



Lahontan Regional Water Quality Control Board

May 4, 2012

TO ALL CONCERNED PERSONS AND AGENCIES:

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

Enclosed please find a tentative conditional waiver and associated information pertaining to regulations of discharges of wastes to waters of the State from grazing operations in the East Walker River watershed within the Lahontan Region. The Water Board will hear this item at the meeting set for July 11-12, 2012 in South Lake Tahoe, California.

SUBMISSION OF WRITTEN COMMENTS

Interested persons must submit all evidence (e.g. photographs, data, testimony) and written comments no later than 5:00 pm, Monday, June 4, 2012 to:

Dr. Bruce Warden
Lahontan Water Regional Control Board
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

Comment letters may be submitted by email to RB6-r6commentletter@waterboards.ca.gov (if less than 15 megabytes in total size) or by fax at (530) 544-2271. For email submittals, please indicate in the subject line:

“Comment Letter – Bridgeport Grazing Waiver”

Comments may also be hand delivered or mailed to the above address. Questions on comment submittal may be directed to Dr. Warden, at BWarden@waterboards.ca.gov or (530) 542-5416.

Amber Wike
Office Technician

Enclosure: Tentative Grazing Waiver with Attachments

BTW/adw/T: Tentative Grazing Waiver Cover Letter
File Under: Bridgeport Grazing Waiver Renewal (new)

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

**RENEWAL OF GENERAL CONDITIONAL WAIVER OF
WASTE DISCHARGE REQUIREMENTS
NO. R6T-2012-(TENTATIVE)**

FOR

**GRAZING OPERATIONS IN THE EAST WALKER RIVER WATERSHED
(BRIDGEPORT VALLEY AND TRIBUTARIES) OF THE LAHONTAN REGION**

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

1. Discharger Description

This grazing waiver is applicable to all private landowners and their operators conducting grazing operations on private lands in the Bridgeport Hydrologic Area (HU No. 630.30), which consists of the East Walker River above Bridgeport Reservoir in the Bridgeport Valley, and the East Walker Tributaries Hydrologic Area (HU No. 630.40), which consists of Clearwater Creek, Virginia Creek, Green Creek, Long Valley Creek, Summers Creek, Swauger Creek, and Robinson Creek. Grazing activities on federal land are not covered by this waiver. This is the same area previously covered by Resolution No R6T-2007-0019, "Waiver of Waste Discharge Requirements for Grazing Operations in the East Walker River Watershed (Bridgeport Valley and Tributaries) of the Lahontan Region," which was adopted by the Water Board on June 13, 2007 (also referred to as the "2007 Waiver").

Based on enrollment under the 2007 Waiver, the Water Board anticipates enrolling the following Dischargers under this Waiver: Centennial Ranches, Hunewill Ranch, Gansberg Ranch, F.I.M. Corp – Summer Meadows, F.I.M. Corp – Bridgeport Valley, Point Ranch – Sceirine, Point Ranch – Strosnider, R. N. Fulstone Co., Park Livestock Co., Ullman Livestock, LPD Ranch, Sario Livestock Co., and Sierra Land & Sheep LLC (This is subject to change under the life of this waiver).

2. Regulatory Authority

This proposed Waiver is a five year renewal of the 2007 Waiver with some modifications and with directions to review, clarify, and appropriately revise the Basin Plan bacteria objective. The Water Board's authority to regulate grazing operations comes from California Water Code Section 13260, subdivision (a), which 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 Water Board a report of waste discharge (ROWD) containing such information and data as may be required by the Water Board. Cattle manure containing fecal coliform and nutrients, and sediment discharges from cattle grazing on private lands are wastes that could affect the quality of the waters of the State.

Water Code Section 13260 allows the Regional Water Boards to waive, pursuant to Water Code Section 13269, the requirements of filing a report of waste discharge and obtaining Waste Discharge Requirements (WDRs) if the Regional Board determines that the waiver is consistent with the applicable water quality control plan (Basin Plan) and is in the public interest.

Water Code Section 13269 provides that any such waiver of waste discharge requirements shall be conditional, must be updated every five years, and may be terminated at any time by the Water Board. Water Code Section 13269(a)(3), waiver monitoring requirements, includes the following provisions:

- a. The waiver shall include the performance of individual, group, or watershed-based monitoring, unless the Water Board determines that the discharges do not pose a significant threat to water quality.
- b. Monitoring requirements shall be designed to support the development and implementation of the waiver program, including, but not limited to, verifying the adequacy and effectiveness of the waiver's conditions. In establishing monitoring requirements, the Water Board may consider the volume, duration, frequency, and constituents of the discharge; the extent and type of existing monitoring activities, including, but not limited to, existing watershed-based, compliance, and effectiveness monitoring efforts; the size of the project area; and other relevant factors.
- c. Monitoring results must be made available to the public.
- d. The Water Board may include as a condition of a waiver the payment of an annual fee established by the State Water Resources Control Board (State Water Board). At the time of this hearing, the State Water Board has not established annual fee regulations with respect to grazing operations.
- e. Inspections of management practices related to water quality shall be performed as given in the Monitoring and Reporting Program (MRP), Appendix D, Section 6,

3. Basin Plan

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

The Basin Plan pages 4.9-19 to 4.9-20 section titled “**Regional Board Control Actions for Livestock Grazing**” section states

“In addition to relying on the grazing management expertise of agencies such as the USFS, BLM or RMAC (Range Management Advisory Committee), the Regional Board can directly regulate grazing activities where voluntary implementation of BMPs (Best Management Practices) is deemed by the Regional Board or its Executive Officer to be inadequate to ensure protection of water quality and beneficial uses of water. Actions available to the Regional Board include:

- 1. Require that a Report of Waste Discharge be filed, that an AMP (Allotment Management Plan) be prepared, or that an Individual Rangeland Water Quality Management Plan (RWQMP) or Coordinated Resource Management Plan (CRMP) be adopted within one year of documentation of erosion problems, destruction or major impairment of vegetation, or significant addition of nutrients, pathogens and/or sediments to surface waters or ground waters resulting from grazing or grazing management activities. Such problems indicate impairment of beneficial uses or violation or threatened violation of water quality objectives.*
- 2. Require that all AMPs, RWQMPs and CRMPs contain BMPs necessary to correct existing water quality problems or to protect water quality so as to meet all applicable beneficial uses and water quality objectives contained in Chapters 2 and 3 of this Basin Plan. Corrective measures would have to be implemented within one year of submittal of the AMP, RWQMP or CRMP, except where staged BMPs are appropriate. Implementation of a staged BMP must commence within one year of submittal of the AMP, RWQMP or CRMP.*
- 3. Require that each AMP, RWQMP or CRMP include specific objectives, actions, and monitoring and evaluation procedures. The discussion of actions must establish the seasons of use, number of livestock permitted, grazing system(s) to be used, a schedule for rehabilitation of ranges in unsatisfactory condition, a schedule for initiating range improvements, and a schedule for maintenance of improvements. The schedule for initiating and maintaining range improvements must include priorities and planned completion dates. The discussion of monitoring and evaluation must propose a method and timetable for reporting of livestock forage conditions, watershed condition, and surface and ground water quality.*
- 4. Require that all AMPs and CRMPs be circulated to interested parties, organizations, and public agencies.*
- 5. Consider adoption of waste discharge requirements if an AMP, RWQMP or CRMP is not prepared or if the Executive Officer and the landowner do not agree on BMPs proposed in an AMP, RWQMP or CRMP.*

6. *Decide that AMPs, RWQMPs and CRMPs prepared to address a documented watershed or water quality problem may be accepted by the Regional Board's Executive Officer in lieu of adoption of Waste Discharge Requirements.*
7. *Oversee monitoring of water quality variables and beneficial uses. Provide data interpretation."*

The items discussed in Finding No. 3 above are required to be addressed in the RWQMP required of each grazing operation under this Waiver.

4. Nonpoint Source Implementation and Enforcement Policy

- a. Grazing activities can adversely impact water quality and impair beneficial uses by contributing excessive sediment, nutrients and pathogens. These nonpoint source discharges from agricultural grazing operations within the Lahontan Region are considered to be discharges of waste that could affect the quality of waters of the State, as defined in Section 13260 of the California Water Code. The State Water Resources Control Board, May 20, 2004, *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (NPS Policy) requires that all sources of nonpoint source pollution be regulated through Waste Discharge Requirements (WDRs), waivers to WDRs, or prohibitions, or some combination of these administrative tools (NPS Policy, p. 3).
- b. The NPS Policy encourages the Water Board "to be as creative and efficient as possible in devising approaches to prevent or control NPS pollution." This includes supporting the development of third-party programs, including coalitions of Dischargers, such as the Bridgeport Rancher's Organization (BRO). The BRO has been active in volunteer monitoring of surface water quality and assessment of management practice effectiveness in the Bridgeport Valley since April of 2006, with assistance provided by University of California Cooperative Extension (UCCE) staff and input from Water Board staff.
- c. The NPS Policy requires that waiver enrollees prepare and execute a nonpoint source pollution control implementation program that does the following:
 - 1) States the purpose of the program such that nonpoint source pollution is addressed in a manner that ultimately achieves and maintains water quality objectives and beneficial uses, including any applicable antidegradation requirements.
 - 2) Includes a narrative of the management practices and other program elements that are expected to be implemented to ensure attainment of the

nonpoint source pollution control implementation program's stated purpose(s), the process to be used to select or develop management practices, and the process to be used to ensure and verify proper implementation of management practices.

- 3) Includes a time schedule to achieve water quality objectives, and corresponding quantifiable milestones designed to measure progress toward reaching the specified objectives. CWC Sections 13242 (b) and 13263 (c) and the NPS Policy recognize that there are instances where it will take time to achieve water quality objectives. The effort may involve all or some of various processes, including: identification of measurable long-term and interim water quality goals; a timeline for achieving these goals; identification and implementation of pollution control management practices; provision(s) for maintenance of the implementation actions; provision(s) for additional actions if initial actions are inadequate; and, in the case of third-party organizations, identification of a responsible third party to lead the efforts.
 - d. Consistent with the NPS Policy, this waiver of WDRs requires a nonpoint source pollution control implementation program in the form of prescribed management practices, or a RWQMP. Further, this Waiver establishes a time schedule to achieve the interim fecal coliform concentrations and for the Water Board to commence the review and appropriately revise the Basin Plan coliform bacteria objective.
5. Bacteria Water Quality Objective

The Water Board has set the Region-wide water quality objective for bacteria at 20 colonies per 100 ml, ten times more protective than the Federal standard at 200 colonies per 100 ml and any other Region in California. The Water Board set these objectives in recognition of the generally high quality waters of the region, and the importance of protecting surface waters for water recreation uses.

Agriculture is the major use of the surface waters on private lands in the Bridgeport Valley, and livestock grazing has been a part of the landscape since the 1860s. Limited public access to private grazing lands in Bridgeport Valley results in lower levels of water contact (REC-1 and REC-2) recreation activities as compared to other surface waters within the Lahontan Region.

During the Grazing workshop and triennial review of the October 11, 2006 Water Board meeting and the 2009 triennial review, the Water Board heard public comments regarding revising the fecal coliform standard to be consistent with Federal standards for areas, such as Bridgeport Valley, where beneficial uses have historically been predominantly agricultural, recognizing that US EPA finds the Federal standard to be protective of agricultural and water contact recreational beneficial uses. The Water Board recognizes that the Region-wide bacteria

objective, which was partly based on water quality monitoring from forest lands outside the Bridgeport Valley, may be inappropriate for protection of beneficial uses for water bodies in the Bridgeport Valley. Full attainment of the current Region-wide objective may be unlikely given the current and historic land uses in the Bridgeport Valley.

Site-specific objectives may be developed where site-specific conditions warrant them, without compromising protection of the beneficial uses designated for the water body. The Water Board may develop less protective objectives where an existing objective cannot be met through reasonable treatment, source control, and pollution prevention measures.

