



**California Regional Water Quality Control Board
Central Valley Region**

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12/4/07 Bd. Mtg.
Water Recycling Policy
Deadline: 10/26/07 by Noon

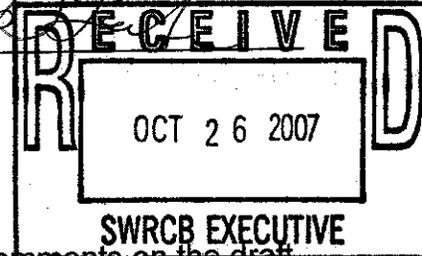
TO: Jeanine Townsend
Acting Clerk to the Board
State Water Board

FROM: Kenneth D. Landau
Assistant Executive Officer
Central Valley Water Board

DATE: 25 October 2007

SIGNATURE: 

SUBJECT: COMMENT LETTER – WATER RECYCLING POLICY



The Central Valley Water Board appreciates the opportunity to provide comments on the draft water recycling policy. The draft policy provides direction to the Regional Water Boards on how to regulate recycled water used for recycled water irrigation projects and groundwater recharge reuse projects. We support recycling water for beneficial reuse and both our Basin Plans include policies that support reclamation.

We have the following suggestions for State Water Board consideration:

- The draft policy applies to recycled water irrigation projects and groundwater recharge reuse projects. However, the policy does not integrate the two types of projects so there are provisions for recycled water irrigation projects and provisions for groundwater recharge reuse projects but almost no provisions apply to both. If the intent is to provide different guidance for each type of recycled water project then we recommend that this policy should be divided into two separate policies so that it is clear what is intended for each type of project.
- As currently defined, all land disposal sites could be considered to be groundwater recharge reuse facilities. Land treatment and disposal facilities, such as dairy disposal ponds, have been historically regulated under waste discharge requirements and conditional waivers so these facilities need to be clearly excluded from this policy. Similarly, discharges from facilities subject to the Site Cleanup Regulatory Program should also be clearly excluded from this policy.
- The policy finds that increases in the amount of salt flowing to groundwater can be prevented with various measures. Actually, the increase in salt cannot be prevented it can only be controlled. The policy should be revised to state that the increase could be controlled with the various measures listed.
- The policy recognizes that the development and implementation of nutrient management plans has the potential to reduce the discharge of nitrates to groundwater. The policy includes a definition for "nutrient management plans" but does not have

California Environmental Protection Agency

criteria on what constitutes a "nutrient management plan." To provide consistency, the policy should include minimum criteria for appropriate nutrient management plans. The Central Valley Regional Board has adopted requirements for the contents of nutrient management plans in Attachment C of Order No. R5-2007-0035, the Waste Discharge Requirements General Order for Existing Milk Cow Dairies. For clarity and statewide consistency, we recommend that the policy include similar criteria for the contents of nutrient management plans.

- The policy requires Regional Water Boards to adopt revised implementation plans into the Basin Plans for groundwater basins where water quality objectives for salts are being, or are threatening to be, violated. The Central Valley Water Board supports the need to develop effective implementation plans. Our Basin Plan Triennial Review Workplans have identified the need for groundwater monitoring to assess the effectiveness of our implementation programs and to develop control strategies to protect groundwater quality. However, in order to develop and adopt revised Basin Plan Implementation Plans, the Regional Water Boards will need resources to develop and implement groundwater monitoring programs to identify impaired areas and to develop management strategies. These resource needs should be considered in setting due dates.
- Some Basin Plans may already include provisions addressing salts in groundwater basins. The policy is unclear on whether these existing regulations are acceptable as the implementation plan required under this policy. The policy should clearly state that existing basin plan implementation programs meet the requirements of this provision and, in these cases, the Regional Water Boards may choose to modify existing implementation programs to better meet the needs of this policy.
- The policy requires that Regional Water Boards include reclamation requirements for recycled water irrigation projects to assure that the use of recycled water does not cause or contribute to violations of water quality objectives. This is inconsistent with section 13522(b) of the Porter-Cologne Water Quality Control Act which states that "the use of recycled water in accordance with the uniform statewide criteria established pursuant to Section 13521 ... does not cause, constitute, or contribute to, any form of contamination, unless the department or the regional board determines that contamination exists."
- The policy prescribes specific monitoring requirements for recycled water irrigation projects and for groundwater recharge reuse projects. The policy should provide an exception from these specific monitoring requirements for existing recycled water projects where the Regional Water Board has adopted monitoring and reporting requirements.
- The policy implies that a monthly average TDS concentration of no more than the monthly average TDS concentration of the source water plus 300 mg/l represents best practicable treatment or control for recycled water irrigation projects. We would like to see the basis for this finding. In our experience, the increase in TDS due to municipal use is dependent more on the source water quality than in the control of industries and water softeners. Rather than setting an allowable increase, the policy should specify

