

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. 94-138

WASTE DISCHARGE REQUIREMENTS
FOR
MR. PETE DE JONG
HOLLANDIA DAIRY

SAN DIEGO COUNTY

The California Regional Water Quality Control Board, San Diego Region (hereafter Regional Board), finds that:

1. On December 13, 1976, the Regional Board adopted Order No. 76-68, *Waste Discharge Requirements for Hollandia Dairy, San Marcos*. Order No. 76-68, as amended, established requirements for the disposal of dairy waste from a total mature cow herd size of 1267 cows, of which 950 are milking cows. Order No. 76-68 was amended by Addendum No. 1 and Technical Change Order Nos. 1, 2, 3, 4, & 5 to Order No. 76-68. The owner and operator of the dairy is Mr. Pete de Jong (hereinafter discharger).
2. On July 22, 1988, this Regional Board issued Time Schedule Order No. 88-72 (TSO 88-72), requiring the discharger to submit and implement a facility plan for waste management. The discharger was also required to certify that the construction and repairs described in the plan were completed.
3. In response to TSO 88-72, the discharger submitted some information regarding his facility. However, the information did not fully address the requirements of the time schedule order. Consequently, this Order requires the discharger to submit a facility plan that will demonstrate that the dairy has adequate waste management facilities to comply with the requirements within this Order.
4. Order No. 76-68, Addendum No. 1, Technical Change Order Nos. 1, 2, 3, 4, & 5, and Time Schedule Order No. 88-72 have been reviewed by Regional Board staff in accordance with criteria established in the Administrative Procedures Manual adopted by the State Water Resources Control Board (State Board). Order No. 94-138 supersedes Order No. 76-68 and updates the requirements for Hollandia Dairy.
5. The milk barn, corrals, wastewater collection and containment facilities are located adjacent to San Marcos Creek in the S1/2, of the NE1/4 and in the N1/2 of the SE1/4 of Section 12, T12S, R3W, SBB&M in the Richland Hydrologic

Subarea (904.52), of the San Marcos Hydrologic Area (904.50), of the Carlsbad Hydrologic Unit (904.00).

6. Information contained in the Regional Board files indicates the following:
 - a. The dairy occupies approximately 100 acres with 15.5 acres used for corrals and 35 acres of Bermuda grass pasture available for waste disposal.
 - b. The total herd size for 1992-1993 was 889 milking cows, and 189 dry cows.
 - c. The milk barn wastewater is disposed of by irrigating 35 acres of Bermuda grass pasture by flood irrigation.
 - d. In 1992-1993, 3200 cubic yards of the solid waste from the dairy were stockpiled on site and 7822 cubic yards were taken off site. The discharger does not spread the manure on his pastureland.
7. Based on an estimated discharge of 50 gallons/cow/day, and 950 milking cows, the milk barn operation could produce approximately 47,500 gallons of dairy wash water per day.
8. On June 9, 1975, the Regional Board accepted the "Staff Report - Dairy Farm Wastes," a report prepared by the Regional Board staff in cooperation with the San Diego County Milk Producers Council, for use in establishing uniform waste discharge requirements for the dairies in the San Diego Region. The conclusions and recommendations of the report form the basis of this Order's requirements and are in accord with the Comprehensive Water Quality Control Plan for the San Diego Region and the guidelines of the State Board and the United States Environmental Protection Agency.
9. On November 16, 1987, this Regional Board adopted Resolution No. 87-71, amending the Basin Plan to establish a regulatory policy for controlling salt and nitrogen loading by dairies. On March 17, 1988, the State Board adopted Resolution No. 88-35 approving the Regional Board Dairy Policy. Resolution No. 88-35 directed the Regional Board to implement procedures developed by the State Board staff to determine loading limits for proposed dairies in order to meet Basin Plan objectives or to amend the Basin Plan as appropriate.
10. The *Comprehensive Water Quality Control Plan Report, San Diego Basin (9)* (Basin Plan) was adopted by this Regional Board on March 17, 1975; and subsequently approved by the State Board. Subsequent revisions to the Basin Plan have

also been adopted by the Regional Board and approved by the State Board.