The Water Board intends to develop site-specific indicator bacteria water quality objectives that are cognizant of land use and attainable water quality in the Bridgeport Valley. Water Board staff are conducting studies to provide a basis for potential future changes in Water Quality Objectives (WQOs) for indicator bacteria such as fecal coliform, E. coli, and qPCR enterococci.

Recognizing that the USEPA has been advocating use of E coli as a better indicator test since 1987, Water Board staff have:

- Collected limited fecal coliform and E. coli data for comparisons since July of 2008;
- Obtained funding and managed a FY 2008 \$60,000 UC Cooperative Extension study comparing fecal coliform to E. coli;
- Obtained \$1,000,000 in a FY 2009 Proposition 84 grant for bacterial source tracking (including fecal coliform and E. coli) and evaluation of grazing management practice implementation;
- Obtained funding for a new \$40,000 study to assess fecal coliform and E. coli in Sierra Nevada Mountain reference sites where grazing is not common.

BRO has requested that the Water Board modify indicator bacteria water quality objectives for the surface waters in the Bridgeport Valley. Based on the schedule to complete the Proposition 84 study, data analysis including evaluation of management practice implementation effectiveness, Water Board staff anticipates a draft Basin Plan amendment for indicator bacteria E. coli by the end of 2017.

Recognizing that the current Region-wide bacteria objective may not be fully attainable in the Bridgeport Valley within the five-year duration of this waiver, but that further improvements in water quality are being actively pursued by BRO using adaptive implementation of grazing MPs, the Basin Plan's requirements given in its "Regional Board Control Actions for Livestock Grazing" section (Finding 3) are applicable to the discharges regulated by this Waiver until new objectives are adopted. However, if

during the duration of this Waiver, the Water Board has sufficient information to propose a Basin Plan Amendment for fecal coliform, Waiver conditions, milestones, and timelines may be revised accordingly.

6. Rationale for Changes to the 2007 Grazing Waiver

As discussed in Findings 7 and 8 of this Waiver, Bridgeport Valley fecal coliform data for 2011 shows improvement, but some sites are not yet fully attaining the 200 fecal coliform/100 mL interim standard given in the 2007 grazing waiver. Since effective implementation of management practices is what will result in attainment of the interim standard, this current waiver focuses more on planning and tracking of management practice implementation within the five-year term of the waiver.

BRO has been active in implementing management practices and in assessment of management practice effectiveness, and is adaptively managing its operations. Analysis of fecal coliform data collected under the 2007 waiver shows there are some upstream sources that need to be identified and accounted for. The recently executed Proposition 84 grant "*Bacterial Source Tracking and Grazing Management Practice Implementation and Assessment for Watersheds in the Lahontan Region (Walker River, Carson River, Susan River, and Owens River)*" will be useful for characterizing the sources of upstream fecal coliform and for evaluating management practice implementation. The 2011 data from the 2007 waiver monitoring program show reductions in fecal coliform in local waters.

The grazing waiver approach establishes a framework of cooperative interaction between BRO and Water Board staff that results in ongoing identification of effective grazing management practices and implementation of these improved grazing MPs. The grazing waiver requires management practice implementation resulting in water quality improvements to proceed according to the schedule for management practice implementation and maintenance in Water Board-approved RWQMP consistent with Basin Plan Section 4.9 "*Regional Board Control Actions for Livestock Grazing.*"

This Waiver has changed some terminology that was used in the 2007 Waiver in order to be more consistent with the language used in the Basin Plan and described in Finding 3 above. For this renewed Waiver what were referred to as "Ranch Water Quality Management Plans" in the 2007 Waiver are now called Rangeland Water Quality Management Plans (RWQMP). The required content for RWQMP submittals is specified later in this Waiver.

The monitoring plan in this Waiver (Attachment D) has been refined to more effectively characterize upstream and downstream fecal coliform sources during the latter years of the waiver's five-year term to better assess attainment of the interim standard.

7. Summary of Discharger Activity:

Enrollees have been engaged in an adaptive process, in accordance with requirements of the 2007 Waiver, of implementing grazing management practices and evaluating their effectiveness in controlling fecal coliform non-point source pollution from grazing activities. This adaptive process has resulted in evaluation of a number of management practices, including exclusion fencing, vegetated buffer strips, hardened livestock crossings, improved irrigation control structures, coordination of irrigation events and livestock rotation, and irrigation efficiency improvements on a site-by-site basis. In this Waiver data are summarized in Finding 8 and detailed in Attachment B to show that these initial efforts to identify and implement appropriate management practices have not yet led to improvements in fecal coliform concentrations that comply with the Basin Plan water quality objectives for fecal coliform.

8. Existing Water Quality Impairments

Several water bodies within the Bridgeport Hydrologic Area and the Bridgeport Valley and the East Walker Tributaries Hydrologic Area are listed as water quality impaired for pathogens under Section 303(d) of the federal Clean Water Act. These water bodies include: Buckeye Creek, East Walker River above Bridgeport Reservoir, Robinson Creek, and Swauger Creek. These water bodies were placed on the 303(d) impaired water body list in 2001 based on water quality data that showed fecal coliform concentrations above the water quality objectives in these streams.

Attachment B of this waiver shows a comparison of data collected in 2006 prior to the adoption of the 2007 Waiver and data collected in 2011 after implementation of management practices required by the 2007 Waiver. Results of average calculations show the 2011 season had the lowest concentrations of fecal coliform recorded since 2007 in 11 of 12 sites sampled. During the 2011 grazing season there were some exceedances of the 200 fecal coliform/100 mL interim standard: two at site 11 (Walker River at town); three at site 8 (Buckeye Creek at Bridgeport Reservoir), indicating that discharger efforts in grazing management practice implementation aided in meeting the interim standard in most waters at most sampling events, but, have not yet resulted in full compliance with the interim standard of the 2007 grazing waiver. Although the above-mentioned waters continue to have fecal coliform levels that are above Basin Plan water quality objectives for fecal coliform, the improved water quality results from the 2011 data are encouraging.