the manner that the allowable increase will be calculated to assure that the recycled water producer is practicing best practicable treatment and control. Alternatively, the policy could specify that the recycled water producer will provide justification of any increase in TDS concentration over source water and in no case will the maximum allowable increase in TDS exceed 300 mg/l over source water TDS concentrations.

- The policy specifies that recycled water irrigation projects achieve a monthly average TDS concentration of no more than the monthly average TDS concentration of the source water plus 300 mg/l. While this may represent the best practicable treatment or control, this level of treatment may unnecessarily prevent the use of the recycled water in areas where the underlying groundwater is poor quality. An exception to this specification should be included for cases where the recycled water is better quality than the groundwater underlying the recycled water use area.
- The tenth and eleventh items in the Resolved section refer to interpreting narrative toxicity objectives for protection of public health. Most basin plans do not contain narrative toxicity objectives that apply to groundwater. In such cases, narrative chemical constituent objectives are interpreted to protect public health, consistent with antidegradation principles. For clarity, the reference to interpreting objectives should be deleted.
- In the twelfth item in the Resolved section, the third sentence states that groundwater shall comply with the limitation at specified monitoring points. This should be restated to, "The discharger shall ensure that concentrations in the groundwater comply with the limitation at specified monitoring points."
- The policy finds that use of recycled water is preferable in lieu of imported water. It would be consistent with this finding if the policy include a requirement that recycled water be considered for water recycling irrigation projects before use in groundwater recharge reuse projects.
- The policy prohibits Regional Water Boards from requiring any salt management measures for recycled water irrigation projects other than the ones listed in the seventh item of the Resolved section. The policy contains no salt management guidance for groundwater recharge reuse projects. Both of the Central Valley Basin Plans recognize the potential to impair beneficial uses of water through the management and accumulation of salts. Therefore, the Central Valley Water Board has been requiring dischargers to develop and implement Salinity Evaluation and Minimization Plans. The policy should require that water recyclers develop and implement Salinity Evaluation and Minimization Plans to assure that the best practical treatment and control is identified and implemented to address salt.
- The policy specifies that dischargers are not exempt from liability for contamination of groundwater. The policy also specifies that dischargers shall be liable under Water Code 13304 for discharges that have caused, are causing, or threatens to cause groundwater to violate drinking water standards. To be consistent, the liability language should be expanded to state that dischargers are not exempt from liability for contamination or pollution of groundwater.

- The policy requires compliance with the Recycling Criteria in California Code of Regulations, Title 22, Division 4, Chapter 3 for recycled water irrigation projects but does not include a similar requirement for groundwater recharge reuse projects. We recommend that this policy specifically require compliance with the Recycling Criteria for all water recycling projects.
- For instances where groundwater monitoring requirements are required, the policy should include guidance on the frequency of sampling to evaluate compliance to assure consistency.

