (NOT) 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

45. The Regional Water Board will review this Order periodically and may revise requirements when necessary for reasons including, but not limited to:
    - Adoption of more stringent applicable water quality standards in the Basin Plan;

- Changes in state plans, policies, or regulations that would affect the requirements for the discharges.

46. The Regional Water Board or the Executive Officer 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 a conditional Waiver, an Individual WDR, a NPDES permit, or other permit.

47. 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

48. In the event of closure or change in land use of the dairy, the Discharger shall file a NOT 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.

49. The Regional Water Board staff shall review the NOT and determine its appropriateness. The review may include a field staff inspection to verify project completion and water quality protection. The Executive Officer shall notify the Discharger regarding approval or disapproval of the NOT.

50. 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).

51. Dischargers who fail to comply with the terms and conditions of this Order 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 a discharger's coverage under this Order. Regional Water Board staff can require coverage under another permit such as the conditional Waiver, NPDES, or Individual WDR, after proper notice and hearing (CWC Section 13263).

52. The Executive Officer or 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.

53. In the event that the dairy qualifies for a Waiver of WDRs, the Discharger shall submit for the Regional Water Board's consideration both: a) a Termination of coverage form for this Order, and b) a Notice of Intent form to be covered under the Waiver. All requirements of this Order shall apply to the facility until enrollment is complete under the Waiver.

Certification:

I, Catherine Kuhlman, 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 January 19, 2012.

_____

Catherine Kuhlman
Executive Officer

ATTACHMENTS

Attachment A – Notice of Intent, Fee Schedule 2011-2012
Attachment B – Statewide Water Quality Regulations for Confined Animal Facilities (Title 27)
Attachment C– Definitions
Monitoring and Reporting Program (MRP)
Appendix 1 – Waste Management Plan (WMP)
Appendix 2 – Nutrient Management Plan (NMP)
Appendix 3 – Annual Report

California Regional Water Quality Control Board

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

for Existing Cow Dairies

In the North Coast Region

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

1. Order No. R1-2012-0003 (hereafter, "Order") serves as a Conditional Waiver of Waste Discharge Requirements (Waiver) for existing cow dairies in the North Coast Region that meet the requirements established in this Order. For purposes of this Order, "existing dairies" are defined as cow dairies that are constructed and operating as of the effective date of this Order, and which have subsequently undergone no expansion in size of their physical facilities. This Order does not cover dairies that expand the size of their physical facilities beyond the dairy's maximum capacity at the time of adoption of this Order. Also, this Order does not cover facilities that were not operating as dairies at the time of adoption of this Order. New or expanding dairies must apply for an individual waste discharge permit or individual waiver of waste discharge requirements from the Regional Water Board.

2. The North Coast Region contains approximately 150 dairies, housing about 50,000 cows. The owner and/or operator of a dairy is/are hereinafter identified jointly and severably as "Discharger."

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

4. This Order covers the management of process water, 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. CWC Section 13263(i) authorizes the Regional Water Board to prescribe general WDRs and/or waivers of WDRs for a category of discharges if the discharges are produced by the same or similar operations, involve the same or similar types of waste, require the same or similar treatment standards, and are more appropriately regulated under general WDRs or waivers than individual WDRs.

8. Pursuant to CWC Section 13269, waivers of WDRs shall not exceed five (5) years in duration. Enrollment in 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.

9. 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.

10. 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.

11. 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.

12. This Order applies to dairies that pose a low or insignificant risk to surface water or to groundwater. Dairies that are Concentrated Animal Feeding Operations (CAFOs) and discharge to waters of the United States are required to obtain coverage under a National Pollutant Discharge Elimination System (NPDES) permit (e.g., Order No. R1-2012-0001). Dairies that potentially pose a significant threat to water quality may be regulated by General Waste Discharge Requirements (e.g., Order No. R1-2012-0002).

13. 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..

14. 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 (reference federal Clean Water Act (CWA) Section 502(14)). CAFOs, as defined in 40 Code of Federal Regulations (CFR) 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) requires 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.

15. 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 waters in the North Coast Region include one or more of the following:

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 Biological Significance (ASBS)
p. Preservation of Areas of Special Rare, Threatened, or Endangered Species (RARE)
q. Marine Habitat (MAR)
r. Migration of Aquatic Organisms (MIGR)
s. Spawning, Reproduction, and/or Early Development (SPWN)
t. Shellfish Harvesting (SHELL)
u. Estuarine Habitat (EST)
v. Aquaculture (AQUA)
w. Native American Culture (CUL)
x. Flood Peak Attenuation/Flood Water Storage (FLD)
y. Wetland Habitat (WET)
z. Water Quality Enhancement (WQE)
aa. Subsistence Fishing (FISH)
bb. Inland Saline Water Habitat (SAL)

16. 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.

