



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

October 15, 2014

Matthias St. John, Executive Officer
North Coast Regional Water Quality Control Board
5550 Skylane Blvd., Ste. A
Santa Rosa, CA 95403-1072

Subject: Prosecution Team Case-In-Chief Summary for Administrative Civil Liability
Complaint R1-2014-0054

Dear Mr. St. John:

Please find enclosed ten copies of the Prosecution Team's Witness List (Attachment D), Evidence List (Attachment E) with Exhibits 1-17, and Policy Statement (Attachment A) for its case-in-chief in accordance with the hearing procedures for the Spring Hill Jersey Cheese, Inc. matter referenced above. A copy of this letter follows for easy reference, along with a proposed Administrative Civil Liability Order (Attachment C). As described in Administrative Civil Liability Complaint R1-2014-0054 (Attachment B), the Prosecution Team is alleging that Spring Hill Jersey Cheese, Inc. is liable for a recommended \$37,125 for failing to submit annual reports for the years 2012 and 2013, and for failing to furnish a Nutrient Management Plan and Waste Management Plan to Regional Board staff upon request, pursuant to California Water Code section 13267.

Hearing Presentation

As you can surmise from the witness list, the Prosecution Team intends to have Cecile Morris provide a presentation to the Board Members as its case-in-chief, with David Leland, Diana Henriouille, Cherie Blatt, Shin-Roei Lee, Scott Gergus, and myself available to answer questions or provide further detail if necessary. Cecile Morris will have a Power Point presentation using the evidence enclosed and any potential rebuttal evidence that may be submitted (due October 31, 2014). The Prosecution Team will provide hard copies of the presentation at the hearing.

Exhibits

The first exhibit is the charging document, Administrative Civil Liability Complaint R1-2014-0054 ("Complaint"), and the documents contained in the packet mailed out with it, including the penalty methodology and hearing procedures. The Prosecution's presentation will focus on the facts described in the Complaint.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

The Prosecution Team reserves its right to provide rebuttal argument and evidence in accordance with the hearing procedures.

Thank you for your consideration.

Sincerely,



Naomi Kaplowitz, Staff Counsel
Prosecution Team
Office of Enforcement
State Water Resources Control Board

Enclosures: Attachment A: Policy Statement
Attachment B: Administrative Civil Liability Complaint
Attachment C: Proposed Administrative Civil Liability Order
Attachment D: Prosecution Team Witness List
Attachment E: Prosecution Evidence List Order
Exhibits 1-17

cc: Samantha Olson, Senior Staff Counsel, North Coast Regional Water Board
Larry Peter, Spring Hill Jersey Cheese, Inc., 621 Western Avenue, Petaluma, CA 94952
Michael Brook, Attorney for Spring Hill Jersey Cheese, Inc.

Prosecution Team Case in Chief

**In the Matter of Spring Hill Jersey Cheese Inc.
Administrative Civil Liability Complaint
R1-2014-0054**

November 20, 2014 Hearing

Attachment A

Prosecution Team Policy Statement



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

North Coast Regional Water Quality Control Board

TO: North Coast Regional Water Board Advisory Team
Matthias St. John
Samantha Olson

FROM: North Coast Regional Water Board Prosecution Team
David Leland, Lead Prosecutor

DATE: October 15, 2014

SUBJECT: **POLICY STATEMENT FOR THE SPRING HILL JERSEY CHEESE, INC.
(DISCHARGER) ADMINISTRATIVE CIVIL LIABILITY COMPLAINT (ACLC)
R1-2014-0054**

On January 19, 2012, the North Coast Regional Water Quality Control Board (Regional Board) adopted the following three Orders:

- Order No. R1-2012-0001, General NPDES No. CAG011001
- Order No. R1-2012-0002, General Waste Discharge Requirements (GWDR)
- Order No. R1-2012-0003, Conditional Waiver of Waste Discharge Requirements (Waiver)

These three Orders (permits) comprise the Dairy and Concentrated Animal Feeding Operations Regulatory Program (Dairy Program) for the North Coast Region. The North Coast Regional Water Board and its staff developed the Dairy Program to prevent the degradation of water quality which can be caused by discharges and other activities at milk cow dairies. The three Dairy Program permits regulate the management of process water, manure, and other dairy organic materials, including the application of wastes to cropland, all of which are activities that can critically affect the quality of surface waters and groundwater. All cow dairies in the Region must be enrolled under and comply with one of the three permits.

The permits contain a set of waste discharge requirements that apply to owners and operators of existing milk cow dairies and a Monitoring and Reporting Program (MRP). Dairies enrolled for coverage under the GWDR and corresponding MRP are required to complete the following tasks:

- Prepare and submit Annual Reports to the Regional Water Board
- Prepare and implement a Waste Management Plan (WMP) for the production area
- Prepare and implement a Nutrient Management Plan (NMP) for land application of wastes.

At present, there are 126 dairies enrolled for coverage in the North Coast Region's Dairy Program. Spring Hill Jersey Cheese, Inc. is enrolled for coverage under the GWDR and, to date, is the only dairy enrolled under the GWDR that has failed to develop and implement a

complete WMP and NMP. Additionally, Spring Hill Jersey Cheese, Inc. has not completed its Annual Reports for either 2012 or 2013.

Annual Report

The purpose of the Annual Report is to provide updates to the Regional Board using photographs, monitoring data and narrative text on new management practices and to demonstrate the effectiveness of existing management practices. The Annual Report provides critical documentation from which the Regional Board can assess if, and to what extent, a dairy is complying with permit requirements. Annual Report submittal, thus, provides the Regional Water Board with an opportunity to review and comment on a dairy's management practices, which, in turn provides dairy owners and operators with an opportunity to address facility issues and permit requirements.

Waste Management Plan

Owners and operators of facilities enrolled under the GWDRs are required to develop a WMP to regulate practices in a dairy's production area including, but not limited to, the milk parlor, corrals, barns, feed storage area, compost manure ponds and dry manure storage areas. The development and implementation of a WMP is necessary to ensure that a dairy is designed, constructed, operated and maintained so that the wastes, nutrients, and contaminants generated by a facility are managed in order to prevent adverse impacts to surface water and groundwater quality.

Nutrient Management Plan

Owners and operators of facilities enrolled under the GWDRs are required to develop a NMP to ensure, in part, that manure and process waters are not applied to land for the purpose of land disposal, and manure and process water that are wastes are disposed at an appropriate permitted disposal facility. The development and implementation of a NMP is necessary to identify dairy management practices that minimize adverse impacts to surface water and groundwater that may be caused by runoff and leaching from land application areas. In developing and implementing a NMP, which is specific for each dairy, owners and operators must take into consideration crops, soil types, climate, local conditions, and all nutrient sources and the non-nutrient salts that are applied to each field.

The documents described above are key elements of the North Coast Regional Water Board's Dairy Program, and provide the method by which Regional Water Board staff evaluates permit compliance. Without preparation and submittal of the Annual Reports, and without development and implementation of a NMP and WMP, owners and operators, as well as the Regional Board lack information that is critical to the integrity of the regulatory program. This stymies the Regional Board's efforts to prevent the degradation of water quality, and hinders its ability to determine whether a particular dairy operation is contributing to surface and groundwater degradation.

Sincerely,



for David F. Leland, P.E.
Assistant Executive Officer

141015_SpringHillPolicyStatement

cc: Larry Peter springhillcheese@yahoo.com 621 Western Avenue, Petaluma, CA 94952
Michael Brook mbrooklaw@gmail.com

Attachment B

Administrative Civil Liability Complaint R1-2014-0054

B.1

ACLC with Attachments A and B

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION

Administrative Civil Liability Complaint R1-2014-0054

In the Matter of

Spring Hill Jersey Cheese, Inc.
WDID No. 1B12013DSO

Sonoma County

This Complaint is issued to Spring Hill Jersey Cheese, Inc. (hereafter Discharger) pursuant to California Water Code (Water Code) section 13323. This Complaint is based on allegations that the Discharger violated provisions of the General Waste Discharge Requirements Order for Existing Cow Dairies in the North Coast Region, Order R1-2012-0002.

The Assistant Executive Officer of the Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board) alleges, with respect to the Discharger's acts, or failure to act, the following:

1. Discharger owns and operates the Spring Hill Jersey Dairy (Dairy) located at 4235 Spring Hill Road Petaluma, Sonoma County.
2. Mr. Larry Peter is the principal of Spring Hill Jersey Cheese, Inc. and owns the real property located at 4235 Spring Hill Road, Petaluma, Sonoma County.
3. The Dairy is an organic milking operation that maintains approximately 280 milking and dry cows, 100 heifers, and 40 calves on 600 acres of pasture. Dairy facilities consist of small buildings, milk barn, pit, two ponds (North and South), calf hutches, pastures, commodity, silage, and manure storage areas.
4. Dairy operations include the daily management associated with caring for, feeding and milking cows, as well as handling, storing, and disposing of wastes. Dairy wastes include process water, manure, and other organic materials. Other wastes handled separately include medicines, pesticides, chemicals for cleaning, and fertilizers.
5. The Dairy is located in the Bodega Hydrologic Unit, Estero de San Antonio Hydrologic Area. Stemple Creek and the Estero de San Antonio watershed are considered waters of the State and of the United States. The Regional Water Board and the U.S. Environmental Protection Agency (EPA) have listed these watersheds under Clean Water Act section 303, subdivision (d), as impaired for nutrients and sediment. A Stemple Creek tributary flows through the Dairy's northern pastures approximately 0.2 miles northwest of the Dairy's North Pond. Also, another tributary of Stemple Creek flows directly adjacent to the Dairy property.

6. On January 19, 2012, the North Coast Water Board adopted the General Waste Discharge Requirements Order for Existing Cow Dairies in the North Coast Region, Order R1-2012-0002 (hereafter General Order). A Monitoring and Reporting Program (hereinafter MRP) accompanies the General Order. The General Order is a set of general waste discharge requirements that apply to owners and operators of existing milk cow dairies. It became effective on January 19, 2012. The General Order and the MRP contain reporting requirements for dairies regulated by the General Order.
7. On February 14, 2012, the Superior Court of California, County of Sonoma, adopted a Final Judgment and Permanent Injunction Pursuant to Stipulation between Mr. Larry Peter and the Sonoma County District Attorney. The judgment ordered Mr. Larry Peter to enroll in the Regional Water Board's dairy waste program, and to comply with that program's requirements and with the directives of the Regional Water Board. The judgment also prohibited Mr. Larry Peter from unlawfully depositing into the waters of the state materials deleterious to fish, plant life, mammals, or bird life.
8. On March 27, 2012, Regional Water Board staff conducted a site assessment at the Dairy, which revealed that the Dairy did not have a Nutrient Management Plan (NMP). The General Order and MRP require that the Discharger prepare and implement a Waste Management Plan (WMP) for the production area and a NMP for land application by January 19, 2013, and that those plans be available to Regional Water Board staff at inspections or upon request.
9. On April 17, 2012, Regional Water Board staff received a Notice of Intent for coverage of the Dairy under the General Order. On May 7, 2012, Regional Water Board Staff sent the Discharger a letter notifying it of enrollment under the General Order.
10. In April, June, and September 2012, representatives of the California Dairy Quality Assurance Program conducted workshops educating local dairy operators about the new requirements of the Regional Water Board's Dairy Program including those requirements under the General Order. The Discharger's representative attended workshops that included discussions about the requirement for submittal of an Annual Report due on November 30, 2012.
11. On December 4, 2012, the Discharger informed the Regional Water Board via email that its 2012 Annual Report would be submitted soon, and that the Southern Sonoma Resource Conservation District had just completed the maps for the Dairy. To date, a complete 2012 Annual Report has not been submitted.
12. On March 8, 2013, the Regional Water Board issued a Notice of Violation (NOV) to the Discharger for failing to submit a 2012 Annual Report by November 30, 2012, as required by the General Order. In that NOV, Regional Water Board staff also alerted the Discharger that staff was planning a site inspection to ensure that the Dairy was

in compliance with the General Order, including the WMP and NMP implementation requirements.

13. On August 29, 2013, Regional Water Board staff met onsite with attorney Michael Brook and organic consultant Mark Chass, both representing the Dairy, to inspect the Dairy and to help the representatives fill out the 2012 Annual Report. At that inspection, Regional Water Board staff asked to see the NMP and WMP. Dairy representatives admitted to Regional Water Board staff that the WMP and NMP were not complete and that representatives were not able to furnish those plans upon request at that time. Regional Water Board staff reviewed and helped Dairy representatives to fill in the Annual Report form item by item. Dairy representatives did not, however, finalize or submit the 2012 Annual Report at that meeting.
14. In September 2013, the California Dairy Quality Assurance Program mailed a flyer to all cow dairy producers in the North Coast Region informing them of an upcoming workshop in Rohnert Park, CA, on October 10, 2013, to help them fill out their Regional Water Board permit Annual Reports as due to the Regional Water Board by November 30, 2013. On November 25, 2013, the Regional Water Board sent all cow dairies a general letter reminding them of the dairy program requirement to submit an Annual Report by November 30, 2013. To date, the Discharger has not submitted a complete 2013 Annual Report.
15. On March 5, 2014, the Assistant Executive Officer of the Regional Water Board, issued a letter to the Discharger requesting that it furnish a NMP and WMP pursuant to the General Order. April 5, 2014, was listed as the deadline for submitting those documents.
16. On March 25, 2014, the Assistant Executive Officer of the Regional Water Board issued Administrative Civil Liability Complaint (ACLC) R1-2014-0022 to Spring Hill Jersey Cheese, Inc. pursuant to California Water Code (Water Code) section 13323, which was based on allegations that the Discharger violated provisions of the General Order by failing to submit annual reports for 2012 and 2013.
17. On April 17, 2014, the Regional Water Board agreed to extend the submittal date for the NMP and WMP until May 14, 2014 per a phone call with Dairy attorney Michael Brook. That agreement was memorialized in a letter issued to Mr. Larry Peter on April 25, 2014.
18. On April 23, 2014, Spring Hill Jersey Cheese, Inc. emailed the Regional Water Board a signed form waiving its right to a hearing within 90 days for ACLC R1-2014-0022, and indicating that it intended to engage in settlement negotiations.
19. On May 14, 2014, Spring Hill Jersey Cheese, Inc. representatives submitted to the Regional Water Board a partially completed 2013 Annual Report, which noted the following incomplete items: (a) Groundwater sampling data was not available, as groundwater sampling had not been conducted; (b) Photographs of best

management practices such as cleaned manure ponds were missing from the Annual Report, and; (c) Surface water sampling results or receipts showing paid membership of group monitoring that would cover the time period for the Annual Reports were not attached.

20. On May 27, 2014, Larry Peter and Michael Brook met with Regional Water Board staff to discuss a possible settlement of ACLC R1-2014-0022 and the Dairy's continuing responsibilities under the General Order. At that time, the total violations alleged against the Dairy included: (a) A violation for failing to submit the Dairy's 2012 Annual Report; (b) A second violation for failing to submit the Dairy's 2013 Annual Report, and; (c) A third violation for failing to submit the Dairy's Nutrient Management Plan (NMP) and Waste Management Plan (WMP) by the agreed-upon May 14, 2014, deadline.

STATEMENT OF STATUTORY AUTHORITY

21. An administrative civil liability may be imposed pursuant to the procedures described in Water Code section 13323. An administrative civil liability complaint alleges the act or failure to act that constitutes a violation of law, the provision of law authorizing administrative civil liability to be imposed, and the proposed administrative civil liability.
22. Pursuant to Water Code section 13267, subdivision (b), a regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region..., shall furnish, under penalty of perjury, technical or monitoring program reports which the regional 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 regional 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.
23. Pursuant to Water Code section 13268, subdivision (a), any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of section 13267, or failing or refusing to furnish a statement of compliance as required by subdivision (b) of section 13399.2, or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).
24. Pursuant to Water Code section 13268, subdivision (b), paragraph (1), civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with section 13323) of Chapter 5 for a violation or subdivision (a) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

25. The Discharger is alleged to have violated the following sections of the General Order and MRP.

- a. Provision 29 on page 6 of the General Order, which states:

“Pursuant to CWC [California Water Code] Section 13267, a MRP is attached to this Order. Monitoring must be consistent with the dairy’s WMP and NMP. The Discharger shall submit all reports as specified in the MRP.”

- b. Provision 30 on page 6 of the General Order, which states:

“Reporting of efforts implemented to achieve sustained water quality protection is required in an Annual Report (MRP Appendix 3, Annual Report) that is due to the Regional Board by November 30 each year.”

- c. Provision III. D. of the MRP, which states:

“The Discharger shall submit an Annual Report to the Regional Water Board by November 30 of each year starting in 2012. The reporting period is November 1 through October 31. A copy of each Annual Report shall be kept at the facility and be made available for review by Regional Water Board staff during inspections.”

- d. Provision 40 on page 13 of the General Order, which states:

“The Discharger shall maintain a copy of this Order, the WMP, the NMP, and the MRP required documentation, and make them available at all times to site-operating personnel. The Discharger shall ensure that all site-operating personnel are familiar with the content of these documents and help to carry out the water quality protection measures.”

- e. Provision 42 on page 14 of the General Order, which states:

“The Discharger shall create, maintain for five years, and make available to the Regional Water Board during inspections and upon request by the Regional Water Board staff, any reports or records required by this Order including those required under the MRP, WMP, or NMP.”

- f. Provision III. B. of the MRP, which states:

“Waste Management Plan (WMP) - see MRP Appendix 1. The WMP must be prepared and implemented within one (1) year of Order adoption by the Regional Water Board (by January 19, 2013). A copy of the WMP must be kept on the dairy site and made available for review by Regional

Water Board staff during inspections and upon request by the Regional Water Board staff.”

g. Provision III. C. of the MRP, which states:

“Nutrient Management Plan (NMP) – see MRP Appendix 2. The NMP must be prepared and implemented as described in the Order. Large Concentrated Animal Feeding Operations (CAFOs) must implement an NMP prior to enrolling under the GWDR. Other dairies must prepare and implement the NMP within one (1) year of Order adoption by the Regional Water Board (i.e. by January 19, 2013). A copy of the NMP must be kept on the dairy site and made available for review by Regional Water Board staff during inspections and upon request by Regional Water Board staff.”

SUMMARY OF ALLEGED VIOLATIONS

26. Violation No. 1: The Discharger failed to submit an Annual Report for 2012 by November 30, 2012, as required by the General Order and the MRP. As of the date of ACLC R1-2014-0022 that report was 479 days late.
27. Violation No. 2: The Discharger failed to submit an Annual Report for 2013 by November 30, 2013, as required by the General Order and the MRP. As of the date of ACLC R1-2014-0022, that report was 114 days late.
28. Violation No. 3: The Discharger failed to furnish a NMP and WMP for the Dairy upon request by the May 14, 2014 deadline established by Regional Water Board staff. As of the date of this Complaint, those reports are now 120 days late.

FACTORS CONSIDERED IN DETERMINING ADMINISTRATIVE CIVIL LIABILITY

29. On November 17, 2010, the State Water Board adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on May 20, 2010. The Enforcement Policy establishes a methodology for assessing administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing a civil liability. This policy can be found at:
http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf
30. The administrative civil liability was derived from the use of the penalty methodology in the Enforcement Policy. The proposed civil liability takes into account such factors as the Discharger’s culpability, history of violations, ability to pay and continue in business, and other factors as justice may require.

31. The required factors have been considered using the methodology in the Enforcement Policy, as explained in detail in Attachment A which is hereby incorporated by reference.
32. Minimum Civil Liability: Pursuant to the Enforcement Policy, civil liability, at a minimum, must be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation plus ten percent. The economic benefit is calculated to be approximately \$7,112. The minimum civil liability which must be assessed pursuant to the Enforcement Policy is \$7,823.
33. Maximum Civil Liability: The maximum penalty for the violations is \$713,000 based on a calculation of the total number of per-day violations times the statutory maximum penalty (479 + 114 + 120 total days of violation X \$1000).

PROPOSED ADMINISTRATIVE CIVIL LIABILITY

As described above, the maximum penalty for the violations is \$713,000. Based on consideration of the above facts, after applying the penalty methodology, and considering the Discharger's ability to pay, the Assistant Executive Officer of the Regional Water Board proposes that civil liability be imposed administratively on the Discharger in the amount of **thirty-seven thousand one hundred and twenty-five dollars (\$37,125)** for the three violations cited above. The specific factors considered in this penalty are detailed in Attachment A.

THE DISCHARGER IS HEREBY GIVEN NOTICE THAT:

1. The Assistant Executive Officer of the Regional Water Board proposes that the Discharger be assessed an Administrative Civil Liability in the amount of **thirty-seven thousand one hundred and twenty-five dollars (\$37,125)**.
2. A hearing on this matter will be conducted at the Regional Water Board meeting scheduled on November 20, 2014, unless one of the following occurs by October 9, 2014:
 - a. The Discharger waives the hearing by completing the attached form (checking the box next to Option #1) and returning it to the Regional Water Board, along with payment for the proposed civil liability of **thirty-seven thousand one hundred and twenty-five dollars (\$37,125)**; or
 - b. The Discharger requests to postpone the hearing by completing the attached form (checking the box next to Option #2) and returning it to the Regional Water Board along with a letter describing the necessity for the postponement. It remains within the discretion of the Regional Water Board to approve the extension.

3. If the Regional Water Board holds a hearing, it may choose to impose an administrative civil liability in the amount proposed or for a different amount, decline to seek civil liability, or refer the matter to the Attorney General to have a Superior Court consider enforcement. If this matter proceeds to hearing, the Prosecution Team reserves the right to seek an increase in the civil liability amount to cover the costs of enforcement incurred subsequent to the issuance of this Complaint through hearing.
4. There are no statutes of limitations that apply to administrative proceedings. The statutes of limitations that refer to “actions” and “special proceedings” and are contained in the California Code of Civil Procedure apply to judicial proceedings, not an administrative proceeding. See *City of Oakland v. Public Employees’ Retirement System* (2002) 95 Cal. App. 4th 29, 48; 3 *Witkin, Cal. Procedure* (4th ed. 1996) Actions, §405(2), p. 510.)
5. Notwithstanding the issuance of this Complaint, the Regional Water Board retains the authority to assess additional penalties for violations of the requirements of the Discharger’s waste discharge requirements for which penalties have not yet been assessed or for violations that may subsequently occur.
6. Issuance of this Complaint is an enforcement action and is therefore exempt from the provisions of the California Environmental Quality Act (Pub. Res. Code § 21000 et seq.) pursuant to title 14, California Code of Regulations sections 15308 and 15321 subsection (a) (2).
7. Payment of the assessed liability amount does not absolve the Discharger from complying with the General Order or the MRP, the terms of which remain in effect. Additional civil liability may be assessed in the future if the Discharger fails to comply with the General Order, the MRP, and/or future orders issued by the Regional Board.

Original Signed By

David F. Leland, P.E.
Assistant Executive Officer
Regional Water Board Prosecution Team

September 11, 2014

14_0054_Spring_Hill_ACLC

Attachment A – ACL Complaint No. R1-2014-0054
Specific Factors Considered – Civil Liability
Spring Hill Jersey Cheese, Inc. (Complaint)

Each factor of the Enforcement Policy and its corresponding score for each violation are presented below:

Violation No. 1 (Failure to submit 2012 Annual Report): In accordance with General Waste Discharge Requirements Order for Existing Cow Dairies in the North Coast Region (General Order), Order R1-2012-0002, a 2012 Annual Report must be submitted for regulated facilities by November 30, 2012. To date, Spring Hill Jersey Cheese, Inc. (Discharger) has not submitted that report.

Calculation of Penalty for Failure to Submit 2012 Annual Report

Step 1. Potential for Harm for Discharge Violations

This step is not applicable because the violation is a not a discharge violation.

Step 2. Assessment for Discharge Violations

This step is not applicable because the violation is a not a discharge violation.

Step 3. Per Day Assessment for Non-Discharge Violations

The per day factor is 0.35.

This factor is determined by a matrix analysis using the potential for harm and the deviation from requirements. The potential for harm was determined to be minor. The Annual Report is the primary mechanism used by dairies to demonstrate compliance with the General Order and implementation of the Nutrient Management Plan and Waste Management Plan. The failure to submit the required technical report undermines the Regional Water Board's efforts to prevent water quality degradation and to implement the regulatory protection measures detailed in the General Order. However, the failure to turn in the 2012 Annual Report, alone, poses a low threat to beneficial uses. The deviation from requirements was determined to be major, as the requirement to submit technical reports has been rendered ineffective.

Initial Liability

The failure to submit a 2012 Annual Report is punishable under Water Code section 13268, subdivision (b), paragraph (1), by civil liability in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which a violation occurs. The Discharger failed to submit an Annual Report for 2012 by November 30, 2012, as required by the General Order and the Monitoring and Reporting Program (MRP). That Annual Report was 479 days late as of March 25, 2014, the date that ACLC R1-2014-0022 was issued.

However, the alternative approach for calculating liability for multiday violations in the Enforcement Policy is applicable. The failure to submit required technical reports does not cause a daily detrimental impact to the environment or the regulatory program and it does not result in an economic benefit that can be measured on a daily basis. Furthermore, the Discharger only receives an economic benefit by not submitting the required technical reports, and not a per-day benefit during the entire period of violation.

Applying the per-day factor to the adjusted number of days of violation rounded to the nearest full day equals 21 days of violation. A calculation of initial liability totals seven thousand three hundred- fifty dollars (\$7,350) (0.35 per day factor X 21 adjusted days of violation X \$1,000 per day penalty).

Step 4. Adjustment Factors

a) *Culpability: 1.5*

Discussion: The Discharger was given the score of 1.5. The Discharger is fully responsible for the failure to submit the 2012 Annual Report alleged in this Complaint. The requirement to submit an Annual Report was detailed in the General Order. In addition, the Discharger was issued a Notice of Violation on March 8, 2013, which requested that the report be submitted as soon as possible to minimize liability. On August 29, 2013, North Coast Water Board staff, performing a site inspection at Spring Hill Dairy, attempted to assist the Discharger in filling out the Annual Report line-by-line to help achieve compliance. Since that time, the Discharger has still failed to submit the 2012 Annual Report, and is therefore highly culpable for its failure to comply with the program.

b) *Cleanup and Cooperation: 1*

Discussion: Despite the fact that the Discharger received multiple notices regarding the requirements set forth in the General Order, including notice in the General Order, workshops, and NOV, the Discharger continues to fail to comply. The Discharger has not voluntarily cooperated to return to compliance. However, the violation of Water Code section 13267, subdivision (b), alleged herein, is a non-discharge violation, and thus cleanup is not applicable. Therefore, the Discharger was given the neutral score of 1, which neither increases nor decreases the fine.

c) *History of Violations: 1*

Discussion: The Discharger was given the score of 1 which neither increases nor decreases the fine. The Regional Board has no documentation of violations for the Discharger.

Step 5. Determination of Total Base Liability Amount

The Total Base Liability is determined by applying the adjustment factors from Step 4 to the Initial Liability Amount determined in Step 2.

a) *Total Base Liability Amount: \$11,025* (Initial Liability (\$7,350) x Adjustments (1.5)(1)(1)).

Steps 6 through 10 Are Applied to the Combined Total Base Liability Amount for All Violations and Will be Discussed After the Total Base Liability Amounts Have Been Determined for the Remaining Violation.

Violation No. 2 (Failure to submit 2013 Annual Report): In accordance with General Order, a 2013 Annual Report must be submitted for regulated facilities by November 30, 2013. To date, the Discharger has not submitted a complete report.

Calculation of Penalty for Failure to Submit 2013 Annual Report

Step 1. Potential for Harm for Discharge Violations

This step is not applicable because the violation is a not a discharge violation.

Step 2. Assessment for Discharge Violations

This step is not applicable because the violation is a not a discharge violation.

Step 3. Per Day Assessment for Non-Discharge Violations

The per day factor is 0.35.

This factor is determined by a matrix analysis using the potential for harm and the deviation from requirements. The potential for harm was determined to be minor due to the following: The Annual Report is the primary mechanism used by dairies to demonstrate compliance with the General Order and implementation of the Nutrient Management Plan and Waste Management Plan. The failure to submit the required technical report undermines the Regional Board's efforts to prevent water quality degradation and implement the regulatory protection measures detailed in the General Order. However, the failure to turn in the 2013 Annual Report, alone, poses a low threat to beneficial uses. The deviation from requirements was determined to be major, as the requirement to submit technical reports has been rendered ineffective.

Initial Liability

The failure to submit an Annual Report is punishable under Water Code section 13268, subdivision (b), paragraph (1), by civil liability in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which a violation occurs. The discharger failed to submit an Annual Report for 2013 by November 30, 2013 as

required by the General Order and the MRP. That Annual Report was 114 days late as of March 25, 2014, the date that ACLC R1-2014-0022 was issued.

However, the alternative approach for calculating liability for multiday violations in the Enforcement Policy is applicable. The failure to submit required technical reports does not cause a daily detrimental impact to the environment or the regulatory program and it does not result in an economic benefit that can be measured on a daily basis. Furthermore, the Discharger only receives an economic benefit by not submitting the required technical reports, and not a per-day benefit during the entire period of violation.

Applying the per-day factor to the adjusted number of days of violation rounded to the nearest full day equals 9 days of violation. A calculation of initial liability totals \$3,150 (0.35 per day factor X 9 adjusted days of violation X \$1,000 per day penalty).

Step 4. Adjustment Factors

a) *Culpability: 1.5*

Discussion: The Discharger was given the score of 1.5, which increases the fine. The Discharger is fully responsible for the failure to submit the 2013 Annual Report alleged in this Complaint. The requirement to submit a 2013 Annual Report was detailed in the 2012 General Order, and was discussed in outreach and education efforts. The North Coast Water Board staff has attempted to help the Discharger achieve compliance with regard to the filing of Annual Reports. Despite those efforts, the Discharger continues to ignore the requirements of the General Order. Therefore, the Discharger is highly culpable for its failure to comply with the program.

b) *Cleanup and Cooperation: 1*

Discussion: Despite the fact that the Discharger received multiple notices regarding the requirements set forth in the General Order, including notice in the General Order, workshops, and NOV, the Discharger continues to fail to fully comply. While the Discharger attempted to submit a 2013 Annual Report following issuance of ACLC R1-2014-0022, significant portions of that Annual Report were still missing. The violation of Water Code section 13267, subdivision (b), alleged herein, is a non-discharge violation, and thus cleanup is not applicable. Based on these facts, the Discharger was given the neutral score of 1, which neither increases nor decreases the fine.

c) *History of Violations: 1*

Discussion: The Discharger was given the score of 1 which neither increases nor decreases the fine. The Regional Board has no documentation of violations for the Discharger.

Step 5. Determination of Total Base Liability Amount

The Total Base Liability is determined by applying the adjustment factors from Step 4 to the Initial Liability Amount determined in Step 2.

- a) *Total Base Liability Amount: \$4,725* (Initial Liability (\$3,150) x Adjustments (1.5)(1)(1)).

Violation No. 3 (Failure to submit Nutrient Management Plan (NMP) and Waste Management Plan (WMP)): In accordance with General Waste Discharge Requirements Order for Existing Cow Dairies in the North Coast Region (General Order), Order R1-2012-0002, a NMP and WMP must be prepared, implemented, and made available for review by Regional Water Board staff during inspections and upon request by staff. To date, the Discharger has not furnished those reports after being requested to do so.

Calculation of Penalty for Failure to Submit NMP and WMP

Step 1. Potential for Harm for Discharge Violations

This step is not applicable because the violation is a not a discharge violation.

Step 2. Assessment for Discharge Violations

This step is not applicable because the violation is a not a discharge violation.

Step 3. Per Day Assessment for Non-Discharge Violations

The per day factor is 0.35.

This factor is determined by a matrix analysis using the potential for harm and the deviation from requirements. The potential for harm was determined to be minor. The WMP and NMP are intended to help ensure that the Dairy is designed, constructed, operated and maintained so that wastes generated are managed to prevent conditions of nuisance or adverse impacts to groundwater and surface water. The failure to submit the required technical reports undermines the Regional Water Board's efforts to prevent water quality degradation and to implement the regulatory protection measures detailed in the General Order. However, the failure to turn in the NMP and WMP, alone, poses a low threat to beneficial uses. The deviation from requirements was determined to be major, as the requirement to submit technical reports has been rendered ineffective.

Initial Liability

The failure to submit a WMP or NMP is punishable under Water Code section 13268, subdivision (b), paragraph (1), by civil liability in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which a violation occurs. The Discharger failed to submit a WMP and NMP by the May 14, 2014

deadline that was established in the Regional Water Board staff's request letter. The NMP and WMP are now 120 days late.

However, the alternative approach for calculating liability for multiday violations in the Enforcement Policy is applicable. The failure to submit required technical reports does not cause a daily detrimental impact to the environment or the regulatory program and it does not result in an economic benefit that can be measured on a daily basis. Furthermore, the Discharger only receives an economic benefit by not submitting the required technical reports, and not a per-day benefit during the entire period of violation.

Applying the per-day factor to the adjusted number of days of violation rounded to the nearest full day equals 10 days of violation. A calculation of initial liability totals three thousand one hundred- fifty dollars (\$3,500) (0.35 per day factor x 10 adjusted days of violation x \$1,000 per day penalty).

Step 4. Adjustment Factors

d) *Culpability*: 1.5

Discussion: The Discharger was given the score of 1.5. The Discharger is fully responsible for the failure to submit the WMP and NMP alleged in the Complaint. The requirement that the Dairy prepare and implement the NMP and WMP was detailed in the General Order. The Discharger was issued a letter on March 5, 2014, which requested that the NMP and WMP be submitted to Regional Water Board staff and described the potential consequences associated with failing to furnish those reports. To date, the Discharger has failed to furnish the NMP and WMP, and is therefore highly culpable for its failure to comply with the program.

e) *Cleanup and Cooperation: 1.5*

Discussion: On March 5, 2014, the Assistant Executive Officer of the Regional Water Board issued a letter to Spring Hill Jersey Cheese, Inc. requesting that it furnish a NMP and WMP by April 5, 2014. Upon the Discharger's request, the Assistant Executive Officer agreed to extend that due date until May 14, 2014. Despite the extension, the Discharger failed to submit the plans. On May 27, 2014, the Regional Water Board staff met with the Discharger to discuss the requirements set forth in the General Order, including the WMP and NMP requirements. However, following that meeting, the Discharger did not take the necessary steps to come into compliance. The Discharger exhibited a significant lack of cooperation despite the Regional Water Board staff's numerous attempts to accommodate the Discharger. Thus, a score of 1.5, which increases the fine, has been applied.

f) *History of Violations: 1*

Discussion: The Discharger was given the score of 1 which neither increases nor decreases the fine. The Regional Board has no documentation of violations for the Discharger.

Step 5. Determination of Total Base Liability Amount

The Total Base Liability is determined by applying the adjustment factors from Step 4 to the Initial Liability Amount determined in Step 2.

b) *Total Base Liability Amount: \$7,875* (Initial Liability (\$3,500) x Adjustments (1.5)(1.5)(1)).

COMBINED TOTAL BASE LIABILITY AND FACTORS APPLIED TO ALL VIOLATIONS

The Combined Total Base Liability Amount for the three violations is \$23,625 (\$11,025 + \$4,725 + \$7,875).

The following factors apply to the combined Total Base Liability Amounts for all of the violations discussed above.

Step 6. Ability to Pay and Continue in Business

a) *Adjusted Combined Total Base Liability Amount: \$23,625*

Discussion: The Discharger has the ability to pay the total base liability amount based on: 1) the Discharger owns the dairy and creamery, which are significant assets, and 2) the Discharger operates a dairy, an ongoing business that generates profits.

Additionally, Spring Hill Jersey Cheese, Inc. owns APN 008-032-009, which has a net assessment of \$7,453,950 and APN 008-031-015, which has a net assessment of \$1,120,028. According to a news article linked to the Discharger's website¹, the Discharger employs 50 people and generates \$212 million a year in sales.

Based on the reasons discussed above, an ability to pay factor of 1 has been applied to the Combined Total Base Liability Amount.

Step 7. Other Factors as Justice May Require

- a) *Adjusted Combined Total Base Liability Amount:* \$23,625 + \$13,500 (staff costs) = **\$37,125.**
- b) *Discussion:* The State and Regional Water Board has incurred \$13,500 in staff costs associated with the investigation and enforcement of the violations alleged herein. This represents approximately 90 hours of staff time devoted to investigating the violations, drafting the Notice of Violation, attending settlement meetings, and drafting the Complaints at \$150 an hour. In accordance with the Enforcement Policy, this amount is added to the Combined Total Base Liability Amount.

Step 8. Economic Benefit

- a) *Estimated Economic Benefit:* **\$7,112**

Discussion: The Enforcement Policy provides that the economic benefit of noncompliance should be calculated using the United States Environmental Protection Agency's (US EPA) Economic Benefit Model (BEN) penalty and financial modeling program. BEN calculates a discharger's monetary interest earned from delaying or avoiding compliance with environmental statutes. The Discharger has received an economic benefit from the costs saved in not drafting and preparing the Annual Reports and the WMP and NMP. This is based on the current consulting costs of producing two Annual Reports, which is estimated at \$800 each, and the cost of preparing both a NMP and a WMP, which is estimated at \$10,000. Applying the BEN to these costs, the economic benefit realized by the Discharger is estimated at \$7112, as shown in Attachment B.

Step 9. Maximum and Minimum Liability Amounts

- a) *Minimum Liability Amount:* **\$7,823**

¹ See "For Petaluma Creamery, the Future Lies in Burritos," available at <http://patch.com/california/petaluma/for-petaluma-creamery-the-future-lies-in-burritos>, accessed 8-25-14, linked to <http://www.springhillcheese.com/>.

Discussion: Pursuant to the Enforcement Policy, civil liability, at a minimum, must be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation plus ten percent. The economic benefit is calculated to be approximately \$7,112. The minimum civil liability which must be assessed pursuant to the Enforcement Policy is \$7,823.

b) *Maximum Liability Amount: \$713,000*

Discussion: The maximum administrative liability amount is the maximum amount allowed by Water Code section 13268, subdivision (b), paragraph (1): one thousand dollars (\$1,000) for each day in which the violation occurs. Without the benefit of the alternative approach for calculating liability for multiday violations under the Enforcement Policy, the Discharger could face penalties for the total number of days in violation (713 total days X \$1,000 per day).

The proposed liability falls within these maximum and minimum liability amounts.

Step 10. Final Liability Amount

Based on the foregoing analysis, and consistent with the Enforcement Policy, the final liability amount proposed for the failure to submit the 2012 and 2013 Annual Reports and the WMP and NMP is **\$37,125**.

Attachment B

Spring Hill Jersey Cheese Inc.

Compliance Action (Determine the actions required to comply or to prevent the violation)	One-Time Nondepreciable Expenditure			Annual Cost		Non-Compliance Date	Compliance Date	Penalty Payment Date	Benefit of Noncompliance
	Amount	Date ¹	Delayed? ²	Amount	Date ¹				
2012 Annual Report	\$800	8/14/2014	n	\$0	1/1/2014	11/30/2012	11/20/2014	11/20/2014	\$518
2013 Annual Report	\$800	8/14/2014	n	\$0	1/1/2014	11/30/2013	11/20/2014	11/20/2014	\$497
WMP/NMP Preparation	\$10,000	8/14/2014	n	\$0	1/1/2014	5/14/2014	11/20/2014	11/20/2014	\$6,098
Totals	\$11,600			\$0					\$7,112

Cost Index for Inflation: ECI ECI user must link data Date of run: 8/18/2014 14:14

Income Tax Schedule: For-Profit (not C-Corp.)

Discount/Compound Rate: 6.6%

Source: USEPA BEN Model: Version 5.4.0 Status:

Analyst: G Horner

¹ Date of the cost estimate.

² Enter "y" if delayed, and "n" if avoided.

Attachment B

Administrative Civil Liability Complaint R1-2014-0054

B.2

Transmittal Letter (9/11/2014)

North Coast Regional Water Quality Control Board

September 11, 2014

Mr. Larry Peter
Spring Hill Jersey Cheese, Inc.
621 Western Avenue
Petaluma, CA 94952

Dear Mr. Peter:

Subject: Administrative Civil Liability Complaint R1-2014-0054 for Spring Hill Jersey Cheese, Inc. (Owner and Operator) of the Dairy located at 4235 Spring Hill Road, Petaluma, CA 94952

File: Spring Hill Jersey Cheese, Inc., WDID No. 1B12013DSON, Dairy Files

By way of this letter, the Regional Water Quality Control Board, North Coast Region (Regional Water Board) rescinds Administrative Civil Liability Complaint R1-2014-0022 and issues the attached Administrative Civil Liability Complaint (Complaint), pursuant to California Water Code section 13323. The Complaint proposes to assess Spring Hill Jersey Cheese, Inc. with civil liability in the amount of **thirty-seven thousand one hundred and twenty-five dollars (\$37,125)**, pursuant to Water Code section 13268, for violations of the General Waste Discharge Requirements Order No. R1-2012-0002 for Existing Cow Dairies in the North Coast Region (General Order), which was issued by the Regional Water Board on January 19, 2012. The proposed penalty is based on a consideration of the failure to submit Annual Reports, a Waste Management Plan, and Nutrient Management Plan, pursuant to Water Code section 13267, subdivision (b).

In response to the Complaint, the Discharger may:

1. Pay the proposed civil liability and waive its right to a hearing before the Regional Water Board by signing the enclosed waiver (checking the box next to Option #1) and submitting it to this office by October 9, 2014, along with payment for the full amount;
2. Waive its right to a 90-day hearing in order to extend the hearing deadlines by signing the enclosed waiver (checking box next to Option #2) and submitting it to this office by October 9, 2014.

If the Discharger would like to rebut the presumption in the Complaint regarding **an ability to pay the proposed liability**, it must submit detailed financial information to the Regional Water Board October 9, 2014. That information must include a balance sheet of

outstanding debts and liabilities (see attached), as well as the information detailed on the attached Administrative Civil Liability Fact Sheet (attached).

If the Regional Water Board does not receive a signed waiver and payment by **October 9, 2014**, then a hearing on this matter will be scheduled for the **November 20, 2014** regular meeting of the Regional Water Board to be held at 5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403. If a hearing on this matter is held, the Regional Water Board will consider whether to issue, reject, or modify an Administrative Civil Liability Order based on the enclosed Complaint, or whether to refer the matter to the Attorney General for recovery of judicial civil liability. Modification of the proposed Administrative Civil Liability Order may include increasing the dollar amount of the proposed civil liability. Specific notice about this hearing and its procedures will be provided under separate cover.

Payment of this proposed civil liability of **thirty-seven thousand one hundred and twenty-five dollars (\$37,125)** does not absolve the Discharger from complying with the General Order, the terms of which remain in effect. Additional civil liability may be assessed in the future if the Discharger fails to comply with the General Order.

If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Cherie Blatt at (707) 576-2755.

Sincerely,

Original Signed By

David F. Leland, P.E.
Assistant Executive Officer
Regional Water Board Prosecution Team

140911_DSH_ef_SpringHillJerseyCheese_ACLC_TransmittalLtr

Enclosures: Administrative Civil Liability Complaint R1-2014-0054
Waiver of 90-day Hearing
Attachment A – Specific Factors Considered
Notice of Public Hearing and Proposed Hearing Procedures
Fact Sheet

Certified-Return Receipt Requested

cc: Naomi Kaplowitz, OE, Naomi.Kaplowitz@waterboards.ca.gov
Diana Henriouille, NCRWQCB, Diana.Henriouille@waterboards.ca.gov
Cherie Blatt, NCRWQCB, Cherie.Blatt@waterboards.ca.gov
Cecil Morris, NRCWQCB, Cecile.Morris@waterboards.ca.gov
David Boyers, OE, David.Boyers@waterboards.ca.gov
Samantha Olson, OCC, Samantha.Olson@waterboards.ca.gov

Attachment B

Administrative Civil Liability Complaint R1-2014-0054

B.3 Hearing Notice

North Coast Regional Water Quality Control Board

NOTICE OF PUBLIC HEARING AND PROPOSED HEARING PROCEDURES
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT
R1-2014-0054

ISSUED TO
Spring Hill Jersey Cheese, Inc.
WDID No. 1B12013DSON

Sonoma County

SCHEDULED FOR NOVEMBER 20, 2014

Overview

On September 11, 2014, the Assistant Executive Officer of the North Coast Regional Water Quality Control Board (Regional Water Board) issued Administrative Civil Liability (“ACL”) Complaint No. R1-2014_0054 (“Complaint”), which replaced ACL Complaint No. R1-2014-0022. The Complaint is issued pursuant to Water Code section 13323, to Spring Hill Jersey Cheese, Incorporated (hereafter “Discharger”) for violations at the Spring Hill Jersey Dairy located at 4235 Spring Hill Road, Petaluma, Sonoma County. The Complaint alleges: (1) a violation for failing to submit an Annual Report for 2012 by November 30, 2012, as required by Discharge Requirements Order for Existing Cow Dairies in the North Coast Region, Order R1-2012-0002 (“General Order”) and the accompanying Monitoring and Reporting Program (“MRP”); (2) a violation for failing to submit an Annual Report for 2013 by November 30, 2013 as required by the General Order and MRP; and (3) a violation for failing to submit a Nutrient Management Plan and Waste Management Plan for the Dairy upon the request of Regional Water Board staff as required by the General Order and MRP. The Complaint proposes that the Regional Water Board assess discretionary penalties in the amount of thirty-seven thousand one hundred and twenty-five dollars (\$37,125) pursuant to California Water Code section 13268. A hearing is currently scheduled to be held before the North Coast Regional Water Board during its November 20, 2014 meeting.

Purpose of Hearing

At the hearing, the North Coast Regional Water Board will consider relevant evidence and testimony and decide whether to issue an ACL order assessing the proposed liability, or a higher or lower amount (up to the maximum penalty provided for by law), or reject the proposed liability. The public hearing will commence as announced in the Regional Water Board meeting agenda (typically at 8:30 a.m.), or as soon thereafter as practical. The meeting will be held at: Regional Water Board, 5550 Skylane Blvd., Suite A, Santa Rosa, California or as noticed in the meeting agenda.

An agenda for the meeting will be issued at least ten days before the meeting and posted on the Regional Water Board’s web page at:

http://www.waterboards.ca.gov/northcoast/board_decisions/tentative_orders/index.shtml

Advisory Team

To help ensure the fairness and impartiality of this proceeding, the functions of those who will act in a prosecutorial role (“Prosecution Team”) by presenting evidence for consideration by the Regional Water Board have been separated from those who will provide advice to the Regional Water Board (“Advisory Team”) prior to and during the hearing. Any members of the Advisory Team who normally supervise any members of the Prosecution Team are not acting as their supervisors in this proceeding, and vice versa. Other members of the Prosecution Team may act or have acted as advisors to the Regional Water Board in other, unrelated matters, but they are not advising the Regional Water Board in this proceeding. The Prosecution Team is subject to all applicable rules and regulations as any other party to this proceeding, including the prohibition on ex parte communications.

All submittals and communications to the Advisory Team shall be sent to:

Samantha Olson, Senior Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
(916) 327-8235
Samantha.Olson@waterboards.ca.gov

Any substantive communication to the Advisory Team must also be sent to the parties listed below.

Hearing Participation

Designated parties to the hearing may present evidence (e.g., photographs, eye-witness testimony, monitoring data), cross-examine witnesses and receive all correspondence related to the case. A person or entity that appears and presents only a policy statement is not a party and will not be allowed to make objections, offer evidence, conduct cross-examination, make legal argument or otherwise participate in the evidentiary hearing. Interested persons will not be added to the service list and will not receive copies of written testimony or exhibits from the parties, but may access hearing documents at the Regional Water Board’s website: <http://www.waterboards.ca.gov/northcoast>.

Persons who wish to participate in the hearing as a designated party may submit a request in writing (with copies to already designated parties) so that it is received by the Advisory Team no later than 5 p.m. on September 22, 2014. The request shall include a brief explanation of how the person will be affected by the potential action by the North Coast

Water Board, the person's need to present evidence and/or cross-examine witnesses, and why an already designated party will not adequately represent the person's interest. Any objection to the request must be received by the Advisory Team, all parties and the person requesting party status by 5 p.m. on September 26, 2014. The parties will be notified by 5 p.m. on October 1, 2014 whether the request has been granted or denied. If no objection is timely received, and/or Advisory Team does not otherwise make any modifications, designated party status is automatically granted. The new designated party shall be added to the list below and subject to all the requirements in this Notice. Additional persons may be designated as parties after the deadline at the discretion of the hearing officer, for good cause shown, and subject to appropriate conditions as determined by the hearing officer.

Parties are advised to read and adhere to the attached important deadlines and hearing procedures carefully. Failure to comply with the deadlines and requirements contained herein may result in the exclusion of documents and/or testimony.

Parties

Prosecution Team:

Discharger:

Naomi Kaplowitz, Staff Counsel
Office of Enforcement
State Water Resources Control Board
1001 "I" Street
Sacramento, CA 95814
(916) 341-5677
Naomi.Kaplowitz@waterboards.ca.gov

Spring Hill Jersey Cheese, Inc.
4235 Spring Hill Road
Petaluma, CA 94952

David Leland, Assistant Executive Officer
David.Leland@waterboards.ca.gov
Diana Henriouille, Senior Engineer
Diana.Henriouille@waterboards.ca.gov
Cherie Blatt, Water Resource Control
Engineer
Cherie.Blatt@waterboards.ca.gov
Regional Water Quality Control Board,
North Coast Region
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403
(707) 576-2755

Important Deadlines

All required submissions must be received by the Advisory Team by 5:00 p.m. on the due date listed. Unless otherwise specified, electronic correspondence is satisfactory. Additional paper copies of certain submittals are also required, as specified below. Parties

shall send electronic copies of all submittals to each other unless a party specifically requests paper copies.

