

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION**

BOARD ORDER NO. R5-2010-0118  
NPDES NO. CAG015001

**GENERAL WASTE DISCHARGE REQUIREMENTS  
AND GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
PERMIT FOR EXISTING MILK COW DAIRY CONCENTRATED ANIMAL FEEDING  
OPERATIONS WITHIN THE CENTRAL VALLEY REGION**

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

**ORDER AREA AND COVERAGE**

1. This Order is issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and chapter 5.5, division 7 of the California Water Code (commencing with section 13370). It shall serve as a National Pollutant Discharge Elimination System (NPDES) permit for point source discharges from milk cow dairy facilities to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the Water Code (commencing with section 13260).
2. The Federal Clean Water Act (CWA) defines “concentrated animal feeding operation (CAFO)” as a point source subject to the National Pollutant Discharge Elimination System (NPDES) permitting program.
3. The USEPA has promulgated federal regulations implementing the NPDES program, including regulations for CAFOs. The federal regulations define animal feeding operations (AFOs) as operations where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and where vegetation is not sustained in the confinement area during the normal growing season.
4. The federal regulations define a dairy concentrated animal feeding operation (CAFO) as any dairy AFO that is either large (AFO with 700 mature dairy cows), medium (AFO with 200-699 mature dairy cows and which discharges pollutants to waters of the United States as specified), or small (less than 200 mature dairy cows and which has been specifically designated as discharging pollutants to waters of the United States).
5. This Order applies to owners or operators (hereinafter Dischargers) of any existing dairy AFO that meets a definition of a large CAFO and discharges ~~or proposes to discharge~~ pollutants to waters of the United States on or after 17 October 2005.

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6. This Order applies to Dischargers of any existing dairy AFO that meets the definition of a medium CAFO on or after 17 October 2005 or any small AFO which is designated as a CAFO.
7. Dischargers of any existing large CAFO that does not discharge ~~or propose to discharge~~ pollutants to waters of the United States may request coverage under this Order.
8. Dischargers of any existing medium (200-699 mature dairy cows) or small (less than 200 mature dairy cows) dairy AFO may request coverage under this Order.
- ~~9.~~ The requirement to apply for coverage under this Order is based on the discharge of pollutants to “waters of the United States”, as defined by this Order. If the Discharger does not know whether it discharges ~~or proposes to discharge~~ to a water that meets the definition of “waters of the United States”, the Discharger should assume that the water meets the definition of “waters of the United States” unless notified otherwise by the Executive Officer. ~~As defined by 40 CFR §122.23(d), “proposes to discharge” means~~  
~~10.9. that a facility is designed, constructed, operated, or maintained such that a discharge will occur.~~
- ~~11.10.~~ If a CAFO has a discharge of pollutants to waters of the United States on or after 17 October 2005, the CAFO may obtain a one-time exclusion from the requirement to enroll under this Order if it does all of the following:
  - a. makes any necessary modifications to the facility’s design, construction, operation, and/or maintenance to permanently address the cause of the discharge and ensures that no discharge from this cause occurs in the future;
  - b. has not previously requested exclusion from this Order after a discharge from the same cause and
  - c. the Discharger submits to the Executive Order for review the following documentation:
    - i. A Priority Reporting of Significant Events found at Attachment D; and
    - ii. A detailed explanation of the steps taken by the facility to permanently address the cause of the discharge.
- ~~12.11.~~ Once a facility is covered under this Order, the provisions of the Order apply with respect to all animals in confinement at the operation and all waste generated by those animals or the production of those animals, regardless of the type of animal.
- ~~13.12.~~ This Order offers NPDES permit coverage to existing milk cow dairies in the area regulated by the Regional Water Quality Control Board, Central Valley Region.
- ~~14.13.~~ For Dischargers receiving coverage under this Order, this Order replaces coverage under Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order No. R5-2007-0035 (General Order).
- ~~15.14.~~ Each Discharger covered by this Order shall submit an application fee equal to the annual fee, pursuant to CWC section 13260. The amount of the annual fee for confined animal facilities is currently determined based primarily upon the number of

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animals of the facility, as detailed in Section 2200 (c ), Chapter 9, Division 3, Title 23, CCR. Fees for dischargers covered by this Order are set forth in the “Dairy” subgroup of the confined animal facilities group.

~~16-15.~~ Storm water discharges that are not addressed under the effluent limitations in this Order remain subject to applicable industrial or construction storm water discharge requirements.

### **ELIGIBILITY FOR AND LIMITATIONS ON COVERAGE**

16. Only existing milk cow dairies or milk cow dairies which are not a “new source” are eligible for coverage under this Order. CAFOs that meet the definition of a “new source” must submit information and obtain coverage under individual Waste Discharge Requirements or an individual NPDES CAFO permit.

17. For the purposes of this Order, an “existing milk cow dairy” means a dairy:

- a. That was operating as of 17 October 2005, and
- b. For which a complete Report of Waste Discharge was submitted in response to the Central Valley Water Board’s 8 August 2005 request for such a report, and
- c. Which has not expanded since 17 October 2005 (“expansion” is defined in Attachment H).

18. For the purposes of this Order, a milk cow dairy which is not a “new source” means a dairy which does not meet the definition of a new source as that term is defined in CWA section 306 and Code of Federal Regulations, title 40, sections 122.2 and 122.29. For the purposes of this Order, a facility is a new source if it is a “building, structure, facility, or installation from which there may be a ‘discharge of pollutants,’” the construction of which commenced after 14 April 2003. A CAFO that expanded in herd size since 17 October 2005, but with no new construction of buildings, structures, etc. will not usually be a new source.

19. Dischargers with dairies not eligible for coverage under this Order may apply for individual waste discharge requirements or for an individual NPDES CAFO permit.

20. Dischargers with existing milk cow dairies not placed under this Order will continue to be regulated pursuant to the General Order.

21. Persons discharging, ~~or proposing to discharge,~~ wastes from other types of CAFOs must obtain coverage under a separate general permit or individual waste discharge requirements.

