

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2009-XXXX

INDIVIDUAL WASTE DISCHARGE REQUIREMENTS
FOR
RODNEY AND SHARLENE DEJAGER, DBA RED ROCK DAIRY
COUNTY OF MERCED

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

Findings

Facility Owner & Location

1. The Red Rock Dairy (hereafter "facility") is owned and operated by Rodney and Sharlene DeJager (hereafter "Discharger"). The facility is located in Section 29 30, the north half of section 31 and portions of section 32. Township 8S, Range 14E, Mount Diablo Base & Meridian, at East Rahilly Road and Hwy 59, Merced, Merced County (see Attachment A, which is hereby made part of this Order).
2. The facility is currently under construction and has a tentative start date of 1 November 2009.
3. The facility is not currently regulated under Order No. R5-2007-0035, Waste Discharge Requirements General Order for Existing Milk Cow Dairies (hereafter "General Order") because it is a new dairy and is currently under construction.

Facility Description

4. The Discharger proposes to milk 2,350 Holstein milk cows, 676 dry cows, 1,110 heifers (3-12 months), 1500 heifers (12-24 months). No baby calves will be housed onsite. The total herd size at the facility is 5,636 Holstein animals. This is the maximum herd size allowed at the facility based on the Final Environmental Impact Report that was prepared by the County of Merced, dated 26 September 2007. The maximum number of animals in each age category will not exceed the numbers given in this Finding.
5. The facility is located on 1310.5 acres owned by the DeJager family, 105 of which will be used to construct the dairy. Land under agricultural production at

the facility is located on Assessor's Parcel Numbers 0066-0210-0005-0000, 0066-0210-0010-0000, 0066-0220-0001-0000 and 0066-0220-0006-0000. Approximately 721 acres are farmed with alfalfa hay and 485 acres are double cropped with oat and corn silage, all of which can have process wastewater delivered through a pipeline. Manure solids are used on the cropland or for bedding (See Attachment B1).

6. The dairy's production area includes exercise pens, six freestall barns, milking parlor, holding pens, areas for potential future manure storage and drying areas, two mechanical manure separators on a concrete slab, hay and commodity storage pads, and two storage lagoons (See Attachment B2).
7. The facility's production area is located in a Zone AO (1 foot) which means the dairy is subject to a 1 foot sheet flow flood depth during a 100 year flood event. The dairy structures and outside toe of the pond embankments will be elevated to protect against the 100 year flood event.

Waste Production

8. Waste produced at the facility consists of wastewater from facility wash down operations and storm water containing manure, urine, milk products, spoiled feed material, bedding (litter), soil, and cleaning compounds. Solid wastes are also produced at the facility and primarily consist of manure with additional fractions of spoiled feed, bedding material and soil. However, solid wastes will not be collected separately but will be managed through the flush system.
9. An estimated 100,000 gallons per day (gpd) of clean water from on-site water supply wells will be used to wash down the holding pen, wash pen, and milking parlor floors, rinse the cows, and wash down miscellaneous dairy equipment. Over 120 days, the volume of barn wastewater generated will be 12,000,120 gallons. One hundred twenty days (December 1 through March 30) is the maximum amount of time that waste needs to be stored at the facility between land applications.
10. Operation of the dairy is estimated to generate 5,733,000 gallons of manure wastewater over 120 days for the 3,026 milk and dry cows that are housed in the barns.
11. Rainfall onto impervious areas of the facility, onto the ponds, and onto corrals is estimated at 25,832,000 gallons over the December through March storage period, using average rainfall figures times a factor of one and a half and including rainfall from one 25-year, 24-hour storm.
12. The total amount of wastewater requiring storage over the 120-day maximum storage period, after removing losses due to evaporation from the wastewater storage lagoon and adding one 25-year 24-hour storm, is 39,760,330 gallons.

Wastewater Pond

13. Wastewater generated at the facility is conveyed via pipelines to the mechanical separator and then to the wastewater storage lagoons, where it is then used for irrigation of the land application area and used to flush.
14. Two wastewater storage lagoons will be constructed at the facility. The dimensions of the first lagoon (anaerobic lagoon) will be 372' wide x 922' long x 16' deep. The second lagoon will be 312' wide x 992' long x 16' deep. Both lagoons will have 10' of the total depth above grade. The lagoons will be lined with a 60 mil HDPE liner over a 12" thick layer of native material reworked into a low permeability sub base. The overall storage capacity, allowing for two feet of freeboard, will be 41,782,411 gallons.

