CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION NO. R6T-2007-0019

WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR GRAZING OPERATIONS IN THE EAST WALKER RIVER WATERSHED (BRIDGEPORT VALLEY AND TRIBUTARIES) OF THE LAHONTAN REGION

WHEREAS, the California Regional Water Quality Control Board, Lahontan Region (Water Board), finds:

1. Waste Discharge Requirements

   a. California Water Code section 13260, subdivision (a) requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the State, other than into a community sewer system, shall file with the appropriate Water Board a report of waste discharge (ROWD) containing such information and data as may be required by the Water Board, unless the requirement is waived pursuant to Section 13269.

   b. The Water Board has a statutory obligation to prescribe waste discharge requirements except where the Water Board finds that a waiver of waste discharge requirements for a specific type of discharge is consistent with any applicable state or regional water quality control plan and is in the public interest pursuant to Water Code Section 13269.

   c. Water Code section 13269 provides that any such waiver of waste discharge requirements shall be conditional, must be updated every five years, and may be terminated at any time by the Water Board.

2. Monitoring Under Waivers to Waste Discharge Requirements

Water Code section 13269 was amended effective January 1, 2005. Water Code section 13269 now includes the following provisions:

   a. The waiver shall include the performance of individual, group, or watershed-based monitoring, unless the Water Board determines that the discharges do not pose a significant threat to water quality.

   b. Monitoring requirements shall be designed to support the development and implementation of the waiver program, including, but not limited to, verifying the adequacy and effectiveness of the waiver's conditions. In establishing monitoring requirements, the Water Board may consider the volume, duration, frequency, and constituents of the discharge; the extent and type of existing monitoring activities, including, but not limited to, existing watershed-based, compliance, and effectiveness monitoring efforts; the size of the project area; and other relevant factors.

c. Monitoring results must be made available to the public.

d. The Water Board may include as a condition of a waiver the payment of an annual fee established by the State Water Resources Control Board (State Water Board). At the time of this hearing, the State Water Board has not established annual fee regulations with respect to grazing operations.

e. The Waiver requires compliance with monitoring conditions consistent with the amendments to Water Code section 13269.

3. Basin Plan

On March 31, 1995, the Water Board adopted a Water Quality Control Plan for the Lahontan Region (Basin Plan) that establishes beneficial uses, water quality objectives, waste discharge prohibitions, and implementation policies that apply to waters of the State and discharges to waters of the State within the Lahontan Region.

4. Fecal Coliform Water Quality Objective

The Water Board has set the Region-wide water quality objective for fecal coliform at 20 colonies per 100 ml, ten times more stringent than the Federal standard at 200 colonies per 100 ml and any other Region in California, recognizing that waters in the Lahontan Region are generally pristine, and recreation is the major use of these waters. USEPA finds the Federal standard to be protective of water contact recreational beneficial uses. However, during the Grazing workshop and Triennial Review of the October 11, 2006 Water Board meeting, the Water Board heard public comments regarding revising the fecal coliform standard to be consistent with Federal standards for areas, such as Bridgeport Valley, where beneficial uses have historically been predominantly agricultural. If, during the time of this Waiver, the Water Board has sufficient information to propose a Basin Plan Amendment for fecal coliform, Waiver conditions, milestones, and timelines may be revised accordingly.

5. Nonpoint Source Implementation and Enforcement Policy

The discharge of nonpoint source pollution from agricultural grazing operations, within the Lahontan Region is considered to be a discharge of waste that could affect the quality of waters of the State, as defined in Section 13260 of the California Water Code. Potential water quality degradation from such grazing activities has not been regulated prior to this, but the State Water Resources Control Board May 20, 2004 *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (NPS Policy) requires that all sources of nonpoint source pollution be regulated through Waste Discharge Requirements (WDR), waivers to WDRs, or prohibitions.

The NPS Policy encourages the Water Board "to be as creative and efficient as possible in devising approaches to prevent or control NPS pollution." This includes development of third-party programs, including coalitions of Dischargers, such as the

Bridgeport Rancher's Organization (BRO). The BRO has been active in volunteer monitoring of surface water quality and assessment of management practice (MP) effectiveness in the Bridgeport Valley beginning in April of 2006, with assistance from University of California Cooperative Extension (UCCE) staff and input from Water Board staff.