Should you have questions on these comments, please contact Betty Yee at (916) 464-4643 or byee@waterboards.ca.gov

ATTACHMENT C

Contents Of A Nutrient Management Plan And Technical Standards For Nutrient Management For Existing Milk Cow Dairies

Waste Discharge Requirements General Order No. R5-2007-0035 (Order) requires owners and operators of existing milk cow dairies (Dischargers) who apply manure, bedding, or process wastewater to land for nutrient recycling to develop and implement management practices that control nutrient losses and that are described in a Nutrient Management Plan (NMP). The purpose of the NMP is to budget and manage the nutrients applied to the land application area(s) considering all sources of nutrients, crop requirements, soil types, climate, and local conditions in order to prevent adverse impacts to surface water and groundwater quality. The NMP must take the site-specific conditions into consideration in identifying steps that will minimize nutrient movement through surface runoff or leaching past the root zone.

The NMP must contain, at a minimum, all of the elements listed below under Contents of a Nutrient Management Plan and must be in conformance with the applicable Technical Standards for Nutrient Management (Technical Standards), also listed below. Note that the NMP must be updated in response to changing conditions, monitoring results and other factors.

A specialist who is certified in developing nutrient management plans shall develop the NMP. A certified specialist is a Professional Soil Scientist, Professional Agronomist, or Crop Advisor certified by the American Society of Agronomy or a Technical Service Provider certified in nutrient management in California by the Natural Resources Conservation Service (NRCS). The Executive Officer may approve alternative proposed specialists. Only NMPs prepared and signed by these parties will be considered certified.

The NMP is linked to other sections of the WDRs. The Monitoring and Reporting Program specifies minimum amounts of monitoring that must be conducted at the dairy. As indicated below, this information must be used to make management decisions related to nutrient management. Likewise, the timing and amounts of wastewater applications to crops must be known to correctly calculate the amount of storage needed in holding ponds.

Wastes and land application areas shall be managed to prevent contamination of crops grown for human consumption. The term "crops grown for human consumption" refers only to crops that will not undergo subsequent processing which adequately removes potential microbial danger to consumers.

Contents of a Nutrient Management Plan

Dairy Facility Assessment

The NMP will include the initial Preliminary Dairy Facility Assessment (Attachment A) and the annual updates as required by Monitoring and Reporting Program No. R5-2007-0035. Copies of these assessments shall be maintained for 10 years.

The NMP shall identify the name and address of the dairy, the dairy operator, and legal owner of the dairy property as reported in the Report of Waste Discharge and shall contain all of the following elements to demonstrate that the Discharger can control nutrient losses that may impact surface water or groundwater quality and comply with the requirements of the Order and the Technical Standards for Nutrient Management (Technical Standards).

I. Land Application Area Information

- A. Identify each land application area (under the Discharger's control, whether it is owned, rented, or leased, to which manure or process wastewater from the production area is or may be applied for nutrient recycling) on a single published base map (topographic map or aerial photo) at an appropriate scale which includes:
 1. A field identification system (Assessor's Parcel Number; land application area by name or number; total acreage of each land application area; crops grown; indication if each land application area is owned, rented, or leased by the Discharger; indication what type of waste is applied (solid manure only, wastewater only, or both solid manure and wastewater); drainage flow direction in each field, nearby surface waters, and storm water discharge points; tailwater and storm water drainage controls; subsurface (tile) drainage systems (including discharge points and lateral extent); irrigation supply wells and groundwater monitoring wells; sampling locations for discharges of storm water and tailwater to surface water from the field; and
 2. Process wastewater conveyance structures, discharge points and discharge mixing points with irrigation water supplies; pumping facilities; flow meter locations; drainage ditches and canals, culverts, drainage controls (berms, levees, etc.), and drainage easements.