The Water Board collects limited water quality monitoring data for fecal coliform throughout the year, including both the non-grazing and grazing seasons, via the Surface Water Ambient Monitoring Program (SWAMP) for Robinson Creek, Buckeye Creek, Swauger Creek, and the East Walker River. SWAMP data corroborates grazing season data collected by BRO and generally shows low fecal coliform concentrations during the non-grazed season consistent with high quality waters typically present in eastern Sierra Nevada surface waters.

9. Maintenance of High Quality Waters in California

State Water Board Resolution 68-16 ("Statement of Policy with Respect to Maintenance of High Quality Waters in California") finds:

"Whenever the existing quality of water is better than the quality established in policies as of the date on which such policies become effective, such existing high quality will be maintained until it has been demonstrated to the State that any change will be consistent with the maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies. Any activity which produces or may produce a waste ...and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained."

This Waiver is consistent with Resolution 68-16 because it requires implementation of MPs in an adaptive manner to arrive at the best practicable treatment or control of the discharge to protect beneficial uses and to attain the highest water quality possible. This waiver requires compliance with an interim water quality target and Basin Plan water quality objectives in accordance with a time schedule. Further, this waiver, in allowing for existing operators to continue in business and apply management practices in an adaptive manner to achieve improvements to water quality, is consistent with the maximum benefit to the people of the state. This waiver requires Dischargers to implement additional MPs to assure protection of beneficial uses of waters of the state and maintain the highest water quality consistent with maximum benefit to the people of the State.

10. Receiving Water Beneficial Uses

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

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

11. California Environmental Quality Act

The Water Board is the lead agency for this project under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (CEQA). The renewal of this waiver is exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (14 Cal Code Regs. 15301), which provides an exemption for existing facilities. This action involves the renewal of a waiver for existing grazing operations. It does not involve expansion of use beyond that existing previously. Also, it is exempt under Sections 15307 and 15308, which exempt from CEQA activities taken by regulatory agencies to assure maintenance, restoration, or enhancement of a natural resource or the environment. In addition, the Water Board adopted a negative declaration pursuant to CEQA (Public Resources Code Section 21000 et seq.) on June 13, 2007, prior to the adoption of the 2007 Waiver.

Since that time, there have been no expansion of the operations or the area covered by this Waiver. An addendum to the 2007 negative declaration was prepared pursuant to 14 CCR § 15164 to support the decision that a subsequent negative declaration was not necessary for the following reasons:

- (1) There have been no substantial changes in the projects covered by this waiver that would result in new significant environmental effects or increases in the severity of previously identified significant effects;
- (2)) there have been no changes with respect to the circumstances under which the projects are undertaken, which would require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- (3)) there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous negative declaration was adopted.

The addendum is provided in Attachment A.

12. Grazing Waiver Strategy

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

13. Grazing Operation Definition

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

14. Federal Lands

Activities on federal lands adjacent to, or upstream of the Bridgeport Hydrologic Area as described in Finding 1, are not subject to this waiver. Water Board staff will review US Forest Service (USFS) allotment management plans and the Water Board will use its regulatory authority to ensure activities on federal lands meet State water quality requirements.

15. Compliance Schedule

Consistent with Basin Plan Chapter 4 "*Regional Board Control Actions for Livestock Grazing*" (Finding 3), this Waiver requires Dischargers to develop a schedule for management practice implementation in their RWQMP that continues to reduce fecal coliform concentrations in surface waters downstream of grazing operations to an interim goal of 200 colony forming units per 100 milliliters (cfu/100ml). The interim goal meets the federal standard for water contact recreation. By 2028 dischargers are to comply with the Basin Plan fecal coliform water quality objectives in effect at that time.

If, at any time, the Water Board determines that enrollees do not make sufficient progress towards compliance with the interim bacteria water quality objectives, this Waiver can be revoked, and WDRs or enforcement action may be pursued.

16. Intent to Issue Renewed Waiver

California Water Code Section 13269 allows Water Boards to waive submission of Reports of Waste Discharge (ROWDs) and/or issuance of Waste Discharge Requirements (WDRs) if it finds that the waiver is consistent with the Basin Plan and is in the public interest. The Water Board adopted Resolution No R6T-2007-0019, "Waiver of Waste Discharge Requirements for Grazing Operations in the East Walker River Watershed (Bridgeport Valley and Tributaries) of the Lahontan Region," on June 13, 2007. This is a renewal of that Waiver with some adaptive modifications.

17. Public Notification and Meeting

The Water Board has notified the Dischargers and all known interested agencies and persons of its intent to issue a renewed Waiver of Waste Discharge Requirements. The Water Board conducted a public hearing on July 11-12, 2012 in South Lake Tahoe, California, and considered all testimony and evidence concerning this matter.

18. Monitoring Reports

Water Code section 13269(a)(3), waiver monitoring requirements, includes the following provisions:

- a. The waiver shall include the performance of individual, group, or watershed-based monitoring, unless the Water Board determines that the discharges do not pose a significant threat to water quality.
- b. Monitoring requirements shall be designed to support the development and implementation of the waiver program, including, but not limited to, verifying the adequacy and effectiveness of the waiver's conditions. In establishing monitoring requirements, the Water Board may consider the volume, duration, frequency, and constituents of the discharge; the extent and type of existing monitoring activities, including, but not limited to, existing watershed-based, compliance, and effectiveness monitoring efforts; the size of the project area; and other relevant factors.
- c. Monitoring results must be made available to the public.

The Dischargers operate facilities that discharge waste subject to this Waiver. The wastes contain fecal coliform bacteria and discharges cause or contribute to exceedances of the Basin Plan water quality objective for fecal coliform bacteria. Therefore, the monitoring reports required by this Waiver and the Monitoring and Reporting Program are necessary to assure compliance and track grazing management practice implementation type, extent, and effectiveness.