Section 13242 of the California Water Code requires that programs of implementation for achieving water quality objectives shall include, but not be limited to:

a. A description of the nature of actions which are necessary to achieve the objectives, including recommendations for appropriate action by any entity, public or private.

b. A time schedule for the actions to be taken.

c. A description of surveillance (monitoring) to be undertaken to determine compliance with objectives,

Section 13263(c) of the California Water Code further stipulates that time schedules are subject to revision at the discretion of the board.

The NPS Policy further refines the requirements of CWC Section 13242, requiring that Waiver enrollees prepare and execute an implementation plan and monitoring plan that does the following:

- States the purpose of the plan such that NPS pollution is addressed in a manner that ultimately achieves and maintains water quality objectives and beneficial uses, including any applicable antidegradation requirements.

- Includes a description of the MPs and other program elements that are expected to be implemented to ensure attainment of the implementation program's stated purpose(s), the process to be used to select or develop MPs, and the process to be used to ensure and verify proper MP implementation.

- Includes a time schedule to achieve water quality requirements, and corresponding quantifiable milestones designed to measure progress toward reaching the specified requirements. The Porter-Cologne Act (CWC §13242[b] and § 13263[c]), the NPS Program Plan, and the NPS Policy recognize that there are instances where it will take time to achieve water quality requirements. The effort may involve all or some of various processes, including: identification of measurable long term and interim water quality goals; a timeline for achieving these goals; identification and implementation of pollution control MPs; provision for maintenance of the implementation actions; provision for additional actions if initial actions are inadequate; and, in the case of third-party organizations, identification of a responsible third-party to lead the efforts.

- Includes sufficient feedback mechanisms (monitoring) so that the Water Board, Dischargers, and the public can determine whether the program is achieving its stated purpose(s), or whether additional or different MPs or other actions are required. It will describe the measures, protocols, and associated frequencies that will be used to verify the degree to which the MPs are being properly implemented and are achieving the program's objectives, and/or to provide feedback for use in adaptive management. These efforts are necessary to determine whether the program is on time and on track in achieving its goals.

6. Receiving Water Beneficial Uses

Pursuant to the Basin Plan and State Board Plans and Policies, including State Water Board Resolution No. 88-63, the existing and potential beneficial uses of waters potentially affected by the proposed activity include:

a. Agricultural Supply (AGR)
b. Cold Freshwater Habitat (COLD)
c. Commercial and Sportfishing (COMM)
d. Freshwater Replenishment (FRSH)
e. Ground Water Recharge (GWR)
f. Municipal and Domestic Supply (MUN)
g. Water Contact Recreation (REC-1)
h. Non-contact Water Recreation (REC-2)
i. Spawning, Reproduction, and Development (SPWN)
j. Wildlife Habitat (WILD)

7. Maintenance of High Quality Waters in California

State Water Board Resolution 68-16 ("Statement of Policy with Respect to Maintenance of High Quality Waters in California") finds,"Whenever the existing quality of water is better than the quality established in policies as of the date on which such policies become effective, such existing high quality will be maintained until it has been demonstrated to the State that any change will be consistent with the maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies. Any activity which produces or may produce a waste ...and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained." This Waiver is consistent with Resolution 68-16 because it requires implementation of management practices in an iterative manner to arrive at the best practicable treatment or control of the discharge to protect beneficial uses and to attain the highest water quality possible. The waiver requires compliance with an interim fecal coliform objective of 200 colonies per 100 ml (the federal standard for protecting water contact recreation) in accordance with a time schedule. Further, the waiver, in allowing for existing operators to continue in business and apply management practices in an

iterative manner to achieve improvements to water quality, is consistent with the maximum benefit to the people of the state. The waiver sets forth conditions that require Dischargers to implement additional management practices to assure protection of beneficial uses of waters of the state and maintain the highest water quality consistent with maximum benefit to the people of the State.

8. California Environmental Quality Act

The Water Board, is the lead agency for this project under the California Environmental Quality Act (Public Resources Code section 21000 et seq.) (CEQA). The Water Board adopted a negative declaration pursuant to CEQA (Public Resources Code section 21000 et seq.) on June 13, 2007.