- B. Provide the following information for land application area identified in I.A above:
1. Field's common name (name used when keeping records of waste applications).
 2. Assessor's Parcel Number.
 3. Total acreage.
 4. Crops grown and crop rotation.
 5. Information on who owns and/or leases the field.
 6. Proposed sampling locations for discharges of storm water and tailwater to surface water.
- C. Provide copies of written agreements with third parties that receive process wastewater for their own use from the Discharger's dairy (Technical Standards V.A.1 and V.A.3 below).
- D. Identify each field under the control of the Discharger and within five miles of the dairy where neither process wastewater nor manure is applied. Each field shall be identified on a single published base map at an appropriate scale by the following:
1. Assessor's Parcel Number.
 2. Total acreage.
 3. Information on who owns or leases the field.

Note: The NMP must be updated and the Central Valley Water Board notified in writing before waste is applied to the lands identified in Section D.

II. Sampling and Analysis (see Technical Standard I below)

Identify the sampling methods, sampling frequency, and analyses to be conducted for soil, manure, process wastewater, irrigation water, and plant tissue analysis (Technical Standard I below).

III. Nutrient Budget (see Technical Standard V below)

The Discharger shall develop a nutrient budget for each land application area. The nutrient budget shall establish planned rates of nutrient applications for each crop based on soil test results, manure and process wastewater analyses, irrigation water analyses, crop nutrient requirements and patterns, seasonal and climatic conditions, the use and timing of irrigation water, and the nutrient application restrictions listed in Technical Standards V.A through V.D below. The Nutrient Budget shall include the following:

- A. The rate of application of manure and process wastewater for each crop in each land application area (also considering sources of nutrients other than manure or process wastewater) to meet each crop's needs without exceeding the application rates specified in Technical Standard V.B below. The basis for the application rates must be provided.
 - B. The timing of applications for each crop in each land application area and the basis for the timing (Technical Standard V.C below). The maximum period of time anticipated between land application events (storage period) based on proper timing and compliance with Technical Standard V.C. below. This will be used in the Waste Management Plan (item II.A of Attachment B) to determine the storage capacity needs.
 - C. The method of manure and process wastewater application for each crop in each land application area (Technical Standard V.D below).
 - D. If phosphorus and/or potassium applications exceed the amount of these elements removed from the land application area in the harvested portion of the crop, the soil and crop tissue analyses shall be reviewed by an agronomist at least every five years. If this review determines that the buildup of phosphorus or potassium threatens to reduce the long-term productivity of the soil or the yield, quality or use of the crops grown, application rates will be adjusted downward to prevent or correct the problem.
- IV. Setbacks, Buffers, and Other Alternatives to Protect Surface Water (see Technical Standard VII below)
- A. Identify all potential surface waters or conduits to surface water that are within 100 feet of any land application area.

- B. For each land application area that is within 100 feet of a surface water or a conduit to surface water, identify the setback, vegetated buffer, or other alternative practice that will be implemented to protect surface water (Technical Standard VII below).
- V. Field Risk Assessment (see Technical Standard VIII below)

Evaluate the effectiveness of management practices used to control the discharge of waste constituents from land application areas by assessing the water quality monitoring results of discharges of manure, process wastewater, tailwater, subsurface (tile) drainage, or storm water from the land application areas.
- VI. Record-Keeping (see Technical Standard IX below)

Identify the records that will be maintained for each land application area identified in I.A above.
- VII. Nutrient Management Plan Review (see Technical Standard X below)
 - A. Identify the schedule for review and revisions to the NMP.
 - B. Identify the person who will conduct the NMP review and revisions.

Technical Standards for Nutrient Management

The Discharger shall comply with the following Technical Standards for Nutrient Management in the development and implementation of the Nutrient Management Plan (NMP).

I. Sampling and Analysis

Soil, manure, process wastewater, irrigation water, and plant tissue shall be monitored, sampled, and analyzed as required in Monitoring and Reporting Program No. R5-2007-0035, and any future revisions thereto. The results of these analyses shall be used during the development and implementation of the NMP.