19. Consideration of Water Code Section 13241 Factors

Water Code, section 13263 requires that the Water Board, when prescribing requirements, take into consideration six specific factors in Water Code, section 13241:

- a. Past, Present, and Probable Future Beneficial Uses of Water -The receiving waters are the surface waters of the Bridgeport Hydrologic Area and the East Walker Tributaries Hydrologic Area as described in Findings 1 and 10 . The beneficial uses designated for these waters are described in Finding No. 10. The primary historic, present, and probable further beneficial use is Agricultural Supply (AGR) for irrigated pastures. Conditions of this waiver require compliance with Basin Plan water quality objectives which protect the most sensitive beneficial uses: Water Contact Recreation (REC-1) and Municipal and Domestic Supply (MUN).
- b. Environmental Characteristics of the Hydrographic Unit under Consideration, Including the Quality of Water Available Thereto - Characteristics of the Bridgeport Hydrologic Area and the East Walker Tributaries Hydrologic Area are described in Finding No. 1 and 10.
- c. Water Quality Conditions that Could Reasonably Be Achieved Through the Coordinated Control of All Factors. Which Affect Water Quality in the Area -This waiver requires implementation if management practices to attain the highest water quality reasonably achievable. Additionally, an interim target of 200 fecal coliform/100 mL must be met.

- d. Economic Considerations -This Order encourages Dischargers under the grazing waiver to implement management practices with the potentially highest impact in achieving water quality improvements over the next five years through adaptive planning and implementation of management practices to meet water quality objectives. Upgrading the Discharger's Facility by implementation of management practices with their associated costs is at the discretion of the Discharger, but is subject to review by Water Board staff to assess consistency with the Basin Plan (Finding 3) and with the NPS policy (Finding 4). This waiver further gives a long timeline for Dischargers to implement management practices and meet water quality objectives (2028), allowing the costs of implementation to be spread in a manner that is economically achievable.
- e. The Need for Developing Housing in the Region –Not applicable.
- f. The Need to Develop and Use Recycled Water - Not applicable for municipal supply, though tail water recycling is a desirable grazing MP to conserve water and improve water quality.

THEREFORE:

Pursuant to Water Code, Section 13269 subdivision, (a) Waste Discharge Requirements are waived for grazing operations in the Bridgeport Valley and the East Walker Hydrologic Area pursuant to the following conditions.

1. Eligibility for Coverage

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

- a. Grazing operations are in existence as of April 11, 2007;
- b. Each Grazing operation or ranch (Discharger) shall submit a complete Grazing Waiver Application (Attachment C) by **September 12, 2012**.

2. Inventory and Plan

By September 12, 2012, each enrolled Discharger is required to submit a RWQMP to the Water Board staff. Consistent with the “**Regional Board Control Actions for Livestock Grazing**” as detailed in Basin Plan, Chapter 4.9 (Finding 3 of this waiver), and the RWQMP must address objectives, actions, and monitoring and evaluation. The discussions of actions must establish:

- The seasons of use,
- Type of livestock consistent with the grazing waiver application,
- Grazing system to be used,
- A schedule for rehabilitation of water body reaches impaired for fecal coliform,
- A schedule for initiating range management practices, structural and irrigation improvements, and

- A schedule for maintenance of range management practices, structural and irrigation improvements.

The Discharger is to develop a schedule to implement management practice in their RWQMP that (1) reduces fecal coliform concentrations in surface waters downstream of grazing operations to an interim goal of 200 colony forming units per 100 milliliters (cfu/100ml) by 2017, and (2) attains the highest water quality reasonably achievable. The schedule for installing and maintaining range and watershed improvements must include a description and rationale of priorities and planned completion dates.

Monitoring shall be conducted as described in the monitoring and reporting program, Attachment D.

The RWQMP must contain:

- a. A scaled facility map including, as applicable: property perimeter, buildings, roads, fences, land use designations (crops, grazed areas, woodlands, paddocks, irrigation control structures, confined areas, feeding areas, water troughs, exclusion areas both permanent and seasonal etc.), topography, creeks, and livestock crossings.
- b. Objectives, including improvements in practices to reduce, and/or maintain fecal coliform concentrations in local surface waters so that the RWQMP achieves the interim water quality goal of 200 fecal coliform/100 mL by the end of this waiver and attains the highest water quality reasonably achievable.
- c. A description of all management practices currently implemented within the ranch facility and an implementation schedule for future MPs. In selecting which management practices to use at each pasture, the Discharger must take into consideration existing water quality, vegetation, terrain, type of livestock and general facility operation procedures. A list of possible management practices may be found in the NRCS Technical Guide. Commonly-used management practices include items i. through viii, below.
 - i. Reducing to the maximum extent practicable, potential delivery of pathogens (using fecal coliform indicator bacteria as a surrogate) from ranching lands to surface waters by considering control of animal access to surface waters, placement of animal crossings to minimize potential pathogen runoff into surface waters, and development of vegetative filter strip buffers to treat sheet flow runoff.
 - ii. Implementing newly selected water quality management practices (e.g. buffer strips, fences) at all identified points of discharge.

- iii. Implementing grazing management structural improvements.
 - iv. Implementing changes in livestock management methods (e.g. herding, riparian rotation).
 - v. Implementing erosion control and prevention actions along ranch roads.
 - vi. Implementing actions to avoid or reduce management-related increases in erosion of unstable areas.
 - vii. Implementing manure management and disposal operations to prevent runoff containing wastes from entering surface waters, if applicable.
 - viii. Improved irrigation practices.
- d. A plan for Discharger inspections and reporting to demonstrate that proposed management practices are being implemented, consistent with regulatory authority given in Water Code Section 13269 and discussed in Finding 2.

3. Implementation

The Discharger must implement the RWQMP as accepted by the Water Board beginning upon acceptance of the RWQMP by Water Board staff. The Discharger must have a copy of the RWQMP at the ranch office. The Discharger must modify the RWQMP where necessary to achieve improved water quality (specifically achieving the 200 cfu/100 mL interim target) and annually report on the implementation of the RWQMP by **March 15** of the following year.