9. Grazing Waiver Strategy

The adoption of general or individual waste discharge requirements for all grazing operations in the Lahontan Region is not feasible at this time. Given the number of Water Board staff and other factors, it is not feasible for the Water Board to adopt many individual waste discharge requirements in a year. The Water Board is pursuing a policy of adopting waivers to WDRs on priority watersheds as staffing allows.

10. Grazing Operation Definition

The term "grazing operation" is defined as a facility where animals are fed or maintained on irrigated vegetation or rangeland forage for a total of 45 days or more in any 12 month period, and vegetation forage growth is sustained over the lot or facility during the normal growing season.

11. Dischargers

This grazing waiver is applicable to all existing private landowners and their operators conducting grazing operations on private lands in the Bridgeport Hydrologic Area (HU No. 630.30) encompassing the East Walker River above Bridgeport Reservoir in the Bridgeport Valley and the East Walker Tributaries Hydrologic Unit (HU No. 630.40) encompassing Clearwater Creek, Virginia Creek, Green Creek, Long Valley Creek, Swauger Creek, and Robinson Creek. Grazing activities on Federal land are not covered by this waiver. Federal agencies require allotment management plans and annual reporting. Water Board staff will review the Federal program to assess improvements to the existing Federal program needed to protect water quality and whether a waiver or waste discharge requirements are necessary in the future.

12. Existing Water Quality Impairments

Several waterbodies within the Bridgeport Hydrologic Area and Bridgeport Valley and the East Walker Tributaries Hydrologic Area are listed as water quality impaired for pathogens (fecal coliform) under Section 303 (d) of the Federal Clean Water Act. These include: Buckeye Creek, East Walker River above Bridgeport Reservoir,

Robinson Creek, and Swauger Creek. Current water quality information provides evidence that grazing operations continue to contribute to fecal coliform concentrations above the water quality objectives in these streams. Results of monitoring conducted last year during active grazing indicate fecal coliform 30 day log mean concentrations ranging from 14 to 544 colonies per 100 ml in waters downstream of grazing activities as compared to 30 day log mean concentrations in the major upstream waters ranging from 1 to 78 colonies per 100 ml.

13. Compliance Schedule

Because of water quality impairments from elevated fecal coliform concentrations, the Water Board is establishing a time schedule for compliance in the Waiver. Ranch Water Quality Management Plans must be developed and implemented to reduce fecal coliform concentrations in surface waters downstream of grazing operations. The Water Board staff anticipates that implementation of these plans will reduce fecal coliform levels. Since the management practices will be implemented over the term of this waiver (5 years), improvements to water quality will be incremental. The interim goal is to achieve a thirty-day average log-normalized fecal coliform concentrations downstream of grazing operations in the Bridgeport Valley of no more than 200 fecal coliform/100 mL within four grazing seasons after execution of the Waiver. This interim goal meets the federal standard for water contact recreation and is protective of beneficial uses. Because the waiver expires in five years and compliance with the fecal coliform water quality objective of 20 colonies per 100 ml is not reasonable within this time frame, an interim milestone is needed to track measurable progress towards the objective. Water Board staff find it reasonable to set an interim goal of 200 colonies per 100 ml because the existing fecal coliform concentrations either meet the goal or are within three times the goal and there are additional management practices that can be applied by the Dischargers. The water quality objective for fecal coliform is anticipated to be met after the term of this waiver through continued improvement and implementation of management practices.

14. Intent to Issue Waiver

California Water Code Section 13269 allows Water Boards to waive submission of Reports of Waste Discharge (ROWDs) and/or issuance of Waste Discharge Requirements (WDRs) if it is in the public interest. CWC Section 13269 authorizes the Water Board to waive WDRs for a specific discharge or specific types of discharges if the following conditions are met: 1) the waiver is in the public interest, 2) the waiver is conditional, 3) waiver conditions include performance of individual, group, or watershed-based monitoring, 4) compliance with waiver conditions is required, and 5) a public hearing has been held. The term of the waiver cannot exceed five years, but the Water Board can renew a waiver after holding a public hearing. The Water Board may terminate a waiver at any time. Relevant factors in determining whether a waiver is in the public interest include the following: whether the Discharger is implementing reasonable practices to minimize the deleterious effects of the discharge; whether a feasible treatment method or set of management

practices exist to control the pollutants in the discharge; and whether waiving ROWDs and/or WDRs will adequately protect beneficial uses while allowing the Water Board to focus its limited resources to conduct field oversight, public outreach and, where necessary, enforcement.