The Advisory Team has discretion to modify the deadlines below and may schedule additional pre-hearing conferences to resolve objections or any other outstanding pre-hearing issues, if needed. Pre-hearing conferences may be held telephonically.

- | | |
|--------------------|---|
| September 11, 2014 | Prosecution Team issues ACL Complaint to Discharger(s) and sends copy to Advisory Team, posts Hearing Notice and Procedures with copies to Discharger(s) and Advisory Team. |
| September 22, 2014 | Parties Submit any Objections to Hearing Notice. |
| September 22, 2014 | Deadline to Request Designated Party Status. |
| September 26, 2014 | Parties Submit any Objections to Requests for Designated Party Status. |
| October 9, 2014 | Deadline for Discharger to Submit Signed Form Waiving Right to Hearing within 90 Days. |
| October 15, 2014 | Prosecution Team Submits Case in Chief (15 hard copies to Advisory Team). |
| October 1, 2014 | Advisory team issues decision on requests of designated party status. |
| October 21, 2014 | Remaining Designated Parties, including Discharger(s) Submit Case in Chief (15 hard copies to Advisory Team). |
| October 31, 2014 | Parties Submit Any Rebuttal Evidence and Written Rebuttal to Legal Argument, and all Evidentiary Objections (15 hard copies) |
| November 14, 2014 | Parties Submit Any Responses to Objections |
| November 20, 2014 | Adjudicatory Hearing Commences |

In the event that Parties agree to postpone the hearing to engage in settlement discussions, Prosecution Team may withdraw the Hearing Notice. The hearing officer may request that Parties appear before the Regional Water Board and provide an update on the status of the case. Prosecution Team may reissue the Hearing Notice if a hearing is still necessary. In that event, Prosecution Team shall calculate due dates as if the ACL Complaint was issued 90 days from the new hearing date. Due dates that Parties have previously met need not be extended.

General Hearing Procedures

The hearing will be conducted in accordance with the procedures for hearings set forth at California Code of Regulations, title 23, sections 648-648.8, 649.6 and 760, as they currently exist or may be amended. A copy of the current regulations and the underlying statutes governing adjudicative proceedings before the State Water Board is available upon request or may be viewed at the State Water Board's web site:

http://www.waterboards.ca.gov/laws_regulation

Unless otherwise determined by the hearing officer, each party may make an opening statement, call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even if that matter was not covered in the direct examination, impeach any witness, rebut adverse evidence, and subpoena, call and examine an adverse party or witness as if under cross-examination. At the discretion of the hearing officer, parties may also be afforded the opportunity to present closing statements or submit briefs. The Regional Water Board encourages parties with common interests to work together to make the hearing process more efficient. In addition, parties are encouraged to stipulate to facts not in dispute, if appropriate. The hearing officer reserves the right to issue further rulings clarifying or limiting the rights of any party where authorized under applicable statutes and regulations.

Hearing Time Limits

Each party shall have a combined 30 minutes to present evidence (including evidence presented by witnesses called by the party), cross-examine witnesses (if warranted), and provide a closing statement. Additional time may be provided at the discretion of the Advisory Team (prior to the hearing) or the hearing officer (at the hearing) upon a showing that additional time is necessary. Such showing shall explain what testimony, comments or legal argument require extra time, and why the Party could not adequately provide the testimony, comments or legal argument in the time provided. The hearing officer will consider and may approve any reasonable alternative hearing agenda agreed upon by the parties if appropriate.

Submission of Evidence

In accordance with California Code of Regulations, title 23, section 648.4, the Regional Water Board endeavors to avoid surprise testimony or evidence. Absent a showing of good cause and lack of prejudice to the parties, the Regional Water Board may exclude evidence and testimony that is not submitted in accordance with this Hearing Procedure. Excluded evidence and testimony will not be considered by the Regional Water Board and will not be

included in the administrative record for this proceeding. Power Point and other visual presentations may be used at the hearing, but their content may not exceed the scope of other submitted written material. Parties must provide the Advisory Team with a printed copy of such materials at or before the hearing, for inclusion in the administrative record. Additionally, any witness who has submitted written testimony for the hearing shall appear at the hearing and affirm that the written testimony is true and correct, and shall be available for cross-examination.

Case in Chief: Parties shall submit the following information in writing in advance of the hearing:

1. All legal and technical arguments or analysis (limited to 15 pages, double spaced).
2. All documentary evidence (except rebuttal documents) proposed to be offered at the hearing.
3. The name of each fact and/or expert witness, if any, whom the party intends to call at the hearing, a brief summary of the subject of each witness's proposed testimony, and the estimated time required by each witness to present direct testimony. Alternatively, the testimony of any witness may be presented by declaration, so long as that witness will be available for cross-examination at the hearing. Include the qualifications of any expert witness.

Advisory Team may request all testimony in writing in advance of the hearing as necessary to conduct the hearing in a reasonable time period.

Rebuttal: "Rebuttal" means evidence, analysis or comments offered to disprove or contradict other designated parties' submissions. Rebuttal shall be limited to the scope of the materials previously submitted by the other designated parties. Rebuttal information that is not responsive to information previously submitted by other designated parties may be excluded.

Ex Parte Contacts

There shall be no *ex parte* communications with Regional Water Board members or Advisory Team regarding substantive or controversial procedural issues within the scope of the proceeding. (Gov. Code, §§ 11430.10-11430.80.) **Any communications regarding potentially substantive or controversial procedural matters, including but not limited to the submission of evidence, briefs, and motions, must demonstrate that all parties were served and the manner of service.** Parties may accomplish this by submitting a proof of service or by other verification, such as correct addresses in an electronic-mail carbon copy list, or a list of the parties copied and their addresses in the carbon copy portion of a letter. Communications regarding non-controversial procedural matters are permissible and should be directed to staff on the Advisory Team, not Regional

Water Board members. (Gov. Code, § 11430.20, subd. (b).) A document regarding *ex parte* communications entitled "Ex Parte Questions and Answers" is available upon request or from the State Water Board website at:

http://www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf.

Rules of Evidence

Evidence will be admitted in accordance with Government Code section 11513. Hearsay evidence may be used to supplement or explain other evidence, but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action.

Evidentiary Documents and File

The Complaint and related evidentiary documents are on file and may be inspected or copied at the Regional Water Board office. This file shall be considered part of the official administrative record for this hearing. Other submittals received for this proceeding will be added to this file and will become a part of the administrative record absent a contrary ruling by the Regional Water Board's Chair. Many of these documents are also posted on-line at

http://www.waterboards.ca.gov/northcoast/board_decisions/tentative_orders/index.shtml

Although the web page is updated regularly, to assure access to the latest information, you may contact the Prosecution Team (contact information above).

Questions

Questions concerning this proceeding may be addressed to the Advisory Team (contact information above).

Attachment B

Administrative Civil Liability Complaint R1-2014-0054

B.4 Fact Sheet

Administrative Civil Liability Fact Sheet

The California Regional Water Quality Control Boards (Regional Water Boards) have the authority to impose administrative civil liabilities for a variety of violations under California Water Code Section 13323. This document generally describes the process that the Regional Water Boards follow in imposing administrative civil liabilities.

The first step is the issuance of an administrative civil liability complaint by the authorized Regional Water Board's Executive Officer or Assistant Executive Officer. The complaint describes the violations that are alleged to have been committed, the Water Code provisions authorizing the imposition of liability, and the evidence that supports the allegations. **Any person who receives a complaint must respond timely as directed, or risk the Regional Water Board imposing the administrative civil liability by default.** The complaint is accompanied by a letter of transmittal, a Waiver Form and a Hearing Procedure. Each document contains important information and deadlines. You should read each document carefully. A person issued a complaint is allowed to represent him or herself. However, legal advice may be desirable to assist in responding to the complaint.

Parties

The parties to a complaint proceeding are the Regional Water Board Prosecution Team and the person named in the complaint, referred to as the "Discharger." The Prosecution Team is comprised of Regional Water Board staff and management. Other interested persons may become involved and may become "designated parties." Only designated parties are allowed to submit evidence and participate fully in the proceeding. Other interested persons may play a more limited role in the proceeding and are allowed to submit non-evidentiary policy statements. If the matter proceeds to hearing, the hearing will be held before the full membership of the Regional Water Board (composed of up to nine board members appointed by the Governor) or before a panel of three board members. The board members who will hear the evidence and rule on the matter act as judges. They are assisted by an Advisory Team, which provides advice on technical and legal issues. Both the Prosecution Team and the Advisory Team have their own attorney. Neither the Prosecution Team nor the Discharger or his/her representatives are permitted to communicate with the board members or the Advisory Team about the complaint without the presence or knowledge of the other. This is explained in more detail in the Hearing Procedure.

Complaint Resolution options

Once issued, a complaint can lead to (1) withdrawal of the complaint; (2) withdrawal and reissuance; (3) payment and waiver; (4) settlement; (5) hearing. Each of these options is described below.

Withdrawal: May result if the Discharger provides information to the Prosecution Team that clearly demonstrates that a fundamental error exists in the information set forth in the complaint.

Withdrawal and reissuance: May result if the Prosecution Team becomes aware of information contained in the complaint that can be corrected.

Payment and waiver: May result when the Discharger elects to pay the amount of the complaint rather than to contest it. The Discharger makes a payment for the full amount and the matter is ended, subject to public comment.

Settlement: Results when the parties negotiate a resolution of the complaint. A settlement can include such things as a payment schedule, or a partial payment and suspension of the remainder pending implementation by the Discharger of identified activities, such as making improvements beyond those already required that will reduce the likelihood of a further violation or the implementation or funding of a Supplemental Environmental Project (SEP) or a Compliance Project. Qualifying criteria for Compliance Projects and SEPs are contained in the State Water Resources Control Board's (State Water Board) Enforcement Policy, which is available at the State Water Board's website at: http://www.waterboards.ca.gov/plans_policies/. Settlements are generally subject to public notice and comment, and are conditioned upon approval by the Regional Water Board or its authorized staff management. Settlements are typically memorialized by the adoption of an uncontested Administrative Civil Liability Order.

Hearing: If the matter proceeds to hearing, the parties will be allowed time to present evidence and testimony in support of their respective positions. The hearing must be held within 90 days of the issuance of the Complaint, unless the Discharger waives that requirement by signing and submitting the Waiver Form included in this package. The hearing will be conducted under rules set forth in the Hearing Procedure. The Prosecution Team has the burden of proving the allegations and must present competent evidence to the board regarding the allegations. Following the Prosecution Team's presentation, the Discharger and other parties are given an opportunity to present evidence, testimony and argument challenging the allegations. The parties may cross-examine each others' witnesses. Interested persons may provide non-evidentiary policy statements, but may generally not submit evidence or testimony. At the end of the presentations by the parties, the board members will deliberate to decide the outcome. The Regional Water Board may issue an order requiring payment of the full amount recommended in the complaint, it may issue an order requiring payment of a reduced amount, it may order the payment of a higher amount, decide not to impose an assessment or it may refer the matter to the Attorney General's Office.

Factors that must be considered by the Regional Water Board

Except for Mandatory Minimum Penalties under Water Code Section 13385 (i) and (h), the Regional Water Board is required to consider several factors specified in the Water Code, including nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any resulting from the violations, and other matters as justice may require (California Water Code Section 13327, 13385(e) and 13399). During the period provided to submit evidence (set forth in the Hearing Procedure) and at the hearing, the Discharger may submit information that it believes supports its position regarding the complaint. If the Discharger intends to present arguments about its ability to pay it must provide reliable documentation to establish that ability or inability. The kinds of information that may be used for this purpose include:

For an individual:

1. Last three years of signed federal income tax returns (IRS Form 1040) including schedules;
2. Members of household, including relationship, age, employment and income;
3. Current living expenses;
4. Bank account statements;
5. Investment statements;
6. Retirement account statements;
7. Life insurance policies;
8. Vehicle ownership documentation;
9. Real property ownership documentation;
10. Credit card and line of credit statements;
11. Mortgage loan statements;
12. Other debt documentation.

For a business:

1. Copies of last three years of company IRS tax returns, signed and dated,
2. Copies of last three years of company financial audits
3. Copies of last three years of IRS tax returns of business principals, signed and dated.
4. Any documentation that explains special circumstances regarding past, current, or future financial conditions.

For larger firms:

1. Federal income tax returns for the last three years, specifically:
 - IRS Form 1120 for C Corporations
 - IRS Form 1120 S for S Corporations
 - IRS Form 1065 for partnerships
2. A completed and signed IRS Form 8821. This allows IRS to provide the SWRCB with a summary of the firm's tax returns that will be compared to the submitted income tax returns. This prevents the submission of fraudulent tax returns;
3. The following information can be substituted if income tax returns cannot be made available:
 - Audited Financial Statements for last three years;
 - A list of major accounts receivable with names and amounts;
 - A list of major accounts payable with names and amounts;
 - A list of equipment acquisition cost and year purchased;
 - Ownership in other companies and percent of ownership for the last three years;
 - Income from other companies and amounts for the last three years.

For a municipality, county, or district:

1. Type of entity:
 - City/Town/Village;
 - County;
 - Municipality with enterprise fund;
 - Independent or publicly owned utility;
2. The following 1990 and 2000 US Census data:
 - Population;
 - Number of persons age 18 and above;
 - Number of persons age 65 and above;
 - Number of Individual below 125% of poverty level;
 - Median home value;
 - Median household income.
3. Current or most recent estimates of:
 - Population;
 - Median home value;
 - Median household income;

- Market value of taxable property;
 - Property tax collection rate.
4. Unreserved general fund ending balance;
 5. Total principal and interest payments for all governmental funds;
 6. Total revenues for all governmental funds;
 7. Direct net debt;
 8. Overall net debt;
 9. General obligation debt rating;
 10. General obligation debt level.
 11. Next year's budgeted/anticipated general fund expenditures plus net transfers out.

This list is provided for information only. The Discharger remains responsible for providing all relevant and reliable information regarding its financial situation, which may include items in the above lists, but could include other documents not listed. Please note that all evidence regarding this case, including financial information, will be made public.

Petitions

If the Regional Water Board issues an order requiring payment, the Discharger may challenge that order by filing a petition for review with the State Water Board pursuant to Water Code section 13320. More information on the petition process is available at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality/index.shtml
An order of the State Water Board resolving the petition for review of the Regional Water Board's Administrative Civil Liability Order can be challenged by filing a petition for writ of mandate in the superior court pursuant to Water Code section 13330.

Once an Administrative Civil Liability Order becomes final, the Regional Water Board or State Water Board may seek a judgment of the superior court under Water Code Section 13328, if necessary, in order to collect payment of the administrative civil liability amount.

Attachment B

Administrative Civil Liability Complaint R1-2014-0054

B.5 Waiver Form

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION**

**WAIVER OF 90-DAY HEARING REQUIREMENT FOR
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

By signing this Waiver, I affirm and acknowledge the following:

- a. I am duly authorized to represent Spring Hill Jersey Cheese, Inc. (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint R1-2014-0054 (hereinafter the "Complaint");
- b. I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served" with the Complaint;
- c. I hereby waive any right the Discharger may have to a hearing before the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) within ninety (90) days of service of the Complaint; and

1. (Check here if the Discharger will waive the hearing requirement and will pay the fine)

- a. I certify that the Discharger will remit payment for the civil liability imposed in the amount of **thirty-seven thousand one hundred and twenty-five dollars (\$37,125)** by check that references "ACLC R1-2014-0054" and is made payable to the "State Water Pollution Cleanup and Abatement Account." Payment must be received by the Regional Board by October 9, 2014 or the Regional Board may adopt an Administrative Civil Liability Order requiring payment.
- b. I understand the payment of the above amount constitutes a settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period mandated by Federal regulations (40 CFR 123.27) expires. Should the Regional Board receive new information or comments from any source (excluding the Regional Board's Prosecution Team) during this comment period, the Regional Board's Assistant Executive Officer may withdraw the Complaint, return payment, and issue a new complaint.
- c. I understand that this proposed settlement is subject to approval by the Regional Board and that the Regional Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
- d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

- 2. (Check here if the Discharger waives the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines. Attach a separate sheet with the amount of additional time requested and the rationale.)** By checking this box, the Discharger requests that the Regional Water Board delay the hearing and/or hearing deadlines so that the Discharger may have additional time to prepare for the hearing. It remains within the discretion of the Regional Board to approve the extension.

(Print Name and Title)

(Signature)

(Date)

Attachment B

Administrative Civil Liability Complaint R1-2014-0054

B.6

Certified Mail Return Receipt (9/12/2014)

7011 2970 0000 0527 3576

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Mr. Larry Peter
Spring Hill Jersey Cheese,
Inc.
621 Western Avenue
Petaluma CA 94952

Sent To
 Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Larry Peter
Spring Hill Jersey Cheese, Inc.
621 Western Avenue
Petaluma, CA 94952

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Agent
 Addressee
Saupe

B. Received by (Printed Name)
Saupe

C. Date of Delivery
9-12-14

D. Is delivery address different from item 1? Yes
 No
 If YES, enter delivery address below:

SEP 15 2014

3. Service Type
 Certified Mail
 Registered
 Insured Mail
 Express Mail
 Return Receipt for Merchandise
 C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
 (Transfer from service label)
 7011 2970 0000 0527 3576

Domestic Return Receipt
 PS Form 3811, February 2004

102595-02-M-1540

ef-DSH

Enclosures: Administrative Civil Liability Complaint
 Waiver of 90-day Hearing
 Attachment A - Specific Factors
 Notice of Public Hearing and Proposed Hearing Procedures

Regional Water Board Prosecution Team
 Assistant Executive Officer
 David F. Leland, P.E.

Sincerely,
David F. Leland

Certified-Return Receipt Requested

cc: Samantha Olson, David Boyers, Cecile Morris, Cherie Blatt, Diana Henouffe, Naomi Kaplowitz

September 1, 2014

Mr. Larry Peter

attached Administrative Civil Liability Fact Sheet (attached)
 outstanding debts and liabilities (see attached), as well as the information detailed on the

If the Regional Water Board does not receive a scheduled hearing on this matter will be scheduled for a hearing on this matter to be held on CA 95403. If a hearing on this matter is held, the meeting of the Regional Water Board to be held whether to issue, reject, or modify an Administrative Civil Liability. Modification of the proposed judicial civil liability. Modification of the proposed include increasing the dollar amount of the proposed hearing and its procedures will be provided.

Payment of this proposed civil liability of thirty-two thousand five hundred dollars (\$32,500) does not resolve General Order, the terms of which remain in effect assessed in the future if the Discharger fails to comply with the terms of the proposed hearing and its procedures will be provided.

Attachment B

Administrative Civil Liability Complaint R1-2014-0054

B.7

Business Organization Ability to Pay Claim

California State Water Resources Control Board

**BUSINESS ORGANIZATION
ABILITY TO PAY CLAIM
Financial Data Request Form**

This form requests information regarding your financial status. The data will be used to evaluate your ability to pay for environmental clean-up or penalties. If there is not enough space for your answers, please use additional sheets of paper. Note that we may request further documentation of any of your responses. We welcome any other information you wish to provide supporting your case, particularly, if you feel your situation is not adequately described through the information requested here. If a particular question does not apply to your business, please indicate that it does not apply and give the reason. **Failure to answer all the questions clearly and completely may result in denial of your claim of inability to pay.**

Certification

Under penalties of perjury, I declare that this financial statement submitted by me as a responsible officer of the organization is a true, correct, and complete statement of all organization income and assets, real and personal, whether held in the company name or otherwise to the best of my knowledge and belief. I further understand that I will be subject to prosecution by the United States Government to the fullest extent possible under the law should I provide any information that is not true, correct, and complete to the best of my knowledge.

Signature

Date

Name (printed or typed)

Corporate Position

California State Water Resources Control Board

Name and address of principal stockholders and number of shares owned by each. (If more than eight shareholders, list only those with five percent or more stock ownership). If your business is a partnership, list all partners and ownership percentage.

Total outstanding shares: _____

Name	Address	Shares
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

9. A. Name and address of current, (and for previous five years), officers and number of shares held by each. For partnerships, list all partners for last five years.

Name	Address	Shares	Term

California State Water Resources Control Board

9. B. Name and address of current, (and for previous five years), members of board of directors and number of shares held by each.

Name	Address	Shares	Term

10. Has this organization ever issued a prospectus for the sale of stock? Yes ___ No ___
 If yes, list date, number and type of shares for each prospectus during the last five years.

Date	Number of Shares	Type of Shares

11. A. Registration on international, national or local stock exchange(s). Give details, including date of registration and/or de-listing.

1. _____
2. _____
3. _____
4. _____

California State Water Resources Control Board

11. B. Total authorized shares for each type issued and present market value per share on each type of stock (or book value if not actively traded)

Types of Shares	Total Shares	Book Value	Market Value
1.			
2.			
3.			
4.			

C. Total outstanding shares of each type of stock currently being held as Treasury Stock.

D. Total outstanding shares of each type of stock.

E. Amount of bonded debt and principle bondholders.

12. List states and municipalities to which taxes have been paid and/or are being paid. Describe nature and amount of such taxes, state most recent year of payments thereof and whether tax payments are current.

California State Water Resources Control Board

13. Has this organization filed United States income tax returns during the last five years?

Yes _____ No _____

To what I.R.S. Office(s)

What Years?

Are Federal Taxes current? Yes _____ No _____

Provide **SIGNED** Federal income tax returns and **ALL** associated schedules for the last five years.

14. Name and address of:

A Organization's Independent Certified Public Accountants

B. Organization's Attorney(s) presently and during the past five years.

15. Has this organization filed Financial Forms with any organization or government entity?
List name of organization or entity, date and type of Financial Form.

California State Water Resources Control Board

Enter the organization's Balance Sheet data and the Profit and Loss Statement and for the years specified in the following table.

Submit audited documents if available.

A. Assets

		2013	2012	2011	2010	2009
<u>Cash</u>	\$					
<u>Securities</u>	\$					
<u>Facilities</u>	\$					
<u>Depreciation</u>	\$					
<u>Equipment</u>	\$					
<u>Depreciation</u>	\$					
<u>Inventory</u>	\$					
<u>Accounts Receivable</u>	\$					
<u>Other</u>	\$					
TOTAL ASSETS	\$					

B. Liabilities and Stockholder's Equity

		2013	2012	2011	2010	2009
Loans Principle	\$					
Monthly Payment	\$					
Mortgages Principle	\$					
Monthly Payment	\$					
Accounts Payable	\$					
Deferred Taxes	\$					
Insurance Premiums	\$					
Other	\$					

California State Water Resources Control Board

Stockholder's Equity

		2013	2012	2011	2010	2009
Common Stock	\$					
Paid-in Capital	\$					
Retained Earnings	\$					

		2013	2012	2011	2010	2009
TOTAL LIABILITIES & EQUITY						

17. Loans Payable:

Owed to:	Purpose:
Term:	Interest Rate:
Collateral:	Cosigner:
Monthly Payments:	
Original Amount:	Date:
Present Balance	

b.

Owed to:	Purpose:
Term:	Interest Rate:
Collateral:	Cosigner:
Monthly Payments:	
Original Amount:	Date:
Present Balance	

California State Water Resources Control Board

c.

Owed to:	Purpose:
Term:	Interest Rate:
Collateral:	Cosigner:
Monthly Payments:	
Original Amount:	Date:
Present Balance	

d.

Owed to:	Purpose:
Term:	Interest Rate:
Collateral:	Cosigner:
Monthly Payments:	
Original Amount:	Date:
Present Balance	

18. Mortgages Payable:

Owed To:	Address of Property:
Term:	Interest Rate:
Collateral:	Cosigner:
Monthly Payments:	
Original Amount:	Date:
Present Balance:	

California State Water Resources Control Board

b.

Owed To:	Address of Property:
Term:	Interest Rate:
Collateral:	Cosigner:
Monthly Payments:	
Original Amount:	Date:
Present Balance:	

c.

Owed To:	Address of Property:
Term:	Interest Rate:
Collateral:	Cosigner:
Monthly Payments:	
Original Amount:	Date:
Present Balance:	

d.

Owed To:	Address of Property:
Term:	Interest Rate:
Collateral:	Cosigner:
Monthly Payments:	
Original Amount:	Date:
Present Balance:	

California State Water Resources Control Board

19. Income/Expenses:

Gross Income:		2013	2012	2011	2010	2009
Net Sales	\$					
Interest Income	\$					
Dividends	\$					
Other	\$					

Operating Expenses:

Wages	\$					
Overhead	\$					
Lease Payments	\$					
Interest Expense	\$					
Cost of Sales	\$					
Net Income	\$					

20. Provide the following information that determines the size of the organization:

Number of Employees					
Size of Warehouse(s)					
Volume Shipped					
Other					

21. Does this organization maintain bank accounts? Give names and addresses of banks, savings and loan associations, and other such entities, within the United States or elsewhere.

A. Checking

Name of Bank	Address of Bank	Account #	Balance

California State Water Resources Control Board

B. Savings/Certificate of Deposit

Name of Institution	Address of Bank	Account #	Balance

C. Other Accounts

Name of Institution	Address of Institution	Account #	Balance

D. Savings & Loan Associations or other such entities

Name of Institution	Address of Institution	Account #	Balance

E. Trust Account(s)

Name of Institution	Address of Institution	Account #	Balance

F. Other Account(s)

Name of Institution	Address of Institution	Account #	Balance

California State Water Resources Control Board

22. List all commercial paper, negotiable or non-negotiable, in which the organization has any interest whatsoever, presently in transit or in the possession of any banking institution. Describe such paper and the organization's interest therein, and state its present location. List all loans receivable in excess of \$10,000 and specify if due from an officer, stockholder, or director.

23. Has this organization engaged in any Joint Loan Agreements, including Letters of Credits, with any other organization(s)? If yes, describe all such agreements.

24. Does this organization have any debt coinsured by another organization? If yes, describe such arrangements.

25. List all equity participation in other organizations, both domestic and foreign, in which this organization has an interest, including the type, amount and terms of such interest.

California State Water Resources Control Board

26. List all debt participation in other organizations, both domestic and foreign, in which this organization has an interest, including the type, amount and terms of such interest.

27. Is this organization presently:

A. Active

(Answer No for inactive, but still in existence) Yes _____ No _____

B. Void and/or terminated by State authority. Yes _____ No _____

C. Otherwise dissolved Yes _____ No _____

1. Date _____

2. By Whom _____

3. Reason _____

28. A. List corporate salaries, bonuses to and/or drawings of the following personnel for the last five taxable years:

Position	Name	2013	2012	2011	2010	2009
President						
Vice President						
Chairman						
Secretary						
Treasurer						

California State Water Resources Control Board

B. List the five most highly compensated employees or officers other than the above, describe position and list annual salary and/or bonus for the last five taxable years:

Name	Position/Title	2013	2012	2011	2010	2009

C. Describe the nature of the compensation paid to the persons listed in (A) and (B) above and set forth any stock options, pensions, profit sharing, royalties, or other deferred compensation rights of said persons.

29. List the organizations commercial activity, (fields of activity resulting in income), and SIC Code.

	<u>Commercial Activity</u>	<u>SIC Code</u>
Primary	_____	_____
Other 1.	_____	_____
Other 2.	_____	_____
Other 3.	_____	_____

California State Water Resources Control Board

30. List all other supplementary fields of activity in which this organization is engaged, either directly, through it affiliates, stating the name(s) and states(s) of incorporation of such subsidiaries or affiliates:

31. Has this organization at any time been the subject of any proceeding under the provisions of any State Insolvency Law, or the federal Bankruptcy Act, as amended? If so, supply the following information as to each such proceeding:

A. Date (Commencement) _____

B. Date (Termination) _____

C. Discharge or other disposition, if any, and operative effect thereof:

D. State Court _____ Docket No. _____
County

E. Federal Court _____ Docket No. _____
County

32. A. List all real estate, and personal property of an estimated value in excess of \$10,000 owned or under contract to be purchased by this organization with names and addresses of seller and contract price and where located:

California State Water Resources Control Board

33. List and describe all judgments, recorded and unrecorded, this organization is a party of:

A. Against the organization

B. In favor of the organization

34. List and describe all other encumbrances (including but not limited to security interest, whether perfected or not) against any such personal property owned by the organization as is listed in 30 (A) above.

35. List all life insurance, now in force on any or all officers, directors, and/or key employees, setting forth face amounts, names of life insurance companies and policy numbers where this organization has an insurable interest and/or paying the premium or part of same. Where applicable, indicate under which policy(s) this organization is beneficiary, type of policy(s) this organization is a beneficiary, yearly premium, and location of policy(s). In addition, state the cash value if any and the conditions of any borrowing options available under each policy.

California State Water Resources Control Board

36. For the following types of policies, list all primary and excess insurance policies, the deductible amount, per occurrence and aggregate coverage limit for each policy.

A. Comprehensive General Liability

B. Environmental Impairment Liability

C. Other policies for which coverage might apply including participation in risk retention pools.

37. List all transfers of assets (real) and/or (personal) (over \$10,000) made by this organization, OTHER THAN IN THE ORDINARY COURSE OF BUSINESS, during the last three calendar years and state to whom transfer was made. Describe compensation paid by recipient and to whom.

Date	Value	Property Transferred	To Whom	Compensation Paid

California State Water Resources Control Board

38. Is this business organization a party in any law suit now pending?

Yes (Give details below) _____ No _____

39. List names and addresses of any persons or other business entity, holding funds in escrow or in trust for this organization, or any of its subsidiaries or affiliates.

40. Other information requested:

Attachment C

**Proposed Order
ACLO R1-2014-0xxx**

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER R1-2014-XXXX

IN THE MATTER OF

SPRING HILL JERSEY CHEESE, INC.
SPRING HILL JERSEY DAIRY
SONOMA COUNTY

This Order is issued to Spring Hill Jersey Cheese, Inc. (hereafter Discharger) pursuant to California Water Code (Water Code) section 13268, which authorizes the imposition of Administrative Civil Liability. This Order is based on findings that the Discharger violated provisions of General Waste Discharge Requirements Order for Existing Cow Dairies in the North Coast Region, Order R1-2012-0002 (hereafter General Order).

The North Coast Regional Water Quality Control Board (Regional Water Board or Board) finds the following:

1. The Discharger owns and operates Spring Hill Jersey Cheese, Inc. (Dairy) located at 4235 Spring Hill Road Petaluma, California, in Sonoma County.
2. The Dairy is regulated by the General Order. A Monitoring and Reporting Program (hereinafter MRP) accompanies the General Order. The General Order became effective on January 19, 2012. The General Order and the MRP contain reporting requirements for dairies regulated by the General Order.
3. Water Code section 13267 authorizes the regional water boards to require the submittal of technical and monitoring reports from any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge to waters of the state.
4. The General Order and the MRP required the Discharger to submit the 2012 Annual Report by November 30, 2012 pursuant to the Regional Water Board's authority in accordance with Water Code section 13267.
5. The General Order and the MRP required the Discharger to submit the 2013 Annual Report by November 30, 2013 pursuant to the Regional Water Board's authority in accordance with Water Code section 13267.
6. The General Order and the MRP required the Discharger to develop and implement a Waste Management Plan (WMP) and Nutrient Management Plan (NMP) for the Dairy. The General Order and the MRP also required

SPRING HILL JERSEY CHEESE, INC.
ACLO R1-2014-XXXX

- the Discharger to furnish the WMP and NMP upon request by Regional Water Board staff, pursuant to the Regional Water Board's authority in accordance with Water Code section 13267.
7. The Discharger violated Water Code section 13267 by failing to submit the 2012 Annual Report required by the General Order and MRP by the required deadline of November 30, 2012.
 8. The Discharger violated Water Code section 13267 by failing to submit the 2013 Annual Report required by the General Order and MRP by the required deadline of November 30, 2013.
 9. On March 8, 2013, the North Coast Water Board staff issued a Notice of Violation pertaining to the missing report notifying the Discharger that the 2012 Annual Report had not been received. The Notice of Violation requested that the delinquent report be submitted as soon as possible to minimize potential liability.
 10. The Discharger violated Water Code section 13267 by failing to furnish the WMP and NMP upon request by the May 14, 2014 deadline established by Regional Water Board staff as required by the General Order and MRP.
 11. On March 5, 2014, the Assistant Executive Officer of the Regional Water Board, issued a letter to the Discharger requesting that it furnish a NMP and WMP pursuant to the General Order. April 5, 2014, was listed as the deadline for submitting those documents. On April 17, 2014, the Regional Water Board agreed to extend the submittal date for the NMP and WMP until May 14, 2014.
 12. On March 25, 2014, the Assistant Executive Officer of the Regional Water Board issued Administrative Civil Liability Complaint (ACLC) R1-2014-0022 to Spring Hill Jersey Cheese, Inc. pursuant to California Water Code (Water Code) section 13323, which was based on allegations that the Discharger violated provisions of the General Order by failing to submit annual reports for 2012 and 2013.
 13. On September 11, 2014, the Assistant Executive Officer, lead prosecutor for the Prosecution Team, issued Administrative Civil Liability Complaint (Complaint) No. R1-2014-0054, which rescinded ACLC R1-2014-0022, to the Discharger recommending that the Regional Water Board assess the Discharger an administrative civil liability in the amount of \$37,125 pursuant to Water Code section 13268 for the failure to submit the 2012 Annual Report, the 2013 Annual Report, the WMP, and the NMP.

SPRING HILL JERSEY CHEESE, INC.
ACLO R1-2014-XXXX

14. Issuance of this Administrative Civil Liability Order to enforce Water Code Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).
15. On November 17, 2008 the State Water Resources Control Board adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy establishes a methodology for assessing discretionary administrative civil liability. Use of the methodology addresses the factors used to assess a penalty under Water sections 13327 and 13385 subdivision (e) including the Discharger's culpability, history of violations, ability to pay and continue in business, economic benefit, and other factors as justice may require. The required factors under Water Code sections 13327 and 13385 subdivision (e) have been considered using the methodology in the Enforcement Policy as explained in detail in Attachment A to this Order and shown in the Penalty Calculation for Civil Liability spreadsheets in Attachment B of this Order. Attachments A and B are attached hereto and incorporated herein by reference.
16. This Order is effective and final upon issuance by the Regional Water Board. Payment must be received by the Regional Water Board no later than thirty (30) days from the date on which this Order is issued.
17. In the event that the Discharger fails to comply with the requirements of this Order, the Executive Officer or his delegatee is authorized to refer this matter to the Attorney General's Office for enforcement.
18. Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date that this Order becomes final, except that if the thirtieth day following the date that this Order becomes final falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

SPRING HILL JERSEY CHEESE, INC.
ACLO R1-2014-XXXX

IT IS HEREBY ORDERED that pursuant to section 13323 of the Water Code, the Discharger shall make a cash payment of \$37,125 (check payable to the State Water Pollution Cleanup and Abatement Account) no later than thirty days from the date of issuance of this Order. I, Matthias St. John, Executive Officer, do hereby certify that the foregoing is a full, true, correct copy of an Order issued by the California Regional Water Quality Control Board, North Coast Region, and that such action occurred on November 20, 2014.

Matthias St. John
Executive Officer

Attachment D

Prosecution Team Witness List

Prosecution Team Witness List
Spring Hill Jersey Cheese, Inc.
Administrative Civil Liability Complaint R1-2014-0054
November 20, 2014 Board Meeting

- a. Diana Henriouille (5 minutes)
Senior Engineer, North Coast Regional Water Board
Testimony regarding enforcement process and methodology

- b. Cecile Morris (10 minutes)
Engineer, North Coast Regional Water Board
Testimony regarding background information about the facility and landowner outreach and enforcement

- c. Cherie Blatt (10 minutes)
Engineer, North Coast Regional Water Board
Testimony regarding background information about the facility, inspection of the facility, and landowner outreach and enforcement

- d. Scott Gergus (if needed)
Geologist, North Coast Regional Water Board
Testimony regarding background information about the facility, inspection of the facility, and landowner outreach and enforcement

- e. Gerald Horner (if needed)
Economist, State Water Resources Control Board
Testimony regarding calculation of economic benefit

- f. David Leland (if needed)
Assistant Executive Officer, North Coast Regional Water Board
Testimony regarding relevant water quality control law, policy, regulation applicable to this matter, and enforcement options

- g. Shin-Roei Lee (if needed)
Supervising Engineer, North Coast Regional Water Board
Testimony regarding relevant water quality control law, policy, regulation applicable to this matter, and enforcement options

The Prosecution Team reserves the right to call Rebuttal Witnesses to address legal argument or testimony by the Discharger.

Attachment E

Prosecution Team Evidence List

Prosecution Team Evidence List
Spring Hill Jersey Cheese Inc. Administrative Civil
Liability Complaint R1-2014-0054
November 20, 2014 Board Meeting

The Prosecution Team's evidence consists of materials presented as Items 1 through 17 below.

Exhibit	Title of Document	Location
Exhibit 1	Annual Report, Submitted May 14, 2014 (Incomplete Annual Report)	Attached
Exhibit 2	April 25, 2014 Letter Granting Final Extension to Submit Nutrient Management Plan and Waste Management Plan	Attached
Exhibit 3.A	March 2014 Administrative Civil Liability Complaint R1-2014-0022 with Attachment A, Methodology	Attached
3.B	Transmittal Letter (3/25/2014)	
3.C	Hearing Notice	
3.D	Fact Sheet	
3.E	Certified Mail Return Receipt (3/27/2014)	
3.F	Signed Hearing Waiver (4/23/2014)	
Exhibit 4	March 5, 2014 Request to Furnish Nutrient Management Plan and Waste Management Plan Letter	Attached
Exhibit 5.A	December 13 and 16, 2013 Annual Report Correspondence	Attached
5.B	December 27, 2013 Annual Report Correspondence	
Exhibit 6	November 25, 2013 Annual Report Reminder Letter (Report Due November 30, 2013)	Attached
Exhibit 7.A	August 2013 Meeting and Inspection Memo	Attached
7.B	August 9-16 Correspondence	
7.C	August 30, 2013 Correspondence	
Exhibit 8	July 2013 Annual Report Correspondence	Attached
Exhibit 9	March 2013 Notice of Violation for Past Due Annual Report	Attached
Exhibit 10	December 2012 Annual Report Correspondence	Attached
Exhibit 11.A	GWDRs Notice of Intent from Discharger	Attached
11.B	(4/17/2012) GWDRs Enrollment Letter from Staff (5/7/2012)	
Exhibit 12	March 27, 2012 Site Assessment Checklist	Attached
Exhibit 13	February 2012 Final Judgment and Permanent Injunction Pursuant to Stipulation issued to Larry Peter by Sonoma County Superior Court	Attached

Exhibit 14.A	General Waste Discharge Requirement Order No. R1-2012-0002	Attached
14.B	Monitoring and Reporting Program	
14.C	2011-2012 Fee Schedules	
14.D	Notice of Intent	
14.E	Attachment B	
14.F	Attachment C	
14.G	Appendix 1	
14.H	Appendix 2	
14.I	Appendix 3	
Exhibit 15.A	Topographic Map	Attached
15.B	Dairy Image	
15.C	Dairy Production Area image	
15.D	Geographic Map	
Exhibit 16.A	Tax Assessor Record APN 008-031-015	Attached
16.B	Tax Assessor Record APN 008-032-009	
Exhibit 17	News Article Regarding Spring Hill Dairy	Attached

Exhibit 1

**Annual Report, Submitted May 14, 2014
(Incomplete Annual Report)**

APPENDIX 3

General Waste Discharge Requirements
Monitoring and Reporting
Order No. R1-2012-0002

NCRWQCB

MAY 14 2014

Annual Report

Report Date: 5 14 14
Month / day / year

- EO
- AEO
- Reg/NPS
- WMgmt
- Timber CAB
- Cleanups
- Admin
- Legal
- Date _____

For Dairies Covered by Order No. R1-2012-0002
General Waste Discharge Requirements
For Existing Cow Dairies

Due November 30 each year; reporting for proceeding 12 month period (November 1 through October 31).

Facility Information

Facility: SPRING HILL DAIRY Address: 4235 SPRING HILL ROAD, PATAHUMA 94952
No. Street City Zip
 Operator: LARRY PETER Address: 4235 Spring Hill Ad, Patahuma 94952
 Phone: (707) 762-3446 E-mail: LARRY @ SPRINGHILL CHEESE.COM
 Property owner: LARRY PETER Address: 4235 Spring Hill Ad, Patahuma 94952
 Phone: (707) 762 3446 E-mail: _____
 Current # of mature dairy cows (milking + dry): 280
 Current # of other dairy cattle: 100 heifer; 40 calves

- In the previous year, have changes been made to the facility Waste Management Plan? Yes No if yes, please attach explanation. NO FOLLOW
- In the previous year, has a Nutrient Management Plan been prepared or revised for your facility? Yes No if yes, please attach explanation. NO FOLLOW
- Has the dairy had a manure or process water discharge to surface or groundwater in the past year? Yes No
- If so, where and how was the problem resolved? N/A
- Please answer the following questions pertaining to facility conditions and actions taken within the previous year to comply with conditions of the Waiver:

"N/A" means that the subject is not applicable to the facility covered by this report)

A. Prevent animals from entering any surface water within confinement areas:
("Surface water" means waters of the United States or any tributary to a water of the United States)

Are barriers used to keep animals out of surface waters?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Are watercourse crossings designed and maintained to protect water quality?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Are feed sites located away from surface waters?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A				

Description of deficiencies (if any) or additional information:

B. Divert clean stormwater runoff away from manured areas (including heavily used pastures)								
Do buildings have effective gutters?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is stormwater that contacts manured areas and feed storage areas contained in holding ponds?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Yes	No	N/A		Yes	No	N/A	
Is guttered water diverted away from manured areas?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is clean stormwater runoff managed separate from manure and process water?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Yes	No	N/A		Yes	No	N/A	
Is guttered water contained in holding ponds?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are diversion ditches functional and properly maintained to protect surface waters?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Yes	No	N/A		Yes	No	N/A	

Description of Deficiencies (if any) or Additional Information:

C. Is the dairy designed to retain all manure and process water generated at the facility, including all runoff from manured areas produced during a 25-year, 24-hour storm? Are wastes managed and contained to protect surface water and groundwater?

Material to be contained	Yes	No	N/A	Material to be contained	Yes	No	N/A	
All manure solids	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>ORGANIC DUMPY, CERT 2008</i>				
Runoff from solids storage areas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Waste milk	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Runoff from corrals that contain manure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Veterinary waste	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Milk barn washwater	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Hazardous wastes (pesticides, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Runoff and leachate from silage	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>					

Description of deficiencies (if any) or additional information:

System component & condition	Yes	No N/A	System component & condition	Yes	No N/A
Ponds are designed to contain all process water and stormwater runoff during a 25-year, 24-hour storm or have a Contingency Plan fully protective of surface water quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Design calculations are available for manure storage system?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Above-ground soil and clay lined manure ponds have a least 2 ft. freeboard? In-ground manure ponds have at least 1 foot of freeboard?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The facility has a solids separation system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ponds are cleaned annually to maintain capacity and check liner integrity?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The pumping system is maintained?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

STATIONARY NOT ON TRUCK

Are dead animals handled in a manner protective of surface water and groundwater quality? Yes No

shipped to vendor ✓

Description of Deficiencies (if any) or Additional Information:

E. Photo Documentation per Monitoring and Reporting Plan

Please attach photo documentation of compliance with required pre-season pollution prevention measures. Photos of newly implemented pollution prevention measures to protect surface and groundwater may be submitted. Examples of pollution prevention includes cleaning of manure ponds, stormwater separation from manured areas, scraping of manured areas, covering manure piles, compost, and feed storage areas, impermeable ground covering in these storage areas to prevent groundwater contamination, stream zone protection, and any other best management practices or control measures for water quality protection. The objective of the Annual Report is to demonstrate that the dairy is ready for the wet season.

*SEE SITE ASSESSMENT 3/22/12
+ TO FOLLOW*

Yes

No

Photo Documentation of Preseason BMPs Attached

F. Water Quality Sampling

The information below summarizes the water quality sampling requirements, as presented in the Monitoring and Reporting Program.

Surface Water Sampling

Surface watercourses that flow through the dairy property, including the production area, cropland, or pastures, must be sampled using grab samples at the point where watercourses enter and leave the property. Alternatively, if surface waters flow adjacent to the property but not through the property, and are located such that they could be impacted by activities at the dairy, the grab samples shall be collected upstream and downstream of the areas closest to the dairy property. Sampling shall take place during or directly following each of three (3) major storm events of one (1) inch or more per 24 hours, during the rainy season, beginning in the winter of 2012/2013. Three (3) measurements of electrical conductivity taken three (3) minutes apart shall be recorded during each sampling event at each location. Ammonia nitrogen, pH, and temperature shall be collected once at each sampling location for each sampling event during or following storm events described in this section above.

Electrical Conductivity (EC)	Mmhos
Total Ammonia Nitrogen (NH ₄)	mg/L
pH	
Temperature	°C

Is this dairy in a group monitoring plan? YES If so, which group? STEMPLE

Groundwater Well Sampling

Representative wells currently used and located at the dairy, including domestic and agricultural supply wells, shall be sampled four (4) times total, approximately six (6) months apart. A sample must be collected in: (1) Fall 2012, (2) Spring 2013, (3) Fall 2013, and (4) Spring 2014. One (1) sample from each well shall be tested for the following parameters:

Constituent	Units
Nitrate	mg/L
Fecal Coliform Bacteria	MPN/100mL

*- 1 well feeds pasture
- inspected for ground by cowboys*

Has all surface and ground water quality sampling been completed as described in the Monitoring and Reporting Plan? Yes No Group

Have all water quality results from the past 12 months been attached? Yes No TO FOLLOW

The MRP requires recording of visual observations, such as changes in stream color or turbidity at the time of sampling. Please include those observations below or in an attachment. TO FOLLOW

G. Best Management Practices

(In this section please describe the condition and effectiveness of management measures not previously described elsewhere in this Annual Report. Please attach additional sheets if more space is needed to fully answer these topics)

Erosion Control: Please describe all other measures not previously described, that to prevent and minimize the occurrence of erosion and discharge of manure, feed, waste, and soil particles from the dairy to surface or groundwaters:

ROTATIONAL GRAZING, no bare areas, no overgrazing,
c. 1 cow per acre, rotation

Nuisance Control: Please describe all new measures taken to prevent nuisances. Include odors, breeding mosquitoes, damage from burrowing animals, damage from equipment during removal of solids, embankment settling, erosion seepage, excess weeds, algae, and other vegetation that could compromise the needed capacity or proper functioning of your facility and/or degrade water quality:

silage and manure sealed off with; no ground squirrels or mice, gophers
Manure ponds & barns checked; no mosquitoes
3x per yr

Groundwater Protection: Describe new measures taken to protect groundwater from contamination at wellheads, sinkholes, and tile drains:

well head above perfor other include:
Mud spatch - self - purifying in pond
Manure pond cleaning / also manure - 3x per year
water from manure ground bed to fields: manure spreading
no cross connection of plumbing

Describe all new measures taken to protect water quality at livestock crossings outside the production area:

N/A

Are the liners of the manure ponds protective of water quality (free of weeds, animal burrows, and cracks that may disturb the liner)? Please describe: yes; visually checked

Do the manure ponds have sufficient storage capacity prior to the rainy season as required in the Order? yes

Describe the method used to make this determination: see IMA

For facilities without a prepared Nutrient Management Plan:

In the past year, was manure and process water generated at your facility applied to pastures, fields or crop lands at rates that are agronomically sound for the crop, soil, climate, special local situations, management system, and manure/wastewater characteristics? Yes No

If yes, please explain:

see NMP also Manure + water conts applied to pastures + pumpkin fields

Please describe the measures taken to avoid surface runoff of manure constituents from the dairy's land application areas:

see NMP

Describe the measures taken to separate or divert stormwater from contacting manured areas, corrals, pens, and animal housing areas:

divert / collect

Describe the measures taken to minimize infiltration of manure-laden water into underlying soils within manured areas, corrals, pens, and animal housing areas:

divert / collect etc.

H. Summary

- | | | |
|---|---|--|
| Has all required monitoring been conducted? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Have all required reports been submitted to the Regional Water Board? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Does facility meet Regional Water Board Waiver criteria? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

Reports shall be submitted by November 30 of each year (starting in 2012) to:

North Coast Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403
Phone (707) 576-2220
Fax (707) 523-0135

I. Certification of Report Preparer

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this report and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

MICHAEL J M BROOK

Printed Name

city

Title

Michael J M Brook

Signature

5 19 / 14

Month / day / year

Exhibit 2

April 25, 2014 Letter Granting Final Extension to Submit Nutrient Management Plan and Waste Management Plan



North Coast Regional Water Quality Control Board

April 25, 2014

Mr. Larry Peter
Spring Hill Jersey Cheese, Inc.
621 Western Avenue
Petaluma, CA 94952

Dear Mr. Peter:

Subject: Extension to Submit Nutrient Management Plan and Waste Management Plan for Spring Hill Jersey Cheese, Inc. 4235 Spring Hill Road, Petaluma, CA, Pursuant to General Waste Discharge Requirements Order R1-2012-0002

File: Spring Hill Jersey Cheese Inc., WDID No. 1B12013DSON

The North Coast Regional Water Quality Control Board (Regional Board) sent you a letter on March 5, 2014, requesting that you furnish the Nutrient Management Plan (NMP) and Waste Management Plan (WMP) for the Spring Hill Dairy located at 4235 Spring Hill Road, Sonoma County, pursuant to the General Waste Discharge Requirements Order for Existing Cow Dairies in the North Coast Region, Order R1-2012-0002 (General Order).