11. The Basin Plan established the following beneficial uses for surface waters of the Richland Hydrologic Subarea (904.52):
 - a. Agricultural Supply
 - b. Water Contact Recreation
 - c. Non-Contact Water Recreation
 - d. Warm Freshwater Habitat
 - e. Wildlife Habitat
 - f. Preservation of Rare and Endangered Species

12. The Basin Plan established the following beneficial uses for ground waters of the Richland Hydrologic Subarea (904.52):
 - a. Municipal and Domestic Supply
 - b. Agricultural Supply
 - c. Industrial Service Supply

13. The Basin Plan contains the following prohibitions which are applicable to the discharge:

"Discharge of treated or untreated sewage or industrial wastewater, exclusive of cooling water or other waters which are chemically unchanged, to a watercourse, is prohibited except in cases where the quality of said discharge complies with the receiving body's water quality objectives."

"Discharging of treated or untreated sewage or industrial wastes in such a manner or volume as to cause sustained surface flow or ponding on lands not owned or under the control of the discharger is prohibited except in cases defined in the previous paragraph and in cases in which the responsibility for all downstream adverse effects is accepted by the discharger."

"The dumping or deposition of oil, garbage, trash or other solid municipal, industrial or agricultural waste directly into inland waters or water courses or adjacent to the watercourses in any manner which may permit its being washed into the watercourse is prohibited."

14. This Order implements the regulations governing confined animal facilities contained in Article 6, Chapter 15, Title 23 of the California Code of Regulations (hereinafter referred to as Chapter 15) to which this facility is subject.

15. This Regional Board finds that, if conducted within the requirements of this Order, Hollandia Dairy will be in

conformance with the Basin Plan, the Regional Board Dairy Policy as approved by State Board Resolution No. 88-35, the provisions of Chapter 15 and State Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality Waters in California."

16. These waste discharge requirements result only in the control of wastes discharged from an existing dairy and, as such, are exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15301, Article 19, Chapter 3, Division 6, Title 14, California Code of Regulations.
17. The Regional Board, in establishing the requirements contained herein, considered factors including, but not limited to the following:
 - a. Past, present, and probable future beneficial uses of water.
 - b. Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto.
 - c. Water quality conditions that could reasonably be achieved through the coordinated control of factors which effect water quality in the area.
 - d. Economic considerations.
 - e. The need for developing housing within the region.
 - f. Beneficial uses to be protected and the water quality objectives reasonably required for that purpose.
 - g. Other waste discharges.
 - h. The need to prevent a nuisance.
18. The Regional Board has considered all water resource related environmental factors associated with the proposed discharge of waste.

IT IS HEREBY ORDERED, That Mr. Pete de Jong, as the owner of Hollandia Dairy, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

A. PROHIBITIONS

1. Discharges of wastes, including windblown spray and runoff of effluent applied for irrigation, to lands which have not been specifically described to the

Regional Board and for which valid waste discharge requirements are not in force are prohibited.

2. Neither the treatment, storage nor disposal of waste shall create a pollution, contamination or nuisance, as defined by Section 13050 of the California Water Code.
3. Discharges of solid waste or facility wastewater including precipitation on, and drainage through manured areas to surface water are prohibited except when the discharge occurs under the conditions specified in Discharge Specification B.3.

B. DISCHARGE SPECIFICATIONS

1. The discharge of dairy wastewater or waste solids shall not:
 - a. Cause this Regional Board's objectives for the ground or surface waters of the Richland Hydrologic Subarea as established in the Basin Plan, to be exceeded;
 - b. Cause pollution, contamination or nuisance or adversely affect beneficial uses of the ground or surface waters of the Richland Hydrologic Subarea as established in the Basin Plan.
2. The discharge of facility wastewater volume in excess of that attributable to a mature milking cow herd size of 950 cows being milked twice per day is prohibited.
3. Facility wastewater may be discharged to surface waters whenever rainfall events, either chronic or catastrophic, cause an overflow of waste from a facility designed, constructed, and operated to contain all facility wastewater, and all precipitation on, and drainage through, manured areas during a 25-year, 24-hour storm.
4. Domestic wastes shall be disposed of by methods approved by the County Health Department.
5. The owner/operator of the dairy shall not knowingly contribute to the improper disposal of manure hauled off-site. The manure hauled off the dairy property shall be properly applied or disposed of to ensure that the water quality is not adversely affected in the area in accordance with Chapter 15, Article 6, Section 2563.