17. 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 waterbodies in the North Coast Region. Degradation of freshwater habitat by land use activities is an important contributing factor to the decline in populations.

18. 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.

19. 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.

20. 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. This Order is consistent with Resolution No. 68-16 and the federal antidegradation policy.

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 B of this Order). Sections 22560-22565 of those regulations require containment of manure, wash water, and storm water runoff from animal confinement areas. This Order is consistent with Title 27 regulations for confined animal facilities.

22. Numerous North Coast streams are listed as impaired for sediment and temperature, and some are impaired for nutrients and indicator bacteria pursuant

to CWA Section 303(d). To date, the United States Environmental Protection Agency (EPA) has established Total Maximum Daily Loads (TMDLs) for 26 impaired stream segments in the North Coast Region. Compliance with this Order is a key component for compliance with TMDLs.

23. Dairies are no longer covered by Regional Water Board Order No. R1-2007-0098 "Policy for Waiving Waste Discharge Requirements for Specific Types of Waste Discharges." That Order applied to confined animal facilities in the region that did not require a NPDES discharge permit.

24. This Order requires Dischargers to prepare and implement a Water Quality Plan (WQP) (Monitoring and Reporting Program, MRP, Appendix 1) by November 30, 2012. 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. Large CAFOs (700 or more mature dairy cows) that are not point sources and want to enroll under this Order must be implementing a Nutrient Management Plan (NMP) (MRP Appendix 2) upon enrollment if they will discharge stormwater from cropland where manure, litter, or process wastewater has been applied (40 CFR §§ 122.23(e), and 122.42(e)(1)(vi)–(ix)). Large CAFOs that discharge such stormwater without a NMP are in violation of the CWA and may be fined for the discharge and/or required to enroll under a NPDES permit (e.g., R1-2012-0001). Dairies with less than 700 mature dairy cows are encouraged and recommended to prepare and implement a NMP.

26. Medium Animal Feeding Operations (AFOs) (200-699 mature dairy cows) and small AFOs (less than 200 mature dairy cows) may be designated as CAFOs by the Regional Water Board if the dairy discharges wastes to waters of the United States. Such designated CAFOs would then be required to develop a NMP and apply for coverage under a NPDES permit. A CAFO means an AFO which is defined as a Large CAFO or Medium CAFO by 40 CFR §§ 122.23 (4) and (6), or that is designated as a CAFO by the United States Environmental Protection Agency (USEPA) or the Regional Water Board.

27. 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 existing domestic and agricultural wells. One option for fulfilling these monitoring requirements is to form a representative monitoring group in order to develop and/or administer a local, watershed-based surface or groundwater monitoring program. If the group of

Dischargers can demonstrate that group monitoring will result in meaningful, valid monitoring data, Regional Water Board staff may allow the Discharger group to use data gathered from the representative monitoring program to substitute for some or all of the required monitoring of individual dairies. Approval of the group monitoring plan by Regional Water Board staff is required.

28. Reporting of efforts implemented to achieve sustained water quality protection is required in an Annual Report (MRP Appendix 3) 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 required in the MRP and the photo documentation described in the MRP. Sampling results are not required to be submitted by individuals if the dairy is in group monitoring. However, Dischargers in a group monitoring plan must indicate the associated group on page 4 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

29. 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. Pursuant to CEQA Guidelines section 15301, this action to adopt Waivers for existing dairies is exempt from the provisions of CEQA under Exemption 1 for "Existing Facilities." CEQA Guidelines section 15301 applies to "...the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination..." This Order involves the permitting of existing dairy facilities, which are defined as cow dairies that are fully constructed and operating as of January 19, 2012, and which have subsequently undergone no expansion in size of their physical facilities. Accordingly, because this Order allows for no expansion in use beyond their existing physical facilities, this Order is exempt from CEQA pursuant to CEQA Guidelines section 15301.

30. Any facility that is a "new source," as that term is defined in CWA Section 306 and CFR, Title 40, Sections 122.2 and 122.29, must demonstrate that it is an "existing facility" under CEQA Guidelines Exemption 1 for Existing Facilities (CCR, Title 14, §15301) before coverage under this Order can be issued for the project. New sources that do not qualify for the Existing Facilities categorical exemption will be required to submit an application for Individual WDRs. Action on Individual WDRs requires separate CEQA compliance.