That letter required you, pursuant to the General Order and MRP, to submit your WMP and NMP by April 5, 2014, to the Regional Board. The letter also described the consequences for failing to submit those documents by the deadline stated. Pursuant to our April 17, 2014 phone call with your attorney, Michael Brooks, and by way of this letter, we are granting an extension to May 14, 2014 to submit the NMP and WMP to the Regional Board.

This is a final extension. Failure to submit the required documents by May 14, 2014 will result in the Regional Board pursuing further enforcement, including an administrative civil liability penalty of up to **one thousand dollars (\$1,000) for each day** in which each document is not received.

Please submit the required documents by May 14, 2014 to the following address:

North Coast Regional Water Quality Control Board
Attn: Cherie Blatt
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

If you have any questions concerning the required documents, please contact Cherie Blatt at (707) 576-2755 or at Cherie.Blatt@waterboards.ca.gov.

Sincerely,

Original Signed By

David F. Leland
Assistant Executive Officer
North Coast Regional Water Quality Control Board

140425_CAB_dp_SpringHill_NMPextensionLtr

cc: Naomi Kaplowitz, OE, SWRCB
Diana Henriouille, NCRWQCB
Ann Gallagher-White

Naomi.Kaplowitz@waterboards.ca.gov
Diana.Henriouille@waterboards.ca.gov
Ann.Gallagher-White@sonoma-county.org

Exhibit 3

March 2014 Administrative Civil Liability Complaint R1-2014-0022 Package

3.A

ACLC with Attachment A, Methodology

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION

Administrative Civil Liability Complaint R1-2014-0022

In the Matter of

Spring Hill Jersey Cheese, Inc.
WDID No. 1B12013DSO

Sonoma County

This Complaint is issued to Spring Hill Jersey Cheese, Inc. (Owner and Operator) (hereafter Discharger) pursuant to California Water Code (Water Code) section 13323. This Complaint is based on allegations that the Discharger violated provisions of the General Waste Discharge Requirements Order for Existing Cow Dairies in the North Coast Region, Order R1-2012-0002.

The Assistant Executive Officer of the Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board) alleges, with respect to the Dischargers acts, or failure to act, the following:

1. Discharger owns and operates the Spring Hill Jersey dairy located at 4235 Spring Hill Road Petaluma, Sonoma County.
2. Mr. Larry Peter is the principal of Spring Hill Jersey Cheese, Inc. and owns the real property located at 4235 Spring Hill Road, Petaluma, Sonoma County.
3. Spring Hill dairy is an organic milking operation that maintains approximately 260 milking cows, 90 dry cows and heifers, and 60 calves on 600 acres of pasture. Dairy facilities consist of small buildings, milk barn, pit, two ponds (North and South), calf hutches, pastures, commodity, silage, and manure storage areas.
4. Dairy operations include the daily management associated with caring for, feeding and milking cows, as well as handling, storing, and disposing of wastes. Dairy wastes include process water, manure, and other organic materials. Other wastes handled separately include medicines, pesticides, chemicals for cleaning, and fertilizers.
5. The dairy is located in the Bodega Hydrologic Unit, Estero de San Antonio Hydrologic Area. Stemple Creek and the Estero de San Antonio watershed are considered waters of the State and of the United States. The Regional Water Board and the U.S. Environmental Protection Agency (EPA) have listed these watersheds

under Clean Water Act section 303, subdivision (d), as impaired for nutrients and sediment. A Stemple Creek tributary flows through the Dairy's northern pastures approximately 0.2 miles northwest of the Dairy's North Pond. Also, another tributary of Stemple Creek flows directly adjacent to the dairy property.

6. On January 19, 2012, the North Coast Water Board adopted the General Waste Discharge Requirements Order for Existing Cow Dairies in the North Coast Region, Order R1-2012-0002 (hereafter General Order). A Monitoring and Reporting Program (hereinafter MRP) accompanies the Dairy General Order. The General Order became effective on January 19, 2012. The Dairy General Order and the MRP contain reporting requirements for dairies regulated by the General Order. The Dairy General Order is a set of general waste discharge requirements that apply to owners and operators of existing milk cow dairies.
7. On February 14, 2012, the Superior Court of California, County of Sonoma, adopted a Final Judgment and Permanent Injunction Pursuant to Stipulation between Mr. Larry Peter and the District Attorney. The judgment ordered Mr. Larry Peter to enroll in the Regional Water Board's dairy waste program, and to comply with that program's requirements and with the directives of the Regional Water Board. The judgment also prohibited Mr. Larry Peter from unlawfully depositing into the waters of the state materials deleterious to fish, plant life, mammals, or bird life.
8. On March 27, 2012, Regional Water Board staff conducted a site assessment at the Spring Hill Dairy, which revealed that the dairy did not have a Nutrient Management Plan (NMP). The General Order and MRP require that Discharger prepare and implement a Waste Management Plan (WMP) for the production area and a NMP for land application by January 19, 2013.
9. On April 17, 2012, Regional Water Board staff received a Notice of Intent for coverage of the Dairy under the General Order. On May 7, 2012, Regional Water Board Staff sent the Discharger a letter notifying it of enrollment under the General Order.
10. In April, June and September 2012, representatives of the California Dairy Quality Assurance Program conducted workshops educating local dairy operators about the new requirements of the Regional Water Board's Dairy Program including those requirements under the General Order. The Discharger's representative attended workshops that included discussions about the requirement for submittal of an Annual Report due on November 30, 2012.
11. On December 4, 2012, the Discharger informed the Regional Water Board via email that the Annual Report would be submitted soon, and that the Southern Sonoma Resource Conservation District had just completed the maps for the Dairy.

STATEMENT OF STATUTORY AUTHORITY

12. An administrative civil liability may be imposed pursuant to the procedures described in Water Code section 13323. An administrative civil liability complaint alleges the act or failure to act that constitutes a violation of law, the provision of law authorizing administrative civil liability to be imposed, and the proposed administrative civil liability.
13. Pursuant to Water Code section 13267, subdivision (b), a regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region..., shall furnish, under penalty of perjury, technical or monitoring program reports which the regional 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 regional 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.
14. Pursuant to Water Code section 13268, subdivision (a), any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of section 13267, or failing or refusing to furnish a statement of compliance as required by subdivision (b) of section 13399.2, or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).
15. Pursuant to Water Code section 13268, subdivision (b), paragraph (1), civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with section 13323) of Chapter 5 for a violation or subdivision (a) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

THE ASSISTANT EXECUTIVE OFFICER OF THE REGIONAL WATER BOARD ALLEGES:

16. On March 8, 2013, the Regional Water Board issued a Notice of Violation (NOV) to the Discharger for failing to submit a 2012 Annual Report by November 30, 2012, as required by the General Order. In that NOV, Regional Water Board staff also alerted the Discharger that they were planning a site inspection to ensure that the dairy was in compliance with the General Order, including the WMP and NMP implementation requirements.

17. On August 29, 2013, Regional Water Board staff met with dairy representatives, attorney for the dairy Michael Brook, and organic consultant Mark Chass, onsite to inspect the facility and to help the representatives fill out the 2012 Annual Report. At that inspection, Regional Water Board staff asked to see the NMP and WMP. Dairy representatives admitted to Regional Water Board staff that the WMP and NMP were not complete and that representatives were not able to furnish those plans upon request at that time. Regional Water Board staff reviewed and helped fill in the Annual Report form with dairy representatives item by item. Dairy representatives did not, however, finalize or submit the Annual Report at that meeting.
18. To date, the Regional Water Board has not received the 2012 or 2013 Annual Reports.
19. The Discharger is alleged to have violated the following sections of the General Order and MRP.
 - a. Provision 29 on page 6 of the General Order, which states:

“Pursuant to CWC Section 13267, a MRP is attached to this Order. Monitoring must be consistent with the dairy’s WMP and NMP. The Discharger shall submit all reports as specified in the MRP.”
 - b. Provision 30 on page 6 of the General Order, which states:

“Reporting of efforts implemented to achieve sustained water quality protection is required in an Annual Report (MRP Appendix 3, Annual Report) that is due to the Regional Board by November 30 each year.”
 - c. Provision II. A. of the MRP, which states:

“The objective of the Annual Report (MRP Appendix 3) is to provide updates using photographs and narrative text on new management practices and the effectiveness of existing management practices. Documentation of compliance with conditions of the Order must be submitted to the Regional Water Board in an Annual Report due each November 30 starting in 2013.... A copy of the Annual Report including photo documentation must be kept at the facility for Regional Water Board review during inspections.”

SUMMARY OF ALLEGED VIOLATIONS

20. Violation No. 1: The Discharger failed to submit an Annual Report for 2012 on November 30, 2012 as required by the General Order and the MRP. As of the date of this Complaint this report is now 479 days late.
21. Violation No. 2: The Discharger failed to submit an Annual Report for 2013 on November 30, 2013 as required by the General Order and the MRP. As of the date of this Complaint this report is now 114 days late.

FACTORS CONSIDERED IN DETERMINING ADMINISTRATIVE CIVIL LIABILITY

22. On November 17, 2010, the State Water Board adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on May 20, 2010. The Enforcement Policy establishes a methodology for assessing administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing a civil liability. This policy can be found at:
http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf
23. The administrative civil liability was derived from the use of the penalty methodology in the Enforcement Policy. The proposed civil liability takes into account such factors as the Discharger's culpability, history of violations, ability to pay and continue in business, and other factors as justice may require.

Violations under Water Code section 13268 may be assessed in an amount of up to one thousand dollars (\$1,000) for each day in which the violation occurs.
24. The required factors have been considered using the methodology in the Enforcement Policy, as explained in detail in Attachment A which is hereby incorporated by reference.
25. Minimum Civil Liability for Missing Annual Reports: Pursuant to the Enforcement Policy, civil liability, at a minimum, must be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation plus ten percent. The economic benefit is calculated to be approximately \$1,297. The minimum civil liability which must be assessed pursuant to the Enforcement Policy is \$1,427.
26. Maximum Civil Liability for Missing Annual Reports: The maximum penalty for the missing Annual Report violations is \$593,000 based on a calculation of the total

number of per-day violations times the statutory maximum penalty (479 + 114 total days of violation X \$1000).

PROPOSED ADMINISTRATIVE CIVIL LIABILITY

As described above, the maximum penalty for the violations is \$593,000. Based on consideration of the above facts, after applying the penalty methodology, and considering the Discharger's ability to pay, the Assistant Executive Officer of the Regional Water Board proposes that civil liability be imposed administratively on the Discharger in the amount of **twenty-two thousand two hundred dollars (\$22,200)** for the two violations cited above. The specific factors considered in this penalty are detailed in Attachment A.

THE DISCHARGER IS HEREBY GIVEN NOTICE THAT:

1. The Assistant Executive Officer of the Regional Water Board proposes that the Discharger be assessed an Administrative Civil Liability in the amount of **twenty-two thousand two hundred dollars (\$22,200)**.
2. A hearing on this matter will be conducted at the Regional Water Board meeting scheduled on June 19, 2014, unless one of the following occurs by April 24, 2014:
 - a. The Discharger waives the hearing by completing the attached form (checking the box next to Option #1) and returning it to the Regional Water Board, along with payment for the proposed civil liability of **twenty-two thousand two hundred dollars (\$22,200)**; or
 - b. The Discharger waives the hearing and agrees to enter into settlement discussions with the Regional Water Board by completing the attached form (checking the box next to Option #2) and returning it to the Regional Water Board, along with a letter describing the issues to be discussed; or
 - c. The Discharger requests to postpone the hearing by completing the attached form (checking the box next to Option #3) and returning it to the Regional Water Board along with a letter describing the necessity for the postponement.
3. If the Regional Water Board holds a hearing, it may choose to impose an administrative civil liability in the amount proposed or for a different amount, decline to seek civil liability, or refer the matter to the Attorney General to have a Superior Court consider enforcement. If this matter proceeds to hearing, the Prosecution Team reserves the right to seek an increase in the civil liability amount to cover the costs of enforcement incurred subsequent to the issuance of this Complaint through hearing.

4. There are no statutes of limitations that apply to administrative proceedings. The statutes of limitations that refer to “actions” and “special proceedings” and are contained in the California Code of Civil Procedure apply to judicial proceedings, not an administrative proceeding. See *City of Oakland v. Public Employees’ Retirement System* (2002) 95 Cal. App. 4th 29, 48; 3 Witkin, Cal. Procedure (4th ed. 1996) Actions, §405(2), p. 510.)
5. Notwithstanding the issuance of this Complaint, the Regional Water Board retains the authority to assess additional penalties for violations of the requirements of the Discharger’s waste discharge requirements for which penalties have not yet been assessed or for violations that may subsequently occur.

Issuance of this Complaint is an enforcement action and is therefore exempt from the provisions of the California Environmental Quality Act (Pub. Res. Code § 21000 et seq.) pursuant to title 14, California Code of Regulations sections 15308 and 15321 subsection (a) (2).

Payment of the assessed liability amount does not absolve the Discharger from complying with the General Order or the MRP, the terms of which remain in effect. Additional civil liability may be assessed in the future if the Discharger fails to comply with the General Order, the MRP, and/or future orders issued by the Regional Board.

Original signed by

David Leland, P.E.
Assistant Executive Officer
Regional Water Board Prosecution Team

March 25, 2014

Attachment A – ACL Complaint No. R1-2014-0022
Specific Factors Considered – Civil Liability
Spring Hill Jersey Cheese, Inc. (Complaint)

Each factor of the Enforcement Policy and its corresponding score for each violation are presented below:

- 1. Violation No. 1 (Failure to submit 2012 Annual Report):** In accordance with General Waste Discharge Requirements Order for Existing Cow Dairies in the North Coast Region (General Order), Order R1-2012-0002, a 2012 Annual Report must be submitted for regulated facilities by November 30, 2012. To date, Spring Hill Dairy (Discharger) has not submitted that report.

Calculation of Penalty for Failure to Submit 2012 Annual Report

Step 1. Potential for Harm for Discharge Violations

This step is not applicable because the violation is a not a discharge violation.

Step 2. Assessment for Discharge Violations

This step is not applicable because the violation is a not a discharge violation.

Step 3. Per Day Assessment for Non-Discharge Violations

The per day factor is 0.35.

This factor is determined by a matrix analysis using the potential for harm and the deviation from requirements. The potential for harm was determined to be minor. The Annual Report is the primary mechanism used by dairies to demonstrate compliance with the General Order and implementation of the Nutrient Management Plan and Waste Management Plan. The failure to submit the required technical reports undermines the Regional Water Board's efforts to prevent water quality degradation and to implement the regulatory protection measures detailed in the General Order. However, the failure to turn in the Annual Report, alone, poses a low threat to beneficial uses. The deviation from requirements was determined to be major, as the requirement to submit technical reports has been rendered ineffective.

Initial Liability

The failure to submit an Annual Report is punishable under Water Code section 13268, subdivision (b), paragraph (1), by civil liability in an amount which shall not

exceed one thousand dollars (\$1,000) for each day in which a violation occurs. The Discharger failed to submit an Annual Report for 2012 on November 30, 2012, as required by the General Order and the Monitoring and Reporting Program (MRP). That Annual Report is now 479 days late.

However, the alternative approach for calculating liability for multi-day violations in the Enforcement Policy is applicable. Because the failure to submit required technical reports does not cause a daily detrimental impact to the environment or the regulatory program.

Applying the per-day factor to the adjusted number of days of violation rounded to the nearest full day equals 21 days of violation. A calculation of initial liability totals seven thousand three hundred- fifty dollars (\$7,350) (0.35 per day factor X 21 adjusted days of violation X \$1,000 per day penalty).

Step 4. Adjustment Factors

a) *Culpability: 1.5*

Discussion: The Discharger was given the score of 1.5. The Discharger is fully responsible for the failure to submit the Annual Reports alleged in this Complaint. The requirement to submit an Annual Report was detailed in the General Order. In addition, the Discharger was issued a Notice of Violation on March 8, 2013, which requested that the report be submitted as soon as possible to minimize liability. On August 29, 2013, North Coast Water Board staff, performing a site inspection at Spring Hill Dairy, attempted to assist the Discharger in filling out the Annual Report line-by-line to help achieve compliance. Since that time, the Discharger has still failed to submit the 2012 Annual Report, and is therefore highly culpable for its failure to comply with the program.

b) *Cleanup and Cooperation: 1*

Discussion: Despite the fact that the Discharger received multiple notices regarding the requirements set forth in the General Order, including notice in the General Order, workshops, and NOV, the Discharger continues to fail to comply. The Discharger has not voluntarily cooperated to return to compliance. However, the violation of Water Code section 13267, subdivision (b), alleged herein, is a non-discharge violation, and thus cleanup is not applicable. Therefore, the Discharger was given the neutral score of 1, which neither increases nor decreases the fine.

c) *History of Violations:* 1

Discussion: The Discharger was given the score of 1 which neither increases nor decreases the fine. The Regional Board has no documentation of violations for the Discharger with respect to the failure to submit technical and/or monitoring reports as required by an order issued pursuant to Water Code section 13267, subdivision (b).

Step 5. Determination of Total Base Liability Amount

The Total Base Liability is determined by applying the adjustment factors from Step 4 to the Initial Liability Amount determined in Step 2.

a) *Total Base Liability Amount:* **\$11,025** (Initial Liability (\$7,350) x Adjustments (1.5)(1)(1)).

Steps 6 through 10 Are Applied to the Combined Total Base Liability Amount for All Violations and Will be Discussed After the Total Base Liability Amounts Have Been Determined for the Remaining Violation.

2. **Violation No. 2 (Failure to submit 2013 Annual Report):** In accordance with General Order, a 2013 Annual Report must be submitted for regulated facilities by November 30, 2013. To date, the Discharger has not submitted that report.

Calculation of Penalty for Failure to Submit 2013 Annual Report

Step 1. Potential for Harm for Discharge Violations

This step is not applicable because the violation is a not a discharge violation.

Step 2. Assessment for Discharge Violations

This step is not applicable because the violation is a not a discharge violation.

Step 3. Per Day Assessment for Non-Discharge Violations

The per day factor is 0.35.

This factor is determined by a matrix analysis using the potential for harm and the deviation from requirements. The potential for harm was determined to be minor due to the following: The Annual Report is the primary mechanism used by dairies to demonstrate compliance with the General Order and implementation of the Nutrient Management Plan and Waste Management Plan. The failure to submit the required technical reports undermines the Regional Board's efforts to prevent water

quality degradation and implement the regulatory protection measures detailed in the General Order. However, the failure to turn in the Annual Report, alone, poses a low threat to beneficial uses. The deviation from requirements was determined to be major, as the requirement to submit technical reports has been rendered ineffective.

Initial Liability

The failure to submit an Annual Report is punishable under Water Code section 13268, subdivision (b), paragraph (1), by civil liability in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which a violation occurs. The discharger failed to submit an Annual Report for 2013 on November 30, 2013 as required by the General Order and the MRP. That Annual Report is now 114 days late.

However, the alternative approach for calculating liability for multiday violations in the Enforcement Policy is applicable. The failure to submit required technical reports does not cause a daily detrimental impact to the environment or the regulatory program and it does not result in an economic benefit that can be measured on a daily basis. Furthermore, the Discharger only receives an economic benefit by not submitting the required technical reports, and not a per-day benefit during the entire period of violation.

Applying the per-day factor to the adjusted number of days of violation rounded to the nearest full day equals 9 days of violation. A calculation of initial liability totals \$3,150 (0.35 per day factor X 9 adjusted days of violation X \$1,000 per day penalty).

Step 4. Adjustment Factors

a) *Culpability*: 1.5

Discussion: The Discharger was given the score of 1.5, which increases the fine.

The Discharger is fully responsible for the failure to submit the Annual Reports alleged in this Complaint. The requirement to submit an Annual Report was detailed in the 2012 General Order. The North Coast Water Board staff has made attempted to help the Discharger achieve compliance with regard to the filing of Annual Reports. Despite those efforts, the Discharger continues to ignore the requirements of the General Order. Therefore, the Discharger is highly culpable for its failure to comply with the program.

b) *Cleanup and Cooperation*: 1

Discussion: Despite the fact that the Discharger received multiple notices regarding the requirements set forth in the General Order, including notice in the General Order, workshops, and NOV, the Discharger continues to fail to comply. The Discharger has not voluntarily cooperated to return to compliance. However, the violation of Water Code section 13267, subdivision (b), alleged herein, is a non-discharge violation, and thus cleanup is not applicable. Therefore, the Discharger was given the neutral score of 1, which neither increases nor decreases the fine.

c) *History of Violations:* 1

Discussion: The Discharger was given the score of 1 which neither increases nor decreases the fine. The Regional Board has no documentation of violations for the Discharger with respect to the failure to submit technical and/or monitoring reports as required by an order issued pursuant to Water Code section 13267, subdivision (b).

Step 5. Determination of Total Base Liability Amount

The Total Base Liability is determined by applying the adjustment factors from Step 4 to the Initial Liability Amount determined in Step 2.

- a) *Total Base Liability Amount:* **\$4,725** (Initial Liability (\$3,150) x Adjustments (1.5)(1)(1)).

COMBINED TOTAL BASE LIABILITY AND FACTORS APPLIED TO ALL VIOLATIONS

The Combined Total Base Liability Amount for the two Annual Report violations is \$15,750 (\$11,025 + \$4,725).

The following factors apply to the combined Total Base Liability Amounts for all of the violations discussed above.

Step 6. Ability to Pay and Continue in Business

- a) *Adjusted Combined Total Base Liability Amount:* **\$15,750**

Discussion: The Discharger has the ability to pay the total base liability amount based on: 1) the Discharger owns the dairy, a significant asset, and 2) the Discharger operates a dairy, an ongoing business that generates profits.

Based on the reasons discussed above, an ability to pay factor of 1 has been applied to the Combined Total Base Liability Amount.

Step 7. Other Factors as Justice May Require

- a) *Adjusted Combined Total Base Liability Amount:* \$15,750 + \$6,450 (staff costs) = **\$22,200.**
- b) *Discussion:* The State and Regional Water Board has incurred \$6,450 in staff costs associated with the investigation and enforcement of the violations alleged herein. This represents approximately 43 hours of staff time devoted to investigating the violations and drafting the Notice of Violation and the complaint at \$150 an hour. In accordance with the Enforcement Policy, this amount is added to the Combined Total Base Liability Amount.

Step 8. Economic Benefit

- a) *Estimated Economic Benefit:* **\$1,297**

Discussion: The Discharger has received an economic benefit from the costs saved in not drafting and preparing the Annual Reports. This is based on the current consulting costs of producing two Annual Reports (\$800 each).

Step 9. Maximum and Minimum Liability Amounts

- a) *Minimum Liability Amount:* **\$1,427**

Discussion: Pursuant to the Enforcement Policy, civil liability, at a minimum, must be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation plus ten percent. The economic benefit is calculated to be approximately \$1,297. The minimum civil liability which must be assessed pursuant to the Enforcement Policy is \$1,427.

- b) *Maximum Liability Amount:* **\$593,000**

Discussion: The maximum administrative liability amount is the maximum amount allowed by Water Code section 13268, subdivision (b), paragraph (1): one thousand dollars (\$1,000) for each day in which the violation occurs. Without the benefit of the alternative approach for calculating liability for multiday violations under the Enforcement Policy, the Discharger could face penalties for the total number of days in violation (593 total days X \$1,000 per day).

The proposed liability falls within these maximum and minimum liability amounts.

Step 10. Final Liability Amount

Based on the foregoing analysis, and consistent with the Enforcement Policy, the final liability amount proposed for the failure to submit the 2012 and 2013 Annual Reports is **\$22,200**. Attachment B is a spreadsheet that demonstrates the use of the penalty calculation methodology.

Exhibit 3

March 2014 Administrative Civil Liability Complaint R1-2014-0022 Package

3.B

Transmittal Letter (3/25/2014)

North Coast Regional Water Quality Control Board

March 25, 2014

Mr. Larry Peter
Spring Hill Jersey Cheese, Inc.
621 Western Avenue
Petaluma, CA 94952

Dear Mr. Peter:

Subject: Administrative Civil Liability Complaint R1-2014-0022 for Spring Hill Jersey Cheese, Inc. (Owner and Operator) of the Dairy located at 4235 Spring Hill Road, Petaluma, CA 94952

File: Spring Hill Jersey Cheese, Inc., WDID No. 1B12013DSON, Dairy Files

Enclosed is an Administrative Civil Liability Complaint (Complaint), issued pursuant to California Water Code section 13323. The Complaint proposes to assess Spring Hill Jersey Cheese, Inc. with civil liability in the amount of **twenty-two thousand two hundred dollars (\$22,200)** pursuant to Water Code Section 13268 for violations of the General Waste Discharge Requirements Order for Existing Cow Dairies in the North Coast Region, Order R1-2012-0002 (General Order), which was issued by the Regional Water Quality Control Board, North Coast Region (Regional Water Board) on January 19, 2012. The proposed penalty is based on a consideration of the failure to submit Annual Reports pursuant to Water Code section 13267, subdivision (b).

In response to the Complaint, the Discharger may:

1. Pay the proposed civil liability and waive its right to a hearing before the Regional Water Board by signing the enclosed waiver (checking off the box next to Option #1) and submitting it to this office by April 24, 2014, along with payment for the full amount;

2. Waive its right to a 90-day hearing and agree to enter into settlement discussions with the Regional Water Board by signing the enclosed waiver (checking off the box next to Option #2) and submitting it to this office by April 24, 2014; or
3. Waive its right to a 90-day hearing in order to extend the hearing deadlines by signing the enclosed waiver (checking off box next to Option #3) and submitting it to this office by April 24, 2014.

If the Discharger would like to rebut the presumption in the Complaint regarding **an ability to pay the proposed liability**, it must submit detailed financial information to the Regional Water Board by May 14, 2014. Information must include a balance sheet of outstanding debts and liabilities, as well as the information detailed on the attached Administrative Civil Liability Fact Sheet.

If the Regional Water Board does not receive a signed waiver by **April 24, 2014**, then a hearing on this matter will be scheduled for the **June 19th, 2014** regular meeting of the Regional Water Board to be held at 5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403. If a hearing on this matter is held, the Regional Water Board will consider whether to issue, reject, or modify an Administrative Civil Liability Order based on the enclosed Complaint, or whether to refer the matter to the Attorney General for recovery of judicial civil liability. Modification of the proposed Administrative Civil Liability Order may include increasing the dollar amount of the proposed civil liability. Specific notice about this hearing and its procedures will be provided under separate cover.

Payment of this proposed civil liability of **twenty-two thousand two hundred dollars (\$22,200)** does not absolve the Discharger from complying with the General Order, the terms of which remain in effect. Additional civil liability may be assessed in the future if the Discharger fails to comply with the General Order.

If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Cherie Blatt at (707) 576-2755.

Sincerely,

Original signed by

David F. Leland
Assistant Executive Officer
Regional Water Board Prosecution Team

140325_CAB_dp_SpringHillJerseyCheese_ACLC_TransmittalLtr

Certified Return Receipt Requested

Enclosures: Administrative Civil Liability Complaint R1-2014-0022
Waiver of 90-day Hearing
Attachment A – Specific Factors Considered
Notice of Public Hearing and Proposed Hearing Procedures
Fact Sheet

cc: Naomi Kaplowitz, OE, Naomi.Kaplowitz@waterboards.ca.gov
Diana Henriouille, NCRWQCB, Diana.Henriouille@waterboards.ca.gov
Cherie Blatt, NCRWQCB, Cherie.Blatt@waterboards.ca.gov
David Boyers, OE, David.Boyers@waterboards.ca.gov
Samantha Olson, OCC, Samantha.Olson@waterboards.ca.gov

Exhibit 3

March 2014 Administrative Civil Liability Complaint R1-2014-0022 Package

3.C

Hearing Notice

North Coast Regional Water Quality Control Board

NOTICE OF PUBLIC HEARING AND PROPOSED HEARING PROCEDURES
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT
R1-2014-0022

ISSUED TO
Spring Hill Jersey Cheese, Inc.
WDID No. 1B12013DSON

Sonoma County

SCHEDULED FOR JUNE 19, 2014

Overview

On March 25, 2014, the Assistant Executive Officer of the North Coast Regional Water Quality Control Board (North Coast Regional Water Board) issued Administrative Civil Liability (“ACL”) Complaint No. R1-2014-0022 (“Complaint”), pursuant to Water Code section 13323, to Spring Hill Jersey Cheese, Incorporated (hereafter “Discharger”) for violations at the Spring Hill Jersey Dairy located at 4235 Spring Hill Road, Petaluma, Sonoma County. The Complaint alleges: (1) a violation for failing to submit an Annual Report for 2012 on November 30, 2012, as required by Discharge Requirements Order for Existing Cow Dairies in the North Coast Region, Order R1-2012-0002 (“General Order”) and the accompanying Monitoring and Reporting Program (“MRP”); and (2) a violation for failing to submit an Annual Report for 2013 on November 30, 2013 as required by the General Order and MRP. The Complaint proposes that the North Coast Regional Water Board assess discretionary penalties in the amount of twenty-two thousand and two hundred dollars (\$22,200) pursuant to California Water Code section 13385. A hearing is currently scheduled to be held before the North Coast Water Board during its June 19, 2014 meeting.

Purpose of Hearing

At the hearing, the North Coast Regional Water Board will consider relevant evidence and testimony and decide whether to issue an ACL order assessing the proposed liability, or a higher or lower amount (up to the maximum penalty provided for by law), or reject the proposed liability. The public hearing will commence as announced in the North Coast Water Board meeting agenda (typically at 8:30 a.m.), or as soon thereafter as practical. The meeting will be held at: Regional Water Board, 5550 Skylane Blvd., Suite A, Santa Rosa, California or as noticed in the meeting agenda.

An agenda for the meeting will be issued at least ten days before the meeting and posted on the North Coast Water Board’s web page at:

http://www.waterboards.ca.gov/northcoast/board_decisions/tentative_orders/index.shtml

Advisory Team

To help ensure the fairness and impartiality of this proceeding, the functions of those who will act in a prosecutorial role (“Prosecution Team”) by presenting evidence for consideration by the North Coast Water Board have been separated from those who will provide advice to the North Coast Water Board (“Advisory Team”) prior to and during the hearing. Any members of the Advisory Team who normally supervise any members of the Prosecution Team are not acting as their supervisors in this proceeding, and vice versa. Other members of the Prosecution Team may act or have acted as advisors to the North Coast Water Board in other, unrelated matters, but they are not advising the North Coast Water Board in this proceeding. The Prosecution Team is subject to all applicable rules and regulations as any other party to this proceeding, including the prohibition on ex parte communications.

All submittals and communications to the Advisory Team shall be sent to:

Samantha Olson, Senior Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
(916) 327-8235
Samantha.Olson@waterboards.ca.gov

Any substantive communication to the Advisory Team must also be sent to the parties listed below.

Hearing Participation

Designated parties to the hearing may present evidence (e.g., photographs, eye-witness testimony, monitoring data), cross-examine witnesses and receive all correspondence related to the case. A person or entity that appears and presents only a policy statement is not a party and will not be allowed to make objections, offer evidence, conduct cross-examination, make legal argument or otherwise participate in the evidentiary hearing. Interested persons will not be added to the service list and will not receive copies of written testimony or exhibits from the parties, but may access hearing documents at the North Coast Water Board’s website: <http://www.waterboards.ca.gov/northcoast>.

Persons who wish to participate in the hearing as a designated party may submit a request in writing (with copies to already designated parties) so that it is received by the Advisory Team no later than 5 p.m. on April 14, 2014. The request shall include a brief explanation

of how the person will be affected by the potential action by the North Coast Water Board, the person's need to present evidence and/or cross-examine witnesses, and why an already designated party will not adequately represent the person's interest. Any objection to the request must be received by the Advisory Team, all parties and the person requesting party status by 5 p.m. on April 24, 2014. The parties will be notified by 5 p.m. on May 1, 2014 whether the request has been granted or denied. If no objection is timely received, and/or Advisory Team does not otherwise make any modifications, designated party status is automatically granted. The new designated party shall be added to the list below and subject to all the requirements in this Notice. Additional persons may be designated as parties after the deadline at the discretion of the hearing officer, for good cause shown, and subject to appropriate conditions as determined by the hearing officer.

Parties are advised to read and adhere to the attached important deadlines and hearing procedures carefully. Failure to comply with the deadlines and requirements contained herein may result in the exclusion of documents and/or testimony.

Parties

Prosecution Team:

Discharger:

Naomi Kaplowitz, Staff Counsel
Office of Enforcement
State Water Resources Control Board
1001 "I" Street
Sacramento, CA 95814
(916) 341-5677
Naomi.Kaplowitz@waterboards.ca.gov

Spring Hill Jersey Cheese, Inc.
4235 Spring Hill Road
Petaluma, CA 94952

David Leland, Assistant Executive Officer,
(Acting)
David.Leland@waterboards.ca.gov
Diana Henriouille, Senior Engineer
Diana.Henriouille@waterboards.ca.gov
Cherie Blatt, Water Resource Control
Engineer
Cherie.Blatt@waterboards.ca.gov
Regional Water Quality Control Board,
North Coast Region
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403
(707) 576-2755

Important Deadlines

All required submissions must be received by the Advisory Team by 5:00 p.m. on the due date listed. Unless otherwise specified, electronic correspondence is satisfactory.

Additional paper copies of certain submittals are also required, as specified below. Parties shall send electronic copies of all submittals to each other unless a party specifically requests paper copies.

The Advisory Team has discretion to modify the deadlines below and may schedule additional pre-hearing conferences to resolve objections or any other outstanding pre-hearing issues, if needed. Pre-hearing conferences may be held telephonically.

- | | |
|----------------|---|
| March 25, 2014 | Prosecution Team issues ACL Complaint to Discharger(s) and sends copy to Advisory Team, posts Hearing Notice and Procedures with copies to Discharger(s) and Advisory Team. |
| April 7, 2014 | Parties Submit any Objections to Hearing Notice. |
| April 14, 2014 | Deadline to Request Designated Party Status. |
| April 24, 2014 | Parties Submit any Objections to Requests for Designated Party Status. |
| April 24, 2014 | Deadline for Discharger to Submit Signed Form Waiving Right to Hearing within 90 Days. |
| April 30, 2014 | Prosecution Team Submits Case in Chief (15 hard copies to Advisory Team). |
| May 1, 2014 | Advisory team issues decision on requests of designated party status. |
| May 14, 2014 | Remaining Designated Parties, including Discharger(s) Submit Case in Chief (15 hard copies to Advisory Team). |
| May 30, 2014 | Parties Submit Any Rebuttal Evidence and Written Rebuttal to Legal Argument, and all Evidentiary Objections (15 hard copies) |
| June 9, 2014 | Parties Submit Any Responses to Objections |
| June 19, 2014 | Adjudicatory Hearing Commences |

In the event that Parties agree to postpone the hearing to engage in settlement discussions, Prosecution Team may withdraw the Hearing Notice. The hearing officer may request that Parties appear before the North Coast Water Board and provide an update on the status of the case. Prosecution Team may reissue the Hearing Notice if a hearing is still necessary. In that event, Prosecution Team shall calculate due dates as if the ACL Complaint was issued 90 days from the new hearing date. Due dates that Parties have previously met need not be extended.

General Hearing Procedures

The hearing will be conducted in accordance with the procedures for hearings set forth at California Code of Regulations, title 23, sections 648-648.8, 649.6 and 760, as they currently exist or may be amended. A copy of the current regulations and the underlying statutes governing adjudicative proceedings before the State Water Board is available upon request or may be viewed at the State Water Board's web site:

http://www.waterboards.ca.gov/laws_regulation

Unless otherwise determined by the hearing officer, each party may make an opening statement, call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even if that matter was not covered in the direct examination, impeach any witness, rebut adverse evidence, and subpoena, call and examine an adverse party or witness as if under cross-examination. At the discretion of the hearing officer, parties may also be afforded the opportunity to present closing statements or submit briefs. The North Coast Water Board encourages parties with common interests to work together to make the hearing process more efficient. In addition, parties are encouraged to stipulate to facts not in dispute, if appropriate. The hearing officer reserves the right to issue further rulings clarifying or limiting the rights of any party where authorized under applicable statutes and regulations.

Hearing Time Limits

Each party shall have a combined 30 minutes to present evidence (including evidence presented by witnesses called by the party), cross-examine witnesses (if warranted), and provide a closing statement. Additional time may be provided at the discretion of the Advisory Team (prior to the hearing) or the hearing officer (at the hearing) upon a showing that additional time is necessary. Such showing shall explain what testimony, comments or legal argument require extra time, and why the Party could not adequately provide the testimony, comments or legal argument in the time provided. The hearing officer will consider and may approve any reasonable alternative hearing agenda agreed upon by the parties if appropriate.

Submission of Evidence

In accordance with California Code of Regulations, title 23, section 648.4, the North Coast Water Board endeavors to avoid surprise testimony or evidence. Absent a showing of good cause and lack of prejudice to the parties, the North Coast Water Board may exclude evidence and testimony that is not submitted in accordance with this Hearing Procedure. Excluded evidence and testimony will not be considered by the North Coast Water Board

and will not be included in the administrative record for this proceeding. Power Point and other visual presentations may be used at the hearing, but their content may not exceed the scope of other submitted written material. Parties must provide the Advisory Team with a printed copy of such materials at or before the hearing, for inclusion in the administrative record. Additionally, any witness who has submitted written testimony for the hearing shall appear at the hearing and affirm that the written testimony is true and correct, and shall be available for cross-examination.

Case in Chief: Parties shall submit the following information in writing in advance of the hearing:

1. All legal and technical arguments or analysis (limited to 15 pages, double spaced).
2. All documentary evidence (except rebuttal documents) proposed to be offered at the hearing.
3. The name of each fact and/or expert witness, if any, whom the party intends to call at the hearing, a brief summary of the subject of each witness's proposed testimony, and the estimated time required by each witness to present direct testimony. Alternatively, the testimony of any witness may be presented by declaration, so long as that witness will be available for cross-examination at the hearing. Include the qualifications of any expert witness.

Advisory Team may request all testimony in writing in advance of the hearing as necessary to conduct the hearing in a reasonable time period.

Rebuttal: "Rebuttal" means evidence, analysis or comments offered to disprove or contradict other designated parties' submissions. Rebuttal shall be limited to the scope of the materials previously submitted by the other designated parties. Rebuttal information that is not responsive to information previously submitted by other designated parties may be excluded.

Ex Parte Contacts

There shall be no *ex parte* communications with North Coast Water Board members or Advisory Team regarding substantive or controversial procedural issues within the scope of the proceeding. (Gov. Code, §§ 11430.10-11430.80.) **Any communications regarding potentially substantive or controversial procedural matters, including but not limited to the submission of evidence, briefs, and motions, must demonstrate that all parties were served and the manner of service.** Parties may accomplish this by submitting a proof of service or by other verification, such as correct addresses in an electronic-mail carbon copy list, or a list of the parties copied and their addresses in the carbon copy portion of a letter. Communications regarding non-controversial procedural matters are permissible and should be directed to staff on the Advisory Team, not North

Coast Water Board members. (Gov. Code, § 11430.20, subd. (b).) A document regarding *ex parte* communications entitled "Ex Parte Questions and Answers" is available upon request or from the State Water Board website at:

http://www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf.

Rules of Evidence

Evidence will be admitted in accordance with Government Code section 11513. Hearsay evidence may be used to supplement or explain other evidence, but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action.

Evidentiary Documents and File

The Complaint and related evidentiary documents are on file and may be inspected or copied at the North Coast Water Board office. This file shall be considered part of the official administrative record for this hearing. Other submittals received for this proceeding will be added to this file and will become a part of the administrative record absent a contrary ruling by the North Coast Water Board's Chair. Many of these documents are also posted on-line at

http://www.waterboards.ca.gov/northcoast/board_decisions/tentative_orders/index.shtml

Although the web page is updated regularly, to assure access to the latest information, you may contact the Prosecution Team (contact information above).

Questions

Questions concerning this proceeding may be addressed to the Advisory Team (contact information above).

Exhibit 3

March 2014 Administrative Civil Liability Complaint R1-2014-0022 Package

3.D

Fact Sheet

Administrative Civil Liability

Fact Sheet

The California Regional Water Quality Control Boards (Regional Water Boards) have the authority to impose administrative civil liabilities for a variety of violations under California Water Code Section 13323. This document generally describes the process that the Regional Water Boards follow in imposing administrative civil liabilities.

The first step is the issuance of an administrative civil liability complaint by the authorized Regional Water Board's Executive Officer or Assistant Executive Officer. The complaint describes the violations that are alleged to have been committed, the Water Code provisions authorizing the imposition of liability, and the evidence that supports the allegations. **Any person who receives a complaint must respond timely as directed, or risk the Regional Water Board imposing the administrative civil liability by default.** The complaint is accompanied by a letter of transmittal, a Waiver Form and a Hearing Procedure. Each document contains important information and deadlines. You should read each document carefully. A person issued a complaint is allowed to represent him or herself. However, legal advice may be desirable to assist in responding to the complaint.

Parties

The parties to a complaint proceeding are the Regional Water Board Prosecution Team and the person named in the complaint, referred to as the "Discharger." The Prosecution Team is comprised of Regional Water Board staff and management. Other interested persons may become involved and may become "designated parties." Only designated parties are allowed to submit evidence and participate fully in the proceeding. Other interested persons may play a more limited role in the proceeding and are allowed to submit non-evidentiary policy statements. If the matter proceeds to hearing, the hearing will be held before the full membership of the Regional Water Board (composed of up to nine board members appointed by the Governor) or before a panel of three board members. The board members who will hear the evidence and rule on the matter act as judges. They are assisted by an Advisory Team, which provides advice on technical and legal issues. Both the Prosecution Team and the Advisory Team have their own attorney. Neither the Prosecution Team nor the Discharger or his/her representatives are permitted to communicate with the board members or the Advisory Team about the complaint without the presence or knowledge of the other. This is explained in more detail in the Hearing Procedure.

Complaint Resolution Options

Once issued, a complaint can lead to (1) withdrawal of the complaint; (2) withdrawal and reissuance; (3) payment and waiver; (4) settlement; (5) hearing. Each of these options is described below.

Withdrawal: may result if the Discharger provides information to the Prosecution Team that clearly demonstrates that a fundamental error exists in the information set forth in the complaint.

Withdrawal and reissuance: may result if the Prosecution Team becomes aware of information contained in the complaint that can be corrected.

Payment and waiver: may result when the Discharger elects to pay the amount of the complaint rather than to contest it. The Discharger makes a payment for the full amount and the matter is ended, subject to public comment.

Settlement: results when the parties negotiate a resolution of the complaint. A settlement can include such things as a payment schedule, or a partial payment and suspension of the remainder pending implementation by the Discharger of identified activities, such as making improvements beyond those already required that will reduce the likelihood of a further violation or the implementation or funding of a Supplemental Environmental Project (SEP) or a Compliance Project. Qualifying criteria for Compliance Projects and SEPs are contained in the State Water Resources Control Board's (State Water Board) Enforcement Policy, which is available at the State Water Board's website at: http://www.waterboards.ca.gov/plans_policies/. Settlements are generally subject to public notice and comment, and are conditioned upon approval by the Regional Water Board or its authorized staff management. Settlements are typically memorialized by the adoption of an uncontested Administrative Civil Liability Order.

Hearing: if the matter proceeds to hearing, the parties will be allowed time to present evidence and testimony in support of their respective positions. The hearing must be held within 90 days of the issuance of the Complaint, unless the Discharger waives that requirement by signing and submitting the Waiver Form included in this package. The hearing will be conducted under rules set forth in the Hearing Procedure. The Prosecution Team has the burden of proving the allegations and must present competent evidence to the board regarding the allegations. Following the Prosecution Team's presentation, the Discharger and other parties are given an opportunity to present evidence, testimony and argument challenging the allegations. The parties may cross-examine each others' witnesses. Interested persons may provide non-evidentiary policy statements, but may generally not submit evidence or testimony. At the end of the presentations by the parties, the board members will deliberate to decide the outcome. The Regional Water Board may issue an order requiring payment of the full amount recommended in the complaint, it may issue an order requiring payment of a reduced amount, it may order the payment of a higher amount, decide not to impose an assessment or it may refer the matter to the Attorney General's Office.

Factors that must be considered by the Regional Water Board

Except for Mandatory Minimum Penalties under Water Code Section 13385 (i) and (h), the Regional Water Board is required to consider several factors specified in the Water Code, including nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any resulting from the violations, and other matters as justice may require (California Water Code Section 13327, 13385(e) and 13399). During the period provided to submit evidence (set forth in the Hearing Procedure) and at the hearing, the Discharger may submit information that it believes supports its position regarding the complaint. If the Discharger intends to present arguments about its ability to pay it must provide reliable documentation to establish that ability or inability. The kinds of information that may be used for this purpose include:

For an individual:

1. Last three years of signed federal income tax returns (IRS Form 1040) including schedules;
2. Members of household, including relationship, age, employment and income;
3. Current living expenses;
4. Bank account statements;
5. Investment statements;
6. Retirement account statements;
7. Life insurance policies;
8. Vehicle ownership documentation;
9. Real property ownership documentation;
10. Credit card and line of credit statements;
11. Mortgage loan statements;
12. Other debt documentation.

For a business:

1. Copies of last three years of company IRS tax returns, signed and dated,
2. Copies of last three years of company financial audits
3. Copies of last three years of IRS tax returns of business principals, signed and dated.
4. Any documentation that explains special circumstances regarding past, current, or future financial conditions.

For larger firms:

1. Federal income tax returns for the last three years, specifically:
 - IRS Form 1120 for C Corporations
 - IRS Form 1120 S for S Corporations
 - IRS Form 1065 for partnerships
2. A completed and signed IRS Form 8821. This allows IRS to provide the SWRCB with a summary of the firm's tax returns that will be compared to the submitted income tax returns. This prevents the submission of fraudulent tax returns;
3. The following information can be substituted if income tax returns cannot be made available:
 - Audited Financial Statements for last three years;
 - A list of major accounts receivable with names and amounts;
 - A list of major accounts payable with names and amounts;
 - A list of equipment acquisition cost and year purchased;
 - Ownership in other companies and percent of ownership for the last three years;
 - Income from other companies and amounts for the last three years.

For a municipality, county, or district:

1. Type of entity:
 - City/Town/Village;
 - County;
 - Municipality with enterprise fund;
 - Independent or publicly owned utility;
2. The following 1990 and 2000 US Census data:
 - Population;
 - Number of persons age 18 and above;
 - Number of persons age 65 and above;
 - Number of Individual below 125% of poverty level;
 - Median home value;
 - Median household income.
3. Current or most recent estimates of:
 - Population;
 - Median home value;
 - Median household income;
 - Market value of taxable property;
 - Property tax collection rate.
4. Unreserved general fund ending balance;
5. Total principal and interest payments for all governmental funds;
6. Total revenues for all governmental funds;
7. Direct net debt;

8. Overall net debt;
9. General obligation debt rating;
10. General obligation debt level.
11. Next year's budgeted/anticipated general fund expenditures plus net transfers out.

This list is provided for information only. The Discharger remains responsible for providing all relevant and reliable information regarding its financial situation, which may include items in the above lists, but could include other documents not listed. Please note that all evidence regarding this case, including financial information, will be made public.

Petitions

If the Regional Water Board issues an order requiring payment, the Discharger may challenge that order by filing a petition for review with the State Water Board pursuant to Water Code section 13320. More information on the petition process is available at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality/index.shtml An order of the State Water Board resolving the petition for review of the Regional Water Board's Administrative Civil Liability Order can be challenged by filing a petition for writ of mandate in the superior court pursuant to Water Code section 13330.

Once an Administrative Civil Liability Order becomes final, the Regional Water Board or State Water Board may seek a judgment of the superior court under Water Code Section 13328, if necessary, in order to collect payment of the administrative civil liability amount.