C. FACILITY DESIGN AND OPERATION SPECIFICATIONS

1. PROPER OPERATION

The discharger shall, at all times, properly operate and maintain all facilities and systems of waste disposal (and related appurtenances) which are installed or used by the discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance include the routine inspection, maintenance, and repair of drainage channels, culverts, ponds, irrigation equipment and related wastewater or runoff collection structures or equipment to ensure that the proper capacity is maintained.

Animals shall be prevented from entering any surface water within the confined area.

Manured areas shall be maintained to prevent nuisance conditions and shall be managed to minimize infiltration of water into underlying soils.

2. RETENTION POND(S)

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.

Retention ponds shall be designed and constructed to retain the wastewater during periods of adverse climatic conditions or irrigation system maintenance when land disposal by irrigation cannot be accomplished.

Water levels in the retention ponds shall be sufficiently lowered by October 01, of each year to provide adequate storage capacity prior to the beginning of the wet weather periods.

3. FLOOD PROTECTION

All waste treatment, containment and disposal facilities shall be protected against 20-year peak stream flows as defined by the San Diego County flood control agency. Any facilities that have flood protection greater than 20-year peak stream flow shall be maintained at the greater level of protection.

4. SURFACE DRAINAGE

This confined animal facility shall be designed, constructed and operated to retain all facility wastewater and all

precipitation on, and drainage through, manured areas during a 25-year, 24-hour storm.

All precipitation and surface drainage outside of manured areas, including that collected from roofed areas, and runoff from tributary areas resulting from a storm of intensity equal to or less than 25-year, 24-hour storm shall be diverted away from manured areas unless such drainage is fully retained. The Regional Board may waive application of this requirement in specific instances where upstream land use changes have altered runoff patterns such that retention of flood flow is not feasible.

5. WASTE DISPOSAL APPLICATION

Discharges of facility waste water to disposal fields or crop lands shall not result in surface runoff from disposal fields and shall be managed to minimize percolation to ground water.

The wastewater or waste solids disposal operation shall not cause unusual odors or other nuisance beyond the limits of the dairy property.

Application of manure and wastewater to disposal fields shall be at rates which are reasonable for the crop, soil, climate, special local conditions, and type of manure.

Dry manures that are applied to cultivated croplands shall be incorporated into the soil soon after application.

6. MONITORING AND REPORTING

The discharger shall comply with attached Monitoring and Reporting Program No. 94-138, and future revisions thereto as specified by the Executive Officer.

D. **STANDARD PROVISIONS**

1. DUTY TO COMPLY

The discharger must comply with all conditions of this Order. Any noncompliance with this Order constitutes a violation of the California Water Code and is grounds for (a) enforcement action; (b) termination, revocation and reissuance, or modification of this Order; or (c) denial of a report of waste discharge in application for new or revised waste discharge requirements.

2. ENTRY AND INSPECTION

The discharger shall allow the Regional Board, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the discharger's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
- d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the California Water Code, any substances or parameters at any location.

3. CIVIL MONETARY REMEDIES

The California Water Code provides that any person who intentionally or negligently violates any waste discharge requirements issued, reissued, or amended by this Regional Board is subject to a civil monetary remedy of up to 20 dollars per gallon of waste discharged or, if a cleanup and abatement order is issued, up to 15,000 dollars per day of violation or some combination thereof.

4. PENALTIES FOR INVESTIGATION, MONITORING OR INSPECTION VIOLATIONS

The California Water Code provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this Order, or falsifying any information provided in the monitoring reports is guilty of a misdemeanor and is subject to a civil liability of up to 5,000 dollars for each day in which the violation occurs.

5. ENDANGERMENT OF HEALTH AND ENVIRONMENT

The discharger shall report any noncompliance which may endanger health or the environment. Any such information

shall be provided orally to the Executive Officer within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. The following occurrence(s) must be reported to the Executive Officer within 24 hours:

- a. Any discharge of waste (including corral runoff) to surface water or land neither owned nor controlled by the dairy;
- b. Any increase in cow herd size beyond the maximum herd size specified in this Order.

6. CORRECTIVE ACTION

The discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.