Groundwater Monitoring

15. The Discharger installed four groundwater monitoring wells onsite on December 2005. The groundwater monitoring wells have been sampled on December 2005 and February 2006. Also, thirteen irrigation wells on the property have been sampled, once in 2007 and 2008. Two of the monitoring wells sampled have exceeded the maximum contaminant level for nitrate-nitrogen. MW-3 having the highest level in February 2006 at 17.2 mg/l and MW-1 having a high level in February 2006 of 13.1 mg/l. Additionally, three of the irrigation wells sampled have exceeded the maximum contaminant level for nitrate-nitrogen. Irrigation wells 34, 35 and 43 have ranged between 10.3 to 12.8 mg/l in 2007 and 2008.
16. Data from the monitoring wells has been used to characterize groundwater flow direction and gradient beneath the site, and characterize groundwater quality prior to the start of dairy operations. The wells will be used to monitor groundwater quality upgradient of the facility, downgradient of the corrals, downgradient of the storage lagoon, and upgradient and downgradient of the cropland. Any additional groundwater monitoring wells required in the future will be installed in accordance with Attachment D. In addition, the Discharger will monitor existing monitoring, domestic and agricultural production wells for changes in water quality.

Land Application Area

17. Wastewater generated at the facility will be applied to land owned and/or operated by the dairy, at agronomic rates, as described in a certified Nutrient Management Plan that complies with Attachment C. Any manure solids applied to land application areas will be applied at agronomic rates as described in a certified Nutrient Management Plan.

18. All land application areas that receive wastewater have a tailwater recovery system.
19. All fields, ditches, and pipelines exposed to wastewater are flushed with clean water during the last irrigation or usage of the season to remove any waste residue.

California Environmental Quality Act

20. Merced County's Planning and Community Development Division is the lead agency for purposes of the California Environmental Quality Act (CEQA). A final Environmental Impact Report (EIR) was approved on 26 September 2007. The final EIR identified mitigation measures to lessen or avoid significant effects on the environment. This Order incorporates mitigation measures identified in the final EIR that are within the Board's jurisdiction, specifically the installation of groundwater monitoring wells and synthetic-lined wastewater lagoons. This Order includes requirements to assure compliance with the Porter-Cologne Water Quality Control Act and the Water Quality Control Plan for the Sacramento and San Joaquin River Basins (4th Ed. Revised October 2007) (Basin Plan). This Order prohibits discharges of waste to surface water and prevents degradation of groundwater.

General Findings

21. This Order regulates the storage, management, and disposal of wastes on the dairy production area and land application area to protect the beneficial uses of underlying groundwater and the surface waters that receive discharges from the facility.
22. For the purposes of this Order, "waste" includes, but is not limited to, manure, leachate, wastewater and any water, precipitation or rainfall runoff that contacts raw materials, products, or byproducts such as manure, compost piles, feed, silage, milk, or bedding. Wastewater is defined as water directly or indirectly used in operation of a milk cow dairy for any or all of the following; 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, feed, milk, or bedding. Storm water is defined as storm water runoff, surface runoff, and drainage.
23. State Water Resources Control Board Resolution 68-16 ("Statement of Policy with Respect to Maintaining High Quality of Waters in California") (Resolution 68-16) requires that the Board maintain the high quality of waters of the State unless it has been demonstrated that any change will be consistent with maximum benefit to the people of the State, will not