Exhibit 3

March 2014 Administrative Civil Liability Complaint R1-2014-0022 Package

3.E

Certified Mail Return Receipt (3/27/2014)

Enclosures: Administrative Civil Liability Complaint R1-2014-0022
 Waiver of 90-day Hearing
 Attachment A - Specific Factors Considered
 Notice of Public Hearing and Proposed Hearing Procedures
 Fact Sheet

cc: Naomi Kaplowitz, OE, Naomi.Kaplowitz@waterboards.ca.gov
 Diana Henriouille, NCRWQCB, Diana.Henriouille@waterboards.ca.gov
 Cherie Blatt, NCRWQCB, Cherie.Blatt@waterboards.ca.gov
 David Boyers, OE, David.Boyers@waterboards.ca.gov
 Samantha Olson, OCC, Samantha.Olson@waterboards.ca.gov

7009 2250 0004 4822 7493

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OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To **Mr. Larry Peter**
Spring Hill Jersey Cheese, Inc.
 Street, Apt. No., or PO Box No. **621 Western Avenue**
 City, State, ZIP+4 **Petaluma, CA 94952**

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>X Sam Bonye</i></p> <p>B. Received by (Printed Name) <i>Sara Bonye</i> C. Date of Delivery <i>03-26-14</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p style="text-align: center;">MAR 27 2014</p> <p>3. Service Type <input type="checkbox"/> WMgmt <input type="checkbox"/> Admin <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Timber <input type="checkbox"/> Legal <input type="checkbox"/> Registered <input type="checkbox"/> Express Mail <input type="checkbox"/> Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
1. Article Addressed to:	
Mr. Larry Peter Spring Hill Jersey Cheese, Inc. 621 Western Avenue Petaluma, CA 94952	
2. Article Number (Transfer from service label)	7009 2250 0004 4822 7493
PS Form 3811, February 2004	Domestic Return Receipt 102595-02-M-1540

Exhibit 3

March 2014 Administrative Civil Liability Complaint R1-2014-0022 Package

3.F

Signed Hearing Waiver (4/23/2014)

WAIVER OF 90-DAY HEARING REQUIREMENT FOR
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent Spring Hill Jersey Cheese, Inc. (Discharger) in connection with Administrative Civil Liability Complaint R1-2014-0022 (Complaint). I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served. The person who has been issued a complaint may waive the right to a hearing."

(OPTION 1: Check here if the Discharger waives its right to a hearing and accepts the proposed liability amount of **twenty-two thousand two hundred dollars (\$22,200)**.

- a. I hereby waive any right the Discharger may have to a hearing before the North Coast Regional Water Quality Control Board (Regional Water Board) within ninety (90) days of service of the Complaint; and
- b. I certify that the Discharger will be liable for **twenty-two thousand two hundred dollars (\$22,200)** in full. The Discharger shall remit payment, by check, which will contain a reference to "ACL Complaint R1-2014-0022" and will be made payable to the "State Water Resources Control Board Cleanup and Abatement Account". Payment must be received by the Division of Administrative Services, Accounting Branch, State Water Resources Control Board, 1001 I Street, 18th Floor, Sacramento, CA 95814 within 30 days from the date on which this waiver is executed or the Regional Water Board may adopt an Administrative Civil Liability Order requiring payment. The Discharger will send a copy of the payment to the Regional Water Board, Attn: Cherie Blatt, 5550 Skylane Blvd, Suite A, Santa Rosa, CA 95403.
- c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after a 30-day public notice and comment period. Should the Regional Water Board receive significant new information or comments from any source during this comment period, the Regional Water Board's Assistant Executive Officer may withdraw the Complaint, return payment, and issue a new Complaint. I understand that this proposed settlement is subject to approval by the Regional Water Board, and that the Regional Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
- d. I understand that payment of the above amount in full is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

(OPTION 2: Check here if the Discharger waives the 90-day hearing requirement, but wishes to engage in settlement negotiations. The Regional Water Board must receive information from the Discharger indicating a controversy regarding the assessed penalty at the time this waiver is submitted, or the waiver may not be accepted.)

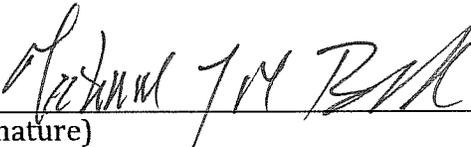
- a. I hereby waive any right the Discharger may have to a hearing before the Regional Water Board within 90 days after service of the complaint but reserve the ability to request a hearing in the future. By checking this box, the Discharger requests that

the Regional Water Board delay the hearing so that the Discharger and Regional Water Board staff can discuss settlement. It remains within the discretion of the Regional Water Board to agree to delay the hearing. A hearing on the matter may be held before the Regional Water Board if these discussions do not resolve the liability proposed in the Complaint. The Discharger agrees that this hearing may be held after the 90-day period referenced in California Water Code section 13323 has elapsed.

- b. I certify that the Discharger will promptly engage the Regional Water Board staff in discussions to resolve the outstanding violation(s).
- (OPTION 3: Check here if the Discharger will waive the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines. The Regional Water Board must receive information from the Discharger indicating a controversy regarding the assessed penalty at the time this waiver is submitted, or the waiver may not be accepted. Attach a separate sheet with the amount of additional time requested and the rationale.)
- a. I hereby waive any right the Discharger may have to a hearing before the Regional Water Board within 90 days after service of the Complaint but reserve the ability to request a hearing in the future.
 - b. By checking this box, the Discharger requests that the Regional Water Board delay the hearing and/or hearing deadlines so that the Discharger may have additional time to prepare for the hearing. It remains within the discretion of the Regional Water Board to approve the extension.

If a hearing on this matter is held, the Regional Water Board will consider whether to issue, reject, or modify the proposed Administrative Civil Liability Order, or whether to refer the matter to the Attorney General for recovery of judicial civil liability. Modification of the proposed Administrative Civil Liability Order may include increasing the dollar amount of the assessed civil liability.

MICHAEL J M BROOK, ATTY. FOR
(Print Name and Title) SPRING HILL


(Signature)

4/23/12
(Date)

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION**

**WAIVER OF 90-DAY HEARING REQUIREMENT FOR
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

By signing this Waiver, I affirm and acknowledge the following:

- a. I am duly authorized to represent Spring Hill Jersey Cheese, Inc. (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint R1-2014-0054 (hereinafter the "Complaint");
- b. I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served" with the Complaint;
- c. I hereby waive any right the Discharger may have to a hearing before the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) within ninety (90) days of service of the Complaint; and

1. (Check here if the Discharger will waive the hearing requirement and will pay the fine)

- a. I certify that the Discharger will remit payment for the civil liability imposed in the amount of **thirty-seven thousand one hundred and twenty-five dollars (\$37,125)** by check that references "ACLC R1-2014-0054" and is made payable to the "State Water Pollution Cleanup and Abatement Account." Payment must be received by the Regional Board by October 9, 2014 or the Regional Board may adopt an Administrative Civil Liability Order requiring payment.
- b. I understand the payment of the above amount constitutes a settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period mandated by Federal regulations (40 CFR 123.27) expires. Should the Regional Board receive new information or comments from any source (excluding the Regional Board's Prosecution Team) during this comment period, the Regional Board's Assistant Executive Officer may withdraw the Complaint, return payment, and issue a new complaint.
- c. I understand that this proposed settlement is subject to approval by the Regional Board and that the Regional Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
- d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

- 2. (Check here if the Discharger waives the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines. Attach a separate sheet with the amount of additional time requested and the rationale.)** By checking this box, the Discharger requests that the Regional Water Board delay the hearing and/or hearing deadlines so that the Discharger may have additional time to prepare for the hearing. It remains within the discretion of the Regional Board to approve the extension.

(Print Name and Title)

(Signature)

(Date)

Exhibit 4

March 5, 2014

**Request to Furnish
Nutrient Management Plan and
Waste Management Plan**

North Coast Regional Water Quality Control Board

March 5, 2014

Mr. Larry Peter
Spring Hill Jersey Cheese, Inc.
4235 Spring Hill Road
Petaluma, CA 94952

Dear Mr. Larry Peter,

Subject: Request to Furnish Nutrient Management Plan and Waste Management Plan for Spring Hill Dairy, Sonoma County, Pursuant to General Waste Discharge Requirements Order for Existing Cow Dairies in the North Coast Region

File: Spring Hill Jersey Cheese, Inc., WDID No. 1B12013DSON Dairy Files

The North Coast Regional Water Quality Control Board (Regional Water Board) requests that you furnish the Nutrient Management Plan (NMP) and Waste Management Plan (WMP) for the Spring Hill Dairy located at 4235 Spring Hill Road, Sonoma County, pursuant to the General Waste Discharge Requirements Order for Existing Cow Dairies in the North Coast Region, Order R1-2012-0002 (General Order).

On January 19, 2012, the Regional Water Board adopted the General Order, which is accompanied by a Monitoring and Reporting Program (MRP). The MRP applies to your dairy and is issued pursuant to Water Code 13267, subdivision (b), which requires a person who discharges or is suspected of having discharged waste to furnish, under penalty of perjury, technical or monitoring program reports that the Regional Water Board requires. The General Order requires that you make available to the Regional Water Board, during inspections and upon request, any reports or records required by the Order including those required under the MRP, WMP, or NMP.

On August 29, 2013, Regional Water Board staff met with dairy representatives on site to inspect the Spring Hill Dairy. At that inspection, Regional Water Board staff asked dairy

representatives to see the WMP and NMP. Dairy representatives admitted to Regional Water Board staff that the WMP and NMP were not complete and that representatives were not able to furnish those plans upon request at that inspection.

Pursuant to the General Order and MRP, you are required, by **April 5, 2014**, to submit your WMP and NMP to the Regional Water Board at the following address:

North Coast Regional Water Quality Control Board
Attn: Cherie Blatt
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

If the NMP and WMP are not received by the date cited above, the Regional Water Board will pursue further enforcement. Failure to submit the documents by the deadline subjects you to an administrative civil liability penalty of up to **one thousand dollars (\$1,000) for each day** in which each document is not received. If you have any questions concerning the required documents please contact Cherie Blatt at (707) 576-2755 or at Cherie.Blatt@waterboards.ca.gov.

Sincerely,

David F. Leland
Assistant Executive Officer

140305_CAB_dp_SpringHillNMP1tr

cc: Naomi Kaplowitz, OE, SWRCB Naomi.Kaplowitz@waterboards.ca.gov
David Boyers, OE, SWRCB David.Boyers@waterboards.ca.gov
Diana Henriouille, NCRWQCB Diana.Henriouille@waterboards.ca.gov
Ann Gallagher-White Ann.Gallagher-White@sonoma-county.org

Exhibit 5

December 2013 Email Correspondence

5.A

December 13 and 16, 2013 Correspondence from Staff Providing GWDR Link

From: Mark Chass <mark@springhillcheese.com>
Sent: Monday, December 16, 2013 11:41 AM
To: Blatt, Cherie@Waterboards
Subject: RE: GWDR link

Hi Cherie,

Thanks for the information. Michael Brooks, the attorney that Larry employs, is supposed to handle the Annual Reports. I will ask Larry to contact him and see when the Reports will be submitted.

Best,

Mark

From: Blatt, Cherie@Waterboards [<mailto:Cherie.Blatt@waterboards.ca.gov>]
Sent: Friday, December 13, 2013 10:27 AM
To: mark@springhillcheese.com
Subject: GWDR link

Hi Mark,

Here is the link and the GWDR Order per your request. Spring Hill Cheese has permit coverage with our office under the General Waste Discharge Requirements (GWDR Order R1-2012-0002). Most other dairies in our region are covered under the Waiver Order R1-2012-0003. A few others are covered under the GWDR but they are in Humboldt County.

Much of the language is the same if comparing the GWDR and Waiver. Prohibitions are listed on page 11 and 12. Here is the link to our dairy page on our website. This link will take you to our Dairy and CAFO Program web page. Just scroll down until you see the GWDR listed along with all the GWDR attachments below the Order such as the Annual Report (which we are still waiting for from Spring Hill: the 2012 and 2013 submittals are both late now). The GWDR Order without appendices is also attached for you.

http://www.waterboards.ca.gov/northcoast/water_issues/programs/dairies/

Thank you.

Sincerely,

Cherie Blatt

Water Resource Control Engineer
North Coast Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403
(707) 576-2755
Cherie.Blatt@waterboards.ca.gov

Exhibit 5

December 2013 Email Correspondence

5.B

December 27, 2013 Correspondence from Staff Notifying Discharger of Past Due Annual Report (Due November 30, 2013)

From: Blatt, Cherie@Waterboards
Sent: Friday, December 27, 2013 2:48 PM
To: larry@springcheese.com
Cc: Michael Brook (mbrooklaw@gmail.com); jen@springhillcheese.com
Subject: late dairy Annual Report due Nov 30

Regarding: Spring Hill Jersey Cheese Inc.

Dear Larry,

Water Quality Annual Reports were due to the North Coast Regional Water Quality Control Board by November 30, 2013. Reminder letters were sent to the dairies on November 23 including a list of attachments required to be submitted with the Annual Report. Please review the Monitoring and Reporting Program attached to the General Waste Discharge Requirements for details. http://www.waterboards.ca.gov/northcoast/water_issues/programs/dairies/

Please submit your Annual Report promptly. We may be issuing Notices of Violation in January 2014 to dairies that have not met the Annual Report submittal requirement.

If you have any questions regarding these requirements, please contact me as listed below.

Thank you.

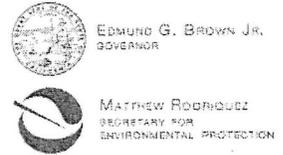
Sincerely,

Cherie Blatt

Water Resource Control Engineer
North Coast Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403
(707) 576-2755
Cherie.Blatt@waterboards.ca.gov

Exhibit 6

November 25, 2013 Annual Report Reminder Letter (Report Due November 30, 2013)



CAB

North Coast Regional Water Quality Control Board

November 25, 2013

Dairy Producer in the North Coast Region

Dear Sir or Madam:

Subject: Reminder of Annual Report Due November 30, 2013 for Water Quality Compliance with the Conditional Waiver of Waste Discharge Requirements Order No. R1-2012-0003 and General Waste Discharge Requirements Order No. R1-2013-0002 for Existing Cow Dairies

File: Individual Files for All North Coast Dairies

This letter serves as a reminder that an Annual Report is due to us by November 30, 2013, from all cow dairies enrolled under the Conditional Waiver of Waste Discharge Requirements Order No. R1-2012-0003 and General Waste Discharge Requirements Order No. R1-2013-0002.

On October 8, 9, and 10, 2013, the California Dairy Quality Assurance Program held workshops in Ferndale and Rohnert Park to assist dairies in filling out the Annual Reports. We have received several of these reports already. A blank copy of the Annual Report can be found in your white binder from CDQAP if you attended any of the past workshops in 2012. Alternatively, you may request that a blank Annual Report be mailed to you by telephoning our staff at (707) 576-2755. Also, the permit and forms are available on our website at http://www.waterboards.ca.gov/northcoast/water_issues/programs/dairies/

Please remember to **attach to your Annual Report:**

1. **Photos:** Photo documentation of your dairy pollution prevention measures per Annual Report page 3.E.
2. **Groundwater Well Sampling Results:** Results of groundwater well sampling per Annual Report page 4.F. Please note that representative wells, such as a domestic and an agricultural well, are to be sampled for Nitrate and Fecal Coliform Bacteria in Fall 2012, Spring 2013, Fall 2013, and Spring 2014. If you are behind in collecting these samples and have not yet requested a time extension, please fill out the

DAVID M. NOREN, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 | www.waterboards.ca.gov/northcoast

attached Extension Request Form and include a new Fall/Spring schedule. Note that Del Norte County dairies have group groundwater monitoring so will not have to perform individual groundwater monitoring.

3. **Surface Water Sampling Results:** Results of surface water quality sampling per Annual Report page 4.F. If you are a member of group surface water sampling, simply fill in the group name in section 4.F. To join a group, please contact one of the following:
 - a. Sonoma/Marin: Sonoma County Farm Bureau (707) 544-5575
 - b. Humboldt: Mary Ann Renner (707) 443-4844
 - c. Del Norte: Andrea Souther, NRCS, (707) 487-7630

Before submitting your Annual Report, please double check that your dairy cow numbers do not exceed the dairy cow numbers in your original Notice of Intent submitted in Spring 2012.

It has been a pleasure working with you to protect water quality. We appreciate all the work that you have done to comply with this permit. If you have any questions, please call Cherie Blatt of our staff at (707) 576-2755.

Sincerely,



Matthias St. John
Executive Officer

131125_CAB_dp_DairyAnnualReportReminderLtr

Enclosures: Extension Request Form for Late Groundwater Monitoring
Annual Report Form

cc: Deanne Meyer, UCC dmeyer@ucdavis.edu
Denise Mullinax, CDQAP mullinax@cdrf.org
Melissa Lema, WUD wud.mlema@yahoo.com
Frances Tjarnstrom, Humboldt RCD franceshcrcd@yahoo.com
Jana McClelland, Sonoma Co. Farm Bureau jana.mcclelland@gmail.com
William Hart, Gold Ridge RCD William@GoldRidgeRCD.org
Kari Wester, Sonoma RCD KWester@sonomarcd.org

**EXTENSION REQUEST FOR
LATE GROUNDWATER WELL SAMPLING**

Groundwater sampling is required by the Waiver and GWDR. This form serves as an extension request for groundwater sampling that is behind the schedule required by the dairy Waiver and GWDR permits (more info on back). Regional Water Board staff will consider accepting the extension request if a new groundwater sampling schedule is proposed showing that a total of 2 Fall and 2 Spring samples will be analyzed for each well.

Sample Date:	Fall 2012	Spring 2013	Fall 2013	Spring 2014	Fall 2014	Spring 2015		Total # Samples
Well type:								
Domestic								4
Agricultural								4

Assurance of water quality protection in the interim: Please describe how wells are protected from contaminants (i.e. fencing, elevation, seal, concrete, vegetation, away from manured and bare soil areas, regular inspections, etc.): _____

CERTIFICATION

Dairy Name: _____

Printed Name: _____ Title: _____

Signature: _____ Date: ____/____/____

Please attach this form to the Annual Report submittal due November 30, 2013.

Background information on the required groundwater sampling:

On January 19, 2012, the Regional Water Board adopted the General Waste Discharge Requirements Order No. R1-2012-0002, and the Waiver of Waste Discharge Requirements Order No. R1-2012-0003 both for the Cow Dairies. Dairies enrolled in this program are required to complete groundwater well sampling per the Monitoring and Reporting Programs for these Orders which states that (pages 4 and 5):

Representative wells located at the dairy, including domestic and agricultural supply wells, shall be sampled four (4) times total, approximately six (6) months apart. A sample must be collected in: (1) Fall 2012, (2) Spring 2013, (3) Fall 2013, and (4) Spring 2014.

Groundwater samples from domestic wells shall be collected from the tap before the pressure tank after water has been pumped from this tap for 10 to 20 minutes. If the sample cannot be collected prior to a pressure tank, the well must be purged at least twice the volume of the pressure tank. Groundwater samples from agricultural supply wells shall be collected after the pump has run for a minimum of 30 minutes or after at least three well volumes have been purged from the well. Alternatives to this protocol may be approved by the Regional Water Board. One (1) sample from each well shall be tested for the following parameters:

<u>Constituent</u>	<u>Units</u>
Nitrate	mg/L
Fecal Coliform Bacteria	MPN/100mL

Groundwater samples shall be analyzed by a laboratory certified by the State Department of Health Services or a laboratory pre-approved by the Regional Water Board.

Please note that page 10 of the Monitoring and Reporting Program (MRP) has a paragraph that provides for extensions to deadlines upon request:

“F. Extension Request – The dairy operator may request an extension to MRP deadlines by written request to the Executive Officer of the Regional Water Board at least 30 days prior to the deadlines. This request must include a description of incomplete plan elements, an alternative date of compliance, and assurance of water quality protection in the interim. A letter from the Regional Water Board will be issued granting or denying the request. A staff inspection may be necessary.”

Labs approved by Regional Board (call lab first for sample bottles and analysis dates):

- Alpha Analytical Laboratories, Inc., 208 Mason Street, Ukiah (707) 468-0401
- Analytical Sciences, Inc., 110 Liberty Street, Petaluma (707) 769-3128
- Basic Laboratory, Inc., 2218 Railroad Avenue, Redding, (530) 243-7234
- Brelje and Race Laboratories, Inc. 425 South E Street, Santa Rosa (707) 544-8807
- K Prime, Inc. Analytical Laboratory 3621 Westwind Boulevard, Santa Rosa
(707) 527-7574
- Laguna Environmental Laboratory, 4300 Llano Road, Santa Rosa (707) 543-3363
- Neilson Research Corporation, 245 Grape Street, Medford, OR 97501,
1-800-600-5227
- North Coast Laboratories, Ltd. 5680 West End Road, Arcata (707) 822-4649

Val Aggio
Aggio Dairy Inc.
5915 Hall Road
Santa Rosa, CA 95401

Blake & Stephanie Alexandre
Alexandre Acres
8371 Lower Lake Road
Crescent City, CA 95531

Blake & Stephanie Alexandre
Alexandre Dairy
8371 Lower Lake Road
Crescent City, CA 95531

Blake & Stephanie Alexandre
Alexandre EcoDairy
8371 Lower Lake Road
Crescent City, CA 95531

Matt & Greg Amos
Amos Brothers Dairy
3420 Guerneville Road
Santa Rosa, CA 95401

Dennis Maas
Arrowhead Ranches
2915 Pepper Road
Petaluma, CA 94952

Mario Avelar
Avelar Bros Dairy
647 Nissen Road
Ferndale, CA 95536

Pete Bansen
Bancrest Dairy
509 Coppini Lane
Ferndale, CA 95536

John Mason
Bar M Ranch
3364 Foster Road
Arcata, CA 95521

Doug Beretta
Beretta Dairy
3233 Llano Road
Santa Rosa, CA 95407

Erik Bess
Bess Dairy
5798 State Highway 36
Carlotta, CA 95528

Frank Boldrini
Boldrini Dairy
225 Sage Road
Ferndale, CA 95536

Gino Bordessa
Bordessa Dairy
P.O. Box 397
Valley Ford, CA 94972

Joey Borges
Borges Dairy
P.O. Box 934
Smith River, CA 95567

Colton Brodt
Brodt Dairy
P.O. Box 1113
Ferndale, CA 95536

John Bucher
Bucher Farms Inc.
5285 Westside Road
Healdsburg, CA 95448

Doug & Judy Buttke
Buttke Dairy
6033 Blank Road
Sebastopol, CA 95472

Chris Cahill
Cahill Organic Dairy #2 (on Goble)
1837 Home Avenue
Fortuna, CA 95540

Chris Cahill
Cahill Organic Dairy (on Fulmore)
1837 Home Avenue
Fortuna, CA 95540

Domenico & Lynda Carinalli
Carinalli Organic Dairy
4905 Gravenstein Highway South
Sebastopol, CA 95472

Charles D. Martin
Charles D. Martin Dairy
7712 North Highway 3
Fort Jones, CA 96032

Dan & Andy Collenberg
Collenberg Dairy
1555 Mad River Road
Arcata, CA 95521

Tracy Coppini
Coppini Lane Jerseys
720 Coppini Lane
Ferndale, CA 95536

Emanuel Correia
Correia Dairy
1537 Pepper Road
Petaluma, CA 94952

James Cunningham
Cunningham Dairy
3100 Petaluma Hill Road
Santa Rosa, CA 95404

Darren Hansen
Darren & Karen Hansen
530 Harbers Lane
Ferndale, CA 95536

Don DeBernardi
DeBernardi Dairy Inc.
7955 Valley Ford Road
Petaluma, CA 94952

Joe Tresch
Deer Valley East
1170 Walker Road
Petaluma, CA 94952

Joe Tresch
Deer Valley West
1170 Walker Road
Petaluma, CA 94952

Daniel Del Biaggio
Del Biaggio Dairy
P.O. Box 783
Ferndale, CA 95536

Lance Stornetta
Del Mar Farms
P.O. Box 296
Manchester, CA 95459

David Renner
Diamond Point Dairy
1312 Pleasant Point Road
Ferndale, CA 95536

Robin Renner
Diamond R Ranch
100 Price Creek Road
Ferndale, CA 95536

Ken & Ron Wilson
Diamond W Ranch
9420 Valley Ford Road
Petaluma, CA 94952

Charles Dotti
Dotti Brothers Dairy
1040 Irwin Lane
Santa Rosa, CA 95401

George Duncan
Duncan Dairy
1265 Tomales Road
Petaluma, CA 94952

Andy Titus
Fern Vallee Farms
4337 Eel River Drive
Fortuna, CA 95540

Louis Ferreira
Ferreira Dairy
4530 Lamphere Road
Arcata, CA 95521

Bill Bianchi
George Bianchi, Inc
3151 Pepper Road
Petaluma, CA 94952

Garry Mahrt
Gillian's Dairy
4000 Middle Two Rock Road
Petaluma, CA 94952

Sharon Lutz
Green Acres Dairy
595 Pleasant Point Road
Ferndale, CA 95536

Michael Griffith
Griffith Dairy
2025 Christensen Lane
Ferndale, CA 95536

Frank Leonardo
Grizzly Bluff Holsteins
6307 Grizzly Bluff
Ferndale, CA 95536

GWDR

Richard Hale
Hale Dairy
1900 Highway 3
Etna, CA 96027

Curtis Holgersen
Holgersen Dairy
5231 Tompkins Hill Road
Loleta, CA 95551

Richard Hughes
Hughes Dairy
16001 Bodega HighwayCA
Bodega, N/A 94922

Steve Moody
Ielmorini Moody Dairy
P.O. Box 494
Valley Ford, CA 94972

Jack Dei Jr.
Jack Dei Dairy
831 High School Road
Sebastopol, CA 95472

Jim Walker
Jim Walker Dairy
2087 Coffee Creek Road
Ferndale, CA 95536

Laurel Johnson
Jim Walker Dairy
5 Raffaelli Avenue
Ferndale, CA 95536

Joe Matos
Joe Matos Cheese Factory
3669 Llano Road
Santa Rosa, CA 95407

Justin Correia
Joe Pinheiro Dairy
699 Piezzi Road
Santa Rosa, CA 95401

John Mattos
John Mattos Dairy (on Hammel)
602 Hammel Road
Petaluma, CA 94952

John Mattos
John Mattos Dairy (on Pepper)
602 Hammel Road
Petaluma, CA 94952

Jeff and Kim Jones
Jones Dairy
4709 Guenza Road
Santa Rosa, CA 95404

Brian Ferguson
Jordan Creek Family Partnership
475 Lakeview Drive
Crescent City, CA 95531

Jose L. Homem
Jose L. Homem Dairy
4003 Seidel Road
Arcata, CA 95521

Joseph Camozzi
Joseph Camozzi Dairy
2323 Stony Point Drive
Petaluma, CA 94952

Justin Sandahl
Justin Sandahl Dairy
4515 Montague Grenada Road
Montague, CA 96064

Dennis Leonardi
Leonardi Dairy
1901 Christensen Lane
Ferndale, CA 95536

Lois Byrns
Lois Byrns Dairy
P.O. Box 307
Orick, CA 95555

Robert Laffranchi
Loleta Cheese Coffee Creek Dairy
P.O. Box 607
Loleta, CA 95551

Robert Laffranchi
Loleta Cheese Genzoli Dairy
P.O. Box 607
Loleta, CA 95551

Tom Losa
Losa Dairy
199 Saottini Lane
Ferndale, CA 95536

Luke Luke McCanless
Luke McCanless Dairy
540 Anderson Lane
Ferndale, CA 95536

Mark Miranda
M & N Miranda Dairy
P.O. Box 1421
Ferndale, CA 95536

Ken Mazzetta
Mazzetta Dairy
1798 Pepper Road
Petaluma, CA 94952

Michael McCall
McCall Dairy
2575 Whitaker Bluff Road
Petaluma, CA 94952

George & Jana McClelland
McClelland Dairy
6475 Bodega Avenue
Petaluma, CA 94952

Albert Mello Jr.
Mello Dairy
2700 Llano Road
Santa Rosa, CA 95407

Mike Mello
Mello Farms
2780 Llano Road
Santa Rosa, CA 95407

Michael Boynton
Michael A. Boynton Dairy
610 Dillon Road
Ferndale, CA 95536

Mike Brazil
Mike Brazil Dairy
P.O. Box 91
Ferndale, CA 95536

Tim Miranda
Miranda Dairy
965 Waddington Road
Ferndale, CA 95536

Phil Nyberg
Misty Meadows Farm
105 N. Main Street
Fortuna, CA 95540

Lenda Leal
Morais Dairies
1364 Silva Road
McKinnleyville, CA 95519

Don Moreda Jr.
Moreda Valley Dairy
3245 Spring Hill Road
Petaluma, CA 94952

Mike Moretti
Moretti Family Dairy
3000 Whitaker Bluff Road
Petaluma, CA 94952

Larry and Chuck Morrison
Morrison Bros Dairy
5157 Stony Point Road
Santa Rosa, CA 95407

Paul Bianchi
Mountain View Jerseys
P.O. Box 467
Valley Ford, CA 97972

Neil McIsaac III
Neil McIsaac & Son Inc.
P.O. Box 346
Tomales, CA 94971

Gary Nicholson
Nicholson Dairy
2126 Mad River Road
Arcata, CA 95521

Rick Nicholson
Nicholson Dairy
4271 Grizzly Bluff Road
Ferndale, CA 95536

Bob Niles
Niles Ranches
1111 Cannibal Island Road
Loleta, CA 95551

Jarrid Bordessa
Ocean Breeze Dairy
P.O. Box 265
Valley Ford, CA 94972

Leslie O'Neil
O'Neil Dairy
P.O. Box 185
Loleta, CA 95551

Will Westbrook
Palmer Westbrook Dairy
P.O. Box 130
Smith River, CA 95567

Don Pedrotti
Pedrotti Dairy
5396 Elk River Road
Eureka, CA 95503

Steve Perucchi
Perucchi Dairy
16000 Bodega Highway
Bodega, CA 94922

Peter Lepori
Pete Lepori Dairy
6800 Gericke Road
Petaluma, CA 94952

Andy Helzer
Petersen Ranch
1979 Copenhagen Road
Loleta, CA 95551

Tom Ghidinelli
Pleasant Point Dairy
992 Pleasant Point Road
Ferndale, CA 95536

Kristina Radelfinger
Radelfinger Dairy
2001 Highway 211
Ferndale, CA 95536

Carlos Soria
Rancho Laguna Dairy
4000 Piner Road
Santa Rosa, CA 95401

Jim Regli
Reas Creek Dairy
525 Witman Lane
Ferndale, CA 95536

Jim Regli
Regli Jerseys
525 Witman Lane
Ferndale, CA 95536

Dan Renati
Renati Dairy
5950 Carroll Road
Petaluma, CA 94952

Jim Renner
Renner Ranches Inc.-Loleta
P.O. Box 699
Loleta, CA 95551

Jerry Renner
Renner Ranches-Fortuna
56140 Highway 101
Fortuna, CA 95540

Steven Westbrook
Reservation Ranch
370 Sarina Road
Smith River, CA 95567

Jim Becker
Riverside Dairy
1433 Grizzly Bluff Road
Ferndale, CA 95536

Matt Boynton
Riverside Ranch
815 Riverside Road
Ferndale, CA 95536

Robert Hansen
Robert Hansen Dairy
6950A Grizzly Bluff Road
Ferndale, CA 95536

Robert McClelland
Robert McClelland Dairy
13200 Valley Ford Road
Petaluma, CA 94952

Rusty Rocha
Rocha Dairy
3423 Goble Lane
Ferndale, CA 95536

Gene Sarvinski
Sarvinski Dairy
441 Dillon Road
Ferndale, CA 95536

Steve Scilacci
Scilacci Dairies
5399 Rohnerville Road
Fortuna, CA 95540

Scott Parsons
Scott Parsons Dairy
1000 Bertelsen Lane
Ferndale, CA 95536

Blake & Stephanie Alexandre
Sea Mist Organics
8371 Lower Lake Road
Crescent City, CA 95531

Ray Shinn
Shinn Dairy
1580 Waddington Road
Ferndale, CA 95536

Larry Peter
Spring Hill Jersey Cheese Inc.
4235 Spring Hill Road
Petaluma, CA 94952

Steve Riebli
Steve Riebli Dairy
1615 Cunningham Road
Sebastopol, CA 95472

Robert Tedsen
Tedsen & Son
355 Pala Road
Crescent City, CA 95531

Stan Poncia
TerriLinda Dairy
5368 Stony Point Road
Santa Rosa, CA 95407

Tim Phillis
Tim Phillis Dairy
451 Camp Weott Road
Ferndale, CA 95536

Tom Rayl
Tom Rayl Dairy
480 Meridian Road
Ferndale, CA 95536

George Toste
Toste Dairy
890 Dillon Road
Ferndale, CA 95536

Robert Camozzi
Triple C Dairy
2400 Pepper Road
Petaluma, CA 94952

John Estevo
Triple Creek Jerseys
7387 Zanes Road
Eureka, CA 95503

Wiliam Tunzini
Tunzini Ranch
145 Bertelsen Lane
Ferndale, CA 95536

John Vevoda
Vevoda Dairy
255 Price Creek School Road
Ferndale, CA 95536

Lance Stornetta
Walter Stornetta Ranch
44100 Stornetta Drive
Manchester, CA 95459

Wants Copy

Rich Wetherell
Wetherell Ranch Inc.
P.O. Box 383
Fort Dick, CA 95538

Robert Camozzi
Willow Creek Jerseys
2400 Pepper Road
Petaluma, CA 94952

Domingo Santos
Windy Acres Inc.
2580 Vassaide Road
Arcata, CA 95521

Exhibit 7

August 29, 2013 Inspection Report and Related Documents

7.A

August 29, 2013 Meeting and Inspection Memo

North Coast Regional Water Quality Control Board

Meeting and Inspection Memo

File: Spring Hill Jersey Cheese, Inc.

From: Cherie Blatt, Water Resource Control Engineer, North Coast Regional Water Quality Control Board (Regional Water Board)

Location: Spring Hill Jersey Cheese, Inc., 4235 Spring Hill Road, Petaluma, CA 94952

Date: August 29, 2013, 10:00 am

People present:

Cherie Blatt, Regional Water Board
Scott Gergus, Regional Water Board
Michael Brook, attorney for Larry Peter-the owner of Spring Hill Jersey Cheese, Inc.
Mark Chass, organic dairy consultant for Spring Hill Jersey Cheese, Inc.

Purpose of the Meeting:

1. To discuss the March 2013 Notice of Violation regarding Spring Hill's late Annual Report as due to Regional Water Board by November 30, 2012, per their permit under General Waste Discharge Requirements for Existing Dairies Order No. R1-2012-0002,
2. To help Spring Hill Jersey Cheese, Inc. representatives complete their late Annual Report, and
3. To go over improvements to the dairy since the March 2012 inspection.

Meeting Discussion and Inspection:

First, the group of four people sat at the kitchen table in the big white house, and discussed the March 2013 Notice of Violation for the late Annual Report. Then Regional Water Board staff reviewed each question in the Annual Report, line by line. Michael Brook wrote answers to the questions on his copy of the Annual Report. There were some questions that Mr. Brook was unable to access such as current cow numbers, photos of Best Management Practices to have been taken in Fall 2012 for attachment, information on

water sampling, and an authorized person to sign the final Annual Report once all the information was filled out.

I explained to the group that a Waste Management Plan (WMP) and Nutrient Management Plan (NMP) were required by the GWDR to be completed and implemented by January 19, 2013. I also asked to see the WMP and NMP. Mr. Brook said that the dairy did not have the WMP or NMP, but that they could have it in four weeks.

Next, the four of us walked around the production area noting operations. No discharges to watercourses were observed in the areas inspected. Differences since Regional Water Board's last inspection in Spring 2012 include the removal of a meeting building. Below are the inspection photos, by Cherie Blatt, from August 29, 2013.



Corrals.



North manure pond.



General dairy land views.



General dairy land views.



General dairy land views.



General dairy land views.



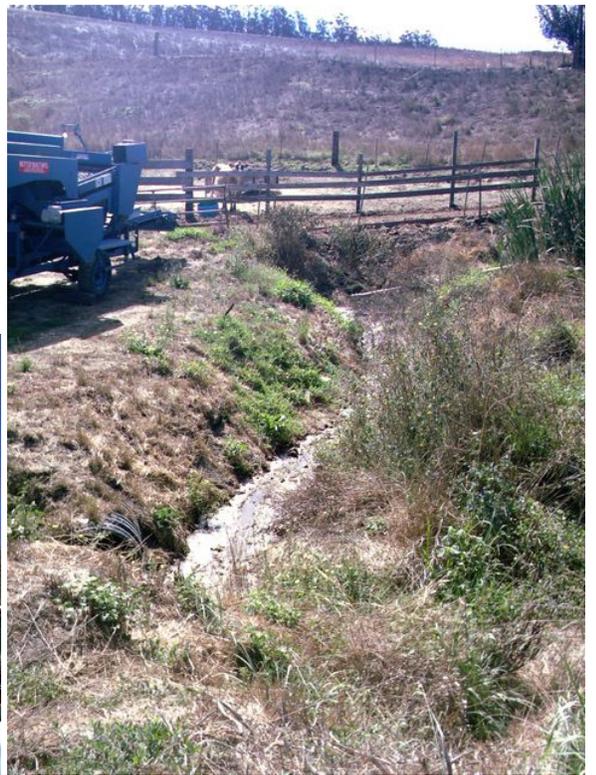
General dairy land views.



Production area views.



Production area views.



Production area views.



Production area views.



Production area views.



Production area views.



Production area views.



Production area views.



Production area view.

General dairy land view.



General dairy land views.



General dairy land views.



Tank and trough for feeding whey to cows.

Exhibit 7

August 29, 2013 Inspection Report and Related Documents

7.B

August 9-16 Correspondence

From: Michael Brook <mbrooklaw@gmail.com>
Sent: Friday, August 16, 2013 1:12 PM
To: Blatt, Cherie@Waterboards
Cc: 'Spring Hill Cheese'; Neely, Mark@Waterboards; Gergus, Scott@Waterboards
Subject: RE: Meet Aug 29: WQ Annual Report

Thank you. See you then

From: Blatt, Cherie@Waterboards [<mailto:Cherie.Blatt@waterboards.ca.gov>]
Sent: Friday, August 16, 2013 10:34 AM
To: Michael Brook
Cc: 'Spring Hill Cheese'; Neely, Mark@Waterboards; Gergus, Scott@Waterboards
Subject: Meet Aug 29: WQ Annual Report

Hi Michael,
Scott Gergus and I can meet you at Spring Hill Jerseys at 10 AM on Thursday August 29 to discuss the Notice of Violation from March (attached) and to help you fill out the Annual Report. If possible, we would like to go over improvements at the dairy since our inspection in Spring of 2012.

Thanks!

Sincerely,

Cherie Blatt

Water Resource Control Engineer
North Coast Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403
(707) 576-2755
Cherie.Blatt@waterboards.ca.gov

From: Michael Brook [<mailto:mbrooklaw@gmail.com>]
Sent: Tuesday, August 13, 2013 11:09 AM
To: Blatt, Cherie@Waterboards
Cc: 'Spring Hill Cheese'; Neely, Mark@Waterboards
Subject: RE: Meet Aug 19: WQ Annual Report
Importance: High

Can we please do 29 - a day of expert deposition sin a case coming up for trial has just been noticed? 10 is good on that day.

Michaelbrook

From: Blatt, Cherie@Waterboards [<mailto:Cherie.Blatt@waterboards.ca.gov>]
Sent: Monday, August 12, 2013 11:23 AM
To: Michael Brook
Cc: Spring Hill Cheese (jen@springhillcheese.com); Neely, Mark@Waterboards
Subject: Meet Aug 19: WQ Annual Report

Hi Jen and Michael,

Our Enforcement Unit has drafted an Enforcement Order against Spring Hill Jersey Cheese for the late Annual Report as discussed in the attached Notice of Violation. I told our Enforcement Unit that we might be able to get the completed Annual Report this month and that sending out the Order may not be necessary. I would like to meet Michael Brook and the appropriate Spring Hill staff (i.e. Mark Chas, Jeremy Dutra) at Spring Hill Jersey Cheese Inc. on Monday August 19. Is 10 am okay? We should be done by noon.

Please be sure to look over the Annual Report (blank form attached) so that your staff can look up any needed information, such as pond size measurements, APNs, etc. Also, please have the maps from the Southern Sonoma RCD ready to hand in. You will have the opportunity to keep the draft Annual Report that we work on, for a few days, in order to make copies or to fill out unknown information.

I have attached documents from the Spring Hill file in case they are helpful.

Thanks!

Sincerely,

Cherie Blatt

Water Resource Control Engineer
North Coast Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403
(707) 576-2755
Cherie.Blatt@waterboards.ca.gov

From: Michael Brook [<mailto:mbrooklaw@gmail.com>]
Sent: Monday, August 12, 2013 9:49 AM
To: Blatt, Cherie@Waterboards; 'Spring Hill Cheese'
Subject: RE: water quality report due

19th works well for me or 29th. Thank you
Michael
889-7189

From: Blatt, Cherie@Waterboards [<mailto:Cherie.Blatt@waterboards.ca.gov>]
Sent: Friday, August 09, 2013 11:44 AM
To: Spring Hill Cheese (jen@springhillcheese.com)
Cc: Michael Brook (mbrooklaw@gmail.com)
Subject: water quality report due

Hi Jen,

I am following up to your July 18, 2013 telephone message that stated that Spring Hill's attorney Michael Brook is available starting in early August to meet with us regarding completion of the overdue

Annual Report. You also stated that Mark Chas would like to meet with us to complete the report. I assume Michael Brook is now available. My schedule is free on August 13, 19, 21, 26, 28, and 29 to help Spring Hill complete the Annual Report. We should meet at the dairy to discuss the various requirements. Please let me know of Michael and Mark's availability so that we can plan the meeting. Thank you.

Sincerely,

Cherie Blatt

Water Resource Control Engineer
North Coast Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403
(707) 576-2755
Cherie.Blatt@waterboards.ca.gov

Exhibit 7

August 29, 2013 Inspection Report and Related Documents

7.C

August 30, 2013 Correspondence

From: Blatt, Cherie@Waterboards
Sent: Friday, August 30, 2013 12:09 PM
To: Michael Brook (mbrooklaw@gmail.com); Spring Hill Cheese (jen@springhillcheese.com)
Cc: Gergus, Scott@Waterboards
Subject: water quality notes 8/29/13 meeting
Attachments: spring.hill.NOI.pdf; 130308_CAB_dp_NOVspringHillLtr.pdf; Spring Hill Dairy_03-27-12_final draft_6-29-2012.pdf; scott.cherie.notes.annual.report.pdf

Hi Michael Brook and Mark C.,

Thanks for meeting with us yesterday to help get your Annual Report completed. Here are some documents that may be helpful in completing your report.

To get your maps to attach to your Annual Report for submittal, please call:

Sonoma Resource Conservation District
201 Concourse Blvd., Suite B
Santa Rosa, CA
569-1448

Or email them from their website

www.sonomarcd.org

and ask for Andy Casarez, Kara Heckert, or Valerie Minton

To join the Sonoma/Marin group water sampling, contact

Jana McClelland jana.mcclelland@gmail.com

664-0452

We are looking forward to receiving your final Annual Report soon!

Thanks.

Sincerely,

Cherie Blatt

Water Resource Control Engineer
North Coast Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403
(707) 576-2755
Cherie.Blatt@waterboards.ca.gov

Exhibit 8

July 17, 2013 Annual Report Correspondence

From: Blatt, Cherie@Waterboards
Sent: Wednesday, July 17, 2013 3:13 PM
To: 'springhillcheese@yahoo.com'
Subject: WQ Annual Report overdue
Attachments: 130308_CAB_dp_NOVspringHillLtr.pdf; 12.4.12email.pdf;
spring.hill.NOI.pdf; email.jen.water quality report due.pdf

Hi Larry,

On March 8, 2013, we sent you a Notice of Violation for your late Annual Report as part of your permit from us: General Waste Discharge Requirements Order R1-2012-0002. Our Enforcement Unit has drafted an enforcement order. I would like to help you avoid enforcement by my coming out to the dairy or creamery to help you fill out your Annual Report as was due November 30, 2012. Please call me at your earliest convenience.

Thank you.

Sincerely,

Cherie Blatt

Water Resource Control Engineer
North Coast Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403
(707) 576-2755
Cherie.Blatt@waterboards.ca.gov

Exhibit 9

March 8, 2013 Notice of Violation for Past Due Annual Report

North Coast Regional Water Quality Control Board

March 8, 2013

Mr. Larry Peter
Spring Hill Jersey Cheese, Inc.
4235 Spring Hill Road
Petaluma, CA 94952

Dear Mr. Peter,

Subject: Notice of Violation for Failure to Submit an Annual Report as Required by the North Coast Regional Water Quality Control Board General Waste Discharge Requirements for Existing Cow Dairies in the North Coast Region Order No R1-2012-0002

File: Spring Hill Jersey Cheese, Inc.

This serves to notify you that as of the date of this letter we have not received an Annual Report for your dairy, Spring Hill Jersey Cheese, Inc., pursuant to General Waste Discharge Requirements for Existing Cow Dairies in the North Coast Region Order No R1-2012-0002 (GWDR).

On April 17, 2012, we received your Notice of Intent form for coverage of your dairy under the GWDR. On May 7, 2012, we sent you a letter notifying you of enrollment. In April, June, and September, the California Dairy Quality Assurance Program conducted workshops educating local dairy operators on the new requirements of our Dairy Program. Your attorney Michael Brook attended some of these workshops in Rohnert Park. The workshop included discussion about the requirement for an Annual Report (Appendix 3) due on November 30, 2012, as described on page 9 of the GWDR Monitoring and Reporting Plan (MRP). Jen from your office emailed us on December 4, 2012, stating that the Annual Report would be submitted soon, and that staff of the Southern Sonoma Resource Conservation District had just approved the dairy maps. To date, we have not received the Annual Report, or the maps.

In addition to the annual reporting requirements, the GWDR requires that a Waste Management Plan (WMP) for the production area, and a Nutrient Management Plan (NMP) for the land application area be completed and implemented by January 19, 2013. These

are not plans that need to be submitted to our office; however, they must be kept onsite and available to Regional Water Board staff during inspections. Page 9 of the Monitoring and Reporting Program (MRP) summarizes this requirement and associated deadline. Appendices 1 and 2 of the MRP describe the requirements for the WMP and the NMP, respectively.

On February 4, 2013, we received an anonymous complaint reporting that waste, allegedly from your dairy, was flowing down Stemple Creek for over a week. The reference point was at the bridge on Seavy Road, just west of Spring Hill Road in west rural Petaluma, which is just downstream of your dairy. Our staff visited the site on February 4 and 5, 2013, and photographed a white material in the water, turbid stream flow, and dead vegetation on the bottom of the creek.

Our staff would like to schedule an inspection to ensure that your dairy is in compliance with the GWDR including implementation of the WMP and NMP. We will be contacting you shortly to schedule an inspection.

If you have any questions regarding this matter, please contact Cherie Blatt at (707) 576-2755 or Cherie.Blatt@waterboards.ca.gov or her supervisor Mark Neely at (707) 576-2689 or Mark.Neely@waterboards.ca.gov.

Sincerely,

Original signed by

Matthias St. John
Executive Officer

130308_CAB_dp_NOVspringHillLtr

Exhibit 10

December 4, 2012 Annual Report Correspondence

Blatt, Cherie@Waterboards

From: jen@springhillcheese.com
Sent: Tuesday, December 04, 2012 1:22 PM
To: Blatt, Cherie@Waterboards
Subject: Spring Hill Dairy, Water Information

Hi Cherie,

Spring Hill Dairy is waiting for their binder to turn in our paper work concerning water control/quality. Jason Sweeney was by today and approved our maps and took them with him.

We will be mailing the binder information necessary upon the return of the binder on Thursday (Dec. 6) or Friday (Dec. 7).

Thank you! Please feel free to call with any questions.

-Jen Clark

Petaluma Creamery
Spring Hill Cheese
621 Western Ave. Petaluma, CA
office: (707)762-3446
cell: (707)225-7183

Exhibit 11

Spring Hill Enrollment Documentation

11.A

**GWDRs Notice of Intent from Discharger
(Received 4/17/2012)**

ATTACHMENT A



Matt Rodriguez
Secretary for
Environmental Protection

California Regional Water Quality Control Board
North Coast Region
NOTICE OF INTENT

TO COMPLY WITH THE TERMS OF
ORDER NO. R1-2012-0002
GENERAL WASTE DISCHARGE REQUIREMENTS
FOR EXISTING COW DAIRIES

NCRWQCB



APR 17 2012

Edmund G. Brown Jr.