The adoption of the Waiver is in the public interest because 1) it includes conditions that are intended to reduce and prevent pollution and nuisance and protect beneficial uses of the waters of the State, 2) it contains more specific conditions for protection of water quality compared to other regulatory options, 3) it provides a more efficient and more timely mechanism of complying with water quality objectives than other regulatory options, 4) it provides for an efficient and effective use of limited Water Board resources, 5) it provides flexibility for Dischargers by providing an option of complying through a third-party entity and allows for less costly and more effective cooperative monitoring, 6) it enhances beneficial uses of water and enhances sustainability of ranching operations in the Bridgeport Valley, and 7) the Water Board does not currently regulate discharges of waste from ranching operations in the Bridgeport Valley--this Waiver will result in regulation of non-point source discharges from these operations, and will result in measurable water quality improvements in accordance with the time schedule in the Waiver. The Water Board has notified the Dischargers and all known interested agencies and persons of its intent to issue a Waiver of Waste Discharge Requirements for the Project.

15. Public Meeting

The Water Board conducted a public hearing on June 13, 2007 in Bishop, California, and considered all testimony and evidence concerning this matter.

16. Technical and Monitoring Reports

Water Code section 13267, subdivision (b) provides that "In conducting an investigation specified in subdivision (a), the Water Board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposed to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the Water Board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the Water Board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports."

The Dischargers operate facilities that discharge the waste subject to this Waiver. The wastes contain fecal coliform bacteria and discharges cause or contribute to violations of the Basin Plan water quality objective for fecal coliform bacteria.

Therefore, the technical reports required by this Waiver and the Monitoring and Reporting Program are necessary to assure compliance.

THEREFORE BE IT RESOLVED: Pursuant to Water Code, section 13269 subdivision, (a) Waste Discharge Requirements may be waived for grazing operations in the Bridgeport Valley and the East Walker Tributaries area pursuant to the following conditions.

1. Eligibility for Coverage

   Operators of grazing lands that meet all of the following are eligible for coverage under this waiver:

   a. Grazing operations are in existence as of June 13, 2007;

   b. The Discharger shall submit a complete Grazing Waiver Application (Attachment A) and a Ranch Water Quality Management Plan (see Section 2 below), by **December 15, 2007**.

   c. The Discharger is required to renew its eligibility every 5 years by submitting a completed Notice of Intent.

2. Inventory and Plan

   a. **By December 15, 2007**, the Discharger is required to submit a Ranch Water Quality Management Plan for review and acceptance by Water Board staff. Elements of this Plan must include:

      i. A scaled facility map including, as applicable: property perimeter, buildings, roads, fences, land use designations (crops, grazed areas, woodlands, paddocks, irrigation control structures, confined areas, feeding areas, water troughs, exclusion areas both permanent and seasonal etc.), topography, creeks, and livestock crossings.

      ii. A description of water quality management practices currently in place (e.g. off-stream watering, vegetative buffer strips, hardened stream crossings, wetland treatment areas, exclusion fencing) and their locations.

      iii. An assessment of the current facility conditions including potential water quality problem areas and proposed corrective management practices for the upcoming grazing season.

      iv. Ranch Water Quality Management Plan objectives, including improvements in practices to reduce, and/or maintain fecal coliform concentrations in local surface waters so that it ultimately achieves requirements of the *Water Quality Control Plan for the Lahontan Region*, including water quality objectives and beneficial uses for Bridgeport Valley tributary streams.

b. The Ranch Water Quality Management Plan must include a description of all management practices currently implemented within the ranch facility and an implementation schedule for the listed items below (i. through vii.). In selecting what management practices to use at each pasture, the Discharger must take into consideration existing water quality, vegetation, terrain, type of livestock and general facility operation procedures. A list of possible management practices may be found in the *Natural Resource Conservation Service Field Office Technical Guide*.

   i. Reducing to the maximum extent practicable, delivery of pathogens from ranching lands to surface waters. The plan is to consider control of animal access to surface waters, placement of animal crossings to minimize pathogen runoff into surface waters, and development of vegetative filter strip buffers to treat sheet flow runoff.

   ii. Newly selected water quality management practices (e.g. buffer strips, fences) at all identified points of discharge.

   iii. Grazing management structural improvements.

   iv. Changes in livestock management methods (e.g. herding, riparian rotation).

   v. Road erosion control and prevention actions.

   vi. Actions to avoid or reduce management-related increases in erosion of unstable areas.

   vii. Manure management and disposal operations to prevent runoff containing wastes from entering surface waters, if applicable.

c. The Ranch Water Quality Management Plan shall also include a plan for compliance inspection and reporting that demonstrates the proposed management practices are being implemented.