- unreasonably affect present and anticipated beneficial uses of such water, and will not result in water quality less than that prescribed in the policies. Any activity which produces or may produce waste must be required to meet waste discharge requirements which will result in the best practicable treatment or control (BPTC) 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. This Order is consistent with Resolution 68-16. It does not authorize degradation of waters of the State. It prohibits the discharge of waste to surface waters from the production area; it prohibits the discharge of waste to surface waters from the land application area; and it prohibits degradation of surface and groundwater. This Order requires the Discharger to meet requirements that constitute best practicable treatment or control. Groundwater monitoring will be conducted at the facility. This Order requires the Discharger to meet waste discharge and land application specifications, monitoring and reporting requirements, and other provisions.
24. This Order does not authorize violation of any federal, state, or local law or regulation. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the Discharger from his liabilities under federal, state, or local law.
25. As stated in California Water Code Section 13263(g), the discharge of waste into waters of the State is a privilege, not a right, and this Order does not create a vested right to continue the discharge of waste. Failure to prevent conditions that create or threaten to create pollution or nuisance will be sufficient reason to modify, revoke, or enforce this Order, as well as prohibit further discharge.
26. If not controlled or retained, surface water drainage from the area flows into Deadman's Creek. This creek is a tributary to the San Joaquin River. Beneficial uses of the San Joaquin River are: municipal, industrial supply, agricultural supply, recreation, fresh water habitat, fish migration, fish spawning, and wildlife habitat.
27. Beneficial uses of groundwater in the surrounding area are domestic, municipal, industrial, and agricultural supply.
28. The Board adopted a Water Quality Control Plan for the Sacramento and San Joaquin River Basins (4th Ed. Revised October 2007) (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the Plan. These requirements are consistent with the Basin Plan.

29. These requirements are consistent with Title 27, Division 2, Chapter 7, Subchapter 2, California Code of Regulations, regulating confined animal facilities.

30. On **12 June 2009**, the Board notified the Discharger and interested parties of its intent to issue WDRs for this discharge and has provided them with a copy of the proposed Order and an opportunity to submit written comments.

IT IS HEREBY ORDERED that Rodney and Sharlene DeJager, dba Red Rock Dairy, its owners, tenants, agents, successors, and assigns, pursuant to California Water Code Sections 13260, 13263, and 13267 and in order to meet the provisions contained in Division 7 of the California Water Code and regulations and policies adopted thereunder, shall comply with the following;

A. Prohibitions

1. The discharge of waste other than as defined in Finding 23 above or from septic tanks, or of hazardous waste, as defined in the California Water Code Section 13173 and Title 23 CCR Section 2521 (a), respectively, is prohibited.
2. The direct or indirect discharge of waste and/or storm water from the production area to surface waters is prohibited.
3. The discharge of wastewater to surface waters from a land application area is prohibited. Irrigation supply water that comes into contact or is blended with waste or wastewater shall be considered wastewater under this Prohibition.
4. The discharge of storm water to surface water from a land application area where manure or wastewater has been applied is prohibited unless the land application area has been managed consistent with a certified Nutrient Management Plan.
5. The disposal of waste not generated by on-site animal production activities is prohibited except where a Report of Waste Discharge for the disposal has been submitted to the Executive Officer and the Board has issued or waived waste discharge requirements (WDRs).
6. The application of wastewater to a land application area before, during, or after a storm event that would result in runoff of the applied water is prohibited.
7. The discharge of waste from the facility to surface waters which causes or contributes to an exceedance of any applicable water quality objective in the Basin Plan or any applicable state or federal water quality criteria, or a violation of any applicable state or federal policies or regulations is prohibited.

8. The collection, treatment, storage, discharge or disposal of waste from the facility that results in pollution or nuisance is prohibited.
9. The disposal of dead animals in any liquid manure or wastewater system is prohibited. The disposal of dead animals at the facility is prohibited except when federal, state or local officials declare a State of Emergency and where all other options for disposal have been pursued and failed and the onsite disposal complies with all state and local policies for disposal of dead animals.
10. All animals shall be prohibited from entering any surface water within the animal confinement area (Title 27 CCR Section 22561).
11. The application of waste to lands not owned, leased, or controlled by the Discharger without written permission from the landowner or in a manner not approved by the Executive Officer, is prohibited.
12. The land application of manure or wastewater to land application areas for other than nutrient recycling is prohibited.
13. The use of manure to construct containment structures or to repair, replace, improve, or raise existing containment structures is prohibited.
14. The direct discharge of wastewater into groundwater via backflow through water supply or irrigation supply wells is prohibited.

B. Specifications

Waste Discharge Specifications

1. The collection, treatment, storage, discharge, or disposal of wastes at the facility shall not result in: (1) discharge of waste constituents in a manner which could cause degradation of surface water or groundwater, (2) contamination or pollution of surface water or groundwater, (3) a condition of nuisance, (4) exceedance of water quality objectives, or (5) unreasonably affect beneficial uses (as defined by the California Water Code Section 13050).
2. The wastewater storage lagoons at the facility shall be operated and maintained to be protective of water quality. If at any time the design, construction, operation, and/or maintenance of the lagoons not protective of water quality, the Discharger shall notify the Board and propose modifications in accordance with Required Reports and Notices F.1.b.