II. Crop Requirements

- A. Realistic yield goals for each crop in each land application area shall be established. For new crops or varieties, industry yield recommendations may be used until documented yield information is available.
- B. Each crop's nutrient requirements for nitrogen, phosphorus, and potassium shall be determined based on recommendations from the University of California, *Western Fertilizer Handbook* (9th Edition), or from historic crop nutrient removal.

III. Available Nutrients

- A. All sources of nutrients (nitrogen, phosphorus, and potassium) available for each crop in each land application area shall be identified prior to land applications. Potential nutrient sources include, but are not limited to, manure, process wastewater, irrigation water, commercial fertilizers, soil, and previous crops.
- B. Nutrient values of soil, manure, process wastewater, and irrigation water shall be determined based on laboratory analysis. "Book values" for manure and process wastewater may be used for planning of waste applications during the first two years during initial development of the NMP if necessary. Acceptable book values are those values recognized by American Society of Agricultural and Biological Engineers (ASABE), the Natural Resources Conservation Service (NRCS), and/or the University of California that accurately estimate the nutrient content of the material. The nutrient content of commercial

fertilizers shall be derived from California Department of Food and Agriculture published values.

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

IV. Overall Nutrient Balance

If the NMP shows that the nutrients generated by the dairy exceed the amount needed for crop production in the land application area, the Discharger must implement management practices (such as offsite removal of the excess nutrients, treatment, or storage) that will prevent impacts to surface water or groundwater quality due to excess nutrients.

V. Nutrient Budget

The NMP shall include a nutrient budget which includes planned rates of nutrient applications for each crop that do not exceed the crop's requirements for total nitrogen considering the stage of crop growth and that also considers all nutrient sources, climatic conditions, the irrigation schedule, and the application limitations in A through D below.

A. General Standards for Nutrient Applications

1. Prohibition A.8 of the Order: *"The application of waste to lands not owned, leased, or controlled by the Discharger without written permission from the landowner or in a manner not approved by the Executive Officer, is prohibited."*
2. Prohibition A. 9 of the Order: *"The land application of manure or process wastewater to cropland for other than nutrient recycling is prohibited."*
3. Land Application Specification C.2 of the Order: *"No later than 31 December 2007, The Discharger shall have a written agreement with each third party that receives process wastewater from the Discharger for its own use. Each written agreement shall be included in the Discharger's Existing Conditions Report, Nutrient Management Plan, and Annual Report. The written agreement(s) shall be effective until the third party is covered under waste discharge requirements or a waiver of waste discharge"*

requirements that are adopted by the Central Valley Water Board. The written agreement shall:

- a. *Clearly identify:*
 - ii. *The Discharger and dairy facility from which the process wastewater originates;*
 - iii. *The third party that will control the application of process wastewater to cropland;*
 - iv. *The Assessor's Parcel Number(s) and the acreage(s) of the cropland where the process wastewater will be applied; and*
 - v. *The types of crops to be fertilized with the process wastewater.*
 - b. *Include an agreement by the third party to:*
 - ii. *Use the process wastewater at agronomic rates appropriate for the crops to be grown; and*
 - iii. *Prevent the runoff to surface waters of wastewater, storm water or irrigation supply water that has come into contact with manure or is blended with wastewater.*
 - c. *Include a certification statement, as specified in General Reporting Requirements C.7 of the Standard Provision and Reporting Requirements (which is attached to and made part of this Order), which is signed by both the Discharger and third party."*
4. Land Application Specification C.4 of the Order: *"The application of animal waste and other materials containing nutrients to any cropland under control of the Discharger shall meet the following conditions:*
- a. *The application is in accordance with a certified Nutrient Management Plan developed and implemented in accordance with Required Reports and Notices H.1.c and Attachment C of this Order; and*
 - b. *Records are prepared and maintained as specified in the Record-Keeping Requirements of Monitoring and Reporting Program No. R5-2007-0035."*