<input type="checkbox"/> EO	<input type="checkbox"/> WMgmt	<input type="checkbox"/> Governor
<input type="checkbox"/> AEO	<input type="checkbox"/> Timber	<input type="checkbox"/> Admin
<input type="checkbox"/> Reg/NPS	<input type="checkbox"/> Cleanup	<input type="checkbox"/> Legal
<input type="checkbox"/>		Date

(PLEASE ATTACH ADDITIONAL PAGES IF NECESSARY)

check No 7999
\$1070 rec'd

SECTION I. FACILITY OWNER INFORMATION

CWQS: 1B12013DSD

Name: SPRING HILL JERSEY CHIEFS INC		Contact E-mail: LARRY@SPRINGHILL CASE.COM	
Mailing Address: 19235 SPRING HILL ROAD			
City: PETALUMA		State: CA	Zip Code: 94952
Contact Person: LARRY PETER		Contact Phone: 707-762-3446	

SECTION II. FACILITY INFORMATION

A. Facility Name: SUN ABODG		Additional Facility Owners	
Mailing Address: SUN ABODG		Contact E-mail:	
City: SUN ABODG		State:	Zip Code:
Operator/Contact Person: SUN ABODG		Contact Phone:	

<p>B. Facility Operator:</p> <p><u>Operator Name:</u> SEE ABOVE</p> <p><u>Operator Address:</u> SEE ABOVE</p> <p><u>Contact Person:</u> SEE ABOVE</p> <p><u>Phone:</u> SEE ABOVE</p>	<p>C. Facility Location:</p> <p><u>Assessor's Parcel Numbers:</u></p> <p><u>Currently Owned:</u> 022-240-002</p> <p><u>Currently Leased:</u> 022-260-002; 046-092-018; 062-150-005; 027-190-001; MARIN COUNTY: 100-080-29; 100-080-07</p>
<p>D. Landowner:</p> <p><u>Landowner Name:</u> SEE ABOVE</p> <p><u>Address:</u> SEE ABOVE</p> <p><u>Contact Person:</u> SEE ABOVE</p> <p><u>Phone:</u> SEE ABOVE</p>	<p>E. Maximum Size of Herd without expanding infrastructure:</p> <p>699</p> <p>Maximum design capacity of current facility. Report in # of dairy cows (milking + dry):</p> <p>420</p> <p>Maximum # of other dairy cattle:</p> <p>279</p>

SECTION III. BILLING ADDRESS

Name: SPRING HILL JERSEY CHEESE INC.	Address: 4235 SPRING HILL ROAD
City, State, Zip: DETACUMH VA 94952	
Contact Person: LARRY PETER	Phone: 707 762 3446

SECTION IV. RECEIVING WATER INFORMATION

What watershed and subwatershed is the facility located in?
STEAMPLE CREEK

SECTION V. IMPLEMENTATION OF WAIVER CONDITIONS

A. STATEWIDE MINIMUM STANDARDS FOR CONFINED ANIMAL FACILITIES (check if true)

Facility will be operating in compliance with Statewide Minimum Standards for Discharges of Animal Waste (Title 27 see Attachment B)

Facility will be currently operating in compliance with 40 Code of Federal Regulations Sections 122.23(e) and 122.42 (e)(1) (vi)-(IX) that states that Large Concentrated Animal Facilities with 700 or more dairy cows (milking + dry). must have a Nutrient Management Plan. (See Monitoring and Reporting Program - Appendix 2).

B. FACILITY / OPERATION MANAGEMENT (check if true)

All prohibitions in the GWDR will be complied with while this dairy is covered under the GWDR.

Manure ponds and manure containment facilities will be managed in accordance with the GWDR.

All non-manure wastes such as silage leachate, dead animals, waste milk, veterinary medical waste, spoiled feed, bedding, etc., will be contained and managed in accordance with the GWDR.

C. MONITORING PROGRAM (check if true)

The Monitoring and Reporting Program will be reviewed and all tasks will be conducted as required.

Please check one regarding required surface water sampling:

The dairy will participate in group surface water monitoring.

The dairy will perform individual surface water monitoring.

D. Is your dairy California Dairy Quality Assurance Program (CDQAP) certified? Yes No: in Process

SECTION VI. 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 GWDR, including the implementation of a Monitoring Program Plan, will be complied with."

Printed Name: LARRY PETER Signature: [Signature]

Title: PRESIDENT Date: 4/18/12

Exhibit 11

Spring Hill Enrollment Documentation

11.B

GWDRs Enrollment Letter from Staff (5/7/2012)

North Coast Regional Water Quality Control Board

May 7, 2012

Mr. Larry Peter
Spring Hill Jersey Cheese, Inc.
4235 Spring Hill Road
Petaluma, CA 94952

Dear Mr. Peter:

Subject: Enrollment for Coverage of Spring Hill Jersey Cheese, Inc. under General Waste Discharge Requirements for Existing Cow Dairies in the North Coast Region, Order No. R1-2012-0002

File: Spring Hill Jersey Cheese, Inc.

On April 17, 2012, we received your Notice of Intent form for coverage of Spring Hill Jersey Cheese, Inc. under Order No. R1-2012-0002, General Waste Discharge Requirements for Existing Cow Dairies in the North Coast Region (GWDR). A check was enclosed with the Notice of Intent. Staff has reviewed your application for completeness and has determined that the dairy is eligible for coverage. This letter hereby informs you of your enrollment.

Spring Hill Jersey Cheese, Inc. is now subject to the requirements of Order No. R1-2012-0002, and we urge you to review the Order and familiarize yourself with its provisions for water quality protection. Groundwater sampling is required, beginning in Fall 2012. Also, a Waste Management Plan for the dairy production area and a Nutrient Management Plan for the land application area is required to be completed by January 19, 2013.

Regional Water Board staff, the California Dairy Quality Assurance Program (CDQAP), and local service providers, are assisting dairy operators in meeting the GWDR. The next CDQAP workshops are tentatively scheduled for the week of June 10 in Sonoma County and the week of June 17 in Humboldt County. A notice will be sent to each dairy in advance of the workshop.

For more information on our Dairy Program, please visit our website at:

http://www.waterboards.ca.gov/northcoast/water_issues/programs/dairies/

If you have any questions regarding GWDR coverage, please call Cherie Blatt of the Regional Water Board staff at (707) 576-2755 or her supervisor Mark Neely at (707) 576-2689.

Sincerely,

Matthias St. John
Executive Officer

120507_CAB_GWDREnrollSpringHillLtr

cc: Ann Gallagher-White, Sonoma County District Attorney Office,
Ann.Gallagher-White@sonoma-county.org
Michael Brook, Attorney for Spring Hill, mbrooklaw@gmail.com

Enclosure: NOI copy

Exhibit 12

March 27, 2012 Site Assessment Checklist

**SITE ASSESSMENT CHECKLIST
NORTH COAST REGION WATER QUALITY CONTROL BOARD
2012 DAIRY COMPLIANCE ASSESSMENTS**

A. General Information

Facility Name: Spring Hill Dairy			
Date: 03/27/2012		Time In: 8:10 AM	Time Out: 10:40 AM
Facility Owner: Larry Peter			
Facility Operator: Larry Peter			
Physical Address:	Street: 4235 Spring Hill Road		
	City: Petaluma	State: CA	ZIP: 94952
Latitude: 38.243681°		Longitude: -122.763056°	
Mailing Address:	Street: 4235 Spring Hill Road		
	City: Petaluma	State: CA	ZIP: 94952
Phone: (707) 889-7189 (Michael Brook)		<input type="checkbox"/> Owner	<input type="checkbox"/> Operator?
		<input type="checkbox"/> Office	<input checked="" type="checkbox"/> Cell
		<input type="checkbox"/> Home?	
Email: springhillcheese@yahoo.com ; mbrooklaw@gmail.com			
Assessment and Facility Description			
<p>An assessment of Spring Hill Dairy (facility) was conducted on March 27, 2012 at approximately 8:10 AM. The purpose of the assessment was to determine the facility's compliance status relative to the requirements of the dairy program adopted by the North Coast Regional Water Quality Control Board (Regional Water Board) and to assist the facility representatives in 1) determining which part of the program (NPDES wastewater discharge permit, General Waste Discharge Requirements (GWDRs), or Conditional Waiver of WDRs) applies to the facility and, 2) identifying corrective actions that may be needed to comply with the program requirements.</p> <p>The following individuals were present during the assessment:</p> <ul style="list-style-type: none"> • Facility Representatives: Jeremy Dutra and Michael Brook • Assessors and Regulatory Agency Staff: Cherie Blatt, Paul Keiran, and Scott Gergus (Regional Water Board); Jennifer Ferrando (Tetra Tech) <p>The assessor and Regional Board 1 staff met with Larry Peter and Michael Brook at the Spring Hill Creamery after leaving the dairy.</p> <p>Spring Hill Dairy is an organic milking operation that maintains milking cows, heifers, and calves on pasture. At the time of the assessment, the facility operators were in the process of constructing a large loafing barn and redesigning the site for improved runoff control. Two ponds (called the North Pond and South Pond, for purposes of this report) were used to contain and manage process water (e.g., milk barn wash water) and stormwater runoff at the facility, as described in Section B below. The redesigned site will also use these two ponds, although the South Pond will be enlarged. The ponds, pastures, and other site features (existing and proposed) are labeled on the site maps provided in Attachment A. The schedule for completion of barn construction and other site improvements depends on the availability of Environmental Quality Incentives Program (EQIP) funding.</p> <p>At the time of the assessment, there were no housing facilities for cows at Spring Hill Dairy. Cows were maintained on pasture and fed in a portion of the pasture near the commodities storage area. Process water from the milk barn, located at the east end of the production area, is piped underground west to an open pit (Photos 2 and 4) that collects runoff from the solid manure storage area in the southeast portion of the production area (Photo 4) and a portion of the commodities storage area (Photo 7). The pit is drained by another pipe that conveys liquid manure underground north to the</p>			

North Pond (Photos 7, 20, and 21). Liquid manure can be pumped from the North Pond to the South Pond as needed using portable pipes or a tank truck.

The western portion of the site includes the commodities and silage storage area, calf hutches (Photos 3 and 8), and the South Pond (Photo 11). Runoff from the calf hutches flows down the adjacent vegetated slope (Photos 3 and 5) and eventually into the pastures. Runoff from a portion of the commodities storage area and runoff and leachate from the silage area enters a diversion ditch that conveys the runoff west to a pipe inlet located south of the South Pond (Photos 9 and 10). The pipe conveys runoff north, underground, along the west side of the South Pond to an outlet in the pasture north of the South Pond (Photos 13 and 16). Several drop inlets allow additional runoff from the vegetated areas surrounding the pond to enter the underground drainage system that conveys runoff to the pastures (Photo 15).

As mentioned above, a large loafing barn with an adjacent exercise pen will be constructed in the western portion of the production area, east of the South Pond. Manure from the loafing barn will be scraped to the South Pond. The western portion of the site will be graded so that all runoff from the production area will flow to the South Pond and the existing diversion ditch (Photos 9 and 10) will divert clean runoff to the diversion drainage system.

All liquid manure (process water and storm runoff) and solid manure are applied to the surrounding pasture and crop fields owned by Spring Hill Dairy and at an adjacent ranch.

B. Production Area Information

1. Animals in confinement		i. Mature Cows (milking + dry)	ii. Other Cattle
<i>Please note these numbers are approximate and can be changed at the time of permit enrollment at a later date.</i>			
a. Facility Capacity	The facility has structures and pens for approximately:	0	60 (calf hutches)
b. Maximum Confined	At any one time, the facility confines a maximum of:	0	60
c. Current Confined	The number of dairy cattle on site today is:	260 milking	90 dry cows and heifers
Cows are currently maintained entirely on pasture. The planned loafing barn will have space for <u>approximately 300 cows.</u>			
d. Describe solid manure storage area(s): <u>During the summer months, solid manure from the feeding area is scraped and stacked near the feeding area (Photo 6). In the winter, some solid manure is stored in the open area west of the milk barn and north of the summer manure storage area (Photo 4). Runoff from this area flows to the open pit (Photos 2 and 4) to be conveyed to the North Pond. Some solid manure is also stored on the concrete areas between the calf hutches (Photo 8). Runoff from this area is not contained. Manure was also stockpiled in a pasture northeast of the production area (Photos 14 and 17). As part of the site construction, the facility operators are considering construction of a designated manure stockpile area in the western portion of the site that will drain to the South Pond.</u>			
2. Retention ponds and manure impoundments			
a. Impoundment ID	b. Drainage Area(s)	c. Other Liquid and Solid Manure Source(s)	d. Volume (or approx. dimensions*)
North Pond	Winter manure storage area west of the milk barn; portion of commodity storage area	Milk barn wash water	Approx. 170' x 70' x 25' deep (~297,500 ft ³ or 2,225,455 gal.)
South Pond	Areas around the proposed location of the new loafing barn	Liquid manure pumped from the North Pond	Approx. 230' x 50' x 15' deep (~ 172,500 ft ³ or 1,290,390 gal.)
* Approximate pond depths were provided by the facility operator. Approximate dimensions were determined using Google Earth (imagery dated 10/24/2009)			

B. Production Area Information (cont.)

- e. Total liquid manure storage capacity: Approx. 3,515,845 gallons
- f. Annual volume of process water generated (if known): unknown
- g. Annual volume of runoff generated (if known): unknown
- h. Runoff and precipitation from a 25-year, 24-hour storm (if known): unknown
- i. *Title 27 compliance (§22562(a))*: Is the facility designed and constructed to retain all facility wastewater generated, all precipitation on, and drainage through manured areas during a 25-year, 24-hour storm? (e ≥ f + g + h?) Yes No Unknown

3. Other production area characteristics

- a. All process water and runoff contained in an impoundment? Yes No

If no, describe uncontained areas: Runoff from the areas surrounding the calf hutches (Photos 3 and 8) and a portion of the commodities storage area as well as leachate and runoff from the silage storage area (Photos 9 and 10) are not contained. The facility representatives indicated that runoff from these areas would be contained as part of the planned construction. It was not clear whether runoff from the summer manure storage area (Photos 4 and 6) was contained; however, the facility representatives indicated that this area is scraped and cleaned prior to the rainy season.

- b. *Title 27 compliance (§22562(b))*: Is clean runoff diverted away from manured areas or, if not, is it fully retained? Yes No

Describe: Typically a ditch is cut to divert runoff from the south pastures around the production area. The facility operators explained that extenuating circumstances had prevented them from cutting the ditch and that clean runoff was entering the drainage area for the ponds. The assessor did not view the location of the proposed ditch. Roof runoff from the new loafing barn will be guttered and diverted to the pastures.

- c. Production area discharge location(s) (e.g., overflows from impoundments or uncontained runoff): Overflows from the North or South Pond as well as uncontained runoff from the commodities and silage areas would flow north to Stemple Creek. A ditch on the west side of the North Pond contained water at the time of the assessment (Photo 22). The facility operators explained that the ditch marked the location of an old spillway from the North Pond that had been filled in. The ditch appeared to terminate just west of the pond.

Operator measures to prevent overflows and/or uncontained runoff:
The liquid manure level in the North Pond is monitored and liquid manure is pumped to the South Pond as needed to prevent overflows. Uncontained runoff will be addressed as part of the ongoing construction in the western portion of the site and the South Pond will be enlarged to provide additional storage capacity.

- d. Nearest surface water: Stemple Creek flows through the facility's northern pastures (Photos 16 and 17), approximately 0.2 miles northwest of the North Pond. The facility is located in the Bodega Hydrologic Unit, Estero de San Antonio Hydrologic Area, Stemple Creek and Estero de San Antonio watershed. The watershed has listed impairments for nutrients and sediment.

B. Production Area Information (cont.)

e. Is any part of the production area in a floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown If yes, complete the following: <u>N/A. The facility representatives indicated that Spring Hill Dairy is not located in a floodplain. The following questions (i – iv) are not applicable to facilities not located in a floodplain.</u>	
i. For facilities in operation <u>on or before</u> November 27, 1984: Are retention ponds and manured areas protected from inundation or washout from 20-year peak stream flows? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input checked="" type="checkbox"/> N/A	
ii. For facilities in operation <u>on or before</u> November 27, 1984: Are retention ponds and manured areas protected from inundation or washout from 100-year peak stream flows? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input checked="" type="checkbox"/> N/A	
iii. If “No” to ii, was the facility protected against 100-year peak flows as of November 27, 1984? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input checked="" type="checkbox"/> N/A	
iv. <i>Title 27 compliance (§22562(c))?</i> (“Yes” to i or ii, or “No” to ii and iii) <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input checked="" type="checkbox"/> N/A	
f. <i>Title 27 compliance (§22562(d)):</i> Are retention ponds lined with, or underlain by soils that contain at least 10% clay and not more than 10% gravel (or equivalent artificial materials)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <u>The facility representatives indicated that the native soils contain more than 10% clay. The NRCS Web Soil Survey shows facility soils to be primarily Steinbeck loams containing approximately 22 percent clay. In addition, the facility representatives are considering installing a synthetic liner in the South Pond when it is expanded.</u>	
g. <i>Title 27 compliance (§22564):</i> Are manured areas managed to minimize infiltration of water into underlying soils? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <u>The manure storage area is graded and cleaned before winter. The pens that will be constructed adjacent to the near loafing barn will be compacted to minimize infiltration.</u>	

C. Land Application/Manure Use or Disposal Information

1. Is liquid or solid manure applied to land owned or operated by this facility? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
2. If yes, available acres of land application area:		
a. Crops: <u>approx. 20 acres of pasture in pumpkins and potatoes in the summer</u>	b. Pasture: <u>600 acres</u>	c. Other: <u>n/a</u>
<u>The pumpkin and potato fields north of the production area are planted in rye and used as pasture during the winter. The facility pastures milking cows, dry cows, and heifers on approximately 600 acres at Spring Hill Dairy and an adjacent ranch.</u>		
3. Dewatering/liquid manure application frequency: <u>Ponds are dewatered during the winter if the fields are dry enough. In the summer, the ponds are emptied beginning in June and again late in October if any liquid manure is left.</u>		
4. Solid and liquid manure application methods: <u>Solids are removed from the ponds annually when they are emptied and spread with the liquid. Solid manure is spread with a box spreader operated by a contractor; liquids are spread with a tank truck and traveling gun.</u>		
5. If flood/furrow irrigation, describe tailwater management: <u>N/A</u>		

C. Land Application/Manure Use or Disposal Information (cont.)

6. Nutrient management plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Yes	No
X	<p>a. Conservation practices to control nutrient transport? (describe) <u>The facility uses rotational grazing and no-till seeding in the pastures. The pumpkin fields are seeded with rye after harvest. Diversions are used to route clean runoff through pastures. The riparian areas around Stemple Creek in the pastures generally appeared to be well vegetated with the exception of a few eroded areas (Photos 16 and 17). (Note, however, that the creek was viewed from the production area; the assessor did not closely review the stream banks.)</u></p>
X	<p>b. Solid and liquid manure and soil testing?</p> <p>i. Solid and liquid manure testing frequency: <u>not performed</u></p> <p>ii. Constituents: <u>n/a</u></p> <p>iii. Soil testing frequency: <u>the pumpkin and potato fields are tested annually</u></p> <p>iv. Constituents: <u>the facility representatives were unsure of the constituents</u></p>
X	<p>c. Protocols to ensure appropriate agricultural utilization of nutrients? (describe) <u>The facility implements all pasture management practices required to maintain its organic certification, including use of an organic consultant to sample soils and recommend nutrient applications. Manure is applied to pastures after grazing (rotational). The facility operators rely on farming experience to determine appropriate rates of application. It was not clear whether the organic consultant calculates application rates in a manner that minimizes nutrient loss from the fields; however, manure nutrient content is not analyzed for consideration in determination of application rates.</u></p> <p>i. <i>Title 27 compliance (§22563(a))</i>: Application of manure and wastewater shall be at rates which are reasonable for the crop, soil, climate, special local situations, management system, and type of manure. Describe (<i>anything not addressed above</i>): <u>Nothing additional</u></p> <p>ii. <i>Title 27 compliance (§22563(b))</i>: Discharges of facility wastewater to the disposal fields shall not result in surface runoff... and shall be managed to minimize percolation to ground water. Describe (<i>anything not addressed above</i>): <u>The operators cover each field evenly with one pass of the sprayer to avoid applying liquid manure too heavily. Manure is not applied during wet weather.</u></p>
X	<p>d. Records of the above? (describe) <u>The facility maintains records of the dates and amounts of manure application and the results of soil testing.</u></p>
7. Describe any other manure use or disposal practices: None	
8. Is solid or liquid manure transferred to third parties? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>If yes:</p> <p>Liquid manure transferred annually (if known)? <u>0 gallons</u></p> <p>Solid manure transferred annually (if known)? <u>0 tons</u></p> <p>Compost transferred annually (if known)? <u>0 tons</u></p>	

D. Title 27 Compliance and Other Comments

1. Title 27 compliance? ("Yes" to B.2.i, B.3.b, B.3.e.iv, B.3.f, B.3.g, and C.6.c above)

Yes No Unknown

Information was not available to document that the facility is designed and constructed to retain all process water generated and all precipitation on, and drainage through manured areas during a 25-year, 24-hour storm. Specifically, the following had not been calculated or was not available:

- total liquid manure storage capacity
- volume of process water generated
- volume of runoff generated
- volume of precipitation on manured areas during a 25-year, 24-hour storm
- volume of runoff from manured areas during a 25-year, 24-hour storm

In addition, although manure application rates are based on the results of soil testing, manure is not analyzed to determine the nutrient content and the operators do not maintain records to document that manure application rates are reasonable for the crop, soil, climate, special local situations, management system, and type of manure or that liquid manure is applied at rates that do not result in surface runoff and minimize percolation to ground water.

2. Other Comments:

- Historic information for the facility maintained by the Regional Board indicated that whey from the creamery associated with the dairy may have been spread on the fields at Spring Hill Dairy. The facility operators indicated that whey had not been spread on the fields and that a white-colored substance observed in the South Pond (Photo 11) was not whey residue.
- The vegetation on the north (down gradient) slope of the South Pond was thicker and greener than the surrounding vegetation, indicating that this area receives more nutrients than the surrounding vegetation – a sign of potential leaking or seepage from the pond. The facility operators stated that there may have been leakage or spills during pumping from this area but that there was no seepage from the pond.
- The location of the septic tank and leach field for the primary residence at the site is marked on the site map in Attachment A. The facility representatives indicated that additional septic systems are present at the site but were unsure of the locations.
- The majority of the information in this report was provided by the facility representatives; the assessment did not include a comprehensive review of on-site records and documentation.

E. Recommendations

1. As part of the facility upgrades including construction of a loafing barn, consider designating a permanent solid manure storage area. Ensure that the runoff from this area drains to the South Pond and is considered when calculating the South Pond storage capacity requirements. In addition, ensure that the area is compacted, concrete-lined, or otherwise managed to minimize infiltration of water into underlying soils.

2. Estimate the following for the storage period used at the facility to demonstrate that the facility has sufficient capacity to retain all process water generated, runoff from all normal precipitation on manured areas, and all precipitation on and drainage through manured areas during a 25-year, 24-hour storm:

- volume of process water and runoff generated during the critical storage period (the period of time between emptying events that will result in the maximum amount of process water and runoff generated during that period)
- volume of precipitation on manured areas during a 25-year, 24-hour storm
- volume of runoff from manured areas during a 25-year, 24-hour storm

Such documentation will be needed to demonstrate compliance with Title 27 requirements, which will apply to dairies under all three elements of the dairy program.

3. Calculate the facility's actual liquid manure storage capacity and ensure that the storage capacity is expanded, as needed, as part of the ongoing facility upgrades to provide adequate storage for the above components to meet the requirements of Title 27.

E. Recommendations (cont.)

<p>4. Control vegetation growth around the pond embankments to allow for regular inspections to identify rodent damage, erosion, or other deficiencies that could allow leakage or compromise the structural integrity of the embankments. Regular inspections should also be conducted to identify and address any signs of pond seepage.</p>
<p>5. Consider practices (e.g., berms, grading) to direct runoff from the areas surrounding the calf hutches and silage and commodities storage areas, as well as silage leachate, to the South Pond or otherwise ensure this runoff and leachate cannot flow to surface water. As discussed during the assessment, consider construction of a designated manure storage area that drains to the South Pond to preclude the need to store solid manure in uncontained portions of the production area or pastures.</p>
<p>6. Ensure that all manure is removed from the summer manure storage area prior to the rainy season to ensure that runoff from this area will not be discharged to surface water, even as the result of an unexpected rain event.</p>
<p>7. Ensure that clean water from the south pastures is diverted away from the production area to minimize contaminated runoff storage requirements.</p>
<p>8. Consider conservation practices to minimize erosion of the riparian areas along Stemple Creek in the facility's pastures and to minimize delivery of sediment in storm runoff to the creek.</p>
<p>9. Consider working with NRCS, WUD, or other appropriate technical assistance provider to develop a nutrient management plan that reflects the conservation practices and land application protocols used at this facility to ensure that manure application rates are reasonable and appropriate for the pastures at the facility and comply with the Title 27 land application requirements. Once the plan is developed, become familiar with the plan and train all responsible facility operators and employees on how to implement the plan. Maintain appropriate records to document plan implementation and demonstrate that manure application rates are reasonable for the crop, soil, climate, special local situations, management system, and type of manure and that liquid manure is applied at rates that do not result in surface runoff and minimize percolation to ground water. Such documentation will be needed to demonstrate compliance with Title 27 requirements, which will apply to dairies under all three of the dairy program permit types.</p>
<p>10. Please note, the dairy permits were adopted by the Regional Water Board on January 19, 2012 (http://www.waterboards.ca.gov/northcoast/water_issues/programs/dairies/).</p> <p>A Notice of Intent (NOI) for one of the NPDES permit, GWDRs, or Conditional Waiver of WDRs must be submitted to the Regional Water Board by April 30, 2012 to begin the permit enrollment process.</p> <p>This dairy may be enrolled under the Waiver only if:</p> <ol style="list-style-type: none">1. Compliance with Title 27 regulations is documented at the dairy site at the time of Waiver enrollment (discussed in recommendations above),2. All other Waiver conditions are met at the time of permit enrollment such as control of nutrients to surface and groundwaters, and3. Waiver compliance continues throughout the permit coverage period. <p>If the Waiver conditions cannot be met by the time of the April 30, 2012, enrollment deadline, then the dairy should apply for a GWDR by submitting a NOI for the GWDR by April 30, 2012. Please note that under the GWDR, Nutrient Management Plan implementation is due by January 19, 2013. If this date for Nutrient Management Plan implementation cannot be met, then the Regional Water Board will work with you under a Time Schedule Order (Porter Cologne Water Quality Control Act, Section 13300).</p>



North Pond

Septic System

Calf Hutches

Milk Barn

South Pond

Proposed Loafing Barn Location

Pit

Summer Manure Storage Area

Commodity and Silage Storage Area

© 2012 Google

Google earth



Pumpkin and Potato Fields

Pasture

4235 Spring Hill Rd, Petaluma, CA

Pasture

Well

© 2012 Google

Google earth

North Coast Regional Water Quality Control Board – Dairy Assessment

Spring Hill Dairy

4235 Spring Hill Rd., Petaluma, CA 94952



Photo 1. View looking south toward the milk barn (left side of photo). The concrete parking area in the foreground drains north toward the facility driveway.



Photo 2. View looking south at the pit east of the barn (outlined) that receives runoff from the solid manure storage area.



Photo 3. View looking west toward the calf hutches from approximately the same location as Photo 2. Runoff from the calf hutches and adjacent areas at the top of the slope is not contained.



Photo 4. View looking southeast toward the concrete area near the barn that is sometimes used for solid manure storage. The primary solid manure storage area is at the top of the slope on the right side of the photo (see Photo 6). The east side of the pit shown in Photo 2 is at the bottom left corner of the photo.



Photo 5. View looking north at the revegetated slope and straw wattles used for erosion control during re-grading of the bank west of the facility office and east of the calf hutches. The North Pond is shown in the background.



Photo 6. View looking south-southeast from approximately the same location as Photo 5 toward the primary solid manure storage area.



Photo 7. View looking east along the v-ditch that directs runoff from the commodity storage area toward the pit shown in Photos 2 and 4.



Photo 8. View looking north at the concrete lane near the calf hutches that is sometimes used for solid manure storage. Runoff from this area is not contained.



Photo 9. View looking west from approximately the north end of the commodity storage area. Runoff from the silage and commodity area enters a diversion ditch along the base of the slope (approx. location indicated by the blow line) and flows west to the inlet structure shown in Photo 10.



Photo 10. The ditch shown in Photo 9 directs runoff to an armored (rock) inlet structure. The pipe directs runoff to a pasture south of the production area (Photo 16).



Photo 11. View looking north across the South Pond.



Photo 12. The rock-reinforced overflow outlet for the fresh water reservoir located southeast of the production area. The outlet structure is located west of the South Pond (view looking west).



Photo 13. The re-vegetated area west of the South Pond where the pipe was installed to drain runoff from the southern diversion ditch shown in Photos 9 and 10 to the outlet structure shown in Photo 16. View looking north along the west side of the South Pond.



Photo 14. View looking northwest from approximately the same location as Photo 13 at the flow path for fresh water from the reservoir outlet structure shown in Photo 12. A small solid manure stockpile (circled) was located in the pasture northwest of the South Pond (also see Photo 17).



Photo 15. Drop inlet, located northeast of the South Pond, for additional stormwater runoff to the diversion drainage system and outlet shown in Photo 16.



Photo 16. View looking north at an additional drop inlet for the diversion drainage system and the outlet (circled), located in the pasture immediately north of the South Pond. The broken line shows the approximate flow path of Stemple Creek through the pasture.

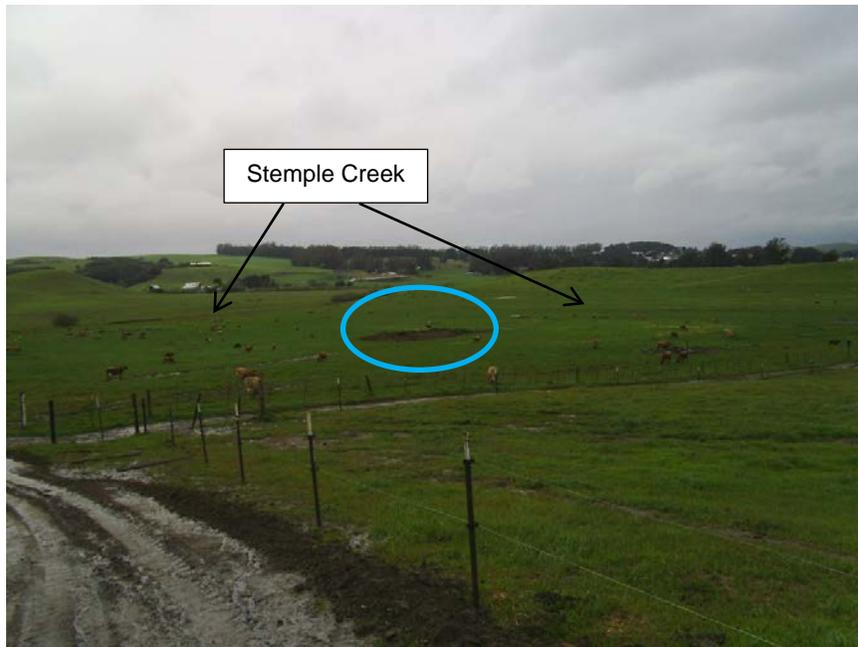


Photo 17. View looking northwest toward a solid manure stockpile (circled) in the pasture northwest of the South Pond (also see Photo 14). The arrows indicate Stemple Creek; the arrow on the left points to the approximate location of an eroded riparian area.



Photo 18. View looking north at the North Pond.



Photo 19. View looking east at the diversion ditch south of the North Pond.



Photo 20. View looking northeast across the North Pond.



Photo 21. View looking southeast across the North Pond.



Photo 22. View looking west along a spillway for overflows from the North Pond. Water was observed in the spillway ditch at the time of the assessment.

Exhibit 13

**February 14, 2012 Proposed Final Judgment
and Permanent Injunction Pursuant to
Stipulation Issued to Larry Peter by Sonoma
County Superior Court**

COPY

ENDORSED
FILED

FEB 14 2012

RECEIVED
FEB 16 2012

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

D.A.'S OFFICE
ENVIRONMENTAL/CONSUMER LAW

N.C.R.W.Q.L.
MAR - 5 2012

JILL R. RAVITCH
District Attorney, County of Sonoma
Ann Gallagher White SBN 167419
Deputy District Attorney
2300 County Center Drive, Suite B-170
Santa Rosa, Ca. 95403
(707) 565-3161
(707) 565-3499 Facsimile

Attorneys for Plaintiff

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

vs.

LARRY PETER,

Defendant.

Case No.: SCV 249537

**PROPOSED
FINAL JUDGMENT
AND PERMANENT INJUNCTION
PURSUANT TO STIPULATION**

Plaintiff, the People of the State of California, appears through its attorney, Jill R. Ravitch, District Attorney of Sonoma County, by Ann Gallagher White, Deputy District Attorney (referred to as "Plaintiff" or "the People").

Defendant Larry Peter appears through counsel for defendant, Michael Brook.

It appears to the Court that the parties hereto have stipulated and consented to the entry of this proposed Final Judgment And Permanent Injunction Pursuant To Stipulation ("Stipulated Judgment") without the taking of proof and without this Stipulated Judgment constituting evidence or an admission by Defendant regarding any issue of fact alleged in the complaint, and without Defendant denying any wrongdoing or admitting any liability alleged therein, and the Court having considered the matter and the pleadings, and good cause appearing therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT :

JURISDICTION

1. This Court has jurisdiction over the allegations contained in the Complaint and personal jurisdiction over Defendant as to the acts alleged in the Complaint, venue is proper in

1 Sonoma County, and this Court has jurisdiction to enter this Stipulated Judgment as a full and
2 final resolution of all claims raised in the Complaint based on the facts alleged therein.

3
4 **APPLICABILITY**

5 2. The provisions of the Stipulated Judgment are applicable to Defendant, Larry
6 Peter, and to his agents, servants, employees, representatives, and to all persons, employees, and
7 other entities who are acting in concert or participating with them, with actual or constructive
8 notice of this judgment. All obligations imposed upon Defendant Larry Peter and the persons and
9 entities set forth above by the terms of this Stipulated Judgment are ordered pursuant to Business
10 and Professions Code sections 17203 and 17204, and Fish and Game Code section 5650.1.

11 **INJUNCTION**

12 3. Pursuant to Business and Professions Code sections 17203 and 17204, and Fish and
13 Game Code section 5650.1, Larry Peter and all persons and entities set forth in Paragraph 2
14 above, are hereby permanently enjoined, restrained, and prohibited from unlawfully depositing
15 into the waters of the state of California materials deleterious to fish, plant life, mammals, or bird
16 life.

17 4. Defendant Larry Peter and all persons and entities set forth in Paragraph 2 above are
18 hereby ordered, pursuant to Business and Professions Code sections 17203 and 17204, and Fish
19 and Game Code section 5650.1, to do the following:

- 20 a. Defendant shall within 90 days of it becoming available, enroll in the Regional
21 Water Quality Control Boards' (RWQCB) dairy waste program to obtain a permit
22 for general waste discharge under the terms of the RWQCB's dairy waste
23 program, estimated to begin in January of 2012.
- 24 b. The defendant shall comply with the certification requirements of the RWQCB's
25 dairy waste program.
- 26 c. Defendant shall comply with all lawful directives and orders of the RWQCB.
- 27 d. Should a violation of the RWQCB's dairy waste program occur in the future, the
28 defendant may be found in violation of the terms of this court's orders and subject
to enforcement action by the RWQCB and/or the District Attorney's Office.

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MONETARY RELIEF

5. Pursuant to Business & Professions Code section 17206, Defendant shall pay, within 12 months of the date of the filing of this Judgment, to Plaintiff a civil penalty of two thousand and five hundred dollars (\$2,500.00).

6. Pursuant to Fish and Game Code section 5650.1, Defendant shall pay within twelve 12 months of the date of the filing of this Judgment to Plaintiff a civil penalty of five thousand, eight hundred, ninety-seven dollars and fifty three cents. (\$5,897.53).

7. Pursuant to Fish and Game Code sections 5655 and 13013 (c), Defendant shall pay, within 12 months of the date of the filing of this Judgment, costs in the amount of three thousand five hundred fourteen dollars and eighty-seven cents (\$3,514.87) to the Department of Fish and Game, to be deposited in the Fish and Wildlife Pollution Account.

8. Defendant shall pay on the date this Judgment is filed or no later than January 31, 2012, costs in the amount of five thousand, five hundred eighty seven dollars and sixty cents (\$5,587.60) to the North Coast Regional Water Quality Control Board.

9. Defendant shall pay within 12 months of the date of the filing of this Judgment, cy pres restitution in the amount of two thousand and five hundred dollars (\$2,500.00) to the Department of Fish and Game with such funds designated for use by the Department for training, equipment or supplies relating to enforcement of environmental protection laws in Sonoma County.

10. Except as otherwise expressly provided herein, each party shall bear its own attorney's fess and costs.

PAYMENT METHOD

11. All payments shall be made by certified check made payable to the Sonoma County District Attorney and shall be delivered to the attention of Deputy District Attorney Ann Gallagher White at the Sonoma County District Attorney's Office, 2300 County Center Drive, Suite B-170, Santa Rosa, CA 95403.

RETENTION OF JURISDICTION

12. Jurisdiction is retained for the purpose of enabling any party to the Stipulated Judgment to apply to the Court for such further orders and directions as may be necessary and appropriate for the construction and carrying out of the Stipulated Judgment, for the modification

1 or dissolution of any injunctive provisions hereof, for enforcement of compliance herewith, or
2 for the punishment of violations hereof.

3 13. The parties waive the right to appeal this Judgment both as to form and content and
4 the serving and filing of a notice of Entry of Judgment.

5 14. The clerk is directed to enter this Stipulated Judgment forthwith.
6
7

8
9 Dated: FEB 14 2012

GARY NADLER

~~Judge Rene Chateau,~~
Sonoma County Superior Court



COUNTY OF SONOMA
OFFICE OF THE DISTRICT ATTORNEY

Hall of Justice • 600 Administration Drive, Room 212-J • Santa Rosa, CA 95403
707.565.2311 • FAX 707.565.2762 • www.sonoma-county.org/da/

JILL RAVITCH
District Attorney

March 2, 2012

CERTIFIED MAIL

North Coast Regional Water Quality Control Board
Attn: Luis Rivera, AEO
5550 Skylane Blvd. Suite A
Santa Rosa, CA 95403

NCRWQCB

MAR - 5 2012

[Handwritten signature]
✓ Manager Admin *LIF*
 Director Legal
 Other

RE: People v. Larry Peter, SCV 249537

Dear Mr. Rivera,

Enclosed please find a check in the amount of \$5,587.60 made payable to the North Coast Regional Water Quality Control Board. It represents costs your agency incurred during the investigation of the above referenced case. A copy of the Judgment is also enclosed.

If you have any questions please do not hesitate to call, 707-565-3161.

Sincerely,

Jeannie Barnes

Jeannie Barnes
Legal Secretary

Exhibit 14

General Waste Discharge Requirement (GWDR) Order No. R1-2012-0002 Package

14.A GWDR Order

California Regional Water Quality Control Board

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

for Existing Cow Dairies

In the North Coast Region

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

1. Order No. R1-2012-0002 (hereafter, "Order") serves as General Waste Discharge Requirements (GWDR) for existing cow dairies in the North Coast Region that meet the requirements established in this Order. For purposes of this Order, "existing dairies" are defined as cow dairies that are constructed and operating as of the effective date of this Order, and which have subsequently undergone no expansion in size of their physical facilities. This Order does not cover dairies that expand the size of their physical facilities beyond the dairy's maximum capacity at the time of adoption of this Order. Also, this Order does not cover facilities that were not operating as dairies at the time of adoption of this Order. New or expanding dairies must apply for an individual waste discharge permit or individual waiver of waste discharge requirements from the Regional Water Board.
2. The North Coast Region contains approximately 150 dairies, housing about 50,000 cows. The owner and/or operator of a dairy is/are hereinafter identified jointly and severably as "Discharger."
3. Dairy operations can cause degradation of water quality of surface and groundwater as a result of waste discharges and activities that result in soil erosion and destruction of riparian habitat.
4. This Order covers the management of process water, manure, and other organic materials at dairy operations including the application of such materials to cropland. Other wastes such as medicines, pesticides, chemicals, and fertilizers must be disposed at appropriately permitted facilities.

LEGAL AND REGULATORY FRAMEWORK

5. California Water Code (CWC) Section 13260 (a) requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, must file with the appropriate regional water board a report of waste discharge (ROWD) containing such information and data as may be required.

6. Pursuant to CWC Section 13260, regional water boards prescribe waste discharge requirements (WDRs) except when it finds, pursuant to CWC Section 13269, that a waiver of WDRs for a specific type of discharge is in the public interest.
7. CWC Section 13263(i) authorizes the Regional Water Board to prescribe general WDRs and/or waivers of WDRs for a category of discharges if the discharges are produced by the same or similar operations, involve the same or similar types of waste, require the same or similar treatment standards, and are more appropriately regulated under general WDRs or waivers than individual WDRs.
8. Enrollment in this Order (a) is conditional, (b) may be terminated at any time, (c) does not permit an illegal activity, (d) does not preclude the need for permits which may be required by other local or governmental agencies, and (e) does not preclude the Regional Water Board from administering enforcement remedies (including civil penalties) pursuant to the CWC and other applicable law.
9. Any person may be liable for penalties if that person violates a condition of a waiver or WDR, discharges waste, or causes waste to be deposited where it is discharged into the waters of the state and creates a condition of pollution or nuisance.
10. This Order shall not create a vested right, and all discharges covered by it shall be considered a privilege, not a right, as provided under CWC Section 13263.
11. This Order does not address the cleanup of existing degraded surface and groundwater from past dairy operations. Any required cleanup actions are handled under separate authority under the CWC.
12. This Order applies to dairies that potentially pose a significant risk to surface water or to groundwater but do not need coverage under an individual order. Dairies that require coverage under this Order will be identified in correspondence from the Executive Officer. Dairies that are Concentrated Animal Feeding Operations (CAFOs) and discharge to waters of the United States are required to obtain coverage under a National Pollutant Discharge Elimination System (NPDES) permit (e.g., Order No. R1-2012-0001). Dairies that pose a low or insignificant threat to water quality may be regulated by a Conditional Waiver of Waste Discharge Requirements (e.g., Order No. R1-2012-0003).
13. This Order does not cover discharges associated with activities that are not described in this Order. For example, it does not cover discharges of hazardous material, human waste, or mining waste. Discharges of waste not specifically covered under this Order are prohibited, except in compliance with the CWC.

14. Point source discharges to waters of the United States, as defined by federal law, are not authorized under this Order. Point source is defined as any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, CAFO, or vessel or other floating craft, from which pollutants are or may be discharged (reference federal Clean Water Act (CWA) Section 502(14)). CAFOs, as defined in 40 Code of Federal Regulations (CFR) 122.23(b) or designated in accordance with 40 CFR 122.23(c), are point sources. Nonpoint discharges include agricultural stormwater discharges and return flows from irrigated agriculture. The State Water Resources Control Board's (SWRCB's) 2004 Policy for the Implementation and Enforcement of the Nonpoint Source Pollution Control Program (NPS Policy) requires that nonpoint source discharges of waste be regulated by WDRs, waiver of WDRs, or prohibitions to ensure compliance with Regional Water Board Water Quality Control Plans.
15. Pursuant to the Water Quality Control Plan for the North Coast Region (Basin Plan) and SWRCB plans and policies, including SWRCB Resolution No. 88-63, and consistent with the CWA, the existing and potential beneficial uses of waters in the North Coast Region include one or more of the following:
 - a. Municipal and Domestic Supply (MUN)
 - b. Agricultural Supply (AGR)
 - c. Industrial Service Supply (IND)
 - d. Industrial Process Supply (PROC)
 - e. Groundwater Recharge (GWR)
 - f. Freshwater Replenishment (FRSH)
 - g. Navigation (NAV)
 - h. Hydropower Generation (POW)
 - i. Water Contact Recreation (REC-1)
 - j. Non-Contact Water Recreation (REC-2)
 - k. Commercial and Sport Fishing (COMM)
 - l. Cold Freshwater Habitat (COLD)
 - m. Warm Freshwater Habitat (WARM)
 - n. Wildlife Habitat (WILD)
 - o. Preservation of Areas of Special Biological Significance (ASBS)
 - p. Preservation of Areas of Special Rare, Threatened, or Endangered Species (RARE)
 - q. Preservation of Areas of Special Rare, Threatened, or Endangered Species (RARE)
 - r. Marine Habitat (MAR)
 - s. Migration of Aquatic Organisms (MIGR)
 - t. Spawning, Reproduction, and/or Early Development (SPWN)
 - u. Shellfish Harvesting (SHELL)
 - v. Estuarine Habitat (EST)
 - w. Aquaculture (AQUA)
 - x. Native American Culture (CUL)
 - y. Flood Peak Attenuation/Flood Water Storage (FLD)
 - z. Wetland Habitat (WET)
 - aa. Water Quality Enhancement (WQE)
 - bb. Inland Saline Water Habitat (SAL)
16. The Basin Plan contains water quality objectives, prohibitions, and policies developed to protect the above-listed beneficial uses of water. Economics were

considered as required by law during the development of these objectives, prohibitions and policies. Prohibitions, provisions, policies, and other specifications contained in this Order implement the Basin Plan and the CWC. Compliance with applicable water quality objectives, prohibitions, and policies will protect the listed beneficial uses above.

17. Populations of several species of anadromous salmonids listed as threatened or endangered under both the federal Endangered Species Act or the California Endangered Species Act have declined significantly during the past half century in the majority of waterbodies in the North Coast Region. Degradation of freshwater habitat by land use activities is an important contributing factor to the decline in populations.
18. SWRCB Resolution 68-16, entitled "Statement of Policy with Respect to Maintaining High Quality of Waters in California," requires that whenever the existing quality of water is better than the quality established in policies as of the date on which such policies become effective, such existing high quality must be maintained. Resolution 68-16 only allows change in the existing high quality if it has been demonstrated to the Regional Water Board that the change is consistent with maximum benefit to the people of the state, will not unreasonably affect present and anticipated beneficial use of such water, and will not result in water quality less than that prescribed in policies. Resolution 68-16 further requires that discharges meet WDRs which will result in the best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and that the highest water quality consistent with maximum benefit to the people of the state will be maintained.
19. Resolution No. 68-16 incorporates the federal antidegradation policy (reference 40 CFR §131.12). Both Resolution 68-16 and the federal Antidegradation Policy require that where surface waters are of higher quality than necessary to protect the designated beneficial uses, the high quality of those waters be maintained unless certain findings be made before any adverse change to water quality is allowed.
20. Resolution 68-16 and the federal antidegradation policy acknowledge that an activity that results in an incrementally small decrease of water quality can result in degradation through cumulative effects; especially when a waste that is a cumulative, persistent, or bioaccumulative pollutant is discharged. This Order is consistent with Resolution No. 68-16 and the federal antidegradation policy.
21. California regulations governing discharges from confined animal facilities are contained in Title 27 of the California Code of Regulations (CCR), Division 2, Subdivision 1, Chapter 7, Subchapter 2, Article 1 (Attachment B). Sections 22560-22565 of those regulations require containment of manure, wash water, and storm

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

22. Numerous North Coast streams are listed as impaired for sediment and temperature, and some are impaired for nutrients and indicator bacteria pursuant to CWA Section 303(d). To date, the United States Environmental Protection Agency (EPA) has established Total Maximum Daily Loads (TMDLs) for 26 impaired stream segments in the North Coast Region. Compliance with this Order is a key component for compliance with TMDLs.
23. Dairies are no longer covered by Regional Water Board Order No. R1-2007-0098 "Policy for Waiving Waste Discharge Requirements for Specific Types of Waste Discharges." That Order applied to confined animal facilities in the region that did not require a NPDES discharge permit.
24. This Order requires Dischargers to prepare and implement a Waste Management Plan (WMP); (Monitoring and Reporting Program, MRP, Appendix 1) for the production area of their dairy within one (1) year of adoption of this Order. The WMP is intended to help ensure that the dairy is designed, constructed, operated and maintained so that wastes generated are managed to prevent conditions of nuisance or adverse impacts to groundwater and surface water. The production area generally includes animal confinement areas and all areas used for storing manure, litter, process water, or materials such as feed, silage, and bedding. Progress in WMP development is required to be reported in the Annual Report (MRP, Appendix 3) due to the Regional Water Board by November 30 each year. Prior to implementation of the WMP, best management practices (BMPs) must be implemented to prevent waste discharges to surface water and groundwater from the production area.
25. This Order requires the Dischargers to prepare and implement a Nutrient Management Plan (NMP) (MRP, Appendix 2) within one (1) year of adoption of this Order. The NMP shall describe the practices used for the application of manure nutrients to land. Progress in NMP development is required to be reported in the Annual Report due to the Regional Water Board by November 30 each year. Prior to implementation of the NMP, BMPs must be implemented to prevent waste discharges to surface water and groundwater. The land application area is any area under the control of the dairy facility owner or operator where manure, litter, or process water from the production area is applied.
26. This Order contains a time schedule to meet the WMP requirements for the dairy production area, the NMP requirements for the land application area, and Title 27 regulations for Confined Animal Facilities (Attachment B).
27. Large CAFOs (with 700 or more mature dairy cows) that are not point sources and want to enroll under this Order must be implementing a NMP within one (1) year of

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

28. Medium Animal Feeding Operations (AFOs) (200-699 mature dairy cows) and small AFOs (less than 200 mature dairy cows) may be designated as CAFOs by the Regional Water Board if the dairy discharges wastes to waters of the United States. Such designated CAFOs would then be required to develop a NMP and apply for coverage under a NPDES permit. A CAFO means an AFO which is defined as a Large CAFO or Medium CAFO by 40 CFR §§ 122.23 (4) and (6), or that is designated as a CAFO by the United States Environmental Protection Agency (USEPA) or the Regional Water Board.
29. Pursuant to CWC Section 13267, a MRP is attached to this Order. Monitoring must be consistent with the dairy's WMP and NMP. The Discharger shall submit all reports as specified in the MRP. Noncompliance reporting, cleanup, and violations are discussed in the MRP. The MRP requires routine individual facility sampling (or group sampling) of stormwater runoff and/or surface waters on or near the dairy. The MRP also requires sampling of existing domestic and agricultural wells currently in use. One option for fulfilling these monitoring requirements is to form a representative monitoring group in order to develop and/or administer a local, watershed-based surface or groundwater monitoring program. If the group of Dischargers can demonstrate that group monitoring will result in meaningful, valid monitoring data, the Regional Water Board staff may allow the Discharger group to use data gathered from the representative monitoring program to substitute for some or all of the required monitoring of individual dairies. Approval of the group monitoring plan by the Regional Water Board staff is required.
30. Reporting of efforts implemented to achieve sustained water quality protection is required in an Annual Report (MRP Appendix 3, Annual Report) that is due to the Regional Water Board by November 30 each year. The Annual Report shall assess if Best Management Practices (BMPs) for waste containment and nutrient application to land at agronomic rates are effective in preventing discharges to surface water and groundwater for the past year (November 1 of the last year through October 31 of the current year). The Annual Report shall include the results of sampling required in the MRP and the photo documentation described in the MRP. Sampling results are not required to be submitted by individuals if the dairy is in group monitoring. However, Dischargers in a group monitoring plan must indicate the associated group on page 4 of the Annual Report. Regional Water Board staff will review the Annual Report and provide comments if necessary for the dairy facility to meet the GWDR requirements.