### **EXPIRATION AND CONTINUATION OF THIS ORDER**

22. This General Order will expire five (5) years from its effective date. This Order continues in force and in effect until a new Order is issued or the Central Valley Water

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Board rescinds this Order. Facilities authorized to discharge under this permit prior to the expiration date will automatically remain covered by this permit until the earliest of:

- a. Authorization for coverage under a reissued permit or a replacement of this Order following a timely and appropriate submittal of a complete NOI requesting authorization to discharge under the new permit and compliance with the requirement of the new permit; or
- b. A formal decision by the Executive Officer to grant the permittee's request for termination of permit coverage; or
- c. A formal decision by the Central Valley Water Board to rescind this Order, at which time the Executive Officer will identify a reasonable time period for Dischargers to either seek coverage under the General Order or, if not eligible for coverage under the General Order, file a complete Report of Waste Discharge for Individual Waste Discharge Requirements. Coverage under this Order will cease at the end of this time period.

#### **REASON FOR THE CENTRAL VALLEY WATER BOARD ISSUING THIS ORDER**

23. The Central Valley Water Board authority to regulate waste discharges that could affect the quality of the waters of the state, which includes both surface water and groundwater and to prevent nuisances, is found in the Porter-Cologne Water Quality Control Act (California Water Code Division 7).
24. The Clean Water Act (CWA) specifically includes CAFOs in the definition of the term "point source" where discharges from point sources to waters of the United States are subject to regulation under the National Pollutant Discharge Elimination System (NPDES) program.
25. The Clean Water Act authorizes the Administrator of the Environmental Protection Agency (EPA) to approve state programs to issue permits for point source discharges of pollutants into waters of the United States.
26. The State Water Resources Control Board, through its Regional Water Boards and pursuant to California Water Code Division 7, Chapter 5.5, in 1973 received authorization from the EPA Administrator to issue NPDES permits, and in 1989 received authorization from the EPA Administrator to issue general NPDES permits.
27. In regulating discharges of waste, the Central Valley Water Board implements Federal and State laws and regulations. The Central Valley Water Board implements Federal laws and regulations under California Water Code Division 7, Chapter 5.5. 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 (Title 27).
28. **Technology-based Effluent Limitations.** Section 301(b) of the CWA and implementing USEPA permit regulations at section 122.44, title 40 of the Code of

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Federal Regulations (40 CFR 122.44), require that permits include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards. Any discharge authorized by this Order must meet minimum federal technology-based requirements based on Effluent Limitations Guidelines and Standards for the CAFO Category in 40 CFR Part 412, Subpart C (Dairy and Beef Cattle other than Veal Calves). A detailed discussion of the technology-based effluent limitations development is included in the Fact Sheet.

29. **Water Quality-Based Effluent Limitations (WQBELs).** Section 301 (b) of the CWA and 40 CFR 122.44 (d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards. This Order contains additional requirements that are necessary to achieve water quality standards for surface waters. A detailed discussion of the basis for the WQBELs is included in the Fact Sheet.
301. This Order implements the applicable requirements of State Water Resources Control Board Resolution 68-16 (*Statement of Policy with Respect to Maintaining High Quality of Waters in California*) (Resolution 68-16), 40 CFR § 131.12 (federal antidegradation policy), Title 27 CCR for confined animal facilities, the Central Valley Water Board's Water Quality Control Plan for the Sacramento and San Joaquin River Basins (4<sup>th</sup> Ed.) and Water Quality Control Plan for the Tulare Lake Basin (2<sup>nd</sup> Ed.) (Basin Plans) and other applicable plans and policies of the State Water Resources Control Board (State Water Board) and the Central Valley Water Board described in the Fact Sheet (Attachment F), which is attached to and made part of this Order.
31. For the purposes of this Order, "waste" includes, but is not limited to, manure, litter, leachate, process wastewater and any water, precipitation or rainfall runoff that contacts raw materials, products, or byproducts such as manure, compost piles, feed, silage, milk, or bedding.
32. This Order does not authorize any further degradation to groundwater and prohibits discharges from production areas to surface waters. This Order also contains many restrictions, including the requirement to comply with a Nutrient Management Plan, for the application of waste to land application areas. However, it is possible that some minor degradation to surface waters from the application of waste to land application areas could occur despite compliance with this Order. That degradation would be limited because any such discharge may not cause or contribute to the exceedance of any water quality objective in the surface water. Such possible minor degradation is consistent with the maximum benefit to the people of the state. This Order would continue to impose relatively new and more stringent requirements on these existing facilities than has been imposed in the past and as a result, water quality will be improved. While this Order will continue those requirements, it will still accommodate important economic activities in mostly rural areas of the Central Valley Region, which is considered to be a benefit to the people of the State. Given that these are existing facilities, this Order would reduce the impacts that may have occurred under previous regulation of these facilities.

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This Order will result in implementation of best practicable treatment or control as set forth in the Fact Sheet.

This Order will 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. For example, the proposed Order prohibits discharges to surface water from the production area (except as provided in Effluent Limitations and Standards for the Production Area) and prohibits discharges from land application areas with certain exceptions, including but not limited to, storm water discharges when the dairy prepares and implements a Nutrient Management Plan. Any authorized discharge from the land application area must not cause or contribute to an exceedance of any applicable water quality objective or federal water quality criteria. The proposed Order prohibits any further degradation of groundwater. The Order addresses impacts from future discharges of waste, but does not address the cleanup of existing degraded surface and groundwater from past dairy operations. Any required cleanup would be handled under separate authority under the Water Code.