3. Prior to the lining or replacement of the existing storage lagoon; construction of any new lagoon or settling pond; or in the event that the design, construction, operation and/or maintenance of the lagoons and/or ponds is not protective of water quality the Discharger shall submit a design for review and approval by the Executive Officer. The design shall conform to either of the options described below:
 - a. Tier 1: A pond designed to consist of a double liner constructed with 60-mil high density polyethylene or material of equivalent durability with a leachate collection and removal system (constructed in accordance with Section 20340 of Title 27) between the two liners will be considered to be consistent with Resolution 68-16. Review for ponds designed to this standard will be conducted in less than 30 days of receipt of a complete design plan package submitted to the Board.
 - b. Tier 2: A pond designed in accordance with California Natural Resource Conservation Service (NRCS) Conservation Practice Standard 313 or equivalent and which the Discharger must demonstrate through submittal of technical reports that the alternative design is protective of groundwater quality as required in Specification B.4 below.

4. Prior to commencement of construction described in Specification B.3, the Discharger shall submit a design report for review and approval by the Executive Officer prepared by, or under the direct supervision of, and certified by, a Civil Engineer who is registered pursuant to California law or other person as may be permitted under the provisions of the California Business and Professions Code to assume responsible charge of such work. The design report shall include the following:
 - a. Design calculations demonstrating that adequate containment will be achieved,
 - b. Details on the liner and leachate collection and removal system (if appropriate) materials,
 - c. A schedule for construction and certification of completion,
 - d. A construction quality assurance plan describing testing and observations needed to document construction of the pond in accordance with the design and Sections 20323 and 20324 of Title 27,
 - e. An operations and maintenance plan for the pond, and

- f. Unless waived by the Executive Officer, a technical report and groundwater model that demonstrates the proposed pond is in compliance with the groundwater limitations in this Order, including calculations that demonstrate the amount and quality of seepage from the proposed pond and its effect on water quality.
5. Prior to the placement of waste in the new wastewater lagoons, or in any enlarged existing settling, storage, or retention pond or any such newly constructed pond, the Discharger shall submit a post construction report prepared by, or under the direct supervision of, and certified by, a Civil Engineer who is registered pursuant to California law or other person as may be permitted under the provisions of the California Business and Professions Code to assume responsible charge of such work. Waste shall not be placed into the pond until the Executive Officer notifies the Discharger in writing that the post construction report is acceptable. The post construction report shall include: (1) verification that the pond meets the requirements of this Order including documentation of the results of the construction quality assurance testing and observations, (2) certification that the pond was constructed as designed and (3) as-built diagrams.
6. The facility shall have lagoons and conveyance structures that are designed, constructed, operated, and maintained to retain all facility wastewater generated during the storage period (maximum period of time anticipated between land application of wastewater), together with all precipitation on and drainage through manured areas, up to and including during a 25-year, 24-hour storm.
7. The production area, including storage lagoons, and manured areas at the facility shall be protected from inundation or washout by overflow from any stream channel during 100 year peak stream flows (Title 27 Section 22562(c)).
8. The level of waste in the storage lagoons at the facility shall be kept a minimum of two (2) feet from the top of the lagoons. Less freeboard may be approved by the Executive Officer when a Civil Engineer who is registered pursuant to California law, or other person as may be permitted under the provisions of the California Business and Professions Code to assume responsible charge of such work, demonstrates that the structural integrity of the pond will be maintained with the proposed freeboard.
9. The wastewater storage lagoons at the facility shall be managed and maintained to prevent breeding of mosquitoes and other vectors. In particular,
 - a. Small coves and irregularities shall not be allowed around the perimeter of the water surface;