CEQA AND ADDITIONAL FINDINGS

31. The Regional Water Board is the lead agency for purposes of complying with the California Environmental Quality Act (CEQA) Public Resources Code sections 21100-21177. Pursuant to CEQA guidelines section 15301, this action to adopt GWDRs for existing dairies is exempt from the provisions of CEQA under Exemption 1 for “Existing Facilities.” CEQA Guidelines section 15301 applies to “...the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination...” This Order involves the permitting of existing dairy facilities, which are defined as cow dairies that are fully constructed and operating as of January 19, 2012, and which have subsequently undergone no expansion in size of their physical facilities. Accordingly, because this Order allows for no expansion in use beyond their existing physical facilities, this Order is exempt from CEQA pursuant to CEQA Guidelines section 15301.
32. Any facility that is a “new source,” as that term is defined in CWA Section 306 and CFR, Title 40, Sections 122.2 and 122.29, must demonstrate that it is an “existing facility” under CEQA Guidelines Exemption 1 for Existing Facilities (CCR, Title 14, §15301) before coverage under this Order can be issued for the project. New sources that do not qualify for the Existing Facilities categorical exemption will be required to submit an application for Individual WDRs. Action on Individual WDRs requires separate CEQA compliance.
33. Two additional CEQA categorical exemptions are also applicable to this action. CEQA Guidelines Exemption 2 for Replacement of Existing Structures (Cal. Code of Regs., tit. 14, §15302) exempts “replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.” Consistent with the categorical exemption for Replacement of Existing Structures, this Order may require covered CAFOs to replace or reconstruct ponds or other structures on the facility to ensure proper function in compliance with this Order. CEQA Guidelines Exemption 4 for Minor Alterations (Cal. Code of Regs., tit. 14, §15304) exempts “minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes...” Consistent with the categorical exemption for Minor Alterations, this Order may require covered CAFOs to make improvements to their facilities that will result in minor alterations to land, water, and/or vegetation.
34. Food and Agricultural Code section 33487 exempts state agencies from any requirement to prepare a CEQA environmental impact report for CAFOs under the following circumstances: (1) when the CAFO will be constructed and operated in

accordance with the minimum standards in Chapter 5 of the Food and Agricultural Code; (2) where the applicable local agencies have completed all necessary reviews and approvals including that required by CEQA; and (3) where a permit for construction was issued by a local agency on or after the effective date of Food and Agricultural Code section 33487 and construction has begun.

35. The Regional Water Board conducted a public hearing on January 19, 2012, in Santa Rosa, California, and considered all evidence concerning this matter and adopted the CEQA Notice of Exemption.
36. The Regional Water Board has reviewed the contents of this Order, related CEQA Notice of Exemption, written public comments, and testimony provided after the notice and hearing, and hereby finds that the adoption of this Order is consistent with the Basin Plan, and is in the public interest.

THEREFORE, the Regional Water Board hereby approves and adopts the “CEQA Notice of Exemption” prepared on this Order, and directs the Executive Officer to file all appropriate notices; and

IT IS HEREBY ORDERED that this Order is issued for existing cow dairies in the North Coast Region that involve no expansion of their physical facilities from the date of adoption of this Order. Physical facilities include the roofed structures, such as stall barns, that limit the size of the dairy cow herd (see Definitions Attachment C). The following conditions apply to dairies covered by this Order:

1. This Order contains a schedule of compliance to complete and submit: (a) a Notice of Intent (NOI), (b) a WMP and a NMP, and (c) Annual Reports. Large CAFOs must meet Federal CAFO requirements upon enrollment under this Order. BMPs must be in place as needed to avoid pollutant discharges to surface waters and groundwater.
2. New waste storage facilities constructed after adoption of this Order must meet all applicable federal, state, and local laws and regulations. Waste storage facilities should be located outside of floodplains, however, if site restriction require location within a floodplain, they shall be protected from inundation or damage from a 100-year flood event, or larger if required by laws, rules and regulations.
3. New manure ponds constructed after adoption of this Order must comply with Natural Resources Conservation Service (NRCS) Waste Storage Facility Code 313 including a maximum specific discharge (unit seepage rate) of 1×10^{-6} cm/sec.
4. Existing manure pond liners must meet or exceed the Title 27 requirements for a minimum of 10% clay and not more than 10% gravel, or the liner must be constructed of artificial materials of equivalent or greater impermeability.

5. To qualify for the Order, large animal facility operations of 700 or more mature dairy cows are by definition designated Concentrated Animal Facility Operations (CAFOs) [Per federal regulations, to designate a medium AFO as a CAFO, see requirements at 122.23(c) or a medium AFO can be defined a CAFO pursuant to 122.23(b)(6)(ii).]. CAFOs must meet specific requirements listed in the NMP (MRP Appendix 2, NMP). Medium AFOs(200-699 mature dairy cows) and small AFOs (less than 200 mature dairy cows) may be designated as CAFOs by the Regional Water Board if the facility discharges waste. The federal NPDES regulations state at 40 CFR 122.23(e)(1) that for unpermitted large CAFOs, a precipitation-related discharge of manure, litter, or process wastewater from land areas under the control of a CAFO shall be considered an agricultural stormwater discharge only where the manure, litter, or process wastewater has been land applied in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater, as specified in § 122.42(e)(1)(vi) through (ix). Agricultural stormwater is exempt from NPDES permitting requirements. To qualify for this GWDR, Large CAFOs must be implementing a NMP within one (1) year of adoption of this Order if they will discharge stormwater from cropland where manure, litter, or process wastewater has been applied (40 CFR Sections 122.23(e) and 122.42 (e)(1)(vi)-(ix)). Large CAFOs without a NPDES permit are only afforded the agricultural stormwater exemption if the NMP requirements have been met at § 122.42(e)(1)(vi) through (ix).
6. This Order, and any enrollment under this order: 1) is conditional, 2) may be terminated at any time, 3) does not permit any illegal activity, 4) does not preclude the need for permits which may be required by other federal, state or local governmental agencies, and 5) does not preclude the Regional Water Board from administering enforcement remedies (including civil liability) pursuant to the CWC.
7. All discharges from a dairy enrolled under this Order must comply with the lawful requirements of all municipalities, counties, drainage districts, and other local agencies regarding discharges of stormwater to storm drain systems or to other watercourses under their jurisdiction that are no less stringent than the requirements of this Order.
8. The Discharger shall comply with all federal, State, county, and local laws and regulations pertaining to the discharge of wastes from the dairy that are no less stringent than the requirements of this Order.
9. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the Discharger from liabilities under federal, state, county, or local laws, nor guarantee the Discharger a capacity right in receiving waters.

10. In addition to the requirements of this Order, the Discharger shall take all other reasonable steps to minimize or prevent any discharge that has a reasonable likelihood to adversely affect human health or the environment.
11. This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code Sections 2050 to 2097) or the Federal Endangered Species Act (16 United States Code (U.S.C.) Sections 1531 to 1544). Dischargers shall be responsible for meeting all requirements of the applicable Endangered Species Act. A discharge which is deleterious to fish, plant life, mammals, or bird life or otherwise in violation of California Fish and Game Code Section 5650 is not a discharge which is authorized nor in compliance with the terms and conditions of this Order. The Discharger shall obtain permits as necessary, and comply with permit conditions and all other applicable federal, state, county, and local laws and regulations.
12. This Order may be re-opened for modifications, revoked and reissued, or terminated.
13. The discharge of waste from a dairy shall not cause the underlying groundwater to exceed water quality standards; nor unreasonably affect beneficial uses; nor cause a condition of pollution or nuisance as described by the CWC.
14. Regional Water Board staff acceptance of dairy enrollment under this Order can provide a basis for rescinding permit coverage for that dairy under an Individual WDR or the Industrial Stormwater NPDES permit if the Discharger request, in writing, termination of that coverage. A written termination request should be submitted to the Regional Water Board staff at the time of submission of the NOI for coverage under this Order. A request for termination of coverage under the Industrial Stormwater Permit shall include a completed Notice of Termination (NOT) form.
15. Activities conducted under this Order must be in compliance with water quality requirements, the Basin Plan, and amendments thereto.
16. Violations of this Order are subject to enforcement to the extent allowed by law.

MONITORING AND REPORTING PROGRAM

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

18. Progress in WMP and NMP development and implementation shall be reported in the Annual Report due to the Regional Water Board by November 30 each year. BMPs must be implemented in the interim to prevent waste discharges to surface and groundwater.
19. The services of a professional with the required experience in that field shall be used where required by the WMP and NMP.
20. If the Discharger identifies deficiencies, defects, and/or impending failures in any process water conveyance, control structure, and/or retention structure, the Discharger must notify the Regional Water Board staff within 24 hours of identifying the deficiency and take immediate action to prevent any unauthorized release of waste. The Discharger must notify the Regional Board staff when corrective actions are completed and must document the corrections in the Annual Report.
21. Other reporting, cleanup, and violations are discussed in the MRP. If noncompliance is being reported, the reasons for such noncompliance shall be submitted in writing to the Regional Water Board with an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Regional Water Board by letter when it returns to compliance. Violations may result in enforcement action, including Regional Water Board or court orders requiring corrective action or imposing civil monetary liability, or in terminating the applicability of this Order to a specific facility or Discharger.
22. If the Regional Water Board Executive Officer notifies the Discharger that his/her WMP, NMP, Annual Report, sampling results, or other associated documents or sampling results are not consistent with this Order, then the Discharger shall submit the revisions or proof of the corrections to the Regional Water Board staff within 30 days of notification unless otherwise instructed in writing by the Regional Water Board staff.

PROHIBITIONS

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

24. The discharge of wastes not disclosed by the Discharger, or not within the reasonable contemplation of the Regional Water Board, is prohibited.
25. Discharges of manure, process water, or other wastes to surface waters or groundwater or discharges that do not comply with the requirements in this Order are prohibited.
26. The discharge of stormwater that has come in contact with manure, process water, or other wastes from the production or animal housing areas is prohibited.
27. The discharge of waste to surface water via tile drain lines or irrigation return flow (tailwater) is prohibited.
28. The direct discharge of wastes into groundwater via backflow through water supply or irrigation supply wells is prohibited.
29. Irrigation supply water that comes into contact with manure or process water shall be considered process water, and its discharge to surface water is prohibited.
30. A discharge of stormwater to surface water from the land application area where manure or process water has been applied is prohibited unless specific management practices have been implemented. These management practices must be consistent with a WMP, NMP or, if the WMP and NMP have not yet been required to be implemented (e.g., during the two years of development at dairies other than Large CAFOs), then land application areas must be managed consistent with BMPs as described in this Order.
31. The disposal of dead animals in any liquid manure or process water system is prohibited. The Discharger must dispose of dead animals in compliance with all applicable federal, state, county, and local laws and regulations. Adverse impacts to surface water or groundwater quality as a result of dead animal disposal is prohibited.
32. In accordance with Attachment B, the Discharger shall prevent animals at their facility from entering any surface water within the confinement areas.
33. The application of waste to lands not owned, leased, or controlled by the Discharger without written permission from the landowner or in a manner not approved by the Regional Water Board staff, is prohibited.
34. Discharges of manure, litter, or process water from the land application area that do not comply with the requirements in the WMP, NMP, or MRP, and the Statewide Water Quality Regulations for Confined Animal Facilities (Attachment B), are prohibited. The application of manure or process water to a land application area in a manner that results in the discharge of wastes is prohibited.

ENROLLMENT PROCESS

35. If the dairy operation meets the conditions of this Order, then the Discharger may apply for coverage by submitting a completed Notice of Intent (NOI) Form (Attachment A) on or before April 30, 2012 or upon notification from the Regional Water Board to comply with this Order. If the Discharger becomes aware that a relevant fact was omitted in an NOI, or incorrect information was submitted in a NOI or in any report to the Regional Water Board, it shall promptly submit the correct facts or information. A dairy is covered under this Order upon Regional Water Board approval of a completed NOI to the Regional Water Board. Completed forms shall be sent to the Regional Water Board at the following address:
- North Coast Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403
36. An application fee is due to the Regional Water Board with the NOI. The application fee/ annual fee schedule can be found in Attachment A.
37. The Regional Water Board staff shall determine compliance with the terms of this Order based on the following:
- a. Periodic inspections by Regional Water Board staff and/or contractors;
 - b. Evaluation of the completed Annual Report and required information submitted according to the MRP;
 - c. Review of progress on the dairy WMP and NMP; and
 - d. Any other information deemed necessary by the Regional Water Board staff.
38. The Regional Water Board staff may require, as appropriate, additional management practices and/or monitoring on a site specific or watershed basis. Future management practices and/or monitoring requirements may also be imposed by the Regional Water Board staff.
39. The Regional Water Board may give special TMDL nutrient offset dairy projects an alternative schedule for enrollment and submittal of associated documents for a maximum of two years past the due dates in this GWDR. These TMDL nutrient offset dairy projects must provide temporary best management practices of equivalent or greater water quality protection in the interim. Also, these projects must be of long-term water quality benefit to the watershed.
40. The Discharger shall maintain a copy of this Order, the WMP, the NMP, and the MRP required documentation, and make them available at all times to site-operating personnel. The Discharger shall ensure that all site-operating personnel

are familiar with the content of these documents and help to carry out the water quality protection measures.

41. The Regional Water Board staff and other authorized representatives shall be allowed:
 - a. Entry upon premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order;
 - b. To review or to copy any records that are kept under the conditions of this Order;
 - c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
 - d. To photograph, sample, and monitor for the purpose of assuring compliance with this Order.

RECORD-KEEPING REQUIREMENTS

42. The Discharger shall create, maintain for five years, and make available to the Regional Water Board during inspections and upon request by the Regional Water Board staff, any reports or records required by this Order including those required under the MRP, WMP, or NMP.
43. A manifest is required to record transfer of waste to outside facilities.

TRANSFERS

44. The Discharger must notify the Executive Officer in writing at least 30 days in advance of any proposed transfer of responsibility and coverage under this Order to a new Discharger (dairy owner). The notice must include a new NOI for the proposed Discharger, a Notice of Termination (NOT) for the existing Discharger, and a specific date for the transfer of responsibility for complying with this Order. This notification shall include an acknowledgment that the existing Discharger is liable for compliance with this Order and for all violations up to the transfer date, and that the new Discharger is liable for compliance with this Order after the transfer date.

PERMIT REOPENING, REVISION, REVOCATION, AND RE-ISSUANCE

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

- Changes in state plans, policies, or regulations that would affect the requirements for the discharges.
46. The Regional Water Board or the Executive Officer may revoke coverage under this Order at any time and require the Discharger to submit a Report of Waste Discharge or equivalent document and to obtain a conditional Waiver, an Individual WDR, a NPDES permit, or other permit.
 47. The provisions of this Order are severable; and, if any provision of this Order, or the application of any provision of this Order to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this Order shall not be affected thereby.

TERMINATION

48. In the event of closure or change in land use of the dairy, the Discharger shall file a NOT with the Regional Water Board to terminate coverage under the Order. Upon cessation of dairy facility operation, all manure and animal waste-impacted soil, is to be treated and stored appropriately so as not to pose a threat to surface water or groundwater quality or create a condition of nuisance.
49. The Regional Water Board staff shall review the NOT and determine its appropriateness. The review may include a field staff inspection to verify project completion and water quality protection. The Executive Officer shall notify the Discharger regarding approval or disapproval of the NOT.
50. The Discharger shall, within 30 days of receiving notice from the Regional Water Board that its facility no longer qualifies for coverage under this Order for failure to comply with its terms and conditions, file an updated ROWD or equivalent document for coverage under another permit type. Discharges that could affect the quality of the waters of the state may commence only in accordance with CWC Section 13264(a).
51. Dischargers who fail to comply with the terms and conditions of this Order shall be subject to appropriate enforcement action or may be required to enroll under another dairy permit type. Discharges that could affect the quality of the waters of the state may commence only in accordance with CWC Section 13264(a). The Regional Water Board Executive Officer reserves the right to terminate a discharger's coverage under this Order. Regional Water Board staff can require coverage under another permit such as the conditional Waiver, NPDES, or Individual WDR, after proper notice and hearing (CWC Section 13263).

52. The Executive Officer or Regional Water Board shall terminate the applicability of this Order to any dairy activities at any time when such termination is in the public interest and/or the activities could affect the quality of beneficial uses of the waters of the state.
53. In the event that the dairy qualifies for a Waiver of WDRs, the Discharger shall submit for the Regional Water Board's consideration both: a) a Termination of coverage form for this Order, and b) a Notice of Intent form to be covered under the Waiver. All requirements of this Order shall apply to the facility until enrollment is complete under the Waiver.

Certification:

I, Catherine Kuhlman, Executive Officer do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on January 19, 2012.

Catherine Kuhlman
Executive Officer

ATTACHMENTS

Attachment A – Notice of Intent, Fee Schedule 2011-2012

Attachment B – Statewide Water Quality Regulations
for Confined Animal Facilities (Title 27)

Attachment C– Definitions

Monitoring and Reporting Program (MRP)

Appendix 1 – Waste Management Plan (WMP)

Appendix 2 – Nutrient Management Plan (NMP)

Appendix 3 – Annual Report

Exhibit 14

General Waste Discharge Requirement (GWDR) Order No. R1-2012-0002 Package

14.B

Monitoring and Reporting Program

**California Regional Water Quality Control Board
North Coast Region**

**General Waste Discharge Requirement
Monitoring and Reporting Program
Order No. R1-2012-0002**

For

**Existing Cow Dairies
Region Wide**

This Monitoring and Reporting Program (MRP) is issued pursuant to California Water Code Section 13267(b) and is associated with General Waste Discharge Requirements (GWDR) Order No. R1-2012-0002 for cow dairies. This MRP requires that regular monitoring, sampling, and record-keeping be conducted by dairy owners and operators (hereinafter "Dischargers") and that the records be made available to California Regional Water Quality Control Board, North Coast Region, (hereinafter Regional Water Board) staff. Visual inspections, monitoring, surface water and groundwater sampling, analyses, reporting, and review, will help to prevent uncontrolled waste discharges and to protect water quality.

Appendix 1 to this MRP presents requirements for the Waste Management Plan (WMP) which will help to ensure that the dairy production areas are designed, constructed, operated and maintained to prevent adverse impacts to surface water and groundwater. Appendix 2 of this MRP includes minimum requirements for a Nutrient Management Plan (NMP) for dairies of all sizes. Finally, this MRP requires submittal of an Annual Report, including sampling results to be submitted to the Regional Water Board November 30 of each year (Appendix 3).

The Regional Water Board may give approved TMDL offset dairy projects an alternative schedule for enrollment and submittal of MRP reports.

I. MONITORING

Visual inspections, and sampling of surface water and groundwater are required to assess compliance with conditions of this Order and the North Coast Basin Plan. Sampling results shall be used by the Discharger to assess water quality conditions and to inform regarding management practices.

A. Visual Inspections

This MRP requires periodic visual inspections to ensure the dairy is being operated and maintained in compliance with the Order. Visual inspections shall be done when conditions are safe to do so. Except where otherwise noted in this MRP, visual inspections shall be conducted prior to, during, and after anticipated storm events, and during dry conditions. Inspections shall be conducted on a monthly basis at a minimum. Key observations made during inspections and corrective actions taken shall be documented in each Annual

Report. All adverse conditions resulting in a discharge found during these inspections shall be reported to the Regional Water Board within 24 hours and shall be recorded and the records retained onsite for a period of five (5) years. Corrective actions shall be implemented to stop the discharge as soon as possible.

1. Production Area

The Discharger shall conduct daily inspections of the production area **daily** including all waste containment facilities, pumping equipment, water lines, and animal confinement areas, and note any waste discharges from the property under the control of the Discharger. Any noncompliance with the Order shall be reported to the Regional Water Board. Discharges that are a threat to human health or the environment shall be identified as such.

2. Holding Pond Freeboard

The Discharger(s) shall use measure the freeboard **weekly** in each holding pond or liquid containment structure. Freeboard is the vertical distance from the pond surface to the lowest elevation of the surrounding berm or the bottom of the spillway. The size of ponds/containment structures needed to contain waste materials and rain water from a 25-year 24-hour storm event will vary from facility to facility. To maintain structural integrity and prevent a discharge, two (2) feet of freeboard shall be maintained in ponds/structures located partially or completely above ground, and one (1) foot of freeboard shall be maintained in ponds/structures that are completely in-ground. Noncompliance shall be reported to the Regional Water Board staff.

3. Manure Containment Structures

Manure containment structures shall be inspected for berm integrity, cracking, slumping, excess vegetation, animal burrows, and seepage. Repairs shall be made to avoid discharges to surface water and/or groundwater, and noted in the Annual Report. Any uncontrolled discharges shall be reported to the Regional Water Board.

4. Animal Confinement Areas

Animal confinement areas within the production area shall be inspected periodically to ensure that all pollution prevention measures, as specified in the facility's WMP, are implemented and effective.

5. Discharges

Receiving waters upstream and downstream of the dairy shall be inspected to monitor any change in water quality resulting from dairy operations. Any adverse change in water quality, including color or turbidity, shall be reported to the Regional Water Board.

6. **Cropland and Pasture**

The Discharger(s) shall inspect any cropland on which process water or manure is applied at least once daily during each irrigation event. Dates, occurrences, location, and estimated amounts of unauthorized releases from the manure containment structures (i.e. ponds) or cropland, either off-property or to surface water drainage courses, shall be documented and reported to the Regional Water Board as noncompliance. Any erosion, conditions of field saturation, or runoff from the cropland containing pollutants shall be remedied as necessary to protect water quality and prevent nuisance conditions.

B. Water Quality Testing

Water quality sampling and reporting is required to allow the Regional Water Board to assess compliance with Basin Plan water quality objectives. The following sampling and reporting shall be conducted:

1. Surface Water Sampling

Surface watercourses that flow through the dairy property, including the production area, cropland, or pastures, must be sampled using grab samples at the point where watercourse enters and leaves the property. If multiple watercourse flow through the property, the Discharger may request in writing, reduced representative sampling locations. Alternatively, if surface waters flow adjacent to the property but not through the property, and are located such that they could be impacted by activities at the dairy, the grab samples shall be collected upstream and downstream of the areas closest to the dairy property, assuring legal access for sampling. Sampling shall take place during or directly following each of three (3) major storm events of one (1) inch or more per 24 hours, during the rainy season, beginning in the winter of 2012/2013. Sampling events shall be at least one (1) month apart. Sampling shall be done when conditions are safe to do so. Visual observations, such as changes in color or turbidity, must be recorded at the time of surface water sampling and reported in or submitted with the Annual Report.

Temperature, pH, and electrical conductivity shall be measured on-site with a handheld data sonde or comparable field equipment. Total ammonia nitrogen shall be measured either with a field test kit (colorimetric field kits are acceptable) or by a laboratory certified for such analyses by the California Department of Health Services or a laboratory approved by the Regional Water Board. These laboratory analyses shall be conducted in accordance with the Title 40 Code of Federal Regulations Part 136 (*Guidelines Establishing Test Procedures for the Analysis of Pollutants*) or other test methods approved by the Regional Water Board. Three (3) measurements of electrical conductivity taken 3 minutes apart shall be recorded during each sampling event at each

location. One (1) sample to be tested for ammonia nitrogen, pH, and temperature shall be collected at each sampling location for each sampling.

Samples shall be tested for the following constituents:

Constituent	Units
Electrical Conductivity (EC)	Mmhos
Total Ammonia Nitrogen (NH ₄)	mg/L
pH	
Temperature	°C

2. Groundwater Well Sampling

Representative wells located at the dairy, including domestic and agricultural supply wells, shall be sampled four (4) times total, approximately six (6) months apart. A sample must be collected in: (1) Fall 2012, (2) Spring 2013, (3) Fall 2013, and (4) Spring 2014. Results of groundwater samples collected consistent with the sampling protocols and within these time frames for another purpose (e.g. for a County Health Department or by the County milk inspector) may be submitted to the Regional Water Board instead of collecting additional samples. The sample must be representative of groundwater well conditions (i.e. not disinfected).

Groundwater samples from domestic wells shall be collected from the tap before the pressure tank after water has been pumped from this tap for 10 to 20 minutes. If the sample cannot be collected prior to a pressure tank, the well must be purged at least twice the volume of the pressure tank. Groundwater samples from agricultural supply wells shall be collected after the pump has run for a minimum of 30 minutes or after at least three well volumes have been purged from the well. Alternatives to this protocol may be approved by the Regional Water Board.

One (1) sample from each well shall be tested for the following parameters:

Constituent	Units
Nitrate	mg/L
Fecal Coliform Bacteria	MPN/100mL

Groundwater samples shall be analyzed by a laboratory certified by the State Department of Health Services or a laboratory pre-approved by the Regional Water Board. The Annual Report requires comparison of groundwater sampling results to the Basin Plan bacteria 7-day median (Basin Plan page 3-11.00: 1 MPN/100 ml). Results in excess of this median may trigger additional sampling such as for coliform organisms over a 7-day period for direct comparison to the Basin Plan objective.

3. Sampling Protocol

- a. The Discharger shall use clean sample containers and sample handling, storage, and preservation methods that are accepted or recommended by the selected analytical laboratory or, as appropriate, in accordance with approved United States Environmental Protection Agency analytical methods.
- b. All samples collected shall be representative of the volume and nature of the material being sampled.
- c. All sample containers shall be labeled and records maintained to show the time and date of collection as well as the person collecting the sample and the sample location.
- d. All samples collected for laboratory analyses shall be preserved and submitted to the laboratory within the required holding time appropriate for the analytical method used and the constituents analyzed.
- e. All samples submitted to a laboratory for analyses shall be identified in a properly completed and signed Chain of Custody form.
- f. Results of both surface water and groundwater well samples must be submitted to the Regional Water Board with the Annual Report due after sample results are obtained. If sample results exceed Basin Plan water quality objectives or other public health standards, the Discharger shall note the noncompliance in the Annual Report. The Regional Board Executive Officer may require corrective actions and additional monitoring.
- g. Field test instruments used for electrical conductivity, pH, temperature, and total ammonia nitrogen, may be used, provided:
 1. The operator is trained in the proper use and maintenance of the instruments;
 2. The instruments are field calibrated prior to each monitoring event; and
 3. Instruments are serviced and/or calibrated by the manufacturer at the recommended frequency.
- h. Alternative sampling protocols shall be approved by Regional Water Board staff. Consultation with the California Dairy Quality Assurance Program regarding sampling protocol is encouraged, and the California

Analytical Methods Manual for Dairy General Order Compliance – Nutrient Management Plan Constituents laboratory analysis methods document is a valuable reference, located at:
http://anlab.ucdavis.edu/docs/uc_analytical_methods.pdf

4. Additional Monitoring

The Regional Water Board may require additional monitoring or may modify the existing monitoring program as appropriate on a site-specific or watershed basis. Future management practices and/or monitoring requirements may also be imposed by the Regional Water Board, within those waterbodies listed as impaired due to constituents that may be present in waste from cow dairies under federal Clean Water Act Section 303(d).

5. Group Sampling

One option for fulfilling this monitoring requirement is to form a representative monitoring group, to develop and/or administer a local, watershed-based surface or groundwater monitoring program. The Regional Water Board staff may allow the Discharger to use data gathered from the representative monitoring program to substitute for some or all of the required monitoring of individual dairies, if the Discharger can demonstrate that the data are valid.

6. Basin Plan Water Quality Objectives

Water quality objectives are presented in Section 3 of the Water Quality Control Plan for the North Coast Basin (Basin Plan), which is posted on the Regional Water Board web page at:

http://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/basin_plan.shtml.

II. REPORTING

A. Documentation and Annual Report

The objective of the Annual Report (MRP Appendix 3) is to provide updates using photographs and narrative text on new management practices and the effectiveness of existing management practices. Documentation of compliance with conditions of the Order must be submitted to the Regional Water Board in an Annual Report due each November 30 starting in 2013. The annual reporting period is November 1 through October 31. Regional Board staff will review the Annual Report and provide comments if necessary for the facility to meet the Order requirements. If the Regional Water Board provides comments on the Annual Report or any technical report, the discharger will be required to address those comments. A copy of the Annual Report including photo

documentation must be kept at the facility for Regional Water Board review during inspections. The contents of the Annual Report shall include:

1. Photos shall be taken each year by November 1 and submitted to the Regional Water Board to confirm that:
 - a. The liners of the manure ponds are protective of water quality (free of weeds and cracks that may disturb the liner), and
 - b. The manure ponds have sufficient storage capacity prior to the rainy season as required in the Order.
2. Photos of other pollution prevention measures to protect surface and groundwater must also be submitted with the Annual Report. Photos of permanent pollution prevention measures only need to be submitted in an Annual Report once, as long as the measures are still operational and effective. Examples of pollution prevention measures include:
 - a. cleaning up of pollutants from areas where stormwater runoff occurs,
 - b. covering of manure, compost, and feed storage areas,
 - c. installing impermeable ground covering in manure storage areas,
 - d. protecting watercourses from erosion and wastes, and
 - e. any other best management practices or control measures for water quality protection.
3. A narrative summary of measures taken to protect surface and groundwater and to meet conditions of the Order. Where appropriate, sketches of pollution prevention measures implemented since the previous Annual Report may also be submitted.
4. Analytical results of surface water and groundwater samples. If participating in a group monitoring effort pre-approved by the Regional Water Board staff, the Discharger must submit a statement identifying the group. If results of groundwater samples collected for another purpose are submitted to meet these MRP requirements, an explanation is required in the Annual Report.

B. Noncompliance Reporting

The Discharger shall report any spill, discharge, or other type of noncompliance that violates the conditions of this Order and/or endangers human health or the environment within 24 hours of becoming aware of its occurrence. The incident shall be reported to the **Regional Water Board office (707) 576-2220, and to the California Office of Emergency Services (OES) (510) 286-0895**. During non-business hours, the Discharger shall leave a message on the Regional Board's office voice mail. The OES is operational 24 hours a day. The message shall include the time, date, place, and description of the discharge. A written report shall be submitted to the Regional Water Board office within fourteen (14) business days of the Discharger becoming aware of the incident.

The report shall include complete details of the steps that the Discharger has taken, or intends to take, in order to prevent recurrence. The written submission shall, at a minimum, contain:

1. The approximate date, time, and location of the discharge;
2. A description of the noncompliance and its cause;
3. The flow rate, volume, and duration of the discharge;
4. Note if the noncompliance has been corrected and/or the actual or anticipated time for achieving compliance; and
5. A time schedule and a plan to implement necessary corrective actions to prevent the recurrence of such discharges.

The Discharger shall notify the Regional Water Board by letter when it returns to compliance with the time schedule. Violations may result in enforcement action, including Regional Water Board or court orders requiring corrective action or imposing civil monetary liability, or in terminating the applicability of this Order to a specific facility or discharger.

If during the performance of Discharger and/or Regional Water Board staff inspections, deficiencies, defects, and/or impending failures are observed in any of the manure-contacted water conveyance, control, and/or retention structures, the Discharger shall take immediate action to correct and/or prevent any unauthorized release. The corrective action(s) must be documented and these records attached to the Annual Report.

C. Record-Keeping

The Discharger shall create, maintain for five years, and make available to the Regional Water Board during inspections and upon request by the Regional Water Board, any reports or records required by the Order including those required under this MRP.

D. Signature and Submittal.

Each Annual Report and Noncompliance Report shall be signed by the Discharger or a duly authorized representative and shall contain the following statement:

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

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

Reports shall be submitted to:

North Coast Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403
Phone (707) 576-2220
Fax (707) 523-0135

III. SUMMARY OF REQUIRED REPORTS AND NOTICES

In summary, the discharger must complete the following in accordance with the Waiver:

- A. **Notice of Intent (NOI)** – see Attachment A. The NOI along with an annual fee (see Fee Schedule in Attachment A), must be submitted to the Regional Water Board by April 30, 2012.
- B. **Waste Management Plan (WMP)** – see MRP Appendix 1. The WMP must be prepared and implemented within one (1) year of Order adoption by the Regional Water Board (by January 19, 2013). A copy of the WMP must be kept on the dairy site and made available for review by Regional Water Board staff during inspections and upon request by the Regional Water Board staff.
- C. **Nutrient Management Plan (NMP)** – see MRP Appendix 2. The NMP must be prepared and implemented as described in the Order. Large Concentrated Animal Feeding Operations (CAFOs) must implement an NMP prior to enrolling under the GWDR. Other dairies must prepare and implement the NMP within one (1) year of Order adoption by the Regional Water Board (i.e. by January 19, 2013). A copy of the NMP must be kept on the dairy site and made available for review by Regional Water Board staff during inspections and upon request by Regional Water Board staff.
- D. **Annual Report** – see MRP Appendix 3. The Discharger shall submit an Annual Report to the Regional Water Board by November 30 of each year starting in 2012. The reporting period is November 1 through October 31. A copy of each Annual Report shall be kept at the facility and be made available for review by Regional Water Board staff during inspections.

- E. **Noncompliance Report** – Any spills, discharges, or other noncompliance must be reported and corrected as described in this MRP.
- F. **Extension Request** - The dairy operator may request an extension to MRP deadlines by written request to the Executive Officer of the Regional Water Board at least 30 days prior to the deadlines. This request must include a description of incomplete plan elements, an alternative date of compliance, and assurance of water quality protection in the interim. A letter from the Regional Water Board will be issued granting or denying the request. A staff inspection may be necessary.

Ordered by: _____

Catherine Kuhlman
Executive Officer

January 19, 2012

APPENDIX

1. Waste Management Plan (WMP)
2. Nutrient Management Plan (NMP)
3. Annual Report

Exhibit 14

General Waste Discharge Requirement (GWDR) Order No. R1-2012-0002 Package

14.C

2011-2012 Fee Schedules

2011-12 Fee Schedules

CALIFORNIA CODE OF REGULATIONS TITLE 23. Division 3. Chapter 9. Waste Discharge Reports and Requirements Article 1. Fees

Section 2200. Annual Fee Schedules

Each person for whom waste discharge requirements have been prescribed pursuant to Section 13263 of the Water Code shall submit, to the State Board, an annual fee in accordance with the following schedules. The fee shall be submitted for each waste discharge requirement order issued to that person.

An ambient water monitoring surcharge will be added to each individual fee as required. The ambient water monitoring surcharge for all discharges pursuant to subdivisions (a) and (c) is 9.5 percent of the calculated fee; the surcharge for all discharges pursuant to subdivision (b) is 21 percent of the calculated fee. The surcharge shall be applied to all permits prior to other surcharges prescribed herein.

(a) The annual fees for persons issued waste discharge requirements (WDRs), except as provided in subdivisions (a)(3), (b), and (c), shall be based on the discharge's threat to water quality (TTWQ) and complexity (CPLX) rating according to the following fee schedule, plus applicable surcharge(s).

ANNUAL FEE SCHEDULE FOR WASTE DISCHARGE REQUIREMENTS				
Threat to Water Quality (TTWQ)	Complexity (CPLX)	Type of Discharge		
		Discharge to Land or Surface Waters¹	Land Disposal²	
			Not Paying a Tipping Fee³	Paying a Tipping Fee⁴
1	A	\$72,565	\$48,125 ⁵	\$41,732 ⁵
1	B	\$45,830	\$38,870	\$33,706
1	C	\$24,729	\$24,988	\$21,668
2	A	\$16,518	\$20,823	\$18,057
2	B	\$9,930	\$16,659	\$14,445

¹ For this table, discharges to land or surface waters are those discharges of waste to land or surface waters not covered by NPDES permits that are regulated pursuant to Water Code Section 13263 that do not implement the requirements of Title 27 of the California Code of Regulations (CCR). Examples include, but are not limited to, wastewater treatment plants, erosion control projects, and septic tank systems. It does not include discharge of dredge or fill material, discharges from agricultural lands, including irrigated lands, or discharge from animal feeding operations.

Dischargers covered by a WDR for municipal and domestic discharges with permitted flows of less than 50,000 gallons per day in categories 2-B, 2-C, 3-B and 3-C will receive a 50 percent fee discount. The design flow shall be used where no permitted flow is present. Municipal and domestic discharges receiving the discount are defined as discharges from facilities that treat domestic wastewater or a mixture of wastewater that is predominately domestic wastewater. Domestic wastewater consists of wastes from bathroom toilets, showers, and sinks from residential kitchens and residential clothes washing. It does not include discharges from food preparation and dish washing in restaurants or from commercial laundromats. Dischargers covered by a Landscape Irrigation General Permit issued by the State Water Board will be assessed a fee associated with TTWQ/CPLX rating of 3B plus any applicable surcharges.

² For this table, land disposal discharges are those discharges of waste to land that are regulated pursuant to Water Code Section 13263 that implement the requirements of CCR Title 27, Division 2, except Chapter 7, Subchapter 2, §22560-22565 (confined animal facilities). Examples include, but are not limited to, discharges associated with active and closed landfills, waste piles, surface impoundments, and mines.

³ For this table, Not Paying a Tipping Fee are those land disposal dischargers not subject to Public Resources Code (PRC) §48000 et seq.

⁴ For this table, Paying a Tipping Fee are those land disposal dischargers subject to PRC §48000 et seq.

⁵ A surcharge of \$12,000 will be added for Class I landfills. Class I landfills are those that, during the time they are, or were, in operation, are so classified by the Regional Board under 23 CCR Chapter 15, have WDRs that allow (or, for closed units, allowed) them to receive hazardous waste, and have a permit issued by the Department of Toxic Substances Control under 22 CCR Chapter 10, §66270.1 et seq.

2011-12 Fee Schedules

2	C	\$7,447	\$12,494	\$10,834
3	A	\$5,868	\$8,329	\$7,223
3	B	\$3,125	\$6,247	\$5,416
3	C	\$1,389	\$2,776	\$2,408

(1) Threat to water quality (TTWQ)⁶ and complexity (CPLX) of the discharge is assigned by the Regional Board in accordance with the following definitions:

THREAT TO WATER QUALITY

Category “1” – Those discharges of waste that could cause the long-term loss of a designated beneficial use of the receiving water. Examples of long-term loss of a beneficial use include the loss of drinking water supply, the closure of an area used for water contact recreation, or the posting of an area used for spawning or growth of aquatic resources, including shellfish and migratory fish.

Category “2” – Those discharges of waste that could impair the designated beneficial uses of the receiving water, cause short-term violations of water quality objectives, cause secondary drinking water standards to be violated, or cause a nuisance.

Category “3” – Those discharges of waste that could degrade water quality without violating water quality objectives, or could cause a minor impairment of designated beneficial uses as compared with Category 1 and Category 2.

COMPLEXITY

Category “A” – Any discharge of toxic wastes; any small volume discharge containing toxic waste; any facility having numerous discharge points and groundwater monitoring; or any Class 1 waste management unit.

Category “B” – Any discharger not included in Category A that has physical, chemical, or biological treatment systems (except for septic systems with subsurface disposal), or any Class 2 or Class 3 waste management units.

Category “C” – Any discharger for which waste discharge requirements have been prescribed pursuant to Section 13263 of the Water Code not included in Category A or Category B as described above. Included are dischargers having no waste treatment systems or that must comply with best management practices, dischargers having passive treatment and disposal systems, or dischargers having waste storage systems with land disposal.

(2) For dischargers covered under Statewide General WDRs for Sanitary Sewer Systems (Order No. 2006-0003-DWQ), the TTWQ and CPLX designations are assigned based on the population served by the sanitary sewer system. The table below describes the correlation between population served and TTWQ and CPLX designations to determine the appropriate annual fee:

⁶ In assigning a category for TTWQ, a regional board should consider duration, frequency, seasonality, and other factors that might limit the impact of the discharge.

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Population Served ⁷	Threat and Complexity Designation
Less than 50,000	3C
50,000 or more	2C

(3) The fees for discharges of dredge and fill material shall be as follows, not to exceed \$59,000, plus applicable surcharge(s).⁸

Type of Discharge	Fees
(A) Fill & Excavation ⁹ Discharges. Size of the discharge area expressed in acres to two decimals (0.01 acre) (436 square feet) rounded up.	\$944 Base Price + (Discharge area in acres x \$4,059)
(B) Dredging Discharges ¹⁰ Dredge volume expressed in cubic yards.	\$944 Base Price + (Dredge volume in cubic yards x \$0.150)
(C) Dredging Discharges (Sand Mining). Aggregate extraction in marine waters where source material is free of pollutants and the dredging operation will not violate any basin plan provisions.	\$1,776
(D) Channel and Shoreline Discharges Includes linear discharges to drainage features and shorelines, e.g., bank stabilization, revetment and channelization projects. (Note): The fee for channel and shoreline linear discharges will be assessed under the "Fill and Excavation" or "Channel and Shoreline" schedules, whichever results in the higher fee.	\$944 Base Price + (Discharge length in feet x \$9.44)
(E) Discharges to Non-federal (e.g. "Isolated") Waters. Discharges to waters or portions of waterbodies not regulated as "waters of the United States," including waters determined to be "isolated" pursuant to the findings of <i>Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers</i> (2001) 121 S. Ct. 675.	Double the applicable fee schedules except for (G) restoration projects

⁷ Assumes 2.5 persons per equivalent dwelling unit (EDU).

⁸

- i. For "excavation" the area of the discharge is the area of excavation; if the excavated material is then discharged to waters, an additional "fill" fee will be assessed.
- ii. When a single project includes multiple discharges within a single dredge and fill fee category, the fee for that category shall be assessed based on the total area, volume, or length of discharge (as applicable) of the multiple discharges. When a single project includes discharges that are assessed under multiple fee categories, the total fee shall be the sum of the fees assessed under each applicable fee category; however a \$738 base fee, if required, shall be charged only once.
- iii. Fees shall be based on the largest discharge size specified in the original or revised report of waste discharge or Clean Water Act (CWA) Section 401 water quality certification application, or as reduced by the applicant without any State Board or Regional Board intervention.
- iv. If water quality certification is issued in conjunction with dredge or fill WDRs or is issued for a discharge regulated under such preexisting WDRs, the current annual WDR fee as derived from this dredge and fill fee schedule shall be paid in advance during the application for water quality certification, and shall comprise the fee for water quality certification.
- v. Discharges requiring water quality certification and regulated under a federal permit or license other than a US Army Corps of Engineers CWA Section 404 permit or a Federal Energy Regulatory Commission License shall be assessed a fee determined from CCR 23, Section 2200(a).

⁹ "Excavation" refers to moving sediment or soil in shallow waters or under no-flow conditions where impacts to beneficial uses are best described by the area of the discharge. It typically is done for purposes other than navigation. Examples include trenching for utility lines, other earthwork preliminary to construction, and removing sediment to increase channel capacity.

¹⁰ "Dredging" generally refers to removing sediment in deeper water to increase depth. The impacts to beneficial uses are best described by the volume of the discharge and typically occur to facilitate navigation. For fee purposes it also includes aggregate extraction within stream channels where the substrate is composed of coarse sediment (e.g., gravel) and is reshaped by normal winter flows (e.g., point bars), where natural flood disturbance precludes establishment of significant riparian vegetation, and where extraction timing, location and volume will not cause changes in channel structure (except as required by regulatory agencies for habitat improvement) or impair the ability of the channel to support beneficial uses.

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<p>(F) Low Impact Discharges. Projects may be classified as low impact discharges if they meet all of the following criteria:</p> <ol style="list-style-type: none"> 1. The discharge size is less than all of the following: (a) for fill, 0.1 acre, and 200 linear feet, and (b) for dredging, 25 cubic yards. 2. The discharger demonstrates that: (a) all practicable measures will be taken to avoid impacts; (b) where unavoidable temporary impacts take place, waters and vegetation will be restored to pre-project conditions as quickly as practicable; and (c) where unavoidable permanent impacts take place, there will be no net loss of wetland, riparian area, or headwater functions, including onsite habitat, habitat connectivity, floodwater retention, and pollutant removal. 3. The discharge will not do any of the following: (a) directly or indirectly destabilize a bed of a receiving water; (b) contribute to significant cumulative effects; (c) cause pollution, contamination, or nuisance; (d) adversely affect candidate, threatened, or endangered species; (e) degrade water quality or beneficial uses; (f) be toxic; or (g) include "hazardous" or "designated" material. 4. Discharge is to a water body regulated as "Waters of the United States." 	<p>\$944 Flat Fee</p>
<p>(G) Restoration Projects. Projects undertaken for the sole purpose of restoring or enhancing the beneficial uses of water. This schedule does not apply to projects required under a regulatory mandate or to projects that include a non-restorative component, e.g., land development, property protection, or flood management.</p>	<p>\$944 Flat Fee</p>
<p>(H) General Orders. Projects which are required to submit notification of a proposed discharge to the State and/or Regional Board pursuant to a general water quality certification permitting discharges authorized by a federal general permit or license, (e.g., a U.S. Army Corps of Engineers nationwide permit). Applies ONLY if general water quality certification was previously granted.</p>	<p>\$114 Flat Fee</p>
<p>(I) Amended Orders Amendments of WDR's or water quality certifications previously issued for one-time discharges not subject to annual billings.</p> <ol style="list-style-type: none"> (a) Minor project changes, not requiring technical analysis and involving only minimal processing time. (b) Changes to projects eligible for flat fees (fee categories C, F, G, and H) where technical analysis is needed to assure continuing eligibility for flat fee and that beneficial uses are still protected. (c) Project changes not involving an increased discharge amount, but requiring some technical analysis to assure that beneficial uses are still protected and that original conditions are still valid, or need to be modified. (d) Project changes involving an increased discharge amount and requiring some technical analysis to assure that beneficial uses are still protected and that original conditions are still valid, or need to be modified. (e) Major project changes requiring an essentially new analysis and re-issuance of WDR's or water quality certification. 	<ol style="list-style-type: none"> (a) No fee required (b) Appropriate flat fee (c) \$944 flat fee (d) Additional fee assessed per increased amount of discharge(s) per Section 2200 (a)(3) (plus \$944 base price) (e) New fee assessed per Section 2200 (a)(3)

(b) The annual fees for persons issued NPDES permits shall be based on the following schedules, plus applicable surcharge(s).

(1) Each public entity that owns and/or operates a storm water conveyance system, or part of such a system, that is subject to a NPDES permit for storm water discharges from a municipal separate storm sewer system (MS4) shall pay an annual fee according to the following schedule, plus applicable surcharge(s). The fee shall be based on the population of the public entity according to the most recently published United States Census. For public entities other than cities or counties, the population figure shall be the number of people using the entity's

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facilities on a daily basis. Flood control districts or other special districts named as co-permittees to MS4 permits and school districts, serving students between kindergarten and fourteenth grade, shall not pay an annual fee if the city or county within whose jurisdiction the district lies, pays an annual fee.

ANNUAL FEE SCHEDULE FOR AREAWIDE MUNICIPAL STORM WATER SEWER SYSTEM PERMITS AND CO-PERMITTEES	
Population equal to or greater than 250,000	\$40,103
Population between 200,000 and 249,999	\$35,090
Population between 150,000 and 199,999	\$30,277
Population between 100,000 and 149,999	\$25,065
Population between 75,000 and 99,999	\$20,052
Population between 50,000 and 74,999	\$15,038
Population between 25,000 and 49,999	\$10,026
Population between 10,000 and 24,999	\$6,016
Population between 1,000 and 9,999	\$4,010
Less than 1,000 population	\$2,006
Statewide Permit Holders	\$160,412

(2) Any entity or entities submitting a watershed improvement plan to the Regional Board for review pursuant to Section 16102 of the Water Code shall reimburse the Regional Board for its costs¹¹ to review and oversee the implementation of the plan, which shall be calculated using a rate of \$150.00 per hour.

(3) Facilities that discharge storm water associated with industrial activities that are regulated by a State Board or Regional Board general NPDES storm water permit, shall pay an annual fee of \$1,123, plus applicable surcharge(s). An amount equal to the fee prescribed shall be submitted with the discharger's Notice of Intent (NOI) to be regulated under a general NPDES permit and will serve as the first annual fee. For the purposes of this section, an NOI is considered to be a report of waste discharge.

(4)(A) Storm water discharges associated with construction activities that are regulated by a general NPDES storm water permit other than those covered under (b)(5), including those issued by a Regional Board, shall pay an annual fee of \$321 plus \$32 per acre (rounded to the nearest whole acre and dollar amount), to a maximum fee of \$3,529, plus any applicable surcharge, based on the total acreage to be disturbed during the life of the project as listed on the NOI. An amount equal to the fee prescribed shall be submitted with the discharger's NOI to be regulated under a general NPDES permit and will serve as the first annual fee. For the purposes of this section, an NOI is considered to be a report of waste discharge.

¹¹ These costs include labor, State Board and Regional Board administrative costs, and overhead costs.