5. Land Application Specification C.5 of the Order: *"The application of waste to cropland shall be at rates that preclude development of vectors or other nuisance conditions and meet the conditions of the certified Nutrient Management Plan."*
6. Land Application Specification C.7 of the Order: *"All process wastewater applied to land application areas must infiltrate completely within 72 hours after application."*
7. Land Application Specification C.8 of the Order: *"Process wastewater shall not be applied to land application areas during periods when the soil is at or above field moisture capacity unless consistent with a certified Nutrient Management Plan."*
8. Provision E.6 of the Order: *"This Order does not apply to facilities where wastes such as, but not limited to, whey, cannery wastes, septage, municipal or industrial sludge, municipal or industrial biosolids, ash or similar types of waste are generated onsite or are proposed to be brought onto the dairy or associated cropland for the purpose of nutrient recycling or disposal. The Discharger shall submit a complete Report of Waste Discharge and receive WDRs or a waste-specific waiver of WDRs from the Central Valley Water Board prior to receiving such waste."*
9. Plans for nutrient management shall specify the form, source, amount, timing, and method of application of nutrients on each land application area to minimize nitrogen and/or phosphorus movement to surface and/or ground waters to the extent necessary to meet the provisions of the Order.
10. Where crop material is not removed from the land application area, waste applications are not allowed. For example, if a pasture is not grazed or mowed (and cuttings removed from the land application area), waste shall not be applied to the pasture.
11. Manure and/or process wastewater will be applied to the land application area for use by the first crop covered by the NMP only to the extent that soil tests indicate a need for nitrogen application.
12. Supplementary commercial fertilizer(s) and/or soil amendments may be added when the application of nutrients contained in manure and/or process wastewater alone is not sufficient to meet

the crop needs, as long as these applications do not exceed provisions of the Order.

13. Nutrient applications to a crop shall not be made prior to the harvest of the previous crop except where the reason for such applications is provided in the NMP.
14. Water applications shall not exceed the amount needed for efficient crop production.
15. Nutrients shall be applied in such a manner as not to degrade the soil's structure, chemical properties, or biological condition.

B. Nutrient Application Rates

1. General

- a. Planned rates of nutrient application shall be determined based on soil test results, crop tissue test results, nutrient credits, manure and process wastewater analysis, crop requirements and growth stage, seasonal and climatic conditions, and use and timing of irrigation water. Actual applications of nitrogen to any crop shall be limited to the amounts specified below.
- b. Nutrient application rates shall not attempt to approach a site's maximum ability to contain one or more nutrients through soil adsorption. Excess applications or applications that cause soil imbalances should be avoided. Excess manure nutrients generated by the Discharger must be handled by export to a good steward of the manure, or the development of alternative uses.

2. Nitrogen

- a. Total nitrogen applications to a land application area prior to and during the growing of a crop will be based on pre-plant or pre-side dress soil analysis to establish residual nitrogen remaining in the field from the previous crop to establish early season nitrogen applications. Pre-plant or side dress nitrogen applications will not exceed the estimated total crop use as established by the nutrient management plan. Except as allowed below, application rates shall not result in total nitrogen applied to the land application areas exceeding

1.4 times the nitrogen that will be removed from the field in the harvested portion of the crop. Additional applications of nitrogen are allowable if the following conditions are met:

- i. Plant tissue testing has been conducted and it indicates that additional nitrogen is required to obtain a crop yield typical for the soils and other local conditions;
 - ii. The amount of additional nitrogen applied is based on the plant tissue testing and is consistent with University of California Cooperative Extension written guidelines or written recommendations from a professional agronomist;
 - iii. The form, timing, and method of application facilitates timely nitrogen availability to the crop; and
 - iv. Records are maintained documenting the need for additional applications.
- b. If, in calendar year 2012 or later years, application of total nitrogen to a land application area exceeds 1.65 times total nitrogen removed from the land application area through the harvest and removal of the previous crop, the Discharger shall either revise the NMP to immediately prevent such exceedance or submit a report demonstrating that the application rates have not and will not pollute surface or ground water.