- b. Weeds shall be minimized through control of water depth, harvesting, or other appropriate method;
 - c. Dead algae, vegetation, and debris shall not accumulate on the water surface; and
 - d. Management shall be in accordance with the requirements of the Mosquito Abatement District.
10. All precipitation and surface drainage from outside of the facility (i.e., "run on") shall be diverted away from any manured areas unless such drainage is fully contained (Title 27 Section 22562(b)).
 11. Storage lagoons designated to contain the 25-year, 24-hour storm event runoff must have a depth marker that clearly indicates the minimum capacity necessary to contain the runoff and direct precipitation from a 25-year, 24-hour storm event.
 12. All roofs, buildings, and non-manured areas located in the production area at the facility shall be constructed or otherwise designed so that clean rainwater, including roof drainage, is diverted away from manured areas, including corrals and waste containment facilities, unless such drainage is fully contained in the wastewater retention system (Title 27 Section 22562(b)).
 13. The milk parlor, animal confinement area (including corrals), and manure and feed storage areas shall be designed and maintained to convey all water that has contacted animal wastes or feed to the wastewater retention system and to minimize standing water and the infiltration of water into the underlying soils. The Discharger shall, at a minimum of once per year, backfill any slope loss with compacted, non-manured material to maintain pre-existing slopes.
 14. Unlined ditches, swales, and/or earthen-berm channels may not be used for storage of wastewater, manure, or tailwater and may only be used for conveyance of wastewater collected in the production area to the storage lagoons, conveyance of wastewater from the storage lagoons to the land application area, irrigation return water management, or temporary control of accidental spills.

Land Application Specifications

15. Land application of all waste from the facility shall be conducted in accordance with the certified field-by-field Nutrient Management Plan, dated 19 December 2008. The Nutrient Management Plan is consistent with Resolution No. 68-16. Land application of wastes at the facility shall not

pollute underlying groundwater or cause the underlying groundwater to contain any waste constituent, degradation product, or any constituent of soil mobilized by the interactions between applied waste and soil or soil biota, to exceed the groundwater prohibitions and specifications set forth in this Order. The Nutrient Management Plan shall be modified within 90 days if monitoring shows that discharge from the land application is degrading ground water or fails to comply with surface water quality objectives or criteria. The modifications must be designed to bring the facility into compliance with this Order.

16. The Discharger shall have a written agreement with each third party that receives wastewater from the Discharger for its own use. Each written agreement shall be included in the Discharger's Nutrient Management Plan and Annual Report. The written agreement(s) shall be effective until the third party is covered under waste discharge requirements or a waiver of waste discharge requirements that are adopted by the Board and that are specific to the application of the Discharger's wastewater to land under the third party's control. The written agreement shall:
 - a. Clearly identify:
 - i. The Discharger and dairy facility from which the wastewater originates,
 - ii. The third party that will control the application of the wastewater to land application areas,
 - iii. The Assessor's Parcel Number(s) and the acreage(s) of the land application areas where the wastewater will be applied, and
 - iv. The types of crops to be fertilized with the wastewater.
 - b. Include an agreement by the third party to:
 - i. Use the wastewater at agronomic rates appropriate for the crops to be grown, and
 - ii. Prevent the runoff to surface waters of wastewater, storm water or irrigation supply water that is blended with wastewater.
 - c. Include a certification statement, as specified in General Reporting Requirements in C.7 of the Standard Provision and Reporting Requirements (which is attached to and made part of this Order), which is signed by both the Discharger and third party.
17. The application of waste to land application areas shall be at rates that preclude development of vectors or other nuisance conditions and meet the

conditions of the certified Nutrient Management Plan. Application shall be timed to minimize nitrogen movement below the root zone.

18. Land application areas that receive dry manure shall be managed through implementation of erosion control measures to minimize erosion and must be consistent with a certified Nutrient Management Plan.
19. All wastewater applied to land application areas must infiltrate completely within 72 hours after application.
20. Wastewater shall not be applied to land application areas during periods when the soil is at or above field moisture capacity unless consistent with the certified Nutrient Management Plan.
21. Manure and wastewater shall not be applied closer than 100 feet to any down gradient surface waters, open tile line intake structures, sinkholes, or other conduits to surface waters, unless a 35-foot wide vegetated buffer or physical barrier is substituted for the 100-foot setback or alternative conservation practices or field-specific conditions will provide pollutant reductions equivalent or better than the reductions achieved by the 100-foot setback. Because some of the existing domestic and agricultural wells at the facility are currently within 100 feet of locations where manure and/or wastewater will be land applied, the Discharger will evaluate each of the wells to determine what type of preventative measures are necessary for each well to avoid contamination from manure and/or wastewater. The evaluation and report shall be prepared by, or under the direct supervision of, and certified by, a Civil Engineer who is registered pursuant to California law or other person as may be permitted under the provisions of the California Business and Professions Code to assume responsible charge of such work. The results of this evaluation shall be included as part of the revised certified Nutrient Management Plan, due **1 January 2010**. The setbacks evaluation should include an analysis as to why irrigation wells no. 34, 35, 40, 43, and 48 have significantly higher nitrate-nitrogen concentrations compared to the other irrigation wells. Any preventive or corrective measures outlined in the final report shall be made by **1 March 2010**.
22. Animal waste (manure solids) shall not be applied for disposal to any land that is not being used to grow crops. Crops must be planted within 60 days of waste application.
23. Waste and land application areas shall be managed to prevent contamination of crops grown for human consumption.