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(B) Dischargers applying for the Small Construction Rainfall Erosivity Waiver of a General Permit to Discharge Storm Water Associated with Construction Activity issued by the State Water Board shall pay an application fee of \$200, plus any applicable surcharge(s).

(5) Storm water discharges associated with small linear underground and overhead construction projects, that include but are not limited to, any conveyance, pipe or pipeline for the distribution of any gaseous liquid (including water for domestic municipal services or wastewater), liquescent, or slurry substance; any cable line or wire for the transmission of electrical energy; and any cable line or wire for communications, that are regulated by a general NPDES storm water permit are subject to the following annual fees, plus applicable surcharge(s):

Tier I: \$8,021 for each region in which activities subject to the permit are conducted, or

Tier II: A fee as prescribed by (b)(4)(A), based on the area covered by the project.

(6) Discharges associated with mosquito and vector control activities¹² that are regulated by an individual or general NPDES permit adopted specifically for these purposes, including those issued by a Regional Board, shall pay a fee of \$183. Dischargers filing an application for a mosquito and vector control permit shall pay a fee of \$183. The fee shall be paid each time an application for initial certification or renewal is submitted. Mosquito and vector control fees are not subject to ambient water monitoring surcharges.

(7) All other NPDES permitted discharges, except as provided in (b)(8), (b)(9), and (c), shall pay a fee according to the following formula:

Fee equals \$1,606 plus 2,840 multiplied by the permitted flow, in mgd, with a maximum fee of \$401,568 plus any applicable surcharge(s).

If there is no permitted effluent flow specified, the fee shall be based on the design flow of the facility.

NPDES permitted industrial discharges¹³ with a threat/complexity¹⁴ rating of 1A, 1B, or 1C are subject to a surcharge as follows:

Threat / Complexity Rating 1A - \$15,000

Threat / Complexity Rating 1B - \$10,000

Threat / Complexity Rating 1C - \$5,000

Public wastewater treatment facilities with approved pretreatment programs are subject to a surcharge of \$10,000. Agencies with multiple facilities under one approved pretreatment program shall pay a \$10,000 surcharge per program.

¹² A mosquito and vector control activity involved discharge of pesticides into a designated area for the maintenance and control of mosquito larvae for the protection of public health from the outbreak of lethal diseases. A mosquito and vector control agency discharges pesticides into surface waters for the control of mosquito larva.

¹³ NPDES permitted industrial discharger(s) means those industries identified in the Standard Industrial Classification Manual, Bureau of Budget, 1967, as amended and supplemented, under the category "Division D-Manufacturing" and such other classes of significant waste producers as, by regulation, the U.S. EPA Administrator deems appropriate. (33 USC Sec. 1362).

¹⁴ Threat/complexity categories are listed under (a)(1) of this document.

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(8)(A) Flow for wet weather municipal facilities¹⁵ will be based on the previous five years' actual monthly average flow¹⁶, as of the date the permit is issued.

(B) Notwithstanding (8)(A), the minimum annual fee for wet weather municipal facilities shall be \$20,000.

(9) All other general NPDES permits and de minimis discharges¹⁷ that are regulated by an individual or general NPDES permit, including those issued by a Regional Board, shall pay a fee as follows, plus applicable surcharge(s):

Category 1 - Discharges that require treatment systems to meet priority toxic pollutant limits and that could impair beneficial uses if limits are violated: \$9,252.

Category 2 - Discharges that require treatment systems to meet non-priority pollutant limits, but are not expected to impair beneficial uses if limits are violated. Examples of non-priority pollutants include, but are not limited to, nutrients, inorganic compounds, pH, and temperature: \$5,590.

Category 3 - Discharges that require minimal or no treatment systems to meet limits and pose no significant threat to water quality: \$1,606.

¹⁵ Wet weather municipal facilities are intermittently operated facilities that are designed specifically to handle flows during wet weather conditions.

¹⁶ The actual monthly average flow is defined as the average of the flows during each of the months that the discharge occurred during the previous five-year period.

¹⁷ De minimis discharge activities include, but are not limited to, the following: aquaculture activities (as defined in Chapter 40, Section 122.25(b) of the Code of Federal Regulations) defined as managed water areas that use discharges of pollutants into that designated area for maintenance or reproduction of harvestable freshwater, estuarine, or marine plants or animals including fish hatcheries; geothermal facilities that utilize, extract, or produce energy from geothermal fluids for heating, generating power, or other beneficial uses, and discharge geothermal fluids to surface waters; aquatic pesticide applications; evaporative condensate; swimming and landscape pool drainage; discharges from fire hydrant testing or flushing; discharges resulting from construction dewatering; discharges associated with supply well installation, development, test pumping, and purging; discharges resulting from the maintenance of uncontaminated water supply wells, pipelines, tanks, etc.; discharges resulting from hydrostatic testing of water supply vessels, pipelines, tanks, etc.; discharges resulting from the disinfection of water supply pipelines, tanks, reservoirs, etc.; discharges from water supply systems resulting from system failures, pressure releases, etc.; discharges of non-contact cooling water, not including steam/electric power plants; discharges resulting from diverted stream flows; water treatment plant discharges; and other similar types of wastes that have low pollutant concentrations and are not likely to cause or have a reasonable potential to cause or contribute to an adverse impact on the beneficial uses of receiving waters yet technically must be regulated under an NPDES permit.

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(c) The annual fees for discharges from confined animal facilities shall be based on the following schedules, plus applicable surcharge(s).

FEEDLOTS	
Type of Facility	
Number of Animals	Fee
Cattle or Cow/Calf Pairs	
100,000 or more	\$5,351
10,000 to 99,999	\$2,675
5,000 to 9,999	\$1,427
1,000 to 4,999	\$713
Less than 1,000	\$357
Calves	
10,000 or more	\$5,351
5,000 to 9,999	\$2,675
1,000 to 4,999	\$1,427
300 to 999	\$713
Less than 300	\$357
Heifers (not at a dairy)	
10,000 or more	\$5,351
5,000 to 9,999	\$2,675
1,000 to 4,999	\$1,427
300 to 999	\$713
Less than 300	\$357
Finishing Yards/Auction Yards	
1,000 or more	\$1,427
300 to 999	\$713
Less than 300	\$357

DAIRIES	
Type of Facility	
Number of Animals	Fee
Mature Dairy Cattle	
3,000 or more	\$7,134
1,500 to 2,999	\$4,459
700 to 1,499	\$2,140
300 to 699	\$1,070
Less than 300	\$535
Goat Dairies	
1,000 or more	\$713
Less than 1,000	\$357
HOGS	
Swine (> 55 pounds)	
5,000 or more	\$2,675
2,500 to 4,999	\$1,427
750 to 2,499	\$713
Less than 750	\$357
Swine (< 55 pounds)	
20,000 or more	\$2,675
10,000 to 19,999	\$1,427
3,000 to 9,999	\$713
Less than 3,000	\$357
OTHER	
Horses	
500 or more	\$1,427
150 to 499	\$713
Less than 150	\$357
Sheep or Lambs	
10,000 or more	\$1,427
3,000 to 9,999	\$713
Less than 3,000	\$357

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POULTRY		
Number of Animals	On-Site Discharge Fee	Off-Site Discharge Fee
Layers or Broilers (liquid manure system)		
120,000 or more	\$3,567	\$1,249
60,000 to 119,999	\$1,784	\$892
30,000 to 59,999	\$1,338	\$624
9,000 to 29,999	\$713	\$357
Less than 9,000	\$357	\$0
Non-layers (other than liquid manure system)		
500,000 of more	\$3,567	\$1,249
250,000 to 499,999	\$1,784	\$892
125,000 to 249,999	\$1,338	\$624
37,500 to 124,999	\$713	\$357
Less than 37,500	\$357	\$0
Layers (other than liquid manure system)		
350,000 or more	\$3,567	\$1,249
165,000 to 349,999	\$1,784	\$892
82,000 to 164,999	\$1,338	\$624
25,000 to 81,999	\$713	\$357
Less than 25,000	\$357	\$0
Ducks (other than liquid manure system)		
120,000 or more	\$3,567	\$1,249
60,000 to 119,999	\$1,784	\$892
30,000 to 59,999	\$1,338	\$624
10,000 to 29,999	\$713	\$357
Less than 10,000	\$357	\$0
Ducks (liquid manure system)		
20,000 or more	\$1,784	
5,000 to 19,999	\$1,338	
1,500 to 4,999	\$713	
Less than 1,500	\$357	
Turkeys		
200,000 or more	\$3,567	\$1,249
100,000 to 199,999	\$1,784	\$892
55,000 to 99,999	\$1,338	\$624
16,500 to 54,999	\$713	\$357
Less than 16,500	\$357	\$0

(1) Facilities that are certified under a Quality Assurance Program approved by the State Board or under a County regulatory program approved by the appropriate Regional Board, will receive a 50 percent fee reduction. Any facility that is issued a notice of violation by a Regional Board for an off-property discharge shall not be eligible to receive this fee reduction for a minimum of one billing cycle, and for all subsequent billing cycles until recertification and all corrective actions are complete as determined by the Regional Board.

(2) Facilities that pose no potential to discharge, as determined by a Regional Board, shall pay a fee of \$357. The fee shall be paid each time an application for initial certification or renewal is submitted and shall not be subject to ambient water monitoring surcharges.

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(3) Facilities that are required to submit a report of waste discharge (ROWD) while the facility is under construction and remains so subsequent to the billing cycle will have the annual fee waived until the facility is in operation and animals are present at the facility.

(4) Facility closures that are required to maintain a permit until all requirements are met shall continue to be assessed a fee based at the same rate as when the facility was in operation.

Note: Authority cited: Sections 185 and 1058 of the Water Code. Reference: Section 13260 of the Water Code.

Section 2200.1

The State Board shall notify each discharger annually of the fee to be submitted, the basis upon which the fee was calculated, and the date upon which the fee is due.

Section 2200.2

Persons proposing a new discharge shall submit to the State Board or Regional Board a report of waste discharge. Unless specifically instructed otherwise by the State Board, a fee equal in amount to the annual fee based on the fee schedules in Section 2200 shall be submitted with the discharger's report of waste discharge. This fee shall serve as the first annual fee. If the submittal of this first annual fee does not coincide with the current fiscal year billing cycle, then the next, and only the next, fiscal year billing shall be adjusted to account for the payment of a full annual fee that accompanied the discharger's report of waste discharge. Persons proposing a material change in an existing discharge are not required to submit a fee with the report of waste discharge.

Section 2200.3

Failure to pay the annual fee is a misdemeanor and will result in the State Board or Regional Board seeking the collection of fees through the enforcement provisions provided pursuant to Water Code Section 13261.

Section 2200.4

Any refund made pursuant to Water Code Section 13260(e) or for any other reason, shall withhold sufficient funds to cover actual staff time spent in reviewing the report of waste discharge, which shall be calculated using a rate of \$100.00 per hour.

Note: Authority cited: Sections 185 and 1058 of the Water Code. Reference: Section 13260 of the Water Code.

Section 2200.5. No Exposure Certification

Dischargers filing an application for a No Exposure Certification (NEC) shall pay a fee of \$242 for each facility for which an application is submitted, as prescribed in a general industrial storm

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water permit. The fee shall be paid each time an application for initial certification or renewal is submitted. NEC fees are not subject to ambient water monitoring surcharges.

Note: Authority cited: Sections 185 and 1058 of the Water Code. Reference: Section 13260.2 of the Water

Section 2200.6. Annual Agricultural and Irrigated Lands Fee Schedule

No ambient water monitoring surcharge shall apply to annual fees specified in this section.

(a) Annual fees for waste discharge requirements and waivers of waste discharge requirements for discharges from agricultural lands, including irrigated lands, shall be as follows:

(1) Tier I: If a discharger is a member of a group that has been approved by the State Board to manage fee collection and payment, then the fee shall be \$100 per group plus \$0.56 per acre of land.

(2) Tier II: If a discharger is a member of a group that has been approved by the State Board but that does not manage fee collection and payment, then the fee shall be \$100 per farm plus \$0.94 per acre of land.

(3)(A) Tier III: If a discharger is not a member of a group that has been approved by the State Board, the following fee schedule applies:

Acres	Fee Rate	Min Fee	Max Fee
0-10	\$300 + \$10/Acre	\$300	\$400
11-100	\$750 + \$5/Acre	\$805	\$1,250
101-500	\$2,000 + \$2.5/Acre	\$2,253	\$3,250
501 or More	\$4,000 + \$2/Acre	\$5,002	\$6,500

(b) Upon approval by the Regional Board to join a group subject to waste discharge requirements or waivers of waste discharge requirements for discharges from agricultural lands, including irrigated lands, the discharger shall submit to the State Water Board an application fee, unless such fee is not required by the Regional Board. The application fee is a one-time fee of \$200 for dischargers that have received a California Water Code §13267 Order and \$50 for all other dischargers. This application fee shall not apply to dischargers who were members of a group on or before June 30, 2008.

(c) For purposes of this section, the words "agricultural lands," "irrigated lands," "farm," and "discharger" have the meaning contained in the applicable Regional Board or State Board waste discharge requirements or waiver of waste discharge requirements for discharges from agricultural lands, including irrigated lands.

Note: Authority cited: Sections 185 and 1058 of the Water Code. Reference: Section 13269 of the Water Code.

2011-12 Fee Schedules

2200.7 Annual Fee Schedule for Waivers of Waste Discharge Requirements

(a) Any person for whom waste discharge requirements have been waived pursuant to Section 13269 of the Water Code shall submit an annual fee to the State Board if a fee is specified for the waiver in this section.

No ambient water monitoring surcharge shall apply to annual fees specified in this section.

(b) [reserved]

Note: Authority cited: Sections 185 and 1058 of the Water Code. Reference: Section 13269 of the Water Code.

Exhibit 14

General Waste Discharge Requirement (GWDR) Order No. R1-2012-0002 Package

14.D

Notice of Intent

City, State, Zip: _____
Contact Person: _____ Phone: _____

SECTION IV. RECEIVING WATER INFORMATION

What watershed and subwatershed is the facility located in?

SECTION V. IMPLEMENTATION OF WAIVER CONDITIONS

A. STATEWIDE MINIMUM STANDARDS FOR CONFINED ANIMAL FACILITIES (*check if true*)

Facility will be operating in compliance with Statewide Minimum Standards for Discharges of Animal Waste (Title 27 see Attachment B)

Facility will be currently operating in compliance with 40 Code of Federal Regulations Sections 122.23(e) and 122.42 (e)(1)(vi)-(IX) that states that Large Concentrated Animal Facilities with 700 or more dairy cows (milking + dry) must have a Nutrient Management Plan. (See Monitoring and Reporting Program - Appendix 2).

B. FACILITY / OPERATION MANAGEMENT (check if true)

All prohibitions in the GWDR will be complied with while this dairy is covered under the GWDR.

Manure ponds and manure containment facilities will be managed in accordance with the GWDR.

All non-manure wastes such as silage leachate, dead animals, waste milk, veterinary medical waste, spoiled feed, bedding, etc., will be contained and managed in accordance with the GWDR.

C. MONITORING PROGRAM (check if true)

The Monitoring and Reporting Program will be reviewed and all tasks will be conducted as required.

Please check one regarding required surface water sampling:

The dairy will participate in group surface water monitoring.

The dairy will perform individual surface water monitoring.

D. Is your dairy California Dairy Quality Assurance Program (CDQAP) certified? Yes / No _____

SECTION VI. 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 GWDR, including the implementation of a Monitoring Program Plan, will be complied with."

Printed Name: _____ Signature: _____

Title: _____ Date: _____

Exhibit 14

General Waste Discharge Requirement (GWDR) Order No. R1-2012-0002 Package

14.E Attachment B

ATTACHMENT B

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

Regulations: Title 27, Environmental Protection--Division 2, Solid Waste

Chapter 7. Special Treatment, Storage, and Disposal Units

Subchapter 2. Confined Animals

Article 1. SWRCB - Confined Animal Facilities

[Note: Regulations in this article were promulgated by the State Water Resources Control Board (SWRCB), are administered by the appropriate Regional Water Quality Control Board (RWQCB) through the issuance of waste discharge requirements (WDRs), and are applicable to the owner or operator of a waste management unit (Unit) for the treatment, storage, or disposal of animal waste at confined animal facilities.]

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

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

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

- (1) average daily volume of facility wastewater and volume or weight of manure;
- (2) total animal population at the facility, and types of animals;
- (3) location and size of use or disposal fields and retention ponds, including animal capacity; and
- (4) animal capacity of the facility.

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

Note:

Authority cited:

Section 1058, Water Code.

Reference:

Sections 13140-13147, 13260 and 13263, Water Code; Section 43103, [Public Resources Code](#).

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

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

Note:

Authority cited:

Section 1058, Water Code.

Reference:

Sections 13140-13147, 13260 and 13263, Water Code; Section 43103, [Public Resources Code](#).

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

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

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

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

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

(2) Existing facilities that were in operation on-or-before November 27, 1984, and that are protected against 100-year peak stream flows must continue to provide such

protection. Facilities, or portions thereof, which begin operating after November 27, 1984, shall be protected against 100-year peak stream flows.

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

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

(e) **Discharge To Disposal/Use Fields** — The RWQCB shall allow the discharge of facility wastewater and of collected precipitation and drainage waters to use or disposal fields only if such discharge is in accordance with section 22563. Absent an NPDES permit for discharge to surface waters, the only other allowable discharge is to wastewater treatment facilities approved by the RWQCB.

Note:

Authority cited:

Section 1058, Water Code.

Reference:

Sections 13172, Water Code; Section 43103, [Public Resources Code](#).

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

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

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

Note:

Authority cited:

Section 1058, Water Code.

Reference:

Section 13172, Water Code; Section 43103, [Public Resources Code](#).

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

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

Note:

Authority cited:

Section 1058, Water Code.

Reference:

Section 13172, Water Code; Section 43103, [Public Resources Code](#).

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

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

Note:

Authority cited:

Section 1058, Water Code.

Reference:

Sections 13172 and 13267, Water Code.

Source: <http://www.calrecycle.ca.gov/laws/regulations/Title27/>
8/17/11

Exhibit 14

General Waste Discharge Requirement (GWDR) Order No. R1-2012-0002 Package

14.F Attachment C

ATTACHMENT C

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

Definitions

25-year, 24-hour rainfall event means precipitation events with a probable recurrence interval of once in twenty five years as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the United States," May 1961, or equivalent regional or State rainfall probability information developed from this source.

Agronomic rates: is the land application of irrigation water and nutrients (which may include animal manure, bedding, litter, or process wastewater) at rates of application in accordance with a nutrient management plan that will enhance soil productivity and provide the crop or forage with needed nutrients for optimum health and growth.

Aquifer: is ground water that occurs in a saturated geologic unit that contains sufficient permeability and thickness to yield significant quantities of water to wells or springs.

Artificial recharge area: an area where the addition of water to an aquifer is by human activity, such as putting surface water into dug or constructed spreading basins or injecting water through wells.

Bioaccumulative pollutants are those substances taken up by an organism from its surrounding medium or from food, and is subsequently concentrated and retained in the body of the organism.

Carcinogenic pollutants are substances that are known to cause cancer in living organisms.

Catastrophic rainfall event: means a rainfall event greater than the 25-year, 24-hour rainfall event, and includes events like tornadoes, hurricanes or other catastrophic conditions that would cause an overflow.

Confined area: is the area where cows are confined within the production area.

Cropland: is the land application area where dry or solid manure and/or process wastewater is recycled for the purpose of beneficially using the nutrient value of the manure and/or process wastewater for crop production.

Degradation: is any measurable adverse change in water quality.

Design volume for a liquid storage structure includes allowances for the volume of manure, process wastewater, and other wastes accumulated during the storage period; volume of "normal precipitation" minus evaporation; volume of runoff from the facility's drainage area during normal rainfall events; volume of precipitation from the 25-yr, 24-hr storm event on the storage structure area; volume of runoff from the facility's drainage area for the 25-yr, 24-hr storm event; volume of solids necessary freeboard

requirements; and any additional storage requirements, such as to meet management goals, or the minimum treatment volume for anaerobic lagoons.

Discharge: is the discharge or release of waste to land, surface water, or ground water. The Federal Pollution Control Act states that “**discharge**” includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping;

Discharger: is the property owner and/or the operator of an existing milk cow dairy subject to this Order.

Enclosed Bays means indentations along the coast that enclose an area of oceanic water within distinct headlands or harbor works. Enclosed bays include all bays where the narrowest distance between the headlands or outermost harbor works is less than 75 percent of the greatest dimension of the enclosed portion of the bay. Enclosed bays include, but are not limited to, Humboldt Bay and Bodega Harbor. Enclosed bays do not include inland surface waters or ocean waters.

Estuaries means waters, including coastal lagoons, located at the mouths of streams that serve as areas of mixing for fresh and ocean waters. Coastal lagoons and mouths of streams that are temporarily separated from the ocean by sandbars shall be considered estuaries. Estuarine waters shall be considered to extend from a bay or the open ocean to a point upstream where there is no significant mixing of fresh water and seawater. Estuarine waters included, but are not limited to, the Sacramento-San Joaquin Delta, as defined in Water Code section 12220, Suisun Bay, Carquinez Strait downstream to the Carquinez Bridge, and appropriate areas of the Smith, Mad, Eel, Noyo, Russian, Klamath, San Diego, and Otay rivers. Estuaries do not include inland surface waters or ocean waters.

Existing Cow Dairy or Existing Facility: is a cow dairy that is constructed and operating as of January 19, 2012, and which has subsequently undergone no expansion in size of its physical facilities. Physical facilities include the roofed structures, such as stall barns, that limit the size of the dairy cow herd.

Facility: is the property identified as such in the Order.

Fecal coliform: means the bacterial count (Parameter 1) at 40 CFR 136.3 in Table 1A which also cites the approved methods of analysis.

Field moisture capacity: is the upper limit of storable water in the soil once free drainage has occurred after irrigation or precipitation.

Freeboard: is the elevation difference between the process wastewater (liquid) level in a pond and the lowest point of the pond embankment before it can overflow.

Groundwater: is water stored underground in rock crevices and in the pores of geologic materials that make up the Earth's crust; and water that flows downward and saturates soil or rock, supplying wells and springs. The upper surface of the saturated zone is called the water table.

Incorporation into soil: is the complete infiltration of process wastewater into the soil, the disking or rotary tiller mixing of manure into the soil, shank injection of slurries into soil, or other equally effective methods.

Inland Surface Waters: are all surface waters of the State that do not include the ocean, enclosed bays, or estuaries.

Irrigation return flow: has the same meaning as return flow from irrigated agriculture in Section 502 (14) of the federal Clean Water Act, and for purposes of this Order is defined as surface and subsurface water that leaves a field following application of irrigation water, where the irrigation water is not a wastewater and where such irrigation water has been applied in accordance with a site specific nutrient management plan. "Tailwater" may be considered an irrigation return flow if it meets the conditions in this paragraph.

Irrigation water: is water that is applied to fields to grow crops.

Land application: means the application of manure, litter, or process wastewater onto or incorporated into the soil.

Land application area: is land under control of the cow dairy owner or operator, whether it is owned, rented, or leased, to which manure or process wastewater from the production area is or may be applied for nutrient recycling.

Liquid manure handling system: means a system that collects and transports or moves waste material with the use of water, such as in washing of pens and flushing of confinement facilities. This would include the use of water impoundments for manure and/or wastewater treatment.

Manure: is the fecal and urinary excretion of livestock and other commingled materials. Manure may include litter, bedding, compost, raw materials, and waste feed.

Manured solids: is manure that has sufficient solids content such that it will stack with little or no seepage.

Mature dairy cow: For the purposes of this Order, "mature dairy cow" is a dairy cow that has produced milk at any time during her life (milking + dry). The State Fee Schedule refers to mature dairy cattle.

Maximum Daily Effluent Limitation (MDEL) means the highest allowable daily discharge of a pollutant, over a calendar day (or 24-hour period). For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the arithmetic mean measurement of the pollutant over the day.

Method Detection Limit (MDL): is the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero, as defined in: Title 40 of the Code of Federal Regulations, Part 136, Attachment B, revised as of July 3, 1999.

Minimum Level (ML): is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method specified sample weights, volumes, and processing steps have been followed.

Mixing Zone: is a limited volume of receiving water that is allocated for mixing with a wastewater discharge where water quality criteria can be exceeded without causing adverse effects to the overall water body.

Multi-year Phosphorus Application: means phosphorus applied to a field in excess of the crop needs for that year. In multi-year phosphorus applications, no additional manure, litter, or process wastewater is applied to the same land in subsequent years until the applied phosphorus has been removed from the field via harvest and crop removal.

Negligible Expansion: the annual average number of mature dairy cows in the herd may not expand more than 15% beyond the maximum number declared in the Notice of Intent (Attachment A).

Not Detected (ND): are those sample results less than the laboratory's MDL.

Notice of Intent (NOI): is a form submitted by the owner/operator applying for coverage under a general permit. It requires the applicant to submit the information necessary for adequate program implementation, including, at a minimum, the legal name and address of the owner or operator, the facility name and address, type of facility or discharges, and the receiving stream(s). See Order Attachment A.

New Source: is defined in the federal regulations as *“any building, structure, facility, or installation from which there is or may be a ‘discharge of pollutants,’ the construction of which commenced: (a) After promulgation of standards of performance under section 306 of CWA which are applicable to such source, or (b) After proposal of standards of*

performance in accordance with section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.” (40 CFR. § 122.2) Further, a facility is a “new source” if (1) the facility is constructed at a site where no other facility is located, (2) the facility totally replaces the process or production equipment that causes the discharge of pollutants at the existing facility, or (3) the facility process is substantially independent of an existing facility at the same site. (40 CFR. §122.29 (b)).

Normal Precipitation: is the long-term average precipitation based on monthly averages over the time that data has been collected at a particular weather station. Normal precipitation is usually taken from data averaged over a 30-year period (e.g. 1971 to 2000) if such data is available.

Nuisance: is defined in section 13050 of the Porter-Cologne Water Quality Control Act as “...*anything which meets all of the following requirements:*

- (1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.*
- (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.*
- (3) Occur during, or as a result of, the treatment or disposal of wastes.”*

Nutrient: is any element taken in by a plant which is essential to its growth and which is used by the plant in elaboration of its food and tissue.

Nutrient Management Plan (NMP): is a description of site-specific nutrient management practices that ensure appropriate agricultural utilization of manure, litter, or process water, as specified in this Order. See MRP, Appendix 2, NMP.

Nutrient recycling: is the application of nutrients at agronomic rates for crop production.

Ocean Waters are the territorial marine waters of the State as defined by California law to the extent these waters are outside of enclosed bays, estuaries, and coastal lagoons. Discharges to ocean waters are regulated in accordance with the State Water Board’s California Ocean Plan.

Off-property discharge: is the discharge or release of waste beyond the boundaries of the property of the dairy’s production area or the land application area or to water bodies that run through the production area or land application area.

Open tile line intake structure: is an air vent for a subsurface (tile) drain system.

Order: is the General Waste Discharge Requirements Order.

Overflow: means the discharge of manure or process wastewater resulting from the filling of wastewater or manure storage structures beyond the point at which no more manure, process wastewater, or storm water can be contained by the structure.

Persistent pollutants: are substances for which degradation or decomposition in the environment is nonexistent or very slow.

Physical facility: is defined as the roofed structure, such as the stall barn, that limits the size of the dairy herd (milking + dry cows). No expansion of the physical facility (roofed structure that houses the cows, such as the stall barn) is allowed under this permit. If roofed structures need replacing/repair during permit coverage, it must be the similar size and location. Limited alterations are allowed, such as converting corrals to freestalls, as long as these alterations do not increase the capacity of the physical facilities.

Pollutant: is defined in Title 40 Code of Federal Regulations Section 122.2 as *“...dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.”*

Pollution: is defined in Section 13050(l)(1) of the Porter-Cologne Water Quality Control Act as *“...an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following: (A) The waters for beneficial uses. (B) Facilities which serve these beneficial uses.”* “ Pollution" may include "contamination".

Pollutant Minimization Program (PMP) means waste minimization and pollution prevention actions that include, but are not limited to, product substitution, waste stream recycling, alternative waste management methods, and education of the public and businesses. The goal of the PMP shall be to reduce all potential sources of a priority pollutant(s) through pollutant minimization (control) strategies, including pollution prevention measures as appropriate, to maintain the effluent concentration at or below the water quality-based effluent limitation. Pollution prevention measures may be particularly appropriate for persistent bioaccumulative priority pollutants where there is evidence that beneficial uses are being impacted. The Regional Water Board may consider cost effectiveness when establishing the requirements of a PMP. The completion and implementation of a Pollution Prevention Plan, if required pursuant to Water Code section 13263.3(d), shall be considered to fulfill the PMP requirements.

Pollution Prevention: means any action that causes a net reduction in the use or generation of a hazardous substance or other pollutant that is discharged into water and includes, but is not limited to, input change, operational improvement, production process change, and product reformulation (as defined in Water Code section 13263.3). Pollution prevention does not include actions that merely shift a pollutant in wastewater from one environmental medium to another environmental medium, unless clear environmental benefits of such an approach are identified to the satisfaction of the State or Regional Water Board.

Pond: is defined as retention ponds, storage ponds, settling ponds, or any structures used for the treatment, storage, disposal, and recycling of process wastewater. Ponds are differentiated from sumps, which are structures in a conveyance system used for the installation and operation of a pump.

Process wastewater: is water directly or indirectly used in the operation of a cow dairy for any or all of the following: spillage or overflow from animal watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other dairy facilities; washing or spray cooling of animals; or dust control...and includes any water or precipitation and precipitation runoff which comes into contact with any raw materials, products, or byproducts including manure, feed, milk, or bedding.

Propose to Discharge: is defined as a dairy facility being designed, constructed, operated, or maintained such that a discharge to waters of the United States will occur.

Production area: is that part of a cow dairy that includes the animal confinement area, the manure storage area, wastewater, litter, waste containment area, the raw materials storage area such as feed, silage, and bedding materials. The animal containment area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. The waste containment area includes but is not limited to settling basins, and areas within berms and diversions which separate uncontaminated storm water. The raw materials storage area includes but is not limited to feed silos, silage bunkers, and bedding materials. Also included in the definition of production area is any area used in the storage, handling, treatment, or disposal of mortalities.

Salt: is defined as the sodium chloride and any added minerals (such as calcium, phosphorus, potassium, sulfur, iron, selenium, copper, zinc, or manganese) in the animal ration. Salts commonly break up into cations (sodium, calcium, etc.) and anions (chloride, sulfate, etc.) when dissolved in water. Total dissolved solids is generally measured as an indication of the amount of salts in a water or wastewater.

Setback means a specified distance from waters of the United States or potential conduits to waters of the United States where manure, litter, and process wastewater may not be land applied. Examples of conduits to surface waters include but are not limited to: Open drainage ditches, tile drainage lines, intake structures, sinkholes, and agricultural well heads.

Significant quantity: is the volume, concentrations, or mass of a pollutant that can cause or threaten to cause pollution, contamination, or nuisance; adversely impact human health or the environment; and/or cause or contribute to a violation of any applicable water quality standards for the receiving water.

Significant storm event: is a precipitation event that results in continuous runoff of storm water for a minimum of one hour, or intermittent discharge of runoff for a minimum of three hours in a 12-hour period.

Sole-source aquifer: is an aquifer that supplies 50 percent or more of the drinking water of an area.

Source of Drinking Water: any water designated or potentially suitable as municipal or domestic supply (MUN) in the Water Quality Control Plan for the North Coast Basin (Basin Plan).

State: the State of California.

State Water Board: the State Water Resources Control Board.

Storm water: storm water runoff, snowmelt runoff, and storm water surface runoff and drainage.

Subsurface (tile) drainage: water generated by installing and operating drainage systems to lower the water table below irrigated lands. Subsurface drainage systems, deep open drainage ditches, or drainage wells can generate this drainage.

Surface water: includes essentially all water that is on the Earth's surface, such as in a stream, lake, river, reservoir, or ocean. Surface waters include waters of the United States and their tributaries such as interstate waters and their tributaries, intrastate waters, all impoundments of these waters, and all wetlands hydrologically connected to lakes, streams, or rivers. Manure ponds are not considered surface waters in the context of this Regional Water Board Order.

Tailwater: the runoff of irrigation water from an irrigated field.

Toxicity Reduction Evaluation (TRE): a study conducted in a step-wise process designed to identify the causative agents of effluent or ambient toxicity, isolate the

sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in toxicity. The first steps of the TRE consist of the collection of data relevant to the toxicity, including additional toxicity testing, and an evaluation of facility operations and maintenance practices, and best management practices. A Toxicity Identification Evaluation (TIE) may be required as part of the TRE, if appropriate. (A TIE is a set of procedures to identify the specific chemical(s) responsible for toxicity. These procedures are performed in three phases (characterization, identification, and confirmation) using aquatic organism toxicity tests).

Vegetated buffer: a narrow, permanent strip of dense perennial vegetation established parallel to the contours of and perpendicular to the dominant slope of the field for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the field and reaching waters of the United States.

Waste: is set forth in Water Code Section 13050(d), and includes manure, leachate, process wastewater and any water, precipitation or rainfall runoff that came into contact with raw materials, products, or byproducts such as manure, compost piles, feed, silage, milk, or bedding. The Basin Plan states that “waste” includes sewage and any and all other substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

Waste Management Plan (WMP): is a designed, written, and implemented plan for the dairy to ensure that the production area is designed, constructed, operated, and maintained so that wastes generated by the dairy are managed to prevent adverse impacts to surface water and groundwater in compliance with this Order. See MRP Appendix 2. The portions of the WMP that are related to facility and design specifications must be prepared by, or under the charge of a responsible professional with experience in manure containment and structural facility specification. Examples of this professional include, but are not limited to, registered professional engineers, or the qualified staff of the National Resource Conservation District (NRCS), the Resource Conservation District, the California Dairy Quality Assurance Program, or the University of California Cooperative Extension.

Wastewater: is the same as “process wastewater” as defined above.

Waters of the state: is defined in Section 13050 of the California Water Code as “...any surface water or groundwater, including saline waters, within the boundaries of the state.” Note this includes isolated wetlands.

Waters of the United States: is defined in 40 CFR § 122.2 as (a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or

foreign commerce, including all waters which are subject to the ebb and flow of the tide; (b) All interstate waters, including interstate “wetlands;” (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, “wetlands,” sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters: (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes; (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or (3) Which are used or could be used for industrial purposes by industries in interstate commerce; (d) All impoundments of waters otherwise defined as waters of the United States under this definition; (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition; (f) The territorial sea; and (g) “Wetlands” adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR § 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States do not include prior converted cropland.

Wetland: For regulatory purposes under the Clean Water Act, the term wetlands means “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.”

Wet season: is the period of time between October 1 and April 30 of each year.

Exhibit 14

General Waste Discharge Requirement (GWDR) Order No. R1-2012-0002 Package

14.G

Appendix 1

Appendix 1

General Waste Discharge Requirement Monitoring and Reporting Program Order No. R1-2012-0002

Waste Management Plan (WMP)

The Monitoring and Reporting Program for General Waste Discharge Requirements Order No. R1-2012-0002 (Order) requires the preparation and implementation of a Waste Management Plan (WMP) for the dairy production area including, but not limited to, the milk parlor, corrals, barns, feed storage area, compost, manure ponds, and dry manure storage areas.

WMP Introduction and Purpose

The purpose of the WMP is to ensure that the dairy is designed, constructed, operated and maintained so that wastes, nutrients, and contaminants generated by the facility are managed to prevent adverse impacts to surface water and groundwater quality in compliance with the Order. The Regional Water Board may give approved TMDL offset dairy projects an alternative schedule for enrollment and submittal of MRP reports, including the WMP.

WMP Requirements:

1. A written WMP must be completed within one (1) year of adoption of the Order, must be kept on the dairy site, and must be made available for review by Regional Water Board staff during inspections. The portions of the WMP that are related to manure pond specifications and well protection must be prepared by, or under the charge of, a responsible professional with experience in manure containment and structural facility specifications. Examples of this professional includes, but are not limited to, registered professional engineers (PE), or the qualified staff of the National Resource Conservation District (NRCS), the Resource Conservation District, the University California Cooperative Extension, or technical service providers (TSPs) certified by the NRCS. The Regional Water Board staff may approve the use of alternative specialists. The WMP must be kept on the dairy site and made available to the Regional Water Board staff during inspections.
2. The responsible professional described above shall submit a letter to the Regional Water Board within one (1) year from adoption of the Order, certifying that the dairy retention ponds meet Title 27 requirements (Attachment B)
3. Wellheads must be protected to prevent movement of contaminants to groundwater. The WMP must discuss the manner by which wellheads are protected. The WMP must contain documentation from a trained professional (i.e., a person certified by the American Backflow Prevention Association, an

inspector from a state or local governmental agency who has experience and/or training in backflow prevention, or a consultant with such experience and/or training) that there are no cross-connections that would allow the backflow of waste into a well. The Regional Water Board staff may approve the use of alternative specialists. If testing or modification of the well and/or associated piping is recommended by a responsible professional, then all testing and modifications are to be completed within 90 days from the time of the recommendation.

4. Dischargers shall report on WMP implementation in the Annual Report (Appendix 3) due for submittal by November 30 each year beginning in 2012.

Contents of WMP

The Waste Management Plan must contain the following:

1. Facility Name and Address.
2. Assessor's Parcel Number, and Township, Range, Section(s), and Baseline Meridian of the property where the dairy is located.
3. The name(s), address(es), and telephone number(s) of the property owner(s), facility operator(s), and the contact person for the facility.
4. Maximum animal population categories as listed in the Notice of Intent (Attachment A).
5. A statement from the responsible professional that the WMP was developed in accordance with the requirements of the GWDR, that it includes all necessary documentation (including calculations), and certifies that all contents of the WMP (and NMP) were done consistent with requirements of the Order and Title 27 (Attachment B). Temporary controls must be in place to prevent waste discharges to surface water and groundwater in the interim.
6. Manure Ponds must be capable of retaining all the process water generated by the facility, together with all precipitation on and drainage through manured or waste/feedstock storage areas during the following storms and peak stream flows:
 - a. A 25-year 24-hour storm or larger storm;
 - b. Peak stream flows per the following requirements:
 - 1.) 20-year flows for existing facilities that were in operation on or before November 27, 1984;

- 2.) Flows greater than 20-year flows for facilities, or portions thereof, that were in operation on or before November 27, 1984 and that are currently protected against such flows;
 - 3.) 100-year flows for facilities, or portions thereof, which began operating after November 27, 1984.

7. The determination of the necessary pond storage volume shall reflect:
 - a. The maximum period of time (storage period) anticipated between land application events based on the NMP (Appendix 2);
 - b. The volume of manure and process water accumulated during the storage period;
 - c. Normal precipitation, or normal precipitation times a factor of one and a half (1.5), less evaporation on the surface area during the entire storage period. If normal precipitation is used in the calculation of necessary storage volume, the WMP shall include a Contingency Plan, as specified below;
 - d. Runoff from production and manure storage areas resulting from normal precipitation (or runoff due to normal precipitation times a factor of one and a half) during the storage period. If normal precipitation runoff is used in the calculation of necessary storage volume, the WMP shall include a Contingency Plan, as specified below.
 - e. 25-year, 24-hour precipitation on the facility's retention pond surface(s) (at the required design storage volume level);
 - f. 25-year, 24-hour runoff from the area of the facility draining to the retention pond;
 - g. Residual solids after liquids have been removed; and
 - h. To maintain structural integrity in all ponds and protect water quality, two feet of freeboard shall be maintained in partially or completely above ground ponds and one (1) foot of freeboard shall be maintained in pond structures that are completely in ground. Lesser freeboard may be approved by the Regional Water Board for soil and clay lined ponds if documented by a registered civil engineer that structural integrity and required capacity will not be compromised with the proposed freeboard.

8. Manure ponds must meet Title 27 requirements (a minimum of 10% clay and not more than 10% gravel, or have a liner constructed of artificial materials of equivalent or greater impermeability). New manure ponds constructed after the adoption date of the GWDR Order must comply with Natural Resources Conservation Service (NRCS) Waste Storage Facility Code 313 including a maximum specific discharge (unit seepage rate) of 1×10^{-6} cm/sec.

9. The WMP must include an operation and maintenance plan for the retention pond(s) to ensure that:

- a. Corrals and/or pens are designed and maintained to direct all process water and stormwater to the manure pond(s);
 - b. The production facilities (e.g., barn, shed, milk parlor, etc.) are designed and maintained to direct all process water and stormwater that has contacted manure, feedstocks, or soil amendments to the manure pond(s);
 - c. There is no discharge of manure or stormwater to surface waters from the production area or the land application area(s) except as allowed by this GWDR;
 - d. All ponds must be managed to prevent nuisances (odors, breeding of mosquitoes, etc), damage from burrowing animals, damage from equipment during removal of solids, embankment settlement, erosion, seepage, excess weeds, algae, and other vegetation;
 - e. Manure ponds must provide necessary storage volume prior to winter storms, maintain capacity considering buildup of solids, and comply with the minimum freeboard;
 - f. The removal of solids from any lined pond must prevent damage to the pond liner;
 - g. Manure pond inspections and clean-out shall be conducted by November 1 of each year to ensure design storage capacity.
10. Contingency Plan: If the necessary storage volume calculated above is based on normal precipitation and/or runoff rather than precipitation or runoff from normal precipitation times a factor of one and a half (1.5), then the WMP shall include a Contingency Plan that describes how the excess precipitation and runoff that is generated during higher-than-normal precipitation will be managed.
11. The WMP shall contain an engineering report showing that production area has adequate flood protection in accordance with Title 27 (Attachment B). Alternatively, the WMP may include a copy of the appropriate published flood zone map showing that the production area is outside the relevant flood zone. The Regional Water Board may require an engineering report describing the size, elevation, and location of all features used to protect the production area from inundation or washout from flooding, including a map and appropriate cross-sections.
12. Manure ponds must be in conformance with NRCS Waste Storage Facility Code 313 which states that: *“Waste storage facilities must be planned, designed, and constructed to meet all federal, state, and local laws and regulations. To minimize the potential for contamination of streams, waste storage facilities should be located outside of floodplains, however, if site restriction require location within a floodplain, they shall be protected from*

inundation or damage from a 25-year flood event, or larger if required by laws, rules and regulations.”

13. Animal confinement areas and storage areas for manure, feeds, soil amendments, and other potential sources of contaminants shall be designed, constructed, and maintained to protect water quality. The following features shall be included:
 - a. Corrals and other animal housing is designed, constructed, and operated to minimize infiltration of manure into the underlying soils and to collect and divert all process water to the manure pond(s);
 - b. The milking parlor is designed and constructed to minimize the infiltration of waste into underlying soils and to divert all water that has contacted manure or process water to the retention pond(s);
 - c. Storage areas for manure, soil amendments, feed and other materials are designed and constructed to minimize infiltration of leachate and to divert runoff away from these areas unless all runoff from these areas is discharged to the retention pond(s);
 - d. Stormwater: All stormwater from outside manured areas, including that from roofed areas, must be diverted away from manured areas unless such drainage is fully contained and is included in the calculation of storage volume requirements;
 - e. Covers are used where practical during precipitation to reduce leaching and runoff.

14. The application of manure or process water to lands not owned, leased, or controlled by the Discharger without written permission from the landowner or in a manner not approved by the Regional Water Board staff, is prohibited by the Order. A manifest is required to be kept onsite to record transfer of waste to outside facilities and must be kept as part of the WMP.

15. The disposal of dead animals in any liquid manure or process water system is prohibited. The Discharger must comply with the most current dead animal disposal information and dispose of dead animals in compliance with all federal, state, and local laws and policies. Adverse impacts to surface water or groundwater quality from dead animal disposal is prohibited.

16. Chemicals, including but not limited to pesticides, herbicides, fungicides, cleaning products, equipment/machinery fluids, fertilizers and other contaminants at the facilities must be used according to manufacturer's directions and in accordance with federal, state, county, and local regulations. Chemicals must not be disposed of in any manure or process water, or stormwater storage or treatment system unless the unit is specifically designed

to treat such chemicals and other contaminants. The use of disinfectants or other chemicals per label directions is allowed.

17. In accordance with Title 27, Section 22561 (Attachment B), the Discharger shall prevent animals in confinement from entering any surface water that flows within the confined area. Livestock crossings of watercourses must be designed to protect water quality and must be described in the WMP.
18. Erosion control measures implemented at the dairy to protect surface water must be detailed in the WMP. Such measures may include, but are not limited to, installation of bridges, culverts, or armored crossings, fencing, barriers, or other deterrents, and vegetative cover to protect surface waters and water quality. Feeding and locating water troughs, shade, and salt/nutrient blocks away from the watercourses may also be appropriate and are encouraged wherever possible.
19. The WMP must describe implementation of salt minimization strategies. To help prevent contamination of surface water and groundwater, salt in animal rations should be limited to the amount required to maintain animal health and optimum production.
20. The WMP must contain an emergency spill prevention plan (SPP) detailing measures to be taken in the case of a discharge or threatened discharge of manure, chemicals, sediment, nutrients, or pathogens to surface water or groundwater. Personnel training, first response actions, and emergency contacts, must be described in the SSP. The SPP must be kept onsite, and made accessible to dairy staff. A copy of the SPP must be included in the WMP for review by RWB staff during inspections.

Exhibit 14

General Waste Discharge Requirement (GWDR) Order No. R1-2012-0002 Package

14.H

Appendix 2

Appendix 2

General Waste Discharge Requirement Monitoring and Reporting Order No. R1-2012-0002

Nutrient Management Plan (NMP)

Owners and operators of dairies (hereinafter identified as “Dischargers”) seeking coverage under the General Waste Discharge Requirements for Dairies Order No. R1-2012-0002 (Order) and who apply manure and/or dairy process water to land as a soil amendment or source of nutrients are required to develop and implement a Nutrient Management Plan (NMP). Manure and process water cannot be applied to land for the purpose of disposal. Manure and process water that are wastes must be disposed at an appropriate permitted disposal facility.

A. NMP Purpose and Implementation

The purpose of the NMP is to identify the management practices used at the dairy to minimize adverse impacts to surface water and groundwater from runoff and leaching from land application areas. The NMP is specific for a particular dairy and considers crops, soil types, climate, local conditions, all sources of nutrients, and the non-nutrient salts applied to each field. All nutrient applications to land at a dairy, including applications to pasture, must be made in accordance with an NMP. The NMP must be updated in response to changing conditions and the results of monitoring.

For dairies covered by the Order, the NMP must be developed by the Dischargers with the assistance of specialists such as those with a degree in or certification from: Soil Scientist, Agronomist, Crop Advisor, University of California Cooperative Extension (UCCE) service advisor or technician, or a Technical Service Provider certified by the Natural Resources Conservation Service (NRCS). In particular, Dischargers shall get assistance from these specialists in completing the nutrient budget calculations. Regional Water Board staff may approve the use of alternative specialists.

For dairies that are not Concentrated Animal Feeding Operations (CAFOs), development of the NMP can begin upon applying for coverage under the Order. For instance, the NOI (Attachment A) collects initial information for starting a NMP. The Dischargers then have up to one (1) year to work with professionals and specialists to develop and fully implement their NMP. The Regional Water Board may give approved TMDL offset dairy projects an alternative schedule for enrollment and submittal of MRP reports, including the NMP.

Dairies that are large CAFOs that are not point sources, meet the conditions of the GWDR, and want to enroll under this Order must be implementing a NMP upon

enrollment if they will discharge stormwater from cropland where manure, litter, or process wastewater has been applied.

The most current version of the NMP must be kept at the dairy and must be made available for review by Regional Water Board staff during inspections. The NMP shall be submitted to the Regional Water Board upon request.

The NMP shall be revised within 30 days when discharges from a land application area result in exceedence of water quality objectives. The NMP shall be revised within 90 days when any of the following occur: 1) site-specific information becomes available to replace default values used in the initial NMP, 2) changes in operating practices result in the production of nutrients that are not addressed by the NMP, 3) crops will be grown that are not covered by the NMP, 4) there is a change of 15% or more in the acreage used for land application, or 5) the NMP is not effective in preventing periodic discharges of manure or process water to Waters of the United States (US).

The Discharger shall review the NMP annually and revise it if changes in conditions or practices at the dairy require changes in the NMP. The review/revision date must be noted in the NMP. Records on the timing and amounts of manure and process water applied to land and information developed through a Monitoring and Reporting Program (MRP) associated with the GWDR for the dairy must be considered when making decisions related to nutrient management.

B. Management of Dairy Manure and Process Water

Compliance with the following management measures is required once the Discharger begins implementation of the NMP. Best Management Practices (BMPs) must be in place to prevent discharges to surface waters at all times:

1. The collection, treatment, storage, or application of manure or process water shall not result in:
 - a. degradation of surface water or groundwater except as allowed by the Order,
 - b. contamination or pollution of surface water or groundwater, or
 - c. a condition of nuisance (as defined by the California Water Code Section 13050).

This requirement applies to any degradation products or any constituents of soil mobilized by the interactions between applied materials and soil or soil biota.

2. The application of manure and process water shall not violate any applicable local, state, or federal laws or regulations or contribute to an exceedence of any applicable water quality objective in the Basin Plan or of any applicable state or federal water quality criteria.
3. The discharge of process water to surface water is prohibited.
4. The discharge of stormwater to surface water from land where manure or process water has been applied is prohibited unless all applications to land are in accordance with a NMP.
5. The application of manure and process water to land shall be in accordance with a NMP.