31. Two additional CEQA categorical exemptions are also applicable to this action. CEQA Guidelines Exemption 2 for Replacement of Existing Structures (Cal. Code of Regs., tit. 14, §15302) exempts "replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced." Consistent with the categorical exemption for Replacement of Existing Structures, this Order may require covered CAFOs to replace or reconstruct ponds or other structures on the facility to ensure proper function in compliance with this Order. CEQA Guidelines Exemption 4 for Minor Alterations (Cal. Code of Regs., tit. 14, §15304) exempts "minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes..." Consistent with the categorical exemption for Minor Alterations, this Order may require covered CAFOs to make improvements to their facilities that will result in minor alterations to land, water, and/or vegetation.

32. Food and Agricultural Code section 33487 exempts state agencies from any requirement to prepare a CEQA environmental impact report for CAFOs under the following circumstances: (1) when the CAFO will be constructed and operated in accordance with the minimum standards in Chapter 5 of the Food and Agricultural Code; (2) where the applicable local agencies have completed all necessary reviews and approvals including that required by CEQA; and (3) 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.

33. The Regional Water Board conducted a public hearing on January 18 & 19, 2012, in Santa Rosa, California, and considered all evidence concerning this matter and adopted the CEQA Notice of Exemption.

34. The Regional Water Board has reviewed the contents of this Order, related CEQA Notice of Exemption, 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 "CEQA Notice of Exemption" 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 existing cow dairies in the North Coast Region that involve no expansion of their physical facilities from the date of the adoption of this Order. Physical facilities include the roofed structures, such as stall barns, that limit the size of the dairy cow herd (see Definitions Attachment C). The following conditions apply to dairies covered by this Order:

1. This Order contains a schedule of compliance to complete and submit: (a) a Notice of Intent (NOI), (b) a WQP, and (c) Annual Reports. Large CAFOs must meet Federal CAFO requirements upon enrollment under this Order. BMPs must be in place as needed to avoid pollutant discharges to surface waters and groundwater.

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

4. Existing manure pond liners must meet or exceed the Title 27 requirements for a minimum of 10% clay and not more that 10% gravel, or the liner must be constructed of artificial materials of equivalent or greater impermeability.

5. To qualify for the Order, large animal facility operations of 700 or more mature dairy cows are by definition designated Concentrated Animal Facility Operations (CAFOs) (Per federal regulations, to designate a medium AFO as a CAFO, see requirements at 122.23(c) or a medium AFO can be defined a CAFO pursuant to 122.23(b)(6)(ii).). CAFOs must meet specific requirements listed in the NMP (MRP Appendix 2). Medium AFOs (200-699 mature dairy cows) and small AFOs (less than 200 mature dairy cows) may be designated as CAFOs by the Regional Water Board if the facility discharges waste. The federal NPDES regulations state at 40 CFR 122.23(e)(1) that for unpermitted large CAFOs, a precipitation-related discharge of manure, litter, or process wastewater from land areas under the control of a CAFO shall be considered an agricultural stormwater discharge only where the manure, litter, or process wastewater has been land applied in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater, as specified in § 122.42(e)(1)(vi) through (ix). Agricultural stormwater is exempt from NPDES permitting requirements. To qualify for this Order, Large CAFOs must implement a NMP at the time of enrollment (40 CFR Sections 122.23(e) and 122.42 (e)(1)(vi)-(ix)). Large CAFOs without a NPDES permit are only afforded the agricultural stormwater exemption if the NMP requirements have been met at § 122.42(e)(1)(vi) through (ix).

6. This Order, and any enrollment under this order: 1) is conditional, 2) may be terminated at any time, 3) does not permit any illegal activity, 4) does not preclude the need for permits which may be required by other federal, state or local

governmental agencies, and 5) does not preclude the Regional Water Board from administering enforcement remedies (including civil liability) pursuant to the CWC.

7. All discharges from a dairy enrolled under this Order 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.

8. 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.

9. 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.

10. 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.

11. 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 Game 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.

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

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

14. Regional Water Board staff acceptance of dairy enrollment under this Order can provide a basis for rescinding permit coverage for that dairy under an Individual WDR or the Industrial Stormwater NPDES permit if the Discharger requests, in

writing, termination of that coverage. A written termination request should be submitted to the Regional Water Board at the time of submission of the NOI for coverage under this Order. A request for termination of coverage under the Industrial Stormwater Permit shall include a completed Notice of Termination (NOT) form.