### **DAIRY IMPACTS ON WATER QUALITY**

33. Groundwater monitoring shows that many dairies in the Region have impacted groundwater quality. A study of five dairies in a high-risk groundwater area in the Region found that groundwater beneath dairies that were thought to have good waste management and land application practices had elevated levels of salts and nitrates beneath the production and land application areas. The Central Valley Water Board requested monitoring at 80 dairies with poor waste management practices in the Tulare Lake Basin. This monitoring has also shown groundwater pollution under many of the dairies, including where groundwater is as deep as 120 feet and in areas underlain by fine-grained sediments.
34. No set of waste management practices has been demonstrated to be protective of groundwater quality in all circumstances. Since groundwater monitoring is the most direct way to determine if management practices at a dairy are protective of groundwater, the Monitoring and Reporting Program (Attachment D), which is attached to and made part of this Order, requires groundwater monitoring to determine if a dairy is in compliance with the groundwater limitations of this Order.
35. The Central Valley Water Board has documented discharges of waste from existing milk cow dairies to surface water and has taken appropriate enforcement actions in such cases. This Order prohibits discharges of: waste and/or storm water to surface water from the production area (except as provided in Effluent Limitations and Standards for the Production Area); manure and process wastewater to surface waters from cropland; and storm water to surface water from a land application area where manure or process wastewater has been applied unless the land application area has been managed consistent with a certified Nutrient Management Plan. When such storm water discharges do occur, this Order requires the Discharger to monitor these discharges.

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36. The milk cow dairies at which this Order is directed were in existence prior to October 2005 and many were constructed several decades ago. Historic operation of these dairies has presumptively resulted in an adverse effect on the quality of waters of the state. Groundwater data are needed to determine the existence and magnitude of these impacts. If data document impacts, continued operation of dairies without waste management improvements will perpetuate the ongoing adverse water quality effects caused by the generation and disposal of dairy waste.

## **STATE AND FEDERAL ANTIDegradation POLICIES**

37. This Order is consistent with State Board Resolution 68-16 and with Code of Federal Regulations Title 40, section 131.12. State Water Board Resolution 68-16 (State Antidegradation Policy) requires that any discharge of waste to waters of the state be regulated to achieve the highest water quality consistent with the maximum benefit of the people of the state. With respect to surface water, Resolution 68-16 must be implemented consistent with Title 40 Code of Federal Regulations Section 131.12 (Federal Antidegradation Policy). Resolution 68-16 incorporates the Federal Antidegradation Policy where the federal policy applies. The Central Valley Water Board's Basin Plan implements, and incorporates by reference, both the State and Federal Antidegradation Policies. As discussed in detail in the Fact Sheet (Attachment F), the permitted discharge is consistent with both the State and Federal Antidegradation Policies. If however, the Central Valley Water Board, subsequent to review of any application, finds that the impact of a discharge will not be consistent, then authorization for coverage under this Order will be denied and coverage under an individual permit will be required (including preparation of an antidegradation analysis).

## **ENVIRONMENTAL STEWARDSHIP PROGRAMS**

38. Environmental stewardship programs, such as the California Dairy Quality Assurance Program, and local ordinances can greatly assist the Central Valley Water Board efforts to assure compliance with this Order. Since its inception in 1998, the California Dairy Quality Assurance Program's efforts have resulted in dairy operators having a greater understanding of the need for water quality protection. Recently adopted local ordinances in several counties throughout the Region have also increased dairy operators' understanding of the needs for water quality protection. Dairies that are certified under a quality assurance program approved by the State Water Board or under a County regulatory program approved by the Central Valley Water Board receive a 50 percent reduction in their annual fee.
39. Participation in an Environmental Stewardship Program or operation of a dairy in a county that has a local ordinance regulating dairies may assist an existing dairy facility in meeting the requirements of this Order but these programs are not a substitute for regulation under this Order.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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40. Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of California Environmental Quality Act (CEQA), Public Resources Code sections 21100-21177, Requirements for “new sources” as defined in the Federal Water Pollution Control Act Are not covered by the exemption.
41. Any facility that is a “new source,” as that term is defined in CWA section 306 and Code of Federal Regulations, title 40, sections 122.2 and 122.29, must demonstrate that it is an “existing facility” under CEQA Guidelines Exemption 1 for Existing Facilities (Cal. Code of Regs., tit. 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 an individual NPDES permit and action on that application will require compliance with CEQA.
42. CEQA Guidelines Exemption 1 for Existing Facilities (Cal. Code of Regs., tit. 14, §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...*” Consistent with Waste Discharge Requirements General Order No. R5-2007-0035, under which the majority of dairy AFOs are currently regulated in the Central Valley, the environmental baseline for this action is considered the milk cow dairies as they and their surrounding physical environment existed on 17 October 2005. Board action with regard to facilities existing as of 17 October 2005 is categorically exempt from the requirements of CEQA. A complete definition of existing facilities is provided in Attachment H.
43. 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 dairies 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 dairies to make improvements to their facilities that will result in minor alterations to land, water, and/or vegetation.
44. Food and Agricultural Code Section 33487 exempts state agencies from any requirement to prepare a CEQA environmental impact report for dairy farms under the following circumstances: (1) when the dairy 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.

## GENERAL FINDINGS

45. This Order does not authorize violation of any federal, state, or local law or regulation.

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46. **Endangered Species Act.** 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 U.S.C.A. sections 1531 to 1544). This Order requires compliance with effluent limits, receiving water limits, and other requirements to protect the beneficial uses of waters of the state. The Discharger is responsible for meeting all requirements of the applicable Endangered Species Act.
47. **Monitoring and Reporting.** 40 CFR 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. CWC sections 13267 and 13383 authorize the Central Valley Water Board to require technical and monitoring reports. The Monitoring and Reporting Program establishes monitoring and reporting requirements to implement federal and State requirements. The Monitoring and Reporting Program is provided in Attachment D.
48. As stated in California Water Code Section 13263(g), the discharge of waste into waters of the state is a privilege, not a right, and this Order does not create a vested right to continue the discharge of waste. Failure to prevent conditions that create or threaten to create pollution or nuisance will be sufficient reason to modify, revoke, or enforce this Order, as well as prohibit further discharge.
49. The Findings of this Order, supplemental information and details in the attached Fact Sheet, and the administrative record of the Central Valley Water Board relevant to milk cow dairies, were considered in establishing the conditions of discharge. The Fact Sheet, which contains background information and rationale for Order requirements, is hereby incorporated into this Order and constitutes part of the Findings for this Order. Attachments A through I are also incorporated into this Order.
50. The Central Valley Water Board has notified interested agencies and persons of its intent to issue this Order for discharges of wastes from existing milk cow dairies, and has provided them with an opportunity for a public hearing and an opportunity to submit comments.
51. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to the proposal to regulate discharges of wastes from existing milk cow dairies under this Order.
52. Any person affected by this action of the Central Valley Water Board may petition the State Water Board to review this action. The State Water Board must receive the petition within 30 days of the date on which the Central Valley Water Board adopted this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.
53. This NPDES Permit is in compliance with Part 402 of the CWA and shall take effect 100 days after adoption by the Central Valley Water Board.