C. Contents of NMP

The NMP must contain the following components:

1. **Contact Information:** The name, mailing address, and phone number of (a) the dairy owner, (b) the dairy operator (if different), and (c) any specialist who participated in the development of the NMP.
2. **Specific dates:** The date that the NMP was completed, the date that the NMP will be implemented, and the dates of anticipated NMP reviews and revisions.
3. **Description of the dairy:** The following information must be included:
 - a. name of the dairy;
 - b. the dairy address or, if no street number, the street and nearest cross street;
 - c. design maximum cow population by type (milk cows, dry cows, heifers, calves);
 - d. current cow population by type;
 - e. Assessor's Parcel Number(s) for the dairy and all associated land;
 - f. for each Assessor's Parcel, the total acreage; the acreage used for crops including pasture, the acreage used for application of (a) manure, (b) process water, or (c) both;
 - g. the crop rotation, if any, within each land application area.
4. **Maps:** One or more United States Geological Survey quadrangle maps or equivalent showing the location of the dairy and all areas under the Discharger's control, whether owned, rented, or leased, to which manure or process water may be applied. If suitable, an aerial photo with appropriate notations may be utilized. The map(s), aerial photos, and/or drawings (see next section) should show the locations of all the following that exist at the

dairy: surface water courses and conveyances, underground pipelines, where process water is mixed with irrigation water or discharged, drainage flows for the production area and each field, drainage ditches and drainage easements, drainage controls (berms, levees, etc.) for tailwater and storm water; extent of subsurface (tile) drainage systems and associated discharge points, pumping facilities and flow meters, wells and type (domestic, industrial, agricultural, or monitoring), storm water discharge points, a point locating any septic systems, all water quality sampling points, and a map legend. More than one map may be used for clarity.

5. **Drawings:** A scaled drawing, aerial photo or topographic map that shows the production area including the livestock feeding and housing areas, feed storage areas, manure and process water storage areas, milk barn, chemical storage areas, and waste storage areas. These drawings, photos or maps may also be used to show the locations of features listed above under "Maps."
6. **Nutrient Budget Calculations:** The NMP must include calculations showing all sources of nutrients used by the facility and demonstrating that nutrients are applied at rates that are protective of water quality. These calculations must be reviewed annually and updated if there are any significant changes in conditions or practices at the dairy that necessitate changes in the NMP. These calculations may be reviewed by Regional Water Board staff during inspections. The details of the nutrient budget are discussed below in Section D.
7. **Land application practices and water quality protection:** The NMP must describe the methods by which manure and process water is applied to land application areas, and describe the BMPs that are implemented to protect surface water and groundwater.
8. **Sampling and analysis program:** The NMP must describe the associated sampling program including sampling locations, sampling frequency, sample collection and preservation procedures, The NMP must identify the analytical laboratory utilized and the analyses to be conducted for soil, manure, soil amendments, process water, irrigation water, plant tissue, etc. If that information is in the MRP (Attachment B), the NMP can reference that MRP. The laboratory utilized must be certified, or if not certified it must be approved by the Regional Water Board staff. Laboratory analysis methods are identified in California Analytical Methods Manual for Dairy General Order Compliance – Nutrient Management Plan Constituents:

http://anlab.ucdavis.edu/docs/uc_analytical_methods.pdf

D. Nutrient Budget Calculations

The Discharger shall develop a nutrient budget that establishes the nutrient application practices for each crop in each land application area. The initial nutrient budget may be based on default values if site-specific information is not available¹. Subsequent nutrient budgets shall be based on site-specific analytical data for soil, manure, process water, irrigation water, other sources of nutrients, and plant tissue. The nutrient budget shall include the following:

1. The rate of nutrient applications (e.g., pounds of nitrogen per acre) based on default values or site-specific analytical data in order to meet each crop's needs for nitrogen and phosphorus without exceeding the application rates that will protect water quality. The rate of nutrient applications shall be based on realistic yield goals for each crop in each land application area. For new crops or varieties, industry yield expectations may be used until site-specific yield information is available.
2. The quantity of manure, soil amendments, and/or process water to be applied shall be based on the nutrient content of the material, the characteristics of the material (e.g., the amount of organic nitrogen), and the site conditions (e.g., if a pasture is not grazed or mowed, the amount of residual nutrients in soil will be higher). In determining the quantity to apply, the Discharger shall consider all sources of nutrients including irrigation water, commercial fertilizers, and previous crops.
3. The timing of applications shall be based on seasonal and climatic conditions, the growth stage of the crop, and the availability of water. The anticipated maximum time between land application events (i.e., the storage period) shall be used to determine the needed storage capacity for manure and process water.
4. The method of manure, soil amendment, and process water application for each crop in each land application area shall be based on site-specific conditions and shall minimize the discharge of sediments, nutrients, and salts from the application area.

¹ Crop nutrient needs may be based on recommendations from the University of California or the Western Fertilizer Handbook (9th Edition). Acceptable default values for the nutrient content of materials include values recognized by the American Society of Agricultural and Biological Engineers (ASABE), the Natural Resources Conservation Service (NRCS), and/or the University of California that accurately estimate. The nutrient content of commercial fertilizers shall be California Department of Food and Agriculture published values.

Nutrient application rates shall not approach a site's maximum ability to contain one or more nutrients through soil adsorption. If the nutrient budget shows that the nutrients generated by the dairy exceed the amount needed by crops in the land application area, then the Discharger must implement management practices that will prevent impacts to surface water or groundwater due to application of excess nutrients. Such practices may include obtaining access to additional land for nutrient application, exporting manure, or reducing the number of cows at the dairy.

Supplementary commercial fertilizers and/or soil amendments may be added when the application of nutrients contained in manure and process water alone is not sufficient to meet the crop needs. Specific nutrients are discussed below.

Nitrogen: Total Ammonia Nitrogen (NH₄) and Total Nitrogen will be measured at the dairy through water and soil sampling. Nitrogen application rates shall not result in total nitrogen applied to the land application areas exceeding the nitrogen application in each location as recommended by UCCE, NRCS, other local information, or 1.4 times the anticipated nitrogen removal in forage. If application of total nitrogen to a land application area exceeds the budgeted application rate for the specific land application area, the Discharger shall either revise the nutrient budget to prevent such exceedence in the future or demonstrate and record that the application rates have not contaminated surface or ground water. Applications of nitrogen exceeding the initial recommendations are allowable if the following conditions are met:

1. Soil Plant Available Nitrogen (PAN) testing or plant tissue testing has been conducted and indicates that additional nitrogen is required to obtain crop yield estimates typical for the soils and other local conditions;
2. The amount of additional nitrogen applied is based on the soil or tissue testing; and is consistent with UCCE or NRCS guidelines or written recommendations from a nutrient management specialist or Certified Crop Advisor;
3. The form, timing, and method of application facilitates timely nitrogen availability to the crop; and
4. Records are maintained documenting the need for the additional applications.

Phosphorus and Potassium: Application of these nutrients at agronomic levels, along with reasonable erosion control and runoff control measures, will normally prevent water quality problems. In some instances, other best management practices may need to be included in the NMP.

E. Land Application Practices

Application of manure and process water to croplands shall be at rates which are reasonable for the crop, soil, climate, special local situations, management systems, and type of manure.

The timing of nutrient application must correspond as closely as possible with plant nutrient uptake characteristics, while considering cropping system limitations, weather and climatic conditions, and land application area accessibility. Land application areas that receive dry manure and process water shall be managed to minimize erosion.

The NMP must identify all surface water or potential conduits to surface water that are within 100 feet of any land application area and take appropriate actions to protect water quality. The following sections discuss practices that reduce the potential for pollutants from land application areas to reach surface water.

1. **Setbacks, vegetated buffers, and other alternatives to protect surface**

water: A setback is a specified distance that separates land application areas from surface water or a potential conduit to surface water, and where manure and dairy process water may not be applied, but where crops may be grown. A vegetated buffer is a relatively narrow (approximately 35 feet), permanent strip of dense perennial vegetation where no crops are grown and which is established perpendicular to the dominant slope of a land application area for the purposes of slowing water runoff, enhancing water infiltration, trapping pollutants bound to sediment, and minimizing the risk of pollutants reaching surface waters. A berm is another alternative to prevent runoff from reaching surface water.

Manure and process water shall not be applied within a 100-foot setback to any down-gradient surface water unless a 35-foot wide vegetated buffer or physical barrier (i.e., a berm) is substituted for the 100-foot setback; or an alternative conservation practice or field-specific condition that provides pollutant reductions equivalent to or better than achieved by the 100-foot setback. Any alternative practice utilized must be described in the NMP.

Animals must be separated from surface waters by a 35-foot wide vegetated buffer unless an alternative practice demonstrating equal or better water quality protection is utilized and described in the NMP. Alternative practices may include rocked crossings, fences, bridges, culverts, engineered slopes, etc. Vegetation along flowing watercourses shall be protected from overgrazing to maintain natural water temperatures and protect stream banks. Flash grazing

of the vegetated buffer, as an alternative practice, must be described in the NMP.

Practices for establishing and maintaining vegetated buffers include:

- limiting removal of vegetation within the buffers and promoting plant growth in the buffer;
- maintaining the recommended height for the plant species;
- establishing plant density for adequate filtering capacity;
- improving soil conditions to reduce erosion and increase infiltration;
- preventing erosion channels and gullies from forming.

- 2. Avoiding conduits that can transport pollutants:** Manure and process water shall not be applied closer than 100 feet to open tile line intake structures, sinkholes, or well heads unless the NMP contains a statement from a professional explaining that an alternative practice will be as protective as the 100-foot separation. This professional must be a registered or certified engineering geologist or hydrogeologist, or a responsible professional with experience in manure containment and structural facility specification. Documentation from initial wellhead construction may be acceptable upon review by Regional Water Board staff.
- 3. Wetland Protection:** Wetlands are waters of the state and are protected under state regulations by provisions of the California Water Code. Wetlands are also protected as waters of the U.S. under the federal Clean Water Act. The beneficial use of wetlands must be protected against water quality degradation. Discharges of manure and process water to wetlands with standing water must be addressed in the NMP. Wetlands containing standing water shall be protected through dairy cow exclusion and the exclusion of manure or process water application.

F. Sampling, Analysis, and Calculations

Soil, manure, soil amendments, process water, irrigation water, and plant tissue shall be monitored, sampled, and analyzed. The analytical results shall be used during the development, implementation, and revision of the NMP.

Samples of soils and crop tissues shall be analyzed for available phosphorus at least once every 5 years. Sampling results shall be reviewed to verify that phosphorus levels do not exceed limits needed to maintain acceptable crop yields and prevent adverse impacts to water quality. If this review determines that a buildup of phosphorus threatens water quality, application rates must be decreased until the situation is corrected.

Nutrient credit from previous legume crops shall be determined by methods acceptable to the UCCE, the NRCS, Resource Conservation District, or a technical service provider that is NRCS certified in developing NMPs.

G. Field Risk Assessment

Dischargers are required to sample discharges of stormwater from land application areas to surface water, as detailed in the MRP. The analytical results for those samples shall be used by the Discharger to assess water quality conditions and to inform management practices. If results indicate a potential for adverse impacts to receiving waters, the Discharger shall modify their NMP to reduce such movement and collect additional samples to assess the effectiveness of the modifications.

Land application areas must be managed to prevent contamination of crops grown for human consumption. When crops grown for human consumption without processing (berries, nut trees, etc.) are grown near to land application areas, the Discharger shall take appropriate actions to prevent movement of pathogens that could cause adverse impacts to human health.

H. Record-Keeping and NMP Review

The Discharger must maintain records for each land application area and use the records as a basis for revisions to the NMP. The NMP must be available for Regional Water Board staff review during inspections.

Exhibit 14

General Waste Discharge Requirement (GWDR) Order No. R1-2012-0002 Package

14.I

Appendix 3

APPENDIX 3

**General Waste Discharge Requirements
Monitoring and Reporting
Order No. R1-2012-0002**

Annual Report

Report Date: _____
Month / day / year

**For Dairies Covered by Order No. R1-2012-0002
General Waste Discharge Requirements
For Existing Cow Dairies**

Due November 30 each year; reporting for proceeding 12 month period (November 1 through October 31).

Facility Information

Facility: _____	Address: _____
	No. Street City Zip
Operator: _____	Address: _____
Phone: (____) _____	E-mail: _____
Property owner: _____	Address: _____
Phone: (____) _____	E-mail: _____
Current # of mature dairy cows (milking + dry): _____	
Current # of other dairy cattle: _____	

1. In the previous year, have changes been made to the facility Waste Management Plan? Yes No if yes, please attach explanation. _____
2. In the previous year, has a Nutrient Management Plan been prepared or revised for your facility? _____
Yes No if yes, please attach explanation.
3. Has the dairy had a manure or process water discharge to surface or groundwater in the past year? Yes No
4. If so, where and how was the problem resolved? _____

5. Please answer the following questions pertaining to facility conditions and actions taken within the previous year to comply with conditions of the Waiver:

“N/A” means that the subject is not applicable to the facility covered by this report)

A. Prevent animals from entering any surface water within confinement areas:

(“Surface water” means waters of the United States or any tributary to a water of the United States)

Are barriers used to keep animals out of surface waters? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Are watercourse crossings designed and maintained to protect water quality? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are feed sites located away from surface waters? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	

Description of deficiencies (if any) or additional information:

B. Divert clean stormwater runoff away from manured areas (including heavily used pastures)						
Do buildings have effective gutters?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is stormwater that contacts manured areas and feed storage areas contained in holding ponds?	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A		Yes	No
Is guttered water diverted away from manured areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is clean stormwater runoff managed separate from manure and process water?	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A		Yes	No
Is guttered water contained in holding ponds?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are diversion ditches functional and properly maintained to protect surface waters?	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A		Yes	No

Description of Deficiencies (if any) or Additional Information:

C. Is the dairy designed to retain all manure and process water generated at the facility, including all runoff from manured areas produced during a 25-year, 24-hour storm? Are wastes managed and contained to protect surface water and groundwater?

Material to be contained	Yes	No	N/A	Material to be contained	Yes	No	N/A
All manure solids	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Waste milk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Runoff from solids storage areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Veterinary waste	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Runoff from corrals that contain manure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hazardous wastes (pesticides, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Milk barn washwater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Runoff and leachate from silage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

Description of deficiencies (if any) or additional information:

System component & condition	Yes	No N/A	System component & condition	Yes	No N/A
Ponds are designed to contain all process water and stormwater runoff during a 25-year, 24-hour storm or have a Contingency Plan fully protective of surface water quality?	<input type="checkbox"/>	<input type="checkbox"/>	Design calculations are available for manure storage system?	<input type="checkbox"/>	<input type="checkbox"/>
Above-ground soil and clay lined manure ponds have a least 2 ft. freeboard? In-ground manure ponds have at least 1 foot of freeboard?	<input type="checkbox"/>	<input type="checkbox"/>	The facility has a solids separation system?	<input type="checkbox"/>	<input type="checkbox"/>
Ponds are cleaned annually to maintain capacity and check liner integrity?	<input type="checkbox"/>	<input type="checkbox"/>	The pumping system is maintained?	<input type="checkbox"/>	<input type="checkbox"/>

Are dead animals handled in a manner protective of surface water and groundwater quality? Yes No

Description of Deficiencies (if any) or Additional Information:

E. Photo Documentation per Monitoring and Reporting Plan

Please attach photo documentation of compliance with required pre-season pollution prevention measures. Photos of newly implemented pollution prevention measures to protect surface and groundwater may be submitted. Examples of pollution prevention includes cleaning of manure ponds, stormwater separation from manured areas, scraping of manured areas, covering manure piles, compost, and feed storage areas, impermeable ground covering in these storage areas to prevent groundwater contamination, stream zone protection, and any other best management practices or control measures for water quality protection. The objective of the Annual Report is to demonstrate that the dairy is ready for the wet season.

Yes

No

Photo Documentation of Preseason BMPs Attached

F. Water Quality Sampling

The information below summarizes the water quality sampling requirements, as presented in the Monitoring and Reporting Program.

Surface Water Sampling

Surface watercourses that flow through the dairy property, including the production area, cropland, or pastures, must be sampled using grab samples at the point where watercourses enter and leave the property. Alternatively, if surface waters flow adjacent to the property but not through the property, and are located such that they could be impacted by activities at the dairy, the grab samples shall be collected upstream and downstream of the areas closest to the dairy property. Sampling shall take place during or directly following each of three (3) major storm events of one (1) inch or more per 24 hours, during the rainy season, beginning in the winter of 2012/2013. Three (3) measurements of electrical conductivity taken three (3) minutes apart shall be recorded during each sampling event at each location. Ammonia nitrogen, pH, and temperature shall be collected once at each sampling location for each sampling event during or following storm events described in this section above.

Electrical Conductivity (EC)	Mmhos
Total Ammonia Nitrogen (NH ₄)	mg/L
pH	
Temperature	°C

Is this dairy in a group monitoring plan? _____ If so, which group? _____

Groundwater Well Sampling

Representative wells currently used and located at the dairy, including domestic and agricultural supply wells, shall be sampled four (4) times total, approximately six (6) months apart. A sample must be collected in: (1) Fall 2012, (2) Spring 2013, (3) Fall 2013, and (4) Spring 2014. One (1) sample from each well shall be tested for the following parameters:

Constituent	Units
Nitrate	mg/L
Fecal Coliform Bacteria	MPN/100mL

Has all surface and ground water quality sampling been completed as described in the Monitoring and Reporting Plan? Yes No

Have all water quality results from the past 12 months been attached? Yes No

The MRP requires recording of visual observations, such as changes in stream color or turbidity at the time of sampling. Please include those observations below or in an attachment.

G. Best Management Practices

(In this section please describe the condition and effectiveness of management measures not previously described elsewhere in this Annual Report. Please attach additional sheets if more space is needed to fully answer these topics)

Erosion Control: Please describe all other measures not previously described, that to prevent and minimize the occurrence of erosion and discharge of manure, feed, waste, and soil particles from the dairy to surface or groundwaters:

Nuisance Control: Please describe all new measures taken to prevent nuisances. Include odors, breeding mosquitoes, damage from burrowing animals, damage from equipment during removal of solids, embankment settling, erosion seepage, excess weeds, algae, and other vegetation that could compromise the needed capacity or proper functioning of your facility and/or degrade water quality:

Groundwater Protection: Describe new measures taken to protect groundwater from contamination at wellheads, sinkholes, and tile drains: _____

Describe all new measures taken to protect water quality at livestock crossings outside the production area:

Are the liners of the manure ponds protective of water quality (free of weeds, animal burrows, and cracks that may disturb the liner)? Please describe: _____

Do the manure ponds have sufficient storage capacity prior to the rainy season as required in the Order?

Describe the method used to make this determination: _____

For facilities without a prepared Nutrient Management Plan:

In the past year, was manure and process water generated at your facility applied to pastures, fields or crop lands at rates that are agronomically sound for the crop, soil, climate, special local situations, management system, and manure/wastewater characteristics? Yes No

If yes, please explain: _____

Please describe the measures taken to avoid surface runoff of manure constituents from the dairy's land application areas:

Describe the measures taken to separate or divert stormwater from contacting manured areas, corrals, pens, and animal housing areas:

Describe the measures taken to minimize infiltration of manure-laden water into underlying soils within manured areas, corrals, pens, and animal housing areas:

H. Summary

Has all required monitoring been conducted?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have all required reports been submitted to the Regional Water Board?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Does facility meet Regional Water Board Waiver criteria?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Reports shall be submitted by November 30 of each year (starting in 2012) to:

North Coast Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403
Phone (707) 576-2220
Fax (707) 523-0135

I. Certification of Report Preparer

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this report and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Printed Name

Title

Signature

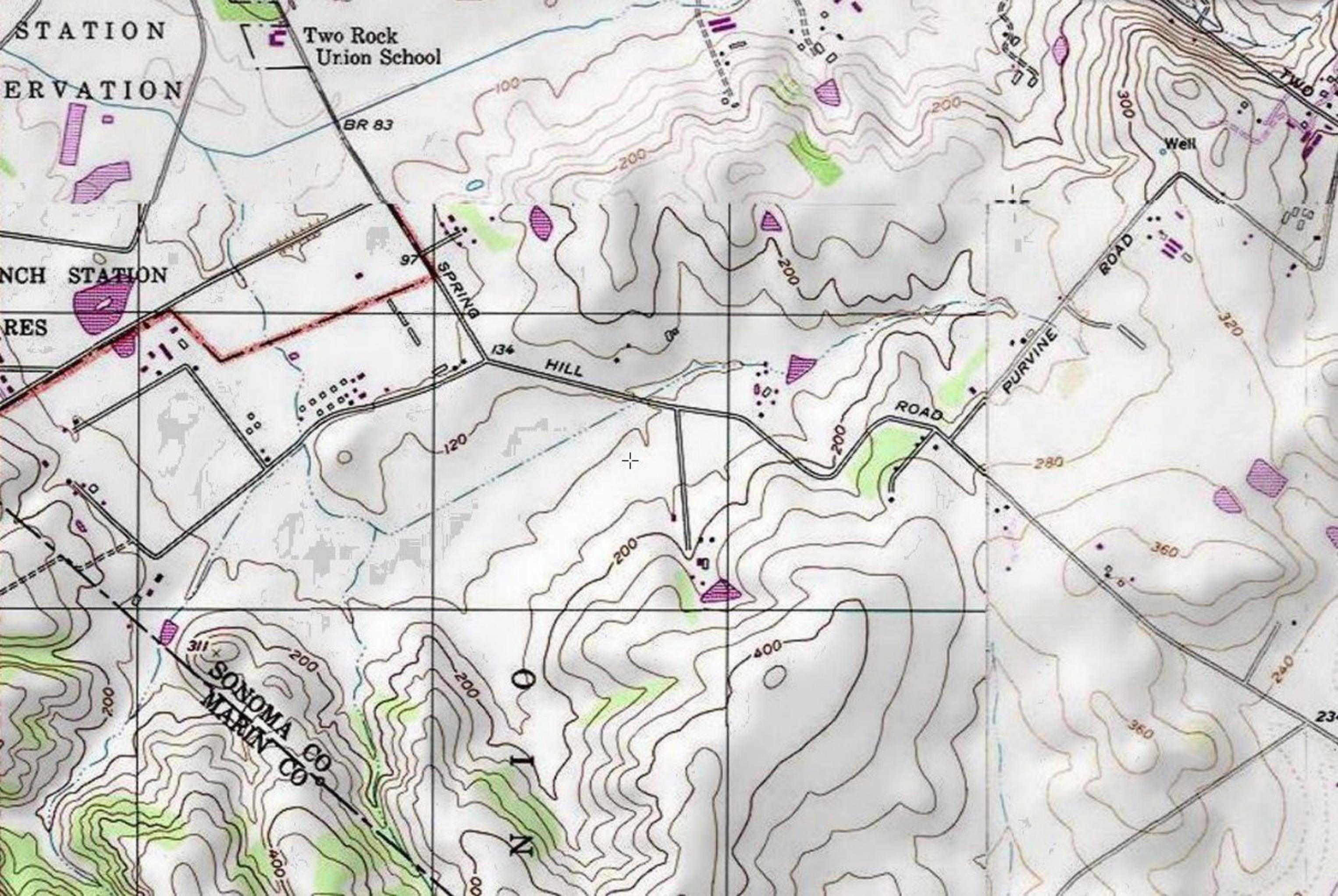
Month / day / year

Exhibit 15

Maps and Imagery of Spring Hill Jersey Dairy

15.A

Topographic Map



STATION
ERVATION

Two Rock
Union School

BR 83

NCH STATION
RES

97
SPRING

134
HILL

ROAD

PURVINE
ROAD

Well

SONOMA CO
MARIN CO

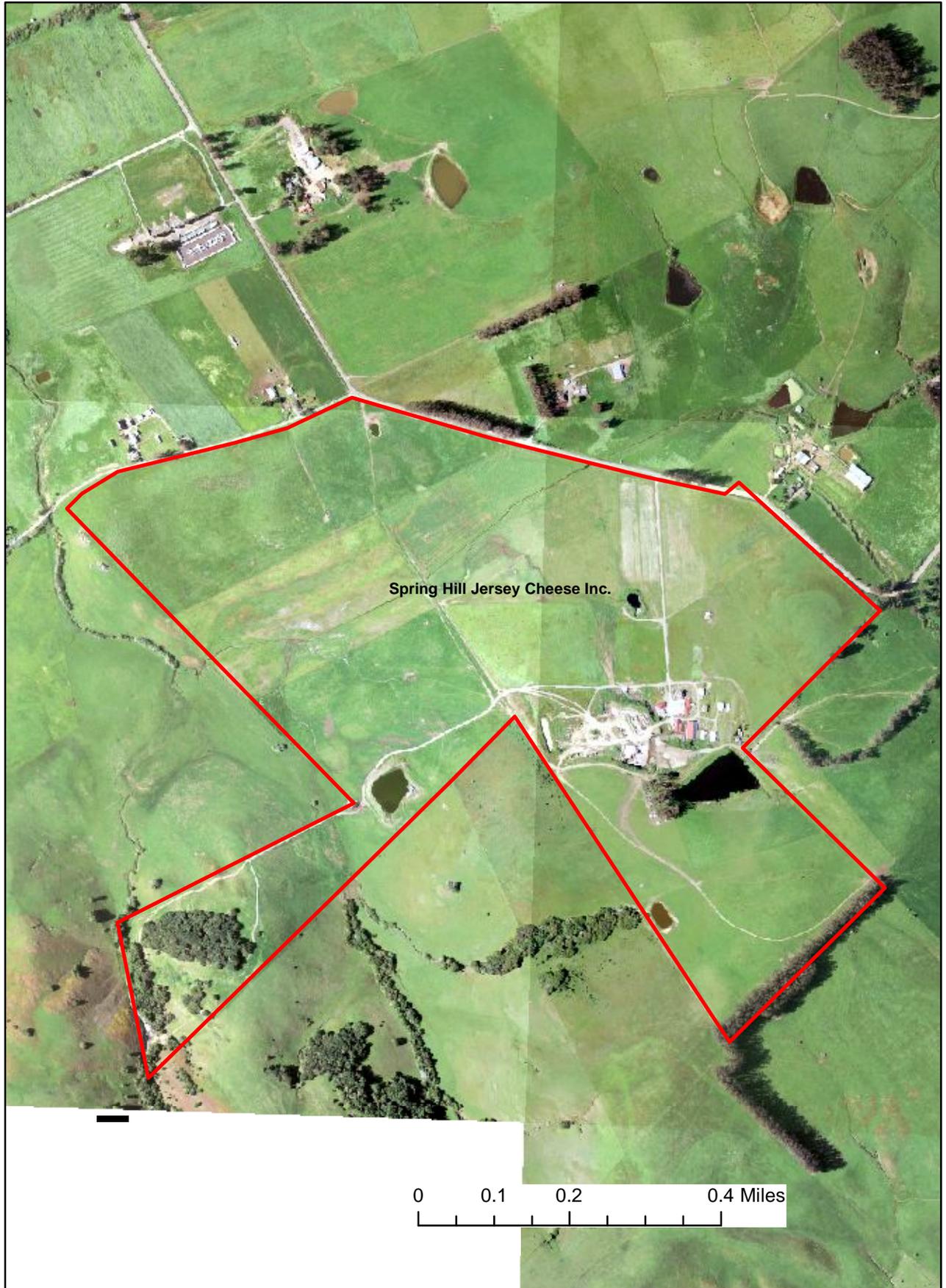
N
S

Exhibit 15

Maps and Imagery of Spring Hill Jersey Dairy

15.B

Dairy Image



Spring Hill Jersey Cheese Inc.

0 0.1 0.2 0.4 Miles

Exhibit 15

Maps and Imagery of Spring Hill Jersey Dairy

15.C

Dairy Production Area Image



0 0.025 0.05 0.1 Miles

Exhibit 15

Maps and Imagery of Spring Hill Jersey Dairy

15.D

Geographic Map



Exhibit 16

Real Property Tax Assessor Records

16.A

Tax Assessor Record APN 008-031-015

Westlaw Delivery Summary Report for KAPLOWITZ,NAOMI

Your Search:	ONA,SNA(spring & hill & jersey & cheese & inc.)
Date/Time of Request:	Friday, October 10, 2014 18:38 Central
Client Identifier:	OE
Database:	RP-ALL
Citation Text:	APN: 008-031-015
Lines:	102
Documents:	1
Images:	0

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Real Property Tax Assessor Record**Source Information**

Tax Roll Certification Date: 07/01/2014
Owner Information Current Through: 09/04/2014
County Last Updated: 09/26/2014
Current Date: 10/10/2014
Source: TAX ASSESSOR SONOMA, CALIFORNIA

Owner Information

Owner(s): **SPRING HILL JERSEY CHEESE INC**
Corporate Owner: CORPORATE OWNER
Ownership Rights: CORPORATION
Absentee Owner: ABSENTEE (MAIL AND SITUS NOT=)
Property Address: 711 WESTERN AVE
PETALUMA, CA 94952-2545
Mailing Address: 621 WESTERN AVE
PETALUMA, CA 94952-2646

Property Information

County: SONOMA
Assessor's Parcel Number: 008-031-015
Property Type: INDUSTRIAL
Land Use: INDUSTRIAL (NEC)
Zoning: CITYPE
Lot Size: 34500
Lot Acreage: 0.7920
Subdivision: PETALUMA
Lot Number: 281

Tax Assessment Information

Tax Year: 2013
Calculated Land Value: \$511,687.00
Calculated Improvement Value: \$608,341.00

Calculated Total Value:	\$1,120,028.00
Assessed Land Value:	\$511,687.00
Assessed Improvement Value:	\$608,341.00
Assessed Total Value:	\$1,120,028.00
Valuation Method:	ASSESSED
Tax Amount:	\$12,538.34
Tax Code Area:	003000

Building/Improvement Characteristics

Number of Buildings:	1
Year Built:	1985
Total Area:	34500
Number of Stories:	1.00
Style/Shape:	U-SHAPE
A/C Type:	TYPE UNKNOWN

Last Full Market Sale Information

Sale Date:	08/12/2004
Seller Name:	LEHIGH ENTS ACQUISITION CORP
Sale Price:	\$5,300,500.00
Consideration:	FULL
Deed Type:	GRANT DEED
Type of Sale:	RESALE
Mortgage Amount:	\$3,037,000.00
Mortgage Loan Type:	CONVENTIONAL
Mortgage Deed Type:	DEED OF TRUST
Lender Name:	PACIFIC ST BK
2nd Mortgage Amount:	\$1,300,000.00
2nd Mortgage Type:	CONVENTIONAL
2nd Mortgage Deed Type:	DEED OF TRUST
Multiple Parcel Sale:	MULTI - DETAIL PARCEL SALE
Recording Date:	11/24/2004
Document Number:	177781
Title Company:	OLD REPUBLIC TITLE

Historical Tax Assessor Information

Historical Tax Assessor Record 1.

Tax Year: 2012
Calculated Land Value: \$509,375.00
Calculated Improvement Value: \$605,592.00
Calculated Total Value: \$1,114,967.00
Assessed Total Value: \$1,114,967.00
Assessor's Parcel Number: 008-031-015
Absentee Owner: ABSENTEE (MAIL AND SITUS NOT=)
Owner(s): SPRING HILL JERSEY CHEESE INC
Property Address: 711 WESTERN AVE
 PETALUMA, CA 94952-2545
Mailing Address: 621 WESTERN AVE
 PETALUMA, CA 94952-2646

Historical Tax Assessor Record 2.

Tax Year: 2011
Calculated Land Value: \$499,388.00
Calculated Improvement Value: \$593,718.00
Calculated Total Value: \$1,093,106.00
Assessed Total Value: \$1,093,106.00
Assessor's Parcel Number: 008-031-015
Absentee Owner: ABSENTEE (MAIL AND SITUS NOT=)
Owner(s): SPRING HILL JERSEY CHEESE INC
Property Address: 711 WESTERN AVE
 PETALUMA, CA 94952-2545
Mailing Address: 621 WESTERN AVE
 PETALUMA, CA 94952-2646

Historical Tax Assessor Record 3.

Tax Year: 2010
Calculated Land Value: \$489,597.00
Calculated Improvement Value: \$582,077.00
Calculated Total Value: \$1,071,674.00
Assessed Total Value: \$1,071,674.00
Assessor's Parcel Number: 008-031-015
Absentee Owner: ABSENTEE (MAIL AND SITUS NOT=)
Owner(s): SPRING HILL JERSEY CHEESE INC
Property Address: 711 WESTERN AVE
 PETALUMA, CA 94952-2545
Mailing Address: 621 WESTERN AVE
 PETALUMA, CA 94952-2646

Historical Tax Assessor Record 4.

Tax Year: 2009
Calculated Land Value: \$485,938.00
Calculated Improvement Value: \$577,727.00
Calculated Total Value: \$1,063,665.00
Assessed Total Value: \$1,063,665.00
Assessor's Parcel Number: 008-031-015
Absentee Owner: ABSENTEE (MAIL AND SITUS NOT=)
Owner(s): SPRING HILL JERSEY CHEESE INC
Property Address: 711 WESTERN AVE
 PETALUMA, CA 94952-2545
Mailing Address: 621 WESTERN AVE
 PETALUMA, CA 94952-2646

Historical Tax Assessor Record 5.

Tax Year: 2008
Calculated Land Value: \$477,543.00
Calculated Improvement Value: \$567,746.00
Calculated Total Value: \$1,045,289.00
Assessed Total Value: \$1,045,289.00
Assessor's Parcel Number: 008-031-015
Absentee Owner: ABSENTEE (MAIL AND SITUS NOT=)
Owner(s): SPRING HILL JERSEY CHEESE INC
Property Address: 711 WESTERN AVE
 PETALUMA, CA 94952-2545
Mailing Address: 621 WESTERN AVE
 PETALUMA, CA 94952-2646

Historical Tax Assessor Record 6.

Tax Year: 2007
Calculated Land Value: \$477,543.00
Calculated Improvement Value: \$567,746.00
Calculated Total Value: \$1,045,289.00
Assessed Total Value: \$1,045,289.00
Assessor's Parcel Number: 008-031-015
Absentee Owner: ABSENTEE (MAIL AND SITUS NOT=)
Owner(s): SPRING HILL JERSEY CHEESE INC
Property Address: 711 WESTERN AVE
 PETALUMA, CA 94952-2545
Mailing Address: 621 WESTERN AVE
 PETALUMA, CA 94952-2646

Historical Tax Assessor Record 7.

Tax Year: 2006
Calculated Land Value: \$468,180.00
Calculated Improvement Value: \$556,614.00
Calculated Total Value: \$1,024,794.00
Assessed Total Value: \$1,024,794.00
Assessor's Parcel Number: 008-031-015
Absentee Owner: ABSENTEE (MAIL AND SITUS NOT=)
Owner(s): SPRING HILL JERSEY CHEESE INC
Property Address: 711 WESTERN AVE
 PETALUMA, CA 94952-2545
Mailing Address: 621 WESTERN AVE
 PETALUMA, CA 94952-2646

Historical Tax Assessor Record 8.

Tax Year: 2006
Calculated Land Value: \$459,000.00
Calculated Improvement Value: \$545,700.00
Calculated Total Value: \$1,004,700.00
Assessed Total Value: \$1,004,700.00
Assessor's Parcel Number: 008-031-015
Absentee Owner: ABSENTEE (MAIL AND SITUS NOT=)
Owner(s): SPRING HILL JERSEY CHEESE INC
Property Address: 711 WESTERN AVE
 PETALUMA, CA 94952-2545
Mailing Address: 621 WESTERN AVE
 PETALUMA, CA 94952-2646

Historical Tax Assessor Record 9.

Tax Year: 2001
Calculated Land Value: \$216,623.00
Calculated Improvement Value: \$1,087,678.00
Calculated Total Value: \$1,304,301.00
Assessed Total Value: \$1,304,301.00
Assessor's Parcel Number: 008-031-015
Owner(s): CALIFORNIA CO-OPERATIVE CREAME
 !RY
Property Address: 711 WESTERN AVE
 PETALUMA, CA 94952-2545
Mailing Address: PETALUMA, CA 94953

Historical Tax Assessor Record 10.

Tax Year: 2000
Calculated Land Value: \$208,212.00
Calculated Improvement Value: \$1,045,442.00
Calculated Total Value: \$1,253,654.00
Assessed Total Value: \$1,253,654.00
Assessor's Parcel Number: 008-031-015
Owner(s): CALIFORNIA CO-OPERATIVE CREAME
 !RY
Property Address: 711 WESTERN AVE
 PETALUMA, CA 94952-2545
Mailing Address: PETALUMA, CA 94953
Historical Tax Assessor Record 11.
Tax Year: 1999
Calculated Land Value: \$204,129.00
Calculated Improvement Value: \$1,024,943.00
Calculated Total Value: \$1,229,072.00
Assessed Total Value: \$1,229,072.00
Assessor's Parcel Number: 008-031-015
Owner(s): CALIFORNIA CO-OPERATIVE CREAME
 !RY
Property Address: 711 WESTERN AVE
 PETALUMA, CA 94952-2545
Mailing Address: PETALUMA, CA 94953

ADDITIONAL PROPERTIES POSSIBLY CONNECTED TO OWNER have been located. The owner's mailing address is associated with other properties as indicated by tax assessor records. Additional charges may apply.

TRANSACTION HISTORY REPORT is available for this property. The report contains details about all available transactions associated with this property. The report may include information about sales, ownership transfers, refinances, construction loans, 2nd mortgages, or equity loans based on recorded deeds. Additional charges may apply.

Order Documents

Call Westlaw CourtExpress at 1-877-DOC-RETR (1-877-362-7387)
 for on-site manual retrieval of documents related to this or other matters.
 Additional charges apply.

END OF DOCUMENT

Exhibit 16

Real Property Tax Assessor Records

16.B

Tax Assessor Record APN 008-032-009

Westlaw Delivery Summary Report for KAPLOWITZ,NAOMI

Your Search:	ONA,SNA(spring & hill & jersey & cheese & inc.)
Date/Time of Request:	Friday, October 10, 2014 18:33 Central
Client Identifier:	OE
Database:	RP-ALL
Citation Text:	APN: 008-032-009
Lines:	100
Documents:	1
Images:	0

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Real Property Tax Assessor Record**Source Information**

Tax Roll Certification Date: 07/01/2014
Owner Information Current Through: 09/04/2014
County Last Updated: 09/26/2014
Current Date: 10/10/2014
Source: TAX ASSESSOR SONOMA, CALIFORNIA

Owner Information

Owner(s): **SPRING HILL JERSEY CHEESE INC**
Corporate Owner: CORPORATE OWNER
Ownership Rights: CORPORATION
Absentee Owner: ABSENTEE (MAIL AND SITUS NOT=)
Property Address: 611 WESTERN AVE
PETALUMA, CA 94952
Mailing Address: 621 WESTERN AVE
PETALUMA, CA 94952-2646

Property Information

County: SONOMA
Assessor's Parcel Number: 008-032-009
Property Type: INDUSTRIAL
Land Use: FOOD PROCESSING
Zoning: CITYPE
Lot Size: 105415
Lot Acreage: 2.4200
Subdivision: PETALUMA
Lot Number: 281

Tax Assessment Information

Tax Year: 2013
Calculated Land Value: \$1,563,499.00
Calculated Improvement Value: \$2,259,670.00

Calculated Total Value:	\$3,823,169.00
Assessed Land Value:	\$1,563,499.00
Assessed Improvement Value:	\$2,259,670.00
Assessed Total Value:	\$3,823,169.00
Valuation Method:	ASSESSED
Tax Amount:	\$81,280.70
Tax Code Area:	003000

Building/Improvement Characteristics

Number of Buildings:	1
Total Area:	105415
A/C Type:	TYPE UNKNOWN

Last Full Market Sale Information

Sale Date:	08/12/2004
Seller Name:	LEHIGH ENTS ACQUISITION CORP
Sale Price:	\$5,300,500.00
Consideration:	FULL
Deed Type:	GRANT DEED
Type of Sale:	RESALE
Mortgage Amount:	\$3,037,000.00
Mortgage Loan Type:	CONVENTIONAL
Mortgage Deed Type:	DEED OF TRUST
Lender Name:	PACIFIC ST BK
2nd Mortgage Amount:	\$1,300,000.00
2nd Mortgage Type:	CONVENTIONAL
2nd Mortgage Deed Type:	DEED OF TRUST
Multiple Parcel Sale:	MULTI - DETAIL PARCEL SALE
Recording Date:	11/24/2004
Document Number:	177781
Title Company:	OLD REPUBLIC TITLE

Historical Tax Assessor Information

Historical Tax Assessor Record 1.

Tax Year:	2012
Calculated Land Value:	\$1,556,433.00
Calculated Improvement Value:	\$2,217,906.00

Calculated Total Value: \$3,774,339.00
Assessed Total Value: \$3,774,339.00
Assessor's Parcel Number: 008-032-009
Absentee Owner: ABSENTEE (MAIL AND SITUS NOT=)
Owner(s): SPRING HILL JERSEY CHEESE INC
Property Address: 611 WESTERN AVE
 PETALUMA, CA 94952
Mailing Address: 621 WESTERN AVE
 PETALUMA, CA 94952-2646

Historical Tax Assessor Record 2.

Tax Year: 2011
Calculated Land Value: \$1,525,915.00
Calculated Improvement Value: \$1,023,193.00
Calculated Total Value: \$7,731,588.00
Assessed Total Value: \$7,731,588.00
Assessor's Parcel Number: 008-032-009
Absentee Owner: ABSENTEE (MAIL AND SITUS NOT=)
Owner(s): SPRING HILL JERSEY CHEESE INC
Property Address: 611 WESTERN AVE
 PETALUMA, CA 94952
Mailing Address: 621 WESTERN AVE
 PETALUMA, CA 94952-2646

Historical Tax Assessor Record 3.

Tax Year: 2010
Calculated Land Value: \$1,495,996.00
Calculated Improvement Value: \$1,003,131.00
Calculated Total Value: \$8,561,238.00
Assessed Total Value: \$8,561,238.00
Assessor's Parcel Number: 008-032-009
Absentee Owner: ABSENTEE (MAIL AND SITUS NOT=)
Owner(s): SPRING HILL JERSEY CHEESE INC
Property Address: 611 WESTERN AVE
 PETALUMA, CA 94952
Mailing Address: 621 WESTERN AVE
 PETALUMA, CA 94952-2646

Historical Tax Assessor Record 4.

Tax Year: 2009
Calculated Land Value: \$1,484,816.00
Calculated Improvement Value: \$995,634.00

Calculated Total Value: \$4,809,664.00
Assessed Total Value: \$4,809,664.00
Assessor's Parcel Number: 008-032-009
Absentee Owner: ABSENTEE (MAIL AND SITUS NOT=)
Owner(s): SPRING HILL JERSEY CHEESE INC
Property Address: 611 WESTERN AVE
 PETALUMA, CA 94952
Mailing Address: 621 WESTERN AVE
 PETALUMA, CA 94952-2646

Historical Tax Assessor Record 5.

Tax Year: 2008
Calculated Land Value: \$1,459,161.00
Calculated Improvement Value: \$978,432.00
Calculated Total Value: \$3,562,052.00
Assessed Total Value: \$3,562,052.00
Assessor's Parcel Number: 008-032-009
Absentee Owner: ABSENTEE (MAIL AND SITUS NOT=)
Owner(s): SPRING HILL JERSEY CHEESE INC
Property Address: 611 WESTERN AVE
 PETALUMA, CA 94952
Mailing Address: 621 WESTERN AVE
 PETALUMA, CA 94952-2646

Historical Tax Assessor Record 6.

Tax Year: 2007
Calculated Land Value: \$1,459,161.00
Calculated Improvement Value: \$978,432.00
Calculated Total Value: \$3,562,052.00
Assessed Total Value: \$3,562,052.00
Assessor's Parcel Number: 008-032-009
Absentee Owner: ABSENTEE (MAIL AND SITUS NOT=)
Owner(s): SPRING HILL JERSEY CHEESE INC
Property Address: 611 WESTERN AVE
 PETALUMA, CA 94952
Mailing Address: 621 WESTERN AVE
 PETALUMA, CA 94952-2646

Historical Tax Assessor Record 7.

Tax Year: 2006
Calculated Land Value: \$1,402,500.00
Calculated Improvement Value: \$940,440.00

Calculated Total Value: \$3,360,605.00
Assessed Total Value: \$3,360,605.00
Assessor's Parcel Number: 008-032-009
Absentee Owner: ABSENTEE (MAIL AND SITUS NOT=)
Owner(s): SPRING HILL JERSEY CHEESE INC
Property Address: 611 WESTERN AVE
 PETALUMA, CA 94952-2646
Mailing Address: 621 WESTERN AVE
 PETALUMA, CA 94952-2646

Historical Tax Assessor Record 8.

Tax Year: 2006
Calculated Land Value: \$1,430,550.00
Calculated Improvement Value: \$959,248.00
Calculated Total Value: \$3,509,230.00
Assessed Total Value: \$3,509,230.00
Assessor's Parcel Number: 008-032-009
Absentee Owner: ABSENTEE (MAIL AND SITUS NOT=)
Owner(s): SPRING HILL JERSEY CHEESE INC
Property Address: 611 WESTERN AVE
 PETALUMA, CA 94952-2646
Mailing Address: 621 WESTERN AVE
 PETALUMA, CA 94952-2646

Historical Tax Assessor Record 9.

Tax Year: 2001
Calculated Land Value: \$202,042.00
Calculated Improvement Value: \$2,283,496.00
Calculated Total Value: \$2,485,538.00
Assessed Total Value: \$2,485,538.00
Assessor's Parcel Number: 008-032-009
Owner(s): CALIFORNIA CO-OPERATIVE CREAME
 !RY
Property Address: 611 WESTERN AVE
 PETALUMA, CA 94952-2646
Mailing Address: PETALUMA, CA 94953

Historical Tax Assessor Record 10.

Tax Year: 2000
Calculated Land Value: \$194,197.00
Calculated Improvement Value: \$2,194,825.00
Calculated Total Value: \$2,389,022.00

Assessed Total Value: \$2,389,022.00
Assessor's Parcel Number: 008-032-009
Owner(s): CALIFORNIA CO-OPERATIVE CREAME
 !RY
Property Address: 611 WESTERN AVE
 PETALUMA, CA 94952-2646
Mailing Address: PETALUMA, CA 94953
Historical Tax Assessor Record 11.
Tax Year: 1999
Calculated Land Value: \$190,389.00
Calculated Improvement Value: \$2,151,789.00
Calculated Total Value: \$2,342,178.00
Assessed Total Value: \$2,342,178.00
Assessor's Parcel Number: 008-032-009
Owner(s): CALIFORNIA CO-OPERATIVE CREAME
 !RY
Property Address: 611 WESTERN AVE
 PETALUMA, CA 94952-2646
Mailing Address: PETALUMA, CA 94953

ADDITIONAL PROPERTIES POSSIBLY CONNECTED TO OWNER have been located. The owner's mailing address is associated with other properties as indicated by tax assessor records. Additional charges may apply.

TRANSACTION HISTORY REPORT is available for this property. The report contains details about all available transactions associated with this property. The report may include information about sales, ownership transfers, refinances, construction loans, 2nd mortgages, or equity loans based on recorded deeds. Additional charges may apply.

Order Documents

Call Westlaw CourtExpress at 1-877-DOC-RETR (1-877-362-7387)
 for on-site manual retrieval of documents related to this or other matters.
 Additional charges apply.

END OF DOCUMENT

Exhibit 17

**October 9, 2011 News Article Regarding
Spring Hill Dairy**

For Petaluma Creamery, the Future Lies in Burritos

Partnership with Chipotle Mexican restaurant has been a lifesaver, says owner

By Julie Weinstock (Open Post) (/users/julie-weinstock)

© Updated October 9, 2011 at 3:34 am | 5



was up for sale, he saw an incredible opportunity to enhance the rich tradition of local cheese making that started in 1913.

He purchased the creamery in 2004, upgrading and expanding the facility and opening a retail store on Western Avenue next to the Petaluma Creamery. Today the location sells about 25 varieties of local and imported cheeses along with old fashioned milk shakes, coffee and bread. The creamery has 50 employees and generates \$212 million a year in sales.

But operating a creamery is a tough business, especially over the past year when milk prices have dropped around the country. What has saved him, says Peter, is a partnership he struck up last year with Chipotle (<http://www.chipotle.com>), a national chain of Mexican fast-food restaurants specializing in gourmet burritos and tacos.

Today, Petaluma Creamery produces up to 150,000 pounds of cheese for all Chipotle restaurants throughout the Pacific region.

"If it weren't for Chipotle, we wouldn't be here," Peter said. "The economy has really hurt the dairy industry," Peter said. "By doing the best we can to survive as a farmstead cheese company, we support Sonoma and Marin County farmers by purchasing their milk to create our artisan cheeses."

Larry Peter also runs one of the most popular pumpkin patches in Northern California, aptly called "The Great Peter Pumpkin Patch." Located at Spring Hill Jersey Cheese farm, the seasonal experience is one of the favorites for families from all over Northern California.

In addition to choosing from a variety of homegrown pumpkins, guests can dig for potatoes, eat old-fashioned ice cream, pet baby pigs and donkeys, and even milk a cow. And of course, there's plenty of cheese.

"If you have passion, you can do anything," said Peter. "We're just trying to leave this place better than we found it."