C. Interim Groundwater Limitations

1. These interim groundwater limitations are to be applied at the shallowest groundwater beneath the facility. These limitations are based on current limited information on groundwater quality at the site, but they may or may not reflect the appropriate final groundwater limitations for this site. Final limitations will be established following the collection and analysis of 8 quarterly samples from the four groundwater monitoring wells and six irrigation wells. Samples shall be analyzed for the constituents outlined in the Monitoring and Reporting Program Order No. R5-2009-XXXX. Release of waste constituents from any treatment, storage, or disposal component associated with the facility shall not cause or contribute to groundwater:
 - a. Containing constituent concentrations in excess of the concentrations specified below or background quality:
 - i. Nitrate as nitrogen of 17.2 mg/L (background, based on MW-3);
 - ii. Electrical Conductivity of 1080 mmhos/cm (background, based on DW-48);
 - b. Containing taste or odor-producing constituents, toxic substances, or any other constituents, in concentrations that cause nuisance or adversely affect beneficial uses.

D. Provisions

1. The Discharger shall comply with the *Standard Provisions and Reporting Requirements for Individual Waste Discharge Requirements for Dairies in the Sacramento and San Joaquin River Basins* (Standard Provisions) dated **August 2007**, which is attached to and made part of this Order.
2. The Discharger shall comply with all applicable provisions of the California Water Code, Title 27 CCR, and the applicable Basin Plans.
3. The Discharger shall comply with the attached Monitoring and Reporting Program No. R5-2009-XXXX which is part of this Order, and future revisions thereto as specified by the Board or the Executive Officer.
4. The number of animals shall not be increased above the maximum herd size stated in Finding No. 4 until the Discharger submits a new Report of Waste Discharge (ROWD) and the Board has issued new Waste Discharge Requirements. The ROWD shall clearly demonstrate that the increase in animals will not constitute a threat to water quality.
5. The Discharger shall submit a complete Report of Waste Discharge in accordance with the California Water Code Section 13260 at least 140 days prior to any material change or proposed change in the character, location, or volume of the discharge, including any expansion of the facility or development of any treatment technology, or construction of an anaerobic digester.

6. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be forwarded to the Board.
7. The Board will review this Order periodically and may revise requirements when necessary.
8. If site conditions threaten to violate Specification B.1 or Prohibition A.2, the Discharger shall take immediate action to preclude the violation, documenting the condition and all corrective actions. Such actions shall be summarized in the annual monitoring report. Alterations of the Waste Management Plan (see Required Reports and Notices F1.b) for the production area to avoid a recurrence shall be submitted as a modification to the Waste Management Plan.
9. If a discharge of waste creates, or threatens to create, significant objectionable odors or nuisance odor and vector conditions, enforcement and/or revocation of coverage under this Order may result.
10. The Discharger shall comply with all requirements of this Order and all terms, conditions, and limitations specified by the Executive Officer.
11. Any instance of noncompliance with this Order constitutes a violation of the California Water Code and its regulations. Such noncompliance is grounds for enforcement action, and/or termination of the authorization to discharge.
12. The Discharger must maintain coverage under this Order or a subsequent revision to this Order until all manure, wastewater, and animal waste impacted soil, including soil within the wastewater storage lagoons, is disposed of or utilized in a manner which does not pose a threat to surface water or groundwater quality or create a condition of nuisance. At least 90 days before seeking to terminate coverage under this Order, the Discharger must submit to the Executive Officer a closure plan that ensures protection of surface water and groundwater. No more than 30 days after completion of site closure, the Discharger shall submit a closure report which documents that all closure activities were completed as proposed and approved in the closure plan. Coverage under this Order will not be terminated until cleanup is complete.
13. This Order shall become effective upon adoption by the Board.
14. The Discharger must comply with all conditions of this Order, including timely submittal of technical and monitoring reports as directed by the Executive Officer. Accordingly, the Discharger shall submit to the Board on or before

each report due date the specified document or, if an action is specified, a written report detailing evidence of compliance with the task. If noncompliance is being reported, the reasons for such noncompliance shall be stated, plus an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Board by letter when it returns to compliance with the time schedule. Violations may result in enforcement action, including Board or court orders requiring corrective action or imposing civil monetary liability.