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IT IS HEREBY ORDERED that, in order to meet the provisions contained in Division 7 of the California Water Code (commencing with section 13000) and regulations adopted thereunder, and the provisions of the Federal Clean Water Act (CWA) and regulations and guidelines adopted thereunder, all Dischargers who submit a Notice of Intent (NOI) seeking coverage under this permit, who have submitted site-specific supplemental information required under this permit, and who then are issued a Site-Specific Order by the California Regional Water Quality Control Board, Central Valley Region, their agents, successors, and assigns, shall comply with the following:

## A. PROHIBITIONS

1. The discharge of waste, other than as defined in Finding 31 above, or hazardous waste, as defined in California Water Code Section 13173 and Title 23 CCR Section 2521(a), respectively, is prohibited. Discharges of waste other than as defined in Finding 31 may be covered under other waste discharge requirements.
2. 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.
3. 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.
4. The disposal of waste not generated by on-site animal production activities is prohibited except where a Report of Waste Discharge for the disposal has been submitted to the Executive Officer and the Central Valley Water Board has issued or waived waste discharge requirements (WDRs).
5. The disposal of dead animals in any liquid manure or process wastewater system is prohibited. The disposal of dead animals at a dairy facility is prohibited except when federal, state or local officials declare a State of Emergency and where all other options for disposal have been pursued and failed and the onsite disposal complies with all state and local policies for disposal of dead animals. In an emergency, guidance is provided by the *CAL/EPA Emergency Animal Disease Regulatory Guidance for Disposal and Decontamination* (October 20, 2004). Dead animals must be properly disposed of within three (3) days unless otherwise provided for by the Executive Officer.
6. All confined animals shall be prohibited from entering or directly contacting any surface water (Title 27 CCR Section 22561, 40 CFR § 122.42 (e)).
7. 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.

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8. The land application of manure or process wastewater to cropland for other than nutrient recycling is prohibited.
9. 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.
10. 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.
11. 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.
12. The application of manure or process wastewater to standing water is prohibited.
13. The use of manure to construct containment structures or to repair, replace, improve, or raise existing containment structures is prohibited.
14. The direct discharge of wastewater into groundwater via backflow through water supply or irrigation supply wells is prohibited.
15. The expansion of the existing milk cow dairy facility, such that it meets the definition of a "new source" is prohibited.
16. The discharge of tailwater to surface water from a land application area where irrigation has occurred less than 60 days after application of manure and/or process wastewater is prohibited unless the cropland is managed pursuant to a NMP that meets the requirements of the Monitoring and Reporting Program (Attachment D) and Attachment C of this Order, discharges are monitored in accordance with Table 3 of the Monitoring and Reporting Program (Attachment D), and turbidity of the discharge does not exceed the turbidity limitations as specified in Section E of this Order.
17. The discharge of chemicals and other contaminants handled on-site into any manure, process wastewater, or storm water storage or treatment system is prohibited unless the system is specifically designed to treat such chemicals or contaminants.

## **B. GENERAL SPECIFICATIONS**

1. The existing milk cow dairy shall have facilities that are designed, constructed, operated, and maintained to retain all facility manure, litter, and process wastewater generated during the storage period (maximum period of time anticipated between land application of process wastewater), together with all precipitation on and drainage through manured areas, up to and including during a 25-year, 24-hour

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- storm (see item II of Attachment B, which is attached to and made part of this Order).
2. In the Sacramento and San Joaquin River Basins, ponds and manured areas at existing milk cow dairies in operation on or before 27 November 1984 shall be protected from inundation or washout by overflow from any stream channel during 20-year peak stream flows. Existing milk cow dairies that were in operation on or before 27 November 1984 and that are protected against 100-year peak stream flows must continue to provide such protection. Existing milk cow dairies built or expanded after 27 November 1984 shall be protected against 100-year peak stream flows (Title 27 Section 22562(c)).
  3. In the Tulare Lake Basin, existing milk cow dairies that existed as of 25 July 1975 shall be protected from inundation or washout from overflow from any stream channel during 20-year peak stream flows and existing milk cow dairies constructed after 25 July 1975 shall be protected from 100-year peak stream flows. Existing milk cow dairies expanded after 8 December 1984 shall be protected from 100-year peak stream flows.
  4. Wastes and land application areas shall be managed to prevent contamination of crops grown for human consumption.
  5. Dischargers shall provide an engineering evaluation of an existing pond and propose and implement approved remedial measures when groundwater monitoring demonstrates that the existing pond has adversely impacted groundwater quality.
  6. New ponds installed in order to comply with the requirements of this Order (i.e., to increase the storage capacity to meet the existing facility conditions, not related to an expansion) or existing ponds reconstructed for the same purpose shall be designed and constructed to comply with the groundwater limitations in this Order.
  7. Pond design must be reviewed and approved by the Executive Officer prior to construction. This Order provides a tiered approach to pond design requirements to provide an option that will significantly reduce the time required for approval by the Executive Officer as defined below:
    - a. Tier 1: A pond designed to consist of a double liner constructed with 60-mil high density polyethylene or material of equivalent durability with a leachate collection and removal system (constructed in accordance with Section 20340 of Title 27) between the two liners will be considered to be consistent with Resolution 68-16.
    - b. Tier 2: Any non-Tier 1 pond design that the Discharger demonstrates through submittal of technical reports is protective of groundwater quality as required in General Specification B.8 below.
  8. Prior to the enlargement of an existing settling, storage, or retention pond or the construction of any such new pond not associated with an expansion, the Discharger shall submit to the Executive Officer:

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- a. For Tier 1 and 2 pond design, a design report prepared by, or under the direct supervision of, and certified by, a Civil Engineer who is registered pursuant to California law or other person as may be permitted under the provisions of the California Business and Professions Code to assume responsible charge of such work. The design report shall include the following, as specified in Section II.B of Attachment B to this Order:
  - i. Design calculations demonstrating that adequate containment will be achieved,
  - ii. Details on the liner and leachate collection and removal system (if appropriate) materials,
  - iii. A schedule for construction and certification of completion to comply with the Schedule of Tasks J.1 of this Order,
  - iv. A construction quality assurance plan describing testing and observations needed to document construction of the pond in accordance with the design and Sections 20323 and 20324 of Title 27, and
  - v. An operations and maintenance plan for the pond.
- b. For Tier 2 pond design, the design report shall also include a technical report and groundwater model that demonstrates the proposed pond is in compliance with the groundwater limitations in this Order, including calculations that demonstrate the amount and quality of seepage from the proposed pond and its effect on groundwater quality, and include proposed groundwater monitoring to evaluate the impact of pond seepage on groundwater quality.

Enlargement of any existing pond or construction of any new pond shall not begin until the Executive Officer notifies the Discharger in writing that the design report is acceptable.

9. Prior to the placement of waste in any enlarged existing settling, storage, or retention pond or any such newly constructed pond, the Discharger shall submit a post construction report prepared by, or under the direct supervision of, and certified by, a Civil Engineer who is registered pursuant to California law or other person as may be permitted under the provisions of the California Business and Professions Code to assume responsible charge of such work. Waste shall not be placed into the pond until the Executive Officer notifies the Discharger in writing that the post construction report is acceptable. The post construction report shall include: (1) verification that the pond meets the requirements of this Order as specified in General Specification B.7 including documentation of the results of the construction quality assurance testing and observations, (2) certification that the pond was constructed as designed, and (3) as-built diagrams.

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10. The level of waste in the process wastewater retention ponds shall be kept a minimum of two (2) feet from the top of each aboveground embankment and a minimum of one (1) foot from the ground surface of each belowground pond. Less freeboard may be approved by the Executive Officer when a Civil Engineer who is registered pursuant to California law, or other person as may be permitted under the provisions of the California Business and Professions Code to assume responsible charge of such work, demonstrates that the structural integrity of the pond will be maintained with the proposed freeboard.
11. Ponds shall be managed and maintained to prevent breeding of mosquitoes and other vectors. In particular,
  - a. Small coves and irregularities shall not be allowed around the perimeter of the water surface;
  - b. Weeds shall be minimized through control of water depth, harvesting, or other appropriate method;
  - c. Dead algae, vegetation, and debris shall not accumulate on the water surface; and
  - d. Management shall be in accordance with the requirements of the Mosquito Abatement District.
12. All precipitation and surface drainage from outside of the existing milk cow dairy (i.e., "run on") shall be diverted away from any manured areas unless such drainage is fully contained.
13. All ponds must have a depth marker that clearly indicates the minimum capacity necessary to contain the runoff and direct precipitation from a 25-year, 24-hour storm event. The marker shall be visible from the top of the pond embankment.
14. All roofs, buildings, and non-manured areas located in the production area of the existing milk cow dairy shall be constructed or otherwise designed so that clean rainwater is diverted away from manured areas and waste containment facilities, unless such drainage is fully contained in the wastewater retention system.
15. Roof drainage from barns, milk houses, or shelters shall not drain into the corrals unless the corrals are properly graded and drained.
16. The milk parlor, animal confinement area (including corrals), and manure and feed storage areas shall be designed and maintained to convey all water that has contacted animal wastes or feed to the wastewater retention system and to minimize standing water as of 72 hours after the last rainfall and the infiltration of water into the underlying soils.
17. Unlined ditches, swales, and/or earthen-berm channels may not be used for storage of process wastewater, manure, or tailwater and may only be used for conveyance

of process wastewater collected in the production area to the retention pond, conveyance of process wastewater from the retention pond to the land application area, irrigation return water management, or temporary control of accidental spills, or rainfall-induced overflows at existing milk cow dairies designed, constructed, operated, and maintained in compliance with General Specification B.1.

## C. EFFLUENT LIMITATIONS AND STANDARDS FOR THE PRODUCTION AREA

1. Technology-based Effluent Limitations and Standards – There shall be no discharge of waste pollutants into surface waters from the production area except as provided below:
  - a. Whenever precipitation causes an overflow of waste, pollutants in the overflow may be discharged into surface waters provided:
    1. the production area is properly designed, constructed, operated, and maintained as specified in General Specification B1, and
    2. the production area is operated in accordance with the additional measures and records specified in the General Specifications and in the Monitoring and Reporting Program (Attachment D).
2. Water Quality-based Effluent Limitations and Standards – The following conditions are established to protect water quality standards for discharges to water quality impaired waters:
  - a. If the CAFO discharged or has an unanticipated discharge to an impaired water with an approved or established TMDL, the Executive Officer will inform the facility if any additional limits or controls are necessary for the discharge to be consistent with the assumptions of any available wasteload allocation in the TMDL, or if coverage under an individual permit is necessary. Any additional limits or controls shall be included in the NMP;
  - b. If the CAFO discharged or has an unanticipated discharge to an impaired water without an approved or established TMDL, the Executive Officer will inform the facility if any additional limits or controls are necessary to meet water quality standards, or if coverage under an individual permit is necessary. Any additional limits or controls shall be included in the NMP.
  - c. If at any time the facility becomes aware, or the Executive Officer determines, that a discharge to an impaired water has occurred ~~or is proposed to occur~~ and the requirements of 2a. and 2b. have not been addressed, the facility must take corrective action to fulfill the requirements of 2a. and 2b. Any changes to the NMP required to fulfill the requirements of 2a. and 2b. shall be done in accordance with Attachment C.