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

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

MONITORING AND REPORTING PROGRAM (MRP)

17. Pursuant to CWC Section 13267, a MRP is included with this Order. This Order requires the Discharger to prepare and implement a WQP as described in Finding 24.

18. Preparation and implementation of a NMP is encouraged and recommended, but not required for most dairies. However, large CAFOs as defined above must be implementing a NMP upon enrollment in this Order. Progress in NMP development and implementation shall be reported in the Annual Report. The services of a professional with the required experience in that field shall be used where required by the WQP and NMP.

19. If the Discharger identifies deficiencies, defects, and/or impending failures in any process water conveyance, control structure, and/or retention structure, the Discharger must notify the Regional Water Board within 24 hours of identifying the deficiency and take immediate action to prevent any unauthorized release of waste. The Discharger must notify the Regional Board when corrective actions are completed and must document the corrections in the Annual Report.

20. 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.

21. 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

22. The collection, treatment, storage, discharge, or disposal of wastes at an existing dairy that results in (1) discharge of waste constituents in a manner which could cause degradation of surface water or groundwater except as allowed by this Order, (2) contamination or pollution of surface water or groundwater, (3) a condition of nuisance (as defined by the California Water Code Section 13050), or (4) exceedence 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, is prohibited.

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

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

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

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

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

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

29. A discharge of stormwater to surface water from the land application area where manure or process water has been applied is prohibited unless specific management practices have been implemented. These management practices must be consistent with a WQP, NMP or, if the WQP and NMP have not yet been required to be implemented, then land application areas must be managed consistent with BMPs, as described in this Order.

30. The disposal of dead animals in any liquid manure or process water 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.

31. In accordance with Attachment B, the Discharger shall prevent animals at their facility from entering any surface water within the confinement areas.

32. 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 Regional Water Board, is prohibited.

33. Discharges of manure, litter, or process water from the land application area that do not comply with the requirements in the WQP, NMP, or MRP, and the Statewide Water Quality Regulations for Confined Animal Facilities, are prohibited. The application of manure or process water to a land application area in a manner that results in the discharge of wastes is prohibited.

ENROLLMENT PROCESS

34. If the dairy operation meets the conditions of this Order, then the Discharger shall apply for coverage by submitting a completed Notice of Intent (NOI) Form (Attachment A) on or before April 30, 2012or upon notification from the Regional Water Board to comply with this Order. If the Discharger becomes aware that a relevant fact was omitted in an NOI, or incorrect information was submitted in a NOI or in any report to the Regional Water Board, it shall promptly submit the correct facts or information. A dairy is covered under this Order upon Regional Water Board approval of a completed NOI to the Regional Water Board. Completed forms shall be sent to the Regional Water Board at the following address:

    North Coast Regional Water Quality Control Board
    5550 Skylane Boulevard, Suite A
    Santa Rosa, CA 95403

35. No fees are currently required to apply for this Order.

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

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

37. 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.

38. The Regional Water Board may give special TMDL nutrient offset dairy projects an alternative schedule for enrollment and submittal of associated documents for a maximum of two years past the due dates in this Order. These TMDL nutrient offset dairy projects must provide temporary best management practices of equivalent or greater water quality protection in the interim. Also, these projects must be of long-term water quality benefit to the watershed.

39. The Discharger shall maintain a copy of this Order, the MRP, and the WQP, and 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.

40. 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

41. 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, or NMP.

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

TRANSFERS

43. 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 (NOT) 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

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

45. 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 a GWDR, an individual WDR, a NPDES permit, or other permit.

46. 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

47. In the event of closure or change in land use of the dairy, the Discharger shall file a NOT 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.

48. The Regional Water Board staff shall review the NOT and determine its appropriateness. The review may include a field staff inspection to verify project completion and water quality protection. The Executive Officer shall notify the Discharger regarding approval or disapproval of the NOT.

49. 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).

50. Dischargers who fail to comply with the terms and conditions of this Order 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 a discharger's coverage under this Order. The Regional Water Board staff can require coverage under another permit such as the conditional Waiver, NPDES, or Individual Waste Discharge Requirements, after proper notice and hearing (CWC Section 13263).

51. 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, Catherine Kuhlman, 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 January 19, 2012.

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Catherine Kuhlman
Executive Officer

ATTACHMENTS

Attachment A – Notice of Intent
Attachment B – Statewide Water Quality Regulations for Confined Animal Facilities (Title 27)
Attachment C – Definitions
Monitoring and Reporting Program (MRP)
Appendix 1 – Water Quality Plan (WQP)
Appendix 2 – Nutrient Management Plan (NMP)
Appendix 3 – Annual Report