7. TREATMENT FAILURE

In an enforcement action, it shall not be a defense for the discharger that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or failure of the treatment facility, the discharger shall, to the extent necessary to maintain compliance with this Order, control production or all discharges, or both, until the facility is restored or an alternative method of treatment is provided. This provision applies for example, when the primary source of power of the treatment facility is failed, reduced, or lost.

E. REPORTING AND RECORD KEEPING REQUIREMENTS

1. COMPLIANCE REPORT

The discharger shall submit a report demonstrating that the facility is in compliance with the Facility Design and Operation Specification C.1, 2, 3, 4, and 5 of this Order. The report is due within 150 days of the adoption of this Order unless additional time is allowed by the Regional Board Executive Officer. The report must be certified by the discharger as noted in Reporting and Record Keeping E.9.c and must include a time schedule to correct any deficiencies in the facility as cited in the compliance report.

2. PERMIT REPOSITORY

A copy of this Order shall be maintained at the discharger's facility and shall be available to operating personnel at all times.

3. MAINTENANCE OF RECORDS

The discharger shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board Executive Officer.

4. GENERAL REPORTING REQUIREMENT

The discharger shall furnish to the Executive Officer of this Regional Board, within a reasonable time, any information which the Executive Officer may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The discharger shall also furnish to the Executive Officer, upon request, copies of records required to be kept by this Order.

5. PERMIT REVISION

This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this Order;

- b. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of a request by the discharger for the modification, revocation and reissuance, or termination of this Order, or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

6. CHANGE IN DISCHARGE

The discharger shall file a new Report of Waste Discharge at least 120 days prior to the following:

- a. Significant change in the treatment or disposal method (e.g., change in the method of treatment which would significantly alter the nature of the waste).
- b. Change in the disposal area from that described in the findings of this Order.
- c. Increase in flow beyond a waste discharge volume attributable to a milking cow herd size of 950 cows.
- d. Other circumstances which result in a material change in character, amount, or location of the waste discharge.
- e. Any planned change in the regulated facility or activity which may result in noncompliance with this Order.

7. CHANGE IN OWNERSHIP

This Order is not transferrable to any person except after notice to the Executive Officer. The discharger shall submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new discharger containing a specific date for the transfer of this Order's responsibility and coverage between the current discharger and the new discharger. This agreement shall include an acknowledgement that the existing discharger is liable for violations up to the transfer date and that the new discharger is liable from the transfer date on. The Regional Board may require modification or revocation and reissuance of this Order to change the name of the discharger and incorporate such other requirements as may be necessary under the California Water Code.

8. INCOMPLETE REPORTS

Where the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in a Report of Waste Discharge or in any report to the Regional Board, it shall promptly submit such facts or information.

9. REPORT DECLARATION

All applications, reports, or information submitted to the Executive Officer shall be signed and certified as follows:

- a. The Report of Waste Discharge shall be signed as follows:
 - i. For a corporation - by a principal executive officer of at least the level of vice-president.
 - ii. For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
 - iii. For a municipality, state, federal or other public agency - by either a principal executive officer or ranking elected official.

- b. All other reports required by this Order and other information required by the Executive Officer shall be signed by a person designated in paragraph (a) of this provision, or by a duly authorized representative of that person. An individual is a duly authorized representative only if:
 - i. The authorization is made in writing by a person described in paragraph (a) of this provision;
 - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity; and
 - iii. The written authorization is submitted to the Executive Officer.

- c. Any person signing a document under this Section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those

individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

10. REGIONAL BOARD ADDRESS

The discharger shall submit reports required under this Order, or other information required by the Executive Officer, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
9771 Clairemont Mesa Blvd, Suite B
San Diego, California 92124-1331

F. **NOTIFICATIONS**

1. VESTED RIGHTS

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the discharger from liability under federal, state or local laws, nor create a vested right for the discharger to continue the waste discharge.

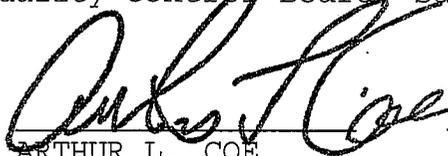
2. SEVERABILITY

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.

3. PREVIOUS ORDERS

The requirements prescribed by this Order supersede the requirements prescribed in Order No. 76-68, its addenda and Time Schedule Order No. 88-72. This Order becomes effective on the date of adoption by the Regional Board.