3. Implementation

The Discharger must implement the Ranch Water Quality Management Plan as accepted by the Water Board beginning at the start of the 2008 grazing season. The Discharger must have a copy of the Plan at the ranch office. The Discharger must annually report on the implementation of the Ranch Water Quality Management Plan (unless exempted) and modify the Plan where necessary to achieve improved water quality.

4. Compliance Reporting

All Dischargers must conduct visual inspections and submit annual reports in accordance with Attachment B, Monitoring and Reporting Program No. R6T-2007-0019. The Discharger must implement a Ranch Water Quality Management Plan intended to reduce fecal coliform concentrations. By **December 15, 2011**, the

Discharger must submit an annual report showing fecal coliform concentrations downstream of operations meeting less than 200 fecal coliform/100mL.

5. General Waiver Conditions

In accordance with the above time schedule in No. 4, the following conditions apply:

a. The Discharger shall not cause or contribute to conditions of pollution or nuisance as defined in CWC Section 13050.

b. The Discharger must comply with all requirements of applicable water quality control plans, except meeting the fecal coliform objectives.

c. The Discharger shall not cause or contribute to exceedances of any Regional, State, or Federal numeric or narrative water quality standard, other than the narrative and numeric fecal coliform objective.

d. This Conditional Waiver does not authorize the discharge of any waste not specifically regulated under this Order. Waste specifically regulated under this Order includes: livestock wastes and fecal coliform bacteria. Examples of wastes not specifically regulated under this order include hazardous materials and human wastes.

e. Groundwater influenced by irrigation activities and livestock management shall be of such quality so as to assure protection of all actual or designated beneficial uses.

f. Water Board Inspections – Water Board staff may perform facility inspections and/or take compliance water samples at any time with a minimum 48-hour prior notification to the Discharger.

6. Water Quality Monitoring

Water quality monitoring and reporting of wastes discharged must be performed on a site specific or watershed basis. The Discharger may do so individually, or in cooperation with other similar Dischargers in the watershed with acceptance from the Water Board Executive Officer. See Attachment B – Monitoring and Reporting Plan for East Walker River Watershed.

7. Training Incentives

Dischargers, or their ranch manager/ranch operator, who attend a Ranch Water Quality Training Course every five years offered by the Natural Resource Conservation Service (NRCS), University Cooperative Extension, or other equivalent training entity accepted by the Water Board Executive Officer, will only be required to submit certifications of compliance every two years. The Executive Officer will evaluate equivalent training entities by comparing credentials and curriculum of the proposed training entities to those associated with the NRCS or University

Cooperative Extension. Dischargers must submit certification, including justification for an equivalent training entity if necessary, to the Water Board by **October 31** of any year if requesting exemption from submitting the annual certification portion of the reporting requirements.

8. Termination Procedures

   a. In the event of closure or change in land use of the Discharger's facility, the Discharger shall notify the Water Board, in writing.

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

9. Failure to Comply with Terms and Conditions of this Waiver

   Dischargers who fail to comply with the terms and conditions of this Waiver shall be subject to appropriate enforcement action. Discharges that could affect the quality of the waters of the State may commence only in accordance with Water Code Section 13264(a). The Water Board Executive Officer reserves the right to terminate individual's coverage under the waiver and the Water Board can impose individual Waste Discharge Requirements after proper notice and hearing (Water Code Section 13263).

10. **This waiver expires June 13, 2012.**

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Waiver adopted by the California Regional Water Quality Control Board, Lahontan Region, on June 13, 2007.