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#### **D. LAND APPLICATION SPECIFICATIONS**

1. Land application of all waste from the facility to areas under the Discharger's control shall be conducted in accordance with a certified Nutrient Management Plan (NMP) as required in Required Reports and Notices H.1.c below, consistent with the Technical Standards for Nutrient Management as specified in Attachment C. Certification that the NMP has been completely implemented shall be provided prior to the adoption of the Site Specific Order. The Discharger shall propose modifications to the Nutrient Management Plan within 90 days if monitoring shows that discharge from the land application fails to comply with the Groundwater Limitations of this Order or surface water quality objectives or criteria. The modifications must be designed to bring Dischargers into compliance with this Order.
2. The Discharger shall have a written agreement with each third party that receives process wastewater from the Discharger for its own use. The written agreement shall be provided as part of the first Annual Report prepared pursuant to this order. If the written agreement is modified or cancelled, or if additional written agreements are made, the updated agreements or information shall be included in the first Annual Report submitted subsequent to the change(s). 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:
    - i. The Discharger and dairy facility from which the process wastewater originates,
    - ii. The third party that will control the application of the process wastewater to cropland,
    - iii. The Assessor's Parcel Number(s) and the acreage(s) of the cropland where the process wastewater will be applied, and
    - iv. The types of crops to be fertilized with the process wastewater.
  - b. Include an agreement by the third party to:
    - i. Use the process wastewater at agronomic rates appropriate for the crops to be grown, and
    - ii. Prevent the runoff to surface waters of wastewater, storm water or irrigation supply water that 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 (Attachment E), which is signed by both the Discharger and third party.

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3. The Discharger shall have a manifest for each transfer of manure or process wastewater to other persons. Prior to transferring manure or process wastewater to other persons, the Discharger must provide the recipient of the manure or process wastewater with the most current nutrient analysis for informational purposes. Manifests shall contain all the information shown on Attachment G, shall be copied and submitted as part of the annual report pursuant to MRP Section C, Annual Reporting – General Section, item 15, and shall be kept for five years at the dairy pursuant to MRP Section B.5.
4. 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.
5. 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 the Monitoring and Reporting Program (Attachment D).
6. 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.
7. 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.
8. All process wastewater applied to land application areas must infiltrate completely within 72 hours after application.
9. 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) and the Discharger's Site Specific Order. In no case shall manure or process wastewater be applied to standing water.
10. 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.

11. Areas shall be identified that, due to topography, activities, or other factors, have a high potential for significant soil erosion. Where these areas have the potential to contribute pollutants to waters of the United States, measures used to limit erosion and pollutant runoff shall be identified.

## **E. EFFLUENT LIMITATIONS AND STANDARDS FOR THE LAND APPLICATION AREA**

1. Land Application Areas under the Control of the Discharger must be managed pursuant to a Nutrient Management Plan (NMP) that meets the requirements of the Monitoring and Reporting Program (Attachment D) and Attachment C of this Order.
2. Dischargers must calculate the maximum amounts of total manure (tons) and process wastewater (gallons or acre-inches) to be land applied to each land application area at least once during the annual reporting period before land applying, and calculate the nitrogen content of this waste. The calculations shall be based on the field-specific determination of soil levels of nitrogen (including a concurrent determination of nitrogen that will be plant available), the results of the most recent representative manure and process wastewater tests for nitrogen taken within 12 months of the date of land application, and the planned application rate for each specific crop as determined in the Nutrient Management Plan.
3. Discharges of manure or process wastewater from land application areas to surface water are prohibited.
4. Discharges of stormwater or tailwater from a land application area are permitted provided that:
  - a. the cropland is managed pursuant to a NMP that meets the requirements of the Monitoring and Reporting Program (Attachment D) and Attachment C of this Order;
  - b. discharges are monitored in accordance with Table 3 of the Monitoring and Reporting Program (Attachment D);
  - c. turbidity of the discharge does not exceed the following limitations as specified in the Basin Plan:
    - i. waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses, and
    - ii. increases in turbidity shall not exceed the following limits:
      - A. Where natural turbidity upstream of the discharge is less than 1 Nephelometric Turbidity Unit (NTU), controllable factors shall not cause downstream turbidity to exceed 2 NTUs.

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- B. Where natural turbidity upstream of the discharge is between 1 and 5 NTUs, controllable factors shall not cause downstream turbidity to exceed 1 NTU.
- C. Where natural turbidity upstream of the discharge is between 5 and 50 NTUs, controllable factors shall not cause downstream turbidity to exceed 20 percent.
- D. Where natural turbidity upstream of the discharge is between 50 and 100 NTUs, controllable factors shall not cause downstream turbidity to exceed 10 NTUs.
- E. Where natural turbidity upstream of the discharge is greater than 100 NTUs, controllable factors shall not cause downstream turbidity to exceed 10 percent.

## **F. GROUNDWATER LIMITATIONS**

1. Discharge of waste at facilities shall not cause the underlying groundwater to exceed water quality objectives or background quality, whichever is greater; to unreasonably affect beneficial uses; or to cause a condition of pollution or nuisance. Water Quality Objectives are specified in the Central Valley Water Board's Water Quality Control Plan for Sacramento and San Joaquin River, Fourth Edition, and the Water Quality Control Plan for the Tulare Lake Basin Plan, Second Edition.

## **G. PROVISIONS**

1. The Discharger shall comply with the *Standard Provisions and Reporting Requirements for General Waste Discharge Requirements and General National Pollutant Discharge Elimination System (NPDES) Permit for Existing Milk Cow Dairy Concentrated Animal Feeding Operations within the Central Valley, General Order No. R5-2010-0118* (Standard Provisions) (Attachment E), which is attached to and made part of this Order.
2. The Discharger shall comply with all applicable provisions of the California Water Code, Title 27 CCR, and the applicable Water Quality Control Plans.
3. The Discharger shall comply with the attached Monitoring and Reporting Program (Attachment D), and future revisions thereto.
4. The Discharger shall submit a complete Report of Waste Discharge in accordance with the California Water Code Section 13260 at least 140 days prior to any material change or proposed change in the character, location, or volume of the discharge, including any expansion of the facility or development of any treatment technology, or construction of an anaerobic digester.
5. 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

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proposed to be brought onto the dairy or associated croplands 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.