I, Arthur L. Coe, 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, San Diego region on December 8, 1994.



ARTHUR L. COE
Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

MONITORING AND REPORTING PROGRAM NO. 94-138

FOR

MR. PETE DE JONG
HOLLANDIA DAIRY

SAN DIEGO COUNTY

A. MONITORING PROVISIONS

1. The discharger shall report all instances of noncompliance not reported under Standard Provision D.5 of this Order at the time the monitoring reports are submitted. The reports shall contain the information listed in Standard Provision D.5.

B. GROUND WATER MONITORING

1. The well designated as the centrally located well in the discharger's September 14, 1994, telephone conversation to the Regional Board shall be used to monitor ground water quality. The centrally located well is located to the west of the driveway to the houses and generally southwest of the settling ponds near the center of the discharger's property. The discharger shall not use an alternative well for monitoring ground water without notification to and the approval of the Executive Officer.
2. Ground water monitoring must be conducted according to the following procedures unless the Regional Board Executive Officer approves alternative procedures:
 - a. The well must be pumped for a minimum of three volumes of the well casing before the sample is taken. If the well casing volume is not known, then three hundred gallons must be pumped before a sample is taken.
 - b. The sample must be collected in a container approved by the laboratory doing the analysis. The containers must be suitable for collecting (1) a nitrate sample and for collecting (2) a Total Dissolved Solids sample.
 - c. The samples must be preserved in a container cooled to 40 Celsius (400 Fahrenheit).
 - d. The sample must be analyzed within seven days from the time the sample was taken.
 - e. The sample must be taken annually during the month of September.

- f. The ground water sample shall not be diluted by any other waste stream, body of water, or substance.
3. All analyses shall be performed in a laboratory certified to perform such analyses by the California Department of Health Services or a laboratory approved by the Executive Officer.
4. Monitoring information and results must be reported on the attached forms and must include a copy of the laboratory analysis.
5. If the discharger monitors any pollutants or other parameters more frequently than required by this Order, using test procedures approved under 40 CFR 136, or as specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the discharger's monitoring report. The increased frequency of monitoring shall also be reported.
6. The discharger shall retain records of all monitoring information, copies of all reports required by this Order, and records of all data used to complete the application for waste discharge requirements. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this Order or when requested by the Regional Board's Executive Officer.

7. Annually a grab sample¹ of ground water from the well west of the driveway to the houses shall be collected, analyzed and reported² for the following constituents:

CONSTITUENT	UNITS	FREQUENCY
Total Dissolved Solids	mg/l	Annually
Nitrate, as N	mg/l	Annually

Note: mg/l = milligrams per liter

C. ANNUAL FACILITY COMPLIANCE REPORT

The discharger shall submit an annual compliance report for the period of November 1 to October 31. The compliance report must include:

1. The current address of the facility and of the owner.
2. The maximum herd size during the year.
3. The total quantity of manure produced during the year and how the manure was disposed of during the year as of October 31 each year.
4. A certification statement as required by Reporting and Record Keeping Requirements E.9.c of this Order.
5. A compliance statement as required by Standard Provision D.5 of this Order.
6. A description of any changes to the waste collection, management, or disposal system.
7. A ground water analyses from the designated well.

¹ A grab sample is an individual sample of at least 100 milliliters collected at a randomly selected time over a period not exceeding 15 minutes.

² Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or method used; and
- f. The results of such analyses.

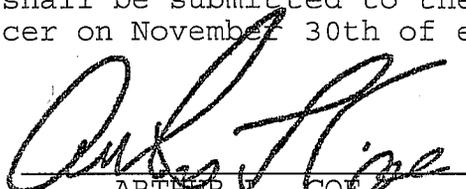
8. Any other pertinent information that demonstrates that the discharger has achieved compliance with Facility Design and Operation Specification C.1 and C.5 shall also be submitted with the annual compliance report.

The compliance report shall be submitted on copies of the Monitoring & Reporting forms contained in Attachment No. 1 to this Order.

D. MONITORING REPORT SCHEDULE

The annual compliance report shall be submitted to the Regional Board Executive Officer on November 30th of each year.

Ordered by:



ARTHUR L. COE
Executive Officer

Dated: December 8, 1994

File: 08-0211.02