HAROLD J. SINGER
EXECUTIVE OFFICER

Attachments: A. Grazing Waiver Application
B. Monitoring and Reporting Program

ATTACHMENT A
GRAZING WAIVER APPLICATION

SECTION I. FACILITY OPERATOR INFORMATION

Name:		Contact E-mail:
Mailing Address:		
City:	State:	Zip Code:
Contact Person:		Contact Phone:

SECTION II LAND OWNER INFORMATION (IF OPERATOR IS NOT THE OWNER)

Name:		Contact E-mail:
Mailing Address:		
City:	State:	Zip Code:
Contact Person:		Contact Phone:

SECTION III. FACILITY INFORMATION * *Please fill out additional sheet(s) if Ranch Lands are not contiguous*

A. Facility Name:		County:
Location (describe nearest cross streets)		Contact E-mail:
City:	State: CIA	Zip Code:
Contact Person:		Contact Phone:

Provide Latitude and Longitude only if facility does not have a valid street address	**Degree/minutes/seconds**	**Decimal Form**
	Latitude: ___°___'___"	___.___
	Longitude: ___°___'___"	___.___

B. Total Size of Herd: Cattle: <300__ 301-999__ 1000+__ Horses: <150__151-499__ 500+__ Sheep: <3000__ 3001-9999__ 10000+__	C. Operation Type: (check one) 1. [ ] Cattle 2. [ ] Horse 3. [ ] Sheep 4. [ ] Goat 4. [ ] Other (list)	D. Typical Dates for Grazing Operations: Start ___/___/___ End ___/___/___

SECTION IV. ADDRESS FOR CORRESPONDENCE

Send Correspondence to : [ ] Facility OperatorMailing Address (Section I) [ ] Owner Mailing Address (Section II)

SECTION V. RECEIVING WATER INFORMATION

Does your facility's storm water flow directly and/or eventually into waters of the State such as a stream, river, lake, irrigation flows, etc?

_____Yes _____No

If yes, name the receiving waterbodies: _____

SECTION VI. IMPLEMENTATION OF WAIVER CONDITIONS

CONDITIONS OF WAIVER FOR DISCHARGES FROM GRAZING LANDS

(check if true)

[ ] Facility is currently operating in compliance with Conditions of Waiver for Discharges from Grazing Lands

SECTION VII. Ranch Water Quality Plan (RWQP)

(check if true)

[ ] A Ranch Water Quality Plan is maintained at ranch offices.

I have enclosed a RWQP YES [ ] I have previously submitted a RWQP YES [ ] DATE:_____

SECTION VIII. OWNER NOTIFICATION

If the OPERATOR is not the owner of the facility, the OPERATOR must certify that the owner of the facility has been notified of this waiver and its requirements.

Discharger's Printed Name:_____ Signature:_____

Title: _____ Date: _____

SECTION VII. CERTIFICATION

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

Printed Name:_____ Signature:_____

Title: _____ Date: _____

Attachment B
R6T-2007-0019

MONITORING AND REPORTING PROGRAM FOR WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES RELATED TO GRAZING ACTIVITIES IN THE EAST WALKER RIVER WATERSHED (BRIDGEPORT VALLEY AND TRIBUTARIES)

I. Surface Water Sampling and Analysis

Sampling for Water Quality Constituents in the East Walker River Watershed, comprising the Bridgeport Valley and its tributaries, will be performed cooperatively by members of the Bridgeport Rancher's Organization (BRO), following the plan developed by the BRO, University of California Cooperative Extension (UCCE) staff, and Regional Board staff. This plan was used a voluntary monitoring program during the 2006 season.

1. Objectives of Surface Water Monitoring

   a. Determine fecal coliform concentrations in all tributaries entering and exiting the irrigated and grazed portions of Bridgeport Valley (B.V.).

   b. Analyze these data to identify source and sink areas for these pollutants in B.V., to prioritize implementation of water quality management measures to source areas, and to serve as a baseline against which to judge the effectiveness of future water quality management measures.

2. Surface Water Sites

   Sample collection sites have been selected to isolate the irrigated and grazed portion of B.V. from surrounding land uses (e.g., sub-divisions, campgrounds, hot springs) and cover types (e.g., forest, sagebrush, alkaline flats). A sample collection site will be established on each tributary at the point it enters and exits the irrigated and grazed portion of B.V. Sample sites are listed in the Table 1.