3. Phosphorus and Potassium

- a. Phosphorus and potassium may be applied in excess of crop uptake rates. If, however, monitoring indicates that levels of these elements are causing adverse impacts, corrective action must be taken. Cessation of applications may be necessary until crop uptake and harvest has reduced the concentration in the soil.

Important Note:

Use of animal manure as a primary source of nitrogen commonly results in applications of phosphorus and potassium at rates that exceed crop needs. Over time, these elements build up in the soils and can cause adverse impacts. For example, phosphorus will leave the land application area in surface runoff and

contribute to excessive algae growth in receiving waters and potassium can build up in crops to the point of limiting their use as animal feed. Application of these nutrients at agronomic levels, along with reasonable erosion control and runoff control measures, will normally prevent such problems.

Nutrients are being evaluated in several Central Valley surface waters. Where these studies show that nutrients are adversely impacting beneficial uses, the Regional Water Board will work with parties in the watershed, including dairies, to reduce discharges of phosphorus, nitrogen and possibly other constituents.

C. Nutrient Application Timing

1. Process wastewater application is not the same as irrigation. Process wastewater application scheduling should be based on the nutrient needs of the crop, the daily water use of the crop, the water holding capacity of the soil, and the lower limit of soil moisture for each crop and soil.
2. Wastewater shall not be applied when soils are saturated. During the rainy season rainfall can exceed crop water demand. However, the application of wastewater is allowable if tests show that there is an agronomic need and current conditions indicate that threat of nitrate leaching is minimal.
3. The timing of nutrient application must correspond as closely as possible with plant nutrient uptake characteristics, while considering cropping system limitations, weather and climatic conditions, and land application area accessibility.
4. Nutrient applications for spring-seeded crops shall be timed to avoid surface runoff and leaching by winter rainfall.
5. Except for orchards and vineyards, nutrients shall not be applied during periods when a crop is dormant.

D. Nutrient Application Methods

1. The Discharger shall apply nutrient materials uniformly to application areas or as prescribed by precision agricultural techniques.

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Existing Milk Cow Dairies

2. Land Application Specification C.6 of the Order: *"Land application areas that receive dry manure shall be managed through implementation of erosion control measures to minimize erosion and must be consistent with a certified Nutrient Management Plan."*

VI. Wastewater Management on Land Application Areas

Control of water and process wastewater applications and runoff is a part of proper nutrient management since water transports nutrients, salts, and other constituents from cropland to groundwater and surface water. The Discharger shall comply with the following provisions of the Order, which place requirements on applications of manure and process wastewater to, and runoff from, cropland:

- A. Prohibition A.3 of the Order: *"The discharge of waste from existing milk cow dairies to surface waters which causes or contributes to an exceedance of any applicable water quality objective in the Basin Plans or any applicable state or federal water quality criteria, or a violation of any applicable state or federal policies or regulations is prohibited."*
- B. Prohibition A.4 of the Order: *"The collection, treatment, storage, discharge or disposal of wastes at an existing milk cow 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, or (3) a condition of nuisance (as defined by the California Water Code Section 13050) is prohibited."*
- C. Prohibition A.10 of the Order: *"The discharge of wastewater to surface waters from cropland is prohibited. Irrigation supply water that comes into contact or is blended with waste or wastewater shall be considered wastewater under this Prohibition."*
- D. Prohibition A.11 of the Order: *"The application of process wastewater to a land application area before, during, or after a storm event that would result in runoff of the applied water is prohibited."*
- E. Prohibition A.12 of the Order: *"The discharge of storm water to surface water from a land application area where manure or process wastewater has been applied is prohibited unless the land application area has been managed consistent with a certified Nutrient Management Plan."*