6. If site conditions threaten to violate Prohibition A.3, the Discharger shall take immediate action to preclude the violation, documenting the condition and all corrective actions. Records of such actions shall be kept and maintained as required in the Monitoring and Reporting Program (Attachment D). Alterations of the Waste Management Plan (see Required Reports and Notices H.1.a) for the production area to avoid a recurrence shall be submitted as a modification to the Waste Management Plan.
7. The Discharger shall comply with all requirements of this Order and all terms, conditions, and limitations specified by the Executive Officer.
8. Any instance of noncompliance with this Order constitutes a violation of the California Water Code and its regulations, and of the federal Clean Water Act and regulations and guidelines adopted thereunder. Such noncompliance is grounds for enforcement action, and/or termination of the authorization to discharge.
9. The Discharger must comply with all conditions of this Order, including timely submittal of technical and monitoring reports as directed by the Executive Officer. Accordingly, the Discharger shall submit to the Central Valley Water Board on or before each report due date the specified document or, if an action is specified, a written report detailing evidence of compliance with the task. If noncompliance is being reported, the reasons for such noncompliance shall be stated, plus an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Central Valley Water Board by letter when it returns to compliance with the time schedule. Violations may result in enforcement action, including Central Valley 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.
10. Technical reports (Monitoring Well Installation and Sampling Plan, Monitoring Well Installation Completion Report, Groundwater Monitoring Report, Waste Management Plan Certification, and portions of the Waste Management Plan) required by this Order must be certified by an appropriately licensed professional as required in this Order and its Attachments (see Schedule of Tasks J.1 below). If the Executive Officer provides comments on any technical report, the Discharger will be required to address those comments.
11. The Discharger shall maintain a copy of this Order, the Site Specific Order, the NMP, and the WMP at the site so as to be available at all times to site-operating personnel. The Discharger, landowner and his/her designee shall be familiar with the contents of this Order.

#### **H. APPLICATION FOR COVERAGE, NMP AND WMP REVIEW, AND DEVELOPMENT OF SITE-SPECIFIC ORDER TERMS**

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1. Application for coverage - Dischargers seeking or required to be covered by this Order must:
  - a. Submit an Notice of Intent (NOI) to the Executive Officer.
  - b. Submit a Nutrient Management Plan (NMP) that meets the requirements of Attachment C, unless there is no discharge of solid manure or process wastewater to cropland at the CAFO.
  - c. Submit a Waste Management Plan (WMP) that meets the requirements of Attachment B, including any design information for construction or modification of wastewater lagoons necessary to ensure adequate storage.
  - d. Submit any other information deemed necessary by the Executive Officer.
2. The NOI shall include the following information, pursuant to 40 CFR 122.21(i) (1):
  - a. The name, address, and telephone number of the Discharger. If there is both an owner and an operator, information shall be provided for both parties.
  - b. The facility location and mailing addresses;
  - c. Latitude and longitude of the production area (entrance to production area);
  - d. A topographic map of the geographic area in which the facility is located showing the specific location of the production area;
  - e. A completed Annual Dairy Facility Assessment (ADFA), including specific information about the number and type of animals, whether in open confinement or housed under roof; the type of containment and storage (anaerobic lagoon, roofed storage shed, storage ponds, above ground and below ground storage tanks, concrete pad, compacted soil pad or other) and total capacity for manure and process wastewater storage (tons/gallons); the total number of acres under control of the Discharger available for land application of manure and/or process wastewater; estimated amounts of manure and process wastewater generated per year (tons/gallons); and estimated amounts of manure and process wastewater transferred to other persons per year (tons/gallons); and
  - f. Land application best management practices that will be implemented to control runoff and protect water quality in accordance with Attachment C.
3. Signature Requirements: The NOI must be signed by the owner and operator in accordance with Standard Provisions and Reporting Requirements C. 7 and 8.
4. Where to submit: All required submittals shall be submitted to the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water

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Board) at the addresses listed in Standard Provisions and Reporting Requirements, C. 11.

5. Upon receipt, the Central Valley Water Board will review the NOI, NMP, and WMP to ensure that all order requirements are fulfilled. Additional information may be requested from the Discharger if needed to complete the NOI, NMP, or WMP or clarify, modify, or supplement previously submitted material. The WMP information will be reviewed to ensure that any wastewater lagoon design information is complete.
6. The NOI, NMP, and WMP, will be used by the Executive Officer to identify site specific terms and conditions proposed to the Central Valley Water Board for incorporation into the Order ("Site Specific Order"). The Site Specific Order for each facility will include, but not be limited to, the following elements, which shall meet the requirements set forth in Attachments B and C:
  - a. Discharger information, including site specific order number, facility name, facility address, and owner and operator name; and
  - b. Site Specific Order Terms, including, but not limited to:
    - i. Proof of adequate storage - a table documenting that process wastewater storage is adequate, including the name of each storage pond, its total capacity, and the maximum period during which wastewater will be stored in that pond;
    - ii. Mortality Management – documentation that mortalities will be managed to ensure that they are not disposed of in a liquid manure, storm water, or process wastewater storage or treatment system;
    - iii. Clean Water Diversion – documentation that clean water is either diverted from contact with waste or is included in the calculations of storage capacity for wastewater;
    - iv. Prevent Direct Contact of Animals and Surface Water – documentation that confined animals will be prevented from direct contact with surface water;
    - v. Proper Chemical Disposal – documentation that chemicals and other contaminants handled on-site are not disposed of in any manure, process wastewater, or storm water storage or treatment system unless specifically designed to treat such chemicals or contaminants;
    - vi. Site specific Conservation Practices – a table listing all practices implemented to control runoff of pollutants to waters of the United States and specifically, to minimize the runoff of N and P (including information on setbacks and buffers for each agricultural well on the facility);