Table 1. Sample Sites in the East Walker River Watershed, Bridgeport Valley

Site ID	Site Description
0	Swauger Creek above Huntoon Valley
1	Swauger Creek at USFS Boundary
2	Buckeye Creek at Upper Diversion
3	Robinson Creek at Upper Diversion
4	Virginia Creek at Gauging Station
5	Green Creek at Green Creek Road Crossing
6	Summers Creek Upper
7	Buckeye Creek above 395
8	Buckeye Creek above Reservoir
9	Robinson Creek above 395
10	Robinson Creek at Reservoir
11	E. Walker River above Highway 395

* GPS coordinates for each site must be collected once exact sample transect location is determined. These locations must be reported with the Ranch Water Quality Plan.

3. Sample Collection Frequency

   Samples for fecal coliform will be collected at all sites every 2 weeks starting approximately one month before grazing and irrigation, then every 2 weeks, at a minimum, during the irrigation and/or grazing season (Apr 15 through Oct).

4. Water Sample Collection

   Sample collections will be conducted by members of the BRO at sample sites located on or near their property. All participants shall be trained in sample collection (e.g., sub-sampling, bottle labeling, sample handling) to assure consistency and data quality. Note that additional water quality parameters may be performed by BRO at their discretion in cooperation with UCCE. This is encouraged, but only fecal coliform is required under this waiver to WDRs.

   Sample collection dates will be established in coordination between BRO and the analytical laboratories. Samples from all sites will be collected in the early am on the same day, brought to a central collection point, and the one complete set of samples transported to a local laboratory for fecal coliform analysis as soon as possible following collection (same day).

   Water sample collection will occur at a flowing, well mixed transect at each sample site. A 125 mL water sample will be collected into a sterile plastic bottle for indicator bacteria analysis (sample A and B). Each sample will be the composite of 3 sub samples (~40 mL) collected across the sample transect to integrate potential spatial variation at the site. All samples will immediately be placed on ice. The sample will be transported to a local laboratory for fecal coliform concentration analysis.

5. Analytical Determination of Fecal Coliform

   Fecal coliform concentration will be determined by direct membrane filtration (0.45 µm) and incubation on a selective agar (SM 9222) or equivalent. Fecal coliform analysis will be performed at a laboratory certified in fecal coliform analysis by the California Department of Health Services (DHS), Environmental Laboratory Assessment Program (ELAP).

6. Reporting Requirements

   a. Ranch Water Quality Management Plans

      A Ranch Water Quality Management Plan, as described in the Waiver (Resolution No. R6T-2007-0019), is to be prepared and submitted to the Water Board by **December 15, 2007.**

b. Annual Report:

Water Quality data will be summarized and reported to the Water Board by **December 15** of each year following each sampling season.

Each ranch operation shall prepare an annual report each following season covering the following:

i. Management practices implemented this past season.
ii. Estimated effectiveness of installed management practices.
iii. Problems encountered, if any.
iv. Management practices or animal management improvements considered for implementation next season.
v. Management practices implemented this past season.
vi. Estimated effectiveness of installed management practices.
vii. Problems encountered, if any.
viii. Management practices or animal management improvements considered for implementation next season.

The Bridgeport Ranchers Organization (BRO) may collect each individual ranch operation report and submit them as well as a summary of BRO activities the past season and plans for the next season, in lieu of individual Dischargers submitting individual reports.

7. General Provisions

The Discharger shall comply with the applicable "General Provisions for Monitoring and Reporting," dated September 1, 1994, which is attached to and made part of this Monitoring and Reporting Program.

II. Compliance Reporting

1. At a minimum, all the individual Dischargers must conduct visual inspections during the grazing season to verify that chosen management practices are being implemented, and the Grazing Conditions for Waiver, are being met. The Discharger shall:

a. Visually inspect the closest receiving water, upstream and downstream of each pasture, to monitor any change in water quality resulting from facility operations. This inspection is needed to determine the effectiveness of the management practices implemented at the ranch facility. Examples of changes in visual characteristics in water that may be indicative of the effects of grazing and/or grazing MPs include, but are not limited to: color, turbidity, floating material, algae concentration, etc.

b. Inspect facilities and management practices at the beginning of the grazing season and at least bimonthly during the grazing season. Any problems noted should be corrected as soon as practicable.

c. Problems noted, corrective actions taken, and any recommendations for improvements in management practices are to be reported in the annual report.