- F. Land Application Specification C.3 of the Order: *“Land application of wastes for nutrient recycling from existing milk cow dairies shall not cause the underlying groundwater to contain any waste constituent, degradation product, or any constituent of soil mobilized by the interactions between applied wastes and soil or soil biota, to exceed the groundwater limitations set forth in this Order.”*
- G. Land Application Specification C.7 of the Order: *“All process wastewater applied to land application areas must infiltrate completely within 72 hours after application.”*
- H. Land Application Specification C.8 of the Order: *“Process wastewater shall not be applied to land application areas during periods when the soil is at or above field moisture capacity unless consistent with a certified Nutrient Management Plan (see Attachment C).”*

VII. Setbacks and Vegetated Buffer

- A. Land Application Specification C.9 of the Order: *“Manure and process wastewater shall not be applied closer than 100 feet to any down gradient surface waters, open tile line intake structures, sinkholes, agricultural or domestic well heads, or other conduits to surface waters, unless a 35-foot wide vegetated buffer or physical barrier is substituted for the 100-foot setback or alternative conservation practices or field-specific conditions will provide pollutant reductions equivalent or better than the reductions achieved by the 100-foot setback.”*
- B. A setback is a specified distance from surface waters or potential conduits to surface waters where manure and process wastewater may not be land applied, but where crops may continue to be grown.
- C. A vegetated buffer is a narrow, permanent strip of dense perennial vegetation where no crops are grown and which is established parallel to the contours of and perpendicular to the dominant slope of the land application area for the purposes of slowing water runoff, enhancing water infiltration, trapping pollutants bound to sediment, and minimizing the risk of any potential nutrients or pollutants from leaving the land application area and reaching surface waters.
- D. The minimum widths of setbacks and vegetated buffers must be doubled around the wellhead of a drinking water supply well constructed in a sole-source aquifer.

- E. Practices and management activities for vegetated buffers include the following:
1. Removal of vegetation in vegetated buffers will be in accordance with site production limitations, rate of plant growth, and the physiological needs of the plants.
 2. Do not mow below the recommended height for the plant species.
 3. Maintain adequate ground cover and plant density to maintain or improve filtering capacity of the vegetation.
 4. Maintain adequate ground cover, litter, and canopy to maintain or improve infiltration and soil condition.
 5. Periodic rest from mechanical harvesting may be needed to maintain or restore the desired plant community following episodic events such as drought.
 6. When weeds are a significant problem, implement pest management to protect the desired plant communities.
 7. Prevent channels from forming.

VIII. Field Risk Assessment

The results of the water quality monitoring of discharges of manure, process wastewater, storm water, and tailwater to surface water from each land application area, as required by Monitoring and Reporting Program No. R5-2007-0035, shall be used by the Discharger to assess the movement of nitrogen and phosphorus from each land application area. The Discharger will follow guidelines provided by the Central Valley Water Board in conducting these assessments.

IX. Record-Keeping

The Discharger shall maintain records for each land application area as required in the Record-Keeping Requirements of Monitoring and Reporting Program No. R5-2007-0035.

- X. Nutrient Management Plan Review
- A. Provide the name and contact information (including address and phone number) of the person who created the NMP; the date that the NMP was drafted; the name, title, and contact information of the person who approved the final NMP; and the date of NMP implementation.
 - B. The NMP shall be updated when discharges from any land application area exceed water quality objectives, a nutrient source has changed, site-specific information has become available to replace defaults values used in the overall nutrient balance or the nutrient budget, nitrogen application rates in any land application area exceed the rates specified in Technical Standard V.B or the Field Risk Assessment finds that management practices are not effective in minimizing discharges.
 - C. The NMP shall be updated prior to any anticipated changes that would affect the overall nutrient balance or the nutrient budget such as, but not limited to, a crop rotation change, changes in the available cropland, or the changes in the volume of process wastewater generated.
 - D. The Discharger shall review the NMP at least once every five years and notify the Regional Board in the annual report of any proposed changes that would affect the NMP.