4. Compliance Reporting

All Dischargers must conduct visual inspections and submit annual reports in accordance with Attachment D, Monitoring and Reporting Program No. R6T-2012-XXXX. By **March 15, 2017**, the Discharger must submit a report demonstrating fecal coliform concentrations downstream of operations is meeting the interim water quality objective of 200 fecal coliform/100 mL, or provide substantiation that all feasible management practices have been implemented and that no further improvement in water quality is possible.

5. General Waiver Conditions

- a. The Discharger must implement measures identified in the RWQMP and make annual management practice adaptive management adjustments to the RWQMP to reduce fecal coliform indicator bacteria concentrations in surface waters to achieve the 30-day log mean 200 cfu/100 mL interim target

In accordance with the time schedule developed in the RWQMPs, the following conditions apply:

- i. The Discharger shall not cause or contribute to conditions of pollution or nuisance as defined in CWC Section 13050.
 - ii. The Discharger must comply with all requirements of The Lahontan Water Quality Control Plan, with the exception of fecal coliform, which is subject to review as set forth in Finding 5.
 - iii. The Discharger shall not cause or contribute to exceedances of any regional, state, or federal numeric or narrative water quality standard, other than the narrative and numeric fecal coliform objective in the Basin Plan. The water quality fecal coliform interim target is a 30-day log mean concentration of 200 cfu/100 mL, covering the term of this Waiver (2012 through 2017).
 - iv. This Conditional Waiver does not authorize the discharge of any waste not specifically regulated under this Waiver. Waste specifically regulated under this Waiver includes: livestock wastes and fecal coliform bacteria. Examples of wastes not specifically regulated under this Waiver include hazardous materials and human wastes.
 - v. Groundwater influenced by irrigation activities and livestock management shall be of such quality so as to assure protection of all actual or designated beneficial uses.
- b. Water Board Inspections – Water Board staff may perform facility inspections and/or take compliance water samples in accordance with the California Water Code after providing a minimum 48-hour prior notification to the Discharger.

6. Water Quality Monitoring

Pursuant to water code Section 13267 and 13269, water quality monitoring and reporting of wastes discharged must be performed on a site specific or watershed basis. The Discharger may do so individually, or in cooperation with other similar Dischargers in the watershed with acceptance from the Water Board Executive Officer, in accordance with Attachment D– Monitoring and Reporting Plan for East Walker River Watershed.

7. Termination Procedures

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

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

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

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

9. This waiver expires July 10, 2017.

I, Patricia Z Kouyoumdjian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Waiver adopted by the California Regional Water Quality Control Board, Lahontan Region, on **July 11, 2012**.

PATRICIA Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

- Attachments:
- A. CEQA Addendum
 - B. Summary Statistics for Pre-Waiver (2000, 2006) and Post-Waiver (2007-2010) Bridgeport Valley Fecal Coliform
 - C. Grazing Waiver Application
 - D. Monitoring and Reporting Program

Attachment A: CEQA Addendum

Pursuant to Title 14, California Code of Regulations, section 15164(b) of the CEQA Guidelines, the Lahontan Water Board has prepared this addendum to its Negative Declaration, certified on June 13, 2007 in support of the 2007 Grazing Waiver. This addendum summarizes the proposed changes to the Project as part of renewing the 2007 Grazing Waiver, as follows:

- 1) Six new enrollees of relatively small acreage were added to the project. They are all within the original waiver project area of the Bridgeport Hydrologic Unit.
- 2) One change of ownership with a resultant change of livestock management. The new owner has enrolled under the grazing waiver and has submitted a new Ranch Water Quality Management Plan, as required under the 2007 waiver.
- 3) Minor changes to the Monitoring and Reporting Program to improve clarity and reporting compliance.

Based on the information in the record and the changes summarized in this Addendum, the Water Board finds that none of the circumstances set forth in Public Resources Code section 21166 or CEQA Guidelines section 15162, subdivision (a) requiring the preparation of a subsequent MND are present for this Project. Specifically, the Water Board finds (i) no substantial changes are proposed in the Project that will require major revisions to the previous CEQA analyses done by the Water Board in 2007 due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (ii) no substantial changes have occurred with respect to the circumstances under which the Project is to be undertaken that will require major revisions to the previous CEQA analyses due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (iii) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the CEQA analyses were adopted, that shows new significant effects, substantially more severe significant effects, or additional feasible mitigation measures. Therefore, the Water Board finds that this Addendum is appropriate to address the minor changes associated with the renewal of the 2007 Grazing Waiver.

Attachment B: Summary Statistics for Bridgeport Valley Fecal Coliform Data (CFU/100mL).

		[Blue Box] are upstream sites		[Green Box] are mid-valley sites				[Red Box] are downstream sites					
		Swauger Cr		East Walker River				Buckeye Creek			Robinson Creek		
Statistic		Site 0	Site 1	Site 4	Site 5	Site 6	Site 11	Site 2	Site 7	Site 8	Site 3	Site 9	Site 10
Pre-Waiver													
2000, 2006	Average	29	52	26	43	40	125	20	184	195	4	522	175
	Stdev	39	66	27	88	54	121	28	209	227	6	1043	231
	Max	99	250	80	300	140	392	74	601	601	19	3600	670
	Min	0	0	0	1	0	3	0	1	2	0	3	1
	>200*	0.0	0.5	0.0	0.5	0.0	2.5	0.0	2.0	3.0	0.0	3.5	2.0
Post-Waiver													
2007-2011	Average	53	154	42	12	95	213	26	306	363	43	261	246
	Stdev	83	227	50	27	184	269	30	463	528	99	390	462
	Max	384	990	203	156	990	1480	104	1740	2210	496	1830	2680
	Min	0	1	1	1	0	1	0	1	2	0	0	0
	>200*	0.4	1.2	0.2	0.0	0.8	2.8	0.0	2.6	3.2	0.4	2.8	2.2
Last Season													
2011	Average	12	248	10	4	24	134	25	77	190	4	93	76
	Stdev	18	316	11	3	39	161	35	118	210	5	98	73
	Max	46	870	28	8	110	440	84	330	520	12	240	180
	Min	1	2	1	1	1	1	1	1	2	1	1	2
	>200*	0.0	3.0	0.0	0.0	0.0	2.0	0.0	1.0	3.0	0.0	1.0	0.0

Note : Average, standard deviation (Stdev), maximum (Max) and minimum (Min) are seasonal values for 30-day log-normalized data. Downstream sites (in red) are generally considered points of compliance.