2. Records shall be maintained of the inspection dates, observations, and any response taken to eliminate potential sources of pathogens.

3. By December 15 each year, the Discharger must submit an annual certification to the Water Board that its facility is in compliance with the Ranch Water Quality Plan as verified by records of inspections above. Producers that attend the training in Section 7 of the Waiver (Board Resolution No. R6T-2007-0019) may submit certification every other year.

Ordered by: Harold J. Singer Dated: June 13, 2007

HAROLD J. SINGER
EXECUTIVE OFFICER

Attachment: General Provisions for Monitoring and Reporting

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

GENERAL PROVISIONS
FOR MONITORING AND REPORTING

1. SAMPLING AND ANALYSIS

a. All analyses shall be performed in accordance with the current edition(s) of the following documents:

i. Standard Methods for the Examination of Water and Wastewater

ii. Methods for Chemical Analysis of Water and Wastes, EPA

b. All analyses shall be performed in a laboratory certified to perform such analyses by the California State Department of Health Services or a laboratory approved by the Regional Board Executive Officer. Specific methods of analysis must be identified on each laboratory report.

c. Any modifications to the above methods to eliminate known interferences shall be reported with the sample results. The methods used shall also be reported. If methods other than EPA-approved methods or Standard Methods are used, the exact methodology must be submitted for review and must be approved by the Regional Board Executive Officer prior to use.

d. The discharger shall establish chain-of-custody procedures to insure that specific individuals are responsible for sample integrity from commencement of sample collection through delivery to an approved laboratory. Sample collection, storage, and analysis shall be conducted in accordance with an approved Sampling and Analysis Plan (SAP). The most recent version of the approved SAP shall be kept at the facility.

e. The discharger shall calibrate and perform maintenance procedures on all monitoring instruments and equipment to ensure accuracy of measurements, or shall insure that both activities will be conducted. The calibration of any wastewater flow measuring device shall be recorded and maintained in the permanent log book described in 2.b, below.

f. A grab sample is defined as an individual sample collected in fewer than 15 minutes.

g. A composite sample is defined as a combination of no fewer than eight individual samples obtained over the specified sampling period at equal intervals. The volume of each individual sample shall be proportional to the discharge flow rate at the time of sampling. The sampling period shall equal the discharge period, or 24 hours, whichever period is shorter.

2. OPERATIONAL REQUIREMENTS

a. Sample Results

Pursuant to California Water Code Section 13267(b), the discharger shall maintain all sampling and analytical results including: strip charts; date, exact place, and time of sampling; date analyses were performed; sample collector's name; analyst's name; analytical techniques used; and results of all analyses. Such records shall be retained for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge, or when requested by the Regional Board.

b. Operational Log

Pursuant to California Water Code Section 13267(b), an operation and maintenance log shall be maintained at the facility. All monitoring and reporting data shall be recorded in a permanent log book.

3. REPORTING

a. For every item where the requirements are not met, the discharger shall submit a statement of the actions undertaken or proposed which will bring the discharge into full compliance with requirements at the earliest time, and shall submit a timetable for correction.

b. Pursuant to California Water Code Section 13267(b), all sampling and analytical results shall be made available to the Regional Board upon request. Results shall be retained for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge, or when requested by the Regional Board.

c. The discharger shall provide a brief summary of any operational problems and maintenance activities to the Board with each monitoring report. Any modifications or additions to, or any major maintenance conducted on, or any major problems occurring to the wastewater conveyance system, treatment facilities, or disposal facilities shall be included in this summary.

d. Monitoring reports shall be signed by:

i. In the case of a corporation, by a principal executive officer at least of the level of vice-president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates;

ii. In the case of a partnership, by a general partner;

iii. In the case of a sole proprietorship,by the proprietor; or

iv. In the case of a municipal, state or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

e. Monitoring reports are to include the following:

i. Name and telephone number of individual who can answer questions about the report.

ii. The Monitoring and Reporting Program Number.

iii. WDID Number.

f. Modifications

This Monitoring and Reporting Program may be modified at the discretion of the Regional Board Executive Officer.

4. NONCOMPLIANCE

Under Section 13268 of the Water Code, any person failing or refusing to furnish technical or monitoring reports, or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in an amount of up to one thousand dollars ($1,000) for each day of violation.