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2. This Order may be reopened to address any changes in state plans, policies, or regulations that would affect the water quality requirements for the discharges and as authorized by state law.
3. This Order may be reopened to address any changes in the Federal Clean Water Act or in Federal regulations derived from that act that would affect animal feeding operations covered under this Order.
4. The Order is not transferable to any person except after notice to the Central Valley Water Board. The Central Valley Water Board may modify or revoke and reissue the Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the California Water Code.
5. The Discharger shall provide to the Executive Officer, within a reasonable time, any information which the Executive Officer may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating the Discharger's coverage under the Order or to determine compliance with the Order. The Discharger shall also provide to the Executive Officer upon request, copies of records required by the Order to be kept.
6. After notice and opportunity for a hearing, the Order may be terminated or modified for cause, including but not limited to:
  - a. Violation of any term or condition contained in the Order;
  - b. Obtaining the Order by misrepresentation, or failure to disclose fully all relevant facts;
  - c. A change in any condition that results in either a temporary or permanent need to reduce or eliminate the authorized discharge; or
  - d. A material change in the character, location, or volume of discharge.
7. The Order may be reopened if new state statutes or regulations are promulgated, and if more stringent applicable water quality standards are approved pursuant to Title 27 of the CCR, or as adopted into the Central Valley Water Board *Water Quality Control Plans (Basin Plans) for the Sacramento River and San Joaquin River Basins (4<sup>th</sup> Ed), and for the Tulare Lake Basin (2<sup>nd</sup> Ed.)*.
8. The Central Valley Water Board may reopen the Order at any time provided that a cause for modification exists pursuant to 40 CFR § 124.5.
9. The Central Valley 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 and obtain individual waste discharge requirements or, if appropriate, resume coverage under the General Order Waste Discharge Requirements for Existing Milk Cow Dairies, Order No. R5-2007-0035.

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10. The Discharger must maintain coverage under this Order or a subsequent revision to this Order until all manure, process wastewater, and animal waste impacted soil, including soil within the pond(s), is disposed of or utilized in a manner which does not pose a threat to surface water or groundwater quality or create a condition of nuisance. At least 90 days before desiring to terminate coverage under this Order, the Discharger shall submit to the Executive Officer a closure plan that ensures protection of surface water and groundwater. No more than 30 days after completion of site closure, the Discharger shall submit a closure report which documents that all closure activities were completed as proposed and approved in the closure plan. Coverage under this Order will not be terminated until cleanup is complete.

## J. REQUIRED REPORTS AND NOTICES

1. **Waste Management Plan:** The Discharger shall submit, with its NOI, a Waste Management Plan for the production area of the dairy facility, prepared in accordance with Attachment B. The Waste Management Plan provides an evaluation of the existing milk cow dairy's design, construction, operation, and maintenance for flood protection and waste containment and documents that the facility complies with Prohibition A.13 and General Specifications B.1 through B.3, , and B.10 through B.16. Certification that the facility is in compliance shall be submitted prior to Board adoption of the Site Specific Order. If conditions at the facility change such that information in the Waste Management Plan is no longer correct, the Discharger shall propose a revised Waste Management Plan within 90 days of becoming aware of the changed conditions.
2. **Nutrient Management Plan:** Dischargers who apply manure, bedding, or process wastewater to land for nutrient recycling shall have management practices that control nutrient losses and describe these in a Nutrient Management Plan. The Nutrient Management Plan must have been prepared and certified as specified in Attachment C, is maintained at the dairy, and submitted to the Executive Officer as part of the application for coverage under this Order, and must ultimately provide for protection of both surface water and groundwater. The Discharger shall propose updates to the Nutrient Management Plan as specified in the Technical Standards for Nutrient Management in Attachment C or if the Executive Officer requests that additional information be included. Groundwater monitoring will be used to determine if implementation of the Nutrient Management Plan is protective of groundwater quality. Substantial proposed changes to the Nutrient Management Plan, as described in Standard Provisions and Reporting Requirements 10 (f) – (i), will trigger resubmittal of the NMP, development of a new Site Specific Order, public review, and issuance of a revised Site Specific Order.
3. Reporting Provisions:

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- a. All Notices of Intent, applications, annual reports, or information submitted to the Central Valley Water Board shall be signed and certified in accordance with C. 7 and C.8 of the Standard Provisions.
- b. The Discharger shall submit all reports as specified in the attached Monitoring and Reporting Program (Attachment D).
- c. Any Discharger authorized to discharge waste under this Order shall furnish, within a reasonable time, any information the Central Valley Water Board may request, to determine whether cause exists for modifying, revoking, and reissuing, or terminating their authorization for coverage under this Order. The Discharger shall, upon request, also furnish to the Central Valley Water Board copies of records required to be kept by this Order.
- d. All reports prepared and submitted to the Executive Officer in accordance with the terms of this Order shall be available for public inspection at the offices of the Central Valley Water Board.

#### **K. RECORD-KEEPING REQUIREMENTS**

1. The Discharger shall create, maintain for five years, and make available to the Central Valley Water Board upon request by the Executive Officer any reports or records required by this Order including those required under the Monitoring and Reporting Program (Attachment D).

#### **L. SCHEDULE OF TASKS**

1. Dischargers who receive coverage under this Order are required to implement the terms of the Waste Management Plan and Nutrient Management Plan as specified in the Site Specific Order and submit Annual Reports according to the schedule in Attachment D. All elements of the Waste Management Plan and the Nutrient Management Plan shall be signed and certified by the Discharger as required in Required Reports and Notices J.2.a above and the additional professional specified in Attachments B and C
2. If changes are made to the required submittals through Central Valley Water Board or Executive Officer review, those changes shall be implemented.

I, PAMELA C. CREEDON, 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, Central Valley Region, on 10 December 2010 (as modified on XX Month XXXX).

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PAMELA C. CREEDON, Executive Officer

General Waste Discharge Requirements  
and General NPDES Permit  
CAG015001  
Existing Milk Cow Dairy Concentrated Animal Feeding Operations

Order No. R5-2010-0118  
NPDES No.