* >200 is the number of 30-day periods with log normalized fecal coliform concentrations greater than 200/100 mL

Monitoring Sites

- 0 Swauger Cr. above Huntoon Valley
- 1 Swauger Cr. below Huntoon Valley at USFS station
- 2 Buckeye Cr. above ranch
- 3 Robinson Cr. above ranch
- 4 Virginia Cr.
- 5 Green Cr.
- 6 Summers Cr.
- 7 Buckeye Cr. at Hwy 395
- 8 Buckeye Cr. at Reservoir
- 9 N. Branch Robinson Cr. @ 395
- 10 Robinson Cr. at Reservoir
- 11 Walker R. at town

Attachment D

ORDER NO. R6T-2012- 2nd TENTATIVE

MONITORING AND REPORTING PROGRAM FOR WAIVER OF WASTE DISCHARGE REQUIREMENTS

FOR

DISCHARGES RELATED TO GRAZING ACTIVITIES IN THE EAST WALKER RIVER WATERSHED (BRIDGEPORT VALLEY AND TRIBUTARIES)

I. Surface Water Sampling and Analysis

Sampling for Water Quality Constituents in the East Walker River Watershed, comprising the Bridgeport Valley and its tributaries, will be performed cooperatively by members of the Bridgeport Rancher's Organization (BRO), following the plan developed by the BRO, University of California Cooperative Extension (UCCE) staff, and Water Board staff. This plan was used under the prior grazing waiver, Resolution R6T-2007-0019.

1. Objectives of Surface Water Monitoring

- a. Determine the change in fecal coliform concentrations from all tributaries exiting the irrigated and grazed portions of Bridgeport Valley (B.V.) as related to implementation of grazing and/or irrigation management practices.
- b. Analyze these data to identify source and sink areas for fecal coliform in the Bridgeport Hydrologic unit, to prioritize implementation of water quality management measures to source areas, and to serve as a baseline against which to judge the effectiveness of future water quality management measures.

2. Surface Water Sites

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

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

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

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

3. Sample Collection Frequency

Samples for fecal coliform must be collected at all sites at least thrice per month starting approximately one month before grazing and irrigation, then every month during the irrigation and/or grazing season (Apr 15 through Oct). The Water Board specifies a sample frequency greater than once per month, as log-normalization of more than one value per month attenuates occasional high spikes in fecal coliform concentration common to this statistic, improving the probability of compliance with target fecal coliform concentrations. Sampling must commence no later than April, 2015 and continue annually thereafter.

4. Water Sample Collection

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

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

Water sample collection will occur at a flowing, well mixed transect at each sample site. Water samples will be collected into 125 mL sterile plastic bottle for indicator bacteria analysis. All samples will immediately be placed on ice. The sample will be transported to a local laboratory for fecal coliform concentration analysis.

5. Analytical Determination of Fecal Coliform

Fecal coliform concentration will be determined by direct membrane filtration (0.45 µm) and incubation on a selective agar (SM 9222) or equivalent. Fecal coliform analysis will be performed at a laboratory certified in fecal coliform analysis by the California Department of Public Health (CDPH), Environmental Laboratory Assessment Program (ELAP) within the prescribed holding times of six hours from sampling till laboratory receipt of samples (40CFR 136.3 Table II).

6. Inspections

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

- a. Visually inspect the closest receiving water, upstream and downstream of each pasture, to note any change in water quality resulting from facility operations. This inspection is needed to determine the effectiveness of the management practices implemented at the ranch facility. Examples of changes in visual characteristics in water that may be indicative of the effects of grazing and/or grazing management practices include, but are not limited to: color, turbidity, floating material, algae concentration, etc.
- b. Inspect facilities and management practices at the beginning of the grazing season and at least bimonthly during the grazing season. Any problems noted should be documented and corrected as soon as practicable.
- c. Problems noted, corrective actions taken, and any recommendations for improvements in management practices are to be reported in the annual report.

7. Reporting Requirements

a. Annual Reports:

1. Monitoring Data Report: All water quality monitoring data collected the prior sampling season will be summarized and reported to the Water Board by **March 15** of each year, beginning no later than March 15, 2015. This will, at a minimum, include fecal coliform data, copies of lab

results, chain of custody forms, and quality assurance/quality control documentation.

2. Annual Rangeland Water Quality Management Plan Update

Annual Rangeland Water Quality Management Plan (RWQMP) updates must be submitted by **March 15** of each year, beginning March 15, 2013.

Information provided in the Annual RWQMP shall include at a minimum:

- i. Attachment 1, Grazing Management Practice Implementation Annual Report. Include photographic documentation of all physical structures installed, if any, and a scaled site map showing the approximate location of each structure.
- ii. Problems encountered during monitoring or implementation, if any.
- iii. Management practices which may include irrigation improvements or animal management improvements considered for implementation next season.

8. General Provisions

The Discharger shall comply with the applicable "General Provisions for Monitoring and Reporting," dated September 1, 1994, which is attached to and made part of this Monitoring and Reporting Program (Attachment 2).

II. Compliance Reporting

1. Records shall be maintained of the inspection dates, observations, and any response taken to eliminate potential sources of pathogens.
2. By March 15 each year beginning March 15, 2013, the Discharger must submit an annual certification to the Water Board that its facility is in compliance with the Rangeland Water Quality Management Plan as verified by records of inspections above. This can be done on the Grazing Management Practice Implementation Annual Report (Attachment 1).