15. Technical reports required by this Order must be certified by an appropriately licensed professional as required in this Order and its Attachments. If the Executive Officer provides comments on any technical report, the Discharger will be required to address those comments.
16. The Discharger shall maintain a copy of this Order at the site so as to be available at all times to site-operating personnel. The Discharger, landowner and his/her designee shall be familiar with the content of this Order.

E. Permit Reopening, Revision, Revocation, and Re-Issuance

1. If more stringent applicable water quality standards are adopted in the Basin Plan, the Board may revise and modify this Order in accordance with such standards.
2. This Order may be reopened to address any changes in state plans, policies, or regulations that would affect the water quality requirements for the discharges and as authorized by state law.

F. Required Reports and Notices

- I. Discharger must prepare and submit the following pursuant to Water Code Section 13267 in accordance with this Order:
 - a. The Discharger shall submit Annual Reports, Groundwater Reports, and Storm Water Reports as described in the Monitoring and Reporting Program.
 - b. **Waste Management Plan:** The Discharger has submitted a Waste Management Plan that describes and evaluates the facility's design, construction, operation, and maintenance for flood protection and waste containment. If, in the course of operation the Discharger or the Board determines that the design, construction, operation, and/or maintenance of the dairy facility is not protective of water quality, the Discharger must notify the Board and propose modifications and a schedule for modifications that will bring the dairy facility into compliance. Certification

that the modifications have been implemented shall be submitted to the Executive Officer within 30 days of completion of the modifications.

- c. **Nutrient Management Plan:** The Discharger has provided a certified field-by-field Nutrient Management Plan to the Board. The Plan copy must be maintained at the dairy, submitted to the Executive Officer upon request and must provide protection of both surface water and groundwater. A revised certified field-by-field Nutrient Management Plan with accurate acreage information for the production area and cropland, including the setback evaluation and report, is due **1 January 2010**. The Certified field-by-field Nutrient Management Plan shall be updated as necessary or if the Executive Officer requests that additional information be included. Groundwater monitoring will be used to determine if implementation of the Nutrient Management Plan is protective of groundwater quality.
- d. **Salinity Report:** By **1 July 2010** the Discharger shall submit a report that identifies sources of salt in waste generated at the dairy, evaluates measures that can be taken to minimize salt in the dairy waste, and includes a commitment to implement measures identified to minimize salt in the dairy waste. If a third party (for example, the California Dairy Quality Assurance Program) produces an industry-wide report that is acceptable to the Executive Officer, the Discharger may refer to that report rather than generating his own report, but must certify that the appropriate measures will be implemented to reduce salt in his dairy waste.
- e. **Wastewater Lagoon Post Construction Report:** The Discharger shall submit a post construction report for the newly installed wastewater lagoons. Upon staff review of the final construction quality assurance report the Executive Officer will issue a letter allowing the discharger to begin to use their lagoons. The post construction report shall meet the requirements of this Order as specified in Waste Discharge Specification B.5.

G. Reporting Provisions

1. All annual reports or information submitted to the Board shall be signed and certified in accordance with C.7 and C.8 of the Standard Provisions.
2. The Discharger shall submit all reports as specified in the attached Monitoring and Reporting Program No. R5-2009-XXXX.
3. The Discharger shall furnish, within a reasonable time, any information the Board may request, to determine whether cause exists for modifying, revoking, and reissuing, or terminating this Order. The Discharger shall, upon request, also furnish to the Board copies of records required to be kept by this Order.

4. All reports prepared and submitted to the Executive Officer in accordance with the terms of this Order shall be available for public inspection at the offices of the Board.

H. Record Keeping

The Discharger shall create, maintain for five years, and make available to the Board upon request by the Executive Officer any reports or records required by this Order including those required under Monitoring and Reporting Program No. R5-2009-XXXX.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on DATE.

PAMELA C. CREEDON, Executive Officer