Ordered by: _____ Dated: _____

PATRICIA Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

Attachments: 1. Annual Management Practice Reporting Forms
2. General Provisions for Monitoring and Reporting

Parcel/Ranch Location: _____

Owner/Operator/Authorized Agent: _____ / _____ / _____

Date Form Completed: _____ Form Completed By: _____

This form is to be submitted annually with the Ranch Water Quality Management Plan (RWQMP).

GRAZING OPERATIONS

1. Operation type (during last grazing season):

- Cattle
- Horse
- Sheep
- Goat
- Other (list below)

2. Did livestock have access to surface water during last grazing season? yes no

3. Were pastures irrigated after grazing? yes no

Approximately how many days were there (on average) between the end of grazing and the beginning of irrigation? _____ days.

4. Were livestock brought back onto the pastures after irrigation? yes no

Approximately how many days after irrigation (on average) were livestock brought back onto the pastures? _____ days.

IMPLEMENTED AND PLANNED MANAGEMENT PRACTICES (Minimum 2012 through 2017 seasons)

(Please check all that apply. Include month/year and estimated cost where applicable)

ACTIVITY	MONTH/YEAR	COST \$	ACTIVITY	MONTH/YEAR	COST \$
<input type="checkbox"/> Rotation	_____	_____	<input type="checkbox"/> Increased Herding	_____	_____
<input type="checkbox"/> Exclusion	_____	_____	<input type="checkbox"/> Limited Pasture	_____	_____
<input type="checkbox"/> Salt Placement	_____	_____	<input type="checkbox"/> Stream Crossings	_____	_____
<input type="checkbox"/> Restoration	_____	_____	<input type="checkbox"/> Off-Stream Watering	_____	_____
<input type="checkbox"/> Improved Fencing Linear feet: _____	_____	_____	<input type="checkbox"/> Stream Exclusion Fencing Linear feet: _____	_____	_____
<input type="checkbox"/> Filter Strips	_____	_____	<input type="checkbox"/> Wetland Enhancement	_____	_____
<input type="checkbox"/> Spring Development	_____	_____	<input type="checkbox"/> Irrigation Tailwater Recovery	_____	_____
<input type="checkbox"/> Micro-irrigation	_____	_____	<input type="checkbox"/> Irrigation Reservoir	_____	_____
<input type="checkbox"/> Irrigation Pipeline	_____	_____	<input type="checkbox"/> Irrigation Land Leveling	_____	_____
<input type="checkbox"/> Field Border	_____	_____	<input type="checkbox"/> Contour Border	_____	_____

NARRATIVE SUMMARY OF IMPLEMENTED AND PLANNED MANAGEMENT PRACTICES _____

Please submit this checklist electronically, by mail, by fax or through email to:

Dr. Bruce Warden, 2501 Lake Tahoe Blvd., South Lake Tahoe, CA 96150

FAX: (530) 544-2271

EMAIL: BWarden@waterboards.ca.gov

PHONE: (530) 542-5416

Please submit this form by MARCH 15th of every year up to and including 2017. Thank you!

ATTACHMENT 2
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

GENERAL PROVISIONS
FOR MONITORING AND REPORTING

1. **SAMPLING AND ANALYSIS**

- a. All analyses shall be performed in accordance with the current edition(s) of the following documents:
 - i. Standard Methods for the Examination of Water and Wastewater
 - ii. Methods for Chemical Analysis of Water and Wastes, EPA
- b. All analyses shall be performed in a laboratory certified to perform such analyses by the California State Department of Health Services or a laboratory approved by the Regional Board Executive Officer. Specific methods of analysis must be identified on each laboratory report.
- c. Any modifications to the above methods to eliminate known interferences shall be reported with the sample results. The methods used shall also be reported. If methods other than EPA-approved methods or Standard Methods are used, the exact methodology must be submitted for review and must be approved by the Regional Board Executive Officer prior to use.
- d. The discharger shall establish chain-of-custody procedures to insure that specific individuals are responsible for sample integrity from commencement of sample collection through delivery to an approved laboratory. Sample collection, storage, and analysis shall be conducted in accordance with an approved Sampling and Analysis Plan (SAP). The most recent version of the approved SAP shall be kept at the facility.
- e. The discharger shall calibrate and perform maintenance procedures on all monitoring instruments and equipment to ensure accuracy of measurements, or shall insure that both activities will be conducted. The calibration of any wastewater flow measuring device shall be recorded and maintained in the permanent log book described in 2.b, below.
- f. A grab sample is defined as an individual sample collected in fewer than 15 minutes.
- g. A composite sample is defined as a combination of no fewer than eight individual samples obtained over the specified sampling period at equal intervals. The volume of each individual sample shall be proportional to the discharge flow rate at the time of sampling. The sampling period shall equal the discharge period, or 24 hours, whichever period is shorter.

2. OPERATIONAL REQUIREMENTS

a. Sample Results

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

b. Operational Log

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

3. REPORTING

- a. For every item where the requirements are not met, the discharger shall submit a statement of the actions undertaken or proposed which will bring the discharge into full compliance with requirements at the earliest time, and shall submit a timetable for correction.
- b. Pursuant to California Water Code Section 13267(b), all sampling and analytical results shall be made available to the Regional Board upon request. Results shall be retained for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge, or when requested by the Regional Board.
- c. The discharger shall provide a brief summary of any operational problems and maintenance activities to the Board with each monitoring report. Any modifications or additions to, or any major maintenance conducted on, or any major problems occurring to the wastewater conveyance system, treatment facilities, or disposal facilities shall be included in this summary.
- d. Monitoring reports shall be signed by:
 - i. In the case of a corporation, by a principal executive officer at least of the level of vice-president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates;
 - ii. In the case of a partnership, by a general partner;
 - iii. In the case of a sole proprietorship, by the proprietor; or

- iv. In the case of a municipal, state or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
- e. Monitoring reports are to include the following:
 - i. Name and telephone number of individual who can answer questions about the report.
 - ii. The Monitoring and Reporting Program Number.
 - iii. WDID Number.
- f. Modifications

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

4. NONCOMPLIANCE

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